



New Challenges for Democratic Consolidation in Latin America: the Role of the State

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Abstract

This paper argues that political transitions in the Latin American countries have succeeded in changing the rules of access to and the exercise of political power in a way that fosters increased democracy. This political transformation was possible due to a combination of domestic and international factors which came together in the context of the post-Cold War era. The European Union (EU) and some EU member states contributed decisively, as international actors, to political change in Latin America. Nonetheless, surveys, studies and recent experience suggest that Latin American democracies are having problems consolidating. The central thesis of this paper is that the weak condition of the state in Latin American countries is one of the causes of this situation. Behind authoritarianism lay weak institutions that constituted obstacles to building 'states under the rule of law'. The paper illustrates this thesis with five examples, and presents ideas for maintaining the EU as an ally of Latin American societies in the formidable task of consolidating democratic and constitutional government.

Summary of Recommendations

It must be understood in Latin America that having a *strong* state does not necessarily mean having an *authoritarian* state, but rather, in an apparent paradox, that a strong state is a necessary condition for having *democratic* government under the rule of law.

The EU will not abandon its approach to democratization 'from below', or its stated preference for working with civil society organizations. The challenge is to take advantage of the cumulative experience of and networks built with civil society organizations in order to channel efforts through the institutions that ultimately have democratic legitimacy.

Priority should be given to those initiatives that the EU generally categorizes under the heading of governance. The EU should support financing for projects that enable people in the region to become familiar with and use state institutions to channel their demands and find solutions to their problems. This is particularly important in the

case of public institutions created after democratic transitions specifically to guarantee the fundamental rights of individuals, such as ombudsmen, laws on and institutions for government transparency, and laws and institutions to prevent discrimination against women and minority or ethnic groups.

The EU should support financing for projects that enable people in the region to become familiar with and use state institutions to channel their demands and find solutions to their problems.

The EU should also act ‘from above,’ to expand its direct cooperation with the types of public institution indicated above. Since the 1990s, for example, the EU has promoted the institution of the ombudsman in the Latin America. It

could now support other similar autonomous public institutions. In this regard, instead of waiting for the Latin American authorities themselves, whether national or local, to request such cooperation, the EU would do well to adopt a proactive policy.

1. Introduction: The European Union and Democratic Transitions in Latin America

Although Latin America is in many ways a diverse and heterogeneous region, it is possible to identify broad common patterns of political and socio-economic development across the various countries. One important pattern was the wave of democratization that began in the 1980s with the transitions from authoritarian regimes to more open and pluralistic political systems.¹ In the wake of that wave, by the early 1990s the region was free of the military dictatorships that had caused so much damage and all the states, with the exception of Cuba and Haiti, were grounded in constitutional frameworks that enshrined democratic principles, institutions and procedures as their form of government. Beyond the many shortcomings found in each national case, this first phase of democratization – regime change, and the design and implementation of the new political rules marked by pluralism – had been concluded.

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expressed, among other things, in political discourse and in the progressive construction of rules and procedures aimed at conferring legitimacy on international action to promote and defend democratic institutions.² In contrast with the past, such initiatives, launched in the context of the inter-American system, did not stem only or primarily from Washington, but rather were sponsored by the Latin American governments themselves, which were interested in seeking external reassurance against any potential return to authoritarian rule.³ In addition, these novel and fragile democracies

¹ The starting point for such transitions was different in each country, ranging from military dictatorships to family oligarchies and hegemonic parties.

² In 1990, the Unit for the Promotion of Democracy was established within the Organization of American States (OAS). In 1991, the Santiago Declaration provided for the possibility of imposing sanctions on a member state in which a democratically elected government was overthrown by the use of force.

³ With the notable exception of Mexico, which cast the only vote against the Santiago Declaration and which throughout the 1990s maintained an isolated opposition to the development of such mechanisms.

gradually introduced international mechanisms to ‘lock in’ or ‘anchor’ democracy in their own regional integration arrangements and in their bilateral relations. All this pointed to a progressive interpretation of the laws of sovereignty. This interpretation allowed Latin American states to interpret as legitimate and healthy international cooperation to foster respect for human rights and democratic institutional frameworks.

This normative process of regional scope was reinforced by the major global transformations and trends of the time. While the new democratic consensus that emerged in Latin America resulted, above all, from tragic national experiences with different types of authoritarianism, it also fed on and found support in the favorable international context marked by the end of the Cold War. With the break-up of the Soviet Union and the end of the bipolar conflict, the centres of power in the West set out to consolidate their political-cultural hegemony through the global promotion of three pillars: the market economy, democratic government and respect for fundamental rights.⁴ The European Community, at the time in the process of becoming the European Union (EU), placed itself at the forefront of such efforts, drawing on various instruments of which special mention should be made of the ‘positive measures’ for promoting democracy and human rights financed through external cooperation or development aid.

In the Maastricht Treaty (1993), the EU clearly defined its intention to project itself as a political, rather than merely economic, actor of global scope that would actively participate in the new world order and take on new responsibilities. As part of this expansion of its international political presence, the community institutions (i.e. the European Parliament and the European Commission) promoted an ambitious external policy of democracy promotion, which would operate in tandem with and supplement the democracy promotion initiatives of its member states. The community policy, however, had a particular purpose: to underscore the existence of a set of ideas and values shared by all EU member states, which in turn would define its identity as a collective actor.⁵ This need to affirm its identity vis-à-vis the rest of the world was at the origin, in the early 1990s, of the EU foreign policy of promoting fundamental rights and democracy.

The two processes alluded to above constituted a fundamental convergence of interests between the EU and the countries of the ‘far west’, as Alain Rouquié has described Latin America. First, the EU wanted to implement a series of new initiatives in the area of international democracy promotion. Second, in contrast to what

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The EU wanted to implement a series of new initiatives in the area of international democracy promotion. In contrast to what happened in other regions of the developing world, the Latin American states generally welcomed or at least were willing to allow political projects financed and on occasion directly implemented by European actors.

⁴ We use the term ‘fundamental rights’, like a considerable proportion of contemporary legal theorists, to refer to the human rights of liberty, and political and social rights that have been recognized in the constitutions of the various states. In this respect, see, among others, Carbonell (2006).

⁵ The political nature and the identity of the European Union were defined in article 6 of the Treaty on European Union, which reads: ‘The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States’.

happened in other regions of the developing world, the Latin American states generally welcomed or at least were willing to allow political projects financed and on occasion directly implemented by European actors to go forward in their societies in the context of development cooperation. The result was that throughout the 1990s, Latin America – not a priority region in terms of security and of comparatively modest importance to Europe in economic terms – came to occupy a prominent place in the context of the European Initiative for Democracy and Human Rights (EIDHR) and in other lines of financing. This situation continued in the most recent period, 2000–2006.

The role played by the EU in the past 15 years as a promoter of democracy in Latin America can be analysed at different levels, two of which are highlighted below. The first is its impact as a prestigious international actor which, through a series of speeches and signals, is helping to legitimize certain political practices and delegitimize others. In this regard, the EU is a normative actor in the region, that is, an actor that uses its specific weight to promote not only its real-politik interests but also a certain values-based world view. Its policy of negotiating comprehensive agreements, which in addition to more traditional economic-commercial aspects include sections on political dialogue and clauses on democracy (i.e., political conditionality), represents one of the best examples of this position. More than their application in practice – which to date has not been tested and would imply a clear rupture of the democratic order – the importance of the democracy clauses promoted by the EU is symbolic. It is through them that the EU strengthens the idea that preserving the democratic institutional framework is a collective expectation of the international community – or at least a large part of it – and that this is an essential element for being able to relate effectively to all other members of the international system. This aspect of EU policy towards the region is all the more valuable insofar as it distinguishes it from the hemispheric power – the United States – and especially China, which in the past five years has expanded its presence and its economic ties in the region.

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The second level refers to specific action on the ground through implementing projects aimed at strengthening democracy and the culture of human rights in Latin America.

In this case, EU policy has to date adopted an approach that prioritizes strengthening participation and the capacities of civil society. The emphasis has been on developing conditions for expanding the democratic consensus at the base of these societies, in an effort to affect political culture and political habits. This is considered a structural intervention that could have lasting or long-term effects.

This ‘top-down’ approach has been the cornerstone of the EIDHR since it was launched in 1994. Accordingly, in 2000–2006, the main partners of the EU in implementing democracy promotion projects in Latin America included organized civil society actors such as non-governmental organizations (NGOs), foundations and educational institutions. In some cases the EU also supported the activities of regional bodies such as the Inter-American Court of Human Rights, the Inter-American Institute of Human Rights and the Organization of American States. In

fewer cases, by way of contrast, it formed a partnership with institutions or public organs of the countries of the region.⁶

Whether because of the conceptual framework it uses or due to resistance by Latin American governments, the aspect that is most clearly missing from the EU policy for promoting democracy and human rights is *state institutions* and building their capacity to perform their proper functions in the context of the rule of law. As is discussed below, this is unfortunate since one of the main challenges that democracy in the region is currently facing is the weakness of the state.

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2. Is it Possible to Consolidate Democracy in Weak States?

Latin American countries face problems with consolidating democracy. The Latinobarómetro report for 2008,⁷ for example, indicates that 70 per cent of people in the region consider that democracy governs for ‘the interests of a few powerful groups’. This is the impression of 79 per cent in Mexico, 87 per cent in Argentina, 71 per cent in Chile and 60 per cent in Brazil. Moreover, 53 per cent of Latin Americans would be willing to live under an authoritarian regime ‘if it resolved their economic problems’. This is the case for 69 per cent in Paraguay and 31 per cent in Uruguay, to cite the two extremes. There is also considerable distrust of certain institutions key to the functioning of democracy: only 32 per cent of those polled in the region have confidence in the legislature, and only 21 per cent trust the political parties. These results should be analysed carefully, but they constitute a powerful indicator of the insufficient consolidation of democracy in the region.

It is our thesis that behind this situation – in addition to the social problems which, no doubt, are most pressing (39.8% of the population, i.e. 209 million people, live in poverty and 15.4% of Latin Americans, i.e. 81 million people, live in extreme poverty)⁸ – lies a structural defect: the lack of a strong state. Luis Salazar Carrión puts it with blunt simplicity: “our problem today is that we have moved from a situation of power without law to one of law without power.”⁹ Fernando Escalante, reflecting on the Mexican case, argues, similarly, that during the authoritarian period ‘the politicians could be very powerful; the political class as a whole was very powerful precisely because the state was weak... The Mexican state has never been capable of

⁶ See European Commission (1996).

⁷ Latinobarómetro is a public opinion study, which every year conducts a survey administered to some 19000 people in 18 countries of Latin America – representing some 400 million inhabitants. In recent years it has become a standard reference for learning the state of public opinion in the region. See <www.latinobarometro.org>.

⁸ The data are from 2007 and come from the Economic Commission for Latin America and the Caribbean (ECLAC). See <<http://www.eclac.org/mexico>>. Addressing the social lag is itself a political and moral challenge, but also a condition for consolidating democracy. We do not examine this enormous challenge in this study.

⁹ Paper presented at the seminar ‘Democracy and Institutions: New Challenges,’ 5 December 2008. Event organized by FLACSO-Mexico and the IJ-UNAM. The proceedings will be published in 2009.

imposing enforcement of the law, not even on its own officials'.¹⁰ According to this interpretation, with which we agree, and which holds not only for Mexico, authoritarian regimes were possible because there were no solid institutions capable of inhibiting, detecting or, as the case may be, punishing abuses of power. Such abuses, in unequal and fragmented societies such as those of Latin America, generally stem from both political power and the multiple instances of private power. As Escalante argues: 'I know it sounds paradoxical, but it is not inaccurate to say that Mexican society – heterogeneous, inorganic, uncivil – has for centuries been stronger than the state, capable of reproducing its order with relative autonomy, and has been able to impose its rules, its interests, and its way of doing things.'¹¹

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Thus Latin America underwent an unusual transformation: democracy was reached without building a state under the rule of law. With democratization, the authoritarian patrimonial state left in its wake multiple spheres of impunity and abuse that are incompatible with what we know as the rule of law or with constitutional government, which are characterized precisely by the existence of institutions to uphold guarantees such as an effective separation of powers, an impartial and independent judiciary and instruments of accountability. Hence the need to undertake what Luis Salazar calls a 'second transition' to build a state under the rule of law which, on the one hand, domesticates public and private power and, on the other hand, offers institutional guarantees for the fundamental rights of citizens – not just democratic political rights and fundamental freedoms, but also, urgently, social rights such as, primarily, the rights to work, education and health.

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Achieving this new transition – this time *from* democracy – is a challenge that must be tackled urgently. This is necessary to ensure that the intense social and political conflicts characteristic of the region do not go beyond legal and institutional channels, leading to a return to authoritarianism,¹² and, above all, to offer effective

institutional guarantees for the fundamental human rights now recognized by Latin American constitutions.

It must be understood in Latin America that having a *strong* state does not necessarily mean having an *authoritarian* state, but rather, in an apparent paradox, that a *strong* state is a necessary condition for having democratic government under the rule of law. Accordingly, as a first step in that direction, it is essential for people to regain their confidence in existing institutions and to use them to satisfy their individual and collective demands. Bolstering trust in the authorities and institutions is, in addition, a

¹⁰ Escalante (2006), pp. 22–23.

¹¹ Escalante (2006), p. 24.

¹² Which can even happen using democratic institutions, as is clearly illustrated by the case of Venezuela.

way to have an impact on their performance, because the social perception of institutions may affect how they operate.¹³

3. Latin American Examples of State Weakness

In order to illustrate the fragility of Latin American states and, thus, the vulnerability of democratic regimes and governments, we outline below five recent and significant events. In all cases, these are relevant events which, although they may have a national dimension, illustrate a regional situation. Luigi Ferrajoli has coined the term ‘savage powers’ (*poteri selvaggi*) to refer to those situations in which extralegal powers prevail that perpetuate situations of inequality and, potentially, impair the exercise of fundamental rights.¹⁴ They may be *micropowers* (such as those exercised by a father over his children, an employer over his employees or a thief over his victim) or *macropowers* (such as those exercised by organized crime, large economic groups or even a regular army). They share a trend towards absolutism in that they seek to elude the legal limits designed to regulate them. These powers may be lawful or unlawful, but what they have in common are the capacity to cause injury to the rights of persons and their absolutist tendencies (their tendency to engage in unlawful conduct). A strong state is needed precisely to prevent such injury and to contain that propensity. It is with this in mind that we offer the following examples of the weakness of the state in Latin America: two from Mexico, one from Peru, one from Argentina and one from Guatemala.

Mexico

On 4 November 2008, the government aircraft carrying the Minister of the Interior, Juan Camilo Mouriño, and former special prosecutor for organized crime, José Luis Santiago Vasconcelos, crashed in Mexico City. Mexico was – and still is – engaged in a battle, described as a ‘war’ by its President, against organized crime, in particular the powerful drug-trafficking groups that control the drug trade into the USA. According to official figures, 5700 people were killed in violent incidents linked to drug-trafficking between January and December 2008 alone.

Initially, a rumour took hold that the crash was the result of an attack. Although it was ultimately confirmed that it was an accident, this reveals the fragility of the Mexican state. Not only was the hypothesis of an attack regarded as plausible, and only 56 per cent of Mexicans believed the official version of events at the time,¹⁵ but the causes of the incident were a series of bureaucratic errors that resulted in the aircraft being piloted by a man who was not competent to fly it.

This case provides four lessons: (a) the stability and viability of some states in the Latin American region – mainly Mexico and Colombia – are threatened by organized crime; (b) the population of those countries lives in legitimate fear and distrust of their governments; (c) the incompetence, corruption and inefficiency of the state when it

¹³ This thesis has been upheld by the *Teoría de la reciprocidad*. See Kahan (2003). On the same topic see Pérez (2008)

¹⁴ See, among others, Ferrajoli (1995), pp. 930–940.

¹⁵ The poll referred to was carried out by the pollster María de las Heras for Diario Milenio and was published on 10 November 2008, see <www.milenio.com>.

comes to providing security for elected officials erodes democracy; and (d) is it not possible to defeat organized crime with a disorganized state.

Argentina

In March to July 2008, Argentina underwent a major political and social crisis. Its origins were in a legislative proposal on taxation introduced by President Cristina Kirchner that would increase the duties on agricultural exports. The agricultural producers of Argentina – unlike other countries in the region – are a very powerful group and constitute the main ‘economic power’ of Argentina. Accordingly, what in any democratic country with solid institutions would have been a political conflict – perhaps tense but mundane – in that country came close to paralysing the state and bringing down the government.

The strategy pursued by the representatives of the agricultural interests was extreme: closing highways, hoarding foodstuffs and calling a ‘strike in agricultural production’. The mood was polarized and the approval ratings of the president – elected in October 2007 with 46 per cent of the votes – plunged to 13 per cent according to some polls. The government itself escalated the tension. In April 2008, the president declared: ‘The same organizations that today boast of being able to provoke shortages for the people also called an employer lock-out in February 1976,¹⁶ in the darkest chapter of Argentine history.’ She added, ‘this time they are accompanied not by tanks, but by the generals of the media, who have altered facts and distorted information.’¹⁷ The press called the conflict ‘the Agriculture War’ (‘La Guerra del Campo’).

Real or apparent, the threat of a *coup d'état* reared its head, providing evidence of the fragility of Argentina’s democratic institutions. Although the conflict was resolved by a vote in the Senate, with the vote of the vice-president giving victory to the agricultural interests, the crisis left in its wake a number of lessons, including: (a) democratic forms have not taken root in the political culture of Argentina’s elite; (b) Argentina’s politics continue to be highly personalized, with the president and her husband, former president Néstor Kirchner, directly holding a large part of government power; (c) there is a latent threat of the overthrow of governments and potentially of the democratic regime; (d) the economically powerful groups challenge and condition political power to the point of repudiating the legitimacy of the rulers elected to formulate and pass the laws and regulations that govern society.

Peru

In October 2008, the full cabinet of President Alan García of Peru stepped down, leaving Peru with no administration.¹⁸ Prime Minister Jorge del Castillo, on submitting his resignation along with the rest of his colleagues, announced that: ‘The president has made the decision to accept our resignation, of the cabinet in its entirety, and to constitute a new Council of Ministers in keeping with the Constitution and the

¹⁶ At this part of her speech the president referred to the prelude to a *coup d'état*.

¹⁷ The quote can be found in several daily newspapers and is available at www.pagina12.com.ar/diario/ultimas/20-101663-2008-04-01.html.

¹⁸ At the same time, in the province of Tayacaja, in the Andean region of Huancavelica, 12 soldiers and two civilians died at the hands of a cell of the guerrilla group Shining Path. See *Diario el País*, 11 October 2008.

law'.¹⁹ The approval ratings for President Alan García had fallen below 13 per cent.²⁰

A corruption scandal lay behind the collective resignation. A Norwegian company, Discover Petroleum International, had allegedly been favoured by senior officials in the Peruvian Government, obtaining a concession of five oil fields that were to be exploited in a partnership with the state company, Petroperú. The legislature had announced that it would censure the executive, but this was made unnecessary by the resignation of the 16 ministers. Although the Norwegian company denied any involvement in illegal acts, a senior director of Petroperú was arrested and an investigative commission established. Scandals and alleged corruption around García as well as former president Fujimori have stirred instability in recent decades.

The lessons – beyond the still-uncertain end to the story – are significant: (a) corruption is an endemic evil in many Latin American states; (b) the short memory of the citizenry is a dangerous ally of the past; (c) large transnational economic groups can sway governments in some countries; and (d) cases such as this – which involve resources that are strategic for the country – show the disconnect between the interests of the rulers and the legitimate needs of the governed.

The 2007 Electoral Reform in Mexico

In September 2007 an electoral reform was approved in Mexico that prohibited political parties from buying radio or television time with their own resources or through third parties to promote their programmes and candidacies. Since then, political advertising has been aired exclusively during so-called government times, which are public time slots set aside for non-commercial use. The new measure seeks to reduce political parties' dependency on money in order to inhibit the illegal financing of political campaigns and to favour fair competition. It implies a major economic loss for radio and television entrepreneurs – it is estimated that in the 2006 campaign political parties spent more than 2.7 billion pesos (USD 270 million) on television advertising alone.

The response of the concession holders – which in Mexico, against the general liberal trend towards pluralism, are two major groups that represent the economic and ideological powers-that-be – was to lead a frontal attack on the political parties, the democratically elected legislators and the regulatory powers of the state. The following assertion by a powerful journalist in a public meeting with a group of senators is instructive: 'We both have a democratic base, you the democratically elected legislators and us the spokespersons for the media govern from the people [*nos regimos del pueblo*], but if we conduct a poll today to see whether the people are more sick and tired of us or of you, I haven't the slightest doubt as to the result.'²¹ The statement was widely celebrated and disseminated by all the radio and television networks. The so-called

¹⁹ See, among many other media outlets, the website of BBC-Mundo, 11 October 2008, available at <http://news.bbc.co.uk/hi/spanish/latin_america/newsid_7664000/7664823.stm>.

²⁰ García was also president from 1985 to 1990, when his term ended amid a number of corruption scandals.

²¹ The meeting took place on 12 September 2008. We translate the statement of Pedro Ferriz de Con as reported by Ciro Murayama in Nexos (2007), p. 4.

Fourth Estate in the contemporary world, in Mexico concentrated in two hands,²² decided to openly confront the institutions that make possible the existence of any democratic regime – the political parties, the legislative organs, and the provisions of the constitution.

The lessons from this case are important. The media, in a democracy, should be free and autonomous, but should also respect and observe the laws approved by democratically elected legislators – otherwise media organizations become ‘savage powers’ that threaten the viability of democratic institutions.²³ Given the capacity of the media to affect the population, it has a duty to the institutions of democracy to make the economic interests of media owners a secondary consideration.

Guatemala

In Guatemala, in 2008 alone, 16 people died and 122 suffered serious injuries at the hands of mobs. In a case that illustrates this problem, on 12 December 2008, in the town of San Pedro Soloma, five alleged kidnappers were beaten to death and subsequently burned. The perpetrators were 1500 peasants armed with sticks and machetes. The residents of this small community had requested the support of the inhabitants of neighbouring communities to prevent the police from reaching the place where these acts were carried out. For 48 hours the residents of the municipalities near San Pedro Soloma blocked roads to make possible this act of revenge. The police and representatives of the Office of the Human Rights Ombudsman (Procuraduría de los Derechos Humanos) arrived only after the incident was over. In all likelihood, the persons responsible will escape justice.²⁴

Similar incidents have taken place even in the most powerful countries of the region, such as Brazil and Mexico. The chilling lesson is that if the state is not capable of monopolizing the legitimate use of force in order to impart justice, then a return to the Hobbesian ‘state of nature’ follows.

4. Grounds for Optimism

To take on challenges such as those described above, Latin Americans should find the state an ally, not an enemy. It is a hard balance to strike: solid and capable institutions are needed, but not authoritarian or repressive ones. Only then will it be possible for hope to prevail over fear. The dilemmas are many, but the route seems clear: a move

²² The issue of the concentration of media ownership in just a few hands is of the utmost relevance when inquiring into the possibilities of consolidating democracy in a country. In Latin America, in the words of Raúl Trejo Delarbre: ‘The concentration of the ownership of companies in this sector has constituted the most significant limitation on the media contributing to the strengthening of democracy.’ See Trejo (2008). See also *Mediocracia sin mediaciones* (2001). Trejo suggests Becerra and Mastrini (2007) as a reference on this issue for the Latin American region.

²³ In this respect the ideas of Ferrajoli are relevant: ‘Laws that compress fundamental rights, such as the criminal laws on crimes of opinion, association, or assembly, limit liberty. By contrast, the laws adopted to defend those rights limit, above all else, the powers of the strongest, as they guarantee the liberties or expectations of the weakest.’ Ferrajoli (1995), p. 932.

²⁴ We reconstruct the facts from an article in *El País*, 13 December 2008, international section, p. 10.

towards the consolidation of a democratic and constitutional state.²⁵ Below we offer some ideas for maintaining the EU as an ally of Latin American countries in this titanic task. In particular, we discuss positive measures to promote democracy and human rights.

Our assessment that the weakness of the state stands in the way of the consolidation of democracy almost inevitably leads one to think of approaches to the external promotion of democracy that involve government actors and institutions: advising governments on the design of more efficient institutional frameworks; training officials in strategic areas, such as the judicial branch; and contributing to the training of members of the security forces to carry out their tasks without violating the rights of citizens. Such an approach, however, does not consider the strategic areas in which the EU has been most helpful.

The EU will not abandon its approach to democratization ‘from below’, or its stated preference for working with civil society organizations. Nor are we suggesting that it do so, although we do think that within its own paradigm it has the opportunity to make some adjustments to specifically address the current situation in Latin America. The challenge is to take advantage of the cumulative experience of and networks built with civil society organizations in order to channel efforts through the institutions that ultimately have democratic legitimacy. Such an adaptation would not be entirely foreign to the evolution, over time, of the EU’s promotion programmes. For example, in the 2000–2006 period of the EIDHR, steps were taken beyond the stage in which the establishment and strengthening of NGOs and other non-state actors was justified as an end in itself.

The EU should encourage these social actors to contribute to the agenda noted above. More than ever before, priority should be given to those initiatives that the EU generally categorizes under the heading of governance. In that regard, the EU should support financing for projects that enable people in the region to become familiar with and use state institutions to channel their demands and find solutions to their problems. This is particularly important in the case of public institutions created after democratic transitions specifically to guarantee the fundamental rights of individuals, such as ombudsmen, laws on and institutions for government transparency, and laws and institutions to prevent discrimination against women and minority or ethnic groups. In the framework of the EIDHR for the period 2000–2006 it is possible to find examples of projects that have the characteristics indicated above,²⁶ and it is these that should proliferate.

The EU should also act ‘from above,’ to expand its direct cooperation with the types of public institution indicated above. Since the 1990s, for example, the EU has promoted the institution of the ombudsman in the Latin America. It could now support other

²⁵ See, among others, Salazar (2008).

²⁶ Among them: Alianza Cívica A.C., ‘Educational Campaign to the Citizen’s Access to Public Governmental Information in Mexico,’ project no. 89852, 2004; Folkekirkens Nodhjaelp, ‘Promoting Civil Society Control of Government Security Services in Guatemala through Increased Accountability, Transparency and Responsibility,’ project 88392, 2006; Associazione Cooperazione Internazionale, ‘Strengthening Capacities of Public Institutions of Bogotá, Villavicencio and Armenia on Children’s Rights Protection,’ project no. 60586, 2003. All the projects are reported in European Commission (1996).

The EU would be well advised to consider greater targeting of its efforts, for example, by orienting its calls for project financing in directions that make it possible to achieve a society that makes use of its state and a state that protects and is committed to its society.

similar autonomous public institutions.²⁷ In this regard, instead of waiting for the Latin American authorities themselves, whether national or local, to request such cooperation, the EU would do well to adopt a proactive policy. At least in some countries these institutional actors, although part of the public administration in the corresponding states, need international assistance, and even financing when the legislation allows for it, in order to undertake their delicate tasks independently.

In sum, in the light of our assessment, the EU would be well advised to consider greater targeting of its efforts, for example, by orienting its calls for project financing in directions that make it possible to achieve a society that makes use of its state and a state that protects and is committed to its society.

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²⁷ For example, the EU supported the creation of an ombudsmen in Nicaragua and Panama. See European Commission (1996). In addition, the period 2000–2006 witnessed several initiatives to support such institutions in Latin America. See European Commission (1996), pp. 131, 139, and 310.

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