



Latin American Electoral Assistance and Democratization

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Abstract

Latin America has joined the global democratization process in the past 30 years. Between 1978 and 2008, all 19 countries in the region (not including the Caribbean countries) underwent important changes in their political structures and contexts. While most of these countries changed from political-military to political-civil regimes, some were non-democratic political-civil regimes that shifted to embrace more democratic forms of governance. These democracies, however, face a number of challenges which are threatening to undermine some of their basic cornerstones, such as representative democracy and free and fair elections. This paper deals with the democratic electoral experience in Latin America, focusing particularly on the institutional dimension of its development and on the impact of international cooperation, particularly from the EU. A series of policy recommendations are presented designed to strengthen the position and impact of the EU.

Summary of Recommendations

The EU is in a position to increase its presence and influence in the democratization process in Latin America. This document recommends that it: (a) strengthen the basis of confidence in relations with Latin American countries; (b) adapt the concept and content of international electoral assistance according to the contextual realities of the Latin American regions and countries; (c) combine policymaking and the implementation of general democratization and consolidation strategies with specific and concrete policies and interventions in the context of electoral systems and processes; and (d) aim for flexible positioning – both politically and institutionally – to allow various forms of interaction – both multilateral and bilateral – and to enhance and complement its strategies, policies and programmes with institutions, organizations, agencies and actors that share similar interests and objectives in the countries and regions of Latin America.

In order to successfully implement this reorientation, it will be necessary for the EU to:

1. Deepen its comprehension of the need, and its political and institutional willingness,

to exert an influence on Latin American democratization through cooperation, particularly in electoral assistance;

2. Assess the nature of its cooperation and electoral assistance, as well as the requirements and opportunities in the short, medium and long term, in consultation with the countries of the region;
3. Restructure and rationalize its strategies, policies and programmes so that they focus more effectively on the demands of and opportunities for cooperation and electoral assistance; and
4. Step up cooperation at the intra-regional and inter-regional levels, particular between the electoral management bodies and other partners and synergistic actors, and capitalize on existing resources and institutional capacities for democracy building and joint working agendas.

1. Introduction

It is clear that Latin America has joined the global democratization process in the past 30 years. Between 1978 and 2008, all 19 countries in the region (not including the Caribbean countries) underwent important changes in terms of their political structures and contexts.

Electoral management bodies have played a leading role in the transition to democracy in and the re-democratization of the region. They have developed a unique model that is different from other electoral systems and which has enriched the diversity of electoral systems worldwide.

While most of these countries changed from political-military to political-civil regimes, some were non-democratic political-civil regimes that shifted to embrace more democratic forms of governance. In all cases, the democratization process has afforded more open access to top political positions, particularly in the executive branch. This has largely been facilitated by the establishment of electoral

systems able to guarantee free and fair elections. This, combined with an increase in the number of political parties and the inclusion of other actors such as the media, civil society organizations and citizens themselves, has contributed to the emergence of new and vigorous constitutional democracies. These democracies are, however, faced with a number of challenges which are threatening to undermine some of their basic cornerstones, such as representative democracy and free and fair elections.

Electoral management bodies (EMBs) have played a leading role in the transition to democracy in and the re-democratization of the region. They have developed a unique model that is different from other electoral systems and which has enriched the diversity of electoral systems worldwide. Among the distinguishing features of the Latin American EMBs are their expertise, autonomy and independence from political parties and other governmental bodies. EMBs can take the form of courts, tribunals or councils which have a differentiated constitutional position within the political structure of the state.

As opposed to other models, where the EMBs are incorporated into the executive or judiciary, Latin American EMBs, in terms of functions such as organizing electoral activities (or conflict resolution in the case of Argentina or Brazil where they have retained such structures), have an oversight role as well as a specific political and technical influence. This has enabled them to establish and conduct processes that are

in line with international standards, even in cases where there is extreme polarization or strong political pressure.

Although their role has been acknowledged to some degree, Latin American EMBs have not been given due recognition for the role they have played in international electoral cooperation. It would be advantageous for the EU to provide this recognition as it would help to strengthen EMBs in the region.

The EU is the most important political partner and donor in Latin America, particularly in some of the subregions. Engaging in cooperation with the EU is perceived as a strategic option that is particularly attractive for those countries that share similar deep-rooted cultural, judicial and political characteristics with some EU members states. Its impact is registered particularly as electoral processes and constitutional democracies are strengthened.

Although EMBs are widespread throughout the region, it should be remembered that, just like any other political or social environment, it is their context that makes the difference. It is therefore crucial that all cooperation strategies and technical electoral assistance programmes take into account the special features and histories of each country.

This paper deals with the democratic electoral experience in Latin America, focusing particularly on the institutional dimension of its development and on the impact of international cooperation, particularly from the EU. A series of policy recommendations designed to strengthen the position and impact of the EU are also presented. Their main focus is the potential role of EMBs, as well as their potential impact when brought into collaboration with international organizations.

2. Cooperation and Electoral Assistance in Latin America

International electoral cooperation has increased in Latin America since 1980, and especially since 1993 when the EU stepped up its presence and the level of its involvement in electoral observation and technical assistance processes. In 2000 the EU succeeded in regulating and institutionalizing those processes and formalized various policies and criteria.

It is essential to recognize the complexities and the diversity of the impact of globalization on nation states because globalization has influenced the opening up and dynamic nature of political and economic systems. It is also essential to review the democratic experience and regional development in terms of the international electoral cooperation variable as some of the approaches that have been defended and applied until now are in danger of losing their credibility.

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Cooperation is undermined by donor/recipient mistrust, which is caused by a lack of transparency and of loyalty to the principles that underlie action

First and foremost, it is imperative to accept that electoral cooperation and assistance should have their own autonomy. This depends largely on the general strategies of international cooperation, which can affect the nature of this autonomy.

From this perspective, confidence in international relations as a cooperative factor for solving problems and promoting better living conditions has been undermined by inconsistencies in cooperation strategies, as well as the persistent structural problems of inequality and semi-authoritarianism in the region.

This means that there is mutual distrust in international cooperation with regard to the sincerity and usefulness of the objectives and strategies that motivate it. Donors perceive that their efforts are not as fruitful as they should be, while the recipients perceive that there are interests and objectives not explicitly declared at the outset. This can lead to a degree of cynicism behind the commitment to democracy.

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In an electoral and governmental context, the fact that politicians are in office temporarily limits the durability and effectiveness of their projects. There is a perception that many of the problems that had previously been seen as 'solved' are

re-emerging, along with new challenges to the democratization agenda, generating a feeling of dissatisfaction and apathy among the actors.

It is becoming crucial to formalize explicit commitments to democratic ideals and institutions, as well as specific strategies, policies and actions agreed between the subjects of cooperation and electoral assistance.

The lack of an adequate or relevant definition of electoral assistance limits its efficiency, especially in differentiated national contexts where there is resistance to the democratic process

It could be argued that the theoretical and conventional institutional approaches to international electoral cooperation with the EU are *technical, electoral observation-based functions* which help to guarantee free and fair elections, the strategic aims of which are to facilitate political stability and governability in ways that are beneficial to the tools and objectives of development. In this context, it has been argued that the political impact of international election observations can be disproportionate to the technical impact (Nohlen et al. 2007).

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When the level of analysis shifts from the nation state to the regional it is essential for actors at the international level to analyse not only the political *impact* of electoral observation and assistance, but also their own political *role*. This means we have to assume that the technical content is

closely related to political motivation, implementation and objectives, and not only to its political impact or consequences. This may trigger a change in the nature and shape of the relationship between the cooperation actors. It is therefore crucial to assume that cooperation and electoral assistance are fully political concepts and institutions that will operate in differentiated political contexts according to national historical background, even though they may be linked to international and local forces that influence, facilitate or obstruct cooperation.

In this respect, after three decades of electoral processes, it is evident that, with the support of European cooperation, political systems in the region have adopted or perfected their model of liberal constitutional democracy primarily by organizing transparent elections. There is, however, a serious deficit in the political legitimacy of the governments that are formed as a result of these democratic exercises. This is reflected in various annual surveys and reports,¹ which define the predominant causal variable as the lack of 'stability' or quality in the institutions of constitutional democracy and the absence or low intensity of citizenship (Caputo 2004; Conferencia Magistral 2008). In other words, the causes go beyond the electoral systems and procedures from which new strategies and programmes for political action and cooperation are born.

Moreover, at the end of the so-called third wave of democratization, economic development is, in some countries in the region, relative and asymmetric and related to their core international economic reference – the USA or the EU. Even if the modernization process has advanced in comparison to its level in the 1980s – in Brazil, Chile and Mexico, for example – it has also generated a greater structural polarization and widened the social gap. This has created the conditions in Venezuela, Bolivia, Ecuador and, to some extent, in Nicaragua for a return of so-called Latin American Neopopulism, which cooperation itself has to some extent nurtured (e.g. in Bolivia). Neopopulism in turn will challenge and weaken the core elements of constitutional democracy that cooperation has so patiently helped to build.

As the first decade of the 21st century comes to a close, it must be assumed that the idea of a progressive, evolutionary and linear logic to the development of the democratic process is obsolete.

How can these paradoxes be resolved? To start with, we need to define the general objectives and commitments of the democratic process in Latin America, and to differentiate them carefully at the subregional and country levels, at the same time as we preserve consistency and congruence with the principles that motivate these objectives and commitments.

Maintaining inflexible strategies is a wasted opportunity and jeopardizes the fulfilment of objectives

As the first decade of the 21st century comes to a close, it must be assumed that the idea of a progressive, evolutionary and linear logic to the development of the democratic process is obsolete (Nohlen et al. 2007). It could be said that the democratization process has demanded, and international cooperation has gradually complied with, demands to:

- Strengthen electoral infrastructure (the first period, 1970–1990) to allow fair

¹ See <www.latinobarómetro.org> and <www.undp.org>.

elections, and promote electoral observation that is limited to the actual voting day and supported by ‘capacity-building programmes, written material and multimedia courses’ as well as the institutional design of legal and organizational guarantees on the right to postal ballots, that is, EMBs and electoral justice;

- Strengthen institutions and improve conditions for political parties (the second period, 1990–2000), particularly with respect to the supervision of financial resources allocated to the political parties and how they are used; and monitoring equitable access to the media as well as how it should act during elections by organizing electoral observation that is not limited to the actual voting day; and
- Focus on the quality and cost of elections (the third period, starting in 2000) when new features were introduced such as participation by minorities and other vulnerable groups, electronic voting and transparency; and the institutionalization and democratization of political parties, civic education and strategic planning – adding a triangular approach to the electoral system, the governmental system and the system of political parties to enable them to be of equal relevance to the democratic structure on which electoral cooperation and assistance should focus its energies.

This has established a useful framework, but it has several possible shortcomings linked to certain imperfections in its institutional design dating from the first or second period that are manifested in the third period as: weakened and dysfunctional political-institutional democratic instruments from the first and second period, from electoral registration to the autonomy of the EMBs; strategic pressure through lobbying of political actors and powers; fluctuating left- or right-wing populist tendencies; reorganization and restructuring or weakening and strengthening of international or domestic coalitions for electoral cooperation and assistance; and institutions, strategies and agendas for electoral observation and assistance that are either in complete disorder or in internal conflict.

What is most serious, however, is that the perspective of a linear strategy, divided into phases from the least to the most complex, can lead to a loss of the ability to foresee and react to contingencies. If the contingency were particularly severe, this would mean that key opportunities for strengthening the general framework for cooperation would be lost.

The lack of coordination in the EU’s cooperation formats in Latin America diminishes their effectiveness and limits the ability to transfer the experience gained from the democratization process to other regions and countries

Throughout the democratization process, many relevant alliances in cooperation and direct action have been formed in the context of electoral systems and processes.²

² Institutes such as CAPEL, in the IIHR; the Quito Declaration; the Tikal Protocol; the Inter-American Union of Electoral Bodies; networks of international organizations such as the UN, including the United Nations Development Programme; the Organization of American States; the Carter Center; the National Democratic Institute; the International Republican Institute; International IDEA; the International Foundation for Electoral Systems; the Spanish Agency for International Co-operation (AECI) as well as EU Cooperation, which is among the most active.

The ongoing initiatives of these actors have resulted in separate advances, but the combination of achievements has sometimes been uncoordinated and contradictory. In such complex configurations, there is a need for coordinated efforts, joint agendas and cooperation on mainstream policies, programmes and actions, not only between the cooperation agencies but also with other partner organizations and with countries.

There is a conspicuous waste of institutional resources in the region, and from the region to other regions and countries (in, e.g. Eastern Europe). These are resources that could enrich the processes of generating knowledge, policymaking and the implementation of democratization of authorities and electoral processes.

The lack of a properly implemented strategy has weakened institutions such as The Inter-American Union of Electoral Bodies (UNIORE), which has proven to be an organized and well-oriented influence on the democratic process.

3. Recommendations

International cooperation between the EU and Latin America can help to strengthen and consolidate electoral democracy in Latin America. The EU's own enlargement process could also benefit from the experiences and lessons learned from the Latin American countries. We therefore make the following recommendations:

Increase mutual trust in cooperative relations with Latin America through inclusive dynamics and horizontal policymaking.

Confidence is the essence of cooperation. Without it there will be no agreement of significance, consistency or durability. After 20 years of democratization work in the region, it would be appropriate to revise the concepts, agenda, strategies and methods of cooperation between the two regions, the countries and their institutions, and the actors in the democratic community – both from a regional perspective and on an individual country level.

Confidence is the essence of cooperation. Without it there will be no agreement of significance, consistency or durability.

In a number of countries in the region there is a view that the EU should participate more actively in the democracy building process, but without using traditional formats. Instead, it should use inclusive dynamics, and horizontal policymaking and implementation as well as an assessment of strategies, policies and programmes. It is likely that such a reorientation would lead to the conviction that it is necessary to create a new International Charter to reinforce the commitment to democratic cooperation and outline alternative methods for implementing it.

Adapt the concept and content of international electoral assistance to the contextual realities of the Latin American regions and countries

It is necessary for the EU to undergo a process of reflection in order to deepen its own understanding and its political and institutional will to influence Latin American democratization through cooperation, particularly on electoral assistance.

It would be appropriate for the EU to fully accept the legitimate political nature of its cooperation, which, in the context of democratic globalization, aims to build liberal constitutional democracies in spite of their different contextual modalities without formulating policies that would undermine its principles.

It is therefore necessary to make a more complete, up-to-date and precise diagnosis of the need and opportunities for cooperation in the regions, and to create a variety of options for electoral assistance based on a joint agenda with local actors.

The diversity in the degree of democratization and development in the subregions and countries, and in their varied institutional histories, structures and contexts, makes it necessary to set out policies and programmes in the framework of a general or common strategy. With this in mind, cooperation should penetrate more deeply into sub-national and local contexts.

Combine policymaking and implementation of general democratization and consolidation with specific and concrete policies and interventions in the context of electoral systems and processes.

In view of the fact that the linear evolution dynamic of the democratization process is no longer valid, it is crucial to create and implement instruments that can react and intervene in the short term, particularly in the context of institutions and electoral procedures, while at the same time working to redefine the general guidelines.

It is abundantly clear that an authoritarian regression is possible in the Latin American region and that the opportunities for obscuring democratic arrangements are very real. Furthermore, there is evidence to suggest that problems hitherto regarded as fundamental and resolved – such as electoral registration or boundary delimitation – are now re-emerging. In addition to electoral observation, cooperation should include as a main point on its agenda the various modalities of technical assistance available for all types of party and governmental systems and the socio-cultural context in which they interact. The EU must redesign and rationalize its strategies, policies and programmes according to the target audience and focus them more efficiently on the demands and opportunities for cooperation and electoral assistance.

Adopt flexible political and institutional positioning to allow various forms of interaction (multilateral and bilateral) and enhance and complement strategies, policies and programmes with institutions, organizations, agencies and actors that share similar interests and objectives.

It is crucial to perform a careful assessment of the comparative resources and advantages of the institutions, regimes and electoral experiences at the regional and country levels and to share the lessons learned in Latin America with some of the European countries which have been affected by similar credibility problems in the development of their political authorities.

In Latin America there is an arsenal of institutional resources housed within the EMBs, which have accumulated enormous intellectual, judicial and political experience. In addition, some offer a higher degree of institutional stability than is possible with less

permanent regimes. This experience could be placed at the disposal of systematic and proactive horizontal cooperation, and interact with and benefit other institutions and countries in the same region that are falling slightly behind.

There should be an emphasis on cooperation and sharing responsibilities. When it is possible to identify the recipient of technical assistance, it should carry an equal burden of the related costs and, if possible, agree to share its experience.

There should also be a steady flow of communication with other potential donors of funds or resources which aid international cooperation and technical electoral assistance – in particular with those international organizations that have done an excellent job in promoting electoral democracy in the region, verifying the adequacy of regional and national diagnoses, avoiding duplication and finding suitable alternatives for potential international cooperation programmes.

It is essential that the EU steps up its cooperation at the intra-regional and inter-regional levels, particular between the EMBs and other partners and synergistic actors, to make the most of existing resources and institutional capacities for democracy building and joint working agendas.

4. Conclusions

International cooperation between the EU and Latin America in recent decades has had a positive effect on the democratization process in the region. However, despite the fact that these processes have advanced, new and old contradictions and paradoxes have also emerged. These must be overcome with support and cooperation. In its optimized form, this will make an effective contribution to the development of stable electoral democracies. There are four key aspects to consider:

1. Renew the basis of confidence in relations between the EU and Latin America.
2. Reassess the current state of affairs for the democratic development process in the region, its subregions and specific countries, and undertake a process of reflection within the EU, in conjunction with the Latin American countries, to renew its democratic commitment as well as the concepts, strategies and methods for cooperation, particularly in the context of electoral assistance.
3. Set up general guidelines for cooperation, while also creating and implementing efficient instruments as well as proactive and reactive mechanisms in order to tackle any contingencies that may jeopardize democracy building in the long term.
4. Position the EU in a more visible manner in Latin America, and operate in more flexible and agile formats to capitalize on the resources and institutional capacities derived from the established democratization policies of recent decades.

Finally, it should be recognized that there are rich institutional resources inherent in inter-American and regional cooperation, and these would provide useful tools for invigorating and protecting the benefits of other democratic consolidation processes in Europe or other regions of the world.

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