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Subcommittee on Western Hemisphere, Peace Corps, and Global Narcotics Affairs  
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Mr. Chairman, Ranking Member Rubio, and Members of the Subcommittee, thank you for the opportunity to present some observations on the state of democracy in the Americas from the perspective of a nongovernmental organization involved in democracy promotion. The International Republican Institute (IRI) has implemented democracy programs in Latin America for more than 25 years. Currently, we work in 11 countries in Latin America.

We are all aware that the vast majority of attention in the foreign policy arena is currently – and rightly – focused on the historic events taking place in the Middle East, the continuing efforts in Afghanistan to stabilize that country’s situation, and the on-going challenges of rebuilding in Iraq and addressing other aspects of the war against terrorism.

With the 10<sup>th</sup> anniversary of the Inter-American Democratic Charter on the horizon, this hearing provides a useful reminder of the importance to the United States of our Western Hemisphere neighborhood. As Members of this Subcommittee know well, this hemisphere remains critical to any efforts by the United States to create jobs, to become less energy dependent on unstable suppliers, to address the challenge of illegal drugs and associated criminal activities and violence, and to maintain our overall national security. The state of democracy in the Americas is fundamentally connected to all of these U.S. interests and to the future betterment of the human condition throughout this hemisphere.

Before addressing the specific questions outlined in the Subcommittee’s invitation to testify today, it is important to remember that the overall democratic trend line in the Americas is one of notable achievement during the last 30 years. It is fair to describe the region as generally democratic, with some notable exceptions, of course. During this time:

- We have witnessed the acceptance of elections as a regular exercise to select leaders and legitimize – or attempt to legitimize – governmental authority.
- We have witnessed the broad rejection of military dictatorships and of an overt political role for militaries.
- And we have generally seen advances in respect for human rights, as well as the opportunities for citizens to better their lives in health, education, and economic status.

The fact is that more citizens are today participating in the political and economic decision-making processes of their respective countries than ever before.

This is not to argue that “democratic perfection” has descended upon this hemisphere. Rather, it is to note that the acceptance of certain values and processes are now at the base of citizen

expectations throughout the region, regardless whether individual leaders genuinely support or fully implement such practices.

In part this acceptance has historical roots. While the long-term record of this hemisphere's politics is mixed, there is a democratic or reform legacy beyond that of the United States and Canada. For instance, the democratic footprint in many Caribbean nations is all-too-often overlooked. The commitment to democratic practices remains strong and has served those nations well, even if some only received their formal independence in the 1960s.

In Costa Rica, Uruguay, Argentina, Colombia, Panama and Chile, despite periods of civil conflict or authoritarian rule, reform undercurrents have endured. In other countries in the region over the last 30 years, we have seen conditions change, in some instances with external support, resulting in an embrace of democratic norms and processes, albeit with continuing challenges. Examples include Mexico, El Salvador, Guatemala, Honduras, Peru, Paraguay and Brazil.

Are these countries examples of perfectly fine tuned democracies? Certainly not – and most would say that our own democracy is still seeking to fulfill its ideals. However, what we see in many of these democratic transition “success stories” is an appreciation for – and value placed upon – democratic institutions and broader citizen participation.

This hemispheric embrace was memorialized in September 2001 – ironically, on September 11 – when the 34 active member countries of the Organization of American States (OAS) unanimously approved the Inter-American Democratic Charter. In the words of the Charter, “the peoples of the Americas have a right to democracy and their governments have an obligation to promote and defend it” (Article 1).

Adherence to the objectives of the Charter remains uneven. Regardless, it remains the normative standard for this hemisphere and should be the measure by which countries are evaluated.

Obviously, there are exceptions and challenges to the general, positive growth of democracy in the region. As noted in the 2011 report of Freedom House, *Freedom in the World*, “uncontrolled crime and authoritarian populism” are threats to the region's democratic progress. IRI sees the presence and/or effects of these threats in a number of countries in which we work, and countries where institutions are weak, corruption is rife, and citizens do not have confidence in the authorities are especially vulnerable to the consequences of uncontrolled crime or authoritarian populism, or both, as we are seeing in Venezuela, for example.

The issues, then, at the heart of this hearing – the rule of law, constitutional order, concentration of power, and the role of civil society and a free press – are elements in deterring and reversing these threats.

The role of constitutional order and rule of law are fundamental. But these terms can also be misleading, as in the case of Cuba. That nation has a “constitutional order,” at least to the extent that it operates, in name, under a so-called constitutional document and a body of laws, but both are used to cloak a totalitarian structure with a veil of legitimacy. Cuba remains the

hemisphere's anti-democratic outlier, even when placed side-by-side with today's Venezuela, Nicaragua, Ecuador or Bolivia.

Constitutional order also is subject to manipulation. There have been a variety of constitutional reforms and challenges to constitutional order over the past decade, from Venezuela, Bolivia, and Ecuador to Colombia. In some instances, constitutional changes, approved and legitimized by popular plebiscites, have undermined democratic institutions, transparency and accountability, allowing for the concentration of power in a single office or person. For example, most recently, Ecuador held a referendum that consolidated the power of the president over the judiciary and the media.

If there is good news in these processes, it has been in the participation of large numbers of citizens; the bad news is the significant erosion of the checks-and-balances essential to democratic governance that has been masked by feel-good measures, such as shorter work hours or other perceived benefits, or by issues that distract voters from the sponsor's wider political agenda. Again Ecuador's recent referendum offers an example: in its constitutional referendum, the most widely publicized question had to do with the proposal to curb casinos.

Whereas a persistent challenge has been the treatment of constitutions as "multiple choice" documents – with leaders determining which provisions to respect and which to ignore – the region has recently seen constitutional amendments that result in the transfer of authority to a single office-holder who wields arbitrary authority and is not constrained by the country's constitution. In effect, the constitution has become the basis for the exercise of authoritarian power over facets of everyday life.

The deepening of democracy requires a constitutional order that protects the rights of individuals, provides for the responsible division of governmental authority, and promotes respect for the rule of law. Constitutional order, like the rule of law, should be neutral, not an enshrinement of any particular political tendency. It and the law should include rules or principles that constrain governmental action, not just limit the range of citizen behavior.

As for the rule of law, several countries in the Americas have experienced the arbitrary application of the law, not a lack of laws. In too many instances, the law is dysfunctional by design – generally the design of a small segment of the population which seeks to benefit and enrich itself at the expense of others. This, in many ways, is at the heart of today's authoritarian populism: the arbitrary manipulation of the law with the objective of consolidated political power under the guise of "participatory democracy."

In part, this situation has evolved as a result of weak or fragile institutions, including weak civil society structures. In a number of countries, the governmental structural underpinnings of a president, cabinet minister or legislator are wholly reflective of the personality, not some free-standing structure. The need goes further than the existence of an apolitical civil service – which is sorely needed in many countries. As a former State Department colleague once put it, in Latin America, you can talk about presidents but not presidencies, ministers but not ministries. Often the structure, to the extent there is one, exists as a reflection of the personality, being little more

than a shell which is filled by the appointments of the next occupant, not as an independent institution focused on the national interest.

This institutional weakness is also seen in other branches of government, including the institutions that should be a counterweight to concentrated executive power, including national legislatures and judiciaries. Departmental and municipal governments also often suffer from a reliance on the national executive for resources, and the same has been found to occur with other independent bodies, such as national election commissions. Sometimes the institutional weakness of these other governmental entities is exacerbated by the constitutional division of power; sometimes it is the consequence of neglect or the malignancy of corruption.

Some observers have ascribed this situation to the *caudillo* (strongman) tradition in Latin America: the blurring of governmental authority in one central figure. This situation also has generated a persistent debate on “presidentialism” versus “parliamentarism” in Latin America. Regardless of the historic basis for power being centralized in one person, or one’s views on presidencies versus parliaments, democratic practice remains most successful where there are competing centers of governmental authority, where civil society has the opportunity to meaningfully engage decision-makers, and where the media can vigorously report on the actions of those in power.

It is for these reasons that IRI sees significant value in developing and strengthening the multiple elements that are fundamental to democratic governance, from national legislative bodies, including those in Mexico, Colombia and Peru, and political parties to local or municipal governments, civil society organizations, and a robust media.

Today’s Venezuela is the poster country for the challenges that confront the consolidation of genuine democratic practices and norms.

In Venezuela there is clearly a sense of “democratic right and wrong” among the people, but the institutions in that country are fragile and earlier governments failed to meet the needs or expectations of a significant segment of the population. This situation has allowed one man – Hugo Chavez – and his allies to tip the balance of power in his direction by manipulating the once-independent judicial system, eliminating any sense of predictable rule of law, and eviscerating the checks-and-balances that should be provided by the national legislature. Through the consolidation of power in the executive, Mr. Chavez has been able to seize private property and wealth, obstruct national-level political opposition, punish a free media, harass civil society, and perpetuate his own power through self-serving so-called “constitutional reforms” and plebiscites.

While Mr. Chavez’s rise 12 years ago represented a popular disapproval of self-interested government run by wealthy elites – his remaining in power represents a virus to which several countries in the region have fallen victim. Bolivia, Ecuador and Nicaragua can certainly be included in that grouping. Presidents Morales and Correa, respectively, have copied President Chavez’s blueprint for consolidating powers under the guise of “popular” and “participatory” mechanisms. Nicaragua’s President, Daniel Ortega, has used Mr. Chavez’s money – the use of which is not subject to accountability by any Nicaraguan – to exert influence over the media and

other sectors of society and government in an effort to perpetuate his hold on power. In November, Mr. Ortega will attempt to extend his hold on power through scheduled national elections. Already there are concerns by many Nicaraguans that the electoral field is tilted in Mr. Ortega's favor.

By contrast, there is the experience of Colombia. As the 2010 presidential election cycle approached in Colombia, a segment of the citizenry voiced a desire for Alvaro Uribe to run for, and serve, an unprecedented third term in office. To do so, the Colombian Constitution would have needed to be amended via a popular referendum. However, in one of the strongest pieces of evidence that democratic institutions and order have come a long way in Colombia, the country's highest court ruled that a referendum was unconstitutional. As a result, Colombia's president – with an 80 percent approval rating – ended his term in office. A free, competitive election selected his successor.

Mr. Chairman, I will close with two general points: first, we cannot continue to confuse elections with effective or democratic governance. As I noted earlier, the region has embraced elections on a regular and recurring basis. However, it still struggles with governance. Too often, we have given significant attention to an election and then turned away, thinking that the job is largely done. A fair, transparent election merits commendation. However, it does not change a dysfunctional governmental structure; it does not overcome the endemic challenges to the maintenance of a democratic polity. We have learned this lesson in a number of countries.

Yes, the United States has attempted to assist countries in post-election/post-transition situations. At the same time, this attention has had its deficiencies – not intentionally but because we often consider governance as little more than a technical problem to be addressed. Our programs tend to shy away from helping democratically-elected officials with the small “p” political aspects of governing, which involves continuing interaction between officials and citizens – an interaction that is at the core of democratic governance.

This type of assistance must include more than the provision of technical tools. It may be useful to have software to track a country's budget or cases in its court system; but such software is irrelevant to the average citizen if services cannot be delivered, if bureaucrats and judges perform based on graft, or if citizens' views are ignored by decision-makers as policies are being developed and implemented.

Such assistance is not a matter of imposing U.S. structures on Latin America. Each country has to develop its own path. As partners in this experiment called democracy, we can respond to those seeking to learn from the experiences of others, and not only from the North American experience. There are many models of successful democratic development.

Second, and related to the above, we should keep in mind that many in this hemisphere want our help in the building and strengthening of genuine democratic institutions and practices. The peoples of this hemisphere ‘get’ freedom and democracy. By supporting them, we are contributing to the betterment of all who live in this hemisphere.

Thank you.