OPPOSITION AT THE MARGINS
THE EROSION OF DEMOCRACY IN LATIN AMERICA

A Dissertation

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In the past decade new and old democracies have eroded. Democratically elected presidents across the world have used their popularity to introduce constitutional amendments that over time destroy the system of checks and balances, hinder free and fair elections, and undermine political rights and civil liberties. Some of these presidents have eroded democracy. Despite similarities, others, however, have not been able to do the same. Why are some presidents able to erode democracy while others are not?

Scholars have mostly focused on sudden democratic breakdowns. My dissertation analyzes a different, more gradual, type of regime change, with a clear rupture, leading to a competitive authoritarian regime. I conceptualize the erosion of democracy in two stages. The first focuses on the likelihood of electing presidents with hegemonic aspirations, who try to enhance their powers and extend their time in office beyond a second term. The second focuses on the circumstances that make it possible—or not—for these presidents to erode democracy. Using an original database with information on constitutional amendments introduced by democratically elected Latin American presidents since 1978, I show that economic crises, inchoate party systems, and weak states increase the likelihood of electing hegemonic leaders. However, these factors cannot predict whether they succeed or fail in their attempts to erode democracy.
In order to assess that, the outcome of the second stage, I focus on the opposition. Existing literature on democratic reversals has paid little attention to the opposition’s behavior. My dissertation shows that this neglect is a mistake. Because democratic erosion happens gradually, the opposition has many opportunities to respond. Its strategies and goals, I argue, are critical to understand why some presidents successfully undermine democracy, while others do not.

I develop this argument, using comparative historical analysis focusing on the cases of Alvaro Uribe in Colombia (2002-10) and Hugo Chávez in Venezuela (1999-2013). Employing interviews and archival data from newspapers and congress, collected during twelve months of fieldwork in Bogotá and Caracas, I show that when the opposition uses extra-institutional strategies with radical goals, it provides the president with “legitimate” reasons to remove opposition leaders from office, prosecute them, and jail them. It allows him to push for more aggressive reforms that, without a presence in the legislature and the courts, the opposition cannot stop. Conversely, when the opposition uses institutional strategies or extra-institutional strategies with moderate goals, it is able to keep a presence in the legislature and slow down the government’s cooptation of courts and oversight agencies, thus reducing the likelihood that the president will have the institutional control needed to pass more aggressive reforms.
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A mis papás, mi barra brava
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CHAPTER 1

INTRODUCTION

In the past two decades several democracies have slipped into democratic recession. Faced with economic or security crises, some democratically elected presidents in Latin America, the Middle East, Eastern Europe, and Africa have used their popularity to push for constitutional amendments that, over time, destroy the system of checks and balances, hinder free and fair elections, political rights and civil liberties. Across the world, these presidents have found a way to subvert the democratic norm while keeping a democratic façade. Using and abusing elections and institutional reform, they are turning new and old democracies into competitive authoritarian regimes.

The erosion of democracy has become an increasingly common type of democratic reversal. It is pervasive and hard to prevent. Since the 1990s, classic coup’d états, executive coups and election-day frauds have declined. Not only are leaders today less likely to use them in order to circumvent democracy, but they are also less likely to succeed when they do (Bermeo 2016, Svolik 2015).

Democratic erosions, on the other hand have increased since then (Bermeo 2016). Starting in the late 1990s, in Latin America, seven countries have seen the rise of presidents with hegemonic aspirations. In order to fulfill their policy agenda, Carlos Menem (1989-1990) in Argentina, Alberto Fujimori (1990-2000) in Perú, Hugo Chávez (1999-2013) in Venezuela, Alvaro Uribe (2002-2010) in Colombia,

1Nancy Bermeo calls them “Executive Aggrandizement,” Svolik calls them “Presidential Takeovers”.

1
Evo Morales (2005-present) in Bolivia, Rafael Correa (2005-present) in Ecuador, and Daniel Ortega (2007-present) in Nicaragua, have introduced constitutional amendments that increase their hold over congress, courts, and oversight agencies and extend term limits beyond a second term.

Using these amendments, Fujimori,

Chávez, Correa, Ortega and Morales successfully eroded democracy. They used their control over state institutions to distort the electoral playing field to such an extent that it became almost impossible for the opposition to defeat them. Menem and Uribe, however, were not able to do the same. Despite their attempts to undermine the independence of the legislature and the courts, and the fairness of elections, Argentina’s and Colombia’s constitutional order remained fairly strong, and these presidents had to step down after their second term. Why, despite similar circumstances, some popular presidents successfully erode democracy while others fail?

Traditional approaches to democratic rollbacks cannot fully answer that question (Andersen et al. 2014; Capoccia 2007; Diamond 2015; Linz 1978; Mainwaring 2012; Mainwaring and Pérez-Liñán 2013; Przeworski et al. 2000; Svolik 2008). They study mostly civilian and/or military coups in which the rise of a leader with a preference for dictatorship or a very weak preference for democracy and the breakdown of democracy are one and the same. They rarely look at what happens afterwards. Therefore, these theories are very useful to explain why presidents with hegemonic aspirations—who try to enhance their powers and extend their time in office beyond

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2Alberto Fujimori led a “self-coup” in 1992. Although he did introduce reforms to increase his powers and extend his time in office beyond a second term, these reforms happened after the coup.

3Scholars like Cappocia (2007), Linz (1978) or Mainwaring and Pérez-Liñán (2013) also analyze democratic reversals that happen without coups, however, their theories pay mostly attention to how is that authoritarian leaders rise to power, rather than what happens once they are in office.

4Following Mainwaring and Pérez-Liñán (2013, 42) I assume that leaders have a normative preference for democracy/dictatorship. Civilian or military coups have been led both by leaders with a normative preference for dictatorship like Augusto Pinochet in Chile, or leaders without a preference for dictatorship but a very weak preference for democracy like Alberto Fujimori in Perú.
a second term—attain power, but by themselves insufficient to explain why some of them successfully erode democracy while others fail.

Unlike traditional democratic breakdowns, the erosion of democracy happens over time. The rise of a hegemonic president and the breakdown of democracy do not happen simultaneously. It takes years before a president with hegemonic aspirations can transform a democracy into a competitive authoritarian regime. Consequently, I conceptualize this phenomena in two stages. The first focuses on the factors that increase the likelihood of electing presidents with hegemonic aspirations. The second focuses on the circumstances that, once in power, allow or prevent these presidents from being successful in their attempts to erode democracy. Using a mixed methods research approach, I show that although economic crises, weakly institutionalized party systems, and weak states increase the likelihood of electing presidents with hegemonic aspirations, these factors cannot fully explain why some of these leaders are able to erode democracy and others are not. In order to better understand that, I focus on the opposition. Because the erosion of democracy happens sequentially, the opposition has ample opportunities to respond. The strategies it uses and the goals it uses them for, I suggest, are key to understand why some presidents with hegemonic aspirations successfully erode democracy while others fail.

By focusing on the opposition, this dissertation stands in contrast to existing studies of democratic erosion. Scholars who have analyzed this type of democratic reversal have focused, mostly, on the executive’s institutional strength (Batory 2016), access to resources (Hawkins 2010a, 2016; Hidalgo 2009), ideology (Weyland 2013), strategic choices (Corrales 2011; de la Torre and Lemos 2016), domestic or international support (Corrales 2015). In a special issue of Democratization scholars like Hawkins (2016), de la Torre (2016) and Batory (2016) analyze the role of the opposition in Venezuela, Ecuador, and Hungary before and after Hugo Chávez, Rafael Correa and Victor Orbán attained power. Their analyses, however, still focus on the asymmetry of power between the government and the opposition and give little weight to what domestic actors can do against these leaders.
de la Torre 2013; Levitsky and Loxton 2013; Mayorga 2009). They highlight the correlation of forces between government and opposition, assuming that only weak hegemonic presidents fail. Contrary to these approaches, I suggest we should see the erosion of democracy through a “regime defeat” lens (Bunce and Wolchik 2011). As I show in this dissertation, weak oppositions can defeat strong incumbents as well. We need to pay attention to the decisions they make.

In what follows, first, I develop the puzzle. I provide an overview of alternative explanations and why these cannot entirely explain why some presidents are able to undermine democracy, while others are not. Second, I summarize the argument. I briefly define the dependent variable, and outline the logic of the theory. Afterwards, I highlight the theoretical and empirical contributions of this work and explain the research design. In the last section, I provide a road map for the rest of the dissertation.

1.1 Alternative Explanations

Traditional theories of democratic reversals cannot fully explain why some presidents with hegemonic aspirations successfully erode democracy while others fail. For the most part, these theories have focused on factors that increase the likelihood that a leader willing to circumvent democracy attains power. Developed within the framework of classic democratic breakdowns (i.e. civilian or military coups), in which the rise of leaders with a normative preference for dictatorship or a very weak preference for democracy and the rupture of democracy happen simultaneously, structural, institutional, and state centered arguments have little to teach us about what happens after a leader with hegemonic aspirations attains power.

Scholars have argued that lower levels of economic development (Przeworski et al. 2000; Svolik 2008), economic crises (Svolik 2015), and governance problems (Andersen et al. 2014; Diamond 2015; Fortin 2012; Mainwaring 2012) increase the likelihood of
democratic breakdowns. They lead to legitimacy crises that unsettle democratic institutions, increasing the probability that leaders willing to circumvent democracy attain power (Linz 1978). These theories are very good explaining why presidents with hegemonic aspirations are elected in the first place, but they cannot entirely explain why some of these presidents succeed in their attempts to erode democracy, while others fail. Low economic development, economic recessions, and weak states with governance problems shake a president’s hold on power. Once the incumbent has been replaced by the hegemonic president, these issues should decrease his support and his ability to change the constitution, not the other way around.

Institutional approaches can also explain democratic reversals (Carreras 2012; Mainwaring and Scully 1995; Pérez-Liñán and Mainwaring 2013). Weakly institutionalized party systems make electoral politics unpredictable, which helps presidents with hegemonic aspirations gain office (Carreras 2012; Mainwaring and Scully 1995). This factor, however, cannot entirely account for the erosion of democracy. As I will show in Chapter 3, Colombia, Venezuela and Perú had very similar levels of party system institutionalization when Uribe, Chávez, and Fujimori came to power. As a matter of fact, their party systems were less institutionalized than Nicaragua’s or Ecuador’s, when Ortega and Correa became presidents. Yet, Ortega, Correa, Chávez and Fujimori eroded democracy, while Uribe did not.

Alternative institutional arguments suggest that institutions carry regime legacies: they reproduce norms of democratic behavior that can help prevent democratic rollbacks (Pérez-Liñán and Mainwaring 2013). Regime legacies, however, are not path dependent. Even with longstanding strong democratic institutions, switches to authoritarianism can happen. In fact, countries that have not experienced a military coup are more likely to experience democratic erosion (Svolik 2015). Both Venezuela and Colombia had institutions rooted in decades of democratic history. Yet, Chávez was able to decrease these institutions’ check on the executive while Uribe was not.
Mass based theories have also been used to explain regime change (Inglehart and Welzel 2005). A declining support for democracy could delegitimize the regime and lead to democratic erosion (Booth and Seligson 2009). At times of crises people could turn to strong popular leaders putting regime preferences aside (Levitsky 2000; Weyland 1996). Some scholars have argued that Latin American hegemonic presidents’ success in eroding democracy is the result of their popularity (Cameron 2010; Corrales 2016; Levitsky and Loxton 2013). Indeed, regardless of whether it is the outcome of charisma, ideology (Weyland 2013), and/or mineral wealth (Hawkins 2010a, 2016; Hidalgo 2009; Ross 2001; Weyland, Madrid and Hunter 2010), popular support is necessary for presidents to be able to enhance their powers and extend their time in office beyond a second term. By itself, however, a president’s popularity cannot fully explain democratic erosion. First, popular support is not static. It can increase or decrease contingent on what the government and the opposition do. Second, very popular presidents have failed to erode democracy. Alvaro Uribe, for instance, was immensely popular through his government. Still he failed to increase the powers of the executive and extend his time in office beyond a second term.

Overall, although economic development and growth, institutions, state strength, and mass support are very good at explaining why some presidents with hegemonic aspirations attain power, they are less good at explaining why some of them successfully erode democracy while others fail. They help us understand presidents’ ability to undermine democracy, but cannot entirely distinguish between those who succeed and those who fail. In order to better understand this puzzle, we need to take into account the opposition’s strategic choices, as well as the context in which these take place.

Some scholars suggest that transitions from and to democracy are elite driven (Berman 1998; Capoccia 2007; Linz 1978; Mainwaring and Pérez-Liñán 2013; O’Donnell and Schmitter 1986). They argue that democratic breakdowns are the outcome of
elite’s strategic choices in response to crises (Capoccia 2007; Linz 1978; Mainwaring and Pérez-Liñán 2013). Like these theories, I emphasize the importance of actors and their decisions. Unlike these theories, however, I pay attention to elites’ choices even after a president with hegemonic aspirations has attained power. In line with recent literature on populism (Batory 2016; de la Torre and Lemos 2016; Hawkins 2016), I highlight the importance of what political elites do to prevent these leaders from rising to power, as well as what they do once the latter become presidents.

Elite’s decisions, of course do not happen in a vacuum. International factors are essential to understand transitions from and to democracy today (Brinks and Coppedge 2006; Bunce and Wolchik 2011; Levitsky and Way 2010; Mainwaring and Pérez-Liñán 2013). My theory highlights the importance of international and domestic audiences in shaping the president’s and the opposition’s strategic choices. Contingent on the assumption that these audiences have a preference for democracy that motivates authoritarian leaders to keep a democratic façade, I argue that some goals and strategies are better than others in preventing the erosion of democracy.

1.2 The Argument in Brief

As mentioned earlier, I analyze the erosion of democracy in two stages. The first stage focuses on the likelihood of electing presidents with hegemonic aspirations. I argue that economic crises, weak states with governance problems, and weakly institutionalized party systems increase the likelihood of electing hegemonic presidents, but cannot entirely explain why some of them are able to erode democracy while others are not. In order to understand the outcome of the second stage, I focus on the opposition.

I define the erosion of democracy as a type of regime transition from democracy to

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6This assumption is true for Latin America, less so for other cases of democratic erosion like Vladimir Putin (2000-present) in Russia.
autocracy that happens over time. Like classic democratic breakdowns (i.e. civilian or military coups) democratic erosion entails a regime change. In this type of democratic reversal, incumbents introduce constitutional amendments that enhance the powers of the president and increase presidential term limits. Together, over time, these alterations not only hinder horizontal accountability (O’Donnell 2007b), but they skew the electoral playing field, thwarting electoral accountability (O’Donnell 2007a) as well. They increase the president’s hold over courts, congress, and oversight agencies and allow him/her to extend his/her time in office. This enables the executive not only to run for two or more terms, but also to manipulate the electoral process to such an extent that it becomes extremely difficult for the opposition to defeat him/her. A democracy that has undergone erosion, therefore, is no longer a democracy, but a competitive authoritarian regime (Levitsky and Way 2010).

Contrary to classic breakdowns, the erosion of democracy, however, happens sequentially. In civilian or military coups, authoritarian leaders, once in office, quickly dismiss elections, ban opposition parties, and/or close state institutions. In democratic erosions, democratically elected presidents slowly introduce constitutional amendments that increase their hold over congress, courts and oversight agencies. It takes years before they successfully skew the electoral playing field to such an extent that it is impossible to defeat them.

Because the erosion of democracy happens over time, unlike classic breakdowns, this type of democratic reversal allows the opposition many opportunities to respond. Even after the authoritarian leader is in office, the opposition has institutional and non-institutional resources it can use against the incumbent. How it uses these resources, and what it uses them for, is critical to better understand why some presidents successfully erode democracy, while others fail. If the opposition uses extra-institutional strategies in order to oust the president (i.e. violence, coups, strikes to force the president to resign etc.), it loses legitimacy domestically and abroad. This
type of response increases the government’s incentives for and reduces the costs of repression. It provides the president with “legitimate” reasons to remove opposition leaders from office, prosecute, and jail them, and allows him to gather enough support to push for more aggressive reforms that, without presence in the legislature and the courts, the opposition finds hard to stop.

Conversely, when the opposition uses institutional strategies (i.e. elections, courts, and congress) or extra-institutional strategies with moderate goals (i.e. strikes or protests against specific reforms), it maintains its legitimacy domestically and abroad. This type of response decreases the government’s incentives for and increases the costs of repression. It allows the opposition to keep some presence in the legislature and slow down the cooptation of courts and oversight agencies, thus reducing the likelihood that the president will have the institutional control needed to pass more aggressive reforms.

1.3 Why Study the Erosion of Democracy in Latin America?

The theory outlined above has important implications for the study of democratic politics. Since the early 2000’s, scholars have noted the rise of hybrid regimes [Diamond 2002, Landau 2013, Levitsky and Way 2010, Puddington 2010, Schedler 2013]. They have studied how they come about and under what circumstances they survive. This dissertation contributes to this literature by providing a more nuanced understanding of these hybrid regimes and how they emerge. Rather than assuming they are the outcome of “truncated” democratization processes, I study their origin from a democratic starting point. I evaluate under what circumstances democracies turn into hybrid regimes, and under what circumstances they do not.

This dissertation expands the literature on the factors that make democratic regimes vulnerable to democratic reversals in two ways. First, I provide a clear operationalization of which democratically elected presidents are likely to have hege-
monic aspirations. The literature has labeled presidents who try to erode democracy as populist, anti-systemic, and/or outsiders (Colburn and Cruz S 2012; de la Torre and Lemos 2016; Hawkins 2016; Levitsky and Loxton 2013; Mainwaring and Scully 1995; Pachano 2006; Roberts 2007). Although many presidents who try to undermine democracy fit one, or several, of these categories, not all of them fit them all. Not all outsiders, anti-systemic or populist candidates try to erode democracy; and not all presidents with hegemonic aspirations are outsiders, anti-systemic or populist candidates. Although correlated, there is nothing about these characteristics that automatically signals a hegemonic inclination. By operationalizing presidents with hegemonic aspirations as those who try to increase their powers and extend their time in office beyond a second term, I focus specifically on these presidents’ willingness to circumvent democracy, rather than their attitudes towards political elites and/or the mechanisms they use to run for office.

Second, I test the conditions under which hegemonic presidents might get elected. To do that, I built an original dataset on constitutional amendments introduced by democratically elected Latin American presidents since 1978. Unlike existing datasets on institutional reform (Comparative Constitutions Project, Latin American Constitutional Change Database), my data records attempts to amend the constitution, regardless of whether they were successful or not. Doing so allows me to distinguish between presidents who try to erode democracy and fail, and presidents who try to erode democracy and succeed. It enables me to assess the factors that explain the rise of presidents with hegemonic aspirations, separately from whether they successfully erode democracy or fail.

This dissertation also speaks to the literature on regime change by offering an updated and broader understanding of democratic breakdowns. Recently, scholars have highlighted the fact that there are different types of democratic reversals (Bermeo 2016; Svolik 2015). Following that trend, I provide a more nuanced understand-
ing of democratic erosion. I distinguish this phenomenon from classic democratic breakdowns (i.e. civilian or military coups), analyzing it as a process rather than a one shot game. Conventional approaches to democratic breakdowns have focused on factors that increase the likelihood that leaders with a normative preference for dictatorship or a very weak preference for democracy come to power (Diamond 2015; Linz 1978; Przeworski et al. 2000; Svolik 2008). With classic democratic breakdowns in mind, they assume that once these leaders are in office there is little that can be done to prevent a democratic reversal and, therefore, they fail to consider what happens afterwards. By conceptualizing the erosion of democracy as a process, I move away from these accounts, and analyze not only the variables that bring leaders with hegemonic aspirations to power, but also the mechanisms by which they erode, or fail to erode, democracy.

Conceptualizing the erosion of democracy as a process, in turn, allows me to highlight the importance of the opposition’s tactics and goals after a president willing to circumvent democracy has attained power. Few scholars have analyzed the role of the opposition in democratic reversals (Capoccia 2007; Linz 1978; Mainwaring and Pérez-Liñán 2013). Recent analyzes of democratic erosion have mostly emphasized the role of the executive. They argue that the erosion of democracy is the outcome of the incumbent’s institutional strength (Batory 2016; Stoner-Weiss 2010), strategic choices (Corrales 2011; de la Torre and Lemos 2016), resources (Hawkins 2010a, 2016; Hidalgo 2009), ideology (Weyland 2013), domestic and/or international support (Corrales 2015; de la Torre 2013; Weyland 2013). Few of them look at the opposition, and when they do, they think of it as peripheral to the process giving more weight to power asymmetries that favor the executive or other actors such as the international community. Unlike these approaches, I do not focus on the correlation of forces between government and opposition. Rather, I join scholars that argue we ought to recognize the agency of the opposition (Bunce and Wolchik 2011) as well, and focus
on the strategic choices it makes.

This last point is very important for policy debates. The erosion of democracy has become pervasive and hard to prevent. Presidents have found a way to subvert democratic norms without breaching international democratic standards. The international community (standard-bearer of democratization during the 1980s and 1990s in the West) has no teeth to sanction them. By studying how these leaders succeed (or fail) in their attempts to erode democracy, I provide insights not only on what countries need to do to prevent hegemonic presidents from coming to power, but also on what the opposition and the international community can do if this happens.

1.4 Research Design

In order to assess the theory outlined earlier, I use a mixed methods research design. I test the first stage using quantitative analytic techniques and evaluate the second stage using qualitative analytic techniques.

1.4.1 Cross-Case Analysis: Stage 1

There are many ways in which scholars can gain from the combination of qualitative and quantitative methods (Goertz 2016; Tarrow 2010). In this case, I use quantitative and qualitative analytic techniques in order to answer two different types of questions. The first question—what variables increase the likelihood of electing presidents with hegemonic aspirations?—focuses on the average effect that a variable, or set of variables, has on a given outcome. I wish to know under what conditions do countries elect hegemonic presidents, not the causal path by which they come to power. Therefore, quantitative multivariate analysis, which best measures the average effect of and independent variable on a dependent variable, is more appropriate to answer this type of question.

The basis of causal inference in quantitative methods comes from the cross-case
analysis. Accordingly, in Chapter 3, I use descriptive and analytic quantitative techniques to test the average effect of economic development, economic crises, state capacity, and party system institutionalization on the probability that voters will elect a president with hegemonic aspirations, while controlling for other variables. For that purpose I use an original dataset of constitutional amendments introduced by democratically elected Latin American presidents since 1978, as well as data on economic development and growth (World Bank), state capacity (Hanson and Sigman 2013; Varieties of Democracy 2015)), electoral volatility (Mainwaring, Forthcoming) and electoral rules (Carreras 2012).

1.4.2 Within Case Analysis: Stage 2

Using my dataset I identified seven cases of presidents with hegemonic aspirations in Latin America. Five of these presidents successfully eroded democracy, two of them failed. The second question—why, once elected, some presidents with hegemonic aspirations successfully erode democracy while others fail?—therefore, is concerned with a very specific event. I do not wish to understand the average effect of a variable, or set of variables in a president’s ability to erode democracy, but rather trace the set of interrelated causes, the process, by which s/he transform, or fails to transform, a democracy into a competitive authoritarian regime. Accordingly, qualitative methods are more appropriate to answer this question (Goertz and Mahoney 2012).

I use comparative historical analysis (Mahoney 2003) in chapters 4 and 5 to assess the conditions that allow some hegemonic presidents, but not others, to increase their powers and extend their time in office beyond a second term. The leverage of comparative historical analysis derives from the within-case analysis (Bennett 2010; George and Bennett 2005). Accordingly, I use process tracing to evaluate the causal mechanisms that connect the opposition’s strategic choices and goals with presidents’ ability to erode democracy in both, a case of successful erosion (Hugo Chávez in
Venezuela) and a case of failed erosion (Alvaro Uribe in Colombia).

1.4.2.1 Case Selection

I chose these cases using a qualitative set theory logic (Goertz 2016; Goertz and Mahoney 2012) and a most similar systems design (Gerring 2008; Seawright and Gerring 2008). The qualitative logic for case selection prioritizes causal mechanisms over representation (Goertz 2016). It dictates we should select cases not based on how representative of a population they are, but rather on whether they allow us to assess necessary and sufficient conditions or not. In order to evaluate if a condition is truly necessary we need to determine both: the mechanisms by which the outcome fails to happen \((Y = 0)\) whenever that condition is absent \((X = 0)\) and the mechanisms by which the outcome happens \((Y = 1)\) whenever that condition is present \((X = 1)\).

Accordingly, under the set theoretic approach to case selection, when we are assessing necessary conditions, we should select, first, a case where both the independent and dependent variable are absent (i.e. \(X = 0\) and \(Y = 0\)) and second, a case in which both the independent and dependent variable are present (\(X = 1\) and \(Y = 1\)) (Goertz 2013).

Although I focus mostly on a single necessary condition (i.e. the strategies and goals the opposition uses against the government \((X)\)), there is a second necessary condition \((Z)\) mentioned in the background of the theory. As I explain in Chapter 2, I argue that in order to successfully erode democracy presidents with hegemonic aspirations usually a) have mass or military support \((Z = 1)\) and b) face oppositions that use extra-institutional strategies with radical goals against them \((X = 1)\).\(^7\)

\(^7\)Assessing necessary conditions does not eliminate the possibility that there might be “deviant” or disconfirming cases (i.e. cases in which in the absence of the necessary condition \((X = 0)\), the outcome still happens \((Y = 1)\). Political phenomena can happen in different non-exclusive ways, deviant or disconfirming cases suggest that there might be an alternative causal mechanism that could substitute the proposed one, but do not necessarily refute the latter (Goertz 2013; Schneider and Rohlfing 2013).
TABLE 1.1

NECESSARY CONDITIONS: PRESIDENT’S SUPPORT AND OPPOSITION’S RESPONSE

<table>
<thead>
<tr>
<th>Military or Civilian Support for the President (Z)</th>
<th>Opposition Response (X)</th>
<th>Moderate Extra-Institutional or Institutional (X = 0)</th>
<th>Radical Extra-Institutional (X = 1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Support (Z = 1)</td>
<td></td>
<td>Uribe</td>
<td>Chávez</td>
</tr>
<tr>
<td></td>
<td></td>
<td><em>Fujimori</em></td>
<td><em>Morales</em></td>
</tr>
<tr>
<td>No Support (Z = 0)</td>
<td></td>
<td></td>
<td><em>Correa</em></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><em>Ortega</em></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><em>Menem</em></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><em>Zelaya</em></td>
</tr>
</tbody>
</table>

Using my dataset, I identified seven presidents with hegemonic aspirations in Latin America. Table 1.1 shows how these cases distribute across the necessary conditions outlined above. The columns identify whether the opposition used institutional strategies and/or extra-institutional strategies with moderate goals or extra-institutional strategies with radical goals. The rows identify whether the president had enough civilian and/or military support to back up his power grabs.

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8Oppositions are rarely unified, but not all opposition factions are equally visible. Some are more legitimate than others. Is mostly against these factions that presidents react (Bermeo 1997).

9Civilian/military support are continuous variables that can change over time. A president might not have civilian or military support early in his/her term, but gain either or both of them afterwards. Similarly, s/he might have civilian and/or military support early in his/her term, but lose them afterwards. What is important for this theory is whether the president had *enough* military and/or civilian support to pressure congressmen or justices and/or mobilize voters to approve an amendment, and/or to protect him/her from forced removals, or not.
Chávez, Morales and Correa\cite{10} are all cases in which the president had military and/or civilian support and the opposition used extra-institutional radical strategies against them (i.e. $Z = 1$, $X = 1$, and $Y = 1$). Uribe and Fujimori are both cases in which the president had broad military and civilian support, but the opposition used institutional and moderate extra-institutional strategies against them (i.e. $Z = 1$, $X = 0$, and $Y = 0$). Fujimori, however, is hard case to analyze. Although he classifies as a president with hegemonic aspirations, the erosion of democracy in Perú did not happened sequentially. Fujimori launched a self-coup in 1992, which puts his case closer to a classic democratic breakdown than a democratic erosion.

Although not part of my set of presidents with hegemonic aspirations\cite{11} Manuel Zelaya (Honduras, 2007-2009) is a president against whom the opposition used extra-institutional strategies with radical goals, but he did not have the civilian or military support to overcome the opposition’s response (i.e. $Z = 0$, $X = 1$, and $Y = 1$). Meanwhile, Carlos Menem is a president against whom the opposition used institutional and moderate extra-institutional strategies, and who did not have broad civilian or military support to push his second reelection reform. His popularity throughout 1998 was roughly 25\% (Executive Approval Project) (i.e. $Z = 0$, $X = 0$, and $Y = 0$).

I fit Ortega between radical extra-institutional and institutional or moderate

\footnote{\textsuperscript{10}The strategies used by the opposition in Ecuador to face Correa’s first attempts to erode democracy are not exactly extra-institutional. After the Supreme Electoral Tribunal approved a plebiscite to convoke a constitutional assembly, the opposition legislative majority decided to remove TSE’s head judge Jorge Acosta, and impeach the four justices that had sided with the president (Basabe Serrano and Polga Hecimovich\cite{2013}). Such a move was unconstitutional (Machado\cite{2008}), but not exactly extra-institutional or radical. It, however, allowed the government to use that as an excuse to remove from congress all the 57 deputies that had voted in favor of removing/impeaching the members of the TSE.}

\footnote{\textsuperscript{11}Zelaya’s term was cut short by the 2009 coup. He only tried to increase the powers of the executive and extend his time in office one term. Some scholars believe that if the opposition had failed to obstruct the Constitutional Assembly referendum he wanted to call for, chances are he would have tried to increase his powers and extend his time in office beyond a second term (Ruhl\cite{2010} Weyland\cite{2013}).}
extra-institutional strategies because the process of erosion was somewhat different in Nicaragua. Although the protests and calls for civil disobedience against his government during the 2008 elections (Martí I Puig 2009) could be qualified as a radical extra-institutional response, it is unclear whether elections were free and fair at that point. In Nicaragua the erosion of democracy happened quickly. Ortega came to power thanks to an alliance between the Frente Sandinista de Liberación Nacional (FSLN) and the Partido Constitucionalista Liberal (PCL). Together, these parties coopted courts and oversight agencies even before Ortega ran for office (Pérez-Baltodano 2010). Despite irregularities, the 2006 elections were somewhat free and fair (Ortega Hegg 2007). It is unclear if the same is true for the 2008 elections. Some electoral observation missions suggest the elections were fairly clean, others disagree (Martí I Puig 2009, Pérez-Baltodano 2010). They argue that the government manipulated the electoral rules and committed widespread fraud in order to win. In other words, although the opposition used radical extra-institutional strategies, it is unclear whether they used them before or after the government eroded democracy.


Scholars have already address the impact of presidents’ popularity and/or military support on the erosion of democracy. From the literature, it is clear that in order to increase his/her powers and extend his/her time in office, a hegemonic president needs either the support of the population or the support of the armed forces (Corrales 2016; de la Torre 2013; Levitsky 2000; Levitsky and Loxton 2013; Mayorga 2009). As mentioned earlier, however, popularity and military support are not sufficient to explain democratic erosion. Alvaro Uribe had civilian and military support, but he was not able to turn Colombia’s democracy into a competitive authoritarian regime. Consequently, this dissertation focuses mostly on the second variable: the opposition’s strategies and goals.

To do that I select my cases from the two upper cells of Table 1.1. Holding support constant, I chose cases that vary only in the opposition’s response (See Table 1.2).

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**TABLE 1.2**

CASE SELECTION: OPPOSITION RESPONSE AND DEMOCRATIC EROSION

<table>
<thead>
<tr>
<th>Opposition Response (X)</th>
<th>Moderate Extra-Institutional or Institutional (X = 0)</th>
<th>Radical Extra-Institutional (X = 1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Democratic Erosion (Y)</td>
<td>Erosion (Y = 1) Fujimori</td>
<td>Chávez Morales Correa</td>
</tr>
<tr>
<td></td>
<td>No Erosion (Y = 0) Uribe</td>
<td></td>
</tr>
</tbody>
</table>

---
the cell in which neither the necessary condition nor the outcome of interest are present \((X = 0 \text{ and } Y = 0)\) and b) a case from the cell in which both the necessary condition and the outcome are present \((X = 1 \text{ and } Y = 1)\).

I use a most-similar systems design to select the case of Alvaro Uribe and Hugo Chávez within these two cells. Venezuela and Colombia are very similar in many ways. They both democratized at the same time, they both had a similar, very stable, two-party system; and in both of these countries the traditional parties declined roughly at the same time. Moreover, both Hugo Chávez and Alvaro Uribe came to power in the midst of crises, and they were both very popular, populistic, polarizing and equally willing to circumvent democracy. These similarities allow us to more confidently compare them.

Exact matching, however, is unrealistic. These countries are not identical. Colombia has a fifty year long armed conflict that Venezuela does not have, and Venezuela owns very large oil reserves that Colombia does not own. Although they are important factors that help us understand the erosion of democracy, as I will show later, these differences do not present a serious threat to causal inference. In Colombia’s case, the armed conflict biases this case against my theory. Armed struggle should decrease the likelihood that democracy survives. Yet, Uribe was not able to erode democracy, and Chávez was. In Venezuela’s case, oil revenues helped Chávez erode democracy by allowing him to increase his military and civilian support. Uribe certainly did not have that kind of resources, however, that did not hinder his ability to have civilian and military support. The Colombian president was, and still is, beloved by the military and his approval ratings were as high, or higher than Chávez’s. To the extent that oil revenues increase the likelihood that a president erodes democracy because they buy support, their effect therefore should not bias the comparison.
1.4.2.2 Data

I collected the data to trace the dynamics of erosion in Colombia and Venezuela during twelve months of fieldwork in these countries (2013-2014). During the time I spent there, I conducted 88 interviews with politicians, journalists, congressional staffers, justices, clerks, members of advocacy groups and academics, and did archival research in newspapers and congress.

In Colombia, I reviewed the weekly political magazine *Revista Semana* between 2002 and 2010. Using data from *Congreso Visible* I also identified and reviewed the congressional debates of 16 bills introduced by the government coalition in order to increase the powers of the executive and/or extend Uribe’s time in office. In Venezuela, I reviewed the daily newspaper *El Nacional* between 1998 and 2010. Using a list provided by the National Assembly Legislative Archive (*Archivo Legislativo de la Asamblea Nacional*) and information collected at the Legislative Information Office (*Dirección de Información Legislativa-DIL*), I also identified and reviewed the debates of 15 congressional bills introduced by the government coalition in order to

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12 This data allowed me to identify the amendments introduced between 2002 and 2010, their purpose, and who introduced them. I coded the coalitions (uribista, non-uribista) myself, using data on members of congress’s political affiliations that was available online.

13 I used *El Nacional’s* electronic database.

14 This data allowed me to identify the bills introduced between 2000 and 2010, the author of the bill, the type of bill introduced, the dates of the debates, and whether it had been approved or not. I coded as amendments all the Organic Bills (*Leyes Orgánicas*), and coded them as “Chavista” or “non-Chavista” based on who authored them.

15 The Legislative Archive of the AN did not give me access to the bills debates. The DIL, however, provides public access to all the files of bills approved since 2000. I was able to review the debates of the 15 bills there. Unfortunately, this office did not have bills that were not approved by the AN.

16 I analyze bills introduced after the 1999 Constitutional Assembly. The ANC introduced important reforms that enhanced the powers of the executive and extended Chávez’s time in office. My argument, however, stresses that even after 1999 the opposition had institutional resources they could use against the government. Accordingly, I was more interested in analyzing the bills that came after the ANC.
to increase the powers of the executive\textsuperscript{17} (See Appendix A for more details).

1.4.2.3 Analysis Outline

I used the interviews and archival research in Venezuela to identify the mechanisms that link extra-institutional strategies with radical goals to the president’s ability to erode democracy. I show, first, that the opposition’s strategic choices and goals were in fact a choice. Second, that these choices were connected to declines in the opposition’s national and international legitimacy, as well as to their forfeiture of seats in congress, courts, and oversight agencies. Third, that the opposition’s absence in these institutions helped Chávez introduce more radical reforms. Using the evidence from the Legislative Assembly, I also show that alternative strategic choices and goals could have potentially rendered different results.

I used the interviews and archival research in Colombia to identify the mechanisms that link institutional and moderate extra-institutional strategies with the opposition’s ability to prevent democratic erosion. I show, first, that the erosion of democracy was a possible outcome in this country. Second, that the opposition’s strategic choices and goals helped protect its legitimacy domestically and abroad, as well as its presence and influence over congress, courts, and oversight agencies. Third, that the presence of the opposition in these institutions hindered Uribe’s ability to approve more radical reforms. Using the evidence from congress, I also show how without the opposition’s institutional strategies and extra-institutional strategies with moderate goals the Constitutional Court might not have had enough arguments to rule against Uribe’s reforms.

\textsuperscript{17} Chávez’s attempts to increase his time in office happened outside the Legislative Assembly, via the 2007 and 2009 referendums and the 1999 Constitutional Assembly
1.5 Dissertation Plan

This dissertation is organized as follows. Chapter 2 outlines the theory. I conceptualize the erosion of democracy in two stages. The first stage focuses on the likelihood that leaders with hegemonic aspirations become presidents; the second stage focuses on the conditions that help or hinder their ability to erode democracy. I argue that the erosion of democracy is a transition from democracy to autocracy that happens over time. Like classic democratic breakdowns it pushes a regime outside of the democratic camp into the authoritarian camp. Unlike classic democratic breakdowns, however, the erosion of democracy happens sequentially. It takes years before the president can skew the playing field to such an extent that it becomes almost impossible to defeat him/her.

Such a definition of democratic erosion has important theoretical implications. First, because the erosion of democracy happens over time, the factors that bring hegemonic presidents to power are unlikely to be the same that explain why some of them successfully erode democracy while others fail. Economic crises, weak states, and weak party systems create legitimacy crises that increase the likelihood that an authoritarian leader attains power, but they cannot explain why, years afterwards, some of them successfully enhance their powers and stay in office, while others fail. Second, the fact that the erosion of democracy happens sequentially gives the opposition ample opportunities to respond. The strategies it uses, and the goals it uses them for, I argue, are key to understand why some presidents with hegemonic aspirations successfully erode democracy while other fails. The chapter outlines the mechanisms by which, extra-institutional strategies with radical goals help presidents erode democracy and the mechanisms by which institutional and extra-institutional strategies with moderate goals hinder presidents’ ability to do the same.

Chapter 3 focuses on the first stage of the argument. I operationalize presidents with hegemonic aspirations as democratically elected presidents who introduce consti-
tutional amendments in order to enhance their powers and extend their time in office beyond a second term. I argue that low economic development, economic crises, weak states and weak institutions should increase the likelihood of electing a hegemonic president, and use an original dataset of constitutional amendments introduced by Latin American democratically elected presidents since 1978 to test this argument. I show that economic crises, low state capacity, and weakly institutionalized party systems increase the likelihood of electing presidents with hegemonic aspirations, but cannot entirely explain the variation between those of them who successfully erode democracy and those who fail.

Chapters 4 and 5 use comparative historical analysis to address this puzzle. They assess the theory outlined in Chapter 2. Chapter 4 traces the process of erosion in Venezuela. I show that the opposition in this country had institutional and non-institutional resources they could use against Chávez, but using extra-institutional strategies with radical goals they lost them all. A coup d’état, an indefinite strike, and an electoral boycott hurt the Venezuelan opposition’s legitimacy domestically and abroad, and seriously diminished their presence and influence over congress, courts and oversight agencies, the country’s petroleum company, and the armed forces. Without these resources, they were unable to stop more aggressive reforms down the road.

Chapter 5 traces the process of erosion in Colombia. I show that, despite having institutional and non-institutional resources to fight Uribe’s antidemocratic reforms, the opposition in this country was in fact weaker than its Venezuelan counterpart. Unlike the anti-Chavistas, however, the Colombian opposition used institutional and extra-institutional strategies with moderate goals to fight Uribe’s reforms. By doing so, they protected their legitimacy domestically and abroad, as well as their presence in congress. Despite being a minority, they were able to use this presence to delay and modify bills, and create procedural irregularities that slowed down the government’s
cooptation of courts and oversight agencies and helped the Constitutional Court rule against some of Uribe’s most radical reforms.

The conclusion highlights the theoretical and empirical contributions of this dissertation. This research expands the literature on the circumstances that make democratic regimes vulnerable to democratic reversals. It provides a clear operationalization of which democratically elected presidents are likely to have hegemonic aspirations and tests the conditions under which they might attain power. It also offers and updated and broader understanding of democratic erosion, analyzing it as a process rather than a once-shot game. In doing so, I move away from accounts that see democratic erosion as inevitable once a president with hegemonic aspirations attains power, and join scholars who claim we ought to recognize the agency of the opposition as well. I provide insights into how countries can prevent leaders with hegemonic aspirations from coming to power, and how oppositions can respond if this happens.
2.1 Introduction

The third wave of democracy ended most military and single party dictatorships. Between 1974 and 1999, 85 countries democratized (Geddes 1999). In the 2000s, however, scholars and policy makers started to note the rise of hybrid or semi-authoritarian regimes (Brownlee 2007; Diamond 2008; Levitsky and Way 2010; Puddington 2010). Not only did some regimes fail to fully democratize (Brownlee 2007; Levitsky and Way 2010, 2015; Schedler 2013), but, even more concerning, new and old democracies in developing countries began to experience democratic setbacks (Diamond 2008, 2015; Erdmann 2011; Fish 2001; Mainwaring and Pérez-Liñán 2013; Merkel 2010; Puddington 2010).

The extent of this “antidemocratic wave”—as some have called it—is still uncertain (Jørgen Møller and Svend-Erik Skaanning 2013; Merkel 2010). It is unclear whether we are in the face of a worldwide democratic rollback (Diamond 2008, 2015; Puddington 2010), or in the face of a more limited change (Levitsky and Way 2015; Merkel 2010). Although these patterns vary across regions (Jørgen Møller and Svend-Erik Skaanning 2013), since 2000 the number of fully authoritarian and semi-democratic regimes has decreased while the number of semi-authoritarian and fully democratic regimes has increased (Jørgen Møller and Svend-Erik Skaanning 2013). This trend suggests that whereas democracy is in fact somewhat resilient and—under very specific circumstances (Mainwaring and Pérez-Liñán 2013; Svolik 2008)—autocracies that
open up to elections can fully democratize, democratization is not a foregone deal and –under other circumstances—semi or fully democratic regimes can, and do, fall back.

In recent times, however, reversals of democracy have not looked like the ones observed in the past. Not only do democratic ruptures fail to lead to fully authoritarian regimes (Diamond 2002, 2008, 2015; Erdmann 2011; Fish 2001; Jørgen Møller and Svend-Erik Skaaning 2013; Merkel 2010) but they have not happened in the same way as they did before. Except for Africa, military coups have become rare (Bermeo 2016; Diamond 2015; Erdmann 2011; Fish 2001; Pérez Liñán 2007). What has become more common today are slow declines of democracy: countries in which economic and security crisis weaken democratic institutions and open up the door to outsiders who try to amend the constitution sequentially in order to increase their powers and extend their time in office indefinitely. Whenever they succeed these presidents manage to turn democratic regimes into competitive authoritarianisms, effectively eroding democracy.

Most theories of democratic rollbacks have focused on the factors that allow leaders willing to circumvent democracy to attain power. Within a framework of traditional democratic breakdowns (i.e. civilian or military coups), institutional (Carreras 2012; Coppedge 2005; Fish 2001; Pérez-Liñán and Mainwaring 2013), structural (Przeworski et al. 2000; Svolik 2008), and state centered arguments (Diamond 2015; Levitsky and Way 2010; Mainwaring 2012; Mainwaring and Pérez-Liñán 2015) assume that once these leaders are in office there is little that can be done to prevent a democratic reversal and, therefore, fail to consider what happens afterwards.

Contrary to these approaches, I conceptualize the erosion of democracy in two stages. In the first stage, I assess the factors that increase a country’s vulnerability to erosion. Following other scholars, I argue that low economic development (Mainwaring and Pérez-Liñán 2015; Svolik 2008), weakly institutionalized party systems
increase the likelihood that leaders with hegemonic aspirations—who want to increase their powers and stay in office beyond two terms—are elected presidents.

In the second stage, I assess why, once in power, some of these leaders successfully erode democracy while others fail. Structural and institutional variables cannot entirely explain why some presidents with hegemonic aspirations are able to uncheck the presidency and stay in power beyond a second term, while others are not able to do the same. In order to understand this puzzle, I focus on the opposition. I define democratic erosion as a type of regime transition that happens sequentially, giving the opposition ample opportunity to respond, even after a leader willing to circumvent democracy has attained power. The strategies the opposition chooses, and the goals it uses them for, are, therefore, critical to understand why some presidents with hegemonic aspirations successfully amend the constitution to increase their powers and extend their time in office beyond a second term, while others fail.

If the opposition uses institutional strategies, or extra-institutional strategies with moderate goals to fight the government, it keeps its legitimacy domestically and abroad. In doing so, it reduces the incentives and increases the costs of repression, which allows it to keep some presence in the legislative, and be better equipped to repeal more aggressive reforms down the road. If, however, the opposition retaliates outside institutions hoping to oust the president before the end of his constitutional term, it loses legitimacy domestically and abroad. Such a response increases the incentives and decreases the costs of repression, providing the president with more leeway to remove opposition leaders from office, prosecute, and jail them, as well as enough support to push for more aggressive reforms that the opposition, weakened, cannot stop.
Few studies on democratic regressions have focused on the opposition. The literature has often thought of transitions away from democracy as dependent upon institutions, economic development, and state strength. Unlike these theories, my argument recognizes agency to those out of power and highlights the importance of opposition tactics and goals. It provides a more nuanced understanding of democratic erosion, distinguishing it from the classic breakdowns we observed mostly in the past, and analyzing it as a process rather than a one-shot game. In doing so, I move away from accounts that see democratic breakdowns as inevitable once a leader with hegemonic aspirations attains power and I shed some light on the mechanisms that allow democratically elected presidents turn democracies into competitive authoritarian regimes.

Moreover, this dissertation shifts the focus away from the president to the opposition. Most scholars view transitions from and to democracy as the outcome of regime vulnerability. They claim that only weak authoritarian leaders fail. I argue that does not need to be the case. Rather than focusing on the correlation of forces between government and opposition, I suggest we see the erosion of democracy through the “regime defeat” lens and focus on the decisions oppositions make; the goals they have, the strategies they use, and how different combinations of these elements have different consequences for regime change.

In what follows I, first define the erosion of democracy. I distinguish it both from classic breakdowns and decreases in the quality of democracy. Second, I explain my theory: I outline the president’s and oppositions’ preferences, as well as the strategic

Footnotes:


2 Some exceptions are O’Donnell and Schmitter (1986) or Acemogly and Robinson (2006) who pay more attention to the opposition’s strategic choices.
choices they make. Third, I evaluate these choices and introduce the mechanisms by which institutional strategies and extra-institutional strategies with moderate goals protect democracy, as well as the mechanisms by which extra-institutional strategies with radical goals jeopardize it. In the conclusions I situate this theory in a broader context, and highlight the importance of looking at the opposition when studying transitions from democracies to competitive authoritarian regimes.

2.2 Democratic Erosion

Many scholars use the notion of democratic erosion to refer to slow democratic reversals (Diamond 2008; Mainwaring and Pérez-Liñán 2013; Puddington 2010) but is unclear what kind of democratic setback should count as an erosion of democracy, and what kind should not (Erdmann 2011; Fish 2001). In several works academics use democratic erosion to describe a decrease in the level and/or quality of democracy. For example Herman (2011) discusses the erosion of democracy in the United States due to the abuses in civil rights and liberties that came with the increased security after 9/11. However, even though these are serious setbacks, most scholars would agree that the United States remains democratic today. In other works academics use the concept of erosion to talk about transitions away from democracy into some type of hybrid regime. They often refer to cases such as Venezuela under Hugo Chávez or Russia under Vladimir Putin (Fish 2001; Levitsky and Loxton 2013; Mainwaring 2012; Pérez-Liñán and Mainwaring 2013; Weyland 2013), which, arguably, are closer to being dictatorships than they are to being democratic regimes.

Both of these phenomena are important but distinct from each other. In order to make this distinction, I provide a more nuanced understanding of the erosion of democracy. Following works that have attempted to theorize it (Bermeo 2016; Erdmann 2011; Fish 2001) I define democratic erosion as a process: a transition from democracy to autocracy, that happens over time. Governments that success-
fully erode democracy, thereby weakening formal institutions that check the president’s power, promote horizontal accountability, and guarantee free and fair elections to such an extent that they hinder electoral accountability as well. Eroded democracies, therefore, are those that have undergone formal changes to the rules of the game that are serious enough to severely skew the electoral playing field without shutting it down. Albeit competitive, a democracy that has undergone complete erosion, therefore, is no longer a democracy but a competitive authoritarian regime (Levitsky and Way 2010).

2.2.1 Democratic Erosion as a Type of Regime Transition

Democratic breakdowns have been traditionally conceived as a type of regime change: a transition away from democracy in which democratic institutions are overthrown by force or manipulation in such a way that makes it very difficult to reestablish them in the short term (Linz 1978, 9). Like democratic breakdowns, the erosion of democracy is a type of regime change; a transition away from democracy that entails formal changes to the rules of the game in order to increase de-jure and de-facto powers of the president.

In classic democratic breakdowns, authoritarian leaders attain power via civilian or military coups, who, once in power, often cancel elections and/or close congress, courts, and oversight agencies in order to stay in office and rule at will (Bermeo 2003; Capoccia 2007; Linz 1978; O’Donnell 1979). In September 1973, Augusto Pinochet came to power via a military coup. Once in office, the military junta under his

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3 There are cases in which non-state actors could aid in the erosion of democracy. If they oppose a democratic government, non-state actors—specially violent ones—can trigger legitimacy crisis that could eventually open the doors to either a coup or a president with hegemonic aspirations. If they work with the government, non-state actors can help the president erode democracy. An example of this could be subnational competitive authoritarianisms in Colombia in the late 1980s and 1990s, where governors and majors used death squads to kill opposition candidates.

4 To the extent in which competitive authoritarian regimes can become fully authoritarian, a democratic erosion, over time, could lead to a fully authoritarian regime.
command closed congress, banned, or suspended political parties, imposed media censorship, annulled all electoral registration lists, and declared “state of siege” in order to give military tribunals jurisdiction over civilians (Snyder 1994). In matter of days Pinochet had full control of all government institutions.

Similarly, in cases of democratic erosion, presidents, once in power, introduce institutional reforms that seek to increase their powers and extend their time in office. These reforms, what Landau (2013) has called “abusive constitucionalism”, include: a) an increase in the legislative powers of the president (i.e. veto, decree, exclusive introduction of legislation, budgetary powers, and proposal of referenda); b) an increase in the non-legislative powers of the presidency (i.e. cabinet formation, cabinet dismissal, censure, dissolution of assembly, appointment of judicial and oversight officers, and the ability to overstep judicial review) (Metcalf 2000; Negretto 2013; Shugart and Carey 1992); and c) transformations to electoral rules in order to allow reelectons, increase immediate term limits, or do gerrymandering.

While individually insufficient to characterize democratic erosion, put together, over time these alterations hinder horizontal accountability and skew the electoral playing field. They help the president keep and strengthen, sometimes artificial, majorities in congress, pack the courts or overturn the decisions of institutions that provide horizontal accountability such as courts, congress and oversight agencies. Together, these alterations effectively eliminate the checks on the executive, which now is able to manipulate elections (i.e.electoral laws, campaign finance and media access) to such an extent that it becomes extremely difficult for the opposition to defeat the president, or prevent him from extending his/her time in office beyond a second term (Levitsky and Way 2010).

5Presidents can also do court packing via informal means (i.e. threats, salary delays, pressure etc.). In Bolivia, for example, Evo Morales (2006-present) successfully pressured several judges of the Supreme Court to resign their posts. However, it was not until a constitutional reform changed the way judges were elected that he was able to fill these seats (Castagnola and Pérez-Liñán 2011).
For example, Rafael Correa’s (2007- present) first set of constitutional reforms increased his hold over congress, but did not immediately enhanced his control of high courts and oversight agencies; they allowed Correa to run for a second term, but did not allow him to run for reelection indefinitely (Hurtado 2012). The second set of reforms, however, changed that. They subordinated the oversight agencies and the judicial branch to the executive, increased Correa’s hold over the press, created bureaucratic obstacles against the opposition, and limited the right to protest (Rodríguez Garavito 2015). Together, all of these reforms eliminated the checks on the executive. They allowed Correa to introduce yet another amendment to allow for indefinite reelectations. Congress recently approved this reform. Although it specified a provision that would limit the president’s ability to run for another term, at this point, it is unclear whether Correa will abide by this provision or not. Giving the fact that Correa controls all state institutions and is willing to use them against his political enemies, if he decides to run again, it will be hard for the opposition to defeat him in 2017.

As shown by Ecuador, fully eroded democracies are, therefore, no longer democracies—not even “delegative democracies”—but competitive authoritarianisms instead. Delegative democracies are “not alien to the democratic tradition” (O’Donnell 1994, 2007a). Presidents in these regimes often hamper institutions that provide horizontal accountability (i.e. courts, congress and oversight agencies), but fail to hinder electoral accountability as well. They still compete in somewhat clean elections in which the opposition has a fair chance to succeed.

In Hungary, for instance, the Fidez Party (in government since 2010) has used its

6 He has often used courts and oversight agencies to fine and persecute opposition politicians and journalists

7 Electoral accountability is part of what Guillermo O’Donnell (2007c) names “vertical accountability”. Although often used as synonyms, vertical accountability includes both “societal” and “electoral” accountability. In order to avoid confusions I use “electoral accountability” instead of “vertical accountability”.

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majorities in congress to approve constitutional amendments that curtail the court’s judicial review, expand the size of the Constitutional Court and decrease the size of retirement, allowing the president, Victor Orbán, to pack the high courts. The party has also created an office with powers over judicial selection and assignment of cases, the Electoral Commission, the Budget Commission, and the Media Board, and adjusted electoral districts increasing the party’s vote share. Despite this overhaul of the system, the Constitutional Court remains somewhat independent, and has protected the electoral playing field. It struck down some of these amendments, as well as voter-registration laws designed to further tilt the electoral balance (Landau 2013). In other words, even though Hungary is, or is close to be, a “delegative democracy” Fidez hasn’t been able to skew the playing field enough to guarantee its permanence in power. It is still more a democracy than it is a competitive authoritarian regime.

Contrary to what happens in Hungary, in eroded democracies like Ecuador, presidents hinder democratic institutions to such an extent that it becomes very difficult to restore them in the short term. The institutional changes they enact gradually affect not only the checks on the executive – horizontal accountability— but also the opposition’s ability to contest for power in free and fair elections –electoral accountability. In Venezuela, institutional reforms between 1999 and 2010, not only destroyed the checks on the executive, but also unbalanced the playing field. In this country, it is very difficult to defeat the incumbent today. The government has complete control over congress (up until 2016), courts and oversight offices, and actively deploys these bodies against the opposition; it has almost full control over media outlets, and restricts the opposition’s access to them; and has full control over state resources, which it uses to pay for electoral campaigns, while reducing the opposition’s ability to gather national, or international, funds to do the same (Corrales 2015).

In this sense a complete erosion of democracy is also different from Erdmann

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8As a matter of fact, despite these changes, Freedom House still classifies it as a Free regime.
a “decline of democracy.” The latter refers to the process by which democratic regimes experience a loss of democratic quality that can end in some sort of diminished democratic regime, a hybrid regime, or a fully authoritarian regime (Erdmann 2011). A “decline of democracy,” therefore, does not necessarily lead to a regime transition. Advanced democracies, like the United States, have seen democracy “retreat” (Diamond 2015), but are still considered stable democracies. The quality of democracy in these countries might have decreased, but they have not experienced a regime change, nor are there signs of these nations moving that way. On the contrary, a full erosion, as understood in this dissertation, always entails a regime change. We face a process of erosion when there is evidence of a country transitioning from a democracy to an authoritarian regime; and a full erosion of democracy in those cases in which this transition has pushed the regime outside the democratic camp into the authoritarian camp, turning the government into a hybrid regime.

2.2.2 Erosion is a Process

Both traditional democratic breakdowns and democratic erosions are regime transitions. However, they are different in the amount of time they take to push regimes outside the democratic camp into the authoritarian camp. Classic democratic breakdowns are one-shot games. Authoritarian leaders in this type of democratic reversals come to power via military or civilian coups. Once in office, they quickly suspend the constitution, dismiss elections, ban opposition parties, and/or close democratic institutions (i.e. congress, courts and oversight agencies), leaving the opposition very little opportunity to respond. As mentioned above, once in power, Pinochet immediately closed congress, banned opposition parties, and took over the courts (Snyder 2019). More recently, in Egypt (2013), the military arrested the sitting president, Mo-

9Erdmann understand hybrid regimes as those that are in between democratic and authoritarian regimes. They do not belong to either camp.
hamed Morsi. They suspended the constitution, and, although they did not formally close congress, or take over the courts, they imprisoned most of the top members of the Muslim Brotherhood—the president’s party—only days after the army was in power (Masoud 2014). Both in Chile and in Egypt, the opposition had almost no opportunity to respond after the coup.

Democratic erosions, on the other hand, happen over time. Since the third wave of democracy some governments and intergovernmental organisms in the western world, like the European Union, the United States, and the Organization of American States (OAS) have developed a normative preference for democracy (Bunce and Wolchik 2011, 278-306; Mainwaring and Pérez-Liñan 2013, 205-241; Pevehouse 2002). Whereas between the 1950s and 1980s the US and European countries condoned and, in some cases even supported, coups such as Brazil’s (1964), Uruguay’s (1973), Chile’s (1973), and Argentina’s (1976), today, clear attempts to overthrow democratic governments by force are frowned upon. Since the late 1980s, the US, the European Union, and the regional organisms they belong to, value democracy in it of itself. They are, for the most part committed to defend democratic regimes regardless of their ideological sign. Consequently, authoritarian leaders can no longer stage military or civilian coups, suspend the constitution, close congress, courts or oversight agencies, and keep their legitimacy abroad.

When the army arrested and exiled Honduras democratically elected president, Manuel Zelaya in 2009, they clearly violated democratic rules. Consequently, the OAS suspended Honduras, most nations withdrew their ambassadors from the country, and the European Union, the United States, and the World Bank suspended all economic assistance, causing the Honduran economy to collapse (Ruhl 2010). The fact that

\[\text{Although countries in the west have certainly increased their normative preference for democracy, this preference not always triumph their economic and strategic interests. There are regions in the world in which, although they publicly condemn the authoritarian practices of a country, they are unwilling to sever their alliances, or cut the economic support that help these leaders.}\]
the army had taken into custody the sitting president and sent him to a different
country in the same night, was an unambiguous attack against democracy. It was
hard for their perpetrators and supporters to paint it as anything different, and easy
for NGOs, transnational organisms, and foreign governments to get enough consensus
to push for sanctions against the leaders who led it (Arceneaux and Pion-Berlin 2007).

Given this international climate, in order to avoid sanctions, presidents who wish
to increase their powers and extend their time in office have more often\textsuperscript{11} chosen to
do so incrementally via institutional reforms. Rather than shutting down democratic
institutions altogether, slowly but steadily, these leaders introduce constitutional
amendments that allow them to neutralize and coopt congress, courts, or oversight
agencies in order to stay in office and rule at will\textsuperscript{12}.

In the past, Daniel Ortega shown complete disregard for democratic institutions.
He overthrew the Somoza’s dictatorship using guerrilla warfare, and built and overtly
marxist authoritarian regime. Today, Ortega still has very little regard for democracy,
but rather than dismantling democratic institutions by force, he has resorted to
constitutional amendments to do so. Before he was re-elected, in 2007, Ortega signed
a pact with former president, Arnoldo Alemán (1997-2002). The pact allowed them to
pack the Supreme Electoral Council (CES) and paved the way for Ortega’s electoral
victory in 2006 (Martí I Puig 2008, 2009; Ortega Hegg 2007). Once in office, the
president has introduced a series of constitutional amendments that have allowed him
to fully control congress, courts and oversight agencies, stay in power, and rule at

\textsuperscript{11}The erosion of democracy is not new. Before the third wave of democracy some democratically
elected presidents such as Juan Domingo Perón (1946-1955) in Argentina chose to increase their
powers and extend their time in office incrementally via institutional reform. In the past however
military and civilian coups happened more often than democratic erosions. Today, due to the
international climate, coups and full dictatorships have become rare in the western world, while
slow erosions of democracy and semi-authoritarian regimes have become more common (Bermeo
2016; Diamond 2008; Puddington 2010).

\textsuperscript{12}Constitutional amendments are not the only tool to erode democracy. Presidents can coopt
institutions without changing them. In Bolivia, Evo Morales was able to pressure Supreme Court
justices to resign (Castagnola and Pérez-Liñán 2011).
will (Pérez-Baltodano 2010). Individually, none of these reforms represents a blatant attack against democracy; none of them crosses an obvious threshold. Therefore, it has been hard for NGOs, foreign governments, and transnational organisms to get enough consensus to push for sanctions against him (Arceneaux and Pion-Berlin 2007). The line between pro-democratic action and outright “sovereignty violation” is very thin in a case like this, and foreign leaders will likely avoid meddling with it.

Several accounts have looked to the short-term process that leads to the breakdown of democracy (Bermeo 2003; Capoccia 2007; Linz 1978; Mainwaring and Pérez-Liñán 2013; Valenzuela 1978). Economic and security crisis, semi-loyal and disloyal oppositions, loss of efficacy, effectiveness and legitimacy (Linz 1978) as well as intricate interactions between government and opposition elites (Capoccia 2007; Mainwaring and Pérez-Liñán 2013) preceded the rise of antidemocratic leaders in the past and still do today. Classic breakdowns and erosions of democracy are similar on that. What they differ on is on what happens afterwards. In classic breakdowns of democracy, once the authoritarian civilian or military leader comes to power, it is too late. He immediately dismisses the constitution, closes or fully occupies the congress and the courts, and starts an intense persecution of opposition members. In democratic erosions, on the contrary, institutions remain available for the opposition even after a leader with hegemonic aspirations has been elected to office. These presidents slowly modify courts and congress without immediately coopting them or shutting them down. It takes years before they successfully skew the playfield to such an extent that it is impossible to defeat them.

2.3 Looking at the Opposition

Defining the erosion of democracy as a type of regime breakdown that happens over time has important theoretical implications: it highlights the importance of the role of the opposition in it. Because democratic erosions happen sequentially,
unlike classic breakdowns, they provide the opposition ample opportunity to respond. Even after the authoritarian leader is in office, the opposition still has institutional (significant presence in congress, courts, or oversight agencies) and non-institutional resources (i.e. control over media outlets, ability to mobilize etc.) it can use against the incumbent. How it uses these resources is critical to understand the erosion of democracy. Presidents’ ability to successfully introduce constitutional reforms to dismantle checks and balances and stay in power beyond a second term depends, therefore, not only on their degree of civilian and/or military support, but also on the response of the opposition to their initial attempts to change the constitution.

2.3.1 The President

Both, presidents and opposition leaders, are office seekers with policy interests (Aldrich 1995): they wish to attain office in order to pursue some policy goals. Presidents with hegemonic aspirations come to power against seated elites and in contexts of crisis (i.e. low governance, low economic development, or violence) in which they face very weak governmental arrangements that give them leverage for disruption (Skowronek 1993). In order to attain their policy goals, they try to reform the constitution to increase the presidency’s powers and stay in office.

For these initial reforms to have some chance to succeed, presidents need to have military or organized civilian support. High ranking officers willing to go beyond their stipulated duty and/or civilian leaders willing and able to mobilize large groups of people will insulate the presidents from forced removals and strengthen their position vis-à-vis the opposition’s. They will also help pressure members of congress or mobilize people to vote in favor of the reforms. Presidents who lack civilian or military support will be either unlikely to try to reform the constitution, or likely to fail if they try to do so.

In Honduras, for instance, Manuel Zelaya (2006-2009) tried to push for a referen-
dum that would have allowed him to call for a constitutional assembly and rewrite the constitution, in order to increase his powers and run for a second term. Honduras’ constitution did not stipulate such a referendum, congress sunk the project, and the Supreme Court ruled against it. Defying justices and congressional leaders, the president asked the army to go ahead with the referendum elections. Zelaya, however did not have strong military or civilian support. When the Supreme Court declared Zelaya’s actions illegal, and asked the armed forces to arrest the president, the army captured and exiled him to another country. Unlike what happened in Venezuela, where Chávez’s supporters pushed to bring the president back after the 2002 coup, Zelaya’s supporters were not able to do the same. The Honduran president did not have enough support to turn around the coup, therefore, his attempts to erode democracy failed.

Presidents who have civilian or military support can use different strategies to reduce the checks on the presidency and stay in power. Initially, they could close congress. However, as mentioned above, sanctions and rewards from foreign governments, and multilateral organisms increase the incentives to keep a democratic façade, (Bunce and Wolchik 2011, 278-306; Mainwaring and Pérez-Liñán 2013, 45,46, 205-241; Pevehouse 2002). Presidents would rather avoid major blows to democratic institutions that could trigger a negative international response. They prefer to introduce constitutional reforms sequentially either via congress using constitutionally sanctioned procedures, or via elections and the courts, using extra-constitutional procedures.\footnote{Unwritten procedures. They are not illegal (as in prohibited by the law), but they are not contemplated by the law either.}

The first set of constitutional reforms might hinder horizontal accountability, but they are not serious or extensive enough to thwart electoral accountability as well. They might increase some of the president’s legislative and non-legislative powers.
and allow one reelection, but will likely fail to politicize state institutions or provide budgetary powers large enough that would seriously unbalance the playing field.¹⁴

In Argentina, Carlos Menem (1989-1999) tried to erode democracy. During his government he introduced constitutional amendments that allowed him to stack the Supreme Court with loyalists and run for a second term. Despite the fact that these reforms left the president somewhat unchecked, turning Argentina into a “delegative democracy” (O’Donnell 1994), they did not uneven the electoral playing field. Menem had a strong coalition in congress, controlled the Supreme Court, and was able to run for a second term, but he was not able to deploy state institutions or uneven media/resource access to such an extent that the elections would be unfair. In fact, during the 1990s, “...the fairness of elections was unquestioned, basic civil and political rights were broadly and consistently protected, and press freedom was extensive.” (Levitsky 2000, 58). Moreover, Fernando de la Rúa, who opposed Menem’s candidate, won the presidential elections in 1999.

Later reforms, however, pose a more serious threat to democracy. They will likely enhance the president’s ability to enlarge his majority in congress, fully undermine courts and congress, do extensive court packing, and further extend his tenure in office. Consequently these reforms will allow him to politicize and deploy state institutions that deal with electoral rules and media access and give him extensive budgetary powers. Provided the president keeps his civilian and/or military support, if these reforms pass, he will not only be able to run for a third (or more) terms, but—in an unfair competition—will very likely win.

Like Menem, between 1999 and 2004 Hugo Chávez introduced a series of amendments that increased the powers of the presidency and extended his time in office until 2012. Up until 2004, however, the Venezuelan president did not have full control over

¹⁴Levitsky and Way code a playing field as uneven if: 1) state institutions are widely politicized and deployed by the incumbent, 2) there is uneven media access or 3) there is uneven resource access. (Levitsky and Way 2010, 368)
the parliament, nor had he been able to completely purge state institutions from opposition members. A second set of reforms approved between 2004 and 2009 changed that. This second set of amendments allowed Chávez to fully control congress and courts, and oversight agencies, curtail the independence of the press, do gerrymandering, and run for indefinite re-elections. Whereas the national elections in 2005 and 2006 were for the most part free and fair (European Union Election Observation Mission 2006), that is not true for the national elections in 2008, 2010, 2012, 2013, and 2015 where the government used state institutions to harass opposition candidates, the state owned petroleum company revenues to buy support, and state owned media outlets to advertise government candidates while preventing opposition candidates from doing the same (Corrales 2015).

2.3.2 The Opposition

The opposition, composed by office seekers with policy interests as well, wants to stop the president’s reforms. It can have radical or moderate goals (McAdam 1999). The first ones embody a fundamental challenge to the existing political structure, while the second ones call only for “piecemeal” reform (McAdam 1999, 57). In the case of democratic erosions, the opposition is fighting a president who, despite his hegemonic aspirations, was democratically elected and has not yet finished his constitutional term. Radical goals are those that aim to oust the president. Moderate goals are those that want to thwart the president’s project, fighting against specific reforms, but do not seek to prevent him from completing his constitutional term (See

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15 Between 2005 and 2010, Chávez controlled congress because of the opposition’s electoral boycott. Between 2010 and 2015, however, Chavismo kept control over the legislature because it was able to do gerrymandering, and change the rules of procedure to severely limit the opposition’s ability to win a majority, or work as an effective opposition inside the legislative body.

16 Another way to think about “radical goals” is as “disloyal goals.” When the opposition wants to deny legitimacy to participants in the political process that “…have the right to rule thanks to the support they received from the electorate.” (Linz 1978, 30)
In order to achieve these goals, the opposition can use different strategies. Because erosion happens over time, even after the president introduced the first set of amendments, the opposition has institutional spaces left. Consequently, it can resort to either institutional or extra-institutional strategies to oppose the government. The first set of strategies relies on conventional political channels mainly: courts, congress, or elections (Stephan and Chenoweth 2008). The second set of strategies eschews these institutional channels and fight the government outside courts, congress, or elections, using repertories such as coups, guerilla warfare, protests, boycotts or strikes (See Table 2.1).

Obviously, oppositions, are rarely a unified actor. When facing a president with hegemonic aspirations, in any given country, different groups can use different strategies, and have different goals. In Colombia, for example, Alvaro Uribe faced a legal partisan opposition, which resorted to institutional and extra-institutional strategies with moderate goals, and an armed group which resorted to extra-institutional strategies with radical goals.

\[17^{17}\] Tarrow and McAdam (2000) suggest that political actors make strategic decisions along three dimensions: institutional vs. extra-institutional, legal vs. illegal, and violent vs. nonviolent. Here I differentiate whether the tactic is institutional or extra-institutional, and ignore whether it is legal, violent or nonviolent. These characteristics are important as well, but subordinated to the institutional/extra-institutional divide.

\[18^{18}\] Some extra-institutional tactics such as strikes or protests are regulated; they are legal. However, since they do not happen via the conventional political channels, they are often considered extra-institutional by the social movements literature. As a matter of fact strikes, protests, and boycotts, are common repertories of nonviolent struggle (Stephan and Chenoweth 2008).
TABLE 2.1

STRATEGIES AND GOALS

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<td><strong>Radical</strong></td>
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<td>Presidential Impeachment&lt;sup&gt;19&lt;/sup&gt;</td>
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<td><strong>Extra-Institutional</strong></td>
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<td>Protests, Boycotts, Strikes</td>
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However, not all opposition groups, are equally visible (Bermeo 1997). Some opposition factions have more popular support than others, and therefore represent a more credible threat for the government than more peripheral and less popular opposition groups. During the transition to democracy in Spain, for instance, the opposition was divided in two groups: a moderate partisan opposition willing to use institutional strategies (PSOE), and a radical opposition—the armed wing of the Basque separatist movement (ETA)—willing to use violence against the government. Although ETA represented a threat to the incumbents, the group’s ideals or methods were unpopular and it was very unlikely that it would attain power once Spain became democratic. The Franquistas were willing to transition to democracy despite ETA’s existence, because they were confident that the opposition group that

<sup>19</sup>Theoretically a presidential impeachment is an institutional mechanism to remove the president from office (Pérez Linán 2007). In practice, however, it is rarely seen against presidents with hegemonic aspirations, in part, because it is very unlikely that the opposition will have the support in congress they need to push the impeachment through.
was likely to attain power and effectively influence government, was PSOE, which would implement more moderate policies and respect the agreements signed during the transition (Bermeo 1997).

Similarly, in the cases of democratic erosion, there are visible and “invisible” opposition groups. In Bolivia, the actions of the governors in the east against Evo Morales, carried more weight than the actions of opposition Senators in La Paz. In Colombia, the legal partisan opposition was a more legitimate representative of the people who were against Uribe, than the guerrilla groups in the countryside. Finally, in Venezuela, the opposition group led by business associations, unions, media owners, and the Church, was more visible and legitimate than the more partisan opposition in the National Assembly. Whereas the other groups exist and their work is sometimes influential, is to the more visible opposition that presidents with hegemonic aspirations react to.

Overall, using extra-institutional strategies to oust the president is costly and risky. If they fail, opposition leaders who oppose outside institutions in order to overthrow the government, are likely to end up exiled or in jail. Normally, the opposition would rather oppose via elections, congress or the courts, or use protests, strikes or boycotts only to oppose individual bills. However, polarizing presidents with clear disregard for democratic institutions could increase the opposition’s incentives to chose extra-institutional strategies in order to pressure the president to leave office before the end of his constitutional term (Corrales 2011).

Institutions constrain the set of possible outcomes; they lengthen actors’ time horizons and stabilize agents’ expectations (North 1990; O’Donnell 1994; Przeworski and Maravall 2003). If the rules of the game are set, political elites know what they are playing for and what to expect if they lose. They can plan accordingly and design long term strategies. However, if the rules of the game are susceptible to change, if the political battle is over the rules of the game themselves, everything is up for grabs.
There is no constraint to the set of possible outcomes. In such a high stakes situation, the opposition has reason to expect anything and fear for its own political survival. Political leaders cannot know what they are fighting for and what will happen if they loose. Consequently, they have shorter time horizons, and therefore, more incentives to oppose outside congress, courts, or elections in hopes to remove the president from office.

For decades, the Venezuelan traditional elites played using democratic rules. For forty years, they respected electoral outcomes, and not even once, did traditional parties try to oust a president before the end of his constitutional term using extra-institutional strategies. In 2002, however, civil society organizations, unions, business associations, and media owners launched a coup d’etat against the sitting president, Hugo Chávez. The coup was the opposition’s response to 49 presidential decrees, debated in secret, and enacted the very last day of a one-year Enabling Law (Ley Habilitante). The decrees increased the president’s hold over state institutions and transformed property rights. Opposition leaders often claim the coup was the outcome of the anxiety these decrees produced, as well as the uncertainty about what Chávez could do afterwards (Nelson 2009).

Even though they increase the opposition’s incentives to oust the president using extra-institutional tactics, leaders with hegemonic aspirations are insufficient to elicit a radical extra-institutional response from this group. First, actors have regime as well as policy preferences (Mainwaring and Pérez-Liñán 2013). Oppositions with a high normative preference for democracy will be unlikely to try to unseat a democratically elected president from the streets. Second, oppositions weight their tactics and objectives based on perceived cost and probability of success (Cunningham 2013).

20In 1962 the Venezuelan Communist Party (PCV) and the Revolutionary Left Movement (MIR), in alliance with the guerrilla group Fuerzas Armadas de Liberación Nacional, launched two failed coups against Rómulo Betancur’s government. In 1992 Chávez led a coup against Carlos Andrés Pérez, but he was not part of the traditional elite. In 1993, congress tried to impeach the same president, but this is an institutional strategy, not an extra-institutional strategy.
Even when facing very aggressive presidents, we can find oppositions that opt for institutional strategies, like recall referendums, in order to oust the president, and oppositions that use extra-institutional strategies such as boycotts, strikes, or street protests, to push against specific reforms.

For instance, radical opposition leaders in Bolivia called for a recall referendum in 2008. They wanted Morales out of office, but, at at least initially, they chose institutional strategies to achieve their goal. In Colombia, despite Alvaro Uribe’s (2002-2010) polarizing style, and his attempts to increase his powers and extend his time in office, the opposition\textsuperscript{21} did not try to force him to resign. They used some extra-institutional strategies, including an electoral boycott in 2003 and street protests, but these did not seek to oust Uribe. They were meant to fight specific reforms (CINEP 2009).

2.3.3 The Combination of Strategies and Goals

Individually, neither radical goals nor extra-institutional strategies increase the likelihood of becoming a fully eroded democracy. Together, however, extra-institutional tactics and radical goals can have negative consequences for the regime. The degree of toleration for government’s actions domestically and abroad is related to the nature of the opposition’s challenge (Gartner and Regan 1996). Institutional strategies, or extra-institutional strategies with moderate goals, pose a small challenge. They preserve the opposition’s legitimacy domestically and abroad, increasing the costs of and reducing the incentives for a repressive response. On the contrary, extra-institutional strategies in order to remove the president from office, pose a big challenge. When facing a democratically elected president with hegemonic aspirations, these strategies and goals, jeopardize the opposition’s legitimacy domestically and abroad, lowering

\footnote{At least the legal opposition. The guerrilla movements tried to oust Uribe, and other presidents using extra-institutional strategies.}
the costs of and increasing the incentives for a repressive response.

Regardless of the objectives, strategies that use elections, congress, or the courts “...implicitly convey an acceptance of the established, or “proper,” channels of conflict resolution.” (McAdam 1999, 57). Therefore, they are seen as less threatening by the ruling elite. On the contrary, extra-institutional strategies convey a rejection to the established institutional mechanisms to seek redress. Therefore, they are seen as more threatening for the ruling elite (McAdam 1999).

Because they were institutional strategies, even though they sought to oust the president, the recall referendums in Bolivia (2008) and Venezuela (2004) took place in relative peace. The latter threatened Morales’s and Chávez’s rule, but not as much as the national strike (Venezuela) or the regional violence (Bolivia) that each opposition used to push these presidents out of office afterwards. Chávez and Morales headed the states that held the referendums. They had the resources to win them. That was not the case with the national strike or the regional violence. In these cases both, Morales and Chávez played without the resources the other side had. These extra-institutional strategies deprived them of the alternatives and tools the referendums provided, which increased the threat, and therefore the incentives to repress.

Moderate goals, however, decrease the level of an extra-institutional threat. First, they reduce the stakes of the situation allowing some space to negotiate. Second, they endanger only those groups whose interests are related to the opposition’s specific claim (McAdam 1999, 58), threatening only part of the ruling elite. Consequently, extra-institutional strategies that spouse moderate goals are less threatening than extra-institutional strategies that spouse radical goals.

In Colombia, in 2003, the opposition boycotted a referendum that would have increased Uribe’s powers while reducing the congress’s and the courts. Even though

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22 The regional violence in Bolivia was technically driven by the prefects desire for autonomy. This autonomy, much like the Venezuelan 2002-2003 strike, would have effectively defunded Evo Morales’s government, which depended on the gas reserves these regions had.
the Uribistas disliked the electoral boycott, which eventually cost them the referendum, they did not feel threatened. Losing the referendum meant losing a battle, but not the war. Even if it did not go through, Uribe was still in power. The failed referendum hampered Uribe’s security agenda but did not finish it off.

2.3.3.1 Institutional Strategies or Extra-Institutional Strategies with Moderate Goals

Presidents with hegemonic aspirations have legitimacy constraints: they want to keep a democratic façade. Openly authoritarian practices not only risk an adverse response from the international community, but could also generate rejection within these leaders’ constituency and endanger their support (Bunce and Wolchik 2009). In Serbia, for instance, in 1998, Milosevic introduced a series of laws that severely curtailed civil rights and liberties and local governments political and financial independence. Following these laws, the government launched a series of violent attacks against opposition and “weak supporters” (Bunce and Wolchik 2011, 97). The laws, the attacks, and the increasing evidence that Milosevic had stolen the 1998 elections, undercut the Serbian president’s support. These actions violated accepted constitutional and political practices (Bunce and Wolchik 2009, 259), which alienated citizens as well as members of security forces, who felt uneasy with what they were asked to do (Bunce and Wolchik 2011, 99-100).

Because they are restricted by these legitimacy constrains, if the opposition uses institutional strategies or extra-institutional strategies in pursuit of moderate goals, it is harder for the government to crowd it out or push for more aggressive reforms. It has no “legitimate reasons” to do so. Consequently, in that case, even if diminished, the opposition will keep enough presence in the legislature to protect the very institutional resources the government is trying to seize.

In Colombia, for example, the legal opposition kept its distance from the guerrilla and fought the government using institutional strategies and some extra-institutional
strategies with moderate goals. They never lost the high ground, hence, Uribe never
had good reasons to get rid of opponents who posed a danger for his project. In
order to “find” good reasons, he resorted to illegal wiretapping and evidence manu-
facturing. Fortunately for those who opposed his government, Uribe’s attempts to
find/elaborate “dirt” failed, and opposition justices and members of congress kept
their seats. Moreover, the government’s tactics eventually became public and cost
Uribe some support.23

Both institutional and extra-institutional strategies with moderate goals are effec-
tive to oppose presidents with hegemonic aspirations. Unless completely controlled
by the government, elections, courts and legislatures are competitive arenas. Even
if they have a few seats, these bodies will often provide spaces for the opposition to
supervise, challenge, debilitate, and, in some cases, defeat incumbents (Bunce and
Wolchik 2011, 20, 35-50; Levitsky and Way 2011, 3-23). As long as the opposition
keeps some presence in the legislature, it can delay, modify and, under very specific
circumstances, even stop government projects (Levitsky and Way 2010). It can tame
and slow down reforms that would allow the government to leave the presidency
completely unchecked, and extend its stay in office indefinitely.

It is often assumed that small oppositions cannot do much in Congress. Being a
minority, they seldom have the numbers they need to pass legislation (Morgenstern,
Negri and Pérez-Liñán 2008). However, recent analyses have shown the importance of
legislative procedure and the tools it provides to obstruct the legislative process (Hirol
and Renno 2014). Obstruction, scholars argue, lengthens the deliberative process,
which does not sit well with the government. Some legislatives require certain bills
to be fully debated by the end of one legislative term. In this case, delays in a
bill’s transit put such legislation at risk. Longer debates also allow for better public
scrutiny and increase the probability that the bill will be modified by friends and

23 Revista Semana, September 6, 2008.
foes, thus, reducing the benefits the government will accrue from it (Döring 1995; Hiroi and Renno 2014).

Accordingly, even if too small to sink the president’s reforms, oppositions facing popular presidents attempting to increase the powers of the executive and extend their time in office, while in Congress, have institutional alternatives left. As long as they keep their seats, they can use rules of procedure to lengthen the deliberative process and with it, increase public scrutiny and open up spaces to modify, and even stop some bills. Although individually harmless, as long as the president has domestic and international legitimacy concerns, this type of obstruction will delay the his agenda enough to protect institutional resources—such as courts and oversight agencies—which will prove useful when more aggressive reforms come along.

Contingent on the procedural tools available, even small opposition coalitions can, therefore, use legislative procedure to delay the president’s agenda, try to reduce the scope of some of the bills, and generate procedural mistakes. These strategies can help tone down the president’s project, increase public scrutiny and with it the pressure to strike down a given reform, or provide elements that courts can use during judicial review to rule against the bill. In doing so, these tactics help stop or slow down legislative projects that would otherwise allow the government to leave the presidency completely unchecked and extend its stay in office indefinitely. Even if individual bills pass, this type of obstruction can delay the president’s agenda enough to protect state institutions or at least some pockets of support within these, which can prove useful when more aggressive reforms come along.

Extra-institutional strategies that pursue moderate goals can complement these efforts. Particularly during elections, they can increase visibility of the situation

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24The degree in which moderate extra-institutional strategies become more important or effective than institutional strategies has to do with the institutional spaces the opposition has left. The less institutional spaces the opposition has, the less likely that institutional strategies will be effective, and the better the extra-institutional strategies with moderate goal will work
and the opposition’s public support. They can help mobilize voters, and pressure electoral authorities to stick to the true result (Bunce and Wolchik 2011, 85-113; Trejo, 2014).

Figure 2.1. Opposition Choices

2.3.4 Extra-Institutional Strategies with Radical Goals

Contrary to institutional strategies, or extra-institutional strategies with moderate goals, extra-institutional strategies with radical goals pose a major challenge to the government. Not only do they convey a rejection to the established mechanisms
to seek redress, but, because the objective is to oust the president, they create a zero-sum game that unites the government and leaves little space to negotiate. This kind of challenge increases the incentives and reduces the costs to repress (Gartner and Regan 1996; McAdam 1999, 57-58). Even if diminished, when presidents make their first attempts to increase their powers and extend their time in office, the country is still a democracy. The use of an extra-institutional strategy that seeks to oust the president before the end of his constitutional term will be seen as unwarranted inside and abroad. Regardless of whether the opposition tactics are violent or not, such a choice will prove costly, when facing presidents with hegemonic aspirations ready and able to capitalize on the oppositions’ “mistakes”

It will decrease the opposition’s international and domestic legitimacy, increase the tolerance for repression, and risk whatever institutional and non-institutional resources it has left.

More specifically, extra-institutional strategies that pursue radical goals will have two adverse consequences. First, they will reveal possible adversaries inside the government. In Venezuela, for instance, the 2002 coup helped Chávez identify which army members were unconditional and which ones were not. He later used that information to make changes inside the armed forces (Martínez Meucci 2012).

Second, they will negatively affect the support and democratic credentials of the opposition inside and abroad. They will guarantee the president some leeway to remove opposition leaders from office, prosecute, and even jail them. The opposition will then lose presence in the legislature and the courts which will hinder its ability to protect institutional and non-institutional resources. The president will also use the

25In other democratic settings in which democratically elected presidents are not looking to “crowd out” the opposition, some extra-institutional strategies with radical goals, such as strikes and boycotts might not delegitimize the opposition as much. Between 2002 and 2005 in Bolivia, for instance, a series of protests triggered by the construction of a gas pipeline proposed by president Sánchez de Losada, quickly turn into protest that called for the president’s (2003) and vice-president’s resignation (2005). Although it used extra-institutional strategies to oust the president, the Bolivian opposition did not delegitimized itself then. Neither Sánchez de Losada, nor his vice-president Carlos Mesa were ready, or able, to capitalize on the opposition’s strategic choice.
opposition’s diminished domestic legitimacy\textsuperscript{26} to rally “around the flag” and gather enough support to push for more aggressive reforms that, weakened and stripped from many of its resources, the opposition will not be able to stop.

In Bolivia regional leaders in the south east of the country refused to recognize Morales’s leadership. Even after the recall referendum ratified his presidency, the prefects in this area kept asking for autonomy and full control over their resources. If granted, this would have effectively de-funded the country, which was dependent on the gas deposits in this region (Farthing and Kohl 2014). Days after the referendum, regional opposition leaders started a series of strikes and protests, invaded state institutions, and announced their de-facto autonomy from the central government. In response, Morales mobilized his supporters, and conflict escalated. Eventually a pro-government protest was attacked by gunmen affiliated to the opposition prefects. The massacre, was criticized both domestically and abroad. Moreover, Morales used it as an “excuse” to send the army, impose a state of siege, and arrest the prefect of the region where the massacre took place. At the end, this extra-institutional strategy with radical goals, “... ended the possibility that the opposition could present itself as the victim in the fight for democracy, and allowed the government to regain control over the political situation.” (Uggla 2009, 258)\textsuperscript{27} If it hadn’t been for the protest, and more specifically the massacre, the government would not have been able to ‘legitimately’ take over the gas producing regions, nor would it have been able to remove regional authorities that had been an obstacle to Morales’s project since the first day.

\textsuperscript{26}The opposition will likely keep its hard supporters, but lose the soft supporters.

\textsuperscript{27}“... terminó con la posibilidad de que los opositores se presentaran a sí mismos como víctimas en la lucha de la democracia, y permitió al gobierno recuperar la iniciativa política”
2.4 Conclusion

The theory described in this chapter highlights the role of the opposition in the erosion of democracy. I define democratic erosion as a type of democratic reversal that happens over time. I argue that because it is a process, unlike what happens in classic breakdowns, in democratic erosions the opposition has ample opportunities to respond. It has institutional and non-institutional resources, even after the a leader willing to circumvent democracy has attained power, and can use them to prevent him/her from turning a democracy into a competitive authoritarian regime. How the opposition uses these resources, and what it uses them for, is critical to understand why some hegemonic presidents successfully erode democracy and others do not.

When facing a president with hegemonic aspirations, if the opposition uses institutional strategies or extra-institutional strategies with moderate goals to fight the president’s initial amendments, it keeps its legitimacy domestically and abroad. It increases the costs for and decreases the incentives to repress, making it harder for the government to crowd the opposition out, and protecting the very institutions the president is trying to seize. If, on the contrary, the opposition uses extra-institutional strategies with radical goals, it loses legitimacy domestically and abroad. It decreases the costs for and increases the incentives to repress, jeopardizing the institutional resources the government is trying to seize.

Despite pervasive, the erosion of democracy is an understudied phenomenon. The literature provides a good idea of the factors that allow presidents with hegemonic aspirations to attain power, but existing approaches cannot entirely explain why, despite similar circumstances, some of these presidents successfully erode democracy while others fail. The theory outlined above fills in that gap. It moves away from the accounts that assume the erosion of democracy is inevitable once a leader willing to undermine democracy has attained power, and examines the mechanisms by which these leaders uncheck the presidency and extend their time in office beyond a second
term. It does so using a “regime defeat” (Bunce and Wolchik 2011) instead of a “regime vulnerability” lens (Levitsky and Way 2010). Without disregard of the importance of factors such as economic development, the executive’s access to mineral resources, and mass support, I shift the focus away from the correlation of forces between government and opposition and highlighting the importance of strategic choices and goals as well.

As the chapters that follow will show, even if weak, oppositions can protect democracy. The opposition in Colombia was relatively weak. Despite having few institutional and non-institutional resources, however, it was able to prevent a popular president like Alvaro Uribe from eroding democracy using institutional strategies and extra-institutional strategies with moderate goals. The opposition in Venezuela was fairly strong. Notwithstanding a very good set of institutional and non-institutional resources, however, it was not able to prevent the erosion of democracy. It opted for extra-institutional strategies in hopes to oust the, also popular president, Hugo Chávez before the end of his constitutional term, and lost the very institutional resources it wanted to protect.
CHAPTER 3
ELECTING PRESIDENTS WITH HEGEMONIC ASPIRATIONS

In the past two decades, Latin America saw the rise of presidents with hegemonic aspirations. Between the 1990s and 2000s, Argentina, Perú, Venezuela, Colombia, Ecuador, Bolivia, and Nicaragua elected presidents who, once in office, tried to increase the powers of the executive and extend their time in office beyond a second term. Before we analyze why some of these presidents successfully eroded democracy, while others failed, we need to assess the factors that brought these leaders to power in the first place.

In this chapter I focus on the first stage: the variables that allow presidents with hegemonic aspirations to attain office. Following existing theories of democratic rollback, I argue that economic crises (Svolik 2015), weakly institutionalized party systems (Carreras 2012; Mainwaring and Scully 1995; Pérez-Liñán and Mainwaring 2013), and weak states with governance problems (Diamond 2015; Mainwaring 2012; Mainwaring and Pérez-Liñán 2015) increase the likelihood of having presidents with hegemonic aspirations, but cannot fully explain why some of them successfully erode democracy while others fail.

In order to assess that argument, I use an original database of constitutional amendments introduced by all democratically elected presidents in Latin American since 1978. Unlike other databases with information on constitutions and constitutional amendments (Comparative Constitutions Project, Latin American Constitutional Change Database), my data identifies presidents who introduced constitutional reforms in order to increase their powers and extend their time in office, regardless of
whether these amendments became law or not. Descriptive and analytic quantitative
techniques suggest that economic crises, weak party systems, and – to a lesser extent – low state capacity increase the likelihood of electing a president with hegemonic aspirations, but by themselves do not quite explain the variation between those leaders that successfully erode democracy and those that fail.

In what follows, I first outline the theories behind the rise of presidents with hegemonic aspirations. I provide an overview of structural, state centered and institutional theories that explain democratic reversals, and hypothesize that low economic development, economic crises, weak states, and inchoate party systems increase the likelihood of electing presidents who try to erode democracy.

In the second section, I summarize the logic behind the operationalization of the dependent variable. I explain why attempting to increase the powers of the executive and attempting to extend the president’s time in office beyond a second term are necessary conditions to identify a president with hegemonic aspirations. I follow this operationalization with the description of the data. I outline the characteristics of the dependent variable, as well as the sources and characteristics of the main independent variables and controls.

In the fourth section, I analyze the data. Using descriptive and analytic quantitative techniques, I assess the impact of the main independent variables on the likelihood of electing presidents with hegemonic aspirations. The data suggests that weakly institutionalized parties, economic crises, and weak states are key to understand why some countries at some times elect presidents with hegemonic aspirations and others do not.

In the fifth section, I assess the impact of low economic development, economic crises, weak states, and weakly institutionalized party systems in the likelihood that a president with hegemonic aspirations, once elected, successfully erodes democracy. I hypothesize that none of these variables has a meaningful impact on a president’s
ability to erode democracy, once he/she has attained office. Due to the very small set of cases (7), I assess these hypotheses using descriptive graphs. The data suggests that while economic performance, state capacity, and party system institutionalization are helpful to explain why some countries elect presidents with hegemonic aspirations, they are less good explaining why some of these presidents successfully erode democracy, while others fail.

3.1 The Rise of Presidents with Hegemonic Aspirations

The rise of a president with hegemonic aspirations is, and should be, a rare event. Although voters vary on their risk propensity (Berinsky and Lewis 2007; Morgenstern and Zechmeister 2001) and regime preferences (Booth and Seligson 2009; Kiewiet de Jonge 2013), it is reasonably to assume that, in general, most voters are risk averse (Bartels 1986) and have—in abstract—a normative preference for democracy. Under normal circumstances, they will likely chose known politicians who have proven to respect democracy, over unknown politicians who might, or might not, respect the country’s democratic regime.

Under less “normal circumstances,” however, this behavior might not hold. Structural, institutional, and state centered arguments suggest that lower levels of economic development and economic crises (Przeworski et al. 2000; Svolik 2008, 2015), weak institutions (Carreras 2012; Fish 2001; Mainwaring and Scully 1995; Pérez-Liñán and Mainwaring 2013), and weak states with governability problems (Diamond 2015; Mainwaring 2012) increase the likelihood of a democratic breakdown. These factors create legitimacy crises that weaken regime arrangements, increasing the likelihood that voters will choose anti-systemic mavericks or outsiders who are willing to break horizontal and, eventually, vertical accountability in order to achieve their policy goals.
3.1.1 Economic Development and Growth

Structural arguments have long suggested that wealthier countries are more democratic (Acemoglu and Robinson 2006; Boix 2003; Lipset 1959; Przeworski et al. 2000; Rueschemeyer, Huber and Stephens 1992). More specifically, some scholars have argued that higher levels of economic development decrease the likelihood of democratic breakdowns. Authors like Przeworski et al. (2000) and Svolik (2008, 2015) have found that democracies are more resilient as the level of economic development increases. Consolidated and unconsolidated democracies are less likely to experience a democratic breakdown at higher levels of per capita GDP (Przeworski et al. 2000; Svolik 2008, 2015).

The same is true for economic performance (Svolik 2015). Overall, higher levels of economic growth increase the likelihood that a democracy survives. Unlike the level of economic development, however, recessions, have a different effect among consolidated and unconsolidated democracies. The first ones are likely to survive economic crises; the second ones are not. A drop in GDP growth from 4.5% to 0.1% increases the risk of a democratic breakdown by 20% in transitional democracies, but has no effect in consolidated democracies (Svolik 2015, 725).

The influence of economic factors on regime change is not limited to military or civilian coups. Democracies with lower levels of GDP per capita and economic growth, are more likely to erode (Svolik 2015). Indeed, countries at lower levels of economic development, and in particular those that experience an economic recession, are vulnerable to the erosion of democracy. Economic downturns lead to legitimacy crises that unsettle democratic institutions (Linz 1978), increasing the likelihood that voters will choose leaders with hegemonic aspirations.

First, poor economic performance increases voters’ support for outsiders (Carreras

\[1\] Svolik uses a different name for democratic erosion. He calls it a “presidential takeover”.
During crises, people are more likely to choose unknown politicians—outsiders or mavericks—who promise to solve the crisis, over known politicians who might not be able to do so (Weyland 1996). Although not all outsiders are presidents with hegemonic aspirations in Latin America, most hegemonic presidents did not have a previous political career and/or ran for office as independents or with new parties. Alberto Fujimori (Perú, 1990-2000), Hugo Chávez (Venezuela, 1999-2013), Evo Morales (Bolivia, 2005-present), and Rafael Correa (Ecuador, 2006-present) ran for office as full outsiders and Carlos Menem (Argentina, 1989-1999) and Alvaro Uribe (Colombia, 2002-2010) ran as mavericks. Only Daniel Ortega (Nicaragua, 2007-present) ran for office under the label of a traditional party (FSLN).

Second, low levels of economic development and, in particular, severe economic downturns increase the probability that citizens will support leaders with radical agendas regardless of their preference for democracy. At times of crises, voters put regime preferences aside. Not only are they more likely to vote for unknown politicians, but they also more likely to disregard signs that might suggest these leaders do not have a strong preference for democracy, as long as they credibly promise to solve the crisis. Hugo Chávez, for instance, was elected after leading the coup d’état against Carlos Andrés Pérez in 1992; and Daniel Ortega was elected, even though he led a revolutionary undemocratic regime between 1985 and 1990.

Accordingly, we should expect countries with low levels of economic development to be more likely to elect presidents with hegemonic aspirations than countries with higher levels of economic development.

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2Leaders like Violeta Chamorro (1990-1997) in Nicaragua or Antanas Mockus (presidential candidate in 2010) in Colombia, for instance, are outsiders but do not have hegemonic aspirations.

3Carreras (2012) defines full outsiders as those who did not have a political career before the elections and ran for office as independents or with a new party.

4Mavericks have been broadly conceived as those politicians who belonged to a traditional party in the past (or had some sort of political career before they competed for the presidency), but ran for president as independents or with new parties (Barr 2009, Carreras 2012).
Hypothesis 1: Lower levels of economic development increase the likelihood of electing presidents with hegemonic aspirations

More importantly, we should also expect countries that experience economic crises to be more likely to elect presidents with hegemonic aspirations, than countries that do not experience economic crises.

Hypothesis 2: Economic crises increase the likelihood of electing presidents with hegemonic aspirations

3.1.2 State Capacity and Governability

A similar argument can be made for state strength. Ineffective states are more likely to undergo legitimacy crises that bring authoritarian leaders to power (Linz 1978). Weak states are unable to effectively implement policy goals (Sikkink 1991, 11; Hanson and Sigman 2013). They lack the extractive, coercive, and/or bureaucratic capacity to raise revenue, protect their citizens, and develop their policies. This incapability hinders their ability to deliver benefits and services to the people (Hanson and Sigman 2013; Møller and Skaaning 2011; Savoia and Sen 2015) and hurts the legitimacy of the regime. In democracies citizens agree on the procedures to generate a “...government that can make legitimate claims on their obedience” (Linz and Stepan 1996, 27). If a significant group of people does not accept that claim and question the legitimacy of the state, democracy can break (Linz and Stepan 1996, 27).

In other words, democracies in countries with weak states are less likely to survive (Andersen et al. 2014; Cornell and Lapuente 2014; Diamond 2015; Fortin 2012; Mainwaring 2012). Robust democracies exist in tandem with solid states. Building democratic regimes in countries where the state is unable to provide basic services, collect taxes, and curb corruption and crime, is a daunting task (Mainwaring and
In these countries, democracy is less likely to fulfill its promise. It is more likely to lose legitimacy, and thus increase the probability of electing a president who will try to enhance his powers and extend his time in office beyond a second term.

Like what happens with economic downturns, ineffective states undergoing legitimacy crises increase the likelihood of electing outsiders (Pachano 2006). A government’s inability to effectively implement policy goals in order to provide basic goods and services, curb crime, or punish corruption creates a crisis of representation (Morgan 2011, 49-54; Mainwaring 2006). Traditional political elites perceived to be hopelessly corrupt and/or unrepresentative of their constituencies fuel negative emotions in the electorate. Political anger and/or anxiety, in turn, decrease voters’ risk-aversion. They increase the likelihood that citizens will eschew voting habits and choose an unknown politician instead of a more traditional, better known, candidate (Seawright 2012, 5-21). Even accounting for economic downturns, corruption and governability crises are key to understand the rise of presidents like Hugo Chávez in Venezuela, Alberto Fujimori in Perú (Seawright 2012), or Evo Morales in Bolivia (Mayorga 2005; Pachano 2006).

People living in countries with weak states and governance problems are also more likely to support presidents with radical policy agendas regardless of their preference for democracy (Diamond 2015; Mainwaring 2012). Ineffective states create legitimacy crises (Linz 1978). As mentioned earlier, when a state cannot provide basic goods and services, it fails to fulfill the promise of democracy. In that scenario, people are less likely to care about the regime, and more inclined to support a leader that promises to deliver, even if he/she has to bend democratic rules to do so. In Colombia, for example, Alvaro Uribe was elected president despite accusations of him and his close advisers being closely linked to paramilitary groups. Tired of the increasing insecurity, people were willing to disregard these accusations and vote for
him. Consequently, we should expect countries with low state capacity to be more likely to elect presidents with hegemonic aspirations than countries with higher levels of state capacity:

**Hypothesis 3:** Higher levels of state capacity decrease the likelihood of electing presidents with hegemonic aspirations

3.1.3 Party System Institutionalization

Institutional approaches suggest that institutions shape elites’ behavior. They reduce uncertainty and provide incentives to cooperate with democratic rules (Aldrich 1995; Helmke and Levitsky 2006; Magaloni 2006; North 1990; Przeworski and Maravall 2003). More specifically, institutionalized parties and party systems have important consequences for democratic stability (Bernhard et al. 2015). They structure political competition, make electoral politics more predictable and legitimate democracy (Carreras 2012; Mainwaring, Bizarro and Petrova Forthcoming; Mainwaring and Scully 1995).

On the contrary, inchoate party systems fail to structure political competition, to make electoral politics predictable or to legitimate democracy. In weakly institutionalized party systems, parties are less likely to control candidate selection and party affiliation is less likely to structure vote. In these environments, outsiders or mavericks, often personalistic anti-systemic candidates that question the legitimacy of democratic institutions, are not only more likely to run for office, but also more likely to win (Coppedge 2005; Mainwaring, Bejarano and Pizarro Leongómez 2006; Mainwaring and Scully 1995; Morgan 2011; Seawright 2012).

In institutionalized party systems, parties are very important vehicles to attain office. Party leaders control nominations because they have a hold over resources
essential for candidates to win (Aldrich 1995). The former rarely endorse personalistic anti-systemic candidates, because they do not know if s/he will abide by the party rules. In weakly institutionalized party systems, however, parties are not important vehicles to attain office. Party leaders have less control over nominations, because they do not command the resources candidates need to win. Consequently, it is easier for personalistic anti-systemic candidates to run for office as outsiders or mavericks, even if they are disliked by the traditional elite.

In inchoate party systems, personalistic, anti-systemic candidates—possible presidents with hegemonic aspirations—are also more likely to win. In institutionalized party systems, parties often have strong roots in society. People have strong party attachments that structure how they vote. Even if they run, mavericks and outsiders are less likely to win office because people will hardly vote against their preferred party. In weakly institutionalized party systems, on the contrary, parties often have weak roots in society. Few people have strong party attachments, or these are weak and fail to structure how they vote. Mavericks and outsiders, therefore, have a better chance to win in inchoate party systems because, in the absence of strong partisanship, people are more likely to change who they vote for and chose them (Greene 2011).

Although, as mentioned earlier, not every maverick or outsider is a president with hegemonic aspirations, in Latin America, there is a close match. Accordingly, we should expect lower levels of party system institutionalization to increase the likelihood of electing presidents with hegemonic aspirations

_Hypothesis 4: Lower levels of party system institutionalization increase the likelihood of electing presidents with hegemonic aspirations_

5 A meaningful party label and/or important logistic and/or economic support.
6 Either the party has a weak label and/or candidates have access to economic and/or logistic resources outside the organization.
3.2 Operationalizing Presidents with Hegemonic Aspirations

Following Mainwaring and Pérez-Liñán (2013), I assume that political elites have regime and policy preferences. Presidents with hegemonic aspirations are office-seekers with policy interests and a weak preference for democracy. In order to achieve their policy goals, they are willing to increase the powers of the executive and extend their time in office beyond a second term.

Since the 1990s, in the West, few elites have had a normative preference for dictatorship (Mainwaring and Pérez-Liñán 2013, 41). Hegemonic presidents are, mostly, anti-systemic and personalistic but do not come to power to erode democracy just for the sake of it. Rather, they have, often times extreme, policy agendas and promise they will do whatever it takes—including changing the country’s institutional make up—in order to fulfill them.

Unfortunately Although mass support for democracy varies across countries and across time (Booth and Seligson 2009; Kiewiet de Jonge 2013), in abstract, most citizens prefer democracy to dictatorship. Regardless of his/her regime preference, no presidential candidate will ever run for office with an overtly authoritarian platform. Accordingly, I use presidents’ actions in office—whether they introduce constitutional amendments to increase their powers and extend their time in office or not—as an indicator of their hegemonic aspirations.

I operationalize presidents with hegemonic aspirations, as a democratically elected presidents who introduce constitutional amendments that seek to enhance the powers of the executive and extend their time in office beyond a second term. In order to qualify as a hegemonic president, he/she must: a) be democratically elected, b) introduce constitutional reform(s) in order to increase the powers of the executive,

7 As part of the political elite in Nicaragua, Daniel Ortega did not come to power with a particularly anti-systemic or personalistic platform. Yet, he used institutional reforms to transform Nicaragua’s democracy into a competitive authoritarian regime (Martí I Puig 2008, 2013).
and c) have introduce constitutional reform(s) to extend his/her time in office beyond a second term.

The first condition limits the analysis to democracies. If a president is not democratically elected, the regime is no longer democratic. The president cannot turn it into a competitive authoritarian regime, therefore, in those cases, democracy cannot erode.

The second and third conditions indicate a leader’s willingness to erode democracy in order to achieve policy goals. Alone, neither increasing the powers of the executive, nor increasing a president’s time in office, indicate a leader’s readiness to erode democracy. Strong executives are not, per se, dangerous for democracy. Colombia, for instance, has had historically strong presidents and a relatively stable democratic regime. Ecuador, on the contrary, has had historically weak presidents and a relatively more unstable democratic regime. In this sense, increasing the powers of the executive, by itself, does not necessarily imply that a president has hegemonic aspirations. As a matter of fact, there are times at which these reforms might be a step towards democracy. In 2005, for example, Chilean president, Ricardo Lagos (2000-2006), introduced a constitutional amendment that—among other things—allowed the president to retire members of the armed forces without oversight of the National Security Council. The latter was a body designed by former dictator, Augusto Pinochet in order to increase the autonomy of the military vis-a-vis the president. Lagos’ amendment enhanced democracy in Chile. It

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8 Or part of a democratic succession in cases in which the president is impeached or resigns before the end of his/her constitutional term.

9 The level of democracy can certainly decrease in those cases. Here, however, I conceptualize the erosion of democracy as a type of regime transition: a change from democracy to autocracy that happens over time. A president that is not democratically elected, can certainly deepen the levels of authoritarianism, but cannot fuel a transition from democracy to autocracy.

10 A body composed by the president, the president of the Senate, the president of the Supreme Court, and the joint chiefs of the armed forces.
subordinated the armed forces to the elected authorities (Cumplido Cereceda 2000).

Similarly, we cannot say that a president who introduces a constitutional amendment to increase his/her time in office beyond one term\footnote{All of the presidents who introduced amendments to increase their tenure in office beyond a second term, introduced reforms that increased the powers of the executive as well.} has hegemonic aspirations. Although increasing term limits augments the risk that the president will perpetuate in power, this does not need to be the case. First, not every president who amends the constitution to run for a second term tries to introduce other reforms in order to run for a third or more terms (Ginsburg, Melton and Elkins 2011). Former Brazilian president Fernando Henrique Cardoso (1995-2003), for instance, introduced a constitutional amendment to allow one immediate reelection, but stopped there. He did not introduce another amendment to stay in power beyond his second term. Second, an immediate reelection can have positive consequences for democracy. It could increase an elected official’s accountability and responsiveness, help the president construct and sustain legislative coalitions, and lengthen his/her time horizons when planning and executing public policies (Carey 2003; Penfold, Corrales and Hernández 2014).

Presidents who try to both, increase their powers and extend their time in office beyond one term cannot be safely classified as presidents with hegemonic aspirations either. Both, Raúl Alfonsín (1983-1989)\footnote{In 1986 the Consolidated Council for Democracy (Consejo Consolidado de la Democracia), created by Alfonsín introduced to congress a constitutional amendment that sought to allow an immediate reelection, and increase legislative and non-legislative powers of the executive.} and Manuel Zelaya\footnote{In 2008 Zelaya tried to hold a nonbinding referendum asking voters if they wanted a Constitutional Assembly. People agreed that Zelaya wanted to lift the ban on the immediate presidential reelection. It is unclear what, if anything else did Zelaya wanted to change. Given the rhetoric surrounding the referendum, and the openly defiant and illegal mechanisms by which he was trying to pull it off, chances are he would have used the Constitutional Assembly to increase his powers as well.} introduced reforms to increase the powers of the executive and allow for one immediate reelection. Alfonsín, however, is broadly perceived as a president with a strong normative preference for democracy (Mainwaring and Pérez-Liñán 2013, 146-149); Zelaya much less so (Wey-
Unlike the leaders discussed above, presidents who introduce constitutional amendments to enhance their powers and extend their time in office beyond a second term provide a strong signal that they are willing to erode democracy in order to achieve policy goals. Increasing the powers of the executive and pushing for one immediate reelection might weaken horizontal accountability (O’Donnell 1994) but will unlikely hinder electoral accountability. Pushing for a second reelection reform, in addition to that, will definitively endanger both types of accountabilities. Incumbency significantly increases the likelihood that a president wins an election (Penfold, Corrales and Hernández 2014). Sitting presidents rarely lose a reelection bid (Przeworski 2010). A president who has enhanced the powers of the executive and runs for a third term, not only signals a low concern about perpetuating him or herself in office, but –because he/she has increased the powers of the presidency—he/she is now able to hinder free and fair elections in order to win.

Operationalizing presidents with hegemonic aspirations as those who introduce constitutional amendments in order to increase their powers and extend their time in office beyond a second term is, admittedly, imperfect. It might wrongly classify presidents as non-hegemonic when they fail to introduce these type of constitutional amendments, not because they did not want to, but because they could not do it. In 2012, for instance, it was rumored that former Argentine president, Cristina Kirchner (2007-2015), wanted to change the constitution to stay in office for a third term (Corrales 2016; Weyland 2013). The reform, however, was widely unpopular.\footnote{\textit{El Clarín}, March 11, 2012.}

It is possible that Kirchner never introduced it, not because she did not want to, but because she lacked the support to pass it. Similarly, in 2009, Manuel Zelaya wanted to call for a constitutional assembly, but he could not do so because of the opposition’s coup. It is possible that, had been able to do the constitutional assembly, he would
have tried to increase his powers and extend his time in office beyond a second term.

Despite these problems, this operationalization is advantageous in other ways. Although it increases false negatives, it also provides a good threshold to prevent false positives as well. It might wrongly classify Kirchner and Zelaya as non-hegemonic, but it also prevents us from wrongly classifying presidents like Fernando Henrique Cardoso or Raúl Alfonsín as hegemonic when, all other evidence suggests they are not.

3.3 Data and Methods

In order to assess the hypotheses outlined earlier, I use an original dataset with information about democratically elected Latin American presidents since 1978. The unit of analysis is country-president. The dependent variable assesses whether these presidents introduced constitutional amendments that sought to enhance the powers of the executive and extend their time in office beyond a second term. I coded this variable using information provided by experts surveys, primary and secondary sources. The independent variables assess levels of economic development, economic growth, state capacity and party system institutionalization, as well as the percentage of fuel exports, ethnic fractionalization, and age of democracy, that these countries had on each president’s election year. I coded these variables using information from the World Bank, Hanson and Sigman (2013), Varieties of Democracy (2015), Mainwaring (Forthcoming), and Carreras (2012).

15 In this chapter I analyze the factors that bring presidents with hegemonic aspirations to power, not the ones that allow them to stay in office after their first term. Accordingly, I count presidents that ran for one or more immediate terms as a single observation, and presidents who ran for two or more non-consecutive terms as two or more observations.
3.3.1 Dependent Variable

In order to measure presidents with hegemonic aspirations, I built an original dataset of constitutional amendments introduced by democratically elected presidents in Latin America since 1978. The database includes 18 Latin American countries. All of the countries in the sample are democracies. Countries like Colombia, Costa Rica, Dominican Republic and Venezuela which transitioned to democracy in or before 1978, enter the sample in that year. All other countries enter the sample after their democratic transition, with their first democratically elected president. All together, the sample has 109 presidents, divided in clusters of 6 presidents in average. Countries that just recently transitioned to democracy, like Mexico, have as little as 3 presidents, while countries that transitioned to democracy long ago, like Costa Rica, that have as many as 9.

I constructed the database using expert surveys. The surveys gave country experts a list of presidents, and asked them to assess whether they had introduced a series of reforms that increased the powers of the executive (vis-a-vis courts and congress) and/or increase the president’s time in office (See Appendix C for details on the surveys). The survey also contained follow up questions, asking the respondents to provide details on the constitutional amendments they said presidents

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16Cuba is not part of the sample because it is an authoritarian regime. Haiti is not part of the sample because it has a very short and convoluted democratic history. According to Freedom House, Haiti has been an electoral democracy briefly between 1994 and 1999, and 2006 and 2009

17Ecuador has 12 observations because in several instances the sitting president was replaced by his vice-president. Jaime Roldós (1979-1981) died in office and was replaced by Osvaldo Hurtado (1981-1984); Jamil Mahuad (1998-2000) was impeached by congress and replaced by his vice-president Gustavo Noboa (2000-2002); Lucio Gutiérrez was impeached by congress and replaced by his vice-president Alfredo Palacios (2005-2007). Abdalá Bucaram was also impeached, his successor, Fabián Alarcón, does not appear in the dataset because it is unclear if he attained power democratically or not.

18Political scientists, lawyers, historians, and justices.

19I used Negretto’s (2013) list of variables that increase the legislative and non-legislative powers of the executive
introduced. The response rate was 57% which gave most countries 2-3 coders.

I used the experts surveys as a first step to assess whether presidents had introduced constitutional amendments to increase their powers and extend their time in office beyond a second term. Because the introduction of constitutional reforms is a fact, rather than an opinion or a perception, I used the follow up questions in the experts’ surveys to search for secondary literature that could help clarify, or confirm the information I had. I also followed up with some of the experts via email in order to get more detailed information.

Many democratically elected Latin American presidents have introduced constitutional amendments in order to enhance the legislative and/or non-legislative powers of the executive or increase their time in office. Out of 109 presidents in the sample, 31 (28%) introduced at least one amendment that sought to increase the powers of the executive and 17 (15.5%) introduced at least one amendment that sought to increase the president’s time in office. Only 9 (8%) presidents introduced one or more amendments that sought to increase the powers of the executive and one or more amendments that sought to increase their time in office. Only 7 (6%) of them—Carlos Menem (Argentina, 1989-1999), Evo Morales (Bolivia, 2005-present), Alvaro Uribe (Colombia, 2002-2010), Rafael Correa (Ecuador, 2006-present), Daniel Ortega (Nicaragua, 2007-present), Alberto Fujimori (Perú, 1990-2000), and Hugo Chávez (Venezuela, 1999-2013)—introduced one or more amendments that sought to increase the powers of the executive and increase their time in office beyond a second term. All seven of these presidents received a 1 in the dependent variable, everybody else

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20I sent out 70 surveys. 59 (84%) of the country experts opened the survey, but only 42 (57%) of them finished it.

21Dominican Republic, El Salvador, Nicaragua, Paraguay, and Uruguay have a single coder. For Colombia I did not use country experts. I coded the country myself using congressional records.

received a 0.

3.3.2 Independent Variables

I have four main independent variables in this study: economic development, economic crises, party system institutionalization, and state capacity. I measure economic development using GDP per capita with midyear population and current (US) in the year of the election and I measure economic crises using the annual percentage growth rate of GDP. Because economic crises are long term events, I follow Carrera’s’ (2012) strategy, and measure economic crisis using the mean GDP growth (% annual change in GDP) across three years (2 years before the election and the election year). The data for these indicators come from the World Bank.

An institutionalized party system is one in which parties interact in regularly stable ways generating expectations of stable future interactions. It has stable membership (i.e. the main parties continue to be key contenders election after election); stable results in intraparty competition; and parties with stable ideological positions, across several election cycles (Mainwaring, Bizarro and Petrova Forthcoming). In order to assess the effect of party system institutionalization (PSI) on the likelihood of electing presidents with hegemonic aspirations, I operationalize PSI using lower house electoral volatility for the congressional election closest in time with the presidential election. Even though it only measures one core characteristic of PSI, volatility is an important indicator of party system institutionalization, and, at least for Latin America, correlates with measures of stable membership and ideological stability (Mainwaring forthcoming). In the absence of publicly available measures of

23Most scholars use GDP growth (% annual change in GDP) (Carreras 2012, Gaisorowski 1995, Svolik 2015) rather than GDP Per Capita growth (% annual change in GDP PC). In Appendix B.2 I ran the models using average growth per capita (mean average growth per capita across three years) and the results do not change much.

24I thank Scott Mainwaring for making the data available.
party membership or ideological positions that go back in time to 1978, electoral volatility is the best measure at our disposal to gauge the stability of patterns of electoral competition in Latin America.25

State capacity is a contested concept. Scholars have not found a precise definition or measure of it (Cingolani 2013; Hanson and Sigman 2013; Hendrix 2010; Savoia and Sen 2015; Soifer 2012). Following the advise of Soifer (2012) and Hansen and Sigman (2013), I use a minimal definition of state capacity: a state’s ability to effectively implement policy goals, and measure it using Hanson and Sigman’s (2013) index. These authors identify three core dimensions of state capacity: extractive capacity (tax revenues), coercive capacity (military expenditures, military personnel, and state’s presence in the territory), and administrative capacity (bureaucratic quality, administrative efficiency, implementation of government decisions, and confidence in civil service). They use Bayesian latent variable analysis with 24 indicators of these core dimensions in order combine them in a single indicator (-4 to 4). Hausman and Sigman’s State Capacity Index is ideal for the purpose of this chapter. It covers all of the important dimensions of state capacity and the time span that I need for the analysis.

The literature, however, has suggested that not all dimensions of state capacity are equally important for the survival of democracy (Andersen et al. 2014). I asses the effect of different dimensions of state capacity on the likelihood of electing presidents with hegemonic aspirations, in Appendix B.4 using variables from the Varieties of Democracy Dataset (2015). The results suggest that, individually, state authority

25The Varieties of Democracy (2015) dataset has a Party System Institutionalization Index that covers all the years in this dataset. This index, however, is composed by variables that measure parties’ presence in terms of permanent organizations and branches, the types of linkages they have, whether they have party platforms that are distinguishable or not, and whether their members vote cohesively in congress or not. Although these variables do measure party strength, they do not measure party system institutionalization as defined above. Other related variables like party competition across regions, and national and subnational party control also measure party nationalization and strength, but they do no capture party system institutionalization, as described above.
over the territory and the population, government effectiveness, and corruption do not have a significant effect on the likelihood of electing a president with hegemonic aspirations. Moreover, state capacity, remains significant when we add these other three variables.

3.3.3 Alternative Explanations

In addition to the main independent variables, I include controls for mineral exports, ethnic fractionalization, and age of democracy. Scholars have argued that mineral wealth hinders democracy (Brownlee, Masoud and Reynolds 2013; Ross 2001). It alleviates social pressures for accountability, strengthens the state coercive apparatus, and depresses democratizing social and cultural changes (Ross 2001). Although irrelevant for military or civilian coups, fuel exports have a significant negative impact on the likelihood of experiencing a presidential takeover (Svolik 2015). Scholars posit that that presidents with hegemonic aspirations in Latin America, like Hugo Chávez, Evo Morales, and Rafael Correa have used mineral resources to fuel their projects via patronage (Hawkins 2010a; Hidalgo 2009; Weyland, Madrid and Hunter 2010). In order to control for the impact of mineral wealth I include the country’s mean fuel exports (as a percentage of merchandise exports) measured by the World Bank.

Scholars have also argued that countries in which democracy has survived for a long time are less likely to turn authoritarian (Svolik 2008). Longstanding democracies are more likely to consolidate and become resistant to common causes of democratic breakdowns like economic recessions or having authoritarian neighbors. These countries are more likely to have democratic institutions that carry regime legacies (Pérez-Liñán and Mainwaring 2013), and are therefore less vulnerable to the crises that might bring presidents with hegemonic aspirations to power. In order to control for the longevity of democracy, I use the natural logarithm of number of years since
the last transition to democracy for each election year.

The literature has also suggested that, under particular circumstances, ethnic diversity could hinder democracy (Alesina et al. 2003; Jensen and Skaaning 2012). Although this effect has been put into question (Fish 2004; Coppedge 2012, 292-293), presidents with hegemonic aspirations like Morales, for instance, have used inclusive ethnic appeals together with classical populist strategies, in order to win elections (Madrid 2008). Countries with large indigenous populations, traditionally ignored by political elites, could be, therefore, more vulnerable to presidents with hegemonic aspirations, than more ethnically homogeneous countries in the region. I control for ethnic diversity using the ethnic fractionalization index compiled by Alesina et al. (2003) and reproduced in Carreras’ (2012) dataset.

Finally, electoral rules could also affect the likelihood of electing a president with hegemonic aspirations. Carreras (2012) argues that runoffs, nonconcurrent elections, compulsory voting, and no reelection provisions increase the likelihood of electing outsiders (27). To the extent that most presidents with hegemonic aspirations in Latin America have some degree of “outsidership,” the institutions that Carreras identified could affect the likelihood of electing hegemonic presidents as well. I ran the analysis controlling for runoff, nonconcurrent elections, and compulsory voting in Appendix B.1 using Carreras (2012) dataset. Adding these variables does not change the main results (28).

26 Coppedge’s survey of the literature (Coppedge 2012, 292-293) suggests that is religion, rather than ethnic diversity, what hinders democracy. In Latin America, however, religion does not vary much. In average, Latin American countries are 80% Catholic. Running the analysis with religion instead of ethnic fractionalization does not change the main results (See Appendix B.6).

27 Carrera’s empirical analysis, however, pertains only to full outsiders (i.e. candidates without public careers in politics or public administration that participate in elections as political independents.)

28 As suggested in Appendix B.7, however, adding compulsory vote together with corruption, state authority (factors scores from V-Dem variables (Coppedge et al. 2015), and percentage of democratic neighbors improves the model’s goodness of fit. The results of this model, however, should be read with caution. The coefficients are inconsistent, and the coefficients for state capacity.
3.3.4 Methods

Due to the characteristics of the dataset (i.e. unbalanced panel with 18 clusters with an average of six observations each,) I use both descriptive and regression analysis to assess the impact of my main independent variables in the likelihood of electing a president with hegemonic aspirations. Both of these approaches complement each other. I use Lowess (weighted local regression) as a first step to individually assess the relationship between economic recessions, party system institutionalization and state capacity, and having a president with hegemonic aspirations. Lowess is a non-parametric strategy to fit smooth curves to empirical data. Unlike other techniques, which make several assumptions about the structure and the nature of the data, the Lowess estimation strategy fits the curve based on the data. It allows it to speak by itself (Jacoby 2000). With a small N and a dichotomous variable, Lowess curves are a great way to provide very clear depictions of how each of the independent variables relates to the dependent variable.

Unfortunately, it is hard to use Lowess for multivariate analysis. In order to assess the joint effect of all the independent variables and control for alternative explanations, I run a series of panels with fixed and random effects models. Because the presidents are clustered in countries, we cannot assume that the observations are independent or that the errors are not correlated with each other. In order to account for the correlation of two observations within a given cluster, I run a Linear Probability Model (LPM) with fixed effects (FE). This model gives each country a different intercept increasing the explained variance. Unfortunately, FE models

and corruption are unusually large. By adding these parameters to the model, we are probably asking too much of the data.

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Logistic regressions with fixed effects drop all those clusters that do not have within-cluster variation. In this case, the logistic regression with FE drops 11 out of the 18 clusters, leaving only 44 observations to run the analysis. For robustness, I run a Logistic regression with robust standard errors, instead.
are only useful to assess variation within clusters. Any variable that is constant, or nearly constant, within countries, either drops out or it is poorly estimated. In order to include oil exports and ethnic fractionalization in the model, I also run a LPM and a logistic regression with random effects (RE). These models allow me to look for variance across countries in important variables, and both the Hausmann and a Mundlak tests suggest that coefficients they produce are consistent.

Together the Lowess curves\(^{30}\) and the LPM with fixed and random effects provide evidence that economic downturns, weakly institutionalized party systems, and low state capacity increase the likelihood of electing presidents with hegemonic aspirations. The evidence, however, should be read with caution. Although the coefficients do not change much across different models, their significance levels change quite a bit. This is probably due to the size of the data and the small variation in the DV\(^{31}\).

3.4 Analysis

Low economic development does not seem to have a meaningful impact on the likelihood of electing a president with hegemonic aspirations in Latin America. Certainly, countries with a high GDP per capita (Current $US) in the election year did not elect hegemonic presidents. We do not observe hegemonic presidents in countries with GDP per capita over $4000. However, as shown in Figure 3.1, notwithstanding all the countries that elected presidents with hegemonic aspirations had a GDP per capita below $4000 in the year of the election—and many of them had a GDP per

\(^{30}\)Appendix B.5 shows Partial Regression Plots for each of the main variables using the random effects LPM. The information they provide do not differ much from the Lowess.

\(^{31}\)Out of 109 cases, only 7 score 1. Each one of them belongs to a different cluster. This means that only 7 out of 18 countries have had presidents with hegemonic aspirations. The other 11 countries do not have any within variation.
capita below the Latin American mean ($2969)\textsuperscript{32}—most democratically elected presidents in the region since 1978 have been elected in countries that, at the time of the election, did not have a GDP per capita higher than $4000 or above the Latin American mean. Still, only in seven of these elections voters chose a president with hegemonic aspirations; in the other one hundred and two they did not.

Something slightly different happens with economic growth. As shown in Figure 3.2 lower mean economic growth at the time of the election seems to increase the likelihood of electing presidents with hegemonic aspirations. 94 (87\%) democratic elections since 1978 have taken place in Latin American countries that had a positive average economic growth; 5 of them (5\%) have given rise to a president with hegemonic aspirations. 15 (14\%) democratic elections since 1978 have taken place in Latin American countries with a negative average economic growth; 2 of them (13\%)

\textsuperscript{32}The exception being Venezuela and Ecuador which, at the time of Hugo Chávez’s and Rafael Correa’s election had a GDP per capita slightly above the mean ($3890 and $3337 respectively).
gave rise to a president with hegemonic aspirations.

The story behind state capacity is not entirely clear. As shown in Figure 3.3, countries that, at the time of the election, have low state capacity are slightly more likely to elect presidents with hegemonic aspirations, but the slope is not steep. This is probably due to the fact that state capacity does not vary much across Latin America. As mentioned before, the original indicator ranges between -4 and 4. In Latin America the country with the lowest levels of state capacity, in an election year, receives a -.82 (Guatemala in 1985), and the country with the highest levels of state capacity, on an election year, receives a 1.97 (Chile in 2005). Most Latin American countries have state capacity levels that range between: -.2 and .4.\textsuperscript{33}

Like economic growth, high electoral volatility seems to increase the likelihood of electing presidents with hegemonic aspirations. It is, perhaps, the variable with the

\textsuperscript{33} More disperse variables like corruption, state authority, and government effectiveness, however, do not show a strong relationship either (See Appendix B.4)
As shown in Figure 3.4, six of the seven presidents with hegemonic aspirations in the dataset were elected in countries with an electoral volatility above the Latin American mean (23%)\(^{34}\) and four of them were elected with an electoral volatility above 40%\(^{35}\). Although electoral volatility in Latin America is high, most democratically elected presidents since 1978 (56%) were elected in countries with a lower chamber electoral volatility that ranged from 10% to 40%.

As mentioned above, albeit useful to describe basic relationships, Lowess graphs are not equally useful to assess multivariate relationships or control for other variables. Table 3.1 below, shows the results of four different models that assess the relationship of the main variables, controlling for the alternative explanations specified above. Model 1 and 2 analyze the relationship using LPM with fixed and random

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\(^{34}\)The exception is Carlos Menem (1989-1999). The lower chamber electoral volatility in Argentina in 1989 was 18%.

\(^{35}\)Hugo Chávez (45%), Alvaro Uribe (48%), Alberto Fujimori (50%) and Evo Morales (66%).
The results do not confirm hypothesis 1. As was suggested by the Lowess graph, GDP per capita does not have a significant impact on the likelihood of electing presidents with hegemonic aspirations. The coefficient is positive and insignificant in all four models. On the contrary, the results do confirm hypothesis 2. Lower levels of economic growth increase the likelihood of electing presidents with hegemonic aspirations. 1 unit decrease in average economic growth, increases the likelihood of electing a president with hegemonic aspirations by 0.02 points (Model 1). This means that one standard deviation increase in average economic growth increases the likelihood of electing a president with hegemonic aspirations by 5%. The coefficient for average economic growth is consistent and approaches traditional thresholds of
significance in all four models (p<0.08, p<0.03, p<0.06, and p<0.003). Similar to what we observed in Figure 3.3, the effect of state capacity on the likelihood of electing presidents with hegemonic aspirations is not as clear as the effect of economic growth or electoral volatility. Although the coefficient is negative across all models, it is inconsistent and loses statistical significance in Models 2 and 3. In Models 1 and 4, however, it reaches traditional thresholds of significance at the p<0.02 and p<0.04 levels, respectively. According to Model 1, one standard deviation increase in state capacity decreases the likelihood of electing a president with hegemonic aspirations by 15%; but according to Model 2, one standard deviation increase in state capacity decreases the likelihood of electing a president with hegemonic aspirations only by 3%.

Finally, the models also confirm hypothesis 4. Higher levels of Lower House electoral volatility increase the probability of electing a president with hegemonic aspirations. All else equal, one point increase in electoral volatility, increases the probability of electing a hegemonic president by 0.04 points (Model 1). In other words, a 10% increase in electoral volatility increases the likelihood of electing presidents with hegemonic aspirations by 4%. The coefficients for electoral volatility are consistent across all models and approach traditional thresholds of significance (p>0.01, p>0.08, p>0.07, and p>0.02).

Together, the Lowess graphs and the models suggest that average economic growth, party system institutionalization, and—with less confidence—state capacity influence the likelihood of electing presidents with hegemonic aspirations. In the next section I do a preliminary assessment of whether, once elected, the variables that allowed hegemonic presidents to attain power, affect the likelihood that they successfully erode

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36 Appendix B.2 has the models with GDP growth on the year of the election. The results are very similar.
TABLE 3.1

LIKELIHOOD OF ELECTING A PRESIDENT WITH HEGEMONIC ASPIRATIONS

<table>
<thead>
<tr>
<th>Variable</th>
<th>Model 1 (FE)</th>
<th>Model 2 (RE)</th>
<th>Model 3 (Logit RE)</th>
<th>Model 4 (Logit VCE)</th>
</tr>
</thead>
<tbody>
<tr>
<td>GDP PC (ln)</td>
<td>0.139</td>
<td>0.052</td>
<td>0.885</td>
<td>0.885</td>
</tr>
<tr>
<td></td>
<td>(0.087)</td>
<td>(0.051)</td>
<td>(1.161)</td>
<td>(0.689)</td>
</tr>
<tr>
<td>Mean Growth</td>
<td>-0.017*</td>
<td>-0.018*</td>
<td>-0.282*</td>
<td>-0.282**</td>
</tr>
<tr>
<td></td>
<td>(0.010)</td>
<td>(0.008)</td>
<td>(0.155)</td>
<td>(0.094)</td>
</tr>
<tr>
<td>State Capacity</td>
<td>-0.298*</td>
<td>-0.077</td>
<td>-3.278</td>
<td>-3.278*</td>
</tr>
<tr>
<td></td>
<td>(0.133)</td>
<td>(0.071)</td>
<td>(2.613)</td>
<td>(1.644)</td>
</tr>
<tr>
<td>Electoral Volatility</td>
<td>0.004*</td>
<td>0.004*</td>
<td>0.061*</td>
<td>0.061*</td>
</tr>
<tr>
<td></td>
<td>(0.002)</td>
<td>(0.002)</td>
<td>(0.036)</td>
<td>(0.035)</td>
</tr>
<tr>
<td>Mean Fuel Exports</td>
<td>0.002</td>
<td>0.018</td>
<td>0.018</td>
<td>0.018</td>
</tr>
<tr>
<td></td>
<td>(0.001)</td>
<td>(0.025)</td>
<td>(0.011)</td>
<td></td>
</tr>
<tr>
<td>Ethnic Fractionalization</td>
<td>-0.003</td>
<td>2.931</td>
<td>2.931</td>
<td>2.931</td>
</tr>
<tr>
<td></td>
<td>(0.173)</td>
<td>(4.421)</td>
<td>(3.042)</td>
<td></td>
</tr>
<tr>
<td>Democracy Age (ln)</td>
<td>0.038</td>
<td>0.019</td>
<td>1.763</td>
<td>1.763</td>
</tr>
<tr>
<td></td>
<td>(0.044)</td>
<td>(0.028)</td>
<td>(1.094)</td>
<td>(1.255)</td>
</tr>
<tr>
<td>_cons</td>
<td>-1.073*</td>
<td>-0.425</td>
<td>-17.312*</td>
<td>-17.311*</td>
</tr>
<tr>
<td></td>
<td>(0.622)</td>
<td>(0.396)</td>
<td>(10.044)</td>
<td>(8.105)</td>
</tr>
<tr>
<td>r2</td>
<td>0.153</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>bic</td>
<td>8.481</td>
<td>.</td>
<td>73.390</td>
<td>68.775</td>
</tr>
<tr>
<td>N</td>
<td>101.000</td>
<td>101.000</td>
<td>101.000</td>
<td>101.000</td>
</tr>
</tbody>
</table>

Standard errors in parentheses

+ p < 0.1, * p < 0.05, ** p < 0.01, *** p < 0.001
democracy as well.  

3.4.1 Presidents with Hegemonic Aspirations and the Erosion of Democracy

Structural, institutional and state centered arguments have focused on the factors that increase the likelihood that an authoritarian leader attains power. They assume that, once in power, there is little that can be done to prevent a democratic reversal and, therefore, they fail to examine what happens afterwards. Accordingly they are very good at explaining why some countries have presidents with hegemonic aspirations, but are less good explaining why some of them successfully erode democracy while others fail.

Economic downturns weaken sitting presidents. Once a president with hegemonic aspirations is in power, the economic crisis that brought him/her to office should not increase or decrease his/her ability to consolidate power. Accordingly, once a hegemonic president is elected, we should not expect economic crises on election year to affect the likelihood that a hegemonic president successfully erodes democracy.

Hypothesis 5b: Economic crises on election year do not increase or decrease the likelihood that a president with hegemonic aspirations successfully erodes democracy.

Given that I am assessing rare events with a low number of observations, it is hard to evaluate goodness of fit. For Model 4 (logistic regression with cluster SE) the Modal Category is 93%, the Percent of Correctly Predicted is 95% and the Percentage Reduction Error is 29%. As it is, the model correctly predicts most negative cases, but only two of the positive cases (Chávez and Fujimori). In Appendix B.7 I ran a model that included an index for corruption and state authority built with variables from the Varieties of Democracy Dataset (Coppedge et al. 2015) (See B.4 for details), a variable that assesses compulsory vote, and a variable that measures the percentage of neighboring countries that were democratic on the election year. Adding these parameters (with such a small N) decreases the reliability of the model, but improves goodness of fit. The Percentage Modal Category is 93%, the Percent of Correctly Predicted is 97%, and the Percentage of Reduction in Error is 57%. This correctly predicts, five of the seven positive cases (Fujimori, Chávez, Uribe, Morales and Correa), and all but one of the negative cases.

Appendix B.8 shows a distribution graph for GDP Per Capita vis-a-vis democratic erosion. It does not seem to have any effect.
State capacity cannot fully explain why some presidents with hegemonic aspirations successfully erode democracy while others fail, either. Like what happens with economic downturns, weak states hinder an incumbent’s ability to concentrate power. Once a hegemonic president wins office, the low levels of state capacity that helped him/her become president should not enhance or depress his ability to increase the powers of the executive and stay in office beyond a second term. Accordingly, among countries that elect presidents with hegemonic aspirations, I do not expect the levels of state capacity on the election year to explain the variation between those who successfully erode democracy and those who fail:

*Hypothesis 5c: Lower levels of state capacity on election year do not increase or decrease the likelihood that a president with hegemonic aspirations successfully erodes democracy.*

Finally, weak party system institutionalization could very well explain the rise of presidents with hegemonic aspirations, but it cannot entirely account for the erosion of democracy. Countries like Perú show that democracy can flourish even in the presence of weakly institutionalized party systems ([Tanaka and Meléndez 2014](#)). Moreover, as I will show later, irrespective of failure or success most leaders with hegemonic aspirations in Latin America came to power in the midst of very weak party systems. Party system institutionalization, therefore, cannot fully explain why, once in power, some of these presidents successfully increased the powers of the executive and extended their time in office beyond a second term while others failed.

*Hypothesis 5d: Higher levels of party system institutionalization on election year do not increase nor decrease the likelihood that a president with hegemonic aspirations successfully erodes democracy.*
3.5 The Erosion of Democracy

As mentioned earlier, I identified seven presidents with hegemonic aspirations in Latin America between 1978 and 2013: Carlos Menem, Alberto Fujimori, Hugo Chávez, Alvaro Uribe, Evo Morales, Rafael Correa, and Daniel Ortega. Five of these presidents successfully eroded democracy (Fujimori, Chávez, Morales, Correa, Ortega) and two of them (Menem and Uribe) failed. Given the size of this sample, it makes little sense to assess the effect of economic recession, state capacity, and party system institutionalization on the erosion of democracy using large-n quantitative techniques. Instead, I use descriptive graphs to do a preliminary evaluation of the impact of these variables on democratic erosion, and complete this assessment in chapters 4 and 5 using comparative historical analysis.

As shown in Figure 3.5, lower levels of average economic growth do not have a positive effect on the erosion of democracy. Overall, most cases of erosion have an average economic growth above the hegemonic presidents’ mean. Three of them (Morales, Ortega, and Correa) have an average economic growth on election year that is higher than the Latin American mean. Only Fujimori and Menem came to power with an average economic growth below the hegemonic presidents’ mean. The first one successfully eroded democracy, but the second one failed.

Something similar happens with state capacity. As Figure 3.6 shows, the countries that elected presidents with hegemonic aspirations, do not differ much in their levels of election year state capacity. The lowest level of state capacity is -0.23 (Menem), while the highest level of state capacity is 0.24 (Uribe). A difference of 0.47 in a

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39 The mean average growth, electoral capacity or electoral volatility calculated using only presidents with hegemonic aspirations.

40 Hanson and Sigman (2013) use coercive power to assess state capacity. Countries like Colombia in 2002, when Uribe came to power, and Perú in 1990 when Fujimori came to power, had very low authority over the territory and the population. The factor score out of these two variables in V-Dem puts them at the bottom of the 7 countries in which presidents with hegemonic aspirations attained power with a -2.3 (Colombia) and a -1.42 (Perú) in a scale that goes, approximately, from
scale that, in Latin America, ranges from -1 to 2 and, in the world, ranges from -4 to 4. Moreover, out of the four presidents that were elected with lower than average state capacity levels, it was Menem in Argentina, with the lowest state capacity levels, the one that failed to erode democracy.

The story is the same for electoral volatility. As shown in figure 3.7, three out of the seven countries that elected presidents with hegemonic aspirations had lower than average electoral volatility (among presidents with hegemonic aspirations.) Of them, Ortega and Correa successfully eroded democracy; only Menem failed. Except the Argentinian president, all of the executives had an electoral volatility higher than the Latin American average.

However, because both of these countries had a civil war, they both had large armies and, therefore, they scored high in coercive capacity. They have higher scores in state capacity than we would otherwise expect due to their military build up. With Colombia and Perú out of the analysis, however, state capacity still does not affect whether hegemonic presidents successfully erode democracy or fail.
Overall, economic crises, low levels of state capacity, and lower levels of party system institutionalization the year the hegemonic president came to power, cannot fully explain why some of these leaders successfully eroded democracy while others failed. Economic crises could explain why Fujimori successfully eroded democracy, but cannot explain why Menem did not. It can explain why Uribe failed to erode democracy, but cannot explain why Ortega or Correa did not. State capacity, could explain why presidents like Fujimori, Chávez or Ortega successfully eroded democracy, but cannot explain why Menem did not. Similarly, it could explain why Uribe failed to erode democracy, but cannot explain why Morales, and in particular Correa, with almost identical levels of state capacity, did not. Finally, a lower level of party system institutionalization could explain why Menem failed to erode democracy, however, it cannot explain why Ortega or Correa successfully did so. It can explain why Morales, Fujimori and Chávez successfully eroded democracy, but cannot explain why Uribe failed to do so.
With seven cases, the evidence presented above is, however, preliminary. The erosion of democracy is a process. As such, it is hard to assess how presidents successfully erode democracy or fail, without analyzing the mechanisms behind it. Moreover, economic development, party system institutionalization, and state capacity do not stay frozen in time. They could, and often change after a president with hegemonic aspirations attains power. As part of the process of democratic erosion, these variables certainly contribute to explain why some of these leaders successfully erode democracy while others fail.

In the chapters that follow I use comparative historical analysis to trace the dynamics of erosion in Venezuela and Colombia. I show that Alvaro Uribe and Hugo Chávez were similar in many ways. Even though they were both popular, populist and polarizing, they both came in the midst of crises, and they both had similar popular support, the Venezuelan president eroded democracy; the Colombian president did not. I argue that the strategies the opposition used and the goals they used them
for, are important to better understand this puzzle. I show the mechanisms by which extra-institutional strategies with radical goals helped Chávez erode democracy in Venezuela, as well as the mechanisms by which institutional and extra-institutional strategies with moderate goals, hindered Uribe’s ability to do the same in Colombia.

3.6 Conclusion

Often, scholars have argued that democratic reversals are the outcome of structural (Przeworski et al. 2000; Svolik 2008, 2015), institutional (Carreras 2012; Mainwaring and Scully 1995; Pérez-Liñán and Mainwaring 2013), and state centered arguments (Diamond 2015; Levitsky and Way 2010; Mainwaring 2012). Thinking about classic democratic breakdowns, these theories assume that once an authoritarian leader attains power, there is little that can be done to prevent a democratic reversal, and therefore, they fail to look at what happens afterwards.

As shown above, economic crises, low state capacity, and weakly institutionalized party systems are very helpful to explain the rise of presidents with hegemonic aspirations, but are less helpful explaining why, once in power, some of them successfully erode democracy while others fail. Countries that experience economic downturns, with weak states and inchoate party systems are more likely to elect popular presidents who try to enhance their powers and extend their time in office beyond a second term. Once these leaders are in office, however, the factors that brought them to power do not seem to have a very consistent effect in the likelihood that they erode democracy.

In other words, there does not seem to be a condition that, at the outset, can fully explain why some presidents with hegemonic aspirations successfully erode democracy while others fail. Unlike classic democratic breakdowns, democratic erosions happen sequentially. The factors that bring these presidents to power are not the same that, over time, help them increase their powers and extend their time in office
beyond a second term. Economic downturns, governance problems and inchoate party systems debilitate democratically elected incumbents. Once a hegemonic leader becomes president, these issues—that helped him/her attain office—should not increase his/her ability to concentrate power.

In order to better understand why some presidents with hegemonic aspirations successfully erode democracy while others do not, we need to study what happens after a hegemonic leader has attained office. We need to look at the mechanisms behind the process of democratic erosion, and in particular, the role of the opposition in it. As mentioned earlier, during a process of democratic erosion, the opposition has ample opportunities to respond. As I will show in the following chapters, although economic performance, access to mineral resources, and mass support certainly influence a president’s ability to undermine democracy, the strategies the opposition uses and the goals it uses them for are equally critical to understand why some presidents with hegemonic aspirations successfully erode democracy while others fail.
CHAPTER 4

“CHÁVEZ VETE YA”
THE EROSION OF DEMOCRACY IN VENEZUELA

4.1 Introduction

Up until the 1990s, Venezuela was one of the longest, uninterrupted most stable liberal democracies in Latin America (Mainwaring and Scully 1995). Today, it is the quintessential example of a competitive authoritarian regime (Corrales 2015). During the fifteen years the Chavistas have been in power, they have destroyed the system of checks and balances, hindered free and fair elections, political rights and civil liberties. Even though Venezuela still holds regular elections, and citizens are mostly free to vote in them, these have become increasingly unfair. Today, the government not only harasses opposition members and limits the opposition’s access to resources and media outlets, but has imprisoned important opposition leaders, legalized the use of lethal force against protesters, and is currently governing via executive decree. How is that Venezuela, one of the strongest democracies in the region in the past, is turning every day more authoritarian?

Scholars have tried to answer that question looking at structural (Hawkins 2010a; Hidalgo 2009; Weyland, Madrid and Hunter 2010), institutional (Morgan 2011; Pérez-Liñán and Mainwaring 2013; Seawright 2012), and governance deficiencies (Mainwaring 2012), or a combination of those (Bejarano 2010a; Coppedge 2005; Corrales and Penfold-Becerra 2011). While these factors are certainly important to understand Chávez’s rise to power, they cannot fully explain why was he able to successfully
erode democracy. They either assume that democratic erosion was inevitable once Hugo Chávez became president, or that it is the outcome of the executive’s resources, strategic choices, and/or institutional strength. Evidence gathered in Venezuela, however, suggests that it is not.

Following the theory outlined in Chapter 2, I show, that the erosion of democracy is a process, rather than a one-shot event. Democracy in Venezuela did not break in one day. It took Hugo Chávez six years to erode horizontal accountability, and another three to erode electoral accountability. I also show that –unlike what happens in classic breakdowns—during the process of erosion, the opposition has institutional resources left. Between 1999 and 2005 the Venezuelan opposition had a meaningful presence in congress, courts, oversight agencies, PDVSA, and the military; it controlled important media outlets; and had the ability to mobilize millions of Venezuelans to the streets. Many of these resources were useful to obstruct Chávez’s project. Had the opposition used institutional strategies or extra-institutional strategies with moderate goals against the government, it would have likely stopped, or at least delayed Venezuela’s regression into a competitive authoritarian regime. Because the opposition chose to use extra-institutional strategies to oust the president instead, it lost internal and external legitimacy, which gave Chávez “legitimate reasons” to repress, and cost the opposition the very institutions it wanted to protect. A coup d’état in 2002, an indefinite strike in 2002-2003, and an electoral boycott in 2005 diminished the opposition’s ability to present itself as protector of democracy, legitimized Chávez’s government and his polarizing discourse, and allowed him to remove opposition members from congress, courts, oversight agencies, the military, and PDVSA. The absence of opposition or independent individuals in these institutions hindered the opposition’s ability to stop more aggressive anti-democratic reforms after 2005, allowing the government to effectively erode democracy.

In what follows, I use interviews to politicians, judges, journalists, academics,
and analysts, as well as archival research in newspapers (El Nacional) and Congress, to trace the process of democratic erosion in Venezuela. I start with Chávez’s first “power-grabs”\(^1\) the 1999 Constitution and the 2000 Enabling Law. I show that, although comprehensive, these power grabs did not fully erode democracy, and in 2001 the opposition still had plenty institutional and non-institutional resources left. I then move to the three extra-institutional strategies with radical goals that these power-grabs engendered –the coup, the indefinite strike, and the electoral boycott—and their consequences. At the time, the opposition had enough resources to implement institutional strategies or extra-institutional strategies with moderate goals, but because it chose the “insurrectional” route instead, it lost these resources, as well as the institutions it wanted to protect. In the final section I discuss the 2004 recall referendum and the legislative performance of opposition parties between 2005 and 2010. I show that, similar to what happened in Colombia, these institutional strategies strengthened the opposition, kept its legitimacy, and slowed down Chávez’s reforms. This evidence suggests that if the opposition had avoided extra-institutional strategies in hopes to end Chávez’s government before 2006 and used institutional strategies or extra-institutional strategies with moderate goals exclusively instead, it would have likely kept seats in congress, courts, and oversight organisms, which would have limited the president’s ability to turn Venezuela into a competitive authoritarian regime.

4.2 The “Slow Death of Democracy” in Venezuela

Hugo Chávez attained office in the middle of an economic and institutional crisis. The fall of petroleum oil prices in the 1970s, the Latin American debt crisis, and the inability of political parties and politicians to credibly deal with the situation trig-

\(^1\)I am using Javier Corrales’ term. He defines power grabs as ”...an expansion of control over crucial political institutions at the expense of the opposition.” (Corrales 2011, 70).
gered a legitimacy crisis that weakened Venezuela’s democratic institutions (Canache 2004; Coppedge 2005; Hawkins 2010a; Morgan 2011; Seawright 2012) and paved the way for the populist outsider to become president in 1999.

It took Chávez nine years to completely erode democracy: to turn Venezuela into a competitive authoritarian regime. Between 1999 and 2006 he hindered horizontal accountability. He used institutional reforms to gain full control over the National Assembly (*Asamblea Nacional - AN*) (2005-2015), the Supreme Court (*Tri
den Supremo de Justicia – TSJ*) (2004), oversight agencies (2005), the Armed Forces (2002), and the state owned petroleum company *PDVSA* (2003). Once the checks on the presidency were gone, the government began to undermine electoral accountability as well.\(^2\) Starting in 2007, the government denied broadcast licenses to opposition media outlets (2007), banned some opposition candidates from running for office (2008), used legislation to circumvent resources and responsibilities away from opposition elected officials (2008), illegally put forward a second referendum that allowed Chávez to run for a third term (2009), used gerrymandering to get an artificial majority of seats in the National Assembly elections (2010), used the army and oversight agencies to harass opposition candidates, and severely limited the opposition’s access to campaign resources (2007-2015).

Whereas in 2006, elections in Venezuela were still somewhat fair (European Union *Election Observation Mission 2006*), by 2006\(^3\) that was no longer the case. The 2008, 2010, 2012, and 2013 electoral playing fields were highly skewed, and it was really hard to defeat the Chavista government in these contests. Since 2008, Venezuela

\(^2\)This does not mean that Chávez did not try to hinder electoral accountability before 2006. The 2004 and 2006 elections had several irregularities (European Union *Election Observation Mission 2006*). These violations, however, were not extensive enough to severely skew the electoral playing field.

\(^3\)According to Freedom House, Venezuela ceases to be an “Electoral Democracy” up in 2009. However, in the 2008 regional elections the government incapacitated opposition candidates to participate, which would suggest that, by the end of 2008, there was little electoral accountability and the country had turned into a competitive authoritarian regime.
has had very little horizontal or electoral accountability. It has been an “eroded democracy”; a competitive authoritarian regime.

4.2.1 The 1999 Constitutional Assembly

Immediately after being sworn into office Hugo Chávez called for a Constitutional Assembly (Asamblea Nacional Constituyente–ANC). At the time, the Venezuelan constitution could only be reformed by Congress. During the 1990s, however, the legislative had been unable to pass a comprehensive constitutional reform (Brewer Carías 2008). Tired of the legislative gridlock, Venezuelans began calling for a new constitution. During the campaign, Chávez’s promised to give them just that.

Chávez’s victory in the 1998 presidential elections made it clear that a constitutional assembly was imminent. Trying to get ahead, many political leaders asked the newly elected Congress –where opposition parties like Acción Democrática (AD), Copei and other smaller organizations had won a plurality of the seats– to reform the constitution in order to allow and, more importantly, regulate the ability to use a referendum to call for a constitutional assembly. The legislature, however, was unable to reach an agreement to do so (Brewer Carías 2008 150-151).

Accordingly, in February 1999, Chávez issued a presidential decree in which he called for a referendum asking citizens not only to decide whether they wanted to call for a constitutional assembly or not, but also if they allowed the president to decide the mechanism to elect the representatives to it (Decreto No. 3, Gaceta Oficial No.36.634 of 02-02-99). Even though the 1961 Constitution permitted only non-binding referendums, the Supreme Court approved Chávez’s decree word by word, and gave the referendum a green light.4

4Venezuela’s Supreme Court’s decision was very similar to the one taken by the Colombia’s Supreme Court’s ten years earlier. Referendums were not contemplated by Colombia’s legislation. The “Seventh Ballot” (Séptima Papeleta), which allowed the National Constituency Assembly, was the outcome of a presidential decree further sustained by the Supreme Court
Venezuelans voted the referendum in April of that same year. Because the ruling allowed the government to design the mechanism to select the delegates for the CNA, Chávez was able to manipulate the electoral rules in such a way that he effectively hindered the opposition’s ability to win seats. As a consequence, the opposition only obtained 5% of the ANC seats (6 out of 131 delegates.) Fully controlled by the Chavista coalition, it took the ANC less than six months to come up with a new constitution. Venezuelans approved the draft in December of that same year.

The ANC and 1999 Constitution were power grabs in three ways. First, a few days after their first meeting, the ANC declared itself an “original constituent power” (*poder constitucional originario*). It closed Congress and began legislating instead, intervened the judiciary, and suspended the regional elections that were supposed to take place in the fall semester of 1999. Second, the new constitution enhanced some of the powers of the president and increased his time in office. It reduced the size of congress and made it unicameral; lengthened the presidential term one year and allowed for one immediate reelection; and gave the president full autonomy over military promotions. Third, the ANC named a mostly Chavista “legislative commission” that dismissed judges and oversight agents, named replacements, and legislated for six months with little restraint (Brewer-Carías 2000).

Despite this overhaul of the system, the 1999 constitution did not give full control over the state institutions to the president. First, notwithstanding its small

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5104 representatives were elected in 24 regional districts (according to population percentage), 24 representatives were elected in a national district, and 3 representatives were elected in a special indigenous district. For the regional district, voters could vote for as many candidates as seats available. In the national district, people could vote for up to 10 candidates. Candidates could nominate themselves, could be nominated by a party, or could be nominated by a civil society group. The multiple ballot structure has strong majoritarian tendencies. If a party wins a simple majority in each district, it can win all of the seats. Chávez went to each region to support his candidates, and supported two different sets of candidates in the East (10) and in the West (10). At the end he got 103 of the 104 regional district seats, and 20 of the 24 national district seats.

6Such a practice was not unheard off. In 1990 the Colombian ANC did the same.

7It eliminated the Senate, where the opposition had a strong representation (Corrales 2011).
presence, the opposition had some minimal leverage in the new constitutional design. According to Ricardo Combellas\(^8\) and Antonio Digiampaolo\(^9\), former members of the ANC, except for a couple of areas—namely the appointment of military officers and the presidential term—Chávez had not thought through the new institutional framework.\(^{10}\) Consequently, the 1999 Constitution kept a good part of the 1961 Constitution intact (Brewer Carías 2008), allowed national recall referendums, and at least in paper, strengthened bodies such as the judicial branch (Sanchez Urribarri 2011).

Furthermore, neither the new Constitution, nor the laws the “legislative commission” approved, tampered with important entities such as PDVSA, increased the state’s hold over media outlets, hindered civil liberties, or completely coopted oversight agencies (Petkoff 2011). In the “megaelections” (megaelecciones) of 2000—to reelect president, congress, and regional authorities—the CNE even sanctioned Chávez for using public resources to campaign.\(^{11}\)

4.2.2 From the “Megaelecciones” to the Enabling Law (2000-2002)

The Constitution of 1999 was, therefore, an important power grab, but it wasn’t a definitive one. Although the megaelections in 2000 were favorable to the president—who managed to count his first presidential term starting that year, not 1999—the

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\(^8\)Author’s interview, Caracas, March 28, 2014

\(^9\)Author’s interview, Caracas, June 19, 2014

\(^{10}\)The mind behind the project was Luis Miquilena, a leftist politician and one of Chávez’s main advisers, who split from Chavismo two years afterwards

\(^{11}\)Interview with Eugenio Martínez, political journalist in El Universal, Caracas, March 21, 2014
opposition won a little over a third of the congressional seats. According to Angel Mesa, long time member of Acción Democrática (AD), current depute for Primero Justicia (PJ), and a former head of the Judicial Counsel Office in Congress, having a presence in the National Assembly (AN) then, even if useless to pass legislation or stop most reforms, was essential to slow down what would have been a faster process otherwise.

First, “[in] the first Assembly there were spaces to use delaying tactics and to debate.” Second, the new AN elected courts (TSJ) and oversight agencies (State Attorney, Comptroller and Ombudsman). Even though these bodies were mostly favorable to the government, due to the sizable presence of the opposition in congress, the appointees to these offices had to be mostly “negotiated” names (Petkoff 2011: 33).

The second power grab happened three months after the megaelections, when the National Assembly approved a one year Enabling Law (Ley Habilitante). This law gave Chávez permission to rule by decree for one year in areas related to financial and socioeconomic matters, infrastructure, transportation and services, citizen and legal security, science and technology, and state organization and operation (Gaceta Oficial No. 37.077, November 14, 2000). The president, however, did not used his powers of decree right away. In the utmost secrecy, he waited until a year later to disclose the presidential decrees. In the mean time, he polarized the situation (Corrales 2011). He hardened his discourse (Martínez Meucci 2012: 42-43) and attacked the Venezuelan Workers Unions (Confederación Venezolana de Trabajadores – CTV), dismissing the

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1256 out of 165 seats. AD won 32 seats, Copei 5 seats, La Causa R (LCR) 5 seats, Lo Alcanzado por Yaracuy (LAPY) 3 seats, Un Nuevo Tiempo (UNT) 3 seats, Alianza Bravo Pueblo (ABP) 1 seat, and Convergencia 1 seat (Subero 2000).

13As well as eight governorships and several important mayorships.

14Author’s interview, Caracas, March 4, 2014

15Author’s interview, Caracas, March 27, 2014. This and all translations from Spanish are the author’s.
existing authorities, and trying to elect pro-government directives by popular vote.\textsuperscript{16}

The government announced the presidential decrees on November 2001 (one day before the end of the Enabling Law.) These made important changes to government, land usage\textsuperscript{17} and the oil industry\textsuperscript{18} Although the laws did not make major changes in property rights\textsuperscript{19} or seriously increase the State’s control over institutions, they generated strong opposition among business leaders, land owners, PDVSA managers, and upper and middle class sectors overall (Medina and López Maya 2003, 41). The types of reforms these bills enacted, but most importantly, the brusque way and the polarized atmosphere in which they came about, created a sense of uncertainty among the opposition. People were afraid of what Chávez would do afterwards.

Although not as large as the ANC or the 1999 Constitution, the 49 decrees of the Enabling Law were a power grab. They threatened property rights and changed important regulations of the oil industry which, until then, had been thought to be apolitical. Moreover, these reforms were done in a manner that was clearly confrontational. The reaction they sparked had to do more with the ways the decrees came about, than with the changes they made.\textsuperscript{20} Although some opposition members

\textsuperscript{16} Although they had representatives from Copei, *Unidad Democrática Renovadora* (UDR) and *Marcha al Socialismo* (MAS) in their leadership, traditionally, the CTV had been mostly affiliated to AD (Coppedge 1994). Chávez tried to coopt the union in December of 2000 with a referendum that called for the renovation of all union directives. When his candidates lost the referendum and opposition leaders, like Carlos Ortega, remained in control of the CTV, he refused to recognize the new authorities.

\textsuperscript{17} The law stated that lands would be rated according to their usage, and poorly or non-used lands would be expropriated (Medina and López Maya 2003, 20-25).

\textsuperscript{18} Gave the State a leading role in market research, price setting, and administration of oil resources, and put the State in charge of the exploration, extraction, transportation, and storage of petroleum (Medina and López Maya 2003, 25-33).

\textsuperscript{19} Between 1960 and 1999 the government had redistributed 2 million hectares of privately owned land, an average of 4000 a year; between 1999 and 2003, the government distributed 2609 hectares of privately owned land, an average of 6 a year (Alegrett 2003).

\textsuperscript{20} Author’s interview with Miguel ángel Martínez Meucci, Professor at the Universidad Simón Bolívar, Caracas, April 25, 2014
claim that Chávez used the Enabling Law to increase his hold over the state, the decrees did not change horizontal institutions such as courts, congress or oversight agencies. Moreover, their implementation faced a lot of obstruction inside PDVSA, and they failed to transform land ownership to the extent Chávez would have liked.

4.3 Extra-Institutional Strategies with Radical Goals

Despite the new constitution and the Enabling Law, four years into Chávez’s government, the opposition still had institutional resources left. It had effective control over PDVSA, where the board of directors and most of the managers opposed Chávez; sympathizers inside the military; a meaningful presence in congress; and some support in courts and oversight agencies. The opposition leverage in these institutions had even increased since 2000. Due to Chávez’s reluctance to negotiate the 2001 presidential decrees, as well as his increasingly more polarizing discourse, the Chavista coalition suffered several splinters that strengthened the opposition both in Congress and in the TSJ (Martínez Meucci 2012, 64-65). These splinters increased the opposition coalition in the AN from 56 seats to 79 out of 165, and split the TSJ in half (Sanchez Urribarri 2011).

The opposition, however, did not take full advantage of these resources. Unlike what happened in Colombia, where individual politicians survived the decline of the traditional parties in Venezuela, the party system collapse (Coppedde 2005; Mor-

\[ \text{Author’s interview with constitutional law professor, Caracas, April 25, 2014} \]
\[ \text{Interview with Ernesto Alvarenga, former member of the AN for the MNR, Caracas, July 18, 2014} \]
\[ \text{VenEconomía, May 2002.} \]
\[ \text{Despite the de-institutionalization of the party system and the near collapse of the traditional parties in 2002, in Colombia traditional political leaders, like César Gaviria kept their reputation intact. During Uribe’s administrations, they joined forces with with, now more visible, leftist politicians like Luis Eduardo Garzón, Carlos Gaviria, Antonio Navarro Wolf, Jorge Enrique Robledo, and Gustavo Petro} \]
(gan 2011; Seawright 2012) meant that people no longer trusted parties, politicians or politics.\footnote{Discredited, party leaders and politicians were silenced, and the opposition was led by unions, business associations, media owners, and other civil society organisms instead.}

Thinking they could finish Chávez’s presidency before the end of his constitutional term, these leaders chose radical extra-institutional strategies—a coup (2002), a strike (2003) and an electoral boycott (2005)—to fight the government. Even though most members of opposition parties like PJ, AD, Copei, and some factions of Movimiento al Socialismo (MAS) and Proyecto Venezuela (PV) with representation in Congress thought this course of action would hurt more than it would help, they did not have the power or the legitimacy they needed to force the opposition out the “insurrectional” course. As suggested by Eduardo Fernández, longstanding member and former leader of Copei:

“[Politicians] were conspicuous by their absence . . . First, was the demonization of politics . . . We got to a point in which it was hard for somebody who was devoted to politics, like myself, to find spaces in the media to call for a broad policy in order to build new majorities . . . And then was the radicalism. The same media outlets that had helped president Chávez attain power, once they realized that the president was “left handed” [leftist], offered their spaces for a more radical policy that, as I said, consolidated the regime . . . There were no spaces, for those who proposed more reasonable policies to express themselves.”\footnote{Author’s interview, Caracas, July 27, 2014}

As these moderate politicians predicted, the extra-institutional strategies in order to oust Chávez backfired. They hurt the opposition’s legitimacy domestically and abroad, provided Chávez with “legitimate” reasons to prosecute, jail, and remove opposition leaders from elected and non-elected offices, and allowed him to push for

\footnote{Author interviews with Political Science Professor at CENDES, Caracas, March 06, 2014, Eduardo Fernández, former leader of Copei, Caracas, July 27, 2004, and Ramón Guillermo Aveledo, former secretary of the Mesa de Unidad Democrática, Caracas, August 4, 2014}
more aggressive reforms that, out of office, the opposition was unable to stop.

4.3.1 The Coup

As mentioned above, the 49 presidential decrees of November 2001 enraged middle and upper class sectors, who, under the leadership of Fedecámaras (the national business association), the CTV and, private media outlets (El Nacional, El Universal, Venevisión, Globovisión and RCTV), organized frequent mobilizations that lasted up until 2002. Initially, the protesters asked the government to revise and reverse some of the 49 decrees (Medina and López Maya 2003, 40-44). When Chávez refused to back down, however, they started to call for the president’s resignation instead.

In response to the popular mobilization, Chávez hardened his discourse. Like in the chicken game, government and opposition escalated their behavior waiting to see who drove off the road first (Magdaleno 2014). On February 2002, high ranking members of the Armed Forces asked for Chávez’s resignation. The president answered by replacing PDVSA’s directive board latter that month. Against the new board, the opposition called for a general strike.

At this point, it was becoming clear that Chávez’s resignation was the opposition’s end game. In an interview with El Nacional, in March, Humberto Calderón Berti, politician from Copei declared:

“A new PDVSA board will fix nothing, if Chávez remains president of Venezuela”...” (Hernández 2002a)

And a month later Pedro Carmona, president of Fedecámaras also said:

27 Among them: Admiral Carlos Molina, Aviation Colonel Pedro Vicente Soto, and the Captain of the National Guard: Captain Pedro Flores Rivero (Fernández 2002).

28 Chávez’s appointment of the new board hit a sensitive cord in Venezuela’s society. PDVSA was proudly conceived to be apolitical and “meritocratic”, and Chávez’s advances were seen as a attempts to politicize it. A large number of managers and workers opposed the new board.
“If there is no change, we will have to proceed through other ways, and consider other mechanisms that could even pose the possibility of a transition or an alternative to this government.” (Hernández 2002b)

The PDVSA stalemate worsened when the new board fired three managers who supported the calls for a strike. As the president’s popularity plummeted, the CTV and Fedecámaras, with the support of media outlets, scheduled the strike for April 9, followed by a massive street demonstration two days afterwards. The demonstration, initially scheduled to finish at the PDVSA headquarters, continued to Miraflores, calling not only for the reversal of these layoffs and the presidential decrees, but mostly, for the end of Chávez’s presidency ( “¡Chávez vete ya!”) (Corrales and Penfold-Becerra 2011; Martínez Meucci 2012; Medina and López Maya 2003). As protesters were moving towards the presidential palace, where Chávez’s supporters were waiting for them, anonymous shooters began to fire on the crowd. The protesters, however, kept moving and Chávez, called the army to the streets. The military commanders refused to obey the president’s order, and asked for his resignation instead.

With Chávez out of power, on April 12, the next step was to find a transitional government. Ignoring the calls of politicians in both sides of the spectrum, the coup leaders refused to follow the constitutional line of succession. Instead, Pedro Car-

29Whereas in July 2001, 61% of the population supported Chávez, in February 2003 that number had dropped to 35% (Datanálisis 2013).

30There is some disagreement as whether this was planned or not. Some scholars and political leaders—including opposition leaders—suggest this was planned (Medina and López Maya 2003). Other sectors, including some of the leaders of the demonstration, suggest this emerged naturally from the crowd and there was nothing they could do about it (Author’s interview business leader, Bogota, April 12, 2014)

31After the coup both sides blamed each other for the shooting. There were victims from both sides, and the government shut down the investigation. There is not enough evidence to lean towards either version of the events (Medina and López Maya 2003; Nelson 2009).

32Author’s interview with Ernesto Alvarenga (Caracas July 8, 2014) and Teodoro Petkoff (Caracas, July 28, 2014)
Mona swore himself president, named a new cabinet, abolished the 1999 Constitution, closed congress and courts, dismissed regional authorities, and started a persecution against Chavista officers. Upset with this turn of events, the military withdrew their support to the de-facto government. Some sectors of the Armed Forces who had not participated in the coup released Chávez from prison and brought him back on April 13.

Up until today it is hard to tell whether the coup was planned or not. Some analysts believe it was, others believe it was the unfortunate outcome of a protest against which government allies fired. Some people in Venezuela even claim that it was not a coup, but a “power vacuum” instead. Regardless of what we call it, it is clear from the events of April 2002 that the opposition wanted to oust the president before the end of his constitutional term, and was willing use extra-institutional strategies to do so.

4.3.1.1 The Aftermath

The coup had disastrous consequences for the opposition. Domestically, it legitimated Chávez and briefly increased his level of support. According to surveys conducted by Datanálisis, whereas in February 2002, 35% of the Venezuelans approved the president’s performance, and 58% disapproved it, by June of that same year those numbers had changed to 45% approval and 55% disapproval.

Internationally, this event diminished the opposition’s legitimacy. Immediately after the coup, the OEA invoked the Inter-American Democratic Charter and condemned the “alteration of the constitutional regime”. Even the US, which opposed Chávez’s government and would have liked to see his opponents in government, backpedaled its support to the interim government and

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33 Author’s interview with former politician affiliated to Copei, Caracas, August 10, 2014

34 Author’s interview with a Professor of Constitutional Law, April 25, 2014
agreed that the opposition’s actions were undemocratic as well (McCoy and Diez 2011 10).

Moreover, the coup allowed the government to remove opposition members from key institutions. First, it provided information to purge the the military, and get rid of disloyal elements inside the institution. According to Eugenio Martínez, a political journalist at El Universal:

“...The coup gave Chávez, the legitimacy, the reasons, and the information. Because, if it hadn’t been for the coup, many people who opposed Chávez would have stayed in the government.”

Using the coup as an excuse, the government dismissed and pressed charges against the high ranking officers. Generals Efraín Vásquez and Pedro Pereira, and admirals Héctor Ramírez and Daniel Comisso were charged with rebellion. Even though the Supreme Court acquitted them, they were forced out of the army, and many of them had to flee the country little after that. Less visible members of the army were pushed out as well. Between April and September of 2002 a total of 200 officers were fired, forced to retire, or demoted (Mayorca 2002).

The coup also gave Chávez “legitimate” reasons to harass and persecute opposition leaders, regardless of their participation in the coup. Pedro Carmona was sentenced to house arrest while awaiting trial. He escaped and sought asylum in Colombia, where he lives now. Henrique Capriles, Baruta’s local mayor from PJ, also faced charges. Even though he did not participate in the coup, the government

35Interview with Eugenio Martínez, journalist at El Universal, Caracas March 21, 2014
36In August, the Supreme Court ruled that there had not been a coup but a “power vacuum”. Therefore, the military could not be charged with rebellion
37Later, other high ranking military like General Manuel Rosendo, were dismissed as well.
38Although Carlos Ortega remained initially untouched, the government brought charges against him in 2003 due to his participation in the PDVSA strike. He fled the country in March of that year.
accused him of instigating disturbances in the Cuban embassy between the 11, 12, and 13 of April. Capriles was jailed in 2004 and finally acquitted in 2006.

Finally, the coup allowed the president to intervene the Metropolitan Police (Política Metropolitana –PM). Shortly after being reinstated in power, the president blamed the shootings on the PM. The government prosecuted and jailed eight members of this body[^39] and seized most of their weapons and gear. Except the army, the Metropolitan Police was the largest armed group in the country. Under the command of the –at the time opposition—metropolitan mayor, this body policed five municipalities of the Caracas metropolitan area (Libertador, Chacao, Baruta, Hatillo y Sucre.) It controlled crime, worked with the communities, and handled street protests. The coup gave Chávez the perfect excuse to incapacitate and eventually control it ([Nelson 2009, Pg 267])[^39]

In other words, the coup hurt the opposition, specially its support inside the army. Fortunately, it did not deplete its pockets of support. After the events of April 2002, the opposition still controlled PDVSA, and due to defections during the coup, it was even able to further increase its coalition in Congress, the TSJ, and the CNE.[^41]

4.3.2 The Strike

Right after the coup, both government and opposition declared that they wanted to negotiate. The coup had rattled the international community, and neither government nor opposition wanted to be seen as intransigent ([Martinez Meucci 2012](#)).

[^39]: Deputies Henry Vivas and Lázaro Forero, security secretary Iván Simonovis, and functionaries Eramso Bolívar, Julio Ramón Rodríguez, and Luis Enrique Molina were sentenced to 30 years in prison; the first corporal Arube Salazar was sentenced to 17 years; and the police functionary Marcos Hurtado was sentenced to 16 years.

[^40]: In 2004, the chavista mayor Juan Barreto politicized the PM; and in 2008 Chávez used a rule of decree to absorb it as part of the executive branch.

[^41]: As mentioned above, some defections happened before the coup, others, however, happened as a consequence of Chávez asking the army to repress the protest in the streets
79-87). In reality, however, both sides were weak and saw advantages in keeping polarization alive (Corrales 2011). On the one hand, Chávez thought it could further its control over state institutions. On the other hand, the opposition believed it could oust the president without having to negotiate.

Consequently, even though the Organization of American States (OAS) and the Carter Center started working on the foundations for a negotiation table on June, both sides kept a radical discourse and further escalated their actions. As the government moved forward sanctioning, dismissing, and pressing charges against institutions, political, civilian or military leaders it deemed responsible for the coup, the opposition moved their followers to the streets, hoping that enough pressure would force Chávez to resign (López Maya 2007, 156-176).

Despite this escalation, the OAS and the Carter Center finally convinced the government and the opposition –now under an umbrella organization called Democratic Coordinator (Coordinadora Democrática –CD)—to negotiate in November 2002 (McCoy and Diez 2011, 41-60). The agreement, however, did not reduce the tension. Both sides had agreed to negotiate in order to keep their legitimacy, but their end game remained the same.

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42 Some of the more moderate opposition leaders did want to de-escalate the conflict. However, weak within the opposition forces, their calls were completely ignored (Author’s interviews with: Teodoro Petkoff, Caracas, July 28, 2014; Américo Martín, Caracas, March 20, 2014; Ernesto Alvarenga, Caracas July 8, 2014; Julio Borges, Caracas, July 23, 2014; and Armando Briquet, Skype, September 2, 2014)

43 These calls were endorsed by members of the armed forces, who gathered in the Altamira Square (Plaza de Altamira) of Caracas and called the people to “rebel” against the government. Between October and December, about a hundred officers—some of them retired—gathered in the public square (López Maya 2007, 165). Goes without saying that this worked to the president’s advantage. The OAS publicly condemned the “sit in” (Martínez Menucci 2012, 111) and the government forced all of these officers into retirement replacing them with loyalists them afterwards.

44 The Democratic Coordinator had representatives from political parties and civil society associations. Unfortunately, it was too broad and had too many voices in it. It never held de-facto power and leaders outside the CD, often went rogue.

45 Interview with member of the negotiation team, Puerto Rico, June 27, 2015
Consequently, both sides kept an ambivalent attitude towards the negotiation table (Martínez Meucci 2012). On the one hand, the government continuously did things that were perceived as hostile by the opposition. On November 17, the National Guard intervened the headquarters of the Metropolitan Police which had been, until then, under the command of the Caracas mayor Alfredo Peña—in opposition to Hugo Chávez since April 2002. On the other hand, the opposition kept the street mobilizations alive. It believed that it should keep pressuring the government “...from all possible sides.” For them, the table was not meant to come to an agreement, but rather it was “...meant to serve as a space in which to negotiate the terms of his [Chávez’s] “surrender”...” (McCoy and Diez 2011, 73).

Early in November, the opposition collected signatures to schedule a “consultative referendum” asking Venezuelans if they wanted Chávez to resign immediately. At the negotiation table, the CD threatened a general strike if the government failed to schedule the referendum (Martínez Meucci 2012, 120). Even though the CNE slated the referendum for February 2003, media owners, business, and union leaders went through with their threat. They felt that the referendum was going to give oxygen to the president, so they called for a general strike on December 2, confident that such a move was going to “kill the government” right away (Martínez Meucci 2012, 121).

Originally, the strike was supposed to last a couple of weeks. Strengthened by the support of the Petroleum People (Gente del Petróleo)—a quasi-union composed by middle and top PDVSA managers—however, its leaders turned it into an “indefinite strike” (López Maya 2007, 176). According to Américo Martin, opposition representative to the negotiation table:

“...It [the opposition] felt strong with the people in the streets. And it hoped that, if it continued with the demonstrations, these would translate

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46 Decision that the government fought tooth and nail
47 Up until then no president had survived a PDVSA strike
in the government’s fall . . . And all those who at some point, from their
experience, asked that it ceased to do what it was doing . . . were criti-
cized. I, myself, called. I said: ‘No, no, the strike cannot be indefinite. I
have never seen an indefinite strike, other than to oust the government.”.”

Initially, the strike put the government against the wall. Between December 2002
and January 2003, the national GDP dropped by 4.5 billion dollars (Venezuelan Cen-
tral Bank), the national production of goods and services partially collapsed, people
were laid off, and small business owners went broke (López Maya 2007, 192-193).
There was a moment in which even Chavista followers thought it was a matter of
time before the President had to resign. However, slowly but steadily, the govern-
ment regained control over the situation. It used the armed forces to get PDVSA
up and running again, and successfully overcame food shortages with the help of
neighbor countries like Brazil (Martínez Meucci 2012, 139). By mid-January it was
evident that the opposition was losing control of the strike, and by February, when
activities were “officially” re-initiated, the strike had practically “faded away.”

4.3.2.1 The Aftermath

The strike did not have the outcome its leaders expected. On the contrary, as
Américo Martín suggests:

“The indefinite strike was condemned to failure . . . but they wanted to
keep it, and they kept it, and they kept it, and they kept it, and that
weakened the opposition and strengthened the government.”

The strike diminished the opposition’s support inside the country, hindered the
opposition’s ability to negotiate a favorable agreement at the OAS and Carter Center

48 Author’s interview, Caracas, March 20, 2014
49 Interview with Chavista follower, Bogotá April 12, 2014
50 Author’s interview, Caracas, March 20, 2014
negotiation table, and allowed the government to remove opposition members from 
PDVSA, without losing its democratic credentials.

As mentioned above, the strike seriously hurt the Venezuelan economy. Venezuela 
holds one of the largest oil reserves in the world. In 2003, petroleum exports made 
up 26% of the country’s GDP (World Bank). Due to the halt in oil production, 
the GDP dropped by 17.6% (Corrales and Penfold-Becerra 2007) middle and small 
business went broke, and the employment rate suffered a 5% decrease in those months 
(López Maya 2007 193). The people, however, did not blame the government for 
the economic downturn. Rather, by mid January, public opinion surveys suggested 
that 76% of the people thought the strike had not fulfilled its objective, 64% believed 
the strike hurt citizens more than it hurt the government, and 52% believed there 
were more effective ways to protest (López Maya 2007 192). Right after the strike, 
several self-identified opposition Venezuelans moved into the undecided (“neither 
nor”) column. According to Datanálisis, before the strike, a little more than 35% 
Venezuelans supported the opposition; later that year that number dropped to a 
little less than 30%. By the same token, before the strike a little more than 35% 
Venezuelans self-identified as “neither government, nor opposition supporters” and 
later that year that number increased to close to 45%.

Internationally, the strike did not hurt the opposition’s legitimacy as much as the 
coup did. Contrary to what the Venezuelan government wanted, the OAS did not 
admonish the opposition, but called for a peaceful and electoral resolution to the 
crisis instead (Martínez Meucci 2012 128). The strike, however, did not generate the 
support the opposition was expecting either. The international community did not 
side with the opposition. Supported by most Latin American countries, the OAS and 
the Carter Center refused to endorse the strikers’ push for Chávez’s early resignation,

51The Central Bank reports a decrease of 2,284,964 thousand Bolivares (VEB) between the GDP 
in the third trimester of 2002 and the GDP in the first trimester of 2003, a GDP drop of 23%
and favored mechanisms to call for early elections instead (McCoy and Diez 2011, 76-82).

Unfortunately, by February, that was not an option anymore. The strike had hindered the opposition’s ability to get to a favorable agreement at the negotiation table. As the strike grew weaker, the opposition lost leverage to negotiate. Before December they were strong enough to push for early presidential elections. By late January, however, the call for early elections seemed unrealistic, and what became feasible was a recall referendum instead. This referendum, nonetheless, was never the opposition’s top choice. It could only be requested after Chávez had completed half of his term which meant that, even in favorable circumstances, it would only take place after August 2003. The fact that the opposition had to settle for a recall referendum meant that it had wasted the negotiation table. The recall referendum not only was a mechanism already available in the 1999 constitution, but it was the only proposition the government had been willing to offer two months before (Martínez Meucci 2012, 142).

Perhaps the most serious consequence of the strike was that it gave the government full control over PDVSA. The strike provided Chávez with information and “good” reasons to get rid of approximately 18,000 PDVSA managers and employees (60% of the staff) who were fired for ceasing to work, and replaced with Chavista loyalists (Corrales and Penfold-Becerra 2011, 78). PDVSA, which until then had been controlled by the opposition, was therefore lost to the executive (Corrales and Penfold-Becerra 2011, Petkoff 2011), which turned the company into an instrument to fulfill its project (López Maya 2007, 193). Without the strike, the government would have probably fired some people inside the company but it would have never

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52 Author’s interview with member of the international negotiation team, Puerto Rico, May 27, 2015

53 Corrales and Penfold-Becerra (2011, 77) suggest that due to changes in PDVSA’s managerial structure in the 1990s, control over the board of directors implied control over the entire industry.
been able to find and fire this many opposition members inside of it.\textsuperscript{54}

Chávez’s ability to gain direct control over PDVSA was key to successfully erode democracy in Venezuela. Due to the oil boom, between 2000 and 2010 PDVSA received approximately $208,869 million dollars in oil revenues (approximately 32% of the country’s GDP) (PODE 2009-2010) Thanks to the government’s control over the company, the president was able to use these revenues to pay for domestic and international support \textit{(Corrales and Penfold-Becerra 2011 80)}. Gradually, he dismantled the company’s oversight system\textsuperscript{55} in order to use more of its revenues to fund social, agricultural, and infrastructure projects domestically and abroad \textit{(Corrales and Penfold-Becerra 2011 80)}. Most notably, the control of PDVSA gained after the strike allowed Chávez to set aside a fund \textit{(Fondo para el Desarrollo Económico y Social del País – Fondespa)} directly run by PDVSA’s president and cabinet member, that allowed the government to distribute funds locally and internationally without reporting to the Central Bank or the National Assembly \textit{(Corrales and Penfold-Becerra 2011 79-80)}.

Locally, \textit{Fondespa} was created to pay for the poverty alleviation programs Missions \textit{(Misiones)}. The Missions, designed to offer housing, health services, subsidized food, and education to poor communities, were created in 2003 in order to increase Chávez’s support, and they did so. Although these programs improved basic social indicators \textit{(Corrales and Penfold-Becerra 2011 84)}, the money was distributed using clientelistic criteria \textit{(Corrales and Penfold-Becerra 2011 84)}. Between 2003 and 2008, although it is hard to know whether Chávez would have been able to take over the board without the strike, the latter likely facilitated the turnover. Corrales and Penfold-Becerra recognize that the strike handed Chávez a historic opportunity to control the company \textit{(2011 78)}.

\textsuperscript{54}Author’s interview with Eugenio Martínez, political journalist at El Universal, Caracas, March 21, 2014

\textsuperscript{55}Before 2004, PDVSA was under the supervision of the Ministry of Oil, the Central Bank, an internal comptroller, and the Securities Exchange Commission of the US \textit{(Corrales and Penfold-Becerra 2011 79-80)}.
PDVSA spent more than $23 billion dollars in these social programs (Corrales and Penfold-Becerra 2011, 83). On the eve of the recall referendum and the local elections in 2004, the government invested close to 4% of the country’s GDP in Missions (Corrales and Penfold-Becerra 2007), and in the eve of the presidential elections, in 2006, it invested close to 6% (Daguerre 2011). The electoral outcome of the Missions was clear. Not only do scholars agree that they increased Chávez’s popularity in time for the recall referendum (Corrales and Penfold-Becerra 2011, Martínez Meucci 2012, McCoy and Diez 2011), but that they also increased his overall popular support. Whereas in 2000, 3,757,773 people (59% vote share) voted for Chávez, in 2006, after two years of Missions, twice as many people did the same. That year, Chávez obtained 7,309,080 votes (63% vote share). Although the opposition also increased its overall support in this period, this increase was not nearly as much as the government’s. In fact, between 2000 and 2006 the opposition saw a small decrease in its vote share. In 2000 Francisco Arias got 2,359,459 votes (38% vote share), while in 2006 Manuel Rosales got 4,292,466 votes (37% vote share).

Internationally, Fondespa was set to pay for investments, aid, and subsidies to a large number of countries in South America and the Caribbean. According to Corrales and Penfold-Becerra (2011, 104), in 2008 Venezuela was the third largest contributor among the non-OECD countries. These contributions helped Chávez buy international support. This support has guaranteed allies inside international organisms, as well as silence in face of increasingly more authoritarian oriented moves.

In sum, the strike, allowed Chávez to take over the state-owned petroleum company and use the vast resources of the 2003-2008 oil boom at will. In doing so, he was able to buy domestic and international support.

“...we are very happy with this strike. Now we have a revolution! Finally! Until now everything had been pico [kisses], but now we managed to control PDVSA and put it to the service of the people. That is truly revolutionary! And that has made people support us with everything
again. We are taking little trucks to the shantytowns with a video that shows how all the PDVSA money never reached the people, and how that is going to change from now on. The opposition does not understand anything.” (Martínez Meucci 2012, 122)

If the strike had not happened, chances are, that it would have been harder for Chávez to gain full control over PDVSA. Without control over the petroleum company, as suggested by Corrales and Penfold-Becerra (2011), it would have been very difficult for the president to use the 2003-2008 oil windfall at will.

4.3.3 The Electoral Boycott

Despite all these setbacks, by 2003, the opposition was not powerless. It controlled most of the media, half of the judiciary (10 members in the TSJ, most of them in the Electoral and Administrative Rooms,) part of the National Electoral Council (Consejo Nacional Electoral –CNE), and had a coalition with 86 out of 165 seats in the National Assembly. As I will show later in this chapter, the opposition was able to use these positions effectively to denounce and obstruct important government initiatives and rule against the president in serious matters (Sanchez Urribarri 2011). Even though Chávez’s power and legitimacy had increased as a consequence of the coup and the strike, the opposition’s presence in these institutions still proved able to prevent, or at least tame, his project.

Starting in 2001, the TSJ and CNE sided with the opposition several times. In November 2001, the government asked the TSJ to nullify the elections of the CTV, which had not gone its way, and the TSJ refused to do so. In July 2002, the TSJ chose not to charge the military who had participated in the April coup and ruled there had not been a coup but a “power vacuum” instead. In October 2002, the TSJ ruled in favor of the opposition’s challenge to the government’s intervention of the

56Author’s interview with a board member of Primero Justicia, Caracas, April 29, 2014
Metropolitan Police. A month afterwards, they disregarded the government’s petition to nullify the CNE’s decision to schedule an opposition “consultative referendum” that asked people if they wanted Chávez to resign. Even if not all of the decisions of courts and oversight agencies benefited the opposition, these rulings suggest that these institutions were not entirely coopted by the government yet.

As of March 2003, the opposition still had resources to fight the president. Now everything depended upon the negotiation table where the opposition was trying to speed up an agreement to hold an impeachment referendum, that the government, strengthened by the strike failure, had no interest in doing. In 2002, the opposition was not strong enough to push Chávez out of office, but was strong enough to negotiate. Before December 2002, when the opposition privileged the insurrectional strategy and dismissed the referendum as an alternative, pressure from the streets, low petroleum prices, and Chávez’s weak support might have been enough to for a speedy referendum. In March 2003, however, none of these factors existed anymore. The coup and the strike hindered the opposition’s ability to use the streets to push for a better agreement and thwarted its ability to supervise the use of PDVSA resources. With the petroleum prices on the rise and little restraint, Chávez was able to buy support.

The referendum came, but came late. Even though the agreement was signed in May 2003, the elections did not take place until August 2004. Chávez used all sort of legal strategies to push back the referendum. As part of the OAS-Carter Center agreement the government and the opposition named a new CNE. Even though

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57 In a second ruling, the TSJ decided against the “consultative referendum” eight days before it took place.

58 Author’s interview with member of negotiation team, Puerto Rico, May 27, 2015

59 During the negotiation table, the government requested that CNE had to be replaced. The CNE had authorized the opposition’s consultative referendum in 2002, and Chávez thought this was a sign that the organism was biased against him.
the CNE had two officers linked to the government, two linked to the opposition, and a third “neutral” one, the institution turned to be slightly biased in favor of the government.\footnote{The AN was in charge of electing the directors, but gridlock moved the issue into the courts. On August 2003, the TSJ appointed new rectors: two from the opposition, two from the government and a third “neutral” one to preside. According to Jennifer McCoy (McCoy and Diez 2011, 111-113), initially, the TSJ chose Eleazar Díaz Rangel, who had been approved both by the government and the CD. He was the chief editor of the newspaper \textit{(Ultimas Noticias)}, who despite being Chavista had shown independent judgment several times. Before the election became public, however, media outlets unilaterally aired very critical and negative reports about Díaz Rangel, forcing him to decline the appointment. Left without a “consensus” candidate, the TSJ chose Francisco Carrasquero instead. Carrasquero, closely linked with the Chavista president of the TSJ, was unknown; therefore neither side had a problem with him. According to Teodoro Petkoff, even though Díaz Rangel was Chavista, he also had an independent mind; chances are he would have been fairer than Carrasquero ever was (Author’s interview, Caracas, June 28, 2014).} The new electoral officers, together with the Constitutional Chamber inside the TSJ, allowed the government to delay the referendum: not only did they invalidate signatures the opposition initially collected in February 2003 and required the opposition to collect them again, but they requested that approximately a million signatories verified the validity of their signatures as well. By the time the referendum took place petroleum prices were rising, and Chávez’s popularity was picking up. Consequently the opposition lost.

The defeat demoralized the opposition.\footnote{Author’s interview with Edwin Luzardo from Alianza Bravo Pueblo, Caracas, March 2014} While the moderate sector was willing to accept the defeat and move forward to contest the next legislative elections, the radical sector cried fraud.\footnote{Up until today it is unclear, whether that is true or not. Whereas the OAS and Carter Center certified the elections, some sectors of the opposition (Author’s interviews with members of electoral NGO, Caracas, July 29, 2014 and Caracas, August 3, 2014) supported by some statistical analyses (Hausmann and Rigobon 2011) suggested the machines, in fact, were tampered with, and the government changed enough votes to win. These analyses however, are not definitive. Some of them use opposition polling data to compare results (Prado and Sanso 2011); others look for anomalies in the distribution of votes between computerized voting centers and manual voting centers assuming that both of these were equal in everything but vote choice (Febres Cordero and Márquez 2006; Pericchi and Torres 2011; Taylor 2007); other compare data from the 1998 and 2002 presidential elections vs. the 2004 referendum, without taking into account the change in government and opposition coalitions, or even that Chávez’s support might have changed in those years (Jiménez 2011).} They claimed the upcoming elections were not going to be fair, and suggested boycotting them in order to delegitimize the government and
force Chávez to resign. According to some opposition politicians, poll data suggested the opposition could have won about 30 seats in parliamentary elections of 2005, but the radical sector, led by media outlets, created an atmosphere that pushed candidates and voters to abstain.

4.3.3.1 The Aftermath

This strategy backfired as well. Not only did the government kept its legitimacy, but it also got a 100% Chavista assembly. Despite the very low turnout, the international community sanctioned the elections. Reports from the European Union (Unión Europea 2006) and the OAS (Organization of American States 2006) declared that, notwithstanding some irregularities, the election was democratic. They even admonished the opposition from abstaining to participate.

More seriously, the “government only” parliament helped speed up and strengthen the government’s project and cooptation of other institutions. Between 2006 and 2010 the National Assembly sanctioned twice the number of laws it sanctioned between 2000 and 2005, and did so almost three times as fast as it did before. In its second period the AN also replaced the CNE rectors and TSJ justices, getting rid of whatever opposition members they had left. It also introduced legislation to further change the AN rules of procedure in order to avoid opposition obstruction in the future and several laws to further the Chavista project as well. In 2007, the government called for a referendum that would have seriously tightened the control of the executive over state institutions. Although the opposition was able to gather enough support

63 Authors interview with board member of Primero Justicia, April 29, 2014.

64 After the coup and the strike the opposition had lost all other visible leaders.

65 In December 2010 they introduced a massive reform of the AN rules of procedure. The file of the debate (Exp. 970) only has the cover page, suggesting this bill passed without any debate. This reform changed important rules. For instance, the president of parliament is no longer required to yield the floor to deputies who wanted to talk (Gaceta Oficial Sesión Extraordinaria No. 6014, December 23, 2010).
to defeat the initiative, the government used the 100% Chavista National Assembly, and his control over the TSJ and CNE, to illegally launch a second referendum in 2009 that got a majority of the votes and allowed the president to run for immediate reelection indefinitely, effectively eroding democracy.

4.4 Institutional Strategies with Moderate and Radical Goals

In the pages above I used process tracing to outline the causal mechanisms by which extra-institutional strategies with radical goals led to the erosion of democracy in Venezuela. In the next sections, I briefly discuss the two instances in which the Venezuelan opposition used institutional strategies, and introduce some of the causal mechanisms by which these tactics hinder a president’s ability to erode democracy. Although in Venezuela’s case these only show that the opposition was able to delay Chávez’s project. I will provide a more detailed explanation of these mechanisms, and how they prevent presidents from eroding democracy; in the next chapter when I analyze the case of Alvaro Uribe in Colombia.

Using a parliamentary data base and archival research, in this section I show that, within Venezuela, institutional strategies that used elections and congress between 2000 and 2005, not only protected the opposition’s legitimacy domestically and abroad, but they also strengthened the opposition, and were able to slow down the government’s institutional reforms. The evidence presented below suggests that, had the Venezuelan opposition stuck to institutional strategies or extra-institutional strategies with moderate goals and forgo extra-institutional strategies with radical goals, they would have likely been able to curb, and even stop, Chávez’s attempts to erode democracy.

66I built the database based on data collected at the Legislative Archive of the National Assembly of the Bolivarian Republic of Venezuela.
4.4.1 The Opposition Inside the AN (2000-2005)

As mentioned above, between 2000 and 2005 the opposition had a sizable representation in the AN and was able to use it in order to slow down the government’s project. In what follows I will compare the 2000-2005 legislative period, in which the opposition had seats in the AN, vs. the 2006-2010 period, in which the opposition had no seats in the AN. The evidence suggests not only that the government was able to introduce and approve more bills between 2006 and 2010, but that it was able to do so faster than it did before.

Without opposition, the government was able to introduce more bills. From 2000 to 2010 the AN debated 967 bills –412 between 2000 and 2005, and 555 between 2006 and 2010. The opposition introduced 55 of those bills and approved 15; the government introduced 804 of those bills and approved 669. Of the government bills, 252 (31\%) were introduced between 2000 and 2005, while 552 (69\%) were introduced between 2006 and 2010.

Without opposition the government was also able to approve more bills. Out of the 669 government authored bills, 188 (28\%) were approved between 2000 and 2005, and 481 (72\%) were approved between 2006 and 2010. In other words, whereas between 2000 and 2005 the government had a bill approval rate of 46\%, between 2006 and 2010 this rate spiked to 87\%.

This means, of course, that the government was also able to approve bills faster between 2006 and 2010 than it was between 2000 and 2005. If we measure the time –in days—between a bill’s introduction and the first time it is sanctioned, the

\[\text{introduced by the president, the vice-president, a cabinet member, members of the government coalition in congress, or Chavista citizen groups.}\]

\[\text{There are 108 bills without a clear author. Most of them (97) were coauthored by government and opposition deputes; 11 of them do not have clear information about who introduced them.}\]

\[\text{Some of these bills were sanctioned two and three times. Most of the times, this means that they were vetoed by the president. In that case the delay cannot be attributed to the opposition}\]
government bills introduced between 2000 and 2005 took an average of 217 days to go through congress, while bills introduced between 2006 and 2010 took 37 days. 83% fewer days.

This is also true for bills that regulate courts and oversight agencies, usually called Organic Laws (\textit{Ley Orgánica}). Between 2000 and 2010 the AN debated 140 organic laws (or reforms to organic laws) and approved 81. The government introduced 86 of the 140 organic laws—34 (40\%) between 2000 and 2005, and 52 (60\%) between 2006 and 2010—and approved 52; 13 (25\%) between 2000 and 2005, and 39 (75\%) between 2006 and 2010. Whereas in the first legislative period, it took the government an average of 238 days to push an organic law through congress; in the second legislative period, it took an average of 47 days, one fifth as much.

This is also true if we compare similar bills across legislative periods. In January 2003, the government introduced the Organic Law of the Supreme Tribunal of Justice (LOTSJ), in order to increase the number of justices and be able to break the government-opposition tie inside the TSJ in its favor. It took 490 days to approve this bill. In December 2009, the government re-introduced the LOTSJ. This time, however, without the opposition, it took the National Assembly 159 days to approve it. Similarly in January 2003, the government introduced the Law of Social Responsibility on Radio and Television (\textit{Ley de Responsabilidad Social en la Radio y en la Televisión–LRS})\footnote{Also known as “\textit{Ley Resorte}”} in order to increase the government’s control over media outlets. It took the AN 679 days to approve this bill. In August 2005 and December 2010, the government introduced two reforms to the LSR bill. It took the AN 90 days to approve the first one, and only 11 to approve the second one.

If we look into the debate of some of these laws, it is clear that the opposition was using parliamentary procedure to obstruct the bill, and that by doing so it was able but rather to the government.
to significantly slow down the president’s reform. When debating the LOTSJ, for instance, the opposition was able to delay the bill for a year. The bill was introduced on January 2003. Although there is no information about the debates inside the parliamentary commissions, the plenary debate of this bill did not take place until August 28 of 2003, and it wasn’t approved until May 18 of the next year.

As mentioned a couple of pages ago, the LOTSJ was meant to help the government coopt the TSJ. The “power-vacuum” ruling in 2002 made evident that Chávez did not have full control over the TSJ, and things could go south for him there. The LOTSJ was supposed to change that by increasing the number of justices in the TSJ, allowing the AN to elect the new justices by simple majority, and increasing the AN’s powers to dismiss justices. In the heat of the battle between government and opposition, and with the recall referendum coming up, the government did not want to take chances and was pressing his coalition in the AN to approve the bill fast.

The opposition, however, was very skillful in the use of parliamentary procedure. Most bills in Venezuela need two debates. The first debate went fairly fast. The government was able to approve the entire project in a single session on January 28 of 2003. The second debate, on the contrary, was very slow. It took the AN 12 sessions—most of them 24 hours long—to approve the bill. During those 12 sessions the opposition: 1) registered as many speakers as they could (between 20 and 30,\textsuperscript{71}) 2) asked to verify the quorum using roll call voting every hour (as allowed by the AN rules,) 3) made different motions that not only interrupted the flow of the debate, but had to be voted before they were dismissed, 4) asked to verify each voting procedure using roll call voting twice, 5) put between 2 and 6 bill amendments up for a vote,\textsuperscript{72}

\textsuperscript{71}Some of these procedural “tools” had already been curtailed with a reform to the AN’s regulation (Gaceta Oficial No.37.706 of 06-06-2003)

\textsuperscript{72}In the first session, on August 28 they registered a little over 70 speakers, later on, however, they were not able to do that anymore. On September 25 of 2003 (VenEconomía, October 2003) the government coalition modified the AN’s regulation, allowing any depute to end the debate, once 25% of the deputes present had talked.
and 6) recorded approximately 12 dissenting votes for every decision made.

As Juan José Caldera, congressmen for the opposition, told El Nacional on November 2003:

“Since Chavismo introduced this bill on January 6, it has been a year, and although Chávez has said this is the year of the revolutionary offensive, this bill has not been able to leave the Parliament. The opposition has some credit there...The line that the opposition holds is making impossible the approval of this law” [Casas 2003]

The tactics proved useful. The opposition was not able to stop the bill, but it delayed it enough so that most of the decisions about the recall referendum happened before the bill was enacted into law (Gaceta Oficial 37.942, 05-20-2004). Had the opposition kept its seats in congress the next period, chances are they would have been able to delay more consequential bills as well.

4.4.2 The Referendum

The recall referendum that took place in August 2004 is a prime example of an institutional strategy with radical goals. It sought to use elections in order to oust the president before the end of his constitutional term. Although the recall referendum was not very successful in delaying Chávez’s project, unlike the coup and the strike, it did not delegitimize the opposition, nor did it enable the government to remove opposition members from key institutions. Rather, the recall referendum strengthened the opposition’s electoral capabilities [73] and even tarnished a little bit of Chávez’s “democratic” image abroad.

The recall referendum was a long and tortuous process for the opposition. The latter collected the first set of signatures on February 2003, but had to collect them all over again in November under rules agreed with the government in the OAS-

[73] Even if, as some suggest, it hinder its ability to push a radical change from the streets [Martínez Meucci 2012]
Carter Center negotiation table. After reviewing the new set of signatures, the newly elected CNE, decided that all the signatures that had the same handwriting on the basic data (i.e., name, address, ID etc.) had to be “repaired.”\footnote{The “repairs” (Reparos) meant that the signatures had to be reviewed, and the signatories had to verify they had actually signed.} This meant that the opposition had to verify approximately a million signatures between February and May 2004, in a highly irregular process in which the government published the list of signers (Tascon List – Lista Tascón) –leaving them vulnerable to reprisals— and the CNE allowed citizens who had signed the petition to repent.

Notwithstanding the government practices, the opposition was able to collect enough signatures and the referendum was scheduled for August 2004. Unfortunately, as mentioned above, it lost, which led many to believe the referendum was just a “...series of concessions that were useless because, from the beginning, those making the decisions did not understand the nature and the dimensions of the problem they were facing” \footnote{The roll of Súmate is hard to assess. They were in charge of most of the opposition strategy during the 2004 recall referendum. Not only were they on top of every decision made about the recall referendum, but they organized and mobilized voters to sign the petition, revise their signatures, and go to the polls. They also provided oversight mechanisms in order to count votes. Although they claim they were in favor of participating in the 2005 elections, some opposition members believe they were the ones who infused fear about the 2005 elections, eventually supporting the decision to abstain.\cite{Martínez Meucci 2012} 20}.While it is true that under different circumstances –some of them avoidable by the opposition—the referendum could have had a different outcome, not everything that came out of it was negative. During the referendum, the opposition began to learn how to contest elections under Chávez. Súmate\footnote{The “repairs” (Reparos) meant that the signatures had to be reviewed, and the signatories had to verify they had actually signed.}—an electoral NGO—used the 2004 elections to develop and diffuse strategies that sought to overcome the government irregularities. Is very difficult to know, but chances are that, had the opposition participated in the 2005 election, they might have been able to help its candidates win several seats in congress.

More importantly, unlike the extra-institutional strategies with radical goals the
opposition had used before, the referendum did not help Chávez to legitimately remove opposition leaders from key institutions. It did not give the president an excuse to remove opposition leaders from congress, courts, or oversight agencies. During the referendum, the government indicted Henrique Capriles, but it used his alleged participation in the coup as an excuse. It also indicted some Sumate members for accepting NED funds, but this was also using the coup as an excuse.\footnote{Some of Sumate’s founders, like Maria Corina Machado, allegedly signed the “Carmona Decree” (Decreto Carmona) in support of the transitional government during the coup.}

This, of course, does not mean that the government did not retaliate. Perhaps the most serious persecution that came about from the referendum was the publication of the list of signatories: the Tascón List and Maisanta database. These lists identified who had signed the petitions for the president’s and the opposition deputes’ recall referendums. There were many complaints that people who appeared in these lists were denied public services and even fired from their jobs. Most of the complaints came from people who signed against the president, although there are a few complaints from Chavista signers as well (Hawkins 2010\textit{b}). In an academic article, Hsieh and others (2009) show petition signers suffered a 5\% drop in earnings and a 1.3\% drop in employment rates in 2005. Consistent with my theory, however, this behavior was condemned by the international community (Carter Center 2005; European Union Election Observation Mission 2006) which eventually forced the government to take down the list from the web, and publicly condemned those who used it (Da Corte 2005).

In sum, although the referendum did not have the outcome the opposition expected, it did not have the negative consequences that extra-institutional strategies, such as the coup, the strike, and the boycott had. Even if he had wanted to, Chávez could not have used the referendum as an excuse to take over media outlets, fire members of public offices, or remove opposition leaders from the AN, the TSJ or the...
CNE. The fact that the opposition was playing by the rules protected them and hindered the president’s ability to use the referendum as yet another excuse to increase his hold over the state.

4.5 Conclusion

The literature on democratic reversals has often thought of transitions away from democracy as dependent upon institutions (Fish 2001; Mainwaring and Scully 1995; Pérez-Liñán and Mainwaring 2013), economic development and mineral resources (Przeworski et al. 2000; Ross 2001; Svolik 2008, 2015), international factors (Mainwaring and Pérez-Liñán 2013; Weyland 2013), state strength (Levitsky and Way 2010; Mainwaring 2012), and mass support (Corrales 2016; Levitsky and Loxton 2013; Weyland 1999). Within a framework of classic democratic breakdowns—civilian or military coups—many of these scholars assume that rollbacks are inevitable once a leader willing to circumvent democracy attains power. They focus on the variables that allow presidents with hegemonic aspirations to attain power, but fail to analyze what happens afterwards. This dissertation challenges that assumption.

Venezuela’s erosion of democracy was far from certain in 1998. Between 2000 and 2005 many, including some his supporters, believed that Chávez was not going to last. 77 The opposition had enough institutional and non-institutional resources to fight the government, but using extra-institutional strategies with the hope to oust Chávez, it squandered them all. As shown in the previous section, had the opposition resorted to institutional strategies or extra-institutional strategies with moderate goals, it might have been able to stop Chávez sooner, or at least slow him down enough to have a better shot to fight more serious reforms down the road. 78

77 Author’s interview with Chavista supporter, Bogotá, May 12, 2014
As I will show with more detail in the next chapter where I analyze Alvaro Uribe’s case, institutional strategies or extra-institutional strategies with moderate goals keep the opposition’s legitimacy domestically and abroad, reducing the incentives and increasing the costs to repress. They allow the opposition to stay in office and use their position to delay, modify and even stop more radical reforms.

Starting in 2006 the opposition changed tactics and goals. Led by old and new politicians, it abandoned the idea of ousting Chávez, organized, and opted to use institutional strategies and extra-institutional strategies with moderate goals instead. The effort has been partially fruitful. On the one hand the opposition has had small wins. In 2006 the opposition candidate, Manuel Rosales, only won 30% of the votes, but in 2007 the opposition defeated the government’s referendum, in 2008 it won important local offices, and in 2010 it won one third of the National Assembly’s seats. These victories have allowed the opposition to create a new “office record,” enhance its electoral constituency, give visibility to its leaders, and build an electoral programmatic discourse. They served as a platform to prepare the 2012 and 2013 presidential elections, which, despite being unfair, have been the closest electoral contests Venezuela has seen in years, and helped the opposition’s win the 2015 parliamentary elections with two thirds of the seats.

On the other hand, the fact that the government controls the AN (until 2015), the CNE, and the TSJ, has diminished these wins. After 2006 the elections have been highly unfair. The government controls (increasingly more) resources, media outlets, and state institutions, and it has become increasingly hard to defeat it. Moreover, whenever the opposition has managed to win elections, the government has used congress, courts, and oversight agencies to circumvent and reduce the access to

Teodoro Petkoff, Caracas, July 28, 2014

79The CNE and the TSJ refused to swore into office three deputies. At the end the opposition was only able to keep a simple majority (109 of 167).
resources of local politicians, severely curtail their ability to legislate or participate in a meaningful way in the National Assembly, and more recently bypass the authority of the legislature.

Nevertheless, despite these drawbacks, the opposition has been increasingly more competitive since 2006 (Kutiyski and Krouwel 2014). It’s electoral focus, and the absence of extra-institutional strategies with radical goals, have enhanced its legitimacy domestically and abroad. During the past nine years the opposition has increased its constituency and base. Today, not only are more people willing to vote for opposition candidates, but several, and important, Chavista defectors have joined the opposition ranks as well.

The opposition coalition has also improved its standing internationally. Despite Chávez’s “alliance for tolerance” (Corrales 2015) and the silence of the international community in face of an increasingly more repressive regime, the new goals and strategies have facilitated and improved the opposition’s chances of obtaining international economic support.\(^{80}\) It is hard to track the money (Gratius 2010), however, funding from democracy promotion agencies in the United States and Europe, has been certainly key to pay for the latest, somewhat successful, political campaigns.

\(^{80}\) Interview with former secretary of the Mesa de Unidad Democrática Ramón Aveledo, Caracas, August 14, 2014
5.1 Introduction

Between 2002 and 2010 Álvaro Uribe tried to erode democracy in Colombia. Like Hugo Chávez, he introduced several reforms that sought to increase the powers of the executive and extend his time in office beyond a second term. Similar to his Venezuelan counterpart, Uribe came to power in the midst of a very serious institutional and security crisis. (Echandía Castilla and Bechara Gómez 2006; Flores-Macías 2013; Gutiérrez Sanín 2007). He was populist, polarizing, and very willing to push as far as he could to increase the powers of the presidency and stay in office beyond a second term (de la Torre 2005; García and Revelo 2009b; López 2010; Weyland 2013). Contrary to Chávez, however, Uribe was not able to turn Colombia’s democracy into a competitive authoritarian regime. Despite his attempts to undermine the independence of the courts and the fairness of elections, Colombia’s constitutional order remained fairly strong and Uribe had to step down after his second term.

In the previous chapter, I showed how the Venezuelan opposition’s strategic choices helped Hugo Chávez erode democracy. In this chapter, I develop the other part of the argument: I highlight the role of the opposition in protecting Colombia from democratic erosion. I show that, although unsuccessful, Uribe in fact tried to undermine the democratic regime. Not only did he introduce several reforms that sought to enhance the powers of the executive and extend his time in office beyond
a second term, but his government harassed opposition members, journalists, and members of the courts, and worked in tandem with illegal armed actors to systematically undermine those who criticized the president. Although Uribe’s ideology was radically different from Chávez’s, the context in which he came to power and his willingness to overstep democratic boundaries in order to achieve policy goals were not that different from his Venezuelan counterpart.

The opposition in Colombia was not particularly strong. Composed by a loose coalition of left and centrist politicians, unions, and human rights NGOs, it had some presence in congress, some friendly newspapers and online media outlets, and some ability to mobilize people to the streets. Different from the anti-chavistas, however, it had little or no access to TV or radio outlets (López de la Roche 2014), no support inside the armed forces, and its mobilizations against the government were not as massive or visible as those organized by its Venezuelan counterpart. The courts in Colombia—which played a critical role in stopping Uribe’s reforms that would have eroded democracy—were independent from the executive when Uribe became president (García and Revelo 2009b). However, by the time Chávez came to power, so were the Venezuelan courts (Sanchez Urribarri 2011). Between 2002 and 2010, there was no guarantee that the judiciary in Colombia would remain independent and strong long enough to stop Uribe’s second reelection reform (García and Revelo 2009a).

Despite its comparative weakness the opposition in Colombia was able to prevent the erosion of democracy. Following the theory outlined earlier in the book, in this chapter, I show that by avoiding extra-institutional strategies with radical goals and using institutional strategies and extra-institutional strategies with moderate goals to fight the president, the opposition preserved its legitimacy domestically and abroad. The anti-Uribista coalition kept good distance from the guerrilla, publicly criticized its violent acts, and never went to the streets in hopes to push Uribe to resign. Its
reluctance to use radical extra-institutional strategies (or validate those who used them,) allowed the opposition to maintain and enlarge its coalition, keep and moderately increase its popular support, and present itself as a democratic and credible representative of the non-Uribista minority domestically and abroad.

Notwithstanding the government’s attempts to paint those who opposed it as “terrorists” or “FARC allies” {Borda, 2012; Sierra, 2015}, the opposition kept the “moral high ground.” It failed to provide the president with “legitimate” reasons to remove opposition members from key state institutions, prosecute or jail them, which allowed them to use institutional strategies in combination with moderate extra-institutional strategies to protect courts and oversight agencies, and slow down Uribe’s antidemocratic reforms. Despite being a minority, the legislative anti-Uribista coalition was able to extend Uribe’s constitutional amendments transit through congress and denounce or manufacture procedural irregularities. The delays opened up windows to soften otherwise radical reforms and increased public scrutiny. Procedural irregularities facilitated judicial review by providing arguments to rule against some of these constitutional amendments. Aided by protests and an electoral boycott against specific reforms, these strategies helped slow down the process by which Uribe meant to weaken other branches of government and helped the Constitutional Court stop the president’s second reelection reform.

In what follows, I use interviews to politicians, justices, clerks, journalists, academics and members of advocacy groups, as well as archival research in newspapers (Revista Semana) and congress (Gaceta del Congreso) to illustrate the mechanisms by which institutional strategies and extra-institutional strategies with moderate goals helped the opposition protect democracy in Colombia. In the first section, I outline the characteristics of Colombia’s government and opposition between 2002 and 2010. I show that Alvaro Uribe came to power in a context similar to Hugo Chávez’s and he was as willing and capable to erode democracy in order to achieve policy goals
as his Venezuelan counterpart. I also show that the anti-Uribista coalition was not nearly as strong as the anti-chavista one.

In the second section, I focus on the consequences of avoiding extra-institutional strategies with radical goals. I demonstrate how the absence of radical extra-institutional tactics allowed the opposition to keep its legitimacy domestically and abroad. This behavior helped opposition members keep and increase their coalition inside and outside congress and lobby the international community against Uribe’s programs and reforms. If the opposition had not avoided extra-institutional strategies with radical goals, it would have been easier for Uribe to create artificial majorities in congress and undermine and/or coopt courts and oversight agencies, making it difficult for the opposition to use these institutions to fight those reforms that most adversely would have affected democracy.

In the third section, I focus on the mechanisms by which institutional strategies (i.e. legislative obstruction and the manufacture or report of procedural irregularities) and extra-institutional strategies with moderate goals (i.e. electoral boycott and peaceful demonstrations) prevented the erosion of democracy. I illustrate how congressmen used legislative procedure to delay Uribe’s reforms transit through congress and create/denounce procedural irregularities. The delays allowed Uribistas and non-Uribistas to modify the constitutional amendments before they left congress and increased public scrutiny to mount an effective, often times extra-institutional, campaign against them. The procedural irregularities provided the Constitutional Court with key legal resources that enabled the institution to rule against some of these reforms. Without them, it would have been much harder and very costly for the court to stop Uribe’s constitutional amendments. The last section underscores this point. Using the first reelection reform as an example, I show that the delays and procedural irregularities were key to protect Colombia from the erosion of democracy.
5.2 Uribistas, Anti-Uribistas and the Courts

Alvaro Uribe and Hugo Chávez were leaders with hegemonic aspirations. Their presidencies were similar in many ways. Both presidents came to power in the midst of very serious crises; they both faced a declining party system; and they were both populist, polarizing, and equally willing to increase the powers of the executive and extend their time in office beyond a second term. Like Chávez, Uribe repeatedly tried to remove the checks on the executive and increase his tenure in office. He introduced reforms that sought to establish two immediate presidential reelectitions (2003, 2004, 2008) and increase term limits (2004), reduce the size of and impeach congress in order to elect a new one on his coattails (2002), increase his powers of decree (2004), curtail the powers of or coopt congress (2003), courts (2002, 2006, 2007, 2008), and oversight agencies (2002, 2003, 2006, 2007, 2008, 2009), and lock his majorities in congress (2003, 2008). Similar to his Venezuelan counterpart, he also portrayed himself as the embodiment of the state, addressed private and local issues in a personalistic manner, and depicted those who criticized him as enemies of the state (González 2013; Sierra 2015). Members of his government bought legislators to approve important institutional reforms, spied on justices, journalists and politicians, made up evidence to falsely convict people who testified against Uribista officials, and provided information to paramilitaries, helping them commit crimes against human right activists, union members, journalists, and left wing politicians (Bejarano et al. 2010).

The opposition in Colombia in 2002 was not as strong as the opposition in Venezuela in 1999. Composed by a loose coalition of left-wing and center parties, unions, and human rights NGOs, it had some presence in congress, some access to

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1Although Uribe himself has never been charged, high members of his administration have been found guilty of these crimes (i.e. DAS directors Jorge Noguera and Maria del Pilar Hurtado, his former minister of interior Sabas Pretelt, and his former chief of staff Bernardo Moreno) (Lewin 2015).

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newspapers and online media outlets, and some ability to mobilize people to the streets. Unlike its Venezuelan counterpart, however, it did not have a strong hold over media outlets, support inside the armed forces, or influence over large businesses. To the extent that the courts and oversight agencies were independent, the opposition in Colombia had some support inside of them, but this support was neither unconditional nor immune to the president. Like his Venezuelan counterpart, Uribe tried to curtail and coopt courts and oversight agencies. Although he failed, the survival of democracy in Colombia was not certain until 2010.

5.2.1 Alvaro Uribe: A President with Hegemonic Aspirations

Alvaro Uribe came to power in 2002, in the middle of a grave security and institutional crisis. During the 1990s the violence stemming out of Colombia’s 40 years old armed conflict skyrocketed, and by the turn of the century the state had lost control of an important part of the national territory (Echandía Castilla and Bechara Gómez 2006). Between 1990 and 2002 terrorist attacks increased 950%, massacres 156%, civilian casualties during armed confrontations 263%, and kidnappings 195% (Centro Nacional de Memoria Histórica). By the time Uribe came to power, people blamed the FARC for the increasing violence. The public believed that the guerrilla had taken advantage of the government during Andrés Pastrana’s (1998-2002) peace process (Dugas 2003, López de la Roche 2014, 46) and negotiating with them was not a

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2From 2 in 1989 to 21 in 2002

3From 58 in 1990 to 149 in 2002

4From 60 in 1990 to 218 in 2002

5From 1122 in 1990 to 3306 in 2002

6Although the FARC was responsible for a portion of these crimes, so were other guerrillas as well as paramilitary groups.
viable alternative for the time being.\footnote{Right before the 2002 elections, 59\% of the people thought that the government should try to defeat the FARC. A year later, however, that number had dropped to 52\%. In 2004, only 35\% of the people thought the government should keep trying to defeat the FARC, while 60\% thought it should try to negotiate with them.\cite{Gallup2006}.}

The failure of Pastrana’s peace talks not only discredited the guerrilla; it also discredited all those who had ever supported a negotiated alternative to end the armed conflict\cite{GutierrezSanin2007}. Throughout the 1990s Colombia’s party system—once a very stable two-party system\cite{MainwaringScully1995}—had become increasingly fragmented and volatile\cite{PizarroLeongomez2002PizarroLeongomez2006}. The Liberal and Conservative Party had barely been able to keep their majorities alive. The disgraceful end of the negotiations with the FARC in 2002 was the straw that broke the camel’s back. Afterwards, the traditional parties were perceived as equally incompetent. They could not present themselves as credible alternatives, which triggered a legitimacy crisis that paved the way for Alvaro Uribe to attain power as an outsider\cite{AlbarracinGamboaMainwaringForthcoming}.

Before he ran for the presidency, Uribe was a member of the Liberal Party. He had been Medellín’s mayor (1982-1983) and a city’s council member (1984-1986). He had also been Antioquia’s governor (1995-1997) and a Senator for the LP (1986-1994). Early in 2000 he tried to ran in the LP primaries, but later that year he withdrew his nomination and ran in 2002 with an anti-partisan movement (Movimiento Primero Colombia) instead. His personalistic “iron-fist” and “anti-politics” (“anti-politiquería”) platform turned out to be very attractive. He won the presidential election against the traditional parties with 53\% of the votes, 21\% more than his closer contender Horacio Serpa (LP). He is the only president that has won without going into a run-off, since it was adopted in 1991.

Although Uribe’s performance as Antioquia’s governor between 1995 and 1997 was\footnote{Uribe was more of a maverick\cite{Carreras2012}. Weyland2001.}
controversial due to his promotion of the civilian self-defense forces (CONVIVIR). His popularity in 2002 was unparalleled. His approval rating was 72% when he came to office, went as high as 86% during his second term, and never dropped below 68% (Gallup 2011) (See Figure D.2 in Appendix D). As seen in the previous chapter, although much of the time high, Chávez’s popularity was not as consistent as Uribe’s. He started higher than the Colombian president with a job approval rating of 92%, but slid to 31% shortly afterwards (2003) and never went back to what it was in 1999. Chávez’s highest approval rating after he became president was 75% in 2006 (Datanálisis 2013) (See Figure D.3 in Appendix D for Chávez’s popularity and Figure 5.1 for a comparison).

Despite having a different ideology, Uribe was as populist and polarizing as Hugo Chávez. Like the Venezuelan president, Uribe addressed the nation on TV on a regular basis. Every other Saturday he went to a different town and conducted his famous community councils (Consejos Comunitarios). These were televised 12-hour long town-hall meetings, in which a group of people in a given community would gather in order to communicate, directly to the president, their troubles and concerns. Although seemingly innocuous these town-hall meetings presented the President as the embodiment of the state. Uribe listened to people’s private and public problems, and then—live—ordered the regional authorities and members of the cabinet in the room to immediately address them, regardless of whether the issue was access to

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9In theory, these groups were supposed to “help provide security in zones where this could not not be effectively guaranteed by the state security forces. Legally armed, however, soon these groups built or developed strong ties with paramilitary groups and perpetrated, or helped others perpetrate, human rights abuses such as torture, extrajudicial killings, and massacres (Dugas 2003 1124).

10His popularity was 69% when he came to office, went as high as 85% during his second term, and it never dropped below 63% during the time he was president (Gallup 2014).

11Means calculated from Datanálisis Encuesta Nacional Ómnibus March 2013 report (Venezuela) and Gallup Poll Bimestral May 2011 report (Colombia)

12Chávez addressed the nation every week in his show Aló Presidente
Figure 5.1. Hugo Chávez and Alvaro Uribe’s Approval

Presidents Approval
(Yearly Means)

<table>
<thead>
<tr>
<th>Year</th>
<th>Chávez (Datanálisis 2013)</th>
<th>Uribe (Gallup 2011)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999</td>
<td>0.92</td>
<td></td>
</tr>
<tr>
<td>2000</td>
<td>0.63</td>
<td></td>
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<tr>
<td>2001</td>
<td>0.51</td>
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<td>2002</td>
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<td>2003</td>
<td>0.37</td>
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<tr>
<td>2004</td>
<td>0.49</td>
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<tr>
<td>2005</td>
<td>0.71</td>
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<td>2006</td>
<td>0.70</td>
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<td>2007</td>
<td>0.72</td>
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<tr>
<td>2008</td>
<td>0.68</td>
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<tr>
<td>2009</td>
<td>0.70</td>
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<td>2010</td>
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<td>2011</td>
<td>0.61</td>
<td></td>
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<tr>
<td>2012</td>
<td>0.59</td>
<td></td>
</tr>
<tr>
<td>2013</td>
<td>0.60</td>
<td></td>
</tr>
</tbody>
</table>
clean water or a person’s problem in getting a microcredit (de la Torre 2005).

Uribe was very polarizing as well. He and important members of his government often depicted those who criticized him—human rights NGOs leaders, community leaders, politicians, judges, and journalists—as as enemies of the state. They regularly called them “antipatriotic” and “terrorists,” and accused them of aligning with foreign countries—Cuba and Venezuela—against their own (González 2013).

According to a member of a human rights NGO and advocacy group:

“[Uribe] legitimized disrespect as a valid political behavior. He legitimized stigmatization.”

Glued by the president’s popularity, Uribe’s coalition in congress was fairly strong (Milanese 2011). It included the Conservative Party, Cambio Radical and several smaller parties and members of the Liberal Party. These groups controlled 62% of the seats in the Senate and 65% of the seats in the Lower House between 2002 and 2006 (Cárdenas, Junguito and Pachón 2006); and 70% of the seats in the Senate and 54% of the seats in the Lower House between 2006 and 2010. Although recent studies cast doubts on the popular idea that Uribe’s coalition was “steamrolling” (Carroll and Pachón 2016), his popularity, his refusal to affiliate to a political party, legislators’ need for state resources in order to feed regional clienteles, and institutional changes after 2004 helped Uribe keep his congress coalition in line (Milanese 2011). Between

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14 Author’s interview, Bogotá, January 13, 2014.

15 Cambio Radical changed its allegiance when the Uribista coalition introduced the reelection referendum in 2008.

16 Alas-Equipo Colombia, Apertura Liberal, Convergencia Ciudadana, and Colombia Democrática among others.

17 Who later split to form the U Party (Partido Social de Unión Nacional–Partido de la U).

18 In particular the Coalitions Law (Ley de Bancadas) in 2005, which forced members of a given party to vote with their party.
2002 and 2006, his government passed 62% of the bills it introduced; between 2006 and 2010 it passed 50% (Carroll and Pachón 2016). If we compare with Venezuela, Uribe was able to pass a higher percentage of bills than Chávez (37%) during his first term, and only 16% less bills than Chávez (66%) during his second term. This difference is surprising if we keep in mind that Chávez had a 100% chavista National Assembly between 2006 and 2010.

Uribe also had the unconditional support of the armed forces. Traditionally, the military has been subordinate and supportive of the president. Since the beginning of the National Front (Frente Nacional) the armed forces’ obedience to the executive has been a given. Moreover, Uribe was particularly popular among the military. They liked his “iron-fist” stand against the guerrilla and the fact that he always stood behind the institution. In the words of a former member of the armed forces:

“Uribe was the first president who dignified the members of the armed forces... He had zero tolerance [with violence and] assumed responsibility for the armed forces if anything went wrong. He was committed. If it hadn’t been for him there are things that we could not have done . . .”

Throughout his government, Uribe also had the endorsement of important media outlets. *El Tiempo*, Colombia’s largest newspaper, had close ties with government officials (i.e. Francisco Santos, vice-president, and Juan Manuel Santos, Defense Minister). Along with *RCN* and *Caracol*—the two largest television broadcasting companies in the country—these important media outlets either failed to discuss

19 Author’s calculation using my own database built with data collected at the Legislative Archive of the National Assembly of the Bolivarian Republic of Venezuela

20 Period of 16 years that during which the Liberal and the Conservative Party divided power equally, alternating presidents and dividing legislative bodies by half.

21 Author’s interview, Bogotá, December 9, 2013

22 The Santos family owned El Tiempo up until 2007 when a Spanish editorial company (Grupo Planeta) bought it. Grupo Planeta, however, kept a pro-government editorial line (López de la Roche 2014: 62-63).
political issues or had an openly pro-government editorial line. Despite this bias, the media in Colombia was not entirely pro-Uribe. First, none of the newspapers or TV broadcasting companies was completely coopted. *El Tiempo*, for instance, had several op-eds written by people who opposed the government. Second, there were important media outlets that remained critical of the government such as *CM&O, Noticias UNO, Revista Semana*, and *Cambio* magazine (López de la Roche 2014, 62-65, 76-78, 80-83). Uribe tried to pressure journalists in these outlets to silence their criticisms but, for the most part, he was not successful in doing so.

Alvaro Uribe was as willing as Hugo Chávez to increase his powers and extend his time in office beyond a second term, in order to achieve his policy goals. Between 2002 and 2006, the Uribistas introduced several constitutional reforms that sought to increase the powers of the executive and extend Uribe’s time in office. The government or its coalition in congress authored 75% of all the constitutional amendments (i.e. referendums and legislative acts) introduced during Uribe’s first term. 10% of these bills sought to increase the powers of the president and/or extend his time in office. These amendments included a referendum to make congress unicameral, impeach the recently elected congressmen and call for new legislative elections; a bill that curtailed the Constitutional Court’s power of judicial review; a reform that made permanent some presidential decree powers that would normally have time lim-

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23 Author’s interview with Rodrigo Pardo, sub-director of El Tiempo and director of Cambio magazine, during Uribe’s presidency.

24 Chávez’s coalition authored 41% of all the constitutional amendments (i.e. organic laws) between 2000 and 2005. I did not have access to the bills’ content, so it is hard to say how many of these sought to increase the powers of the executive and/or extend Chávez’s time in office.

25 There were also bills, not constitutional amendments that helped his project, like Law 974 of 2005 (“Coalitions Law”) which forced party members to vote with their party. Given that there were 3955 bills introduced during Uribe’s government, however, I decided to code only constitutional reforms.

26 Gaceta del Congreso 323 de 2002

27 Gaceta del Congreso 458 de 2002
its\textsuperscript{28} a bill that made it more difficult for congress to censure cabinet members\textsuperscript{29} a bill that sought to eliminate the National TV Commission (\textit{Comisión Nacional de Televisión – CNTV}), the agency in charge regulating the state’s intervention on TV outlets\textsuperscript{30} and several bills that allowed Uribe to run for a second term\textsuperscript{31}

Between 2006 and 2010, the Uribistas introduced more constitutional reforms that sought to increase the powers of the executive and extend Uribe’s time in office. The government, or his coalition in congress, authored 75\% of all the constitutional amendments introduced during Uribe’s second term\textsuperscript{32} 11\% of these bills sought to enhance the powers of the president or extend his time in office beyond a second term. These reforms included: a bill that sought to curtail the Constitutional Court’s power of judicial review\textsuperscript{33} two bills that sought to change the appointment of justices and, in particular, restructure the Supreme Council of the Judiciary\textsuperscript{34} (\textit{Consejo Superior de la Judicatura–CSdJ})\textsuperscript{35} one bill that sought to limit the Supreme Court’s (\textit{Corte}

\begin{footnotes}
\item[28]Gaceta del Congreso 174 de 2003
\item[29]Gaceta del Congreso 528 de 2003
\item[30]Gaceta del Congreso 344 de 2003
\item[32]With a 100\% Chavista AN, Chávez’s coalition authored a 100\% of all the constitutional amendments between 2005 and 2010.
\item[33]Gaceta del Congreso 412 of 2006
\item[34]The CSdJ is the head of the administrative and disciplinary jurisdiction in Colombia. It is composed by the Administrative and the Disciplinary Chamber. Whereas the Disciplinary Chamber justices are chosen by the Senate from lists built by the president; the Administrative Chamber justices are chosen by the Constitutional Court, the Supreme Court, and the State Department. The government’s constitutional amendments sought to change the Administrative Chamber in hopes to fully control the CSdJ (Rubiano\textsuperscript{2009a}). This institution, is in charge of building lists of appointees to the Supreme Court and the Council of State, administer the judicial branch resources, and administer and supervise the performance of lower courts. It is essential for the judiciary independence. Controlling it would have given Uribe effective means to control other courts, as well as interfere in justices’ appointments.
\item[35]Gaceta del Congreso 343 of 2007, Gaceta del Congreso 495 of 2008
\end{footnotes}
Suprema de Justicia–CSJ) ability to investigate and judge the president; two bills that sought to decrease the power of congress to censure the president or his cabinet members; three bills that changed the appointment of the National Registrar, General Inspector, General Comptroller, and Ombudsman from candidates selected by the courts, to candidates selected from politicized bodies like the National Electoral Commission (Comisión Nacional Electoral–CNE) or public contests; one reform that sought to eliminate the National TV Commission and a referendum that would have allowed Uribe to run for a third term.

Besides the bills mentioned above, the Uribista coalition introduced other constitutional amendments that did not exactly try to increase the president’s legislative or non-legislative powers or extend his time in office, but would have helped Uribe erode democracy. Between 2002 and 2010 the government coalition introduced eighteen bills that would have allowed the immediate reelection of mayors and governors. Like what happened in Venezuela in 2009, these bills were trying to rally regional support for the president’s first and second reelection reforms. Like Chávez, the Uribista coalition also introduced a bill that would have allowed the armed forces, broadly favorable to the president, to vote. This amendment would have increased the number of Uribista voters and, more importantly, enabled the government to politicize the armed forces. Finally, the president’s coalition in congress also introduced four bills that allowed members of congress to be tried in two instances, rather than one.

36Gaceta del Congreso 600 de 2008  
37Gaceta del Congreso 116 of 2008, Gaceta del Congreso 558 de 2008  
38Gaceta del Congreso 107 de 2008  
40Gaceta del Congreso 210 de 2009  
41Gaceta del Congreso 623 de 2008
than a single one. These bills were introduced in the context of the parapolítica trials against members of the Upper and Lower House charged of working together with paramilitary groups in order to win their seats in 2002 and 2006. The parapolítica trials threatened the Uribista coalition. In 2010, eight out of ten politicians under investigation for this crime belonged to the government coalition [López 2010, 51]. Constitutionally, the Supreme Court was in charge of judging members of congress in a single instance. The amendments curtailed the Supreme Court’s powers, allowed congressmen to appeal their sentence, and helped keep the Uribista majorities in congress alive.

5.2.2 The Opposition to Alvaro Uribe

The opposition to Alvaro Uribe was a loose coalition composed by the Polo Democrático Alternativo (PDA)\textsuperscript{42} the few members of the Liberal Party who refused to join the Uribista coalition (liberales oficialistas), unions, and human rights NGOs\textsuperscript{43}. This coalition was neither automatic, nor natural. The left has been traditionally weak in Colombia [Wills Otero 2014]. It was not until after the 2002 elections —when a radical right-wing politician became president—that they were able to join different movements and parties, with views all over the left and center-left ideological spectrum, in a single organization. The PDA was not an official party until 2005.

The Liberal Party had trouble organizing as well. When Uribe came to power, many inside the LP thought the organization should appoint him party leader and join forces with the Conservative Party (CP) to support his government. However,

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\textsuperscript{42}A coalition built from the leftist movements Polo Democrático Independiente, Alternativa Democrática, ANAPO, and Vía Alterna, among others.

\textsuperscript{43}The FARC also opposed the government. However, as mentioned above, they had been largely discredited by Pastrana’s peace process. Despite visible in national politics, they represented and were accepted by a very small group of those who opposed Uribe and, therefore, they did not represent a legitimate threat in the struggle for national political control.
the LP had important members like Piedad Córdoba and Horacio Serpa, who had strong ideological and political objections against Uribe. They won over the Uribista-liberal coalition\(^{44}\) and refused to join forces with the administration. Not without turmoil, eventually those who wanted to follow Uribe left the party to join the newly formed U Party.

Between 2002 and 2010 the LP and the PDA were reluctant allies. Led by former jurists like Carlos Gaviria, long standing politicians like César Gaviria, and former guerrilla (M-19) members like Antonio Navarro and Gustavo Petro, different opposition factions agreed to oppose the president’s security agenda and institutional reforms and do so legally without resorting to extra-institutional strategies with radical goals, but they did not coalesce in other topics (e.g. economic policy.) Moreover, the LP and the PDA wanted to stay separate and distinguish themselves in order to strengthen their label and brand. For instance, they failed to reach an agreement to present a single candidate against Uribe in 2006.

The anti-Uribista coalition was not nearly as strong as the opposition that Chávez faced when he came to power in 1999. First, between 2002 and 2006, the opposition coalition had only 21% of the seats in the Senate and 29% of the seats in the Lower House, and between 2006 and 2010, it had only 28% of the seats in the Senate and 23% of the seats in the Lower House\(^{45}\). This is in contrast to the Venezuelan opposition, which had 34% of the National Assembly seats in 2000, but was able to increase its seat share to 48% between 2001 and 2002.

Second, the Colombian opposition did not have the endorsement of the mainstream media or the armed forces. Different from the anti-chavista coalition, which controlled the largest media outlets in Venezuela until 2007, the anti-Uribista coalition

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\(^{44}\) Members of the Liberal Party who had supported Uribe’s presidential campaign.

\(^{45}\) This number changed after 2008 when some members of Cambio Radical changed sides, and joined the anti-Uribista coalition.
had few channels to put their word out. As mentioned above, aside from very small partisan magazines and newspapers like *Semanario la Voz* and some of the more independent media outlets (i.e. *CM&*, *Noticias Uno*, *Revista Semana* etc.), most of the media leaned towards Uribe. The opposition in Colombia did not have the support of the armed forces either. Whereas in Venezuela important factions inside the military sided with the opposition, in Colombia the non-intervening nature of the armed forces, as well as the impressive support Uribe had inside the institution, made it highly unlikely that the military would have sided with the opposition against the government.

To the extent that they were independent, the anti-Uribista coalition did have some support inside courts and oversight agencies. However, so did their Venezuelan counterparts between 1998 and 2004. Throughout the 1990s, the Venezuelan courts underwent institutional changes that strengthened them and made them more independent from other branches of power. By the end of the decade the Supreme Court was an important political actor in Venezuela. It heard cases on important policy matters like market reform and tried cases against sitting (Carlos Andrés Pérez, 1974-1979 and 1989-1993) and former presidents (Jaime Lusinchi, 1984-1989) (Sanchez Urribari 2011). The 1999 Constitution did not change that. On the contrary, at least on paper it further strengthened the courts. It created a Constitutional Chamber inside the Supreme Tribunal of Justice with broad review powers, reformed the appointment of justices and included in the process public contests, an appointment’s committee, a civil committee, and a congressional committee, and put the TSJ in charge of the administration of the judicial branch (Sanchez Urribari 2011). The Supreme Tribunal of Justice designed by the charter was stronger than it had ever been before. Still, after 2004, Hugo Chávez managed to coopt Venezuela’s high courts and, since then, they have almost never ruled against the government. Similar to what happened in Venezuela in 1998, in 2002 there was no guarantee that Colomb-
bia’s strong and independent judiciary could survive Uribe’s government (García and Revelo 2009a, 2010). Since the 1991 Constitution, the Colombian high courts, and in particular the Constitutional Court, have been remarkably independent activist tribunals, but they are not immune to the executive (Rodriguez-Raga 2011). Like any other court, they lack the power of the sword or the purse, which makes them vulnerable to other branches of power.

Like Chávez, Uribe tried to reform the courts, pit them against each other and coopt them. Unlike Chávez, however, the Colombian president failed. His reforms had strong objections inside congress, which failed to debate them, his attacks against CSJ justices were never proven to be true and eight years in power gave Uribe enough time to influence the appointment of some members of high courts, but not all of them.

The Supreme and, in particular, the Constitutional Court were essential to stop

46 Colombia’s Constitutional Court and Supreme Court have a longstanding debate surrounding tutelas (a type of lawsuit meant to protect fundamental rights) against judicial rulings. The CSJ argues that there should not be tutelas against judicial rulings, and whatever decision it makes stands. The CC argues in favor of tutelas against judicial ruling, which gives it the last word over any decision made by other courts, including the CSJ (Botero Marino and Jaramillo 2006; Quinche Ramírez 2010). See

47 There is little empirical evidence that can explain why congress failed to debate these bills. An underlying consensus among scholars is that the lack of debate evidences the legitimacy of the courts (Rodriguez-Raga 2011; Rubiano 2009a). This, however, is hard to prove since the meetings in which these decisions were made were private and there is no record of what was discussed there (Author’s interview with Rafael Pardo, former congressman for Cambio Radical, Bogotá, May 15, 2014)

48 The president accused Iván Velázquez (Magistrado Auxiliar), in charge of the parapolítica investigations, of threatening a former paramilitary (alias “Tasmania”) if he did not declare against the president. It was later proven that Tasmania’s testimony was staged. Revista Semana, February 27, 2015.

49 The 9 members of the CC are chosen by the Senate from nominees sent by the President (3), the CSJ (3), and the CSdJ (3). The nomination was designed such that not all presidents chose CC justices, and those that did could only send nominees in the third year of their 4-years term. The first immediate reelection changed that. Not only was Uribe able to nominate 3 justices that would eventually rule important reforms like the second immediate reelection, but he was able to indirectly intervene in the Senate’s selection of the other nominees in order to guarantee a more favorable court (Rubiano 2009a).
Uribe’s reforms. However, this was not a given in 2002. Key to the survival of these courts, was the ability of its justices to keep their legitimacy and the institution’s intact. This ability, however, was closely related to the opposition’s reluctance to use extra-institutional strategies with radical goals, as well as their ability to use institutional strategies and extra-institutional strategies with moderate goals.

The CC has strong popular support in Colombia. Uribe, however, always had more. Aware of that, the court assessed the context in which it ruled trying to predict the executive’s reaction to its decision, as well as the costs associated to the president’s response (Rodriguez-Raga 2011). The opposition’s strategic choices helped tame the president’s reaction and lower the costs of his response. By refusing to use extra-institutional strategies the opposition avoided the president’s polarization game, giving the CC enough room to rule against the executive. By using institutional strategies it provided the CC with procedural irregularities—less controversial legal arguments—they could use to rule against Uribe’s “power-grabbing” reforms. By complementing their institutional strategies with extra-institutional strategies with moderate goals, they reassured justices inside the court of their legitimacy and public support. Together, these tactics made it difficult for the president to politicize adverse decisions and/or portrait them as a political response orchestrated by those who opposed him.

5.3 Institutional Strategies and Extra-Institutional Strategies with Moderate Goals

Despite the overall weakness of the opposition, unlike what happened in Venezuela, Uribe was not able to erode democracy. The constitutional amendment that enabled the president to run for a second immediate term, and Uribe’s reelection itself[

50] The appointment of justices and oversight agents, as well as the number of years they serve were designed such that the sitting president would have not been in power enough time to oversee the appointment of all justices and oversight agents and, if chosen during his term, they would not have been able to serve more than two years with that sitting president. The reelection changed that.
allowed him to influence\textsuperscript{51} the election of 3 out of 9 members of the CC, 4 out of 6 members of the National Television Commission, 7 out of 9 members in the CNE, and 5 out of 7 members of the Central Bank.\textsuperscript{52} He was also able to appoint co-partisan General Inspector and Ombudsman. Nevertheless, Uribe was not able to push past beyond that. Out of the 24 constitutional amendments that Uribe’s coalition introduced, only 5 became law, and 2 of those were rejected by the CC (including the bill that would have allowed him to run for a third term.)

The correlation of forces between government and opposition would have suggested a different outcome. If we think through the “regime vulnerability lens” (Bunce and Wolchik\textsuperscript{2011}, 216) and assume that only weak authoritarian leaders fail (Levitsky and Way\textsuperscript{2010}), the popularity and support that Uribe had, and the relative weakness of the opposition that faced him, should have led to the erosion of democracy in Colombia. In order to understand why this country’s democracy survived, we need to think through the “regime defeat lens” (Bunce and Wolchik\textsuperscript{2011}, 216), focus less on the correlation of forces between government and opposition, and pay more attention to the decisions the latter makes.

Different from the Venezuelan opposition, the anti-Uribista coalition avoided extra-institutional-strategies with radical goals, and used institutional strategies and extra-institutional strategies with moderate goals to fight Uribe’s attempts to increase

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Uribe was able to oversee the appointment of all the justices in the Constitutional and Supreme Court, the State Council (Consejo de Estado-CdE), and the Consejo Superior de la Judicatura, as well as all the members of the National TV Commission and the Central Bank. He was also able to participate in the appointment of a General Inspector and an Ombudsman who served up to six years with him as sitting president.

\textsuperscript{51}By designing groups of nominees in which only the government’s preferred nominee fulfilled the requirements to be appointed (ternas de uno), by designing groups of nominees in which all of the people propose were equally uribista, and —in those cases in which the president did not have the power to propose nominees—by pressuring congress to either reject all of the nominees put forward, or chose the one that favored the government the most.

\textsuperscript{52}Although it was aligned with Uribe’s government, only one of the 7 members of the Central Bank voted unconditionally with the government (Rubiano\textsuperscript{2009b}).
his powers and extend his time in office in order to achieve his policy goals. It refused to play into the government’s polarizing discourse both by effectively distancing itself from the FARC avoiding public comments or actions that could have been seen as legitimizing the guerrilla, and by declining to use the streets to push the president to resign.

The absence of extra-institutional strategies with radical goals protected the opposition’s legitimacy abroad. Unlike those who opposed Chávez, opposition politicians, unions, and NGOs were never accused of being undemocratic, illegal or radical by foreign governments or international organizations. Their actions were never seen as unwarranted, and they remained broadly perceived as advocates for democracy and human rights. This, in turn, allowed them to use international forums to thwart the president’s agenda and some of his reforms that harmed democracy. The reluctance to use radical extra-institutional strategies, also kept the opposition’s domestic legitimacy intact. It allowed the anti-Uribistas to broaden its coalition in congress and keep its popular support, and hindered Uribe’s ability to frame the opposition-government dynamic as one between a democratic popular government against a radical undemocratic or illegal opposition. By doing so, the Colombian opposition failed to provide the president with “legitimate reasons” to remove opposition members from congress and high courts, which enabled it to use these bodies to stop Uribista reforms that would have hinder democracy.

The Colombian opposition actively participated in the 2002/2006 presidential and parliamentary elections and the 2003/2007 regional elections, used congress and courts to obstruct and stop the president’s legislation, and used protests and boycotts to draw attention to the amendments, decrease popular support for specific reforms, and boost the legitimacy of the Constitutional Court. Between 2002 and 2010, the opposition in congress used rules of procedure to obstruct the legislative debate. It strategically extended bills’ transit through congress, and denounced and manufac-
tured procedural irregularities. The delays opened up windows to a) soften otherwise radical reforms and b) increase the public scrutiny of the bills. The procedural irregularities, in turn, facilitated judicial review by providing strong legal arguments to rule against some of these reforms. Together these strategies helped slow down the process by which the government meant to weaken other branches of government and helped the Constitutional Court stop Uribe’s second reelection reform.

5.3.1 Avoiding Radical Extra-Institutional Strategies

The opposition was well aware of the importance of keeping its legitimacy domestically and abroad. In order to neutralize the people who criticized him, or endangered his project in anyway, Uribe systematically tried to discredited them. The government publicly painted opponents and critics as “anti-democratic,” “anti-patriotic” or “terrorists” (Sierra 2015). It also used the security service agency (Departamento de Seguridad Nacional–DAS) to illegally spy on opposition leaders, critical journalists, and Supreme Court justices and clerks in order to find “dirt” (Morris 2010). It has been proven that people close to Uribe’s administration even worked with former paramilitary members in order to make up evidence against those who opposed the president.

Uribe had a very successful media strategy. Especially inside the country, his smears often times cased doubts on the opposition, or at least diverted the public’s attention away from criticisms put forward against him (Sierra 2015). Journalists called this Uribe’s “teflon.” His popularity survived scandals that the popularity of

53 These attacks were prompted by the Supreme Court’s investigations of members of congress who had allied with paramilitary or guerrilla groups to win their seats (parapolíticos). By April 2010, 102 congressmen were under investigation. 2 out of 3 were part of the government coalition (López 2010).

54 Revista Semana, October 27, 2008; March 2, 2009; June 1, 2009; July 3, 2009; and December 21, 2009.

55 El Espectador, March 6, 2013.
many other presidents would have not survived. Buying legislators to pass the first reelection; the state’s police intercepting the calls and emails of justices, journalists, and opposition politicians, and extra-judicial killings by entire battalions inside the armed forces in order to obtain rewards that the president’s security program offered for war casualties are some examples of that. Due to the security crisis and the need to “end violence,” Colombians were often willing to believe that “the ends justified the means,” and accepted most of what Uribe did (Borda 2012).

Under those circumstances, the opposition could not give Uribe ammunition to substantiate his attacks. When asked about their strategic choices, interviewees recognized the advantage of being inside the legislative. They all said that, although it was impossible for them to legislate, being inside congress increased their ability to be heard. According to Gustavo Triana, Secretary General of the PDA:

“[Having a presence in congress] helps because the role of the parliament is to become a “loudspeaker” of what people is fighting for … you can do ten thousand blockades in Curumaní and, if it wants, the regime can hide them. Not even inform them through the radio or the TV. Having a councilman, a depute or a senator gives you the possibility to announce them, to make noise, to become a “loudspeaker.” … a different thing would be if the country were under circumstances in which the parliament is closed, the nation is militarized, there are no cabinet offices, there is a civilian or military dictatorship. Then we would have a national uprising.”

Opposition interviewees also agreed that opposing Uribe, even in the most moderate manner, was hard. Uribe conflated opposition with subversion. Criticizing the government was like being against the nation itself. The streets, broadly speaking,

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56 Author’s interview, Bogotá, November 19, 2013

57 Author’s interview with Ernesto Samper, former President of Colombia (1994-1998), Bogotá, November 15, 2013.

58 Author’s interview with Rodrigo Pardo sub-director of El Tiempo and director of Cambio magazine, during Uribe’s government, Bogotá, January 14, 2014.
were not the ideal terrain to fight the president. Uribe was very popular and the people did not like the opposition that much. You could end up in jail. The opposition could not give the president “legitimate” reasons to remove its members from key institutions, which, like congress, were immensely valuable for them.

In order to keep its legitimacy domestically and abroad, the opposition skillfully tried to set itself aside of the polarized world that Uribe wanted to create. Not only did it not use the streets to push Uribe to resign, but it also distanced itself from the FARC. During Uribe’s government the number of protests increased. Between 1991 and 2001 the average number of protests a year was 429. Between 2002 and 2008, they rose to 643. However, these protests did not sought to delegitimize the government. Only 28% of the protests during Uribe’s government targeted offices of the executive branch. Their goal was not to oust the president, but to oppose the president’s policies and protect civil and human rights. For instance, the movement organized against the second reelection referendum, Alianza Ciudadana por la Democracia, carefully clarified that it was not against Uribe, but rather, for the “protection of the 1991 Constitution.” It went outside institutions not to fight the president’s legitimacy, but rather that of his reform. Something similar happened with the electoral boycott against the 2002 referendum. These extramational strategies fought the president’s proposed constitutional amendments, not Uribe himself.

At the end, as Ramiro Bejarano, former joint justice of the Supreme and Constitutional courts and the Consejo Superior de la Judicatura, and lawyer of CSJ justices in

59 Author’s interview with César Paredes, journalist for Revista Semana, Bogotá, September 9, 2013.
60 Author’s interview with Germán Navas, PDA House Representative, Bogotá, Nov 18, 2013.
61 Reports from the Centro de Investigación y Educación Popular–CINEP suggest that 26% of all protest were about civil and human rights and 23% of all protests were about government policies.
62 This movement organized a campaign against the reelection referendum.
lawsuits introduced by the government during Uribe’s presidency, it was clear that: 

“[Uribe] wasn’t able to discredit the opposition, not because he stopped trying, but because he did not find elements to do so.”

In order to diminish the effect of the president’s smears, the opposition also set itself apart from the FARC. The left in Colombia has a history of ambiguity with the guerrilla. Throughout most of the second half of the twentieth century, most left-wing parties refused to clearly reject the armed struggle. Even though, since the late 1980s it is clear that most leftists politicians have no ties with illegal groups, the PDA is often times broadly perceived as “complacent” with guerrilla warfare. Given the discredit of the FARC domestically and abroad, it was key for the opposition to go above and beyond to keep the guerrilla actions separate of what they did. In words of Carlos Gaviria, former leader of the PDA and presidential candidate for that party in 2006:

“One of the biggest obstacles that the left has encountered is the guerrilla, because when you say that you are leftist they tie you to the armed struggle. It is very important that people get rid of the idea that every proposition of the left has to do with the use of arms.”

Indeed, for the most part, the opposition was strategically critical of the FARC’s violent actions. Left wing politicians sincerely opposed guerrilla warfare, but most importantly, they were vocal about this opposition. They wanted people to stop tying them to the FARC. Even if leftist politicians thought that negotiation was the best way to solve the armed conflict, they were always quick to reject the guerrilla’s violent methods. In June 2007, for instance, when the FARC announced the death

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63 Author’s interview, Bogotá, November 13, 2013.


65 This is mostly the PDA. The Liberal Party did not have the same problem.

of 11 regional deputes they had kidnapped in 2002, Gustavo Petro (PDA Senator), vocally condemned the FARC and pushed the party to release a statement in which it clearly reproved the act. This gesture, was recognized even by strong Uribistas like Rafael Nieto Loaiza\footnote{He was Uribe’s vice-minister of Justice} who in an op-ed called for more similar statements from the left uncovering its “dark side” and “unambiguously betting on democracy” \cite{Nieto2007}.

5.3.1.1 Domestic Legitimacy

The absence of extra-institutional strategies with radical goals (or even the appearance that they condoned anything of the sort) protected the opposition’s legitimacy domestically in three ways. First, it allowed the opposition to keep and, in the case of the PDA, even increase its popular support. The left has never been particularly popular in Colombia. Unlike most other Latin American countries, before 2006, leftist candidates never had a strong showing in national elections\footnote{The exception would be the Constitutional Assembly in 1991 where the M-19 won one third of the seats.}. During Uribe’s government the PDA not only managed to increase its vote share in presidential elections from 6\% in 2002 to 22\% in 2006, and its vote share in legislative elections from approximately 2\% in 2002 to approximately 8\% in 2006, but its leaders maintained and even increased their approval ratings. Luis Eduardo Garzón —presidential candidate for the left in 2002 and PDA’s candidate for Bogotá’s mayorship in 2003—had an approval rating of 23\% before 2002. This number arose to 62\% during the 2002 presidential elections and never went below 40\% during Uribe’s government \cite{Gallup2009}. Something similar happened with Carlos Gaviria—Senator for the left in 2002, and PDA’s presidential candidate in 2006. His approval rating was 19\% in 2004, went as high as 43\% in 2006 during the presidential elections, and it never dropped below
Following a similar trend, Gustavo Petro’s—Senator for the PDA in 2002 and 2006, and PDA’s presidential candidate in 2010—approval rating was 15% in 2005, went as high as 30% in 2009, and never dropped below 21% (Gallup 2009). Petro’s overall popularity is not impressive, but the point remains: during Uribe’s government the former PDA Senator increased—at some point even doubled—his support.

The LP had a different trend. As mentioned above, this party’s popular support and vote share decreased throughout the 1990s, and the situation worsened when half of its members left to join the Uribista coalition after 2002. Important members of the LP managed to keep their approval ratings somewhat intact. Piedad Córdoba’s—senator for the LP in 2002 and 2006—approval ratings, for instance, fluctuated between 25% and 28% between 2003 and 2006, but went as high as 42% in 2007 (Gallup 2007). We cannot say the same for politicians with a longer and more visible political trajectories like two times presidential candidate (2002 and 2006) Horacio Serpa or former president César Gaviria. Their approval ratings suffered severely during Alvaro Uribe’s government. César Gaviria’s approval rating was 47% in 2002, dropped to 27% in 2006, and fluctuated between 27% and 42% afterwards (Gallup 2007). Horacio Serpa’s approval rating in 2002 was 48%, and afterwards it fluctuated between 30% and 41% (Gallup 2006). Notwithstanding these numbers both Serpa and Gaviria remained well respected politicians throughout Uribe’s govern-

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69 Unfortunately there is no data past 2007.

70 Perhaps the only outlier in the PDA is Antonio Navarro, Senator for the PDA in 2002. Navarro has a longer political trajectory than any of the politicians mentioned above. His approval rating before Uribe came to power was 60% and then dropped steadily to 41% in 2004 and 32% in 2006 (Gallup 2006).

71 In April 22 roughly 22% of the people interviewed identified with the LP, by December 2009 this number had dropped to 14% (Gallup 2014). Moreover, in 2002 the LP had a 31% vote share in the Lower and the Upper House; in 2010 its vote share had shrunken to 19% and 15% respectively.

ernment. They were perceived as legal, democratic, and legitimate opponents to the government.

Second, the anti-Uribista coalition’s reluctance to use radical extra-institutional strategies was useful to increase the opposition’s coalition inside congress. Between 2002 and 2006, important and visible members of congress moved out of the government’s coalition and joined the opposition. For instance, during the president’s first term, Rafael Pardo—longstanding Liberal politician, Senator with Cambio Radical in 2002, and the Liberal Party’s presidential candidate in 2010—and Héctor Helí Rojas—House Representative and Senator for the LP between 1986-1994 and 1994-2010, respectively—who had initially supported Uribe moved out of the Uribista coalition and led the opposition against important amendments that helped erode democracy like the Antiterrorist Statute and the first reelection reform. Uribe also faced defections during his second term. In disagreement with the second reelection reform, Cambio Radical and visible members of the U Party like Gina Parody and Jairo Clopatosky joined the ranks of the anti-Uribistas against the second reelection reform.

Notwithstanding small, these defections were important for the opposition. First, they reinforced the idea that those who opposed Uribe were not the “radical left.” The image of Germán Vargas Lleras (CR)—who had been Uribe’s right hand in congress—joining the opposition to fight against the second reelection referendum, was a powerful one. Second, these defections improved the opposition’s ability to use procedural irregularities against Uribe’s amendments more effectively. When

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73 Pardo left the Uribista coalition in 2005; Rojas left the Uribista coalition in 2004.
74 Cambio Radical was one of the most “Uribista” parties until 2008. Its leader, Germán Vargas Lleras, was often conceived as Uribe’s right hand.
75 This party was built for the 2006 elections around Uribe, as its name suggests.
76 The same is true for Gina Parody. Revista Semana, January 19, 2009.
CR changed sides, for instance, they had the presidency of the Lower House. This position was key to delay the reelection referendum debate in 2008 and 2009.

Outside congress, the opposition was also able to build a broader coalition thanks to the absence of radical extra-institutional strategies. For instance, former members of the 1991 Constitutional Assembly joined ranks to oppose the second reelection reform. The group Alianza Ciudadana por la Democracia had former Uribistas and non-Uribistas. They were able to act together only because the group agreed to fight the reform, rather than the president himself. According to its leader Armando Novoa, “to say that the alliance was against Uribe meant an immediate rejection. Instead, we decided to frame our opposition in defense of institutions.” As I will show later, the campaign organized by Alianza Ciudadana was important to help the Constitutional Court rule against the second reelection referendum.

Although Chávez also suffered important defections during his government, these happened mostly between 1998 and 2002. As time went by, and the Venezuelan opposition radicalized, it became harder for moderate Chavistas to join it. The same was not true for the opposition in Colombia. The mainstream anti-Uribista coalition refused to use (or silently endorse) radical extra-institutional strategies to oust Uribe. By doing so, they remained viable political allies for Uribistas who agreed with many of the president’s policies, but opposed Uribe’s reforms that would have harmed democracy the most.

Finally, eschewing extra-institutional strategies with radical goals also helped the opposition keep its seats in congress. For instance, in the midst of the parapolítica scandal, the attorney general used information found in guerrilla leader Raúl Reyes’s computer to prosecute eight opposition congress members for alleged ties with the

[77] Author’s interview, Bogotá, December 6, 2013

[78] Revista Semana, April 21, 2008
FARC. After the computer was disqualified as evidence, the processes against those members of congress fell apart. Most of these politicians kept their seats in congress and even won elections past 2010.

One exception was Piedad Córdoba, Senator for the Liberal Party and vocal opponent to Alvaro Uribe. Córdoba had worked hard to get a humanitarian agreement, to exchange guerrilla prisoners for people who had been kidnapped or captured by the FARC. Under that framework, she was often authorized to meet with members of the guerrilla group. However, she went beyond that. She publicly showed support for the guerrilla’s fight, called people to “subvert” Uribe’s government, and asked foreign nations to cut diplomatic relations with Colombia (La Silla Vacia, 2010). Although no crime has been proven so far, Córdoba’s actions gave credit to the perception that she was closely related to the FARC and eventually allowed the Uribista general inspector, Alejandro Ordoñez, to remove her from congress and disqualify her to participate in politics for 18 years.

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79 El Espectador, May 18, 2005


81 Five of them were either found not guilty, or the CSJ did not find enough merits to continue the investigation.

82 Although she never openly supported violence.

83 The investigation against Piedad Córdoba is still open. The Supreme Court did not find merit to any accusation of having a relationship with the FARC in relation with her job as a congresswoman. El Tiempo, August 20, 2014.

84 Revista Semana, February 16, 2009.

85 El Espectador, October 27, 2010.

86 The process started before Uribe left power but the ruling was not announced until September 2010.
5.3.1.2 International Legitimacy

The absence of radical extra-institutional strategies also helped the opposition keep its legitimacy abroad. Uribe tried hard to paint those who opposed him as “terrorists” or “FARC allies.” The opposition’s refusal to use the streets to oust the president and their constant effort to reject guerrilla warfare did not allow the president to support these claims.

Those who opposed Uribe’s iron fist policies and institutional reforms had a hard time convincing the international community that Uribe was not everything that he promised to be.\(^{87}\) On paper his security policies were democratic and respectful of human and civil rights (Borda 2012). In this context, keeping a “good behavior” in order to maintain the opposition’s legitimacy abroad did not guarantee the international community’s support, but helped. It enabled unions and human rights NGOs to use these international forums to denounce Uribe’s policies and hinder his image abroad.\(^{88}\)

Keeping the support of the international community, in particular the United States, was key for Alvaro Uribe. For the Colombian president, being successful in the fight against the FARC was as as important as it was for Chávez to reduce poverty. The international community’s contributions, in particular the United State’s (Tickner 2007), were key to implement Uribe’s security policies. With that in mind, unions and human rights NGOs actively lobbied foreign governments and international organizations arguing that the government’s policies threatened democracy, human and civil rights. Their objective was to obstruct or curtail\(^{89}\) the funds that the Colombian government received, and leverage this influence in order to force the government to

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87 Author’s interview with member of advocacy group and human rights NGO, January 13, 2014.

88 Author’s interview with Rodrigo Pardo, Bogotá, January 14, 2014

89 Trying to get restrictions on the activities for which the money could be used, or conditions that the government needed to meet before it got the money.
tone down criticisms against those who opposed it, promote human rights, protect
unions leaders, and investigate and prosecute crimes such as extrajudicial killings,
illegal wiretappings, and paramilitary’s influence in the government.

Although the international community never turned against Uribe and the US kept funding his security policies, these criticisms did not go unheard. It was hard for Uribe to enlist the support of the European Union, which distrusted his human rights record. High ranking politicians like former US vice-president Al Gore refused to appear in public with Uribe due to the parapolítica scandal and the opposition’s allegations that the government had ties with paramilitary groups. More seriously, US members of congress for the Democratic Party often criticized Colombia’s human rights climate and called for restrictions in US aid. Throughout Uribe’s first term, Senators Jim McGovern and Patrick Leahy tried to cut Colombia’s funding and disputed the human rights certification that the Colombian government needed to receive US funds. After 2006, when Democrats won a majority of the seats in both houses of congress, they delayed the approval of the Colombia Trade Promotion Agreement (TPA) and, more importantly, cut US military aid by 10%.

The distrust, the restrictions, and the delays were all minor successes for the opposition. They would have certainly not stopped Uribe from eroding democracy by themselves, but they helped. They lend credibility to the anti-Uribista’s complaints against the government and scratched Uribe’s “teflon.” The international community was important especially towards the end when it subtly signaled that it did not like Uribe’s third reelection reform. In 2009, when Hillary Clinton, Secretary of State

94 Interview with Rodrigo Pardo, president of RCN and former editor of magazine Cambio, Bogotá
at the time, was asked about the reelection referendum, she refused to comment on Colombian internal affairs, but was quick to state that any institutional reform had to abide by OAS Democratic Charter and respect checks and balances. Later on, when Uribe visited US president Barak Obama in 2009, the latter emphasized that in the US two terms were enough. It is unlikely that the US would have changed its approach to Colombia had Uribe been reelected, but these criticisms were certainly useful in the fight against the second reelection reform.

Overall, the absence of extra-institutional strategies with radical goals helped the opposition in Colombia. Despite the government’s attacks and attempts to smear its reputation, the anti-Uribista coalition was able to keep its legitimacy domestically and abroad. Although it did not have the unconditional support of the people or the international community, unlike Chávez, Uribe was never able to frame the government-opposition dynamic as one between a democratic government against a radical undemocratic opposition. During the eight years he was in power, the anti-Uribista coalition was able to protect its public image, enhance its coalition, and credibly denounce human rights abuses and reforms that hindered democracy, abroad.

5.3.2 How These Strategies Work

The Colombian opposition not only avoided extra-institutional strategies with radical goals, but it actively used institutional strategies and extra-institutional strategies with moderate goals, to fight Uribe’s reforms. Although it was very hard for those who opposed Uribe to push legislation through congress, it was clear that they “did not come [to congress] to legislate, but to prevent others from doing so.”

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95 Revista Semana, Junio 29, 2009
97 Author’s interview with opposition congressman aide, Bogotá, May 14, 2015.
Between 2002 and 2010, the opposition systematically used rules of procedure to obstruct the president’s reforms. It delayed bills’ transit through congress. The delays increased public scrutiny and helped break the government’s coalition’s behind the amendments. This, in turn, opened up windows for friends and foes to modify the bill, allowing the opposition to tame otherwise radical reforms.

The anti-Uribista coalition also manufactured and/or denounced procedural irregularities. The Constitutional Court’s judicial review powers are limited. It cannot rule against congressional constitutional amendments or bills to allow referendums based on their content, only based on irregularities occurred during their debate. By creating and reporting procedural irregularities, the opposition gave the Constitutional Court important legal arguments to rule against Uribe’s bills. Without these arguments, the court’s ruling would have been much more controversial. It could have been portrayed as politically biased, hindering the court’s legitimacy and, with it, its ability to protect itself against a popular president like Uribe, with the resources to ignore the courts.

Extra-institutional strategies with moderate goals complemented the opposition’s strategy inside congress. The delays in the legislative allowed the anti-Uribista coalition to decrease the support for Uribe’s constitutional amendments. The opposition, in turn, capitalized the reduced support and used it to mobilize people to oppose the president’s reforms in the streets. Not only were these extra-institutional strategies with moderate goals important to stop some of Uribe’s reforms, like the 2002 referendum, but they also helped bolster the Constitutional Court’s legitimacy making it easier for it to rule against the president.

Below, I focus on three examples to illustrate how these causal mechanisms work: the Referendum against Bad Politics and Corruption (2002), the Antiterrorist Statue (2003), and the Reelection Referendum (2009). I chose these bills because out of the 21 bills introduced by Uribe’s coalition to enhance his powers and/or extend his time
in office, these were most important and visible ones. Had any of them passed as proposed by the president they would have weakened the legislature, increased the president’s powers of decree, and allowed him to govern for 12 years and possibly more.

5.3.2.1 The Referendum Against Bad Politics and Corruption (2002-2003)

The day he was sworn in office (August 7 2002), Alvaro Uribe sent to congress a bill to allow a “Referendum against Bad Politics and Corruption” (Referendo contra la Corrupción y la Politiquería). The original version of the referendum called for a smaller unicameral legislature and mandated immediate legislative elections. It also sought to increase the causes that would remove congressmen from office or disqualify them from participating in politics and proposed to abolish regional oversight agencies. Had it passed as proposed, it would have seriously decreased the powers of the legislative vis-à-vis the president’s, and allowed Uribe to elect a tailor-made congress as Chávez in 2000.

The government’s idea was to use Uribe’s popularity and momentum to push the referendum bill through congress and get people to the polls during the first semester of 2003. Uribe was aware of the electoral advantage that his victory provided and the fact that such momentum would run out fast. In order for his strategy to work, therefore, the referendum needed to happen soon. Otherwise, Uribe was not sure his popularity would be enough to meet the turnout requirements (25% of the registered voters) and there was a good chance that the referendum would not be enacted into law (Breuer 2008).

98 Out of the bills left: three were withdrawn; twelve were archived before the first debate (there are no records to explain why these bills never went through); two bills were accumulated with larger reforms (some of which I discuss in the text); and one bill was approved.

99 Gaceta del Congreso 323 de 2002.

100 In July 2002 76% of the people approved Uribe and 81% were willing to support the referendum.
Therefore, from the beginning, the referendum had all the support the government could provide. It was evident that the president was personally invested in having this bill passed. In Colombia, the president’s support for a bill is a significant predictor of its success in congress (Cárdenas, Junguito and Pachón 2006; Milanese 2011). Against the majorities, the resources, and the popularity of the president, there was little the opposition could do to fight the referendum.

Still, it used rules of procedure to lengthen the referendum’s transit through congress, successfully delaying the bill. The referendum bill had three debates. On each one of the three congressional debates the opposition demanded that the referendum had to be debated and voted question by question using roll call voting. Before July 2009, most bills could be voted without roll call voting, except when requested by a member of congress. Politicians who opposed bills often asked to use roll call voting in order to stall. In this case, the opposition required roll call voting for each of the referendum’s sixteen questions, as well as the amendments to each one of them. As a result, getting the referendum through congress took almost twice as much time as it would have taken otherwise. Whereas committee or plenary debates usually take one to four sessions, the referendum debates took, in average, seven sessions each.

Friends and foes of the project used this time to change the bill from how it was originally proposed. This was so evident that halfway through the joint committee debate, in October 2002, the president threatened to circumvent congress and collect

In January 2003, those numbers dropped to 68% and 46%, and in July 2003 they dropped even further to 64% and 43% respectively (Bermúdez 2010, 198, 205).

101 Referendum bills usually have four debates, but Uribe introduced this bill with an urgency provision that forces the House and the Senate to have joint committee debates.


103 The Legislative Act No. 1 of 2009 made roll call voting mandatory starting in July 2009.
signatures to present the referendum directly to the people.\textsuperscript{104} When it left the legislature, the referendum no longer proposed immediate congressional elections, did not call for a unicameral legislative, and proposed to reduce congress only by 20% (30% less than the original proposal had envisioned.) Most of these changes were introduced by the president’s own coalition. Some of them were the outcome of negotiations early in the process\textsuperscript{105} Others, however, happened later as the debate dragged on and the Uribista coalition in congress became harder to control.

These changes were essential to defeat the referendum. Not only did the bill lose the question about the impeachment of congress, that promised to increase turnout (Bermúdez 2010, 205-206)\textsuperscript{106} but without the unicameral congress provision or the threat of early elections, it no longer curtailed congress’s power as much as it did before. The Constitutional Court further modified the referendum. After being reviewed by the court, it no longer had “inductive” introductory paragraphs that biased the questions, or the question that would have permitted voting all the items at once.

The changes introduced by congress and the CC to the referendum were critical for its failure (Bermúdez 2010, 206; Breuer 2008), but it was the opposition’s extra-institutional strategy with moderate goals that finished it off. Starting on December 2002, the left (and few members of the Liberal Party) campaigned for abstention\textsuperscript{107} They asked anti-Uribista voters not to show at the polls. This campaign did not seek

\textsuperscript{104}Revista Semana, October 14, 2002.

\textsuperscript{105}The statement in support of the bill, in the first debate on September, called for a bicameral, albeit smaller, congress and allowed the president and congress to call for early congressional elections if both of these bodies thought it was “in the best interest of the nation”.

\textsuperscript{106}Throughout the debate the government tried to include different articles that would increase turnout: a ban on drugs dosage for personal use and an extension of governors and mayors term. These questions were fought over during the congressional debates. The first one was declared unconstitutional by the CC; the second one was removed during the congressional debate.

\textsuperscript{107}The opposition was divided. Non-Uribista members of the Liberal Party led the “No” campaign.
to delegitimize Uribe, but rather hinder his ability to reach the threshold required for the bill to be enacted into law. The campaign was labeled “active abstention” and sold to the public as another “form of participation.” Its leaders even got state funds equal to the ones given to the “Yes” and “No” campaigns.

The opposition’s strategic choices paid off. Although the electorate approved most of the referendum questions, only two of the items got the number of votes required. The opposition’s obstruction in congress helped modify the bill and remove questions that increased turnout. With these questions, the opposition’s abstention campaign, would have had a harder time depressing turnout enough to prevent the reform (Breuer 2008).

The referendum’s failure was an important step to stop Alvaro Uribe from eroding democracy. Had the referendum passed as proposed, chances are the president would have had, not only a weaker congress (vis-à-vis de executive), but also one elected mostly on his coattails. A weaker more submissive legislature, in turn, would have made it easier for the president to coopt courts and oversight agencies and push other reforms that would have eroded democracy down the road.

5.3.2.2 The Anti-Terrorist Statute (2003-2004)

After the referendum debacle the legislative debate moved to the Antiterrorist Statute. The government introduced the bill to congress on April 24, 2003, two months after the FARC bombed Bogotá’s social club El Nogal, killing 36 people and injuring 165. The idea was to capitalize on this very visible attack to make permanent some presidential decree powers. More specifically, the president wanted to a) allow

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110 Who can nominate candidates to courts and oversight agencies varies, however, which nominee gets the position is usually a decision made by congress.
members of the armed forces to work as judicial authorities aiding in the recollection and analysis of evidence related to “terrorism,” b) allow raids and detentions without court orders in cases of suspected “terrorism,” and c) institute mandatory censuses in regions with frequent “terrorist,” activity, without mandatory judicial review or time limits.\footnote{\textsuperscript{111}Had it been approved by the Constitutional Court, this reform would have unchecked the executive, who would have been able to suspend some civil liberties at will.}

The fight against the FARC was the backbone of Uribe’s government and popularity. The president was elected on a right-wing “iron-fist” platform. His popularity was closely tied to his performance (or perceived performance) in the war against the FARC. With that in mind, Uribe tried to increase the powers of the executive using state of emergency presidential decrees, early in his first term.\footnote{\textsuperscript{112}State of emergency decrees however have limitations. First, they are automatically reviewed by the Constitutional Court which can rule against them based on content or procedural irregularities, and second, they can only last up to 90 days, with the possibility of extending them only up to 120 days (Article 213, 1991 Constitution).} The Antiterrorist Statute bill would have circumvented both of these limitations. First, amendments to the constitution do not expire and are harder to change. Second, institutional reforms introduced via legislative acts (actos legislativos) are not automatically reviewed by the CC. They reach the court only when there is a lawsuit against them. Finally, whereas the CC can rule against state of emergency presidential decrees based on their content, it cannot do the same with legislative acts and referendums. It can only rule against these type of constitutional amendments based on the appropriateness of their design and congressional debate (Article 241, 1991 Constitution).

\footnote{\textsuperscript{111}Gaceta del Congreso 174 de 2003.} 

\footnote{In case of a security threat the president can declare state of emergency. The state of emergency allows him to use presidential decrees, instead of legislation, to rule.}
Members of congress are well aware of the importance of procedure during the debate of referendum bills or legislative acts. Those who support a reform try to avoid procedural irregularities; those who oppose it try to cause procedural irregularities and/or vocally denounce them whenever they happen. It is often the case that opposition congressmen and women denounce some procedural irregularity and ask the chair of the House or Senate to include their complaint in the official records as if they wanted to alert Constitutional Court clerks about the irregularity so that justices can use it to rule against the bill. Some members of congress go even further and manufacture procedural irregularities, which is easy given that the rules of congress (Law 5 of 1992) are complicated and committee and plenary sessions are often chaotic. In general, procedural irregularities are easy targets for weak oppositions, and during the Antiterrorist Statute debate, the opposition took advantage of that.

Before it was approved by congress, the Antiterrorist Statute had to go through eight legislative debates (two in the Senate and House Committees for Constitutional Affairs and two in the House and Senate plenaries.) Security is a salient issue in Colombia, and Uribe’s “iron fist” policy was popular. The government coalition had no reason to split over this reform, and the opposition was not a serious adversary. As expected, the bill went through five debates without a problem.

The bill was introduced in April 2004 and by late October it had reached its sixth debate. On November 5, in the second session of the sixth debate, in the middle of a chaotic roll call vote for which there was no quorum, the president of

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113 Furthermore, in order to rule against a constitutional amendment, the procedural irregularities need to be irremediably. Otherwise, the bill goes back to congress in order to fix whatever was wrong.

114 Author’s interview with Constitutional Court clerk, Bogotá, January 17, 2014

115 Author’s interview with member of NGO Congreso Visible, Bogotá, November 20, 2013.
the House, Alonso Acosta Osio, decided to close the session for the day arguing that there was not enough order inside the chamber to go on.\footnote{The presidents of the Senate and the House (or the committees) can suspend a session and schedule it for the next day whenever order inside the chamber is disturbed (Art. 77, Ley 5 de 1992)} María Isabel Urrutia, an anti-Uribista congresswoman, appealed the decision based on the fact that Acosta Osio had taken that decision without formally bringing the voting to a close\footnote{According to congress rules of procedure, once the president of the House or Senate announces the beginning of the vote it cannot be interrupted, unless a member of congress puts forward a complaint on how the vote is taking place (Art. 132, Ley 5 de 1992)} The president of the House put Urrutia’s appeal up for a vote. The House voted in favor of the appeal, and consequently, Acosta Osio reopened the session. Immediately afterwards, Joaquín José Vives (LP) claimed that reopening the session violated procedure. He argued that the House had voted, the bill had not passed, and the session was closed. Therefore, any other vote or debate from that point onward constituted a procedural irregularity. The president disregarded the claim, reminded everybody that the session was open, and—due to the chaos inside the chamber—called for a vote again the next day. This time, there was a quorum and the bill passed\footnote{Gaceta del Congreso 617 de 2003, pg 16.} Opposition congress members claimed that there had been a procedural irregularity, left a formal note of it on the record, and left the chamber in a sign of protest\footnote{Gaceta del Congreso 663 de 2003, pg 11.}

Although the bill followed its regular path and was finally approved by the legislature, the opposition systematically restated the procedural irregularity during the seventh and eight debates in the Senate.\footnote{Gaceta del Congreso 707 de 2003, Gaceta del Congreso 03 de 2004, Gaceta del Congreso 04 de 2004.} Members of congress from the LP and PDA repeatedly accused the president of the House of closing the session in the mid-
dle of the roll call voting in order to save the project. They argued that during the first roll call vote (before Acosta Osio closed the session) the bill did not have enough votes to pass; that the president of the House illegally closed the session and reopened it afterwards just to allow more pro-Uribistas to vote. This argument was borrowed by different unconstitutionality lawsuits and ultimately used by the Constitutional Court to rule against the bill in August 2004.121

Even though the CC was essential to block the bill, it was the opposition’s institutional strategy that gave the justices enough arguments to rule against it. Not only did it use a chaotic situation in order to create a procedural irregularity, but it also noted it in the record as such. In doing so the opposition coalition in congress provided key legal resources for the advocacy groups that presented lawsuits against the Statute. Without these members of congress, it would have been hard for these groups to realize there had been a procedural irregularity. Congressional written records or videos only show bits and pieces of what happens inside these debates, and regular citizens or advocacy groups do not have the resources to attend every single debate. Unless it is duly documented and/or the relevant parties are tipped off, it is hard for those presenting the lawsuit and those judging it to notice the procedural irregularity. A member of a legal advocacy group explained to me that:

“Members of the opposition in congress are important . . . Advocacy groups do not have the resources to follow the debates so, most of the times, are the opposition congressmen the ones that help . . .”122

In this case, the various formal notes in the record were essential for the advocacy groups and interested individuals to build lawsuits against the statute. As a leader from one of the advocacy groups that presented lawsuits against the bill said:

121 Corte Constitucional, Colombia, C-816-2004, M.P. Córdoba Triviño, Jaime and Rodrigo Uprimmy Yepes, August 30, 2004

122 Author’s interview, Bogotá, December 19, 2013
"It is important for members of congress to be inside. They serve as a megaphone and are able to identify problems. They are a source of information about procedural or content irregularities. Lawsuits have succeed because of that... The Antiterrorist Statute had procedural irregularities. The debate was closed before time. Congressmen warned [us about this] they guided [us] towards that."\textsuperscript{123}

The lawsuits against the Antiterrorist Statute criticized the bill both for its content (under the theory of the “constitution substitution”\textsuperscript{124}) and irregularities in the process by which it was approved. Divided on whether the Constitutional Court has the authority to rule against Legislative Acts based on their content\textsuperscript{125} the court ruled based on the procedural irregularities, specifically, what happened during the 6th debate.\textsuperscript{126}

5.3.2.3 The Reelection Referendum (2008-2010)

After the Constitutional Court ruled against the Antiterrorist Statute, the Uribistas focused their forces in pushing through congress and the court the immediate reelection reform. Once approved, in 2005, Uribe’s reelection was almost sure. Despite a historical showing by the PDA candidate, Carlos Gaviria—who placed second with 22\% of the votes\textsuperscript{127}—Uribe was reelected with 62\% of the votes.

During his second term, the president introduced constitutional amendments to curtail the powers of courts and oversight agencies, reduce the powers of and keep

\textsuperscript{123}Author’s interview, Bogotá, January 13, 2014

\textsuperscript{124}Some lawyers, justices and constitutional scholars have argued that because the constitution can only be replaced via a constitutional assembly, whenever congress presents a reform that changes the pillars on which the constitution was built, it is overstepping its functions, and that can constitute a procedural irregularity in it of itself.

\textsuperscript{125}The theory of “constitution substitution” divides the court. Some justices believe in it, others, do not.

\textsuperscript{126}Corte Constitucional, Colombia, C-816-2004, M.P. Córdoba Triviño, Jaime and Rodrigo Urrimmy Yepes, August 30, 2004

\textsuperscript{127}It is the only time in Colombia’s history that a leftist party has placed second in a presidential election.
his majorities in congress, and extend his time in office beyond his second term. However, for the most part, his strategy to erode democracy changed. First, rather than curtailing the powers of the courts and oversight agencies, he doubled his efforts to coopt these institutions \cite{rubiano2009}. Being the first president reelected since the 1991 Constitution was approved, he had the unparalleled opportunity to directly or indirectly intervene in the appointment of five Constitutional Court justices, six members of the disciplinary chamber of the *Consejo Superior de la Judicatura*, all of the members of the National TV Commission, three members of the Central Bank, the General Comptroller, the Inspector General and the Ombudsman. As mentioned above, although he successfully influenced some of these nominations, he did not have enough time to successfully influence them all.

Second, Uribe targeted a different court inside the judicial branch. During his first term the president tried hard to reform the Constitutional Court; during his second term he targeted the Supreme Court instead \cite{rubiano2009}. This change was fueled by the parapoítica scandal. The Supreme Court is in charge of judging members of congress in a single instance. It led the trials against the members of congress accused of having used the support of paramilitary groups in order to win their seats. As mentioned earlier, this trials affected members of the Uribista coalition the most. Close allies of the president, like Mario Uribe—the president’s cousin—had to resign to their seats and are in jail today. In an aim to protect his coalition in congress, as well as his most loyal allies, Uribe, tried to: a) reform the constitution to curtail the powers of the CSJ and allow members of congress to appeal to other institution after this body had ruled against them; b) discredit clerks and justices of the CSJ and c) appeal to an internal rivalry between the CC and the CSJ, in

\footnote{Not only did Uribe’s administration illegally intercepted phone and email of the CSJ justices, but, in 2007, the president publicly disqualified the CSJ assistant justice who was leading the investigations, using the false testimony of a former member of a paramilitary group \cite{garcia2010}.}
order to get the former to support bills that curtailed the powers of the Supreme Court (Rubiano 2009a; Ungar et al. 2010).

Finally, in the context of the parapolítica scandal, Uribe also used his majorities in congress to block a series of reforms that sought to penalize parties that had put forward candidates with ties with paramilitary groups. Every time a congressman accused of parapolítica resigned to his seat in congress, he was replaced by a member of his party. The reforms wanted to stop that, and leave those seats empty until 2010. Because eight out of the ten members of congress accused of parapolítica were Uribistas (López 2010, 51), such a reform would have effectively destroyed the president’s majorities in the legislature, once it realized that, the government systematically stopped these reforms.

Besides these attempts to coopt and reform, the most important bill put forward by the Uribista coalition during his second term was the the referendum bill that would have allowed the president to run for a third term. The reelection referendum was introduced to congress as a “popular initiative.” It was pushed by a Reelection Committee, group of businessmen, politicians, and right-wing activists led by Luis Guillermo Giraldo, president of the U Party at the time. Publicly, Uribe distanced himself from the project. Behind close doors, however, he supported it. His Minister of Interior and Justice, Fabio Valencia Cossio, worked closely with congress to pass the bill.

Similar to what happened with other bills put forward by the government, during the reelection referendum transit through congress, the opposition used rules of procedure to delay the bill, and identify and prove legal issues with it. Although the referendum was ultimately approved, the opposition’s complaints not only helped raise awareness and gather support against the initiative, but they also provided

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129Cecilia Paz de Mosquera, Doris Angel de Villegas, Gutavo Dager Chadid, Myriam Donato de Montoya, Juand David Angel Botero, Alvaro Velasquez Cock, Hediel Saavedra Salcedo, and David Salazar Ochoa.
important information that the Constitutional Court latter used to rule against the bill.

The referendum had serious time constraints. If Uribe was going to run for a third term, by law, he had to announce his candidacy six months before May 2010 (Art. 9, Ley 996 de 2005). This meant that the bill had to make full transit through congress and be reviewed by the Constitutional Court with enough time to schedule the referendum before December 2009. Still, thanks to the opposition’s obstruction strategies, it took the referendum a year to go through the four congressional debates required.

In order to introduce the referendum bill to congress, the Reelection Committee had to collect approximately 1,404,000 signatures—5% of the electoral roll— in no more than 6 months (Art 18, Ley 134 de 1994). The Reelection Committee exceeded expectations, collected 5,021,873 signatures, and turned them in to the National Registrar for verification in August 11, 2008. The National Registrar certified 3,909,825 signatures and the Committee submitted the referendum on September 2008. The expectation was that the bill would be out of the legislative body early in 2009 and the referendum would happen little afterwards. However, the bill was not approved until September 2009, roughly six months later than its supporters would have wanted to.

During the first debate (November 18, 2008) in the House Committee for Constitutional Affairs, the opposition postponed the session a couple of weeks. Not only did it leak in bits weak evidence about irregularities with the funds used to pay for the signatures to support the initiative, but it required that Luis Guillermo Giraldo, the National Registrar and the president of the CNE appeared in front of the Com-

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130 The appointed members of congress presented the papers for or against the bill by mid October, and the first debate of these papers was not scheduled until a month afterwards.
mittee for the debate to move on. All of this took so long that the second debate in the Plenary of the House had to be scheduled the last day of the legislative term (December 16, 2008). In this session the opposition asked to do roll call voting even for the most simple procedural matters, voted ten impediments independently, and even asked for a minute of silence on behalf of a recently deceased fellow congressman (which was duly voted of course). If Uribe had not extended the legislative term by decree until the next day, the government coalition would not have been able to approve the project before the end of the term, and would have had to wait until February of 2009, putting the entire project at risk.

The referendum’s transit through the Senate was faster. Together, the Committee and Plenary debates took only one month (April 14-May 19, 2009). However, the opposition was able to further delay the bill once it reached the Conference Committee, where representatives of the House and Senate had to reconcile the different versions of it. The opposition launched a strong political and judicial battle to decide who would sit in the Conference Committee. The presidents of the House and Senate—in charge of choosing who sits these committees—were recused pending a decision of the Ethics Committee, which took a couple of weeks to rule. In the mean time, Germán Navas (PDA Representative) introduced a malfeasance lawsuit against all 86 members of congress who had voted for the referendum. The lawsuit delayed things even more. Scared that they would be accused of malfeasance again, once appointed to the Conference Committee, several Uribista congressmen

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131 Gaceta del Congreso 55 de 2009, pg 3.
132 Gaceta del Congreso 77 de 2009.
133 The president of the House opposed the referendum. He was recused by the head of the U Party Luis Carlos Restrepo, who did not want him to pick people who did not support the referendum to sit in the Conference Committee. Acknowledging that the recusal would only delay matters, Restrepo withdrew his complaint, but Varón insisted to wait for the Ethics Committee ruling.
134 The argument was that they had approved a bill knowing that it was illegally introduced because the signature collection process had violated funding limits.
and women refused to participate in it. In between the recusals and the lawsuit the debate inside the Conference Committee was pushed to the next legislative term on July 2009 (Paredes 2010). It took the Conference Committee almost a month to agree on a version of the referendum (August 2009), and another month for the House and Senate —where the opposition used roll call voting for every matter, including 50 impediments[135]— to approve the bill. The referendum bill was finally sanctioned by congress on September 2009.

The delays had important consequences. They allowed the opposition to collect enough evidence to support the claim that the money used to gather the referendum signatures exceeded the legal limits. In 2008, by law, referendum campaigns could only receive up to $334,974,388 Colombian pesos in private donations[136] According to the report it gave the National Registrar, the Reelection Committee had used $2,046,328,136 COP to pay for the recollection of signatures in order to introduce the bill. The form credited $142,870,000 COP to private donations but it was unclear about where the remaining $1903,458,136 COP came from[137] The fact that the bill’s debate took so much time allowed the opposition to collect enough evidence to support the claim that the funds unaccounted for came from private donations. This meant that the Referendum Committee had violated the legal funding limits, which in turn, allowed the opposition to introduce lawsuits against its members and the legislators that had supported the bill.

The requests for information as well as the lawsuits forced both the National Registrar and the CNE to produce documents publicly stating that there was money used to fund the referendum that had not been accounted for and therefore the bill did  

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135 When there is a conflict of interest, members of congress can ask the floor whether they consider them unfit to participate in the debate or not.


not fulfill all the requirements to go to congress. They also created a public scandal that eventually forced the head of the Committee—and president of the U. Party as well—to resign from the party, and disqualified some of the Uribista members of congress to participate in the ratification of the bill (Paredes 2010). According to Germán Navas:

“I started with the pictures where you could see DMG trucks taking the papers and stuff [of the referendum material]... I managed to divide the evidence [pertaining the funding irregularities] into doses to keep the debate alive... During that time we began to find the book keeper and the money they used, and the money they were declaring and how they were messing with the rules...”

The delays proved useful to change minds and hearts as well. They gave time for serious scandals that hurt the president’s image to surface.

“... despite being a minority we managed to push forward the decision by eight months, circumstance that I think at the end helped because these eight months allowed several corruption scandals to surface and changed peoples’ perception... that, at least, showed that not everything had been that good from the side of Uribe’s government.”

Two scandals were particularly important at this stage. A little after the debate of the referendum started, DMG a Colombian company based in the south of the country was accused of money laundering and leading a ponzi scheme. As the debate moved forward, it was found that this company had aided the recollection of signatures for the referendum (Paredes 2010). The second scandal that hindered the president’s public image was related to state subsidies destined to low income Colombian farmers. It was revealed in October 2009 that there were several irregularities, not the least of which was the fact that the Minister of Agriculture had given several millions of

138 Author’s interview, Bogotá, November 19, 2013.
139 Author’s interview with Germán Varón, Cambio Radical’s House representative, Bogotá, November 26, 2013.
these subsidies to large landowners who weren’t supposed to receive them.

Both the scandals and the complaints from members of congress—echoed by the press—strengthened the opposition and attracted those who, despite being Uribistas, were hesitant about the project. Partly driven by the fact that there was something “fishy” about the referendum, a group of Uribistas and non-Uribistas united against the bill. Together with some media outlets (Semana.com, La Silla Vacía), they used creative campaigns\textsuperscript{140} to ask the court to rule against the project.\textsuperscript{141} Although this show of support did not influence the justices’ choice, it did make them feel more comfortable when they ruled against the bill\textsuperscript{142}

Finally, the opposition’s obstruction tactics were instrumental in warning those in charge of judicial review about possible irregularities in the law. Every intervention against the project, noted in the congressional written records, talked about the money problems and specified how these constituted a procedural irregularity. This, in turn, gave the court reasons to go beyond the normal review process and ask for documentation about the bill before it reached congress.\textsuperscript{143} The court found out that the money unaccounted for in the Referendum Committee’s report, came from loans made by a non-profit Uribista foundation, which was receiving large amounts of money from individual donors. The donations the foundation received matched the “credits” this foundation made in favor of the Referendum Committee. In other words, the Committee was using the non-profit to receive larger amounts of money.

\textsuperscript{140}For instance, they stood outside the Constitutional Court with lamps to “illuminate” the Constitutional Court to do the right thing.

\textsuperscript{141}Author’s interview with member of Democracia Ciudadana December 5, 2013.

\textsuperscript{142}Author’s interview CC justice January 20, 2014.

\textsuperscript{143}Author’s interviews to CC clerks, Bogotá, December 10, 2012 and January 17, 2014.
from private donations than it was allowed to receive.  

If members of congress had not researched and noted the irregularities, it is unlikely that court staffers or members of judicial NGOs would have been able to find this fraud. Even though it is possible that the court could have ruled against the bill based on the “constitution substitution theory” –the theory that there are limits to what congress can reform—, this is a controversial theory that often divides the court. It is easier and safer to rule on procedural irregularities. First, the court is more likely to agree on these irregularities. Second, unlike what happens with the “constitution substitution theory,” there is no question on whether the court is competent to rule against constitutional amendments based on procedural irregularities, or not. The later is especially important when the bill is backed up by a popular president with considerable popular support. In other words, without the procedural irregularities the decision would have been a lot harder to make. Under these circumstances ruling against the referendum would have weakened the court’s prestige and made it more vulnerable vis-à-vis a powerful president with the resources to ignore its decision.

The court ruled against the referendum on February 26, 2010 (only one month before the parliamentary elections, and three before the presidential elections.) Although the opposition in congress had not been able to stop the project in the legislature, delaying and denouncing had proven fruitful. Not only had the court used its arguments to rule against the initiative, but the delays had left Uribe no choice but to accept the ruling and move on. There was no time to introduce any other reform.

144Author’s interview with Constitutional Court clerk, Bogotá, January 24, 2014.
145Corte Constitucional, Colombia, C-141-10, M.P. Sierra Porto, Humberto Antonio, February 26, 2010
146Authors Interview with member of advocacy group, Bogotá, May 14, 2014.
147Author’s interview with Germán Zafra, Constitutionalist, Bogotá, December 10, 2013.
5.3.3 How These Strategies Fail

The amendments analyzed above show that the opposition’s strategic choices were critical to protect Colombia from the erosion of democracy. By avoiding electoral boycotts, strikes, violence or coups in order to oust the president (and denouncing those who advocated these tactics,) the opposition protected the institutional resources it had left. It was able to keep its seats in congress, protect courts and oversight agencies from being fully coopted and/or curtailed, delay and modify the president’s bills, and provide arguments for the the Constitutional Court to rule against some of Uribe’s reforms.

The exception to that story is the first reelection reform. This amendment was approved by congress and ratified by the Constitutional Court. Below, I analyze this bill and explain why institutional strategies did not stop it from being enacted into law. The process of the immediate reelection reform, underscores the importance of obstruction tactics and procedural irregularities, in helping the CC rule against Uribe’s reforms.

5.3.3.1 The Immediate Reelection Reform (2004-2005)

Like the constitutional amendments discussed above, the first reelection reform weakened Colombia’s democracy. As suggested earlier, two immediate terms give the Colombian president a disproportionate influence over court and oversight appointments, hindering the delicate structure of checks and balances put in place in 1991. Notwithstanding this threat, congress approved the bill on December 2004, and the Constitutional Court ruled in favor of it on October 2005. The immediate reelection reform, allowed Uribe to stay in office until 2010.

Even though the opposition used rules of procedure to delay the immediate reelection bill and create procedural irregularities to help the Constitutional Court rule against the amendment, this was not the main focus of its strategy. Rather the Polo
Democrático Alternativo and the Liberal Party centered their efforts on a) stopping the bill altogether, and b) negotiating the “Opposition Statute” proposed with the reform.

The immediate reelection bill’s debate started in the Senate on April 22 of 2004, and went fairly fast through the first two debates required. It was out of the Senate floor on May 14, 2004. The opposition was confident that the bill was not going to pass the next debate in the House Committee of Constitutional Affairs. Together with a couple of Uribistas who disliked the reelection reform, the opposition had found the votes it needed to sink the bill. The day the reelection amendment was scheduled to be debated, however, the government used state resources to turn two of the votes the opposition had. In exchange for patronage, Yidis Medina (Conservative Party) agreed to vote for the bill and Teodolindo Avendaño (Conservative Party) agreed to miss the debate. This change took the opposition by surprise. Navas Talero sued Medina for malfeasance, and the Supreme Court eventually ruled against Medina, Avendaño, and the Minister of Interior at the time, Sabas Pretel. The CSJ’s ruling, however, came too late –after Uribe had won the elections of 2006– and the Committee of Constitutional Affairs approved the bill on June 4, 2004.

As the bill moved forward to the plenary of the House (June 15, 2004) and all over again, to the Senate’s Committees for Constitutional Affairs (August 18, 2004), the plenary of the Senate (September 8, 2004), the House’s Committee for

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148 Gaceta del Congreso 370 de 2004
149 Gaceta del Congreso 371 de 2004
150 Gaceta del Congreso 392 de 2004, Gaceta del Congreso 411 de 2004, Gaceta del Congreso 401 de 2004
151 Gaceta del Congreso 621 de 2004
152 Gaceta del Congreso 569 de 2004, Gaceta del Congreso 589 de 2004
Constitutional Affairs (October 21, 2004) and the plenary of the House (November 24, 2004) the opposition kept using rules of procedure to stall, but the records do not show a systematic strategy to highlight any given procedural irregularity across all debates. The reason behind this strategic choice is threefold. First, the CC had recently ruled unconstitutional the Antiterrorist Statute for procedural irregularities, and the government was careful not to let this happen again. It was hard for the opposition to find a procedural irregularity that could stick. Second, given the CC recent decisions against Uribe, the opposition believed the court would rule against the bill, almost by default. They were very surprised when the CC approved the bill. Third, a group of opposition members of congress, like Antonio Navarro (PDA Senator), decided to hedge their bets and focus on changing the “Opposition Statute” instead of blocking the bill. The “Opposition Statute” defined the rules under which the president was going to be allowed to run for a second term. As these congressmen and women claimed several times throughout the debates, if they were not going to be able to stop the bill, they could at least change the conditions under which Uribe was going to run in 2006.

153 Gaceta del Congreso 44 de 2004, Gaceta del Congreso 22 de 2004
154 Gaceta del Congreso 04 de 2004, Gaceta del Congreso 26 de 2004
155 Every once in a while an opposition member of congress points out to a possible procedural irregularity, but s/he does not follow up with an official note for the record. The exception is, perhaps, the way in which impediments are voted. This, however, is a procedural irregularity that the opposition often picks on, and the CC rarely accepts because there is no legislation suggesting that this is against the rules.
156 During the Senate Floor debate, for instance, the government coalition moved to vote impediments and debate the bill all over again just to avoid a procedural irregularity. El Tiempo, May 13, 2004 and May 14, 2004.
157 Author’s interview with Hector Helí Rojas, Bogotá, November 7, 2013
158 The Opposition Statute was designed to guarantee that an election with the sitting president in it would be minimally fair. Among other things, it regulates the time at which the president can announce his campaign, the amount of public resources he can use, and the role of public officers under his command.
The immediate reelection reform was finally approved by congress on December 2004. Although legislative acts do not have mandatory judicial review, the CC reviewed the bill due to four lawsuits introduced against the reform, on February 2005. The lawsuits focused, first and foremost, on the “constitution substitution theory.” They argued that the immediate reelection reform thwarted the constitution’s spirit, effectively substituting the charter. Congress, which is not enabled to substitute the constitution, had therefore overstepped its powers effectively committing a procedural irregularity. As mentioned above the “constitution substitution theory” is a debated theory. The 1991 Constitution does not have entrenchment clauses, and it is unclear which kind of reforms constitute a “constitution substitution” and which ones do not. Ruling based on the “constitution substitution theory” is hard, and likely to undermine the legitimacy of the court. During Uribe’s government the CC was reluctant to use the “constitution substitution theory” to rule against government’s constitutional amendments, such as the Antiterrorist Statute and the reelection referendum. In the case of the immediate reelection reform, the CC argued that congress had not overstepped its functions when it approved the bill.

The lawsuits also mentioned several procedural irregularities. However, unlike what happened with the Antiterrorist Statute or the second reelection reform—in which opposition members of congress had systematically denounced a given procedural irregularity—in the immediate reelection debate the members of congress who

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159 Corte Constitucional, Colombia, C-1040-05, M.P. Cepeda Espinosa, Manuel José, Rodrigo Escobar Gil, Marco Gerardo Monroy Cabra, Humberto Antonio Sierra Porto, Alvaro Tafur Galvis, Clara Inés Vargas Hernández, October 19, 2005; Corte Constitucional, Colombia, C-1042-05, M.P. Cepeda Espinosa, Manuel José, October 19, 2005; Corte Constitucional, Colombia, C-1043-05, M.P. Cepeda Espinosa, Manuel José, Rodrigo Escobar Gil, Marco Gerardo Monroy Cabra, Humberto Antonio Sierra Porto, Alvaro Tafur Galvis, Clara Inés Vargas Hernández, October 19, 2005; Corte Constitucional, Colombia, C-1050-05, M.P. Cepeda Espinosa, Manuel José, October 19, 2005

160 Corte Constitucional, Colombia, C-1040-05, M.P. Cepeda Espinosa, Manuel José, Rodrigo Escobar Gil, Marco Gerardo Monroy Cabra, Humberto Antonio Sierra Porto, Alvaro Tafur Galvis, Clara Inés Vargas Hernández, October 19, 2005; Corte Constitucional, Colombia, C-1050-05, M.P. Cepeda Espinosa, Manuel José, October 19, 2005
opposed the reelection barely identified procedural irregularities, and when they did they failed to note them in the record and denounce them in the following debates. The lack of a systematic case for a given procedural irregularity in congress weakened the lawsuits. Out of the ten procedural irregularities presented only two were backed up by the Inspector General (who opposed the reelection reform). The first one dealt with an issue for which there is no legislation (impediments) and the second one was not backed up by the congressional record. Although the CC had helped stop other Uribista amendments using procedural irregularities, this time, without clear signals from congress, this was harder to do.

5.4 Conclusion

Most scholars see transitions from and to democracy as the outcome of regime vulnerability. They claim that only weak authoritarian leaders fail. This chapter, suggests otherwise. Despite the strength of Alvaro Uribe and the relative weakness of the opposition, unlike what happened in Venezuela, the Colombian president was not able to erode democracy. Notwithstanding his attempts to curtail the powers of the courts, and extend his time in office beyond a second term, Colombia’s constitutional order re-

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161 The only exception is, perhaps, an irregularity related to how House and Senate voted impediments. Congressmen can ask the chamber in which they are to "excuse" them to participate in any given debate, if they feel that the bill discuss could give them particular benefits. It is unclear who is in charge of debating the impediments, or what is the procedure by which they should be voted. Throughout Uribe’s government, the opposition often complained about the mechanisms by which the impediments were accepted or rejected. But, since there is legislation about it, is hard to make the case that there has been a procedural irregularity.

162 In cases of judicial review the CC asks the Inspector General for a written recommendation.

163 In this and other rulings during Uribe’s government, the CC has said that, without any rules suggesting how impediments should be voted, the fact that they happened in one way or another cannot be a procedural irregularity in it of itself.

164 Corte Constitucional, Colombia, C-1040-05, M.P. Cepeda Espinosa, Manuel José, Rodrigo Escobar Gil, Marco Gerardo Monroy Cabra, Humberto Antonio Sierra Porto, Alvaro Tafur Galvis, Clara Inés Vargas Hernández, October 19, 2005
mained fairly strong. Uribe had to step down and give way to other presidential candidates in 2010.

Rather than focusing on the correlation of forces between government and opposition, what the Colombian case suggests is that we should see the erosion of democracy through a “regime defeat” lens, and focus on the decisions that the opposition makes. The evidence put forward in this chapter shows that even if weak, those out of power have the resources to effectively protect democracy today. Different from the anti-Chavistas, the Colombian opposition avoided extra-institutional strategies with radical goals and used institutional strategies and extra-institutional strategies with moderate goals to fight Uribe’s attempts to increase the powers of the presidency and extend his time in office beyond a second term. These tactics allowed the opposition to keep its legitimacy domestically and abroad. Despite the government’s attempts to undermine those who criticized it, most of the opposition members were able to keep their seats in congress and actively lobby against the government abroad. In doing so, they were able to protect courts and oversight agencies from being coopted by the government, and use them to stop Uribe’s antidemocratic reforms. Although it did not single-handedly defeat Uribe, the opposition certainly helped. It provided the Constitutional Court with the arguments and the street support it required to rule against the president’s institutional reforms and keep its legitimacy intact.

Colombia’s democracy is far from perfect. War-ridden, this is a country in which human rights and civil liberties are violated permanently by left and right armed groups, members of the armed forces, politicians, or a combination of all of them. However, the fact that Uribe had to step down and allow another person to become president, makes this country’s regime today qualitatively different from Venezuela’s. Even though violations against the rule of law still happen, the fact that Uribe left office has allowed courts and oversight agencies to investigate them. These institutions have been particularly successful in prosecuting crimes committed by members of
Uribe’s administration. Important members of his government have been sentenced to prison because they offered bribes in order to pass bills\textsuperscript{165} they used the state police (DAS) to provide information to paramilitary groups\textsuperscript{166} and spy on justices, lawyers, journalists and opposition members\textsuperscript{167} and faked the demobilization of a FARC front trying to enhance the Democratic Security results\textsuperscript{168}

More contextually, Alvaro Uribe’s successor has moved far away from his political “god father.” Although Santos won the presidency on Uribe’s coattails, he quickly distanced himself from the dogmatic views of his antecesor, and started what looks like a successful peace process with the FARC. It is very possible that Colombia will sign a peace agreement with this guerrilla, ending a fifty year old armed conflict, this year. Chances are this would have not been possible if Uribe had remained in power as he wanted to. Uribe and his followers see the FARC as a terrorist group. As such, they believe that there cannot be any peace process unless the guerrilla surrenders its weapons unilaterally. They also believe that all guerrilla members should be jailed, and should not participate in politics. Under those circumstances, it is very unlikely that the FARC would have negotiated with Uribe in a third or fourth term.

\textsuperscript{165}Minister of Interior, Sabas Pretelt, Miinister of Social Welfare, Diego Palacio, and former Secretary to the President, Alberto Velásquez

\textsuperscript{166}Former DAS director, Jorge Noguera

\textsuperscript{167}Former DAS director, Maria del Pilar Hurtado and former Secretary to the President, Bernardo Moreno.

\textsuperscript{168}Former Peace Commissioner, Luis Carlos Restrepo
CHAPTER 6

CONCLUSION

Between the 1970s and 1990s the world saw the end of most military and single party dictatorships. In Latin America, all but one authoritarian regime experienced a transition to democracy. Unfortunately, democracy was not here to stay. In the past decades, democratically elected presidents in the region have used their popularity to introduce constitutional amendments that enhance their powers and extend their time in office. Using these reforms, some of these presidents have eroded democracy. They have transformed new and old democracies into competitive authoritarian regimes. Others, however, have not been able to do the same. Despite their attempts to undermine the independence of courts, congress, and oversight agencies, and skew the electoral playing field, the constitutional order in their countries has remained fairly strong and they have had to step down after their second term.

Why do some presidents with hegemonic aspirations—who try to enhance their powers and extend their time in office beyond a second term—successfully erode democracy while others fail? In this dissertation I addressed this question. I conceptualized the process of erosion in two stages. The first focused on the factors that increase the likelihood of electing presidents with hegemonic aspirations; the second focused on the circumstances that allow or prevent these presidents from being successful in their attempts to erode democracy.

Using the cases of Alvaro Uribe in Colombia and Hugo Chávez in Venezuela, I showed that the erosion of democracy happens over time, giving the opposition ample opportunity to respond. I demonstrated that the strategies it uses and the goals it
uses them for are key to understand why some presidents successfully increase their powers and extend their time in office beyond a second term while others fail. In this final chapter I review this argument. I address alternative explanations, outline the dissertation’s main findings and contributions, and analyze to what extent this theory can help us understand processes of democratic erosion inside and outside Latin America.

6.1 Alternative Explanations

Existing theories cannot fully explain why some presidents with hegemonic aspirations successfully erode democracy, while others fail. Scholars have argued that lower levels of economic development (Przeworski et al. 2000; Svolik 2008, 2015) and governance problems (Andersen et al. 2014; Diamond 2015; Fortin 2012; Mainwaring 2012) increase the likelihood of democratic setbacks. They lead to legitimacy crises that unsettle democratic institutions, increasing the probability that authoritarian leaders attain power. As mentioned earlier, these theories help explain why presidents willing to circumvent democracy are elected in the first place, but are less helpful explaining why some of these presidents succeed in their attempts to erode democracy, while others fail.

Most presidents with hegemonic aspirations in Latin America, came to power in the midst similarly severe crises. They either faced a drastic economic decline or a serious security threat. Unable to address the situation, traditional parties were, for the most part, seen as equally corrupt or incompetent in these countries (Albarracín, Gamboa and Mainwaring Forthcoming; Seawright 2012), which hindered their ability to present themselves as credible alternatives, and paved the way for these hegemonic presidents, most of them outsiders or mavericks, to attain office (Albarracín, Gamboa and Mainwaring Forthcoming; Seawright 2012; Morgan 2011).

These crises, however, cannot completely explain why presidents like Hugo Chávez,
Evo Morales, Rafael Correa, or Daniel Ortega eroded democracy, while presidents like Alvaro Uribe or Carlos Menem failed to do so. As shown in Chapter 3, neither economic growth nor state capacity at the time the president came to power can entirely distinguish between successful or failed cases of erosion. As shown in the case analyses, whereas in Colombia, the sense of insecurity, together with the perception of improvement in that regard maintained Uribe’s high support, in Venezuela, the economic decline decreased Chávez’s popularity. The president’s inability to fix the economy, before 2004, became a liability to his government, hurt his support, and put him at risk of being overthrown. However, Chávez eroded democracy; Uribe did not.

Institutional approaches have also been used to explain democratic reversals (Mainwaring and Scully 1995). Inchoate party systems make electoral politics unpredictable, allowing presidents with hegemonic aspirations—often populist outsiders—to gain office (Carreras 2012; Mainwaring and Scully 1995). Moreover, weakly institutionalized party systems could weaken the opposition’s ability to build an effective response after a hegemonic president has attained power, and thus help explain why he is able to erode democracy, while others are not.

Although it certainly contributes to explain democratic erosion, having a weakly institutionalized party systems is not sufficient to explain why some hegemonic presidents are able to undermine democracy while others are not. As suggested by Perú, democracy can flourish even in the presence of weakly institutionalized party politics (Tanaka and Meléndez 2014). As shown in Chapter 3, party system institutionalization at the time presidents with hegemonic aspirations come to power cannot entirely distinguish those leaders who successfully eroded democracy from those who failed. Moreover, as shown in chapters 4 and 5, both Colombia and Venezuela saw

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1As explained in the introduction Alberto Fujimori, a president with hegemonic aspirations, did not erode democracy. He organized a self-coup, which is closer to a classic democratic breakdown than it is to a democratic erosion.
their party systems decline. After decades of controlling the political arena, the traditional parties in both countries lost presence at the national level and, by the time Uribe and Chávez became presidents, they were similarly weak. Yet, only the Venezuelan president eroded democracy.

Alternative institutional arguments suggest that institutions carry regime legacies: they reproduce norms of democratic behavior that can help prevent presidents from eroding democracy (Pérez-Liñán and Mainwaring 2013). Indeed, a strong and independent Constitutional Court was essential to prevent Uribe’s second reelection reform, and short-lived democratic institutions in Nicaragua sped the erosion of democracy in this country. However, regime legacies are not frozen. Even with long-standing democratic institutions, switches to authoritarianism can happen (Pérez-Liñán and Mainwaring 2013). As shown in chapters 4 and 5, Chávez and Uribe faced institutions rooted in decades of democratic history; and they both tried hard to curb their power and coopt them. Still, Chávez was able to decrease these institutions’ check on the executive while Uribe was not.

Mass based theories have been used to explain the erosion of democracy as well. At times of crisis people often turn to strong leaders putting regime preferences aside (Levitsky 2000; Weyland 1996). In Latin America, presidents’ success in eroding democracy is often attributed to their popularity (Corrales 2016; Levitsky and Loxton 2013). Indeed, as mentioned throughout this dissertation, popularity is an important condition for the erosion of democracy. Regardless of whether it is the outcome of charisma, ideology (Weyland 2013), and/or mineral wealth (Hidalgo 2009; Ross 2001), popular support is necessary for presidents to be able to enhance their powers and extend their time in office beyond a second term. Low support, for example, helps explain why Carlos Menem was not able to push for a second reelection in Argentina (Levitsky 2000), and why, unlike Chávez in 2002, Manuel Zelaya in Honduras was unable to reverse the 2009 coup.
By itself, however, popularity cannot entirely explain democratic erosion. As suggested in Chapter 5, Uribe remained immensely popular throughout his government, but failed to uncheck the executive and extend his time in office for a third term. Chávez, on the contrary, had very low levels of popularity before 2004, but was able to reduce the checks on the executive and stay in office until he died.

Some scholars suggest that democratic breakdowns are the outcome of elites’ strategic choices in response to crises (Capoccia 2007; Linz 1978; Mainwaring and Pérez-Liñán 2013). Like these theories, the argument put forward in this dissertation highlights the importance of actors and their choices. Unlike these theories, however, I pay attention to elites’ choices even after a leader willing to circumvent democracy has attained power. In particular, I underline the importance of what opposition elites do to prevent these leaders from rising to power, as well as what they do once the latter become presidents.

The theory of this dissertation also includes an international component. The international context has shaped the way in which regimes turn authoritarian today (Pevehouse 2002). Aware of the importance of international support, leaders willing to circumvent democracy have found ways to concentrate power without breaching basic international standards and sought each other for support (Corrales 2015; Weyland 2013). My theory acknowledges the relevance of international factors in regime change. It underlines the importance of international and domestic audiences, in shaping the president’s and opposition’s strategic choices, as well as their outcomes. I assume these audiences have a preference for democracy that motivates presidents with hegemonic aspirations to keep a democratic façade. Is contingent on that assumption that I argue that some goals and strategies are better than others in preventing democratic erosion.
6.2 Findings and Contributions

Most theories of democratic reversals have emphasized the variables that allow authoritarian leaders to attain power (Capoccia 2007; Diamond 2015; Linz 1978; Mainwaring and Pérez-Liñán 2013; O’Donnell 1979; Pérez-Liñán and Mainwaring 2013; Przeworski et al. 2000; Svolik 2008). In classic democratic breakdowns (civilian and/or military coups) the rise of a leader willing to undermine democracy and the breakdown of democracy are one and the same. These theories, therefore, highlight the factors that bring authoritarian leaders to power but pay little attention to what happens afterwards.

As suggested in Chapter 2, this framework is not entirely useful to understand democratic erosion. Unlike classic democratic breakdowns, the erosion of democracy happens over time. To explain why some democracies erode and others do not, we need to analyze not only what brings hegemonic leaders to power, but also what happens after they become presidents. Accordingly, I provide a more nuanced understanding of democratic erosion that distinguishes this type of democratic reversal from classic democratic breakdowns. It analyzes it as process rather than a one-shot game, allowing us to differentiate the factors that bring presidents with hegemonic aspirations to power (Stage 1) from the factors that hinder their ability to erode democracy (Stage 2).

In Chapter 3, I analyze the first part of the puzzle. I show that structural (Przeworski et al. 2000; Svolik 2008, 2015), institutional (Carreras 2012; Mainwaring and Scully 1995; Pérez-Liñán and Mainwaring 2013), and state centered (Andersen et al. 2014; Diamond 2015; Fortin 2012; Mainwaring 2012) theories are useful to explain why some countries elect presidents with hegemonic aspirations. Economic crises, low levels of state capacity, and weakly institutionalized party systems create legitimacy crises (Linz 1978). In those situations, voters are more likely to choose an unknown politician with a weak (or obscure) preference for democracy who promises to address
the problem, over a better known politician with a stronger better known preference for democracy who, voters believe, will not address the problem.

Once this leader is in office, however, the factors that brought him/her to power cannot fully explain why s/he successfully erodes democracy or fails. Economic crises, low levels of state capacity, and weakly institutionalized party systems weaken sitting presidents. Once the incumbent has been replaced by the hegemonic president, these factors should not have any effect on the likelihood that the latter successfully erodes democracy. Indeed, as shown in Chapter 3, among Latin American presidents with hegemonic aspirations (1978-2013), average economic growth, state capacity and party system institutionalization cannot entirely explain the variation between those who successfully eroded democracy and the ones who failed.

This first stage of the theory contributes to the literature on the factors that make democratic regimes vulnerable to erosion. First, I provide a clear operationalization of which democratically elected presidents are likely to be hegemonic based not on their discourse against the political establishment (i.e. whether they are anti-systemic or not) or how they run for office (i.e. whether they are outsiders or not), but rather on their willingness to circumvent democracy. Second, I test the conditions that allow these presidents to win elections. Using an original dataset that records attempts to reform the constitution, regardless of whether they are successful or not, I assess a president’s readiness to erode democracy, without regard of whether he succeeds or fails.

The second stage of the argument focuses on the opposition. As explained in Chapter 2, because the erosion of democracy happens sequentially, the opposition has several opportunities to respond. If it uses extra-institutional strategies with radical goals, it loses legitimacy domestically and abroad. This type of response increases the government’s incentives for and reduces the costs of repression. It provides the president with “legitimate” reasons to remove opposition leaders from office,
prosecute, and jail them, and allows him to gather enough support to push for more aggressive reforms that, without presence in the legislature and the courts, the opposition finds hard to stop. Conversely, if the opposition uses institutional strategies or extra-institutional strategies with moderate goals, it maintains its legitimacy domestically and abroad. This type of response decreases the government’s incentives for and increases the costs of repression. It allows the opposition to keep some presence in the legislature and slow down the government’s cooptation of courts and oversight agencies, thus reducing the likelihood that the president will have the institutional control needed to pass more aggressive reforms in the future.

To assess this argument, I used comparative historical analysis to trace the dynamics of erosion during the administrations of Hugo Chávez in Venezuela—a case of successful erosion—and Alvaro Uribe in Colombia—a case of failed erosion. Despite different ideologies, these presidents were alike in many ways. They both came to power in contexts of crisis, after decades of democratic stability; and they both tried to dismantle the checks on the executive and extend their time in office beyond a second term. Chávez and Uribe were equally populistic and polarizing. They both addressed the nation weekly on TV. In their shows they portrayed themselves as sole bearers of the state, addressed private and local issues in a personalistic manner (de la Torre 2005; González 2013), and depicted those that criticized them, as enemies of the state. In order to achieve their policy goals, these presidents were equally willing to erode democracy. Chávez’s government manipulated electoral rules, threatened and forced to resign justices and public servants, and harassed journalists and opposition members. Uribe’s government bought legislators, spied on justices, journalists and politicians, made up evidence to falsely convict people who testified against uribista officials, and facilitated information to paramilitary groups (Bejarano 2010; García and Revelo 2010; Navas Talero 2010).

The erosion of democracy in Venezuela happened over time. It took Chávez nine
years to transform this country’s democracy into a competitive authoritarian regime. The opposition was fairly strong between 1999 and 2005. As Chapter 4 shows, it had institutional and non-institutional resources to fight the government long after Chávez came to power: a meaningful presence in congress, some support inside courts and oversight agencies, control over most media outlets, a significant influence over the state owned petroleum company and the armed forces, and the ability to mobilize millions to the streets. However, it chose mostly extra-institutional strategies with radical goals—the 2002 coup, the 2002-2003 strike, and the 2005 electoral boycott—to fight the government and lost them all. These strategic choices reduced its ability to portray Chávez’s attempts to remove opposition members from key institutions as “illegitimate” or “undemocratic,” and allowed the president to purge and fully control the military and PDVSA, and get a 100% Chavista congress. The latter replaced the Supreme Tribunal of Justice and the Electoral Council, and sped up Chávez’s legislation. After 2005, the government was not only able to pass more laws, but it was able to do it almost six times faster than it did before. Between 2000 and 2005, the opposition coalition in congress was able to use rules of procedure to significantly delay the government’s agenda. Had they remained in the AN between 2006 and 2010, chances are they would have been able to do the same during Chávez’s second term.

Like the Venezuelan president, Alvaro Uribe introduced several reforms that sought to enhance his powers and extend his time in office. Different from the Venezuelan case, the opposition he faced was not particularly strong. It had some presence in congress, some friendly newspapers and online media outlets, and some ability to mobilize people to the streets. Unlike its Venezuelan counterpart, however, it had little or no access to TV or radio outlets, no support inside the armed forces, and its mobilizations were not as visible or massive as those organized by the anti-Chavistas. Although Colombia had a strong and independent Constitutional
Court and it played a critical role in stopping Uribe, there was nothing in 2002 that
guaranteed it would remain independent long enough to stop the president’s second
reelection reform.

Unlike what happened in Venezuela, however, the opposition in Colombia used
institutional—parliamentary obstruction and litigation—and moderate extra-institutional
strategies—protests and electoral boycotts to stop specific reforms. These tactics
helped protect its legitimacy domestically and abroad, slow down Uribe’s cooptation
of state institutions, and aid the Constitutional Court to rule against specific reforms.
In congress, the opposition used rules of procedure to delay the debates, allow for
changes in important bills, and create and/or report procedural irregularities that
helped the CC rule against Uribista institutional reforms. Without an active and
coordinated effort from the opposition, it would had been harder for the CC to rule
against Uribista bills that would have harmed democracy.

By focusing on the role of the opposition after a leader with hegemonic aspira-
tions becomes president, my theory of democratic erosion differs from existing ap-
proaches to democratic rollbacks. It highlights a new explanatory factor that has
been overlooked so far. Scholars who have analyzed the erosion of democracy have
often thought of it as the outcome of the executive’s institutional strength (Brewer-
Carías 2010; Kornai 2015; Stoner-Weiss 2010), access to resources (Hawkins 2010a,
2016; Hidalgo 2009), ideology (Weyland 2013), strategies (Corrales 2011; de la Torre
and Lemos 2016), international and/or popular support (Corrales 2015; 2016; de la
Torre 2013; Mayorga 2011; Weyland 2013). Like related literature on transitions to
democracy in competitive authoritarian regimes (Levitsky and Way 2010), they have
dismissed the role of those who oppose the president, and either claimed or assumed
that only weak hegemonic presidents fail.²

²Some of those accounts do analyze the role of the opposition against populist leaders (Ba-
tory 2016; de la Torre and Lemos 2016; Hawkins 2016; Kaltwasser and Taggart 2016) and, more
specifically, chavismo (Kutiyski and Krouwel 2014). These arguments, however, subscribe to a
Although, certainly the factors mentioned above help hegemonic presidents erode democracy, I show that weak oppositions can defeat strong presidents with hegemonic aspirations as well. Rather, than focusing on the correlation of forces (i.e. how strong is the president vis-a-vis the opposition), I join scholars who claim we should see transitions from and to democracy through a “regime defeat” lens (Bunce and Wolchik 2011) and focus on the decisions oppositions make as well. In line with the literature on democratizing elections, which analyzes the strategies that opposition groups use to defeat authoritarian leaders at the voting booth (Bunce and Wolchik 2011; Lindberg 2009; Trejo 2014), I show that, by making specific strategic choices, even weak oppositions can prevent the erosion of democracy. By doing so, this dissertation contributes to the study of democratic erosion not by dismissing other theories, but by shedding light on an important variable that scholars have paid very little attention before.

This point has important policy implications. The erosion of democracy is hard to prevent. Not only are leaders with hegemonic aspirations are democratically elected, but they usually come to power in the midst of economic, institutional, and governance crises that are difficult to change in the short term. By studying both what brings presidents with hegemonic aspirations to power and the role of the opposition in helping or hindering their ability to erode democracy, I provide insights not only on the long term changes that can help reduce a country’s vulnerability to erosion, but the short term strategies that can be used against hegemonic presidents once they are in office.

power-asymmetry logic. Even though they study the opposition’s response to populist leaders before and after they come to power, their arguments imply that, once they are in office, there is little that domestic actors can do to stop them from increasing their powers or extending their time in office. Other variables like the economy or the strategic choices the executive makes have more weight in their arguments.
6.3 Can This Theory Travel?

The theory outlined in this dissertation can help us understand other countries undergoing similar processes inside and outside Latin America like Bolivia, Ecuador,3 and Hungary. The erosion of democracy in Bolivia and Ecuador happened sequentially. Although faster than the erosion of democracy in Venezuela, it took Rafael Correa (2007-present) and Evo Morales (2005-present) roughly four years to control congress and the courts and extend their time in office beyond a second term. During that time, both of these presidents faced somewhat strong oppositions. A resource rich opposition in Bolivia and a large majority in congress in Ecuador.

Notwithstanding weaker than their Venezuelan counterpart,4 both of these oppositions had institutional and non-institutional resources they could use against the government. In both of these cases, however, they jeopardized these resources by using extra-institutional strategies with radical goals that hindered their domestic and international legitimacy and helped the government advance more radical reforms. Consequently, along with other factors such as Morales’s and Correa’s popularity as well as their access to gas and oil revenues, the opposition strategic choices and goals contribute to explain the erosion of democracy in Bolivia and Ecuador.

Unlike what happened in Venezuela and the countries mentioned above, in Hungary the opposition has used institutional strategies to oppose Víctor Orbán (2010-

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3Argentina and Perú also saw the rise of presidents with hegemonic aspirations. I do not analyze these cases in detail in this section because in these countries the role of the opposition is harder to assess. Alberto Fujimori launched a self-coup in 1992, two years after he was sworn into office. Although the regime after 1993 was not fully authoritarian, this case resembles a classic democratic breakdown more than it resembles a democratic erosion. In Argentina Carlos Menem was not able to erode democracy. Like what happen with Uribe, his attempt to change the constitution in order to run for a third term failed. Menem, however, lacked the two necessary conditions for the erosion of democracy: mass or military support and a radical extra-institutional opposition response. It is hard to know if he failed to erode democracy because he did not have enough support, because the opposition did not give him “legitimate” reasons to remove its members from from key institutions, or all of the above.

4The Ecuatorian opposition the weakest of all three.
present) and his party Fidesz. Although the prime minister has been able to advance reforms that increase his powers, he has not been able to fully coopt the parliament or the courts.\footnote{Hungary has a parliamentary system. The Prime Minister does not need to change the constitution in order to extend his time in office.} Using the Hungarian and the European Parliament and participating in elections, the opposition has increased its presence in the legislature, curbed some of Orbán’s laws, and protected pockets of support inside the courts. It is unclear what will happen in Hungary. So far, however, the opposition seems to have been able to successfully delay the erosion of democracy.

Although useful to explain some processes of democratic erosion, the theory proposed by this dissertation has important scope conditions. First, it needs democratic international and domestic audiences, with leverage over the president (Levitsky and Way 2010; Mainwaring and Pérez-Liñán 2013). Domestic and international communities with a weak preference for democracy or little leverage over the president, might decrease the his/her incentives to keep a democratic façade, and thus increase the likelihood that s/he will remove opposition members from congress, courts, and oversight agencies regardless of whether s/he has a “legitimate” reason or not. Second, in order to work the way I claim they do, opposition strategic choices need somewhat stable democratic institutions. Short-lived weak democratic institutions might hamper the opposition’s ability to protect or use institutional resources, regardless of the strategies it chooses.

6.3.1 Radical Extra-Institutional Strategies in Bolivia and Ecuador

When Evo Morales came to power in 2005, the opposition had a third of the seats in the Lower House, a simple majority in the Senate, and prefects in regions that held a substantial portion of the country’s mineral resources.\footnote{La Paz, Pando, Beni, Santa Cruz, Tarija, and Cochabamba} The opposition
also had a strong presence in the Supreme and Constitutional Courts, as well as the National Electoral Court (Castagnola and Pérez-Liñán 2011). Initially, the national traditional political elites fought president Morales’s first power grabs using institutional strategies and extra-institutional strategies with moderate goals (Lehoucq 2008). Legislative obstruction, protests, boycotts, and strikes against specific reforms, successfully delayed the government’s agenda, moderated its project, and slowed down the cooptation of courts and oversight agencies. Later, however, led by regional prefects, the opposition switched to extra-institutional strategies with radical goals. Using violence, strikes, and building invasions in order to push for certain regions’ de-facto autonomy, which would have effectively defunded Morales’s government (Uggla 2009, Farthing and Kohl 2014, 44-50), the opposition lost national and regional institutional resources, increased Morales’s legitimacy inside and outside Bolivia, and hindered its ability to present itself as democratic domestically and abroad.

Like other presidents with hegemonic aspirations, Morales’s first power grab was a Constitutional Assembly (Asamblea Constituyente de Bolivia—ACB). MAS (Movimiento al Socialismo) the government party, won 54% of the seats in this body and was willing to use this simple majority to push the president’s reforms through. Using institutional and moderate extra-institutional strategies, however, the opposition was able to delay the constitutional process two years, and moderate many of the government’s reforms (Mayorga 2009). In December 2006, for instance, MAS tried to change the two thirds majority requirement inside the ACB. It approved a general set of rules declaring that all decisions, save the one on the final draft, would be made by an absolute majority (Rodríguez Veltzé 2008). The opposition used institutional strategies like congressional boycotts as well as moderate extra-institutional strategies like protests and hunger strikes (Lehoucq 2008) to reverse these rules. Faced with

\footnote{The opposition in congress, led by Podemos, used its majorities to hinder government legislation.}
pressure from the streets and inaction in congress, eventually the government agreed to reinstate the two-thirds requirement on February 2007, and made legislative concessions to unblock the constitutional debate (Mayorga 2009). These institutional and extra-institutional strategies allowed the opposition to keep its veto power in the ACB, moderate otherwise radical reforms, and delay the constitutional process. The Assembly was supposed to sit for one year, but the “...intense procedural tussle had hampered substantive work so badly...that there was no hope of meeting that target date.” (Lehoucq 2008, 118).

The opposition used institutional strategies against the cooptation of the Supreme and Constitutional courts as well. During Morales’s first term, the courts became the target of several political attacks. The government used direct and indirect pressure to remove justices perceived to be detrimental to the president’s agenda. Unpopular, the courts did not have the legitimacy to defend themselves against these attacks (Castagnola and Pérez-Liñán 2011). Three justices of the Supreme Court and five of the Constitutional Tribunal (Tribunal Constitucional Boliviano–TCB) resigned in response to government pressures, and the president initiated impeachment processes against eleven members of the Supreme Court, and five members of the TCB (Castagnola and Pérez-Liñán 2011).

Although the opposition could not stop the resignations, it was able to use the Senate to delay and, in some circumstances even reverse, the impeachments. Morales, had enough support to get the Chamber of Deputes to initiate impeachment procedures, but his party did not have enough seats in the Senate to approve these impeachments. Therefore, although the opposition could not prevent the accusations, it was able to use its majority in the Upper House to either delay the ruling or acquit

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8 According to the constitution, the Lower House is in charge initiating impeachment procedures against Supreme Court or TCB justices, while the Senate is in charge of ruling over these impeachments.
This tactic did not help the TCB much, but was extremely useful to protect the Supreme Court. The TCB cannot name interim justices. Every time an accusation was made against a justice, the court lost a member\(^9\) and was unable to replace him/her, allowing Morales to effectively dismantle the court (Castagnola and Pérez-Liñán 2011). The president, however, was not able to do the same with the Supreme Court. Unlike the Constitutional Tribunal, the latter is entitled to appoint temporary replacements when needed. Even though Morales started several impeachment processes and these resulted in the suspension of the justices, the court chose its own interim justices to replace them. In the mean time, the Senate delayed decisions over the impeachments hindering the president’s ability to fill the empty seats with loyalists.

In sum, during Morales’s first years in government, the opposition was able to delay and abate his project using institutional strategies and extra-institutional strategies with moderate goals. Starting in 2008, however, the opposition radicalized\(^{11}\) Led by regional prefects\(^{12}\) the anti-Morales group resorted to extra-institutional strategies with radical goals to fight the president. Throughout 2008, the prefects called for illegal autonomy referendums\(^{13}\) organized protests and strikes,

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\(^9\)In October 2007, it acquitted the Constitutional Tribunal justices in an impeachment process initiated by Morales after the TCB had refused to make permanent the four interim members the president had named for this court using a presidential decree.

\(^{10}\)During the impeachment processes, the justices under investigation were suspended until the Senate reached a conclusion.

\(^{11}\)By the end of 2007, Morales tried to break the stalemate inside the Constitutional Assembly by moving the constitutional debate outside Sucre (opposition stronghold) and holding a special session in a military barrack in Oruro in order to vote the final draft. The opposition assembly members could not go into the building to vote.

\(^{12}\)The prefects of La Paz, Pando, Beni, Santa Cruz, Tarija, and Cochabamba

\(^{13}\)After Morales tried to approve the 2008 Constitution using the streets to either pressure the opposition not to oppose it, or hinder its ability to be part of the debate (Uggla 2009), the regional prefects tried to call for regional referendums in order to approve the “Autonomy Statutes.”
invaded buildings, and resorted to violence in order to push for a de-facto autonomy that would have effectively defunded Morales’s government (Uggla 2009; Farthing and Kohl 2014, 44-50).

Like what happened in Venezuela, these radical extra-institutional strategies backfired. They hindered the opposition’s legitimacy and jeopardized some of the institutional resources it had. In August 2008, for instance, opposition gunmen attacked pro-government protesters in Pando and killed nineteen people. This strategy had disastrous consequences for the opposition. First, it enabled the president to send the army and arrest Pando’s prefect (opposition). Second, along with other violent attacks against MAS supporters, the massacre hindered the opposition’s ability to present itself as democratic domestically and abroad. The government “...relied heavily on public spectacle” (Gustafson 2010, 50). Morales was able to redefine the violence as “...an expression of illegitimate feudal and colonial orders.” Domestically, the massacre “...combined with sporadic violence turned the bulk of public opinion against them [the opposition].” Internationally, organizations like the United Nations and the Union of South American Nations (Unasur) condemned the opposition’s actions as well (González 2008; Postero 2010). Third, the events in Pando negatively affected the opposition’s ability to win national and regional elections in 2009. After the massacre, the regional opposition collapsed, paving the way for Morales’s electoral landslide next year (Gray Molina 2013).

14 Bolivia’s gas reserves are located in Tarija, Santa Cruz, Cochabamba and Chuquisaca.

15 Interview with Alvaro García Linero, Bolivia’s Vice-President conducted by Linda Farthing in June 20, 2009 (Farthing 2010)

16 After the massacre, the negotiations over the constitution moved back to congress. The opposition there was able to push for some concessions.
In 2009, the president was reelected, won 69% of the seats in congress, and won majorities in seven out of nine provinces including Santa Cruz and Tarija. Since then he has been able to control courts, congress and oversight agencies, extend his time in office beyond a second term and use trump-up charges against opposition politicians to unbalance the electoral playing field, effectively eroding democracy. Although the opposition has been able to keep some presence in congress and Morales has not been able to undermine opposition rights as much as Chávez did (Mainwaring and Pérez-Liñán 2015), those who oppose the government are still competing in an unbalanced playing field in which defeating the president is almost impossible.

In Ecuador, the opposition strategic choices also helped Rafael Correa erode democracy. Correa faced a strong opposition in congress during his first year of government (Basabe Serrano and Polga Hecimovich 2013; Hurtado 2012). He was elected without a legislative coalition, and the opposition—which controlled 70% of the seats of the legislature—was determined to hinder his ability to call for a Constitutional Assembly. When the Supreme Electoral Tribunal (TSE) authorized the call for a new constitution in January 2007, the opposition coalition in the legislature illegally dismissed the president of this court (March 2007) (Machado 2008). The TSE responded by using an obscure law (Ley Orgánica de Elecciones, Art. 155) in order to impeach the 57 members of congress who had voted to dismiss the TSE justice. The government was then able to replace these congressmen and women with loyalists (Basabe Serrano and Polga Hecimovich 2013; Machado 2008). Although not

\[\text{\textsuperscript{17}}\text{Although the constitution in Bolivia prohibits two immediate reelections, the Constitutional Tribunal—now controlled by the government—allowed Morales to run again in 2014 arguing that the 2005-2009 term did not count because it happened before the new constitution was in place.}\]

\[\text{\textsuperscript{18}}\text{25\%-30\% of the seats in the Senate and 24\%-32\% of the seats in the Lower House}\]

\[\text{\textsuperscript{19}}\text{Recently, Morales lost its first electoral contest since 2005. The referendum that would have allowed him to run for president indefinitely was defeated at the polls. Although the president recognized the results, it is unclear whether he will try to change the constitution again in the future or not.}\]
exactly a radical extra-institutional strategy, it was the opposition’s illegal behavior that allowed the government to “legitimately” dismember the opposition coalition in the legislature. The Ecuadorian opposition went from having 70% of the seats of congress, to having 26%. Controlled by the executive, the new congress dismissed nine judges of the Constitutional Tribunal (which had opposed the dismissal of the fifty seven congressmen) (Mainwaring and Pérez-Liñán, 2015), and approved the call for a Constitutional Assembly.

Unlike what happened in Bolivia or Venezuela, where the opposition had some strength inside and outside congress, in Ecuador the opposition’s stronghold was the legislative. It was the most important resource it had. Once the government coopted congress, there was little the opposition could do prevent the erosion of democracy in this country, between 2009 and 2010. In 2008, the new constitution increased Correa’s powers. Among other things, it enhanced the presidents ability to veto legislation, gave him exclusive control over tax and monetary policy, allowed him to dissolve the legislative and executive branches and force new elections (muerte cruzada), and moved the appointment of Attorney General, Comptroller General, Human Rights Obudsman, National Electoral Council, and Board of Judicature outside congress. The new constitution also allowed Correa to run for one immediate reelection (Sánchez-Sibony, 2016).

The opposition to his government after 2008 has been very limited. The process to approve the Ecuadorian constitution disarmed it (de la Torre, 2013). In 2009, five months after the new constitution was approved, the executive called for elections. Correa was “reelected” and his party (Alianza PAIS) won 42% of the seats in congress. Although opposition parties, together, made up more than half of the leg-

\[20\] These officers were elected by the Council of Citizen Participation (Consejo de Participación Ciudadana y Control Social–CPCCS), whose members were Correistas.

\[21\] The constitution only allows for one immediate reelection, but the courts declared that Correa’s first election did not count.
islative, the party fragmentation and their inability to— unlike Podemos in Bolivia— form a united front hindered their ability to effectively use this institution to delay or stop Correa’s reforms (Basabe-Serrano and Martínez 2014). Between 2009 and 2011 the government used its powers to fully coopt courts. In 2011, Correa led a referendum that allowed the executive to appoint Supreme Court justices and created a Council of Magistrates (Consejo de la Judicatura de Transición—CJT)) staffed with loyalists, empowered to make reforms through the judicial system.

Since 2011, Correa has had full control over all branches of government, and has used this control to silence public protests and harass the media, effectively unbalancing the playing field. In 2013, the elections in Ecuador were clearly unfair (Sánchez-Sibony 2016). There was uneven access to the media, uneven access to resources, and gerrymandering. The government changed the electoral rules hindered the opposition access to campaign resources, and obstructed opposition candidates in order to win. Although opposition politicians have been able to keep control of important regions in Ecuador (Eaton 2011) and social movements like CONAIE (Conferderación de Nacionalidades Indígenas) have kept the pressure against the government taking its decisions to international courts (de la Torre 2014), Correa has so much institutional control that they have not been able to achieve much.

22 The government used threats and favors to build the majorities it needed (Sánchez-Sibony 2016)

23 It won 73% of the seats with 51.8% of the votes (Sánchez-Sibony 2016)

24 For example, the government controlled CNE enacted legislation that required that the candidates registered themselves in person. This rule, hindered the ability of Abdalá Bucaram and Alvaro Noboa, living in exile, to register.

25 In 2014, opposition candidates became mayors in Guayaquil, Quito, Cuenca, and Manta

26 In 2016, congress approved a law that allowed presidents to run for office indefinitely. The bill, prohibited Correa to run again. However, the Constitutional Court recently approved a request for a referendum that would invalidate this last provision, and would allow Correa to run for office in 2017.
6.3.2 Institutional and Extra-Institutional Strategies with Moderate Goals in Hungary

In Hungary, institutional strategies have helped the opposition delay the erosion of democracy. Viktor Orbán became prime minister in this country when his party (Fidesz) won two thirds of the seats in parliament in 2010. During his three years in office he introduced reforms to increase his party’s influence over the nomination of Constitutional Court justices, curb the court’s jurisdiction over fiscal and budgetary matters, change the rules of nomination to the central bank’s monetary council, and increase the government’s hold over oversight agencies such as the Fiscal Council, and the Ombudsman’s Office. His party also amended the constitution twelve times, in order to ease the approval of a new constitution (Agh 2013; Batory 2016; Kornai 2015; Landau 2013).

Enacted in 2011 by the parliament, the new charter undermined checks and balances and included provisions that helped Fidesz perpetuate itself in power (Landau 2013). It increased the size of the Constitutional Court to give the ruling party additional seats, created a party-controlled office (National Judicial Office) with broad powers over the judiciary, reduced the retirement age giving Fidesz the ability to fill in a large amount of vacancies in a short time, extended the terms of the Electoral Commission, the Budget Commission, and the Media Board—controlled by Fidesz loyalists—and used gerrymandering to increase Fidesz’s chances to win elections in the future (Kornai 2015; Landau 2013).

Unlike what happened in Venezuela, Ecuador or Bolivia, however, opposition parties in Hungary, so far, have avoided radical extra-institutional strategies. Instead, they have used institutional strategies and extra-institutional strategies with moderate goals against the government, with somewhat positive results. Most noticeable, in 2010 the opposition parties “uploaded” the debate over a media law that severely restricted freedom of the press to the European Parliament. The EU drafted a resolu-
tion criticizing the law and urging the Hungarian government to amend it.\(^{27}\) During the debate they even threatened with Article 7 (Batory 2014).\(^{28}\) Although the resolution was non-binding, it had important consequences. First, Orbán backtracked a few aspects of the law, second, it provided opponents of the law with an international frame of reference to fight against it (or similar laws) domestically, and third, it allowed the opposition inside Hungary to create a strong international coalition to pressure the Hungarian government (Batory 2014).

The opposition also resorted to other institutional and moderate extra-institutional strategies. In 2011, for instance, a civil society movement (One Million for the Freedom of the Press) organized several demonstrations against the media law mentioned above. Although the life of the movement was short-lived, it gave international visibility to the issue and, for some time, offered a platform for opposition groups to organize and collaborate (Batory 2016). Also, in 2014, several opposition parties on the left united and filed a single list for the election. Although they did not win a majority of the seats, they came in second and, together with other two parties, summed enough votes to deny Fidesz the qualified majority it had enjoyed before.

The Hungarian case suggests that institutional strategies and moderate extra-institutional strategies can help prevent the erosion of democracy. Despite diminished, the Constitutional Court still has some pockets of independence (Batory 2016; Kornai 2015; Landau 2013); Fidesz has lost presence in parliament; and, more less successfully, the international community has pushed Orbán to backtrack some declarations and laws (Batory 2016). The government, however, is still strong and has kept pushing to further erode democracy in the country. In an increasingly more volatile international environment, it is unclear whether Fidesz will get its way or

\(^{27}\) European Parliament resolution on media law in Hungary, 2011, C 199/E 17.

\(^{28}\) Article 7 establishes the procedure to suspend a member state’s voting rights in the EU Council, in cases in which there is a “serious breach” of European norms.
Despite useful to understand several cases of erosion, the theory outlined in this dissertation has two important scope conditions. Democratic international and domestic audiences, and somewhat stable democratic institutions, are necessary for opposition strategies and goals to work the way I claim they do. If the international community and/or the people inside the country do not have a preference for democracy or no leverage over the hegemonic president, the latter will have little incentives to keep a democratic façade [Levitsky and Way 2010 Mainwaring and Pérez-Liñán 2013]. S/he will remove opposition members from state institutions regardless of whether his/her actions are seen as “legitimate” or not. Similarly if the country does not have minimally stable congress, courts and/or oversight agencies before a president with hegemonic aspirations comes to power, the opposition will hardly be able to protect these resources or use them in their favor to stop him/her from eroding democracy.

In Africa, for instance, the erosion of democracy has been more common than in Latin America. In the latter between 1978 and 2013, we only observe 4 successful cases of erosion; in the former, between 1990 and 2015, we observe 8. It is hard to say if or what could have the opposition done in each of these cases. The

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29Venezuela, Nicaragua, Ecuador and Bolivia. As mentioned earlier Perú had a democratic breakdown but it did not happen over time.


31These eight cases refer to democratically elected presidents who abolished term limits completely. Although this does not necessarily mean that they increased the powers of the executive, it would be surprising if they did not do it. In Latin America, all the presidents who tried to increase term limits beyond a second term, increased the powers of the executive as well.
institutions we find in Africa are much weaker than the ones we find in Latin America, where most countries either transitioned to democracy earlier or had an important democratic past before they turned authoritarian in the 1960s and 1970s (Pérez-Liñán and Mainwaring 2013). The institutional obstacles that African hegemonic presidents face, and the tools those who oppose them have are, therefore, different from the obstacles and tools of its Latin American counterparts.

Nicaragua might be another example of how this scope condition affects the dynamics of democratic erosion. In this country the erosion of democracy happened relatively fast. Daniel Ortega came to power in 2007 as a result from a pact between the Sandinistas (FSLN) and the Liberals (PLC). Aligned, these parties were also able to coopt the Supreme Court and the Supreme Electoral Council before Ortega even ran for office. Accordingly, by the time the Sandinista leader came to power he already controlled courts and oversight agencies. Other than congress, where it still wins some seats, the opposition did not have many institutions to begin with.

Nicaragua’s institutions were an easier prey for Ortega than Venezuela’s, Colombia’s, Bolivia’s or Ecuador’s were for Chávez, Uribe, Morales or Correa. These countries had either stable democratic institutions for several decades (i.e. Colombia and Venezuela democratized in 1958), or an early democratic history that created democratic regime legacies that survived past authoritarian spells (i.e. Bolivia and Ecuador, had at least one semi or democratic periods between before 1964 and 1970) (Mainwaring and Pérez-Liñán 2013, Pérez-Liñán and Mainwaring 2013). Nicaragua on the contrary was a fully authoritarian regime between 1936 and 1983. By the time Ortega came to power in 2007, this country’s democratic institutions, were bound to be weaker than those of countries that had a longstanding democratic history, or at least some democratic spells before the 1980s.

Although not analyzed in detail in this conclusion, this statement is true for Argentina and Perú as well.
The second scope condition mentioned above relates to the regime preferences and the leverage of domestic and international actors (Levitsky and Way 2010; Mainwaring and Pérez-Liñán 2013). Russia is a good example of it. This country, where Vladimir Putin (2000-present) eroded democracy, is relatively independent from both the European Union and the United States (Levitsky and Way 2010; Stoner-Weiss 2010) and has a population that overwhelmingly believes in a weaker version of democracy (i.e. it is ok for the leader to have a “strong hand” as long as s/he is popularly elected) (Hale 2011). Accordingly, unlike most presidents with hegemonic aspirations in Latin America, Vladimir Putin has been able to more steadily erode democracy. He does not need the opposition to give him “legitimate” reasons to remove opposition leaders from office, prosecute, or jail them, because he faces international and domestic communities that are less likely to push back when he does.

The cases mentioned above do not necessarily mean that the opposition does not matter in these or other similar countries undergoing processes of democratic erosion. Further research should evaluate my theory in other settings in order to assess other scope conditions, find alternative mechanisms by which the erosion of democracy takes place, and determine which opposition strategies and goals that might work there.

6.3.4 Conclusion

Scholars who study democratic rollbacks have paid little attention to those who oppose leaders willing to circumvent democracy. This dissertation has shown, however, that the opposition’s strategic choices and goals are essential to understand processes of democratic erosion. Even if weak, those who oppose hegemonic presidents can defeat them and force them to step down after their second term. The fact that the erosion of democracy does not depend solely on the government’s popularity, strategic choices, access to resources or strength—although these factors are certainly
important—is good news for the survival of democracy. The long term processes that bring these presidents to power or the power asymmetries between them and those who oppose them are hard to change in the short term. Opposions, however, can be easily trained. They can learn from each other on the best ways to protect their influence in congress, courts and oversight agencies and use it to prevent the erosion of democracy in their countries.
APPENDIX A

QUALITATIVE METHODOLOGY

In order to assess the mechanisms that allow some presidents, but not others, to erode democracy, I use comparative historical analysis, comparing a case of erosion, Hugo Chávez in Venezuela, and a case of almost erosion, Alvaro Uribe in Colombia. I use process tracing with data collected during twelve (12) months of fieldwork in Colombia (Fall 2013) and Venezuela (Spring-Summer 2014). During that time, I conducted interviews with politicians, academics, justices, clerks, members of NGOs, pollsters, and journalists and conducted archival research in newspapers and congress.

A.1 Interviews

I conducted a total of 88 interviews, 52 in Venezuela and 36 in Colombia. All but two of the interviews were semi-structured.\(^1\)

I chose my interviewees, based on a) specific characteristics deemed relevant for my analysis (i.e. purposive sample) and b) recommendations from other interviewees (i.e. snowball sampling). I did so, following the advice of the literature. Qualitative researchers argue that non-probability samples are better for process tracing when the purpose of the interviews is to develop causal explanations rather than drawing generalizations from a small sample to a larger group of people (Kapiszewski, McLean and Read 2015, 212; Lynch 2013; Tansey 2007).

\(^1\)I prepared questions in advance but allowed the interview to deviate from the questionnaire when needed.
The interviewees were politicians, journalists, academics, activists, justices, clerks, pollsters or members of advocacy groups who had a strong knowledge of, or had participated in, national politics between 1998 and 2013 in Venezuela, and 2002 and 2010 in Colombia. The purposive sample was initially built using information found in secondary sources. However—as is common in this type of research (Kapiszewski, MacLean and Read 2015, 213)—I was eventually able to improve that list with information gathered as I spent more time in the field.

In Venezuela I interviewed:

- 17 Politicians (10 in office, 7 out of office)
- 2 former members of the Constitutional Assembly
- 2 members of the electoral opposition NGO Súmate
- 1 former member of the business association Fedecámaras
- 1 member of the Supreme Tribunal of Justice (TSJ)
- 1 former member of the Supreme Tribunal of Justice (TSJ)
- 1 former member of the National Electoral Council (CNE)
- 1 political operative (opposition)
- 1 member of the Carter Center
- 2 pollsters (Datanálisis and Consultores 21)
- 3 journalists (Tal Cual, Globovisión, El Universal)
- 15 academics (Universidad de Oriente, Centro de Estudios del Desarrollo, Universidad Central de Venezuela, Universidad Centro Andrés Bello, Instituto de Estudios Superiores de Administración)

In Colombia I interviewed:

- 10 Politicians (8 in office, 2 out of office)
- 5 Constitutional Court clerks
• 3 Legislative staffers
• 3 academics (Universidad de los Andes, Universidad Javeriana, Universidad Nacional de Colombia)
• 3 member of anti-reelection civil society group (Alianza Ciudadana por la Democracia)
• 5 members of human rights and advocacy groups (Comisión Colombiana de Juristas, DeJusticia)
• 1 member of an NGO that monitors Congress (Congreso Visible)
• 4 journalists (Revista Semana, El Tiempo, RCN)
• 1 retired member of the Armed Forces.

My work focused on assessing the role of the opposition in the erosion of democracy. Accordingly, I interviewed, mostly, members of the opposition to Hugo Chávez and Alvaro Uribe. However, to the extent possible\(^2\) I tried to interview supporters of these presidents as well. In Venezuela eight of my interviewees supported the government at the time of the interview and three had supported the government in the past. In Colombia eight of my interviewees supported the government at the time of the interview and two had supported it in the past.

Following IRB protocol # 13-07-1132, all of my interviewees were informed about who I was, what my research was about, which institution I was affiliated with, and the objective of the interview. They were all informed that the participation in the interview was voluntary and that they could stop it at any point in time. All of my interviewees gave me verbal consent, however, not all of them authorized me to cite them and/or give their names. In order to protect my subjects, I use the citations

\(^2\)In Venezuela, in February of 2014, some sectors of the opposition started a three months long anti-government protest. In such a heated anti-government environment, my research was seen with suspicion and my requests for interviews with government officials were broadly declined. In Colombia the problems were twofold. First, due to the “parapolítica” and other corruption scandals, many uribista politicians are currently serving time in prison. Second, at the time in which I conducted my fieldwork (Fall 2013), the Uribe faction was building a political party (Centro Democrático) to participate in the parliamentary and presidential elections of 2014. There were two or three requests that were not declined, but it was impossible to find a time to meet within those six months.
of all the interviewees who authorized me to do so, but I name only those that gave me explicit permission to do so. For the citations in which I did not get explicit permission to use the interviewee’s name, I provide basic information to inform the reader about the interviewee’s role and how his/her testimony fits in the argument being made.

A.2 Archival Research

A.2.1 Newspaper

I did newspaper and congressional archival research in Colombia and Venezuela. In Colombia, I did newspaper archival research of eight years of *Revista Semana* (2002-2010), a very serious long-standing political magazine that comes out every week. In Venezuela, I did newspaper archival research of ten years of *El Nacional* (1998-2010), a long-standing newspaper that comes out every day.

When doing newspaper archival research, it is hard to find a “neutral” media outlet. *Revista Semana* and *El Nacional* are not the exception. *Semana* had an anti-Uribista slant, while *El Nacional* had an even stronger anti-Chavista slant. I chose them despite their bias for two reasons. First, they provided comprehensive information about the opposition. Chavista or Uribista media outlets are more likely to disregard opposition news than anti-Chavista or anti-Uribista media outlets. Second, they allowed me to do comprehensive archival research in a small time frame. Newspaper archival research using microfilm or print copies is very time consuming. In Venezuela, I was able to use *El Nacional’s* electronic database, which speeded up my research.


3Given the hostile environment that human rights NGOs and advocacy groups face in Colombia, I cite DeJusticia and CCJ interviewees, broadly as “members of advocacy groups.”

4Other newspapers were available in print at the National Library. However, they were incomplete. Newspapers like *Ultimas Noticias* or *El Universal* had missing issues in key dates such as April 11-13, 2002.
able electronic databases and is hard to do narrow searches using online databases—
_Semana_ allowed me to do less intensive archival research. Rather than going through
eight years of daily issues in a major newspaper, I went through eight years of weekly
issues. Given the high quality of this magazine, I am confident that little information
was lost.

### A.2.2 Congress

I did archival research in congress for both countries as well. In Colombia, _Congreso Visible_ compiled and made available a comprehensive list of constitutional reforms introduced during Alvaro Uribe’s government. Using that list, I was able to identify 16 constitutional reforms introduced by the government in which it sought to increase the legislative and non-legislative powers of the president and/or extend Uribe’s time in office. Using information available online (www.congresovisible.org, www.senado.gov.co, www.camara.gov.co) I was then able to identify which Congressional records (_Gacetas del Congreso_) contained the debates. Most of these records were available online (http://www.imprenta.gov.co/gacetap/gaceta.portals).

In Venezuela doing congressional archival research was more difficult. The Congressional Diaries of the Constitutional Assembly and the Legislative Commission (_Diarios de Debates_) were public and available at the National Assembly Library. Collecting these was a fairly easy task. Unfortunately, starting in 2001 the National Assembly stopped publishing the Congressional Diaries. Although they exist as PDFs at the National Assembly Archive, accessing them when I was doing fieldwork was an impossible task. Unless you were part of the government, you needed to request permission to the National Assembly Secretary to access the files. In order to get that permission, the National Assembly Secretary required documents that I was un-

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5In the Spring 2014, the Chavista party (PSUV) controlled the National Assembly. That changed in 2016, when the opposition won a majority of the seats.
able to provide. A couple of National Assembly functionaries tried to give me access to the Congressional Diaries. They were told, however, that it was “dangerous” for them to ask for these files.

Although the National Assembly Archive did not give me full access to the Congressional Diaries, it did give me a list of all the bills that were introduced to the National Assembly between 2000 and 2010. With this list, I was able to go to the Legislative Information Office (Dirección de Información Legislativa-DIL), which has the files of all bills approved since 2000. Luckily these files included copies of the debates. At this office I was able to photograph and review the debates of 15 bills (post-1999 referendum bills and organic laws).

\[\text{This office does not have files of bills that were not approved by the National Assembly. Therefore, I was not able to review the debates of non-sanctioned bills.}\]
APPENDIX B

ROBUSTNESS CHECKS
### TABLE B.1

**LIKENESS OF ELECTING PRESIDENTS WITH HEGEMONIC ASPIRATIONS (W/ELECTORAL INSTITUTIONS)**

<table>
<thead>
<tr>
<th>Variable</th>
<th>Model 1 (FE)</th>
<th>Model 2 (RE)</th>
<th>Model 3 (Logit RE)</th>
<th>Model 4 (Logit VCE)</th>
</tr>
</thead>
<tbody>
<tr>
<td>GDP PC (ln)</td>
<td>0.215*</td>
<td>0.061</td>
<td>1.195</td>
<td>1.195</td>
</tr>
<tr>
<td></td>
<td>(0.107)</td>
<td>(0.056)</td>
<td>(1.188)</td>
<td>(0.800)</td>
</tr>
<tr>
<td>Mean Growth</td>
<td>-0.019*</td>
<td>-0.018*</td>
<td>-0.323+</td>
<td>-0.323**</td>
</tr>
<tr>
<td></td>
<td>(0.010)</td>
<td>(0.009)</td>
<td>(0.174)</td>
<td>(0.112)</td>
</tr>
<tr>
<td>Electoral Volatility</td>
<td>0.359</td>
<td>0.401*</td>
<td>5.572</td>
<td>5.571</td>
</tr>
<tr>
<td></td>
<td>(0.233)</td>
<td>(0.097)</td>
<td>(3.766)</td>
<td>(4.231)</td>
</tr>
<tr>
<td>State Capacity</td>
<td>-0.331*</td>
<td>-0.070</td>
<td>-3.482</td>
<td>-3.482*</td>
</tr>
<tr>
<td></td>
<td>(0.142)</td>
<td>(0.073)</td>
<td>(3.060)</td>
<td>(1.741)</td>
</tr>
<tr>
<td>Runoff</td>
<td>-0.139</td>
<td>-0.019</td>
<td>-0.580</td>
<td>-0.580</td>
</tr>
<tr>
<td></td>
<td>(0.122)</td>
<td>(0.056)</td>
<td>(1.289)</td>
<td>(1.062)</td>
</tr>
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<td>Compulsory Vote</td>
<td>-0.296</td>
<td>-0.041</td>
<td>-0.646</td>
<td>-0.646</td>
</tr>
<tr>
<td></td>
<td>(0.221)</td>
<td>(0.082)</td>
<td>(1.437)</td>
<td>(1.469)</td>
</tr>
<tr>
<td>Concurrent Elections</td>
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<td>-0.023</td>
<td>0.704</td>
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</tr>
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<td></td>
<td>(0.111)</td>
<td>(0.085)</td>
<td>(1.725)</td>
<td>(1.449)</td>
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<tr>
<td>Mean Fuel Exports</td>
<td>0.001</td>
<td>0.013</td>
<td>0.013</td>
<td>0.013</td>
</tr>
<tr>
<td></td>
<td>(0.001)</td>
<td>(0.030)</td>
<td>(0.016)</td>
<td>(0.016)</td>
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<tr>
<td>Ethnic</td>
<td>0.002</td>
<td>3.763</td>
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<td></td>
</tr>
<tr>
<td>Fractionalization</td>
<td>0.040</td>
<td>0.013</td>
<td>1.951</td>
<td>1.951</td>
</tr>
<tr>
<td></td>
<td>(0.045)</td>
<td>(0.030)</td>
<td>(1.390)</td>
<td>(1.378)</td>
</tr>
<tr>
<td>Democracy Age (ln)</td>
<td>-1.337</td>
<td>-0.418</td>
<td>-19.969+</td>
<td>-19.967**</td>
</tr>
<tr>
<td></td>
<td>(0.807)</td>
<td>(0.432)</td>
<td>(11.040)</td>
<td>6.516</td>
</tr>
<tr>
<td>r2</td>
<td>0.197</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>bic</td>
<td>16.989</td>
<td>86.840</td>
<td>82.225</td>
<td></td>
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<tr>
<td>N</td>
<td>101.000</td>
<td>101.000</td>
<td>101.000</td>
<td>101.000</td>
</tr>
</tbody>
</table>

Standard errors in parentheses

+ p < 0.1, * p < 0.05, ** p < 0.01, *** p < 0.001

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B.2 Using Growth

### TABLE B.2

LIKELIHOOD OF ELECTING PRESIDENTS WITH HEGEMONIC ASPIRATIONS (USING ECONOMIC GROWTH (%GDP) ON ELECTION YEAR)

<table>
<thead>
<tr>
<th>Variable</th>
<th>Model 1 (FE)</th>
<th>Model 2 (RE)</th>
<th>Model 3 (Logit RE)</th>
<th>Model 4 (Logit VCE)</th>
</tr>
</thead>
<tbody>
<tr>
<td>GDP PC (ln)</td>
<td>0.120</td>
<td>0.044</td>
<td>1.633</td>
<td>1.633</td>
</tr>
<tr>
<td></td>
<td>(0.082)</td>
<td>(0.050)</td>
<td>(1.338)</td>
<td>(1.200)</td>
</tr>
<tr>
<td>Growth (%GDP)</td>
<td>-0.020*</td>
<td>-0.018*</td>
<td>-0.429*</td>
<td>-0.429*</td>
</tr>
<tr>
<td></td>
<td>(0.008)</td>
<td>(0.007)</td>
<td>(0.180)</td>
<td>(0.171)</td>
</tr>
<tr>
<td>Electoral Volatility</td>
<td>0.386+</td>
<td>0.399*</td>
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<td>(0.171)</td>
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<td>Fractionalization</td>
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<td>2.024*</td>
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<td>(0.027)</td>
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<td>(0.809)</td>
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<td>Democracy Age (ln)</td>
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<td>-24.978*</td>
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<td>(0.588)</td>
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Standard errors in parentheses

* p < 0.1, * * p < 0.05, ** p < 0.01, *** p < 0.001
### TABLE B.3

**LIKELIHOOD OF ELECTING PRESIDENTS WITH HEGEMONIC ASPIRATIONS (USING MEAN ECONOMIC GROWTH-PC)**

<table>
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<tr>
<th>Variable</th>
<th>Model 1 (FE)</th>
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<th>Model 3 (Logit RE)</th>
<th>Model 4 (Logit VCE)</th>
</tr>
</thead>
<tbody>
<tr>
<td>GDP PC (ln)</td>
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<td>0.055</td>
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<td>(0.089)</td>
<td>(0.052)</td>
<td>(1.154)</td>
<td>(0.698)</td>
</tr>
<tr>
<td>Mean Growth PC (%GDP PC)</td>
<td>-0.017*</td>
<td>-0.016*</td>
<td>-0.247*</td>
<td>-0.247*</td>
</tr>
<tr>
<td></td>
<td>(0.010)</td>
<td>(0.009)</td>
<td>(0.149)</td>
<td>(0.099)</td>
</tr>
<tr>
<td>Electoral Volatility</td>
<td>0.004*</td>
<td>0.004*</td>
<td>0.060*</td>
<td>0.060*</td>
</tr>
<tr>
<td></td>
<td>(0.002)</td>
<td>(0.002)</td>
<td>(0.034)</td>
<td>(0.034)</td>
</tr>
<tr>
<td>State Capacity</td>
<td>-0.302*</td>
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<td>-3.304</td>
<td>-3.304*</td>
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<td></td>
<td>(0.133)</td>
<td>(0.072)</td>
<td>(2.594)</td>
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<td>-0.000</td>
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<td>(0.028)</td>
<td>(1.088)</td>
<td>(1.251)</td>
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<tr>
<td>Democracy Age (ln)</td>
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<td>0.019</td>
<td>1.745</td>
<td>1.745</td>
</tr>
<tr>
<td></td>
<td>(0.044)</td>
<td>(0.028)</td>
<td>(1.088)</td>
<td>(1.251)</td>
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<td>-18.061*</td>
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<td>(0.640)</td>
<td>(0.406)</td>
<td>(10.104)</td>
<td>(8.220)</td>
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<td>r2</td>
<td>0.151</td>
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<td>bic</td>
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<td>74.309</td>
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</tbody>
</table>

Standard errors in parentheses
+ p < 0.1, * p < 0.05, ** p < 0.01, *** p < 0.001

B.3 Using Average Growth Per Capita
B.4 Alternative Variables for State Capacity

I chose several indicators from the Varieties of Democracy Database (2015) that reflect a slightly different concept of state capacity (more closely related to governability). Using exploratory factor analysis I identified three underlying dimensions: Corruption, Government Effectiveness, and State Authority.

- **Corruption**
  1. Executive bribery and corrupt exchanges (v2exbribe)
  2. Executive embezzlement and theft (v2exembez)
  3. Public sector corrupt exchanges (v2excrptps)
  4. Public sector theft (v2exthftps)

- **Government effectiveness**
  1. Transparent laws with predictable enforcement (v2cltrnslw)
  2. Rigorous and impartial public administration (v2clrspct)
  3. Property rights for men (v2clprptym)
  4. Property rights for women (v2clprptyw)
  5. Access to justice for men (v2clacjstm)
  6. Access to justice for women (v2clacjstw)

- **State Authority**
  1. Regional unevenness in respect for civil liberties (v2clrgunev)
  2. State authority over territory (v2svstterr)
  3. State authority over population (v2xvstpop)
TABLE B.4

 LIKELIHOOD OF ELECTING PRESIDENTS WITH HEGEMONIC ASPIRATIONS (V-DEM FACTOR SCORES)

<table>
<thead>
<tr>
<th>Variable</th>
<th>Model 1 (FE)</th>
<th>Model 2 (RE)</th>
<th>Model 3 (Logit RE)</th>
<th>Model 4 (Logit VCE)</th>
</tr>
</thead>
<tbody>
<tr>
<td>GDP PC (ln)</td>
<td>0.165+</td>
<td>0.048</td>
<td>1.364</td>
<td>1.364+</td>
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<tr>
<td></td>
<td>(0.090)</td>
<td>(0.053)</td>
<td>(1.326)</td>
<td>(0.791)</td>
</tr>
<tr>
<td>Mean Growth</td>
<td>-0.018+</td>
<td>-0.018*</td>
<td>-0.353+</td>
<td>-0.353**</td>
</tr>
<tr>
<td></td>
<td>(0.010)</td>
<td>(0.008)</td>
<td>(0.188)</td>
<td>(0.115)</td>
</tr>
<tr>
<td>Electoral Volatility</td>
<td>0.380</td>
<td>0.392*</td>
<td>8.815+</td>
<td>8.814+</td>
</tr>
<tr>
<td></td>
<td>(0.237)</td>
<td>(0.165)</td>
<td>(4.516)</td>
<td>(4.796)</td>
</tr>
<tr>
<td>State Capacity</td>
<td>-0.303*</td>
<td>-0.126</td>
<td>-6.566+</td>
<td>-6.566**</td>
</tr>
<tr>
<td></td>
<td>(0.135)</td>
<td>(0.089)</td>
<td>(3.817)</td>
<td>(1.616)</td>
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<td>-0.002</td>
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<td>0.704</td>
</tr>
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<td>(0.712)</td>
<td>(0.573)</td>
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<td>0.005</td>
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<td>-0.847</td>
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<tr>
<td>Effectiveness</td>
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<td>-0.002</td>
<td>0.704</td>
<td>0.704</td>
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<tr>
<td></td>
<td>(0.086)</td>
<td>(0.038)</td>
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<td>(0.850)</td>
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<td>(0.037)</td>
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<td>0.048</td>
<td>0.048</td>
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<td>(0.030)</td>
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<td>(1.872)</td>
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<td>Democracy Age (ln)</td>
<td>-1.274+</td>
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<td>-24.196+</td>
<td>-24.195*</td>
</tr>
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<td></td>
<td>(0.651)</td>
<td>(0.406)</td>
<td>(13.252)</td>
<td>(10.504)</td>
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<td>_cons</td>
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</tr>
<tr>
<td>r2</td>
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</table>

Standard errors in parentheses
+ p < 0.1, * p < 0.05, ** p < 0.01, *** p < 0.001
TABLE B.5

LIKELIHOOD OF ELECTING PRESIDENTS WITH HEGEMONIC ASPIRATIONS (REPLACING STATE CAPACITY WITH FACTORS SCORES)

<table>
<thead>
<tr>
<th>Variable</th>
<th>Model 1 (FE)</th>
<th>Model 2 (RE)</th>
<th>Model 3 (Logit RE)</th>
<th>Model 4 (Logit VCE)</th>
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<tbody>
<tr>
<td>GDP PC (ln)</td>
<td>0.049</td>
<td>-0.002</td>
<td>-0.124</td>
<td>-0.124</td>
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<td></td>
<td>(0.070)</td>
<td>(0.040)</td>
<td>(0.821)</td>
<td>(0.422)</td>
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<tr>
<td>Mean Growth</td>
<td>-0.016*</td>
<td>-0.017*</td>
<td>-0.317*</td>
<td>-0.317**</td>
</tr>
<tr>
<td></td>
<td>(0.010)</td>
<td>(0.008)</td>
<td>(0.161)</td>
<td>(0.103)</td>
</tr>
<tr>
<td>Electoral Volatility</td>
<td>0.428+</td>
<td>0.386*</td>
<td>8.086*</td>
<td>8.085*</td>
</tr>
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<td>(0.217)</td>
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<td>0.142</td>
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<td>-0.709</td>
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<td>(0.086)</td>
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<td>Corruption</td>
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<tr>
<td>Mean Fuel Exports</td>
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<td>Ethnic Fractionalization</td>
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<td>-1.478</td>
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<td>0.012</td>
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<td>1.318</td>
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</table>

Standard errors in parentheses
+ p < 0.1, * p < 0.05, ** p < 0.01, *** p < 0.001
B.5 Partial Plots

Figure B.1. Partial Plot GDP PC (ln)
Figure B.2. Partial Plot GDP PC
Figure B.3. Partial Plot Average Growth
Figure B.4. Partial Plot State Capacity
Figure B.5. Partial Plot Electoral Volatility
### TABLE B.6

LIKELIHOOD OF ELECTING PRESIDENTS WITH HEGEMONIC ASPIRATIONS (W/RELIGION)

<table>
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<th>Variable</th>
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<th>Model 2 (RE)</th>
<th>Model 3 (Logit RE)</th>
<th>Model 4 (Logit VCE)</th>
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<tr>
<td>GDP PC (ln)</td>
<td>0.139</td>
<td>0.052</td>
<td>0.553</td>
<td>0.552</td>
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<td>(0.050)</td>
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<td>-0.018*</td>
<td>-0.264*</td>
<td>-0.264**</td>
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<tr>
<td></td>
<td>(0.010)</td>
<td>(0.008)</td>
<td>(0.157)</td>
<td>(0.090)</td>
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<tr>
<td>Electoral Volatility</td>
<td>0.004*</td>
<td>0.004**</td>
<td>0.074*</td>
<td>0.074+</td>
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<td>(0.016)</td>
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<td>(9.312)</td>
<td>(9.312)</td>
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<td>1.574</td>
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<td>(0.044)</td>
<td>(0.028)</td>
<td>(1.065)</td>
<td>(1.133)</td>
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<td>-1.073*</td>
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<td>-12.941</td>
<td>-12.939**</td>
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<td>(0.389)</td>
<td>(8.094)</td>
<td>(4.402)</td>
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<td>r2</td>
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<td>0.153</td>
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<td>bic</td>
<td>8.481</td>
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<td>73.810</td>
<td>69.195</td>
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</tbody>
</table>

Standard errors in parentheses
+ p < 0.1, * p < 0.05, ** p < 0.01, *** p < 0.001
### TABLE B.7

**LIKELIHOOD OF ELECTING PRESIDENTS WITH HEGEMONIC ASPIRATIONS (INCLUDING VARIABLES TO IMPROVE FIT)**

<table>
<thead>
<tr>
<th>Variable</th>
<th>Logit (Cluster)</th>
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<tbody>
<tr>
<td>GDP PC (ln)</td>
<td>2.220 (1.539)</td>
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<td>Mean Growth</td>
<td>-1.026***</td>
</tr>
<tr>
<td>Electoral Volatility</td>
<td>0.144*</td>
</tr>
<tr>
<td>State Capacity</td>
<td>-21.539***</td>
</tr>
<tr>
<td>Mean Fuel Exports</td>
<td>0.227*</td>
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<tr>
<td>Ethnic</td>
<td>16.889</td>
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<tr>
<td>Fractionalization</td>
<td>(16.156)</td>
</tr>
<tr>
<td>Democracy Age (ln)</td>
<td>1.678 (1.863)</td>
</tr>
<tr>
<td>Corruption</td>
<td>11.770***</td>
</tr>
<tr>
<td>State Authority</td>
<td>4.074*</td>
</tr>
<tr>
<td>Compulsory Vote</td>
<td>-6.026-</td>
</tr>
<tr>
<td>% Democratic</td>
<td>45.650**</td>
</tr>
<tr>
<td>Neighbors _cons</td>
<td>-77.877**</td>
</tr>
<tr>
<td>bic</td>
<td>69.353</td>
</tr>
<tr>
<td>N</td>
<td>101</td>
</tr>
</tbody>
</table>

Standard errors in parentheses
+ p < 0.1, * p < 0.05, ** p < 0.01, *** p < 0.001
### TABLE B.8
GOODNESS OF FIT I

<table>
<thead>
<tr>
<th>Predicted</th>
<th>Hegemonic President</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Not Hegemonic</td>
</tr>
<tr>
<td><em>Not Hegemonic</em></td>
<td>93</td>
</tr>
<tr>
<td><em>Hegemonic</em></td>
<td>1</td>
</tr>
</tbody>
</table>

### TABLE B.9
GOODNESS OF FIT II

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Modal Category</td>
<td>93.07%</td>
</tr>
<tr>
<td>Correctly Predicted</td>
<td>97.03%</td>
</tr>
<tr>
<td>Reduction in Error</td>
<td>57.15%</td>
</tr>
</tbody>
</table>
B.8 GDP PC and Erosion of Democracy

Figure B.6. Effect of GDP/PC on Democratic Erosion
APPENDIX C

EXPERTS SURVEY

1. Please select the country about which you will answer the questions

1. Argentina
2. Bolivia
3. Brasil
4. Chile
5. Colombia
6. Costa Rica
7. Ecuador
8. El Salvador
9. Guatemala
10. Honduras
11. Mexico
12. Nicaragua
13. Panama
14. Paraguay
15. Peru
16. Uruguay
17. Venezuela
18. República Dominicana

2. This study is conducted by Laura Gamboa, PhD student in Political Science at the University of Notre Dame (US). Its purpose is to assess which circumstances allow or prevent presidents to introduce constitutional reforms that increase the powers of the presidency or extend the president’s term in office. You were selected to participate because of your expertise in Brazilian’s law making process. The questions below will ask you about constitutional reforms introduced by Brazilian presidents since 1990, that attempted to increase the powers of the presidency, extend the president’s term in office or allow for his immediate reelection. The survey should take 5 to 15 minutes.

Your participation is voluntary; you may stop the survey at any time without penalty or prejudice. Your responses are anonymous. They will be encrypted
and saved in a password protected secure online drive. If you have any questions about this study or wish to withdraw from the project you can call or contact the researcher or the Office of Research Compliance:

Laura Gamboa  
PhD Candidate  
Department of Political Science  
University of Notre Dame  
Email: lgamboa1@nd.edu

Office of Research Compliance  
Email: compliance@nd.edu  
(574) 631-8441

3. For all [COUNTRY] presidents since [1978 OR YEAR OF FIRST DEMOCRATIC ELECTION], please select below which introduced a constitutional reform in order to enhance the powers of the presidency and / or extend his/her time in office.

Your answer should reflect the constitutional reforms and/or referendum that the president, members of his cabinet or members of his legislative coalition introduced to congress, the courts or the people (regardless of whether they were approved or not). It should not reflect constitutional reforms that the president, members of his cabinet or members of his legislative coalition said they would do but never formalized.

If no president since 1990 has ever introduced a constitutional reform in order to enhance the powers of the presidency or extend his/her time in office, please select the boxes for the line that says "No president" at the end of the list.
4. The next questions ask for details about the answers previously provided. For each president you selected there is a list of types of reforms. To the extent you can remember, please select the type(s) of reform(s) each president introduced and as many details as you can recall about these reforms. Any information you can provide will be very useful.

5. Please select the type(s) of reforms that [PRESIDENT NAME], members in his cabinet or his coalition in congress, introduced between [PRESIDENT TERM]. Whenever possible, please write any detail you can remember about the reform(s) (i.e. date, characteristics, title, number etc.).
| Reforms that increase the presidential term and/or allow for immediate reelection |
| Reforms that increase the president’s ability to appoint or dismiss cabinet members without congress or the court’s oversight |
| Reforms that increase political or administrative centralization |
| Reforms that increase the president’s emergency powers |
| Reforms that increase the president’s control over the budget |
| Reforms that create areas of exclusive legislation for the president |
| Reforms that increase the decree powers of the president |
| Reforms that increase the obstacles to override a presidential veto |
| Reforms that increase the president’s control over legislative meetings |
| Reforms that decrease congress or court’s ability to question or censure executive branch officials |
| Reforms that decrease the congress ability to impeach the president |
| Reforms that decrease the autonomy of the legislative |
| Reforms that increase the president’s power to call for referendums |
| Reforms that increase the president’s control over the appointment of court magistrates or members of oversight agencies |
| Reforms that decrease judicial review |
| Other (Please specify in the space provided for details) |
Figure D.1. Hugo Chávez and Alvaro Uribe’s Approval

1Using data from Executive’s Approval Project (http://www.executiveapproval.org)
Figure D.2. Alvaro Uribe’s Approval Rating

\[\text{Gallup 2011}\]
Figure D.3. Hugo Chávez’ Approval

3Taken from Datanálisis Encuesta Nacional Ómnibus, March 2013 report. The report does not list exact percentages for every survey. Some numbers are approximations based on the graph.


Kiewiet de Jonge, Chad P. 2013. Political Learning and Democratic Commitment in New Democracies PhD thesis University of Notre Dame.


La Asamblea Nacional en el filo de la navaja. 2002. VenEconomía 19(8).


