THE PROBLEM

A glance at recent headlines reveals a mood of angst among pundits over the state of democracy in Latin America. "Ecuador's coup alerts region to a resurgent military," says Larry Rohter of The New York Times (January 30, 2000); "Andean autocrats dig in for the long haul" writes The Economist (February 5, 2000); Carlos Alberto Montaner describes "Democracies held together by pins" in a pessimistic editorial in El Nuevo Herald (January 30, 2000); and The Washington Post describes "The Precarious Future of Latin Democracies," in The New York Times (February 27, 2000). This paper argues that there are five key threats to democracy in the region: the centralization of power; resurgent militaries; the lack of judicial independence and rule of law; weak political parties and representative institutions; and social exclusion. For the purpose of the discussion, democracy is "a system of governance in which rulers are held accountable for their actions in the public realm by citizens, acting indirectly through the competition and cooperation of their elected representatives" (Schedler and Karl, 1999).

Centralization of Power

Democracy is threatened when power is centralized in the executive branch of government. The subordination of congress and the courts creates opportunities for the executive to act illegally with impunity. Peru is a good case in point. After President Alberto Fujimori closed his Congress in 1992 and re-wrote the Constitution in order to be re-elected in 1995, his Congress passed a law allowing him to run yet again in 2000 based on the spurious claim that the president had only been elected once under the 1979 Constitution. When constitutional judges ruled against the law, Fujimori simply dismissed them. In April this year, he can for what many consider to be an unconstitutional third term in office in elections plagued by allegations of fraud.

> It may be too early to say that the oscillations between democracy and authoritarianism that characterized Latin American politics during the twentieth century have come to a real

Iron grip of the Military

The quality of democracy is also threatened when the military refuses to accept its role as "obedient and non-deliberative." The outgoing President of Venezuela, Lt. Col. Hugo Chavez was elected in December 1998 riding a wave of popularity that dated to his failed effort to seize power in a military coup in 1992. Chavez has eliminated the article of the Venezuelan Constitution that describes the armed forces as non-deliberative, and has appointed military officers to a wide range of senior posts in his government. The presumption that the military should play a "tutelary" role in politics is the single most important obstacle to the rule of law in some Latin American nations. The recent military coup in Ecuador is a good reminder of the on-going threat to democracy from the military.

Lack of Judicial Independence and Rule of Law

Judicial subordination turns judges into pawns in a political chessboard, and is often motivated by the need to provide impunity for such illegal executive and an abusive military. The lack of judicial independence leads to repeated violations of fundamental rights. When Bolivia's Hugo Banzer — a former dictator, now elected president — imposed a state of siege in response to nation-wide protests by peasants in April 2000, the army was given a carte blanche to detain, intimidate, and even torture suspects without any judicial authority. According to Bolivia's Human Rights Ombudsman, the public ministry has been a silent accomplice in the face of these abuses. In Peru and Guatemala civilians can be brought before military courts and sentenced by military "judges" with no legal training. Impunity for citizens is exacerbated in countries like Argentina where police abuse and crime have reached epidemic proportions. Above all, the rule of law should mean that those in power must also submit themselves to legal norms.

Weakness of Parties and Representative Institutions

Many Latin American democracies are not representative so much as they are "delegative" — that is, presidents are elected to govern as they see fit with wide discretionary powers. The weakness of representation is one of the key contributors to the shallowness of democratic practices, and it is reflected in the fragmentation of traditional political parties. Countries in which indicators of party fragmentation are highest (Peru, Ecuador, Venezuela) are precisely those where democracy is in the most trouble.

Social Exclusion

One of the biggest challenges facing new democracies is the inclusion and representation of indigenous peoples, in particular, and the disenfranchised poor in general. Can indigenous communities achieve representation, political autonomy and recognition within the framework of the liberal rights, identities, and citizenship norms established by new democratic states? Events in Ecuador revealed how dangerous the