Challenges to
DEMOCRATIC
GOVERNANCE

Political and Institutional Reforms and Social Movements in the Andean Region
Challenges to
DEMOCRATIC
GOVERNANCE
Political and Institutional Reforms and Social Movements in the Andean Region

Martín Tanaka and Francine Jácome, editors

Instituto de Estudios Peruanos (IEP)
Instituto Venezolano de Estudios Sociales y Políticos (INVESP)
International Development Research Centre (IDRC) - Canada

This publication reports on a research project financed by Canada’s International Development Research Centre (www.idrc.ca).

Translation:
Jane Guppy
Gordon Hart
# Table of Contents

**Introduction**  
*Martín Tanaka*  

**Part One: Political and Institutional Reform**

1. Bolivia: The Hazardous Path of Political Reform  
   *Fernando Mayorga*  

2. Institutional Reform in Colombia: The Via Crucis for Balance between Governance and Representation (1991-2006)  
   *Mónica Pachón*  

3. Democratic Governance and Institutional and Political Reform in Ecuador  
   *Simón Pachano*  

4. Political Regime, Institutional Improvisations and Democratic Governance in Peru  
   *Romeo Grompone* and *Rodrigo Barrenechea*  

5. The Venezuela of the Fifth Republic: Political Reform and its Institutional Implications  
   *Ricardo Combellas*  

**Part Two: Social Movements**

   *Eduardo Córdova*  

7. Democracy, Governance and Social Movements in Colombia: 1990-2006  
   *Marcela Velasco*  

8. Social Movements and Constituent Processes in Ecuador  
   *Carlos de la Torre*  

9. A Siege from the Sidelines: Between the Many Local Conflicts and the Slow Build up of New Social Movements in Peru  
   *María Isabel Remy S.*  

10. Social Movements in Venezuela: The Demand is for More Democracy  
    *Deborah Van Berkel*  

**Part Three: Comparative Approaches**

11. Between Elitist Democracy and Authoritarian Personalisms: Institutional Reforms and Democratic Governance in the Andean Region  
    *Martín Tanaka* and *Sofía Vera*  

12. Social Movements, Democracy and Reforms in the Andean Region  
    *Francine Jácome*  


Introduction

Martin Tanaka

The articles presented in this book are the result of research carried out as part of the Democratic Governance in the Andean Region project, designed for the purpose of analyzing political and institutional reforms and the roles played by social movements in Bolivia, Colombia, Ecuador, Peru and Venezuela between the 1980s and 2008. Our work was based on the conviction that there are important dynamics and patterns, as well as problems and challenges, that are common to the Andean countries, although, naturally, there are variations insofar as intensity and specific national characteristics are concerned. The need for a comparative approach to an intense process of political reforms and social mobilization led to the research project whose results are being presented in this book.

The starting point was finding that the Andean region is one of the most unstable and conflict-prone regions in Latin America. The hypothesis on which we based this project is that, over the past few years, major institutional reforms have occurred, with far-reaching consequences that have led to significant degrees of increased political openness, paving the way for the participation of civil society, which the social movements used to make their demands felt. Albeit, the democratizing contribution of these movements has been limited by the nature of these reforms: disorderly, partial, contradictory and interrupted; guided by short-term criteria; adopted without a basis of discussions that are sufficiently broad or without taking sound, comparative academic analyses into account. The goal of this project, therefore, was to generate solid academic knowledge concerning these topics, crucial for democratic governance in the Andean countries. To achieve this, the project assembled a network of local researchers with ties to prestigious institutions in each one of the countries.

These articles are the end result of a project in which thirteen researchers from the five Andean countries were directly involved. The coordinators were Martin Tanaka, from the Instituto de Estudios Peruanos (IEP), Francine Jácome, from the Instituto Venezolano de Estudios Sociales y Políticos (INVESP), with the assistance of Sofía Vera. The project received funding and support from the Canadian International Development Research Centre (IDRC). In a first approach to the topics, the research team met in Lima, in June 2007; the first drafts of these papers were presented at the First Latin American and Caribbean Congress on the Social Sciences at FLACSO Quito in October that same year. The team met again in February 2008 in Caracas for the purpose of updating and fine-tuning their conclusions, and the final drafts were discussed at a seminar that took place in Lima, in October at the IEP. In view of the constantly changing political situations in our countries, the papers had to be updated several times; this explains an editing process that was long, yet necessary given the nature of politics in the Andean countries, where time seems to have sped up in recent years.

This book is a collection of thirteen papers containing analyses of five national cases and two core topics: political and institutional reforms, and the role of social movements. In Bolivia, the work done by Eduardo Córdova tells of the changes undergone by social movements over a period of almost 30 years, and spells out the challenges they currently face with a government that is institutionalizing civil society participation. Fernando Mayorga, in turn, provides an analysis of the

1 With the collaboration of Sofía Vera.
process for achieving a more deeply rooted democracy by means of reform aimed at expanding political participation and at certain aspects of decentralization, pointing out, however, the danger of conflictive political dynamics as a result of a very unsettled constitutional process.

In the case of Ecuador, Carlos de la Torre analyzes the impact that social movements had on the constituent process in 1998, comparing the major role they played at the time with current circumstances, where they are restrained by the style and orientation of President Rafael Correa’s administration. Simón Pachano, in turn, provides us with an analysis of the limitations of the many changes made to the constitution since the enactment of the 1979 Constitution, pointing out the harmful consequences that the constant changes to the rules of the political game have had for democratic governance. In Colombia, Marcela Velasco analyzes the episodes of protests that were prompted by an ineffective government and the increased mobilization capabilities of the citizenry, using a quantitative analysis of the frequency with which the different social organizations take part in protests and the kind of collective social actions in which they take part under the different types of government. Mónica Pachón, in turn, points out some of the unintended consequences of the 1991 Constitution, and studies the fragmentation, political particularism and penetration of extra-systemic actors in the political world. She goes on to argue that, despite the uncertainty there was regarding the future of the Uribe presidency, the latest advances made on political reform could be fostering consolidation of checks and balances in the Colombian political system.

In Venezuela, Deborah Van Berkel analyzes how social movements in that country have gone through different stages, with the consolidation of organized expressions of strong criticism aimed at the political parties and demands for greater autonomy and participation in the late 1980s; increased protests within a multi-party system in the 1990s; and deep social confrontation during the administration of Hugo Chávez. Ricardo Combellas, in turn, covers the institutional reforms since the crisis of political-party democracy in Venezuela, one that prompted demands for a more effective and flexible representative system, up to the emergence of the personalistic leadership of Hugo Chávez, who fostered a very controversial constituent process. He ends his paper with an analysis of the recent institutional changes made by the Bolivarian revolution that have accentuated the hegemonic control of the presidency over the other branches of government and led to certain restrictions to civil liberties. In the case of Peru, María Isabel Remy describes two areas of collective action in that country, with different repertoires and social actors: one, in opposition to large-scale investments by transnational corporations, made up of several social organizations; and the other, for defense of democracy and human rights, that became very intense during the Fujimorism crisis but is also present today, questioning the limits to democracy that truly exist in that country. Romeo Grompone and Rodrigo Barrenechea, in turn, analyze the weakness of the party system and the leadership style centered on the President in order to understand why initiatives for institutional reform in Peru tend to be makeshift and destined to work only in the short term.

The book includes three comparative studies that take a look at subjects common to democracy in the Andean countries. The chapter by Francine Jácome analyzes the stages lived through by social movements in the Andean countries, pointing out that they are noted, during a first stage, for a process of reorganization following the crisis of the statist economic model and, during a second stage, for building up the skills needed to influence political reform processes, with new types of collective action and message content, this time more concerned with defending natural
resources and recognition of the sociocultural diversity of society within the state, among other issues. Martin Tanaka and Sofia Vera analyze the political and institutional reforms in the region, distinguishing between two major reformist “waves”: the first noted for efforts to democratize the political systems, headed by the main actors of the party systems that were being questioned; and the second, where it is the new emerging actors who are leading the changes, but for the purpose of refounding the political order under their hegemony. Lastly, Ana María Bejarano and Daniella Levy-Pinto discuss where the Andean region countries stand within the framework of international relations in the hemisphere. Specifically, they analyze relations between the Andean countries and the inter-American organizations in charge of promoting democracy in the region, and with hegemonic actors, such as the United States, that play a central role in defining the agenda dealing with energy, security and drug trafficking in the region that have a bearing on democratic governance in our countries.

* * * *

The editors wish to thank all the researchers and institutions for the enthusiastic support for this project that made this book possible; IDRC for the ongoing help and support provided by Markus Gottsbacher and Eyra Edington. We hope to have contributed to a better understanding of the issues that concern us, to providing some guidelines for action, and to building up a regional community of researchers who follow a comparative analysis approach, extremely necessary in view of the challenges that lie ahead.
Part One:
Political and Institutional Reform
Bolivia: The Hazardous Path of Political Reform

Fernando Mayorga

Political reform in Bolivia can be understood as a process of *democratic expansion* through the implementation of a series of institutional changes aimed at strengthening political representation and citizens’ participation. However, its effects are contradictory because its implementation did not produce a solution to the political crisis which, since the beginning of the decade, became a state crisis that required the establishment of new relations between the state, the economy, politics and society.

The reform process started at the end of the eighties when it faced certain tasks that had been left over from the democratic transition which began in 1982, and was strengthened by the implementation of two partial constitutional reforms in the space of ten years [between 1994 and 2004]. In January 2009, it gathered greater momentum with the approval of a new constitution which closed the constituent process launched under the influence of the indigenous movement. This process was deployed in *three moments* which correspond to phases in the configuration of the party system and the type of relations between institutional politics and “street politics”, that is between parties and social movements of a diverse nature.

The *first moment* is situated at the beginning of the nineties and develops during the course of a stability cycle in the party system which corresponds to the so-called “democracy by pact”, represented by the five coalition governments between 1985 and 2003. This “democracy by pact” was the result of an agreement between three traditional forces: the Movimiento Nacionalista Revolucionario [MNR], Acción Democrática Nacionalista [ADN] and the Movimiento de Izquierda Revolucionaria [MIR], together with the support of two neo-populist parties: Conciencia de Patria [Condepa] and Unidad Cívica Solidaridad [UCS], which proved that there was a capacity to articulate a state model based on representative democracy with an economic policy of neoliberal undertones, which brought about the weakening of the unions and restricted decision-making to the realms of institutional politics.

The *second moment* is marked by the political crisis. The “democracy by pact” scheme began to be questioned from 2000 onwards, through popular protests against neoliberalism and the traditional parties, with a strong leadership from the peasant and indigenous movement and popular urban sectors. Stability gave way to a crisis of governance which led to the fall in October 2003 of the Sánchez de Lozada government, which had been in office for 15 months, following a popular revolt. In compliance with the norm, there was a constitutional succession and the then Vice-president took charge of the government, but the crisis continued its course and forced his resignation in June 2004. Finally, the general elections were brought forward to December 2005, due to a broad political agreement. Alongside the pressure of social movements of peasant and indigenous origin, which called for a constituent assembly and the nationalization of hydrocarbons, came the emergence of regional civil movements that espoused political decentralization, under the call for departmental autonomies. The general

---

1 This article was completed on May 3, 2009.
The third moment began in December 2005 with the victory of the MAS that swept Evo Morales to the presidency of the Republic with more than the required 50% majority of the votes. The electoral results brought about a further renewal of the party system and, at the same time, departmental authorities were elected through the citizens’ vote with decisive consequences for the relations between the official party and the opposition regarding regional cleavage. The political reform went on to become part of a wider process of transformations promoted by the government party. The governmental administration of the MAS displayed a mixture of nationalism and indigenous sentiments, on the one hand, through a policy of nationalization of natural resources which reconsidered the relations between the state and the foreign companies in response to neoliberalism; and, on the other hand, through a project of constitutional reform contained in a model of a “plurinational” state that emphasizes the collective rights of the indigenous peoples and the peasant communities. With regard to the nationalization of hydrocarbons, there were neither discrepancies nor opposition; on the other hand, serious differences about state reform characterized the rough course of the constituent process.

The reform of the state by a constituent assembly marked the political agenda from 2006 onwards. However, this conclave ended up as a virtual failure because the official party approved a proposal for the new constitution without reaching an agreement with the opposition, thereby breaching the norms of its internal regulations. The approval of a proposal recognizing several levels of territorial autonomy [favoring indigenous autonomy and reducing departmental autonomy] led to the holding of referendums in four departments [Santa Cruz, Tarija, Beni and Pando] to approve autonomous articles, which, though lacking in legality, enjoyed decisive regional support. The attempts to resolve this impasse through a political agreement to make these proposals “compatible” failed time after time, which resulted in major political polarization, the aggravation of ethnic and regional divisions in society and the worsening of the clash between the central government and the prefects. In August 2008, attempts were made to resolve this clash through the announcement of a referendum for the revocation of the president and the prefects. Its results ratified not only Evo Morales with 67% of the votes, but also four opposition prefects who, a month later, promoted serious protests in their regions, leading to a political crisis that required the mediation of Union of South American Nations [Unasur]. Finally, thanks to a congressional agreement, several changes to the official party’s proposal for a constitution were introduced and a constituent referendum was called to approve a new Magna Carta.

The general analysis of the political reform process contemplates two facets of the relation between the state, the political system and society: representation and participation. The first facet has to do with the capacity of the political representation system to express the diversity of interests, demands and identities
of society; in other words, if it represents the “differences”\textsuperscript{2}. The second refers to the validity and efficiency of the regulations and institutions which promote citizens’ participation in the decision-making process and in public administration. This analysis considers the role of the different actors since, in general terms, political and institutional reforms can be stimulated through collective pressures “from below” [the groups previously excluded] or through strategic calculations “from above” [the existing leaders and rulers]\textsuperscript{3}. In the case of Bolivia, these stimuli took on different shades as a consequence of modifications in the composition of the party system, as well as in the relations between the political organizations and the social movements.

In the nineties, reforms were promoted by the parties and without the participation of social actors, such as the influential workers unions, which had been weakened by the measures for structural adjustment. The formation of coalition governments through pacts reinforced the centralism of the party system; therefore, the negotiations were carried out at summits among political leaders, which became parliamentary agreements between the official party and the opposition to improve the electoral regulations and deal with a partial constitutional reform, with an emphasis on political aspects.

In contrast, the reforms approved in 2004 responded to pressure from social organizations, especially the indigenous and peasant movements, and were supported by the parties which did not participate in the “democracy by pact”, most notable among which was the MAS. The changes can be understood as a response to the crisis of political representation. For this reason, institutions of participative democracy, such as the referendum, citizens’ legislative initiative and the Constituent Assembly were incorporated into the Constitution - through a partial reform – and Parliament ceased to be the determining scenario of the political decision-making process.

Unlike the previous stages, in the third moment, there was no political coalition with hegemonic capacity nor was a reform project created that could be shared by the majority of political forces. Parties were submitted to the pressure of social actors with opposing interests and the relations between the central government and several regions entered the dynamics of conflict, which made the political process even more complex because the majority of prefects did not respond to the orders of the parliamentary parties. Because of this, the course of the constituent process was extremely rough as there was no consensus on the content of a new constitution and the discrepancies turned into a dispute between the MAS, which had the support of the peasant and indigenous movement, and a dispersed opposition, which acted through parliamentary parties, prefects and regional civic movements.

1. The sense of democracy

Now, which modifications have there been in the direction of democracy? Since the inauguration of “democracy by pact” in 1985, and until the political crisis of October 2003, representative democracy based on political parties was the

\textsuperscript{2} On this point, see Buenaventura de Sousa Santos [2005].
\textsuperscript{3} In Josep Colomer [2001].
dominant feature of the workings of the political system and the substratum of a hybrid, or “parliamentarialized presidentialism”, which was the result of the congressional mediation in the presidential election, due to the absence of outright winners during elections. The parties channeled social demands, and the decision process was circumscribed to the interactions between the executive and legislative branches.

After the fall of the government in October 2003, constitutional modifications were approved with the incorporation of institutions of participative democracy and the opening-up of the electoral competition to citizens’ groups and indigenous peoples, thereby breaking the monopoly of the parties in political representation. The first referendum was held in April 2004 to define policies on hydrocarbons and, by the end of that year, citizens’ groups took part for the first time in municipal elections. In addition to these new organizational modalities in the electoral competition and the novel guidelines for citizens’ participation, there was also the brand-new election of prefects through the citizens’ vote in December 2005, which effectively marked the beginning of political decentralization. Participative democracy was given new momentum in July 2006 when a national referendum was held on departmental autonomies, at the same time as the elections for the Constituent Assembly, which was called to address a complete reform of the Constitution.

New rules were proposed in the Constituent Assembly to expand representation and participation. The project of the new Constitution was approved unilaterally in December 2007 by the official-party bloc in the midst of serious conflicts and was questioned by the political and regional opposition. However, before its definitive approval through a referendum held in January 2009, the parliamentary opposition managed to modify several articles of the official party’s project. Leaving aside the difficulties of the constituent process, it is interesting to emphasize the new modalities of the exercise of democracy contained in the new constitutional text. On the one hand, the direct presidential election and the mandate recall, which increase the effectiveness of the citizens’ vote because parliamentary mediation is eliminated for the presidential election. In this vein, the immediate presidential reelection for one term was also included. From another perspective, the notion of communal democracy was included, together with the recognition of “particular regulations and procedures” for the election of representatives of the indigenous peoples, though without denying the liberal principle of the individual vote.

Thus, representative democracy was modified with the elimination of the congressional attribution of electing the President at a second round, participative democracy was strengthened with the mandate recall through the vote and, finally, guidelines were introduced for communal democracy, which were subordinated to the rules of representative democracy. In this way, the exercise of democracy embraced a wide range of procedures, with greater attention being paid to political legitimacy than to institutional efficiency.

---

4 On this point, see Jorge Lazarte [2005] and René Antonio Mayorga [2002].
5 The author is referring to the fall of the Gonzalo Sánchez de Lozada government, after which his Vice-president, Carlos Mesa, assumed the presidency.
2. Reform process 1990-2009: advances and limitations

Political reform acquired different shades at three points that coincided with phases in the party system, and with the different kinds of relations between political parties and social movements.

2.1 First expansion: “democracy by pact” and reform “from above”

The first set of political and institutional modifications was approved within the framework of “democracy by pact” during a period of stability in the workings of the party system. “Democracy by pact” was in force for almost two decades and was characterized by the formation of five coalition governments through agreements among the parties. During this phase, politics were projected under different kinds of party interaction whose central feature was the formation of parliamentary and/or government coalitions — under the leadership of the traditional parties — to resolve the question of access to the control of political power and establish the bases for a means of governance capable of guaranteeing political stability and effectiveness in the decision-taking process. Until the end of the nineties, politics were centered on the party system and the official party/opposition dynamics in the parliamentary arena, and, while the pacts which generated governmental coalitions provided governmental stability, the responses to social demands through reforms came as a result of political agreements which united the official-party coalitions with the parliamentary opposition forces, and even with civil society organizations through “dialog round-tables”. In other words, “democracy by pact” was not simply limited to strategic relations among political parties, nor was it only an instrument of access to, and permanence in, power, since it also propitiated a series of reforms on the basis of a series of consensual acts with a marked preference towards the party system.

These pacts were the indirect result of a constitutional rule in force at the time which established the election of the President and Vice-president by Congress in cases where there was no outright winner at the ballot. Other rules of an electoral nature shored up this practice with the reduction in the number of parties in order to simplify the pact alternatives through the introduction of certain requirements and sanctions which managed to fix the average number of five relevant parties. Thanks to these modifications, the party system acquired, as its dominant feature, a moderately multi-party nature. From ten parties with parliamentary representation between 1982 and 1985, the number of forces was reduced to five in 1989 and, between 1993 and 2002, there were no more than seven parties with parliamentary representation and those that were able to form coalitions were less than half a dozen [Figure 2]. Elsewhere, inter-party relations — based on ideological differences — came under the influence of a hegemonic principle which reorganized politics and the economy by encouraging a tendency centered on the party system.

---

6 Paz Estenssoro of the MNR between 1985-1989, with the support in Congress by ADN; Paz Zamora of the MIR, between 1989-1993, in coalition with ADN; Sánchez de Lozada of the MNR, between 1993-1997, in coalition with UCS and MBL; Bánzer Suárez-Jorge Quiroga of ADN, between 1997-2002, in coalition with MIR, UCS and Condепa; and Sánchez de Lozada of the MNR, between 2002-2003, in coalition with the MIR and the NFR.
Party behavior in governments of “democracy by pact” lacked homogeneous features and its actions were limited to certain guidelines for interaction, such as instrumental calculations and the clientelist interests of the coalition partners. These elements do not explain satisfactorily their reproduction in time, since the fact that this model of governance remained in force for fifteen years was rather the result of the predominance of a hegemonic principle that was capable of articulating the praxis and discourse of the relevant parties. This hegemonic principle consisted of two poles of discourse that had organized politics and the economy since 1985: representative democracy, centered on a party system that was subject to the logic of pacts; and neoliberalism, as practiced through measures of structural adjustment which re-defined the roles of the state and the market. This predominant order of discourse encouraged the convergence of the different political forces, mainly of the three parties which alternated in the exercise of executive power [MNR, MIR and ADN] and which concentrated almost two thirds of the electoral support during this period [Figure 1].

The capacity of “democracy by pact” to articulate relations is also evident in the adaptation of neo-populism, a political phenomenon that spread throughout the continent under a variety of guises and was considered a risk for the consolidation of democracy. In Bolivia, neo-populism found its manifestations in two parties — UCS and Condepa — that erupted on the electoral scene in 1989 and were organized around charismatic leaders who were able to incorporate new demands and social identities into the political environment. Despite obtaining a combined vote of almost a third of the electorate, neo-populism did not succeed in replacing the traditional parties because UCS and Condepa were rival forces and, separately, they signed up at an early stage to the codes of “democracy by pact” by reaching agreements with the traditional parties in the municipal arena, and later becoming relevant parties when they took part in government coalitions in 1993 and 1997. The impact of neo-populism was felt in several ways: the political inclusion of socially-excluded sectors, the opening-up of the political discourse to new identities, especially to those from ethno-cultural backgrounds, and the incorporation of demands of a re-distributive nature as part of the electoral offer. It also had an influence on the inclusion of measures designed to regulate party tasks in response to the caudillismo and clientelism which characterized their administrations.

Initially, the pact was limited to a congressional agreement and, subsequently, the predominant logic pointed towards the formation of parliamentary and government coalitions with increasing numbers of partners [in 1985, one party formed the government; in 1989, it was a two-party alliance; in 1993, there were three forces with one dominant party; in 1997, the agreement was among five parties; and in 2002, it was a coalition of three similar forces]. This implies a movement away from programmatic considerations towards pragmatic negotiations. Thus, in time, the instrumental use of the parliamentary majority began to dominate the decision-making process and the political quota system in the public administration – practices which caused criticism of “democracy by pact.”

---

7 On this point, see Fernando Calderón and Eduardo Gamarra [2004] and Luis Tapia [2001].
8 On this point, see Fernando Mayorga [2002].
In this context, the first expansion of democracy came as a result of the reforms that were the result of the intentions and decisions of institutional actors. The reforming impulses came “from above” because politics were relatively circumscribed by the party system. The parties responded to the need to adjust their institutional environment in which shortcomings had begun to appear as elections became increasingly routine affairs, and later, when the neo-populist parties arrived on the scene with new demands and social identities. That reformist impulse was the result of the convergence centered in the party system which allowed agreements involving all of the parliamentary forces to be reached and defined an agenda of institutional reforms. This process was carried out in two stages, between 1991 and 1992, including a partial constitutional reform approved in 1994.

The 1991 agreement established modifications in the electoral system in order to give electoral processes greater credibility through the re-structuring of the National Electoral Tribunal with the presence of four independent members without party allegiance, who were elected by two thirds of the votes in Parliament, and another member designated by the President of the Republic; respect for the votes counted at the polling stations; and the adoption of a method for assigning seats to ensure the presence of minorities. The 1992 agreement was made with the explicit intention of “modernizing the state and strengthening democracy” and it defined the election of magistrates to the Supreme Court of Justice with two thirds of the votes in Congress and the presentation of a proposal for partial constitutional reform, as well as a specific request to democratize the workings of the parties. These agreements laid down the guidelines for the range of political reform and its implementation stretched over three presidential periods, which indicates the scope and effectiveness of the pact between the parties and the autonomy of the political decisions regarding social pressures.

It is worth emphasizing the introduction of the rule of an absolute majority [two thirds] for the congressional designation of authorities and the approval of certain laws, because that rule required a consensus between official-line and opposition forces. In other words, in addition to the constitutional rule which encouraged the formation of congressional majorities to elect the president in a second round, another rule was passed in order to constrain party conduct by encouraging the establishment of agreements between several parliamentary forces, including the opposition.

The most important changes were introduced with the first partial constitutional reform approved in 1994, by means of a procedure that required consensus among parties during two legislative periods, thereby testing the strength of the agreements. The reforms were a response to demands for political participation, representation and stability. In the first case, with the expansion of the right to vote at 18; in the second, with the incorporation of individually elected members of congress and, in the third topic, with the election by congress of the new president between the two—and not the three—most-voted candidates, in the case of the absence of an outright winner with a majority. Another measure responded to the needs for combining legitimacy and stability with the incorporation of the vote to censure mayors in an —unsuccessful— attempt to introduce parliamentary elements at the municipal level. Additionally, other reforms included the creation of the Constitutional Tribunal, the Judicial Council and the Ombudsman in order to strengthen the judicial branch.
Other minor reforms were specifically designed for political organizations with a similar intention of strengthening participation and the parties’ representative capacity. Thus, in 1997, a “quota law” was established to encourage the participation of women by making their presence mandatory in at least one third of the candidate lists. Similarly, in 1999 the political parties law was approved with the intention of promoting internal democracy within their own ranks and regulating their workings by giving special powers to the National Electoral Tribunal so that it could exercise an auditing function, which came into operation in 1997 through the establishment of state financing of electoral campaigns. This law, however, could not be satisfactorily applied because the internal elections organized by the traditional parties were a failure and, with the forthcoming political crisis, virtually fell into oblivion. In addition, the auditing of the electoral body was limited to public resources, which impeded the establishment of mechanisms to ensure transparency in the handling of party finances.

An important reform was introduced at the municipal level with the implementation of the Popular Participation Act, promulgated in 1995, and which recognized municipal governments throughout all of the national territory, thereby making the citizens’ vote more effective. Local democracy became a new political arena that allowed political forces to emerge and modified relations between parties and social organizations. One side-effect of this rule was the personalization of political representation, which increased from 1997 onwards, with the election of around half of the deputies in uninominal constituencies. These were precisely the areas of electoral dispute that were favorable to the peasant and indigenous movement, out of which new parties came into being, such as the MAS, conceived as a “political instrument” for unity. This was the first introduction of the coca movement, which was the core of the MAS, in the 1995 municipal elections, which was reinforced in 1997 with the election of four uninominal deputies, including its main leader —Evo Morales— who received the largest number of votes in the whole country, in an advance of what would be his electoral victory in 2005 with a majority, after coming in second place in the general elections of 2002. In other words, the political reforms of the nineties created the political and institutional conditions for the emergence and leadership of the peasant and indigenous movement by means of their own political organizations.

In sum, the reforms carried out during this phase allowed democracy to be expanded, and modified the rules of electoral competition by introducing mechanisms designed to strengthen the link between the party system and society. However, one of the central facets of the political reforms — the Political Parties Act — which referred to internal democratization and the renewal of leaderships, was not applied effectively, and this provoked a greater deterioration in the representative capacity of the traditional parties and the discrediting of “democracy by pact”, which, precisely towards the end of the nineties, began to be questioned “from below”; that is, through direct action by social actors. The creation of new political arenas at the municipal and parliamentary levels with the expansion of municipal governments and the establishment of uninominal constituencies formed the bases for the renewal of the party system, and social mobilization defined the agenda for political reform which included demands for greater participation.
2.2 Second expansion: political crisis and pressure “from below”

The year 2000 marked the beginning of a cycle of social protests against neoliberalism which was combined with criticisms of the “democracy by parties” and with a demand for direct democracy under the banner of a Constituent Assembly. This questioning of the political model in force since 1985 had begun to be expressed in 1997 with the presence of left-wing contentious forces in Parliament — such as the MAS, in alliance with the Communist Party — which combined their work in opposition with extra-parliamentary actions, through their close ties with the union movement and their ideological affinity with the actors in the social protests. In this way, a somewhat vague alternative proposal to neoliberalism began to be articulated, demanding greater involvement by the state, and an examination of “democracy by pact”, joining in the cries for direct democracy promoted by social movements. The political effects of this were demonstrated at the general elections of 2002 with a decline in electoral support for the traditional parties and the emergence of opposition parties [Nueva Fuerza Republicana – NFR and MIP] and the growth of the MAS, which obtained second place. The questioning of the capitalization of state companies and the demand for a Constituent Assembly marked the electoral debate; as a result of post-electoral negotiations, Sánchez de Lozada was elected through a pact between the MNR and the MIR, to which the NFR also subscribed. This government had a fragile parliamentary majority and faced a vigorous opposition made up of emerging forces [the MAS and the MIP] that moved on from a criticism of capitalization to a demand for nationalization and a call for a Constituent Assembly as a condition for any political agreement.

The tendency motivated by the hegemonic capacity of neoliberalism and “democracy by pact” suddenly came to an end, and the party system, which had been subjected to an internal re-structuring, began to show signs of polarization with the MAS at the forefront of the opposition and now constituting the country’s second political force. However, the official-line parliamentary majority, which had previously been a sufficient condition to ensure governance, was no longer able to produce either political stability or effectiveness in the decision-making process. Nor were agreements between the official parties and the opposition feasible any longer, because of programmatic differences. Consensus gave way to confrontation and the political crisis was resolved by the resignation of Sánchez de Lozada in October 2003.

“Democracy by pact” came to an end with the last coalition government, and a circumstantial majority vote in Congress — enforced through the demands of social pressure — approved the constitutional succession of the figure of the Vice-president, Carlos Mesa, who lacked a parliamentary base. The pact of former years gave way to circumstantial pacts of consensus between the Carlos Mesa government and the legislative branch around specific topics and its episodic nature indicated the existence of new rules — both informal and formal — to guide political action and new scenarios for decision-making. The political crisis became — or at least revealed — a state crisis. Social sectors — especially the whole of the peasant and indigenous movement — which had demanded the Constituent Assembly and the nationalization of hydrocarbons - were confronted by certain civil regional movements with a demand for departmental autonomy which became the axis of its discourse on political decentralization. These actors took part in mobilizations — open meetings, marches, road blockages — that
defined the actions of the parties which favored bringing forward the general elections to resolve the political crisis.

In other words, the reforms of the nineties did nothing to mitigate the questioning of “democracy by pact”. They were simply used as demands for participative democracy and, from the middle of this decade onwards, motivated actions of protest or attempts to find a consensus between the government and social organizations, where different kinds of reforms were proposed, including the elimination of the monopoly of party intermediation in political representation, as well as the recognition of certain modes of participative democracy, such as popular consultation, plebiscites and popular legislative initiatives.

Demands from social sectors brought about the approval by Congress of a second partial constitutional reform in February 2004, which led to the second expansion of democracy over the ashes of “democracy by pact”. In this case, unlike the previous experience, the impulse came “from below” through the actions of different kinds of social movements, though it finally materialized because of the crisis of the traditional parties and the presence of contentious forces in the party system — such as the MAS — which had become alternatives of power. The reform manifested itself in the incorporation of institutions of participative democracy, such as the referendum, citizens’ legislative initiative and the Constituent Assembly, which would transform the guidelines for the decision-making process and the procedures for constitutional reform.

At the same time, the rules of electoral competition were modified with the incorporation of new organizations into the political arena — citizens’ groups and indigenous peoples — by eliminating the party monopoly of political representation. If the inclusion of citizens’ groups responded to the prevalent anti-party mood in society, the presence of indigenous peoples was due to the modifications in the political discourse which began to develop around the concept of ethno-cultural cleavage as a result of the leadership of the indigenous peasant movement. If, in the 1994 constitutional reform, this cleavage found its response in the recognition of society’s ethnic and cultural diversity, and in certain collective rights of the indigenous peoples, in this phase, its effects were manifested in the political self-representation of the peasant and indigenous movement, which was the social and organizational base of the MAS and with a strong presence in the Constituent Assembly.

But the list of reforms did not end with the combination of representative and participative democracy, or the opening-up of electoral competition to non-party organizations. After the demand for departmental autonomies promoted by certain regions, the direct election of prefects by the citizens’ vote was approved, thereby limiting the presidential prerogative of appointing political authorities at departmental level. Parliament had ceased to act solely in accordance with party agreements and its decisions responded to social pressures of different kinds, among which the demand for political decentralization in response to regional cleavage was prominent. These pressures were channeled institutionally towards electoral consultation and, in the case of the call for a referendum on departmental autonomy, additional use was made of the citizens’ legislative initiative.

Besides the institutional and political effects of the partial constitutional reforms of 1994 and 2004, the results of the general elections of 2005 modified
expectations regarding the reforms on representation and participation, and opened the way for a new expansion of democracy through a constituent process.

2.3 Third expansion: political polarization and the constituent process

The victory of Evo Morales with an absolute majority in December 2005 opens a new phase in the process of political reform. The electoral results lead to a renewal of the party system with the MAS becoming the principal political force, the emergence of the citizens’ group Poder Democrático Social [Podemos] and Unidad Nacional, formed after the bitter discrepancies in the ADN and the MIR, and the marginal presence of the MNR, the sole survivor from the past. Furthermore, prefects were elected through the citizens’ vote with decisive consequences for relations between the official-line party and the opposition regarding regional cleavage and with the decrease in the President of the Republic’s resources of power through the loss of his constitutional prerogative to appoint departmental authorities. The political reform came to be part of a wider process of state transformations through a Constituent Assembly in a context of political polarization and social conflict.

Political controversy reached new levels. The MAS won with 54% of the votes and obtained a majority in the Chamber of Deputies; however, it held second place in the Senate, after Podemos. This distribution of forces was transformed from January 2007 onwards into a situation of a divided government, since the opposition joined forces to control the Upper Chamber, thereby causing a permanent conflict between the Executive Power and the Senate.

In addition to the re-structuring of the party system, new political actors emerged from the regions, causing a new and conflictive vertical division of powers. In December 2005, for the first time, prefects/governors were elected through the citizens’ vote. Six of the nine departments were won by rival candidates of the MAS, and these results complicated relations between the official-line party and the parliamentary opposition, since the majority of the prefects had no ties with Congressional forces and, in several circumstances, acted independently — or in substitution — of the opposition parties. This vertical power struggle caused a territorialization of the political conflict, which also affected the development of the state reform process under the direction of the Constituent Assembly.

From August 2006 onwards, another completely new political scenario unfolded with the inauguration of the Constituent Assembly. The elections for constituents were held in July 2006 and the MAS obtained victory with an absolute majority [Figure 3], although for the approval of the new constitutional text, two thirds of the constituents would be required. This rule later proved to be a cause of discord. For this conclave, 16 forces, between parties and citizens’ groups, obtained representatives; however, the four parliamentary parties shared between them 80% of the seats [Figure 4]. At the same time as the constituent elections, a referendum was held on departmental autonomy and the “No” vote9 — supported

---

9 Popular consultation was carried out with the following question: “Do you agree, within the framework of national unity, with giving the Constituent Assembly the binding mandate to establish a regime of departmental autonomy immediately applicable after the promulgation of the new Political Constitution of the State in those Departments in which this Referendum has a majority, so that its authorities may be elected directly by the citizens and may receive from the State executive
by the government party — obtained the majority of votes at national level and won in five departments. However, the “Yes” vote won in the other four departments and this division was to mark the conflictive development of the Constituent Assembly [Figure 5], since these results were binding on that conclave.

The Constituent Assembly concluded in December 2007 with the approval of the official-party’s draft for a constitutional text and the rejection of the political and regional opposition, in the midst of serious conflicts ending in fatal results. A constitutional text was proposed based on a criticism of the Spanish colonization, the liberal republican period and the project of cultural uniformity of revolutionary nationalism, all of which were conceived of as expressions of an exclusive and discriminatory model of the state regarding the “original peasant and indigenous nations and peoples”. These now became the privileged subjects of a “plurinational community” state model which recognizes the collective rights of the indigenous peoples — among them, the indigenous territorial autonomies — and institutionalized the “uses and customs” of the ethnic roots.

The lack of consensus on the constitutional reform — especially regarding the territorial organization of the state, despite the inclusion of departmental autonomies, together with those of a municipal and indigenous nature — was responded to between May and June by opposition prefects who held regional referendums to approve statutes and implement their departmental autonomies, disregarding constitutional provisions. The official-party reaction was to promote a popular consultation to revoke the mandate of the President and the prefects which was held in August of that year. The results ratified Evo Morales with 67% of the votes, though the opposition prefects of the four autonomy-supporting departments were also ratified, so the political crisis continued its course. Finally, an agreement by Congress in October 2008 resolved the impasse between the official party and the opposition with the approval of several modifications in the draft proposal for the constitutional text approved by the Constituent Assembly — that is, Parliament acted as a de facto Constituent Congress — which made it possible to call a referendum for its approval. This denouement was not without its problems as the official party tried on two occasions to call a constitutional referendum by means of a presidential decree, though those attempts were rejected by the National Electoral Tribunal on the basis of the constitutional rule. The signing of the congressional agreement was preceded by serious conflicts in the pro-autonomy regions, including a massacre of MAS supporters, which took place while Parliament was under siege by social sectors loyal to the government who wanted to counteract the opposition’s right to the veto, and several changes were eventually introduced into the constitutional text. Fundamental to this outcome was Evo Morales’s decision not to stand for a probable second consecutive reelection — assuming that his current governmental administration would be considered as his first for the purposes of reelection — and he took charge of the social mobilization in order to prevent the siege from forcing a breakdown in the negotiations with the opposition. In other words, no political force or coalition of actors was capable of imposing its proposal for state reform, though the orientation of the new Constitution was defined by the MAS.

competences, regulatory administrative attributions and economic resources that may be assigned by the new Political Constitution of the State?”
In sum, during this phase the workings of the party system had to adapt to the existence of political and institutional scenarios which ran parallel to Parliament and which weakened its capacity to handle the political process cohesively; however, the course of the constituent process was defined in Congress through a party agreement due to institutional constraints.

2.4 Doubts of the third expansion: between principle and reality

The new Constitution was approved with 61% of the votes in the referendum held in January 2009. Its application began with the approval of the Transitional Electoral Regime Act in April 2009, which decided to call general elections in December 2009 and departmental and municipal elections in April 2010. This electoral law, approved through an agreement between the official party and the opposition in the midst of another political crisis, reveals the distance between the regulatory principles of the Constitution and their application in practice. Thus, several propositions related to the plurinational nature of the state ended up being subordinated to liberal democracy, and the risk of power being concentrated in one political force, so that preserving rules that protect political pluralism became weakened.

In general terms, the new constitutional design is centered on “national pluralism”, as the dominant feature of the model of a “Unitary Social state based on Plurinational Community Law” [Art. 1]. The recognition of pluralism in several facets - “political, economic, juridical, cultural and linguistic pluralism” - presupposes an expansion of the state’s representative capacity. However, the defining feature is the “plurinational” nature of the state and what makes it the discursive axis of the design of the political system is plurinationality, which implies the recognition of “original indigenous peasant nations and peoples” [Art. 2], as subjects with collective rights. This feature is reproduced in the nomenclature of some of the institutions: the Plurinational Legislative Assembly, the Plurinational Electoral Body and the Plurinational Constitutional Court, for which it is stipulated that at least some of the members should be of “original indigenous peasant extraction” [electoral body] or be elected with “criteria of plurinationality” [Constitutional Court]. Mention is also made of “plurinational government” [Arts. 5 and 202], and among the attributions of the President it is established that he should appoint ministers “respecting the plurinational nature and equality of gender in the formation of the ministerial cabinet” [Art. 173]. In other words, the institutional effects of national pluralism are slight and are, to some extent, circumscribed to the rather imprecise establishment of ethnic quotas10.

Regarding the Plurinational Legislative Assembly, the innovation is the incorporation of special indigenous constituencies into the electoral system, though the exact number of these is not specified. This incorporation implies a new expansion of democracy because community democracy is added to the

---

10 Another example is connected with the recognition of the 36 indigenous languages, as official languages besides Spanish, which implies that it is requisite to speak at least two official languages to carry out public functions [Art. 273], including those of a political nature. However, a transitional disposition established that its application will be “progressive” according to a specific law; in other words, it will not apply to candidates for the national elections of 2009 and the departmental and municipal elections of 2010.
combination of representative democracy and participative democracy, which had been established five years earlier. If this modality of democracy refers to “the election, appointment or nomination of authorities and representatives through particular regulations and procedures of the original indigenous peasant nations and peoples” [Art.11], these rules are only valid “when the electoral act is not subject to a vote which is equal, universal, direct, secret, free and obligatory” [Art. 26, our italics]; in other words, its application is articulated — following the logic of subordination — to representative democracy, as defined in the transitional electoral law, as we shall see later.

The reforms connected to the regime of government are profound as regards the modality for electing the President. In the first place, the introduction of two rounds –ballotage- eliminates any possibility of a congressional election of the President and Vice-president and, consequently, of the hybrid features of Bolivian presidentialism which were its main features during the cycle of “democracy by pact”. The idea of a direct election through an absolute majority of votes was reinforced with the second alternative which recognizes as President whoever wins with at least 40% of the votes and with a difference of ten points over the candidate in second place [Art. 167]. A recall referendum for the presidential mandate by plebiscite was also introduced, as well as the possibility of an immediate presidential reelection for one period. These reforms tended to reinforce presidentialism, though they were not combined with substantial modifications in the relations between the executive and legislative branches; moreover, a “parliamentarian” bias was introduced because ministers could be removed through a congressional impeachment motion by two thirds of the votes.

The mandate recall, together with the legislative initiative and the Constituent Assembly, were established as modalities of “direct and participative” democracy, as were the assembly, the open meeting [cabildo] and even previous consultation. However, the assembly and the cabildo are only deliberative in nature, that is, the decisions taken there are not binding.

At the legislative level, the two-chamber system is maintained, but the number of senators is increased from three to four, and they are assigned proportionally. Similarly, the mixed system — both unipersonal and plurinominal — is conserved for the election of deputies, though special indigenous constituencies are included. Also, parties, citizens’ groups and indigenous peoples are ratified as subjects for the electoral competition under the generic term “political organizations”. From another perspective, equality of conditions between women and men in political participation is established through alternation in the lists of candidates, and the right of eligibility of young people of over 18 years old is extended, since the age requirements in force in the previous Constitution are eliminated for postulation to legislative bodies. Finally, the right of Bolivians living abroad to vote is recognized. This is an important aspect in the debate over the

---

11 In April 2009, a Transitional Electoral Regime Act was approved, which defined the creation of seven special constituencies in rural areas, without adjustments for the population media for the unipersonal districts and without the necessary geographical continuity in regions where the indigenous peoples are a minority. The candidates will be named by political organizations and their election will be by simple majority; that is, the criterion of auto-representation will not be applied, nor will they be elected by rules and procedures of the indigenous peoples; thereby the limitations of the application of community democracy is established.
exercise of citizenship, taking into account the increase in the migratory flows to Europe, particularly to Spain, and the presence of important Bolivian communities in Argentina and the United States\textsuperscript{12}.

Another important aspect has to do with the \textit{vertical division of powers}, since a regime of territorialautonomies with three levels of government with similar constitutional rank and legislative capacity is introduced: the departmental, the municipal and the indigenous. This implies the political decentralization of the state and the formation of sub-national governments through a direct vote [departmental and municipal] and particular rules and procedures [indigenous], inaugurating, in the case of the departmental, new institutional spaces of relations between the Executive and the Legislative and, as a result, the creation of party sub-systems of a regional nature.

The partial implementation of the Constitution began with the approval of the Transitional Electoral Regime Act. This law announced general elections for December 2009, though it did not establish rules which clearly favor the concentration of seats for the winning party; there are provisions to limit the “plurinational” nature of the state.

The possibility of seats being concentrated in one political organization lies in the fact that a simple majority election in a uninominal district favors the strongest parties. Therefore, there would be a concentration of seats by the winning political camp that supports the President to the extent that the Transitional Electoral Law increased the number of uninominal deputies [sixty seven special indigenous constituencies] to the detriment of the plurinominals [53 representatives]. In addition, the D’Hont system – a method which favors the parties with most votes – is maintained to assign plurinominal seats. However, there is a rule of proportional correction which establishes that out of the total number of seats that correspond to a political organization, the number of its uninominal deputies will be subtracted until the corresponding proportional number is reached. In other words, the rules do not directly motivate the concentration of political representation in a single force; this contingency depends on the number of votes obtained by the party — or by the electoral coalition — of the victorious presidential candidate.

In sum, the institutional conditions do not exist for the establishment of majority presidentialism. This effect depends on the type of party system and, currently, its possibility lies in the existence of a strong party [MAS] that has obtained votes that exceed the absolute majority and a political leader [Evo Morales] who obtained two thirds of the vote when his presidential mandate was ratified\textsuperscript{13}. From another perspective, if the picture shows an image of a fragmented multi-party system, these rules may encourage the formation of parliamentary and/or government coalitions, or at least provoke governance problems through the

\textsuperscript{12} The application of this reform will be gradual. For the presidential elections of 2007, the transitional electoral law establishes that 6\% of the national electorate [around 250,000] as a limit of the registration of residents abroad and prohibits that in any one country, half of this figure should be concentrated. The National Electoral Court initially defined that the registration would include Argentina, Brazil, Spain and the United States.

\textsuperscript{13} And it achieved 62.1\% of the vote in the general elections of December 2009.
consequent mutual institutional blocking between the executive and legislative powers which would cause a political crisis.

Regarding the political representation of “original indigenous peasant nations and peoples” through special constituencies, it is worth emphasizing that the Constitution does not establish a specific number of these, though it does state that there should be 130 deputies in the Lower Chamber, to be elected in an equal number of uninominal and plurinominal constituencies. An initial criterion for defining the number of special indigenous constituencies was the number of native languages [36] recognized as having official status, which implies the existence of 36 “original indigenous peasant nations and peoples”, the majority of which have small populations. In the official-party’s project for the Transitional Electoral Law, fourteen special indigenous constituencies had been allocated; however, after reaching an agreement with the opposition, this figure was reduced to seven, with the establishment of only one constituency in seven of the nine departments, under the criterion of ethnic minorities. This means that less than 5% of the members of the Plurinational Legislative Assembly [a total of 166: 130 deputies and 36 senators] will correspond to deputies for constituencies that expressly represent the “original indigenous peasant nations and peoples”. Apart from this, these indigenous constituencies are similar to the uninominal ones because they are elected by simple majority and the candidates may be sponsored by political organizations, that is, not only by organizations of the indigenous peoples, but also by political parties and citizens’ groups. This means that neither the “particular rules and procedures” for postulation nor the voting system will be applied; in both cases, the rules of representative democracy will be applied. Consequently, the incorporation of special constituencies based on certain criteria of an ethnic nature would expand democracy, but without questioning the general rules of the political system nor provoking a situation of duality in political representation.

3. Impact and degrees of implementation

The application of reforms in the democratic cycle which began in 1982 had some positive effects because it stimulated political inclusion and encouraged citizen participation, in response to social demands. The re-structuring of the party system in 2002 and 2005 revealed the fragility of the political organizations as mechanisms of mediation, but did not necessarily contradict this assertion; on the contrary, several rules were introduced thanks to the impulse of the political changes, and not only in resolving deficient aspects of the functioning of political institutions through a process of gradual reform. The changes occurred in response to the need for stability, legitimacy, representation and participation, and although some of the problems were solved, the results did not last for long because the institutions themselves were weakened through the influx of political polarization which became apparent at the beginning of the present decade.

A global balance of the political reform process reveals that the impact of these reforms depends to a large extent on the features adopted by the functioning of the party system and the relation between political parties and social actors. Thus, in the context of political stability, institutions are most effective and legitimate in a crisis situation. Two examples, the National Electoral Tribunal and the Constitutional Tribunal, currently illustrate this situation because these institutions were weakened through a lack of consensus in Congress which did not allow, for three years, the appointment of all of their members.
Regarding the National Electoral Tribunal, in 1992 the independence and strengthening of this body was defined through a congressional election of independent personalities of the parties as a decisive task to give legitimacy to electoral processes, to eliminate all traces of fraud and produce certainty with regard to the results. For twelve years, between 1993 and 2005, electoral processes were not questioned. However, several popular consultations at departmental level carried out during 2008 began to cast doubt on the credibility of the National Electoral Tribunal, since certain departmental bodies failed to carry out orders from the central electoral body and several political forces questioned its ability to guarantee an independent mandate recall referendum. However, on a couple of occasions, the electoral body ignored presidential decrees to hold referendums by channeling the political crisis towards institutional solutions, thereby demonstrating the strength of the electoral body in adverse circumstances. Something similar occurred in connection with the Constitutional Court, created in 1997 to delegate the control over constitutionality in a specific body due to the problems which arose from the concentration of tasks in the Supreme Court of Justice. The resignation, or the end of the mandatory period, of one of its members, not immune to different kinds of pressure, such as an attempted lawsuit by the Executive Power, provoked its paralysis from mid-2007. Several demands of unconstitutionality about different topics — such as the approval of the project for a new Constitution or the holding of departmental referendums on autonomous statutes, and even the announcement of a recall referendum for the President and the prefects — were not clarified institutionally and consequently, the solution to the political crisis were taken on the streets and then at the ballot boxes.

On the other hand, other reforms achieved their objective, especially those related to the political inclusion of new social sectors, in particular with regard to the indigenous peasant and women’s movements. The process of decentralization at municipal level, since the mid-nineties, made way for the emergence of new political forces linked to the peasant unions and the indigenous communities, which was strengthened with the inclusion of uninominal deputies since 1997. Similarly, specific regulations were approved to promote the participation of women in the lists of candidates for posts elected by the popular vote. The new Constitution recognizes the collective rights of original indigenous peasant nations and peoples and social indigenous constituencies to ensure their political representation. Regarding the participation of women, the new constitutional regulations recognize the equality of opportunities between men and women, which resulted in the Transitional Electoral Law with gender alternation in the lists of candidates. An additional element is the full recognition of political rights starting at 18, since young people are able to elect and be elected, and the inclusion of the vote abroad for the presidential election.

Regarding citizens’ participation, the advances are undeniable in public administration with the presence of social organizations in municipal planning, as well as in the decision process through popular consultation. The new Constitution expands and formalizes citizens’ participation through the establishment of “social control” at all levels and in all state bodies that should be regulated by law.

From another perspective, the internal functioning of the parties shows that the inoperability of new rules, since the Political Parties Law did not achieve the
objective of democratizing their functioning. The new Constitution establishes that political organizations “should be” democratic [Art. 210] and the formulation of new regulations that will respond to this deficient aspect of democratic institutions should soon be forthcoming, after almost a decade of functioning without either legislation or effective results in this area.

4. Reform over the years and the characterization of the political regime

The governance crisis and the state transition revealed the difficulty of achieving the objectives of the political-institutional reform. During the last few years, both the identity divisions [ethnic and regional] in society as well as the ideological polarization in the political party system have been exacerbated. The deepening of democracy through the inclusion of new social subjects, the use of new rules of participation and the advances in political decentralization, far from resolving the gap between the political system and society, provoked the weakening of governmental authority and raised questions about the feasibility of the reform of the state. It is possible to trace the reasons for this situation in the logic of the functioning of the political system, both in its formal rules and in its informal guidelines, with consequences for the presidentialist regime in which the debate is between a possibility of a kind of majority government and another of a pluralist nature, which is distinguished by the degree of “plurality and distribution in the exercise of competence and of political power”14. It is precisely the existence of a divided government and a vertical division of powers which places institutional limits on presidentialism, which had initially been strengthened by the direct election of Evo Morales; in other words, without the establishment of pacts between parties for the exercise of governmental power.

At the beginning of his administration, there was a tendency towards presidentialism based on a majority, supported by the legitimacy of an unprecedented victory at the polls, the identifying seal of the presidential figure — the “first” indigenous president — the capacity for mobilization of support from its social base and the unquestionable leadership of the peasant and indigenous movement. This was also aided by the weakness of a fragmented opposition which carried the burden of the failure of the traditional parties and lacked an alternative project to that of the MAS, which carried out the nationalization of natural resources and promoted the “re-founding of the country” through a constituent process with the supremacy of an indigenous vision. These circumstances were strengthened by the predominance of a political [sub]culture in the ranks of the MAS, which regarded the inter-party agreements as constitutive elements of “democracy by pact” and associates this political schema to neoliberalism.

After the administration’s first year, the tendency towards majority presidentialism suffered a change of course as a consequence of the electoral

14 On this point, see Jorge Lanzaro, ed. [2003]. From his perspective, pluralism is considered in relation to “government regime, election processes, representation and processes of decision by State powers, structure of the administration and party relations” [2003: 45]. For the purposes of the present study, the emphasis is on the characterization of presidentialism, which is debated between modes of majority government and those of a pluralist nature that respond to the quality of democracy.
results of December 2005, which had traced a pluralist political map despite the victory of Evo Morales by an absolute majority.

In the first place, the opposition majority in the Senate began to exercise its slight numerical supremacy after January 2007, by taking control of the presidency of the Upper Chamber. This body of territorial representation [three senators for each one of the nine departments] expressed the regional fracture with support divided between the MAS and Podemos, the main opposition force [with twelve and thirteen senators, respectively, out of a total of 27 seats], unlike the representation in deputies, where the official party had an absolute majority. In these conditions, the collaborative logic between the official party and the opposition was an imperative which was responded to — by both sides — with the battle between the two chambers and the disagreements between the Executive Power and the Senate. Pluralism, instead of becoming an incentive for institutional cooperation, was transformed into an incentive for political polarization until the culmination of the constituent was put at risk.

Secondly, the degree of pluralism increased with the election of a majority of opposition prefects at the elections which were held at the same time as the general elections of 2005. In other words, the moment of greatest presidential legitimacy coincided with the damage to his authority, since Evo Morales had to share the resources of power that had been centralized in the presidential figure and his prerogative of appointing political authorities to the departments. This political pluralism was transformed into programmatic divergence when the referendum for departmental autonomies was held and the “Yes” vote won by a wide margin in four departments run by opposition prefects, while the government party promoted its rejection with a victory for the “No” vote in five departments and in the national total. The situation changed from a centralist logic which allowed the President to appoint the departmental political authorities to their being elected through the citizens’ vote, and the results strengthened regional projects of political decentralization with the presence of new political actors confronting the national government. Conflicts between opposition prefects and the President of the Republic transformed the regional scenario into another area of polarization, made worse by the fact that the opposition prefects of the most important departments did not form part of — nor acted in coalition with — the parliamentary opposition parties.

Thus, the possibilities of majority presidentialism based on the direct election of Evo Morales gave way at an early stage to a pluralist mode which, as a result of the ideological polarization and the multiplication of political arenas, provoked the weakening of presidential authority. Faced with this situation, the MAS opted for two kinds of solutions. On the one hand, the announcement of a referendum for the approval of the new Constitution through consensus with the parliamentary opposition to modify several articles which, in fact, pointed towards the promotion of majority presidentialism through a political-institutional design favorable to the official party15. On the other hand, the announcement of a recall referendum of

---

15 For example, in the official-party project, approved by the Constituent Assembly, the election of all deputies is by simple majority in uninominal constituencies. The congressional agreement of 2008 reinstated the mixed system in the Chamber of Deputies, with uninominal and plurinominal constituencies, apart from the special indigenous constituencies. In this way, an attempt was made to maintain the rule which was closest to political pluralism.
the President and of the prefects in an attempt to reduce the political pluralism present at the sub-national level through the defeat of certain opponents, which was something that did not occur in the autonomy-supporting regions. Moreover, the new Constitution recognizes three modalities of autonomous government [departmental, indigenous and municipal] and, as a result, institutionalizes the *vertical division of powers* which implies a reduction of the President’s power instead of strengthening it.

In these conditions, the absence of strong political organizations with a national presence can provoke a fragmentation in political representation and a moderate multiparty system with a tendency to generate a situation of a fragmented government. This, together with the vertical division of powers established and expanded in the new Constitution, tends to engender political scenarios which induce democratic governance problems. The alternative scenario of political stability through the existence of a dominant parliamentary force, but with a certain degree of pluralism, will similarly establish conditions for party negotiations, since the congressional rule of a two-thirds majority for appointing state authorities and the approval of laws, especially those connected with constitutional reform — whether total or partial, including, besides, the holding of an approving referendum — by avoiding the use of the parliamentary majority for an arbitrary exercise of political power.

In this way, Bolivian democracy started to expand according to the rhythm of the reforms in response to demands for greater participation and widening of representation. The political crisis accompanied the most acute phase of the political reform process, which included a complete change of the Constitution, whose implementation presents the crucial challenge of establishing the foundations of a political model based on democratic governance and political pluralism at the different levels of the state as an expression of the social diversity that stands precisely at the base of the reformist impulse.
Figure 1
Percentage of votes obtained by party in different electoral periods

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>ADN</td>
<td>14.8%</td>
<td>28.6%</td>
<td>22.6%</td>
<td>22.3%</td>
<td>3.4%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AP *</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>20.0%</td>
</tr>
<tr>
<td>Condepa</td>
<td>11.0%</td>
<td>13.6%</td>
<td>17.2%</td>
<td>0.4%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>IU</td>
<td>0.6%</td>
<td>7.2%</td>
<td>0.9%</td>
<td>3.7%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MAS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>20.9%</td>
<td>53.7%</td>
</tr>
<tr>
<td>MBL</td>
<td></td>
<td>5.1%</td>
<td>3.1%</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MIP</td>
<td></td>
<td></td>
<td></td>
<td>6.1%</td>
<td>2.2%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MIR</td>
<td>8.9%</td>
<td>19.6%</td>
<td>16.8%</td>
<td>16.3%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MNR</td>
<td>17.8%</td>
<td>26.4%</td>
<td>23.1%</td>
<td>33.8%</td>
<td>18.2%</td>
<td>22.5%</td>
<td>6.5%</td>
</tr>
<tr>
<td>MNRI</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>20.9%</td>
<td>0.7%</td>
</tr>
<tr>
<td>MNRV</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4.2%</td>
<td></td>
</tr>
<tr>
<td>NFR</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PODEMOS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>28.6%</td>
</tr>
<tr>
<td>PS-1</td>
<td>7.7%</td>
<td>2.2%</td>
<td>2.5%</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>UDP</td>
<td>34.1%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>UN</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>7.8%</td>
</tr>
<tr>
<td>Other parties**</td>
<td>13.6%</td>
<td>11.4%</td>
<td>3.8%</td>
<td>21.2%</td>
<td>18.8%</td>
<td>9.5%</td>
<td>0.6%</td>
</tr>
</tbody>
</table>

Source: National Electoral Tribunal. Own table.
* Acuerdo Patriótico formed by the MIR and the ADN
** Those parties which obtained less than five deputies in different electoral periods are grouped together.
# Figure 2

Parliamentary representation by party and legislative period

<table>
<thead>
<tr>
<th>Party</th>
<th>Senators</th>
<th>Deputies</th>
<th>Legislative period</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>S+S+D</td>
<td>S+S+D</td>
<td>S+S+D</td>
</tr>
<tr>
<td>ADN</td>
<td>S</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>D</td>
<td>25</td>
<td>41</td>
<td>51</td>
</tr>
<tr>
<td>AP [MIR and ADN]</td>
<td>S</td>
<td>8</td>
<td>9</td>
</tr>
<tr>
<td>D</td>
<td></td>
<td>32</td>
<td>14</td>
</tr>
<tr>
<td>Condepa</td>
<td>S</td>
<td>2</td>
<td>11</td>
</tr>
<tr>
<td>D</td>
<td>9</td>
<td>14</td>
<td>19</td>
</tr>
<tr>
<td>IU</td>
<td>S</td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>D</td>
<td>10</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>MAS</td>
<td>S</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>D</td>
<td>7</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>MBL</td>
<td>S</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>D</td>
<td>7</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>MIP</td>
<td>S</td>
<td>1</td>
<td>16</td>
</tr>
<tr>
<td>D</td>
<td>15</td>
<td>33</td>
<td>41</td>
</tr>
<tr>
<td>MNR</td>
<td>S</td>
<td>10</td>
<td>44</td>
</tr>
<tr>
<td>D</td>
<td>34</td>
<td>43</td>
<td>41</td>
</tr>
<tr>
<td>MNRI</td>
<td>S</td>
<td>0</td>
<td>8</td>
</tr>
<tr>
<td>D</td>
<td>8</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>MNRV</td>
<td>S</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>D</td>
<td>6</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>NFR</td>
<td>S</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>D</td>
<td>25</td>
<td>27</td>
<td></td>
</tr>
<tr>
<td>PODEMOS</td>
<td>S</td>
<td>0</td>
<td>13</td>
</tr>
<tr>
<td>D</td>
<td>43</td>
<td>56</td>
<td></td>
</tr>
<tr>
<td>PS-1</td>
<td>S</td>
<td>2</td>
<td>11</td>
</tr>
<tr>
<td>D</td>
<td>9</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>UCS</td>
<td>S</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>D</td>
<td>19</td>
<td>21</td>
<td>20</td>
</tr>
<tr>
<td>UDP</td>
<td>S</td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>D</td>
<td>47</td>
<td>57</td>
<td></td>
</tr>
<tr>
<td></td>
<td>S</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------</td>
<td>-----</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>UN</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Otros**</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>S</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>D</td>
<td>15</td>
<td>12</td>
<td>2</td>
</tr>
</tbody>
</table>

Source: National Electoral Tribunal. Own table.
** Those parties which obtained less than five deputies in different electoral periods are grouped together
Note: the composition of Parliament for all periods consisted of a total of 157 representatives, of which 130 were deputies and 27 senators.
### Figure 3
National Elections, 2005

<table>
<thead>
<tr>
<th>Party</th>
<th>Vote</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>MAS</td>
<td>1,544,374</td>
<td>53.74%</td>
</tr>
<tr>
<td>PODEMOS</td>
<td>821,745</td>
<td>28.59%</td>
</tr>
<tr>
<td>UN</td>
<td>224,090</td>
<td>7.79%</td>
</tr>
<tr>
<td>MNR</td>
<td>185,859</td>
<td>6.47%</td>
</tr>
<tr>
<td>MIP</td>
<td>61,948</td>
<td>2.16%</td>
</tr>
<tr>
<td>NFR</td>
<td>19,667</td>
<td>0.68%</td>
</tr>
<tr>
<td>FREPAB</td>
<td>8,737</td>
<td>0.30%</td>
</tr>
<tr>
<td>USTB</td>
<td>7,381</td>
<td>0.26%</td>
</tr>
</tbody>
</table>

Votes cast: 3,102,417

Source: National Electoral Tribunal. Own table.

### Figure 4
Consituent Assembly Elections, 2006

<table>
<thead>
<tr>
<th>Party</th>
<th>Vote</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADN</td>
<td>18,905</td>
<td>0.72%</td>
</tr>
<tr>
<td>AYRA</td>
<td>12,667</td>
<td>0.49%</td>
</tr>
<tr>
<td>MAS</td>
<td>1,322,656</td>
<td>50.72%</td>
</tr>
<tr>
<td>MBL</td>
<td>27,658</td>
<td>1.06%</td>
</tr>
<tr>
<td>MIR-NM</td>
<td>39,983</td>
<td>1.53%</td>
</tr>
<tr>
<td>UCS</td>
<td>12,750</td>
<td>0.49%</td>
</tr>
<tr>
<td>UN</td>
<td>187,706</td>
<td>7.20%</td>
</tr>
<tr>
<td>MNR</td>
<td>59,239</td>
<td>2.27%</td>
</tr>
<tr>
<td>MNR-A3</td>
<td>101,753</td>
<td>3.90%</td>
</tr>
<tr>
<td>MNR-FRI</td>
<td>35,580</td>
<td>1.36%</td>
</tr>
<tr>
<td>PODEMOS</td>
<td>399,668</td>
<td>15.33%</td>
</tr>
<tr>
<td>AAI</td>
<td>23,342</td>
<td>0.90%</td>
</tr>
<tr>
<td>CN</td>
<td>93,248</td>
<td>3.58%</td>
</tr>
<tr>
<td>TRADEPA</td>
<td>37,684</td>
<td>1.45%</td>
</tr>
<tr>
<td>ASP</td>
<td>63,565</td>
<td>2.44%</td>
</tr>
<tr>
<td>CDC</td>
<td>4,247</td>
<td>0.16%</td>
</tr>
<tr>
<td>ALBA</td>
<td>1,645</td>
<td>0.06%</td>
</tr>
<tr>
<td>MAR</td>
<td>2,486</td>
<td>0.10%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------------</td>
<td>-------</td>
<td>-------</td>
</tr>
<tr>
<td>MCSFA</td>
<td>3,992</td>
<td>0.15%</td>
</tr>
<tr>
<td>MIBOL</td>
<td>1,860</td>
<td>0.07%</td>
</tr>
<tr>
<td>AS</td>
<td>20,970</td>
<td>0.80%</td>
</tr>
<tr>
<td>MOP</td>
<td>12,309</td>
<td>0.47%</td>
</tr>
<tr>
<td>APB</td>
<td>57,906</td>
<td>2.22%</td>
</tr>
<tr>
<td>ASI</td>
<td>56,907</td>
<td>2.18%</td>
</tr>
<tr>
<td>MACA</td>
<td>8,903</td>
<td>0.34%</td>
</tr>
<tr>
<td>Válidos</td>
<td>2,607,638</td>
<td>83.22%</td>
</tr>
<tr>
<td>Blancos</td>
<td>417,399</td>
<td>13.32%</td>
</tr>
<tr>
<td>Nulos</td>
<td>108,565</td>
<td>3.46%</td>
</tr>
<tr>
<td>Emitidos</td>
<td>3,133,602</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

Source: National Electoral Tribunal. Own table.

**Figure 5**

Number of de Assembly members by party and citizens’ group (2006)

<table>
<thead>
<tr>
<th>Initials</th>
<th>Departmental</th>
<th>Uninominal</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAI</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>APB</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>AS</td>
<td>1</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>AYRA</td>
<td>0</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>ASP</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>CN</td>
<td>2</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>MAS</td>
<td>18</td>
<td>119</td>
<td>137</td>
</tr>
<tr>
<td>MBL</td>
<td>1</td>
<td>7</td>
<td>8</td>
</tr>
<tr>
<td>MCSFA</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>MIR-NM</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>MNR</td>
<td>3</td>
<td>5</td>
<td>8</td>
</tr>
<tr>
<td>MNR-A3</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>MNR-FRI</td>
<td>1</td>
<td>7</td>
<td>8</td>
</tr>
<tr>
<td>MOP</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>PODEMOS</td>
<td>11</td>
<td>49</td>
<td>60</td>
</tr>
<tr>
<td>UN</td>
<td>3</td>
<td>5</td>
<td>8</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>45</strong></td>
<td><strong>210</strong></td>
<td><strong>255</strong></td>
</tr>
</tbody>
</table>

Source: National Electoral Tribunal. Own table.
Referendum for departmental autonomies (2006)
Departamental results

<table>
<thead>
<tr>
<th>Departments</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>La Paz</td>
<td>26.6%</td>
<td>73.4%</td>
</tr>
<tr>
<td>Oruro</td>
<td>24.5%</td>
<td>75.5%</td>
</tr>
<tr>
<td>Potosí</td>
<td>26.9%</td>
<td>73.1%</td>
</tr>
<tr>
<td>Chuquisaca</td>
<td>37.8%</td>
<td>62.2%</td>
</tr>
<tr>
<td>Cochabamba</td>
<td>37.0%</td>
<td>63.0%</td>
</tr>
<tr>
<td>Pando</td>
<td>57.7%</td>
<td>42.3%</td>
</tr>
<tr>
<td>Beni</td>
<td>73.8%</td>
<td>26.2%</td>
</tr>
<tr>
<td>Tarija</td>
<td>60.8%</td>
<td>39.2%</td>
</tr>
<tr>
<td>Santa Cruz</td>
<td>71.1%</td>
<td>28.9%</td>
</tr>
</tbody>
</table>

Source: National Electoral Tribunal. Own table.
Bibliography


Lazarte, Jorge, *Entre los espectros del pasado y las incertidumbres del futuro. Política y democracia en Bolivia a principios del siglo XXI*. La Paz: Plural, 2005

Mayorga, René Antonio, “La metamorfosis del sistema de partidos”. In *Opiniones y Análisis* 60. La Paz: Fundemos, 2002

Calderón, Fernando and Eduardo Gamarra, *Crisis y reforma de los partidos en Bolivia*. La Paz: PNUD, 2004


Institutional Reform in Colombia: The \textit{via crucis} for balance between governance and representation (1991-2006)

Mónica Pachón

Thanks to regularly held elections since the mid-19th century, an enduring Constitution and few episodes of authoritarianism, the history of Colombia stands out in the region for its institutional stability. Since the mid-1980s, however, due to increased violence and the confrontation between the state and the different guerrilla groups, this stability has been severely questioned and, in some cases, blamed in part for creating institutions that allowed the executive branch to systematically abuse its constitutional powers.

Therefore, the amendment in 1991 represented a partial break with the “parsimony” of the relative stability of the 1886 Constitution and signaled the beginning of a period that many have considered a period of institutional instability given the ongoing discussion of political reforms. The argument being made in this chapter is, fundamentally, that the constant amendments being proposed are proof that the rules designed to make the system more representative, established by the constituent assemblies in 1991, are unsustainable and inefficient. Lastly, this chapter discusses the process for approval of the electoral reform in 2003 as the culmination of this debate, presenting evidence of the effects it had on the party system. The conclusions include a discussion as to how the amendment in 2003 and the re-election amendment were wise choices for reinforcing a system of checks and balances where representation and governance are more evenly balanced.

The unintended consequences of the 1991 amendment can be summarized as follows: Albeit after 1991 the participation of a new “litter” of politicians was a fact, their fractionalization and independence (characteristic of traditional politicians’ political strategy for winning elections) prevented the establishment of organizations with modernizing agendas, again generating serious governance problems. This representation deficiency also contributed to the state’s inability to implement long-term policies. The illegal actors (armed conflict and drug trafficking) adapted very quickly to the new rules of the game. Local governments, elected by the people, became one of the favorite targets of the armed actors. Mayors and city councilmen, most of whom did not belong to political groups that would provide them with support in dealing with the presence of these actors in their territory, capitulated. Politicians, many of whom made use of illegal funding for their political campaigns, took advantage of the inter-party fragmentation and strong competition both within and between parties. Others chose to set up

---

1 I greatly appreciate the comments made by those who attended and spoke at the seminar on Governance in the Andean Region that took place in Lima in October 2008. My special thanks to Martín Tanaka and Gary Hoskin for their suggestions regarding the different drafts of the article. Inspiration for the title came from David Roll’s \textit{Un siglo de ambigüedad: los recientes intentos de reforma constitucional}, Bogotá: Universidad Nacional, CEREC, IEPRI Editores, 2001.
alliances with actors on the fringes of the law in order to victimize their competitors in the political system. This meant that the existence of disorganized representation raised the transaction costs in formal institutions and limited their ability to react.

Upon analyzing the number and content of the constitutional amendments approved after the Constitution had been enacted, we find relative stability in the rules of political representation, despite repeated criticism of how the system works. This can be explained in part by the success in the re-election of both new and traditional politicians under this system, who —although they do admit the existence of serious shortcoming— have refused on a number of occasions, and for different reasons, to undertake the task of a “self-reform.” Following an frustrating odyssey, the specific circumstances surrounding the election of President Uribe and his threats of a referendum paved the way for the undoing of the electoral system with the approval of the 2003 amendment and immediate re-election for a second term (2005).

In developing these arguments this chapter has been divided into four sections. The first offers a summary of the favorable and unfavorable results of the 1991 amendment by means of a comparison with the period before the 1991 Constitution. The second section describes and analyzes the proposed amendments that were not approved during the presidential terms that followed. The third section of this chapter describes the circumstances surrounding the passage of the amendment in 2003 and other supplementary amendments. Lastly, the chapter ends with a suggestion regarding the balance that exists between representation and governance in the new institutional order and what challenges this could lead to.

1. *Results of the 1991 Constitutional Amendment*

The 1991 amendment was decisive insofar as the evolution of current events is concerned, due both to the content and to the manner in which it was approved (Dugas 1993; Archer and Shugart 1997; Cárdenas, Junguito and Pachón 2007). First of all, it represented a break with the period of limited political competence imposed during the Frente Nacional period, considered to be the main cause of the serious disrepute of the political system. Furthermore, the process for approval of the “seventh ballot,” a new system for implementing amendments, one that had never been tried before in the country, was endowed with legitimacy: direct democracy. Before the seventh ballot, the only way that the Constitution could be amended was through Congress or by calling a Constituent Assembly. These possibilities, however, had been systematically denied by the Supreme Court of Justice. According to Nielson and Shugart (1999), the main cause behind legislative deadlock was precisely congressional sovereignty over constitutional matters: Congress lacked the necessary incentives to implement structural reforms and the president lacked any alternatives for getting around Congress. The approval of the seventh ballot and the inclusion of citizen participation mechanisms in the Constitution opened new doors and possibilities for the president to get around bottlenecks, and made the citizens feel that they had new alternatives.
The 1991 constitutional amendment was a landmark in the history of Colombian institutions. What the members of the constituent assembly hoped to achieve was rearrange the political system with three fundamental goals in mind. The first, to create mechanisms that would make broader representation possible, allowing for the participation of new political movements. Up until the 1990 elections, the Liberal Party and Conservative Party held a de facto monopoly on representation because some of the arrangements left over from the Frente Nacional were still in place and there was high level of political and administrative centralization. The second goal was to bring the state apparatus closer to the citizens. The 1991 Constitution consolidated the process of political and administrative decentralization that had begun in 1986 with the reform that allowed for the direct election of mayors by the people. It also created mechanisms for direct participation, such as people’s initiatives and direct communication with the judiciary through people’s actions and tutela (judicial relief). The third aim of the amendment was to limit the power of the president. The extremely centralist 1886 Constitution gave the president very important constitutional powers, especially in cases of emergency. In the absence of any effective restrictions, both liberal and conservative presidents made frequent use of states of emergency. More than 80% of the time between 1958 and 1990 some form of a state of siege was in place. It was the systematic abuse of the powers of emergency and the government’s inability to ease the grave situation of violence using these powers that led the members of the constituent assembly in 1991 to severely restrict the use of legislative decrees and declarations of states of emergency by the president, creating strong checks to these powers with the creation of the Constitutional Court.

The amendments to the Constitution can be divided into four general categories.

1. Expansion and protection of fundamental rights.
2. Establishment of a social state based on the rule of law.
3. Establishment of a participative democracy.
4. Reform Congress and strengthen the system of checks and balances.

Since 1991, the Colombian charter of fundamental rights has been one of the most comprehensive in the world. The creation of the Constitutional Court as the guarantor of those rights, together with the mechanisms for citizen participation (such as tutela and actions by the people) are among the major innovations in the switchover from a system of delegative democracy to one of participative democracy.

---

2 Article 2 of the Political Constitution reads as follows: “The essential purposes of the State are to serve the community, promote general prosperity and guarantee the effectiveness of the principles, rights and duties guaranteed by the Constitution, facilitate the participation of everybody in the decisions affecting them and in the economic, political, administrative and cultural life of the Nation; defend national independence, keep the territory whole, and ensure peaceful coexistence and a just order.”
An effort was also made to reform certain institutions that have been criticized for facilitating ongoing clientelism. Parliamentary assistance, budget items that congress members could distribute in their districts, was eliminated. A system of behavior considered incompatible and disqualifications for members of the legislature—forbidding them from holding simultaneous positions in the executive branch, expanding possible conflicts of interest for taking part in politics and doing business with the government during their terms—was reinforced. The possibility of alternates who could stand in for legislators was eliminated. With these changes, the members of the constituent assembly tried to reinforce the independence of the legislative and executive branches.

The powers of the president were also curtailed following the expansion of elected officials under the 1991 amendment. Before this amendment, the president selected the governors and they, in turn, selected the mayors of the municipalities. With the decentralization reform, both mayors (1986) and governors (1991) began to be elected by the people; this cut down on the influence that the president had over the political careers of other members of his party. This amendment also banned re-election to any post in the executive branch, in an effort to put an end to the power of the “ex presidents’ club,” a group that had a strong influence and weighed heavily in the machinery of the traditional parties. Last of all, although the use of decrees was limited; the Constitution created mechanisms for consulting the people directly, such as referenda, providing the president with an alternative for getting policies approved.

One of the most hotly debated changes had to do with the redrawing of Senate districts. This change, together with the lengthening of the period of sessions and the creation of a district for Bogotá, were for the purpose of giving Congress a more program-based profile. Furthermore, the reform expanded congressional authority to revise decrees issued during states of emergency. In the past, legislative decrees issued by the president were law for as long as the state of emergency lasted and could not be revised.

1.1 Change Everything so that Nothing Changes?

From many different standpoints, the reform was a success. There was a marked increase in the participation of new political movements and third-party candidates at both the local and national levels. Nevertheless, and despite the fact that they now held more seats, this participation did not necessarily mean greater opposition or lower levels of violence (Pizarro 1995; Gutiérrez 1998; Pizarro 2006). With the decentralization that began with direct election of mayors in 1986, and was consolidated with the amendment in 1991, leaders in municipalities and regions gained greater autonomy in setting the guidelines for spending and, with the new system of transfers, better coverage was achieved in fundamental policy areas such as health and education. And, lastly, these

---

3 Based on Rodriguez-Raga (2001).
4 According to Congreso Visible (1999), in the 1998 elections15 of the 39 elected lawmakers who had campaigned as independents were former members of the Liberal or Conservative parties. In “Independientes: ¿existen?”, Observatorio Legislativo 2, December 1999.
reforms reinforced the system of checks and balances, strengthening the judiciary by granting the courts budgetary independence, longer terms and constitutional control. Several authors have shown (Cepeda 2004) that the establishment of the Constitutional Court forced the president to change his strategy for governing, strengthening the role of Congress in national politics, given the more selective use of special powers in comparison with the earlier period (Pachón 2004).

Furthermore, the 1991 amendment also dismantled the previous system insofar as the president’s powers of appointment were concerned. One characteristic of the period covered by the Frente Nacional pact (1958-1974) and the period that followed (1974-1990) was that the Liberal and Conservative parties were always represented in the cabinet and in other positions where the executive branch had full powers of appointment and removal. Article 120 of the Constitution provided that, for the purpose of maintaining “harmony,” the winning party (generally the Liberal Party) had to grant the first runner-up (generally the Conservative Party) fitting and equitable representation in the executive branch. Therefore, both the Liberal and the Conservative parties were represented in the cabinet throughout this period, the only exception being the administration of President Barco when the Conservative Party decided not to participate. To reinstate the notion of winners and losers and foster a working opposition, the Constituent Assembly eliminated all remnants of proportionality requirements for the executive branch, strengthening the winning party and its power in the legislative agenda. Pachón (2008) offers proof that, in the Plenary of the House and the Senate during the 1992-1998 term, the Liberal Party’s control over the agenda increased considerably, as did legislation on domestic items drafted by the opposition. This change, it is said, is a direct result of the greater uncertainty that exists both within the governing party and among those who are hoping to win the presidency and propose alternative policies. Although some members of the parties that had been defeated in the elections did join the government in post-amendment administrations, many of these people were chosen for their own merits, not necessarily as party representatives.

Nevertheless, despite the expanded jurisdiction of Congress and the reforms carried out to achieve greater independence, the lack of any changes to the electoral incentives for members of Congress meant that, in practice, the reform was much more moderate than expected of the major overhaul led by President Gaviria. Although many were hoping for renewal within the political class and its traditional behavior, the change was actually limited to a few exceptional figures.5

2. Developments Following the 1991 Amendment to the Constitution

Despite significant achievements on the institutional front, the country continued to be a democracy modified by adjectives. Some authors even referred to the Colombian system as an “illiberal” democracy (Bejarano and Pizarro 2005). The number of victims of violence and extortion by the armed rebel groups continued to grow. It was hard to question the figures for violence and human rights

5 One of the most frequently mentioned cases is that of Antanas Mockus, twice elected mayor of the Bogotá metropolitan area and two-time candidate for president.
violations. Although elections were held free of any restrictions to competition, a
great many politicians became the victims of violence while people were
kidnapped and killed every day. Moreover, the armed groups exerted a great deal
of pressure on people living in the region, and even in large cities, with
unprecedented numbers of forced displacements, massacres and attacks.

In addition to the challenges found within the institutional structure, the country
was going through one of the most complex periods in its war against drug
trafficking and the insurgent groups. Although it is true that the combination of
institutionality and violence was nothing new in Colombian history, it was in the
1990s that this coexistence became more of a problem. The destruction of the
large cartels in Medellín and Cali in the early 1990s had left a power vacuum in
the marketing chain, one that was quickly filled by the Fuerzas Armadas
Revolucionarias de Colombia (FARC) and other armed groups. The greater flow of
income for the FARC led to increased confrontations with the forces of law and
order, more corruption, and higher levels of violence. Kidnappings of well-known
politicians, mass abductions of military personnel and civilians, and attacks on
municipalities became part of everyday life (Cubides 1998). By the same token,
the use of violence by paramilitary groups grew exponentially, especially a
fter
they joined together, in 1997, under the umbrella of the Autodefensas Unidas de
Colombia (Restrepo and Spagat 2002). Thus competition over control of the
money from drug trafficking and the state’s inability to achieve an effective
presence in the territory, caused the internal conflict to spread as never before in
the recent history of the country.

The various political scandals shed light on the relations between members of
Congress, of the government and decentralized levels of government and groups
operating outside the law (Gutiérrez 2006). The news of illegal financing of
presidential campaigns, in the case of the Samper government (1994-1998),
confirmed that these relations had spread as high as the national government. A
constant feeling of “lack of institutional capacity” stemming from the complex
nature of negotiations between the executive and legislative branches, together
with heightened levels of violence, led to a situation in which proposals were put
forward for a number of reforms designed to solve what the diagnoses had shown
to be some of the underlying causes of the inability of the government and its
institutions to respond.

3. Reforming Congress: Between Smoke Screens and Multiparty Coalitions

One of the hypotheses that gained general acceptance in public opinion and
among scholars had to do with the fragmentation of the political system. Many
analysts were of the opinion that, although the 1991 amendment had changed
the districts for the election of representatives and senators (Botero 1998;
Rodríguez-Raga 2001; Crisp and Ingall 2001; Crisp and Desposato 2004), the
widespread allocation of seats using the largest remainder method (the so-called
operación avispa) following approval of the amendment had become
unsustainable (Pizarro 2006; Shugart, Moreno and Fajardo 2006). By leaving the
incentives for the legislators intact and changing the powers of the president,
what the amendment had done was create a structural governance problem
because the president no longer had the constitutional tools nor the power over his coalition to make significant changes.

The argument used was that the lack of program-based political parties and excessive decentralization of the political system were partly responsible for the crisis by having facilitated the intrusion of armed actors in politics (Gutiérrez 2007: 303). To begin with, the number of candidates grew larger with each election, with as many as five lists per seat (Pizarro and Bejarano 2006; Pachón and Shugart 2008). The parties, therefore, were no longer concerned about *choosing* candidates when handing out endorsements; quite the contrary, they handed out endorsements to as many candidates as possible in order to win as many seats as possible.

Secondly, with this electoral chaos, accountability to the citizens became more difficult (Ungar 2003). The task of investigating and monitoring each of the candidates was more than the control agencies could handle. Dual party membership also made accountability more confusing given that there were no incentives for aggregation or for presenting an agenda of programs during the pre-election process. Although, once elected, senators and representatives would line up for or against the administration, in line with their party tradition (Gutiérrez 1998; Pachón 2002), their legislative behavior was an enigma for the voters.

This meant that it was quite easy for questionable interests to slip into national politics, something that was no less true in the regions. Local politicians, council members, deputies or mayors were the most vulnerable, especially because they could not count on any real institutional support on the national front, from the state or from a party organization. Furthermore, insofar as public opinion is concerned, the active power of the Constitutional Court cast doubts on the few agreements that were reached between the two branches of government. Thus, a comparison of the powers of the president before and after the reform, clearly shows that legislating and implementing policies with the help of Congress had become more difficult.

Albeit, and despite the loss of some of his constitutional powers, the president had a great deal of room to maneuver. The executive branch still had exclusive authority over budget matters. Moreover, given his emergency powers, the president also had other tools for negotiating with the members of Congress (Cárdenas, Junguito and Pachón 2005). Once elected, the president would form a post-election coalition with members of his party and other lawmakers who, in return for programmatic agreements, resources for their regions, or jobs in government for their network, would approve projects.6 Therefore, although the electoral fragmentation meant that negotiations became more individualistic, making any arrangement more costly, it did not necessarily lead to deadlock. In many cases it would seem that the alternative scenario, more program oriented,

---

6 One example of a program-based agreement is to be found in the alliance between Partido Oxígeno, headed by Ingrid Betancourt, and President Pastrana on the issue of political reform (Sarabia 2003: 125).
showed a greater potential for deadlock given the impossibility of achieving a majority in the case of certain issues.

This was especially true in the case of President Ernesto Samper, who could count on a liberal majority in Congress but, given the context, faced a great many desertions within the party. In this case, the added cost of approving a reform was relatively lower, in comparison with that of a president with a minority coalition, as was Pastrana’s case. In a situation such this, it is unlikely that the incentives would be sufficient to prompt the Samper administration into investing political capital to change the rules of a political game that worked so well in its favor. In the case of Uribe, who was a Liberal Party dissident, the reform became one of the top priorities on his agenda.

Below I briefly discuss the reforms made during the Samper, Pastrana and Uribe (2002-2006) periods.

4. Smoke Screens: The Samper Reform

As so well argued by Roll (2001) and Sarabia (2003), political reform was not one of President Samper’s priorities during the campaign nor during the early part of his administration. There were two moments when reform became a priority on the legislature’s agenda. The first was in the months prior to the famous 8,000 trial that began with the discovery of “hot money” during the campaign for the presidential elections, reported by Andrés Pastrana Arango, the Conservative Party candidate at the time. The second time that the subject of reform came up was just after the accusation committee decided that there was not enough evidence to hold the President responsible for allowing “hot money” in the presidential campaign.

On the first occasion, the government’s strategy consisted of appointing a political reform committee, made up of scholars who were experts in the subject, well known figures from political life together with representatives of the traditional parties and political minorities. Although the creation of the committee was well received in view of a certain degree of consensus regarding some institutional shortcomings, there were serious doubts concerning the true motives behind the government’s proposal for reform. Naturally it seemed highly suspicious that, while the government was being seriously questioned concerning events during the presidential campaign, it should consider political reform of Congress as its top priority. Despite the skepticism, the committee took its assignment seriously and discussed the issues of party discipline and democratization, and, obviously, the issue of financing, which was already the subject of editorials. In the case of campaign funding, the committee agreed on a proposal that called for shorter campaigns, forbidding political advertising on television, and allowing political

---

7 In the 8,000 trial several members of Congress were convicted (Alberto Santofimio Botero, María Izquierdo, Álvaro Benedetti, Jaime Lara, José Guerra de la Espriella, Armando Holguín Sarria, Ana de Petchal, Rodrigo Garavito, Francisco José Jattin, Jorge Ramón Elias Nader, Tiberio Villareal, Álvaro Pava Camel, Gustavo Espinosa and Yolima Espinosa), together with some members of the cabinet (Fernando Botero Zea).

8 President Samper announced the creation of the Commitee in Cartagena, in May 1995.
parties free time on radio and television. The committee also proposed a stronger and stricter system of penalties. As for the party system, the committee suggested limiting endorsements to half the seats in the elected body and prohibiting dual party membership, among other changes.

The committee’s recommendations were discussed at length in political and academic circles, and some consensus was reached regarding the urgent need for changes in order to improve the way the party system works. Nevertheless, as was to be expected, the reform was quickly pigeonholed when the scandals concerning entry of drug money pointed to members of Samper’s cabinet, the main people responsible for the Samper for President campaign. Finding himself cornered, former defense minister Fernando Botero pointed directly to the president in his testimony, saying that he had been aware of and approved everything having to do with his campaign. During this time the president dedicated all his energy to proving his innocence before the Senate’s accusations committee.

Once the accusations committee decided that there was not enough evidence to link the president to the 8,000 trial, the issue of reform gained strength again. With a revamped coalition that some members of the Conservative Party (called the “sellouts”) joined and quite a few liberals left, discussion of a new bill that merged eight different drafts began in August 1996. Nevertheless, the committee members themselves argued that this new bill—called the “counterreformation”—watered down the initial reform, endangering the gains made with representativity and greater political openness in the 1991 Constitution. Although, objectively, some of the proposed changes were not contrary to the spirit of the reform being proposed, the debate became so polarized that many members of the committee suggested that it be withdrawn.

According to Sarabia Better (2003: 116), the main changes in the counterreformation involved expanding the responsibilities of the media, limiting confidentiality of sources, unification of the electoral calendar, and eliminating the office of vice-president. Other proposed changes carried over from the original proposal involved further restrictions preventing the creation of political parties or movements. Following the enactment of the 1991 Constitution, the only requirement for the creation of a political movement or party was to collect 50,000 signatures. The reform proposed that, instead of 50,000, the number of signatures increased to 8,000.

---

9 On July 17, 1995 the government and the Conservative Party signed an agreement covering the main items on the Samper administration’s agenda, one of which was political party reform. David Roll (2001: 271-272) says that no agreement was reached on the issues of the opposition statute or on issues involving appointments in the oversight agencies, nor on campaign financing. While the liberals argued for financing entirely by the state, the conservatives proposed a more moderate change that would allow private financing.

10 Senator Heyne Mogollón delivered his report to the Accusations Committee on December 6, 1995.

11 “The main items in this countereform, insofar as public order is concerned, can be summarized as a return to the system of a permanent state of siege, the creation of new states of emergency, doing away with the Constitutional Court’s material control over situations of public upheaval, and the assignment of judicial police duties to the armed forces.” In David Roll (2001: 280).

12 The vice-president elected with Ernesto Samper, Humberto de la Calle Lombana, resigned in September 1996 after having asked President Samper to resign owing to the scandal of the 8,000 trial.
signatures should equal 3% of the total votes cast in the congressional elections. What the people fostering the reform wanted was to cut back on the proliferation of lists and small parties that, at that time, already accounted for a significant percentage of the seats in Congress. The members of the independent bloc and the conservatives in Congress opposed the change because it could affect them directly. The independents were not noted for holding a unified position since it was one of the most fragmented groups in the political system. Each of the independent congressmen had his own movement, which meant that they had access to state funding. The conservative congressmen, in turn, had adopted a strategy of creating movements attached to the party, thus increasing the funding that they could receive (Pachón 2002). Therefore, neither of these two groups was at all interested in a reform that could have such a direct effect on their existence. Although the reform was approved at a plenary session on December 17, the formal flaws in the law were obvious. To avoid a predictable defeat, the government withdrew the bill and submitted a new one in April 1997.

The new bill kept the main changes proposed by the political reform committee, but quickly lost support. In the end, this bill, too, was withdrawn by the government in view of the reforms presented to Congress and the lack of consensus inside the national leadership of the Liberal party. In the case of the candidates in the 1998 presidential race, the reform was one of the top priorities on the agenda.

5. The very heterogeneous Alliance for Change: The Pastrana administration’s failure to approve the reform

The campaign for the 1998 presidential elections was the most hotly contested one since enactment of the reform that called for second round voting in the presidential election. Although political reform was not one of the top issues on Pastrana’s campaign agenda, in order to consolidate the alliances that would allow him to win the second round, it became an important issue. This being the case, Pastrana forged an alliance with Senator Ingrid Betancourt (Partido Oxígeno Verde) and with other presidential candidates, such as Noemí Sanín, who pledged their support for the second round in return for program agreements (Sarabia Better 2003; Shugart, Moreno and Fajardo 2006).

---


16 Before the 1991 reform, the president was elected with the highest number of votes in a single round. The 1991 amendment provided for a second round if neither of the two candidates receive 50% + 1 of the votes. Samper was elected in the second round, as was Pastrana. Uribe was the first president after the amendment to be elected in the first round.

17 The top priority was the FARC peace process.
There were two parts to the agreement. The first was political reform per se, and the second had to do with the procedure for approval of the reform. The independents in the coalition wanted the changes to be approved by means of a referendum, not by Congress. As had become clear during Samper’s government, if the bill were to be placed before Congress, it might undergo major changes and the chances of its passing would drop. The amendment gave the president special powers to negotiate peace. On the political side, it contained several proposals that were rather similar to those presented during Samper’s presidency, albeit the proposals in the 88/98 bill went deeper. Instead of limiting the number of endorsements, the new reform called for single lists to be presented by each party, with the preference vote. It also proposed optional use of the threshold to win representation in collegiate bodies equal to 3% of the total votes in the district for those who presented closed lists. Lastly, it proposed switching the formula for translating votes into seats to the D’Hondt method (distribution figure, instead of the simple quota and largest remainder (Hare quota) method. This reform was considered essential for changing the aggregation incentives since it was impossible to win more seats with the distribution figure with a division among a larger number of lists. Other proposals included holding primaries to choose presidential candidates, forbidding re-election of congressmen for a third term, and making the voting mandatory.

Pastrana faced a serious dilemma in the case of the reform. Although the referendum option was one way of reducing the role played by members of congress, choosing it would mean a confrontation with a large number congressmen, preventing him from putting together the coalition he needed to succeed with his other proposals. Pastrana had the backing of the Conservative Party, which accounted for no more than 25% of the seats; this meant that he would need the support of other forces in order to be able to maneuver in Congress. An alliance with the independents would add some members to his coalition, but could potentially push other would-be allies away.

That is why, once elected, he chose the middle road. Although reform would continue to be a top priority for his administration, it would be considered by Congress. To ensure the consolidation of the “Alliance for Change” coalition, the government started off by adopting a conciliatory strategy, but did not rule out the possibility of opting for a referendum. As was to be expected, this led to serious conflicts within President Pastrana’s coalition. The first was the split in the alliance with Ingrid Betancourt, who accused the government of betrayal when it dropped the idea of a referendum. As the reform moved forward, the other independents and opposition forces who had supported the government at first, felt that the original meaning was being lost and took advantage of this to let previous agreements for approval fall apart. Seeing the reforms that were being

18 For a comparison of the two electoral systems, see Shugart, Moreno and Fajardo (2006).
19 The man who was minister of the interior at the time, Néstor Humberto Martínez (Conservative Party), and had designed the strategy for approval of the reform, also made sure that the referendum route would be viable, telling the lawmakers that if they failed to pass the reform, the government had a “plan B.” See Sarabia Better (2003: 132).
20 One of the best known pacts at the time was the Casa Medina Agreement, that included members of the pro-administration Liberal Party and was designed to build up the consensus needed for approval of the reform.
passed in the House of Representatives, the pro-administration liberals chose to withdraw their support.

The reform that was passed by House during its sixth debate brought back congressional alternates, something that had been the subject of so much criticism before the 1991 reform. It also allowed the creation of small parties, provided they were represented in Congress at the time the reform was passed, and made the proposal for a single list optional, among other items. The pro-administration liberals criticized the government for failing to honor the agreements reached at Casa Medina, which included ongoing dialogue among party leaders concerning the peace policy and the president's authority for reinsertion of the armed groups, as well as other issues related with the opposition statute, the bancadas (party bloc system) and campaign financing.21 With the backing of the independents, led by Samuel Moreno and Ingrid Betancourt, the pro-administration liberals on the constitutional affairs committee managed to shoot down the reform during the seventh discussion, before the final debate in a plenary session. Although several alternative amendments were submitted during the next legislative term by different groups in Congress, none was able to make it past the committee level.

5.1 The referendum proposal and governance crisis

President Pastrana, who in his first year had already broken all unpopularity records with an approval rating of just 21% (compared with Samper, in the midst of the 8,000 trial, with 55% approval that same year), began his second year in office without having anything to show on the main policy issues proposed during his campaign22. The violence figures were growing every day, and criticism of the demilitarized zone offered to the FARC was becoming stronger. During the early months of 2000, the FARC issued their first laws in the demilitarized zone, leading to tension in the population and among political leaders23. Without achieving any results, the government continued negotiations for a cease-fire that did not seem at all feasible.

The situation in Congress was equally complicated. The pro-administration liberals and the independents questioned the government’s capacity and hampered approval of the reforms. While all this was unfolding, a corruption scandal that broke out in March 2000, involving congressional leaders, provided the president with a new “right time” to press for political reform. This time, however, Pastrana decided to unleash everything he had against Congress, even going so far as to suggest the dissolution of Congress and an amendment creating a unicameral Congress24. Some felt that the president had gone too far. Although it was true that a corruption scandal had broken out, the idea of dismantling

---

22 By 2000 the president had a 24% approval rating. See “El president Pastrana bajó su popularidad”, in Semana (http://www.clarin.com/diario/1999/07/28/i-02402d.htm).
23 The FARC's second law involved a tax on citizens who owned assets worth more then one million dollars.
Congress seemed not only unnecessary but, above all, dangerous. The Alliance for Change coalition was not going through its best moment and the threat of revoking the mandate destroyed what little support the president still enjoyed. The pro-administration Liberal Party, his main opponent, asked for a new constituent assembly and blamed the minister of the interior for the corruption in Congress. Some of the independents and the pro-administration liberals formed a coalition seeking a motion to censure the minister. In the middle of the debate surrounding the president’s proposal and the threat of dissolution, in less than one month, the dissident liberals who were members of the Alliance for Change abandoned this coalition, bringing the liberals together in a united front.

Although public opinion favored a change in “political habits,” a unified Liberal Party made the president’s work harder and undermined his strategy. Why put all the legislative work at risk? What would he gain by threatening Congress? In addition to the loss of a majority in Congress and the guerrillas’ statements opposing the referendum, there was also a legal issue. There were differences of opinion as to whether or not Congress could amend the bill approving the referendum. The clash between the Liberal Party and the government led to harsh confrontations and counterproposals by the liberal leadership (the social referendum), as well as a crisis in the cabinet of the president, who was forced to make changes to his most important cabinet posts (Ministry of the Interior and Ministry of Finance) to regain some level of governance. Then, in May, the president gave up the idea of dismissing Congress. The proposed referendum ceased to be a credible threat, leaving the public feeling that reform was not possible with less than a year left before the next election.

Nevertheless, the Liberal Party, with its new majority in Congress, tried to push a new reform bill in August 2000. Basically this bill picked up the main proposals included in the bill the government had presented in 1998. This bill was approved during the first legislative session, but then met the same fate as its predecessors.

6. The fifteenth station: the referendum and the 2003 amendment

The same as the other candidates, Álvaro Uribe Vélez had begun campaigning in 2001 following the apparent failure of the reform proposed by Andrés Pastrana. Uribe was one of those vying for the Liberal Party nomination, running mainly against Horacio Serpa Uribe, the loser in the 1998 elections, representing the more traditional wing of the party. When the party opted to hold a primary to choose its candidate (a decision that clearly favored Horacio Serpa), Uribe decided to run as a dissident with Movimiento Primero Colombia. In early 2002, his

26 At the time a citizen movement was collecting signatures for a citizen initiative asking Congress to call a referendum. The drive was successful; nevertheless, when the signatures had to be ratified by the Registraduría [civil records office], only two thirds were recognized (see Sarabia Better: 237-240). This movement was headed by Manuel José Cepeda, who was later elected as a member of the Constitutional Court (see Shugart, Moreno and Fajardo 2006: 235).  
proposal for a strong hand and his rebellion against the “traditional forces” were in marked contrast with the failure of the peace process and the inability to achieve the reforms that were so sorely needed. In addition, his experience and reputation as Governor of Antioquia seemed consistent with what he was saying. Thus, in a matter of months, the number of people who said they would vote for Uribe grew from 23% (September 2001) to 39% (January 2002).

Then, beginning in January, by trying to stand apart from Uribe the other candidates only managed to lose popularity. Seeing this many Liberal Party congressmen began to join the Uribe campaign, which, by March, was already showing polling results of 50% of the votes, vs. 37% for Serpa. The final blow to Serpa’s campaign came after the congressional elections that same month. The Conservative Party, which had not managed to position Juan Camilo Restrepo, its presidential candidate, decided to support Uribe. In May, Uribe won the presidential election with more than 50% of the votes and was the first candidate after the 1991 amendment to not have to face a second round.

On the day he was sworn in, President Uribe, who already had a strong coalition in Congress, presented the bill for a referendum “against political jobbery.” The referendum included several of his campaign proposals: political reform, criminalization of a minimum dose, elimination of the draft, and some fiscal measures. The president’s high approval ratings and his firm intention to dissolve Congress if it failed to “cooperate” with the administration’s agenda were reason enough to push the lawmakers into hurrying up and presenting a bill with a counterproposal.

In its final version the referendum was about:

1. Nominal voting in Congress.
2. Eliminating alternates: Preventing congressmen from taking leave in order to share their seat with other legislators.
3. Limiting the role played by congressmen in drawing up the national budget, with the exception of the development plan.
4. Taking the job of congressional administration away from that body and turning it over to an outside entity chosen by competitive bidding.
5. Increasing the causes for divestiture.
6. Eliminating all forms of “parliamentary assistance”.

28 “The poll provides very telling conclusions concerning the way in which the political environment has affected election preferences. The field work was carried out between January 19th and 25th, days that coincided with scares in the peace process. It was precisely on January 20th, when the representatives of the international community reached an agreement with the FARC that made it possible to halt the ultimatum imposed by the government on the demilitarized zone. That was the day that marked the beginning of a series of savage attacks by the guerrillas. Several indicators show that Uribe Vélez is interpreting the people’s feeling of outrage against the FARC, the importance they assign to the issue of violence, and the lack of confidence in the peace process of Andrés Pastrana’s government”. “Uribe le saca 9 puntos a Serpa”, in El Tiempo, January 30, 2002 (http://www.eltiempo.com/archivo/documento/MAM-1338905),
29 This happened on March 13, 2002.
30 Parliamentary assistance began with the 1968 amendment to the Constitution. It consisted of budget allocations placed at the disposal of congressmen to assist constituents from their district.
7. Reducing the size of Congress, plus a proposal for a unicameral congress.
8. Creating special seats for the groups that had risen up in arms.
9. Possible dissolution of Congress.

The bill to approve the referendum began making its way through Congress, while the president was working on one of his most aggressive strategies for quick passage. Negotiations in Congress continued until December, when the final wording of the referendum was decided. It was agreed that the referendum would be held in the first half of 2003 (although it actually ended up being held in October). Although the idea of a referendum had not been successful previously, President Álvaro Uribe’s approval ratings provided new incentives for the lawmakers. Moreover there was the fact that Uribe had been elected as a dissident, but had a majority coalition given that the effects of the fragmentation had been felt directly by the Liberal Party, in the majority since the very beginning of the republic. Plus, Uribe himself was one of those who had gained the most from the electoral “disorder” while, at the same time, the one would be affected the least by the reform. That meant that, this time, the threat so aptly summed up by the man who was president of Congress at the time, Fabio Valencia Cossio: “either we change or they change us,” was entirely credible.

Nevertheless, the referendum proposal did not include the reform of the electoral system that had been part of earlier drafts. Although it did set a threshold of 50% of the quota to gain a seat, it set no limit to the number of lists (the issue of the lists was not even included in this draft). It also provided that, if this threshold is not reached, seats would be allocated by distribution figure, which could end up being useless if no limit is set to the number of lists. The reasonable conclusion, therefore, was that, if approved, the effect of the referendum on the lawmakers’ incentives would not be very radical, and it could even end up in an erratic electoral system where single-person lists could not be avoided (Shugart, Moreno and Fajardo 2006: 244).

In turn, Congress, who wanted to play a role, too, began the procedure for legislative act 1/2003. In the eyes of those defending the referendum, Congress was creating a conflict that affected the viability of the referendum. The authors argued that this bill complemented the referendum, which failed to deal properly with political reform. The reform differed from the referendum in that it brought back the change to the electoral formula and the single list. Although in the beginning the proposal called for a closed single list, the preference vote soon prevailed. Some of the other changes proposed in this bill that did not make any headway included the mandatory vote and state funding of presidential campaigns. Despite the government’s refusal to support it, the bill was passed following the first debate in the Senate, barely one month after having been presented (April 2003).

This assistance was eliminated under the 1991 Constitution, but many said that, in actual practice, the co-financing funds created to assist with municipal or departmental projects worked much the same.
Following a tug-of-war between the government and its coalition, the reform followed its course and was finally approved in July 2003, without the reforms proposed in the referendum. Although not much was said regarding the reform in the media due to the demonizing of the optional preference vote (Shugart 2003), its passage was—from every standpoint—a victory on the road to reorganization of the parties and making politics more palatable to the people. The reform also represented a major program commitment on the part of Congress, a body that was able to impose its bill, one that clearly had more significant consequences than the referendum insofar as its own reorganization was concerned. In the case of the president, although at the time it was viewed as a potential fiasco for him, the reform was due to a credible threat against the legislators. Furthermore, President Uribe’s program and figure became the axis for the reorganization of the political system, as confirmed by the passage of legislation that ratified immediate re-election a year and a half later.31

The debate that followed revolved around the validity of the reform in the event the referendum were to be approved. The government continued pushing for referendum, and it was finally held on October 25, the same day as the first local elections under the new electoral system. Although close to six million people voted in the referendum and the rate of approval for all the questions was close to 92%, it did not pass. By law, for a referendum to be binding more than one quarter of the registered voters must vote. According to the National Registrar’s Office, only 24.8% of the voters had turned out.32 This prompted considerable controversy later on, with questions raised concerning the number of voters required and including people who did not yet have their voting credential.33 Despite the government’s efforts to contest the decision, the National Electoral Council announced that there would be no recount of registered voters, thus dooming the Uribe reform.

6.1 Effects of the 2003 law

As already discussed above, from the moment the 1991 Constitution was approved, the debate revolved around the reorganization of political participation. As Bejarano and Pizarro (2006) so rightly said, before the approval of the reform changes to the electoral system were needed (but were not enough) for a reorganization of party competition. Although some amendments were made to the Constitution after 1991, none of these (with the exception of the legislative act of 2003 and the amendment approving immediate re-election) had such a direct effect on the very structure of how democracy worked (see Appendix 1). As I will be explaining briefly below, the immediate effects at the inter-party and intra-party levels have been extremely significant (García and Hoskin 2006; Botero and

---

32 For the results of the referendum see: <http://www.registraduria.gov.co/2003RE_escrut/e/vre0.htm?1>.
33 Upon hearing the results, President Uribe asked for a recount of the number of voters. “It is an offense to democracy to have the dead, members of the public forces and young people who had not received their ID cards voting. I hope that this huge victory for politicking will lead to a stronger reaction by the public against this scourge. Our struggle continues.” “Colombia: no revisarán censo electoral”, on BBC Mundo, December 20, 2003.
Rodríguez-Raga 2006; Pachón and Shugart 2008). At the end, I will briefly mention the presidential re-election and the bancadas act\textsuperscript{34}.

At the inter-party level, the first effect of the reform is that the number of parties has less to do with the size of the district. In the small districts, generally noted for strong intra-party competition and very little inter-party competition ("liberal" territories), the actual number of parties increased, reflecting inter-party competition at the national level. In the larger districts (>5), the actual number of parties dropped, a sign of pre-electoral aggregation of interests of movements that had previously fought on their own during the electoral races. The most telling example is the number of parties in the Senate, the largest district in the political system. From a total of at least 45 parties represented there, the number dropped to ten. Although this is a large number of parties, post-electoral coalitions left four groups that were easily identified by the public, divided along the government-opposition axis. The average number of parties actually in the House of Representatives offers telling proof of this new alignment. Whereas the actual number of parties in the electorate fluctuated between 1.27 and 18.61 before the reform, the figure changed to a range of between 2.05 and 8.62. If we look at the number of actual parties in Congress, we also see a major effect: whereas in 2002 the range was between 1 and 8.53, the range after the reform was between 2 and 8.62 in the largest districts, such as Bogotá\textsuperscript{35}.

As for the intra-party level, the “aggregating” effect of the reform meant that presenting a list with a single candidate was not very efficient. Given that seats are distributed to a party’s single lists, the members of the party benefit directly from the popularity of their fellow party members, thus making collective action among members of the same party a necessity. The results of greater aggregation are immediate: having more candidates with more votes increases the chances of being elected. Before this, the incentives were not designed to draw the largest number of votes to the party, but to win enough votes to be able to compete in the remainders war since the seats were distributed to the lists. The purpose of these new rules of the game was to turn the fragmentation in small parties and movements into an intra-party competition. Although incentives for competition among members of the same party continue to exist under the new system, especially in those cases where the preference vote is used, they are fewer than under the system in place before the reform.

In fact differences in intra-party competition can also be found based on district size. The larger the district, the greater the aggregation effect. In small districts, entitled to two seats, there was no significant change in “personal” competition because the aggregation effort was very small. In districts entitled to more than two seats, however, intra-party competition grew, reflecting the maximizing effort made by the parties. Proof of this can be found when it comes to choosing between open and closed lists among members of Congress who are up for re-election. In small districts, 41.7% were chosen by closed list (generally associated with regional parties). In districts entitled to more than two seats, all the candidates with past experience in Congress ran on open lists.

\textsuperscript{34} Here I will be referring to the effects of the reform at the national level only.

\textsuperscript{35} Results presented by Pachón and Shugart (2008).
At the national level this aggregation decision led to a drop in the number of candidates running in elections and created a context in which accountability becomes more digestible. Although a candidate’s reputation is fundamental, the voter has more efficient information shortcuts for positioning the lawmaker and his actions in Congress. The conclusion to be reached, therefore, is that the reform has had a major impact by moderating the number of people running, making it similar all around the country. Moreover, thanks to the existence of pre-electoral coalitions, program-based accountability becomes a more feasible exercise.

Lastly, when it comes to the supplementary reforms, as mentioned above, the reform in 2003 was followed by the constitutional amendment that allowed for immediate re-election of the president. Given that the president is the most important actor in the political system, re-election —together with the reform— focused the electoral debate on national politics. In addition, the bancadas act was passed for the express purpose of strengthening party organizations in Congress and discouraging breaches of party discipline once the member had won a seat. Although no systematic evaluations of these reforms have been made, studies involving local councils suggest that following the electoral reform and the bancadas act, the parties’ actions are, in fact, better coordinated (Ossa 2005).

7. Conclusions

The history of institutional reforms in Colombia from 1991 onwards does not seem much different than that reported by Archer and Mainwaring (1997) when describing the president’s inability to bring about constitutional reforms during the period that came after the Frente Nacional. Although the country’s president had a great many constitutional powers, it was not easy for him to impose his wishes on a Congress that is very protective of its jurisdiction. The big difference was that, since he had great exceptional powers, the president was able to “leapfrog” over Congress temporarily and govern that way.

The 1991 Constitution put an end to that possibility. Although the president still has some exceptional-power tools, they do not allow him to work without Congress for long periods of time. Moreover the changes made to the president’s appointment powers gave him less control over the political careers of his fellow party members or allies from other parties. Thus it can be said that Colombian legislators were able to resume their role in national politics from a more independent institutional position than in the past. Nevertheless, given the fragmentation within the political system, which mushroomed with decentralization, the possibility of dual party membership, and fewer requirements for the establishment of parties, interdependence continued and became more particularist. And this particularism did not just mean negotiating with the president, but also with the other major actors on the Colombian stage: armed actors, drug traffickers, interest groups.

Thus the fragmentation and disorder within the political system showed their worst side with different corruption scandals in Congress, making political reform
a top priority. Although reform would not cure all the ills, it was considered the medicine that was needed for the more structural problems.

The *via crucis* of political reform was a long one because for a long time the incentives needed to prompt the parties to reform themselves did not exist. Moreover, the subject of reform was used and manipulated to earn popularity points and distract public opinion. There is one characteristic, however, that makes this reform process qualitatively different from the period preceding the 1991 reform, namely the existence of mechanisms for citizen participation, extensively used to get two groups to confront each other: the citizens and their Congress. Most specifically, the use of the referendum coupled with President Álvaro Uribe's great popularity succeeded in pushing Congress into reforming itself, a feat that had not been possible in the past. Although, as we have seen in the Andean region, the use of this mechanism poses serious risks for institutional development, in this case it created the context that allowed for a transition to a more virtuous electoral system.

Although the reform and the institutional engineering in recent years have not put an end to the scandals in the legislature (which was not actually the goal), we can assume that one favorable result of the reform is that cases of corruption are easier to spot under the new rules of the game. In our political system, accusations concerning the influence wielded by interest groups, drug traffickers, the guerrilla/paramilitary forces are not new. According to Cepeda (2004) a great many congressmen have lost their seats because of conflict of interest and misappropriation of resources.

Nevertheless, even during the 2006 campaign for congressional elections, a great many lists for the senate and house races were accused of having ties to the paramilitary forces, causing them to lose the presidential endorsement. The opposition parties demanded that the president publicly announce the withdrawal of his support, and headed the filing of charges against many members of Congress. These groups have also been leading new initiatives for political reform aimed at setting explicit sanctions for parties in these cases, including collective loss of seats. Nevertheless, despite efforts by opposition parties, these reforms have lost momentum. What prevails, instead, are alternative drafts designed by the government coalition, so that the public can see that action is being taken against corruption at senior levels of government without risking the majority needed to pass bills originating with the president.

On the other hand, the strength of the government coalition and the instruments available to congressional leaders since 2003 suggest a qualitative change in the negotiations between the executive and the legislative branches. The underlying danger within the system, therefore, is that faced with the uncertainty of another election with no presidential candidate, those supporting the president could be tempted to submit proposals for institutional reform that would allow him to remain in office. Given the relative ease with which the constitution can be amended following the procedure established in 1991 and the existence of mechanisms for direct democracy, these efforts could end being a deinstitutionalization trap.
Although skepticism prevails these days, I believe that, based on a historic comparison, it can be said the last reforms approved have helped make gradual progress towards the consolidation of the system of checks and balances, with a more program-oriented balance between representation and governance.
Appendix. Constitutional Amendments since 1990

I. During the administration of César Gaviria (1990-1994)

1993

1. Barranquilla becomes a special, industrial and port district.

2. The president of the republic is temporarily allowed to issue the national development plan act.

3. Reinstatement of alternate members of government legislatures, abolished under the 1991 Constitution.

II. During the administration of Ernesto Samper (1994-1998)

1995

4. Changes to the criteria for distribution of the resources that the nation allocates to territorial entities.

5. Under the Constitution courts martial are to be made up of active or retired members of the military.

1996

6. Deputies in departmental assemblies are given the status of “public servants.”

1997

7. Colombian citizens may be extradited for crimes committed abroad, applicable non-retroactively as of the date of the amendment.

III. During the administration of Andrés Pastrana (1998-2002)

1999

8. Amendment ending the power of Congress to order expropriation of assets for the social interest without indemnification. Not much impact because this power was never used even while in force.

2000

9. The name of the capital is changed to Bogotá D.C., no longer Santa Fe de Bogotá D.C. as required under the 1991 Constitution.
10. Spending on sports and recreation is included as part of government social spending.

**2001**

11. Restrictions to how much the general revenue-sharing system for general expenses in the territorial entities is allowed to grow.


**2002**

13. Children born abroad of Colombian parents who are registered at a consulate are entitled to Colombian nationality.

14. The terms in office for governors, mayors, deputies, city and town council members are extended to four years.

**IV. During the administrations of Álvaro Uribe (2002-2006 and 2006-2010)**

15. Changes to the functions of the Prosecutor-General’s Office so as to adapt to the accusatory system, an oral system that reinforces due process guarantees.

**2003**

16. Political reform that provides for single lists, thresholds, preference vote, distribution figure, and bans dual party membership.

**2004**

17. Referendum: Loss of political rights in the case of individuals convicted of crimes against the wealth of the state.

18. Amendment allowing immediate re-election of the president.

**2005**

19. Pension system changed to include virtually the entire population. Followed by special systems for members of the military and police forces, and the president of the republic. In the case of teachers, pension terms remain the same as those provided for in the national development plan and agreed to in 2003.

20. An international district is added to the House of Representatives; formerly elected in territorial and special districts.
21. Each district is entitled to elect two representatives plus another representative for every additional 365,000 inhabitants, or portion thereof exceeding 182,500, in excess of the first 365,000.

2007

22. The system of allocations to departments, districts and municipalities is amended for the third time. All these changes have been aimed at limiting administrative autonomy or controlling spending in the regions.

23. District councils are to have 45 members.

24. The cities of Buenaventura and Tumaco are organized as special, industrial, port, biodiverse and ecotourism regions, together with other similar provisions.

25. Congressional subpoenas and invitations to ministers, superintendents and directors of administrative departments are given with constitutional authority.


Bibliography


Cárdenas, Mauricio, Roberto Junguito and Mónica Pachón, “Political Institutions and Policy Outcomes in Colombia: The Effects of the 1991 Constitution.” In Tommasi, Mariano and Ernesto Stein, eds., Political Institutions, Policymaking


Crisp, Brian and Scott Desposato, “Constituency Building in Multimember Districts: Collusion or Conflict?” In The Journal of Politics 66 (1), pp. 136-156. 2004


Ossa, Juan Pablo, El efecto de la reforma política de 2003 sobre los partidos políticos en el Concejo de Bogotá. Bogotá: Universidad de los Andes. 2006


Pachón, Mónica, “Cross-Avenue Politics: The Case of Brazil and Colombia.” Dissertation as partial compliance with the requirements for a PhD in political science and international relations. San Diego: University of California. 2008


Pizarro, Eduardo, “La comisión para la reforma de los partidos: ¿cortina de humo o necesidad histórica?””. In Análisis Político 26, pp. 72-86. 1995


Rodríguez, Juan Carlos, “Crisis política en un año electoral”. In Anuario Social, Político y Económico de Colombia 1, pp. 53-62. 2001


References from the Press (in chronological order)


Democratic Governance and Institutional and Political Reform in Ecuador
Simón Pachano

In the period since the mid 1990s, several breaks with democratic order have occurred at the top levels of the political system in Ecuador. Nevertheless, seemingly constitutional solutions have been found in all these cases, leaving the impression that legal order has been maintained. Three presidents have been ousted without following legal and constitutional procedures, albeit this apparently has not affected the current institutional order\(^1\). The fact that the basic rules and democratic institutions remain in place could lead some to believe that they are both in good health and have the tools needed to deal with crisis situations. This impression would be reinforced following a comparison with what used to happen in earlier times, when the solution was a coup d’état, after which a new constitutional order would be set up. Nevertheless, a closer analysis shows that the effects of this manipulation of the institutions and the rules, one that has produced a fictitious continuation of the democratic system, are clearly negative and threaten to undermine the system completely. In actual fact, the repeated violation of democratic procedures and, above all, the fiction that they have all remained in place, has turned them into empty vessels devoid of the capacity to regulate political life and deal with social conflicts.

What is truly surprising is that this has occurred as part of a process of ceaseless political reform. The truth is that, throughout the entire period since the return to democracy in 1979, practically not one single year has gone by without some change being made to the rules governing politics (Pachano 2007: 87-131). The clearest example of this is to be found on the electoral front: not one election has been held using the same rules as the election before it\(^2\). Nevertheless, this obsession with reform is also to be found in other areas, such as relations between the executive and legislative branches, as well as the makeup and power of the oversight agencies. In short, the Ecuadorian political system has been in a state of permanent change for close to thirty years, a situation that has worked against institutional consolidation and the establishment of procedures and routines.

This constant changing of the rules of the political game can be explained by the conflation of two fundamental elements. First of all, the prevalence of clientelist and corporatist practices throughout the entire body of political actors, even among those that, at some point, may have been considered ideological or

\(^1\) The ousters of the presidents (in 1997, 2000 and 2005) were preceded by the sudden departure of Vice-President Alberto Dahik (1995) because of a criminal trial brought against him by the Supreme Court of Justice. Before that, Congress had failed in its efforts to remove him, lacking the necessary votes to do so; this, under the law and the Constitution, closed the door to any possibility of a trial by the Supreme Court.

\(^2\) What has changed most frequently has been the formula for allocation of seats, although changes have also been made to the election schedule, to how candidacies are to be presented and people are to vote, as well as the requirements for running in an election.
Secondly, and stemming to a large extent from the first, the reforms were based on strategic calculations by the political actors, intent on trying to adapt the rules of the game to what they needed at the time. They had, thus, turned the whole regulatory environment —constitutional and legal— into the political arena where the day-to-day game was played. The end result of this conflation was that politics became locked into the short term, becoming more and more dependant on concrete or immediate aspects.

In the case of this political trend and the constant changing of the rules, two fundamental issues stand out. First of all, the time horizon for political action grew significantly shorter. This meant that, not only did the short term prevail, there was also less and less certainty concerning the possible effects of the decisions reached by each of the actors. On top of the informal and particularist practices, it becomes very difficult to establish routines and predictable behavior. The second is that procedures and institutions no longer had the value assigned to them by the rules, they became empty shells that were replaced by behavior developed under the umbrella of informal practices. This weakened the formality of politics that is essential for preserving the democratic system.

Therefore, the main goal of this chapter is to analyze the constant rearrangements of institutional order from three different standpoints. First of all, we need to take a look at the reasons why these political practices came to be considered almost normal in the country’s political life. Secondly, it is absolutely essential to consider the political effects this sequence of reforms will bring. Lastly, we must consider the paths that could open up in the future, paying special attention to the reform process currently under way at the time this chapter is being written.

Before doing so, however, we must point out that this analysis will be focusing primarily on the institutional aspects, for two basic reasons. First of all, the effects of the manipulation of the rules and procedures are to be found mainly at the institutional level, especially because they undermine the nature and content of democratic institutions and procedures. Institutions that are part of the democratic system begin to erode and are sidelined by what could be called informal institutions. Thus political practices tend increasingly to be carried out outside the bounds of established institutionalism and end up, whether intentionally or not, changing the latter. In the second place, the focus is on the institutional framework because changes that occur at this level tend to generate changes in the behavior of the social and political actors. In this regard, and contrary to most opinions on this matter that stress the political culture of the

---

3 During the early years of the democratic period there was a general tendency to differentiate between ideological and populist parties, in addition to the difference made between traditional and modern parties. This differentiation ceased to mean anything when the actors opted for a clientelist and corporatist logic.

4 In this chapter we will be using the term “institutions” in the broader sense of the word, meaning the institutions where political activity takes place as well as the rules governing it and the procedures that make it feasible. Therefore, the term “institution” encompasses the set of rules, institutions and procedures put in place to carry out political action. Informal institutions, on the other hand, will mean the procedures that are being given more widespread use by political and social actors, as well as the structures they define for processing their differences, but that are not governed by an explicit and universal set of rules (Helmke and Levitsky 2003).
actors as the decisive factor for behavior, an institutional approach allows for a more precise identification of the causes of the problems. In other words, it is the institutional characteristics (the rules, the procedures, the incentives and the punishments) that to a large extent determine the actors’ behavior, meaning that the political culture is a result of these.

The structure of the article is guided by the general terms of the research project. Therefore, the first section describes the core aspects of the general context of the country throughout the democratic period that began in 1979, and also includes the basic conceptual guidelines. The second section provides a description of the reform process carried out between 1990 and 2008. The fundamental purpose of this overview of the process is to be able to identify the progress and limitations of these reforms, placing special emphasis on the electoral system, the political parties, changes to the constitution, relations between the branches of government, and territorial division of power. The third section presents a general balance sheet of the reforms from the standpoint of how the institutions work and the conditions for accountability. The general conclusions are then to be found in the last section.

1. Context

Four core elements—at the institutional level—have characterized the Ecuadorian political process since the onset of the democratic period. First of all, acute fragmentation of political representation, proof of which is to be found fundamentally in the large number of parties and political organizations that have won seats in the National Congress. The second, a party system that, using Sartori’s classification (1992: 158), would be classified as “extreme pluralism,” with five parties that have been present continuously throughout the period, one that joined the others in the mid-90s, and two that emerged in the middle of this decade and ended up at the top in the legislative elections. The third is that, over time, this same party system evolved increasingly into an expression of political organizations that had a specific territorial base, in other words parties whose political support came fundamentally from specific areas in the country; this situation led, in turn, to the creation of many subnational party systems (Pachano 2008a and 2008b). Then, lastly, a notable imbalance between the branches of government, with the executive branch clearly dominant in comparison with the legislative branch in constitutional terms, although with no correlation at the political level.

It was these institutional characteristics, together with other factors that will not be discussed here, that determined the orientation the political actions and practices. In general, these conditions produced three basic results. First of all, permanent political stalemates, found above all in the relations between the executive and the legislative branches—leading to the so-called power struggle—that prevented the definition of long-term economic and social policies. In the

---

5 The five parties present throughout the period are PSC, PRE, ID, DP-UDC and MPD. They were joined later on, since 1996, by MUPP-NP. The latecomers are PRIAN and PSP (see Table 1).
6 In this case the analytical differentiation between the constitutional power and the political power of the presidents and the legislature, suggested by Shugart and Carey (1992), is extremely important.
second place, these conditions led to widespread use of clientelist and corporatist practices as the preferred and usual forms for relations between society and political actors. In the third place, they made the national government a central element for the allocation of resources, meaning that it was always at the heart of the distribution disputes, with the inevitable consequences of an erosion and loss of its capacity to respond. This led to the creation of an extremely centralized political system where, given that the specific interests of each of the many social actors were voiced directly, with virtually no intermediation, it lost the capacity to aggregate them and was expected to provide immediate and satisfactory answers for each. Thus is meant that the government was under constant pressure from social organizations, pressure groups and, in general, the citizens themselves, all with economic and social demands that were supposed to be dealt with immediately.

The use of force was not unheard of as part of this pressure, in an environment where work stoppages and protests became almost routine, forcing the executive branch to break them up (generally with the participation of congressmen who played a dual role of middlemen between the government and the voters on the one hand, and the spokesmen for the latter on the other). Meanwhile, the different sectors began presenting their demands to Congress also, viewing it a route for channeling their interests to the executive branch or, in general, hoping to obtain the funds that would allow them to satisfy their needs. Under pressure from Congress, the government not only had to respond to the social sectors, it also had to engage in complex negotiations with legislators, and would end up granting them privileges (personal) and funds (for the voters). This complex negotiation was also to be found in the case of policies, where the government was forced to give ground, or even capitulate, when its positions threatened to undermine the power that the congressmen and/or their parties had gained in the game. Thus stalemates, corporatism, clientelism and the short term became the norm in Ecuadorian politics, as outlined in Graph 1 at the end of this chapter.

The main effects of a system that worked this way, for purposes of this article, were an erosion of the government’s management capacity, on the one hand, and constant changes to the rules of the political game, on the other. Evidence of the first effect —loss of management capacity— is that it was no longer possible to define and implement long-term economic and social policies, and this, in turn, caused the low levels of performance found in these areas throughout the period. The other effect —constantly changing rules— is directly related to the purpose of this study and will be dealt with a greater length in the following section.

2. The Political Reforms (1990-2008)

As pointed out above, Ecuador has lived through a process of continuous political reforms practically since the very moment the democratic regime was put in place. During this period (which has already lasted three decades), the rules that

---

7 The use of force in channeling social demands can be clearly seen in the large number of regional and local—cantones—work stoppages that occurred during that period. Cases of violence, however, were few and considered to be the exception.

8 This section is based on Pachano (2007).
govern elections and parties, those that determine how Congress is set up and how it is to work, the ones regulating relations between the branches of government, those that define the Judiciary, and those that determine the powers and scope of oversight agencies, have all been revised repeatedly. In addition, after the constitution had been amended several times, a Constituent Assembly was held in 1997-1998 and concluded with a new political charter; then a similar event was held once again in 2007-2008\(^9\). Thus, going beyond the adjustments that should be made as time passes in order to maintain the proper conditions for political activity, the tendency has been to keep on changing these conditions and the very form of the representative institutions. The end result is that the country has not been able to enjoy any relatively long periods of time with a given set of rules in place that could be tested with medium-term processes, something that would, in turn, provide some degree of certainty regarding a proper framework for political practices.

This repeated inclusion of new rules and the lack of clear-cut aims for the reform processes produced an *incoherent institutionalism*. That is why any analysis of the essentially political aspects of the legal and constitutional order in Ecuador shows little or, even, no consistency at all between the components. Despite the fact that they are supposed to work together, each one points in a specific direction and the links needed for them to be able to propel processes in a given direction are nowhere to be seen. On the contrary, the core characteristic of this structure is the lack of internal cohesion, which ends up producing unexpected results that work against goals related to democratic consolidation and governance. That is why the effects have been predominantly negative and that it can, therefore, be said that the institutional design has contributed to an unstable situation, to dispersion and fragmentation.

Thus the institutional reforms had negative effects for efficiency, effectiveness and the quality of democracy and, at the same time, helped create precarious conditions for governance. Aspects such as the capacity to guide the economy and process social conflict, to offer proper conditions for representation and participation, are closely tied to what happens when it comes to the rules. Furthermore, the constant changes made to the provisions governing political procedures have ended up causing a break between these procedures and the actors’ practices. The latter have been forced to choose between two options: acting outside any element of regularity, or building an alternative space by reiteration of their behavior. Regardless of the alternative chosen, this gutted institutions that are part of the political system because the political exchange and negotiation processes tended to take place outside these institutions.

By combining the two options, the actors have used either of them, depending of the situation, a pragmatic approach that led to a weakening of the political institutions. Last of all, the lack of coherence and the constant changes to the framework of rules have caused disorientation among the political actors and the people in general, with loss of confidence in the institutions and, far more serious, in the democratic system as a whole. In this regard, it is obvious that

\(^9\) An analysis of the reforms made by the Constituent Assembly in 2007-2008 is to be found in section three.
stability and coherence of rules and institutions strengthen people's institutional and democratic values, whereas an incoherent body that is constantly being deprived of stability tends to undermine these values. At this point, it is advisable to determine the extent of this lack of confidence: whether it is only immediate or specific in scope, manifesting itself in the withdrawal of the direct support that the people give to parties or candidates, or whether it is general in scope, manifesting itself in a loss of support for values (such as enforcement of rights or validity of democratic procedures)\textsuperscript{10}. In the latter case, it is very easy to end up with a situation where what is at stake with each decision is not only the explicit trust, which can be expressed in terms of withdrawing support for a given party or political organization, but also the implicit trust, where the consequences are much more far reaching and can lead to attitudes where the actors feel little loyalty towards democracy as the political order\textsuperscript{11}.

Another point that must also be made is that, not only has change been constant throughout the period, but that, in general, political action has included considerable constitutional and legal debate. Even in the case of the most everyday and transient aspects of the political debate, questions have been raised regarding part or all of the body of rules, meaning that is continues to be surrounded by uncertainty and has not been able to play its role as a valid frame of reference for all the social actors and politicians. The provisions of the Constitution and the laws are the subject of constant negotiation as part of specific political action. The Constitution has, thus, become the arena for political confrontation and, at the same time, one of the subjects of the political dispute\textsuperscript{12}.

We must remember that the return to democracy in the late 1980s was guided by the goal of achieving stability and doing away with the factors that had supposedly rendered it impossible in earlier times. Specifically the aim was to consolidate a political system that, by means of a set of rules and institutional arrangements, would generate its own condition of stability and permanence. The basic condition for achieving this was the elimination of populism and caudillo leadership, considered the main reasons for the failure of democracy to take root and the constant cycle of weak governments and coups d'état\textsuperscript{13}.

\textsuperscript{10} The problem of levels of trust is found in Paramio (1999). As will be seen later on, this viewpoint is especially important in situations where most of the political debate revolves around institutional aspects (constitutional reform, amendments to laws).

\textsuperscript{11} The slogan “get rid of all of them,” used repeatedly during the overthrow of the last president (in 2005), is an expression of this widespread lack of trust. It became politically formalized with the process that began following the election of Rafael Correa, an outsider who made battling with the old system the centerpiece of his proposal. The fact that the unknown candidates who made up the lists of his newborn political movement, Alianza País, won seats in the elections for the Constituent Assembly in 2007 was an electoral confirmation of the slogan. The president’s repeated electoral successes, (82% in the referendum in April 2007, 60% of the seats in the Constituent Assembly in September that same year, 64% in the referendum on the Constitution in September 2008 and 52% for his re-election in April 2009), despite worsening economic conditions, seem to prove how deep-seated this feeling is.

\textsuperscript{12} Ecuador has suffered from constitutional inflation, given that the differences between the scope of the Constitution and the scope of ordinary practices of the state have not been clearly stated. In this regard, see Da Silveira (1993: 97).

\textsuperscript{13} It would appear that those in charge of the new institutional design hoped to prevent the country from facing another period of upheavals such as the one in the 1930s and 1940s, when the country had 25 governments in 17 years (between 1931 and 1948). One condition for achieving this was to
Several fundamental elements were needed to achieve these goals. First of all, an institutional and procedural framework that would both make political competition feasible and ensure governance. This had to be expressed basically in the definition of the functions and the powers of the executive and legislative branches, which, in turn, had to be dealt with at both the constitutional level and as part of concrete political give and take. In the second place, there was a need to foster the establishment of ideologically defined parties, with strong internal organization in order to maintain regularity in the elections and be responsive to society’s demands and interests. To this end, a political-party law was passed, setting the rules governing the parties' political behavior as well as their internal organization. In the third place, very strict electoral regulations were needed to avoid the problems of caudillo-style candidates and populism. It was felt that an elections law was the proper instrument for achieving this end.

Nevertheless, contradictions among all these aspects existed from the very beginning because each had specific characteristics and orientations not shared with the others. It can be said that each aimed at specific goals yet as a whole they had no common goal. Thus, whereas the goal in the case the separation of powers was to build a strong executive branch, on the political side it was weakened considerably by a proportional formula for assigning seats in Congress and by completely separating the presidential from the congressional elections, paving the way for dispersion and fragmentation. Therefore the contradiction pointed out by Shugart and Carey (1992) between an executive branch that has strong constitutional powers but is, at the same time, extremely weak in political terms became perfectly clear. In addition, contradictions also existed within each one in terms of the orientation of their respective components. For example, while the aim was to end up with only a few parties, the door was flung wide open for new organizations to register and participate and the formula used was proportional representation, which tends to foster dispersion.

The successive amendments made during this period exacerbated these problems and helped create new ones. The lack of a central goal or set of constant goals to close the door to populist expressions and create the conditions for the establishment of strong governments. As will be seen later on, the very same institutional structure that was set up with these goals in mind was one factor that prevented them from being achieved.

---

14 To this end, an effort was made to create governments born with strong backing by the people, leading to adoption of the two-round or ballotage system. Nevertheless, past experiences did not justify this system given that the proportion of votes obtained had no bearing on the duration of the different governments. Furthermore, the two-round system actually ended up discouraging cooperation and encouraging fragmentation.

15 The separation of these two elections was not just a matter of when each one is held, but also the fact that the voter being is given the chance to vote for two entirely different options (divided vote). This clarification is necessary because of the widespread idea in Ecuador that if congressional elections are held together with the second round of the presidential election, voting will be concentrated on the two finalists, reducing the number of parties represented in Congress. Past experience in the country proves that, on its own, this mechanism does not guarantee these results, as proven by the election in 1979 when the members of the house were elected in the second round and the end result was that the president-elect’s party ended up with the largest bloc (but not an absolute majority), yet the party of the other second-round candidate only obtained 6.4% of the votes and, in the end, ten parties were represented in Congress. Therefore, this method only achieved one of the three goals that it was allegedly designed to achieve.
guide the reforms was apparent in the heterogeneity and contradictory nature of the results achieved. None of the reforms has been part of an overall vision for the political system, or been prompted by overall goals (such as improving governance, or achieving better conditions for managing the economy, or meeting social demands, or improving conditions for representation). All have emphasized partial aspects born of circumstantial needs. This inevitably led to coexistence and overlaying of rules and provisions that are based on contradictory logic and produce negative results.

This plethora of amendments included not only those made in Congress as part of its legislative work, but also those produced by six consultations of the people (referenda) and two constituent assemblies. Both the first and the last were strongly influenced by specific political circumstances, making the possibility of a long-term approach for the discussion of institutional issues even more unlikely.\(^{16}\) It can be said that, unlike what had happened in earlier constitutional periods, when political problems were solved by means of coups d’état, repeated changes to the rules and procedures are now being used to achieve the same result. Nevertheless, as pointed out at the beginning of this chapter, this constant institutional manipulation —noted also for the lack of any guidelines— has led to an erosion of the institutions.

3. The Pernicious Effects

If we accept the basic premise that the institutional structure of any political system requires that routines be established and, moreover, needs these routines in order to work, we will agree that constant changes to the rules prevents the establishment of stable guidelines for its behavior. It can be said that institutional conditions lead to the establishment of procedures that become habits that the social and political actors must follow\(^{17}\). Four conditions are needed for this to occur. First of all, that the procedures be formally established and legitimized, in other words that they have universal validity (that they cannot be interpreted arbitrarily based on specific interests). Secondly that they be extremely stable so they do not hold within them the germs of instability, and that, on the contrary, they offer certainty. Thirdly, that they be the only mechanisms ensuring participation in the political system and that the success or failure of the different actors depends exclusively on them, not on actions taking place on the sidelines. Lastly, that they work as a system of incentives and penalties in such a way that following them produces benefits and failure to do so

\(^{16}\) The referenda were held in 1986, 1994, 1995, 1997, 2006, 2007 and 2008 (the last two to approve the calling of a constituent assembly and to approve the Constitution, respectively). All these events—including the installation and workings of the constituent assemblies— were noted for strong political confrontations that were inevitably transferred to the debate concerning the institutional design. Furthermore, the reason these referenda were called was not just to decide on the legal or constitutional issues being debated, they were thought up and used as tools in the political battle of the moment.

\(^{17}\) Explanations that take the political culture as an explanatory factor generally fail to pay attention to this relationship. In this approach, the key is to be found in the system of incentives and penalties. If, for whatever reason, this type of system has not been set up, in other words, if the institutional framework does not work this way, it becomes an empty shell and the effects are uncertain (see O’Donnell 1996 and Przeworski 1999).
means losses. Another point that must be made is that there is interaction among these conditions and that none can be considered in isolation.

Based on what we have seen in the previous section, it can be said that these conditions have not been met in Ecuador and, therefore, it has not been possible to set up an appropriate environment or the pertinent procedures for dealing with the social and political conflicts. Thus, first of all, although the procedures inherent in democracy and rule of law are explicitly stated, their contradictory nature has prevented them from continuing to be the only frame of reference for political action. In the second place, because of their flexibility they have consistently been the subject of interpretations that tend to distance them from their original purpose and, above all, they have had to compete with other procedures that are not explicitly formalized. In the third place, for these and other reasons, these procedures have not had the necessary stability and, therefore, have not provided certainty for political action. Last of all, they have not been able to become the only mechanisms ensuring participation in the political system since they offer no incentives or penalties, quite the contrary, political rewards are possible from actions carried out on the sidelines of these procedures and these institutions.

Viewed this way, there are two core problems in the political institutionality of Ecuador. On the one hand, it suffers from the internal incoherence mentioned above, a situation that has become more pronounced with the constant reforms carried out without any clear guidelines. Furthermore, because of this same incoherence and the lack of any long-term goals—that should remain constant in time—it has not been possible to establish the system of incentives and penalties mentioned above. The end result is that the political actors are left plenty of room to interpret the content of the rules and procedures, and to move beyond their boundaries. This way, not only can political actions constantly change the regulatory and procedural content, they can, above all, be taken on the sidelines of the institutional framework in place at the time without any negative consequences for these political and social actors. Quite the contrary, the actors can benefit greatly as they develop their ability to manipulate the institutional framework and act beyond its boundaries. The end result, therefore, is a gutting of the institutional content, opening up a very large space for particularist practices and this, in turn, tends to undermine the universal nature that is a basic condition that institutional rules should have\textsuperscript{18}.

\textsuperscript{18} The widespread use of practices such as clientelism and corporatism is closely tied to this situation. The relations established by the political and social actors are clear proof of the institutional fragility and the gutting of content mentioned above. Clientelism—understood to mean the exchange of political support (votes) in return for favors—operates within the institutional framework in place, benefits from it, uses it while, at the same time, undermining it, until it ends up establishing a parallel institutionality. Contrary to the basic principle of democracy whereby the representatives must answer to the mandate of the people and these, in turn, must punish or reward with their votes, in the case of clientelist relations, mutually beneficial agreements are reached between people outside the bounds of institutional mediation. This way, compliance or non-compliance with the agreements depends entirely on the will of the individual, and neither the rules of the institutional framework matter at all.
4. Exhaustion and Permanence of the Model

The question that comes to mind based on the above is how long can a situation such as this continue, or, to put it another way, how far can the Ecuadorian political system go in this constant state of stretching and self-serving interpretation? The answer to these concerns can be, on the one hand, that the limits have already been reached, as proven by the (seemingly terminal) crisis in the political institutions19. The serious conflicts that arose (such as those concerning the Constitutional Tribunal, the Supreme Court of Justice and the Supreme Electoral Tribunal) in December 2004 and the removal of 57 congressmen in March 2007, together with another action by the Constitutional Tribunal in June that same year, made clear that the system lacked both the tools and the ability to deal with them. Furthermore, the drastic changes in the political scene following the referendum in April 2007, when the call for the Constituent Assembly was approved, could be interpreted as a sign of this. On the other hand, however, the answer could take the form of a fatalistic approach, one that considers that, although the limits have already been reached, things can go on as they are for a long time. The persistence of particularist practices and actions outside the institutional framework would seem to indicate that this is even happening as part of the dizzyingly fast process of change that is occurring at present.

Therefore, the situation does not necessarily mean a dichotomy between exhaustion and continuation of the model, because what will probably happen is that some of its aspects will change while, in essence, it will remain the same. It can be assumed—and this is a hypothesis that should guide future research—that, despite the reforms undertaken in recent years, especially those undertaken by the 2007-2008 Constituent Assembly, the model that features particularist practices and actions outside the established rules will not be abandoned. It will not be abandoned because the changes made are not aimed at the heart of the political system’s central problems and do not create a framework of incentives and penalties that will make the political actors act within the established rules. In other words, this is probably a process of institutional changes that will not manage to affect the political practices and behavior of the actors. To support this hypothesis it is necessary to take a brief look at the recent political process and the content of the reforms, the subject of the next section.

5. Politics and Institutional Reforms of the “Citizen Revolution”

There is no questioning the fact that a radical break has occurred in politics in Ecuador, as proven by three closely related events. First of all, the electoral majority won by a single political force, expressed in the unusual results of the referendum held in April 2007 (82% in favor of calling a Constituent Assembly)

---

19 The clearest indicator would be the collapse of the party system, expressed fundamentally in the elections of the members of the constituent assembly in September 2007 and members of the legislature in April 2009, but with the background of the legislative and presidential elections in October 2006. Another indicator is the closing down of Congress by the Constituent Assembly. This subject is dealt with in greater detail in the next section.
and in the following elections mentioned earlier (see footnote 11). In the second place, the parties that had taken over the national stage since the return of the previous democracy, as well as those that looked as though they would be taking their place when the former began their fall, were obviously displaced. In the third place, given the high concentration of votes for a single political force, the situation changed from a party system that, according to the Sartori classification (1992), was one of extreme pluralism, to a system of a predominant party (or, perhaps, a hegemonic party). The clearest indication is to be found in the drop in the fragmentation index and in the number of actual parties.

Two questions come to mind in this new situation. The first has to do with the causes leading up to it, and the second with expectations for the future. There can be several answers to the first, some of which are to be found in the first two sections of this chapter, whereas any statement regarding the second would be premature. In any case, it is worth taking a brief look at the recent process, where the germs of this new situation are to be found, both to look for explanations concerning the form it has taken and to have some elements that allow for a projection of the situation looking forward.

A first aspect that must be taken into account in this review is the crisis in the party system. As mentioned above, up until the elections in 2002, the country had a multiparty system with five main parties (Partido Social Cristiano – PSC; Partido Roldosista Ecuatoriano – PRE; Izquierda Democrática – ID; Democracia Popular – DP; and Movimiento Popular Democrático – MPD), where it was virtually impossible that any of them could win a majority (in fact, none of them ever did in thirty years) and where coalitions were punished rather than rewarded. The elections that year marked the beginning of the dismantling of that system, when those parties began their decline in electoral terms. At the same time, it looked as though their place would be taken by two relatively new groups (Partido Renovador Institucional Acción Nacional – PRIAN y Partido Sociedad Patriótica – PSP) that began playing an important role, even reaching the top places in the congressional elections in 2006. In view of the election results and the characteristics of these last two parties, it was assumed that there had simply been a change of players in the system, that it itself would remain basically the same but with different players. In fact, once again the same fragmentation found throughout the period continued to exist; moreover, these two parties were very similar to the four that had been left behind, i.e. parties with a strong caudillo component (each of them had grown around a specific presidential candidate), based on clientelist networks and populist practices.

As can be seen in Table 1, as a whole the main parties in the system lost 20 percentage points between 1998 and 2002. Four years later, they lost another 20 points, in a marked downward trend. The two new parties, in turn, were not able to continue the favorable trend that had allowed them to grow by more than 30 percentage points between 2002 and 2006, given that they declined by the same proportion in the 2007 elections. Replacing all of them, Alianza País, the political

---

20 One subject for debate is whether these votes are indicative of a caudillo-type leadership (given the strong leadership of Rafael Correa) or if, on the other hand, they are a sign of a radical change, in ideological terms, in the direction the voters’ preferences are taking. As will be seen further one, the evidence seems to point more strongly to the first option.
movement created to bolster the candidacy of Rafael Correa in the presidential elections in 2006 —a party that did not present any congressional candidates that year— took over the electoral scene when it won by a large margin (by 69.5% nationwide, as mentioned earlier) in the congressional elections in 2007.

The downward slide of the traditional parties was clearly seen in the 2006 presidential elections, when the four top runners were people who did not belong to any of the traditional parties. At the same time, this was accompanied, at least since the 1996 presidential election, with advances by candidates who could be classified as antiestablishment outsiders. Then, just eleven months after the last presidential and congressional elections —when it looked as though the new generation would take over— a drastic change occurred when the traditional parties and the two new parties dropped to the lowest levels in their history and the pro-government AP movement prevailed as the only political force. Thus, instead of a relay from within the system of parties, a new political representation scenario was created, one whose main characteristic was putting an end to the traditional fragmentation within the Ecuadorian system.

The election of the members of the assembly was preceded by the surprising outcome of the referendum in April 2007, which can be considered a landmark in the break mentioned above. It is important to remember that, up to this point the decline of the traditional parties was obvious, but there were still no signs of deterioration in the two new ones, or of the growing strength of the AP movement. The truth is that neither of these phenomena was present during the 2006 presidential election, when Rafael Correa came in second in the first round with a relatively low level of votes (22.8%). This was slightly higher than the average for candidates coming in second throughout the period (21.2%). They weren’t even clearly noticeable in the second round, since the 56.8% received by Rafael Correa is within the range of the percentage of votes of previous winners during that period (56.0%). Therefore, the turnaround actually began with the referendum in April, and took root as a trend during the election of assembly members in September and following races. Up to that time, voter behavior had followed its usual course, both in the congressional elections and in the two rounds of

---

21 Votes for Alianza País also dropped in the next election (for members of the legislative assembly in April 2009), winning 45.8% of the votes nationwide; in other words 23 percentage points less than in the election of the members of the constituent assembly.

22 In the first round of the 1996 election, Freddy Ehlers (who had no political career and had never held public office) ended up in third place with 20.6% of the votes, and Abdalá Bucaram (who can be classified as an antiestablishment candidate) came in second with 26.2%. The latter ended up winning the second round with 54.5%, nine percentage points ahead of Jaime Nebot (who unquestionably represented the old political order). During the first round in 1998, Álvaro Noboa —another person who had no political career— ended up in second place with 26.6%, eight points behind the winner (Jamil Mahuad, who could also be considered part of the political establishment). In the second round he reduced the difference to a little over two points, obtaining 48.3% of the valid votes. In the first round in 2002, Lucio Gutiérrez (whose entire political career consisted of the coup he had headed two years earlier) won with 20.6%, while a candidate of the traditional parties only made it to the fourth place (former president Rodrigo Borja, with 13.9%). In the first round in 2006, Rafael Correa (whose political career involved nothing more than having headed a ministry for three months) came in second with 22.8%. The best that the members of the traditional parties did was fourth place (León Roldós, backed by ID, with 14.8%) or lower (Cynthia Viteri of the PSC, in fifth place with 9.6%).
presidential elections (including reversal of the results of the first round). Therefore, we must look for the immediate causes—not the long term ones examined in the previous sections—in this brief, six-month period between the presidential and congressional elections in October 2006 and the referendum in April 2007.

The roots of these causes were both economic and political. In the case of the former, there was the favorable environment when his administration began, with high oil prices that allowed for increased public spending, especially for fostering direct assistance programs (with the state always reinforcing the clientelist networks). At the second level, there are three central elements: of these, one involves a break and the other two, continuity. The break involves elimination of the traditional practice of creating alliances with the traditional parties or, in general, with the political organizations that can guarantee a majority in congress. Following an initial attempt to reach agreements with some parties, prompted undoubtedly by the extremely weak situation in which he found himself since he didn’t have a single member of congress, the president opted for direct confrontation. Before that, however, he followed the rule of national politics when he formed a coalition with the alternates of the 57 congressmen who were removed unconstitutionally and illegally. The difference between this and prior practice was that the understanding was used not to control Congress, as had usually been the case before, but to eliminate it as a political actor. The alternate congressmen were only useful to be able to call the Constituent Assembly and so, once this goal had been achieved, they would have to abandon the political scene. Therefore, the first major difference in the expression of this tendency is to be found not so much in the lack of agreements with other political forces—which did, in fact exist—but in the break with the logic that based the fate of the government on the workings and feasibility of these alliances in Congress. In this case the agreement was one of the steps—perhaps the most important one—for getting rid of them.

The two continuity elements aim directly at the heart of this chapter given that they have to do with preservation of practices and behavior generally found throughout the previous period, and identification of institutional reform as a central element of political action and as a factor for mobilizing citizen support. No changes are to be found in these two aspects, but, quite the contrary, a

23 It can be assumed that the picture would have been different if Rafael Correa had presented candidates for the congressional election in October 2006 because the distribution of overall voting would have been different. That is obvious in arithmetical terms, but does not mean that he could have gained a significant number of votes in the congressional elections. What is most probable is that AP would have received far fewer votes than Correa did in the presidential election (22.8%) since he benefited, in the presidential race, from the depletion effect of the other candidates of his same tendency (which add up to 3.5% in all). On the contrary, in the congressional elections the political organizations that backed him (MPD, PS-FA and MUPP-NP) received 11.1%, meaning that potentially AP would have received approximately 10%. The historical trend of votes received by parties on the left supports this assumption.

24 Another point to be taken into account is that for the previous four years (following the disastrous effects of the 1999 crisis), the Ecuadorian economy had lived through somewhat of a boom, with growth rates of more than 5%, stability that the country hadn’t experienced in decades, and a drop of more than twenty percentage points in the poverty rates. Nevertheless, these figures prompt one to ask what led most of the population to back a candidate who offered a radical change in the economic model (a challenging question for studies on how rational votes are).
further entrenchment of a tendency that dates back close to thirty years. In fact, government action is known for its failure to abide by the rules in place for the political game, even those originating in its own decisions (either directly, or by means of the Constituent Assembly and contained in the new constitution). The facts mentioned above regarding the way in which the referendum was called and the congressmen were removed are proof of how little the rules of the political game matter. In addition to this, we find the constant violations of the by-laws and regulations of the Constituent Assembly by the members of pro-government bloc itself, despite the fact that both instruments had been drafted by them. On top of this there are the violations of the Constitution from the very moment that it was enacted\textsuperscript{25}. What was first presented as an unavoidable element in the battle against an outdated and unfair system, became routine practice, inevitably undermining the institutions, rules and procedures they were attempting to build.

The government, in turn, has used clientelism as the core element for its political action when setting up focalized networks of social programs, using declarations of emergency to an extent never seen before in the country’s history, and constant electoral actions. The economic situation resulting from high prices of oil on the world market contributed to making clientelist practices more viable than before, turning it into the preferred form of political give and take\textsuperscript{26}. As we will soon see, this tendency is also found in the content of the political reform, especially in the design of the political system found in the Constitution and other legal instruments.

In light of these elements we can now broach the subject of the political reforms promoted by the government as part of the so-called “citizen revolution”\textsuperscript{27}. In doing so, it is necessary to remember the comments made earlier, namely that the original flaws and gaps in the design of the political system, as well as the constant and chaotic reforms carried out without any clear goals in mind, had produced an institutional framework that was incoherent and lacked the capacity to deal with political conflict. Therefore, political reform had to aim at solving the problems underlying these problems, in other words it had to attack the causes. As we have seen, these problems were, on the one hand, the creation and continuation of an acutely fragmented system and, on the other, the existence of incentives for political stalemates, resulting in diminished governance. Therefore,

\textsuperscript{25} The day the Constitution came into force, the Constitutional Tribunal assumed the duties and powers of the Constitutional Court despite the fact that the Constitution called for a special procedure for the establishment of the latter. Later on this same body issued a resolution that actually amended the Constitution without having the necessary powers to do so. The National Assembly (the body that replaced the National Congress) neither processed nor passed the laws called for in the Constitution during the period stipulated. The establishment of several government agencies (such as the Citizen Participation and Social Oversight Council) did not follow the rules provided for in the Constitution.

\textsuperscript{26} The elimination of the funds created with surplus oil income, put in place when Rafael Correa was minister of economy, was pivotal in this regard. The existence of funds in the treasury that could be freely used was fundamental in fostering the focalized programs that produced immediate results.

\textsuperscript{27} The implementation of deep-seated reform by calling a Constituent Assembly was one of Rafael Correa’s campaign promises. Although no mention was ever made of content, it was an effective tool for mobilization in a context of widespread rejection of the political parties and political practices in general.
it can be said that these problems lay in the relationship between the branches of government, basically between the legislative and executive branches and the electoral system. Therefore, any comprehensive political reform capable of providing solutions to the social demands and capable of properly processing the political conflict would have to focus on these two levels. That is why our analysis must concentrate on the constitutional provisions dealing with these areas.

In the case of executive-legislative relations, the provisions of the Constitution aim at reinforcing the tendency to imbalance, given that that was one of the characteristics of the 1998 Constitution. A mistaken idea of governance led the authors to strengthen the executive branch at the expense of the powers of the legislature. The latter was deprived of its power to censure members of the president’s cabinet (it could try them but not remove them) and its powers to have a say in the government budget were noticeably curtailed. This meant that Congress lost a considerable standing as a political stage on which conflicts were dealt with and where a good part of the allocation of resources was decided; this pushed politics out into the street or, in general, into the realm of informal procedures. A radical change was, therefore, desperately needed, one that could only involve establishing a balance between the two branches. The new constitution, however, does exactly the contrary. Although it is true that the legislature was given back its power to remove ministers (article 131), at the same time its main powers have been curtailed—and, even, eliminated—and, in general, it has been placed on a lower footing than the executive.

The main indication of this lack of balance between the branches of government, and reason why the whole system has been called “hyperpresidentialist” is the so-called muerte cruzada (cross-kill) procedure. This is the power that each of the two branches has to terminate the other by means of an act that means the end of the mandate of both. Thus, the National Assembly can remove the president of the republic for “assuming powers that he does not have under the Constitution, following a decision in favor by the Constitutional Court” or due to “a serious political crisis and internal upheaval” (article 130). The president of the republic, in turn, “may dissolve the National Assembly when, in his opinion, it has assumed powers not granted to it by the Constitution, following a decision in favor by the Constitutional Court; or if it repeatedly and with no justification hinders implementation of the National Development Plan, or due to a serious political crisis and internal upheaval” (article 148).

In either of the two cases, presidential and congressional elections must be called immediately (articles 130 and 148), but the president remains in office and may govern by means of decrees when the National Assembly has been dissolved (and is replaced by the vice-president in the case of impeachment). In the case of the National Assembly, however, it ceases immediately in either case, in other words both when it has impeached the president and when he has dissolved congress. Therefore, this is a provision that favors the executive branch alone given that the

---

28 Obviously there were serious problems in the judiciary, and within the oversight agencies, but to a large extent the solutions to these would depend on the reforms to those considered the core institutions.

29 The Constitution differentiates between this procedure and a political trial (impeachment) where there are other conditions.
president can, entirely on his own, dissolve the National Assembly (for standing in the way of the development plan or due to a crisis and internal upheaval), whereas the latter needs an improbable two thirds majority to unseat the president for the same reason of crisis and internal upheaval

What this does is incorporate an element characteristic of parliamentary regimes into a presidential system, paying no attention to the set of rules and procedures that must also be in place in order to achieve the desired results. The conclusion thus is that, instead of providing the balance and reciprocal control over the branches of government, this exacerbates one of the Ecuadorian political system’s most serious problems.

The second proof of further entrenchment of the imbalance is found in the establishment of the Citizen Participation and Social Oversight Council (CPCCS in Spanish). This agency, created to head the so-called fourth branch of government (transparency and social oversight), is made up of seven people chosen by means of a public selection process based on merits (article 207); this means that, strictly speaking, they have not been given a mandate and do not reflect the will of the people. Despite this, they are entrusted with many of the duties assigned to the legislature in modern-day democracies, such as taking part in appointing the people in charge of oversight and similar agencies.

What this means is that an agency that represents the will of the people and, therefore, is made up of delegates, is being replaced by an entity devoid of either attribute.

Furthermore, this lack of balance becomes even more evident with the establishment of the Constitutional Court, which not only replaces the current Constitutional Tribunal as an oversight agency, but will also take over some of the powers usually assigned to the legislature. The court has been assigned the exclusive authority to interpret the Constitution (article 436), taking it away from the National Assembly. The court will also be the body in charge of approving or denying several initiatives arising from the powers of the state, including the impeachment of the president of the republic (article 129). Moreover, the members of this court will not be subject to oversight by means of a political trial

---

30 Although, based on an elementary exercise of rational choice theory it might seem that, although both actors have the same power (to eliminate the other) and can argue the same causes (serious crisis and internal upheaval), there is a basic difference in resources and opportunity that tips the scales in the executive branch’s favor. This is the case because, first of all, all the president needs is his own wish, whereas the Assembly must manage a two-thirds majority and, secondly, because the president remains in office—with greater powers—when he dissolves the Assembly. One can even envisage that, faced with a congressional initiative to unseat him, the president might grasp this opportunity to dissolve the assembly, using the same arguments (serious crisis and internal upheaval), before a vote is taken.

31 The CPCCS is in charge of appointing the prosecutor general, the comptroller, the ombudsman, the public defender, the attorney general, the superintendents of companies, insurance and telecommunications, the members of the National Electoral Council, the Electoral Litigation Court, and the Judiciary Council. The National Assembly, the representative body *excellent*, has no say in these appointments.

32 The confusion between the powers of constitutional oversight and constitutional interpretation is obvious. To deprive the National Assembly of the latter power is to deny the people’s sovereignty when it comes to the Constitution.
(article 431), placing them above the other institutions and granting it power over all of them³³.

As for the electoral system, the new constitution (and the elections law enacted in April 2009) contains two changes that do not entail any substantial differences vis-à-vis the system that governed the last elections. The first of these is that the electoral institutions were turned into a branch of government (the fifth) at the same level as the executive, the legislative, the judicial (which became “judicial and for indigenous justice”), and transparency and social oversight. This branch is made up of the National Electoral Council and the Electoral Litigation Tribunal (article 217), entities that replace the Supreme Electoral Tribunal. Thus separating the roles of organizing and carrying out elections and those involving electoral justice. The second change has to do with granting the option to vote to members of the military and police forces and to youths between the ages of 16 and 18 (article 62). No reference is made, however to the components of the electoral system and voting remains mandatory for people between the ages of 18 and 65³⁴.

Furthermore, the political reform included in the Constitution places a great deal of emphasis on direct democracy and participation by the people. Beginning with Chapter I, where the state is defined, the Constitution provides that “Sovereignty lies in the people, whose will is the basis for authority, and is exercised through the bodies of public authority and using the forms of direct participation provided for in the Constitution” (article 1). The inclusion of forms of direct participation marks a difference with the 1998 Constitution, which said that “Sovereignty lies in the people, whose will is the basis for the authority that it exercises through the bodies of public authority and the democratic means provided for in this Constitution” (article 1). Therefore, it can be said that, from the very starting point —the definition of sovereignty and state— the concept under the new constitution is different from the one that existed earlier and was included in all the constitutions the country had throughout the 20th century.

All of them provided for a democratic regime that was almost exclusively representative. Although in some cases, specifically the 1998 Constitution, forms of direct participation were included, there is no denying that they were not a

³³ In addition to these factors, the curtailing of the Assembly’s powers can also be seen in the article that provides that this body must approve (not debate or change) the government budget. In fact, section 12 of article 120, where the powers and duties of the National Assembly are specified, states that it must “[a]pprove the General Government Budget, where the limits to government indebtedness will be set, and oversee performance thereof.” It is true that, in what is an obvious contradiction, article 295 states that “[t]he National Assembly shall approve or comment on... the annual pro forma budget and the four-year program,” which will require an interpretation every time a budget is presented. It is to be assumed that this interpretation will have to recognize that the first provision prevails given that it is part of the description of the powers and duties of the Assembly, whereas the other one simply refers to a procedure.

³⁴ The Electoral and Political Organizations Act made practically no changes to the electoral system, which works against the goals that should have guided the political reform given that, as we have seen throughout this chapter, this was one of the decisive elements in the fragmentation and resulting lack of governance that characterized the country for over 15 years. The law kept negative aspects such as voting for candidates on open lists, the possibility of presenting candidates to the National Assembly in a single province, and the ability to set up alliances separately in each province. Thus, all the negative factors remained unchanged.
fundamental part of the system. They were additional forms that helped perfect it, but were not the essence of the Constitution. Quite the contrary, one of the specific features of the regime designed by the new constitution is that it contains similar doses of the attributes of a representative democracy and of a participative democracy. That is what is meant when it is said that political authority, as an expression of the sovereignty of the people, is exercised both through representation (“through the bodies of public authority”) as well as directly, with no intermediation, (“using the forms of direct participation”).

Given this initial definition, institutions and procedures that will make it a reality must be designed. To this end, the Constitution resorts to two types—or establishes two levels—of participation. The first is political participation per se that is explicitly provided for in several articles and shapes the specific institutions and procedures. The second is citizen participation in areas other than politics or the shaping and performance of political power, one that is not necessarily expressed in the form of institutions and procedures, but is more properly in the form of rights that will, further down the road, demand materialization in specific institutional forms.

In this regard, mention must be made of the participation components that are included as part of the rights to live well (Title II, Chapter Two) in terms of communications and information (article 16, sections 1 and 5), culture and science (article 23), education (articles 26, 27 and 28), and social security (article 34). Furthermore, the principle of participation is included among the rights recognized for groups requiring priority attention (Title II, Chapter Three), such as senior citizens (article 38), the young (article 39), children and adolescents (article 45), and the handicapped (articles 47 and 48). The participation of all these groups requiring priority attention is expressed fundamentally in the definition and implementation of policies applicable to their sector or situation. Lastly, the right to participation in these terms is also recognized for communities, peoples and nationalities (article 57, sections 8 and 14 in Title II, Chapter Four).

Therefore, the concept of rights found in the new constitution includes a major component of citizen or social participation. The validity of the rights recognized for each of the entitled is directly associated with their participation. This shows that the Constitution aims at producing people who actively claim these rights, in other words, people who play an important and significant role in the materialization of these rights. The citizen is considered to be a conscious holder of his rights, not a passive element benefiting from them regardless of any individual or collective action. This is a concept whose origins are to be found in classical republicanism (of Spartan origin, defended by Aristotle in Politics and subsequently taken up by Machiavelli) and that, as will be seen in the following sections, leads to a very interesting debate concerning the universal validity of rights.

Again in this same area of rights, the Constitution introduces a new element, one that was not found in the earlier constitutions, when it speaks of the “right to resistance” (article 98). According to this article, “Individuals and collectives may exercise the right to resistance when faced with actions or omissions by the public authorities or individuals or non-state bodies corporate that work against
or could work against their constitutional rights, and demand recognition of new rights” (article 98). It also provides that “Citizen action shall be exercised individually or in representation of the collective in the event of violation of a right or the threat that it may be affected” (article 99). This means that the people — both as individuals and in the collective— have the power to resist not only in the case of actions affecting their rights, but also in the case of actions they consider pose a potential threat to these rights. It is, therefore, another right aimed at creating the active citizenry mentioned above and involves a certain degree of direct participation by people (not only when exercised collectively, which would be the most obvious case of participation, but also when exercised by an individual, since it requires decisive action in this regard).

This association between the validity of rights and participation leads to the question of whether the latter should be considered a condition sine qua non of the first or if their validity is ensured regardless of any social and political participation. Given the form of republicanism that seems to permeate the Constitution, it would seem that the aim is for the validity of rights to depend on participation. It would appear that one of the goals is to have a citizenry that is active, aware of its rights and resolved to ensure that they are respected. This could end up meaning differences in the degree of application and validity of these rights, given that those who play an active role and become involved in application of the rights would achieve better results than those who fail to do so, thus violating the principle of equality of all citizens.

In the other area, that of political participation, there are specific institutions and procedures that, in turn, create a form of democracy that is substantially different from what existed before. As seen earlier, direct participation by the citizens is placed at the same level as representation as a basis for authority and a means for setting up public authority. This principle is covered in several sections of the Constitution, beginning with Chapter Five in Title II (“Rights”), titled precisely “Participation Rights” (where representation is not included despite the fact that it is to be found in the respective articles). This chapter clearly states the basic principles governing the political systems in terms of political rights. The definition of these begins with the right to elect and to be elected (article 61, section 1), which is, strictly speaking, a right to representation. The next five rights deal directly with participation, taking the form of “participating in affairs of public interest,” “presenting projects of people’s lawmaking initiatives,” “being consulted,” “auditing the acts of public authority,” and “revoking the mandate given to elected authorities” (article 61, sections 2, 3, 4, 5 and 6, respectively).

The first of these rights (to participate in affairs of public interest) consists of a general statement that can be expressed in many ways and that, in fact, is given material form in some of the concrete elements to be considered further ahead. Article 95 reaffirms this right when it states that “Citizen participation in all

---

35 One relatively recent attempt to make the validity of rights contingent on participation (understood in broad terms) was promoted by neoconservatives in England and the United States during the governments of Margaret Thatcher and Ronald Reagan, respectively. In both cases, the aim was to deprive the destitute of their social (and some political) rights because they did not make any financial contribution or contribute anything useful to society.
affairs of public interest is a right, one that will be exercised using the
mechanisms of representative, direct and community democracy.” The other
rights, on the other hand, explicitly define the participative concept that the
Constitution assigns to democracy, and are translated into concrete institutions
and procedures. Thus, the right to present projects of people’s lawmaking
initiatives is given the form in the provision that allows the citizens to present
projects for the creation, amendment, or repealing of laws or articles of the
Constitution (article 103). This is a right that has been recognized in Ecuador
since the enactment of the 1978 Constitution, while in this one it has been
expanded to include amending the Constitution, and the requirements for
exercising this right have been reduced (especially in terms of the signatures
required for a proposition).

The right to be consulted involves many forms and expressions, among others
children’s and adolescents’ right to be consulted on issues affecting them (article
45). The right, already included in the 1998 Constitution (article 84, section 5), of
prior consultation with communes, communities, peoples and nationalities
concerning plans and programs for prospecting, extracting and marketing non-
renewable resources found on their lands (article 57, section 7 of the 2008
Constitution) remains in place. Furthermore, these same groups must be
consulted before the adoption of any measure that could affect their collective
rights (article 57, section 17). Consultation under these terms will also apply in
the case of state decisions that could affect the environment; in this case, the
community that could potentially be affected must be consulted, although the
result of the consultation is not binding (article 398). Given that this is a
constitution, it does not set the procedures, methods and requirements for the
actual exercise of these rights; therefore, the respective laws in this regard are
needed.

Moreover, this right is expressed in strictly political terms in the case of
consulting with the people, something that does, in turn, and although not
explicitly stated in the Constitution, have a passive and an active form. The first
is the citizens’ right to be consulted, while the second is the right to foster
consultations of the people (no differentiation is made between the two forms in
article 104). Although both take the same form (consultation), it is very important
to differentiate between them, given that it is the expression of rights that are
substantially different and, above all, involve very different criteria for
understanding democracy. In the first case, the citizens play a passive role,
whereas in the case of the second they are active. Furthermore, and more
important still, the first involves recognition of the public authorities’ right to
consult, a reinforcement of its legislative and constitutional powers, whereas the
second is used to strengthen the citizens’ capacity to exercise their will and limit
the power of the state. They are, thus, two very different ways of viewing
democracy and the exercise of the citizens’ rights (which has even, as pointed out
above, led some countries to only recognize the active rights of citizens on the
understanding that the political authorities already have enough power and,
additionally, to avoid the possibility that consultation may end up being used as a tool for manipulation by those in power).  

The auditing of actions by the public authorities is found in general principles that require subsequent definition, such as the one that states “[t]he participation of individuals, communities, peoples and nationalities in the making, implementation, evaluation and control of public policies and public services is to be guaranteed” (article 85). The same can be said regarding the provision whereby “The citizens, individually and collectively, shall take part as protagonists in the decision-making, planning and management of public affairs, and in the people’s oversight of the institutions of the state and society, and of their representatives, in a permanent process for construction of the people’s power” (article 95). A similar provision is found in article 96, which reads: “All forms of organization of society are recognized as an expression of the people’s sovereignty to develop self-determination processes and influence government decisions and policies and the social oversight of all levels of government, as well as of the public and private entities that provide public services.” Thus the Constitution repeats these principles at several different points, an indication of the importance it is being given under the new political system.

When it comes to giving this principle material form, we find provisions that define institutions and design procedures. Among these, one that stands out states that “Institutions for participation, made up of elected authorities, representatives of the dependant regime and representatives of society of the territorial ambit of each level of government, whose work shall be governed by democratic principles, are to be created at all levels of government” (article 100). The purpose of participation in these institutions is to draw up plans and policies, improve the quality of public investment, define agendas for development, draw up budgets, establish mechanisms for transparency, accountability and social oversight, foster “citizen training” and promote communication processes. Therefore, participation institutions that can carry out these duties and make it possible to achieve these goals must be set up at all levels of government (national, provincial, local).

Although the constitution does not go into the institutional aspect, this provision offers a very clear statement of the idea of democracy expressed therein. A first element meriting emphasis is that political power set up in representative terms (“all levels of government”) must coexist with institutions that include representatives of the executive branch (“representatives of the dependant regime”) and members of the respective society (“representatives of the society of the territorial ambit”). Therefore, together with the representatives of the citizens

36 We must point out that the idea of consulting with the people was first included in the Ecuadorian constitution in 1967. That constitution provided that “[t]he plebiscite for directly consulting the opinion of the people in those cases provided for in the Constitution is hereby established. The decision reached by plebiscite shall be unimpeachable” (article 72). This, however, was only in the passive form because the president of the republic alone had the power to call for a consultation (article 184, section 10). The conditions remained the same in the constitution enacted in 1978 (articles 57-59) while adding the possibility that Congress could ask the president to call for a consultation to override a veto to a law (article 93). The 1998 Constitution left the presidential powers in place (articles 103, 104 and 283) and granted the citizens, as well as local and provincial bodies, the power to call for a plebiscite in certain specific cases (articles 105-108).
— the materialization of their will expressed by means of electoral processes — the delegates of the executive branch and other people who consider themselves representatives of society will act on the same footing. As we will see further on, this is one of the most hotly debated issues given that the status of the latter as representatives can be questioned as can the powers that are recognized — on the same footing as the elected representatives — in the case of the delegates of the agencies of the central government.

The last of the elements listed among the political rights is that to revoke the mandate, which is also a form of social control over elected authorities. This is a right that has existed in Ecuador since the enactment of the 1988 Constitution (articles 109-113), but which has not been used by the citizens. The constitution now in place has reduced the requirements (especially by calling for a smaller percentage of signatures), expanded it to include all elected officials, including the president of the republic, who had not previously been subject to this type of control, and eliminates the earlier list of causes (article 105). Therefore, the citizens can now revoke the mandate of an elected official without having to point to any predefined cause, which could lead to claiming loss of trust as a general cause. Furthermore, the extremely broad terms being set for this right mean that the corresponding law will necessarily have to clarify many basic and procedural aspects.

Furthermore, the new constitution includes a new type of participation, by requiring the “empty seat to be occupied by a representative or a citizen representative depending on the issues to be discussed, for the purpose of taking part in the debate and the decision making” (article 101). What this is, therefore, is a way of making feasible the direct presence of people or organizations interested in a given issue, so they can present their arguments or points of view and have a say in the decisions. The respective law must determine whether this empty seat can be occupied alternatively by people holding different points of view (as it should be in order to guarantee democratic equality), and must also clearly state the limits to the powers of those occupying the seat (among others, the extent to which they are to participate in the decision-making, in other words whether, in addition to the right to be heard they also have the right to vote). It would, however, be a very serious mistake to assign the seat to one person or organization alone, as this would be tantamount to sideling other sectors that might have an interest in or be affected by the issue being discussed. Assignment of this right to a single person or organization would limit the democratic nature of this new option. Furthermore, the issue of granting the right to vote to whoever is sitting in the seat is highly debatable given that, assigning it to a single person or organization would be to grant them a privilege, and if it is assigned to several people or organizations it would be impossible to draw up clear-cut rules for processing votes.

All in all, in terms of social participation and oversight, the 2008 Constitution maintains, while at the same time expanding and deepening, provisions already to be found in the 1998 Constitution as forms of direct democracy (legislative initiative, consulting the people, and revoking mandates), creates new institutions (Citizen Participation and Social Oversight Council, empty seat), leaves open the possibility of creating other areas of participation and oversight in all government
bodies, and establishes the principles that are to govern the procedures to be followed to achieve those ends. With all this it creates a form of democracy in which participation has practically the same standing as representation. It can even be said that in some cases—such as the Citizen Participation and Social Oversight Council—the former prevails over the latter. It is a type of democracy that calls for a conceptual debate, not in the form of an academic debate but as something needed to understand the effects that application of this system can lead to.

Tables and Graphs

Table 1.
Voting for Traditional and New Parties.
Legislative Elections 1979-2006 and Constituent Assembly 2007

<table>
<thead>
<tr>
<th>Year</th>
<th>PSC</th>
<th>ID</th>
<th>DP</th>
<th>PRE</th>
<th>Subtotal</th>
<th>PRIAN</th>
<th>PSP</th>
<th>Subtotal</th>
<th>Others</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1979</td>
<td>6.4</td>
<td>14.8</td>
<td></td>
<td></td>
<td>21.2</td>
<td></td>
<td></td>
<td></td>
<td>78.8</td>
<td>100.0</td>
</tr>
<tr>
<td>1984</td>
<td>11.5</td>
<td>20.0</td>
<td>7.3</td>
<td>5.1</td>
<td>43.8</td>
<td></td>
<td></td>
<td></td>
<td>56.2</td>
<td>100.0</td>
</tr>
<tr>
<td>1986</td>
<td>12.6</td>
<td>14.5</td>
<td>9.4</td>
<td>9.0</td>
<td>45.5</td>
<td></td>
<td></td>
<td></td>
<td>54.5</td>
<td>100.0</td>
</tr>
<tr>
<td>1988</td>
<td>12.4</td>
<td>22.6</td>
<td>10.9</td>
<td>16.3</td>
<td>62.3</td>
<td></td>
<td></td>
<td></td>
<td>37.7</td>
<td>100.0</td>
</tr>
<tr>
<td>1990</td>
<td>24.5</td>
<td>13.0</td>
<td>10.0</td>
<td>14.8</td>
<td>62.4</td>
<td></td>
<td></td>
<td></td>
<td>37.6</td>
<td>100.0</td>
</tr>
<tr>
<td>1992</td>
<td>23.1</td>
<td>9.1</td>
<td>7.2</td>
<td>15.9</td>
<td>55.3</td>
<td></td>
<td></td>
<td></td>
<td>44.7</td>
<td>100.0</td>
</tr>
<tr>
<td>1994</td>
<td>26.4</td>
<td>10.0</td>
<td>8.2</td>
<td>16.8</td>
<td>61.3</td>
<td></td>
<td></td>
<td></td>
<td>38.7</td>
<td>100.0</td>
</tr>
<tr>
<td>1996</td>
<td>27.9</td>
<td>7.1</td>
<td>11.9</td>
<td>21.3</td>
<td>68.2</td>
<td></td>
<td></td>
<td></td>
<td>31.8</td>
<td>100.0</td>
</tr>
<tr>
<td>1998</td>
<td>20.3</td>
<td>11.9</td>
<td>24.1</td>
<td>17.5</td>
<td>73.8</td>
<td></td>
<td></td>
<td></td>
<td>26.2</td>
<td>100.0</td>
</tr>
<tr>
<td>2002</td>
<td>26.4</td>
<td>11.9</td>
<td>3.1</td>
<td>11.9</td>
<td>53.3</td>
<td>13.8</td>
<td>0.3</td>
<td>14.2</td>
<td>32.5</td>
<td>100.0</td>
</tr>
<tr>
<td>2006</td>
<td>14.9</td>
<td>8.3</td>
<td>2.3</td>
<td>7.2</td>
<td>32.7</td>
<td>27.6</td>
<td>17.9</td>
<td>45.6</td>
<td>21.8</td>
<td>100.0</td>
</tr>
<tr>
<td>2007</td>
<td>3.9</td>
<td>0.5</td>
<td>0.4</td>
<td>0.8</td>
<td>5.6</td>
<td>6.6</td>
<td>7.3</td>
<td>13.9</td>
<td>80.5</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Table 2.
Presidential Elections 2006

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Party</th>
<th>Votes %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Álvaro Noboa</td>
<td>PRIAN</td>
<td>26.84</td>
</tr>
<tr>
<td>Rafael Correa</td>
<td>MPAIS/PS-FA</td>
<td>22.86</td>
</tr>
<tr>
<td>Gilmar Gutiérrez</td>
<td>PSP</td>
<td>17.58</td>
</tr>
<tr>
<td>León Roldós</td>
<td>RED/ID</td>
<td>14.79</td>
</tr>
<tr>
<td>Cynthia Viteri</td>
<td>PSC</td>
<td>9.57</td>
</tr>
<tr>
<td>Luis Macas</td>
<td>MUPP-NP</td>
<td>2.18</td>
</tr>
<tr>
<td>Fernando Rosero</td>
<td>PRE</td>
<td>2.05</td>
</tr>
<tr>
<td>Marco Proaño</td>
<td>MRD</td>
<td>1.43</td>
</tr>
<tr>
<td>Luis Villacis</td>
<td>MPD</td>
<td>1.30</td>
</tr>
<tr>
<td>Jaime Damerval</td>
<td>CFP</td>
<td>0.46</td>
</tr>
<tr>
<td>Marcelo Larrea</td>
<td>ATR</td>
<td>0.42</td>
</tr>
<tr>
<td>Lenin Torres</td>
<td>MRPP</td>
<td>0.28</td>
</tr>
<tr>
<td>Carlos Sagnay</td>
<td>INA</td>
<td>0.24</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>100.00</td>
</tr>
</tbody>
</table>
Table 3.
Assembly Elections, 2007
(National Assembly Members)

<table>
<thead>
<tr>
<th>Party</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>PSC</td>
<td>3.88</td>
</tr>
<tr>
<td>ID</td>
<td>0.54</td>
</tr>
<tr>
<td>DP</td>
<td>0.43</td>
</tr>
<tr>
<td>PRE</td>
<td>0.80</td>
</tr>
<tr>
<td><strong>Subtotal traditional parties</strong></td>
<td><strong>5.65</strong></td>
</tr>
<tr>
<td>PRIAN</td>
<td>6.62</td>
</tr>
<tr>
<td>PSP</td>
<td>7.28</td>
</tr>
<tr>
<td><strong>Subtotal new parties</strong></td>
<td><strong>13.90</strong></td>
</tr>
<tr>
<td>MPAIS</td>
<td>69.47</td>
</tr>
<tr>
<td>Others</td>
<td>10.98</td>
</tr>
<tr>
<td>Total</td>
<td>100.00</td>
</tr>
</tbody>
</table>

Table 4.
Presidential Elections 2009

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Party</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Correa</td>
<td>AP</td>
<td>52.0</td>
</tr>
<tr>
<td>Gutiérrez</td>
<td>PSP</td>
<td>28.2</td>
</tr>
<tr>
<td>Noboa</td>
<td>PRIAN</td>
<td>11.4</td>
</tr>
<tr>
<td>Roldos</td>
<td>RED</td>
<td>4.3</td>
</tr>
<tr>
<td>Sagnay</td>
<td>MTM</td>
<td>1.6</td>
</tr>
<tr>
<td>Jacome</td>
<td>MTF</td>
<td>1.4</td>
</tr>
<tr>
<td>Delgado</td>
<td>MITS</td>
<td>0.6</td>
</tr>
<tr>
<td>Gonzalez</td>
<td>MIJS</td>
<td>0.5</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>100.0</td>
</tr>
</tbody>
</table>
Graph 1. Logic of how the centralist system and clientelism work

- **Government** (monopoly of functions)
  - Pressure, stalemates
  - Privileges
  - Resources
  - Clientelism

- **Congress** (represents interests)
  - Pressure, stalemates
  - Privileges
  - Clientelism

- **Social groups, local entities, social movements, pressure groups** (needs, interests)
Bibliography


O’Donnell, Guillermo, “Otra institucionalización”. In La Política, pp. 5-27. 1996


Paramio, Ludolfo, “Cambios sociales y desconfianza política: el problema de la agregación de preferencias”. In Revista Española de Ciencia Política 1, pp. 81-95. 1999

Przeworski, Adam, “Democracia y representación”. In Metapolítica 3 (10), pp. 227-257. 1999


Shugart, Matthew and John Carey, Presidents and Assemblies: Constitutional Design and Electoral Dynamics. Cambridge: Cambridge University Press. 1992
Political Regime, Institutional Improvisations and Democratic Governance in Peru

Romeo Grompone
Rodrigo Barrenechea

In recent times, sustained economic growth, changes in the social sphere, and distributive demands by the majority of the population have been out of sync in Peru. This situation is reflected in two circumstances that give rise to justified concern. The signs point to Peru witnessing a scenario of social polarization in the next few years if this tendency continues. In the first place, support for the government differs significantly depending on a person’s social origins and which part of the country he or she comes from. Rejection of the present political administration is more pronounced among the poorest sectors and in the mountain and jungle regions. In the second, the political system as a whole, the network of institutions serving the rule of law, and each of the political parties have fallen into disrepute, a situation that goes back to the early years of the transition and shows no sign of having changed.

What happens then is that the economic elites and the groups in general that are most convinced of the government’s good performance still anticipate scenarios of positive economic change and at the same time pessimistic political outcomes, which, as they see it, set back the achievements they consider have been obtained. The problem is omnipresent; it fuels fears. There is the desire to shrug it off, yet it is also perceived as being an issue that has to be addressed.

The government uses a discourse of confrontation, discrediting those who do not share its economic and political project. Its opponents are the bearers –to its way of thinking- of an archaic system of thought. In the words of the President, “the 19th century anti-capitalist went disguised as a protectionist in the 20th century and has changed his discourse once again in the 21st century to become an environmentalist.”1 And on the other hand, also outside its proposal are the smallholder farmers, fishermen, unionized workers, jungle communities, and schoolteachers, alluded to as people whom years of “poor quality education have not taught to understand and reason critically.” Superimposed on an orientation of continuing with the guidelines of a policy of promoting a market economy, an authoritarian modernization –not necessarily a consequence of the former - has been incorporated that has led to an active intervention, albeit unsuccessful, in the land market in the mountain and Amazon communities, in this case contravening the international treaties to which Peru is a signatory. Mention needs to be made of this situation because there is a build-up of tensions between the efficacy of the law, characteristic of any legislative act, and the force of the law that expresses, in practice, its position in a legal system subject to the existing play of correlation of forces and the radical and plebiscitary decisionist style that the President pretends to give to his administration [Agamben 2004; Pinto 2002].

---

While the government’s actions pursue this orientation in a context of progressive isolation, as revealed in the opinion polls and in contrast to what is happening in other countries in the Andean region, in recent years Peru has been experiencing manifestations of nonconformity by social movements and in the form of local protests that break out quite unexpectedly and which the government has failed to foresee and for which it has opened no channels of dialog for dealing with them in an orderly fashion. The space of action of these movements is predominantly territorial, not the workplace. As a general rule, they go through phases of apparent inactivity and phases when they flare up violently, demand radical changes, and are disinclined to make concessions, at least in the early stages. Some of the most well-known manifestations of this process, in addition to the traditional list of trade union demands, are denouncements of bad government brought against mayors by opponents and local inhabitants who, faced with the weakness of the intermediate authorities, redirect their efforts for a solution to central government. They question the reasons for granting mining permits or, subsequently, the working of those mines given the different impacts on the economies of farming communities and, to a lesser extent, of towns and cities, bearing in mind the revenues they are supposed to contribute to the communities and the different environmental consequences of these mining activities; and, on another front, the disputes stirred up by the coca-growers' movements.

What is at stake is democratic governance, convincingly characterized by Flisfisch [1988] as being associated with the timely taking of decisions, their effectiveness and efficiency, social acceptance of those same decisions, their coherence over time so that they do not have effects different from those proposed, and attention to the triple demand of growth, equity, and democracy. Coppedge [1994] emphasizes its ties with a framework of relationships among strategic actors who comply with stable and mutually accepted formulas. Strategic actors have to do with government authorities, bureaucracy, de facto powers, parties and organizations with an acknowledged level of influence. It is precisely the lack of protagonists with influence in these different areas in Peru that casts doubt on the strength of the solutions that are proposed and on which, nevertheless, there is no alternative but to insist.

This chapter analyzes the characteristics of Peru’s political regime. It discusses the reasons why its fundamental problems do not have to do with the institutional design that provides the guidelines for the relations between the executive and the legislature but with the inappropriate use of certain remedies it is empowered to use, distorting the purposes behind different provisions promoted by the Executive that, intentionally, affect political stability and the checks and balances among the branches of government.

Following an examination of the relations between the executive and the legislature, a brief overview is given of the weaknesses of the parties in general and also of the functioning of congress, the influence of the regional movements, and the formation of benches that respond to circumstantial factors rather than shared projects, which makes alignments unlikely in the majority of cases and poses problems different from those associated with a presidentialism combined with fragmented multipartidism.
Bearing in mind that the emphasis of this chapter is on interpreting the reasons that facilitate or impede democratic governance, consideration is given to the problems of overexposing institutions such as the Ombudsman’s Office, of attributions as in the case of the Comptroller General’s Office, and of dispensing with institutions that, in theory, were designed for organizing processes, such as the National Decentralization Council, whereas institutions that emerge outside the legal framework but find support in elected authorities, such as the Assembly of Regional Presidents, which could perform not only part of the attributions of the former dismantled entity but also tasks of mediation, are rejected and even sanctioned when they carry out some tasks that bring government and society closer together.

And on another level, institutions are created that remove attributions from institutions that already exist, introducing an element of inefficiency, as has happened with the anti-corruption system, which, as we will see, responds to decisions that bring on scenarios where legal imprecision prevails. Following a similar logic, other agencies are created, such as the Ministry for the Environment, responding to international commitments arising from free trade agreements, and to which extremely limited spheres of competence are granted. So, by different means, the political system is brought into disarray.

Finally, as this is a subject for another paper, some suggestions are made, only briefly, of institutional reforms that could help the regime to achieve a better performance, with an attempt being made not to offer abstract suggestions but ones that respond to the political context in which they are intended to operate, as, otherwise, they would, ultimately, be rendered innocuous.

If we depart from a narrow definition of institutions, taking rather their broader meaning as interaction guidelines that define formal and informal rules and values, we will have some more adequate instruments for understanding Latin American presidentialisms and, in particular, the case of Peru.

Lanzaro points out that the effectiveness of these regimes depends, among other factors, on the flexible powers the administration has and the impact this has on Congress, on their information and communication systems, and on how firmly established and solid their parties and party systems are. He also notes how decisive ties between politics and government are, a relationship that has greater possibilities of becoming stable if there is a consolidated bureaucracy with career civil servants in positions of responsibility. Government performance, the quality of its leadership, and its willingness to establish alliances and coalitions also have an impact. Likewise, he alludes to the “chains of tradition, the invisible customs that mold our lives,” borrowing the term from Disraeli [Lanzaro 2001].

In an innovative work, Medellín [2006] characterizes the majority of Latin America’s political systems as regimes of weak obedience. Among other issues, he alludes to the penetration and, on occasions, to the monopolizing of state spheres by power groups. In his words, “submitted to the pressure of and struggles among private interests, the institutions are forced to move between the extreme of the strictest legal formality that sustains them and the extreme of the utmost informality of the particularisms that activate them.” In this context, top officials and lines of command obey different criteria to the formally established criteria,
while, paradoxically, the supremacy of the president is affirmed invoking a supposed general interest. If that is the path events take, then the state is both omnipresent and weak [Medellín 2006].

This characterization largely coincides with the one Chalmers formulated three decades ago when he referred to our “ politicized states,” in which rules of the game were established and changed in response to pressure from power groups so that it was not possible to establish a stable frame of reference that would orient the performance of the different actors and posed new and unprecedented questions for the researcher [Chalmers 1977].

1. Rules and practices in the relations between the Executive and the Legislature

Peruvian presidentialism can be classified as mid-level compared to other Latin American countries, sharing with the majority that parliamentarians can censure members of the cabinet and, with some, that the executive can dissolve congress in given circumstances which, as we will see, is a formal attribution that has scant probabilities of being exercised owing to the difficulties of reaching a scenario that would lead to this outcome.

No detailed characterization will be given here of the interactions among the branches of government, except for those that, in given situations, could affect governance and possibly precipitate critical situations, such as the delegating of legislative powers. As in the majority of South American countries, the executive may decree states of emergency without this empowering it to legislate. As Rubio points out, this is the “constitutionalization of a form of temporary dictatorship in order to deal with exceptionally grave social and political situations,” with different levels of suspension of rights.

As happens in the majority of Latin American countries, among what Shugart and Carey call proactive capacities [Shugart and Carey 1992], the president has the right of legislative initiative when it comes to budgetary issues and approving taxes. Among the president’s faculties is that of issuing so-called “emergency decrees,” which have the force of law. The Constitution states that he may legislate on economic and financial matters, except for taxes, when “the national interest so requires and with the undertaking of rendering accounts to congress.” Congress has the possibility of modifying or revoking these decrees. Unlike the other proactive powers, this one did not exist in the 1979 Constitution and was included in the 1993 Constitution. Owing to the nature of the unilateral measure, even though it is subject to supervision by congress, the remedy has been used mostly during the two Alberto Fujimori administrations and by Alan García in the light of his aspiration to seek a radical economic restructuring of the country.

As can be seen in Chart 1, the executive is granted an instrument of government that has considerable influence on crucial issues and that has been widely used. This power is even greater if we consider that emergency decrees are traditionally not revised or revoked by the legislature. This was due to the orientation of the authoritarian regime and, in the present administration, to the fact that there is no opposition in congress and also to the contemporary trend of having mainly economists in the executive branch, given that the parliamentarians have weaknesses when it comes to dealing with economic problems.
Among those capacities, the one that has had the greatest political impact has been the delegation of faculties whereby the majority of congress allows the executive branch to issue rules on given matters and for a given period of time. These provisions were already established in the 1979 Constitution. In Peruvian political practice, issues that are susceptible to delegation can be drafted in extremely vague terms; they may, for example, refer broadly to “citizen security” or to provisions that allow amendments to be made to the country’s laws to adapt them the requirements of the free trade agreement entered into with the United States. It has often happened that the provisions that are later submitted to congress for consideration far exceed the mandate conferred, denaturing what the Constitution establishes and creating situations that affect the free play of checks and balances among the branches of government.
Chart 2: Number of Legislative Decrees Issued per Administration

Source: Congress of the Republic. Own chart.

The dynamic that has been established results in a wide range of rules being aggressively imposed, which, once presented to congress, alter congress’s functioning logic, deliberately upsetting its agenda. The situation seemed to be different in the case of the second Belaunde administration [1980-1985], as the country was going through a change of regime and one of the more prominent features of the previous regime was its drafting of extensive regulations\(^2\). It also happens that the head of the executive generally finds itself in a political situation where it needs to make people feel that consideration of its proposals cannot be postponed, presenting the time that parliament takes to debate them as a situation of inefficiency or as a ploy for catering to individual interests rather than time taken to conduct a detailed examination of the new provisions.

It is worth recalling that it was precisely thanks to the alleged obstacles raised by parliament for approving rules proposed by the executive that Fujimori found one of the excuses for carrying out the coup d’État in April 1992. As has already been pointed out [McClintock 1996], towards the end of 1991, the tensions between the executive and the legislature were increasing in a context where, as it is known, President Fujimori had a minority of deputies and senators in parliament.

That same year, the president requested congress to grant him extraordinary powers to legislate, powers that were given to him until November 1991. At the end of that same month and a few days after ordinary legislative session had ended, the president sent 126 decrees to congress, which could not be seriously debated by the established deadlines. With insufficient time for reviewing each proposal, some of which had nothing to do with the matters delegated to the executive, congress finally modified or abrogated 22% of the legislative decrees and approved the remaining 78%.

\(^2\) This refers to the military government that was in power between 1968 and 1980.
During the democratic Alejandro Toledo administration, in part owing to the difficulty in obtaining majorities in congress and in part owing to a political logic that sought not to provoke inter-institutional confrontation, moderate use was made of this solution. The use of delegated powers gained ground once again during Alan García’s term in office, who also overstepped the bounds of the issues for which he had been authorized to legislate on. The foundational tone of the president’s discourse unleashed a scenario of polarization, by its very nature dangerous, which was aggravated by being isolated from public opinion. The political system exacerbated conflicts in a mistrustful society instead of seeking principles of order and stability based on the predictability of its decisions.

Table 1: Reactive and Proactive Powers of the Executive Branch in South America and Mexico

<table>
<thead>
<tr>
<th></th>
<th>Reactive Powers</th>
<th>Proactive Powers</th>
<th>Legislative Powers in the event of a State of Emergency</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Strong/Weak Power of Veto</td>
<td>Exclusive Legislative Initiative</td>
<td>Production of Decrees Having the Rank of Law</td>
</tr>
<tr>
<td>Argentina</td>
<td>Strong</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Bolivia</td>
<td>Weak</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Brazil</td>
<td>Weak</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Chile</td>
<td>Strong</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Colombia</td>
<td>Weak</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Ecuador</td>
<td>Strong</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Mexico</td>
<td>Strong</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Paraguay</td>
<td>Weak</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Peru</td>
<td>Weak</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Uruguay</td>
<td>Veto [3/5]</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Venezuela</td>
<td>Weak</td>
<td>No</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Source: Constitutions in force in those countries in 2006. In the case of Bolivia, we used the draft Constitution, pending ratification by referendum, drawn up during the Evo Morales administration. Own table.

Reactive power –the capacity of veto [Shugart y Carey 1992]- is a characteristic typical of Latin American presidentialisms, along with direct election by the people, the duration of the president’s mandate for a fixed term [not subject to interruption], and the capacity of the president to regulate and direct the structure of the government. As regards the capacity of veto, the Peruvian President has limited powers compared to his counterparts in the majority of Latin American countries. In point of fact, a veto motion may be passed by half plus one of elected congresspersons and does not require a two-thirds majority.
1.1 Censuring ministers, dissolving Congress, and political habits

Following the Latin American tradition, which differs from that of the United States, in Peru there is a wide spectrum of relations between the executive and the legislature—in the United States, the tendency is to resort to negotiations that are informal and, at the same time, acknowledged—, which has led lawyers specializing in public law to inappropriately classify the system as semi-presidential.

In theory, the crucial situation, the one that, in theory, seeks an outcome that will change the existing political situation, is the possibility of adjourning congress. This occurs if the president so decides once parliament has censured or refused to give its vote of confidence to two Councils of Ministers. Even when this decision has been taken, the Permanent Committee continues to function. In practice, this scenario can occur in a context of a legitimacy crisis of such magnitude that both parties, congress and the executive, even though they find themselves in confrontation, are forced to collaborate in order to find a solution knowing beforehand that one of the branches in conflict will be defeated.

If the correlation of forces is measured objectively, there is little chance that the closing of congress will be proposed. A legislature that feels politically isolated, even when it has the majority of seats, will avoid creating legal conditions that would provide the president with justification for dissolving it. If, on the other hand, it realizes that the executive is isolated, it could seek that outcome. The president, faced with two reprimands of the Council of Ministers, may or may not opt for dissolution, as he or she is under no obligation to take this step. It is reasonable to suppose that he or she would not attempt suspension if that would reduce his or her margin of maneuver by making his or her already reduced political support more evident. The established political game may be regulated by each of the branches of government separately. Basically, it is an institution that has been devised for extreme situations in the knowledge that it is not going to be used.

In this case, Peru follows South America’s political tradition, which, as far as we are aware, does not have adjourning of congress brought about via constitutional procedures. The most permissive legislation in this matter is Uruguay’s, which empowers the president, except during the last year of his term, to dissolve the two houses if he so decides in the event of censures of a minister, several ministers or the council of ministers in bloc. This measure has only been used—and then transgressing the constitutional order—when Bordaberry’s coup d’état occurred in 1973 [Alcántara 2003].

The other institutions that regulate relations between the executive and the legislature do not affect democratic governance. A new cabinet may request congress for a vote of confidence. As this is a discretionary practice, the government will resort to this procedure when it can anticipate with a degree of certainty that it will obtain the majority in congress. So, it grants a margin of security but with no guarantee that this can continue over time, unless it is a case of a presidentialist majority, a situation that has not occurred in Peru in the governments that started the new democratic period.
As in the majority of Latin American countries, a minister may be summoned before parliament if 15% of members support the motion and the minister may be censured if the motion is adopted by a majority. This measure has only been taken once, during the Alejandro Toledo administration. Perhaps more than problems of institutional design, moderation in the use of this remedy has to do with traits of Peru’s political culture. The debate over whether a minister should remain in office passes quickly from an initial questioning of the minister’s performance in office to inter-party and inter-faction negotiations where other issues find their way onto the agenda and, probably, to corrections of what are perceived as errors in the performance of the minister in question. Moreover, there seems to be no notion of political responsibility. Censure is associated with an inadmissible infringement of rules, not with problems resulting from mismanagement of government or bad decisions. As the ministers’ fate depends almost exclusively on the decision of the head of the executive, presidentialism is strengthened beyond levels provided for in the Constitution.

Table 2 clearly shows the scant use made of the remedy of censure. During Fujimori’s second term, it was not used at all, which can be explained by the context of the executive’s ample control of parliament. Despite the tremendous difference in this regard with the Toledo administration, which had only a minority in parliament, only one minister was censured during his term, even though the possibility was debated on at least six other occasions. The only case that ended in censure was that of a minister not belonging to the government party. Finally, so far in the García administration, Alva Castro, an important figure in the Partido Aprista and very close to the president himself, has been subjected to a censure motion on two occasions, avoiding destitution both times owing to insufficient votes.

**Table 2: Motions of Censure Presented, Debated, and Approved per Administration**

<table>
<thead>
<tr>
<th>Administration</th>
<th>Motions Presented</th>
<th>Motions Debated</th>
<th>Motions Approved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fujimori II [1995-2000]</td>
<td>4</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Toledo [2001-2006]</td>
<td>7</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>García II [2006-2008]</td>
<td>3</td>
<td>2</td>
<td>0</td>
</tr>
</tbody>
</table>

Source: Congress of the Republic. Own table.

Censure, except in the case of the former minister for internal affairs during the Toledo administration, Fernando Rospigliosi, is associated with the presumption of illegal activities rather than with problems of performance. It does not function as a remedy even though it only requires a simple majority in congress to remove a minister and not a two-thirds majority as happens in some Latin American countries. This situation is probably a result, in part, of the lack of party discipline in parliament and of personalized negotiations. Besides, there are

---

3 This was the censure of former Internal Affairs Minister Fernando Rospigliosi.
sufficient indications to suppose that cabinet members who are independents are more exposed than those who belong to the government party or coalition. This protection weakens the political parties in the long run. They come to be seen as organizations that defend their members based on corporate criteria, regardless of whether this is true or not. It deprives them of flexibility, generates the presumption of spurious political maneuverings inside the parties; and makes them appear to the general public as being incapable of taking corrective measures that could, in the long run, strengthen or legitimize them.

Table 3: Availability of Censure and Dissolution of Congress in Latin American Countries

<table>
<thead>
<tr>
<th></th>
<th>Censure</th>
<th>Dissolution of Congress</th>
</tr>
</thead>
<tbody>
<tr>
<td>Argentina</td>
<td>Yes, 50% + 1 in the Chamber of Deputies</td>
<td>No</td>
</tr>
<tr>
<td>Bolivia</td>
<td>Yes, 2/3</td>
<td>No</td>
</tr>
<tr>
<td>Brazil</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Chile</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Colombia</td>
<td>Yes, 50% + 1 in both houses</td>
<td>No</td>
</tr>
<tr>
<td>Ecuador</td>
<td>Yes, 50% + 1</td>
<td>No</td>
</tr>
<tr>
<td>Mexico</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Paraguay</td>
<td>Yes, 2/3 in both houses</td>
<td>No</td>
</tr>
<tr>
<td>Peru</td>
<td>Yes, 50% + 1</td>
<td>Yes, after censure of two cabinets</td>
</tr>
<tr>
<td>Uruguay</td>
<td>Yes, 50% + 1 General Assembly</td>
<td>Yes, after a failed censure</td>
</tr>
<tr>
<td>Venezuela</td>
<td>Yes, 3/5 of the deputies</td>
<td>Yes, after censure of three executive vice-presidents within the same constitutional term. This is not allowed in the last year of government.</td>
</tr>
</tbody>
</table>

Source: Constitutions in force in those countries in 2006. In the case of Bolivia, we used the draft Constitution, pending ratification by referendum, drawn up during the Evo Morales administration. Own table.

2. Shared weaknesses in the region: the precarious situation of the parties

Based on what we have been explaining, the problems of Peru’s political order do not stem, fundamentally, from its institutional design—even though we have already identified some problems in that area— but from the presidential style of conducting the country, the weak backing the political parties give the regime, and, as we will see later, from deliberately resorting to improvising institutional alternatives condemned to last only over the short term. Solutions of constitutional engineering may introduce some correctives, but they do not substantially change the existing situation.

What is happening in Peru with the political parties is an extreme case, but not an exceptional one in the region. In the majority of Latin American countries there is a marked tendency to dismantle systems that were created in the mid-
20th century and even more recently, as has happened in Venezuela, Colombia, Bolivia, Ecuador, and, to some extent, Argentina. Expectations that Mexico would switch from a dominant-party regime to a party system with an orderly handing over of power, of which there seemed to be a glimpse with the triumph of Partido de Acción Nacional in 2000, came to nothing, with a scenario of political polarization emerging instead. Only Chile and Uruguay classify in order to be able to say that they have consolidated a party system. Here, Brazil is giving signs of an auspicious change compared to its historical dispersion, facilitated in part by the weight of regional leaderships. It is opening up the way to an incipient bipartidism with the Workers’ Party [PT] and the Brazilian Social Democracy Party [PSDB], even though the latter presents itself as an organization structured basically for competing at elections and participating in the parliamentary dynamic.

Table 4: Configuration and Recent History of Party Systems in Latin America

<table>
<thead>
<tr>
<th>Country</th>
<th>Traditional Configuration</th>
<th>Current Configuration</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Venezuela</td>
<td>Bipartidism, AD-COPEI</td>
<td>Hegemony of Chavismo. Fragmented opposition.</td>
<td>Collapse of the system</td>
</tr>
<tr>
<td>Colombia</td>
<td>Bipartidism, PC-PL</td>
<td>Predomination of Primero Colombia. Opposition: PL and PDA.</td>
<td>Collapse of the system</td>
</tr>
<tr>
<td>Bolivia</td>
<td>Three-party system, MNR-ADN-MIR</td>
<td>Predomination of MAS. Opposition: PODEMOS.</td>
<td>Collapse of the system</td>
</tr>
<tr>
<td>Mexico</td>
<td>Predomination of PRI</td>
<td>Polarization between PAN and PRD</td>
<td>System in process of transformation</td>
</tr>
<tr>
<td>Ecuador</td>
<td>Multipartidism, PSC-PRE-PP-ID</td>
<td>Predomination of Alianza País. Opposition: PRIAN.</td>
<td>Collapse of the system</td>
</tr>
<tr>
<td>Argentina</td>
<td>Bipartidism, UCR-PJ</td>
<td>Competition between faction of PJ and Frente por la Victoria [Kirchner].</td>
<td>Collapse of the system</td>
</tr>
<tr>
<td>Uruguay</td>
<td>Bipartidism, PC-PN</td>
<td>Three-party system, PC-PN-Frente Amplio</td>
<td>Orderly transformation of the system</td>
</tr>
<tr>
<td>Chile</td>
<td>Predomination of Concertación de Partidos por la Democracia. Opposition: UDI and RN</td>
<td>System remains unchanged.</td>
<td>The system is maintained.</td>
</tr>
<tr>
<td>Brazil</td>
<td>Fragmented party system</td>
<td>Bipartidism, PT-PSDB. The latter is fundamentally an electoral organization.</td>
<td>Emergence of a system</td>
</tr>
</tbody>
</table>

This extreme weakness of the parties, in the case of Peru, has not changed during these seven years of democracy. There are two organizations: one relatively structure but without national coverage, APRA, and another that is coherent as
regards its decisions from its point of view, Alianza Para el Futuro. In both cases, their members are disciplined. The Partido Nacionalista Peruano led by Ollanta Humala, as happened earlier with Perú Posible led by Alejandro Toledo, did not manage to consolidate itself as a party, although the possibility that it will recover the social support it achieved at the 2006 elections cannot be discarded.

At the moment, APRA has adopted center-right and right orientations. The President of the Republic, who, following APRA’s tradition, considers himself its principal ideologue, has explained this orientation in several articles, which aggressively defends the principles of a radical version of the market economy. The fundamental aspects of his political positions coincide with those of Unidad Nacional, whose alliance has been disbanded, and with Alianza para el Futuro, although in this case agreement has been affected by Fujimori’s upcoming trial.

Peruvian political parties are distinguished by the volatility of voter preferences and the dispersion of political representation, which are expressed in sweeping changes in the make-up of political representation on all levels [national, regional, and local] and in a large number of political organizations competing for votes in a given constituency. As can be seen in Table 5, in the congressional terms between 1995 and 2011, there are major shifts in parties with the majority of seats from one election to the next. The consequences of this dynamic are the unpredictability of future scenarios, the weakening of a sense of political responsibility, and the difficulty of forming long-term alliances.

Table 5: Percentage of Seats Obtained at Elections by the Three Main Political Forces in Congress between 1995 and 2011

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Party or Alliance</td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
</tr>
<tr>
<td>1st Minority</td>
<td>Cambio 90-NM</td>
<td>55.83</td>
<td>Perú 2000</td>
<td>43.30</td>
</tr>
<tr>
<td>2nd Minority</td>
<td>UPP</td>
<td>14.16</td>
<td>Perú Posible</td>
<td>24.16</td>
</tr>
<tr>
<td>3rd Minority</td>
<td>APRA</td>
<td>6.60</td>
<td>FIM</td>
<td>7.50</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>76.59</td>
<td>74.96</td>
<td>74.96</td>
</tr>
</tbody>
</table>

Source: Tuesta 2001 and ONPE [National Electoral Processes Office].

Expected divisions appeared in the present congress, right from the start of its activities. The members of Partido Nacionalista Peruano did, in fact, want to classify to run at the elections, but, owing to problems of registration, they had to team up with Unión por el Perú [UPP], which had a very scant following; even so, thanks to this alliance, they managed to win an unexpected number of seats. The separation of these two forces in congress and subsequent splits within their ranks cannot be put down to turn-coating. The disbanding of Unidad Nacional had to do with the fragility of an alliance where two leaderships -Flores Nano of Partido Popular Cristiano and Castañeda Lossio of Solidaridad Nacional- were competing with one another and with the Renovación group’s forging closer
relations with the Alan García administration. So, if events were to follow their course, fragmentation was, to some extent, preordained.

2.1 Parties and parliamentary groups

If there is one thing that imitates the political party today in Peru it is the parliamentary group. Expectations being that it define itself on the basis of, among other things, shared ideas, common spheres of work, some traits typical of an organization, and discipline, as has been pointed out in a perceptive work on the subject, although many of these features tend to be aspirations rather than having any solid bases in the true political situation [Campos 2006].

In any event, these groups nominate the members of congress’s Executive Council, designate the Board of Spokespersons, and organize debates and the presentation of motions and bills. Discussing their legal status does not within the scope of this chapter. Suffice it to mention, as Campos points out [2006], that there are parties with representation in parliament, parliamentarians without a party, and political organization that do not have seats in congress.

Resorting to an analogy we hope is not too forced, in a congress with few political parties and a large number of benches, the same sort of problems that arise between presidentialism and fragmented multipartyism can occur. As has been pointed out [Mainwaring 1990 and 1997], in these contexts, organizations have no incentives to collaborate with the president, as recognition of their credits would be relegated if the executive is successful, or they would gradually be dragged into isolation if the government fails. In either hypothesis, in order to assert their own profile, they have strong incentives for abandoning the government when the end of its term draws near.

Chasquetti has pointed out, quite rightly, that the problem is not the link between presidentialism and multipartyism, but whether, in this scenario, coalitions manage to get established or not, which supposes common goals, agreements on programs, funding to carry them out, agreed strategies, and agreements regarding the distribution of benefits in a shared government [Chasquetti 2001].

In Peru, in part owing to the effects of the preferential vote, the congress members often perceive that they have reached parliament thanks to their personal campaign, even with their own resources or with contributions from the groups that define their milieu. On occasions, this leads them to putting a distance between themselves and their organization. Their options are going to be highly conditioned, and the government party, with only 36 members out of 120, in which they are joined for crucial decisions by Alianza por el Futuro’s 13 members, does not have to engage in cumbersome negotiations, as occurred traditionally in Brazil or Argentina, for example.

The president, then, has the freedom to do as he wishes, but, at the same time, is alone. He has a wide margin of discretion but lacks “sensors” in Congress that would allow him to adequately assess the cost of his decisions. President García, backed by a historical party that can call on a smaller social base than is
generally attributed to it, confronts an opposition he does not know well and that has features that are more markedly social than directly political. We find ourselves, then, in an unconventional scenario.

2.2 The mirage of the political parties law

The main school of Peruvian political thought and some jurists believed that a fair proportion of the problems of political representation would be solved once the 5% electoral barrier had been introduced. In fact, it did not substantially change the composition of the congress elected in 2006- and the political parties law had been assured. We will touch on this issue only very briefly, as there is abundant bibliography on the subject.

In order to guarantee the existence of the political parties and minimal party activity outside the elections, the law proposes compliance with a series of requirements for registering with the Political Organizations Registration Office [OROP], an agency that comes under the National Elections Board [JNE]. Only two of those requirements pose a real challenge for the parties in terms of organization and mobilization of resources, as the others are merely documentary requirements. The first is the presentation of a list of members, whose number may not be less than 1% of the people who voted at the last national elections, with the signature and identity card number of each; and the second is the presentation of the charters of party committees in, at least, one third of the country's provinces [65 out of 195], located in at least two thirds of the departments [17 out of a total of 25]. Each charter must be signed by no fewer that 50 duly identified members. There are also rules on internal democracy, different modes being allowed: open or closed primaries and agreements. The law also establishes financing criteria for these organizations.

Apart from the limited scope of this legislation for promoting substantial changes in the political regime, the system that has been established encounters problems when it comes to legitimizing the JNE and the ONPE, which supervise different aspects of the functioning of the parties. Their members are elected by the National Magistracy Council, an institution that takes its inspiration from French constitutional law, was present in Peru’s 1933 Constitution, and today in Latin America exists only in Peru and Paraguay. This council is made up of members elected by the Supreme Court of Justice, the Chief Public Prosecutors Board, the country’s lawyers’ associations and two elected by the other professional associations, and representatives of the heads of state-run and private universities. Their members frequently act in accordance with the corporate interests of the group for which they are spokespersons or even factions of those groups, without adopting a broader view. Consequently, their decisions rarely lead them to appoint the most qualified professionals for the posts for which they are responsible. The parties understand, then, that they can ignore the recommendations of both the JNE and the ONPE. The commitment would certainly be greater if the members of these two bodies were elected by a two-thirds majority in congress, even though this would be a more lengthy process.
2.3 The regional movements

Some schools of interpretation that are unfamiliar with the dynamic of Peruvian society on the local level, state emphatically that the regional movements weaken the parties and the political regime as a whole, contributing to the territorial fractionation of representation. In point of fact, it could be argued with some semblance of plausibility that these local expressions further splinter a system that is already disperse and do not necessarily mean better quality representation as they suffer from the same problems as the parties. Besides, the absence of regional movements would make the parties seek greater influence in the regions by recruiting new elites and leaders. It is understood that a situation of this type, of connection between the national and the subnational through the parties, could well lead the parties to necessarily reflect on local problems and adopt an approach of greater integration with the country as a whole.

However, it is also possible to argue the contrary. Despite the apparent instability of the regional movements, in some cases they are expressions of regional elites, many of them with a past in political parties, whose capacity for formulating proposals for their departments is more developed than that of the national parties’ elites. They are a layer of leaders who cannot be labeled outsiders, as their presence can even be traced back to previous elections at which some did extremely well. Cases in point are Yehude Simon [the only person reelected on the regional level at the last elections for electing authorities in the subnational sphere] in Lambayeque, Juan Manuel Guillén in Arequipa, Federico Salas in Huancavelica, Vladimiro Huaroc in Junín, Alex Kouri in El Callao, Iván Vásquez in Loreto, Jesús Coronel in Cajamarca, and Hugo Ordoñez in Tacna. While they are not the only ones, they represent a regional political elite that has become stronger and more developed and is finding new opportunities for political participation in the decentralization process.

Moreover, in the hypothesis of the absence of regional movements allowing a greater deployment of the parties on the national level, the parties would not necessarily select the most qualified people on the local level, but, given their weakness, would probably form a kind of improvised patronage relationship with unrepresentative local caudillos, who would be chosen in many cases because they would contribute funds to the campaign, as is happening at present. Another possibility is that they could enter into a kind of buyers market, where the buyers [the parties] would consider the best offer based on criteria that could be arbitrary, erratic or random, something that would probably increase the disapproval with which they are viewed by a sizeable segment of the population. Finally, in a political system with legitimacy problems, particularly in Congress and in the parties, the regional movements can broaden representation, prioritize the decentralization agenda, and act as a counterweight to an excessively Lima-oriented central government.

3. Unjustified innovations and dismantling the institutions

As argued earlier, the problems of Peru’s political regime are due, in part, to institutional reasons, among them the difficulties posed by delegating faculties to
the executive, and, on another level, the drawback of having the National Magistracy Council. Other reasons fall outside that context, the most evident being the plebiscitary style with which the president wants to assert his authority, the absence of parties, and the restrictions for bringing about a change in this situation, which depends more on social dynamics than juridical innovations, even though they too are important.

Peru is a society in conflict. As pointed out at the beginning, the government dismantles institutions that should provide links between the authorities and society [the National Decentralization Council, for example], refuses and even punishes some institutions created by those authorities to restore those relations [the National Assembly of Regional Presidents is a case in point], overexposes others [such as the Ombudsman’s Office], turns the Comptroller General’s Office into an inefficient body when critical situations are precipitated, weakens the national anti-corruption system with its decision to set up an office to take charge of the matter, which then ceases to function, and creates a Ministry for the Environment with limited powers and strategies that, one way or another, disorganize the political life of the country and, on occasions, deliberately seek social confrontation.

3.1 Resistance to strengthening institutions

Successive governments have dispensed with some instruments for intervening in local conflicts. These conflicts have been occurring in a scenario where the parties in dispute adopt polarized positions with accusations against elected authorities of misuse of public funds, presumption of embezzlement, and alleged noncompliances in the execution of public works, and where confrontations among neighbors and communities in the same constituency arise over alleged privileges granted to some at the expense of others. On occasions, before the accusations are made or at different stages of the process, an allocation of relatively large sums in funding is made to the local authority as a consequence of the decentralization process and its criteria of redistribution, which exacerbates disputes over power.

While going into details of the decentralization reform does not fall within the scope of this chapter, mention does need to be made of the fact that this new legal framework was addressed in too much haste and in a manner that was incongruent. The agency charged with regulating this reform was the National Decentralization Council. According to Act 27783, the basic decentralization law, this council had among its powers those of conducting, monitoring, and evaluating the transfer of resources and spheres of competence to regional and local governments, coordinating national, regional, and local development plans, coordinating policies and plans for decentralized government and programs, and undertaking tasks in the area of technical assistance.

The National Decentralization Council, which comes under the Presidency of the Council of Ministers, has nine members: a representative of the President of the Republic, two from the Presidency of the Council of Ministers, two from the Ministry of Economy and Finance, two regional government presidents, one elected by the provincial authorities, and another by the district authorities.
Apart from the strict spheres of competence attributed to the council, it was possible for it to serve as a forum for dialog between central government authorities and the authorities of the subnational governments. Thus, by taking account of commitments with regard to the execution of public policies, it was able to prioritize demands, possibly take them into account, and intervene in situations of conflict. If, at the end of the day, that outcome was not achieved, it was due, in particular, to the excessively technocratic profile of those who assumed the role of spokespersons on behalf of sectors of the state.

There was one body that could have served to define policies and open up scenarios of agreement in a context of regional societies marked by situations of conflict, but it did not adequately fulfill its responsibilities. Instead of being allowed to implement the necessary measures so that its work evolved along those lines, the National Decentralization Council was eliminated. Supreme Decree 077-2007 merged it with the Presidency of the Council of Ministers, it being considered “that said integration will avoid the duplication of functions and generate an improvement in the development of the decentralizing strategy.” This change did not take into account any criterion that would address a plural space where there were actors with different levels of responsibility and legitimization.

3.2 Denied innovations and absence of mechanisms for mediation

A process of transferring spheres of competence and resources such as the decentralizing reform in Peru, combined with the deactivation of an agency charged with regulating the process, made it necessary to create instruments of mediation between central government and the local authorities, an initiative that was not necessarily to come from the government sphere. The regional presidents had to adopt an agenda of issues for negotiation and also of criticisms regarding what they considered, rightly or not, errors or distortions at any given stage in the process of change that was being undertaken.

The National Assembly of Regional Governments [ANGR] was the institution that undertook to carry out the initiative along those lines. In November 2006, the majority of these elected authorities were in opposition to the government, even though they came from regional movements and not from political parties, and, as a consequence, had different program platforms, political aspirations, and demands. Only two of them belonged to the government party and three more to authorities with whom the government had explicitly formed an alliance.

It turned out to be a body situated between politics and the sector of society that was critical of the executive, whereas the executive needed its policies and its initiative. In a country where the political parties were clearly weak, it was a body that institutionalized conflicts. Sometimes, the protests already had opportunities for settlement in sight—in most cases they depended ultimately on the execution of public funds that had already been allocated—, which meant that what they were demanding did not have a maximalist content. In practice, it took the place of a more radical role that could have been assumed in some areas by defense fronts. Even when challenging the government, and precisely owing to the form in which this challenge was expressed, it ended up being a factor of political
governance in situations where the outcome could have been much more difficult to control and could even have led to critical situations.

There is no such thing as boundaries for isolating agreements from protest. What is more, division may be tenuous and even desirable. So, the government had an institution capable of mediating with local societies that it had lacked up until then and that, what is more, it was not in a position to set up itself, considering the weakness displayed by its own political organization.

However, the executive, making use of the powers granted it by congress in Legislative Decree 982 [2007], amended Article 200 of the Penal Code and established that any top government official who took part in strikes would be barred from holding office, typifying this situation as a crime of extortion that implied the use of violence or threats to force an individual or public institution to take a course of action in order to obtain an advantage for themselves or others. And it also referred to Article 42 of the Constitution, which recognizes the right of association and the right to strike in the case of civil servants, but does not include in that category government officials with power of decision, among others. The minister for justice at that time pointed out that this provision restricted the actions of regional presidents.

The majority of public law experts and the ombudsperson considered that it was one thing to take part in a protest, which is not the same as promoting that decision, and quite another to assume that this would result in a strike involving a suspension of activities by the regional president. Considering these circumstances, it is not too hazardous to say that a mechanism such as the National Decentralization Council –which had proved to be not particularly effective- was eliminated and restrictions were imposed on a body such as the Assembly of Mayors –which could be an effective, critical representative that was also prepared to dialog.

In a country with an excessively weakened political and civil society, provisions that reject the few mechanisms for mediation that may emerge give the idea that the institutional innovations that were being undertaken expressed an intention that was far from democratic and inclusive. The direction the government is taking seems to be that of establishing an order where there will be no guarantee of rights, as though guaranteeing rights were incompatible with effective government or with following a given economic policy. In the name of a fundamentalist-based orientation, any intermediate agency that could channel disputes and order the intervention of the authorities is dynamited.

3.3 Institutions that do not fulfill their responsibilities

On another level, there are still no institutional channels for settling local disputes among members of a municipal council or those between a mayor and his opponents or his community. We have already pointed out that this has to do with the limitations of improvised solutions, among them negotiating teams that intercede in different authorities and social organizations but do not generate precedents for future cases with similar characteristics. We have also commented
that many of the problems do not stem from the lack of a regulatory framework but from the fact that these regulations are simply not enforced.

Local authorities are accused of misusing or embezzling funds, regardless of whether this is a real motive or a pretext for other reasons or problems. The state, whose intervention is requested, dispenses with fulfilling certain crucial responsibilities. In critical situations, the Comptroller General’s Office does not intervene, even though the Constitution establishes that the national system of control’s main area of responsibility is that of requiring government officials to correctly exercise their powers and to file accusations when it is understood that administrative offenses or crimes have been committed. Consequently, it should undertake a sustained effort to influence events as part of its regular procedures and also carry out its activities in situations of controversy or conflict.

It could be adduced, either as a reason or as an excuse, that this institution, as happens with accountability offices in other countries, operates in strongly institutionalized and, generally, centralized states [its historic precedent is to be found in a French and Iberian constitutional tradition], has at its disposal a qualified, career bureaucracy, and, therefore, in its interventions, follows routine practices and fulfills attributed obligations in which strict adherence to procedures prevails over celerity. Possibly an agency that complies with these prerequisites is far removed from the emergency situations that crop up in a country such as Peru and, ultimately, becomes unmanageable.

The Comptroller General’s Office falls into a kind of trap. On the one hand, it tries to be more professional, employing civil servants who are accountants [the majority] or, to a lesser extent, lawyers specializing in government service issues to carry out its activities. Its frame of reference is central government. This introduces levels of effectiveness in the performance of the task set and, at the same, oversights in attending to local problems. Auditing in municipal matters – an area where the Comptroller General’s Office is supposed to intervene by law – becomes less relevant the more urgently action by this office is required, as not only problems of control are at stake but also of governance, as possible interventions by this office could give a context of intelligibility to the conflicts and, in some cases, help to find solutions.

In theory, the laws governing the Comptroller General’s Office make provision for the existence of a rapid emergency response department, established in the office’s internal regulations, the providing of facilities for people to file complaints, as well as mechanisms that ensure effective help for districts in problems that lack internal control bodies, generally located in poor and highly rural areas.

What happens in practice is that disputes that should require the intervention of the Comptroller General’s Office are repeated and the aforementioned intervention does not happen or is untimely. It would be arbitrary to say whether this is a case of deliberate ineffectiveness or of irresponsibility by the state resulting simply from making overly hasty budget allocations. The Comptroller General’s Office adduces the latter, claiming that it cannot carry out some tasks as they are not contemplated in its planned intervention schedule, as though it were possible to fit dispute emergencies into an orderly calendar. What can easily
be proved is that there is a patent lack of proportion between the people designated to the task of exercising institutional control on the decentralized level and the areas they have to cover. Maria Isabel Remy [2005], in a paper on local disputes, found no more than 200 government officials assigned to this task, which makes it reasonable to assume that they were not in a position to attend to Peru’s 1,826 local governments. Once again, we find that the problem is not so much a lack of adequate institutional frameworks for dealing with local problems, but rather that the apparently most effective remedy -or the one that is most intentionally restrictive of guarantees by the government- is condemnation and even letting a situation slide until it becomes a criminal case before opting for regular intervention by the state.

3.4 An effective institution that acts above and beyond its strictly legal obligations

As already mentioned, the Ombudsman’s Office has among its constitutional and legal powers that of supervising the government services’ fulfillment of their duties and the provision of public services. As pointed out by Rodriguez Cuadros [1998], this office has a quasi jurisdictional responsibility that is not binding, and, for that very reason, enjoys greater flexibility when it comes to applying its criteria, following, for that purpose, current legislation and treaties that are part of the country’s law system as well as international standards for the protection of human rights on the basis of consensuses, even when they do not form part of current provisions in Peru’s legislation. Santistevan de Noriega [1998], in an article on the subject, highlights “the bridging role between government and society, in the exercise of its auctoritas that links it to the citizen and the organizations that represent him. It would be impossible to adequately perform the role of ombudsman without close ties to civil society, from which a complementary activity develops with the media in order to form public opinion.”

As a consequence of this line of interpretation, the Ombudsman’s Office can evaluate –as established in its Directive 01-2005-DP- that the state “lacks an adequate strategy for identifying potential uprisings and acting preventively” and, based on that, for setting up a dispute monitoring committee that takes steps to identify the reasons for the problem, promotes dialog among the parties, and tries to find a solution respecting the existing legal framework. In a context of social instability and, on occasion, of repression by the state, the defense of citizen rights necessarily means actively intervening in different social scenarios.

The agency’s 25 regional offices identify the disputes, describe their essential elements, protect citizen rights, which are frequently threatened in contexts of confrontation, and often mediate between the parties at their request. Paradoxically, the capacities of a regional office arise, in part, as a result of the ineffectiveness or private interests of other government authorities in promoting a given policy without taking into account the cost or consequences of their decisions.

So, an institutional reform in the area of social conflict implies a whole range of options and playing with all of them: having public prosecutors and judges who act effectively and with professional competence and speed; a comptroller general’s office that extends its sphere of influence, overcoming the problems
mentioned earlier and that restrict, possibly intentionally, its sphere of action; state authorities that have pertinent, unbiased information when they exercise their powers; mayors capable of dialog; police forces that restore order respecting people’s rights; and congressmen and representatives who are vigilant of the interests of their constituents. Something easily said but difficult to do. The achievements of an Ombudsman’s Office with too many demands on it have as their downside that they show up the institutional limitations of democracy in Peru.

3.5 How improvised solutions are holding back in-depth reforms

While there are institutions that do not perform their tasks adequately, the government improvises others, such as the National Anti-corruption Office, which, in theory are an admission of weakness when it comes to addressing a problem and opt for solutions that will supposedly deal with the problem, but with reduced or imprecise powers. Resorting to this option reduces the influence of the agencies that are called upon to solve the administration’s crucial problems instead of making them more efficient.

The National Anti-corruption Office, created by Supreme Decree 085.2007-PCM, with technical and operational autonomy and dependent in budgetary matters on the Presidency of the Council of Ministers, has among its objectives establishing a national public ethics and anti-corruption plan, fostering good practices among government officials and civil servants, and preventing irregularities or criminal offenses involving the tasks assigned to them. In theory, it functions with an advisory council whose members include representatives of the Public Prosecutor’s Office and the Comptroller General’s Office. It deactivates the National Anti-corruption Council.

The National Anti-corruption Office does have its distant forerunners, although possibly too far back in time to serve as a model. The transition government in 2001 tried to create an autonomous agency, the National Anti-corruption Initiative, which was supposed to be elected by a two-thirds majority in congress and which, among other lines of action, also established the need to draw up an annual prevention action plan; receive complaints from the public and pass them on to the competent authorities; identify and prevent conflicts of interest in the government services; foster the development of capacities in parliament for adequately monitoring the budget so as to make the quality of established controls more effective and timely; regulate the state’s procurement system to make it transparent and efficient and make suggestions on how to increase the influence of the Magistracy’s Control Office; support the task of the Ad Hoc Anti-Corruption Prosecutor’s Office and of the public prosecutors and judges specializing in this area; and make provisions for the comptroller general to give an annual report on his activities and for the possibility of submitting the comptroller general’s office to an independent audit.

The fact of the matter is that, in marked contrast to its predecessor, the National Anti-corruption Office clearly has no powers, even when it comes making simple recommendations in these areas. If everything falls within its sphere of competence but there is no adequate definition as to manner in which it is to
proceed, then that lack of definition results in an agency without teeth. What is more, it is given responsibilities of less importance, such as coordinating agendas for state entities on ethics and corruption issues; analyzing duplications and vacuums in the tasks of government agencies dealing with this issue; establishing indicators or maps showing the risks or weaknesses to which some administrative institutions are exposed while waiting for a state reform; and, at best, helping to organize some aspects of that reform.

The superficiality of the measure can be better appreciated if it is understood that the anti-corruption system, which was based on democratic transition and, in the early years of the Toledo administration, on a broad interpretation of the legal framework that gave the state’s public prosecutors powers to intervene directly, continues to be weakened. Defending the redress to which the state is entitled for offenses committed by government officials submitted to trial led to the belief that compensations would be fairer for the interests they protected if the public prosecutors themselves were to help clarify the crimes that had been committed, take an active part in the proceedings, and fill in likely omissions by the inspectors or complement or help to better articulate the arguments of the Public Prosecutor’s Office. The system was gradually dismantled.

Finally, as was foreseeable, the National Anti-corruption Office was closed in September 2008—claiming insufficient funding and personnel, thus demonstrating the government’s lack of interest in what it said it advocated—and its tasks were transferred to the Comptroller General’s Office, which, because of a lack of precision in their definition, did not disrupt this office’s routines.

3.6 A reform with provisos and assumed with distrust

We have been able to see the short-term scopes and improvisation of the changes that have been introduced recently in the institutions. This seems to be the case of the recently created Ministry for the Environment, which came about in response to the commitments undertaken by Peru upon its signing the free trade agreement with the United States. Critics point out the vagueness of the regulations governing the new ministry and the tight rein kept on its powers. Also there has been a reluctance to assume certain tasks, such as the dozens of provisions that should orient environmental quality standards [EQS] and permissible maximum limits [PML], supposedly indispensable instruments for the operation of the new ministry, whose shrunken budget is going to prevent it from implementing them [Lanegra 2008].

According to Decree-law 1080, environmental impact analyses continue to be the responsibility of other sectors of the state and also, to some extent, of the regional and municipal governments. There is only provision for setting up a follow-up and inspection agency under the new ministry, although it has still not been made clear whether or not its decisions will be binding.

The National System of Water Resources, as indicated in Decree-law 1081, is strategic for managing water in the catchments areas. However, it continues to be the responsibility of the Ministry of Agriculture, which makes it unlikely that changes will be made and implies that the machinations of interest groups
implicated in the problem will continue. And as for forestry concessions, once again the responsibilities of the new ministry will be limited to supervision.

The most important issue is, undoubtedly, that of mine workings. The Ministry of Energy and Mines will maintain the same responsibilities with regard to environmental matters. Besides, Act 26065, which amends the lands law, establishes that, should negotiations between farming communities and mining companies over the transfer of property fail, easement proceedings will be opened in which experts—once again from the General Mining Directorate—will establish a price that the farmers should accept, and it does not recognize any other authority before which that decision may be challenged, regardless of whether or not the farmers are right in rejecting the proposed terms of a forced expropriation.

What is more, the entire system for inspecting mining activity—as happens in general with all agencies in charge of supervising privatized activities—is restricted by the stability of existing contracts, which considerably reduces the possibilities of handing down a decision on the mining sector's activities, never mind thinking about going to arbitration. As has been pointed out, the Ministry for the Environment would be, at best, a kind of ombudsman in environmental matters and, at worst, an institution without teeth.

4. Closing comments

It would be tedious to recap what has already been discussed and formulate additional ideas that would simply be variations on the same theme, so we have opted for suggesting some institutional reforms that should be implemented in order to improve the political system and also for pointing out the snags in other changes that have been proposed. In any event, as has been repeatedly pointed out in this chapter, the fundamental transformation stems not from proposing alternatives to existing institutions but from getting existing institutions to perform the functions that, in theory, have been assigned to them.

In some cases, we have seen that there is a kind of selective appropriation of the regulatory framework: certain rules are enforced and others set aside either because the authorities have no interest in implementing them owing to a lack of will and decision or because they would hinder the policy a given administration has developing or simply because there is neither the budget nor the staff to enforce them, particularly in the case of enforcement in decentralized spaces. Influencing these events are the president's plebiscitary inclination, his lack of willingness to dialog, his decision to carry out an in-depth restructuring of production, the resistance of different social movements, and the widespread rejection of the majority of the population.

Establishing an agenda of institutional reforms is a common practice in political science that prompts some to act as supreme legislators of sorts in an exercise that is both presumptuous and irrelevant. There comes a time when, as a result of always brandishing the same reasons, arguments become cyclical and one already knows beforehand what the opinion of those who write about these issues
is going to be. Even so, despite this distrust and these apprehensions, we understand that perhaps it is worth addressing these problems.

It is probable that bicameralism would contribute to improving the quality of political representation. A congress with two houses, a senate and a chamber of deputies, would combine criteria of representation and a different territorial base for demarcating constituencies in each case.

The chamber of deputies would be based on multi-nominal constituencies in accordance with the political demarcation of the country. This space would be assigned to the representatives of the departments. Using the closed and blocked list system would allow party members from the departments outside Lima to be included and also help to renew the elites and achieve a balanced representation, as the majority of the political organizations’ key figures are to be found in the country’s capital.

As for the senate, there would be just one constituency, taking the entire country as a single unit and, once again, there would be a closed and blocked list, in this case, seeking a level of national representation where the parties could place their best and most experienced people, without territorial restrictions. While the low turnover of representatives could be cited as a defect of this design, in Peru [as in other countries] it tends to be the high rate of parliamentary renewal that prevents congressmen from acquiring experience and makes building up a political class difficult; one of the reasons that explains parliament’s loss of prestige.

The principle that would orient the work of the senate would be that of establishing a space for analysis and reflection that would make it possible to address issues of national importance and also find the connections between the short and the medium terms in legislative production on matters of greatest importance. In the case of the chamber of deputies, it is important to highlight its proximity to the population, based as it would be on local representation, thus facilitating accountability.

Under this hypothesis, the senate would be responsible for evaluating matters such as the national development plan, foreign policy or the national defense policy. Moreover, once again from a national perspective and based on the fact that the parties’ best people would be in this house, it would perform a review function of the laws passed by the chamber of deputies. The opinion submitted by the congressional committee that discussed this reform during this administration proposed that this revision be limited to provisions having especial impact, among them basic laws, laws that develop or amend the constitution, and laws that affect the economic regime or the orientations of the state’s sectorial policy. This restriction would avoid excessive delays in approving laws without neglecting a review that would guarantee increased quality. In this same vein, the senate would be able to debate any other rule it considered warranted its attention, for which it would have a maximum period of 15 days, after which the law would be promulgated. Finally, the senate would also be granted the function of appointing authorities and representatives of the state, among them ambassadors, the constitutional tribunal, and the ombudsman.
As for the chamber of deputies, it would be in charge of legislating and controlling the executive, which means that it would be responsible for drafting the vast majority of laws and be entitled to request information, summon for questioning, and censure ministers and the council of ministers.

Recently proposals have been made from academic circles that seek, as an alternative to the bicameral system -deemed unviable owing to the lack of political will-, the establishment of a personalized proportional system in congress, maintaining the one house. We consider that implementing this alternative would not only prove to be useless from the point of view of building a more effective and representative congress, but that it could even produce the opposite effect.

Inspired on the German model, the personalized proportional representation system, which in Latin America has been implemented in Bolivia, combines two types of electoral system in a single representative authority. On the one hand, there are the representatives elected on the basis of multi-nominal constituencies, where, consequently, the tendency is for votes to be proportional to seats; and on the other, representatives are elected on the basis of uninominal constituencies, which favors the parliamentarian’s personal relationship with his constituents. As originally conceived, the system aims to strike a balance between party representation and a territory-based representation. This system evolved in Germany. As Pasquino points out [2002], in the 1990s, the Liberal Party, which represents Germany’s industrial middle classes, was finding it difficult to cross the 5% electoral threshold on the national level and was not always certain of achieving representation via the proportional system. Moreover, it could not rely on sufficient voters in given localities in order to ensure the triumph of its candidates in the uninominal constituencies either.

Changing over from an institution typical of one political system to another with markedly different characteristics often brings more problems than benefits. This alternative exacerbates one of the main problems of the political parties in Peru: personalization of representation. As a result of the preferential vote, the parties are already at a disadvantage in electoral situations compared to the personal leaderships, which means that introducing an element such as uninominal constituencies would exacerbate the emergence of local representatives with a scant following and election campaigns in which the dispute among political organizations would lose force, with the candidate becoming relatively detached from the organization that supports him.

It so happens, furthermore, that the parties in Peru have such poor and, above all, such unequal nationwide penetration that this could even result in a greater fragmentation in parliament. With uninominal constituencies, the parties with local support that do not manage to achieve nationwide influence would obtain seats in parliament. Unlike the German system, where group alliances are forged among disciplined parties, in our case, the establishment of stable coalitions would face bigger problems than those already mentioned. Even in systems with more consolidated parties, such as Mexico’s, the combination in the senate of representatives elected by states and others elected by uninominal constituencies destabilizes political alignments [Lujambio 2001].
Another issue on which there is broad consensus among political scientists who study the matter is the partial renewal of congress⁴, either by halves or thirds, which would lead to presidential and legislative elections being held separately, at least for one term. The proposal, while frequently not accompanied by reasoned arguments or defended with the necessary fervor by its supporters—as they assume its advantages are well known—, does give the impression that the idea is to combined the criteria of governance and representation. The criteria of governance because this would allow the executive to know what situation to expect, to the extent that the election results would suggest which correctives to apply to the decisions he takes, knowing the effect they might have in a redefined political field. This would make for gains, therefore, in certainty and effectiveness.

Advantages would also be obtained in political representation. Wear and tear on the elites would be reduced as the turnover of seats would permit the entry of new congressmen, strengthen some political organizations at the expense of others, would make those political organizations perform more responsibly and force representatives to consolidate their ties with their electorate.

Perhaps, as happens with some institutional reforms, those who formulate them do not stop to consider the peculiarities of our political system and of the society in which they operate, which could modify the limitations they would have to confront. The impression is that they are thinking of parties with foreseeable alignments on the main issues on the public agenda, on matters of discipline, on the consequent capacities for negotiation between the executive and the legislature, on moderate shifts in voters in successive elections, and on new and stable pacts that encourage the president to use those pacts to renew credits for his government, which are adequately complemented by the expectations of the opposition.

Those who envisage partial turnover do not seem to notice that frequent episodes of rapidly declining approval of the president’s performance combined with a mechanism of partial turnover would precipitate two possible situations, both unpromising. On the one hand, a president besieged by the opposition would find himself forced to implement a policy that went against his principles, his opinions or his interests during the fixed term of his mandate, which would be unlikely to result in an efficient administration. On the other hand, the president could possibly get out of that trap by accelerating changes and radicalizing proposals above and beyond what had been put forward by the voters, so as to renew his legitimacy. In either of these scenarios, a measure supposedly aimed at strengthening political representation and giving signals to the government of the approach to adopt would undermine democratic coexistence in Peru.

Having up-to-date legislation on political parties is not going to solve the ills of political representation in Peru. Perhaps a useful exercise would be to evaluate the relationship, in Latin America, between the degree of strictness of the rules

---

⁴ An initiative promoted by President García and, in congress, by APRA. After the proposal was rejected by the Constitutional Committee in October 2009, APRA announced recently that it would be submitted to congress as a citizen constitutional reform initiative.
regulating these organizations and the actual validity of these groups. Probably there is no significant relationship. In any event, it is reasonable to require any party wishing to register to present a given percentage of signatures that have been thoroughly checked against a reliable electoral roll, to also have a given number of committees on the different levels of subnational government, and to have statutes and financing available and also to expect that public and private financing be regulated, that procedures be established for guaranteeing internal democracy when electing their authorities and candidates, and that, with the appropriate adaptations in each case, those criteria also be applied to the regional movements.

In any event, the decisive element is the electoral system. Unblocked lists –as already has been debated at length in Peru- encourage internal party disputes, make representation disperse, give the advantage to those who have funds or a circle of clients at their disposal for organizing a campaign, and promotes turn-coating in the game the representatives have to play between the priorities of the constituency and interests that supported them and those of their party. The advisable thing, therefore, would be to combine internal democracy of the parties –which in the present circumstances, given their weakness, cannot be sustained on a system of open primaries- with a system of blocked and closed lists, with the expectation [which is not necessarily going to be met] of having a more democratic and qualified representation.

Compliance with most of the requirements cannot be supervised by the National Electoral Board or by the Political Organizations Registration Office. With regard to the verification of the number of committees, for example, it is not reasonable to think that the political parties will accept the recommendations, far less the decisions, of the National Electoral Board, given its lack of legitimacy in this area, in part owing to the problem already mentioned of its members being selected by the National Magistracy Council. This problem would be overcome, to some extent, if its members were elected by a two-thirds majority in Congress.

It has to be pointed out that it is essential to create an institution that will organize the decentralization process and in which spokespersons of different sectors of the executive branch and representatives of the regional and other subnational government authorities take part. The provisions that organize the transfer of the spheres of competence and functions on the local level, the evaluation of how this process is being conducted, and the debate of a broad agenda of issues whereby an attempt is made to coordinate proposals and take precautions to prevent conflicts require an agency that carries out this mission with a degree of autonomy and that is not –as at the moment- an agency that comes under the Presidency of the Council of Ministers.

The National Decentralization Council failed due to the incompetence of those who took on that responsibility in central government and because of a lack of interest on the part of the executive rather than as a result of a mistaken institutional design. The consequences of this change are the disorders in this process and the preeminence of the Ministry of Economy and Finance, which adjusts the parameters of the problems, dealing with them by dint of requests for funds and the presentation and following-up of projects. Meanwhile, the
government ignores and even condemns a negotiating body –and negotiating implies in most cases dealing with opposing points of view—such as the National Assembly of Regional Presidents.

As already mentioned, governments in Peru tend to restrict the spheres of competence of some institutions, play down the relevance of those that function well because they interfere with their priorities, create impromptu new agencies whose attributions overlap those of existing agencies or put up resistance to institutional innovation, among other things. Thus a perverse mechanism is generated that has a chain effect: the sphere of action of effective, independent institutions is gradually reduced, other improvised agencies are set up in order to respond to a given situation but without giving them much authority, and, in the end, they all lose legitimacy. So, legal and political uncertainty prevails, and a context in which neither the parties nor the organizations of civil society nor the social movements have validity grants the executive considerable margins for discretionary action, promoting an intolerant style of political leadership.
**Bibliography**


Flisfich, Ángel, “Gobernabilidad y consolidación democrática”. In *Revista Mexicana de Sociología*. 1988

Franco, Rolando and Jorge Lanzaro, eds., *Política y políticas públicas en los procesos de reforma en América Latina*. Mexico, Buenos Aires: Cepal-Flacso. 2006


Medellín, Pablo, “La política y las políticas públicas en regímenes de ‘obediencias endeble’. Una propuesta para abordar las políticas públicas en América Latina”.

Pinto, Julio, “La evolución del concepto de presidente plebiscitario del Reich de Weber a Schmitt”. In Dotti, Jorge and Julio Pinto, comps., *Carl Schmitt, su época y pensamiento*. Buenos Aires: Eudeba. 2002

Remy, María Isabel, “Primer informe. Estudio sobre conflictos entre población y autoridades locales”. Manuscript. Lima: Defensoría del Pueblo. 2005


1. The crisis of the political system and its plans for institutional reform

The democratic republic [Urbaneja 2007], established in 1958 and dubbed contemptuously and arbitrarily the “Fourth Republic” by Chávez, can be divided into two stages. The first [from 1958 to 1973] was a time of economic growth, low levels of social conflict, and growing political stability. Popular participation in elections at that time was high, abstention low, and, most important, there was a collective awareness that the different problems that the country might encounter should be solved respecting the Constitution [Rey 1989], approved by consensus in 1961, and the institutions it created.

The point of inflection, which ushered in a time of questioning, occurred during the first Carlos Andrés Pérez administration [1974-1978] and was apparent in the inability of the state to properly handle the huge revenues from the sudden increase in oil prices; the disorderly expansion of state-owned companies; the entrenchment of state capitalism, given the overwhelming presence of the state in the economy; the appearance of emerging economic groups that became wealthy practically overnight, under the umbrella of the state; the increase in political and administrative corruption with frequent scandals that, by and large, went unpunished; and the population’s increasing demands on the state, which responded to a providential concept of the state governed by populist and clientelist patterns. It is worth, therefore, taking a look at the different factors that promoted the crisis in the system.

The first factor was the financial crisis, combined with a paradigmatic date, Friday, February 18, 1983, since called “Black Friday,” the day on which President Herrera’s administration was forced, given the rampant growth of the debt, the inability to refinance foreign debt, and an escalation in nervous foreign currency purchases, to suspend foreign currency sales in order to then devalue the bolivar and set up a multiple exchange rate system. One of the symbols of the crisis was the disorder in foreign financing, a consequence of the anarchical regime thanks to which the different institutions of the state, both centralized and decentralized, had access to foreign credit, with no order or agreement, producing such a chaotic situation that the state’s first and hardest task was quantifying the debt.

The crisis produced a kind of earthquake in Venezuelan society, the consequences of which would only grow over time. The myth of the bolivar’s stability evaporated and has not been restored since. With the fall of “Saudi Venezuela,” a name that indicated the prosperity of the first Pérez administration, it was not long before Venezuelans began to feel the effects of living in an indebted country, weighed
down by the sensation of a profound crisis and overwhelmed by endless problems, poverty being the most visible. This had repercussions on Venezuelans’ self-esteem and resulted in the loss of the illusion of harmony [Naím and Piñango 1985] that we had created as a result of the unexpected prosperity and its derivation in the need to assume a stark reality marked by social inequality and the inability of the state to satisfy people’s aspirations. In short, a feeling of rejection towards the political parties began to burgeon in the Venezuelan’s imaginary, which they used as the scapegoats for their misfortunes. Meanwhile, encouraged to a large extent by the media in the dual role of agent and echo of the phenomenon, antipolitics appeared on the scene, marked by an irrational rejection of the parties and the political class. What was happening meanwhile with the political parties, today the institutions par excellence of representative democracy?

In the first place, mention should be made here of the excessive rigidity of party structures in Venezuela, given their bureaucratization and the excessive control exercised by their leaderships. Michels’ classic thesis [1979] on party oligarchization found an interesting expression in the Venezuelan parties, born of a Leninist concept of organization based on the principle of democratic centralism. This had its consequences in the parties’ difficulties in establishing adequate relations with a civil society that, at the same time as it was becoming more complex and acquiring greater awareness of its autonomy [Combellas 1991], was coming to resent excessive party control and also the parties’ abandonment of their social roots. This was especially true among the least privileged sectors of the population, who perceived the situation in terms of their needs and most heartfelt aspirations.

One erosive aspect of this “party petrification” was the waning influence of their programs [COPRE no date; Álvarez 1996], in other words their inability to offer alternatives that would breathe fresh life into the possibilities of change in society. Put another way, the parties shut themselves away, became an end in themselves, and became overly conservative and attached to power, incapable of opening up paths to political and social innovation.

In short, the parties gradually lost their ability to articulate society’s varied interests, needs, and aspirations. Besides that, society began to distrust party politicians, the professionals of politics, accused unilaterally of being the cause of the crisis. In conclusion, disenchantment with and resentment towards party politics opened the doors to anti-politics, to the resurgence of messianic solutions and political personalism, to the ghosts of the past that it was thought had been laid to rest but that returned with renewed vigor to take a leading role in the life of the country with the destruction of the so-called Fourth Republic.

The democratic republic made several attempts at institutional reform, particularly from the mid-eighties onwards, with the idea of averting the crisis and setting the system on new courses. Worthy of mention, because of the wide range of their proposals, were the Presidential Commission for the Reform of the State [COPRE], the “Great U-turn,” and the failed attempt at constitutional reform in 1992.
COPRE was created at the end of 1984 by an executive decree of President Lusinchi’s with the purpose of drawing up a comprehensive reform of the state [COPRE 1988] in order to carry out the programmatic postulates of the 1961 Constitution. I underscore this point because of what it meant to acknowledge that, 25 years on, the program set forth in the Constitution was far from having been implemented.

COPRE’s project was fairly ambitious as it involved a revision of practically all the missions of the Venezuelan State. It awoke the interest of the country’s most knowledgeable sectors from the start, the reasons being: first, because of the expectations it gave rise to as it was the first time that the state, with the participation of civil society, showed a serious interest in promoting what was perceived as a necessity that could no longer be postponed: state reform; second, because of the climate of openness to dialog that marked the commission’s disposition from the start; and third, because of its open attitude towards the Venezuelan provinces, which felt that they were being listened to by a commission that avoided shutting itself away behind the capital’s boundaries.

Why did a project that had generated so many expectations fail? First of all, it is fair to say that it was not a total failure, as the democratic experience’s most successful political reform –direct election of state governors and the consequent opening up of the process of decentralization- had its champion par excellence in COPRE. However, the project as a whole never got off the ground and was left to gather dust either in the committees of congress or in government offices. Among the factors worthy of mention that explain the scant effectiveness of this monumental effort are, first, President Lusinchi’s jealousy upon perceiving that COPRE was assuming a leading role and did not submit to his dictates, which led to the resignation of the commission’s chairman at that time, Senator Ramón Velásquez; second, during the Pérez administration, COPRE was perceived as a government commission rather than a state commission, as a consequence of its chairman being designated as a government minister and, therefore, a member of the cabinet, so tainting the commission with the same erosion of legitimacy that was affecting the Pérez administration; and the third and, in fact, most relevant factor, the contempt of a fair number of the political class and the lack of political will for resolutely adopting its recommendations.

The so-called “Great U-turn” of the second Pérez administration was an ambitious program for modernizing the Venezuelan State [Urbaneja 2007], basically the economic aspect, with the idea of putting the economy on a sound footing [the so-called structural adjustment] and ridding the public sector of its excessive interventionism in the interests of making productive capacity more competitive. The drawing up of this program fell to a select group of technocrats, which then replaced the politicians in managing state economic and financial affairs.

Despite its ambitiousness and careful preparation, it was not possible to implement the “Great U-turn” with the required degree of effectiveness. The reasons for this, to my way of thinking, were: in the first place, because Pérez overrated his leadership, as his election program won over an electorate that, in
voting for him, yearned for a return to the prosperous “Saudi Venezuela,” which meant frustration for the population when it was faced with a program that was a far cry from the one offered during the election campaign, with its traditional overtones of clientelism; secondly, there were Pérez’s differences with his party, Acción Democrática, whose leaders felt they had been replaced by the technocrats; and thirdly -and certainly what most effectively aborted it-, the unprecedented social uprising known as the “Caracazo,” which occurred on February 27 and 28, 1989, a few days after Pérez’s swearing in as President of the Republic, whose shock waves in public opinion paralyzed the government, which was blamed for what had happened either by act or omission and, in particular, for the grave violations of human rights, a consequence of the disproportionate repression exercised by the army. All this put a brake on the ambitious program, paralyzed, in part, due to the legitimacy crisis that the regime experienced from that time on.

The constitutional reform [Comellas 1993; Kornblith 1998] was the most ambitious and, at the same time, the most frustrating attempt at institutional change during the dying years of the Fourth Republic. As a consequence of the “Caracazo,” which had the political class terribly worried, congress appointed a bicameral committee chaired by former President Caldera, whose purpose was to recommend modifications to the 1961 Constitution. From an initial proposal, which limited itself to suggesting a series of specific amendments, they went –to a large extent in response to the clamor for a more profound change- to a general reform of the constitutional text that implied its ratification by referendum. The fact of the matter is that congress, whose responsibility it was to undertake the initiative according to the current Constitution, did not demonstrate, at the reform’s stellar hour [1992], a vigorous political will to assume a decision of that magnitude.

Parallel to the proposal of reform, in the country a movement that favored calling a Constituent Assembly awoke but it did not receive attention from congress, which seemed to be paralyzed by the possibility that the constitutional change would bring about its dissolution. With the last attempt at institutional reform having been frustrated, the perception that the system was exhausted and unable to face up to and overcome the legitimacy crisis that was destroying it, gained ground in the collective consciousness. As a result it was considered that the 1998 presidential elections should open up the possibility for the peaceful but conclusive change warranted by people’s overwhelming feelings of powerlessness and frustration.

In conclusion, political reform had been proposed in Venezuela since 1985, at least, as a consequence of the widespread perception among Venezuelans that this was a system that did not adequately respond to their aspirations and demands. The clamor for reform was summed up in the following issues: the need to make the bureaucratic structures of a state, incapable of responding proactively to society’s demands, more flexible and less cumbersome; the precariousness of controls over the activities of the state, with its consequences in terms of waste and corruption; a formalist view of the rule of law that was far removed from justice, ignored human rights, was represented by a judiciary without autonomy or
independence given its excessive politicization; and the frustration of the citizenry faced with a country that was no longer rich, where the state had lost its redistributive capacity, no matter how unequal, and who found in the political class that had taken refuge in the parties the cause of the grave ills the republic was experiencing. In short, a collective disenchantment with and resentment towards political parties and the consequent emergence of anti-politics, which would be born in December 1998.

2. The constituent process and the 1999 Constitution

Whether or not to call a National Constituent Assembly as a solution to the political crisis, which had become more acute since 1992, had been a matter of debate since the early 1990s, at least. The debate focused on the Assembly’s powers of transformation, its potential for dissolving the constituted powers, and the thorny issue of the mechanism for calling the assembly, as there was no provision for such a mechanism among the revised procedures of the current Constitution.

Hugo Chávez and the military officers who led the military rebellion of February 4, 1992, according to the draft decrees they proposed implementing if the rebellion was successful [Arvelo 1998], sustained originally a radical concept of the Constituent Assembly, as it demanded not only the dissolution of the established powers, but the complete removal of the ruling class as well, so barring it from participating [Zago 1992] in the assembly’s deliberations. However, there were few signs of the form the new institutions would take at this stage, which meant that it was necessary to invite progressive members of the intelligentsia who were willing to accompany them in building the new country. True, there were ideological pillars leading the actions of the military officers that harbored a Bolivarian liberating inspiration [to be joined by Bolivarian-style constitutional projects], a liberating Robinsonian education, and a Zamoran egalitarianism [the so-called “three-rooted tree,” where Robinson, that is to say Simón Rodríguez, the Liberator’s teacher, and Ezequiel Zamora, caudillo of the egalitarian cause in the federal war in the mid-19th century, appear together with the undisputed figure of Bolívar, and the influence of a revolutionary leftwing that did not submit to the pacification of the armed struggle during the first Caldera administration in the early 1970s [Blanco Muñoz 1998; Garrido 1999 and 2002].

However, between 1992 and 1998, there was a change in strategy, a shift from an initial position which favored abstention to a final position of electoral participation, thanks in large measure to the unusual popularity gained by Chávez, which was to turn him into an electoral phenomenon. As Tarre Briceño points out [2007: 213]: “Lieutenant Colonel Hugo Chávez Frias became a part of history, not as he would have wished, as an epic leader of a great victorious military movement, but as a highly successful political leader.” In 1998, he founded, together with Luis Miquilena, the Movimiento V República and began preparations to take part in the elections slated for the end of that year.
Following his victory at the polls and after assuming the presidency in February 1999, Chávez kept his promise of opening the doors to the call for a constituent assembly. He did this by means of highly particular procedure because, as mentioned earlier, the constituent assembly was not explicitly provided for in the 1961 Constitution. The Supreme Court of Justice gave the green light to the President’s initiative, arguing that the principle of the sovereignty of the people—the people as the original constituent power—authorized a referendum for calling a constituent assembly, regardless of the mechanisms established in the Constitution [Urdaneta 2002]. The way was opened once and for all by the referendum held on April 25, when an ample majority of the voters approved the presidential proposal.

As analyzing the constituent process in detail does not fall within my purview here I will simply describe the most salient aspects [Combellas 2003] having to do with the objectives proposed by this chapter. So, first of all, it is necessary to highlight President Chávez’s indisputable role in the constituent process, regardless of the fact that he did not inexorably impose his ideas on the Assembly. Of course, certain issues on the President’s constitutional agenda were a point of honor, among them changing the name of the republic, henceforth the “Bolivarian Republic of Venezuela”; presidential reelection and extending the presidential term to six years; “participative and ‘protagonistic’” democracy as an alternative to representative democracy; the creation of new Bolivarian-inspired branches of government—the Moral Branch and the Electoral Branch—; and a more determining role in the nation’s affairs for the military.

A second aspect worthy of note was the hegemonic nature of the Constituent Assembly, controlled by a coalition of parties [Polo Patriótico] totally aligned with the President. In point of fact, the system adopted for electing the members of the Constituent Assembly—the majority nominal system— favored a homogenous coalition such as the Chavista coalition, given the dispersion of the opposition candidates, a situation that decided the final result as, with around 60% of the votes, Polo Patriótico obtained an overrepresentation in the Assembly with 90% of the seats.

The most tense and polemic situation in the Assembly’s deliberations did not have to do with the drafting of the constitution’s text but was the direct result of its conflicts with the constituted powers, in particular with congress, which, while it had not been formally dissolved, did find that its functions had been drastically reduced. The Judiciary was intervened and the Supreme Court of Justice guaranteed its own survival after it recognized the unique and supreme powers of the Constituent Assembly.

The Constitution approved by referendum on December 15, 1999, enjoyed indisputable democratic legitimacy [it was approved by 71.78% of the voters] as well as the privilege of being the first constitution in our turbulent republican times [26 constitutions] to be ratified directly by the people. Here is a brief overview of its institutional innovations:
a) The name of the republic was changed, hereinafter the “Bolivarian Republic of Venezuela.”

b) A clause in the Constitution that formally established a social and democratic state based on the rule of law and justice.

c) Establishment of a new model of democracy –participative and “protagonistic” democracy-, thus favoring the direct participation of the people in decision-making.

d) Establishment of a wide range of referendums, via which the direct participation of the people in the fundamental decisions of the state was guaranteed.

e) Design of a federal architecture of the state –the decentralized federal state-, as well as the creation of a body –the Federal Council of Government- through which public policies having to do with decentralization were to be channeled.

f) Establishment of a presidential system of government, strengthened by a broadening of presidential powers.

g) A unicameral parliamentary institution –the National Assembly-, with its legislative functions being reduced in favor of the executive, thanks to greater possibilities for delegating legislative functions to the President of the Republic.

h) Creation of a new branch of government –the Citizen Branch-, made up of the Ombudsman’s Office, the Public Prosecutor’s Office, and the Comptroller General’s Office.

i) Creation of the Electoral Branch conceived of as an independent branch of government, formally with no party alignments and autonomous.

j) Creation of a specialized constitutional jurisdiction in a single chamber, the constitutional chamber of the Supreme Tribunal of Justice.

k) Establishment of an ambitious charter of human rights and their corresponding guarantees, with the particularity that treaties, pacts, and conventions on human rights signed and ratified by the Republic were recognized as having constitutional ranking.

l) Recognition of the rights of the indigenous peoples.

m) Recognition of a national armed force with a higher status and bigger role than those established in the 1961 Constitution, both because it granted active members of the armed force the right to vote and because of the armed force’s functional autonomy and role in the life of the nation.
n) Establishment of a socioeconomic system governed by the principles of the mixed economy.

o) Establishment of different state of emergency modes accompanied by a system “guaranteeing” the protection of human rights.

p) Establishment of a National Constituent Assembly as one of the mechanisms for revising the constitution.

3. The concept of a Constitution and the institutional framework of Chávez’s regime

There is no universal pattern for constitutions [Guastini 2007] and while the Venezuelan constitutional desideratum [regardless of the formal constitution versus real or effective constitution debate] has been based on the liberal pattern with its three major bases: the guarantee of human rights, the doctrine of the division of powers, and the principle of the rule of law [a pattern that has provided no solution of continuity since the dawning years of the republic to the present day]. However, it has done a u-turn with Chávez’s regime, as it moves within different coordinates, which if not properly grasped and interpreted, are difficult to understand, as are its institutional derivations. In point of fact, the inability to place oneself within coordinates that are different from the liberal pattern makes an accurate analysis of the juridical-political dimension of the regime much more difficult, a mistake frequently committed by legal minds imbued with liberalism and legal positivism, which is the model law students learn in our universities.

This u-turn, for want of a better term, poses a curious situation. Moreover, a quotation according to the prevalent canon of our juridical culture would indicated that, regardless of its undeniable innovations, the 1999 Constitution falls within the guarantees of a liberal-rooted tradition, predominant throughout the Roman-Germanic legal family to which we belong, and which we identify as constitutionalism [the common law family also adheres to the guarantees of this tradition]. As Aragón Reyes says [2007: 32]:

> What today is already commonplace in the most discerning legal [and political] thinking is that the constitution is the supreme juridical norm, applicable jurisdictionally, that guarantees the limitation of power to ensure that it, insofar as it derives from the people, is not imposed inexorably on the free condition of citizens. In other words, the constitution is none other than the judicial view of democracy and should be understood as such.

The regime’s idea of constitution, regardless of its degree of explicitness, systematization, and theoretical strength, is quite different, indeed opposite, to the this tradition, as, unlike the latter, which conceives the law established in the Constitution as a brake or control on those exercising power and the temptation to arbitrarily impose their will; here, on the contrary, the law is an instrument of the powers that be. Put another way, the powers that be do not create law with the purpose of being restricted by it [Bobbio 1985], but rather manipulate it to their
own ends. In terms of medieval law, law is none other than an instrumentum regni, a tool at the service of the person who governs.

It is not a question of a system of law that abides by classical dogma, which we inherited from the great rationalizing tradition of Roman law, but a system of law whose most outstanding quality is its plasticity, “plasticine law” riddled on purpose with indeterminate concepts and, therefore, capable of being manipulated depending on the objectives imposed by the powers that be within a “government state” model, as defined by Carl Schmitt [1971: 7]. Unlike the legislative state, the “government state” “finds its characteristic expression in the sovereign personal will and authoritarian leadership of a head of state who personally exercises government.”

The more one studies the dictatorship theoretician’s legal and theoretical categories [obviously I am referring to Schmitt], the more one perceives their importance for studying the idea of law held by regimes such as Chávez’s neopopulist regime [Mires 2009], which is so different from the constitution’s tradition based on guarantees. Examples of what I mean abound in the ten years of the regime. That is why any Venezuelan with a modicum of culture is more than familiar with the definition of politics based on the friend-enemy dialectic, the imposition of decisions above the rules, the enthronement of will over reason as the basis of law, disdain for the principle of legality in the administrative actions of the state or the manipulative use of indeterminate concepts contained in the Constitution; in short, the subordination of the institution to the guiding principle of the caudillo’s will and related concepts, such as loyalty, unconditional “firm and discretionary” commitment, the militarist culture, obscene discipline, indulgent adulation, and honor debased by yielding to the personality cult.

It is not the purpose of this chapter to analyze the regime’s ideas on law and the constitution using Schmittian categories, but rather to highlight, I repeat, that it is not possible to understand the meaning of the political-institutional reforms being carried out under the Fifth Republic if we address them with categories that respond to the style of the liberal democratic paradigm identified as constitutionalism. The paradigm is another and it needs to be analyzed differently. I will proceed to comment, then, on the most relevant milestones in the construction of the regime’s institutional framework.

A primary and totally fundamental principle of this framework was born in the Constituent Assembly itself, as, once the new Constitution had been approved by the people in the referendum on December 15, 1999, the assembly did not declare that its task had been concluded, as would have been expected, but continued to sit the rest of December and the entire month of January 2000. It took advantage of that time to design and implement an ad hoc regime not provided for in the transitory provisions of the Constitution, by means of which it modified the composition of the branches of government [with the exception, obviously, of the executive], whose positions were then occupied by citizens faithful to the revolution and, what is most relevant, outside the participative and transparent channels established in the recently approved Constitution. The most glaring case was the
creation of a “Congresillo” or mini congress made up of 15 members of the Constituent Assembly and 15 citizens co-opted by the assembly, which performed legislative functions [it passed 32 laws, some of them basic laws], disregarding the sacred dogma of democratic constitutionalism according to which laws, as an expression of the general will, may only be passed by the people directly or by their elected representatives following a public and deliberative debate.

The revolution’s hegemonic control of the branches of government, flagrantly evading the principles of the recently passed Constitution, found a star ally in the new Supreme Tribunal of Justice, whose justices also sprang from the aforementioned transitory regime, which devised a most curious thesis for justifying the abuses of power that were being committed against the new charter, consisting of the so-called “supra-constitutionality”, thanks to which it was maintained that the effects of the constituent power were extended over time in accordance with the “doctrine of necessary transitions,” above and beyond the Constitution [Tribunal Supremo de Justicia 2000]; a brazen way of putting law at the service of the revolution. Thanks to this argument, what has been dubbed “the process” took full control of all the branches of government and the Supreme Tribunal of Justice was put at the service of the regime above constitutional principles and values. The most irrefutable proof of that control is to be found in what we could call the “policy of castling,” whereby government officials and justices, like chessmen, started to do the rounds of the posts [now a commonplace practice of the regime’s], jumping from one branch of government to the next, with scant regard for the formalities and no sense of shame.

The implementation of the Constitution –in legal terms, the legislative development of the constitutional rules- offers peculiarities that are worthy of mention. First of all, carrying out of the Constitution has fallen short, despite the mandate of the Constitution’s transitory provisions, which established a two-year deadline for approving all matters relating to the Constitution. This is particularly evident in the case of the legislation that puts the principles of decentralized federalism into operation under a cooperative federal model where the communities and authorities at the different political-territorial levels participate in drawing up public policies. On the strength of that, the Constituent Assembly created a high level authority that would be responsible for coordinating, negotiating, and planning, the Federal Council of Government. A body that, ten years on, has not got off the drawing board as, at this late stage in the game, the law regulating how it is to function has still not been passed. The law developing the treasuries of each of the states -a mandate of the Constituent Assembly aimed at guaranteeing the states’ financial autonomy- has not been passed either. In short, the decentralizing spirit of the 1999 Constitution has been totally distorted by the regime [we will take up this issue later], which has chosen a recentralizing option [Mascareño 2005] at odds with the constitutional program. Even laws as relevant as those on citizen participation and referendums, which develop the participative democracy model adopted by the Constitution, have been left on the shelves of the National Assembly’s committees to sleep the sleep of the just.
The legislation of the Fifth Republic has imposed a variety of restrictions on the human rights charter established in the Constitution. Merely by way of illustration: it has imposed limitations on the freedom of speech and information; it has restricted access to information concerning government agencies, a citizen right specifically contained in our Constitution; it has limited the rights of demonstration and free transit using arbitrary arguments of security; and, above all, it has severely restricted economic freedoms by promoting an aggressive state interventionism to the detriment of free enterprise and also by favoring social property over private property, which is guaranteed by the Constitution. Now the state has a monopoly or quasi-monopoly on the production of goods and services; the forced acquisition of goods on the grounds of security is authorized by decree; and the rights of citizens as consumers are being eroded. A simple executive order is sufficient to declare practically any economic or productive activity to be affected with a public interest, which means that there are doubts as to the individual rights protected by the Constitution. In short, the commitment is to a socialist model, the so-called “21st century socialism,” which breaks with the mixed economy establish in our Constitution.

What is more, the most relevant legislation in the ten years of Bolivarian revolution has been enacted under enabling laws passed by parliament in favor of the president, so that he can legislate liberally, by means of decree-laws, on an infinity of issues, as even the Supreme Tribunal of Justice has authorized the president to legislate on matters that should be dealt with in basic laws, including the delicate issue of restricting the human rights established in the Constitution. What is more, in some of those years, particularly in 2007 and 2008, presidential legislation has been far greater, both in terms of volume and quality, than the legislation passed by the National Assembly. And that is quite apart from the fact that since 2005, the year in which the opposition decided not to take part in the parliamentary elections alleging a lack of guarantees for ensuring the reliability and transparency of the Electoral Branch, the government has had total control of parliament. It should be underscored that this legislation has been passed, in the majority of cases, with no public discussion or deliberation of any kind, behind the back of society as a whole, and without consulting sectors of civil society that are directly affected, in particular if those sectors have refused to toe the government line in defense of the legitimate autonomy the Constitution recognizes as their right. As a consequence, it comes as no surprise that the enabling law and the decree-laws issued by the government under that law have given rise to energetic protests by the regime’s opponents, given the manner of their approval devoid of consultation, apart from the fact that some of them are apparently unconstitutional.

---

1 Three enabling laws were passed, in 1999, 2000, and 2007. In 2007, the enabling law was extended for a period of 18 months, a first in the history of enabling legislation in Venezuela.

2 At election time, the practice has been for parliament to declare a recess so that the deputies can help promote the government party’s candidates to the legislatures and the constitutional reforms initiated by the government.
4. Political personalism and its singular institutions

Chávez is the embodiment of a charismatic leadership that has the virtue of establishing a direct relationship with the population –one that, therefore, needs no intermediation, except, obviously, for the media [frequently joined up in nationwide networked broadcasts]- and, basically, with the impoverished masses who have pinned their hopes on him. Government here is not an institution but a man who embodies concern for their troubles and the solution to their problems. Within this concept, the party [Chávez’s party, Partido Socialista Unido de Venezuela, was finally formed in 2007], its structure and functions having been directly designed by Chávez together with collaborators designated by him, is a kind of conveyor belt of instructions and guidelines that establishes the President as its only and absolute leader. It is he who decides the party’s lines of action and settles its disputes.

Of course institutions do exist, but they are molded to suit the leader’s actions and decisions to make them more efficient. In short, these are institutions at the service of personalism and their structural ties are, therefore, reduced to a precarious degree, always ready to fit in with the presidential wishes. Their singular features can be summed up in the following three:

a) Transitory: The desideratum is not to have permanent institutions that become consolidated over time. On the contrary, the institutions are always open to modifying their objectives, adapting to new roles or changing their status; in short, to redesigning or adapting themselves along the strategic lines laid down for them by the leader.

b) Liability: The institutions are fragile, as their structure has not been consolidated on purpose so that it can be adapted to the changing roles that are imposed upon them.

c) Flexibility: By adjusting to change, the institutional structures do not break but easily assume their new form.

This concept of institutions, permeated with personalism, ends up being highly inefficient in practice due to the following factors:

a) The strategy of creating ad hoc informal institutions, such as the “missions” set up to address urgent problems, has fallen short of expectations. The proposed goals have not been met, revealing a costly deficit in terms of efficiency. It tends to produce dissonance between the formal structures [the traditional bureaucracy of the government services] and the informal structures, a dissonance that the leader tries to solve by personally taking on more tasks, which produces a climate charged with emotional and operational tensions. Being only human, he does not have the gift of ubiquity and eventually is unable to deal satisfactorily with the problems, both big and small, that are brought before him to be solved; the same happens with the “static” that penetrates communication channels in this
strange manner of taking decisions. What happens, basically, is that the institutions tend to grind to a halt.

b) Government officials, in particular those closest to the leader, suffer directly the consequences of this dissonance, basically for two reasons: the multiplicity of roles they undertake, whether or not formally part of their purview; and the effects of political personalism, which are expressed in their anxiety to understand whether the leader’s instructions are being carried out correctly, not to mention the inevitable jealousies and frictions generated by the blessings and dressing-downs Chávez dispenses, frequently in public and in front of the media.

To sum up, the following characteristics define the political personalism embodied by Chávez:

a) In the first place, I insist, it is a charismatic leadership that avoids intermediation in its relationship with the people, or reduces it to a minimum, and one with which the impoverished majority sectors of the population identify.

b) Secondly, the executive branch, and more precisely the President of the Republic, is the center of actions and hegemonic decisions taken by the state. The president directs the government’s actions unilaterally and legislates directly or orients legislation to suit his plans and without deliberation; a jurisdiction without autonomy or true independence submissively interprets the Constitution and the laws in indulgent tune with the president; and the bodies of the Citizen Branch [the Ombudsman’s Office, the Public Prosecutor’s Office, and the Comptroller General’s Office] are organized so that they serve government decisions.

c) Thirdly, the vertical division of the branches of government, in other words the decentralized federalism established in the Constitution, is subordinated, when not minimized, to a centralized control of power, both for the allocation of resources and when it comes to defining the centralized planning system. This system is directed by the Central Planning Committee, made up exclusively of top government officials, whose express goal is the building of socialism.

d) And fourthly, autonomous spaces where a civil society guided by values of pluralism, participation and solidarity functions freely, as established in the 1999 Constitution, tend to be gradually reduced, checkmated by an absorbent statism that increasingly restricts the possibilities for it to express itself.
5. From the frustrated constitutional reform to indefinite reelection

The constitutional reform promoted by President Chávez in 2007 ended in the referendum of December 2, when, by a narrow margin [around 51% of the votes cast] it was rejected by the voters. This was the regime’s first and only defeat. Given its relevance, it warrants further comment.

The first thing that needs to be asked is what was the reason for the reform, when Chávez’s regime had, until then, made of the 1999 Constitution its best banner? It was said that it was the best Constitution in the world and that it would last at least a hundred years, and Chávez constantly brandished it during his public speeches to highlight its bounties. Barely ten years of revolution later, Chávez came clean and stated his true position on the ideal model of constitution for his aspirations. The truth is that Chávez did not [or was tactically unable to] prevent different and plural points of view that did not necessarily share his deepest desires [including those of sectors of civil society that submitted their proposals to the Assembly] from being heard during the constituent debate in 1999, the first being the possibility of his perpetuation in power as an indispensable guide who embodied the ideals of the revolution, along with a centralist model of power with power concentrated in the figure of the president and a collectivist concept of society inspired by a hazy vision of socialism, where both Marx and Jesus had a place. The truth is that he considered that, in 2007, the time was ripe for approving an extensive reform of the Constitution.

Containing 69 articles, the original presidential proposal was complemented with contributions from the National Assembly. Among the wide range of issues in the proposed reform, the following are worthy of mention: the possibility of indefinite reelection for the president of the republic; the building of a socialist economy where social or collective property predominates over private property; the re-centralization of power, given the creation of regional authorities that impinged upon the spheres of competence of the municipalities and states; restrictions on human rights and their guarantees, in particular those affecting economic freedoms, as well as excessive restrictions on human rights and their guarantees during states of emergency; and the ideological definition of the national armed force, hereinafter Bolivarian, putting it at the militant service of the revolution. In short, the debate focused basically on two major issues: the possibility of Chávez’s perpetuation in power, at the expense of the principle of alternation expressly established in the Constitution and of longstanding in our constitutional tradition; and the imposition of a socialist ideology with the excessive penetration of an asphyxiating collectivist statism in every nook and cranny of society, posing a serious risk to citizen freedoms.

The announcement of the proposed reform in December 2006 immediately sparked off an extensive and intense debate, given the magnitude of the changes proposed, as well a discussion regarding the pertinence of the procedure used. In point of fact, according to the authoritative opinion of the most renowned constitutionalists, some of its articles modified the structure and fundamental principles of our Constitution, which, according to its express provisions,
warranted the calling of a national constituent assembly and not the reform procedure via the National Assembly to which the presidential proposal resorted. Thanks to the, once again, indulgent blessing of the Supreme Tribunal of Justice, no objection was raised to the reform.

What explanation is there for the results of the referendum of December 2, 2007? Among the elements worthy of comment is the lack of enthusiasm among a universe of citizens who traditionally supported the presidential proposals at the polls by turning out to vote, preferring, this time, to stay at home as they did not identify with the proposal’s radical message nor did they understand the point of throwing out core aspects of the rules established in a Constitution adopted as the symbolic banner of the revolution. Besides that, people felt that the public debate of the reform touched on aspects that were insufficiently explained and too difficult to digest, such as the restrictions on property, the restrictions on the freedom of education, and the break with decentralized federalism. One point worthy of comment is the ruptures that occurred in the government coalition, the case of the party Podemos, for example, led somewhat aggressively by Ismael García, a leader with strong grassroots, and the dissidence of General Baduel, one of the commanders of the revolution, who played a decisive role as military chief in Chávez’s return to power following the failed coup d’etat in April 2002. Last but not least, mention needs to be made of the unusual active presence of the student movement, which had awakened in May 2007 to protest against the closure of the private television station RCTV, and that now took to the streets once again to lead a fresh, youthful campaign against what it considered to be a threat for the future of Venezuelan democracy and the real possibility of a loss of freedoms for future generations. The student movement obtained a decisive victory, as, thanks to its urging people to take part in the referendum, it defeated the environment of abstentionist pessimism that had taken hold of relevant sectors of the opposition’s political leadership.

After admitting his defeat at the referendum, Chávez started to put into motion a new strategy on two fronts: on the one hand, he took advantage of the enabling law that the National Assembly had granted him once more, for the third time, on January 30 that same year and that expired in July 2008, to implement, via decree-laws, a fair number of the issues contained in the defeated constitutional reform; and on the other, he waited for the right moment to launch an amendment to the Constitution with the sole purpose of authorizing his indefinite reelection.

On the first point, worthy of note is the President of the Republic’s hasty approval, on the same day the enabling law expired –July 31, 2008-, of 26 decree-laws, some of which contained aspects of the reform that had been rejected by the voters, such as the establishment of the socialist productive model, the creation of regional authorities above the state governors and mayors, granting communal councils the rank of key institutions in defining production and consumption, the ideologization of the military institution with the creation of the Bolivarian militia, and the restrictions on private property and free enterprise, among others.
On November 23, 2008, regional elections were held, or more specifically the elections of governors of the 22 states, mayors -the first executive authority of the 335 municipalities-, and representatives to the state legislative councils. The government option united around the candidates of the government party, Partido Socialista Unido de Venezuela [PSUV], while the opposition united in an alliance forged with much effort, despite the inevitable fissures that prevented favorable results in some local governments and a better result in at least one state government, Bolivar. The fact of the matter is that, once again, the results revealed the polarization that the country had experienced during the ten years of Chávez's regime [government candidates obtained 50.14% of total votes versus 39.28% for the opposition, which gave 17 Chavista state governments versus five for the opposition and 279 Chavista local governments versus 56 for the opposition]. However, a more detailed analysis of the results reveals that the opposition obtained its best results in the country’s centers of political and economic power, not only because of the size of their populations [Zulia, Carabobo, and Miranda states and the Metropolitan District of the capital of the Republic], but also because of their level of industrialization. The fact is that, while the results of these elections reaffirmed the country’s polarization, they also revealed a more plural and fairer representative map than the one that had been greatly distorted as a result of the opposition’s decision not to participate in the 2005 legislative elections.

As a consequence of the country’s new representative map, a number of voices were raised [among them the seasoned politician with ties to Chavismo, José Vicente Rangel] in favor of reestablishing dialog in the interests of achieving a greater degree of peaceful coexistence that would temper the negative aftermath for democracy of the excessive political polarization that the country had had to face up to over the past decade, an attempt that found no response in President Chávez, who stepped up the pugnacity of his discourse with the aim of unilaterally building the socialist model and slamming the door shut on any possibility of dialog with the opposition; rather his discourse emphasized that he considered the time was ripe for proposing a constitutional amendment that would permit him to continue indefinitely in power. It is worth stressing here that the rule in the Constitution barring this possibility is quite clear: reelection is only authorized for the term immediately following the term being completed by the president in office and once only, a legal principle that could only be modified by means of the procedures expressly established in the Constitution. The president adopted the amendment initiative, which necessarily led to a ratifying referendum, for which he unilaterally proposed February 15, 2009, a date that was obediently accepted by the National Electoral Council, unlike other requests for elections that have been put off sine die on purpose. The haste in deciding the date can be explained by the aftermath of the global economic crisis that was inexorably hanging over Venezuela, given that practically its only export, and the generator of nearly one hundred percent of its foreign currency, is oil, whose price per barrel had dropped considerably in the preceding months, with dire consequences for the Venezuelan economy.

Although initially Chávez was in favor of indefinite reelection applying only to the office of president, as things developed, he changed his mind and this possibility
was extended to all elected offices, with the result that the recently elected government-coalition governors and mayors enthusiastically supported the initiative. The campaign was short and overwhelming given the intensity of the message, the abusive deployment of government propaganda by all available means, and the systematic use [practically daily] of nationwide networked television and radio broadcasts via which Chávez personally ran his campaign. Apart from that, there was the blatant pressure to which government service employees were subjected [once again violating the Constitution, which explicitly establishes that these employees are at the service of the State and not of any political party], whose number had doubled over the past decade [from one million to over two million, a number that, with the nationalizations and the expropriations of private companies, continues to grow]. This pressure consisted of making it compulsory for employees to, once again, wear red [the color of the revolution] and to engage in proselytizing activities such as taking part in rallies and demonstrations. In short, the outcome of the February 15 referendum was in favor of the presidential initiative [54.85% of the votes in favor versus 45.15% against], as a result of which indefinite reelection was approved and incorporated into the Constitution.

Following this victory at the referendum, the regime stepped up the pace in its advance towards "21st century socialism." Expropriations and nationalizations continued; there was no let-up in the threats against the independent media [further measures to restrict the freedom of speech were announced]; police repression against opposition rallies and demonstrations, in which people were exercising their political rights established in the Constitution, became harsher; persecution against opposition leaders was stepped up [the mayor of Maracaibo and former presidential candidate, Manuel Rosales, was forced to seek asylum in Peru after criminal charges were brought against him as a direct consequence of Chávez swearing that he would not rest until he saw him behind bars]; and, most worrying of all, the process of centralization was intensified, at the expense of the states and municipalities. So, by means of a law that is unconstitutional whichever way you look at it, the states were stripped of the exclusive spheres of competence granted them by the Constitution with regard to the maintenance, administration, and profiting from commercial ports and national roads and freeways, to the benefit of central government. Similarly, by means of evidently unconstitutional legislative provisions, the President appointed an authority not provided for in the Constitution, the head of government of the Capital District, removing a series of spheres of competence and public resources from a democratic municipal government –the Metropolitan Mayoralty of Caracas- [to which the opposition candidate Antonio Ledezma had recently been elected]- in order to hand them over to the hands of an authority that was not elected and was subordinated to central government. This legislative decision violates the elective nature of all the entities of the republic, the principle of decentralized federation set forth in the Constitution, and the will of the people [the principle of popular sovereignty, the legitimizing base of our democratic system] that had charged the present metropolitan mayor with exercising those responsibilities and administering those resources.
6. Final comments

An evaluation, albeit still a preliminary one given the complexity and highly changeable nature of the political process that Venezuela has been undergoing since 1999, gives, to my way of thinking, the following conclusive considerations and possible recommendations:

a. Chávez’s regime can be defined as neopopulist [Couffignal 2007; Gaete 2007]. His style of leadership is charismatic and communicates directly, on the emotional level, with the population, in particular with the vastly predominant impoverished sectors. The huge quantities of economic resources that the regime administered during that decade [around US$ 800 billion], as a consequence of high oil prices, has allowed it, via flexible administrative mechanisms [the so-called “missions”] to basically satisfy the demands and aspirations of the popular sectors, following welfare-type patterns that have not got passed Venezuelan politics’ traditional clientelist-populist relationship. For the person in the street, the political model it is said to be building, the so-called “21st century socialism,” is a vague idea, which if it is consolidated, as seems to be Chávez’s intention, will inevitably collide with patterns of political culture that are deep-rooted in the population. Opinion polls repeatedly reveal how high all sectors of the population rate private property [even those who consider themselves Chavistas] and, as a result, they consider that the socialist project should respect it. Likewise, the majority of Venezuelans sets store by private enterprise and, therefore, puts value on the aspiration of becoming a businessman.

b. The regime draws its inspiration from a loosely outlined ideological project that allows the President to change his discourse depending on the moment. It is undoubtedly collectivist and it does have a model from whose experiences it can draw, the Cuban model, as Chávez’s mentor par excellence is Fidel Castro [something that Chávez does not hesitate to repeat constantly]. The regime’s scapegoat is capitalism, the economic system that is blamed for all the ills of mankind, although in practice the relationship with “American imperialism” is handled in a manner that is fickle and manipulative [Chávez calls the opposition “Yankee wannabes” and claims that the dissidence is oligarchic or at the service of the oligarchy with ties to global capitalism’s big interests] and offers pragmatic peculiarities in this world’s actual and harsh realities, even more so since Obama came to the presidency of the United States. “Twenty-first century socialism” has a strong dose of personalism: Chávez is the alpha and the omega of the revolution and pretends to be hegemonic on all levels: the political [resorting to an indispensable minimum of intimidation and fear in order to maintain the democratic façade], the social [hostility towards the modernizing middle classes], and the economic [statist collectivism with the devaluation of private property, entrepreneurial initiative, and the market economy as its counterpart].
c. The regime’s legitimacy base is democratic-electoral, although the tendency is to gradually restrict spaces of political and social pluralism. The hegemonic control of all branches of government make it difficult for the political opposition to express itself as it should in a halfway viable democratic system. The Constitution has become a weapon of struggle. The rule of law has been excessively degraded. The constitutional and administrative authorities safeguard the interests of the regime above the rights of the citizens. The judiciary is strongly influenced by the regime and, in most cases, has become an instrument for persecuting political dissidents and has abandoned its role as protector of human rights. One indication of this is the large number of lawsuits filed by people before international courts seeking the justice that they do not find at home when the cases have to do with issues of a political nature.

d. In short, every regime has its opposition, legitimate or not, legal or not, and, in extreme cases, there is dissidence. In these past ten years we have known all types of opposition, from the successful albeit short-lived coup d’état to drawn-out general strikes, including mass demonstrations of civil disobedience. Learning from experience, the opposition has become increasingly homogenous and has assumed a predominantly democratic profile. Unfortunately, it is handicapped by the way political parties are organized and by the rejection they still inspire in broad sectors of the country. The fact of having snatched the banner of the Constitution from Chávez, adopting it as a shield for protecting citizen freedoms, and of constantly reminding him that the regime’s actions often violate the Constitution has, as I see it, an undeniably symbolic value, as it proposes the scenario of a political struggle within and not outside the bounds of the Constitution. Complying with the Constitution entails many things: putting value on civic-mindedness above violation of the rules, subordinating the military to the dictates of the Constitution and to civilian government, committing to peace and nonviolence, and agreeing that tolerance and respect for the opinions of others –and definitely, political negotiation and the quest for agreement through negotiation– are precisely what defines politics.

e. Finally, if there is a recommendation worth making in such a turbulent situation as the one Venezuela is currently experiencing, it is that we need a third party, today absent or whose presence is still extremely uncertain, who would help to open up spaces for political encounter and seek minimal agreements respecting the Constitution. While the intense polarization, stoked with hatred from Miraflores Palace, is a difficult obstacle to overcome, fortunately, it still has a restraining barrier in the genes of a society that, over the past 60 years, has learned, despite all the difficulties, to live and coexist in a spirit of political democracy.
Bibliography


Bobbio, N., “El poder y el derecho”. In Bobbio N. and M. Bovero, Origen y fundamentos del poder político. Mexico: Grijalbo. 1985


Mascareño, C., “Descentralización, recentralización y sociedad civil”. In Venezuela, visión plural. Caracas: Cendes-UCV. 2005


Tarre, G., El 4 F. El espejo roto. Caracas: Libros Marcados. 2007


Zago, A., La rebelión de los ángeles. Caracas: Fuentes. 1992
Part Two: Social Movements
Social Movements in Bolivia: Collective Action and Democracy in Times of Change (1990-2009)*
Eduardo Córdova

“When you flee, head for alleys. No police force can guard them all, and even the police are afraid to enter them in small numbers. If you run into a few on their own, they’re more frightened than you are, and both parties take off, in opposite directions. Anytime you're going to a mass rally in an area you don’t know well, reconnoiter the neighborhood the day before, and stand at the corner where the little streets start.”
"Did you take a course in Bolivia, or what?"

Umberto Eco, Foucault’s Pendulum

“Do you know what socialism is?” the documentary film-maker Rodrigo Vázquez asks a woman who is standing in line to enroll in the Movimiento Al Socialismo [MAS]. It is 2005 and another election campaign is beginning in Bolivia; the organization to which the woman belongs has an agreement with the MAS and now she will be joining the party. She hides her face from the camera and avoids the question; surely she does not know what socialism is. The documentary film-maker insists but he gets no reply from anyone in the line nor from the militant members of the MAS who are registering the new recruits. They tell him that Comrade Juán knows what socialism is. Comrade Juán seems to be busy so we assume that Vázquez’s question will remain unanswered.

Apart from the obvious mistake in the question — the legal status of the MAS was a gift from its former leader to Evo Morales and his followers, who had previously shown no special preference for “socialism”— the anecdote expresses the contingency within the link between the names and the “real” referents and the circumstantial validity of a particular connotation. Terms like “legitimacy”, “political system”, “civil society” or “social movement” are used in Bolivian politics ambiguously and insistently. This chapter examines the relationship between “social movements” and institutional politics from the years 1990 to 2009, with special emphasis on the period of government of Evo Morales, who boasts about the leadership of these movements in the public administration.

The expression “social movement” is widely-used in Bolivia. In the political language used in that country it refers to a wide and heterogeneous variety of political organizations, protests, mobilizations and sectors that were generally contentious with regard to the “neoliberal model” which existed during the last two decades and currently support or accompany — militantly or “critically” — the changes being promoted by the government. Social movements are present in

---

* The author wishes to thank Miguel Villarroel and Marlene Choque for their support with the quantitative information and with the interviews, respectively.

the media, on the streets and also in the structure of executive power, in the rhetoric of government propaganda and in public policies, in the national development plan and in the programs being carried out by the ministries.

Faced with such a diversity in usage of the term “social movement”, let us start from a wide definition according to which social movements are organized groups that seek to promote or to detain some change in the social system of which they form part without having the “expected” resources — the formal and informal resources which the political system recognizes as legitimate — in order to guarantee the success of their enterprise or even the possibility of expressing their demands. Basically, all they can count on is their action — their movement, which is precisely what, at some point, is activated outside the institutional channels — and their organization. With a certain degree of continuity, they engage in conflict with those who do have the resources — power, money, recognition —, and, as the conflict develops, awaken or reinforce bonds of solidarity among their members.

With regard to action, we can cite Charles Tilly, who states that since the second half of the 18th century, the movements that took place in the Western hemisphere contained the following elements:

1. a sustained, organized public effort making collective claims on target authorities (let us call it a campaign);
2. employment of combinations from among the following forms of political action: creation of special-purpose associations and coalitions, public meetings, solemn processions, vigils, rallies, demonstrations, petition drives, statements to and in public media, and handing out pamphlets (call the variable ensemble of performances the social movement repertoire); and
3. participants’ concert public representations of WUNC: worthiness, unity, numbers, and commitment on the part of themselves and/or their constituencies (call them WUNC displays).

1. Subjects and mobilizations

Despite the fact that “social movements” have only been discussed for a relatively short time, the experiences of mobilizations in Bolivia are rooted in an ingrained community tradition and within the institutional development of collective participation. Bolivian history has never consolidated the figure of the individual citizen. The exercises of citizenship differ when carried out by individuals and when carried out by groups. The last Informe de desarrollo humano. El estado del Estado, of the United Nations Development Programme (UNDP/PNUD – Bolivia 2007), spells out these differences clearly: when we deal collectively with the State, we demand; when we act as individuals, we beg.

—

2 On the premise of the recognition of a constitution of subjects which is different to that of developed Western countries, it may be inferred that the study of the movements would require particular approaches (which we cannot address in the present document since we are dealing with a long period and not specific movements). An attempt to examine the Bolivian movements with the most commonly-accepted approaches is by Álvaro García Linera, Márxa Chávez and Patricia Costas.
Apart from this, we should also take into account the fragility, fragmentation and insufficient exercise of sovereignty by the state, which is still the principal referent, or adversary, of the mobilizations. The same report describes it as a “state with holes”, since it does not cover homogeneously the country’s territorial extension and has to negotiate its authority with local and regional actors, and also because it has not been able to build a common public space or promote a solid internal market. The “holes” are due to the weakness of the elites, to the strength of the social organizations and the economic dependence on the extraction of natural resources.

According to social dreamers, the state would be a colonial creature (after the indigenous cultures), as well as being inconclusive (“failed”, in terms of certain fashionable analyses) (UNDP/PNUD – Bolivia 2007). Besides this “state of the state”, there are many other problems, such as that of exclusion which dates from colonial times, problems emerging from the National Revolution process and those connected with neoliberalism. There can be little doubt that the mobilizations which took place during the period of this study go beyond the framework of neoliberalism and cannot simply be explained as a more or less unanimous popular reaction to this “negative model”.

Observing the relationship between political reforms and the dynamics of movements, we may assume that the current wave of mobilizations is not a new creation of collective action but rather a demonstration of the counterpoint of the “two levels of Bolivian politics”, according to the description made by Laurence Whitehead (Whitehead 2001: 10; see also Crabtree 2005: xvii): a sophisticated institutional system and a strong tradition of direct participation. The appearance of contemporary social movements would be an up-dating of collective participation in a scenario articulated according to the neoliberal régime of citizenship, which combines diminishing social rights with the strengthening of mediation through political parties, to the detriment of corporative organizations (Yashar 1999). The novelty could be expressed in the contrast with previous

(2004). It is a volume which contains highly detailed empirical information and several theoretical and methodological problems, especially with a distinction between organization and movement and with the notion of interpretative frameworks, since they point out a priori certain “meaning axes” valid for all of the movements studied. On the other hand, the emphasis on the structures of mobilization and the frameworks reduces the “analytical opportunities” which the consideration of the political opportunities would have provided.

3 Some studies mention factors that are relatively useful for understanding the wave of mobilizations, but which cannot alone explain it adequately: a political culture based on rentism (Laserna et al. 2006); the “natural” resilience of the social fabric, which would break out cyclically (García et al. 2004a); the continental “counter-attack” of the left through the conversion of an earlier social subject (the miners) into another new one (the coca-growers) (Petras 2000); the accumulation of forces of “katarist” messianism and marxism (Prada 2004); the crisis or decomposition of the political cycle (Tapia 2000 and 2004); la combination of a tradition of protest with a context of injustice and the discredit of politicians (Crabtree 2005). Rentism the social fabric or the “accumulation of forces” are rather limited if we want to propose them as fundamental causes; they are only partial explanations and they themselves need to be explained. The “reconversion” of ex-miners into coca-growers is numerically hardly significant, contrary to the erroneous assumptions of James Petras. Besides, in all of these cases, account must be taken of the effort of the particular social subjects.
historical stages, in the differences of subjects, modalities of action, demands and circumstances of mobilizations and, above all, in its effects on the subjects and on the rest of society.

2. Movements and democracy between 1990 and 2005

In this section, we will mention two moments in the dynamics of the relationship between the reforms of democracy and social mobilization. This will serve as a framework for a later analysis, focused on the present government, and, at the same time, to emphasize the importance of social movements in institutional reforms. From the beginning of the nineties, collective actions in Bolivia adopted different characteristics from those which were prevalent in earlier historical periods, and modified the relationship between social organizations and institutional movements. Forms of protest moved on from the pre-eminence of union strikes to more dynamic and visible modalities (marches, takeovers and riots). From a geographical point of view, mobilizations took place in rural mining areas and then extended to the whole of the country (with clear nuclei in the Aymara highlands, the cities of El Alto, Cochabamba and Chapare, as well as Santa Cruz). The discourse of the most resilient social subjects moved on from the defense of jobs and living conditions to the defense of natural resources and to the proposal of a plurinational state. The forms of action used varied from street mobilizations to the occupation of the institutional arena and vice versa.

2.1 Resistance and re-structuring

The first moment extends from 1990 to 1999. The main priority during this period was political reform, with social protest being relegated to a lower place on the agenda. Democracy by pact had looked quite stable (since 1985, there had been no real danger of either a coup d’état or governance crisis due to the mutual blocking of the executive and legislative powers). After the Central Obrera Boliviana, COB, and its most important power-base — the mining unions— were practically dismantled, the popular organizations did not interfere with the center-ground of politics nor governmental action, whose main focus was on the “administration of the model”. The exercise of power by the state seemed to be flow; resorting to violence by the government was marginal, despite episodes such as the so-called “Christmas Massacre” in 1996, and sustained processes, such as the repression in the coca-producing areas. The strategic actors of the later period —the indigenous peoples and peasants especially — were going through a period of what might be called incubation.

For social organizations and movements, this was a time of resistance and re-structuring. Since 1985, the initiative had been in the hands of the political parties and at the level of institutional politics. After 1993 and 1994 especially, a process of reform “from above” was initiated, and this was to determine the co-existence of neoliberalism, representative democracy and multi-culturalism. It pointed towards the separation of state levels and spheres, or social sub-systems: the economy and politics were divorced, the main state companies were privatized, “serious” (national) politics was divided up among the political parties
as a kind of “feudal system” and the incorporation of social organizations was limited to affairs concerned with local development.

With the consolidation of democracy (which was basically the consolidation of institutional politics), the conditions of political participation were modified; a process of “acquiring citizenship” seemed to be taking place that was to diminish direct participation and corporative representation. The People’s Participation Act (1994) established municipal governments which today cover the whole of the national territory; it redefined state structure and the possibilities of action by civil society. Despite the creation of local governments, it allowed the strengthening of certain sectors — the indigenous peoples and peasants — which were later to break vigorously into national politics. In fact, it was the greatest expansion of political rights after the recovery of democracy, the effective consolidation of the universal vote in local elections in the rural area.

The institutional barriers that were imposed on social participation could not prevent in the long run the appearance of popular demands related to other fields: the defense of state companies, the management of natural resources, the indigenous territories and the eradication of coca. From another viewpoint, the model of decentralization embodied in the process which established municipal governments managed to postpone, but not stop, the demands for departmental decentralization, which had prevailed until then, and whose contemporary transformation is the project for autonomies proposed by the civic movements.

Additionally, in this context of reforms, there was the weakening of earlier forms of organization and modalities of action. As was previously mentioned, there was a decline in the power of the Central Obrera Boliviana [COB] — which had, over the past decades, been the main source of the population’s representation and an essential channel for their demands. The “COB form”, which had been efficient during the cycle of the National Revolution and the resistance to dictatorships, was no longer adequate for the situation in which mediation depended on the party system — and from which its traditional adversaries, the armed forces, were absent. The mining unions had abandoned the political scene and there was clear evidence of the strategic incapacity of the popular organizations and their need to choose mechanisms of tactical action, such as marches to La Paz, and extreme demonstrations of sacrifice, like crucifixion⁴.

---

⁴ We are using the versions proposed by Michel de Certeau to conceptualize the strategy (the decisive performance on one’s homeground) and the tactics (the performance on another ground) (Certeau 2000: 42-43). This was what peasant leader Román Loayza, later a senator and constituent member for the MAS, now estranged from the party, said in June 1997: “The tactical arm is that we should form a political party according to the Political Constitution of the State and the strategic arm is that the party base must continue preparing the mobilizations.” If, during the cycle of 1952, the means of pressure used by the workers’ unions were established by the miners’ centers - in fact, the military repression went to the mines— in 1986, the miners had to march to La Paz in order to make sure their demands were heard by all. The March for Life, undertaken by several hundreds of miners, was stopped by a cordon of armed forces eighty kilometers from their destination. Faced with a military threat of incalculable consequences, the miners decided to abandon the march and invoke the “relocation” (or dismissal) clause. This practically meant the disappearance of the miners from the political scene. The relocation affected over twenty thousand workers and caused the fatal weakening of the COB.
One of the most outstanding milestones in mobilizations during this period is the March for Territory and Dignity, organized in 1990 by representatives from Amazonian indigenous groups towards the capital city of La Paz. The march succeeded in gaining legal rights to part of their ancestral territories through presidential decrees. Its repercussions, together with the demands of other indigenous groups and the circulation of multi-cultural proposals among the intellectual elite, had their origins in the constitutional reform of 1994, as well as in the statement of the country’s cultural heterogeneity in the first article of the Political Constitution of the State, which was in force until 2009.

The creation of organizations took place alongside the expression of new problems during that time. Mobilizations — especially by well-established organizations — generally confronted or tried to resist public policies. The agenda of the protests by the new organizations was partially compatible with the consolidation of the “neoliberal model” and multi-culturalism: recognition, opening-up of channels for participation; but it also included demands which tacitly cast doubt on the validity of democracy by pact and the neoliberal measures, and even the configuration of the state: among the proposals was, for example, indigenous autonomy, though not quite in the same terms as that proposed during later discussions. An examination of the demands of the peasant movements during this period reveals the fact that before 1994, the political demands did not include the questioning of the State. There were symbolic proposals, such as the use of the *wiphala* together with the national flag (nowadays both are recognized as national symbols). Between 1994 and 2000, the idea of autonomy and a plurinational state was consolidated, though the demands for institutional reforms did not include the proposal for a Constituent Assembly or a radical change along the lines of “plurinationality” or the decolonization of the state; at best, the demands were limited to the creation of vice-ministries related to peasant and indigenous problems (Camacho 2001: 12-13, 16-18).

In the case of the Chapare coca-growers, from where the leadership of Evo Morales emerged, initial attempts to gain the sympathy of other native peoples...

---

5 A previous event which was not covered by the media was the adoption of the thesis of the Nationalities Assembly at the extraordinary congress of the Confederación Sindical Única de Trabajadores Campesinos de Bolivia (CSUTCB), held in Potosí in 1988. The thesis, strongly influenced by rural development activists, took up the proposal of the “plurimultinational society” of other congresses of the confederation in a context of the rise of neoliberalism (see Patzi 2007: 81 et seq.; and Mamani n/d: 4). After the march of 1990, the proposal was to schedule the installation of the Assembly in 1992, to coincide with the 500th anniversary of the arrival in America of the Spaniards.

6 Since the establishment of democracy, several organizations were created around the objectives and criteria of non-exclusive, non-classist and non-labor affiliation: the Cidob, originally called the Eastern Bolivian Indigenous Center in 1982; the Assembly of the Guaraní People, APG, in 1987; the Beni Indigenous Peoples’ Center, CPIB, in 1989; the Indigenous Center of the Amazon Region of Bolivia, Cirabo, in 1991; the coordinating committee of the federations of coca-growers, en 1992; the Council of Peasant of the Yungas of La Paz, Cofecay, and the Santa Cruz Ethnic Peoples Center, CPESC, in 1994; the National Council of Ayllus and Markas of the Qollasuyo, Conamaq, in 1997.

7 Translator note: “the square flag representing the native peoples of the central Andes region of Bolivia”
and to establish the defense of their crops in the petitions of the COB (Healy 1991) gave precedence to the intention of consolidating their own organization. The political rise of the coca-growers would pursue the proposal to create a “political instrument” dependent on the original organizations — the Cidob, the CSUTCB and the Confederación Sindical de Colonizadores de Bolivia, the CSCB. The instrument was created in 1995, at the CSUTCB congress, with the name of the Assembly for the Peoples’ Sovereignty. Under the legal status of the United Left (attempts at registering as a political party were unsuccessful), it would participate in the municipal elections of 1995, with successes especially in the rural municipalities of the Cochabamba department, and not exclusively in the coca-producing area. The creation of this instrument would involve criticism of the parties’ actions and a strict adherence to democratic institutionality. This responded to the need to consolidate the local presence of the organizations which had access to municipal resources and, at the same time, responded also to a disposition to go beyond this framework and coordinate visions and actions with other sectors.

In 1997, at the general elections, the coca-growing leader, Evo Morales, who was the United Left’s candidate for congressman — it was the first time uninominal constituencies had come into effect — succeeded in entering parliament with more than 70% of valid votes in his constituency — the highest proportion in the whole country. Another three peasant leaders also won seats in rural constituencies. Disputes over the leadership, and especially over the nature of the relationship the party should have with the unions, provoked a split. Early in 1999, the coca-growers and other peasant organizations from seven departments broke away from the ASP and founded the Political Instrument for the People’s Sovereignty [IPSP]. A small party, the MAS, unconditionally ceded its legal status to them which was handed over on January 22 of that year.

2.2 Taking the initiative

The second moment occurred between 2000 and 2005 and expressed the crisis of “democracy by pact”, popular discontent with neoliberal policies and the rise of the movements. It marked the beginning of an initiative taken by the actors that had formed groups in previous years as well as new ones, and who now became strategic actors in the political processes. During this period, the prevailing power relations were unmasked: state violence was repeatedly used, with ominous results, especially during 2003, and particularly during the October crisis, known as the “Gas War”.

Around 1999, economic stability had been transformed into a process of recession with low growth rates. There had been five changes of government.

---

8 On the political development of the coca producers, see Komadina and Geffroy 2007.
9 Exactly seven years later, on January 22, 2006, Evo Morales took office as President of the Republic.
10 The growth of the GIP was the lowest during the period under consideration (the lowest since 1986, when the effects of the economic crisis and hyperinflation were still being suffered). It was between 0.4% — based on figures from the National Institute of Statistics — and 0.6% — according to the Central Bank of Bolivia (BCB 2000: 11).
within the constitutional framework and the “political class” was the object of constant criticism. During the reform period of the mid-nineties, which had affected several aspects of politics and the economy and the management of certain resources (hydrocarbons, bio-diversity), the administration of water had not been officially modified, although there was some discussion about a possible water law. Social activists took the initiative on this topic, with the result that when the water privatization law was passed, and the concession for the service in the city of Cochabamba was awarded to an international consortium, in October 1999, there was already a widespread debate going on among environmental, neighborhood and union organizations in the department.

The “water war” — a massive local protest which in April 2000 achieved the removal of the private consortium which had been entrusted with the drinking water service and drainage system of the city of Cochabamba and its surrounding districts — may be seen as the beginning of a new level of consciousness regarding privatizations and as a clean break with the demands of the organized population, state representatives and institutions. At the same time, it marked the inauguration of a new type of protest that cannot be adequately explained as the consequence of local elements, or merely as an effect of neoliberal policies or the unbridled greed of transnational companies.

There were numerous mobilizations between the “water war” and Evo Morales’ victory in the presidential elections of 2005. Particularly noteworthy were the conflicts over natural resources, which symptomatically adopted the name of “wars”: road blockages, the “coca war” — over the closure of a coca market in Cochabamba — an indigenous protest march demanding the calling of a Constituent Assembly in 2002; “Black February” and the “gas war” in 2003; the “water war” of El Alto, the open meetings in favor of autonomies in Santa Cruz, the protest marches in support of the hydrocarbons law, which provoked the resignation of President Carlos Mesa between 2004 and 2005.

An interesting organizational feature which should be mentioned is the establishment of mobilization coordinators that articulate different groups and socio-political subjects as and when required. Since the creation of the Defense of Water and Life Coordination in Cochabamba (November 1999), similar organizations emerged, while others, already in existence, changed their name. In November 2000, months after the “water war” and at the end of a particularly turbulent period known as “Black September and October” (which shut down a large part of the country for three weeks), the United National Mobilization Coordination [COMUNAL], based on the main contentious organizations, was formed. An organizational effort which began in January 2003 but which was dissolved during the present government was the Peoples’ General Staff, made up of five of the departmental centers, which included workers from factories, teachers, communities, peasant women, water-workers, university students and

11 For further details and different interpretations of the “Water War”, see Kruse and Vargas (2000); Crespo (2000); Laserna (2000); Assies (2001); Ceceña (2004); and Olivera (2004). One novel aspect of the development of this “war” was the coordination of the local mobilizations with the solidarity of activists in the United States (against the US company Bechtel, the main shareholder of the private consortium that administered the drinking water service in Cochabamba).
teachers, landless peasants, the unemployed and a nationalist civil association. That same year, the Cochabamba Coordination itself became the Gas Defense Coordination. In July 2004, the Pact of Unity was signed by indigenous and native peoples, peasants and communities, who were to assume a key role in the development of the Constituent Assembly.

During this period of protests, the party system began a process of disintegration with few parties surviving. Representation was partially taken over by the movements and in the electoral field, the 2004 constitutional reform opened the way to the possibility of presenting candidates sponsored by citizens’ groups and indigenous peoples. Ideological distance and centrifugal forces invaded the system. Protests expressed the social disapproval of the performance of various governments and, at the same time, there was a new momentum in social action (which had been maintained for several years in the rural unions, but which, in general, had declined since the recovery of democracy and the dismantling of the state mines). They managed to define the public agenda and determined the adoption of certain institutional decisions through “by-passing” the mediation of the political parties (of which the most important was the announcement of the Constituent Assembly). Thus, the field was open for “the politics that matter”, and, as will be seen later, this allowed for the manifestation of countermovements that also combined protests with institutional actions.

During this period, social mobilizations played a more active role and proved the effectiveness of “street politics”. Popular discontent with the “model” was expressed in the protests which irreversibly unmasked the state’s weakness, and, additionally, in a simultaneous statement of the option of channeling the turbulent processes through institutional roads: the reformulation of a law, in the “water war”; the “constitutional succession”, in the case of the resignation of two presidents.

The two most debated elements were property and the management of natural resources, and the new design of the state. The “water wars” of Cochabamba (2000) and El Alto (2005) reinforced the idea that basic services should not be privatized and that water should continue to be a state property resource, even when it is managed by the community. Precisely after the “water war” of 2000, certain leaders proposed that the dynamics of the protests should be maintained, by introducing a general mobilizing myth: the calling of a Constituent Assembly, which grew as a demand from several sectors and was taken on board by the government in October 2003, after the “gas war”. As for land, after the creation of the Landless Movement (2000), and especially after 2002, there was an increase in invasions carried out by peasant groups, which frequently triggered violent responses on the part of the landowners.\(^\text{12}\)

The most turbulent year of this stage was 2003. In February, after more than thirty deaths had occurred during confrontations with the police and the army

---

\(^{12}\) The bloodiest event happened in November 2001 in the Chaco region, near the frontier with Argentina, in the so-called Pananti Massacre, in which eight people were killed and over twenty wounded by firearms.
outside the legislative and government headquarters (the corollary of which was the undermining of the legitimacy of state violence), the protests in La Paz led to the modification of that year’s financial law project, which included an income tax increase. In October, the resistance demonstrations of the Aymara groups, residents of the city of El Alto, as well as peasants and urban sectors of the whole country, led to the resignation of President Gonzalo Sánchez de Lozada – after the military massacres which ended tragically in the deaths of some seventy people. Energy policies (the sale of natural gas) were modified and the new government was forced to accept the legalization of the referendum and the Constituent Assembly, which were instruments that had been included in the constitutional reform of 2004. Besides, as was previously mentioned, political representation was “de-monopolized” and the election process was opened up to indigenous peoples and citizens’ groups.

In January 2005, civic demonstrations in Santa Cruz imposed on the government the commitment to hold a referendum on departmental autonomies and the direct election of prefects, who had previously been appointed by a presidential prerogative. The “January agenda” posed a contradiction with the “October agenda”; in practice, there were confrontations between proposals that were directly connected with the modification of the country’s institutionality: departmental autonomies and the Constituent Assembly. As a counterbalance to the popular, peasant and indigenous movements in the west of the country, civic movements appeared in the east, focusing on the demand for autonomy lead by entrepreneurial organizations.

In June of that same year, pressure from indigenous peasants and workers contributed to the resignation of Carlos Mesa and ensured that neither of the presidents of the legislative chambers succeeded him in power, since they were considered to be representatives of the traditional party system. Therefore, the President of the Supreme Court of Justice —the last link in the institutional chain of precedence — took over the control of the nation and called general elections. The “political instrument” became ten years old at the elections December 18, 2005, with the support of dozens of organizations (especially those connected with peasants and indigenous peoples), and with the hope of receiving complementary support from the urban middle classes. On that day, for the first time by popular vote, the departmental prefects were also elected. Evo Morales achieved an absolute majority, thereby avoiding the need for a post-electoral pact.13 Nine prefects were elected with him, though only three of them were nominated by the MAS. Since the re-establishment of democracy, no previous election had defined an outright winner of the presidency. Undoubtedly, Evo Morales was the most legitimate president in over two decades; but the election of prefects placed notorious institutional limits on his decisions. Morales declared that his government would be that of “the social movements”.

The political scenario in which Evo Morales took over the presidency combines several elements. There was a “turn to the left” in Latin America that, while it did

---

13 Editors’ note: this was to be repeated in the elections of 2009, when President Morales was re-elected by an even greater percentage of votes than in his first election.
not express the unanimous vision of the population and governments of certain countries, represented a crisis for the Washington Consensus and the feasibility of alternative options. The crisis of “democracy by pact” became evident with the disappearance of almost all the political parties that had governed since 1985. The “gas war” had been a criticism of the traditional party system, as well as a popular expression of a demand for the strengthening of the state vis-à-vis foreign investment. There were obvious incompatible positions regarding state reform. On the one hand, the demand for a Constituent Assembly promoted the re-founding of the State. On the other hand, the demand for autonomy pointed towards greater decentralization at the departmental level. Both proposals needed to be resolved during the Morales government. Two laws which had been passed by the previous government had fixed July 2, 2006 as the date of the constituent elections and of the referendum on departmental autonomies.

The movements had four geographical foci. The first of these was the city of El Alto, in the area of La Paz, with the Federation of Neighborhood Councils and the Regional Workers’ Center. Both of these organizations were inspired by a radical discourse with the specific claim that they had “suffered deaths” among their ranks during the protests that ended in the resignation of Sánchez de Lozada. The second focus was the Andean region, especially with the agrarian unions and the National Council of Markas and the Ayllus of the Qollasuyo, which promoted the establishment of a plurinational State. Cochabamba was the third center, consisting of a rural area and its provinces, the six federations of the coca peasants of the tropics, the peasant unions of the highlands and the Department of Cochabamba Federation of Water-workers [Fedecor]; and, in the capital of the department, the Gas Defense Coordination. The fourth center was the city of Santa Cruz, with the civic pro-autonomy movement and three main organizations: the Pro-Santa Cruz Committee, the Agricultural Chamber of the East and the Chamber of Industry and Commerce of Santa Cruz. The first three centers could be called “popular”, while the fourth was “civic”.

3. The movements “in power”

If, during the period from 1990 to 1999, state power had been exercised apparently without clashes, and during 2000 and 2005, this power exposed its weakness by resorting to violent repression, the present moment, from 2006 onwards, is characterized by the social movements “in power”. Above all, it expresses the decisive importance of extra-institutional collective action, and, a process of apparent de-institutionalization of the political system, and a disagreement about the meaning of democracy, in which all the strategic actors continuously go beyond the frontiers between formal action and options which have little in common with the existing rules. It is known as a period of competitive mobilization between the government and the oppositions. Political debates are carried out in institutional scenarios, and also through protest marches, open meetings, demonstrations and other collective expressions. In

---

14 The sense of competitive protests may be understood in the terms used by Martin Shefter: when two different political elites, taking advantage of some circumstantial cleavage, mobilize their bases to substitute the resources of power that they might be losing or to defend what, in their perception, might be in danger (Shefter 1994: 7; Koopmans 2004: 27 et seq.).
Bolivia, competitive protests combine participation in large demonstrations with electoral participation. In this section, we will examine the movements at the present moment and their relation with the “government of movements”.

3.1 The process of “de-institutionalization” and competitive mobilization

The MAS – IPSP joined the government by initiating a new constellation of relations: within the state (especially, with sub-national levels), with society (with the movements) and with the economic sphere (with foreign investment). The electoral victory of Evo Morales is part of a process which cannot be explained solely as a result of the efforts of the movements. Within a framework of international changes, the crisis of the political system also defined the feasibility of his candidacy.

One of the most important features of this period is the so-called process of “de-institutionalization”, which started several years ago, and has grown since 2007 by the virtual inexistence of the Constitutional Tribunal, by the crisis of the electoral courts, by the use of popular participation in referendums or in demonstrations, on the basis of projects – of both national and departmental authorities, which were rarely in line with the existing legislation. The movements are a key ingredient in this process, insofar as they demonstrated the weight and effectiveness of extra-institutional action.

On July 2, 2006, the representatives to the Constituent Assembly were elected and the referendum on departmental autonomies was held, where the result was a majority for the “No” vote in five departments (the western departments: Chuquisaca, La Paz, Cochabamba, Oruro and Potosí) and for the “Yes” vote in the four remaining departments (Tarija, Santa Cruz, Beni and Pando, which are predominantly lowland areas). These last departments formed what is known as the “half moon” – media luna-, where the authorities and civic organizations are openly opposed to the government.

Several of those elected as constituents were leaders of social organizations. The MAS candidates won in almost the entire country, and obtained more than half of the seats in the assembly. However, this majority was not enough to approve the constitutional text, because the law established that two thirds of the constituents’ vote would be needed before the Constitution could be approved. The assembly started in Sucre, the capital of the Republic, in August 2006. The law imposed a deadline of one year for the new constitutional text to be approved.

Society was polarized over the constituent process. The current political dynamics placed the movements in opposite camps and effectively proposed a debate over the meaning of democracy. The principal traditions that indicate the existence of a real democracy (the principle of popular sovereignty and the validity of regulations and rights) (Mouffe 2003) were confronted daily in the arguments of the popular and civic movements.

Political party, civic, social and media opposition was centered around several points of dispute which blocked the deliberations in the Constituent Assembly
and prevented them from concluding the draft of the text in the given period. Included among the points that came under debate are: the definition of the original or derived nature of the Assembly, at the start of the sessions; the interpretation of the special law of proclamation - the opposition insisted on the application of two thirds of the votes in the approval of each one of the Constitution’s articles and the MAS proposed a mixed formula which combined the two thirds with the absolute majority - until February 2007; respect for the result of the referendum on departmental autonomies, from the beginning; the headquarters of the powers of state, from June 2007. The parliament had to extend the period of sessions until December of that year.

After several setbacks and once the new extension came to an end, in December 2007 the Assembly approved the project or the Political Constitution of the State. The approval was made in the city of Oruro, in a session that was marred by procedural errors and without the presence of the main opposition political forces. On December 15, when the Assembly’s president handed the project to the President of the Republic in La Paz, in the autonomous regions, projects were presented for a statute of autonomy that were incompatible with the Constitution in force, as well as with the project approved in Oruro. Coincidentally, two days earlier, one of the magistrates of the Constitutional Tribunal resigned, leaving this judicial body without a quorum, and effectively closing the door on the last possibility of having a decision on the legality of this project of constitutional text and of the statutes.

The Constitution Project could not be directly submitted to a referendum. One article which was not approved by two thirds of the assembly members present at the last session had to be resolved by a deciding referendum. Subsequently, the assembly had to hold a further session to review the entire text. This provided an opportunity to revise several deficiencies, contradictions and inconsistencies in both content and wording.

The prefectures and civic committees of the “Half Moon” announced departmental referendums on autonomy for May and June 2008. The official party’s response was to announce a recall referendum for the President and the prefects – which was not approved by the Senate, where the opposition had the majority - and subsequently, with the announcement of the deciding and endorsing referendums on the Constitution on the same day - this simultaneous announcement closed the possibility of any modification of the text approved in Oruro because it indicated that the assembly would not meet again. The National Electoral Court, which was in charge of all the electoral processes in the country, rejected the holding of those consultations. The intention to announce the endorsing referendum of the Constitution was postponed by the government. The referendums on autonomy were held regardless, administered by the departments.

Political dispute lead to increased conflict as did the attempts to make the autonomy bill and the Constitution project compatible. In addition, in May 2008, the Senate approved the announcement of the recall referendums. The referendums took place on August 10. President Morales was ratified with 67% of
the valid votes, as were the prefects of the “half moon” departments. Two opposition prefects lost their posts; their successors were named by the President. In September, there was an escalation of protests and anti-government violence in the “Half Moon” departments, which led, in the case of Pando, to the prefect being tried and removed from office, after which an interim successor was appointed by the President. A dialogue between the regional opposition and the government was established, despite certain setbacks, and in October, an agreement was reached for the congress to review the Constitution project, moderating its approach to more neutral positions, with less “indigenous” influence and moving towards satisfying the demands for departmental autonomies. In October, the law announcing the recall and endorsing referendum was passed, and it was held in January 2009.

Some popular sectors saw the announcement as a victory: the effort to open up the public agenda and include the Constituent Assembly culminated after numerous obstacles with a Constitution that widely recognized cultural diversity. Other groups felt that the review of the project approved in Oruro was a step back and a spurious attempt to appease the opposition. The consensual text included a “social control” section, which, to a large extent, would be the responsibility of “organized civil society”.

The Constitution was approved with 61% of the valid votes. In December 2009, general elections were due to take place. Because of the need to find support and to establish alliances, the campaign will probably last the whole year. In view of what has happened since 2003, electoral debates will undoubtedly be focused on the organizations and social movements, or become part of their demands and strategies.

In general, since 2006, the cleavages of the society are not clearly reflected in the party system, but in a sort of “mobilization of society” in which the principal strategic actors function as movements. Due to diverse historical processes, a convergence of these cleavages took place; they do not diminish, but rather strengthen each other (the “people”, the “poor” and the “indigenous” are in the western part of the country, while the “oligarchs”, “rich people” and “modern”, are in the eastern side). The interests of the elites from both groups use institutional politics and street protests, depending on the level in which they are located, so that the correlation of forces established in one scenario - the relation of central government with the prefects or between the legislative and executive powers, for example - does not determine what happens in other scenarios.

3.2 The existing movements

In this “mobilization system”, considering the nature of the changes proposed by the movements, three groups can be clearly distinguished: the insurgent movements (those who imposed the current agenda of changes; especially, peasants and indigenous peoples), the counter-movements\(^\text{15}\) (primarily the civic sectors from the eastern regions, who joined forces to resist those changes or

\(^{15}\) For more on counter-movements see Pichardo [1995].
modify their path), and the corporate movements (in which the co-operative miners are prominent). In general, the insurgent movements proclaim -not always accurately – their preference for changes in social, state and economic spheres from the state; the counter-movements prefer a change of state but not necessarily social or economic changes (in fact, their action could be interpreted as a search for change in the structure of the state in order to avoid changes in the social or economic structure at a departmental level). Corporate movements seek institutional changes which will give them specific benefits and which could have general repercussions.

If we go further into the framework of a typology and incorporate the capacity for pressure or for proposition, we can distinguish, among the insurgent movements, those with a high capacity for pressure with relative proposal capacity (peasants are the most visible example of these), and those with of a high proposal capacity and less pressure capacity (lowland indigenous people). If we also consider the logic of predominant action - the option for mass mobilization, disruption or expressions of sacrifice - we observe that the communal movement of co-operativist miners prefer to appeal to disruption (road blocking, invasions of institutions and mines, violent confrontations), to establish negotiating conditions or to carry out collective decisions. The indigenous people of the lowlands employ the logic of sacrifice more than the other movements. Due to their positioning as regional “forces”, the civic movements use numerical logic (massive assemblies, consultation with “the sovereign”) and disruption (violent attacks on national authorities, peasants and indigenous people, taking over central government institutions). Peasant movements can resort to any of the three logics.

The main insurgent movements that have enough weight to exert pressure are articulated in the Pact of Unity, around the CSUTCB, the CSCB and the Bartolina Sisa Federation of Peasant Women; the urban movements of El Alto and, to a lesser extent, Cochabamba. The lowland indigenous peoples operate in adverse regional institutional contexts and lack the possibilities of pressuring at a national level. The Conamaq would also form part of this group. Regarding international legal instruments (the main one was the 169 agreement of the International Labour Organization), demands have been introduced which were later assumed by peoples’ authorities with a greater capacity for impact and mobilization.

These movements (especially the Aymaras, indigenous coca-growers, residents of the city of El Alto or the “water warriors” from Cochabamba) expanded politics (the places in which binding collective decisions are induced and taken are sometimes outside the boundaries of institutional politics) and established modalities and standards of intensity of protests which would later be adapted by other sectors.

In more recent years, some actors previously uninvolved directly in political processes grew stronger: urban middle-class sectors, especially youngsters and women, and groups from middle and high socio-economic strata. The proposal of departmental autonomy brings some of them together in counter-movements supported by departmental authorities. They occupy opposition places in the field
of forces and structurally appeal to collective mobilizations when they also make use of a variety of other resources - institutional, economic, media - to make their demands. They have high capabilities for pressure and popular support in their respective regions. Two of the more notable examples are the autonomist movement of Santa Cruz and the Inter-institutional Committee of the city of Sucre.

The movement from Santa Cruz expresses the control of corporate entrepreneurial groups; it seeks to give another course to change and protect a “way of life” against possible threats by insurgent movements. The intelligentsia linked to the autonomist movement employs the same terms as the intellectuals from the Andean towns: “exclusion”, “internal colonialism”, among others, and, just as the latter have done, builds on an extensive past filled with a constant and sustained struggle, not of five hundred years of resistance, but of “400 years of the autonomist fight for Santa Cruz” (Gandarilla 2003; Antelo n/d). The Inter-institutional Committee of Sucre (headed by the president of the Civic Committee of Chuquisaca, the president of the public university, the mayors and the president of the town council) was created to promote the demand for full capital status for Sucre (which until now has been the nominal capital, though it only hosts the judicial power). It managed to force the resignation of the Prefect of Chuquisaca and modified the correlation of national forces, linking itself to a National Democratic Council [Conalde], made up of civic committees and prefects of departments where the “Yes” vote won in the referendum on autonomy. Its candidate - a Quechua Indian who used to belong to the MAS - won the election for departmental prefect.

The most striking novelty during the last period of competitive mobilization has been the formation of coalitions which operate simultaneously both on the inside and the outside of institutional arenas. The Conalde is one of them. On the official party’s side, we have the National Coordination for Change [Conalcam], that groups the main organizations and movements that back the “process of change” and was presented by President Morales as the maximum decision-making authority of his government. The most notable example of competitive mobilization happened in September 2008, when popular movements of the Conalcam and civic movements of the Conalde simultaneously blocked the same highways.

3.3 Incorporation of the movements into public management

The MAS government is not merely a “government of the movements” nor, despite the ostensible attempts in that direction by certain governmental officials, a “government that controls the movements”16. It is instead a “government with the movements”, an alliance in which the movements participate more or less actively, depending on the political dynamics. The integration of the movements in government administration takes place at five main levels: government rhetoric; policies; the executive power structure; the assignment of decision-

---

16 The leader Óscar Olivera, from the Coordination of Cochabamba, states that “there is an attitude in the government that all social movements are subordinated to the government” [in Zegada et al. 2007: 96].
making posts to social leaders; and *habitual* mobilizations, depending on the policies being promoted by the MAS.

Just as the MAS proclaims itself to be a political tool for the movements, the Evo Morales government presents itself as the “government of the movements”. The president himself constantly insists on his debt to the movements and that his government coordinates policies with them. In almost all of his speeches, the president includes some reference to the active role of the movements in his election victory and in the development of the government’s action. The government assumes that the movements are maximalist; in order to count on their continuing support, ministers and other officials use radical rhetoric. In this way, it can achieve a symbolic inclusion, and, at the same time, a “protection” for its moderate policies in response to possible “fundamentalist” or maximalist demands from the movements. The government depends on the movements and therefore cannot symbolically distance itself from them. Social pressure could block certain inclusive policies from the inside, and, at the moment of polarization, the capacity for dialogue and government consensus.

Participation in policies, viewed as a moment of attraction from the state’s standpoint, occurs according to several different mechanisms. The first of these is the “consultation of the base”. Government authorities — the president, certain ministers and also parliamentarians linked to some movement — “go down” to meet with “their base”, to consult, inform, justify or legitimize their decisions. The practical problems of this modality of participation include the impossibility of taking *all* the decisions through consultation, the technical difficulty of achieving a consensus among groups which may have incompatible interests (for example, the unionized miners and the co-operativists), and the inevitable risk that this link between the government and the movements may become a form of manipulation.

Another way of incorporating movements and organizations into public policymaking is through the participation of leaders in consultations and meetings with the President, especially in the government headquarters, and with ministers, vice-ministers and those responsible for state-owned companies. According to Evo Morales, this would be a way of promoting inclusion “by proposal” instead of by protests. Two special mechanisms are the “social summits”, where there is participation, on the one hand, of the main government authorities and, on the other hand, of the representatives and delegates of most of the nationwide social organizations, and the Conalcam. The summits are held each semester and fulfill a role that is not only informative but also legitimizes and consolidates the coalition constituted by the government.

---

17 A report by the Vice-minister for the Coordination with Social Movements and Civil Society states that 2,422 public meetings were held between 2006 and 2008 (VCMSSC 2009:1). In the case of President Morales, María Teresa Zegada, Yuri Tórrez and Gloria Cámara emphasize that, *only in the first semester* of his government, he had held 262 public forums with the social movements (Zegada et al. 2008: 68; quoted in *La Razón*, August 6, 2006).

18 During 2006, there was a political committee. According to ex-minister Félix Patzi, “all the other spaces have been annulled, the social movements, the political committee, since all the decisions, both political and operational, are concentrated in the cabinet” (interview).
Despite the fact that the Coordination was created in January 2007, after an evaluation session of the first year of government\(^{19}\), it was taken up by the media as something new in the second annual presidential report speech. Consisting of between 25 and 30 organizations, it would be chaired by Morales, with a ten members board. According to Morales, “it will be the highest level of political decision-making, and will be above the cabinet in deepening the changes” (La Razón, 24.01.08). “We can veto laws, and audit”, stated the executive of the CSUTCB, Isaac Ávalos. According to another leader, “it will be able to call for the removal of ministers, vice-ministers, directors and officials who don’t do their job properly.” (Gerardo García, deputy of the MAS, La Razón, 24.01.08).

Despite this and other attempts to formalize the relation between the government and the movements, the informal levels currently continue to operate as a priority. One obvious effect of these forms of consultation, information and coordination is the maintenance of the links that these organizations and movements have with “their government”. The downside is the constant risk that the movements will be transformed into instruments for carrying out government policies, with the “political instrument” becoming a mechanism for the control of the movements.

Modifications were made in the structure for the appointment of ministers the day after Evo Morales took office, and were incorporated into the new Organization of the Executive Power Act (Law 3351 of February 21, 2006) and regulated in supreme decree 28631, of March 8 of that year (the application of the new Constitution partially modified that structure). According to these regulations, the government aims to “change the structure of the executive power, so that civil society and the social movements may deepen the Social and Democratic State of Law”, with a view to “decolonizing the state apparatus and direct the productive process.”

This new structure includes several differences in comparison with previous governments. The creation of the Ministry of Water grew out of the social struggles of the past decade and the option of this resource being administered by the state. More symbolically, the modification of the names of the Ministry of Foreign Affairs and Cult, and of Education and Culture for Foreign Affairs and Cults, and Education and Cultures, respectively, together with the elimination of the Ministry of Indigenous Affairs, expresses an opening-up towards the country’s socio-cultural heterogeneity (there is no need for a special ministry if the whole of the public administration includes the indigenous peoples). Regarding the agenda of the movements, the creation of new vice-ministries and directorates has been notorious: Community Policies; Mining Co-operatives and Social Administration; Transparency and Fight against Corruption; Community Justice, Human Rights, Traditional Medicine and Inter-cultural affairs, Coca, Food Sovereignty, among others. The most important cabinet post for relations between the movements

\(^{19}\) Raúl Novillo, President of the Chamber of Deputies, said that the organization would “coordinate the social power of the social movements with the Executive and Legislative Powers and the Constituent members and fundamentally define the political and revolutionary, democratic and cultural line” (http://www.bolpress.com/art.php?Cod=2007012317).
and the government is the Vice-ministry of Coordination with Social Movements and Civil Society, which was originally part of the Ministry of Government, but which, since 2007, has become part of the Ministry of the Presidency.

In the speech made upon the appointment of his first cabinet, President Morales said: “It’s true, I want to say to the social movements: fifteen ministries will not be enough for everyone; but fifteen or sixteen ministers who express the feelings, the thoughts, the suffering of the Bolivian people certainly will.” There had been the explicit idea of distributing ministries among the movements and social sectors, in accordance with pre-electoral agreements and in line with the idea that the movements should be “protagonists of change”. The intention of the list of ministers and vice-ministers was to combine the participation of “technocrats” and social leaders. Broadly speaking, the main vice-minister of a “technocratic” minister would be “social” and vice versa, “combining social conscience with intellectual capacity”.

In any case, there was an obvious lack of leaders capable of occupying all of the ministerial posts and an abundance of the most traditional kind of left-wing politicians and of former activists and members of non-governmental organizations; the corollary is the verification, in the MAS, that the movements (especially the peasants) cannot govern alone, and that their experience and practical know-how are insufficient, so they need to be complemented by the “intellectual capacity” from other sectors. Apart from their administrative deficiencies, certain analyses point to a conflict of interests between a commitment to the state administration and loyalty to their original organizations in several ministers who come from the social leadership20; Evo Morales, as in other affairs, would guarantee the unity of the government.

With regard to the resource of the routine forms of action of the movements, several political decisions were adopted by combining the use of institutional channels and street demonstrations. This modality of administration, which had been tried out several years ago in the municipalities of the coca-producing areas of Cochabamba, was used in the approval of several laws (the extension of agrarian reform; a decent pension, which senior citizens receive monthly from the revenue from hydrocarbons; the frustrated announcement of the referendums related to the approval of the Constitution project). On these occasions, militants of the movements surrounded congress, in order to prevent certain senators from entering, so that their substitutes, from the MAS, could establish the necessary quorum, thereby ensuring the legitimacy of the sessions. The agreements which were a result of the calling of the constitutional referendum of January 2009 were also accompanied by mass demonstrations (in which President Morales participated) opposite the legislative building. Even when the new Constitution was in force, there were similar mobilizations to press for an agreement on the Transitional Electoral Regime Law.

20 The distribution of “spaces of power” for the organizations at all levels of the administration generated problems for the “job-hunters” or those seeking employment and for the sale of “endorsements” which the organizations gave to certain candidates for government posts. These endorsements were sold by both party militants and by forgers.
According to a statement made by a spokesperson of the Vice-ministry for the Coordination of Social Movements and Civil Society, the five most important organizations from the government’s viewpoint are the CSUTCB, the Cidob, the Bartolina Sisa National Federation of Original Indigenous Peasant Women, the CSCB and the Conamaq. They formed the closest nucleus to the government, not only with regard to the government’s most routine work, but also in the constituent process. The Conalcam nucleus would also be important. A second circle consists of organizations such as the Bolivian Confederation of Pensioners, certain federations of factory workers and departmental workers’ centers. The rest of the links would be contingent and activated only in specific situations.

Regarding these contingency links, the MAS government could be characterized as an unstable coalition without an organic character: “When the demands of a social movement are channeled by the MAS, a strong link is established and its participation in the coalition becomes stable. When there is a divorce between demand and governmental decisions, the link between the social movement and the MAS is weakened — or is temporarily interrupted — affecting its presence in the coalition and the possibilities of achieving its demands through governmental decisions” (Mayorga 2007: 262). Thus, “to be honest, it continues to be a one-party government — the MAS — with a network of political alliances, which has not yet integrated — and maybe never will — a nucleus of co-government, or with these civil society organizations and with the social movements.” (Tapia 2007: 147).

The notion of being a “government of movements” would collide with two elements that would impede its materialization in practice, as its validity would be almost exclusively symbolic. In the first place, the fact is that the MAS government does not offer a single, uniform vision of what a country should be, since it is the expression of different ideological aspects (nationalism, indigenism, the traditional left). Secondly, certain organizations view their relationship with the government from an instrumental viewpoint. The coherence of the project would depend on the threats by adversaries (Zegada et al. 2008: 183-184) and of the personal figure of Evo Morales, who would guarantee unity within the government as well as in its relation with the movements that support it, as well as with the opposition.

Some of the social leaders occupy posts in the government because of their own personal qualities or because they received an invitation from Evo Morales; others are there thanks to the “spaces of power”, or “quotas” given to organizations. The organizations that maintain their “quotas” most rigorously are the peasants. Leaders of the coca-growers — both from the Chapare in the Cochabamba region and from the Yungas of La Paz— occupy vice-ministries and national directorates connected with the coca leaf and the development of its areas of production. They also have embassies and part of the departmental bureaucracy that depends on the central government.

The Pact of Unity of the indigenous, peasant and native organizations constitutes the most solid bastion of the national government in the constituent process. Its formation is diverse (the 36 ethnic groups are very different with regard to
population, organizational density and resources that can be mobilized; the organizations do not necessarily share the same objectives). Because of their capacity to exert pressure, the first line in the relation of the government with these organizations would be made up of the CSCB, the CSUTCB and the Bartolina Sisa Federation. The Conamaq and the Cidob would form part of a second group, together with other lowland organizations (notably, the Guaraní Peoples’ Assembly, APG, the Ethnic Peoples’ Center at Santa Cruz, CPESC, the Mojeños de Beni Ethnic Peoples’ Center, CPEMB and the Chiquitana Indigenous Organization, OICH). These last groups have less capacity for exerting pressure at national level but they have introduced some important proposals which were later seconded by others and included in the public agenda.

The peasant and indigenous organizations also form the basis of the Conalcam. Despite the fact that the six union federations of coca-growers in Cochabamba do not seem to have a high profile on this scenario, their influence is notable. Three of them are affiliated to the CSUTCB, while the rest are affiliated to the CSCB, and this determines certain decisions which are taken by the main organizations (personal communication from Gustavo Soto). Apart from this, they do not appear to be among those groups with which the MAS negotiates because their agreement with government policies is taken for granted.

The commitment to support the government “to the death” — a slogan repeated by leaders from several sectors — could involve the sacrifice of the movements’ particular demands. That is the case, for example, of certain organizations involved with water management which accept legal modifications that go against their own interests (personal communication from Carlos Crespo). The case of the “Indigenous title” of the Hydrocarbons Act (which gives native and indigenous peoples a percentage of the direct tax on hydrocarbons) is more complex. It could have meant economic autonomy for the movements closest to the MAS, but it was only regulated by the government — through the creation of indigenous universities — two weeks before the recall referendum of the mandate. For almost three years, the native and indigenous organizations themselves were unable to agree on the distribution of those resources (personal communication from Gustavo Soto).

3.4 Democratization, co-option, autonomy

It will be assumed as a premise that “the complexity of relations between the social movements and the MAS cannot be understood under the conventional antinomy of autonomy or co-option” (Mayorga 2007:259). The MAS government does not obey the movements nor can it use them as instruments. There is no “government of the movements”, in which public policies and administration depends, in general, on decisions adopted by conclaves within movements. At the same time, there is no complete subordination of the movements to a defined project of government either. One favorable feature of the situation is that the figure of the party-instrument as an unstable coalition closes the doors on totalitarianism, in the sense that each organization or movement — even within the Pact of Unity or a coalition such as the Conalcam — maintains its autonomy
to some extent and the party cannot embrace all of the principles of membership or identification of its base.

The risks of the project of “government of the movements” will include, on the one hand, the difficulty of articulating a coherent government program, taking into account that not all of the country is mobilized and that there is no reason to wait until the movements have a complete vision of national problems, or, least of all, that they should inevitably demonstrate democratic behavior (Tilly 2004: 140 et seq.). On the other hand, with regard to the movements themselves, it is possible that corporate relations with the government could be established, which would hinder the latter’s administration and eliminate the autonomy of the former.

Certain interpretations state that, with the coming to power of the MAS, the most progressive cycle of the movements would be closed. Two elements can be recognized in this sentence: the *abdication of the self-determining advancement* and *subordination and state tutelage* (Viana and Orozco 2007: passim). For Vice-president Álvaro García: “Once the cycle of the great mobilizations was over, we could observe a retreat on collective action by the ruling élites and some of the actors towards corporate strategies and projects, both at individual and family level” (García 2007: 153). From another viewpoint: “The MAS is responsible for leading several of these organizations to the most corporate, and therefore the most conservative, facet of civil society [...] confiscating their dimension as a political force that produces general problems instead, and articulates strength towards reforms of a more global nature in the country. Obviously, another part of the responsibility lies with the organizations themselves” (Tapia 2007: 150).

From the viewpoint of several popular movements, support for the government does not solely depend on their particular demands being satisfied, or on receiving quotas, or spaces of power. There is also a close identification with the government through the peasant and indigenous origin of the president. The fact that Evo Morales is considered as an equal, as one of them, is for the members of these movements an extremely important element which cannot be put at risk at a time when the opposition is getting stronger. More *strategic* is the statement made by the leader of the El Alto Workers’ Center, Édgar Patana: “Until now, we have been very cautious and we have been very generous, if you like, and we have not rocked the boat against this government in spite of our having many demands and needs. So we think we are still optimistic and we’ll be holding our own in the future in the hope that they will respond” (Zegada et al. 2007: 96).

The most obvious “corporate retreat” is that of the mining co-operativists. Through an explicit agreement, they supported the MAS in the 2005 election campaign and, for the first months of government, were in charge of the Ministry of Mining. After the “tin war” in Huanuni, in which salaried and co-operativist

---

21 The distinction between the “ruling élites” and the base, referred to by Álvaro Garcia, allows one to affirm that the behavior of the social movements near to the MAS does not constitute the “self-representation” of the movements; the “corporate retreat” involves a form of representation (corporate) different from that of the territorial supporter. In certain municipalities governed by the MAS, the exercise of a post of state authority ends up being “leadership career”. Some leaders would be looking at that possibility in the national government.
miners confronted each other over a tin deposit, they went over to the opposition and even took part in some of the civic mobilizations in Sucre. Later, after the adoption of several measures that favored them (such as respect for co-operativism in the Constitutional project), they came back to support the government. New conflicts arose as a result of the government’s decision to give the state-owned Mining Corporation of Bolivia the monopoly of the commercialization of minerals and to stabilize the payment of taxes.\(^{22}\)

3.5 Movements that did not support the government or the opposition

Apart from the movements that support the government and those who oppose it, there are others whose autonomy is also threatened by polarization, although the MAS abandoned the idea of creating a hegemonic project as it is not seeking an articulation with all social subjects (even relations with the movements which support it lack this kind of hegemonic connotation)\(^{23}\). Certain government officials recognize that relations with the movements which do not form the base of the MAS are not good, and that this is a weakness, since there would be no adequate assessment of how important those groups are. According to the Vice-minister, “these other social movements that had nothing to do with the creation of the leadership of Evo Morales have voted for him and are waiting for change to happen [...] they are not masistas but they do believe in the President [...] they respect Evo Morales but do not trust the government [...] they share the leadership of this government and, to that extent, they hope that this leadership will not betray them” (F. Yaksić).

4. Numbers also count

The deliberate paradox in the title of this section aims to complement the analysis of social mobilizations quantitatively. We are using the database of social conflicts in Bolivia, whose data-collection was initiated by Roberto Laserna and which is currently being maintained and updated by Miguel Villarroel, at CERES and Ciudadanía\(^{24}\). An examination of the number of protests in this wave of mobilizations shows a more or less constant drop between 1985 and 1993, during which time there is a period of relative “social silence” which lasted until 1997

\(^{22}\) Gloria Cámara (2008) points out the eminently corporate nature of the positions adopted by the co-operativist miners, that would express interests (of private use of natural resources, shall we say?) which are incompatible with the government’s intention of strengthening the state.

\(^{23}\) In fact, the condemnation of departmental autonomy by the MAS, in the election campaign for the Constituent Assembly and the referendum on autonomies, is the epitome of the abandonment of a certain hegemonic intention. The statement by Evo Morales that “autonomy is completely useless” (BolPress, June 16, 2006) indicates the impossibility of articulating that demand and fighting for its contents against the civic movements and the opposition prefects.

\(^{24}\) This base includes protest actions registered in newspapers of national circulation from 1970 onwards. With regard to the scope of its use, in the first place, it does not include a characterization of resilience or the importance of protests, so that a march has the same “value” as a general strike (probably to include this dimension would involve the permanent risk of emitting value judgments). Secondly, due to changes in the development of journalistic work itself, the press is not logically a motionless witness — it does not have a single, equally valid point of view for the whole period under consideration, which also affects the inevitable sub-register of the conflictive events. Neither can the relations established by the media with governments or interest groups that can hide certain facts (as evidently occurred during the military dictatorships) or hyperbolize others.
and coincided with the first government of Gonzalo Sánchez de Lozada. After 1998, there is a winding rise in the number of protests, especially by peasant and indigenous groups, which lasted until the end of the period, with a drop during the first year of the Evo Morales government (see Figure 1 in the Annexes). Since that year, and especially since 2002, pressure has been used by all sectors.

The data-base allows a diachronic observation to be made, as well as an examination of when and under what circumstances certain kinds of demands arise, and new actors or new forms of protest appear. It reveals a series of cycles linked to the different periods of government. In general, the numbers of protests were notably less in election years, specifically during those in which there was opposition, demands and criticism against the central State (which represented 59% of all cases). Between 1988 and 1989, the figure dropped from 203 protests to 127; between 1992 and 1993, from 143 to 114; and between 1996 and 1997, from 143 to 110. The difference is less in 2002, when the number dropped from 181 to 179 in comparison with the previous year (which could be interpreted as a crisis of the democracy by pact “model” and neoliberalism) (see Figure 1 in Annexes).

Regarding the modalities of protest, there is a clear decline in the strike as the dominant form of demonstration, in contrast to the increase in marches and more disruptive measures, such as road blockages, invasions or riots, especially from 1998 onwards, which marks the general increase in conflicts (see Figure 2 in Annexes). The government of Hugo Bánzer had to confront conflicts with workers demanding salary increases, and especially the resistance of the coca-growers faced with a policy of having their crops eradicated, in which there was a large number of confrontations25. Despite a government media campaign designed to stigmatize the cultivation of coca and identify it with drug-trafficking, the coca-growers were able to win the solidarity of other workers and peasant sectors, especially with a march to the city of La Paz in September of that year. From 1998 onwards, street marches were used more by civic organizations than by the unions. Land invasions began to occur frequently after 2000 with the creation of the Landless Movement, and grew after 2002. They have decreased over the past few years due to the agrarian policy of the Evo Morales government, which ended in the disarticulation of the movement. The year 2008 saw an increase in these kinds of measures, due to the invasions of lands by the Homeless Movement, whose principal leader, Valerio Queso, appeared in the film Evo pueblo because of his extraordinary physical similarity with the President. Towards the end of the period under review, a high number of token civic strikes were recorded in the year 2007 (29, compared with nine during the previous year).

An analysis of the actors shows constant conflicts in the traditional peasant organizations, especially after 1998, which would account for the “empowerment” of the sector. The largest number of peasant protests took place in the years 2004 and 2005, during the presidency of Carlos Mesa. Something similar happened, though on a smaller scale, with the urban residents’ organizations, which in 1998

---

25 The Amnesty International Report for that year registered fifteen dead “at the very least” (AI 1999).
began to demonstrate against the privatization of basic services. The coca-growing peasants, for their part, took mixed protest actions, depending on government plans regarding eradication and repression. The workers were the only sector that maintained a high number of protests during the period of “calm” between 1993 and 1997, especially because of their opposition to the privatization of state-owned companies and to the reform of the pension system. Unlike the peasants and the residents’ associations, the civic organizations followed no obvious pattern in their demonstrations, which were determined by regional demands. They constitute the most conflictive group during the present government (in fact, they are the only sector to have clearly increased their protests over the last two years) (see Figure 3 in Annexes).

The reasons for the protests express a clear downward trend in protests related to labor problems (stability, economic conditions) between 1985 and 1995. Apart from these topics, the most important reasons are the rejection of governments and the enforcement or modification of a particular law. Protests in connection with laws occur especially between 2004 and 2005, over the modification of the Hydrocarbons Act. Protests against governments clearly diminished in election years, with the exception of 2002, which, as we mentioned earlier, indicates the severity of the political crisis (see Figure 4 in Annexes). Most of the protests are against state bodies (see Figure 5 in Annexes). The most conflictive departments are Cochabamba, La Paz and Santa Cruz. Santa Cruz — a fundamentally rural area, with organizations sympathetic to the national government and opposed to the prefecture — is the only department in which the protests increased in 2006 in comparison with the previous year.

Bolivia has one of the most “street protest” societies in Latin America. The data from the surveys carried out by the Barómetro de las Américas recognize it as the having the highest proportion of participation in protest demonstrations. Three out of every ten people of fifteen or over participated in protests between February 2007 and February 2008. Some of the participants consider that a voluntary, informal, massive street meeting, with a specific demand, passionate speeches and enthusiastic chanting does not count as a protest mobilization. What motivates Bolivians to protest?

All the main theories of social movements could find reasons for the existence of movements in Bolivia. There is deprivation (deprivation theories, collective behavior theories), organizational resources susceptible to be used (mobilization of resources), institutional opening-up deriving from political reform (political opportunities), topics which exceed the position of groups in social structure and especially class conflict (new social movements). Historical antecedents must be considered — Bolivia is the only South American country to have had a revolution; all the great political and economic transformations had some popular extra-institutional participation – but not to the extent of inverting the question (why were there not this number, density and incidence of mobilizations during half of the eighties decade and almost the whole of the nineties?)

On the basis of this historical background, the complexity of the Bolivian political process in the past decade combines the following elements: the diminishing
credibility of the “political class”; the insufficiency of institutional channels in managing social demands, together with the incapacity of governments, and of the State in general, to respond to them; unresolved practical problems (which, in many cases, arise indirectly; problems that cannot only be ascribed to the failure of neoliberalism in the “economic reactivation”); institutional modifications which promoted the inclusion of interests and actors, and the “permeability” of the political system. Finally, there is the framework of a vicious circle of competitive mobilization, which provokes the convergence of social cleavages, with the result that one of the causes of the mobilizations is the mobilization itself.

5. The movements and democracy in Bolivia

The wave of protests between 1990-2009 mark the rise of protests as a legitimate political action, alongside the institutional action affected by the political crisis of the period of democracy by pact and neoliberalism. With a greater presence and validity of politics “on the streets”, the movements effectively managed to widen the political space, which had been restricted between 1985 and 2000 to the field of institutional relations. Political action outside the “regular channels” ceased to be the inheritance of the “popular” movements and is now used by all sectors.

Any analyzes on social movements is inevitably an assessment of a democracy that “really exists”. The movements are, in fact, a response to those problems which have not been adequately channeled along the existing institutional paths, either due to the limits of these paths or else to an excess of socio-political dynamics. The contemporary Bolivian movements are a challenge for democracy since they confirm a democratic principle that is usually subordinated to liberal democracy: popular sovereignty. Through their direct action they are tacitly criticizing political representation, by pointing out deficiencies in the party system.

The stability of democracy in divided societies may come as a result of a mutual attenuation of social cleavages, through the exclusion and domination of one group over the others — if the cleavages are not attenuated — or through an agreement between the existing groups — if the cleavages are not mitigated and the exclusion cannot be sustained (Andeweg 2000). The democracy that subsisted between 1985 and 2003 in Bolivia bears the hallmark of a kind of exclusion which the movements helped to overcome. The formation of the present government is proof of this irreversible process of inclusion and of the conflictive nature it has adopted.

The contribution of the movements to democracy — inclusion, legitimization, institutional expansion and recovery of the principle of popular sovereignty — may be distorted through political disputes. The vote itself may become a mechanism of strength through which the majority imposes itself (or the minority, as in the case of the two thirds in the Constituent Assembly) and the appeal “to the sovereign” in referendums, by manipulating the movements, can invite popular participation with less violence but also without dialogue.
The Bolivian movements are not homogeneously radical. Except in a few cases, they do not doubt the existence of the national community or the institutional scaffolding which is embodied. While there are demands that question the validity of certain laws and other public policies, the fundamentals of the regulatory framework are not questioned. The relation between mobilizations and political reform is ambiguous. On the one hand, the movements loudly proclaim the validity of institutions, by occupying those places defined by the reforms (municipal governments, Parliament) and by giving them greater legitimacy. On the other hand, their actions cast doubt on some of the existing institutional elements. This relation works both ways. While the political opportunities which were opened up during the reformist period between 1993 and 1997 favored the formation and strengthening of social subjects, these subjects subsequently promoted the institutional modifications.

The energy and heterogeneity of the society and the weakness of the state are combined in Bolivia in the peculiar features of the movements' participation in politics. Clearly, “street politics” has a variable impact, just like institutional politics. The movements — the coca-growing movement constitutes the most eloquent example here — may progress from the local level — the community, the union — to the national level — the dispute over the hegemony of the national popular movement, Parliament, the government; from the social area to the State area; from de facto ways to institutional channels; from opposition to government.

The journeys made by the contemporary movements (“from protest to proposal”, from extra-institutional action to the occupation of municipal governments, parliament and the national government) apparently do not constitute steps with no return. Bolivia is a heterogeneous society that has not yet consolidated the modern functional differentiation which exists in other countries. The formation of a political party from a movement does not, therefore, convert the movement into a party or cease to be a social movement and devote itself exclusively to liberal democracy.

The actions of the movements have had an ambiguous influence on institutions. On the one hand, the decision to form parties and to take part in elections legitimizes the democratic order for large sectors of the population. On the other hand, these parties present themselves as “outsiders”, explicitly opposed to the system. The greater representation of the legislative power also constitutes the solution to the continuity of democracy by pact and opens up an uncertain scenario that the movements cannot resolve by themselves. This ambiguity is also present with regard to the relation between institutional politics and “street politics”. While the movements’ demands would potentially favor the strengthening of institutions, since they include the establishment of mechanisms of participative democracy, on the other hand, direct action undermines the centrality of the institutions in unexpected ways. From another viewpoint, groups with particular interests, as well as the movements, may use institutions in a corporate way only as a means of endorsing decisions taken outside the regular spheres.
Just as the institutions could subordinate themselves to corporate interests, there is also the possibility that the same movements could be manipulated. There is a greater likelihood of inducing certain behaviors in a society that is mobilized than in one which is not. The transformation of the autonomy of these movements — in the cases of both the “popular” movements and the “civic” ones — is affected by political contingencies, since, either from a pragmatic or an ideological standpoint, they represent blocs which subordinate their specific demands and actions, and corporate relations could be established.

Despite the significant indigenous presence in Bolivian politics, at least with regard to the rest of the countries in the region, institutional reforms have not privileged cultural and ethnic elements. Although the election of representatives by usage and customs was introduced in the departmental assemblies, at national level the special indigenous constituencies contemplated in the Transitional Electoral Régime will still have deputies elected on the principle of “one citizen, one vote”. This could damage an organization’s autonomy to the extent that the political parties would have, at least formally, the opportunity of absorbing the indigenous candidatures — something which already happened in the MAS in the election of the representatives to the Constituent Assembly — and trying to subordinate them. The open electoral period after the Constitution was passed could give rise to attempts by the political parties to establish “advantageous” alliances with any organization or movement, and not only the indigenous ones.

The new Constitution institutionalizes the participation of “organized civil society” as “social control” at every stage of the public administration. Although specific laws which will make this institutionalization operative are still awaited, the recognition of the importance of the social movements and organizations is evident. This expands and renews the challenges to the movements, since, while competitive mobilization persists, their fate will be subject to two apparently contradictory phenomena: leadership and the potential deviation of their previous demands, interests and forms of action.
Source: database of social conflict in Bolivia.
Figure 2. Modalities of protest in Bolivia (1985-2008)

Source: database of social conflicts in Bolivia.
Figure 3. Subjects of protest in Bolivia (1985-2008)

Source: database of social conflicts in Bolivia.
Figure 4. Reasons for protests in Bolivia (1985-2008)

Source: database of social conflicts in Bolivia.
Figure 5. Adversaries of protests in Bolivia (1985-2008)

Source: database of social conflicts in Bolivia.
Bibliography

Andeweg, Rudy, “Consociational democracy”. In Annual Review of Political Science 3. 2000

Antelo, Sergio, Los cruceños y su derecho a la libre autodeterminación. Santa Cruz: NC. N/d


BCB (Banco Central de Bolivia), Memoria 1986. La Paz: BCB. 1987

BCB (Banco Central de Bolivia), Memoria 1999. La Paz: BCB. 2000

BCB (Banco Central de Bolivia), Memoria 2000. La Paz: BCB. 2001

BCB (Banco Central de Bolivia), Memoria 2002. La Paz: BCB. 2003


Cámara, Gloria, “Tres casos, tres formas de articulación: mineros, cocaleros y cívicos”. In Zegada, M. T., Y. Tórrez and G. Cámara, Movimientos sociales en tiempos de poder. Articulaciones y campos de conflicto en el gobierno del MAS. La Paz y Cochabamba: Plural y Centro Cuarto Intermedio. 2008

Ceceña, Ana Esther, La guerra por el agua y por la vida. Cochabamba. Una experiencia de construcción comunitaria frente al neoliberalismo y al Banco Mundial. Cochabamba: Coordinadora de Defensa del Agua y la Vida. 2004

Crabtree, John, Perfiles de la protesta. Política y movimientos sociales en Bolivia. La Paz: PIEB-UNIR. 2005

Gandarilla, Nino, 400 años de lucha autonomista cruceña. Santa Cruz: NC. 2003


García Linera, Álvaro, “Evo simboliza el quiebre de un imaginario restringido a la subalternidad de los indígenas”. Entrevista con Álvaro García Linera, vicepresidente de Bolivia”. In Monasterios, K., P. Stefanoni and H. Do Alto, Reinventando la nación en Bolivia. Movimientos sociales, Estado y poscolonialidad. La Paz: Plural and Clacso. 2007

García Linera, Álvaro, Marxa Chávez León and Patricia Costas Monje, Sociología de los movimientos sociales en Bolivia. Estructuras de movilización, repertorios culturales y acción política. La Paz: Oxfam-Diaconía. 2004
Healy, Kevin, “Political ascent of Bolivia's present coca leaf producers”. In Journal of Interamerican Studies & World Affairs, vol. 33, no. 1. 1991


Laserna, Roberto, “La guerra contra el agua”. In OSAL 2. 2000

Laserna, Roberto, José Gordillo and Jorge Komadina, Bolivia. La trampa del rentismo. La Paz: Fundación Milenio. 2006

Mamani, Carlos, “Pueblos y naciones indias en el camino de la descolonización”. Available at: <www.fjernenaboer.dk/pdf/bolivia/movimientos%20indigenas.pdf>. 2007

Mayorga, Fernando, “Movimientos sociales, política y Estado”. In Mayorga, Fernando, Enencuajidas. Ensayos sobre democracia y reforma estatal en Bolivia. La Paz and Cochabamba: Gente Común and CESU-UMSS. 2007

Mayorga, Fernando and Eduardo Córdova, El movimiento antiglobalización en Bolivia. La Paz: UNRISD-Plural-CESU. 2008

Mouffe, Chantal, La paradoja democrática. Barcelona: Gedisa. 2003

Olivera, Óscar (in collaboration with Tom Lewis), Cochabamba! Water war in Bolivia. Cambridge, Massachusetts: SouthEnd Press. 2004

Patzi, Félix, Insurgencia y sumisión. Movimientos sociales e indígenas. La Paz: Driva. 2007


Pichardo, Nelson, “The power elite and elite-driven countermovements. The associated farmers of California during the 1930s”. In Sociological Forum, vol. 10, no. 1. 1995


Prada, Raúl, “Política de las multitudes”. In García A., L. Tapia and R. Prada, Memorias de octubre. La Paz: Comuna-Muela del Diablo. 2004

Tapia, Luis, “La crisis política de abril”. In OSAL 2. 2000

Tapia, Luis, “Izquierdas y movimiento social”. In García, A., L. Tapia and R. Prada, Memorias de octubre. La Paz: Comuna-Muela del Diablo. 2004

Tapia, Luis, “Los movimientos sociales en la coyuntura del gobierno del MAS”. In Willka 1. 2007

Vargas, Humberto and Tom Kruse, “Las victorias de abril”. In *OSAL* 2. 2000

Viaña, Jorge and Shirley Orozco, “El cierre de un ciclo y la compleja relación ‘movimientos sociales’-gobierno en Bolivia”. In *OSAL*, Year VIII, no. 22. 2007


Whitehead, Laurence, “Bolivia and the viability of democracy”. In *Journal of Democracy*, vol. 12, no. 2. 2001

Yashar, Deborah J., “Democracy, indigenous movements and the postliberal challenge in Latin America”. In *World Politics*, vol. 52, no. 1. 1999

In Colombia collective actions by social movements are related with the consequences of the armed conflict, the development of a market economy that does not meet the needs of a large part of the population, and the consolidation of a state that fails when it comes to doing justice, that has been penetrated by the allies of the armed actors and that, in general, allows few mechanisms for control and representation. The effects of these three processes lead to violations of civil and political rights, and denial of social rights to large categories of people. Thus, the Colombian people live with a political system characterized mainly by ineffective functioning of a great many of the institutions that offer justice, claim representation and distribute resources—three key ingredients for any democratic governance project (Domínguez & Lowenthal 1996; Hagopian 1996). The conclusion, therefore, is that the Colombian political system is suffering the effects of a failure of the Social State Based on the Rule of Law (SSRL) provided for in the 1991 Political Constitution.

An SSRL consolidates society under principles of economic and political democracy and favors participation by different social actors (Castilblanco & Gordo 2002). Therefore, when faced with an SSRL that is not working, as well as growing displacement, the usurpation of land, insecurity, unemployment and unequal access to basic services, social protest is a mechanism that is used not only to challenge and seek redress, but also to achieve representation “by other means” (Márquez & Jennings 2000). Protest sidesteps institutional arrangements when they restrict the actors who are most constrained by the political system (Piven & Cloward 1977). Since institutions tend to preserve the status quo and channel political processes following rules predetermined by the political elites (Thelen 2003), protest is, thus, a manifestation of the needs of important sectors within society. In short, although social movements are circumscribed to the institutions, they can be more flexible and go beyond the bounds of traditional schemes.

This chapter holds that protest is a legitimate mechanism for representation of interests whose political effects (including the capacity for transformation) will depend on variables that have to do with the political regime and the capacity of the state. In the specific case of Colombia, protest is a response to an SSRL that does not work. All the things mentioned above occur within a context of incomplete democratization, loss of material well-being and deteriorating human rights, conditions that vary depending on the political regime. This has led to an institutional balance, where the government puts up with protest—clamping down at times, tolerating it at others—and where the citizens resort to contentious action because the formal mechanisms are insufficient when it comes to influencing the government. Lastly, this study has relied on a descriptive analysis of quantitative data and on an analysis of simple correlations to assess the relationship between SSRL and social movement.
1. What Is A Social Movement?

As Foweraker (1995: 4) points out, “not everything that moves is a social movement.” Furthermore, not all civil society organizations that call themselves “social movements” can necessarily be considered such. Movements make contentious demands to defend the interests of categories of people or social groups that have been marginalized by the political system, excluded from the market economy, or negatively affected by a given reform or public policy. Social movements are also social networks that share resources, bring people together and communicate ideas (McAdam & Scott 2005). By doing this, they are able to strengthen civil society organizations and citizens’ institutions, provided a democratization process is under way.

Therefore, social movements are part of the broader phenomenon of contentious politics, or processes involving public and collective demands where the government is the subject, object, monitor, or ally of the protestors. On the other hand, if the protest achieves its goal, the interests of people who did not take part in the action will be affected, and some institutions will be changed (McAdam, Tarrow & Tilly 2001). Conceptually, social movements are part of a continuum of contentious processes that includes strikes, civil wars and revolutions, among other actions.

1.1 Contentious politics in Colombia

In Colombia the armed conflict is the most widely recognized manifestation of contentious politics. The guerrillas date back more than 40 years and were organized in five major groups: Fuerzas Armadas Revolucionarias de Colombia (FARC), Ejército de Liberación Nacional (ELN), Movimiento 19 de Abril (M-19), Ejército Popular de Liberación (EPL) and Movimiento Quintín Lame (MQL). In the late 1980s, the M-19 and MQL began the peace talks that led to their demobilization and return to civilian life, whereas the EPL demobilized in the mid-1990s. The FARC and the ELN are still active, although the ELN has been decimated and the FARC have been suffering setbacks as a result of military action on the part of the administration of Álvaro Uribe Vélez (2002-2010).

In a context such as this, the Colombian state does not hold a monopoly on the use of force, it does not provide security for the citizens of that country (not even for the wealthiest), and does not control the entire territory. Duncan (2006) speaks of a partial collapse of the state, whereas Bejarano and Segura (1996) argue that the Colombian state has been strengthened selectively. The end result is that there is no uniform presence of democratic rules governing political activities or of elites willing to abide by the chancy results of free electoral competition with universal participation (Schmitter & Karl 1991).

This is a historical problem. For example, the efforts made by liberal governments during the 1930s to standardize liberal rules and institutions under the slogan “Revolution on the March,” were rejected by a considerable portion of the rural party elites (Orjuela 2005). Much the same occurred in the case of the project espoused by the liberal government of Alberto Lleras (1966-1970), whose agrarian reform—a key part of an industrialization plan—did not do away with the regional ancien régime either (Bejarano & Segura 1996). Around 1971 the traditional elites rebelled against
the agrarian reform, backing policies involving the use of violence against peasants. The fact is that authoritarian and violent enclaves continue to exist throughout the country.

Representatives of the national government whitewash this authoritarianism and, when the “warlords” (Duncan 2006) and their “civilian” allies hold political power, authoritarianism is mixed with worrisome levels of violence and despotism. In short, the partial collapse or selective strengthening of the state is due to the unequal presence of liberal constitutionalism. Not all those who wield power feel bound by the constitution, and many keep alive authoritarian institutions that work against any project for democratic governance.

In comparison with other expressions of political contention, the actors who resort to social mobilization as a mechanism for representation and challenge do not create irregular armies and do not normally use violent methods for confronting the state. Moreover, they are ready to use formal mechanisms along with mechanisms that are not necessarily formal, but are often recognized by the constitution as valid tools for presenting demands. In general these actors join together in organizations such as labor unions, communal action boards, trade associations, indigenous organizations, civic organizations, peasant user associations and, even, some pressure groups.

1.2 Social movements and the left in Colombia

Below is a brief outline of the main characteristics of the civilist left and its relationship with social movements. The Colombian left is varied and arranged in organizations that espouse different ideologies. Polo Democrático Alternativo, a party that is an association of the main currents on the left, was born of an alliance forged between several congressmen from leftist parties, including ANAPO and M-19 as well as other political movements, for the purpose of choosing a presidential candidate. The person chosen was Luis Eduardo Garzón, who received more than 680,000 votes in the 2002 presidential elections and, later on, was elected mayor of Bogotá. Alianza Social Indígena (ASI) is another electoral force whose weight can be gauged in regional elections in the departments of Antioquia and Cauca. Although ASI is an indigenous party, it also receives electoral backing from some of the non-indigenous population, and people from different social sectors are to be found among both the leaders and the membership. One of its political achievements has been the election of the current mayor of Medellín, Alonso Salazar.

Polo began working on a project to unite the opposition even before 2003, when the party known as “Polo Democrático Independiente” became a legally recognized entity. In 2005, Alternativa Democrática, a current led by Carlos Gaviria (currently president of Polo) that included Frente Social Político and Movimiento Obrero Independiente y Revolucionario (MOIR), among others, joined the Polo coalition. Polo Democrático Alternativo (PDA), therefore, began as a sort of federation of traditional leftist parties and some currents within the opposition, including Alianza Nacional Popular (ANAPO), M-19, Partido Comunista and Partido del Trabajo de Colombia, among others. Polo encompasses a broad array of social movements, including labor unions, civic groups, sectors of the indigenous and Afro-Colombian movement, women’s associations and the movement of lesbians, gays, transsexuals and bisexuals (LGTB).
Polo Democrático’s main electoral achievement has been winning both elections for mayor of Bogotá since 2004, with Garzón and Samuel Moreno. This is the second most important elected office in the country, after that of president of the republic. In the years that is has been governing, Polo has implemented a number of social programs, community soup kitchens and the education programs being among the most important. According to data from the United Nations Human Development Programme, between 2002 and 2007 the poverty rate in Bogotá dropped from 38.3% to 23.8%\(^1\).

Despite this, Polo has not managed to overcome the tensions arising from the discussions dividing the Colombian left: its position concerning the armed conflict and its relations with the armed leftist groups. In the following quotation, the president of Polo recognizes the existence of “conceptual confusion” among the leftist ranks concerning the combination of struggles —armed and civil— that seek to bring about social change. Polo hopes to bring this discussion around to favor a reformist project:

> Catalyzing or bringing about a revolutionary process in the country is not part of the party’s agenda. Upon joining Polo, any members of parties or political organizations who had that goal in mind have had to give it up, replacing it with a less ambitious, but also more realistic and peaceful, endeavor of aiming for and bringing to fruition deep-seated economic and political changes, using democratic channels....\(^2\)

Despite clarifications such as this, the government and the parties on the right accuse the left of failing to reject violence and of backing the armed groups. The case of Unión Patriótica (UP) continues to generate controversy on this subject. According to Dudley (2008), the main culprit in the extermination of UP, a party created in 1985 as a sort of political branch of the FARC, is the state, which, by action or omission, allowed the assassination of 3,000 members of UP. Albeit, by fostering “twin membership”—participation in the guerrilla and in UP—the FARC placed the lives of all the party members at risk.

### 2. Actors, Organizations and Reasons for the Protest

One way of assessing social movements in Colombia is by means of a quantitative study of collective actions. Collective, public, and contentious actions are the hallmarks of a social movement whose principal political recourse is that it has drawing power and the ability to keep up an active cycle of protests that have an impact on opinion or policies. Centro de Investigación y Educación Popular (CINEP)’s Social Struggle Data Base keeps a record of specific events involving social struggle based on an analysis of the press\(^3\). This database is the most complete source of

---


\(^2\) “¿Hacia dónde va el Polo? Principales intervenciones y declaración final de la reunión de la Dirección Nacional del PDA.” Serie de Documentos del Polo 5, April 2008, p. 6.

\(^3\) The database is fed mainly by ten national and regional newspapers with different ideological bents: El Tiempo, El Espectador, El Nuevo Siglo, La República, El Colombiano, El Mundo, El País, El Heraldo,
information of its kind in Colombia. Nevertheless, press coverage is not always what it should be because of editorial criteria, distortion of data, or censorship. Nevertheless, a quantitative database does show that an event occurred, that there was a public presence, and that a record of the demands exists.

Table 1 provides information concerning the number of times that the main social actors protested, broken down into five-year periods. According to this table, between 1975 and 2006, 84.6% of the protests were called by workers, residents, peasants, and students, proof that they are the historical protagonists of social struggle.

Table 1: Actors taking part in protests. Colombia (1975-2006)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Frequency</td>
<td>%</td>
<td>Frequency</td>
<td>%</td>
<td>Frequency</td>
</tr>
<tr>
<td>Urban residents</td>
<td>4,398</td>
<td>29.3</td>
<td>657</td>
<td>36.2</td>
<td>730</td>
</tr>
<tr>
<td>Wage earners</td>
<td>4,380</td>
<td>29.2</td>
<td>605</td>
<td>33.3</td>
<td>821</td>
</tr>
<tr>
<td>Students</td>
<td>2,119</td>
<td>14.1</td>
<td>178</td>
<td>9.8</td>
<td>253</td>
</tr>
<tr>
<td>Peasants</td>
<td>1,803</td>
<td>12.0</td>
<td>161</td>
<td>8.9</td>
<td>127</td>
</tr>
<tr>
<td>Independent workers</td>
<td>621</td>
<td>4.1</td>
<td>83</td>
<td>4.6</td>
<td>147</td>
</tr>
<tr>
<td>Trade unions</td>
<td>444</td>
<td>3.0</td>
<td>58</td>
<td>3.2</td>
<td>124</td>
</tr>
<tr>
<td>Ethnic groups</td>
<td>359</td>
<td>2.4</td>
<td>34</td>
<td>1.9</td>
<td>34</td>
</tr>
<tr>
<td>Displaced persons</td>
<td>152</td>
<td>1.0</td>
<td>5</td>
<td>0.3</td>
<td>57</td>
</tr>
<tr>
<td>Prisoners</td>
<td>99</td>
<td>0.7</td>
<td>8</td>
<td>0.4</td>
<td>10</td>
</tr>
<tr>
<td>Demobilized persons</td>
<td>31</td>
<td>0.2</td>
<td>10</td>
<td>0.6</td>
<td>3</td>
</tr>
<tr>
<td>Women</td>
<td>590</td>
<td>3.9</td>
<td>16</td>
<td>0.9</td>
<td>n/a</td>
</tr>
<tr>
<td>LGBT</td>
<td>14.0</td>
<td>0.1</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Women/LGBT</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>122.0</td>
</tr>
<tr>
<td>TOTAL</td>
<td>15,010</td>
<td>100</td>
<td>1,815</td>
<td>100</td>
<td>2,428</td>
</tr>
</tbody>
</table>

Source: CINEP (2008)

Although these four groups are the leading actors in the case of social actions, statistics confirm a weakening of the labor movement, demobilization of peasants, increased action by other actors, and the build-up of new political groupings. Although the labor movement continues to predominate, several processes have affected their drawing capacity. In Colombia the labor unions have been weakened by government repression and co-opted by the political parties. (Pécaut 1973; Moncayo & Rojas 1978). They have also been the subject of ideological persecution.

César Gaviria’s administration (1990-1994), for example, headed a campaign aimed at defeating the labor unions, the main opponents of privatization and more flexible labor policies. Gaviria took advantage of the fact that union members are a minority (10% of the labor force) to paint them as part of an elite protected by labor laws and regulations. The press lost no time in coining the phrase “la oligarquía del overol” (“blue-collar oligarchy”) to disparage protests by unionized workers and justify the repression4. In the 1990s it became common practice to point to the labor unions as the parties mainly responsible for the macroeconomic problems. The tendency was to ramp up these accusations just before some state-owned corporation was about to be liquidated.

As the neoliberal reforms moved forward, the foundations of the labor movement were being undermined. The lowering of tariffs caused the bankruptcy of at least 25,000 factories (Valderrama 1998), reducing the industrial work force and the number of unionized workers. As a result, the rate of unionization dropped. In 1980, 16% of the economically active population belonged to a union; between 1986 and 1996 the number fluctuated between 9% and 10% (Gómez 1986, ILO 1999); and during the 2000 -2007 period it remained steady at about 5%.

On top of the government campaign against the labor movement, the extreme right has also been persecuting the workers. According to what used to be the Labor Ministry, between 1991 and 1993, 132 union leaders and 593 union activists were murdered. Correa5 (2007), in turn, recorded the assassinations of 2,245 union leaders and activists between 1991 and 2006. According to International Confederation of Free Trade Unions data, between 1999 and 2005 a total of 1,174 union members were killed around the world and 73% of all these assassinations occurred in Colombia (Correa 2007: 12).

The absence of conditions allowing the exercise of union activities — a problem that has become even more pronounced during the Uribe administration— has prompted the labor organizations to look for international allies and lobby other governments for their rights. As pointed out by Delgado (2007), one of the “labor-protest surprises” has been the recent success of the policy of lobbying the U.S. Congress. Thanks to this lobbying, the signings of a bilateral trade agreement between the United States and Colombia and another one between Colombia and the European Union have been postponed time and again.

In the case of peasant participation in protests, this too has been declining rapidly, from the standpoint of both proportion and the number of actions. The reason for this is that peasants have been the main victims of the violence in Colombia. They have lost their land as a result of a process of reconcentration of property that, between 1960 and 1986, caused the percentage of arable land in the hands of small landowners (those owning less than 20 hectares) to shrink from 18% to 15%, and, again, between 1984 and 1996 to 13% (Díaz 1998). A study by the Office of the Comptroller General of the Republic also found that, sometime around 2005, the

5 Researcher at Escuela Nacional Sindical,
armed groups and the drug traffickers had appropriated an additional 4.5 million hectares\(^6\).

In addition, the peasants are the victims of arbitrary actions by the paramilitary groups and have been forced off their land. According to the Presidential Agency for Social Action and International Cooperation, a total of 2,577,402 people were displaced between 1997 and 2008.\(^7\) According to the Consulting Office for Human Rights and Displacement (CODHES, in Spanish), some 2,853,445 people were displaced between 1999 and 2008.\(^8\) This means that some 6% to 7% of the Colombian population, and some 20% to 23% of the rural population, has been displaced. This situation of uprooting and persecution undermines the organizational base and dismantles the social networks created by the peasants as social actors.

In the case of actions by new political actors, special mention must be made of the demands of women and people with diverse sexual identities (LGBT). These gender protests have expanded the meaning of civil rights in Colombia and have had a major impact on public policy. In 2006, the Constitutional Court legalized abortion when the pregnancy is the result of rape, in the case of malformations or when the mother’s health is at risk, a victory for the feminist movement. In February 2007, the court ruled in favor of a claim filed by the organization Colombia Diversa, an NGO that backs the LGBT movement, and approved property rights for same-sex couples who have cohabited for at least 2 years.\(^9\)

The fact that displaced and demobilized persons have become political actors is the result of half a century of violence, during which expulsion and uprooting from the land have been constant. The effects of the violence and the government’s policies for pacification of the country have created new political demands and uncovered new social identities. In the 1990s the database began recording protests by people who consider themselves “displaced.” Much the same occurred in the case of former combatants from the armed groups who, as they join the government’s programs for reinsertion into civilian life, begin making their identities public.

Although there are no statistics, the coca growers have appeared as new political actors. In 1996, over 200,000 coca-growing peasants rose up against President Ernesto Samper (1994-1998) who, following decertification by the U.S. government\(^10\), increased spraying and crop eradication, and attacks against coca growers. In response, the coca growers brought parts of the southern area of the country to a standstill. Ramírez (2001) argues that the coca growers’ identity grew out of their reaction to government policy towards the guerrillas—an organization that contains them as subjects of domination—and their geographically remote location, isolated

---

\(^6\) “50% de la tierra fértil, en poder de narcos,” El País, June 10, 2005.

\(^7\) Agencia Presidencial para la Acción Social y la Cooperación Internacional, “Registro único de población desplazada”. http://www.accionsocial.gov.co (consulted on October 8, 2008).


\(^10\) Certification is a coercive tool used by the United States to force countries that produce, process or transport drugs to comply with the U.S.’s war-on-drugs policy. Decertified countries lose economic and military support and are subject to commercial restrictions (Cristy 1999).
from the state and the legal economy. Their main demand was to be recognized as citizens, not outcasts of the system.

Table 2 provides information regarding the frequency of protest actions by the different social organizations, allowing us to reach conclusions concerning the extent to which the social actors are organized. Although the growing number of protest indicates that there are more reasons to protest, it also shows that protest becomes institutionalized as the networks capable of calling for action and training people for protests become more deeply rooted. A process becomes institutionalized when it becomes part of a structured, formalized system. For example, a party system is considered institutionalized when the parties are rooted in society, have stable rules, compete to govern, and are accepted as legitimate means for decision-making (Mainwaring & Scully 1995).

Social movements do not achieve this degree of institutionalization because their legitimacy is based on not being co-opted. Nevertheless, as they are accepted by entire sectors in society and recognized by the constitution, the movements are embraced by an institutional logic. The social movements’ organizations enjoy different levels of legitimacy and even the least tolerant governments keep up channels of communication with these organizations.

**Table 2: Organizations that called for collective action. Colombia (1975-2006)**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>%</td>
<td>Frequency</td>
<td>%</td>
<td>Frequency</td>
</tr>
<tr>
<td>Labor unions</td>
<td></td>
<td>31.3</td>
<td>4,704</td>
<td>37.5</td>
<td>680</td>
</tr>
<tr>
<td>No information</td>
<td></td>
<td>24.2</td>
<td>3,639</td>
<td>17.6</td>
<td>319</td>
</tr>
<tr>
<td>Civic</td>
<td></td>
<td>12.3</td>
<td>1,839</td>
<td>17.7</td>
<td>322</td>
</tr>
<tr>
<td>Students</td>
<td></td>
<td>10.5</td>
<td>1,582</td>
<td>7.6</td>
<td>138</td>
</tr>
<tr>
<td>Victims of the violence</td>
<td></td>
<td>4.5</td>
<td>671</td>
<td>0.2</td>
<td>3</td>
</tr>
<tr>
<td>Peasants</td>
<td></td>
<td>3.5</td>
<td>519</td>
<td>5.0</td>
<td>91</td>
</tr>
<tr>
<td>Trade unions</td>
<td></td>
<td>3.5</td>
<td>519</td>
<td>4.5</td>
<td>81</td>
</tr>
<tr>
<td>Ethnic groups</td>
<td></td>
<td>2.3</td>
<td>341</td>
<td>1.8</td>
<td>33</td>
</tr>
<tr>
<td>Departmental/municipal authorities</td>
<td></td>
<td>1.9</td>
<td>281</td>
<td>2.5</td>
<td>46</td>
</tr>
<tr>
<td>Parties and social organizations</td>
<td></td>
<td>1.3</td>
<td>193</td>
<td>1.2</td>
<td>21</td>
</tr>
<tr>
<td>Political parties</td>
<td></td>
<td>1.2</td>
<td>185</td>
<td>1.4</td>
<td>26</td>
</tr>
<tr>
<td>Human rights and peace organizations</td>
<td></td>
<td>1.2</td>
<td>173</td>
<td>1.3</td>
<td>24</td>
</tr>
<tr>
<td>Women’s and LGBT</td>
<td></td>
<td>0.9</td>
<td>137</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Women’s</td>
<td></td>
<td>n/a</td>
<td>n/a</td>
<td>0.3</td>
<td>5</td>
</tr>
<tr>
<td>Religious congregations</td>
<td></td>
<td>0.6</td>
<td>86</td>
<td>0.9</td>
<td>16</td>
</tr>
<tr>
<td>Others</td>
<td></td>
<td>0.9</td>
<td>141</td>
<td>0.6</td>
<td>10</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>100.0</td>
<td>15,010</td>
<td>100.0</td>
<td>1,815</td>
</tr>
</tbody>
</table>

Source: CINEP (2008)
If institutions are made up of collectives of people who impose rules, constrain behavior, are legitimized by an ideology, and mark the identity of the people (Martin 2004:1256-1258), we can conclude that movements are institutions that have — although it may seem redundant—achieved different levels of institutionalization. The organizations behind the movements try to constrain the behavior of and impose rules on their followers, yet they are more flexible than other institutions.

According to Table 2, in 24.2% of the cases it could not be determined what organization was behind the protest. Moreover, the role of victims-of-violence organizations grew from 0.2% to 15% between 1991 and 2006. Lastly, departmental and municipal authorities are resorting to protest as a pressure mechanism. The victims-of-violence organizations include relatives of people who have been kidnapped as well as NGOs that are pressing the government to reach a humanitarian agreement with the FARC for the release of the hostages. The other organizations back displaced persons and the victims of the paramilitary groups. According to Sarmiento (2008), between 2003 and 2007 the victims’ organizations strengthened their organizational networks and expanded their collective actions, turning them into a moral actor whose struggle speaks of the indignation the Colombian people feel towards the armed groups.

The consolidation of these organizations is related, first of all, with the assassination in 2007 of eleven congressmen from the department of Valle del Cauca who had been kidnapped in 2002; secondly with international lobbying by the labor unions and the Polo that managed to call attention to the large-scale violation of human rights in Colombia as a result of actions or omissions by the state; and, thirdly, with the policy for negotiating with the paramilitary groups fostered by the administration of Álvaro Uribe under the 2005 Law 975 for justice and peace, a law that does not achieve a balance between the interests of the victims and those of the paramilitary groups (Sarmiento 2008). What the latter want is to demobilize, rejoin society and be pardoned for their crimes, most of them considered crimes against humanity. The victims, in turn, view the government as giving in to the paramilitary forces and rolling back their rights. All this has occurred as part of a political and legal process that has uncovered deep levels of complicity between paramilitary groups and government officials, including 50 congressmen who favored, forged alliances with, and even went so far as to plan crimes against humanity with these paramilitary forces.

Table 2 also shows that in 3.8% of the cases local authorities took part in the protests, usually against the armed actors or the central government. For example, in 2002 the mayors of 23 municipalities in Antioquia joined forces in a massive protest against threats by the FARC to murder them if they remained in office, and against the government for its inability to offer them safety. The authorities in the southern part of the country joined the general population in protesting crop-eradication policies. The local authorities began their active protests following enactment of the

---

13 “Somos patriotas, pero no pendejos,” in El Tiempo, July 9, 2002.
decentralization laws in 1986. With decentralization, the conflict between the national government and the citizens ended up being handed over to the local administrations, which often lacked the expertise necessary to deal with it. On the one hand, subnational administrations cannot solve local problems that are rooted in macroeconomic policies and, on the other, they are opposed to central government initiatives that seek to cut the funds that are transferred to municipal governments.

Table 3 provides information on strikes (cessation of work activities and commercial services), mobilizations and invasions as the main protest activities in Colombia. These three types of action account for approximately 80% of the protest methods. Nevertheless, a new type of contentious action made its appearance between 2001 and 2002, when the people in several primarily indigenous towns organized the first peaceful civil resistance actions against the armed actors. This civil resistance came about in a context of increased military harassment of the civilian population. At the time, the FARC had increased their attacks on urban centers, which they considered to be the social base for both the government and the paramilitary forces\(^\text{14}\). The FARC would take over towns, kill or abduct policemen and, using unconventional weapons, bomb the civil infrastructure of towns in remote areas.

### Table 3. Types of struggle, Colombia (1975-2006)

<table>
<thead>
<tr>
<th>Types of struggle</th>
<th>Percentage and frequency of actions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Frequency</td>
</tr>
<tr>
<td>Strikes</td>
<td>5,357</td>
</tr>
<tr>
<td>Mobilizations</td>
<td>5,005</td>
</tr>
<tr>
<td>Invasions</td>
<td>1,738</td>
</tr>
<tr>
<td>Takeovers of entities</td>
<td>1,132</td>
</tr>
<tr>
<td>Roadblocks</td>
<td>1,117</td>
</tr>
<tr>
<td>Riots</td>
<td>571</td>
</tr>
<tr>
<td>Hunger strikes</td>
<td>53</td>
</tr>
<tr>
<td>Civil resistance</td>
<td>37</td>
</tr>
<tr>
<td>TOTAL</td>
<td>15,010</td>
</tr>
</tbody>
</table>

Source: Cinep (2008).

In Cauca department, for example, the FARC have refused to accept the territorial autonomy of the indigenous people, grouped together since 1971 in the Consejo Regional Indígena del Cauca —the organization behind one of the most contentious and successful social movements in the country (Rodríguez 2005)— and have been aggressively attacking them since the 1980s. It was the people of Cauca who, in late 2001, organized civil resistance actions. The people in certain municipalities, such as Bolívar, Caldono, Toribío or Jambaló, joined forces to prevent more takeovers by the

\(^{14}\) The paramilitary groups, too, seem to follow this same warped logic, considering the rural population to be the social base for the guerrilla forces.
guerrillas. In those cases, they surrounded the police in a humanitarian circle to prevent them from being kidnapped and asked the guerrillas to leave their towns alone\textsuperscript{15}. The government interpreted these actions as support for the status quo. The local actors, however, said that the presence of government forces in their territories made them targets of the armed groups. Therefore, the civil resistance strategy includes a call for territorial autonomy and goes beyond occasional actions to protect the community against armed raids. There are territories of peace, where the people have declared themselves neutral vis-à-vis the conflict. According to García (2005), there are more and more examples of this type of action in areas where the state has collapsed.

Table 4. Reasons for collective actions, Colombia (1975-2006)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>%</td>
<td>Frequency</td>
<td>%</td>
<td>Frequency</td>
</tr>
<tr>
<td>Rights</td>
<td>17.5</td>
<td>2,633</td>
<td>18.0</td>
<td>327</td>
</tr>
<tr>
<td>Non-compliance</td>
<td>17.1</td>
<td>2,574</td>
<td>17.2</td>
<td>312</td>
</tr>
<tr>
<td>Policies</td>
<td>15.6</td>
<td>2,349</td>
<td>13.7</td>
<td>248</td>
</tr>
<tr>
<td>Land/housing</td>
<td>14.0</td>
<td>2,105</td>
<td>10.5</td>
<td>191</td>
</tr>
<tr>
<td>Utilities/infrastructure</td>
<td>10.7</td>
<td>1,606</td>
<td>12.3</td>
<td>223</td>
</tr>
<tr>
<td>Labor demands</td>
<td>7.8</td>
<td>1,178</td>
<td>11.0</td>
<td>199</td>
</tr>
<tr>
<td>Social services</td>
<td>6.1</td>
<td>918</td>
<td>8.7</td>
<td>157</td>
</tr>
<tr>
<td>Authorities</td>
<td>4.2</td>
<td>633</td>
<td>3.9</td>
<td>70</td>
</tr>
<tr>
<td>Solidarity</td>
<td>3.0</td>
<td>453</td>
<td>1.9</td>
<td>35</td>
</tr>
<tr>
<td>Environment</td>
<td>1.7</td>
<td>251</td>
<td>1.9</td>
<td>34</td>
</tr>
<tr>
<td>Commemorations</td>
<td>1.1</td>
<td>171</td>
<td>0.8</td>
<td>15</td>
</tr>
<tr>
<td>Against other protests</td>
<td>0.3</td>
<td>50</td>
<td>0.2</td>
<td>3</td>
</tr>
<tr>
<td>Other</td>
<td>0.6</td>
<td>89</td>
<td>0.1</td>
<td>1</td>
</tr>
<tr>
<td>TOTAL</td>
<td>100.0</td>
<td>15,010</td>
<td>100.0</td>
<td>1,815</td>
</tr>
</tbody>
</table>

Source: Cinep (2008).

The data in table 4 leads us to the conclusion that the social actors’ main demands have to do with violation of civil and political rights and non-compliance. This latter category reflects violations of “laws in force or agreements reached during previous negotiation processes,” \textit{inter alia} withholding salaries or dismissals without cause (Cinep 2008). If protection of human rights and confirmation of agreements between the state and society are characteristics of an SSRL, given the prevalence of this type of demands, it can be said that the protests are due to ineffectiveness of that state.

3. Political Regime and the State

Summing up, this chapter holds that a correlation exists between protests and the ineffectiveness of the SSRL and the citizens’ increased capacity to mobilize. This section describes the capacities of the state and the citizens, and statistically measures the two. The chapter summarizes a broader methodological discussion concerning measurement of the capacities of the State and of the citizens (see Velasco 2006). I have also added variables concerning the political regime, given that “[s]tates assume empirical reality through regimes that attempt to establish political order... and determine the representation of interests within decision-making contexts.” (Grindle 1996: 4).

Consolidation of the state means increased administrative, political, economic and technological capacity (McAdam et al. 2002; Huber 1995; Skocpol 1985) and these capacities vary depending on the political regime or government in place at the time. Since the concept of the state’s capacity can be gauged using a broad range of macroeconomic indicators, in the study mentioned earlier I grouped together eleven indicators that make it possible to measure this concept using fewer components. With the help of the SPSS\textsuperscript{16} factor analysis function, indices were created to measure the concepts of state capacity between 1962 and 2000\textsuperscript{17} (see Graph 1). This analysis produced two components for state capacity. The first of these was called the “fiscal index” given that the variables closest to measuring the state’s fiscal behavior were grouped together in this component. The second component was called the “public policy index,” given that the expenditure variables were grouped together in this factor (see appendices).

The indicators used to build these indices were: (1) annual percentage of the national budget obtained by collecting taxes; (2) fiscal deficit as an annual percentage of GDP;\textsuperscript{18} (3) annual rate of inflation;\textsuperscript{19} (4) number of kidnappings per year;\textsuperscript{20} (5) annual growth of the gross domestic product; (6) social spending; (7) spending on justice and security; (8) spending on infrastructure as a percentage of total government expenditure;\textsuperscript{21} (9) foreign debt; (10) international aid as a percentage of GDP;\textsuperscript{22} and

\textsuperscript{16} Factor analysis is a statistical procedure that identifies the correlation between a large number of indicators that are related to each other and groups them together in a smaller set of indices. SPSS is a program that is used for social science statistical analyses.

\textsuperscript{17} It is difficult to find complete time series covering the entire 1958 to 2006 time period for two reasons: (1) the National Planning Department has changed the methodology used to measure indicators such as GDP, inflation or unemployment, which means that some time series can no longer be compared from one year to the next; (2) in the case of some indicators, they have only been easy to find since the 1960s (e.g. violence), the 1970s (e.g. crimes against the state, unemployment, distribution of income) or the 1990s (e.g. human rights violations, drug trafficking).

\textsuperscript{18} A fiscal deficit becomes a problem for the autonomy of the state because it is financed using debt.

\textsuperscript{19} Inflation determines whether a government applies expansionist or restrictive policies. Expansive monetary policies are positive if they redistribute income, generate employment or raise the income of the poor. They can, however, have negative effects on growth when trust in the financial market is lost and investment shrinks.

\textsuperscript{20} Kidnapping is a phenomenon that affects the richest or members of the armed forces above all; higher rates create a feeling of insecurity.

\textsuperscript{21} In theory a state should be flexible vis-à-vis the public policy demands of its population. The main demands of the Colombian people are economic development and an end to the armed conflict.
foreign balance as percentage of GDP. These indicators were taken from the databases of the National Planning Department (DNP in Spanish) (1998 and 2002) and the World Bank (2002), and cover the period between 1962 and 2000.

The citizens’ capacity variable seeks to assess the context that affects people’s well-being and the possibility that they can exercise their rights (see Graph 1). Bottomore (1998) argues that civil, political and social rights are the result of public commitment to the citizens, are achieved by contentious actions and arise when one social class changes policies to favor its interests (Bottomore 1992). Therefore, the citizenry is an institution molded by contention, and citizens’ rights are only meaningful if a state with capacity confirms them. Sen (1999) goes on to say that rights augment the people’s capacity to achieve what they value, such as obtaining an education or taking part in decision-making.

The statistics for socioeconomic well-being include unemployment, wages and life expectancy at birth. Statistics that measure conditions affecting the possibilities for association and political pressure include schooling and violence. These indicators were taken from the DNP (1998 and 2002) and the World Bank (2002) and cover the period between 1962 and 2000. Two dichotomous variables were used as indicators for political rights: (1) policies for the election of mayors by the people in 1986; and (2) the tutela (judicial relief) in 1994 that expanded the legal remedies available for demanding constitutional rights. The factor analysis produced one component for measuring citizen capacity (see appendix).

In this chapter, the period between 1958 and 2006 is divided on the basis of three types of regime: the Frente Nacional (FN) governments (1958-1974); governments during the transition from the FN to the 1991 Political Constitution (1975-1990); and governments after enactment of the 1991 Political Constitution (1991-2006). Frente Nacional—a coalition of the Liberal and Conservative parties—governed the country from 1958 until 1974, discouraged the organization of the opposition, and avoided populism. Frente Nacional’s goal was to pacify the country in the aftermath of a period of party violence (ca. 1945-1953) and dismantle the military government of General Gustavo Rojas Pinilla (1953-1958). Frente Nacional has been considered less democratic given that it closed the door to opportunities for political participation.

---

22 Development in the case of Colombia and its state is limited by access to resources and international markets that do not always offer good terms for the country.

23 The bourgeoisie won civil rights by contesting the power of the monarchy. Workers and other subordinate groups protested to win political and social rights, such as the right to vote, freedom of association, and social security.

24 It is assumed that the unemployed are more likely to descend into poverty and lose economic security.

25 The average number of years of schooling gives us an idea of the Colombians’ participation in the education system, where they receive information concerning political institutions and learn to read and write. The homicide rate includes murders as a result of common crimes, drug trafficking and sociopolitical violence, and is used as an indicator that measures the economic, political and social manifestations of violence.

26 0 is for the years when the amendment had not yet been implemented, and 1 is for years following implementation of the amendment. A score of 1 for one of the variables in the local elections for mayor and for tutela means greater citizen capacities; a high statistic in the rate of homicides points to a reduction in capacity, and a high average in years of schooling is related to increased citizen capacity.
The governments between 1975 and 1990 are considered *transitional regimes* because, although Frente Nacional came to an end around 1975, many of its banner institutions remained in place. The government of liberal party member Julio César Turbay (1978-1982) gave the Conservative Party some 40% of the posts in the executive branch, reflecting the votes that that party had received in the election (Bushnell 1993), thus continuing the coalition regime. The administration of liberal party member Alfonso López Michelsen (1974-1978) proposed social reforms and greater openness and, although he governed during the first year without resorting to the state of siege, he did focus on making the economy more liberal and maintaining the privileges of the traditional parties.

Turbay’s government is noted for enactment of the 1978 Security Act, a decree whereby civilians suspected of engaging in subversive actions or drug trafficking could be arrested, questioned and tried, a law that was used, however, to harass the civil opposition. Conservative president Belisario Betancur (1982-1986) opened the door to participation with changes that allowed for the election by the people of mayors and governors, and peace talks with the guerrilla groups. Moreover, the first signs of neoliberal reforms were seen during his term in office. For example, the World Bank’s Chenery Mission reached the conclusion, in 1985, that unemployment and slow growth of GDP were due to institutional interventions that distorted the operations of the financial, commercial and labor sectors. The mission recommended greater economic flexibility and lower tariffs. Then again drug trafficking prompted a change in the United States’ foreign policy towards the country, combining market reforms with aggressive security policies. By the end of the decade, centralization of power, the lack of opportunities for participation, slow economic growth, and increased violence led to a general crisis of the political system.

The governments that came after the 1991 Political Constitution began governing based on a liberal script that aimed at making the economy more liberal and politics more democratic. The Constitution was negotiated by the traditional parties and several social sectors in a constituent assembly that met in 1990 and established a social state based on the rule of law (SSRL) in Colombia. The constituent assembly included representatives of some contentious organizations, such as demobilized former members of the M-19 and the indigenous Quintin Lame movement, as well as two representatives of the indigenous movement.

The Constitution improved the formal mechanisms for representation and participation and introduced referenda, plebiscites, and *tutela*, among other mechanisms aimed at opening the door to greater political opportunities. The expectation was that institutionalization of the social state based on the rule of law would create a more democratic political system. Nevertheless, the market-centered, exclusive economic development model has delayed the process for institutionalization of SSRL in Colombia (Garay 2002).

Last of all, a weakening in the separation of powers worked against institutionalization of an SSRL. The government of Álvaro Uribe Vélez (2002-2010) amended the Constitution to allow for his re-election, merged several ministries, and has recently been involved in a confrontation with the Supreme Court of Justice, the body in charge of investigating relations between the government, members of congress and
the paramilitary groups. The president launched a campaign aimed at discrediting the Court\(^{27}\) that has brought the work of the justices to a standstill. The Colombian Supreme Court has filed a complaint before the International Criminal Court (ICC) regarding maneuvering by the executive branch against the court in an effort to discredit investigations that have uncovered ties between politicians and paramilitary groups and led to the arrest of 32 pro-government congressmen\(^{28}\).

4. Social Struggles and Capacity in Figures

As shown in Graph 1, the set of citizen capacities rose gradually between 1970 and 1990, reaching a high point between 1991 and 1994 thanks to socioeconomic advances that increased life expectancy,\(^{29}\) improved relations between the government and the citizens, and increased employment by the state. Urbanization and industrialization in some regions improved the opportunities for association as larger numbers of people began to work and live in more organized conditions closer to the state. Job and wage deterioration and the high homicide rates explain the drop in the index after 1995.

**Graph 1. Citizen and state capacities in Colombia 1958-2006**


\(^{29}\)For example, years of schooling rose from 3.1 in 1958 to 7.3 in 2000. Albeit, although this indicator is higher, on average Colombians still receive only elementary education. GDP per capita grew gradually from US$ 996 in 1958 to US$ 2,438 in 1997, but with a GDP per capita of US$ 2,438 Colombia is classified as a country with low development and inadequate living conditions for the population. Lastly, life expectancy increased from 56 years in 1958 to 71 in 2000.
The “fiscal index” shows that the state has lost capacity. Between 1964 and 1979 the index was highest when the government had less debt, the fiscal deficit was lower, and the conflict was latent. The “fiscal index” began to drop in 1979 with the growth of the deficit and of the domestic and foreign debts. The index fell between 1980 and 1984 as the foreign debt and the armed conflict escalated and economic growth declined.

The “public policy index” shows that state capacity was relatively higher between 1964 and 1971, and lower between 1974 and 1993. In comparison with other governments, the Frente Nacional administration invested a larger share of the budget on modernizing infrastructure and on security. Those governments had relatively low rates of inflation and allocated higher percentages to social investment. On the other hand, the main goal of the neoliberal administrations has been to attract financial capital. Spending by these governments tends to benefit sectors that investors find attractive (for instance, telecommunications and transportation). Moreover, they also increase military spending. These governments have brought inflation down and have allocated a large percentage of the budget for infrastructure and for justice and security.

4.1 Social struggles in Colombia

Graph 2 shows that, following a peak of more than 500 actions in 1971 and another peak of 797 actions in 1975, the average number of social struggles remained steady at 408 actions per year between 1977 and 1998, climbing back up to an average of 550 between 1999 and 2006.

**Graph 2. Social struggles, Colombia 1958-2006**


In 1971 there were more than 500 actions as a result of peasant takeovers of land, the student movement and labor union activity protesting non-compliance with labor
agreements. The peak in 1975 was caused by the mobilization of urban groups protesting President Alfonso López’s failure to honor proposals for greater political openness and social reform, and against higher prices and lower wages. In the late 1970s, President Julio César Turbay’s security statute was effective in reducing the number of protests by means of increased political repression of the opposition. In the 1980s, contentiousness against the political crisis, human rights violations and violation of labor rights increased.

Contentious actions declined during the early years of the neoliberal period when the institutions adjusted to a liberalization of the channels for participation. In 1999, however, the social actors contested the economic crisis that afflicted the country. During Uribe Vélez’s terms in office the social movements protested the concentration of power, repression, and dismantling of the little that had been achieved in the way of a social state based on the rule of law in Colombia.

4.2 Correlations between protest cycles, the state and the citizens

Table 5 presents a simple correlation\textsuperscript{30} between protest and regime, and confirms what is clearly shown in Graphs 1 and 2. At least up until 1970, Frente Nacional governments faced fewer contentious actions (the ratio for these regimes and protest is $R=0.70$). Meanwhile, the transitional regimes had a rather positive ratio of $R=0.51$. The administrations governed by the 1991 Constitution had a weak ratio of $R=0.15$. The other correlations also show slight ratios in the $R=0.32$ and 0.50 range. Thus, the statistical analysis indicates, in general, some correlation, although slight, between regime, citizens and protest.

\begin{table}[h]
\centering
\begin{tabular}{|l|c|}
\hline
 & Total number of social struggles \\
\hline
Frente Nacional & -0.70 \\
Transitional governments & 0.51 \\
Governments after the 1991 Constitution & 0.15 \\
Fiscal index & -0.49 \\
Public policy index & -0.40 \\
Citizen capacity index & 0.32 \\
\hline
\end{tabular}
\caption{Simple correlation between social struggles and variables of regime and citizens, Colombia (1964-2000)}
\end{table}

\textsuperscript{30} A correlation is a number between -1 and +1 that measures the degree of association between two variables. A positive value means a positive association, while a negative value is indicative of the opposite. Coefficients between -1.0 and -0.7 indicate a strong negative relation; between -0.7 and -0.3 a slight negative relation; between -0.3 and +0.3 a weak relation; between +0.3 and +0.7 a slight positive relation; and between +0.7 and 1 a strong positive relation. The correlations do not determine causality.
In principle the results of the correlation could confirm that the opening up of political opportunities (such as less repression and greater liberties) increases contention, corroborating the findings of studies that show that democratic governments accept higher levels of collective dissent at the same time that they open up channels of representation designed to avoid the use of contention (Ekiert y Kubik 1998; Greskovits 1998; Kim 1996; Kriesi 1995; Markoff 1996; and Misztal and Jenkins 1995). Nevertheless, ineffectiveness of the social state based on the rule of law in Colombia has limited the depth and scope of the opportunities for political participation that first become available in the 1980s. The violence, insecurity and violation of human rights, by actions or omissions of the government, prevented the existence in practice of a regime that could guarantee human rights and submit its decisions to processes of public deliberation and discussion.

This correlation allows me to infer that the most important variables for explaining the behavior of protest, at least in the case of Colombia, have to do with the political regime. A regime provides (or does not provide) more opportunities for protest or for the citizens to exercise their rights—including rights relating to the use of contention mechanisms. A regime also implements unpopular policies that are rejected by the contentious actors.

Lastly, table 6 shows the correlation between the different regimes and the capacities of the state and the citizens. What stands out very clearly here is the inverse relationship between citizen capacity and the Frente Nacional, and the direct correlation between citizen capacity and neoliberal governments. The regime transition has made clear the loss of capacity by the state, or its partial strengthening. The Frente Nacional governments faced fewer protests in the beginning, in part because the state was relatively stronger but, above all, because the citizens were contained.

| Table 6. Simple correlations between regimes and capacity, Colombia (1964-2000) |
|-------------------------------------------------|--------|--------|--------|
| Frente Nacional                                 | 0.65   | 0.57   | -0.68  |
| Transitional governments                       | 0.02   | -0.69  | -0.13  |
| Governments after the 1991 Constitution         | -0.69  | 0.18   | 0.85   |

With the assistance of this information we can see the correlation between protest in Colombia and both partial improvements in the conditions empowering the citizens and the ineffectiveness of the social state based on the rule of law that limits the exercise of these power by the citizens.
5. Conclusions and recommendations

This chapter views citizen capacity as a mix of political and social rights, given that rights do not have much meaning when the population must endure a life of poverty (Sen 1999). There are five conditions that increase people's capacity: (1) political freedom; (2) more opportunities for production, consumption and exchange; (3) education and health services; (4) transparent access to information; and (5) relief from economic needs (Sen 1999). Protest in Colombia shows that Colombian politics and the economy are failing in these five areas.

Additionally, more and more people are feeling that they are entitled to the rights promised in the Constitution, a document that not only confirmed the election of mayors, governors, assembly and council members, but also provided the following mechanisms for participation: (1) revocation of the mandates of governors or mayors; (2) plebiscites for approval or rejection of executive branch initiatives; (3) consulting the people to evaluate a question posed by the national or a subnational government; (4) people's initiatives, by submitting projects, ordinances or agreements to the central and decentralized agencies of the legislative branch; (5) referenda submitting proposed or established rules and regulations for approval or rejection by the voters; and (6) town meetings at which municipal councils or community action boards meet with the townspeople.

The ineffectiveness or inefficiency of these mechanisms for promoting rights can create obstacles to democratic governance. Although it has been argued that protests are a valid mechanism for representation of interests, it is one that also has its limits. If people feel that contention is the only means available to them for influencing policy, the end result can be an adverse situation of uncompromising stands, cynicism and mutual repudiation by the elites in government and the contentious social actors, one that hampers a desirable process of deliberation where all the parties recognize each other as legitimate players for the purpose of solving problems.

This being the case, this chapter recommends strengthening institutions that foster rights and ease the suffering of the people as a result of the economic and humanitarian crisis in Colombia by (1) honoring the constitutional limits to power; (2) making fiscal efforts to increase spending on justice; (3) protecting mechanisms, such as the tutela, that provide access to justice; (4) making the electoral process more transparent; (5) protecting the safety of legitimately elected local authorities; (6) providing funding for public health and education systems; (7) designing economic policies that create jobs; and (8) protecting land belonging to the indigenous population and peasants.

This chapter also endorses the conclusions reached by the Office of the Comptroller General of the Nation when it recommends, among other measures, tax, fiscal and bureaucratic reforms that will foster the equitable extraction and efficient use of the country’s human, socioeconomic and political resources with a view to reducing exclusion and developing the economy (Garay 2002). Most especially, the study carried out at the behest of the Comptroller’s Office stresses the urgent need for changes to
unfair tax policies that are skewed “against consumption and in favor of income, profits and wealth”\textsuperscript{31} (Garay 2002: lxiv).

Getting back to the recommendations, first of all, politicians and officials who use the government apparatus to exercise authority must legitimize the state’s institutions in the eyes of the people by adhering to constitutional rules in the performance of their duties. A difficult task given that, in many regions, government is dominated by despotic and authoritarian actors who claim to represent entire sectors of the Colombian population. On top of this, some government officials find excuses for the scorched-earth policy of the paramilitary forces, behavior that destroys the institutions of the state and erodes its legitimacy, and must be counteracted by the government.

Secondly, the work of the justice system that investigates and punishes those who engage in dehumanizing and authoritarian practices must be protected. If Colombian society makes a huge effort to increase its military capacity, it can make a similar “sacrifice” by raising the salaries and increasing the staff and equipment of Colombian judges—who already held their own protest in late 2008 demanding better conditions for performing their work. The Colombian people must see justice and believe in it. In the third place, the branch of government in charge of justice must reinforce its position as the legitimate arbitrator for disputes between the citizens and the government, between workers and employers, between consumers and companies. The Colombian judiciary must help restore a sense of justice for the Colombian people, so many of whom are trampled underfoot by the government and by those contesting the state.

Fourth, the electoral process must be transparent, free and competitive. Exposures of fraud, threats and assassination of candidates, coercion of voters to achieve outcomes favorable to the interests of local strongmen or the government party, all undermine the legitimacy of elections as a tool of democracy in Colombia. Fifth, and related to the last point, the safety and life of legitimately elected local authorities, freely backed by their constituents, must be safeguarded. The foundations of democratic governance are undermined when legitimate elections are not held or the people’s representatives are not allowed to exercise their authority.

Lastly, the report recognizes the historical debt that the Colombian government and financial elites owe to those who are poorer than they. It therefore recommends strengthening the social services that will help relieve social unrest and provide quality public health and education services. Moreover, economic policies must favor job creation and, lastly, agrarian reform that will protect the lands of the indigenous populations and the peasants cannot be put off any longer. Colombia has the wherewithal to achieve these goals but, it would seem, lacks the political capacity to do so.

In this regard, the shaping of new political actors, such as women, displaced persons, coca growers and demobilized individuals, among others, is uncovering the complexities of Colombian politics. Recognition of the rights of women and the

\textsuperscript{31} With a VAT of up to 16% and a 0.2% tax on personal income, the latter below the standard Latin American rate of 1% and a rate of 10% in OECD countries.
indigenous population, for example, is proof that the Colombian political system can add new actors to politics, further their rights and begin righting historical wrongs. Furthermore, the rise of new contentious actors, such as the displaced, the coca growers and the demobilized, is proof of the system’s failure to provide political and financial well-being for its people. To the extent that the state incorporates these actors under conditions that are fair, it will gain legitimacy as a democratic government and begin to see the light at the end of the tunnel of conflict. What is needed, therefore, is not only the political will of the government, but also pressure by the citizenry to achieve a distribution that will, at last, make it possible to build a country for all.
Appendices

Appendix 1. Loadings on variables of state capacity on two factors (Colombia 1964-2000). Rotated component matrix *

<table>
<thead>
<tr>
<th>Variables</th>
<th>Component 1</th>
<th>Component 2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>International restrictions</td>
<td>Fiscal and monetary capacities</td>
</tr>
<tr>
<td>Reversed measure(^{32}) of foreign debt</td>
<td>0.91</td>
<td></td>
</tr>
<tr>
<td>Reversed measure of the number of kidnappings</td>
<td>0.91</td>
<td></td>
</tr>
<tr>
<td>Central government deficit</td>
<td>0.82</td>
<td>-0.26</td>
</tr>
<tr>
<td>GDP growth</td>
<td>0.75</td>
<td></td>
</tr>
<tr>
<td>Reversed measure of foreign aid as % of GDP</td>
<td>-0.63</td>
<td>-0.58</td>
</tr>
<tr>
<td>% of government budget from tax collection</td>
<td>0.52</td>
<td>-0.36</td>
</tr>
<tr>
<td>Reversed measure of the rate of inflation</td>
<td></td>
<td>0.90</td>
</tr>
<tr>
<td>Government spending on infrastructure as % of total spending</td>
<td>-0.41</td>
<td>0.79</td>
</tr>
<tr>
<td>% government spending on justice and security</td>
<td></td>
<td>-0.76</td>
</tr>
<tr>
<td>% social spending</td>
<td></td>
<td>-0.59</td>
</tr>
<tr>
<td>Foreign balance as % of GDP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total variation that is explained by each Component</td>
<td>34.50</td>
<td>32.40</td>
</tr>
</tbody>
</table>

Extraction method: Principal component analysis. Rotation method: Varimax with Kaiser normalization.
*Rotation converged in three iterations.

\(^{32}\) Some variables were recodified to change their direction; this means that a high number is always related to increased capacity. These variables have been called “reversed measures” of the original indicator. To change direction, all the annual cases were subtracted from the highest indicator in the series. In the kidnapping series, there were 3,706 kidnapings in 1999 and, given that a large number of abductions means reduced capacity, all the cases of the series of 3,706 were subtracted to make that year 0.
Appendix 2. Loadings on variables of citizen capacity on two factors 
(Colombia 1964-2000). Rotated component matrix *

<table>
<thead>
<tr>
<th>Variables</th>
<th>Component 1</th>
<th>Component 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Citizen Capacity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reversed measure of the homicide rate</td>
<td>-0.96</td>
<td></td>
</tr>
<tr>
<td>Local elections of mayors</td>
<td>0.93</td>
<td></td>
</tr>
<tr>
<td>Schooling (national average)</td>
<td>0.92</td>
<td></td>
</tr>
<tr>
<td>Life expectancy at birth</td>
<td>0.91</td>
<td></td>
</tr>
<tr>
<td>Implementation of the <em>tutela</em></td>
<td>0.81</td>
<td>-0.24</td>
</tr>
<tr>
<td>Urban minimum wage</td>
<td>-0.77</td>
<td></td>
</tr>
<tr>
<td>Reversed measure of unemployment rate</td>
<td></td>
<td>0.99</td>
</tr>
<tr>
<td>Total variation that is explained by each</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Component</td>
<td>67.79</td>
<td>14.79</td>
</tr>
</tbody>
</table>

Extraction method: Principal component analysis. Rotation method: Varimax with Kaiser normalization.
*Rotation converged in three iterations.
Bibliography


Grindle, M., Challenging the State: Crisis and Innovation in Latin America and Africa. Cambridge: Cambridge University Press. 1996.


Kim, Q., “From Protest to Change of Regime: The 4-19 Revolt and the Fall of the Rhee Regime in South Korea.” In Social Forces 74 (4), pp. 1179-208. 1996.


Social Movements and Constituent Processes in Ecuador
Carlos de la Torre

This chapter analyzes the impact that the indigenous, women’s and Afro-descendants’ movements had on the constituent assembly processes in 1997-1998 and the process evolved during the government of Rafael Correa. The 1998 Constitution was drafted at a time when the proposals and demands of the ethnic and women’s movements played a central role in the endeavors to produce a constitution that included them, and marked the end of an expansive cycle of protest. The 2007-2008 constituent assembly was held under the hegemony of the left in Correa’s government and in the constituent assembly. It was held in a context of social-movement organizations that were in decline, that had lost their ability to mobilize their bases, and under a government that alternates between fostering a “citizen’s revolution” and the charismatic leadership of Correa who claims to represent the will of the people.

This analysis is built on the foundations of three bibliographic fields. To begin with, a discussion of the cyclic nature of social movements by U.S. theoreticians of social movements (Barrow 1994; Tilly 1986). In the second place, analyses of recent constituent assembly processes in Eastern Europe and Latin America as regards the importance of having these processes be participative and inclusive in order for the different sectors in society to feel that the constitutions are theirs (Arato 2005; Segura and Bejarano 2004). Then, lastly, the tensions between opening up for collective action in radical populist regimes that make use of a discourse involving vindication of the people against the oligarchy, and the limits to autonomous collective action found in caudillo-type regimes where a leader claims to incarnate the demands and aspirations of the people (De la Torre 2000; Ellner 2005).

Data for this research came from the press, the proposals for constitutional amendments brought to the new constituent assembly by the ethnic and women’s’ organizations, interviews with leaders of social movements, interviews with some members of the assembly, secondary bibliography concerning the 1997-1998 constituent assembly process, and field work at the 2008 constituent assembly in the city of Montecristi.

During the 1990s, several social movements, above all the indigenous movement, gained a great deal of power, as evidenced in mass protests, the role the movements played in overthrowing presidents Abdalá Bucaram in 1997 and Jamil Mahuad in 2000, and in the creation of Pachakutik, a primarily indigenous political party. The women’s, indigenous and Afro-descendant’s movements were successful in having their agenda of rights be reflected at the assembly that drew up the 1998 Constitution (Andolina 2003; Andrade 2007;

\footnote{I wish to thank Juan Guijarro for his assistance in gathering data. Alberto Acosta, Hugo Jácome and Francisco Rhon opened their doors to me for research on the Constituent Assembly in Montecristi.}
Antón 2007; Herrera n/d; Lynd 2005; Mosquera 2006; Rosero, Vela and Reyes 2000; Valladares n/d; Verdesoto 2007). So much so that the 1998 Constitution incorporated 36 of the 39 proposals presented by women’s organizations, granting them “civil and political, economic and social, sexual and reproductive rights” (Valladares n/d). The indigenous and Afro-descendant movements achieved recognition of their collective rights; a change in how the country is viewed, no longer as a mestizo nation but as a pluricultural and multiethnic one; and recognition of the government’s obligation to consult with the indigenous communities on decisions involving their territories. Policies on bilingual education, to be managed directly by the indigenous movement, were reinforced and, with funding from the World Bank, funds were made available for ethnodevelopment projects to be managed directly by indigenous and Afro-Ecuadorian organizations. Direct control over intercultural bilingual education by the indigenous organizations is unique in Latin America, given that bilingual education systems in Bolivia and Peru, for example, have been managed by the government.

The new constituent assembly process took place in a context in which the social movements were declining. This cycle has lasted from the time of Lucio Gutiérrez's administration (January 2003 - April 2005) up to the present. Rivalries within the indigenous movement became more pronounced during the Gutiérrez administration, and it did not play a major role in the collective actions that gave the military and the politicians the excuse they wanted to overthrow the president. This time the protesters were urban, middle-class people from Quito, and they did not spring from social-movement organizations, but from circumstantial networks that made the collective actions possible (Ramírez 2005). The protests in April 2005, aimed against the politicians, ended with the election of Rafael Correa, who called a new constituent assembly. In the absence of social movements that could use collective action to press to have their agenda to be included in the new constitution, all they were left with were lobbying and alliances with the leftist members who dominated the assembly.

Unlike the constituent assembly in 1998, when the social movements’ demands and their organizational strength were the driving force behind the reforms and changes (Rosero, Vela and Reyes 2000), the scenario this time was more similar to that in Venezuela in 1999. In that assembly, as pointed out by Renata Segura and Ana María Bejarano (2004), there was no direct participation by social organizations of the excluded, who were symbolically represented by the messianic figure of President Chávez. The challenge that the members of the Ecuadorian assembly faced was to include the social-movement organizations so that the constituent assembly process would seem to be participative, inclusive, transparent, and to be rising above the figure of Correa as a charismatic leader, a symbol of the pressing desire to refound a new government.

As stated by Charles Tilly (1986) and Sydney Tarrow (1994), social movements are understood as a series of challenges by groups of people who are not part of the polis and who struggle for inclusion against those who hold power. When analyzing social movements it is important to study the organizational
resources that allow the marginalized groups to mobilize, the levels of opening up or closing of the political system that facilitate or constrain protest, and the repertoires that these organizations use in their struggles. Social movements are cyclical and they go through phases, waxing and waning.

This chapter focuses on the ethnic and women’s’ movements since it was their organizational strength that made it possible for their agenda to be reflected in the 1998 Constitution. Moreover, by studying these movements we can compare their growth phases during the 1990s and their waning under new political circumstances dominated by a leftist government that revolves around the charismatic figure of President Correa.

The chapter is divided into four sections. The first describes the conditions that allowed for the expansion phase of the ethnic and women’s movements. The second analyzes the role played by the social movements in overthrowing Abdalá Bucaram and the role they played in the 1997-1998 constituent assembly, where the ethnic and women’s movements were successful in having their demands be accepted by the members of the assembly and included in the 1998 constitution. This constitution has been described by one analyst of the indigenous movement as the one that includes the most extensive reforms of indigenous rights and participation in Latin America (Andolina 2003: 721), and by scholar studying women’s movements as “one of the most advanced in Latin America insofar as women’s’ rights are concerned” (Herrera n/d: 53). The third section deals with the waning phase of the social movements during Lucio Gutiérrez’s administration, and describes the characteristics of the protests against the president that Congress, with the endorsement of the armed forces, used as an excuse to remove him. The fourth section describes the election of Rafael Correa and the social movements’ demands to the constituent assembly under circumstances marked by the hegemony of the left and the weakness of the social movements.

1. The waxing phase of social movements, above all the indigenous movements

This section analyzes the characteristics of the ethnic —indigenous and Afro-Ecuadorian— and women’s movements in the 1990s, during what can be considered the expansive cycle of protest by the social movements that bore fruit with their achievements in the 1998 constitution. The Ecuadorian indigenous movement may possibly be the most important political and social manifestation to occur in Ecuador during the 1990s (Almeida 1993; Beck and Mijeski 2006; Barrera 2001; Bretón 2001; Martinez-Nov 2004 and 2007; Ponce 2000; Zamosc 1994). Moreover, this movement became consolidated very quickly given that, up until the 1960s, the Ecuadorian highlands (la sierra) was a perfect example of colonial power relations. Hacienda owners controlled the indigenous peasants through their haciendas, institutions for economic exploitation and political and ethnic domination (Guerrero 1991; Zamosc 1994). In return for access to a piece of land on the hacienda, essential to produce the products necessary for social reproduction of the indigenous families, the indigenous peasants had to provide a number of services for the owner of the hacienda. These services ranged from the labor of the head of the family, his wife and children in the fields, to providing domestic services in the landowner’s
The haciendas monopolized the best land. The first census, carried out in the 1950s when 73.8% of the population lived in the sierra, showed that haciendas monopolized three quarters of the best land (Zamosc 1994: 43). Indigenous peasants had no vote because, up until 1979, illiterates were not allowed to vote. Moreover, they were classified as racially inferior through a series of dominance mechanisms in everyday life that created the categories of Indians, whites and mestizos as being fundamentally different.

Given their condition of Indians, from colonial times up until 1857, they were forced to pay a tax that accounted for approximately 30% of the government’s budget (Guerrero 2000: 17). To accomplish this, the state created a number of institutions that were in charge of managing and identifying the Indians as non-citizens who had to pay a tax and perform forced labor for the state and the whites. Although, following the abolition of the indigenous tax, Ecuador’s republican state delegated administration of the indigenous population in the white and mestizo landowners (Guerrero 2000) and the Church (Martínez Novo 2007), its policies recognized that the Indians were part of the history that produced the mestizo nation. Although when compared with Mexico, for example, the indigenous movement in Ecuador was weak, this did not mean that there were not several institutions used to consider the issue of the indigenous population. Academic debates concerning this population by white and mestizo scholars ranged from proposals aimed at preserving their culture and customs —since they were considered to be essentially unassimilatable due to their status as an inferior race— to proposals for assimilating them into the Ecuadorian nation, which had been classified as a mestizo nation (Prieto 2004).

Although some haciendas were established in the Amazon region, here this institution did not play the pivotal role that it did in the highlands. The association between the indigenous peoples of the Amazon region and the world market was one of violence, and involved the extraction of rubber and other products. In addition, their lands were taken over by settlers and a growing presence of oil companies. It is in this context of defending the indigenous people’s land against the settlers and in their interaction with the oil companies that organizations began to form (Sawyer 2004). In some cases these organizations were encouraged by Catholic missionaries, as was the case with Federación Shuar, the most important and strongest organization in the region (Rubinstein 2005).

Structural changes associated with the agrarian reforms in the 1960s and 1970s transformed the political, ethnic and economic system of domination that revolved around the highland haciendas. In 1985, 36.2% of the land in the highlands belonged to large landowners, 30.3% belonged to medium-sized owners, and 33.5% to small landowners (Zamosc 1994: 43). The breaking up of the dominance mechanisms based on the power of the landowners led to a power vacuum in the rural areas that was gradually filled by the indigenous organizations. Although in the beginning external agents, such as leftist parties and the Catholic Church (Martínez Novo 2004), were important for the creation of these organizations, they gradually grew more independent, adding an ethnic message to their economic demands. With the 1979 constitution that abolished the literacy requirement in order to vote, the number of voters increased 32.3%
overall, and 45% in provinces with large indigenous populations (Quintero and Silva 1991: 265-266).

In 1986, following a long organizing process, the indigenous organizations in the highlands, the Amazon region and on the coast formed the Confederación de Nacionalidades Indígenas del Ecuador (Conaie). In the 1990s the Ecuadorian indigenous movement achieved an extremely important public presence. Conaie and its member organizations were involved in uprisings in July 1990, April 1992, June 1994, January and February 1997, January 2000 and January 2001. These indigenous uprisings were a form of collective action in which the communities blocked roads and marched to the provincial capitals and to Quito to occupy spaces and the symbols of power in order to present their demands. These uprisings were important in the ousters of presidents Bucaram and Mahuad.

The indigenous movement has had a profound democratizing impact. The public sphere has been transformed, because the indigenous people now have their own presence and voice, the 1998 constitution recognized collective rights and the country’s pluriethnic and multicultural nature. The indigenous movement became the spokesperson for the demands of different left-wing groups against the adjustment policies. The strong mobilization capacity of the Indians was part of the reason why the structural reforms demanded by the IMF were only partially implemented. Despite its innovations, the indigenous movement followed the corporatist practices of other social movements (Bretón 2001; De la Torre 2007; León 1997; Santana 2004).

Unlike the Indians, who have been at the center of the whites’ and mestizos’ debates concerning the nation, and have played an important role in government policies, the descendants of the African slaves have been sidelined in these discussions and have disappeared from government policies. In the words of Norman Whitten (1981) and Jean Rahier (1988 and 1999), they have been the country’s “others.” Following the hypothesis of Anthony Marx (1998), the lack of any government policies that mark a population as belonging to an ethnic or racial group having specific characteristics, makes it harder for this group to recognize and define itself as an ethnic group. Thus, up until the 1960s and 1970s, the Afro-descendants did not see themselves as a specific ethnic group, nor did they consider their ethnicity to be a fundamental part of their identity and political and social behavior (Whitten 1974; Stutzman 1974).

The black and Afro identities were formed based on the work of Colombian Catholic missionaries (De la Torre 2006a) and the messages of intellectuals and Afro-Ecuadorian activists (Antón 2007). The strength of the indigenous movement and its achievements in gaining recognition for the collective rights of the ethnic populations in the 1998 constitution filled the Afro movement with vitality. By the beginning of the 21st century, as pointed out by John Antón (2007: 238), a network was created comprising some 317 organizations that make up the Afro civil society. The demands of these black organizations have alternated between corporatism, viewed as a form of access to and control over government resources, and battles against discrimination and for citizenship (Antón 2007; De la Torre 2002).
Amy Lind (2005) and Gioconda Herrera (n/d) point out the diversity of the organizations and strategies of the women’s movements in the 1990s. These can be broken down into four types of organizations. Government agencies where women participate, such as Conamu (Consejo Nacional de la Mujer), set up in the 1990s under the sponsorship of international organizations such as the United Nations. A second type of organization focuses more on bringing women into government and political parties. These have joined together in the Coordinadora Política de Mujeres Ecuatorianas, established in 1996 in response to the Bucaram administration. They have fought for women’s role in politics through the quotas law and efforts to form a women’s political party. A third group of organizations seeks to give women a role in development policies and planning. The field of action of the Foro Nacional Permanente de Mujeres Ecuatorianas consists of non-governmental organizations and civil society (Lynd 2005: 124). Lastly, there is a small group of feminists who are disillusioned with the government-oriented practices of the other groups and their rivalries; they call themselves “autonomous feminists” and focus on the “problematization of the body and the margins: prostitution, lesbianism, sexuality as the central issues of feminism” (Herrera n/d: 65).

The practices of the women’s organizations, with the exception of the autonomous feminists, are aimed at the political system and the government. In many cases what they want is to incorporate and institutionalize gains that have been achieved in other countries and are regulated by international agreements, which means that the dynamics often stem from the international agencies (León 1997: 34-35).

The women’s organizations as well as the indigenous and Afro-descendants’ organizations have preferred corporatist incorporation. Corporatism works as a set of structures that organize relations between civil society and the state. In corporatism, the state creates interest groups, tries to regulate the number of these groups, and makes it look like that they have a quasi-representational monopoly with special prerogatives. In return for these prerogatives and monopolies, the state insists on the right to monitor the represented groups (Stepan 1978: 46). The Ecuadorian state has been the frame of reference in the different corporately established groups’ struggles for funds and privileges (León 1997). For instance, in the 1930s, government regulations required that business groups had to belong to the chambers of agriculture, commerce or industry (Conaghan 1988: 85). The state not only organized the hegemonic power groups. It was also a mechanism for incorporating the different sectors of the population that negotiated resources and privileges, such as government workers, unionized workers, etc. Beginning with the last democratic cycle (1979 to date), the corporatist pact was extended to groups that had previously been excluded, such as women, city dwellers, peasants, Indians and the Afro-descendants.

The legacy of this corporatist tradition is that, for a group of people who have a problem or social situation in common to be recognized as actors by the state, they must organize as a group and demand that the state recognize them. That is why the state’s corporatist practices have fostered social organization. The state has provided incentives for the different groups to organize so as to have access to government resources and privileges. As Tilly says:
States formally certify labor unions, professional organizations, firms, and political parties, thus confirming their priority within their designated spheres over rivals and enemies. Less formally, states also offer selective recognition to ethnic leaders, spokespersons for different segments of capital, representatives of organized women, and other blocs—in each case excluding others categorically from that piece of power. (Tilly 1998: 202)

The state recognizes the representatives and spokespersons of the different organized groups with whom it negotiates the transfer of resources and, furthermore, as pointed out by Jorge León (1997: 36), it also promotes social mobility for the leaders of these groups, by bringing them into state structures as employees and consultants.

By providing incentives for social demands to be channeled through negotiations with specific groups, the state tries to regulate and set rules for social protest (Piven and Cloward 1979). Some forms are considered more acceptable and are rewarded with a favorable response by the state, whereas others not only have no realistic chances of succeeding, they may also be repressed. The state becomes the essential reference point for social protest and is viewed as the referee in the conflicts and the source of resources for specific groups. The state’s capacity to negotiate the demands of the different groups depends on fiscal resources. In an economic crisis situation, the state finds it hard to regulate protest because it has few resources to distribute. It is interesting that, despite the Ecuadorian state’s fiscal crisis that began in the 1980s, the new corporate groups, namely women, Indians and Afro-Ecuadorians, have negotiated the resources that are given to the state by international agencies. The World Bank committed US$ 40 million for development projects for Indians and Afro-Ecuadorians for four years. Some European countries have included specific policies for indigenous groups in their cooperation-for-development programs (Dandler 1999: 127), and a number of European and American NGOs have given funds for “ethnic affairs” (Brysk 2000) and to meet the gender equality goals set by international agencies and conventions.

2. From Abdalá Bucaram to the 1997-1998 Assembly

Activists in the women’s movement considered that Abdalá Bucaram’s government (August 1996-February 1997) was the catalyst for their unity. In 1996, for example, Coordinadora Política de Mujeres was established and autonomous feminist groups were formed (Lynd 2005). Towards the end of his term, the Frente Patriótico was created. This was a group that brought together workers from the Frente Unitario de Trabajadores, who took part in a mass protest for the last time; Frente Popular, very strong among students and teachers; and Coordinadora de Movimientos Sociales, a group that included the Confederación de Nacionalidades Indígenas del Ecuador, women’s groups, workers from the power sector, and ecologists.

2 Hoy, Quito, February 8, 2001.
On February 5th, 1997, less than six months after he had taken office, mass protests were demanding “Bucaram has got to go!” On February 6th, by a simple majority Congress removed him from office, on grounds of “mental incompetence,” with no medical evidence of insanity and using legally questionable arguments. Congress appointed the president of that body, Fabián Alarcón, as president of the republic. Vice-president Rosalia Arteaga proclaimed herself the lawful successor of Bucaram and he refused to resign. Arteaga was president for a few hours, then Alarcón took over until new elections were held in 1998.

Although during the election campaign Bucaram had said that he would govern for the poor, and signed anti-neoliberal agreements with leftist groups and the labor unions, he never said that he opposed that type of policies. His economic platform during the campaign aimed at ending monopolies, which were considered immoral and a form of unfair competition. He did not question neoliberal policies; on the contrary, he tried to see that all producers, above all small and medium-sized enterprises, would benefit from a more open economy and globalization. His faith in neoliberalism and his admiration for Carlos Menem led him to hire Argentina’s former minister of economy, Domingo Cavallo. The latter designed an economic program that revolved around convertibility of the currency to further the neoliberal reforms, given that it called for more flexible labor policies, privatizations and attracting foreign capital. These policies, aimed at greater discipline in government spending, forced the government to look for “new revenue via higher taxes and higher utility rates to close the fiscal gap” (Acosta 1997a: 46). In early January 1997, “domestic gas rates [were raised by] 245%, electric power rates by 300%, transportation by 60% and telephones by close to 1,000.”

The reaction by labor unions, indigenous groups, students and other leftist organizations was not long in coming. Frente Patriótico, Frente Popular and Coordinadora de Movimientos Sociales called for a strike on February 5th, first for 24 hours and then extended to 48 hours, to demand that Bucaram be removed or resign, and to put an end to neoliberalism. The student protests began on January 10th and by February 2nd the indigenous groups had blocked the roads.

The left interpreted Bucaram’s fall as the eruption of a huge people’s movement against corruption and neoliberalism. Many argued that the movements by the people had ousted Bucaram. This, however, was, not the case; Bucaram fell because of his inability to forge pacts with key institutional actors, such as business groups, the military, the political parties, the U.S. Embassy, and the Catholic hierarchy (De la Torre 2000: 98-108).

Bucaram’s ouster was followed by what is a longstanding tradition in Latin America: refounding. “The expectation is to change social conditions, political deadlocks, and incorporate new phases of modernization by means of cyclic amendments to the constitution” (León 1997b: 100). The left and the leaders of the social movements viewed the constituent assembly not only as an

opportunity for drawing up a new constitution, but also as a systematization of “a project for a life in common for our entire society. A project that we feel is ours, from which we can derive our rights and our obligations, which can only be achieved if we play an active part in the process of drawing up this document.” (Acosta 1997b: 7).

The indigenous and left-wing organizations interpreted the events of February as a people’s revolt that gave them a mandate to refound the nation, the economy, and the state. They proposed that their project be carried out by a national constituent assembly made up of representatives elected by the workers, women, Indians, businessmen, etc. When their corporatist proposal failed to garner much support and the political parties decided that the constituent assembly members would be elected in a general election by the people, the social-movement organizations set up the people’s assembly. Robert Andolina (2003) points out that the assembly included forms of participative democracy. Liberal and majority democracy was not rejected, what happened was that it was supplemented with forms of group representation and forms of empowerment of the grass roots lower-income sectors. Andolina says that they tried for consensus and that the people’s assembly worked as a sort of public countersphere, which is where the indigenous organizations’ proposals sprang from.

The constituent assembly was elected after just one month of campaigning, and the political parties that mobilized votes using clientelist strategies and the support of local chiefs prevailed (Segura and Bejarano 2004: 223). The winners were the Partido Social Cristiano, with 30% of the total of 70 representatives; Democracia Popular with 17%; and Pachakutik and Partido Roldosista with 10% each (Segura and Bejarano 2004: 222).

Luis Verdesoto (2007) analyzes the process that led to endorsement of the ethnic movement’s demands by many members of the assembly. Thus the demands involving plurinationality and collective rights became broad topics that included recognition of the collective rights of several different groups, such as Indians, Afro-Ecuadorians and women. As pointed out by Pablo Andrade (2007: 228), collective rights afforded the opportunity for “certain human groups to claim a specific identity for themselves, one that is different from that of other social groups, and based on this identity to press for representation in specific state apparatuses, and to demand and end to certain specific types of injustices, those affecting their language, their social organization, their authorities, and access to their lands, not individually but collectively.”

The constituent assembly process was headed by social movements that had a strong national presence, with clear goals and agendas (Segura and Bejarano 2004: 226). In the words of Nina Pacari, a traditional leader of the indigenous movement who was a member of the assembly, the indigenous groups managed to have the indigenous and mestizo assembly members from Pachkutik present their demands4. The women’s organizations and Conamu lobbied both the

---

4 Interview with Nina Pacari, January 2008.
women who had been elected to the assembly and the political parties in order to push their agenda (Rosero, Vela and Reyes 2000: 61-108). Rocío Rosero makes a point of how the gender discrimination experienced by Gloria Gallardo and Cinthya Viteri, from the right-wing Partido Social Cristiano, plus the lobbying and support they received from the women’s organizations helping them see these experiences as part of the social processes of discrimination against women, contributed to the important role these women played in incorporating the demands of the women’s organizations in the Assembly\(^5\).

For some social scientists, the 1998 Constitution was progressive because it included collective rights and women’s rights. It was viewed as the regulatory framework that made possible the creation of legislation guaranteeing the exercise of these rights (Antón 2007; Andolina 2003; Herrera n/d; Rosero, Vela and Reyes 2000). In the case of the leaders of the women’s movement, this constitution was based on their “full exercise of citizenship,” and the 1998 Constitution was felt to be “ours”\(^6\). Nina Pacari points out that, although this constitution was very advanced insofar as recognition of the collective rights of Indians, women and Afro-descendants is concerned, it did have flaws and shortcomings when it came to proposals for political and economic reform, areas where the right-wing parties imposed their agendas\(^7\).

Unlike these favorable opinions, many sectors on the left and indigenous organizations consider it to be a neoliberal constitution (Paz y Miño 2007). This interpretation bore some much weight that many analysts forgot to include the collective rights in their analyses of this constitution. The 1997-1998 constituent assembly was seen as exclusive and dominated by the particularist interests of the traditional right-wing parties. Going even further, the 1998 Constitution was considered to be a clear example of a neoliberal constitution because it “gets its inspiration from the principles of private enterprise and free market, with minimum participation by the state” (Nuñez 2007: 47).

3. From Lucio Gutiérrez to Rafael Correa’s Constituent Assembly

The leaders of the indigenous movement and non-indigenous sectors on the left viewed Gutiérrez’s election and participation in his government as a historical opportunity (Barrera 2004). Lucio Gutiérrez stepped into politics on January 21, 2000 when he, together with Antonio Vargas, president of the Confederación de Nacionalidades Indígenas del Ecuador (Conaie), led a coup d’état, or people’s rebellion, against president Jamil Mahuad. Conaie and Coordinadora de Movimientos Sociales proposed the establishment of people’s parliaments, referring to the mechanisms for constitutional debate that were used in the people’s assembly (1997-1998) following the ouster of Bucaram. The people’s parliaments were considered forms of direct democracy and a dual power vis-à-vis a government and a state that were classified as not very democratic and representative; therefore, the demand was that the legislative, executive and judicial branches be replaced.

---

\(^5\) Interview with Rocío Rosero, January 2008.
\(^7\) Interview with Nina Pacari, January 2008.
Mahuad was replaced by his vice-president, Gustavo Noboa. Lucio Gutiérrez was jailed for a few months and then freed under an amnesty declared by Congress. In order to run in the 2002 elections, Gutiérrez organized Sociedad Patriótica, a political party made up of former members of the military and former policemen, based on a nationalist ideology. Espousing the national security doctrine, Sociedad Patriótica felt great contempt for politicians and politics—considered to be unnecessary debate over public affairs (García 2005). During the 2002 campaign he called for the unity of the indigenous population, the people and the military, citing January 21st as an example, as the alternative to Ecuador’s “pseudodemocracy.” His election can be explained, in part by his alliances with the Ecuadorian left and with the indigenous movement (Beck and Mejinski 2006; Quintero 2005; Lluco 2004: 10), but was also due to how well his anti-political rhetoric was received, and to the image of the military as ordinary men who did not sell out to anti-national interests. Gutiérrez received 21% of the votes in the first round in October 2002, and 55% in the second round, when he beat multimillionaire Álvaro Noboa, another political outsider. Gutiérrez’s election was interpreted by sectors on the left as an opportunity for a refounding of the country.

Although Lucio Gutiérrez was elected president, his Sociedad Patriótica party won only five seats in the house of representatives, out of a total of 100, so he had no option but to seek the support of the so-called independent congressmen, which led to a scandal involving vote-buying. After he broke with the indigenous movement and with Pachakutik, six months into his presidency, he governed in an under-the-table alliance with the Partido Social Cristiano (PSC). This alliance broke up after the elections for local authorities on October 17, 2004, when the traditional parties emerged as the winners and Sociedad Patriótica barely survived. In November 2004, former presidents León Febres Cordero, leader of PSC, and Rodrigo Borja, leader of the social democratic party Izquierda Democrática, together with the Pachakutik members of the house tried to impeach Gutiérrez. He survived by putting together a new legislative majority with two caudillo-type, populist parties: Abdalá Bucaram’s Partido Roldosista Ecuatoriano (PRE) and Álvaro Noboa’s Partido Renovador Institucional Acción Nacional (PRIAN). The government caught the opposition by surprise when a new majority of legislators took over the presidency of Congress, appointed a new Supreme Electoral Tribunal, and did away with the Supreme Court of Justice, linked to the Partido Social Cristiano, creating a new Supreme Court with justices tied to PRE and PRIAN.

In November 2004 Gutiérrez’s populist rhetoric became more radical when he presented these maneuvers as part of an ethical and moral battle being waged by the people, whom he claimed to represent, against an oligarchy with ties to former president León Febres Cordero, a symbol of the exploitive Ecuadorian right and traditional politicians. At first Gutiérrez’s populist logic worked. Not only was he able to demobilize the opposition, he managed to neutralize it and add allies who shared his hatred of Febres Cordero. The government’s strategy also included exacerbating the divisions within the indigenous movement.

Following Lucio Gutiérrez’s break with Conaie, Federación de Indígenas Evangélicos (Feine) saw Gutiérrez as a possible means for attracting
government agencies and funds. Their interests coincided with the government’s strategy of dividing Conaie. During the Gutiérrez administration Conaie was fragmented and paralyzed among the organizations in the highlands and the Amazon region, whereas Feine was mobilized and enjoyed government support.

Unlike the crises that ended with the ousters of Bucaram and Mahuad, which had occurred in contexts of economic adjustment packages and the general economic crisis in 1999-2000, Gutiérrez was ousted despite the economic stability the country enjoyed during his term. In a context of macroeconomic stability, with orthodox monetary policies that adhered closely to IMF guidelines, and with a team of technocrats whom the business elites approved of, it was hard to imagine that the country would face a political crisis, much less that Gutiérrez would be unable to finish his term. The explanation for Gutiérrez's fall is to be found in his political mistakes and the institutional weakness that forced him to forge an alliance with PRE and PRIAN (De la Torre 2006b; Hurtado 2005; Ramírez 2005).

Former president Abdalá Bucaram was able to return to Guayaquil on April 2, 2005, after eight years of exile, thanks to the fact that the chief justice of the Supreme Court, Guillermo Castro, a member of his political party and a friend, revoked the court orders against him. The media show surrounding the return of the populist exiled leader marked Gutiérrez’s future and became one of the main reasons for his fall. Protests, which had been growing louder in March, reached massive proportions in Quito and Cuenca beginning on April 13th. By means of a small radio station in Quito, Radio La Luna, that opened its microphones to the public, and mobile phone messages sent to thousands of people, mostly middle-class, the population was called to go out into the streets. By the 20th, the situation—in the words of the armed forces joint command—was unsustainable and, in order to avoid bloodshed, they withdrew their support from President Gutiérrez, who only a little while before had been removed from office by a new majority in Congress who claimed that he had abandoned his post, while in truth he was actually holed up, with strong police and military protection, in the presidential palace in Quito.

In an interesting study of the mobilizations in April 2005, Franklin Ramírez (2005) stressed the novelty of this movement. Unlike protests led by social organizations and political parties, in this case the protestors organized themselves using mobile phones and calls to Radio La Luna. They used tactics and tools of everyday life, such as pots and toilet paper, to protest. Many young people used the chants of soccer fans, “pogóed” or danced around, jumping and bumping into each other, and texted, much like they would do on any night out with their friends. Unlike what happens in the case of work stoppages and strikes, they protested at night. This way, the middle class protesters could go to work during the day.

What are the factors that explain Conaie's paralysis during Gutiérrez's short administration? A first hypothesis explaining the relative weakness, paralysis and fragmentation of the indigenous movement is its corporatist relationship with the state. The incorporation of indigenous leaders into the government, on
the one hand, has allowed for the entrenchment or creation of a small middle class of Indian intellectuals and professionals. The fact of their becoming government officials who are recognized as technicians or intellectuals, represented a break with the racist attitudes that held that an Indian is a poor peasant, not an intellectual or a government official. This incorporation of indigenous leaders and intellectuals, however, places them in a strange, dual position. They are both representatives of the government before the indigenous communities, and representatives of the indigenous communities before the government. This ambiguous and complex position ends up co-opting indigenous leaders and intellectuals.

The incorporation of leaders and intellectuals is also based on the premise that one organization represents the entire indigenous population, whereas this is not necessarily the case. For example, the evangelical Indians felt left out of Conaie and decided to break with the apolitical views of the American missionaries and create organizations grouped together in the Federación de Indígenas Evangélicos del Ecuador (Feine) so as to be able to have a presence in the government and for the government to provide them with resources (Andrade 2005). When one organization takes over the government agencies and the other organizations feel sidelined, rivalries grow. They can then be used the administration in office at the time to drive in a wedge and split up the indigenous movement, which is what the Gutiérrez administration did. This can also, however, provide an opportunity for a smaller organization, such as Feine, to try to control the resources from which it felt it had been excluded.

A second reason behind the Conaie crisis in recent years is found in the ethnodevelopment policies of the World Bank and the Project for Development of the Indigenous and Black Peoples (Prodepine), analyzed by Víctor Bretón (2001 and 2005). This researcher has shown how the World Bank's NGO-type developmentalist policies have prompted second-tier organizations to focus on development projects. These policies split up indigenous demands into a slew of small projects. They have also fostered the creation of technical cadres of experts in management of development resources who have replaced the cadres of former militants whose demands focused on more structural aspects, such as fighting for the land and other long-term reforms. Furthermore, according to Bretón, the development policies of both the NGOs and Prodepine have failed to end poverty because the areas where the NGOs do most of their work are the poorest areas. These policies have also intensified class differences within the indigenous communities. The most prosperous Indians, in many cases the ones who had better access to land following the agrarian reform, are those who have benefited the most from the development projects, which continue to exclude the poorest.

The third cause is political and has to do with the approaches to democracy of some of the movement's leaders. The same as many non-indigenous Ecuadorians, the Conaie leaders consider that true democracy manifests itself in two ways. The first is in the number of people who go out into the street to raise their voices for or against a given proposal or politician. Democracy, they argue, lies in the people who express their will without the mediation of representatives or institutional channels. That is why, for example, many
Conaie leaders feel that true democracy was expressed in the number of people that took over Congress during the rebellion against President Mahaud in 2000 (Ponce 2000). If true democracy was in the people who mobilized against the government, honoring the institutional mechanism of liberal democracy was no longer that important. That is why what happened on January 21, 2000 was considered to be a rebellion, not a coup d’état.

This lack of faith in the institutions and procedures of liberal democracy is based on the beliefs of the old left, that looks down on formal democracy in contraposition to real democracy. Therefore, orthodox left-wingers consider that what is democratic has more to do with the results of democracy, such as inclusive and distributive public policies, than with following the procedures for electing and removing governors.

This criticism of liberal interpretations also contraposes formal democracy and direct democracy. It is assumed that true democracy is what is found in indigenous communities that are based on consensus. Indian intellectuals have argued that the indigenous community is place where a different and superior model of democracy is exercised, based on participation by everybody and on consensus. For example, according to Luis Macas and the anthropologists Linda Belote and Jim Belote, the members of the community take part in the decision-making processes in town meetings. This means that community actions are governed by consensus and that discussions go on until a consensus is reached. Decisions are reached concerning minga activities, community regulations and the spending of community funds. The best examples and fullest expression of collective efforts are to be found in various indigenous uprisings and marches in the 1990s. (Macas, Belote and Belote 2003: 224)

The example given above idealizes communal democracy yet, at the same time, says nothing about some of the problems involved in these forms of direct democracy, allegedly based on consensus. To begin with, it does not take into account the economic, gender, generational, educational and power differences of some families and ayllus within the communities. It is assumed that all have the same power to have their voices be heard and have the same authority. It ignores the fact that the men silence the women and refuse to listen to them. It also forgets that those who are from the more prestigious ayllus and have had access to education, handle the codes and rules of the “educated” or bureaucratic language that endows their voices with authority vis-à-vis those who are less educated or have never studied and who, therefore, lack the skills needed for their voices to have legitimacy. Lastly, community values have been placed above the individual’s right to dissent. Nothing is said of the authoritarian and coercive mechanisms of the community, such as fines for those who fail to take part in the actions agreed upon by the majority, who disagree with the decisions of the majority, and who risk social ostracism if they disagree in these small groups.

The little faith that some indigenous leaders have in democracy also stems from an incorrect reading of the progress of the indigenous movement during the last years of democracy. They have forgotten that it is the relative opening up of the
democratic regime that has allowed them to make progress, because without basic freedoms, there is a great risk of repression and difficulties that prevent the consolidation of organizations. The indigenous movement has moved hand-in-hand with the democratization of Ecuadorian society. On the one hand, the basic freedoms and relatively low level of repression have made large mobilizations possible. Compared with the other Andean countries, the level of repression has been low and the elites, because of their fragmentation, have incorporated indigenous leaderships.

4. Correa’s Administration and the New Constituent Assembly

Rafael Correa’s political career has been meteoric. Up until April 2005 he was a professor at a private university for the elite, Universidad San Francisco de Quito. Outside the classroom and academic circles he was known for his statements, above all radical ones, against dollarization and his criticism of the neoliberal model. After Lucio Gutiérrez was overthrown on April 20, 2005, Correa was minister of economy for two months during the government of Alfredo Palacio. He was the most controversial minister and the one who caught the attention of the media because of his verbal confrontations with the international agencies and for speaking out against neoliberalism. After leaving the government to run for president, he organized the Alianza País movement in November 2005. During the first round, his strategy was to attack the political parties, turning the election contest into an ethical and no-holds-barred battle against the partyocracy, which he portrayed as being the source of all evil, by the citizens incarnated in him. Consistent with his anti-party stance, he refused to present candidates for Congress, calling on the people to deposit invalid votes.

Correa was in tune with the dislike of parties and politicians, who had played an important part in overthrowing Gutiérrez, felt by a large part of the population. These feelings were also made clear in the anti-Gutierrez protests, with the slogan of “get rid of all of them,” and in the citizens’ attack against members of Congress on April 15, 2005 when some congressmen were physically attacked (Hurtado 2005). The anti-politician feelings were not limited to Quito or to a specific social class. A study based on focal groups and in-depth interviews with people from different social classes, regions and ethnic groups, carried out in July 2006, showed that most of those surveyed felt that politicians were responsible for corruption which, in turn, was the cause of economic problems such as poverty, and demeaning, badly paid work performed under precarious employment conditions (Larrea 2007). Correa’s campaign gave shape and meaning to this rejection and presented the constituent assembly as an alternative to the partyocracy and the solution to all the political, social and economic problems plaguing the nation.

On November 26, 2006, Correa beat Álvaro Noboa in the second round with 56.67% of the votes. The proposal for a national constituent assembly with full powers was the centerpiece of his campaign. Alianza País’s government program stated that the assembly would help build an “active, radical and deliberative democracy” and would foster a “participative model in which all the citizens will be able to hold power, take part in the public decisions and control the actions
of their political representatives.” The constituent assembly was not considered simply a mechanism for bringing about political reform. It offered to create “a project for life in common, a broad social agreement” in which “a mobilized society will not only have to take part in electing the members of the assembly” but also “take possession of the constitution and then press to make sure that what has been agreed to is accomplished.” The left-wing economist Alberto Acosta, first president of the assembly, in keeping with his stance at the previous constituent assembly, viewed this assembly “as an opportunity to build up citizenship, for people to participate... what we want is for this new deal, this new project for life in common, this social pact reflected in a Fundamental Charter, to be ours, of we the citizens.”

On April 15, 2007, 82% of the valid votes favored a constituent assembly with full powers and, in November, the governing alliance Acuerdo País ended up with 80 of the 130 representatives. At the beginning, the context seemed favorable, not only for the social movements’ agenda to crystallize in the new constitution, but also for Alianza País’s proposal for radicalization of democracy to materialize. Nevertheless, as pointed out by Rocio Rosero, leader of the women’s movement, and Nina Pacari, a traditional leader of the indigenous movement, the country was facing a paradox. Despite the fact that the left was in power, which guaranteed that the post-neoliberal agenda of the social movements would materialize, some of the social movements’ cultural demands—in the words of these leaders—would be at risk.

Although there were assembly members committed to the proposals of their movement, leaders of the women’s movement feared that no progress would be made on their agenda for sexual and reproductive rights, because they felt that Acuerdo País (AP) was dominated by the figure of President Correa. He, a practicing Catholic, had spoken about his refusal to accept abortion and gay marriage. In order to ensure unity in the assembly, the AP leaders decided not to touch subjects such as these that could cause divisions. Some AP representatives marched for the right to life and managed to halt the proposals closest to the agenda of the women’s movement.

In the end there was no reversal of the rights-related conquests of the previous constitution. On the one hand, the ambiguous wording of constitutions has been used to leave the door open for implementation of new conquests. For example, article 67 of the 2008 Constitution, while recognizing different types of family, which would allow people to fight for alternative forms of families, also says that marriage is the union between a man and woman. Moreover, it recognizes “the decision regarding the freedom to decide on sexual orientation” (Ospina 2008: 134).

9 “Plan de gobierno de Alianza País 2007-2011”, p. 20
12 El Comercio, Quito, March 28, 2008, p. 6, and April 2, 2008, p. 3.
Leaders of the women’s movement also worried about certain statements made by President Correa arguing that there was no need to keep some government institutions, where leaders of the social movements have a strong presence, such as Consejo Nacional de la Mujer, Consejo de Desarrollo de las Nacionalidades y de Pueblos del Ecuador, and Consejo de Desarrollo Afro-Ecuatoriano. Unlike the president of the republic, who considers that these institutions are “neoliberal inventions,” they consider them to be conquests of the social movements. The government will propose the elimination of these councils and making gender and intercultural affairs agendas part of all government policies. This proposal was viewed as a strategy aimed at diluting the content of the proposals for gender equality and interculturality. Lastly, several AP leaders and government officials have said that, since the social movements are in crisis and their agenda has been corporatized, their leaderships are not representative. If the leaders are not representative, the government feels that it is not important that they be included in discussions or that their agenda be considered. Since the president has won several elections with absolute majorities and is very popular he does not need the leaders of the social movements. In addition the government also intended to bringing several ethnic and women’s movement leaders into Alianza País.

Not sharing the fears of the leaders of the women’s movement, Conaie felt that the new assembly was the result of the battles it had been fighting since the 1990s. Its proposal was the building of a plurinational state with direct and participative democracy, nationalization of hydrocarbons and all natural resources, agrarian reform, policies guaranteeing access to health and education, and the preservation and deepening of the collective rights of the indigenous peoples. It seems that, as pointed out by Nina Pacari, many indigenous leaders were optimistic about the possibility of economic and political changes. The 2008 Constitution describes the Ecuadorian state as intercultural and plurinational. It recognizes the territories of the indigenous peoples, the Afro-Ecuadorians, and the montubios or natives of the coastal areas, “it establishes sumak kawsay or good living as the goal to be achieved by the development process, the expansion of collective rights, recognition of indigenous justice” (Larrea 2008: 80).

The Afro-Ecuadorian organizations agree with the indigenous groups on the issue of keeping the collective-rights conquests achieved in the last constitution, on the need for agrarian reform, maintaining the ancestral lands of the Indians and Afro-descendants, and on the importance of having a more equitable economic model. Furthermore, unlike the indigenous organizations, which make no mention of the subject, they point out the importance of “recognizing racism as the root of social injustice and as an affair of state, for the purpose of fostering deep-seated changes in the structure in order to fight against it.”

---

13 Letter from Rocío Rosero to President Rafael Correa, January 3, 2008.
15 Interview with Nina Pacari, January 2008.
16 Workshop for Afro-Ecuadorian candidates.
The women’s organizations, together with the Afro-descendants and the Indians, consider it important to keep the conquests achieved in the 1998 Constitution and to have state policies aimed at ending discrimination and fostering equality by means of positive action. They stress the importance of formal rules providing for a lay state, above all in the case of education policies—currently handled in part together with the Catholic Church—and health—where the churches also have a great say. Without a lay state they feel that their demands for autonomy regarding their bodies and their sexual and reproductive rights are at risk.\(^{17}\)

To summarize, and based on the proposals, public statements and interviews with leaders of the ethnic and women’s movements, hopes were that the new constitution would be different from the previous ones when it comes to economic and social-justice proposals. Rafael Correa and those collaborating with him feel that it is fundamental that this constitution be entirely the opposite of the 1998 Constitution, which they have classified as neoliberal. Therefore, in view of the state policies that have brought back state planning and the role of the state in regulating the economy, we could speak of a post-neoliberal economic model (Ramírez and Minteguiaga 2007). Alberto Acosta points out that seven articles dealing with planning, that did not exist in the 1998 Constitution, have been approved. Planning is now to be participative, decentralized and democratic.\(^{18}\) Although the rights from the previous constitution remain in place and rights have been expanded (Ospina 2008), there is concern that the social movement organizations will be sidelined when it comes to managing state policies. For example, Consejo Nacional de la Mujer, Consejo de Desarrollo de las Nacionalidades y de Pueblos del Ecuador, and Consejo de Desarrollo Afro-Ecuatoriano could disappear.

The new constitution was approved by more than 60% of those who voted in September 2008. The debates concerning the document focused on cultural issues, such as gay marriage and abortion. The leaders of the Catholic Church’s Opus Dei and evangelical pastors argued that the ambiguities in the wording of the constitution were a means for approving abortion and gay marriage. The Church split and the referendum turned into a battle between the more conservative sectors in society and the changes promised by Correa’s government. Voting in the referendum favored the Correa government. The leaders of the social movements backed the Yes option and the government. Although some criticized the President’s style, they decided to go for the change that the new constitution represented against the opposition of the more reactionary group that campaigned for the No.

Conclusions

“Scholars now argue that, for a constitution to be truly democratic, the process for writing it must be inclusive, participative and open” (Segura and Bejarano


Constituent assembly processes must follow the precept of Thomas Paine: “The constitution of a country is not the act of its government, but of the people constituting its government” (taken from Arato 2005: 1-2).

Our analysis of the 1997-1998 constituent assembly shows that, although the ethnic and women’s movements had a specific agenda and were able to organize and mobilize in order to have their demands be included in the 1998 Constitution, it was considered to be an imposition of the right, which was able, using the political parties, to legislate a neoliberal constitution. It mattered little that the women’s organizations saw this constitution as the end product of their demands and lobbying and, thus, as theirs. Even the indigenous movement, which, in the words of some researchers, achieved one of the most progressive constitutions in the region, did not feel that this constitution was theirs, called it neoliberal and argued that another constituent assembly was needed.

A first lesson from the mistakes of the last constituent assembly has to do with seeing that the process for drawing up the new constitution is viewed as participative and inclusive. In order to achieve this, ten constituent work groups were set up with the participation of AP and opposition members of Congress. These work groups received 1,500 delegations from different sectors in society and 1,000 proposals from parties, civil society organizations and, even, from private individuals. The debates concerning interculturality and plurinationality, for example, received input from the indigenous organizations Conaie and Fenocin (Federación Nacional de Organizaciones Campesinas, Indígenas y Negras) and from scholars such as Boaventura de Sousa, Galo Ramón and Catherine Walsh. The work groups were organized around 70 fora in different cities around the country on different subjects such as mining, water, youth, cultural policies, etc.

During the time that Alberto Acosta was chairman, a democratic spirit permeated the assembly. The decision to have it hold its sessions in the small town of Montecristi, in the province of Manabí, forced the members of the assembly to live in close quarters. They lived and had their meals together with all the staff working at the assembly, something that is quite uncommon in a society known for its ethnic and class differences. Although the pro-government bloc held a majority of the seats, Alberto Acosta was extremely careful to provide the necessary space for discussion of the articles and provisions of the constitution, allowing the voices of the opposition to be heard and trying to incorporate them in the decisions.

Although it was very clear to Alberto Acosta that the constitution should reflect a new, inclusive social pact, he faced three hurdles. The first was proving that the assembly was not an annex of the executive branch. That was made difficult

---

19 The work groups were: 1) fundamental rights and constitutional guarantees; 2) organization, social participation and citizenship, and representation systems; 3) state structure and institutions; 4) land-use planning and assignment of competent jurisdiction; 5) natural resources and biodiversity; 6) labor, production and social inclusion; 7) development system; 8) justice and fighting corruption; 9) sovereignty, international relations and Latin American integration; 10) legislation and auditing.

by the structural characteristics surrounding the assembly, with no government political party and under the charismatic leadership of President Correa. During Acosta’s chairmanship, the assembly walked a tight rope trying to prove its independence and to not give the impression that the constitution had been made to order, not just for AP, but for Rafael Correa. Issues such as immediate reelection, which Correa and the majority of the Alianza País members wanted, but which Acosta and a minority within the assembly objected to, cast a shadow on the independence of the constituent assembly. In addition to this, the president of the republic held several meetings with the AP assembly members to discuss topics such as women’s rights, mining, etc. Although these meetings, held behind closed doors and with no press present, were, according to people who were present, democratic and deliberative, the press has painted them as encounters where the executive branch imposed its will.

Regardless of what the truth may be, these meetings provided an opportunity for some assembly members to try to prove their loyalty to their charismatic leader and, on some controversial issues, Correa’s viewpoint prevailed. For example, the name of God was included in the constitution, the issue of gay marriage was not discussed, and presidential re-election was accepted. The impression of interference by the executive branch was magnified by the presence of personal delegates of Correa in the assembly and rumors that they sometimes altered the wording of articles in the constitution.

These problems of lack of autonomy became even worse when Acosta was forced to resign as chairman of the assembly, following a decision by the political bureau of Alianza País in June 2008. His resignation was not due to a request by the members of the assembly, but to a decision by Correa and the small circle of his Politburo. Acosta was replaced by Fernando Cordero, who had been vice-chair of the assembly. Under Cordero’s chairmanship, the assembly approved articles without much debate and imposed the agenda of the majority. Doubts regarding the independence of the assembly soon became clear in view of the little independence it had during the last stages.

Correa’s presidency is, as pointed out by Catherine Conaghan (2008), plebiscitary in two ways: it has had to and will have to win elections, and it is based on direct, not mediated or institutionalized, communication between the executive branch and the voters. In other words, it is a personalistic government. Without opposition by the political parties or civil society, with an electoral movement more than a government party, it would seem that political development in Ecuador depends entirely on Correa: his personality, his ambitions, and his decisions regarding the type of “leftward swing” that is best for the country. That the intentions of one man so influence the course of change is a matter of concern now that the Ecuadorians are drafting their 20\textsuperscript{th} constitution. (Conaghan 2008: 59)

A second problem stemming from Acosta’s removal involved the time frame. Acosta felt that in order for the constitution to be lasting, deliberation and including the opposition were necessary, and that the constituent assembly process should last longer. Correa, just like Hugo Chávez, wanted the process
to be quick and didn’t want to waste time on lengthy discussions. Backed by opinion polls, Correa argued that the low level of popularity of the assembly, which people saw as a sort of congress, would negatively affect the results of the referendum for approval of the new constitution. Deliberation was considered to be excessive democracy so they looked for an assembly chairman who would speed things up and even allow, in the words of people who collaborated with Acosta (such as León Roldós), Correa’s lawyer to change articles that had been approved in the debates.

A third problem involving the constituent assembly is that, by assuming full legislative powers and decreeing a congressional recess, it had to govern using constituent mandates. On the one hand, this opened the door for making major changes, such as eliminating outsourcing and labor intermediation, regulating and revising mining contracts, all done without taking into account ecological criteria or the opinion of the communities affected by earlier governments. And on the other, the mandates brought corporatist and clientelist criteria into the assembly. For example, during one discussion concerning the use of money in the solidarity fund for electricity and communication, I witnessed how one assembly member tried to make his vote conditional on having the name of his province be included as a beneficiary of the funds, so that he could prove to his constituency that he did get assistance.

The social-movement organizations were able to influence the 1997-1998 constituent assembly by creating a public and lobbying countersphere. At a point in which the social movements were in crisis, they lacked the power to organize collective actions to present their demands. They lacked the capacity to interrupt the day-to-day lives of the Indians and other sectors; what they had left was lobbying. This door has been open thanks to the participative structure of the constituent working groups and the presence of assembly members who were committed to the agendas of the movements. The limits, in any case, are the electoral considerations of the executive branch, the charismatic leadership that does not go through any institutions, and the diversity of the AP members of the assembly, where people espousing different ideologies are mixed in with political caciques.

Although the main challenge that the assembly faced was proving that it was inclusive and participative, for the social-movement organizations the challenge was to see that their agendas were included in the constitution. It would seem that both goals were achieved in part. On the one hand the indigenous, women’s and Afro-descendants’ movements backed the new constitution. Although they did not feel that all their demands had been included, they did see it as a progressive constitution and felt that to oppose it would be to join forces with the most reactionary right.

What is left to be seen is whether the social-movement organizations feel that the constitution is theirs. On the one hand, part of the Alianza País group aligned with Acosta wants the man-on-the-street to take over the constitution and press for demands that go beyond Correa’s personality. This constitution does show progress when it comes to citizen rights and, furthermore, in article 98 recognizes individuals’ and collectives’ right to resist.
Correa’s populist rhetoric, holding that politics is a confrontation between the people and the *pelucones* (the wealthy), is politicizing the relations of class inequality. This kind of rhetoric opens the door for politicizing conflict and fosters a conflictive environment. Nevertheless, as in all radical populist movements, the initiative is from top to bottom. Alianza País is attracting militants and organizers from the social movements. Many community leaders who worked for Conaie and Pachakutik are now in Alianza País. For the time being this party, despite its formal Leninist structure with politburo and all, is a personalistic electoral machine that was able, in April 2009, to get Correa re-elected as president until 2013, in the first round, and with 62% of the votes. It has yet to be seen whether, as in the case of other radical populist experiences, the grassroots present demands that go beyond the charismatic leadership and the attempts to mobilize them from the top down.

With the Correa government, the social movements face a dilemma. On the one hand, power is in the hands of the left, which has achieved many of its economic and social vindications and is applying policies that are clearly post-neoliberal. The budget for social spending was increased from 5.3% of GDP to 6.1% in 2007, and then to 7.4% of GDP in 2008 (Ramírez and Minteguiaga 2007: 96; Machado 2009: 11). The minimum wage went up from US$ 170 to US$ 200 per month, and the new constitution abolished employment subcontracting. The government is still subsidizing gas for household use, gasoline and electricity for the poorer sectors. Furthermore, the human development bond was increased from US$ 15 to US$ 30 per month, benefiting 1.3 million people in 2008. The government also has to comply with the constitutional mandate and must foster citizen participation. The new constitution recognizes that, in addition to the three branches of government found in liberal regimes, there is a fourth: the citizen branch, which allows the citizens to play a direct role in planning public policy and in the people’s oversight of the government institutions. Lastly, the president’s radical rhetoric against the oligarchy and the *pelucones*, in favor of the people, is providing space for the poorer sectors to organize and present their agendas.

On the other hand, however, Correa’s administration has had and continues to have little patience with the autonomous social-movement organizations. The president has said:

\[...we always said that the greatest danger for our political project, once the political right has been successively defeated at the polls, was the leftism, ecologism and infantile indigenism... the new reactionaries are precisely those ecological fundamentalists and, I would add, those so-called social organizations that do not represent anybody but that behave as though they represented everybody.\]

The government’s opposition to autonomous social-movement organizations has moved beyond the president’s words. The government decided that Conaie is to no longer be in charge of intercultural bilingual education, one of its most

---

21 Rafael Correa, “Informe a la nación en el inicio del tercer año de la revolución ciudadana”, Plaza de la Independencia, Quito, January 19, 2009.
important historical demands. This education is now in the hands of the Ministry of Education. Furthermore, the government has cut the budget for the state organizations that are controlled by social organizations such as Consejo Nacional de la Mujer, Consejo de Desarrollo de las Nacionalidades y de Pueblos del Ecuador, and Consejo de Desarrollo Afro-Ecuatoriano. Using the excuse that the government delegated authority during the neoliberal period, it now seeks to centralize everything.

Lastly, as is always the case with radical populism, although the door has been opened to opportunities for people to organize and for anti-oligarchy victories, it seems that the will of the people lies in the leader, now made out to be the incarnation of the people’s and the nation’s will.
Bibliography


Andrade, Susana, “El despertar político de los indígenas evangélicos en Ecuador.” In Íconos 22, pp. 49-60. 2005


Barrera, Augusto, Acción colectiva y crisis política: el movimiento indígena ecuatoriano en la década de los noventa. Quito: Ciudad. 2001


Bretón Solo de Zaldívar, Víctor, Cooperación al desarrollo y demandas étnicas en los Andes ecuatorianos. Quito and Lleida: Flacso and Universidad de Lleida. 2001

Bretón Solo de Zaldívar, Víctor, Capital social y etnodesarrollo en los Andes. Quito: CAAP. 2005

Conaghan, Catherine, Restructuring Domination: Industrialists and the State in
Ecuador. Pittsburgh: University of Pittsburgh Press. 1988


De la Torre, Carlos, Afroquiteños ciudadanía y racismo. Quito: CAAP. 2002

De la Torre, Carlos, “Os missionários Combonianos e a Criação de Identidades Negras no Ecuador.” In Afro-Asia 34, pp. 131-153. 2006a


García, Berta, “El 20 de abril: presente y pasado de un proyecto militar corporativo.” In Íconos 23, September, pp. 93-100. 2005

Guerrero, Andrés, La semántica de la dominación: el concertaje de indios. Quito: Libri-Mundi. 1991


Hurtado, Edison, “Lo que pasó en CIESPAL. Apuntes etnográficos sobre el poder, los medios y los sin-sentidos de la violencia.” In Íconos 23, pp. 63-82. 2005


Larrea, Tatiana, ¿En qué pensamos los ecuatorianos al hablar de democracia? Quito: Participación Ciudadana. 2007

León, Jorge, “Entre la propuesta y el corporatismo.” In Íconos 2, May-July, pp. 29-40. 1997a

León, Jorge, “Contribución del pensamiento andino a los cambios constitucionales.” In Ecuador Debate 42, pp. 100-112. 1997b


Martínez Novo, Carmen, “¿Es el multiculturalismo estatal un factor de profundización de la democracia en América Latina?: una reflexión desde la etnografía de los casos de México y Ecuador.” In Bretón, Víctor, Francisco García, Antoni Jové and Maria José Villalta, eds., Ciudadanía y exclusión: Ecuador y España frente al espejo. Madrid: Catarata. 2007


Mosquera, Violeta, Mujeres congresistas. Quito: Flacso and Abya-Yala. 2006


Quintero, Rafael, *Electores contra partidos*. Quito: ILDIS and Abya-Yala. 2005


Ramírez Gallegos, Franklin, *La insurrección de abril no fue sólo una fiesta*. Quito: Abya-Yala. 2005


Rosero, Rocío, María Pilar Vela and Ariadna Reyes, *De las demandas a los derechos. Las mujeres en la Constitución de 1998*. Quito: Conamu. 2000


Santana, Roberto, “Cuando las élites giran en redondo: el caso de los liderazgos indígenas en Ecuador.” In *Ecuador Debate* 61, April, pp. 235-258. 2004


Valladares, Lola, “Entre discursos e imaginarios: los derechos de las mujeres ecuatorianas en el debate de la Asamblea Nacional de 1998”. In Herrera, Gioconda, ed., *¿Diferencia o inclusión? Mujeres, ciudadanía y participación política en el Ecuador.* (At the printer’s)


A Siege from the Sidelines: Between the Many Local Conflicts and the Slow Build up of New Social Movements in Peru

María Isabel Remy S.

In comparison with the rest of Latin America, the Peru of the 2000s is a latecomer to the diverse, recurring and ongoing processes of contention and resistance by different social sectors against the growing control wielded by large private, transnational interests over territories, economic activities, policymaking, models of life and images of development, within the framework of an open, deregulated economy as mandated by the constitution in 1993. In various regions around the country, from very remote areas such as the Corrientes River basin in the jungle —home to the Ashuar people, poisoned by irrational oil extraction—to the country’s second city, a variety of social groups, with different types of organization, have found that collective, disruptive, contentious action is the only way in which they can hope to see their expectations incorporated into a closed, fairly inflexible political agenda. Some are able to build networks or connect with pre-existing networks that allow them to move up from the local stage to the regional, national and international stage and take part in discussions concerning possible reforms and, even, alternatives life styles. Others remain circumscribed to small, mainly rural, areas where a high dose of violence is the only way they can manage to attract the attention of the media and show up on the national stage, although most of them merely add a number to anonymous statistics noteworthy only for the accumulation.

Recently, also, in different niches, discussions have taken place regarding the intensity of the social conflicts, the scenarios of the conflicts and, more recently, the establishment of social movements. The subject is a relatively new one in Peru, in that their evolution virtually ceased between 1980 and 2000. In 1980, PCP – Sendero Luminoso began its “armed struggle,” doing away with the autonomy of the social actors and defining a single, large-scale—and up to now insufficiently analyzed—conflict; and it was not until 2000, after 10 years of Fujimorist peace, that, prompted by a combination of repression and clientelism, tens of thousands of people went out into the streets and managed to put an end to the authoritarian regime. During that entire period, the collective actors changed, as did the reasons, orientation and identities that fed the protests. The studies and debates that have begun to occur in recent years are unprecedented.

This chapter examines two society-based areas of conflict and political action in Peru. One is democracy, an area of extremely diverse expressions, so much so that the actors in this conflict would probably not consider themselves part of the same process. The aim here is to analyze the different ways in which, by means of a series of disruptive collective actions and lobbying, the transition to democracy has been building up around the country, the local democratic processes, and the exercising of new participation rights. The second has to do with territory or, in other words, the confrontation between two models, concepts and strategies for change in the territory. This takes the form of a conflict against the advance of large-scale investments by transnational corporations that end up displacing peoples and activities, most commonly
seen in the extraction industries (mining, gas, oil), and in defense of the livelihood and resources of a population, above all rural.

The first has very diverse actors and repertoires for action and reached its peak in the large, urban, anti-dictatorship and ethical movement against Fujimori’s authoritarian regime. More recently, it can also be found in extremely localized, rural expressions involving hundreds of small conflicts that question the lack of legitimacy of the mechanisms for setting up democratic authorities in the territory, a sign of democracy’s weakness in the country, which are, perhaps, beginning to clear a path from the extreme social and territorial marginality of the more recent actors, towards new forms of democratic construction in the midst of the —seemingly final— crisis of the political party system.

At least two networks of institutions that also have ties to international networks were already involved in this questioning of the limits to democracy as it actually exists in Peru even before the issue became a subject of collection actions. One is concerned with defending human rights and, more recently, defending the conclusions reached by the Truth and Reconciliation Commission regarding responsibility in the internal armed conflict and the need to design reparation policies. Another fosters debates, builds alternatives and engages in lobbying on good local government, decentralization and citizen participation. Although these institutional groups did take part in the movement against the authoritarian regime, they have not established (nor want, nor even dream of) ties with the many actors in the local conflict. This externality will be analyzed below.

A second area of conflict, processed in very diverse territories, challenges one of the linchpins of the current pattern of accumulation in the country, centralization of capital and implementation of “private megaprojects,” mainly extractive, in the hands of large transnational corporations. The centrality of the conflict regarding the economic model and the diversity of the actors involved, allows for a discussion regarding the establishment of a social movement that, disputing control over resources and the means for earning a living, creates other alternative approaches to the hegemonic approaches regarding guidelines for the future and the actors who will build it.

Indigenous peoples take part in both, democratic and anti-neoliberal, and contribute ways of building new relations, with some conflicts and confusion, or defend rights or move between adaptation and resistance. Up until fairly recently they did not draw up their own agendas or forge an identity in ethnic terms. A package of laws recently enacted by the executive branch, exercising the powers that Congress delegated to it for the purpose of changing the legal framework so as to adapt it to application of the free-trade agreement with the United States, by including rules that facilitate privatization and sale of land belonging to native and peasant communities, has prompted the unprecedented mobilization of Indians from the Amazon region, from very different ethnic societies and very different areas, all banded together in a national organization: Asociación Interétnica de Desarrollo de la Selva Peruana (AIDESEP). The issue of indigenous affairs and social movements will also be analyzed in this chapter.

Rooted in the conflicts over control of natural resources and defense of the environment, in a context where the gap between the country’s sustained
economic growth at very high rates and continued poverty grows wider, a movement contesting the processes of change in the lives of people, prompted by the increasing presence and control of the transnational corporations, has begun to take shape in Peru, although rather late in comparison with the rest of the Andean region. At the same time, movements objecting to the limits placed on democracy have consistently come up against those very same limits and, despite their many achievements in terms of institutional reform and the trials of those who have violated human rights, they have been unable to propose alternatives that question the parameters used for organizing power in Peru. The conclusions will deal with these differences in the two major areas of society-based political action.

1. Fragments of a Movement Vis-à-Vis the Limits to Democracy

The beginning of José Nun’s *La rebelión del coro* sheds light on the change that occurred among actors in Latin America in the 1980s, the orientation and the identities of the social movements:

*In Greek tragedy it was almost always the heroes, the only ones in direct contact with the gods, who stood center stage. Everyday life, on the other hand, was assigned a more lowly, faceless spot: that of the chorus. It was made up of the women, the children, the slaves, the elderly, the beggars, the invalids, in other words all those who stayed behind in the city while the others set off in search of adventure, of power and glory.... But it so happens that, in our time, everyday life has begun to rebel... The symbol par excellence of this rebellion is the women’s liberation movement. But the unraveling of the libretto is even more widespread: the ethnic minorities, the elderly, the homeless, the invalids, the homosexuals, the marginalized, the young —above all, the young— too, are violating this ritual of discretion, of good manners: they stand in the center of the stage and demand to be heard*.

The truth is that, following the days when they shaped an environment of rights (labor, political, economic) in Latin America and the end of the agrarian regimes of servitude, the “heroes” of modernization, workers and peasants, left the limelight, carried away by the changes to the world capitalist system and its liquidating effects on developmentalist states and their protected economies.

The new social actors that Nun speaks of, who are neither associated with a position within the production structure nor defined by their work, voice their demands in contexts of multiple identities, turning the most basic elements of life into the core of their conflict and their proposals: the body, personal identity associated with a tradition, a phenotype, a language, human rights, subsistence conditions, and defense of the environment for life and the peoples’ lifestyle.

Feminist movements, ethnic movements, movements in defense of human rights, grass-roots communities, among others, began to emerge in the Latin American countries in the 1980s and are at the heart of what, in the 1990s and 2000s, began taking shape as movements for resistance against neoliberal

---

globalization. In Peru, however, the evolution of the conflicts and processes for creation of new social movements followed a different timetable and evolved later on, only after a social movement had managed, for the first time in the 20th century, to put an end to an authoritarian and corrupt regime and was able to achieve a transition to democracy.

1.1 The context: Two decades of political violence, social demobilization and clientele

Not only were the policies involving structural adjustment, privatization, dismantling of the state’s role as a promoter, elimination of subsidies, cutbacks in labor rights, and opening up to imports, and massive investment of transnational capital not contested in Peru in the 1990s, they were viewed as part of a process of “national salvation.”

Hyperinflation, the radical fiscal crisis, and the bankruptcy of a business sector that had been protected since the 1950s, was not the only problem that the country faced, perhaps not even the main one. In addition to these, common to all the countries in the region, Peru also faced the devastation resulting from 10 years of internal armed conflict. When Alberto Fujimori took office as president in 1990 and applied a package of radical structural adjustments, based on the Washington Consensus, Sendero Luminoso was struggling to achieve a “strategic balance” by increasing violence in the highlands (sierra), becoming stronger in the jungle areas, making progress in wielding control over national universities and poorer urban settlements, and endeavoring to “besiege” the capital, a city that was being systematically attacked with car bombs, armed work stoppages and annihilation commandoes. With a large part of the utilities’ and communications’ infrastructure destroyed, virtually no new government or private investment, a mining sector—essential for generating foreign exchange—that was under permanent attack by the subversive forces, the public-finance crisis and hyperinflation were additional factors piled on top of the total devastation in the country.

The adjustment measures put in place by the Fujimori government beginning in July 1990 caused poverty to become even more widespread, but did away with hyperinflation and stabilized the economy. The government’s success in stamping out terrorism and, finally, the capture of Abimael Guzmán in September 1992, brought peace to the country. The pacification was accompanied by a process of gradual economic recovery, of attracting foreign investment, first for the utilities that were privatized and, little by little, for other activities (financial, mining, fishery, oil extraction, agribusiness) that provided the government with the funds needed to undertake large-scale public works, as well as thousands of small investments all around the country, bringing services to rural villages: electrification and rural telephony, rural roads and improvements to main highways, schools, dispensaries and food assistance programs. These served not only to offset part of the loss of

---

2 Between April 1989 and December 1992, Lima was the site of 907 different attacks and attempted assassinations, 47% of all the attacks in the country. During that period, no less than 10 increasingly violent work stoppages occurred. Although the largest number of deaths were occurred between 1983-1984, greatly concentrated in Ayacucho, they surged again between 1989 and 1992; according to the Truth and Reconciliation Commission, 40% of the deaths recorded occurred in those years. See Comisión de la Verdad y la Reconciliación, Informe final, Chapter 2: “Despliegue regional de la violencia”.
purchasing power caused by the structural adjustment, they were viewed as proof of the government’s (or “the president’s”) concern for the “poor” and the “out-of-the-way towns,” something that had not been seen since the military government.

This new spending capacity consolidated Fujimori’s regime. Pictures of the president arriving in person, by helicopter, in small rural villages to present and inaugurate small works, meeting directly with the people, were often seen in the press (controlled almost entirely, either directly by bribery or indirectly through government advertising). Myriad micro-organizations (committees “for” this and that, works management committees, environmental committees, mothers’ clubs, and soup kitchens) were fostered as counterparts for the new social policies —weakening old, and aging, autonomous organizations. The idea of clientele best describes the relationship created between the state and the poorer sectors.

All this, together with the state of emergency and political-military control that was left in place throughout most of the country, special legislation for trying cases of terrorism, paramilitary commandoes that engaged in intimidation and even extrajudicial assassination, iron-fisted control over the mechanisms for promotions within the armed forces and corruption among the top-level officers, a weakening of the institutions in charge of guaranteeing rights, control —through corruption— of the judiciary and the electoral agencies, the temporary closing down of Congress and reopening under a new Constitution, erosion of municipalities, especially provincial ones, and shutting down of regional governments, plus an absolute majority in Congress (achieved via votes or by buying off turncoat congressmen), produced a decade of strict social control, with virtually no political opposition, and a fragmented and demobilized society.

The social movements that existed in the second half of the 20th century, peasants and workers, had practically disappeared with the dismantling of the developmentalist state and protected industrial apparatus. The privatizations weakened traditionally solid trade unions such as the miners’ and oil workers’ unions; in the case of the peasants, the land that the agrarian reform had turned over to large social enterprises, had been gradually divided into smaller plots, leading to the current situation of massive small landholdings and no organization; the peasant communities, engaged in internal confrontations during the decade of violence and split up into a multitude of micro-organizations in order to receive social funds, were not an autonomous organization group either. The decade of violence and the paramilitary extension of this period under Fujimori also meant the liquidation of the intermediate and local, peasant and workers’, social intermediation, creating a huge chasm, and no bridge, between national political and social leaders and their grass roots. In this context, former mid-level leaders were co-opted by

---

3 This “personal” relationship between the president and “the people” without the intermediation of any parties or large organizations, also fostered the inclusion in the 1993 Constitution and passage of new legislation covering citizen participation rights (rights involving legislative initiatives, referenda, recalls of local authorities). Very little use was made of them during the Fujimori period: only one process involving a recall of local authorities was organized (in 1998); and, using his majority in Congress, Fujimori prevented an initiative for a referendum seeking to stop him from running for a third term —backed by more than one million signatures— from being admitted by means of a (retroactive) amendment to the participation law.

4 One of the extrajudicial assassinations for which the Peruvian state has had to pay the family monetary compensation, following a decision by the Inter-American Court of Justice, was the
the regime as local operators, contributing their experience and contacts with
the people, or became political *brokers*, negotiating support in return for
benefits.

It is no surprise that in Peru, unlike the other Andean countries, nothing
similar to new social movements emerged in the 1990s.

1.2 Two institutional platforms for democracy: Defense of human rights and
local participative democracy

During the period of the internal armed conflict, a number of non-
governmental organizations (NGOs, platforms, networks, volunteer groups) for
the defense of human rights, most of them tied to churches, especially the *liberation theology* group within the Catholic Church, did emerge in Peru.\(^5\) These organizations had to redefine the terms for defense of human rights,
which has traditionally been viewed in Latin America as working for these
rights under authoritarian governments and military dictatorships.

In Peru the political violence had begun and continued within a framework of
democratic governments, at least during the worst period (1981-1992); in
other words, there was no military dictatorship governing the country. They
also had to be redefined because the government was not the only (and
possibly not even the main) party engaging in acts of violence against the
civilian population and social leaders. That is why, alongside the traditional
work carried out by a movement that aims at protecting human rights —
providing legal defense for those unfairly incarcerated and reporting human
rights violations by police and military personnel— in Peru it also involved
reporting acts of aggression against rural villages, and assassinations of social
leaders committed by the groups that had risen up in arms. This being the
case, these movements had to set aside a clearly expressed field of neutrality,
such as determining the truth and censuring those responsible. This
neutrality provides the justification within the collective for the demand, which
does become reality during the transition government, that a truth
commission be set up and, later on, enables it to become the basis for the civil
actions in Fujimori’s trial.

Nevertheless, even during the violent period, this movement in defense of
human rights, working together with some members of Congress and
prosecutors, was able to persuade the government to control the behavior of
its paramilitary groups and, above all, to curb —or, at the very least, openly
censure— military aggression against peasant settlements in combat areas. In
1989, Coordinadora Nacional de Derechos Humanos and Movimiento Peru
Vida y Paz managed to organize a mass mobilization in Lima to protest all
violence, regardless of its origin.

---

Following the capture of Abimael Guzmán in 1992 and the beginning of pacification, the movement began to decline and was unable to offer clear proof that it was needed during Fujimori’s presidency.

The only civic movement that spoke out, although timidly, against the authoritarian regime from the very beginning is the one that evolved around experiences of citizen participation in local governments, with mayors from the ranks of what had been the Izquierda Unida, but who had been elected in the 1990s from independent movements.

An institutional network where mayors, NGOs, institutional platforms and international cooperation agencies participated, began to take shape for the purpose of sharing and processing new experiences of local governments more open to allowing the participation of people’s organizations in planning municipal actions and budget priorities as a means for making local power, traditionally in the hands of small, exclusive local elites, more democratic.

This option of local participative government stood in opposition to the regime and its mechanisms for including organizations in social programs in subordinate role. In addition to greater transparency concerning revenue and calling on people’s organizations to plan reasonable uses for resources, the participative mechanisms helped protect opposition mayors against government pressure (and temptations).

As a political practice, it was in the opposition, but insofar as the message is concerned it actually tends to depoliticize the issue of power and democracy: the many meetings, publications, among others, where this experience was processed, emphasized citizen participation as a method for generating efficient spending, but not as a process for autonomous mobilization of the population. Thus the movement was limited to NGOs and small local political elites; it did not move on to collective actions that would lead to a broader proposal for participative democracy, but had the continuity and strength needed to orient, even without significant support from broad sectors of society, part of the institutional reforms of the transition to democracy. Nevertheless this, the transition to democracy and the end of Fujimorism, was processed elsewhere: on the street.

1.3 A cycle of collective actions against authoritarianism

Fujimori’s political regime limited organizational resources for collective action by opponents or the discontented, it made protest more costly by increasing the risk of repression and, above all, it made a show of being a strong government, with no cracks, one that was willing to repress, to corrupt congressmen, leaders and judges and to shut political doors that he himself had opened when faced with the risk that they might turn against him. Yet Alberto Fujimori is practically the only 20th century president of Peru who fell thanks to a context created by a mass social movement opposed to his regime.

The situation is very similar to the one that Sydney Tarrow describes regarding conditions of collective action in authoritarian contexts: although centra-

---

6 For more information regarding people’s participation at the local level before legislation making it mandatory was passed, see our book, Los múltiples campos de participación ciudadana en el Peru. Un recorrido de terreno y algunas conclusiones, Lima: IEP, 2005.
lization of power in repressive states crushes resistance under almost all circumstances, it offers dissidents a unified field of action and a centralized goal. The elections in 2000 provided a political opportunity for joining together many reasons for protests, an expansion of the dissident field, growing conflicts and divisions inside the governing elite, and the message of international allies. The social movement unleashed a series of events that put an end to the regime.

The social movement opposed to further re-elections had begun in 1997 with mobilizations, principally by young people, who objected to the government’s arbitrary measures aimed at legitimizing a third term and preventing the referendum from being held.

The 1993 Constitution, drafted following the “self-coup” in April 1992 that had shut down Congress and called for a new Democratic Constituent Congress, only allowed for one consecutive re-election of the president. Under this constitution, Fujimori was re-elected by an overwhelming majority in elections held in May 1996. In August that year, soon after the beginning of his second term, Congress passed an authentic interpretation act (Act 26657), where the one article in the act provided that article 112 of the constitution was to be interpreted “in an authentic manner” in that it applied “to presidential terms beginning after the date on which the aforementioned constitution was passed”; in other words, this second term for Fujimori was to be considered the first under the framework of the new constitution, thus paving the way for an additional re-election.

In September 1996, the Constitutional Court admitted a claim of unconstitutionality against the interpretation act, filed by the Lima Bar Association. In January 1997, the Constitutional Court issued a resolution declaring that the act was unenforceable. The pro-Fujimori majority in Congress reacted by removing the members of the Constitutional Court and appointing unconditional supporters of the regime, who then proceeded to annul the resolution.

This arbitrary, authoritarian decision sparked the young people’s protest. After a hiatus of many years, in 1997 the streets of Lima were the scene of clashes between the police and crowds of young people who were emphatic about their lack of any ties to the political parties and the strictly ethical and democratic (“non-political”) nature of their protest.

The young people opened the door for professional organizations and human rights activists, who had retreated somewhat, to speak out against the regime and endorse the marches. The young people set up a very small-scale organization, Coordinadora Estudiantil por la Democracia y los Derechos

---

8 This article 112 of the constitution was amended during the transitional government, by means of Act 27365, published on November 5, 2000, to state that there can be no immediate re-election. This is the provision that is currently in force.
9 Although most of the young people who mobilized where university students, and the centers for the mobilization were the universities, the movement never called itself a “university” movement in an effort to make clear the difference between this movement and university movements in previous decades that were linked to political parties (“ politicized”).
Humanos (CEDDH) to coordinate the protests and, later on, organize events (concerts, vigils, etc.).

Meanwhile, in September 1996, an organization called Frente Civico had been created by well-known politicians (from APRA, Partido Popular Cristiano – PPC and the left) together with distinguished professionals and artists. Frente Civico set in motion the procedure for collecting the signatures needed to exercise the right, never before used but provided for in the recently enacted citizen participation rights act enacted in 1993, to call for a referendum on the annulment of the “authentic interpretation act.”

Although the mobilized youth helped in gathering the more than one million signatures required, the process faced hurdles. In the midst of the signature-gathering campaign that used voter lists officially bought at the Oficina Nacional de Procesos Electorales (ONPE), Congress amended the citizen participation rights act to provide that Congressional authorization was required to hold a referendum called at the initiative of the citizens and backed by signatures.

This prompted a new wave of collective protest actions by the young people, and the number of organizations speaking out against the regime grew in view of this evidence that the president and his majority in Congress were capable of changing even the few conditions that existed for democratic competition.

In July 1998, Frente Civico delivered the forms with 1,441,535 signatures backing the request for a referendum to ONPE. ONPE and the electoral board refrained from calling the referendum and sent the forms to Congress; the latter turned down the initiative. This prompted a new round of demonstrations and clashes with the police.

The elections held in May 2000, fraudulent, where evidence existed that the president/candidate had used his office to his advantage, caused the number of opponents to grow. His principal opponent, Alejandro Toledo, who had begun his campaign professing to be “Fujimori’s second floor” (the candidate for continuity), openly switched over to the opposition. While the votes were being counted, collective actions by groups of young people that had sprung up in several cities around the country closely monitored every statement issued by an ONPE that was patently pro-government. The count gave the president/candidate 49.9% of the votes (their intention had apparently been to claim that Fujimori had won by an absolute majority, but it seems that the international and national observers and the mobilized masses prevented them from doing so). A second round was announced in which Fujimori would run against the person who came in second, Alejandro Toledo. In the midst of protests, pressure and obvious fraud, Toledo withdrew from the race, but ONPE left his name on the ballot.

With no representative of the opposition and no monitoring of the vote counting for the second round, Fujimori was again made president with 74% of the valid votes.10 Alejandro Toledo, at the head of a large front that included all the other candidates in the election and a very large group of organizations (trade unions and activists, among others), called on all the mobilized sectors to take part in a march, called Marcha de los Cuatro Suyos (the March of the

---

10 In this election more than 3.5 million votes were found to be flawed.
Four Suyos, or regions of the Inca empire), that would be the high point of the movement, for the purpose of preventing the president-elect from being sworn in before Congress on July 28th.

Lima turned into a battlefield. A police barrier prevented the marchers from reaching Congress where, at a formal ceremony attended by the entire diplomatic corps accredited in the country, people had trouble breathing because of all the tear gas the police used to break up the demonstration. The protests went on for many hours, far into the night, in a city where fires (set by backers of the president to justify the repression), stoned office buildings, empty tear gas canisters, water, and even bodies, were proof the just how violent this clash had been.

The outcome is fairly well known. In the midst of this situation of conflict and mobilization, noted also for the great creativity of the methods used for collective action (gatherings to wash the country’s flag and “white-hand” marches, among others), the first “Vladivideo” made its appearance, showing a little-known presidential advisor handing money over to a recently elected opposition congressman. Caught up in a flurry of corruption charges and more mobilizations, the advisor fled the country (finding refuge in Venezuela, where he was arrested and repatriated).

International pressure, even by the United States, a country whose ambassador had openly defended the regime, was now added to the pressure of the local mobilizations. Using the excuse of an international meeting, President Fujimori left the country, faxed in his resignation and sought refuge in Japan. Congress formally dismissed him, on the grounds of moral unsuitability and abandoning his post, and a Dialogue Table coordinated by the OAS set the conditions for a transition to democracy: Congress appointed a man with an irreproachable reputation, Acción Popular congressman Valentín Paniagua, as president to head the transition government, and called new elections which, as we all know, were won by Alejandro Toledo.

Success for the movement. And, also, the end. The broad spectrum of mobilized groups had only one issue on which they all agreed: putting an end to the authoritarian regime. Once this had been accomplished, the movement disbanded.

What is left as the product of this movement, aside from the process for transition to democracy? The first important point to be made is that this transition left the constitution drawn up during the authoritarian period virtually untouched. The economic and political elites were not interested in opening the door to discussion of a constitution that could affect a framework that most definitely favored large investment. Therefore, the conditions that enabled the regime, insofar as economic affairs and political control are concerned, remain virtually intact.\textsuperscript{11}\textsuperscript{11} Therefore, once the political commitment for the transition had been fulfilled, the movement, as an arena for ongoing collective action and ethical oversight, melted away.

\textsuperscript{11} Among the changes, in addition to the amendment of the chapter on decentralization that had been drafted by the Fujimorist Congress to prevent any such process, the article of the constitution that allowed presidential re-election for a consecutive term was amended, and the right to call for referenda was restored.
1.4 Continuation of the movement: Lobbying and interest groups

One thing that became consolidated within the context of the transition to democracy was the distance separating many NGOs and activist organizations from grass-roots social organizations; the decentralist-participative networks and those working for human rights that were close to the transition government ended up becoming a sort of self-referenced interest group, with its own “advocacy” and “acting” capacity, backed by a legitimacy that is more “technical” than social. This was due in part to their participation in the OAS Dialogue Table and the strong role they played as one of the pillars supporting the transition government.

One product of their role, for example, is the main political reform to occur since the transition: decentralization12. At a slightly lower level, but still important, are some of the other concrete reforms: the setting up of groups for concerted action on fighting poverty, legislation regarding citizen participation (beginning with the National Agreement) and, more recently, reforms having to do with expanding women’s rights.

Another interesting point is that these, which had formerly been the demands of the social movements, are now being processed in interaction between congressmen from different parties, professionals in the public sector, and the NGO platforms. In this interaction, with no pressure from collective or individual action on the part of the sectors involved in the effects of the new laws, the many concessions made end up producing legal frameworks that are cumbersome, inconsistent and with few renovations, or including what have been no more than microexperiences (of local participation or development) in general rules. The legal framework for decentralization, with no significant amendments to the constitution or changes to the executive branch and lacking the commitment to engage in a consistent process for territorial distribution of power, is the best example of this. Yet it exists, and regional governments and new political and social processes exist as well.

One route for continuity of part of these institutional collectives is to be found in the defense of the conclusions of the final report by the Truth and Reconciliation Commission (Comisión de la Verdad y la Reconciliación - CVR) and actions taken (for advocacy, in the press) to push for compliance with Its recommendations —trying military personnel who engaged in human rights violations, opening the common graves and performing forensic studies, among others— as well as the organization of seminars, publications, public events (concerts, walks) in order to keep the memory of the conflict alive in the minds of society. These organizations are a collective, “So it won’t happen again”, formed after the Truth and Reconciliation Commission, created during the transition government and ratified (not at all enthusiastically) by Toledo, had delivered its final report and it became clear that neither the president nor

---

12 During the second half of the 1970s, regional movements were emerging in Peru; it was their strength, in part, that led to the calling of the 1979 Constituent Assembly that organized the transition to democracy and marked the end of the second stage of the military-government. The 1980 Constitution defined a clear system of regionalization that made it possible, for the first time, to put regional governments in place. These governments, however, were shut down by Fujimori’s self-coup, and the entire legal framework upholding them was repealed. To replace them, transitional regional administration councils were set up, one for each department, with chairpersons appointed by the executive branch.
the political or business elites were at all interested in keeping the memory of the violence alive, in reparations or in holding the trials.

Again, the group works as an interest group with its own agenda, endeavoring to influence the media, the executive branch and Congress. Its lack of capacity to engage in significant collective action (although a number of vigils, marches and concerts were held when the final report came out) is offset, however, by strong international ties that provided it with the strength needed to insist that advantage to be taken of Fujimori’s attempt to return to the country via Chile, to have him be extradited and tried for human rights violations, a trial that ended with a 25-year sentence for Fujimori.

Nevertheless, the democratization issues that the institutional collectives tackle (decentralization, conclusions of the CVR report) and their victories (e.g. Fujimori’s trial), are not issues that garner popular support or connect them with actors outside their own circle. Quite the contrary, the new cycle of collective actions involving ethics and the way in which power is exercised will have a totally different set of issues, scenarios and actors.

1.5 Microdemocracy in conflict

From outside all the recognized organizational, social or political frameworks, with no ties to any national or international institution, as a complete surprise, in April 2004, a new round of local conflict erupts. In this case, it is the people from small rural towns or mid-sized cities rising up against their local authorities, accusing them of corruption or nepotism or failing to do what that they had offered to do or was expected of them.

This cycle began with an extremely violent action. In April 2004, rural groups in Ilave district (El Collao, Puno) began mobilizing, they held the town captive for almost an entire month, blocking the road and the binational bridge leading to Bolivia. The protesters had two demands: That the Office of the Comptroller General of the Republic audit the accounts of the city government, in view of widespread suspicions of financial mismanagement, and that the suspected mayor not be allowed to enter the town in order to prevent him from attending a municipal council meeting so that he could be accused of leaving his post vacant. Nevertheless, the mayor was able to get back and attempted to hold a council meeting at his own home in order to avoid the vacancy charges. The people broke into his house and Mayor Cirilo Robles Collamamani was killed right in front of the TV cameras.

Within the framework of the terrible form several levels of conflict had taken, between the attempts of the lieutenant mayor of the province to oust the mayor, protests by rural groups prompted by the municipality’s failure to

13 The distance between the human rights collective and those who were victims of the political violence was made very clear in the “Madre Mía” case. In this rain-forest hamlet the commander of the counter-subversive base allegedly ordered extrajudicial executions. In the context of the 2006 electoral campaign, when it was becoming obvious that Ollanta Humala was attracting the vote of the discontented poor, it was reported that he had been the commander in question. As a result, he was censured and dropped by the human rights organizations, organizations for democracy and a large part of the left wing. In the hamlet of Madre Mía, however, this report was systematically denied by the population, and a majority of the votes in that district were for Ollanta Humala.

14 A request for a declaration of vacancy had already been turned down by the National Electoral Jury for lack of legal grounds.
take care of priority works, and suspicions of corruption and illegal use of public funds\textsuperscript{15}, the Ombudsman’s Office reported that, at that same time, there were 43 other conflicts where the population was openly questioning elected municipal authorities, although the others were less violent\textsuperscript{16}.

Although the conflicts reported by the Ombudsman’s Office are not the only ones to have occurred, it is interesting to note that, in a little over a year (between April 2004 and July 2005), that agency has reported 98 local conflicts, 69 of which followed this same pattern of conflict between sectors of the population and municipal authorities\textsuperscript{17}. Although the intensity has been declining, the conflicts report for August 2008 shows, for example, that 27 of them were still active.\textsuperscript{18} Graph 1 provides a picture of how these conflicts evolved.

\textbf{Graph 1. Number of conflicts involving local governments}

Perhaps the most salient feature of these conflicts is the total lack of any coordination. In other words, a conflict “erupts” in one place and then dies

\textsuperscript{15} One fact that sparked the conflict was that the people were asking for the presence of someone from the Office of the Comptroller General of the Republic, and their takeover of the main plaza was a sort of “precautionary measure” taken to make sure that nobody, especially the questioned mayor, entered the city hall to gather up the evidence of the alleged corruption. The Office of the Comptroller did not place the Ilave investigation on its agenda until after the mayor was killed, and then ended up determining that there had been no illegal use of the funds.

\textsuperscript{16} Since then the Ombudsman’s Office has been issuing monthly reports of local conflicts. These are available at its portal: <http://www.defensoria.gob.pe/conflicts.php>.

\textsuperscript{17} The information in the Ombudsman’s reports was organized and analyzed in our document \textit{Estudio sobre conflictos entre población y autoridades locales}, a study that was requested by the Ombudsman’s Office and carried out in October 2005. The following paragraphs are based on that report.

down (the negotiation process begins, work is done to create a vacancy, committees are appointed, etc.); then another one erupts, with the same characteristics and for the same reasons and with the same outcome. Meanwhile nobody, no network or organization or political party, picks up on these same reasons, repeated over and over again in hundreds of conflicts, and presents them as a problem, an issue, an agenda, and offers proposals for changes (to the electoral or participation laws, to the way the oversight agency works, or to the budget allocations).

An institutional means for processing this discontent involving local democracy, with the way it is being managed or with the person managing it, also exists, namely the processes for recalling authorities. Peru must be one of the few countries in the world where every two or three years tens of thousands of citizens call for or back actions for the recall of their local authorities. The last of these consultation processes were called in 2008, in 253 districts and in three provinces, for the purpose of confirming or revoking the mandates of 1,249 local authorities. Between January 2008, when the “kits” for collecting signatures were put on sale, and July, when the call for the process was issued, 1,514 kits for seeking to revoke authorities were bought in 953 locations.

So many open conflicts, and so many recall endeavors, mean that there is a weaknesses in local democracy, a lack of legitimacy of the elected officials and, in general, discontent with the democracy that ends up existing in a country where there is no system of political parties to organize political careers, choose candidates, produce channels for passing on experience in governing, and controlling its elected members. None of this exists; the parties operate like franchises or federations of candidates who hope to benefit from the growing privatization of government.

This discontent, however, is not processed, and the decentralist–participative institutional network does not seem to pay any attention to it or, in any case, does not seem to attempt to forge ties with this mobilized discontented population.

On the other hand, in many cases this local discontent revolves around defense of relatively efficient forms of clientele, or is mobilizing against “modernizing” (even participative) mayors who, without any political machinery or operators, are trying to rationalize management through good will alone. Unlike the movements that object to mining or oil camps, which we will be analyzing further on, where the discontent is channeled through everyday organizations (peasant patrols, boards of irrigation-water users, native or peasant communities), discontent with local government management tends to be organized by individuals who move in local power circles: low-level authorities (lieutenant governors, for example, as in the case of the mayor who was killed in Ila), local brokers who have been displaced, opposition political groups working from the municipal council, or a splinter of the mayor’s own political group that is unable to properly deal with the expectations of those second or third in the line of succession to the mayor’s office, as part of a political career that may not survive after the next election.

In this case, the discontent becomes personalized and does not forge ties with institutional collectives that are trying to foster “good local government,” decentralization and citizen participation in local areas, that would enable it to
consolidate a movement that has social backing and the capacity to propose and, even, to deal at the national level. Even the institution that is by far the most important of all the decentralist collective, Red de Municipalidades Rurales del Peru (REMURPE), in addition to providing support for mayoral training of member mayors, exchanges of experiences and dissemination of good practices, defines its public action as advocacy and this, basically, as parliamentary negotiation. True, a mayors’ organization would not be trying to establish ties with local groups that are unhappy with their own mayors.

1.6 Three roads that do not meet. Shortcomings preventing construction of a social movement for democracy in Peru

Widespread, massive, repeated collective action by a very broad spectrum of social sectors manages to oust a corrupt president who violates human rights, but lacks the unity necessary to put an end to the constitutional regime that he created and that made his government possible, and to the clearly pro-business orientation of the economy and the unusually strong influence of de facto powers (the business sector, multilateral banking, and the diplomatic representatives of the Organization for Economic Co-operation and Development – OECD) over government decisions.

The many local collective actions in small rural villages against the corruption or authoritarianism of mayors would seem to be a movement that has no voice, that has failed to draw up a proposal; in some cases, it manages to get rid of authorities who lack legitimacy, but fails to draw up proposals for institutional change and dilutes itself in a succession of discrete actions that add to the statistics, but do not add up to a social force.

Lastly, advocacy actions by institutional networks, SMOs as McCarthy and Zald\(^{19}\) call them, relatively self-referential, with few ties to collective action of social discontent, manage to bring about specific institutional changes, some of which are extremely important, such as decentralization, or achievements as significant as bringing Fujimori to trial, but are unable to sustain their actions long enough to guarantee effective changes to the territorial distribution of power, or force the military to submit to civilian authority to facilitate investigations. Neither decentralization nor trials for violations of human rights are being demanded by collective actions or organized social groups.

Thus, despite the fact that the messages of discontent are there, the shortcomings of a Peruvian democracy that lacks political parties, lacks clear mechanisms for national and local representation, one that is, therefore, subject to individual power initiatives, strong influence by the de facto powers, and high levels of corruption, prevent it from putting together a social movement, an actor, with identity, with the capacity for sustained collective action, to come up with alternatives and radical demands for change. In this scenario, discontent over democracy, displeasure, distrust, if not turned into a proposal for change, simply ends up degrading political life. For the time being the only proposal that the economic and political elites have come up with in response to discontent with democracy is to make voting voluntary instead of

\(^{19}\) McCarthy and Zald have called the organizations that provide resources to keep social movements going “social movement organizations” or SMOs. See McCarthy and Zald, “Resource Mobilization and Social Movements,” in American Journal of Sociology, No. 82, 1977.
mandatory, so that the low-income population, displeased with the electoral processes, won’t vote for political leaderships that are hard to control.

2. **Territorial Movements: A Cycle of Collective Actions Resisting the advances of Big Capital**

The implementation of structural adjustment policies was not, as we pointed out, contested by society. 1990 marked the beginning of a new economic cycle noted for the state’s withdrawal from business activities, privatization of state-owned corporations, and growth of large-scale transnational investment in the Peruvian economy, first in the utility companies when they were privatized, and then in the primary sectors associated with exports (mining, oil, fishery, agribusiness). The effect has been sustained growth of both GDP and exports.

This growth, however, has not been redistributive. Attracting foreign investment entailed concessions regarding terms of employment, taxes and the environment that were especially favorable to private companies. In the case of the government, increased fiscal revenue from a more dynamic economy has not meant better public services for the lower income population; although during Fujimori’s government part of the extra income that the state received from the privatizations was redistributed through clientelism networks. With the transition to democracy, this type of mechanism came to an end without the government overcoming the major shortcomings. A certain amount of territorial redistribution of spending is handled through the local and regional governments, but they have not been granted the authority they need to redesign services or develop areas that can be promoted.

This gap between growth of GDP and the earnings of companies, on the one hand, and the income of a majority of the population that continues to live in great poverty, on the other, has been generating considerable discontent; this can be seen, first of all, in the rapid decline in the presidents’ approval ratings and, also in the outbreaks of cycles of protest by different sectors.

The loss of support for the administrations of the two presidents elected after the transition to democracy is truly significant; these are presidents who govern with extremely low approval ratings. President Toledo’s popularity hit its lowest point one year and four months after he was elected, with 15% approval in the Lima Metropolitan Area. A poll in August 2008 by the Public Opinion Institute of Universidad de Lima placed the approval rating for President Alan García at 24.6%; in the case of those at the lowest socioeconomic level, the rating was just 14%.\(^20^)\) A poll by IEP in Puno department, in the southern part of Peru, in May 2008, found that the president had an approval rating of 7%.\(^21^)\)

In terms of collective actions, both presidents also faced ongoing social protest. Graph 2 shows the active conflicts reported, on a month-by-month basis, throughout the current president’s term in office.

---


The fact is that different sectors of the population have been finding opportunities to express their discontent in extremely contentious collective actions. People protesting against development works in the regions, labor groups seeking better pay and working conditions, farmers, etc., have tried to change the adverse conditions of distribution of income. In this situation, specific battles, such as those by the coca growers trying to prevent forcible eradication of their coca plantations, or the local conflicts already mentioned above, add up, creating an environment of great conflictivity that finds no space for dialogue, neither in government nor in a press that is increasingly monotone and intolerant.

Little by little, however, another type of protest has been emerging, one that is no longer redistributive and that is growing in response to the fact that entrenchment of the accumulation model requires moving forward in control over territories, over resources, over activities, displacing the population that lives off them and has its own lifestyle.

The new surge of transnational corporations in the Peruvian economy began with a program for privatization of state-owned corporations, both utilities and oil extraction companies. With a single exception (the attempt to privatize two regional power companies), the privatizations were not contested by broad sectors of the population, only by those whose jobs were directly affected. In general, the consensus in the 1990s seemed to be that the private sector is a better manager than the state.

Once the investors began to trust the stability being offered by the government, a huge cycle of mining investments began. Peru has ended up being one of the countries showing the greatest development as part of the cycle of mining investment in Latin America that began in 1990. Between that
year and 1997, mining investment around the world grew 90%; in Latin America it grew by 400%; in Peru it grew 2,000%22. During this period, in addition to rising prices for minerals and the development of new technologies that made it possible to mine areas that previously would not have been profitable, Peru now had a new structural adjustment framework and new mining legislation that was more favorable to investors, enacted by Fujimori in 199023.

Bebbington24 stresses some of the features of this new type of mining. The first is that the high tech approach used requires little, yet highly skilled, manpower, which is generally taken from the large cities to the camps. It is no longer a matter of mining towns where former farmers live with their wives and children and must be provided with services (education, health...). These new skilled workers work intensively at the mine and are then given several days in a row to visit their families who live in the city. Thus, they do not forge any bonds with the population around them, nor do they have the type of workman’s life that builds up feelings of solidarity and association.

The second feature is that these are open pit mines, requiring large areas of land and the use of processing chemicals that are very environmentally risky. Setting up a mine means emptying out a huge area, where land purchase operations remove or displace the population that lived and produced there. Moreover, unlike the old shaft technologies, these mines require a great deal of water.

It is this reterritorialization of the investments, this new interest map of the territory, that under certain conditions prompts movements of resistance by the population. As we will see further ahead, this disgruntled population, opposed to the disruption of their lives that the establishment of a mining camp entails, join up with a broad network of support organizations (NGOs, platforms, cooperation agencies) interested in the environment or defense of the indigenous population’s rights, that provide services, links and, sometimes, resources for the organizations. It is this that, in many cases, allows the conflicts to make the leap from the local level to the regional, national and, even, international level.

Not only have the mining megaprojects continued to grow under Alan Garcia as they did under Toledo (nor, moreover, has anyone changed the bases of the Fujimori legislation and, although a Ministry of the Environment has been created, it has no authority over mining affairs), the fields for large-scale projects have spread even further, into other activities. Late in 2007, the daily El Comercio published a series of articles by President Garcia, described by him as conceptual, strategic guidelines, that he titled El sindrome del perro del hortelano (The Truck Farmer’s Dog Syndrome), where he tries to prove how legislation that protects the land of the peasants or native communities as well as forestry reserves in the Amazon region, or the special fishing rights of small-scale fishermen, tie the country to the past and prevent it from fighting

23 The new Environmental Code, approved during Fujimori’s presidency to allow new investment in mining, includes new procedures and environmental impact studies, and places the Ministry of Energy and Mines in charge of both environmental protection and of promoting investment.
poverty by setting up obstacles to the investment of capital. Putting this theory into practice, the executive branch sent Congress several legislative initiatives, and has even enacted laws under the delegated legislative powers, to facilitate the sale of communal land for the mining projects, deprived peasant communities on the coast of the control they used to have over “wasteland” in favor of large agribusiness projects or projects to provide inputs for ethanol or biodiesel, ended the system of forestry concessions to allow full ownership of these lands, and restricted the special rights of small-scale fishermen in order to expand the fishing areas for the large trawler companies.

So, more and more sectors are finding that the new model not only redistributes, it also pushes them out. Different protests against this transnationalization of the country have begun to be heard, and the latest, in September 2008, marked the first record in the nation’s history of indigenous populations’ mobilizing (in their own name).

2.1 Regional movements in defense of their resources

The post-Fujimori cycle of protests began at almost the very beginning of the Toledo administration in July 2001, with a series of regional protests demanding works that would have a regional impact (such as roads) and that the president keep his “campaign promises.” Between August and December 2001 alone there were 23 collective actions (work stoppages and roadblocks) in different parts of the country. In response to these voices of discontent, President Toledo accepted the proposal for the creation of a forum for the purpose of drafting a “national agreement” covering top priority policies in Peru. The forum would be made up of the seven political parties represented in Congress, seven civil society organizations and seven representatives of the government. One of the organizations invited to participate was the Coordinadora Nacional de Frentes Regionales, whose grass-roots groups had been mobilizing in the country. The commitment to engage in dialogue that launched the process of discussions was signed at a solemn ceremony in the Palace of Government in March 2002. This measure, however, did not help calm people down and the situation of conflict continued; the likelihood is that the regional fronts were not even aware (nor, much less, the grass-roots groups) that they were “represented” in a national agreement by a fairly precariously organized Coordination Group.

Regional protests reached their most serious peak in June 2002 in Arequipa, the second largest city in the country. The underlying reason for the conflict was not a demand for roads or public works, but the government’s decision to privatize two state-owned utilities that provided electric power and water in Arequipa.

The privatization of the utility companies in Arequipa was proof that the government intended to move ahead with the program for privatization of the state-owned companies implemented, quite successfully, by Fujimori. Whether due to neoliberal convictions, or to the need to attract capital, or under pressure from the de facto powers, or for more unspeakable reasons, the

26 The other organizations were Concilio Nacional Evangélico, Confederación de Instituciones Empresariales del Perú (CONFIEP), Confederación General de Trabajadores del Perú (CGTP), Conferencia Episcopal Peruana, Mesa de Concertación de Lucha Contra la Pobreza (MCLCP) and Sociedad Nacional de Industrias (SNI).
relaunching of the privatization program was important for the Toledo administration from the very beginning. Despite the situation of growing regional unrest and the political and social debate that began when the president himself called for regional elections, and the decentralization laws being passed by Congress, the decision was reached not to give in to regional opposition to the privatization of utilities, and to only carry out “public opinion campaigns” aimed at informing the people of Arequipa of the advantages that privatization would bring. This occurred in the midst of a situation of growing conflict where those who were initially unhappy—the workers of these companies, fearing they would lose their jobs—managed to draw in, as part of a series of collective actions, the Federación de Trabajadores de Arequipa, a CGTP member, organizations of city dwellers who feared that privatization would mean higher utility rates, and, last of all, middle-class and professional groups as well as regional leaders who questioned the interference of the central government in companies owned by the region.

The day that the privatization contract was to be signed in Lima with the company that had presented the winning bid, a large-scale protest broke out in Arequipa and became increasingly violent. Following heavy-handed repression, with some people dead, criticism aimed at the Minister of the Interior, a crisis in the cabinet, a massive demonstration in Arequipa—one of the largest in the city’s history—protesting the way the region had been treated, the central government backed away from the privatization and, furthermore, halted the entire program for privatization of state-owned corporations.

Following the latest regional elections (November 2006) several leaders of regional fronts and movements became presidents of their respective regions. These are groups that claim technical legitimacy and avoid conflict. Nevertheless, the measures taken by the national government that was elected in July 2006 to expand the field of action of the large corporations have prompted some clashes.

One, for example, was the passing of a regulation, at the initiative of the executive branch, that grants rights to investment in restaurants and hotels in areas adjacent to archeological sites that are considered part of the nation’s cultural heritage. This regulation was considered to be a privatization of the cultural heritage and was criticized by several regional presidents. In Cuzco, the prime example of a tourist area, where small and medium-sized tourism companies must compete with transnational tourist companies, the region’s president and the Regional Assembly called for a mass mobilization, that became quite violent at times, prompting an angry response by the central government.

Regional protests in defense of companies, natural resources or cultural heritage have managed to stymie initiatives considered to be excesses of the executive branch and, in the case of the cultural heritage, to defend small and medium-sized businesses against large-scale investments. But these cases are all discrete, in other words, there are no ties—neither organizational, nor in

---

27 Mention was made of “punishing Cuzco” by not including it among the host cities for the APEC summit meeting. The Regional Assembly is a front for the region’s grass-roots organizations. For further information on these conflicts in the regions, see Eduardo Ballón, “A propósito de la conflictividad social. Las relaciones entre el gobierno y las regiones”, in Argumentos, Year 2, No. 2, Lima: IEP, July 2008.
the message, nor political—among any of them. In each case they have to do with defense of a resource in the specific territory, albeit most of them have been relatively successful.

2.2 The so-called socioenvironmental movements

Nevertheless, it is the conflicts involving extraction industries that have repeatedly, and often more radically, stood up to the expansion of areas for large-scale investment in Peru.

In the beginning, this new mining was not particularly conflictive. The first of the new companies to begin operations (in 1993) was Yanacocha, owned by a U.S. company called Newmont Mining Co. in a joint venture with the Peruvian company Compañía de Minas Buenaventura. The mine is located in Cajamarca department and is currently the number one gold mine in Latin America and the second worldwide. Early on, two other mining companies also began working in Ancash—Pierina, owned by Barrick Gold; and Antamina, belonging to a joint venture made up of Xstrata, BHP Billiton, Teck Cominco Limited and Mitsubishi Corporation—for the mining and production of copper and zinc concentrates. In the early 1990s it was not yet clear precisely how valuable this new activity was and the companies were able to buy land fairly easily and at low prices (later on practically all of them were forced to pay further compensation to the owners of the land, under pressure from collective actions). Although there were common pictures of the environmental damage caused by historical mining Peru, the citizens had yet to react and no network of environmental institutions existed. The deposits continue to be located, as they were in earlier mining, in very poor and very distant locations, far from the cities or commercial circuits. With occasional conflicts at first, this new mining evolved very quickly.

The spark that ignited the conflicts was the attempt by one company, Manhattan–Sechura, organized with Canadian capital, to launch a large mining project in the town of Tambogrande, in Piura, to work a mine that has both gold and a polymetallic deposit. Unlike the cases mentioned above, Tambogrande is a rich coastal valley located 40 kilometers from the department capital, Piura, in the heart of one of the largest and most consolidated irrigation areas in Peru (Colonización de San Lorenzo), where large and medium-sized farmers produce mangoes for export to a very demanding market niche, lemons for export, there is an essential-oil agribusiness, and where many small farmers produce a number of crops, among others rice for the large domestic market. This is a highly developed farming area. The company began prospecting in the area in 1999. This reactivated the Frente Cívico de Defensa y Desarrollo de Tambogrande, a group that, together with the board of irrigation users, comprises all the large- and small-scale farmers, who began to ask for information, organize meetings (closed-door and public) with experts, and form an opinion against allowing the mining project.

---

28 A book that provides a very detailed analysis of the local peasant society at the time of the first transactions with one of the large mining companies is that written by Guillermo Salas, Dinámica social y minería: familias pastoras de puna y la presencia del proyecto Antamina, 1997-2002, Lima: IEP, 2008.
Between September and November 1999, when the country was in the midst of the conflict surrounding Fujimori’s re-election, the inhabitants in the area began concrete actions involving attacks on the company’s vehicles, and the environment became quite tense. At the same time, a network of environmentalist institutions began to take shape for the defense of farming and the rights of the populations, and then gathered together in a “technical group” in support of Tambogrande. With this technical group, the movement achieved greater impact both nationally and, above all, at the international level. In addition, the recently formed Conacami (Confederación Nacional de Comunidades Afectadas por la Minería), that had been providing support for groups that were agitating for fair prices for land sold to companies and conflicts with medium-sized mining companies, also showed up in the area, organizing activities (discussions, visits by the leaders to areas where mines were being worked in order to verify the environmental damage, etc.).

At the same time, in June 2000, the first major environmental accident occurred in the neighboring department of Cajamarca, where the Yanacocha mining company was operating: a truck carrying mercury overturned near the town of Choropampa, causing a mercury spill that contaminated the people, the water and even the groundwater. The appalling response by the government and the company, both trying to deny the serious health consequences of inhaling mercury, stirred up a public that already objected to the environmental risks and mining in general, bringing the environmentalist social organizations to the forefront.

This new concern over the proven environmental risks involved in mining came in the midst of the national struggle against authoritarianism. In this context, the first district strike took place in Tambogrande in August 2000, to protest the operations of the company, which, at that time, was still engaged in prospecting and was drafting its environmental impact study. The transition government in place following Fujimori’s departure, tried to honor the contracts and commitments signed by the Fujimori administration, and defended the company against the farmers. In February 2001, Paniagua faced the only extremely contentious conflict of his brief term in office: Another district strike in Tambogrande that ended up in vandalism and setting fire to the company’s facilities. Even the Toledo government tried to honor the agreement with the company and give it an opportunity to present its environmental impact study.

Nevertheless, in June 2002, the mayor of Tambogrande, together with the defense front, organized the country’s first formal consultation with the people, taking advantage of a law that, although not very precise, does exist. A larger percentage of the population than had voted in the presidential election answered the call for a consultation that all “official Peru” refused to recognize (it was not recognized by the government; the Oficina Nacional de Procesos Electorales refused to organize it and even refused to provide any technical support; the Ombudsman’s Office and Asociación Transparencia refused to act as observers). The “No-to-mining” vote was almost unanimous (more than 90% of the votes). By then another front had already formed, Piura Vida y Agro, that organized nationwide and international campaigns against mining in Tambogrande. Finally, in December 2003, the central government found a
legal excuse to terminate the contract with the mining company. Total success for the people\textsuperscript{29}.

The Tambogrande case was very significant for a number of reasons. The first is that, having taken place in an area with more resources (organizational, financial, visibility), it opened up protest opportunities for other groups with fewer resources, and led to a cycle of conflicts and, in the long run, to a social movement. The second is that it provided a new repertoire of collective action involving actions that are, at first, fairly violent and then more peaceful, yet very hard to counteract, such as consulting with the people. The third is that it fostered the creation of a network of institutions that would provide new professional and financial resources and ties with environmentalist institutions in the countries of origin of the extractive companies, making the conflicts more visible and allowing for pressure to be exerted at different levels to control repressive action, and would collaborate in building up domestic public opinion against the priorities set by the alliance between the government, the business sector and the domestic media.

In recent years the number of conflicts involving mining companies (or what the Ombudsman’s office calls “socioenvironmental conflicts”) has been growing and they are, by far, the type of conflict most often seen in the country.\textsuperscript{30}

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{graph3.png}
\caption{Environmental Conflicts Recorded by the Ombudsman’s Office between October 2005 and April 2009}
\end{figure}

\textsuperscript{29} See the study on this and other cases of mining conflicts in the book by José de Echave Cáceres, Alejandro Diez Hurtado, Ludwig Huber, Bruno Revesz, Xavier Ricard and Martin Tanaka, \textit{Minería y conflicto social}, Lima : CBC, CIPCA, CIES, IEP, 2009.

\textsuperscript{30} According to the conflict report put out by the Ombudsman’s Office, 50% of the conflicts that began in April 2009 were socioenvironmental conflicts.
Not all, however, are protests against mining or extraction projects. In some cases, such as the one involving the Ashuar in the Amazon region, who rose up very early in the García administration and took over (symbolically, with bows and arrows) the facilities of the Plus Petrol oil company in the northern part of the jungle, the demand was to have environmental controls also be applicable to extraction activities. The fact was that the oil companies working in the jungle had been authorized to dump wastewater from oil drilling into the rivers, causing very serious pollution in the rivers, poisoning people, depleting the fish, etc. Although the movement did take very radical measures and was able to pressure the government into forcing the companies to invest in water reinjection processes and clean up the rivers, it did not object to having operations continue given that, after decades of oil activities, the lives of the Ashuar people had changed completely and they were now dependent on the company.

Many of the conflicts included in Graph 3 are collective actions involving takeovers of premises or facilities, or roadblocks preventing the circulation of the companies’ vehicles. Although the message tends to concern rights and defense of the environment, in general the goal is to begin negotiations that will force the company to recognize more jobs for the population, or better salaries for the people living nearby who are hired to open up roads or carry out construction work, or compensation for land purchases or, directly, money in cash.

In other conflicts, however, the purpose is to prevent the opening of a mine that will change lives, the landscape, resources, or the local economy. One conflict that was clearly aimed at defense of the environment and natural resources, water in particular, broke out in Cajamarca in September 2004. This one began as a rural protest by committees of peasants entitled to irrigation water, and ended up in a mass mobilization by important sectors in the city (mention was made of 40,000 people) in an effort to prevent the Yanacocha mining company from expanding its operations to Quilich Hill, the source of the aquifers that supply the city and an important farming area. In a situation where tensions were growing, the company backed down and apologized to the population. In this case, the movement’s success was due to the huge front, both urban and rural, that stood up to defend their water. Many minor conflicts for the same reason continued to take place in Cajamarca, such as the more recent ones by people in Pulán district but, being specific, rural conflicts, they lacked any strong impact.

The last case of a mobilization to halt a large-scale mining project was the one organized by the people living in the districts around the Majaz (now Río Blanco) mine in the highlands of Piura. This one broke out in July 2005, while Toledo was still president, although the main events occurred after García had been sworn in. Two actions involving the takeover of facilities, frequent protest

---

31 The network of support institutions that helped them carry information to urban and, even, international areas, has been especially important for these people who live in far off areas. When the takeover of facilities began, the premier told the press that activities would resume even if they had to take the army and “the tanks.” The next day, the Ombudswoman issued a public statement saying that the protest was fully justified because the Indians had taken a number of prior steps and had a document, issued by the Dirección General de Salud Ambiental (DIGESA), that confirmed the levels of poisoning, but that nobody in the Ministry of Energy and Mines had paid any attention to them.
marches in the town of Ayabaca and in Carmen de la Frontera district in Huancabamba, later joined by organizations from the neighboring provinces of Jaén and San Ignacio (Cajamarca), are characteristic of the conflict-laden relationship between the people and the company. The problem they were protesting was twofold. On the one hand the ecological fragility of the area that would be affected by the mining operations, altering production conditions in an area that stretches as far as Jaén and, on the other, the abusive behavior of the company in beginning its prospecting without the permit required by law, given that the land is communal land belonging to two communities as recorded in public records: this was not land devoid of rights, not even of formal rights. Three actors stood out in this conflict and they came up with what seemed to be new forms of protest and movements.

The first of these actors are the mayors: three district mayor got together to call for a consultation in which the population would take part directly, voicing its opinion. This consultation was impeccably organized, despite opposition by a central government that went so far as to criticize ONPE for handing over the voter lists (which are, of course, public documents). Thanks to opposition by the government and the press, news of the action spread far and wide and hundreds of national and international observers showed up, and, contrary to the strong wishes of the press, the government and business, the result was massive rejection of the mining project. This type of consultation, a mechanism that is part of the direct-democracy institutions mentioned in the constitution, but for which no specific regulations have been drafted, ended up being taken by discontented sectors as a collective resource that challenges the elites and the official institutions, voices demands that oppose the prevailing growth model, yet is not outside the bounds of the law. Consultations are not “binding” either, but they do make clear the massive support of the people for the leaders of their organizations. This recourse was first used in Tambogrande, but now seems to be gaining visibility and consistency.

The second actor involved was the peasant patrols. The patrols in the highlands of Piura are the main organizations that the population has. They have existed for a long time, owing to the government’s failure to perform its duty to protect the lives and property of the people, and that is why they enjoy great legitimacy. These patrols are the organizations that have backed the movement from the very beginning. This issue is important because they are autonomous organizations, they are not dependent on the government’s social policies, nor do they have to negotiate resources with government officials and this, perhaps, may be the reason behind the strong autonomy of a movement that is, in turn, demanding autonomy to make decisions regarding their territories. Furthermore, as a sign of new social movements found in many places, both in Peru and around Latin America, these are territorial organizations for everyday life; they are not ad hoc organizations (defense fronts, although they do take part in the latter), nor old-style trade groups with hierarchic structures. This makes it easier to organize collective actions and, once they are over, the organizations continue to play their everyday roles.

The third actor is, once again, the SMOs (NGOs and environmentalist or human rights movements) that, working as a network, enable local movements to move up to the national and international levels of dissemination and pressure.
Another characteristic of the territorial conflicts that break out as a reaction against mining megaprojects is that, despite the existence of this network of SMOs, they are sporadic. Precisely organized around functional organizations for everyday life (patrols, municipalities, communities, irrigation boards), they do not maintain permanent coordination concerning a problem that has led them to mobilize nor, above all, do they produce a nationwide organization. They are territorial. They defend a territory; they defend general values and rights that link them to other actors, but not necessarily to their peers in other parts of the country.

One scenario of conflict between “geographical projects,” to use Bebbington’s term, could be emerging; not only as socioenvironmental conflicts, but in broader terms, as situations in which conflict arises between two options for managing space and the development of that space, one backed by the government, the press and the social elites, placed in the hand of private companies with rapid decisions, sudden changes, immediate growth, but without society or a subordinate society; and another of slow changes, drawn up by the many actors in the territory, on their own terms, with many decisions, but with a large degree of inclusion and control over their destiny. A situation such as this, where several populations find that their discontent is not isolated but is part of the framework of the overall prospects for the country, would be a context of new social movements that move beyond the features of fragmentation associated with the strong territorial nature.

2.3 A brief look at the indigenous uprising in September 2008

A scenario of “geographical project” conflicts, or as Marisol de la Cadena calls them, of conflicts surrounding the reterritorialization of the country, has just been pushed forward by the government when it endeavored to provide even further facilities for the development of new mining, oil, forestry, energy or irrigation megaprojects, on lands belonging to peasant and native communities. Aimed specifically at pulling the rug out from under any legal arguments that the peasants might have against Majaz, the company mentioned above, in May 2008 the government passed a package of legislative decrees, among them decree 1015 that reduced the number of votes required at a communal meeting for a decision to sell their land. Presented as a law “for equaling rights” and against “particularisms,” this decree eliminated the “qualified majority” requirement (two thirds, similar to the percentage of votes required to sell shares in private companies, for instance) and left the decision to sell in the hands of a simple majority of those attending the meeting (later changed to a simple majority of all the members of the community).

The indigenous organizations reached the conclusion that, out of the 100 new instruments enacted by the executive branch for the purpose of adjusting the body of laws to implementation of the free-trade agreement with the United States, at least 94 dealt with Amazon-region issues and that 34 violated their


33 This law-decree is part of a package of more than 100 laws enacted by the executive branch while exercising of the legislative powers that it had been granted by Congress for the purpose of bringing domestic legislation in line with the free-trade agreement with the United States.
ancestral rights, tantamount to a despoliation of the Amazon region. Different ethnic organizations that are part of Asociación Interétnica de Desarrollo de la Selva Peruana decided to begin a fight to have these provisions repealed, proving to be, for the first time in history, an Amazonian indigenous movement with great mobilization capacity and becoming an actor at the national level when it reached its peak in August 2008. Calling for the takeover of oil stations, strategic roads and bridges and for mobilizations to the main populated centers, several organizations that were part of AIDESEP decided to launch a contentious process.

Their actions placed the Amazonian agenda in the center of the debate and made clear their radical questioning of the model. Following unsuccessful negotiations with members of the executive branch, the legislature decided to propose, despite the president’s refusal, that several of the decrees be repealed. In the end the decision was reached to repeal decrees 1015 and 1075 and that the other decrees would be discussed.

New organizations or networks with international ties have become consolidated around the Amazonian indigenous movements with the assistance of international cooperation and several NGOs. One, for example, Enlazando Alternativas, made possible the successful organization of a Summit of the People’s, a “counter-summit” held at the same time as the Summit of Leaders of Latin America and the European Union. On the eve of the gathering, an “indigenous summit meeting,” called by Conacami, an organization of communities affected by mining that has a clearly ethnic message; AIDESEP, the Amazonian peoples’ organization; grass roots groups of the former peasant organizations; Confederación Nacional Agraria (CNA) and Confederación Campesina del Peru (CCP) that have also shifted from peasant claims to an ethnic message, mobilized a great many delegates from different regions in the country.

What we may be seeing for the first time in Peru, is the rise of an indigenous movement based on their ethnic definition of themselves. In the case of collective actions, what is being defended is the land, yet more and more at fora, summit meetings and assemblies the issues of defense of the language, the culture, the history, knowledge or systems for reaching decisions are helping build a positive affirmation of a differentiated identity.

---

34 AIDESEP was created in the early 1980s as a civil association and platform for several indigenous peoples throughout the Peruvian Amazon region to set up processes of dialogue with the government and to push for ethnic demands, such as bilingual intercultural education.

35 At the time this chapter was being edited, May 2009, a new set of protests has been taking place. The actors are the Amazonian organizations that are members of AIDESEP. This time, practically all the grass roots are taking part, including peoples such as the Ashaninka who had not been part of the earlier mobilization. The demand is the same: the repeal of the law decrees that affect their properties, and the repeal of a new law governing the use of forestry resources. The demands include regulating the mechanism for consultation of all legislation affecting them, as provided for in ILO Convention 169 signed by Peru. The broad, massive and increasingly contentious mobilizations have gone on for more than a month and have been garnering growing support from the urban population in the Amazon region, but with few signs that the government truly wants to set limits to the expansion of private interests.
3. **Final Comments**

Our study has explored two areas of conflict and political action within Peruvian society over the past decade. The first involves definitions and institutions having to do with democracy (the political system, human rights, local government). Very different actors and repertoires for action, so much so that they do not consider themselves part of the same movement, they display very different repertoires for collective action, questioning the shortcomings of the democracy that actually exist in Peru. Nevertheless and despite expressions of discontent, due to the limitations of a democracy that lacks political parties and, thus, lacks clear mechanisms for national and local representation, is subject to individual initiatives for power, strong influence by *de facto* and corrupting powers, there is no social movement with the identity and capacity for sustained collective action and ability to design alternatives.

The second involves territorial control options or “reterritorialization” conflicts. Discontented sectors (farmers, peasants, indigenous peoples) challenge one of the cornerstones of the current pattern of accumulation in Peru: centralization of capital and development of “private megaprojects,” mainly extractive, in the hands of large transnational corporations. The conflict’s focus on the economic model, and increasing coordination among the actors involved, allows for a discussion regarding the formation of a social movement that, by disputing control over resources and the means for earning a living, builds visions that are alternatives to the hegemonic visions of the path to be followed in the future and the actors who will build it.

3.1 **Organizations and support networks**

In both cases, a set of institutions (NGOs, activist organizations) accompanies the collective actions of discontented sectors of society, contributing professional resources and, above all, national and international connections.

In the case of the conflicts involving democracy and human rights, the institutional network is very consistent, but creates few ties with mobilized sectors so it ends up working autonomously, being self-referenced, engaging in direct *lobbying* actions to change the institutional framework (decentralization, for example), or setting up a framework of pressure to have Fujimori be extradited and tried for crimes against humanity. It does not, however, forge bonds with a line of protest against bad local governments in distant areas, which then end up being no more than discrete actions against a mayor, with no connections between them or with national or international organizations; neither do they put together a common demand nor, in fact, do they work on alternatives for local government.

In the case of the so-called environmental conflicts, or conflicts for defense of a territory, the institutional networks are important, so much so that they take local conflicts to the international level, where they connect with a new sensitivity regarding defense of the environment and the rights of the indigenous peoples. These institutional networks, that provide a variety of professionals and resources for relatively distant populations where mining or oil companies are trying to develop extractive projects, do not become
autonomous from the protest movements and organizations; quite the contrary, they act as technical groups for negotiations, and sounding boards in times of conflict, seeking to reduce repression or denouncing it at the international level. These institutional networks (the Muqui Network, for example) remain in place when the protest actions in a specific area are over, and their doing so allows them to reach out with professional and communication resources to new discontented groups. It is their staying power, therefore, that has made the continuity of a movement possible, even if their social expressions have been discontinuous. Behind the Amazonian indigenous movement, a social organization is already working on ensuring continuity for the demand, or at least of the indigenous version of protest for defense of the territory.

This differential relationship, one more self-referenced and another that is actually more subsidiary, allows the former to achieve some institutional successes (legal framework for decentralization, Fujimori’s trial), but disconnected from precise social demands; whereas the latter collaborates on factual achievements (halting a project or law) that opens up opportunities for others who are discontented; the institutional change begins to occur as an effect of the conflict.

3.2 Territorial movements and the building of an indigenous identity

The conflicts revolving around the expansion of areas for private investment, to the detriment of traditional or customary rights, occur within precise territorial boundaries (a city, a region, a river basin) and sustain territorial identities. As we have said, they do not expand, they do not interconnect beyond the defense of a specific territory. In this context, they become known nationally and internationally because of their alliances with institutional networks.

This territorialization of the conflict has been the main factor limiting the construction of broad actors or identities, capable of proposing not only challenges to the elites, but also more or less radical alternatives.

The emergence, in this context, of a movement with an explicit indigenous identity that, although it does revolve around a specific territory—the Amazon region and the defense of its specific ecosystem—manages to present a national demand, i.e. defense of the Amazon region, and calls on the state and the political system as a whole, demanding that they honor the commitment for prior consultation before passing laws that affect the population, as provided for in ILO Convention 169.

A new element that appears in these territorial movements is that of a relationship between urban actors and rural actors never before seen in Peru, particularly given the fact that in peasant areas or areas with a large indigenous population, the towns or mid-sized cities were traditionally the seats of power of groups that wielded control over and dominated their rural environs. The town/rural area relationship was also tinged with elements such as racism (Indians are rural, whereas the towns are inhabited by mestizos or misitis, or the colonos (settlers) in the rain forest), relations of superior/inferior. This traditional relationship seems to have withered or to be changing. In Cajamarca, for instance, the conflict surrounding the mining company’s intention to expand its operations to Quilich Hill, the source of the main
aquifers for the city and the rural areas around it, the joint mobilizations by peasants who used irrigation water and the urban dwellers, all in defense of their water, managed to halt the company's expansion.

In the case of the more recent mobilizations of the indigenous peoples, organizations in urban areas have joined in, massively and explicitly, backing their protest and opposing repression.

This new situation may have something to do with recent processes of change in rural areas, such as the expansion of the network of roads, the spread of markets to the interior of the country, or the repeated establishment of local governments elected by peasant or indigenous majorities. In any case, another factor is the fact that the attempts to “empty out” social spaces to make way for new transnational investments provide a common platform of discontent in a renewed rural and indigenous society.
Social movements in Venezuela: the demand is for more democracy
Deborah Van Berkel

In Latin America, what could be the single cause that would synthesize all the causes that mobilize human groups in what are known as social movements? The question makes sense.

The answer could be the exercise of power; people power; the power of the people organized in their fight to conquer ever greater possibilities of influencing the course of social, political, and cultural events; the demand for greater levels of democracy with social justice, inclusion, equity, and respect for minorities. All these causes are, perhaps, the frame of reference for what has been a recurring milestone in Latin America in recent years.

Experiences throughout the last century were many and varied and they have been even more so in these first years of the 21st century. The Andean region is undergoing significant changes and unprecedented transformations. The case of Venezuela stands out owing to the impact it has had beyond its borders. Are they processes of progress or retrogression? Opinions are divided. Social movements are being activated; they are taking to the streets; they are constantly making themselves felt in the media; they are news; they are playing a leading role. The people have become an actor; they are on the move.

The purpose of this chapter is to be able to identify and point to the courses of action, characteristics, components, and challenges that marked social movements in Venezuela between 1990 and 2008. To that end, it proposes as an introductory framework what are understood as social movements and some background of the situation prior to the period mentioned that needs to be taken into account. Next, it describes the development of political and social process in Venezuela, briefly summarizing the social movements, the context of their actions, and their individual agendas, characteristics, and impacts. Last of all, it proposes some situations and challenges for developing collective action and strengthening forces of change in the country.

1. The social movements

Can it be said that there is a society on the move in Venezuela, a society that is undergoing a process of change, of transformation, in a quest for new forms of social and political action?

The country is currently undergoing a period of intense democratic maturation and the people are aspiring to and demanding the consolidation of a change with social justice and respect for freedoms.

This legitimate aspiration is nothing new. The road traveled has been a long one and reached a milestone in terms of its possible application and visibility in December 1998, when Hugo Chávez won the presidential elections and started a project of change, which he baptized “revolutionary.”
Many of the events that have occurred since then have had an impact on the formation, agenda, and actions of social organizations and movements. These actors have been right in the middle of the confrontation and conflicts that have marked this process.

Just a few years ago [1989], the Instituto de Estudios Superiores de Administración [IESA] published a book that sparked off an intense debate regarding the image of stability projected by Venezuelan democracy: El caso Venezuela, una ilusión de armonía. The study raised serious doubts as to the strength and solidity of the system of government established in Venezuela in 1958. It sustained the thesis that the oil bonanza and not consensus was the foundation on which the commented success of democracy in Bolivar's fatherland was built.

As we know, that situation [consensus as the basis of democratic coexistence and the secondary factor of high oil prices] triggered a rapid, sustained process of change after the election [December 1998] and subsequent swearing in [February 1999] of Hugo Chávez. From the start he announced his intention to promote radical socio-political transformations in the context of a revolution he proclaimed to be peaceful “but armed,” and where an agent that, according to the Venezuelan President himself shared power with him, was to have a leading role: the people.

In fact, one of the most widely broadcast proposals made by Chávez and his followers had to do with the popular nature of his government and the role played in it by the so-called social movements.

Is that, in fact, the case? The question is a relevant one, because it is very possible that we are witnessing the gestation and development of a hotbed of movements, the most important of which is the one that has been fighting to extend the boundaries of democracy and consolidate a set of values that had already appeared in the course of one of the most important struggles currently being waged by civil society in Latin America and the Caribbean: the citizen movement.

The social movements had already been defined in the first third of the last century [Davis 1930] as the tendency of a given sector of the population of a society to put pressure on one or more aspects of its structure, with the purpose of deliberately changing it in some way. Today, that concept seems static, limited, and too similar to the notion of group pressure and even of “active minority.”

These movements have been historically defined as the series of expressions of popular organization that attempt to transform the prevailing social order on the basis of a systematic, articulated, and sustained effort for generating changes in society as a whole, but giving priority -depending on their specific nature- to given factors or aspects of that society. They are political entities *par excellence*. They are, at the same time, the reflection and origin of complex political dynamics. Even though these movements are outside the state, they find themselves in a closely associated province. No few authors consider that, taken as a whole, they form an essential part of civil society.

The concept proposed by Remy *et al.* [1978] assumes the complexity of the issue. For these Belgian authors, social movements represent processes that could
evolve into social organizations of different magnitudes and with varying capacities for promoting or playing a leading role in radical changes in a given social order. They usually start out as small groups that can end up having a considerable collective impact as they engender new socio-cultural models. They take in organizational structures with varying degrees of social impact.

In the opinion of these analysts, social movements question the socio-cultural orientations of a society in their broadest sense, in their structural dimensions. They add that the deeper this questioning, the greater and more numerous their possibilities will be even when their purposes seem more undefined. It needs to be pointed out here that the changes advocated by these actors are not necessarily progressive; they can be the expression of a conservative intention.

These movements are characterized by the diversity of the organized entities or individuals constituting them; however, they have a high level of integration in terms of the symbolic, a collective identity, and varied and flexible ways of organizing themselves and functioning. They tend to work in networks on different levels and in a variety of spheres; they are an active and relevant part of the civil society sphere, understood as the space in which these movements act together with NGOs and other organizations, all characterized by their voluntary linkage and their autonomy vis-à-vis the State; and they differ from other forms of political-institutional type organizations, but interact with them to a considerable extent, influencing their values and beliefs and generating, in turn, a discourse that ultimately has an impact in the sphere of the public.

This chapter will analyze the contents of these concepts and value put on them from the point of view of key actors in the case of Venezuela.

2. Social movements in Venezuela: a look at the past

It was in the first part of the 20th century that Venezuela saw its first expression of a new type of civil movement that fought to open up the country to modernity, seeking a democratic solution to a military dictatorship embodied by the “Benemérito” or “Meritorious One,” as General Juan Vicente Gómez was known. Weighed down by the burden of a century marked by the bloody War of Independence and Federal War, authoritarianism and militarism continued to be society’s most relevant features.

In this context, the young students known as the “generation of ’28” [1928] emerged in Venezuela as the new leadership with a vision of democratic change whose banner of freedoms and social justice have marked the country’s public agenda to the present day. They built new organizations –specifically political parties- that, after long drawn-out struggles, were transformed by trial and error until they became consolidated following the fall of the Marcos Pérez Jiménez dictatorship [1948-1958]. Once the military regime had been overthrown, the way was open to an attempt at democracy whose pillar was a grand inter-party agreement: the Pact of Punto Fijo. The main political leaders jointly assumed the democratic government project synthesized in the 1961 Constitution. The period 1958-1973 corresponded to “the formation of the two-party system, backed by a high degree of political-administrative centralization promoted by and from the state” [Rivas Leone 2008]. According to this vision, it was not sufficient to
monopolize the power of the state, it was also necessary to build the organization of the people. Professor Germán Carrera Damas points out that Rómulo Betancourt, a key figure in Venezuelan democracy, was one of the few architects of societies who held as one of his premises that “it was necessary not only to create a Party of the people but also a people for a Party” [Carrera 2009].

This stage was embarked upon on the basis of a new social pact marked by negotiation among the political, social, and economic elites. Left out of this dynamic of negotiating agreements in order to guarantee governance were the Partido Comunista de Venezuela [PCV] and, in general, the Marxist leftwing forces that had broken away from the main government party, Acción Democrática [AD]. The decision to exclude themselves —and to exclude them— continues to have considerable repercussions today.

In the context of this concept of development, it was understood that it was necessary to consolidate a strong state with distributive capacity. The road systems as well as the infrastructure for and functioning of health and education services benefited from the oil bonanza: the welfare state emerged and the socio-political horizon of the “common good” began to tentatively take shape. It was a time of remarkable social permeability, of building an emergent and powerful middle class, of establishing political parties, of alternation in power, and of submitting the military to the civilian government. This gave a tremendous boost to the popular struggle and its efforts at organization. The trade union movement became more consolidated [1959-1961] and moved on to form a Confederación de Trabajadores de Venezuela [CTV] and a Federación Campesina de Venezuela [FCV], both displaying considerable political power.

Towards the end of the 1970s, Venezuela began to harvest twelve consecutive years of democracy, economic growth, and real expansion in the political-social sphere. Until then, the majority of existing social organizations had been created as a result of the direct promotion of political parties, religious bodies, and, in some emblematic cases, figures of the business community with philanthropic leanings. The role played by the political parties in movements and trade unions and other types of organizations was, as Julio Fermín comments, considerable. Many of them accepted being defined and managed by external factors, even when their purpose was the defense of community interests or the interests of a given sector.

The student movement maintained its confrontational and more autonomous profile, with a strong presence and influence of leftwing sectors. It displayed itself and acted with force on that side of the spectrum. A recent study highlights how, at that time [1958-1990], the universities and students were an important actor of the opposition to the regime of representative democracy [López Sánchez 2006: 71]. The party system opted for a party-centered regime precisely to avoid destabilizing forces, so marking this period up until 1988, as Rivas Leone comments, as one of a conservative exclusively two-party regime, where ideological contents and principles were set aside. This was to generate, from that moment on, the disintegration of the system [Rivas 2008].

The failure of the armed struggle was already apparent. These groups admitted their defeat; many of their leaders gradually joined the social struggle playing by
democratic rules; and a series of new organizations began to emerge, created on the initiative of their own members, and gradually took on a new meaning. So, neighborhood associations, cooperatives, consumer groups, and cultural groups began to have a space of their own, conquering unknown territory bit by bit. Outstanding features were opposition to political control and people’s enhanced sense of freedom at finding answers based on their own criteria. An anti-party dynamic was introduced into the social body, which considerably affected key factors for democratic governance both in terms of legitimacy—with progressively higher levels of non-recognition and non-acceptance of institutional values and performance—[Haluaní 1994] and in terms of the function of integrating and meeting the expectations of civil society and the population in general.

Based on these experiences, the country embarked on a lengthy task of forming and organizing the social base. They were times when initiatives that emerged from the people themselves were highly valued and when “small was beautiful.” The common term, still insufficiently disseminated, was “popular movement,” which lumped together an ever larger number of small grassroots community organizations and associations that sought to have their own space of participation. The concept of “the people” fed, to some extent, the concepts and aspirations of many of the leaders. Moreover, the foundations and institutions providing support to vulnerable sectors—many of them promoted from middle class and business sectors—continued their work, offering a variety of services geared to providing assistance and seeking the common good.

It was in the 1980s that these expressions of organization became consolidated and a sectorial vision gained ground, finding expression in the social sphere, and there was widespread talk of the decade of social movements. So, intense activity in the cooperative, women’s, human rights, popular education, ecological, neighborhood, and other movements became commonplace.

The biggest surprise among the emerging movements was the cooperative movement. It was in 1966 when a new General Cooperative Associations Act went into force. The National Cooperatives Superintendency [Sunacoop] was created, a government agency that was responsible for regulating the functioning of cooperatives in Venezuela. Following a reform in the mid-1960s, the cooperative movement spread throughout the country. Its growth was based on coherent management and an organization that covered the entire country via a scheme of regional associations and federations.

Then there were the ecological organizations, already with a nationwide vision. They set up networks and even a federation. Organizations focusing on gender issues—women and children in particular—gained profile in street demonstrations and in the media. The phenomenon of the neighborhood movement mobilized organized sectors of the population from the middle and popular classes. It was, incidentally, this movement that was most swiftly co-opted by the political parties and by state clientelism. Less visible during this period were the new types of organization emerging from the sphere of trade unionism [confined to regions and sectors], although there were interesting initiatives in the area of popular culture and education and also in the areas of human rights groups and health organizations.
Among the factors that marked this dynamic, the following are worthy of comment: the diversity and plurality of these proposals, some of them multi-class, the way they were structured and how they interacted with other sectors from a democratic perspective; and the vision of embracing alternatives to what was already established. This vision left its stamp on initiatives that were creative and innovative in people’s search for their own answers to problems affecting their daily lives and, therefore, touched on matters relating to collective interests. Their public profile grew and started to be recognized from the platform of the major media.

Another element that warrants mention is that, during this period, the political parties were being seriously questioned because of their performance and also because of how they handled their relationship with the people as well as relationships within their own organizations. The political parties’ exaggerated tendency to want to control and interfere in the internal workings of these grassroots movements and organizations led to a growing rejection of these factors of political society. Demands for autonomy and participation grew and a strong tendency towards finding common ground and articulating common actions among the different sectors and movements emerged.

María Pilar García Guadilla [2004] highlights that:

[...] besides getting organized in networks, the citizen movement successfully used the media as mechanisms of pressure for influencing the direction of political decisions. In this way, the new social organizations and movements transformed their demands into political events and became socio-political actors focusing their struggles on the process of state reform and, above all, on decentralization.

She warns that not all social organizations met with the characteristics that, in theory, define civil society. Initially, middle class citizen organizations enjoyed autonomy vis-à-vis the state and the political parties and had flexible leadership structures. On the other hand —adds García Guadilla—, many of the neighborhood organizations in poor areas were not autonomous, as they were frequently co-opted by the political parties.

The 1990s saw a change in the political system from a two-party to a multi-party system, accompanied by a process of decentralization. Social protests intensified as it was considered necessary to stand up to a regime that had lost its ability to implement public policies that were in line with the aspirations of the majority, even going so far as to find expression in strong violent action and new forms of representation. New groups became more aware of the role they could play in demanding and giving a new boost to democracy, bearing in mind the attempted coups d’état [February 4 and November 27, 1992]. It began to be understood that action by civil organizations, both its form and content, was of key importance for development. A number of them adopted the notion of becoming actors in the public sphere, which began a process of transformation that resulted in a new name for the sector: civil society. The organizations called non-government organizations [NGOs] achieved greater visibility and adopted a position of critical cooperation with regard to public policies. Another large group came into being, thanks to an initiative of the state itself, as a mechanism for facilitating its
functioning, as it was considered, from the technocratic viewpoint and in the context of a neoliberal policy, that it was necessary to reduce the size and functions of the state.

Interaction between society’s own organizations and the different representatives of the three levels of government [local, regional, and central] became stronger and more complex. This was possible thanks to the fact that, in 1989, Venezuelans were able—for the first time—to directly elect their governors and mayors in the context of an intense process of political decentralization.

Precisely that same year, there was the first clear sign that the model had become exhausted: the “Caracazo” or Caracas uprising on February 27, 1989. There were widespread violent riots that resulted in large numbers of arrests, wounded, and deaths. Its cause has been attributed to the population’s discontent over the economic adjustment program announced by President Carlos Andrés Pérez. It can be described as a chaotic, uncoordinated social movement and no few authors have defined it as a “social explosion.” Luis Salamanca proposes, in the words of Rivas Leone, that “this demonstration added to Venezuela’s democratic process the characteristic of violent irruption of the urban masses in the [country’s] political life. So it was that the social consensus that had prevailed until then finally broke” [Rivas 2008].

From that time on, there was a steady decline in the legitimacy of the political parties as institutions with centralized power [capable of pulling the strings of power in all its spheres] and of its leaderships, it being understood that these actors were more interested in preserving their quotas of power and privileges, focused on their own interests, wheeling and dealing in the more private scenario of their interactions—among their own elite—, without taking account of social requirements and demands in an open public debate.

Political decentralization, one of the few reforms that managed to get established, considerably altered the actual dynamic of political action, allowing the citizen to play a more direct role in the local and regional spheres of power, with the emergence of new leaderships and parties [or the strengthening of some that already existed but not the two major parties: AD and COPEI]. With the opening up of these spaces, experiences were developed that—understanding the crisis as an opportunity for change that would open channels of participation—attempted to generate a social agenda of inclusion that would avoid the collapse of the system. Within this framework, state entities [basically, regional and local governments], actors in the private sector, and civil organizations promoted initiatives seeking inclusion using the do-it-yourself approach. The government side offered issue-specific programs; philanthropic activities were undertaken by actors in the private sector, more recently adopting the corporate social responsibility paradigm; efforts undertaken by workers’ federations within their member organizations focused on their socio-economic demands; and programs were implemented by the cooperative movement in favor of a social economy. There is no denying that there were cases, particularly during the last 15 years of the 20th century, of proposals being conceived of and executed in an attempt to achieve a dynamic of authentic inter-institutional alliances in the area of joint social responsibility based on the substratum of a shared democratic vision: that of the state, civil society, the private sector, and organized labor groups. 
undertaking the building of common purposes with sights set on the horizon of a
decentralized country and a mobilized population. They were all isolated efforts,
formulated and carried out, in practice, with no concatenation either among allies
or alliances based on common interests. These initiatives had no major
consequences or, at least, lacked the necessary force and impact to change the
course of the political dynamic and so become established as mechanisms for
implementing public policies.

By the end of the 1990s, the action of these movements was clearly on the
decline. The more politicized actors that worked in or whose vision had to do with
the sphere of the popular maintained a critical position towards those who
proposed strategies of cooperation with the state, which they considered as
collaboration in the context of a neoliberal policy that would allow the state to
take advantage of these structures and motivations. Their leaders defended the
need to use strategies of persuasion, which differed from aggressive mechanisms
or mechanisms of force. For example, the neighborhood movements -more active
in middle class sectors- that called themselves civil society organizations, could
fall within this category. Their critics understood that, through their activities,
these neighborhood movements permitted the maintenance of mechanisms of
domination that placated protest initiatives. It was thought that the political and
economic elite acted in concert so that a select few could continue benefiting from
the oil revenue, while the excluded masses continued to swell. In other words,
there was an intensification of the perception that the crisis was not merely
economic -in the context of plummeting oil prices- but deeper, that it touched
aspirations, values, and expectations, and the conviction grew that those in
government were unable to satisfy those aspirations and expectations or live up
to those values. It could be said that this collective frustration generated high
levels of discontent in the population, which gave rise to isolated organized
protests by different sectors, sympathy for and even justification of the attempted
coups, and demands by social groups and some party organizations for a
constituent assembly to be called to find a political solution that would bring
about a change in the country’s situation.

This tendency did not gather sufficient momentum to induce the country to take
that path and the thesis of a constitutional reform prevailed during the second
Caldera administration [1994-1999]. Caldera had been returned to power
precisely because of an anti-system discourse that was indulgent towards the
attempted military coups against the constituted government, but, in the end,
became part of the problem. This entire process of social and political
transformation generated a profound rejection among sectors of the people
towards the elite that had held power, sectors that sought answers by betting on
an anti-system candidate: Hugo Chávez.

3. The decade of polarization

After a prolonged illness, what Chavismo has been pleased to call the Fourth
Republic —the regime that lasted from 1958 to 1998— came to an end. Significantly, it is “the only stable period in which civilians have exercised power in
Venezuela” [Aveledo 2007]. Hugo Chávez Frías was elected President of the
Republic. In just two years, the country’s institutions were reorganized in
accordance with the principles of the Bolivarian project embodied by this charismatic military officer.

Now it is time for an analysis of the different periods in Venezuela’s socio-political situation and a characterization of the social movements and their changes and impacts between 1999 and 2008. There are three identifiable periods.

3.1 The constituent period [1999-2001]

This period is a time of institutional and legal change. During 1999 it was decided to opt for calling a National Constituent Assembly and the drafting of a new constitution. The prevailing political agenda and climate of agreement made it possible to include entire articles in the new constitution that expressed the longings contained in and developed during the struggle waged in previous years by grassroots movements, groups organized to promote given proposals, trade associations, and active minorities.

The social movements that appeared at the head of this constituent process were those associated with human rights [Foro por la Vida] and civil social development organizations [joined up in Sinergia, a civil organizations network], the latter known for their capacity for producing an impact. In both cases, these movements channeled and made possible the proposal, debate, and approval of entire articles having to do with constitutional guarantees that safeguard and broaden the exercise of social, economic, cultural, and ecological rights in Venezuela.

Other movements redefined themselves in the light of the new socio-political scenario, some achieving a higher public profile than others. The cooperative movement, for example, promoted important initiatives that had to do with the notion of social economy and the defense of new actors in the sphere of productive action and the provision of services.

One emblematic case was the women’s movement. Ten or fifteen years earlier, a vigorous coalition of women’s organizations promoted legal changes that were to favor political and social advances on the gender front. During the constituent process, Venezuelan women saw many of their aspirations fulfilled in the articles of the new Constitution. From 1999 onwards, women became constitutionally visible.

Workers’ organizations, actors in the field of communication, the social-community universe, and the academic community saw many of their aspirations reflected in articles that envisaged spaces of autonomy, participation, citizen consultation, and respect for minorities.

That was not the case [in some instances] of regional and local movements. Even though the principles of decentralization were maintained, the national executive was assigned spheres of competence that limited the exercise of the federalist vision that they had wanted to consolidate in the new Constitution. The setting up of a unicameral National Assembly as the nation’s legislature, with the consequent elimination of senatorial representation, was a harsh blow for those who were hoping for a more decentralized project, with states and regions having
broader spheres of competence, and municipalities and communities with real possibilities of exercising local government.

Those constitutional deficiencies opened the way for immediate political, social, and economic confrontations.

3.2 The period of confrontation, exclusion, and division

The rifts of confrontation became deeper from December 2001 onwards. From then until December 2006, political tensions and conflict in Venezuela became more intense. The organizations working for civil, citizen, and political rights played an essential role in this process.

As a result of a series of laws approved directly by the executive power under an enabling law, people began to hold demonstrations both for and against the decreed laws. Land, property, freedom of education, and participation were the main issues. The labor and business sectors joined forces in actions that led to a national strike in December 2001 that further polarized the population and divided Venezuelans.

On this new terrain, movements were restructured and became polarized. The events of April 2002, the oil strike [2002-2003], the recall referendum [2004], and the reelection of President Chávez [2006] were milestones that marked the meaning, course, and positioning of social actors. An intense struggle for autonomy and the freedom of association and participation was unleashed in a scenario of polarization and increased ideological perspectives. During this process, many movements found renewed meaning and a chance to regroup.

This is a situation that will be described below. However, during those years, Venezuela was the scenario of the most massive and belligerent demonstrations ever in the American Continent. The press, radio, television, and, most particularly, the electronic media reported the magnitude of that confrontation.

The Venezuelan press reflected this situation. Between 2001 and 2006, the country continued to give a totally dichotomized image: two truths in confrontation championed by groups that neither gave quarter nor asked for it.

In this confrontation, the Venezuelan state, on the one hand, with unlimited institutional resources and considerable [but declining] popular support, and, on the other, the citizen movement, not infrequently pressed by economic and political sectors with questionable democratic agendas, have waged a struggle on all fronts, chalking up a debit of lives lost, destruction, and intangible damage to institutions to what was, in its day, with all its shortcomings, an example of democracy in the American Continent.

That over simplified interpretation of the Venezuelan situation started to change in December 2006.

On December 6 that year, Hugo Chávez’s triumph at the polls –his reelection- was confirmed. The previous December -2005- the parties supporting him had won all the seats in the National Assembly thanks to the withdrawal en masse of the candidates nominated by the opposition. Only after treading a difficult path and
intense debates, a sector of the Venezuelan opposition opted for participating in the 2006 presidential elections. Despite urgings by radical government opponents to abstain, the opposition obtained 40% of the votes. Progress had been made in recovering people’s faith and confidence in the electoral path as an option for settling political differences.

On December 28, 2006, President Chávez lashed out at the media during a speech given at a military event. He announced the cancellation of the concession of a major free-signal television station: *Radio Caracas Televisión* [RCTV], which, in effect, meant the closure of that channel. At that time, and even in the immediately preceding years due to a variety of possible factors [among them government pressure, corporate convenience and interests, and fear of the highly innovative law on social responsibility in radio and television], many private television and radio stations -possibly the majority- were already toning down or even refraining from broadcasting political messages that were adverse to the government. Meanwhile, the number of clearly state-sponsored media that favored the government point of view was growing.

The threat hanging over RCTV was carried out, with the result that this free-signal channel lost its concession and, therefore, the possibility of broadcasting over those airwaves; moreover, its equipment was confiscated and, for all those reasons, it was prevented from giving live coverage to any event in the country. The option it had left was to continue operating as a subscription television channel.

It was then that what could be called the Venezuelan citizen movement found full expression. It started with the students. In addition to the initial countrywide demonstrations [January-April 2007] -marches through cities, “plantones”¹ or mobile spot demonstrations, strategic visits to places of public interest [embassies, international agencies in the capital]-, immediately after May 2007, when what the opposition called “the closure of RCTV” and government sectors called “the expiration” of the radio station’s concession occurred, there were mass mobilizations.

These demonstrations in favor of freedom of speech galvanized movements and forms of expression of socio-political and cultural groups and interests of different tendencies. The one that prevailed, because it was cross-cultural and cross-class in nature and thanks to its notoriety and persistence and the impact it had nationwide, was the student movement.

Considered until then a “sleeping giant,” the student sector –and young people in general- had had a very discrete involvement in the Venezuelan socio-political sphere throughout the 1999-1997 period. It took everyone by surprise. Its forms of organization, the synchronization of its actions, and the coherence in its leadership became a political factor that was totally unforeseen by both the government and the opposition during the entire year. The population’s reaction to its proposals [national conciliation, active nonviolence, separation of the

---

¹ Translator’s note: A strategy used by the student movement that consists of grouping in a given place, demonstrating and then disbanding before the authorities can react.
branches of government, repudiation of any form of repression, and defense of the right of association and, in particular, of the freedom of speech] was only comparable to its level of rejection of the measure against RCTV and any expression of intolerance, regardless from which side of the political street it came from.

The students' slogans summed up popular sentiments, shared citizen yearnings and hopes that went beyond the, until then, immutable poles of confrontation. This was joined by a growing rejection of the confrontational discourse maintained by President Chávez and an even greater resistance to the proposal – perceived as being neither constitutional nor democratic- for reforming the 1999 Constitution.

Organized civil society -human rights and social development NGOs, nearly all professionals, trade union federations, churches and religious groups, health organizations, sectors of the economy, culture, and the media, protecting their particular interests- backed the students’ struggle. The different movements coordinated with one another and a force of resistance emerged with sizeable, growing citizen support that finally expressed itself on December 2 and said “No” to the president’s constitutional reform proposals.

Those proposals, which implied the possibility of indefinite presidential reelection, ambiguity with regard to the right to property, granting the president powers to personally designate regional and local authorities, and serious restrictions on exercising important constitutional guarantees, were associated with such a loss of freedoms that even the followers of the government’s project opted for voting against it or abstaining.

In point of fact, the weakening of citizen [popular] action, the president’s unrestricted powers for controlling the still emerging communal authorities, and the unlimited powers given to the executive [all strongly present in the proposed constitutional reform] were perceived as posing a threat to the free exercise of democracy.

On December 2, 2007, the institutional structure established in the 1999 Constitution was ratified.

3.3 2008: the country continues on the move

The goal of the popular movements in the 1980s was summed up in the slogan: “A society for all.” It had been taking shape for some considerable time. It appeared in civil society’s demands during the 1980s and 1990s, in the efforts of the Presidential Commission for the Reform of the State [COPRE] in the 1990s, in the struggles waged by Venezuelan workers to push ahead an in-depth reform of the corrupted trade union structures, in the significant efforts by grassroots organizations in the areas of social economy, education, and health, and in the never ending task of finding creative forms of articulation among the state, organized sectors of the population, and the world of the private economy in order to undertake joint plans [local, regional, and national] for progressively reducing the steady deterioration in social conditions and reversing the economic, social,
and cultural impoverishment from which the majority of the Venezuelan population was suffering.

Not only the visibility but also the force acquired by the different types of Venezuelan social movements during 2007 and 2008 stemmed from this situation.

Donald McAdam said it [1999: 477, quoted by Martí i Piug] when he established that a social movement has to successfully complete six tasks if its purposes are to have an impact on society: [1] get new members; [2] maintain the morale and level of commitment of the members it already has; [3] arouse the interest of the media to obtain coverage and, ideally [although not necessarily], gain their support for its points of view; [4] mobilize the backing of outside groups; [5] limit options of social control that could be used by its adversaries; and, last of all, [6] have an influence on the political front and get the government to act.

Have the Venezuelan social movements achieved those goals in recent years? Have they had the power to achieve their aspirations fulfilling these requirements?

Faced with an extremely powerful state, branches of government aligned in the same direction, and the authority of a charismatic president, with considerable – albeit declining- popular support on the one hand, and associated with an opposition leadership that has committed serious strategic mistakes and has economic and political interests that represent the conservative past on the other, Venezuelan social movements have maintained a position of resistance to those in power.

The student movement emerged as a highly active platform of struggle. It had nationwide presence and a recognized leadership and raised the awareness among different sectors regarding the key issue of common interest. However, voices were raised in warning, concerned over the fact that different sectors of the country’s civil society responded to this struggle by the students with paralysis, showing no willingness to offer effective support, in other words by backing it with their presence and joining their voices to the protest. Their identification with this struggle was a mere facade offered up via the media and from a distance [Tricàs 2008].

The citizen movement, represented by human rights organizations and professional and trade coalitions, has waged a very successful struggle against the Venezuelan Government’s plans to impose, via laws enacted by the President of the Republic exercising powers delegated to him by parliament, the same series of measures it set out to implement by means of the constitutional reform defeated on December 2, 2007.

There were mobilizations and protests throughout the country demanding better living conditions in towns and cities. This was the struggle for efficient public services, against the lack of housing and health care [the hospitals in most of the country’s cities were in a permanent state of emergency], and, most particularly, against violence [identified by people nationwide, from all social strata, and of different political views as being the main problem]. So, these issues became the
daily banners of the mobilizations that were happening on the local and regional levels.

The trade union movement continued in turmoil, in an interesting process of rapprochement with sectors identified with the opposition. Orlando Chirinos, a labor leader for the past 30 years and the national coordinator of the Unión Nacional de Trabajadores, was fired from the state-owned oil company [PDVSA] and treated as a dissident for not being in agreement with the proposed reform and for denouncing that trade union rights were being eliminated. This situation permitted a debate and the possibility of dialog with the worker base.

The education movement [an alliance of school organizations, parent associations, and teachers’ unions] waged a struggle of resistance throughout the first half of 2008 against the Education Ministry’s plans to pass, against the people’s wishes, a school curriculum and a basic education bill that went beyond constitutional and legal guidelines. The press reported the actions taken in that struggle; and not just the newspapers that were openly sympathetic to the opposition, all of them.

A report by the organization Espacio Público on the right to freedom of speech and information states that there were 1,602 public demonstrations making demands of one kind or another in Venezuela during 2008, 108 of which were subject to repression, with the result of 66 people injured. Its authors warned: “demonstrating has become a risky activity, even when the demonstration is conducted peacefully” [Correa 2008]. But what is most surprising is that the largest number of protests [22%] was over workers’ rights.

On the other hand, government groups based their mobilizing strategy on clientelist mechanisms made possible by the immense power provided by the Venezuelan state, including not only government service employees but also groups of “informal government employees” who depended on economic and other types of resources supplied by the different spheres of government.

As Teodoro Petkoff said, President Chávez had [and about that there can be no doubt]:

[...] a source of legitimacy that is popular in origin. Neither the middle class nor the working class is the base of Chavista power. It is, however, in the immense mass of what might be called the impoverished urban population that the main beam of the social force backing the regime is to be found. It is not a social class as such, but the result of the social disintegration caused by a petro-state economy incapable of absorbing the growing numbers of Venezuelans who are joining the labor market every year, today estimated at 400,000. Lumped together in this group are millions of declassed persons: informal workers, the chronically unemployed, thousands upon thousands of super-impoverished housewives, people who formerly worked the land and have been gobbled up by the city, and an extensive lumpen proletariat —all victims of a system that systematically grinds up society’s most vulnerable [...]. [Tal Cual, Caracas, May 24, 2007].

282
4. Growing tendency to an intensification of political conflict in Venezuelan society

Just as IESA proposed the “illusion of harmony” thesis in the 1980s, now one might argue that Venezuela is experiencing an “illusion of confrontation,” but one that has been gradually intensifying so that:

Immediately after that separation, two political poles have been forming with their social referents, which are true trenches of struggle inside and outside the institutions; inside and outside the social structures. We have not only moved on to a democracy of conflict [they all are, in fact, even those that are consensual] but to something more dramatic, a democracy of confrontation, of head-on collision, of permanent protest, of growing direct action. [Salamanca 2004]

The political-institutional changes in the country had an impact on the movements, deactivating some while generating new actors who expressed their resistance to or nonconformity with the process of change promoted from the spheres of government on the one hand or their commitment to that process, on the other.

There is a mobilized social base in the popular sectors that is increasingly expressing its demands on the local level –with dissemination in media with national coverage- and demanding their right to earn sufficient to cover their basic needs. Its identification revolves around the notion of being “the people” or “the sovereign,” and it demands the attention of the leader, represented by the figure of the president, with growing impatience. The focus of these sectors’ disenchantment is, in most cases, government bureaucracy, considered incompetent and, more recently, corrupt, which they hold responsible for failures to comply with the offer to included them in the benefits they consider it is the State’s duty to provide. For the protagonists of these initiatives and the collectives accompanying them on the community level, the underlying idea focuses on the argument of a fair distribution of the nation’s wealth based on the supreme value of social solidarity and the responsibility of the State in ensuring that solidarity. This community movement, still fragmented and disperse, is starting to build up a common repertoire of forms of resistance that coexists with the development of authorities known as communal councils, which have become the key agents for carrying out the government’s public policies. These communal councils are the subject of intense debate as they are considered by some as autonomous spaces for community social participation and by others as mechanisms for carrying out plans and projects defined by the National Executive directly, with little or no intermediation by subnational or local authorities [contrary to the logic of decentralization established in Venezuela during the preceding decade] and limiting [and, at times, even not recognizing] other mechanisms of participation or social intermediation.

The tendency is towards the consolidation of these structures in the transition to setting up what the government calls “communes” in the context of the “new geometry of power.”
These dynamics may indicate the strengthening of a path that is headed towards neo-populism, where the regime is making an effort to get that sector of the population to strongly identify with what it is doing so that they feel it, in their imaginary, as their own and as something that is to their benefit. As Sorj and Martuccelli [2008] point out, when “populism is played in this tension between a democratic-plebeian-plebiscitary element and a popular-imaginary-authority element [Martuccelli / Svampa 1997], there is a real risk of it veering one way or the other—a double risk that is probably being run at the moment in the Venezuelan experience.”

This puts key emphasis on the terms of the proposed confrontation: the economic and symbolic inclusion of broad sectors of Venezuelan society while generating new exclusions and the use of a discourse based on the class struggle, which attempts to gradually incorporate the notion of socialist state into the name it has been given: “21st century socialism.” This is joined by the concept of a true democracy, where the leader delegates power to the people and the people hand over to him all that power for him to guide it to its redemption. Protests are managed by resorting to coercive actions, reducing the chances of their demands being attended to if the case is widely broadcast, as a result of which the tendency is to limit public information. Anyone who is opposed to this project is considered a “traitor,” someone who has sold out to capitalism or who is against the supreme interests and values of the nation. To remove this danger, formal and informal institutional and legal mechanisms are used to tone down social protests and reduce opportunities for them to occur, while encouraging, supporting, and orienting popular demands made on private actors who are considered dissidents or have been identified as elements of key importance for carrying out government plans and projects.

The different social forces encounter the same barriers for the challenges they set themselves and have in common the struggle for autonomy and their right to dialog and peaceful protest. The increase in tensions became more marked following the referendum allowing continuous or indefinite reelection in February 2009, of particular importance for the President’s aspirations to remain in power. This situation augurs a long drawn-out struggle in Venezuelan society. For Chávez and his followers, the task is to develop their proposed revolution, which is not prepared to allow alternation in power and needs to go beyond state control [on the economic front—particularly in the handling of the oil revenue—, on the political front, and in all organized manifestations of society]. Confronting fear is, then, a challenge that has to be taken up by the citizenry; because “fear will be their most effective ally. Fear of those in power gradually makes repression unnecessary. Fear of change dissuades those who dissent. Fear of “the others” generates the contradictory, and powerful, sensation that, after all, despotism protects us from what could happen” [Aveledo 2007].

Permanent tension is generated within the movements by attempts to achieve cohesion, representation, legitimacy, and operational and communication capacity. They also face the challenges of growth, interacting with other actors, strengthening a leadership for change, and, of course, the necessary search of mechanisms of dialog and productive encounter with party forces; all arduous and complicated tasks in a context where politicization is considered a sin, where an “alter-phobic” language is adopted that “transforms politics into a war in
which people are aligned in opposing and antagonistic camps, and where those who are associated with the enemy are, by definition, illegitimate and can be excluded from the public space at any time” [Sorj and Martuccelli 2008]. These same authors mention another discourse, the self-centered discourse, in reference to the construction of a common project.

This is a challenge for social actors: developing and promoting experiences having to do with demanding and designing proposals using democratic means that generate a model of political education for their members and the social groups with which they interact; responding, in a manner that is structured and with political vision, to people’s natural reaction to the discrepancy between theory and practice, between promises made by government actors and promises actually kept; and processing the representation crisis in the context of deficient public policies, addressing psychological, economic, and socio-cultural factors, in their different manifestations, either as a result of geo-environmental or ideological conditions. This means endeavoring to transcend a state of “permanent agitation” and heading towards the building of an agenda with higher levels of agreement that overcomes short-term views.

Democracy and governance of the system will be possible in Venezuela if, in processing the conflict, the political leadership understands that social demands are not based on continued social confrontation but on opening up spaces for dialog and interaction regarding differences and creating opportunities for all. This could be understood as an agenda for peace, for which there are many possibilities if the sectors that identify with Chavismo and those that oppose it meet on the common ground for the defense and construction of a democratic society and system of government.

In the face of an uncertain future, the challenge is to rethink politics and rebuild democratic institutions, defining a body of strategies that facilitates breaking with the dynamic of polarization and personalization while revaluing opportunities for reducing scenarios of violent confrontation, in order to set off down a new democratic path.
Bibliography

Aveledo, Ramón Guillermo, *La 4ta República. La virtud y el pecado.* Caracas: Libros Marcados. 2007


Davis, J., *Contemporary social movements.* New York. 1930


Fermín, Julio, “¿Qué pasa con los movimientos sociales en Venezuela?” Available at: <Rebelion.org>. 2007

Fundación Polar, “Historia de Venezuela para nosotros: los sindicatos.” Available at: <http://www.fundacionempresaspolar.org/nosotros/educacional/instituc/sindicatos.html>. No date


Instituto de Estudios Superiores de Administración [IESA], *El caso Venezuela, una ilusión de armonía*. Caracas: IESA. 1989


Martí i Puig, S., *Los movimientos sociales*. Salamanca: Universidad de Salamanca. No date


Metzner-Szigeth, Andreas, “El movimiento y la matriz – Internet y transformación socio-cultural [a propósito de las TIC y la lucha de los jóvenes].” OIE. 2006


Universidad Bolivariana de Venezuela, “Movimientos sociales fijan postura sobre el 2-D,” Caracas: December 2007


Uzcátegui, Rafael, “Despolarización y autonomía, retos de los movimientos sociales en Venezuela tras el 3D.” Available at: <http://www.soberania.org/Articulos/articulo_2734.htm>. 2006
Part Three: Comparative Approaches
Between Elitist Democracy and Authoritarian Personalisms: Institutional Reforms and Democratic Governance in the Andean Region
Martin Tanaka and Sofia Vera

This chapter evaluates the institutional reforms implemented in the Andean countries since the 1980s as attempts to legitimize political systems faced with acute problems of representation. We find a history full of changes that involved constitutional reforms and new constitutions, modifications to electoral systems, new forms of organizing the state through the setting up of subnational and local governments with elected authorities, the adoption of mechanisms of citizen participation and direct democracy, and, more recently, attempts to create new forms of political regime as alternatives to representative liberal democracy. We distinguish two major reformist “waves”: one marked by attempts to democratize political systems headed by the main actors in question party systems; and a second wave in which it is new emerging actors who are leading the changes, but with the purpose of founding a new political order under their hegemony. We find that, while the first wave did, in fact, substantially extend the bounds of the political system, permitting the appearance of new actors, it was also marked by a voluntarist, short-term logic that had the unintended consequence of weakening the parties, thereby dismantling the structure of political representation. The second wave has managed to put the issue of inclusion of traditionally relegated sectors at the center of the institutional debate, but their incorporation into the political arena occurs in the context of a weakening of the opposition and autonomous institutions vis-à-vis the existing powers, which has meant that the construction of new political regimes tends to consolidate personalistic powers and authoritarian practices.

1. Introduction

Over the past three decades, in the Andean countries in particular, we have been undergoing an intense process of institutional reform. If we take approval of new constitutions as an indicator of these reforms, we find the recent cases of Bolivia [2009] and Ecuador [2008] and, in the previous decade, the cases of Venezuela [1999], Ecuador once again [1998], Colombia [1991], and Peru [1993]. Apart from that, there have been a number of reforms to the constitutions of all those countries, changes in the electoral systems and in the organization of the state [decentralization policies in particular], the adoption of different mechanisms of citizen participation and direct democracy, and the recognition of rights of traditionally excluded sectors1. The idea has taken root in the minds of our countries’ elites and, at times, also of the citizenry, that many of the ills of our political representation have stemmed from the existence of bad institutional designs or from the conservative or undemocratic nature of those designs, the conclusion being that we could solve the legitimacy problems of our political systems by undertaking reform processes of different kinds.

---

1 For overall visions of constitutional changes see Bejarano and Segura [2007] and Negretto [2009]; indigenous rights, Van Cott [2004 y 2003]; and decentralization, Daughters and Harper [2006], among others.
Here we postulate that bad designs do, in fact, do damage and that we have suffered from this ill to some extent, but that, often, the problems have not been the institutions but the performance of the actors. Moreover, it could be that some reforms are on the right track, but do not always produce the expected results, either because they adopt a short-term or voluntarist approach, because they are contradictory and partial in nature, or because institutional reform is just one of the many things that need to be done. Reforms need to be accompanied by the development of capacities for implementing what has been designed, for actors to adapt to the new rules, for informal institutions and historical traditions to be superseded, and for them not to undermine but strengthen pluralism and political equilibriums to avoid weakening party systems and bringing about their collapse or consolidating authoritarian leaderships.

In recent decades, we have found two distinct periods and types of reform: first, reforms whose core objective was to broaden representative democracy, recognize a broader range of citizen rights, and open up spaces of political representation. To a greater or lesser degree, the reforms aspired to open the gates of the political system to new social and political forces, thereby seeking to solve the political system’s legitimacy problems in a context of the fatigue and crisis of a state-centric model or attempts to implement a market-oriented model. To that end, both options resorted to constitutions that were completely replaced or partially reformed or laws that substantially altered the functioning of the political regime were passed; different types of citizen participation were promoted; electoral systems were modified to make them more proportional for electing congress; personalization of the vote was favored in a bid to counteract the weight of party leaderships; and decentralization of power was promoted via the constitution of subnational governments elected via the ballot box, among other reforms.

Despite the depth of these reforms, they did not produce the expected outcomes. In the midst of the adoption of and attempts to consolidate neoliberal reforms, the problems of legitimacy became more acute, and we come to a second wave of reforms, marked by attempts at founding a new political order by new emerging actors who capitalized on citizen discontent portraying themselves as individuals who had nothing to do with and were opposed to the traditional political world, proclaimed as corrupt and elitist. While these reforms managed to focus the institutional debate on the issue of the inclusion of traditionally relegated sectors, this has occurred in the context of a weakening of pluralism and basic political balances, as a result of which another problem has arisen: the establishment of regimes with strong authoritarian components, both rightwing and leftwing. So a kind of plebiscitary dynamic has been created, in which presidents have high levels of popularity and are competitive in the electoral arena, circumstances they use to legitimize initiatives that weaken the autonomy of the institutions and strengthen caudillistic components via the ballot box. That is why recourse has been made to the mechanism of appealing to the sovereignty of the people expressed in constituent assemblies rather than following reform procedures established in the existing institutional order. The purpose of founding a new order, on new bases, is expressed in new constitutions that present a series of new institutions that are difficult to implement.

In places where it has been possible to achieve minimum political equilibriums and a degree of opposition presence, a truly democratic dynamic has been preserved in the midst of the attempt to refound the established order. It is worth pointing out here that this is equally true for rightwing and leftwing governments. In the case of Colombia, the Constitutional Court prevented President Uribe from continuing
along a somewhat similar path to that of other Andean countries with leftwing governments. This did not occur with the Fujimori administration in Peru in the 90s, and today, Peru, together with Colombia, seem to be opting for a path of partial reforms of the political system, but in a different direction from that of the past: they are reforms that, rather than opening up the system further, seek to institutionalize it and put it in order. The challenge here is to avoid falling into a dynamic perceived as being elitist and conservative, which reduces democracy to its electoral dimension alone without incorporating a democracy of citizens.²

As we have seen, in the Andean countries, an extensive series of institutional reforms has been implemented, in two distinct phases: in the first, within a context of the collapse of state intervention policies and the implementation of policies of adjustment and structural reform with serious political costs, the actors of the party systems promoted reforms whose chief characteristic was that they sought to open up political systems; and the second stage is being promoted by new emerging actors who aim to establishing a new political order, presenting themselves as leaders uncontaminated by traditional politics. Let us take a close look at each of these phases.

2. The first reformist wave: democratization of the party system

Even though they come from different historical backgrounds, the Andean countries faced similar problems that gradually eroded the legitimacy of their political systems, which gave rise to the need to reform the system of representation. Countries such as Ecuador, Peru, and Bolivia do not have a long democratic tradition and had military dictatorships until “third wave” democracies³ were installed with presidential elections in Ecuador [1979], Peru [1980], and Bolivia [1982]. Venezuela and Colombia also had democratization processes, although they took a very different path, as they did not emerge from military dictatorships but from tightly closed party systems that functioned by restricting political competition and limiting spaces for minority groups [the Pact of Punto Fijo in Venezuela, under which power was shared by Acción Democrática [AD] and the Comité de Organización Política Electoral Independiente [COPEI]; and the Frente Nacional in Colombia, a political and electoral coalition of liberals and conservatives, which meant that they presented single candidates and also shared the exercise of power].

These political systems went into a legitimacy crisis in the context of exhaustion of the state-centric model and implementation of structural adjustment policies and a neoliberal model, which prompted the search for legitimacy through political reforms⁴. In the case of Venezuela, we refer to the reforms of the Presidential Committee for the Reform of the State [COPRE] in 1984 and the institutional reforms of 1993; in the case of Colombia, to the decentralization reforms of 1986 and the 1991 constitutional reform; in the case of Bolivia, to the reforms of citizen participation and decentralization, the modifications to the constitution, and the changes to the electoral system during the Gonzalo Sánchez de Lozada administration; in the case of Ecuador, to the reforms of the 1990s and the 1998 Constitution; and, finally, in the case of Peru, to the reforms of decentralization at the end of the 1980s, interrupted by the early appearance of the phenomenon of

---

² See UNDP [2004 and 2004a].
³ Huntington [1993].
⁴ See Garretón et al [2003] and Tanaka [2006].
Fujimori’s anti-political personalism, which was to be later repeated throughout the region.\(^5\)

### 2.1 Venezuela

From 1958, the Venezuelan political system appeared to be relatively stable, unlike other Latin American and Andean countries where there were constant military interventions. The Pact of Punto Fijo implied a political commitment that allowed the two main political parties, AD and COPEI, to compete for but also share power. As Combellas states in another chapter of this publication, the loss of legitimacy of the Venezuelan political system based on this Pact started to happen in the early 1980s, when the state-centric economic model went into crisis. Discontent grew in the face of the government’s inability to satisfy the population’s needs in a context of economic crisis combined with an extremely rigid political party system that did not offer viable political alternatives. This *party petrification*, as Combellas calls it, combined with the cited economic crisis, which was hitting Venezuelan society hard [a society that had been enjoying an exceptional period of economic growth], was to lay the foundations for the emergence of anti-politics and personalism in the next decade.

As a result of this period of crisis, consideration started to be given to the need for a series of political reforms that would be able to breathe fresh life into the party system and break with the traditional “particracy.” The growing public debt, which had shown up the deficiencies and corruption in the state apparatus, helped to create a “reformist period,” and, as a result, in 1984, President Lusinchi, who had given reform of the state priority on the government agenda, set up the COPRE, whose main objective was to come up with proposals for reforming the democratic system. COPRE’s recommendations aimed at deepening democracy inside the political parties, the direct election of governors in federal entities, the creation of the office of mayor in the municipalities and election of its incumbent by the people, as well as the use of a mixed formula [districts where election was by a majority vote and representatives elected by proportional representation].

So, 1989 saw the launching of the political decentralization process with the first direct election of governors and mayors. From that point on, the features of a party system in a process of transformation began to be apparent, as new leaders emerged in regional spaces as well as new alternative groups to AD and COPEI, giving the impression that the characteristic two party system would evolve into multipartidism. However, as we know, things turned out very differently. To a large extent, the problem was that the emerging leaderships failed to achieve a presence in the midst of vertical and hierarchical structures, which gave rise to mistakes on the part of the leadership in decisions that at the time made the system highly vulnerable. This explains the results of the 1998 elections that took Chávez to power. At those elections, AD, COPEI, *La Causa Radical* [LCR], and *Movimiento al Socialismo* [MAS] all took bad campaign decisions and suffered internal divisions, which facilitated Chávez’s victory. Even so, Chávez did not have a majority in congress, which meant that his consolidation in power was still uncertain.

\(^5\) On these issues, see Tanaka [2010].
2.2 Colombia

Another strongly institutionalized and stable party system that went into a profound legitimacy crisis and was transformed with the first reformist wave was the Colombian party system. Between 1958 and 1974, the political system was based on the conservative-liberal coalition called the Frente Nacional, which established the alternation of the two parties in government for nearly two decades. For a long time, Colombian democracy was characterized by relative political stability and limited party competition, which encouraged the development of antisystemic alternatives, more so than in Venezuela. In the mid-1980s, however, the widespread perception was that the political system was suffering from excessive immobility, which started to affect the legitimacy of the entire system.

As Pachón points out in this publication, the problems of the stepping up of violence and the confrontation between the forces of order and guerrilla and drug-trafficking groups unleashed the perception among the people of instability and imbalance. Faced with a situation of a lack of security and a party system with problems of legitimacy, the general consensus was gradually formed that overcoming the social problems the country was facing necessarily implied a profound reform of the political system that would allow the emergence of new political forces. As a consequence, we have the passing, in 1991, of a new Constitution that basically sought three things: to strengthen the path for broadening representation; to consolidate the decentralization process started in 1986 with the popular election of mayors; and to limit presidential powers, which it was thought granted many prerogatives that permitted the abuse of power.

These institutional changes largely achieved their mission, according to Pachón, in that they managed to increase the participation of new political movements on the local and national levels. In point of fact, the 1991 reform was a break with the previous regime as the branches of government saw their powers reduced and an end was put to the arrangement of political proportionality in government, which previously established a balanced representation between the first and second party forces. The strength of the opposition was thus restored, which had the effect of broadening the powers of congress and giving it greater independence. The judiciary was also strengthened, thus stimulating constitutional checks and balances. The power of the president was also curbed as a result of the increase in the number of elected posts, which meant that governors were no longer appointed by the president.

In general, the 1986 decentralization reform and the 1991 constitutional reform lead to important changes in the Colombian political system; however, with the reduction in the requirements for forming political parties and the weakening of the party elites, the Colombian system started to show worrisome levels of fragmentation. At the same time, the problems of violence associated with the forces that had risen up in arms did not lessen, which opened up the possibility of new leaderships, legitimated by the emerging “firm hand” discourse.

2.3 Bolivia

Between 1985 and 2002, Bolivia had a representative democracy built around the role of the political parties, which, through parliamentary and government coalitions, gave rise to a scheme of governance that lasted for nearly two decades. This “pacted democracy” functioned on the basis of agreements among the main party forces [Movimiento Nacionalista Revolucionario – MNR, Movimiento de
Izquierda Revolucionaria – MIR, and Acción Democrática Nacionalista – ADN], as a result of which it was important to have a constitutional rule that required that the president be elected in congress in the event of failure to obtain the absolute majority of votes at the popular election.

The Paz Estenssoro administration implemented a program of neoliberal reforms, in order to deal with an extremely grave crisis of hyperinflation, that had high social costs, which called the legitimacy of the political system into question. Given that the market-oriented adjustment policies and reforms were implemented under a coalition government, this generated the image of an excluding “particracy” that was far removed from social interests. This legitimacy deficit was expressed, for example, in 1990 with a mass march, the “March for Territory and Dignity,” in which indigenous peoples took part, a segment of the population that has since emerged as an important social and political actor. The appearance of new personalist parties, such as Conciencia De Patria [CONDEPA] and Unión Cívica Solidaridad [UCS], was another manifestation of this discontent and symbolized the demand for a renewal of the political elites.

Given the demands for broadening participation and the search for greater political representation, as Mayorga points out in this publication, the first constitutional reforms were to extend the right to vote to people over the age of 18, the incorporation of uninominal deputies in the Lower House [maintaining elected deputies using a criterion of proportionality], and the election by congress of the president and vice president from between the two candidates with most votes [not three as previously]. Other subsequent reforms that also aimed to improve representation of the political parties were the Quotas Act [1997], which established quotas for the inclusion of women in the candidate lists; the Political Parties Act [1999], which aimed to promote democracy within the parties and state financing for election campaigns; and the changeover from a system of proportional representation to a personalized mixed system [1994]. One of the most significant reforms aimed at strengthening the participation of social forces in decision-making through the Popular Participation Act. This law, enacted in 1995, established the popular election of mayors and municipal councilors, permitted the participation of independent candidates, and favored the proliferation of political forces on the subnational level, as well as the gradual personalization of political representation. This phenomenon is extremely important for understanding the transformation of the party system that would later give rise to the indigenous and coca-growers’ movement on which the Bolivian Movimiento al Socialismo [MAS] would be built.

The emergence of the indigenous and coca-growers’ movement occurred at the 1995 municipal elections and the 1997 congressional elections. As Mayorga put it, “the political reforms of the nineties created the political and institutional conditions for the emergence and leadership of the peasant and indigenous movement by means of their own political organizations.” In general, the first democratizing reforms had a significant impact on the opening up of the political system; however, these important reforms promoted during the Sánchez de Lozada administration were followed by problems of legitimacy and street protests. The explanation of this phenomenon needs to be sought in the combined effects of the 1998-2002 international crisis and the inability of the parties to adapt to the new conditions of political competition. Popular protests against neoliberalism and the particracy reached their climax with the fall of the Sánchez de Lozada administration in 2003. The results of the 2002 presidential elections made it quite clear that voter support for the traditional parties had declined and how some movements such as the MAS –which came in second- had grown. Sánchez de
Lozada’s election was based on the weak coalition between the MNR and the MIR and had to confront a very strong coalition headed up by the MAS, which proposed nationalizing the economy and calling a Constituent Assembly. As Mayorga points out, this was proof that the government parliamentary majority, “which had previously been a sufficient condition to ensure governance, was no longer able to produce either political stability or effectiveness in the decision-making process.”

2.4 Ecuador

Since the return of democracy in 1979, Ecuador’s party system has been characterized by high levels of fragmentation that gradually seemed to shape the bases of a system upheld by four main actors: Partido Social Cristiano, Democracia Popular, Izquierda Democrática, and Partido Rodolsista, which were joined in the second half of the 1990s by the Pachakutik Movement and Álvaro Noboa’s Partido Renovador Institucional Acción Nacional [PRIAN]. The first reforms of the 1979 Constitution occurred between 1983 and 1986 and modified congressmen’s term in office and introduced a majority electoral system. Other changes were proposed but not approved in the numerous popular consultations that were held. Given the political system’s legitimacy problems, the response of the actors was political reform, following a logic of favoring a more open, progressive approach but that, in the end, introduced even greater disorder into the political system. In this regard, there were two key reforms: in August 1994, during Durán Ballén’s term in office [himself a dissident of the Partido Social Cristiano], the nomination of independent candidates and the reelection of candidates were approved by referendum; and in May 1997, after the fall of President Bucaram, the personalized system for the election of members of congress based on open lists and the possibility of electing several candidates from lists were introduced, also by referendum. As Pachano points out in this publication, the key feature of this period was institutional reformism, in other words the constant modifications to the rules of the game. This reiteration of reform finally revealed itself in the calling, in 1997, of a Constituent Assembly that was entrusted with producing a new Constitution, apart from the successive reforms that congress had undertaken on its own initiative or in response to government proposals.

The 1998 Constitution tried to address the problems of instability and governance by strengthening the president vis-à-vis parliament through measures such as eliminating congress’s powers to remove government ministers and granting the executive greater prerogatives in drawing up the government budget. As for the problems of legitimacy, the Constitution sought to follow the logic of expanding and recognizing citizen rights, in particular incorporating the demands for inclusion made by the indigenous population lead by the Pachakutik Movement, so establishing the recognition of collective rights and the plurinational nature of the nation. However, despite this continuous, profound process of reforms, as Pachano points out, the problems were not solved, in part owing to the partial and contradictory nature of the reforms and, in part, because the problems of representation are not only [and possibly not fundamentally] explained by institutional problems. Account also needs to be taken of the performance of the actors.

2.5 Peru

A characteristic of Peru’s in the 1980s was that it had an incipient party system based on four main organizations -Partido Aprista Peruano [PAP or APRA], Acción Popular [AP], Partido Popular Cristiano [PPC], and Izquierda Unida [IU]- with an
ideological and polarized dynamic. These parties were criticized for their inability to respond to the economic crises and terrorist violence. Since they were in a very early stage of institutionalization, in Peru the dynamic of anti-politics and personalization of politics typical of the following decade emerged as a response to highly flexible parties, as opposed to excessively institutionalized parties as in Venezuela or Colombia or a logic of pacts, as in the case of Bolivia; nor did it go through an intense reformist logic, as happened in Ecuador.

The legitimacy problems of the political parties became greater towards the end of the 1980s. However, for the 1990 elections, the most likely scenario was one of a highly polarized competition between a large rightwing front, the Frente Democrático [FREDEMO], and the leftwing front, the IU. There was nothing to indicate the final outcome. This apparent representative strength of the parties meant that, until then, the issue of the need to undertake institutional reforms had not been on the agenda as such in Peru, unlike what happened in other countries. What does need to be highlighted is the decentralization and regionalization initiative promoted towards the end of the Alan García administration, which started the process of forming regions and elected regional authorities. It seems clear that García embarked on this process, as did other authorities in similar contexts, seeking political legitimacy through an institutional change in a context of acute economic problems. However, this process was cut short by Alberto Fujimori’s “self-coup” [1992], which dissolved congress and the regional governments, the latter being replaced by transitory regional administration councils [CTARs after their initials in Spanish] with government officials designated by the executive. Fujimorism, as we will see, established a totally different reformist logic.

3. The second reformist wave: the foundation of a new the political order

Generally speaking, what motivated the reforms that occurred during the first stage was the need to address the problem of the political system’s legitimacy and representation by adopting changes that would open up the party system to the participation and inclusion of new political social forces; and the actors that promoted them were the traditional parties themselves, seeking to recover legitimacy in the eyes of the citizenry. On this issue, Mayorga mentions in this publication that the reforms of the first broadening of democracy in the case of Bolivia were the result of the intentions and decisions of institutional actors; the reformist impulses came “from above” because politics was relatively confined to the party system. In the case of Colombia, Pachón asserts that the new 1991 Constitution occurred because the traditional parties, Partido Liberal and Partido Conservador, part of the pact of political alternation that the citizenry was challenging, reached the conclusion that there was a need for reform. In Ecuador, the 1998 Constitution was not a consequence of pressure from a disruptive force; whereas the reforms of 1994 and 1997 had already permitted the appearance of new actors, such as the Pachakutik Movement, the Constituent Assembly moved following a logic of relatively broad multi-party negotiations. In the majority of the countries, these reforms were successful in modifying the party system, which ceased to be made up of traditional actors with a conservative dynamic. The problem was that we arrived at new compliant, instable systems with higher levels of fragmentation; a system with traditional actors in crisis alongside new forces still in the process of formation.

In this framework, there was a second wave of institutional reforms, of a clearly different nature. This time the initiatives came from new emerging actors who
presented themselves as having nothing to do with the traditional political system, capitalizing on people’s feelings of disgust and discontent with all the actors available up until then. This helps to understand why their consolidation has meant the collapse of the party system. Understanding this process requires understanding that these were solutions to situations of economic crisis and that, apart from that, the emerging actors benefited in two ways from the reforms undertaken in the previous stage: because they weakened the traditional parties’ capacity to respond to the new challenges, and because they allowed the emergence of new players who opposed those parties. Last of all, understanding the consolidation of the new leaderships requires considering highly contingent elements: the political capacity of the new leaders to take advantage of the opportunities offered them, in particular favorable economic situations that allowed them to legitimize their leaderships.

3.1 Peru: Alberto Fujimori and competitive authoritarianism

At the 1990 elections in Peru, Alberto Fujimori unexpectedly won the presidency, presenting himself as an outsider, someone who was not “contaminated” by traditional politics. His interests rapidly came into conflict with actors and institutions that limited his power: his political group, Cambio 90, was new and inexperienced, had a minority in congress, and did not have the political backing or allies in other state institutions. What Fujimori did have was ample approval among the general public owing to his success in halting the hyperinflationary spiral. Fujimori used his popularity to create a plebiscitary dynamic in which the opposition and existing institutions, presented as being out of date and corrupt, turned out to be a hindrance that was preventing the consolidation of the path taken. So he opted for a “self-coup” [April 1992], by breaking the constitutional order in the midst of broad citizen support. In response to international pressure, he started on a process of democratic “normalization,” which involved the election of a “Democratic Constituent Congress” [CCD] - a chamber that exercised the functions of congress and Constituent Assembly simultaneously and from which the 1993 Constitution emerged [approved by referendum] and general elections in 1995. The CCD had an overwhelming “Fujimorist” majority, which made it possible to radically change the rules of the game. The 1993 Constitution reflects a critical attitude towards the institutions of liberal, party-based, representative democracy that was expressed in the changeover from a bicameral congress [180 deputies and 60 senators] to a unicameral congress with 120 representatives and also in the adoption of a wide range of participative and direct democracy mechanisms. So the changeover was made from a “false democracy” based on a “particracy” to a “true democracy” based on citizen participation. The attempt to found a new political regime also extended to the reorganization of other branches of government, such as the judiciary and the electoral authorities.

However, the fact that these institutional changes occurred in the context of a loss of force by the opposition, a weakening of institutions’ autonomy vis-à-vis the executive branch, and the establishment of Fujimorism as a hegemonic actor rapidly favored the development of authoritarian tendencies and corrupt practices. All this gave rise to the birth of a new form of political regime, which combined significant popular support, endorsed at the polls, the formal existence of democratic institutions, and practices typical of an authoritarian regime, including selective forms of repression and intimidation of opponents, as well as the widespread use of the state in favor of the President’s interests. This form of

---

6 On party collapses, see Tanaka [2010]; Hawkins [2001]; and Morgan [2009].
political regime has been classified as “competitive authoritarianism.” Taking the situation in perspective, it could be said that, since Fujimori, a fairly well defined pattern has been established in the Andean countries: presidents who come to power by criticizing traditional politics, acting on behalf of excluded sectors or unrepresented interests or demands; who then gain legitimacy by achieving a degree of stability or economic recovery or successfully solving society’s pressing problems; and who confront the boundaries that have been set by the opposition and institutional autonomy by calling constituent assemblies, which allow them to build up majorities thereby refounding the political order under their political hegemony. Last of all, as power is personalized and concentrated in the executive, institutional independence is lost and the opposition is weakened, serious problems of authoritarianism and corruption arise, which call into question the advances made in the political mobilization and incorporation of sectors that were previously subordinate.

As we will see, the cases of Fujimori in Peru, Chávez in Venezuela, Morales in Bolivia, Correa in Ecuador, and Uribe in Colombia, each with its peculiarities, all come close to this pattern, which seems to go beyond the left- or right-wing tendency of the governments.

3.2 Venezuela: Hugo Chávez and “21st century socialism”

The second period of reforms started in Venezuela in a political scenario that was vastly different from the previous one. The elections showed the growing importance of new party groups, such as Convergencia Nacional and La Causa R; on top of that the traditional parties of puntofijismo had been hit hard by the economic crises of the 1980s. In this scenario, in which Venezuela seemed to be headed towards a kind of moderate multi-party system, Hugo Chávez won the 1998 elections with a political proposal that called on the refounding of the country [the construction of a “Fifth Republic”] by means of drastic social and political reforms. At the start of his first term in office, the construction of political hegemony was based on Hugo Chávez’s personal charisma and his direct relationship with the popular sectors. Chávez did not have the majority in congress, but shortly after reaching the presidency he called a referendum in order to, in turn, call a National Constituent Assembly. In both cases, he obtained a clear majority, which allowed him to lay the foundations of a new order, in which what was paramount was the invoking of a democracy where the participation and leading role of the people were key elements, to the detriment of a party democracy. The new Constitution includes issues such as the creation of a citizen branch and an electoral branch, the creation of mechanisms of citizen participation such as recall referendums and legislative initiatives, and the expansion of the role of the state in the economy, among other things. According to Combellas, in practice, this meant the gradual imposition of hegemony over the state and the use of new tools afforded by the Constitution for concentrating power to serve the purposes of the person governing the country.

Despite the fact that the spirit of the Constitution was federalist, the exercise of government distorted that orientation and ended up subordinating the decentralized structure via the planning and disposal of centralized resources. Moreover, even though the Constitution placed emphasis on participation, in practice, the government omitted to activate the mechanisms provided for that

---

purpose and submitted them to Chávez’s charismatic leadership, characterized by a relationship with society that involved no mediation and sustained by welfare-type programs such as the “missions.” All this demonstrates that formal institutions, the letter of constitutions and of rules in general are not determining factors when it comes to actors being held accountable for political practices or their performance.

The outcome of this process was the construction of a clear hegemony that the opposition did not manage to cope with. Via control of congress, other branches of government were intervened and reorganized, seriously restricting any space of autonomy vis-à-vis the government, using enabling laws [1999, 2000, and 2007] to introduce reforms at discretion. These trends have become more marked during Chávez’s latest term in office [2007-2013], the idea being to complete the construction of the so-called “21st century socialism.” To that end, a constitutional referendum was called [2007], in which a proposed constitutional reform was submitted for approval, the main contents of which were the extension of the presidential term and indefinite reelection, but it was rejected by the majority of the people. Shortly afterwards, Chávez managed to get an “enabling law” passed by congress, introduce decree-laws on issues that had been rejected in previous referendums, such as the creation of regional authorities placed above governors and mayors, and the creation of the Bolivarian militia, which is in conflict with the military institution, to name but a few. All this provides yet further proof that the executive branch continues to dominate the other branches of government, forming a kind of “hybrid” regime.

3.3 Bolivia: the delicate balance between government and opposition

In Bolivia, after a period of severe crisis in the context of fatigue of the “pacted governance” model [2000-2005], we come to another period of reform under the hegemony of MAS and the leadership of Evo Morales, who achieved political majorities never seen before in Bolivia’s history. This period found expression in the calling of a Constituent Assembly, the subsequent approval of a new Constitution in January 2009, and the holding of general elections in December 2009, whose results gave the victory to MAS and Evo Morales, who was reelected.

The Evo Morales administration had a clear majority, as a result of the collapse of the party system that had existed for nearly 20 years. However, the opposition managed to regroup under the leadership of regional movements and their demands for autonomy. Unlike what happened in Venezuela, this forced the government to establish some balances and strike deals with the opposition. For example, the Constituent Assembly and congress were in session simultaneously and this maintained certain institutional spaces; the approval of the new constitution went through a major process of negotiation, as did the features of the new electoral system, which managed to maintain a proportional logic that permits the representation of the minorities in congress, a circumstance that definitely limits the risks of an authoritarian dynamic becoming entrenched, even though MAS’s hegemony in a context of founding new institutions makes the development of autonomous and independent logics extremely difficult.

As Mayorga points out, the political reform was marked by the debate on the new Constitution, where there was considerable pressure from indigenous organizations and regional authorities. The indigenous demands were translated into the recognition of collective rights within the scheme of a multinational state and the regional demands into the proposal of decentralization using the formula of
departmental autonomy. Even so, there are still many issues that have to be defined: at this time, the laws that will provide the definitive outline of the state model and political system are being formulated, the great difficulty being the transition from declarations of principles to their practical implementation.

In this context, it is crucial that a path of dialog and basic agreements between government and opposition and among the authorities at the different levels of government be followed: whether Bolivia veers down an authoritarian and polarizing path or moves ahead with the construction of a political regime that is effectively more inclusive will depend on its maintaining these equilibriums.

3.4 Ecuador: Rafael Correa and the “citizen revolution”

In general terms, the crisis in Ecuador’s party system became more acute between 1998 and 2002 and the problems of governance continued. The short-term and contradictory nature of the institutional reforms, the impact of the economic crisis [particularly harsh in 2000, with the fall of President Mahuad], and the poor performance by the government and the institutions resulted in the coming to power in 2003 of an outsider with an anti-political discourse, a scenario that already had a precedent in the term of Abdalá Bucaram, also interrupted, in 1997. Lucio Gutiérrez did not manage to remain in power either and fell in 2005. It looked as though this history of instability would repeat itself yet again with the 2006 elections. Rafael Correa’s Alianza País won these elections in a second round [56.7% versus 43.3%], after coming in second in the first round, with 22.9% of the votes, behind Álvaro Noboa’s Prian, who obtained 26.6%. The strange thing is that Correa’s campaign explicitly launched the idea of doing away with the political order in place until then and calling a Constituent Assembly, which is why his movement presented no candidates to congress.

The emergence of Alianza País [AP] in 2007 was possible with the strategy of confrontation that Rafael Correa chose when he found that he had no representatives in congress, unconstitutionally removing 57 deputies and forming an alliance with the 57 alternates to make the calling of a Constituent Assembly viable. But once in power, Correa called a referendum in order to install a Constituent Assembly, which was approved, and at the subsequent elections AP obtained an overwhelming majority that allowed it to consolidate its hold on power. The new Constitution approved by the Constituent Assembly introduced imbalances in the relationships among the branches of government; for example, it reduced the functions of the legislature by suppressing its faculties for censuring ministers in the presidential cabinet and its ability to influence the national budget. Another imbalance was the establishment of “muerte cruzada” or “reciprocal death,” which consists of either the executive or the legislature being able to remove the other, in which event both would be required to immediately call presidential and legislative elections. However, in the case where the president dissolves congress, he would remain in office governing by means of decree; whereas if the legislature were to dissolve the executive an equivalent arrangement would not apply.

Even so, in Ecuador, they have not gone to the extremes reached in Venezuela, since AP, while it is the preponderant force, faces a sizeable opposition both in congress, elected in 2009, and on the regional and local levels, confirming the

---

8 On the problems of building and implementing the new regime, see Gamboa [2009 and 2009a]; and Ferrufino and Garcia [2008], among others.
importance of maintaining pluralism and the basic equilibriums for the functioning of a democratic dynamic9. An analysis of the Colombian experience with Álvaro Uribe confirms this and a comparison of the two experiences is most revealing.

3.5 Colombia: Álvaro Uribe and his frustrated second reelection [and post-Fujimori Peru]

In Colombia, following the reforms marked by an opening up on the political front and of which the 1991 Constitution is an emblematic example, the unexpected outcome that had to be faced was the increase in political fragmentation manifested both in the proliferation of candidatures and parties and in the splintering of the traditional parties. On the other hand, the dynamic of violence and the weakness of the state that prevented it from imposing the rule of law throughout the country became increasingly acute. This combination of fragmentation and weakness of the state, which was exploited by illegal extra-systemic actors, gave rise to a dynamic marked by particularism. As Pachón comments in this publication: “given the fragmentation within the political system, which mushroomed with decentralization, the possibility of dual party membership, and fewer requirements for the establishment of parties, interdependence continued and became more particularist. And this particularism did not just mean negotiating with the president, but also with the other major actors on the Colombian stage: armed actors, drug traffickers, interest groups.”

This situation gave rise to persistent criticism of the political system, resulting in the 2003 electoral reform, which followed a different logic from the “opening-up” logic that had prevailed until then. The new approach sought to organize and institutionalize that opening-up process and to recover the centrality of the political parties, reducing personalism and the proliferation of candidate lists. The main elements of the reform were the establishment of an electoral threshold, the allocation of seats in parliament using the D'Hondt formula [distribution figure] instead of the Hare formula, which favors the bigger parties, and just one list per party with a preference vote [previously, each party could present an unlimited number of lists]. These reforms produced satisfactory results in that they managed to impose order on a chaotic electoral system, promote the coordination and grouping of lists and, ultimately, foster the strengthening of the parties. To be more precise, the threshold that imposed a minimum percentage of votes for winning a seat in the senate and congress reduced the number of parties that entered the senate at the 2006 elections by half, and the introduction of the distribution figure system for converting votes into seats created incentives for groups not to run separately10.

These reforms established a clearly different trend from the logic with which the Uribe administration functioned, its exercise of power marked by an anti-political rhetoric and authoritarian traits. As happened in other cases, Uribe called referenda on a number of occasions, but with the intention of seeking to restrict the roles of the parties and the opposition, close congress, and restructure the political order on other terms. He did not manage to do this, the reasons being that Uribe was never interested in building up a strong party with mobilization capacity

---

9 On Correa and the recent institutional reforms, see Andrade [2009 and 2009a], among others; Basabe [2009]; Freidenberg [2009]; Grijalba [2009]; Jaramillo [2008]; León [2009a and 2009b]; Machado [2007]; Montúfar and Bonilla [2008]; Pachano [2009 and 2007]; and Rodriguez [2007].
[it was also a victim of political fragmentation], the relative response capacity of the opposition, and the weight of institutionalist traditions in Colombia. Even so, he managed to get a constitutional reform approved that permitted his reelection in 2006. The imbalance of powers in favor of the executive was expressed in the latter’s power to define the legislature’s agenda or achieve the appointment of key government officials without going through other authorities [such as Banco de la República, the National Judiciary Council, and the Judiciary; see Botero et al. 2010]. With an eye on the 2010 elections, the government proposed the holding of a referendum to approve a further reelection of President Uribe. This could have definitely broken the dynamic of institutional balances and government-opposition relations, already strained in recent years. But in the end, even though President Uribe had overwhelming public support, the Constitutional Court decided against the constitutionality of the referendum and blocked the reelection, a decision that was accepted by the president. This is worth highlighting because, in other Andean countries, popular presidents disregard court decisions or the decisions of congress and move ahead with their plans.

So, it seems that the risks of a dynamic of concentration of power and authoritarianism have been avoided in Colombia, for the time being. The problems of a political system perceived as being conservative, the weakness of the state when it comes to imposing the rule of law, and an electoral democracy that does not adequately express the citizen dimension of democracy persist, however. As we are touching this point, it is worth commenting briefly on Peru’s recent situation.

As we have seen, Fujimorism became a type of authoritarian regime, a competitive authoritarianism. Despite having considerable popular support, the government’s growing arbitrariness and corruption, along with the 1998-2002 international crisis, reduced its popularity, a situation that was reflected in the controversial and fraudulent second reelection in 2000. Shortly after the start of the government’s third term, out of the blue and due more to internal contradictions and international pressure than to the strength of the opposition, Fujimorism collapsed, thus opening up a period of “democratic institutionalization,” which we could say encompasses the administration of President Paniagua [November 2000-July 2001] and part of the Alejandro Toledo administration [2001-2006]11. During this period, a series of somewhat contradictory institutional reforms was implemented: some sought to institutionalize the party system, raising the barriers for entering the political system, while others sought to expand spaces of participation in the sub-national and local spheres, with the impetus towards political decentralization as the outstanding feature. This ambiguity could help to understand the present situation, marked by a resurgence of some traditional political parties [such as APRA, currently in power] and, at the same time, by high levels of fragmentation and volatility. All things considered, Peru has been characterized so far, as has Colombia, by a situation of relative political uncertainty in which institutional continuity predominates, for the time being. With the present Alan García administration [his second], the challenges still imply imposing order on a chaotic system of representation with highly precarious actors while, at the same, time addressing the acute problems of legitimacy being experienced by the political institutions, which, according to a number of indicators, rank among the lowest in the region, as Grompone and Barrenechea point out in this publication12.

---

11 On Fujimorism, his fall, his legacy, and the subsequent transition, see Tanaka [2005 and 2001]; Carrión, ed. [2006]; Lynch [2009]; and Adrianzén [2009].

12 On these issues, see Vergara [2007]; Kenney [2003]; Meléndez [2009]; and Tanaka [2010 and 2009].
4. *By way of conclusion: neither electoral democracies nor authoritarian personalisms*

This overview of the Andean countries suggests that not undertaking reforms or continuing with a conservative logic poses problems of legitimacy and that addressing those problems by the foundation of a new political order poses problems of concentration of power and authoritarianism. At the present time, it could be said that, depending on the path they have chosen, some Andean countries are enjoying the advantages of stability and institutional continuity, but face the risks posed by becoming elitist democracies, whereas others have gained in legitimacy and social inclusion, but face the risks posed by concentration of power and authoritarian forms of exercising power. So, any institutional reform initiative in our countries should start by determining what kind of situation the country faces and asking ourselves how to go about securing the achievements obtained thus far and reducing the risks that present themselves.

There are countries -such as Venezuela, Bolivia, and Ecuador today- that have taken the path of "refounding" reforms that have limited political pluralism. In that situation, where the leadership of the president and the leadership of the government party become a hegemonic force and where the opposition loses the opportunity to make itself felt and to manage to establish minimal balances, the tendency is to fall into authoritarian and personalist forms. The key, then, is to preserve those spaces. The complex part is that the notion of equilibrium between government and opposition gets mixed up with the notion of institutional innovation, the notion that proposes building institutions that are open to participation and are truly inclusive, that incorporates traditionally relegated sectors into the political arena, and that, besides, decentralizes the state and brings it nearer to the people. In other words, these reforms are part of initiatives launched to weaken the opposition or the government, which are pushed forward depending the impacts it is calculated they will have on the correlation of forces; and that is an aspect that cannot be left out of the analysis.

Moreover, in countries such as Colombia and Peru, the questioning stems from the conservative nature of the institutions. While political institutions function within democratic limits and there is the undeniable merit of limiting or preventing initiatives that lead to a concentration of power from prospering, there is serious questioning as to whether the political order consolidates a system in which big interests of business, the media, traditional political groups, and other actors, concentrate and exercise power, limiting the possibilities of building a true citizen democracy. In Colombia, moreover, there are reports of the penetration of illegal forces with ties to paramilitarism and drug trafficking; in Peru, the proposal is for calling a Constituent Assembly to do away with the 1993 Constitution, drafted under the hegemony of Fujimorism, which will permit changes to be made in the economic policy that will admit more direct distributive logics.

So, depending on the path chosen by the countries, what this means is either deepening democratization and avoiding concentration of power or maintaining democratic equilibriums but without falling into elitist conservatism. Another important lesson that emerges is that, regardless of the reform path taken, the existence of sufficient state capacities to implement them and the consequent behavior of the political system's actors are of key importance if unexpected outcomes and unintentional consequences are to be avoided and the desired changes are actually to be achieved.
There are other elements that we feel are important to highlight. First of all, we wish to draw attention to the scopes and limitations of institutional reforms. Without a state capable of implementing and enforcing legislation and without political actors who take up the sense and spirit of the rules, the reforms will be innocuous or have unintended consequences that could even lead to situations that are worse than those we wanted to solve; they could lead us to reinforce informal institutions or practices such as clientelism. Not only that, the context and characteristics of the contest are so important that they can change the sense of a regime, even without a change in the rules. In Peru, the changeover from Fujimorism to a fully democratic regime did not need a change in the constitution, and in countries such as Venezuela, there is an authoritarian dynamic even though the letter of the 1999 Constitution does not substantially alter a representative regime.

Finally, analyzing the series of institutional reforms undertaken in recent years to date, we consider that, after journeying down this long path of change, the main problem is not so much the lack of reforms as the need to implement, regulate, put in order, specify, and fine tune the reforms that have been introduced and also, incidentally, to make corrections where necessary. While this is a thorny issue, given that it is not as politically attractive as the reformist logic, it is one that has to be addressed if these reforms are to bear fruit. Colombia with the 2003 reform, Peru with the law on political parties that same year, and the negotiations in the Bolivian Congress in October 2008 regarding the contents of the new Constitution are different examples of this approach. All our countries are going through a process of defining the final meaning of the reforms undertaken, which we hope will not give rise to a new wave of disenchantments and frustrations.

---

13 On this issue, consideration should be given to proposals such as Nohlen’s “contextualized institutionalism” [2006] and Helmke’s and Levitsky’s discussion of informal institutions [2006].
Bibliography


Andrade, Pablo, Democracia y cambio político en el Ecuador. Liberalismo, política de la cultura y reforma institucional. Quito: Universidad Andina Simón Bolívar. 2009


Ferrufino, Alfonso and Luis García, Configuraciones políticas en los departamentos de Bolivia. La construcción plural del nuevo campo político. La Paz: PNUD – IDEA Internacional. 2008


Hoyos, Diana, ed., *Entre la persistencia y el cambio. Reconfiguración del escenario partidista y electoral en Colombia*. Bogotá: Universidad del Rosario. 2007


León, Jorge, “Descentralización y autonomías en la Constitución de la Asamblea Constituyente de 2008.” In *Ecuador Debate* 75. 2009b


Pachano, Simón, La trama de Penélope. Procesos políticos e instituciones en Ecuador. Quito: Flacso. 2007


Tanaka, Martín, ¿En qué falló la ley de partidos y qué debe hacerse al respecto? Lima: IDEA. 2009


Tanaka, Martín, “Agencia y estructura, y el colapso de los sistemas de partidos en los países andinos.” In Torcal, Mariano, coord., Institucionalización de los sistemas de partidos en América Latina. Barcelona: Cidob. [At the printer’s]


Van Cott, Donna Lee, “Los movimientos indígenas y sus logros: la representación y el reconocimiento jurídico en los andes.” In América Latina Hoy 36, April, pp. 141-159. 2004

Social Movements, Democracy and Reforms in the Andean Region
Francine Jácome

Introduction

Countries of the Andean region have experienced different reform processes, the most recent of which was developed in the first decade of the 21st century. Earlier precedents can be traced back to the last two decades of the 20th century.

In the case of Bolivia, it has been pointed out that over this period, the fundamental issues were the defense of labor (Córdova 2009), where there has been a movement away from the predominance of unions and towards peasant and indigenous groups, together with citizens’ associations. Social mobilizations make demands on a weak state. Previously, movements had been strengthened through the introduction of neoliberal policies when social rights were being affected. Therefore, a larger organization emerged to confront the application of these policies, together with a closer relation with the political parties, thereby initiating a process of assimilation of social movements. In this sense, it seems that since 1990, social movements in Bolivia have experienced two fundamental moments: one of resistance and reconfiguration during the 90’s and another brought about by their own initiatives between 2000 and 2005. Previously, union movements and actions had been predominant. Since the 90’s, however, social movements started to put into practice different types of actions (marches, protests) and they migrated from the mining zones to rural areas and from there to the rest of the country. The content of the discourse also changed and the defense of natural resources and the need for a plurinational state began to replace issues such as the defense of labor and living conditions. Street mobilizations were replaced by the takeover of institutional spaces.

In the first case, a reform process came from the top downwards and confined the activities of social movements to issues of local development. This was embodied into the People’s Participation Act (1994), which generated a decentralization process and created new options for participation, which in the long term would strengthen peasant and indigenous movements until they burst onto the national scene. It is also important to note the fact that instead of restricting their actions to local issues, it led to the inclusion of national issues such as the defense of natural resources, the eradication of coca crops or the protection of indigenous territories. However, at that first stage, the state as such was never questioned. The coca unions and movements were working towards political participation through the establishment of political parties.

In the case of Colombia (Velasco 2009), the Constitution of 1991 was brought forward to try to advance changes to the Social State of Rights, which later became inoperable, thereby generating high levels of frustration amongst citizens. These changes sought to achieve greater political and economic democracy as well as the creation of new mechanisms of participation for different social actors. During this period, as in other countries of the region
such as Bolivia, the leadership role of union organizations was weakened. However, in contrast with other cases, the participation of peasant organizations was also reduced and a new leadership of social movements emerged, in which women's and human rights groups would play an important role.

Despite advances in terms of mechanisms of participation and a growing importance of local and regional governments, the decade in Colombia was marked by demands for further changes, especially regarding the serious problems of violence generated by drug-trafficking and insurgent groups, as well as by the accusations of complicity and corruption of national and local political leaderships in connivance with these groups (Pachón 2009). However, the reform proposals put forward in the 90’s came basically from this same leadership; in other words, they were initiatives generated “from the top”.

In the case of Ecuador (de la Torre 2009), the 90’s marked an important development in ethnic and women’s movements. The indigenous movement became the most important political phenomenon of the decade. Indigenous organizations were created around the idea of defending their lands, especially in the Amazon. Similarly, the indigenous organizations from the “sierra” were articulating ethnic and economic demands, and the Federation of Indigenous Nationalities of Ecuador (CONAIE) was established in order to coordinate their demands at national level. Also during this period, there were several Indian uprisings, which involved the blocking of roads and huge protest marches to the capital, as was happening in Bolivia.

In this sense, the indigenous movement is thought to have had a democratizing effect in Ecuador (de la Torre 2009), as it affirmed its presence and voice in different areas, and eventually brought about the recognition of the country’s plurinational, intercultural and multi-ethnic nature. In addition, the indigenous movement began to speak on behalf of different groups opposed to the neoliberal model. However, they also developed corporatist practices within their own ranks. Women’s groups demanded inclusion in all spheres of national life. An important point here is that their activities were often oriented towards the implementation of international agreements and regulations, which is why their agenda contains an important component which looks at world affairs.

As in the previous case, there was also a first stage of reforms with the Constitution of 1998, in which indigenous and women’s organizations played an important role. Meanwhile, the constituent process of 2007-8 evolved within the framework of weakened social movements and the predominance of the left, even despite the important role these movements had played towards the end of the 90’s in protests that led to the removal of two presidents (Bucaram and Mahuad). It also included the creation of an indigenous political party. Later, due to internal rivalries, the indigenous movement itself became weak, and this was followed by a momentary surge of a Quito-based middle-class movement which led to the removal of Gutiérrez. In this case, new mechanisms were used, in the sense that invitations to protests and marches were made through media such as mobile phones and a radio station, plus the important involvement of students.

As de la Torre (2009) mentions, the intervention of multilateral agencies also contributed to the weakening of the indigenous movement. These agencies
undertook ethno-development projects as a result of which the struggle for more general demands, such as rights and access to lands, fell by the wayside.

As was mentioned earlier, during this process which took place towards the end of the 90’s, the Constitutional Assembly was characterized by the participation of organizations that promoted the interests of social movements, especially those of indigenous and women’s groups. However, other sectors interpreted the new Constitution as a charter that defended neoliberalism and right-wing sectors.

In the case of Peru (Remy 2009), the 90’s were marked by the clientelist politics of Alberto Fujimori’s government and the establishment of a direct relationship between leader and people, as well as by a weakening of the intermediate institutions. Paramilitary commando groups were created to intimidate the opposition during a period in which society was fragmented and demobilized, and where the opposition was practically non-existent; in other words, it was a controlled society. In Peru, by the final years of the 20th century, practically all peasant and workers movements had disappeared. What is interesting about the Peruvian case is the boom in human rights organizations, which denounced not only government actions but also other armed activists.

In the case of Venezuela, the background of the constitutional reform of 1999 include the “Caracazo” of 1989 and the two attempted coups d’état of 1992. These events led to proposals about the need for political and constitutional reforms, which were not, however, heeded by the traditional political elite. This all happened despite the importance of the decentralization process which opened new channels of participation for citizens at local and regional levels.

But growing frustration towards the end of the 90’s caused a deepening of the anti-system sentiment and calls for a constituent assembly increased significantly. This demand is based on the notion that the need for changes in society would only be made possible through a new constitution. However, it must be acknowledged that the so-called Fourth Republic (1858-1998) is the only period in Venezuela in which power was held by civilians (Van Berkel 2009).

Similarly, as mentioned earlier (Sanjuán 2009), the country was facing a profound state crisis due to inefficiency, clientelism and high levels of corruption which brought about the end of the traditional two-party system, which had already been showing signs of exhaustion during this decade.

The result of this was the election of Hugo Chávez and the replacement of the old political elite with a new one which proposed a new model to “democratize democracy”.

Within this context, from 1999 and during the first decade of the 21st century, a period of political reforms was initiated in the Andean region, especially in the cases of Bolivia, Ecuador and Venezuela. The complaints about democracy would no longer be linked to the issue of military dictatorships, though problems related to authoritarianism are still very much in evidence.
1. Reform processes: a deepening or a weakening of democracy?

These processes have developed within the framework of new governments, representing the so-called “New left”, which, at least in its discourse, promoted an alternative model to neoliberalism (Jácome 2009). This model, which some analysts call “neo-developmentalist” (Muñoz 2008), is characterized by a search for diversification in international markets, the defense of natural resources and the environment, the prospect of greater social inclusion, an improvement in the provision of social services and constitutional restructuring. One of its fundamental axes is to give the state a fundamental role in society.

This model has been characterized (Ramírez 2008a and 2008b) by the appearance of new leaderships which propose radical changes, a break with the past and the absence of links to structured political parties. Within this framework, changes would be instigated by constituent assemblies, which are conceived as a means of “refounding” the nation, thereby creating the illusion that economical, political and social problems would be resolved by these new political charters. It is precisely because they were “outsiders” without formally-constituted parties and traditions, that these new leaders were able to propose a break with the existing party-centered political system.

These reforms have been produced within the framework of important debates regarding national projects, one of the central topics being that of democracy. As a result of this, it has been considered necessary to develop alternative regimes to representative democracy, with the issue of participative democracy as its basis. However, this has also generated important challenges, because, beyond the rhetoric, in practice some of these alternative stances have revealed their own limitations, and can actually mean, for some people, a backward movement in terms of democracy.

In connection with this debate, it is important to remember that reference has been made to three fundamental types of democracy: electoral, constitutional and citizens’. With regard to how this works in practice, it has been suggested that there could be, on the one hand, a minimalist definition, which reduces it to the fact that elections take place and its procedures are observed, while, on the other hand, there is a maximalist definition, which incorporates the relationship of democracy with the citizens and which also includes the notion that the civil, political and social rights are a part of this political system (Roncagliolo 2009).

Maxwell Cameron (2007) considers that there has been progress in Latin America in terms of electoral democracy, but there are still serious deficiencies regarding deliberative democracy. In practice, in a hyper-presidential system, like those which predominate today in the Andean region, electoral democracy allows the head of state to constantly change the rules of the game. In this sense, even with a participative democracy discourse, it could also be the case that the main focus is centered on the first, while the other two become increasingly more restricted. This is what has been referred to as “electoral authoritarianism”.

Among the characteristics of an authoritarian régime, Aponte and Calcaño (2009) have enumerated the following: the concentration of power in the hands of the executive, of a leader
During the last ten years, especially in Bolivia, Ecuador and Venezuela, there have been crises in the political systems and a growing disenchantment with the results in the politics of adjustment. This has led to a process of change, which, according to Adrianzen (2009), has three principal characteristics. The first of these is social, political and economic inclusion of previously-excluded sectors, as there is an opening-up towards a leading role of new social actors, like women, trade unionists and the indigenous movement. Secondly, there is the relationship between democracy and change, because a reform process has been activated, even though this might be questioned because of the hyper-presidentialism and the debate about reelection, for example. Similarly, the fact that democracy is now more conflictive, as the culture of pacts, compromises and dialogue has disappeared. This conflictivity is associated with the changes in the forms of representation and in the emergence of new leaderships, as well as with the political and economical elites which have emerged as a result of these changes. Therefore, democracy is associated more with conflict than with consensus. In this sense, the crucial problem is how to manage or confront these conflicts, precisely because politics should be able to deal with such tensions. Also present is the concept of refounding the nation, which emphasizes a nationalistic discourse and reinforces the issue of sovereignty.

In cases such as Ecuador, Bolivia and Venezuela, the demands of the traditionally excluded sectors are taken up by messianic presidential figures and, in practice, the social movements have little effective influence, as is the case of the new Ecuadorian constituent process (de la Torre 2009), and also in the case of Venezuela.

In face of these inequalities and few positive results from democracy in the Andean region, those that promote political and economical changes have suggested that representation should be replaced by other forms designed to bring about greater equality. Basic freedoms, viewed from within the context of liberal democracy, are considered to be of secondary importance, while emphasis is placed on the search for well-being and equality. In this sense, can the search for equality and the well-being of the majorities take precedence over respect for, and the exercise of individual freedoms? This question arises in the light of clear evidence in all the Andean countries, where it is thought that respect for what are considered to be fundamental rights has suffered setbacks. In addition, these processes of change have occurred in countries where there are profound inequalities, as well as political, ethnic and social fragmentation, and weak political parties.

However, in the light of these positions, there is also the view that participation cannot be a substitute for representation, and that each should instead complement the other, thereby strengthening the democratic process. Therefore, it is important that there should be both institutions and mechanisms in order to guarantee the participation of all citizens.

As has been pointed out, there has been a lack of support for representative democracy; democracy is evaluated on the basis of the number of people that take to the streets to demonstrate in favor or against some proposal or political and other actors, such as the Armed Forces or a single party; the weakening of civil and political rights; and limitations on autonomous and plural participation by citizens.
leader (de la Torre 2009). Thus, people’s actions take precedence over liberal democratic institutions and laws. Because of this, a popular “rebellion” cannot be equated with a coup d’état (the Mahuad case). The traditional left has encouraged contempt for formal democracy, and has proposes instead a kind of “real” democracy, based on inclusive and distributive public policies. As a result, a dichotomy arises between formal and direct democracy.

These tensions have revived the debate about the resurgence of populism, especially in the Andean region. Seligson (2007) has proposed that one of its fundamental elements is a criticism of liberal political institutions, such as parliament and judicial power, under the premise that “the people’s will” takes precedence over these. At the same time, power is concentrated in hands of the executive. In practice, the exercise of power is developed through a direct relationship between the leader and the people without any intermediary institutions. It can be said that in a new variant called by some “neo-populism”, even though the legislative and judicial powers are not eliminated, control is established over them and they lose their autonomy. It has even been suggested that we are currently in the presence of a kind of populism of the left and another of the right. As an example of the latter, the present-day APRA in Peru has been cited (ALOP 2008).

According to this version, the leader becomes the interpreter of the people’s will and, for this reason, he does not need to respect liberties, justifying himself through his charismatic and personalist leadership, and maintaining wide support from different sectors, especially among the popular bases. It is considered that this resurgence of populism, especially in the Andean countries, could be a threat to democracy (Seligson 2007; Jácome 2007). According to research done by Latinobarómetro, there is a marked preference for a strong leader rather than a system of electoral democracy, as this is linked with a feeling of contempt for the legislative and judicial powers, as well as for political parties. This has resulted in a rise in authoritarian positions, on both the left and the right.

On the basis of these perspectives about the different types of democracy, another subject which has emerged from the debate on the reform process is the role of social movements, and the diverse and heterogenous space occupied by civil society. From the perspective of this new left, there is a tendency to define social movements as being critical of governments and aligning themselves with the left. For example, it is mentioned that in Bolivia, references to social movements operating in the political field are multiple and there is an ambiguity surrounding their conceptualization (Córdova 2009). However, they are generally considered to be movements that question the so-called “neoliberal model”. From this perspective, they are restricted to a particular ideological and political position which has led to the appropriation of the term by governments and the political leadership.

However, this restricted view generates a series of questions: should those movements which are now aligned with the government still be considered as social movements? How can those which are critical of these new governments, as in the case of the student movement in Venezuela, be defined? Is it possible to talk of a “restructuring” of social movements even when these are not aligned with the governments of the so-called “new left”?
It would, therefore, seem more appropriate to assume that social movements in the wider sense are groups which promote or seek to halt social change through their actions and organization (Córdova 2009). Influencing or resisting public policies is a fundamental element. In this sense, it has been said that they do not necessarily have to be progressive; they are just as likely to be conservative (Van Berkel 2009).

These actions occasionally take place outside the institutional framework and there is often a conflict between them and those other sectors which hold either economic or political power. They organize themselves so that their demands can be heard. Organization is the fundamental element because it enables them to formulate collective demands effectively and gives them the necessary strength to carry them out, usually acting against the state (Córdova 2009). Therefore, three of their basic characteristics are that participation is voluntary, that they have autonomy in their dealings with the state, and that their radius of action is the public arena (Van Berkel 2009).

In this sense, these are groups that defend the interests of those who have been excluded from power and, therefore, undergo cyclical movements, with moments of strength and moments of weakness (de la Torre 2009). However, these social actions can also become relatively permanent, with actors who can be clearly identified, such as trade unions, women, students, native peoples, peasants and social protesters (Remy 2009); these actions articulate different sectors around a particular demand against the state (for example, the defense of freedom of expression, or, in the case of Bolivia, indigenous rights, the call for a Constituent Assembly, the nationalization of natural resources]. Tapia (2009) points out that what is being developed are political actions that question certain policies or structures. They are demands which cannot be channeled through institutions or normal intermediary channels, such as the political parties and civil society organizations.

Generally speaking, in confronting closed political agendas where there is little flexibility, use is made of disruptive, contentious and sometimes even violent mechanisms –demonstrations, road blockages, strikes, takeovers, confrontations, amongst others– (Remy 2009). In this context, protest turns into a legitimate mechanism of political representation (Velasco 2009), especially when democratic and state institutions lose their capacity to respond to the demands from different sectors. For example, in the case of Colombia’s imperfect democracy, “the movements make contentious demands in an effort to advance their interests or improve the socio-political and economic situation of classes of people or social groups who have been excluded from the political system and from the market economy, or who have been negatively affected by some reform or public policy. Social movements also constitute social networks which share resources, connect people and communicate ideas (McAdam and Scott 2005, in Velasco 2009).

Whether it is under a restricted perspective or a wide perspective of social movements and their role within the framework of processes of political reform, the topic of governance always arises. As Cardozo (2005) points out, the current debates about governance are centered on two fundamental perspectives: the political-institutional and the socio-economic. In the first case, the analysis concentrates on the relationship between state and society. One of the main problems is the lack of representation of political actors and the lack of efficiency on the part of governments. Therefore, it is necessary to
renew the mechanisms of political participation and develop a political culture which places citizens at the center. It is in this context that the different constitutional reforms have been developed.

The second perspective is based on the importance of incorporating problems such as poverty, inequality, insecurity and unemployment, as well as the indigenous issue in interpretations of governance. It follows from this approach that governance cannot simply be confined to the operation of institutions, but must also take into account the structural problems which have repercussions on it. This wider perspective is closely related to the problem of political stability; it also implies the need to take into consideration certain international factors, such as the growing conflicts between certain countries of the region, as well as the feasibility of different integration schemes, like the Andean Community of Nations (CAN), the Union of South American Nations [Unasur] and the Bolivarian Alliance for the Peoples of Our Americas (ALBA).

Therefore, according to Cardozo (2005), governance depends on 3 axes: effectiveness – or the capacity of the states to generate public policies that respond to social needs; political legitimacy – the construction and acceptance of the rules of the game between different actors; and political representation of different interests and social groups. In this sense, Cardozo mentions that the Andean region is facing three important governance problems: sub-national conflicts, which refers to internal tensions related to economic, social, political and ethnic problems; the deterioration of socio-economic and environmental conditions; and the fragmentation of approaches to international insertion.

As a result of this, political reform processes and the issue of democratic governance revolve around two basic axes. In the first place, at least with regard to the discourse of the new political leadership, with the aim of deepening democracy and expanding democratic governance, especially with a view to generating change in the existing conditions of inequality and exclusion. Secondly, they are associated with the way in which these processes are developed and the role of social movements within them. A crucial element is to examine whether the processes actually include the movements and what mechanisms are used to ensure their participation.

2. The role of social movements in the political reforms of the first decade of the 21st century

2.1 Social movements and their agendas

In order to evaluate the aspects discussed above, we will examine the role of social movements in the reform processes during the first decade of the 21st century. Generally speaking, changes will occur both in the issues as well as in the main social actors. With regard to the former, there will be tensions between, on the one hand, those actors who propose radical changes and the refounding of the nation, and on the other, those who are more inclined towards the solution of specific problems. The new political elites in Bolivia, Ecuador and Venezuela propose reforms on the basis of refounding the nation and developing alternative economic, political and social models while in the
cases of Peru and Colombia, specific political reforms have also been proposed.

Nevertheless, social movements propose other, more specific issues linked with community problems and the needs and interests of citizens. Greater importance is given to issues such as the defense of natural resources, the environment, civil and human rights, as well as the demand for more space for local participation and a widening of the decentralization process. Similarly, there are increasing demands for the fulfillment of what has been established in the constitutions, legal frameworks and agreements.

For example, in the case of Bolivia, from 2000 onwards, social movements which question neoliberalism and a model of democracy dependent on pacts, in the context of the crisis of parties, have played a predominant role (Córdova 2008). The conflicts surrounding natural resources have led to growing mobilizations known as “wars”, which in turn has encouraged the Evo Morales government to continue with nationalizations. In this case, the call for a Constituent Assembly is part of the discourse of these movements. The indigenous issue and the recognition of pluriculturalism take on a predominant place. Also worth mentioning in this context is the creation of coordinating bodies among the movements, which attempt to articulate actions and demands at a national level. However, there is also tension in this process between the demands for a Constituent Assembly and those who seek greater autonomy for the departments. As a result of this, one of the issues being currently discussed by civil movements is the need to establish the autonomy of the departments.

It has even been suggested that in Bolivia, those movements which took the MAS to power are becoming increasingly weaker because their main demands—for nationalizations and a Constituent Assembly—have now been fulfilled (Mayorga 2009). Consequently, both the movements which support governmental autonomy and those which are opposed to what they consider to be the present government’s authoritarian and statist tendencies are monopolizing attention.

In the cases of both Ecuador and Peru, there is evidence to show that issues involving natural resources and the defense of the environment, especially in connecting with mining development, are becoming increasingly more important (Remy 2009). In Ecuador, this has now come to be considered as a central issue of the new constitution, which focuses on the concept of the “good life”.

The same issue is also found in Colombia, though to a lesser degree, since in this country social organizations are centered on matters relating to the violation of civil and political rights and non-compliance with the laws and agreements (Velasco 2009). There is also growing discontent because of the failure to implement the mechanisms of participation established in the Constitution. This could lead to governance problems, especially if citizens consider that protest is the only way to achieve political influence, which could, in turn, create a climate of greater mistrust between the movements and the government.

In the case of Venezuela, despite the polarization and political conflictivity which has characterized the dynamics of these movements during the last ten
years, there are certain issues that go beyond this situation since they affect citizens in general and are associated with questions such as insecurity, health and education, the inefficiency of public services and the housing deficit. Therefore, there are growing mobilizations and demands in connection with the defense of citizens’ rights. More specifically, issues such as the defense of property, freedom of education, participation, the role of the armed forces and indefinite reelection are also present (Van Berkel 2009). More recently, freedom of speech has become a fundamental issue. The political process has also led to a realignment of these movements, which are focused mainly on defending their own autonomy, as well as the defense of freedom of association and participation. It is in this context that so-called “confrontational democracy” has been developed. (Salamanca, in Van Berkel 2009).

With regard to the second group, under the premise of the cyclical dynamics of social movements mentioned above, certain movements have been weakened while new ones have appeared.

In Bolivia, it has been suggested that there are currently three groups (Córdova 2009). In first place, there are the emerging movements, basically peasants and indigenous people, which are playing an important role in placing their agenda of economic, political, national and social changes within the sphere of the state. The counter-movements of the so-called “half moon”, which seek to halt or modify these changes and deepen local autonomy, but which do not necessarily have any new proposals in the social or economic fields. A notable feature of these is the incorporation of young people, women and middle-class sectors in the east, as well as entrepreneurial groups, especially in Santa Cruz. Thirdly, there are the corporatist movements which include co-operative miners who favor institutional changes that could benefit them with regard to their own particular interests (Córdova 2009).

In contrast to this, social movements in Ecuador, and especially the indigenous ones, after reaching their peak, are currently at a weak point (de la Torre 2009). This is partly due to the misconception that an organization like the CONAIE could actually represent the entire population. Especially since 2005, spontaneous networks have been a major influence and were, for example, instrumental in removing Gutierrez from power. Social movements seem now to have little influence.

In the case of Peru, the new cycles of protest are related to the control of territory and natural resources, and, with the advance of transnational companies in the exploitation of these resources, this has led to a greater participation by socio-environmental movements. Furthermore, the “reterritorialization” (Remy 2009) has led discontented sectors, such as peasants, farmers and indigenous people, to seek new forms of control over territories and to express their opposition to the control of these by both state and private projects, especially those involving mining projects by the large transnational companies.

In Colombia, trade unions, community and civic organizations, peasants and indigenous people, as well as pressure groups, women and afro-descendants have all played an important role in recent years. The most relevant protest actions have been organized by villagers, workers, students and peasants, although workers and peasant sectors have been weakened. As in other
Andean countries, the trade unions have lost ground as informal work has increased and new actors emerge, notably women’s groups, those of diverse sexual identities, the displaced and disabled, coca peasants, human rights organizations, in addition to the victims of violence (the relatives of kidnapped persons, among others). Although these cannot be considered as social movements, it is worth mentioning that local authorities have also resorted to protesting against the central government and armed groups. In this particular case, it also should be noted that the protest is not only directed against the government but also against irregular groups that use violence (Velasco 2009).

Finally, in Venezuela, those who participated in the constituent process were basically human rights, civil and social development organizations (Van Berkel, 2009). In recent years, there has also been an increase in the activities of the co-operative movement, of women who have become more visible under the new constitution of trade unions, media workers, professional and academic trade unions, as well as business groups. Between 2001 and 2006, organizations connected with social, political and citizens’ rights were predominant. From 2007 onwards, the student movement came into prominence mainly through its crucial leadership of the protests against central government. The churches have also played an important role. Unlike the previous cases, in 2009 trade union protests acquired a major significance by overcoming the political polarization and concluding that the interests of the workers go beyond political interests. In this sense, a trade union roundtable has been established. In addition, under the new legal provisions and with the creation of new mechanisms of participation, community organizations, especially the communal councils, have increased their area of action considerably, despite the fact, as we will see later, that there is an ongoing debate about whether they should really be defined as a movement, since they are organized “from the top downwards” and financed by the government.

Also in 2009, the growing criminalization of protests forced human rights groups, which were already highly active, to take on an even more active role. As in the other countries of the region, groups - and local authorities - that defend decentralization are also becoming more active as national governments undertake what has been called a “re-centralization” process.

2.2 Social movements, political parties and the state

With regard to mechanisms of participation, it has been claimed that there are three basic types of participation of social movements (Armony and Arnson 2009). In the first place, there is the direct, non-institutional type of participation associated with what has been called “street politics”. Secondly, there is the institutional participation of the “from below upwards” variety, which is connected with the growing demands for participation by these movements, but which is channeled through the institutions of representative democracy. Examples of this are the introduction of new mechanisms such as referendums and legislative initiatives, among others. Finally, there is the kind of participation which is instigated “from above” through channels controlled by different levels of government, and which limits the autonomy of these movements.
Fernando Mayorga (2008) has pointed out that the objective of these reforms is to embrace every facet of the relationship between the state, the political system and society. The first is the representation that is linked to the system’s ability to represent society’s different interests and needs, where the question of diversity is fundamental. The second point is related to the existence of institutions and regulations which encourage citizens’ participation in decision-making and the management of public policies. He points out that these reforms can be instigated “from below upwards”, depending on citizens’ interests, or “from above downwards”, depending on the strategic interests of the political and economic elite.

In the Andean countries, despite mounting pressures, the processes have been developed through governmental, or more specifically, presidential initiatives. Thus, in the first decade of the 21st century, reforms came basically “from above”, and one of the most important questions is whether these measures have effectively strengthened democracy, or have, on the contrary, actually weakened it. Similarly, and especially in the cases of Bolivia, Ecuador and Venezuela, changes have been established on the basis of mechanisms of representative democracy, even though they were manipulated by the government for its own ends, eventually weakening the independent actions of the social movements. Therefore, one of the main characteristics of these processes is the increasing co-opting of the movements by the state, and, to a lesser degree, by the political parties, due to their increasingly weakened status.

As a result of this, René Mayorga (2009) has argued that Bolivia is a case in which mobilizations have been instigated “from above” and that this has had a negative impact on democracy. The MAS has pursued a dual strategy of participating in the processes and institutions of representative democracy, while simultaneously using anti-institutional mechanisms, which have at times been encouraged by government circles. This has led to an authoritarian exercise of power, since anti-democratic mobilizations have been used to impose certain decisions.

Within this framework, he claims that relations between state and civil society have been characterized by a state crisis marked by political polarization and what he calls a “catastrophic deadlock” (Mayorga 2009: 114), leading to a “no-win” situation. Politics has been regionalized, with the government taking refuge in the organizations of the Andean departments and the opposition in the country’s eastern and central areas, as mentioned earlier. In this way, the government has adopted a course of “confrontation and anti-democratic imposition of its electoral majority” (Mayorga 2009: 115), instead of negotiating and creating a new majority. The government did not come to power with a project aimed at achieving national unity and reconciliation, but rather with the idea of dividing society and unilaterally imposing a project representing only one part of society.

This combination of protests and mobilizations –or “street politics”– with actions being taken within the institutional framework as well as through mobilizations and electoral competition, has brought about a process of “de-institutionalization” in which the movements have played an important role (Córdova 2009). From 2006 onwards, there has been a period of what Córdova refers to as “competitive mobilization” between two political elites which put their party bases into movement and engage in conflict.
There is, particularly in the case of Bolivia, a debate about the existence of a government “of the movements”. Tapia (2009) asserts that the MAS has become a purely electoral party, without a life of its own, and this forces it to use the mechanisms of representative democracy. Even though channels of participation have been broadened, participative democracy does not exist in Bolivia because the government continues to represent the interests and demands of certain sectors. No new spaces for participative democracy have been opened up, least of all by the state. The government party has become the main political channel within the framework of representative democracy, and even its position in the Constituent Assembly still holds that the parties should continue to be the channels of representation. No forms of participative, or direct, democracy have been created. Instead of being a “government of movements”, it has become a government which depends on these, and tries to keep them in line in order to prevent them from taking actions against it. However, their eventual corporatization, through their tutelage by, and subordination to the government and the MAS, cannot be ruled out entirely.

In this sense, it has been pointed out that under corporatism, the state “creates interest groups, tries to regulate their numbers and appears to have a representational quasi-monopoly with special prerogatives. In exchange for these prerogatives and monopolies, the state demands the right to monitor the groups represented” (Stepan, in de la Torre 2009). The state demands that social organizations must be recognized as part of a particular organized structure so that they may have access to resources. It encourages their social mobility by assigning them certain posts in the government agencies. In this way, the state promotes social organization, though this is carried out under its own parameters and regulations. It attempts to control social protest by establishing regulations and mechanisms of participation. Those who do not toe the line are repressed, and the state becomes the arbitrator of conflicts.

In the case of Ecuador (de la Torre 2009), a corporatist tradition exists, since in order to be recognized by the state and have their demands attended, groups are required to organize themselves. Therefore, the state promotes social organization; it develops a selective recognition of certain organizations and leaders, while excluding others. Attempts are made to regulate social protests. The state has become the arbitrator of protest, by controlling them basically through channeling resources. In this country, an indigenous elite has emerged and, having been incorporated into the state’s structure, it plays a dual and somewhat ambiguous role. They are the representatives of their communities before the state, and, at the same time, the representatives of the state before their communities, with the result that, in most cases, the leaders are co-opted.

In Colombia, Velasco (2009) claims that the state has neither a monopoly of force nor controls the whole of its territory, and that is why it is considered to be weak. It is a particular case in which contentious politics has taken two forms: one has adopted the use of force and violence with the different guerilla groups, while the other takes actions of a non-violent nature. This second group is willing to make use of not only institutional (or formal) but also non-institutional (informal, though within the constitutional framework) mechanisms in order to channel their demands. There have also been experiences of peaceful civil resistance against irregular groups. In this
context, there seems to be a tendency to ignore social movements and to criminalize protests, as well as the policy of democratic security which has led to the militarization of the solution to the armed conflict, with the consequent violations of human rights (ALOP 2008).

In Peru, there has also been a process of political “de-institutionalization” (Zeballos 2009), through which formal mechanisms of participation are being closed down, while mobilizations are criminalized, all within the framework of a crisis of the political parties.

In the case of Venezuela, there has also been a reform process “from above”, instigated basically by the President of the Republic and the new political elite, who have made de facto reforms to the 1999 Constitution through a series of new laws, emanating both from the Presidency and from the National Assembly. These reforms, however, have more to do with the political needs of these actors than with any kind of citizens’ demands. Given the high degree of polarization and political conflicts, there are opposition movements which challenge the government, but also other movements, such as the communal councils, created under the tutelage of the executive, to which they are subordinated. A strategy of co-opting and control over the social actors is being pursued.

This is a case of a government with a strong personalistic tone (Sanjuán 2009), since it is centered around the figure of the president, whose discourse emphasizes the theme of a search for social democracy. He maintains that the most important advances made by the “Bolivarian Revolution” have been in the fields of political inclusion by giving a political presence to those sectors which were previously excluded, as well as in oil politics “to make economic and social democracy feasible” (Sanjuán 2009: 135), and in the recovery of the state as the central factor in national political life and foreign policy. However, it is “a symbolic revolution, or the over-ideologization of the process.” (Sanjuán 2009: 139).

This kind of “street politics”, especially in Bolivia and Ecuador, has generated high levels of conflictivity, and even violence, and social movements have become political players, often replacing the parties and weakening the party systems. As Córdova (2009) has pointed out, political differences are not fundamentally processed through the political parties, but through social movements. Throughout the whole of the Andean region, the political parties are evidently incapable of building agendas and proposals around controversial topics, as well as being unable to detect and espouse discontent and the demand for change.

However, account should also be taken of the fact that with the arrival of progressive left-wing governments, social movements have lost ground. In many cases, they have been co-opted. They have also suffered a loss of leadership through an alternative discourse. Within the movements themselves, there has been a tendency towards sub-ordination and a voluntary loss of autonomy.

Even though these processes of reform have been accepted by important sectors of the population, they have also caused the imposition of vested interests and private projects which exclude a large section of the population. Little progress has been made in working towards joint interests or negotiating
in an effort to find policies that would benefit the majority. Within this framework, a situation of uncertainty and ambiguity has been built which augurs an increasing fragmentation of social movements. Their continuing support for governments will depend largely on how capable they are of making an effective response to the demands. Especially after the new constitutions come into force, it is hoped that this situation will change; otherwise, this support will gradually disappear. Once it is understood that a new constitution alone cannot change reality, and that a most important aspect is how it is implemented. It is not so much a question of legal frameworks and new institutions, but rather one of putting into practice policies that can really resolve problems. Governments will be assessed on their capacity to do this.

Conclusions

However, even after recognizing the importance of the application of social policies, especially in the three countries which say they are making advances in 21st century Socialism, there are also questions about whether these are basically clientelist, paternalistic policies which cannot be sustained over the medium or long term. In addition, not only in Bolivia but also in Ecuador and Venezuela, the constitutions have been transformed not into a framework to establish and regulate the consensus in a society, but rather into a scenario of political confrontation.

A medium-term analysis of these processes would show whether this statement about the deepening of democracy has been effective, or whether it is merely a question of political rhetoric. This is connected with the fact that the cycle of reforms has basically been instigated “from above”, as was mentioned earlier. It should be noted that these processes have enjoyed a wide degree of popular support, though some analysts think that the tendency has been towards increasingly more personalistic and authoritarian regimes, to the extent that references are made to new forms of caudillismo.

As Mires (2003) has pointed out, authoritarian forms of government appear not only because of these kinds of leadership, but also because of the lack of political participation by citizens, when society becomes just a collection of individuals living together without any ostensible connections, or when citizens become simply inhabitants. Parliaments become dictatorial when they cease to represent the interests of citizens and start to represent their own interests or those of their leader. Political space for deliberation and dialogue is lost and citizens fail to connect with each other, becoming isolated in their own private worlds.

As a consequence of these processes of change, and despite the limitations that have been mentioned, what is being proposed is that there are currently two basic paradigms related to democracy in the Andes. On the one hand, there are those governments, such as Colombia and Peru, which continue to promote representative democracy, which act within the framework of neoliberal policies and even aspire to sign free trade agreements with the United States. Tensions between social demands and governments persist. On the other hand, we have Bolivia, Ecuador and Venezuela trying to carry out transformations to promote participative democracies and the “21st century Socialism” model. From ALOP (2008), the perception is that this group has gone along with the demands of the social movements, and that they have
applied progressive reforms and policies that have offered answers to these social demands. However, time will tell how sustainable they are and whether they have gone beyond political rhetoric.

These processes have been related to the discussion about the so-called “new left” in Latin America, which, despite the existence of differences, has two basic characteristics in common (Armony and Arns 2009). In the first place, there is the criticism of the neoliberal strategy which was developed in previous decades, and, secondly, the processes of transition and consolidation of democracy are being questioned, since they appear to be suffering from important deficits regarding weak institutions and deficient mechanisms of representation and participation. They end by concluding that these so-called new left governments have increased participation, especially among those sectors which had traditionally been excluded.

However, Armon and Arns (2009) also stress that it is important to examine the impact that these new forms of participation have had on the institutions of representation, especially on those cases which tend to be considered as opposites. Another conclusion is that those processes have brought about a re-assessment of the role of the state in confronting the problems of poverty and inequality. Nevertheless, this has also meant that the state has had to re-assume its role in providing services that had previously been, within the framework of the neoliberal project, in the hands of non-governmental organizations. The result is a new relationship between the state and civil society, which could lead to conflict. And in many cases, this has also caused an expansion of clientelist, paternalistic and elitist practices.

Apart from this, an increasing statism and its impact on society need to be analyzed, especially because of the tensions which are being created with local governments. Socio-economic and participative inclusion are the basic challenges that these initiatives have to face.

Roncagliolo (2009) has shown that the current processes of change have both positive and negative aspects. Among the first, there is inclusion and participation by new actors and sectors. On the negative side, democracy may be at risk due to the development of authoritarian, populist and demagogic features. ALOP’s (2008), attention has been drawn to the fact that one of the main challenges is how democratic institutions will be able to cope with the high levels of conflicts present in these societies as a result of the processes of change and polarization.

On this basis, Laclau (in Jácome 2008) maintains that Latin America is currently facing a double crisis. One is connected with the institutions which channel social demands, and the other with an increase in horizontal protest movements which are not linked to the political system. Civil society is becoming increasingly politicized and mobilizes itself on the basis of demands for the fulfillment of its unsatisfied claims, and the future of democracy will depend on the responses to this phenomenon.

Within this framework, several tensions or dilemmas that the Andean countries need to deal with can be more or less identified (Jácome 2009). It is important to identify and analyze these challenges, since they point to the fact that we are in the presence of growing deficits and consequently, of a weakening of democracy. Among these, the following can be mentioned:
• Polarization: current processes are marked by increasing political polarization, produced by ideological differences and manifested in the appearance of electoral blocs which lead to electoral polarization.

• De-institutionalization: from the perspective of certain sectors, methods for change have been used which were not prescribed in the Constitutions and legal framework in force. These methods for promoting change include closures, mobilizations, or what has been called “street politics”, which have sometimes turned violent. Problems are not dealt with through institutional channels, due to the fact that they have come to be considered inefficient. The result of this has been a weakening of democratic institutions. However, some sectors argue that popular sovereignty is not based on the premises of liberal democracies, which brings the dilemma between popular sovereignty vs. representation to the fore. Nevertheless, with regard to the importance of sovereignty, it has been pointed out that the element of manipulation of this concept should be taken into account, especially when a caudillo stands up and proclaims himself to be the representative of the people.

• “Territorialization” of different policies: there is, especially in Bolivia, Ecuador and Peru, a confrontation in geographical terms. These conflicts are reflected in a division of the vote according to the different parts of the country [for instance, the Andean parts vis-à-vis the coast]. In the case of Venezuela, it has more to do with the control of the main urban centers with the greatest number of voters as opposed to the rural sectors.

• Conflicts between local/regional governments and central power: as a consequence of this territorial difference of the political powers, there are important demands from local/regional governments to maintain and strengthen decentralization in the face of attempts at (re)centralization. In any case, central governments are trying to adopt measures to revert decentralizing processes. But if decentralization is considered to be a basic element of democracy, as it allows citizens more participation, this becomes a major problem.

• Co-opting of social movements by political parties and the state: there has always been tension and mutual mistrust between political actors and social ones. Social movements have been important in promoting reforms “from below”, but in several countries they have been transformed into political parties or have been co-opted, thereby losing their autonomy, and often coming under the tutelage of the state. As was mentioned above, the weakening of the indigenous movement in Ecuador came about to a large extent as a result of its participation in government.

• Statism: based on the idea of refounding the country and on nationalism, this represents a return to the concept that the answer to neoliberalism is the strengthening of the state’s presence in all areas in combination with certain forms of direct democracy. As mentioned earlier, this has led to a discussion about the implantation of a “neo-populist” model.

• Lack of alternation: with the exception of Peru, constitutional or legislative modifications have been made which allow re-election, especially with regard to the post of President.
• **Hegemonic parties**: the party systems have been modified and, in most cases, traditional parties have given way to new groupings which tend to be organized around the figure of a leader and have basically become electoral machines. These government parties characteristically obtain a high number of votes and seek to impose hegemonic power, basically through the presidential leadership. They are majority governments which do not engage in dialogue with their opponents, unless there are obliged to do so.

• **Corruption**: this is present in the countries of the region and generates wide discontent among the population. Especially within the framework of the current world economic crisis, citizens conclude that they cannot continue to accept the high degrees of corruption among their ruling classes. It is worth noting that several presidents of the Andean countries made corruption one of their main platforms in their attempt to reach power. However, in practice, no concrete actions have been implemented, and, on the contrary, in some cases, such as the situation in Venezuela, the problem is even grown worse.

• **Reversals in human rights guarantees**: in the Andean countries, different actors and movements have expressed concern about the backwards trend on the question of human rights. The most important of these, the guarantee to life, is violated either by violent internal conflicts, as in the case of Colombia, and to a lesser extent in Bolivia and Venezuela, or by the increase in citizens’ insecurity. Similarly, there have been actions in different countries which increasingly limit freedom of speech, of participation and association, of access to justice, as well as of access to public information, among others.

• **Plebiscitary use of new mechanisms of electoral participation**: this could lead to an erosion of their capacity, and even to a questioning of their legitimacy. As Fernando Mayorga (2008) has pointed out, there has been an “inflated” use of referendums, which could mean that political parties might find it impossible to channel or resolve conflicts, or else they could be used to achieve objectives which had previously been rejected, such as the case in Venezuela of the amendment for continuous reelection. Therefore, they could be transformed into instruments of the political struggle rather than as a means of legitimizing reforms. They are mechanisms that are becoming increasingly less efficient for processing conflicts, as they tend instead to aggravate polarization (Mayorga 2008).

• **Weakening of independence among powers**: the executive power and the deepening of hyper-presidentialism lead to the subordination of the other powers.

As a result, the fundamental question is whether these constitutional reform processes have effectively brought about a deepening of democracy and greater democratic governance, or whether they have, on the contrary, generated processes which generate increasing conflicts and tensions.

In sum, the most probable future scenario is that political conflicts will continue and that they will grow even deeper. This is why the basic challenge will be how to process them through democratic institutions. In other words, to maintain democratic governance and avoid further deterioration into increasingly more authoritarian actions, and, at the same time, prevent the conflicts from escalating into violent actions. The acknowledgement of diversity
and tolerance of “others” are the fundamental bases of democracy, whether this is electoral/representative, constitutional or deliberative/participative.

On this basis, Velasco (2009) has pointed out that among the main recommendations that can be made is the need for rules to legitimize institutions, which implies respect for what is established in the Constitution and laws, together with enjoying the benefit of independent systems of justice, which are capable of mediate in conflicts arising between citizens and government. Finally, electoral processes should be free, transparent and competitive, so that elections do not generate questions as to their legitimacy.

**Bibliography**


Pachón, Mónica (2009): Reforma institucional en Colombia: el viacrucis por el balance entre la gobernabilidad y la representación, Bogotá, documento final del proyecto “Gobernabilidad democrática en la región andina: reformas políticas e institucionales y movimientos sociales”.

Remy, María Isabel (2009): El asedio desde los márgenes: entre la multiplicidad de conflictos locales y la lenta formación de nuevos movimientos sociales en el Perú, Lima, documento final del proyecto “Gobernabilidad democrática en la región andina: reformas políticas e institucionales y movimientos sociales”.


de la Torre, Carlos (2009): Movimientos sociales y procesos constitucionales en Ecuador, Quito, documento final del proyecto “Gobernabilidad democrática en la región andina: reformas políticas e institucionales y movimientos sociales”.

Van Berkel, Deborah (2009): Movimientos sociales en Venezuela: la demanda por más democracia, Caracas, documento final del proyecto “Gobernabilidad democrática en la región andina: reformas políticas e institucionales y movimientos sociales”.

Velasco, Marcela (2009): Democracia, gobernabilidad y movimientos sociales en Colombia, Colorado, documento final del proyecto “Gobernabilidad democrática en la región andina: reformas políticas e institucionales y movimientos sociales”.

The Andean Region in the Context of the Hemisphere. 
Or How to Build a Region in Turbulent Times

Ana María Bejarano and Daniella Levy-Pinto

In this article we will begin by discussing how and to what extent one can speak of an “Andean region” as a set of countries with similar characteristics and problems. We then go on to describe the evolution of the hemispheric context over the last two decades, highlighting the importance of differentiating between two key periods: the first spanning the years between the end of the Cold War (1989-1991) up to the early 21st century; the second, from September 11, 2001 up to the present.

This chapter is divided into two main sections. In the first, we discuss the changes and transformations that took place within the inter-American organizations (particularly the Organization of American States – OAS) and their ties with the region by describing certain crucial moments during the past two decades. In the second, we present a critical analysis of relations between the region and the hegemonic power in this hemisphere, the United States.

The last section provides a set of recommendations, in terms of actions that could help strengthen the democracies in the region, both from an institutional standpoint and as regards strengthening social actors and movements.

1. The Andean Region: A region “under construction”

Up to what point can we speak of an “Andean region”? If it is simply a geographical region defined by the Andean Cordillera, why leave out Chile? And, if we add a cultural component to geography, why include Venezuela, a country whose inhabitants consider themselves much more Caribbean than Andean? Regions, as is the case with so many other social entities, do not come about naturally, they are built (Adler et al. 2006) by means of a complex and lengthy process where a number of factors of different kinds interact.

There are certain common elements in the Andean region that are the basis for this idea of a “region,” beginning with the geography. The Andean Cordillera dominates the landscape, creating a very clear-cut division and a topography that has, ever since independence, made the consolidation of nations and states in the region a difficult task. Secondly, the five countries share a common history: All gained their independence at more or less the same time, thanks to a mestizo and mulatto army of patriots under the leadership of Bolivar. It is this common history that accounts for some of the characteristics of our institutional structure: Accentuated presidentialism and a centralist tradition are but two of these.

Over the past two decades, however, the idea of an “Andean region” has been gaining strength. Some of the elements that have contributed to construction of this regional identity are positive, others are definitely negative. Let us begin
with the former. Up until the mid-1970s it would have made no sense to try and group these countries together based on their political regimes: whereas Venezuela and Colombia were among the most long-standing democracies in Latin America, the other three (Ecuador, Peru and Bolivia) had only enjoyed fleeting experiments with democracy. Nevertheless, since the beginning of the 1980s (and not without some high points and serious setbacks) the five countries making up the region have been classified as democracies. Without turning a blind eye to the huge problems and challenges that these fragile democracies face, there can be no question that a project on “democratic governance” in the Andean region has only become feasible now (following the Bolivian transition in 1982) that all the countries in the region share not only the hope but, to a certain degree, the reality too of having democratic (or at least semi-democratic) political regimes.

From a less optimistic standpoint, however, it is necessary to point out that, with the growing deterioration of the Venezuelan and Colombian democracies (in the case of the latter, with a crisis that dates back to the 1980s), the democracies in the region tend to converge not from the standpoint of their strengths but, rather, from that of their fragilities. Although the region has not undergone a radical devolution towards authoritarianism, its political systems seem to have gotten stuck somewhere midway — in the “gray area” of semidemocratic regimes. It is not by mere chance that the five cases have been included in a recent compilation concerning the crisis of democratic representation (see Mainwaring, Bejarano and Pizarro 2008): In all five countries political outsiders have burst upon the scene and made successful runs for the presidency since 1990. In all of them, electoral volatility is on the rise, reflecting the citizens’ discontent with the existing party alternatives. The populations in the region, with the possible exception of Venezuela, have a very poor opinion of the political parties and Congress, two institutions that are vital for democratic representation. And in all of them, except Venezuela, citizen support for democracy is low.

On the economic front, the apparent convergence within the region is the result of even less encouraging developments. Up until the late 1980s, the regional asymmetries were quite pronounced: Venezuela was among the richest countries in Latin America, and Colombia, with its moderate yet sustained growth, enjoyed income levels and living standards that were far above those found in Ecuador and Bolivia. Bolivia, on the other hand, has been one of the poorest countries in Latin America ever since the beginning of the 20th century. Nevertheless, thanks to a lengthy depression in the Venezuelan economy (from 1993 to 2003), the contrast between that country and its neighbors has become far less pronounced. Since the early 1980s, the difficulty in achieving stable and equitable patterns for economic growth has become the main challenge faced by all the countries in the region.

---

1 The following section is based primarily on Mainwaring, Bejarano and Pizarro (2008: 33-39).
2 See the chapters by R. Combellas and M. Pachón in this same book. For a comparative analysis of the process of erosion and deterioration of these two democracies, see Bejarano (at the printer’s, chapter 6).
Furthermore, another issue to be taken into account is the increasing transformation of these economies into mining/extractive types of economies. According to John Sheahan (2006), the Andean economies (especially those of Bolivia, Ecuador and Venezuela) have moved in a direction that makes them increasingly dependent on their exports of oil, gas, coal and other minerals. Venezuela represents the most extreme case of the malady known as the “resource curse,” but all mining economies face similar problems (in terms of job creation, distribution of income and vulnerability to international cycles) and the regional tendency in that direction continues to be worrisome.

Another factor that has fostered the convergence of the five countries is the social dislocation brought about by the adoption of a primarily market-based development model (the so-called neoliberal model). Although the countries in the region followed the “neoliberal recipe” to different extents and at different rates (with Peru and Bolivia in the lead), there can be no question that the widespread use of the model in most Latin American countries contributed to widening the social abyss separating those groups that joined the formal economy and those that just manage to survive as part of the informal and marginalized economy. The alarming levels of inequality and poverty in the region were crucial elements in the ongoing social conflicts and the widespread feeling of crisis. Inequality is a fundamental ingredient for explaining the large-scale mobilizations that have dislocated party systems throughout the region, electing anti-party leaders, true political outsiders, in all of these countries, from Peru (1990) to Ecuador (in 2006).

Lastly, there is the issue of drug trafficking. We have deliberately avoided placing this issue in the forefront, resisting the notion that the only reason behind the idea of an “Andean region” is that, since the 1980s, it has become the center of the international supply of narcotics (mainly cocaine and, more recently, heroin) and, therefore, the target of an international campaign, headed by the United States aimed at battling drug production and exports. The Andes, as we all know, is far more than drugs; the roots of its problems are more varied and lie far deeper that the relatively recent increase in the use of cocaine by consumers in the developed countries. Nevertheless, there can be no question that the idea of an “Andean region” as a problem area exporting drugs to the north began to take shape in 1980s, at least in the mind of U.S. foreign policy. There is no ignoring the seriously negative impact that both the illegal narcotics trade and the misguided anti-drug policies that the U.S. government has espoused ever since the 1980s have had on the region. Nevertheless, in this chapter we have made an effort to “denarcotize” our analysis of the Andean region and its problems. Although judicious mention must necessarily be made of the extent to which the illegal drug trafficking and policies for combating it have influenced these societies and their political systems, our intention is to avoid the fallacy of considering that everything in the region can be explained, in one way or another, as stemming from drug trafficking. Although this issue has played a key role in defining the region as one that is in crisis, problematic, unstable and violent, an understanding of the problems and challenges it faces,

---

3 For an excellent critique of U.S. policy, see Youngers (2004).
as well as the construction of a more favorable image, necessarily calls for a redefinition, far removed from its image as the center of the world drug market.

In closing this introduction, we must point out that our look at the region does not fail to take into account the national traits that make each country a separate reality. What this means is that the regional dynamics are affected, at every moment, by the individual dynamics of the different nations within it: In the 1990s, Peru was the most problematic country in the region; then came Colombia, with its explosive combination of drug trafficking and political violence by both the right and the left. Ecuador, with its pattern of constant political instability, has never ceased to surprise observers of the region. Over the past decade, and under the leadership of Chávez, Venezuela has managed to bring about a radical shift in the dynamics of the region. More recently, Bolivia has held center stage in the hemispheric concerns about the region. There can be no question that is important to follow the rhythm of each case, with its own specific problems and challenges. Nevertheless, a study of the whole, as a region, is still useful.

Mainwaring and Pérez-Liñán (2007) give two reasons why, for both comparative and policy-making purposes, the notion of a “region” becomes useful: First of all, because regions have specific dynamics and political processes that set them apart from other regions. In the second place, because of the demonstration and diffusion effects: As we can see in the case of the Andean region, political events in one country have a strong impact on the policies and political regimes of other countries. The diffusion effect (see Kopstein and Reilly 2000) has been particularly important in the case of the democratization process: An environment that favors democracy increases the probabilities that that type of government will take root and become consolidated, whereas, on the contrary, a regional political environment that does not encourage democracy (such as the Cold War, for example) can have a very adverse effect (see Mainwaring and Pérez-Liñán 2007). Between 1946 and 1999, 32 transitions from authoritarian regimes to democracy took place in Latin America. As part of a quantitative exercise aimed at measuring the impact that the “regional context/environment” had on regime changes, Mainwaring and Pérez-Liñán (2007) found a positive correlation between these two variables: a larger number of democracies in the region, at a given moment, increases the probabilities that a specific authoritarian regime will undergo a transition. Furthermore, a more favorable regional environment reduces the probabilities of a breakdown of democracy. All in all, the demonstration and diffusion effects can explain the wave of democratization that spread throughout Latin America—including the Andean region—between the late 1970s and the early 1990s.

The regional political context can provide opportunities and encouragement for the rise and continuation of democracies. What, however, are the mechanisms that make it possible for the environment to influence individual political regimes? Gleditsch (2002), Mainwaring and Pérez-Liñán (2007) mention three different diffusion mechanisms: 1) the dissemination of norms and ideas; 2) the presence of transnational actors; 3) the policies of the hegemonic regional powers and international organizations. The following sections in this chapter deal primarily with the last of these (international organizations and hegemonic
regional powers). Some hemispheric actors (in this case, the United States in particular) that are able to influence domestic actors indirectly by using incentives and/or sanctions, or through direct action (both diplomatic and economic, and, possibly, military). Up until 1990, the United States wielded this influence both directly and indirectly on all the Latin American nations. From 1990 onwards, the OAS became a major actor as regards its ability to influence the regional political environment, doing so indirectly in most cases. It is for this the reason that this chapter deals mainly with these two hemispheric actors: the government of the United States, and the multilateral political organization of which practically all the nations on the continent are members.4

1.1 Turbulent times: From the post-Cold War to the war on terrorism

Regional dynamics are necessarily part of the framework of the international system and, therefore, are subject to external influence and clashes. During the period covered in this section, we must necessarily differentiate between two key periods, marked by two events of global importance: First, the fall of the Berlin Wall, which led to the disintegration of the Soviet bloc and, even, the disappearance of the Soviet Union itself, causing an irreversible change in global dynamics. The second was the attacks on the twin towers in New York City and the Pentagon in the U.S. capital (hereinafter: 9/11) by a transnational terrorist organization, Al Qaeda.

During the early 1990s a series of changes occurred on the global and regional stages that caused deep and lasting repercussions for the Andean region. The first of these was the end of the Cold War, and event that gave rise to a short-lived illusion of multipolarity, which soon gave way to the predominance of the United States as the world’s major power. Hand in hand with these political changes, and partly fed by them, the technological revolution in communications and information helped accelerate globalization (both economic and, above all, cultural) to unforeseen levels. The end of the East-West confrontation brought with it a wave of optimism concerning inter-American relations. With this radical shift on the international stage, the United States no longer had any reason to fight communism and the latter’s leftist allies in its own backyard. The country then took up the task of ratifying and fostering the victory of liberalism, both political and economic. Again, as was the case during the decade following the end of the Second World War, over optimism gave birth to the premise that political and economic liberalism would lead to prosperity and freedom (“all good things go together”).

From the very beginning this period proved to be problematic for a region where, not only had the radical switchover to market economies been put in place under

---

4 We are aware that the decision to focus on the impact of these two central actors leaves out a group of transnational actors (among others a group of non-governmental actors) that greatly influence regional dynamics. Nevertheless, given the wide range of actors involved, and the limitations of time and space, we must necessarily focus on those actors who, due to their role within the context of the hemisphere, have the broadest and strongest influence in the region and on each of the countries in it. In addition to the United States and the OAS, we will briefly mention the roles played by the Canadian government, the Rio Group, Unasur, Mercosur, the Andean Community of Nations (CAN), the Carter Center, the World Bank, and the Inter-American Development Bank (IDB).
authoritarian governments (Chile), it had also caused problems for many of the nascent democracies. Nevertheless, and although Latin America did not view these two goals (liberal democracy and economic liberalization) as being necessarily compatible, the end of the Cold War opened the door for temporarily coinciding interests between our countries and the regional hegemonic power, fostering a climate that was more favorable to hemispheric relations. Economic affairs replaced ideological confrontations as the top item on the inter-American agenda. In a setting that was much less polarized and ideology-driven than that of the Cold War, the multilateral organizations found room to play a much more important role than they had during the previous 40 years.

The illusion was to be short-lived. The terrorist attacks on September 11, 2001 put an end to the short post-Cold War period and marked the beginning of an era of confrontation having very different characteristics, but whose consequences were equally deleterious when it came to promoting democracy. In the first place, given the key concerns that marked this period, the region quickly lost its place on the list of U.S. priorities. Secondly, the hemispheric power’s concerns quickly focused on the issues of terrorism and security and these were reinstated as priority items on the Inter-American agenda. The United States, once again, placed its interest in guaranteeing its national security ahead its values, including democracy. Lastly, in an environment that had been altered by the unilateral action of the United States in every field, the years following 9/11 have witnessed a shrinking of the space for fostering multilateral negotiations and fora. During the first decade of the 21st century, “the tendency has been to channel relations with each nation separately and based on an agenda drawn up and imposed by the United States” (Bustamante 2004: 99).

The changes to the global system prompted by the attacks on United States, and that country’s response to these attacks, have proven extremely detrimental to Inter-American relations and especially problematic for the Andean countries. Since the beginning of this decade, the issue of drug trafficking has been linked with the war on terrorism. In 1989, President George H. W. Bush had already stated that drug trafficking was the main threat that his country faced, thus forging an explicit link between drug trafficking and security. Following the attacks on 9/11, this link has become a core element in the United States’ foreign policy. Given the role it plays in international drug trafficking, the Andean region is especially vulnerable to this interpretation by the U.S. government.

Lastly, mention must be made of another important change in the regional dynamics: With the election of Hugo Chávez (1998), but above all in the aftermath of the failed coup in 2002, the escalating (verbal) confrontation between the United States and Venezuela has added a new element to the regional picture. On top of this, the elections of Evo Morales in Bolivia (2005) and Rafael Correa in Ecuador (2006), and their close ties to the Venezuelan government, has forged an axis of resistance to the hegemony of the United States, posing a problem for the region—in that it divides the region and subjects it to the extreme polarization of relations between Washington and
2. The OAS and the promotion of democracy

Since the 1990s the OAS has been experiencing a sort of renaissance, one that can be explained by two key factors: on the one hand, the end of the Cold War and, on the other, the democratization of Latin America, both of which fostered a certain convergence between the United States and the governments in the region on the issue of supporting and preserving democracy. With the end of the Cold War, Canada was able to reach the decision to join the organization following decades of refusal to do so in order to avoid getting involved in the polarized hemispheric relations. Canada’s entry helped bring some balance to the organization. The addition of a heavy-weight actor to the inter-American dialogue reduced the asymmetry characteristic of relations between the countries in the hemisphere and the United States. Canada has added its voice to those of other actors in the OAS (quite often backing civil society initiatives) in support of issues such as promotion and preservation of democracy; it has fostered a broader concept of democracy, one that goes beyond the purely electoral; it has emphasized the basic prerequisites for democracy (equality, education, respect and protection of human rights); and, lastly, it has fostered a different (less punitive) approach to the drug problem, an issue that is crucial for the Andean region. To be specific, in the case of OAS actions to promote democracy, Canada played a key role in two core initiatives: the creation of the Unit for the Promotion of Democracy [UPD] and the drafting of the Inter-American Democratic Charter.

2.1 Inter-American mechanisms for the promotion of democracy

Beginning with the Protocol of Cartagena de Indias in 1985, the OAS Charter was amended in order to include the promotion and consolidation of democracy as one of the organizations’ principles. It was not until 1990, however, that the OAS began to work actively on this issue. The UPD was created in 1990 and, initially, was assigned the task of monitoring elections. The proposal, pushed by Canada, sought to institutionalize a series of actions that the organization had already been engaged in, primarily electoral observation. This work, which stamps a seal of international approval or disapproval on electoral processes in the continent, may not have immediate consequences but, as was seen in the case of Peru (2000-2001), it may have very significant consequences in the medium term. Part of the UPD’s success had to do with the fact that elections are the most tangible manifestation of democracy and the one that can most easily be observed. Nevertheless, as many have already pointed out, it is necessary to move beyond purely electoral issues. Over the years the UPD began taking on the additional tasks of offering advice, information, research, training, education and institutional support.

In 1991, the OAS adopted the Commitment of Santiago for the defense and strengthening of democracy. Resolution 1080 is a mechanism for rapid

---

5 For more concerning Canada’s OAS policy, see Graham (2002) and Mace (2006).
6 Since 1990 the UPD has observed more than 85 elections in at least half of the member states.
response in the event of a possible coup d’État. Based on this resolution the Secretary General may convene a Permanent Council meeting immediately in the event of a sudden or irregular interruption of the institutional process or the legitimate exercise of power by the democratically elected government in any of the Organization’s member states. The resolution also provides for effective, timely and expedited measures to ensure the promotion and defense of representative democracy.

In 1992, the Protocol of Washington was approved as an amendment to the Charter of the OAS. Under this protocol, a member state whose democratically elected government has been removed by force may be suspended. This protocol came into force in 1997, following ratification by two thirds of the members of the organization.

The gradual expansion of the powers and mechanisms placed in the hands of the OAS to prevent and deal with situations critical for democracy reached a high point with the adoption of the Inter-American Democratic Charter (hereinafter the IDC) in Lima on September 11, 2001. The Charter stipulates that the peoples of the Americas have a right to democracy and their governments are under the obligation to promote and defend it. The purpose is to prevent certain political problems from escalating to the point where they become irreversible crises: a member state that feels that it is at risk it may request outside assistance for the defense of constitutional order (article 17); other member states or the Secretary General of the OAS may, with the prior consent of the government concerned, call for a collective assessment of the situation in a country that is at risk, (article 18); the IDC provides for the suspension of any member state (by the General Assembly with the affirmative vote of 2/3 of the member states) following an interruption of the democratic order, for as long as the interruption continues (article 19); in the event of a threat to the constitutional order, any member state or the Secretary General may call for an immediate meeting of the Permanent Council, which can then convoke a General Assembly to consider the situation (article 20); furthermore, the IDC authorizes observation missions to play an external validation role (article 25) and to continue the follow-up mission once the crisis has ended in order to ensure the continuance of democracy (articles 26 and 27). Last of all, the Charter establishes a link between strengthening democracy and related goals such as respect for human rights and basic freedoms, and reducing inequality and poverty (articles 7-16).

2.2 Putting out fires: The OAS and promotion of democracy in the Andean region

Since the early 1990s it has been in the Andean region that the ability of the inter-American institutions to promote and defend democracy has been tested most frequently and consistently. With few exceptions, most of the critical

---

situations that the OAS has had to deal with since 1991 have occurred in countries in this region.  

a) Peru

The crisis and re-establishment of democracy in Peru are a perfect example of the scope and limitations of the inter-American system for the promotion of democracy. Following the so-called “self-coup” by the president in 1992, the OAS invoked, with little success, Resolution 1080, approved just one year earlier. The OAS declared its disagreement with Fujimori’s self-coup and called for immediate restoration of the democratic institutions. Partly in response to pressure by the OAS, President Fujimori decided to schedule elections for November that same year to elect a constituent assembly, seeking to legalize the de facto authoritarian situation he had caused with his “self-coup.” In a perverse turn in the chain of actions and reactions, the OAS’s censure ended up generating a process of continuity and re-legitimization of an authoritarian regime.

Albeit, 10 years later the OAS (including the UPD and its electoral mission) played an important role in restoring democracy in Peru when it fostered and negotiated a solution to the impasse prompted by Fujimori’s attempt to run for a third consecutive term using a fairly complaisant interpretation of the 1993 Constitution. The 2000 elections, which prompted a mass mobilization by the Peruvian society, became the main item on the agenda of the OAS General Assembly, which achieved a political compromise set forth in resolution 1753.

Intervention by the OAS began with an electoral observation mission, headed by a former foreign minister of Guatemala, Eduardo Stein. This mission played a key role in the delegitimization of the second round of voting, scheduled for May 28, 2000, adding further weight to opposition protests spearheaded by the latter’s candidate, Alejandro Toledo. Nevertheless, despite the delegitimization of the electoral process, the results were not declared illegitimate. Instead of questioning the mandate of the new government elected in this process, the OAS decided to send a high-level mission, led by the Secretary General (César Gaviria) and the Foreign Minister of Canada (Lloyd Axworthy), that visited Peru for the purpose of setting up talks among the government, the opposition and representatives of civil society to discuss an agenda for specific reforms. This OAS initiative created a forum for discussing reforms, facilitated the transition from the Fujimori administration to that of President Paniagua, and lay out the foundations for the elections held in April 2001 (Cooper and Legler 2001b). One of the advantages of the high-level mission that went to Peru in 2000-2001 was that it left the details for solving the crisis in the hands of the Peruvians and, at the same time, opened the door for the inclusion of civil society, endowing the process with greater transparency (Cooper and Legler 2001b). Without considering it a decisive factor in the outcome, McClintock holds that this mission’s main contribution to the transition in Peru was that it made clear that the international community was watching political developments in the

---

8 Other countries that have prompted OAS action for the defense and promotion of democracy have been: Haiti (1991, 2001 and 2004), Guatemala (1993), Paraguay (1996), Nicaragua (2005) and, more recently, Honduras (2009).

9 See the timeline of events and OAS responses in Smith (2005:130).
country and was not willing to tolerate an open dictatorship. (Cooper and Legler 2001b: 139).

Despite having been relatively successful, the initiatives taken by the OAS during the Peruvian crisis in 2000-2001 could be considered to be in the category of “putting out fires” instead of preventing and attacking the underlying causes of instability and the decline of the democracies on the continent. Due in part to this, and once the transition to a democratically elected government had been completed, the Peruvian situation led to the drafting of the Inter-American Democratic Charter. The IDC is a clear message from the member states that collective action in favor of democracy can be taken on this continent, primarily for the purpose of preventing situations such as the one faced by Peru in 2000 and 2001.

b) Venezuela

Following the Peruvian crisis, Venezuela was the first case in which the mechanisms for defending democracy contained in the IDC were put to the test. In April 2002, a major mobilization against the government, in the city of Caracas, was followed by a coup d’état that ousted President Hugo Chávez for 48 hours, although he was later rescued and reinstated by a group within the Venezuelan army. In a statement issued in San Jose (Costa Rica), the Rio Group used article 20 of the IDC to ask the Secretary General to convene an emergency meeting of the Permanent Council of the OAS to discuss the situation in Venezuela. The Permanent Council, in turn, met to “condemn the alteration of constitutional order” and issued Resolution 811, convoking a special session of the General Assembly, to be held on April 18, to consider the crisis in that country. The latter, in turn, decided to send an urgent mission headed by the Secretary General.

Although the OAS took rapid action, the coup ended in failure due to miscalculation by the leaders of the coup and domestic pressure rather than to international pressure. It is not clear either what the organization would have done if the coup had succeeded. In any case, by quickly issuing a statement, the OAS sent signals to discourage those who were behind the coup and a clear message to the rest of the continent: even in the case of Venezuela, a country where the government that was threatened annoyed the United States, as well as some of its neighbors, that the organization was not willing to tolerate a sudden and illegal break in the democratic process. Although there is no evidence of any direct support to the people behind the coup by the government

---

10 The idea was first presented at the Summit of the Americas held in Quebec in April 2001, with the backing of Peru, the United States, Canada, Costa Rica and Argentina. It was promptly accepted by all the member states except Venezuela. See: Legler (2006: 4). The Canadian government’s strong participation in this initiative had to do with the fact that Canada was hosting the OAS General Assembly meeting in Windsor in 2000 as well as the Summit of the Americas, held in Quebec in April 2001, and was, therefore, very interested in avoiding another credibility crisis involving the OAS and the inter-American community. See: Cooper and Legler (2001b: 127).

11 Venezuelan ambassador Jorge Valero criticized the Permanent Council for invoking article 20, which provides for a series of preventive, mainly diplomatic, measures, instead of article 21 that calls for suspension of the unconstitutional government for dealing with the situation involving the coup d’état in that country in April 2002.
of the United States, what is very clear is that Washington never condemned the illegal takeover in Venezuela. Despite this, the OAS felt obliged to respond, proving a newly-found independence vis-à-vis the hegemonic power on the continent.

In an environment marked by deep polarization, following the crisis involving the coup in April 2002, the OAS played a major role in preventing direct confrontation and fostering dialogue between the Venezuelan government and the opposition. From April 2002 until 2004, the OAS played an active part in the negotiations that led to the referendum for the recall of the president in August 2004 that settled the conflict between Chávez’s government and the opposition—at least temporarily. With presence of the Carter Center, the OAS electoral mission certified the transparency of the electoral process that ratified Hugo Chávez as president of the republic until 2006. The government victory, and defeat of the opposition, in the recall referendum resulted in a significant reduction of the confrontation, reducing the risk of another attempted coup or the sudden death of Venezuelan democracy. Nevertheless, the OAS, has done very little to solve the problems of institutional deterioration that have caused a slow transition towards “competitive authoritarianism” in Venezuela” (see Levitsky and Way 2002; Corrales and Penfold 2007).

c) Ecuador

Between 1997 and 2009, in other words over a period of 12 years, Ecuador has had nine presidents. Three of these changes of president (the one in 1997 and, above all, those in 2000 and 2005) were the result of constitutional crises during which democratically elected presidents were removed unconstitutionally following intense anti-government mobilizations. As a result of these events, multilateral organizations such as the OAS find themselves in an extremely difficult situation. While constitutional principles require playing by the rules of the institutional game, the tide of public opinion is clearly against leaving the president in power, even at the risk of breaking the rules governing the workings of the democratic institutions. Unlike coups d’état, these “opinion coups” are backed by the masses and, thus, are endowed with an aura of democracy that is hard to counteract in times of extreme political agitation. Also, given their nature as participative movements backed by the people, they have a demonstration effect that goes beyond the borders, “spreading the contagion” —in a manner of speaking— to the neighboring countries. The deeply ambiguous nature of these situations and the extremely contagious nature of mobilizations make intervention by outside actors, especially the OAS, very difficult.

On April 22, 2005, article 18 of the IDC was invoked for the first time in a situation of this kind. Resolution 880 of the Permanent Council of the OAS created a high-level mission for Ecuador that was entrusted with finding ways of strengthening democracy in that country. This action, however, was only taken after the resignation of President Lucio Gutiérrez. The mission did not call for any sanctions, present any demands or timetable. Faced with an extremely ambiguous situation and strong objections to outside interference in internal affairs, the OAS preferred to uphold the principles of sovereignty and
non-intervention in the case of Ecuador instead of using the stronger mechanisms provided for in the IDC.

d) Bolivia

The situation has been much the same in Bolivia, where two presidents were forced to resign (Sánchez de Lozada in 2003 and Carlos Meza in 2005) under pressure from large-scale protests and the risk of widespread violence. At the very beginning of the crisis in 2003, the Permanent Council expressed strong support for the government of Sánchez de Losada and considered the protests to be “violent events” that put the democratic institutional framework in that country at risk (Resolution 849 [1384/03]). A week later, however, the Council met again to express its full support for the constitutional and democratic succession and for the government of Carlos Meza (Resolution 852 [1387/03]). An ambiguous response to an extremely complex situation whose outcome was hard to predict.

In June 2005, President Meza faced the same fate as his predecessor. It is interesting to note that, during the crisis that led to Meza’s resignation—which was only settled with a call for another election in December 2005—the Bolivian diplomats turned first to their Brazilian counterparts before turning to the OAS or United States. Faced once again with an ambiguous situation and strong resistance to any possibility of foreign interference in a domestic political process, the OAS merely regretted the crisis and offered to mediate.

The examples of Ecuador in 2000 and 2005, together with the repeated presidential crises in Bolivia between 2003 and 2005, are the basis for the arguments made by Arceneaux and Pion Berlin (2007), namely that the OAS takes vigorous action when faced with clear and obvious violations of democratic institutions (as in the case of military coups or “self-coups” by presidents), but is reluctant to act when the threats are ambiguous or when it would be facing mobilized groups that strongly object to intervention by the organization based on a radical defense of sovereignty.

In late 2007 Bolivia was again faced a serious conflict concerning a referendum for approval of a new constitution that had been drawn up by a pro-government majority without reaching an agreement with the opposition, and the latter’s attempt to impose a system of autonomy contrary to the wishes of the former. By the end of 2007 the government and the political and regional opposition agreed on the possibility of a beginning dialogue. Both side, however, continued to set conditions: The opposition demanded that the direct tax on hydrocarbons be reinstated and that the constitution approved in Oruro not be recognized, whereas the government offered to sit down and talk, but without including those issues. On May 4, 2008, the departments controlled by the opposition held an “autonomy referendum” aimed at limiting transfers of resources between regions in order to dilute the power of the national government headed by Morales. Santa Cruz reaffirmed the autonomy statutes by an 85% majority. The opposition departments’ refusal to recognize the authority of the national government created greater tension in the conflict; this led, in turn, to a referendum for the recall of the president and the department prefects, held on August 10. Morales won with an approval rating of 67% while, at the same
time, six of the eight department prefects included in the referendum were also confirmed in their posts. This exacerbated the conflict even further, with both sides becoming stronger. The wide margin of approval achieved by Morales encouraged his government to push for approval of the constitution; this, in turn, prompted the opposition prefects of the so-called “Half Moon” departments (Beni, Pando, Tarija and Santa Cruz) to call for civil resistance against the national government. Actions taken by the opposition against the gas pipelines ended up seriously affecting gas supplies to Brazil and Argentina. On September 11, 2008, President Morales decreed a state of siege in Pando Department, an action that many considered to be the first step in an escalation of military interventions in the pro-autonomy departments.

On September 15th the recently created Union of South American Nations (Unasur) convened an urgent presidential summit meeting in Chile to deal with the Bolivian crisis. The Santiago Declaration acknowledged the serious nature of events in Bolivia and called for a “strengthening of political dialogue and cooperation to reinforce the security of the citizens.” It also offered unanimous support for Morales’s government, and rejected any possible civil coup or rupture of institutional order in Bolivia. The Declaration acknowledged the existence of the two parties to the confrontation and, as a condition for initiation of a dialogue, called for the return of all facilities that had been taken over and an immediate end to the violence.

The case of Bolivia is a clear example of one of the leading limitations to action by the OAS: the always present (and, in some cases, growing) suspicions regarding the true interests and hidden agenda of the United States, and the possibility that the OAS is nothing but a façade used to promote those interests in the region. The fact that the OAS has not played a role in settling the crisis is significant: The Unasur summit spoke of South American political coordination, proving that the region is capable of solving its own problems without the United States and the hemispheric organization. Nevertheless, as pointed out by Malamud (2008), Unasur is a forum for political coordination rather than for regional integration and, despite the almost unanimous assessment of the Bolivian conflict, “agreement is limited to some issues and does not include the full agenda or the friction between Brazil and Venezuela over leadership.” The summit meeting also made clear the consolidation of regional leadership in the hands of Brazil, a country that played a decisive role in toning down the final statement.

The difficulties that the OAS has faced in connection with the many crises of Bolivian democracy can be viewed from two standpoints, one negative and the other positive: The first makes clear Latin America’s growing mistrust of the

---

12 On the issue of the role of the United States, news spread in late August that that country’s ambassador, Philip Goldberg, had met secretly with the prefect of Santa Cruz, one of the leaders of the strike. This prompted a formal protest to Washington by the Bolivian government and, on September 11, the ambassador was expelled from the country, accused of backing the opposition mobilizations in favor of autonomy of the departments and of interference in the internal affairs of Bolivia. Just a few days later, President Bush decertified the Andean country (on the issue of the combating drug trafficking), an action that Morales described as U.S. retaliation for the expelling of its ambassador.
United States, an issue that has serious implications when it comes to the role that the OAS hopes to play in the region; the second means a growing tendency to turn to subregional organizations (where the United States is not a member), led by Brazil and, more recently by Venezuela, in an effort to “Latin Americanize” the debate surrounding the region’s problems and possible solutions.

e) Colombia

Contrary to the cases described above, the OAS has played a fairly limited role in Colombia and has not even monitored elections in that country. Nevertheless, in view of reports regarding the influence wielded by drug traffickers and paramilitary personnel in elections, this monitoring has become increasingly necessary. There is little evidence of manipulation on the domestic front, but better mechanisms for observation and assessment of local and regional elections are needed.

The OAS has, however, been playing a key role in assisting and monitoring the demobilization of the paramilitary groups in Colombia since 2003. Although this is an ad hoc initiative that would be difficult to translate into a regional security strategy, according to Cepeda and Hakim (2006) it does point to a course to be followed: that of “taking on specific initiatives where it can play a useful role, rather than seeking to define a broad security agenda in an area that is known for being complex and controversial.”

In 2008 Colombia was involved in a serious regional crisis that tested the inter-American system’s capacity to respond. The crisis began with a raid inside Ecuador by the Colombian army on March 1, 2008 (during which Colombia bombed a FARC camp, killing the leader of the irregular group, Raúl Reyes). This was followed by a protest by the Ecuadorian government that was backed by Venezuela. This event made clear, as never before, the extent to which the Colombian conflict had become a central issue for the region.

Resolution CP/RES. 930 (1632/08) of the Permanent Council of the OAS, dated March 5, censured the Colombian raid in Ecuadorian territory in violation of articles 19 and 21 of the Charter of the OAS. The regional organization called on all the actors involved to combat threats to security stemming from actions by irregular groups and criminal organizations. An OAS mission, headed by the Secretary General (José Miguel Insulza), visited the two countries to analyze what had occurred. In addition, the organization called for a meeting of ministers of foreign affairs, to be held at OAS headquarters in Washington, for the purpose of studying the events and presenting recommendations. The 21st Summit Meeting of the Rio Group was being held in Santo Domingo at the same time that the crisis was unfolding and, as a result, although called for other reasons, “was forced to discuss this as the only item” (Pachano 2008). Although the Rio Group is a permanent mechanism for consultation and political agreement, not a fully representative regional organization, it did prove to be very capable of helping settle differences between its members, precisely because it is an organization of which the United States is not a member. The events in March 2008 made clear, once again, the differences of opinion between members of the CAN regarding the issue of collective security, a
situation that leaves this body impotent despite the fact that the two countries initially involved are members of that subregional group.

The potential for conflicts breaking out along Colombia’s borders continues to exist. These differences between Colombia and its neighbors are part of a framework of deep ideological and political disagreement as to how to overcome the conflict and regarding the role of the United States. On the one hand, Colombia asks for more collaboration and control by its neighbors, while they, on the other, insist that Colombia do more to control and contain the problem inside its own borders. Thus, each country sees the situation differently: Ecuador is concerned about the effects of spraying and, in the aftermath of the crisis in March 2008, defense of its sovereignty has become a key issue for that country. Chávez, in turn, views Plan Colombia as a U.S. strategy to control the region. Thus, when it comes to dealing with the issue of the Colombian conflict as a threat to the region, the focus is not on long-term goals (neutralizing or eradicating drug trafficking or guerrilla warfare) “but on the immediate problems for the agenda of each of the countries” (Bonilla 2002). The United States, in turn, wants the neighbors to become involved in the efforts for cooperation on a military solution to the conflict, but fails to include them in the discussion or designing of policies or strengthen the regional organizations.

2.3 Scope and limitations of the OAS

Unlike the situation during the Cold War period, since the early 1990s the OAS has proven that it is willing to intervene in the event of a clear threat to democracy on the continent, even going against the position of the United States (as in Venezuela in 2002). Although it is hard to tell how much of an impact OAS intervention has had in the long run in each one of these crises, it is clear that the prospect of sanctions and possible suspension from the organization have played a part in the strategic calculations of the actors, especially those responsible for breaking the rules of the democratic game: In Guatemala (1993) and Paraguay (1996), those backing the coup pulled back when faced with the prospect of sanctions; in Peru, following his “self-coup” in 1992, Fujimori was forced to quickly re-establish a semblance of a democratic process by calling for elections that same year. In addition to pressure by the OAS there is also, of course, that of other (non-governmental and transnational) actors who may promise incentives and/or sanctions, sometimes intangible (censure by the international community) and sometimes material, to help reinforce a regional environment favoring democracy. More specifically, some subregional organizations, such as the Southern Common Market (Mercosur) and now, more recently, the Unasur have added their weight to the OAS’s pro-democracy stance.

---

13 The spraying of coca plantations affects areas along the Ecuadorian border; this in the issue that has prompted the greatest participation by civil society organizations engaged in monitoring the effects of Plan Colombia.

14 Editors’ Note: This situation became even worse in 2009 with the signature of a military agreement between the governments of Colombia and the United States that allows for the presence of U.S. personnel at seven Colombian military bases.

15 Mercosur played a major role during the Paraguayan crisis in 1996. Months later the group adopted a clause stating that any alteration to the democratic order would be an insurmountable
Nevertheless, OAS action has not always been that clear and decisive. Before the approval of the IDC, there were some instances in which, despite an interruption of the constitutional order, Resolution 1080 was not invoked. In Venezuela (1992), following the attempted coup against President Carlos Andrés Pérez, the Permanent Council of the OAS merely condemned the events and stated its commitment to democracy. Nor was that same resolution invoked, in the case of Ecuador, when Bucaram was overthrown by Congress (1997) or in 2000 following the ouster of Jamil Mahuad.

Despite showing greater activism since the beginning of this decade, the truth is that ever since it was founded in 1948, the OAS has faced two fundamental limitations: The first is the marked disparity in the power its members have, especially when it comes to the United States and the rest of the continent, followed by the suspicion, shared by many in Latin America, that the United States controls and, to a certain extent, manipulates the organization in its favor, to the detriment of the interests of the regional community. These suspicions have been confirmed on any number of occasions, such as when the organization backed the invasion of the Dominican Republic in 1965. During the Cold War, the organization remained in the shadows and lost a great deal of the prestige and legitimacy it had enjoyed during the golden years immediately following its creation. One sign of this lack of credibility and weight in the region is the fact that during the 1980s the Central American countries preferred to turn to a different group of ad hoc organizations (such as the Contadora Group and the Rio Group) to find mediators for the negotiations that put an end to their civil wars. In the end it was the United Nations (not the OAS) that played a major role in verifying and monitoring the peace agreements. Beginning in 1989, at the urging of Óscar Arias and with the approval of its Secretary General (Javier Pérez de Cuéllar), the UN began playing a major role in supervising and certifying electoral processes. The Carter Center has played a crucial role in verifying elections in the region.

Even after the end of the Cold War there were fears that the United States might use the OAS as a Trojan horse to mask a new type of interventionism, multilateral but still based on that major power’s interests (Restrepo 1998). The growing polarization between the region and the United States has helped undermine the influence of the OAS in the region even further: This became even more obvious during the recent crisis in Bolivia (2008) when President Morales said that “United States hurts the OAS” and that his country preferred the mediation of Unasur. He went on to say that Unasur “had been created to prevent South America from being the empire’s back yard.”

The second limitation has to do with the ongoing tug-of-war —and, occasionally, obvious contradiction— between the principles of sovereignty and non-intervention in the internal affairs of the member countries, and the goal of promoting democracy. Whereas the former limit the scope of the organization, the latter is precisely a call to observe, evaluate and, if necessary, act on obstacle to participation by the country in question in the integration process. See Valenzuela (1997).

16 “Evo Morales: Bolivia prefiere a Unasur antes que OAS por presencia de EEUU”, New York, September 23, 2008, AFP.
internal problems in the member countries, either for prevention or for restoration. The disparity between the members of the organization merely increases the contradiction given that, if the countries of the region were equals, the willingness to relinquish a certain degree of sovereignty could be considered the price to be paid in order to achieve more favorable conditions for everybody. Nevertheless, given the great disparity between the United States and the Latin American countries, any renunciation of the principle of sovereignty is viewed as transferring power to the hegemonic power in the region. Given the ongoing tug-of-war between the principles of non-intervention and the goal of collective defense and promotion of democracy, the scope of OAS action may be limited primarily to electoral observation and “soft” forms of intervention, such as facilitating dialogue between the parties. This does not diminish the importance of the role to be played by this organization since observation and outside monitoring still have an impact on the calculations of the domestic actors, both those in the government and those in the opposition. Moreover, the OAS can open up spaces and channel the participation of a number of non-state actors using an increasingly complex multilateral network (Legler 2006).

Above and beyond these limitations, there is one other problem. The model of OAS intervention is based on the most typical threat to democracy: the coup d’état. When the threat is clear and imminent, the OAS reacts immediately. Albeit as the threats become less clear, the OAS’s ability to respond is dramatically reduced. In the opinion of Arceneaux and Pion-Berlin (2007), for example, by dedicating all its energy to the task of preventing coups d’état, to a certain extent the OAS legitimizes the existence of “low intensity democracies.” Furthermore, by concentrating on electoral observation, the OAS helps emphasize the more formal side of democracy at the expense of another set of basic conditions that constitute the fundamental underpinnings of democracy.

Above all the difficulties have to do with the growing complexity and the diffuse nature of the threats to democracy. To deal with these, what is needed is a more sophisticated analysis of these threats, as well as innovation in coming up with responses. Ever since the self-coup in Peru in 1992, the threats to the Latin American (and, most particularly, the Andean) democracies are of another kind: military coups have given way to “opinion coups” (in other words, the removal of elected presidents under pressure by a mobilized society, with or without the leadership of opposition parties)\(^\text{17}\). The cases of Ecuador (2000 and 2005) and Bolivia (2003 and 2005) are very telling in this regard. Moreover, self-coups by presidents have been gradually replaced by a stealthy accumulation of power in the hands of the executive branch, to the detriment of the other branches of government, most often with the widespread support of the masses, filled with illusions regarding the prospects of a messianic leadership. Rather than a “sudden death,” what our countries now face more and more is the “slow death” of democracy.\(^\text{18}\) The fact that it is gradual and stealthy does not mean that it

\(^{17}\) These have been called “impeachment coups” or “civil-society coups.” See Legler (2006: 11) and Pérez-Liñán (2007).

\(^{18}\) The terms “sudden death” and “slow death” of democracy have been taken from O’Donnell (1992).
any less of a problem. The inter-American system, however, seems poorly equipped to deal with this type of challenge.

3. **The United States and democracy in the Andean region: the elephant in the living room**

Since its Independence, the United States has proclaimed that it has the moral obligation to spread democracy throughout the world; hence the prominent place occupied by the promotion of democracy, its values and institutions as a main guideline in its foreign policy. However, many (particularly in Latin America) doubt that the actual policies adopted by the United States are truly guided by those values and principles. Historically, the priorities of US foreign policy have depended on the protection of the United State's security interests, the promotion of the economic well-being of its population, and, naturally, the balance of domestic power. 19 A brief analysis of the main aspects of the United States’ foreign policy towards the Hemisphere shows how, following the disappearance of the communist threat, the fight against drugs and, more recently, the War on Terror have been superimposed, overshadowing the promotion of values such as democracy, respect for human rights, and the peaceful settlement of conflicts.

The disintegration of the Soviet Union and the end of the Cold War were viewed by many as a victory of the United States. It seemed that the old disagreements on the type of political and economic systems in the Hemisphere had been overcome. So, in 1990, President Bush proposed an “Enterprise of the Americas Initiative,” which contemplated the creation of a free trade zone that would stretch from Alaska to Patagonia. Clinton came to the presidency in 1992 more concerned with domestic issues, such as the economy and social security, than with a foreign policy that would affirm the country’s political-military supremacy. The transitions to democracy in Latin America added to the climate of optimism that marked a large part of the 1990s.

The Clinton administration proclaimed a new foreign policy towards Latin America based on the defense of free trade, democracy, and human rights20. In 1993 the US Congress approved the North American Free Trade Agreement

---

19 The complexity in US foreign policy results from the sometimes contradictory series of actors taking part in the decision-making process. Besides challenges abroad, it is largely determined by the influences of different domestic regions, sectors, and groups that mark the agenda. As Lowenthal points out, “No longer are the Department of State, the Pentagon, and the CIA the only ‘nor even the main’ government agencies relevant to the region, as they were between the 1950s and the 1980s” (2006: 67). The relative importance of non-state actors has increased: pressure groups, corporations, trade unions, think tanks, the media, and nongovernment organizations of different types are acquiring increasingly greater importance.

20 In the view of the Americans, there is a clear link between promoting democracy and their own security: the promotion of democracy implies moral, political, diplomatic, and financial support for individuals and organizations that struggle to open up an authoritarian regime, because countries that do not have a stable democracy are always more prone to revolution and other forms of disorder that threaten the security of Americans (Diamond 1992). As for free trade, in the words of US Secretary of State Warren Christopher (1995), “US economic power at home and abroad will be mutually strengthened. Basically, the security of the United States depends on a strong economy. And in today’s global economy, America’s economic well-being depends on our ability to open foreign markets and promote free trade and investment.”
(NAFTA) and, in 1994, with the Summit of the Americas held in Miami, a start was made on creating the Free Trade Area of the Americas (FTAA). Negotiations became increasingly difficult and the project was finally shelved in 2005 owing to the controversy that arose in Latin America, in particular over the issue of agricultural subsidies. After the failure of the FTAA negotiations in 2005, Washington opted for maintaining bilateral relations with Latin America. In the Andean region, it started talks with Colombia, Peru, and Ecuador in simultaneous rounds (no joint negotiation), excluding Bolivia even though it was a beneficiary under the Andean Preferential Trade Treaty, the precursor to the new negotiations (Bonilla and Paes 2006). The bilateral trade agreements with Peru (signed in December 2007), Chile, and Colombia (so far not ratified by the US Congress) sought to divide neighboring countries and undermine the autonomy that might lead to a possible regional coalition.

The United States is still a long way from adopting a “Latin American policy” that applies to the entire region (Lowenthal 2006); the agendas are more specific and local. While the relationship with Mexico, Central America, and the Caribbean is strongly marked by migration and trade issues, the Andean region is the focus of greatest concern owing to political instability and drug trafficking. As for the Latin American nations, their response to the impositions and demands of the hemispheric power is dramatically fragmented. This is particularly true in the case of the Andean region, where, despite the existence of regional bodies (the CAN, the Andean Parliament, and the Andean Development Corporation (CAF), among others), the division of the region into two ideological blocs (with Colombia and Peru on the “right” and Venezuela leading the leftwing bloc, with Ecuador and Bolivia) rules out any possibility of a concerted response to the challenges facing the region.

3.1 Securitization of the agenda

The events of September 11, 2001, redefined the priorities of the United States in matters of foreign policy, prioritizing security and the fight against terrorism. The National Security Strategy (2002) placed particular emphasis on strengthening regional alliances to eliminate global terrorism, anticipating conflicts through preventive military action, and strengthening military capacities and national intelligence in order to deal with global threats. The same document mentions existing ties between “extremist terrorist groups” and “drug trafficking activities that help to finance those groups,” the only relevant hemispheric issue from the point of view of the United States (Bonilla and Páez 2006). So, in the context of the fight against terrorism, the inter-American agenda went from being varied and fluid to being excessively focused on security, where drugs and insurgent movements became potential threats for the United States.

The George W. Bush administration’s strategy in foreign policy matters had three main features: its unilateralism, the consolidation of flexible coalitions, and the prevention of conflict through preventive action (Fuentes and Rojas 2003). As far as the countries of the region are concerned, the unilateralism of

---

21 Ad hoc alliances that allowed the United States to give its international policies legitimacy and consolidate them in the short term.
the Bush administration’s foreign policy was evident in its treatment of each country separately, without waiting for the approval of multilateral agencies and avoiding any attempt to form groups. This contributed to reduce still further the capacity of these countries to formulate and implement their own policies and interests in the international sphere. Not even the attempt to “regionalize the Colombian conflict” had to do with forming subregional conflict management agencies, but simply with “forcing neighboring countries to collaborate with actions, policies, and initiatives imposed by the United States” (Bustamante 2004: 99).

Since 2001, US military assistance to Latin America has gone from US$ 23 million to US$ 54 million a year. Funding for anti-drug programs has more than doubled, going from US$ 461 million to more than US$ 1 billion. Economic and development aid was practically unchanged, however. Moreover, and despite the fact that the communist threat had disappeared two decades earlier, Southern Command (SouthCom), which was responsible for all US military activities in Latin America and the Caribbean, continued to have considerable presence in the hemisphere.

Islamic terrorism is not a threat in any of the Latin American countries, where organized crime is a much bigger problem. Drug trafficking, money laundering, and trafficking in persons and weapons force governments to allocate increasingly large amounts of resources to curb these phenomena. The security issues affecting the region do not depend essentially on the ideological-religious conflict that is sending shock waves through the global system; on the contrary, they are more clearly rooted in the historical weaknesses of those states and in the tremendous difficulties they have in confronting new challenges Rojas 2005).

The contrast between the narrow vision of the security problem promulgated from Washington and the regional notion of hemispheric security was reflected in the “Declaration on Security in the Americas” issued by the Special Conference on Security held in Mexico City in October 2003. This Declaration contributed to broaden the traditional vision of the security issue by including political, social, health, and environmental aspects, expanding the concept of security traditionally restricted to the sphere of the state by recognizing that the sources of risk for citizens are varied and go beyond a military attack. As the Declaration points out, these “nontraditional threats” to security are

---

22 By contrast, up until the end of the 1990s, economic aid more than doubled military aid; and in the Cold War era, the difference was even greater. See Leogrande (2005).

23 In 1997, Southern Command’s area of responsibility was expanded to include “the Caribbean Sea, the Gulf of Mexico, and a portion of the Atlantic Ocean” that had previously been the responsibility of the Atlantic Command. In 2002, Congress approved an “expansion of the mission” for the operations of Southern Command. The aid and training that was previously limited to the anti-narcotics war could now be used for counterterrorism.

24 “The security of states of the Hemisphere is affected, in different ways, by traditional threats and the following new threats, concerns, and other challenges of a diverse nature:” terrorism, criminal activities, and resultant lack of public security, drug trafficking, organized crime, risks to health and the environment, money laundering, corruption, illicit trafficking in weapons, proliferation of mass destruction weapons, extreme poverty, social exclusion, and natural disasters (“Declaration on Security in the Americas” 2003).

25 These threats (terrorism, drug trafficking, and organized crime) are nontraditional rather than new in the sense that they are non-state threats.
multidimensional and require responses that are also multidimensional. In other words, even though the events of 09/11 forced the entire world to set its priorities focusing on the security issue, there is still room for the possibility of conceiving of security in broader and more democratic terms than those established by the United States since 2001 in its “War on Terror.”

3.2 The policy on the Andean region: the centrality of Colombia and the drug trafficking problem

In the words of Bonilla and Páez, “US foreign policy towards to the Andean countries is rooted in a regional agenda, but is implemented bilaterally. [...] It is [...] an agenda [...] that does not take account of the complexity and the subtle differences of the serious Andean problems” (2006: 126). The domestic control capacity of those countries and their collaboration with the US military and police agenda are determining factors in US policy towards the region. While the United States’ focus of attention is Colombia, there are also policies aimed at preventing the resurgence of irregular groups in Peru, avoiding them appearing in Bolivia, and, finally, preventing Colombian guerrillas and their destabilizing effect from spreading to Peru, Ecuador, and Venezuela.

The United States’ decision to establish bilateral cooperation mechanisms has increased the tendency to fragmentation in the policies adopted by the different countries in the region, added to which there is the unilateral system of rewards and punishments implemented by the United States. The Andean Trade Preference Act (ATPA),26 which grants trade benefits in exchange for demonstrating advances in the fight against drug trafficking is a clear example. By contrast, the main regional integration body, the CAN, lacks a basic level of mutual confidence or principles shared by all its members27.

The deep asymmetry between the United States and the countries of the Andean region has marked two and a half decades of war on drugs. The anti-drug policies promoted by the United States have been based on the United States’ interpretation of the problem as a matter of national security. In the early 1980s, in response to the growing epidemic of addiction in the United States, President Reagan declared that the war on drugs was a priority of national security. The 1986 National Security Decision Directive strengthened the role of the armed forces in the anti-narcotics programs in Latin America. Ignoring the interdependent and complex nature of drug trafficking, pressure was brought to bear on foreign governments via trade sanctions, loans, and rewards to get them to adopt anti-drug control measures. Later, this gave way to US anti-drug cooperation certification, whereby the President and Congress, based on evaluations conducted by the Department of State, certify as to whether or not the main producer countries have cooperated with the United States or taken measures to meet the goals of the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic

26 The Andean Trade Preference Act (ATPA) is the trade component of the 1991 War on Drugs, which went into effect in 1992 for Colombia and Bolivia and in 1993 for Ecuador and Peru. Title XXXI of the trade law signed by Bush in 2002 includes the Andean Trade Promotion and Drug Eradication Act (ATPDEA), which extends and broadens the ATPA.

27 The withdrawal of Venezuela from the CAN in 2006, after Colombia and Peru negotiated free trade agreements with the United States, simply made regional fragmentation worse.
Substances. In 1989, President George W. H. Bush launched the Andean Counterdrug Initiative (ACI) with the purpose of reinforcing the fight against drugs in the countries of the region, giving priority to interdiction aimed at attacking supply from producer countries in its place of origin\textsuperscript{28}.

As for the Clinton administration, it gave more weight to interdiction policies than to social policies in Latin America, which resulted in increased support for militarization of the fight against drug trafficking in those countries. This concern became apparent when the director of the White House Office of National Drug Control Policy was given Cabinet rank and made a member of the National Security Council. Likewise, during the 1990s, when both US Southern Command and the Latin American armies were seeking a new mission, the fight against drugs emerged as a logical candidate. The war on drug trafficking permitted the United States to maintain (and in some cases step up) the presence of the Pentagon in Latin America and its relationship with its Latin American counterparts.\textsuperscript{29} Since then, the military element has been playing an increasingly important role in US anti-drug policy.

In 1999, the Clinton administration declared a “drug emergency” in Colombia. That same year, in close cooperation with Washington, President Pastrana launched Plan Colombia in order to solve his country’s problems. US support was not long in coming. In January 2000, President Clinton announced that he would propose an aid package to Congress, the purpose of which was to support Plan Colombia in the war on Colombian drugs. Following 9/11, the decision to pair up the fight against drugs with the fight against terrorism allowed the United States to justify its anti-narcotic strategies and also to combat the guerrilla groups. In the post Cold War era, funding for a counterinsurgent offensive in Latin America would have been politically unpopular in Congress.

The illicit trafficking of drugs undoubtedly has major consequences for the consolidation of democratic regimes. The corruption associated with this phenomenon debilitates central and local governments throughout the region, penetrating, in turn, judicial systems and police forces. The use of drug money for political purposes is particularly worrying. Moreover, giving priority to a police-military approach over other types of approximation to the problem generates a series of perverse consequences from a multidimensional perspective: the reinforcement of state armed and intelligence apparatuses, but without consolidating the corresponding civil control mechanisms; the criminalizing of legitimate social conflicts; and the militarization of activities that fall within the purview of the police. The participation of the military in law enforcement functions generates confusion over powers and tasks, as well as conflicts between the military and the police. Last of all, the training of national

\textsuperscript{28} Twenty years later, it is clear that the Andean Initiative has not produced the expected results in any of the three main segments of the drug chain (production, trafficking, and consumption). Gradually a consensus has forming in Latin America with regard to the idea that the anti-drug policy has not only been useless, but also counterproductive.

\textsuperscript{29} The Andean Initiative put emphasis on equipping the military forces of the subregion with the elements for carrying out their functions in the fight against drugs. It is calculated that “75% of this program’s funds are allocated directly to military and police forces” (Bustamante 2004: 100), much less than those earmarked for development programs.
police forces by US military personnel ran counter to regional efforts to submit police forces to civil control during the 1980s and 1990s.

While the drug-trafficking-terrorism connection has direct implications in Colombia, its implications in the rest of the Andean region – albeit more indirect – are no less problematic. The farming population employed in the cultivation of the coca leaf – organized in powerful coca growers’ and indigenous movements – and their protests have been viewed from an anti-terrorist perspective and treated as such. In this context, completely legitimate social conflicts have been interpreted from an anti-terrorist viewpoint, which has resulted not only in a mistaken reading of these conflicts, but also in exacerbating them, with unexpected outcomes such as the fall of Presidents Sánchez de Losada and Carlos Mesa within less than two years, as well as the rise and subsequent triumph of Evo Morales in Bolivia.

3.3 The swing to the left in the region: a mistaken reading by the United States

As Jorge Castañeda rightly points out (2006), “the combination of inequality and democracy tends to cause a shift to the left everywhere. The impoverished masses vote for those they hope will make them less poor.” This facilitates the emergence of movements that demand major changes in the government and in its policies. The emergence of leftwing leaders – Chávez (in Venezuela), Morales (in Bolivia) and Correa (in Ecuador) – is, at the same time, a tribute to the democratization of the region and a testimony to the persistent inequality that characterizes it. All three came to power with the promise of a radical political transformation, in a context of institutional decline and social exclusion in which the political preferences of the excluded segments of the population favored the emergence of anti-establishment, charismatic and, on occasions, populist leaderships. However, Washington’s mistaken, shortsighted reading of this swing to the left has turned out to be a lost opportunity for forging closer ties with the region and reformulating issues and approximations.

The United States does not seem to have recognized the differences that separate the ultra-left (such as the FARC) from populist governments such as Hugo Chávez’s and Rafael Correa’s and other social democrat or center-left forces in countries such as Chile or Brazil. As far as the conservative sectors are concerned, the rise of leftwing governments represents “an anti-US movement that, in the last analysis, they perceive as a threat to Washington’s interests” (Roett 2006: 119). As a result, during the George W. Bush administration (2001-2009), bilateral relations with governments of the region were marked by polarization. Apart from the Colombian conflict and drugs, the issues giving rise to controversy have had a basically economic content: the disagreement over free trade agreements has been the touchstone. While the United States gives priority to promoting open market economies, the Andean countries resent its indifference to the need to reduce economic inequality (Mann 2002) as well as its rejection of social and political movements that seek the redistribution of wealth or land ownership reform. Seen from a less antagonistic perspective, however, it is not difficult to accept that the promotion of a social justice agenda neither can nor should be considered incompatible with the promotion and strengthening of democratic institutions, particularly in the Andean region.
The subject of the multilateral banks warrants a separate mention. During the 1980s the World Bank and the International Monetary Fund (IMF) played an important role in the promotion and adoption of the package of measures aimed at balancing budgets, stimulating growth, and helping to pay off the region’s debt, better known as the Washington Consensus. These policies generated a severe economic contraction and had high social costs, which resulted in a rethinking of the institutional conditions needed to promote economic growth. A World Bank report entitled “The State in a Changing World” (published in 1997) gave top ranking to the importance of state institutions and political stability for achieving sustainable economic development in the long term. This report “was a milestone in that it proposed reform of the state as a key issue on the new development agenda” (Zurbriggen et al 2007).

At about the same time, the Inter-American Development Bank (IDB) proposed the need to seek a more efficient market-state relationship and incorporated the governance issue as a key element in its development strategy. Since then, recognition has been given to the need for overcoming the weakness of democratic institutions that restrict citizen participation and inhibit growth (Barraza 1995).

So, since the last decade governance has become increasingly relevant in the policies and operations of the multilateral banks. The strategy defined by the World Bank for achieving sustainable growth and reducing poverty proposes restricting the scope of the functions assumed by the state to those tasks that neither the markets nor civil society can carry out: setting up a system of laws; maintaining a healthy macroeconomic and financial environment; investment in social services and infrastructure; and providing a social security net for society’s most vulnerable members. The state should perform these functions within the legal framework and fight against corruption, giving priority to transparency, accountability, and decentralization, both political and fiscal. These transformations have become key criteria for defining the eligibility of states for receiving loans and investments from the bank, and the latter are, in turn, a powerful incentive for encouraging the adoption of this type of reforms in all the countries of the region, with greater or lesser degrees of success.

Apart from state reform, the World Bank and the IDB have recently put emphasis on the notion that a strengthened and participative civil society plays a key role for generating conditions of stability and governance in the democratic system, which, in turn, are essential for carrying out medium- and long-term projects. Since 2003, the World Bank has emphasized development promoted by the community, granting community groups control over decisions and resources (Almeida et al. 2008). As for the IDB, its strategy (2004) seeks to strengthen and systematize the participation of citizens in its activities through inclusion, pluralism, timely contributions, transparency, and cultural sensitivity. Despite their importance for guaranteeing accountability, the weakest aspects of program design have been, precisely communication with
the communities and the dissemination of information, however (Almeida et al. 2008)\textsuperscript{30}.

In the ultimate analysis, however, the reforms have not managed to promote economic growth with social equity: between 1990 and 2004, economic growth was below expectations (Zurbriggen 2007) and inequity in the distribution of revenue was not reduced. The connection between institutions and development has not been sufficiently developed, and our capacity for identifying the necessary institutions and understanding in what ways they can promote growth continues to be limited. In addition, as Zurbriggen states (2007), there are still tremendous methodological difficulties when it comes to incorporating each country’s cultural, social, and historical characteristics into the policies promoted by the multilateral banks.

3.4 Energy and diversification of the actors

Energy security issues have a central place in the strategic design of US policy, and they have become even more important since the invasion of Iraq, which was followed by a major hike in oil prices that reached an historic high in the summer of 2008. In a context of shrinking world oil reserves, Venezuela is at the center of the United States’ concerns. Venezuelan foreign policy becomes “indistinguishable from the oil industry” (Bonilla y Páez 2006: 134), which clearly implies a challenge for the United States, given the political use of the oil issue by Caracas in the context of its proposed alliances in the Hemisphere. Using the revenues obtained thanks to high oil prices, Chávez multiplied his social aid programs in several countries of the region, eclipsing the programs of the US Agency for International Development (USAID). However, in the context of the current crisis, following the drop in oil prices, it seems increasingly unlikely that Venezuela will be able to maintain its capacity for expanding its influence based on its surplus oil revenues.

Over the past five years, Latin America has diversified its international relations, even forging closer ties with Washington’s global rivals, precisely at a time when US influence is facing major challenges. The United States’ predominant orientation towards the Middle East and Central Asia has opened up spaces for other (extra-regional) actors to play a more active role in the Hemisphere, an opportunity that has been seized by China, India, Russia, and Iran. Even the most benign interpretation of Chinese penetration in Latin American markets (according to which China needs energy resources in order to grow, while Latin American countries need new markets) implies a potential loss for US interests. Moreover, the agreements that the Venezuelan President has signed with the leaders of Iran and Russia, particularly in the area of military cooperation are the most dramatic example of the tendency of several countries in the Hemisphere to seek new ties that will make it possible to counteract the influence and role of the United States in the region.

\textsuperscript{30} It seems that the World Bank has a “better track record of turning rhetoric into practice” than the IDB (Almeida et al. 2008).
3.5 Outlook for future the region’s future relations with the United States

Anti-US feeling has spread throughout nearly all the countries in the Hemisphere, provoked by Washington’s foreign policy, including its aggressive unilateralism and its abuse of resorting to military force. The War on Terrorism undertaken by the United States was waged at the expense of human rights, cases in point being Abu Graib in Iraq and Guantanamo prison. As for the how this affected the Hemisphere, the United States’ position during the brief coup d’état in Venezuela in April 2002 simply added to the memories of more than a century of open US intervention in Latin America (particularly during the first three decades of the 20th century) and, of course, the recent memory of the Cold War. All this has weakened the moral strength of its foreign policy, detracting from the credibility of the United States’ effort to spread democracy and enforce human rights worldwide. The negative impact of all this on the policies aimed at promoting democracy could be more profound that we imagine.

The scant attention paid to Latin America in the 2008 presidential election campaign makes it quite clear that the region will not be a priority for the administration of President Obama, who, given the challenges he has to face, will have few resources to engage in a high-level diplomacy in the region. To begin with, Obama has the difficult task of putting the US economy on a sound footing in the context of the current financial crisis, apart from other foreign policy priorities such as Iraq, Afghanistan, Pakistan, Iran, and the Middle East conflict. While many of Obama’s positions clearly differ from those of his predecessor, particularly with regard to the policy towards Cuba and Mexico, it is to be expected that this difference will be reflected mainly in the way of perceiving and reacting in the region, giving priority to diplomacy over confrontational logic and militarism.31 On the other side of the fence, with the departure of the Republicans from the White House, certain Latin American leaders will no longer be able to use the same old confrontational rhetoric, turning the United States into a scapegoat that feeds the wave of anti-US feeling, a stratagem that is generally used to gain popular support.

Given the differences among the countries of the Andean region, it can be forecast that achieving coordination of a common policy on trade or security issues will not be possible, at least in the short term. Subregional leaders are becoming increasingly necessary, however. In this regard, the creation of the Latin American and Caribbean Summit on Integration and Development (CALC after its initials in Spanish), of which all the countries in the continent are members except for the United States and Canada, is indicative of the United States’ loss of influence in the Hemisphere. While the Summit is not incompatible with the OAS, it is highly significant politically speaking (it should be remembered that Cuba is a participant). It is desirable that advantage be taken of these spaces of concerted regional action in order to move ahead with a cooperation agenda on issues that require multidimensional responses, such as economic and social development and, of course, drug trafficking and organized crime. However, this is a formidable challenge, given the major disagreements among the countries of the region.

31 Editors’ note: As was seen in the case of the coup d’état in Honduras in June 2009.
The challenges the United States faces in the region are far from few. In 2009, it had to evacuate the military base at Manta (Ecuador), which was strategic for the fight against drug trafficking in the Andean-Amazon region. In the case of Bolivia, in addition to the difficult situation in US-Bolivian diplomatic relations following the expulsion of Ambassador Philip Goldberg and the subsequent decertification of Bolivia (in September 2008), President Morales has now taken the decision to suspend the activities of the United States Drug Enforcement Administration (DEA) in Bolivia. It is to be expected that there will be a reduction in aid to Colombia, given the United States’ grave economic situation and the demands being made by the double war it is currently waging in Iraq and Afghanistan. The free trade agreement and human rights will be the thorniest issues on the bilateral agenda. The world crisis will undoubtedly have negative repercussions in Latin America, which will maintain low levels of economic growth over the next few years. The US crisis and recession will make access to credit difficult besides causing a drop in imports, which will undoubtedly have repercussions for US trading partners in the region, besides reducing the remittances immigrants send to their countries of origin.

4. Conclusions and recommendations

Given the challenges facing the continuity of Bolivia’ democracy, the slow but sure regression of Venezuela’s democracy, the persistence of Colombia’s conflict, Ecuador’s instability, and the fragile recovery of Perú’s democracy, there is no doubt that democracy is far from being consolidated in the Andean region. Not everything is black, however. The expansion of democracy in the region has led to a new phase in the struggle for the social and political inclusion of excluded sectors, for the most part within the bounds of the democratic institutions. Even in such critical cases as that of Bolivia, a positive reading of the situation is possible. In similar conditions just two or three decades ago, those in possession of economic power would have called for a coup and the excluded masses for a revolution. Today the two groups are locking horns in a political struggle over the contents of the Constitution and the terms under which it is to be drafted and approved. Alongside the expansion of democracy there has been a reduction in tolerance for social inequality. And while this necessarily generates conflicts and tensions that could put the fragile system of democratic institutions that is only just emerging in the region at risk, the fact that the excluded majorities of the Andean countries are getting organized with a view to becoming fully incorporated into society and its decision-making system can only be applauded.

Below is a series of recommendations for the different actors that participate in and influence the regional dynamic. While they are different from one another, they all point in the same direction: strengthening democracy, shoring up its institutions, solving the structural problems that have long undermined democracy, and responding to the short- and medium-term challenges, both old

---

32 Editors’ note: Mention should be made of the 2009 military agreement between the two governments, however.

33 Some attribute this result to short-term resistance to neoliberalism and its effects. We would like to think that it is a matter of a more profound, longer-term socio-cultural change. On this idea, see Mann (2002).
and new, that are encountered along the path to consolidating broader and profounder democracies in the region.

4.1 Promoting democracy implies more than supervising elections

No one denies that elections are a key element of democracy. They are its most tangible manifestation and, at the same time, a fundamental prerequisite for many other processes associated with the functioning of a democratic regime. For that reason, holding periodic, free, and fair elections has attracted the attention of a number of transnational actors – among them the OAS’s Unit for the Promotion of Democracy and the Carter Center in the United States –, which have played a key role in disseminating rules and values, as well as in building and promoting key institutions for the proper conduct of the electoral process.

While it is true that Latin America has come a long way in the democratization process since the early 1980s, it equally true that it still has a long way to go. The political parties in the region have either collapsed or are in a profound state of decline. It needs to be stressed that the proper functioning of elections in a democratic regime presupposes the existence of two or more political parties and a party system capable of articulating different visions of society and of representing them in the decision-making process. In other words, quite apart from simply promoting and supervising elections as such, organizations that are interested in promoting democracy also need to address the strengthening of institutions such as the political parties and the health of the party system, both key elements in any system of democratic representation. In this regard, it is necessary to reverse the discredit into which the political parties have fallen as a matter of urgency and also to dispel the illusion that democracy can function without parties and that the majorities can make themselves heard through social movements, social actors or charismatic leaders without treading the tortuous path of representation. Besides supervising and contributing to the holding of periodic, free and fair elections, the transnational actors should also help to strengthen all aspects of the political parties (organizational, representative, electoral, programmatic, and financial), design a more effective and transparent mechanism for financing political parties and election campaigns, and reinforce election control and supervision agencies so that they are truly impartial and can gain credibility in the eyes of the general public.

It is also important to go beyond a concept that restricts our vision of the sphere of electoral competence to the national level. It is necessary to supervise and help to improve the conditions under which elections are held on the local and regional levels, where the most flagrant violations of democratic principles are most likely to occur in our countries.

Last of all, the United Nations Development Programme’s (UNDP) report on democracy in Latin America (2004) recognizes that, once the electoral dimension of democracy has been assured, it is necessary to strengthen all the other aspects that have been relegated to second place in the region, among them the protection of civil rights and freedoms and the promotion of social, economic, and cultural rights. In other words, we need to broaden our idea of “democracy” so that promoting it ceases to be confined to the terrain of the
purely electoral and is expanded to take in other dimensions of life in society that are equally crucial for democracy.

4.2 Strengthening states capable of sustaining a democratic regime

Quite apart from the electoral institutions, the capacity of Andean states to effectively govern the territories under their jurisdiction continues to be extremely limited. Some key sectors of the state, in particular the courts, the police, and the prison systems –precisely those charged with protecting citizen rights and freedoms- require urgent attention. These institutions are of key importance for combating crime and pervasive forms of violence and, above all, for inspiring greater confidence among the population in the rule of law.

The idea is to strengthen the capacity of the state in order to create the necessary conditions that will allow the full exercise of civil and political rights, as well as the capacity of civil society to demand those rights. So, promoting democracy also means strengthening the effectiveness of the systems of justice and ensuring their independence vis-à-vis the Executive; combating attempts to bribe the Judiciary; ensuring a budget for its proper functioning; strengthening horizontal control bodies and citizen supervision of state agencies; and supporting citizen efforts to reduce the levels of arbitrariness or to combat impunity. In short, it is a matter of helping to make these states not only stronger and more efficient (in the infrastructural sense of the word), but also more responsive to and responsible towards their citizens.

4.3 Strengthening civil society and its capacity to demand the consolidation of democracy

Civil society is called upon to play a crucial role in promoting democracy. For that reason, any initiative aimed at strengthening society’s capacity to organize itself, identify its interests, defend its rights and freedoms, and to be represented in decision-making processes is a fundamental part of any strategy for strengthening democracy in the region. In the Andean context in particular, it is important to reduce inequality and poverty, providing all sectors of society equally with the capacity for recognizing and defining their interests, getting organized and demanding solutions to their problems, and being represented in decision-making processes. A social policy aimed at reducing poverty and inequality should not be conceived of solely as an economic matter or a response to security problems. A social policy that aims to create equal opportunities for all is a proposal for strengthening civil society and democracy.

4.4 Beyond the statism-neoliberalism dichotomy: imagining an alternative development model for the region

Neither the traditional version of Latin American statism nor the neoliberal solution of downsizing the state and opening up markets has the capacity for generating sustained growth with equity. Instead of returning to worn out formulas or the game of blaming this or that model, the region desperately needs to imagine an alternative development model that can increase both

---

34 The term “infrastructural power of the state” was coined by Mann (1984 and 2002).
market competition and the infrastructural power of the state (see Mann 2002: 14), including access to basic socioeconomic rights for the population as a whole. It is not merely a matter of economic policy in the sense of generating a dynamic domestic market; it is also a matter of expanding the sense of nation and the legitimacy of the group of institutions that govern it. In other words, the fight against inequality and poverty is, basically, a fundamental part of promoting democracy. It is to be hoped that the United States learns something from the crisis it is currently facing, marked by the threat of unemployment, the mortgage crisis, the national debt, and the collapse of the financial system. The crisis of the US economy and of its satellite economies (including Canada’s) has given renewed impetus to those in the continent who seek a new consensus regarding the need to find a point midway between statism and the market deregulation model.

There is a need to warn against the danger of insisting on taking the path of turning these economies into purely mining-extractive economies, because of the consequences that this could have on employment, the distribution of revenue, and the capacity to ride out the volatile price fluctuations on the international market. As for trade agreements, they should tend to reduce the asymmetry among the economies and societies of the continent rather than increase them.

4.5 Rethinking the drug problem and reformulating solutions from a regional perspective

It is necessary to generate a new approach to the drug problem and open up the debate in order to find solutions, not only in the regional and continental spheres, but also globally, given the growing integration of criminal networks that operate simultaneously in several continents. It is clear that the strategies adopted thus far have not had the results that were hoped for.

If the anti-drugs policy implemented since the 1980s reduced the autonomy of the Andean countries in terms of their possibility to design alternative policies for combating the cultivation and export of psychotropic substances, the pairing up of drugs and terrorism (introduced in 2001) has contributed to further reduce these states’ margins of maneuver in devising policies for dealing with their domestic affairs. The desirable thing would be for this margin of autonomy to be restored and increased, something that would be possible if other actors were to enter the scene (Canada, for example), expanding spaces for an open, objective, and realistic debate on an issue as complex as drug trafficking and its many impacts on these societies and states. It is crucial that greater emphasis be put on controlling the demand for drugs and that efforts not be focused solely on supply. It is necessary to imagine more flexible multilateral drug policies that take account of each country’s economic, social, and political circumstances.

4.6 Promoting the building of a regional identity in full awareness of its problems and interests

Unlike the United States, which is quite clear on its interests in the region, the Andean countries do not have a clear idea of their common interests, which has prevented them from consolidating a space that would allow them to identify, promote, and defend them. Regional bodies such as the CAN have neither the capacity nor the weight that would permit us to talk of a subregional entity that
would be recognized as a real and valid interlocutor, as they have not even managed to come up with a common policy for dealing with the United States.

The Andean countries share much more than a geographic region, which, ultimately, should help to find points of agreement and iron out differences. Security interests and perceived threats should be conceived of from scenarios that are not exclusively national. On the contrary, mechanisms need to be found that can deal with the effects that these phenomena have in the regional sphere. Likewise, policies should be designed taking a long-term view and not only in response to immediate threats, thus contributing to consolidate the idea of the Andean region. It is crucial to avoid the splitting of the region into two radically opposed blocs, following the tendency to ideological polarization that has been happening in recent years between Washington and Caracas.

4.7 **Seeking multilateral solutions to common problems**

As we have already pointed out, differences in positions and interests of some of the countries in the region prevent the necessary agreements for dealing with common problems requiring multidimensional responses and that cannot be solved unilaterally. It is necessary to strengthen regional bodies that work for concerted action and give them the capacity for intervening in crisis situations, so avoiding possible (or actual) unilateral action by the United States, with the consequent polarization.

It is necessary to seek a common denominator that will permit the reaching of agreements on broader and more systematic problems -such as drug trafficking, money laundering, and the transnational networks that traffic in chemical precursors, persons, and weapons-, which, if they get out of control, will end up affecting a larger number of countries. To deal with these phenomena, what is required are coordinated responses translated into government policies that go beyond purely party or personalist strategies, taking account of the interests of the largest possible group of actors, as well as the necessary material and human resources and open, transparent regulatory mechanisms. Priority should be given to cooperation, transfer of resources, training, and institutional arrangements that would make it possible to underscore points in common that could facilitate greater multilateral action through more ample regional bodies for the Hemisphere instead of weakening them.

4.8 **Strengthening the role of other actors**

Instead of competing with other subregional organizations, the OAS should be a natural umbrella organization for incorporating and coordinating multiple initiatives, offering its experience, its knowledge of the region and issues and even offering to act in its capacity as interlocutor with regional bodies of other continents, and, in turn, drawing on all the initiatives and experiences that strengthen multilateralism and equilibrium among the different actors. Likewise, binding solutions are required, not mere declarations of interest, particularly on issues that put democratic stability in jeopardy.

Canada should strengthen its role of mediator in situations of conflict, so serving as a counterweight in the countries’ relationship with the United States.
In the same vein, emphasis needs to be placed, once again, on the importance of civil society organizations. They should continue to seek open spaces in the OAS (particularly at hemispheric summits) in order to draw the OAS’s attention to new problems and function as a necessary counterweight to the governments. The institutionalized participation of civil society in the international sphere is of vital importance. Other actors and entities (such as the United Nations, the European Union, academicians and experts) can also make valuable contributions, particularly in the area of monitoring and preventing situations of potential conflict.

4.9 Imagining better and prompter responses to the multiple threats hanging over the region’s democracies

The threats that today hang over democracy are much more subtle and difficult to detect and are considerably more far-reaching than the classic coup d’état. The slow accumulation of power in the hands of the Executive, for example, leads to the deterioration and gradual erosion of democratic institutions. The difficulty in identifying and taking action to deal with situations of this type has to do with the growing complexity and vague nature of the phenomena that generate instability and weaken institutions. It has to do, then, with the gradual—and on occasions even imperceptible—deterioration of the system of democratic institutions.

For that reason, there is an urgent need for increasingly more sophisticated analyses to be conducted of the state of our democracies and the threats they face and also for innovative responses to be formulated. Equally necessary is the creation of a series or benchmarks that will make it possible to determine when multilateral organizations should and can intervene.

One interesting possibility would be the setting up of a permanent monitoring and follow-up mechanism equipped with an early warning system for identifying and warning of risk situations. A monitoring entity of this type would make it possible to analyze the state of Andean democracies and give the warning in the event of a possible violation of democratic principles or institutions. To avoid the suspicions to which such a body might give rise among the states of the region, the desirable thing would be for it to be made up of representatives of civil society organizations, academicians, experts, and representatives of other multilateral bodies such as the United Nations, bearing in mind, of course, the specific context of the region and the specific characteristics of the challenges.

---

35 The United Nations has a mechanism of this type, the Conflict Prevention and Peace Forum (http://cppf.ssrc.org/). Also worthy of mention are the experiences of the International Peace Institute (www.ipinst.org) and the Center on International Cooperation (www.cic.nyu.edu).
Bibliography


Barraza, Beatriz, “Gobernabilidad y desarrollo: la visión del Banco Mundial y del BID.” In *Revista PRISMA* 13, September-October 1995


Christopher, Warren, “America’s Leadership, America’s Future.” In *Foreign Policy* 98. 1995


Diamond, Larry, “Promoting Democracy.” In Foreign Policy 87, Summer 1992


Guáqueta, Alexandra and Paula Peña, “¿Qué pasa en la región andina? Dilemas y retos de seguridad.” In Nueva Sociedad 198, July-August 2005


Kopstein, Jeffrey and David Reilly, “A Geographic Diffusion and the Transformation of the Postcommunist world.” In World Politics, Vol. 53, No. 1, October 2000


Vivanco, José Miguel, Estrategia global contra el terrorismo. Washington: Human Rights Watch. 2003


# Glossary of Acronyms and Names

<table>
<thead>
<tr>
<th>ACRONYM</th>
<th>SPANISH</th>
<th>ENGLISH</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADN</td>
<td>Acción Democrática Nacionalista</td>
<td>Nationalist Democratic Action</td>
</tr>
<tr>
<td>APG</td>
<td>Asamblea del Pueblo Guaraní</td>
<td>Assembly of the Guaraní People</td>
</tr>
<tr>
<td>ASP</td>
<td>Asamblea para la Soberanía de los Pueblos</td>
<td>Assembly for the Sovereignty of the Peoples</td>
</tr>
<tr>
<td>CIDOB</td>
<td>Confederación de Pueblos Indígenas de Bolivia</td>
<td>Confederation of Indigenous Peoples of Bolivia</td>
</tr>
<tr>
<td>CIRABO</td>
<td>Central Indígena de la Región Amazónica de Bolivia</td>
<td>Indigenous Center of the Amazonian Region of Bolivia</td>
</tr>
<tr>
<td>COB</td>
<td>Central Obrera Boliviana</td>
<td>Bolivian Workers’ Center</td>
</tr>
<tr>
<td>COFECAY</td>
<td>Consejo de Federaciones Campesinas de Yungas</td>
<td>Council of Yungas Rural Farmers’ Federations</td>
</tr>
<tr>
<td>CONALCAM</td>
<td>Coordinadora Nacional para el Cambio</td>
<td>National Coordinator for Change</td>
</tr>
<tr>
<td>CONALDE</td>
<td>Consejo Nacional por la Democracia</td>
<td>National Council for Democracy</td>
</tr>
<tr>
<td>CONAMAQ</td>
<td>Consejo Nacional de Ayllus y Markas del Qullasuyu</td>
<td>National Council of Ayllus and Markas of Qullasuyu</td>
</tr>
<tr>
<td>CONDEPA</td>
<td>Conciencia de Patria</td>
<td>Conscience of Fatherland</td>
</tr>
<tr>
<td>CPESC</td>
<td>Coordinadora de Pueblos Étnicos de Santa Cruz</td>
<td>Coordinator for Ethnic Peoples from Santa Cruz</td>
</tr>
<tr>
<td>CPIB</td>
<td>Central de los Pueblos Indígenas de Berni</td>
<td>Berni Indigenous People’s Center</td>
</tr>
<tr>
<td>CSCB</td>
<td>Confederación Sindical de Colonizadores de Bolivia</td>
<td>Bolivian Syndicalist Confederation of Colonizers</td>
</tr>
<tr>
<td>CSUTCB</td>
<td>Confederación Sindical Única de Trabajadores Campesinos de Bolivia</td>
<td>Unique Confederation of Rural Laborers of Bolivia</td>
</tr>
<tr>
<td>IU</td>
<td>Izquierda Unida</td>
<td>United Left</td>
</tr>
<tr>
<td>MAS</td>
<td>Movimiento al Socialismo</td>
<td>Movement Toward Socialism</td>
</tr>
<tr>
<td>Acronym</td>
<td>Full Name</td>
<td>Translation</td>
</tr>
<tr>
<td>---------</td>
<td>-----------</td>
<td>--------------------------------------</td>
</tr>
<tr>
<td>MAS-IPSP</td>
<td>Instrumento Político para la Soberanía de los Pueblos</td>
<td>Political Instrument for the Sovereignty of the Peoples</td>
</tr>
<tr>
<td>MBL</td>
<td>Movimiento Bolivia Libre</td>
<td>Free Bolivia Movement</td>
</tr>
<tr>
<td>MIP</td>
<td>Movimiento Indigena Pachakuti</td>
<td>Pachakuti Indigenous Movement</td>
</tr>
<tr>
<td>MIR</td>
<td>Movimiento de Izquierda Revolucionaria –</td>
<td>Revolutionary Leftwing Movement</td>
</tr>
<tr>
<td>MNR</td>
<td>Movimiento Nacionalista Revolucionario</td>
<td>Revolutionary Nationalist Movement</td>
</tr>
<tr>
<td>NFR</td>
<td>Nueva Fuerza Republicana</td>
<td>New Republican Force</td>
</tr>
<tr>
<td>PODEMOS</td>
<td>Poder Democratico Social</td>
<td>Social Democratic Power</td>
</tr>
<tr>
<td>UCS</td>
<td>Unión Cívica Solidaridad</td>
<td>Civic Solidarity Union</td>
</tr>
<tr>
<td>COLOMBIA</td>
<td>Autodefensas Unidas de Colombia</td>
<td>United Colombian Self-defense Forces</td>
</tr>
<tr>
<td></td>
<td>Consejo Regional Indígena del Cauca</td>
<td>Cauca Indigenous Regional Council</td>
</tr>
<tr>
<td></td>
<td>Frente Social y Político</td>
<td>Social and Political Front</td>
</tr>
<tr>
<td></td>
<td>Partido Comunista</td>
<td>Communist Party</td>
</tr>
<tr>
<td></td>
<td>Partido Conservador</td>
<td>Conservative Party</td>
</tr>
<tr>
<td></td>
<td>Partido del Trabajo de Colombia</td>
<td>Colombian Labor Party</td>
</tr>
<tr>
<td></td>
<td>Polo Democrático Independiente</td>
<td>Independent Democratic Pole</td>
</tr>
<tr>
<td></td>
<td>Primero Colombia</td>
<td>Colombia First</td>
</tr>
<tr>
<td>ANAPO</td>
<td>Alianza Nacional Popular</td>
<td>People’s National Alliance</td>
</tr>
<tr>
<td>ASI</td>
<td>Alianza Social Indígena</td>
<td>Indigenous Social Alliance</td>
</tr>
<tr>
<td>CINEP</td>
<td>Centro de Investigación y Educación Popular</td>
<td>Center for People’s Research and Education</td>
</tr>
<tr>
<td>DNP</td>
<td>Departamento Nacional de Planeación</td>
<td>National Planning Department</td>
</tr>
<tr>
<td>Abbreviation</td>
<td>Full Name</td>
<td>Description</td>
</tr>
<tr>
<td>--------------</td>
<td>-----------</td>
<td>-------------</td>
</tr>
<tr>
<td>ELN</td>
<td>Ejército de Liberación Nacional</td>
<td>National Liberation Army</td>
</tr>
<tr>
<td>EPL</td>
<td>Ejército Popular de Liberación</td>
<td>People’s Liberation Army</td>
</tr>
<tr>
<td>FARC</td>
<td>Fuerzas Armadas Revolucionarias de Colombia</td>
<td>Revolutionary Armed Forces of Colombia</td>
</tr>
<tr>
<td>FN</td>
<td>Frente Nacional</td>
<td>National Front</td>
</tr>
<tr>
<td>M-19</td>
<td>Movimiento 19 de Abril</td>
<td>19th of April Movement</td>
</tr>
<tr>
<td>MOIR</td>
<td>Movimiento Obrero Independiente y Revolucionario</td>
<td>Independent and Revolutionary Workers’ Movement</td>
</tr>
<tr>
<td>MQL</td>
<td>Movimiento Quintín Lame</td>
<td>Quintín Lame Movement</td>
</tr>
<tr>
<td>PDA</td>
<td>Polo Democrático Alternativo</td>
<td>Alternative Democratic Pole</td>
</tr>
<tr>
<td>PL</td>
<td>Partido Liberal</td>
<td>Liberal Party</td>
</tr>
<tr>
<td>UP</td>
<td>Unión Patriótica</td>
<td>Patriotic Union</td>
</tr>
</tbody>
</table>

**ECUADOR**

<table>
<thead>
<tr>
<th>Organization</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alianza País</td>
<td>Country Alliance</td>
</tr>
<tr>
<td>Consejo de Desarrollo Afro-Ecuatoriano</td>
<td>Afro-Ecuadorean Development Council</td>
</tr>
<tr>
<td>Consejo de Desarrollo de las Nacionalidades y de Pueblos del Ecuador</td>
<td>Council for Development of Nationalities and Peoples of Ecuador</td>
</tr>
<tr>
<td>Coordinadora de Movimientos Sociales</td>
<td>Social Movement Coordinator</td>
</tr>
<tr>
<td>Coordinadora Política de Mujeres</td>
<td>Women’s Political Coordination Group</td>
</tr>
<tr>
<td>Coordinadora Política de Mujeres Ecuatorianas</td>
<td>Political Coordination Group for Ecuadorian Women</td>
</tr>
<tr>
<td>Foro Nacional Permanente de Mujeres Ecuatorianas</td>
<td>Permanent National Forum of Ecuadorian Women</td>
</tr>
<tr>
<td>Frente Patriótico</td>
<td>Patriotic Front</td>
</tr>
<tr>
<td>Frente Popular</td>
<td>People’s Front</td>
</tr>
<tr>
<td>Frente Unitario de Trabajadores</td>
<td>United Workers Front</td>
</tr>
<tr>
<td>Code</td>
<td>Name in Spanish</td>
</tr>
<tr>
<td>------</td>
<td>------------------------------------------</td>
</tr>
<tr>
<td>AP</td>
<td>Acuerdo País</td>
</tr>
<tr>
<td>Conaie</td>
<td>Confederación de Nacionalidades Indígenas del Ecuador</td>
</tr>
<tr>
<td>Conamu</td>
<td>Consejo Nacional de la Mujer</td>
</tr>
<tr>
<td>DP</td>
<td>Democracia Popular</td>
</tr>
<tr>
<td>Feine</td>
<td>Federación de Indígenas Evangélicos del Ecuador</td>
</tr>
<tr>
<td>Fenocin</td>
<td>Federación Nacional de Organizaciones Campesinas, Indígenas y Negras</td>
</tr>
<tr>
<td>ID</td>
<td>Izquierda Democrática</td>
</tr>
<tr>
<td>MPD</td>
<td>Movimiento Popular Democrático</td>
</tr>
<tr>
<td>PRE</td>
<td>Partido Roldosista Ecuadoriano</td>
</tr>
<tr>
<td>PRIAN</td>
<td>Partido Renovador Institucional Acción Nacional</td>
</tr>
<tr>
<td>PSC</td>
<td>Partido Social Cristiano</td>
</tr>
<tr>
<td>PSP</td>
<td>Partido Sociedad Patriótica</td>
</tr>
<tr>
<td><strong>PERU</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Alianza para el Futuro</td>
</tr>
<tr>
<td></td>
<td>Asociación Transparencia</td>
</tr>
<tr>
<td></td>
<td>Cambio 90</td>
</tr>
<tr>
<td></td>
<td>Concilio Nacional Evangélico</td>
</tr>
<tr>
<td></td>
<td>Conferencia Episcopal Peruana</td>
</tr>
<tr>
<td></td>
<td>Coordinadora Nacional de Derechos Humanos</td>
</tr>
<tr>
<td></td>
<td>Coordinadora Nacional de Frentes Regionales</td>
</tr>
<tr>
<td></td>
<td>Enlazando Alternativas 3</td>
</tr>
<tr>
<td></td>
<td>Federación de Trabajadores de</td>
</tr>
<tr>
<td><strong>Arequipa</strong></td>
<td>Arequipa</td>
</tr>
<tr>
<td><strong>Frente Cívico</strong></td>
<td>Civic Front</td>
</tr>
<tr>
<td><strong>Frente Cívico de Defensa y Desarrollo de Tambogrande</strong></td>
<td>Civic Front for Defense and Development of Tambogrande</td>
</tr>
<tr>
<td><strong>Movimiento Perú Vida y Paz</strong></td>
<td>Peru Life and Peace Movement</td>
</tr>
<tr>
<td><strong>Partido de Acción Nacional</strong></td>
<td>National Action Party</td>
</tr>
<tr>
<td><strong>Partido Nacionalista Peruano</strong></td>
<td>Peruvian Nationalist Party</td>
</tr>
<tr>
<td><strong>PCP-Sendero Luminoso</strong></td>
<td>Communist Party of Peru-Shining Path</td>
</tr>
<tr>
<td><strong>Perú Posible</strong></td>
<td>Possible Peru</td>
</tr>
<tr>
<td><strong>Piura Vida y Agro</strong></td>
<td>Piura Life and Farming</td>
</tr>
<tr>
<td><strong>Unidad Nacional</strong></td>
<td>National Unity</td>
</tr>
<tr>
<td><strong>AIDESEP</strong></td>
<td>Asociación Interétnica de Desarrollo de la Selva Peruana</td>
</tr>
<tr>
<td><strong>AP</strong></td>
<td>Acción Popular</td>
</tr>
<tr>
<td><strong>APRA</strong></td>
<td>Alianza Popular Revolucionaria Americana</td>
</tr>
<tr>
<td><strong>CCP</strong></td>
<td>Confederación Campesina del Peru</td>
</tr>
<tr>
<td><strong>CEDDH</strong></td>
<td>Coordinadora Estudiantil por la Democracia y los Derechos Humanos</td>
</tr>
<tr>
<td><strong>CGTP</strong></td>
<td>Central General de Trabajadores del Peru</td>
</tr>
<tr>
<td><strong>CNA</strong></td>
<td>Confederación Nacional Agraria</td>
</tr>
<tr>
<td><strong>Conacami</strong></td>
<td>Confederación Nacional de Comunidades Afectadas por la Minería</td>
</tr>
<tr>
<td><strong>CONFIEP</strong></td>
<td>Confederación de Instituciones Empresariales del Peru</td>
</tr>
<tr>
<td>Abbreviation</td>
<td>Full Name</td>
</tr>
<tr>
<td>--------------</td>
<td>-----------</td>
</tr>
<tr>
<td>CTAR</td>
<td>Consejo Transitorio de Administración Regional</td>
</tr>
<tr>
<td>CVR</td>
<td>Comisión de la Verdad y la Reconciliación</td>
</tr>
<tr>
<td>DIGESA</td>
<td>Dirección General de Salud Ambiental</td>
</tr>
<tr>
<td>FREDMO</td>
<td>Frente Democrático</td>
</tr>
<tr>
<td>IU</td>
<td>Izquierda Unida</td>
</tr>
<tr>
<td>JNE</td>
<td>Jurado Nacional de Elecciones</td>
</tr>
<tr>
<td>MCLCP</td>
<td>Mesa de Concertación de Lucha Contra la Pobreza</td>
</tr>
<tr>
<td>ONPE</td>
<td>Oficina Nacional de Procesos Electorales</td>
</tr>
<tr>
<td>OROP</td>
<td>Oficina de Registro de Organizaciones Políticas</td>
</tr>
<tr>
<td>PPC</td>
<td>Partido Popular Cristiano</td>
</tr>
<tr>
<td>REMURPE</td>
<td>Red de Municipalidades Rurales del Peru</td>
</tr>
<tr>
<td>SNI</td>
<td>Sociedad Nacional de Industrias</td>
</tr>
<tr>
<td>UPP</td>
<td>Unión por el Perú</td>
</tr>
<tr>
<td><strong>VENEZUELA</strong></td>
<td></td>
</tr>
<tr>
<td>Convergencia Nacional</td>
<td>National Convergence</td>
</tr>
<tr>
<td>Foro por la Vida</td>
<td>Pro-life Forum</td>
</tr>
<tr>
<td>Movimiento V República</td>
<td>Fifth Republic Movement</td>
</tr>
<tr>
<td>Partido Comunista de Venezuela</td>
<td>Communist Party of Venezuela</td>
</tr>
<tr>
<td>Polo Patriótico</td>
<td>Patriotic Pole</td>
</tr>
<tr>
<td>AD</td>
<td>Acción Democrática</td>
</tr>
<tr>
<td>COPEI</td>
<td>Comité de Organización Política Electoral Independiente</td>
</tr>
<tr>
<td>Acronym</td>
<td>Full Name</td>
</tr>
<tr>
<td>---------</td>
<td>-----------</td>
</tr>
<tr>
<td>COPRE</td>
<td>Comisión Presidencial para la Reforma del Estado</td>
</tr>
<tr>
<td>CTV</td>
<td>Confederación de Trabajadores de Venezuela</td>
</tr>
<tr>
<td>FCV</td>
<td>Federación Campesina de Venezuela</td>
</tr>
<tr>
<td>IESA</td>
<td>Instituto de Estudios Superiores de Administración</td>
</tr>
<tr>
<td>LCR</td>
<td>La Causa Radical or Causa R</td>
</tr>
<tr>
<td>MAS</td>
<td>Movimiento al Socialismo</td>
</tr>
<tr>
<td>PODEMOS</td>
<td>Por Democracia Social</td>
</tr>
<tr>
<td>PSUV</td>
<td>Partido Socialista Unido de Venezuela</td>
</tr>
<tr>
<td>UNT</td>
<td>Unión Nacional de Trabajadores</td>
</tr>
</tbody>
</table>
The authors:

Eduardo Córdova
*Universidad Mayor de San Simón, Bolivia*

Fernando Mayorga
*Universidad Mayor de San Simón, Bolivia*

Mónica Pachón
*Universidad de los Andes, Colombia*

Marcela Velasco
*Colorado State University*

Simón Pachano
*Facultad Latinoamericana de Ciencias Sociales, Ecuador*

Carlos de la Torre
*Facultad Latinoamericana de Ciencias Sociales, Ecuador*

Rodrigo Barrenechea
*Instituto de Estudios Peruanos, Peru*

Romeo Grompone
*Instituto de Estudios Peruanos, Peru*

Maria Isabel Remy
*Instituto de Estudios Peruanos, Peru*

Martin Tanaka
*Instituto de Estudios Peruanos, Peru*

Sofía Vera
*Instituto de Estudios Peruanos, Peru*

Francine Jácome
*Instituto Venezolano de Estudios Sociales y Políticos (INVESP), Venezuela*

Deborah Van Berkel
*Instituto Venezolano de Estudios Sociales y Políticos (INVESP), Venezuela*

Ricardo Combellas
*Universidad Central de Venezuela*

Ana María Bejarano
*University of Toronto, Canada.*

Daniella Levy-Pinto
*University of Toronto, Canada*