



A LIBERAL VIEW

Democracy vs the
power of the majority



Friedrich Naumann
STIFTUNG **FÜR DIE FREIHEIT**

“IN 1992, FRANCIS
FUKUYAMA PROCLAIMED
THE END OF HISTORY AND
THE VICTORY OF LIBERAL
DEMOCRACY AND THE MARKET
ECONOMY AS THE BEST MODEL
FOR MEETING PEOPLE’S
NEEDS. BUT THIS OPTIMISM
HAS NOW EVAPORATED.”



¿How can we defend democracy against majorities?

Birgit Lamm

Regional Director for Latin America

Friedrich Naumann Foundation for Freedom

@BirgitLamm

For all Latin America's diversity, a number of general trends can still be observed within the region. And in today's globalised world, certain developments are even occurring in parallel across different continents. The current political landscape is more diverse and is facing more challenges and uncertainty than anyone could have predicted even five years ago. Almost everywhere you go, liberal democracy is being threatened and freedom is on the wane.

In 1992, Francis Fukuyama proclaimed the end of history and the victory of liberal democracy and the market economy as the best model for meeting people's needs. But this optimism has now evaporated. Moreover, the vision of history as a process of learning and continuous improvement is being called into question like never before. Today, political paradigms and achievements that have been firmly established for several decades are suddenly being challenged, not only in Latin America's still fragile democracies but also in Europe and the United States. Citizens in Latin America are used to weak political institutions and the vagaries of their highly exploitative political classes. But back in 2013, who could have imagined Brexit or the populist Donald Trump becoming president of the United States?

It would appear that our countries' cloak of democracy is not as strong and resilient as we thought. Carlos Alberto Montaner's article highlights the long tradition of authoritarian structures throughout human history and the relatively recent emergence of participatory and democratic mechanisms in our societies. The contributions of Carlos Alberto Montaner, Agustín Etchebarne and Luis Larraín all underline the risks of basing policy decisions on human reasoning. In order to prevent the excesses of the majority and guarantee respect for the civil rights of even the smallest minority, i.e. the individual, the founders of modern democracies sought to create institutional checks and balances that would impede the "tyranny of the majority". This led to the establishment of exemplary constitutions – the US Constitution is one example, but so is Alberdi's visionary Argentinian Constitution. Agustín Etchebarne describes how the balanced, transparent and liberal design of the institutions set out in Alberdi's constitution fostered prosperity in Argentina for 70 years. He also shows how this prosperity declined once politicians started flouting the constitution's principles.



Just five years ago, millions of citizens took to the streets in Latin America to protest against pork barrel politics, corruption and the inefficiency of their governments. They demanded transparency, honesty and clean politics from socialist and conservative governments alike. The failure of the socialist governments in Argentina, Brazil and Venezuela was obvious to everyone. In Guatemala, disillusionment with

the intrinsic corruption of the government of former general Otto Pérez Molina led to prison sentences for him and his vice-president. It seemed as if civil society in Latin America was becoming genuinely empowered, leaving behind the old ways of governing and ushering in a vibrant, modern democracy.

The first non-Peronist government in Argentina's recent history came to power in 2015. In 2016, the reign of the Workers' Party (PT) governments in Brazil came to an end with the impeachment of President Dilma Rousseff for maladministration and the imprisonment of former president Lula on mass corruption charges. Millions of Brazilians took part in protests against the toxic corruption of their political parties, and the Brazilian judiciary

was able to successfully investigate and pursue the cases in question. The people of Bolivia used social media to coordinate their opposition during the 2016 referendum organised by Evo Morales in a bid to sanction his unlimited re-election. And much to everyone's surprise, the majority of voters rejected the president's proposal.

“ IN BRAZIL AND MEXICO, PUBLIC DISILLUSIONMENT WITH GOVERNMENT CORRUPTION, VIOLENCE AND INCOMPETENCE RESULTED IN THE RISE OF CHARISMATIC POLITICIANS WITH AUTHORITARIAN TENDENCIES AND LITTLE RESPECT FOR THEIR COUNTRIES. ”

But this bright new dawn for civil society would soon cloud over again. In Brazil and Mexico, public disillusionment with government corruption, violence and incompetence resulted in the rise of charismatic politicians with authoritarian tendencies and little respect for their countries' democratic institutions. Unfortunately, the established politicians' complete loss of legitimacy did not lead to the emergence of new, democratic parties representing civil society. Instead of moving towards a more mature democracy, these countries have gone backwards. Mexico has reverted to an imperial presidency, as described by Bertha Pantoja, while Brazil's new president Jair Bolsonaro

came to power on the back of a discourse that is anti-systemic, xenophobic and intolerant towards minorities and women. Nevertheless, as Ricardo Gomes explains, the majority in the Brazilian parliament and a legal intervention in the case of the attempt to end the ban on carrying firearms have curbed the president's ability to implement some of the promises he made during the election campaign. In other words, the institutional checks and balances have so far prevented Bolsonaro from putting his most extreme plans into practice.

In our region, the most worrying examples of civil society battling against totalitarian regimes are provided by Venezuela and Nicaragua. Felix Maradiaga and María Corina Machado paint a vivid picture of the violence, terror and constant abuses suffered by these countries' citizens at the hands of their rulers. Bolivia is a third example that has unfortunately not yet received the attention it deserves in the media. As Tuto Quiroga explains in his article, Evo Morales has refused to drop his plans to hold on to power and stand for another term as president, in blatant contravention of the unequivocal and constitutional outcome of the 2016 referendum. Morales could be stopped if the OAS issued a strong ruling opposing this move, but it remains unclear whether the OAS is prepared to take such a step.

The populist threat is also growing in the European Union. In his article, Konstantin Kuhle shows how, in the case of Brexit, a majority decision is jeopardising the future of the United Kingdom. In the absence of adequate information, political groups both within and outside of the established political parties took advantage of public uncertainty and dissatisfaction to win the Brexit vote, albeit under false pretences and without any real plan for leaving the EU. Now that the downsides of Brexit are becoming abundantly clear, democrats in Britain find themselves struggling with the fact that although it was a bad decision, it must nonetheless be respected as the outcome of a democratic referendum.

It is evident that simply following democratic procedures is not enough to maintain a genuine democracy. Democracy requires educated and informed citizens and strong institutions, especially an independent judiciary. After all, it is no use having rights if there are no mechanisms to protect them. The lesson of the paradigm shift currently occurring in our countries is that education and constant vigilance are key to maintaining a liberal democracy. It is not something that can ever be taken for granted, wherever you are in the world.



Demonstrators in Trafalgar Square try to mobilize support in Britain to oppose the autocratic government of the president of Nicaragua. Author: Alisdare Hickson



Institutional uncertainty

Konstantin Kuhle

Konstantin Kuhle, 29, is domestic affairs spokesman of the FDP parliamentary party and a member of the FDP's Federal Executive.

[@KonstantinKuhle](#)



Populist tendencies are on the rise all over the world. By populism, I do not mean the aspiration to win democratic elections that is intrinsic to all political activity. When I speak of populists, I am referring to those who resort to simplistic rallying cries and intentionally stoke people's fears and concerns in a bid to win at any cost. And this cost can be so high that it shakes the very foundations of a nation's or even a global region's entire institutional framework. However, the populist threat is not confined to the Americas and the likes of US President Donald Trump and Brazil's new president Jair Bolsonaro. Recent developments in Europe have shown that it poses a danger there too. Populist tendencies create uncertainty that can directly impact the lives of a country's citizens by threatening to topple the entire institutional framework.



These tendencies can be observed in the debate on Brexit. Instead of putting their country's interests first, certain groups within the Conservative Party decided many years ago to campaign for a referendum on the UK leaving the European Union. The Leave campaign for the 2016 referendum used lies and false promises to manufacture its desired outcome. The fact that none of the Brexiteers had any real strategy for leaving the EU has become all too apparent in the chaos that ensued following the rejection of the Withdrawal Agreement by the House of Commons. This situation illustrates how the principles of democracy – in this case integrity – can be compromised, even in the case of a majority decision in a democratic system. If more members of the British public had realised during the referendum campaign that the Brexiteers' promises were in fact lies, the result could well have gone the other way. And yet, it is now the democrats from all camps who are striving to ensure that the result of the referendum is respected. This dilemma can only ultimately

be resolved through education and information. In the short term, however, the institutional frameworks of the UK and the entire European Union are relying on their countries' democrats to clean up the mess created by the populists.

Another example of the dangers of populism can currently be observed in France, where every Saturday people wearing yellow vests take to the streets to protest against the reforms of French President Emmanuel Macron. Genuine political protests are of course entirely legitimate and are even supported

in the constitutions of the European Union's member states. However, political demonstrations in which people's private property is destroyed and police officers' lives are threatened only serve to shake people's confidence in the institution of the State. There is nothing wrong with people protesting on a scale that forces the public office holders who are the target of their criticism to change their behaviour. However, the protests should not reach a level of violence that threatens to bring down the entire system. This is exactly what populists from other EU member states are banking on by supporting the "yellow vests" – they are hoping to destabilise the continent's political institutions. Once again, we are relying on clear-sighted democrats from all camps to de-escalate the situation and work towards a peaceful solution.

“THE LEAVE CAMPAIGN FOR THE 2016 REFERENDUM USED LIES AND FALSE PROMISES TO MANUFACTURE ITS DESIRED OUTCOME. THE FACT THAT NONE OF THE BREXITEERS HAD ANY REAL STRATEGY FOR LEAVING THE EU HAS BECOME ALL TOO APPARENT IN THE CHAOS THAT ENSUED FOLLOWING THE REJECTION OF THE WITHDRAWAL AGREEMENT BY THE HOUSE OF COMMONS.”



The importance of integrity to the functioning of a democratic polity could also be observed in the recent debate in various EU member states concerning the UN migration pact. The pact is a set of non-binding UN guidelines that aims to remind the signatories of certain responsibilities, such as their duty to take back their own citizens and issue replacement passport documents, as well as to guarantee certain procedural rights for migrants. This is an important initiative, given the migration movements that are currently occurring as a result of the situation in places like Venezuela. Right-wing populists in various EU member states seized on the UN migration pact, claiming that it will lead to a human right to migration and that it threatens to replace the native population of the EU's member states with Muslims from other parts of the world. The right-wing populists' claims were particularly insidious because they accused Europe's public and private media of failing to report this supposed fact. But it is difficult to report something as a fact when it is actually no such thing. It was thanks to the democratic majority – for example in the German Bundestag – that the pact was ultimately defended against these populist attacks.

The examples of Brexit, the yellow vest protests and the UN migration pact demonstrate that democracy relies on principles that need to be actively defended every single day of our lives. An active civil society must fight for truth and integrity, non-violence, freedom of assembly, freedom of the press and all the other fundamental rights. With European elections coming up on 26.05.2019, it will be particularly important for all the EU actors to protect the framework of these fundamental rights. We can only hope that large numbers of Europe's citizens also join in the defence of these values.



Protest of the movement of the yellow vests, Belfort, December 1, 2018. Author: Thomas Bresson [CC BY 4.0 (<https://creativecommons.org/licenses/by/4.0/>)]

Why democracy failed to protect freedom in Argentina

Agustín Etchebarne

General Director for Fundación Libertad y Progreso (Freedom and Progress Foundation)

@aetchebarne

The revolutions of the 19th century had the laudable ambition of freeing the people from the oppression of their despotic rulers. They abolished the punitive taxes imposed on the indigenous population and recognised the right of the individual to life, freedom, private property and the pursuit of happiness. Constitutions were introduced, guaranteeing the rule of law. Rulers would no longer be above the law, and the law would protect the rights of the individual. Republics were founded on the principle of the separation of powers. This ensured that presidents governed in accordance with the law, that the laws introduced by legislators respected certain basic principles, and that there was an independent judiciary to make sure that the laws were constitutional. In short, there was a system of checks and balances on power. Articles 14 to 19 of the Argentinian Constitution of 1853 provided for the recognition and protection of the rights of all citizens and of all minorities – right down to the smallest minority of all, i.e. the individual – without discrimination on the grounds of race, colour, birth, sexual orientation or indeed anything else. The Constitution abolished sacrifices, blood privileges and titles of nobility, and stated that everyone was equal before the law. Moreover, it established the “federal republican representative” form of government in Argentina. Federalism provided a means of strengthening the separation of powers by distributing them across the national, provincial and municipal levels. The introduction of this system was inspired by Lord Acton’s famous words: “Power tends to corrupt and absolute power corrupts absolutely”. As for the “representative” element, it meant that the people would govern through representatives elected in free elections. The principle of secret ballot was added at a later date. This was the “republican democracy” that Abraham Lincoln would describe as “the government of the people, by the people, for the people”.

“ ARTICLE 14 WAS TO BE THE “LOCK” THAT WOULD KEEP SOCIALISM AND CORPORATISM OUT OF OUR COUNTRY FOR GOOD. ”

Juan Bautista Alberdi, the chief author of the Argentinian Constitution, described how the document also contained a comprehensive economic and income distribution system that would ensure that everyone was free to fulfil their ambitions and would own the fruits of their labour. Alberdi was aware that there were major divisions among economists with regard to even the basic principles of their discipline. He therefore made it plain that he was referring to Adam Smith’s Scottish industrial system, clearly differentiating it from the socialist, protectionist, corporatist and mercantilist system championed by Smith’s opponents. Article 14 was to be the “lock” that would keep socialism and corporatism out of our country for good.

For seventy years, this system worked exceptionally well. Argentina had the highest per capita income in the world in 1895 and 1896, and it remained in the top ten for sixty years. The only other places

to experience similar growth rates were California, Sweden, Australia and Canada. Free trade demolished the protectionist myths by allowing Argentina to achieve the same per capita income as the United Kingdom, which was still the world's foremost power at the time. Given the vast tracts of fertile land in Argentina, it was no surprise that the agricultural sector grew quickly. But industry grew even faster, and there was also strong growth in the construction and transport sectors and the retail trade. Immigrants were drawn to Argentina because wages there were higher than in Europe. Poverty rates plummeted, as did the number of uneducated poor thanks to an education system that was the envy of many countries around the world.

But perhaps the system's design was flawed, or maybe it is just human nature for the less talented to be envious or for the offspring of industrious people to be lazy (the "self-satisfied" rich kids described by Ortega y Gasset). Whatever the reason, the system eventually broke down.

According to Nobel prize winner Angus Deaton, it is perfectly natural that not everyone benefits equally when a country experiences rapid growth. Those who work harder or are more able rise further than everyone else, and the gap widens between them and the people at the bottom of the social ladder. This provides political troublemakers with fertile ground for fostering discontent and disorder, preying on people's lack of self-esteem and the frailties of human nature. If the inequalities – or the perception thereof – persist, widespread unrest can ensue. Not least because our rulers are no angels and there will always be cases of corruption and injustice for which those responsible should quite rightly be held to account. The problem is that in Argentina, instead of punishing those who committed abuses, the entire system that had brought so much progress to our nation was destroyed.

“ ARGENTINA HAD THE HIGHEST PER
CAPITA INCOME IN THE WORLD
IN 1895 AND 1896, AND IT
REMAINED IN THE TOP TEN FOR SIXTY YEARS.
THE ONLY OTHER PLACES TO EXPERIENCE
SIMILAR GROWTH RATES WERE CALIFORNIA,
SWEDEN, AUSTRALIA AND CANADA. ”



The Greeks and the Persians warned that democracy tends to degenerate into “demagoguery” or the “tyranny of the majority”. Alberdi took great care to establish a republican system in Argentina because he realised that an independent judiciary could prevent this degeneration. Alexis de Tocqueville shared the same concerns. In 1835, he wrote “Democracy in America”, in which he extolled the virtues of the American system and predicted that America would become the world’s leading power. However, he was sceptical about extreme forms of democracy and very conscious of the risks highlighted by the Classical authors: “popular despotism, partisan violence and the subordination of the judgment of the wise to the prejudices of the ignorant”. He also foretold the possible loss of intellectual freedom when the majority condemns anyone who is not politically correct, a phenomenon that has become so widespread today. He made the chilling prediction that

“The American Republic will endure until the day Congress discovers that it can bribe the public with the public’s money”. De Tocqueville understood that Americans were “so enamoured of equality that they would rather be equal in slavery than unequal in freedom”. While the US still just about has a functioning republican democracy, the same can no longer be said of Argentina.



Carlos Pellegrini imposed the first unconstitutional taxes as long ago as 1890, although it took the Supreme Court 37 years to issue a ruling to this effect. However, when it finally did so in 1927, it also ruled that they could no longer be abolished because the State had grown so much in the intervening years. This was referred to as the “de facto doctrine”. This same doctrine led the Supreme Court to accept the new “de facto”

government after the military coup of 1930. When the Great Depression spread to Argentina from the US, the Court flouted the Constitution by accepting more and more State intervention in the economy under what was known as the “emergency doctrine”. Ever since, the people of Argentina have been living in a “de facto state of emergency”. There is no limit on taxation, or rather the constitutional limits are systematically ignored, while the country now ranks 144th in the Index of Economic Freedom. We have fallen victim to the scourge of mercantilism, protectionism and socialism that Alberdi tried so hard to prevent.

It may be that the American and British systems worked better than the Argentinian one because those countries have a different electoral system. One of the main reasons for the Argentinian system’s failure is the fact that deputies are elected en bloc via closed lists, depriving voters of the opportunity to choose individual candidates. This system makes a mockery of representative democracy, since instead of deputies being elected by the people, most of them are handpicked by their party leaders, thereby consolidating the political mafia’s grip on power. In contrast, the single-member constituency system in the US and the UK, the two-member districts in Chile and the single transferable vote in Ireland all ensure that members of parliament are more accountable to the electorate.

Democracy and Majorities

Ricardo Gomes

President of Red Liberal de América Latina RELIAL

@RicardoGomesPOA



The word “democracy” is perhaps one of the most commonly used, at least by those who comment on or work with the political or social aspects of the human experience. Although we say and write “democracy” in very different contexts, we rarely analyze everything the word communicates in its different levels of meaning.

There is nothing more dangerous to the concept of democracy than considering it to mean only “the rule of the majority”, or the process of counting votes. As we will show, a true democracy is very far from being a system where the majority may do whatever they want with those who lose the election or the vote. This is because a true democracy can only exist when combined with the Rule of Law. I would go so far as to say that the very concept of democracy contains the concept of the Rule of Law.

“THERE IS NOTHING MORE DANGEROUS TO THE CONCEPT OF DEMOCRACY THAN CONSIDERING IT TO MEAN ONLY “THE RULE OF THE MAJORITY”, OR THE PROCESS OF COUNTING VOTES.”

A.V. Dicey¹ argues that the Rule of Law means three things: (1) the absence of arbitrary government power, (2) that every person is subject to the same laws, and (3) that the Constitution is the result, not the origin of individual rights. Brazil’s recent past and challenging present can be used to show not only how these three aspects relate to the concept of democracy, but also how the Rule of Law, if properly defended, can save democracy from the majorities.

Let us consider the first aspect: the government must not have arbitrary power. This means that the law is above the government, and that our rulers must abide by it. A president cannot do whatever he wants – he can only do what the legislation authorizes him to do. For better or worse, the actions of a government are subject to the law. Ten years ago, during Lula’s presidency, there was a fierce debate in Brazil on the “social control” of the media. Under

a socialist government unashamed to express its attachment to Venezuela’s dictatorship, we all knew that “social control” actually meant “government control”. Lula wanted censorship powers and a stronger influence in the media, and he proposed legislation to this end. However, Congress never passed it, and I suspect that if it had passed, the Supreme Court would have overturned it. Lula blamed the media for his arrest all the way down the corridor to his cell – he was never able to control the TV, radio and newspaper companies. During the recent election campaign, Brazil’s new president, Jair Bolsonaro, repeatedly promised to end the ban on carrying firearms. On 15 January, he signed a decree that loosened the rules, but did not completely end the ban. His supporters were still delirious, but he was prevented from going the whole hog by an Act of Congress regulating gun ownership.

¹ A. V. Dicey. *Introduction to the Study of the Law of the Constitution. Part II, Chapter IV.*



In both cases, a Brazilian government backed by a strong majority failed to do what it wanted. In the first case, Lula wanted to suppress an individual right and an absolute requirement for the functioning of a democracy (the freedom of the press). In the second case, Bolsonaro wanted to restore an individual right (the right to bear arms). Nevertheless, in both cases, Lula and Bolsonaro were denied arbitrary powers and had to abide by the law. Brazil passed this test.



The second of Dicey's principles is that everyone must be subject to the same laws. During his years as President, Lula da Silva always said he would govern "for the poor", and that the country's elite would have to pay for "500 years of exploitation of the masses". The admissions system for Federal Universities was changed and, for the first time in the history of Brazil, students were categorized by the color of their skin. Under the pretext of "correcting the injustices of the past", white students (many of them as poor as their black friends who got in) were excluded from the education system in an act of pure racial discrimination.

Damara Alves, who was appointed Minister of Women, Family and Human Rights (a name that says a lot in itself) by the newly elected president Bolsonaro, declared in a video that "this is a new era - boys wear blue and girls wear pink". The video reinforced several speeches given by the President in which he expressed a lack of respect for LGBT individuals (I do not like the "LGBT community" collectivist approach). Both of the above cases, together with many others that I could mention, represent a threat to equal treatment before the law. No legislation has been proposed by the government to suppress the rights of LGBT individuals or to treat them differently, but the threat is there. Can a society that discriminates against individuals and has different legal provisions depending on the color of their skin or their sexual orientation be called a true democracy?

The answer is that it cannot. In the words of Abraham Lincoln², democracy is the government of the people, by the people, for the people. This means that the people must form the government, i.e. the government is the result of the preferences and choices of the people - it is the mirror of society, not its designer. Being a country used to paternalistic leaders and all-powerful governments, Brazil is not exactly known for its equal treatment before the law. Large companies receive favors from the government (Odebrecht being the most famous case) such as lower interest rates for borrowing from state-owned banks. Politicians are not judged by the same courts as everyone else, but by the Superior Courts. All government employees have life tenure and retire on a

² In the famous Gettysburg Address

“THE CONSTITUTION IS THE RESULT, NOT THE ORIGIN OF INDIVIDUAL RIGHTS. THIS IS WHAT WE LIBERALS LIKE TO CALL “LIMITED GOVERNMENT”.”

full pension (receiving the same money as they did while they were working). These are just a few examples of how accustomed we are to our government choosing the “winners”. Could sexual orientation discrimination be sanctioned just as racial discrimination was? It appears unlikely, since the pretext of “correcting injustices” does not apply and it would probably not be supported by the majority of the population. However, it is not Brazilians’ love of equality before the law that is preventing this absurd prospect from becoming reality.

The key principle is the third aspect mentioned by Dicey, which neatly encapsulates the whole issue: the Constitution is the result, not the origin of individual rights. This is what we liberals like to call “limited government”. Government is and must be limited by individual rights – and this applies to democratically elected governments too, no matter how many votes they received. Rather than being the generator and distributor of individual rights, the government – and the majority behind it – is bounded and restrained by these rights. At the end of the day, the whole Constitution must protect individual rights, and this means much more than the elected government. It means the Congress and the Supreme Court (in fact, it means hundreds of courts across the country right up to the Supreme Court). It also means the Armed Forces and society as a whole. I

believe that Brazil has developed into a Constitutional Government – by that I mean that the demise of Lula and the PT has shown that institutions are in place in Brazil, and that they have proven to be effective. It remains to be seen whether the institutions that were so strong and dedicated in the fight against corruption will put the same effort into defending individual rights. In the past they have not, and 13 years of socialist PT government caused severe damage to the liberties of the Brazilian people.

So although the question of “how to save democracy from the majorities” is a profound one, it has a very short answer: by respecting individual rights. Of course, “short” does not mean “easy”. Since the 20th century, the preservation of individual rights under dictatorships, and even under apparent democracies (that have nothing in common with a true democracy except for electoral procedures) has been one of our greatest political challenges.



There is no document on Earth with enough force to overcome an army or a mob marching through the streets, so no law or Constitution can do the work all by itself. Liberals have a very important task: to strengthen the understanding of democracy and its close relationship with the Rule of Law, defend individual rights and equality before the law and denounce arbitrary power wherever it is found.

As Joaquim Nabuco, a liberal who led the abolitionist struggle in the 19th century said,

“EDUCATE YOUR CHILDREN, EDUCATE YOURSELF, IN THE LOVE FOR THE FREEDOM OF OTHERS, FOR ONLY IN THIS WAY WILL YOUR OWN FREEDOM NOT BE A GRATUITOUS GIFT FROM FATE. YOU WILL BE AWARE OF ITS WORTH AND WILL HAVE THE COURAGE TO DEFEND IT.”³



³ Joaquim Nabuco, in "O Abolicionismo"



Authoritarian regimes that cling to power against the will of the democratic majority

Jorge-Tuto Quiroga

Former President of Bolivia

@tutoquioga

In Latin America, we have come to learn that a democracy must have free, fair and transparent elections in which the will of the majority is respected. It must also have independent institutions, a free, uncensored press, a political opposition that is not criminalised by those in power, and respect for the limits that the constitution imposes on presidential mandates.

“UNFORTUNATELY, IN THE LAST TWO YEARS DEMOCRACY HAS SUFFERED SERIOUS SETBACKS IN THREE OF THE REGION’S COUNTRIES, UNDER THE INFLUENCE OF THE GERONTOCRATIC CASTRO DICTATORSHIP IN CUBA, CONTROLLED BY A MAN ALMOST IN HIS NINETIES. THESE COUNTRIES ARE VENEZUELA, NICARAGUA AND BOLIVIA.”

Unfortunately, in the last two years democracy has suffered serious setbacks in three of the region’s countries, under the influence of the gerontocratic Castro dictatorship in Cuba, controlled by a man almost in his nineties. These countries are Venezuela, Nicaragua and Bolivia.

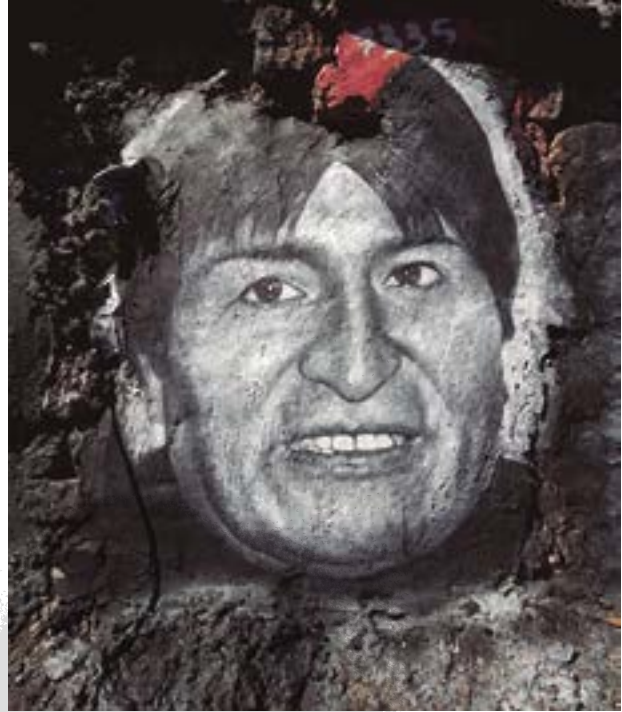
The whole world knows about the economic disaster and humanitarian crisis that Nicolás Maduro has caused in Venezuela. Maduro’s authoritarian regime has waged a campaign of brutal repression, forcing all the country’s institutions to submit to his dictatorship, silencing critical voices in the press,

and jailing and exiling his opponents. And even this wasn’t enough – in the December 2015 elections, the Venezuelan people rejected his regime, giving the opposition a two-thirds majority in parliament. As a result, Maduro convened a Constituent Assembly that – with a little authoritarian alchemy – allowed him to gain control of more than half of the seats despite winning just 10% of the vote. By dispensing with universal suffrage, he was thus able to override the will of the people. Maduro used the Assembly to call sham presidential elections that simply rubber-stamped his coronation. In a desperate bid to cling to power, he disqualified his opponents from running and resorted to widespread ballot rigging. Almost all of the world’s democracies are refusing to recognise⁴ this usurpation, which constitutes a textbook example of an authoritarian regime holding on to power against the will of the majority.

In Nicaragua, the international community turned a blind eye to a cynical legal ploy when, in 2009, Daniel Ortega’s judges ruled that under the American Convention on Human Rights (ACHR) it was the President’s “human right” to run for re-election. Incredible as it may seem, an international treaty designed to protect

⁴ http://www.oas.org/es/centro_noticias/comunicado_prensa.asp?sCodigo=C-001/19

citizens against the abuses of despotic leaders was actually used to perpetuate the rule of a despot who is now murdering citizens in the streets. Of course, if someone is prepared to ignore the limits that the Constitution imposes on their mandate in order to get themselves re-elected, it is hardly surprising that they should also resort to indiscriminate repression in order to hold on to power indefinitely. Because the rest of the region failed to speak up at the time, the people of Nicaragua are now suffering the consequences⁵ of Ortega's self-perpetuating authoritarian regime.



Over the coming months, the situation in Bolivia will provide an acid test of the inter-American human rights system. While repression and persecution in Bolivia have not reached the levels seen in Venezuela and Nicaragua, the blatant and outrageous disregard for constitutional limits and the will of the people are indisputable. Bolivia is a prime example of a regime that will stop at nothing to hang on to power, refusing to acknowledge the democratic choices of the majority of society.

Today, democracy in Bolivia faces its greatest threat since 1982 from a coup that aspires to keep President Evo Morales in power, in direct contravention of the Constitution and the will of the people. Article 168 of the Constitution of February 2009 states that "The President's term of office is five years, and they may be re-elected for one further term following on immediately from the end of their first term." In November 2017, ruling No. 84/2017 of the Plurinational Constitutional Court of Bolivia (TCP), a body that is completely in thrall to the Morales government, decreed that under Article 23 of the American Convention on Human Rights, the right to run for re-election (or in Morales' case, re-re-re-election) is a human right. The TCP ruled that this right supersedes both the provisions of Article 168 of the Bolivian Constitution and the will of the Bolivian people, who in the referendum of 21 February 2016 voted to reject an amendment to Article 168 that would have allowed President Morales to be re-elected constitutionally. In December 2018, the Supreme Electoral Tribunal (TSE) approved Evo Morales's candidacy for re-election as President. This amounts to nothing less than a judicial-institutional coup against the Constitution and the will of the majority, since the results of referendums are supposed to be legally binding. President Morales⁶ himself provided conclusive proof that he is carrying out a coup against democracy in comments made to Telesur in the run-up to the February 2016 referendum: "we have to respect the will of the people... if the people say NO, what can we do? We're not going to carry out a coup... so we will just have to depart quietly." So what we are now witnessing in Bolivia is indeed a coup, by the President's own admission.

The Bolivian government has resorted to the same legal ploy that Ortega used in Nicaragua. Worse still, the constitutional limit on a President being re-elected more than once isn't some ancient rule inherited from years gone by. In Bolivia, this principle was adopted and reaffirmed in two nationwide votes (in 2009 and 2016) at the request of the current government, which is now flouting its own Constitution in blatant disregard of these votes, both of which were monitored by OAS observers.

⁵ <http://www.oas.org/es/cidh/informes/pdfs/Nicaragua2018-es.pdf>

⁶ <https://www.youtube.com/watch?v=4SRxxfZLEMg>



The Venezuelan connection. Author: Silvia Andrea Moreno

Unlike the cases of Nicaragua and Venezuela, in Bolivia it is not yet too late for the inter-American human rights system to intervene in order to rescue Bolivian democracy and uphold the will of the people as expressed in the two referendums. This would require the Inter-American Commission on Human Rights (IACHR) to ask the Inter-American Court of Human Rights in San José to issue a ruling in line with the findings of the highly respected Venice Commission's Study No. 908/20177 of 20 March 2018. At the request of the Secretary General of the OAS, the Commission analysed the relevant legislation in Latin America and concluded that re-election is NOT

a human right in our region. Many democrats in Venezuela and Nicaragua see the IACHR as little more than a good doctor who only ever arrives in time to perform an autopsy, or a firefighter who only shows up to spray water on the ashes. But it is not yet too late for the IACHR to take action in Bolivia, and it is its duty to do so.

A situation where all the countries that are signatories to the ACHR observe the constitutional limits on re-election except for a special few that use the Convention as a pretext for sanctioning unlimited re-election is clearly contradictory. If the inter-American human rights system fails to speak out, it will effectively be condoning this undemocratic interpretation. There is NO human right to be a despot, and we cannot allow our region's treaties to be blatantly misconstrued in order to justify unlimited re-election, especially when this is in breach of Article 168 of the Bolivian Constitution. Lest we forget, this is the only Constitution in the history of Latin America to be adopted and reaffirmed twice in seven years, on both occasions by a democratic majority.

An IACHR ruling on this issue would rescue democracy in Bolivia and guarantee the consistent application of the ACHR across the whole of our region. Most Latin American countries strictly observe the presidential term limits set out in their constitutions. Others, such as Colombia, Peru and Ecuador, have imposed or are currently imposing limits on re-election through referendums or amendments to their Constitution. Unfortunately, however, instead of using the ACHR to protect citizens against State repression, a handful of countries are using it to allow despots to subvert the democratic will of their people.

OAS Secretary General Luis Almagro summed things up in emphatic terms: "(President Morales) must respect the people's decision to say NO to re-election. No judge can overturn the verdict of our only true rulers, the people".

Over the next few months, it will be up to Latin America to decide whether it ends up with four Cubas or with none; with four repressive, authoritarian blots on Latin America's landscape, or with freedom and full democracy throughout the region; with an inter-American human rights system that condones despotic regimes, or one that provides an effective tool for defending democracy; and with four authoritarian regimes that refuse to relinquish their hold on power, or with genuinely democratic majority rule in all the region's countries.

“OVER THE NEXT FEW MONTHS, IT WILL BE UP TO LATIN AMERICA TO DECIDE WHETHER IT ENDS UP WITH FOUR CUBAS OR WITH NONE; WITH FOUR REPRESSIVE, AUTHORITARIAN BLOTS ON LATIN AMERICA'S LANDSCAPE, OR WITH FREEDOM AND FULL DEMOCRACY THROUGHOUT THE REGION...”

⁷ [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2018\)010-spa](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2018)010-spa)

How to defend democracy against majorities: the populist threat

Luis Larrain

Executive Director for Libertad y Desarrollo

@luislarrainlyd

Limiting the State's power over the individual has always been one way of defending the classical liberal principles of liberty and free will. The Founding Fathers of the United States pointed the way by bequeathing us a Constitution that aims to do just that.

In some societies, liberal democracy has evolved through institutions designed to pursue these very goals. As a result, representative democracy and the separation of powers are now recognised as institutions that serve to defend the freedom of the individual.

But this institutional framework is always at risk from people who think they know what is best for others, rather than letting them decide for themselves. This attitude is at the root of all totalitarian regimes.

The unmitigated failure of socialism all over the world – perfectly illustrated by the current crisis in Venezuela – has led the enemies of freedom to seek out new, more mysterious ways of repressing free will and subjugating it to their totalitarian projects. When asked to provide my reflections on this topic for A Liberal View, I thought that it would be interesting to look at populism as one of the greatest threats to liberty that we face in the modern world.

Moreover, I believe that we need to talk about the right-wing populism that is starting to take shape and gain momentum across different parts of the globe. It is important to engage in a serious discussion of this phenomenon, rather than turning a blind eye to it and pretending that it is someone else's problem. I also think that it is a mistake to treat populist tendencies with contempt, dismissing them simply because they are at odds with the political correctness and "progressive" sentiments that are so prevalent in the media, universities, and much of the political arena. The fact that many people are fed up of getting what they see as a raw deal at the hands of the politically correct brigade has fuelled the rise in right-wing populism, as demonstrated by the election of Donald Trump. The worrying thing is that the Left doesn't seem to have realised what is happening – its intolerant attitudes continue to beget right-wing populists all over the world. It is overly simplistic merely to deride right-wing populism – what we need to do is try and understand it.

“THE UNMITIGATED FAILURE OF SOCIALISM ALL OVER THE WORLD – PERFECTLY ILLUSTRATED BY THE CURRENT CRISIS IN VENEZUELA – HAS LED THE ENEMIES OF FREEDOM TO SEEK OUT NEW, MORE MYSTERIOUS WAYS OF REPRESSING FREE WILL AND SUBJUGATING IT TO THEIR TOTALITARIAN PROJECTS.”



I do not believe that trying to understand the rise of populism is the same as somehow condoning it – in fact, I am completely and utterly opposed to it. In my view, populism essentially occurs when a leader tries to set himself up as the representative of “the people”, singling out and fighting an enemy (usually “the elite”) who he claims is responsible for almost everything that is wrong with society. These enemies tend to be more imaginary than real. Far from damaging the United States, immigrants make an invaluable contribution to the nation. Similarly, free trade doesn’t harm the American people, it actually benefits them. But populist leaders like Trump have to find someone to blame for all their problems.

“THE POPULIST LEADER
RECLAIMS FOR THE PEOPLE
THE POWER THAT HAS
BEEN UNJUSTLY TAKEN
FROM THEM...”

The Argentinian political theorist Ernesto Laclau, one of the guiding intellectual forces behind Chile’s far-left Frente Amplio coalition, sums it up very nicely: “the populist leader reclaims for the people the power that has been unjustly taken from them.” His book “On Populist Reason” is an enthusiastic eulogy of populism, which he describes as a legitimate instrument in the democratic game, and perhaps even one of the most important.

I am always wary of those who invoke the people – and it is by no means only the Left that does so. For those of us who share the classical liberals’ view that the sovereignty of the individual is an epistemological liberal principle and believe that the individual should come before the State, a liberal representative democracy is as far as we are prepared to go in terms of restrictions on our liberty.

Populist leaders who show contempt for representative democracy or who only tolerate it for tactical reasons are very dangerous creatures. Laclau and other theorists like Chantal Mouffe attempt to replace representative democracy with “processes for creating meaning” that result in a new hegemony where basic institutions like the separation of powers and even representative democracy are cast aside in favour of other mechanisms such as popular mobilisation and plebiscites. Some right-wing conservatives are attracted to these restrictions on the sovereignty of the individual, leading them to flirt with populism. And they often do so by invoking “the people”, that indeterminate entity in which the will of the individual appears to be absent. It is for this reason that I warn against condoning right-wing populists, since we know that they will proclaim the enemy to be “neoliberalism”, that bête noire invented in a spectacular display of intellectual duplicity by the enemies of freedom so that they have something to vilify. Anyone who doubts this should try and find an author who professes to be “neoliberal”.

In order to understand populism and more generally the role of emotions in politics, it is particularly helpful to consider the findings of neuroscience and behavioural psychology, a discipline developed by evolutionary scientists. They tell us that, while we cannot allow ourselves to be ruled by emotion rather than reason (which

is exactly what happens in populism), we can also not deny the existence of emotions in politics. The concept of moral intuition proposed by the psychologist and author of “The Righteous Mind”, Jonathan Haidt, is a very useful tool for analysing politics. Haidt argues that we belong to “moral tribes” and that the way we interpret the information we receive depends on who this information comes from. The Austrian psychologist Stephan Lewandowsky encapsulates the extreme expression of this tendency in the phrase “If I hate you, your facts are wrong”. Studies of the behaviour of social media users are also very helpful for understanding contemporary society. South Korean-born German philosopher Byung Chul Han puts it very well in his book “In the Swarm”, where he argues that the torrents of abuse and praise found on social media are triggered by the leaders of these media. Even though I don’t always agree with their conclusions, reading these authors is a valuable exercise for anyone seeking explanations for our post-truth world.

In his book “La Democracia Sentimental” (Sentimental Democracy), Spanish academic Manuel Arias Maldonado of the University of Málaga presents a liberal response to this state of affairs. He argues that although we cannot allow ourselves to be ruled by emotions to the point where we lose our individual sovereignty, we do need to learn to live with them in our personal decisions and in the political arena. Maldonado says that while the future must be a place where reason prevails, it will be a self-aware form of reason that has learned to hold a productive dialogue with our emotions.

Populism is a political reality in today’s world and has the potential to take hold in Chile just as it has in other parts of Latin America. Populism’s premise that belonging to a so-called “people” is more important than the sovereignty of the individual makes it the enemy of freedom, and we must be prepared to fight it with everything we have.



“THE CONCEPT OF MORAL INTUITION PROPOSED BY THE PSYCHOLOGIST AND AUTHOR OF “THE RIGHTEOUS MIND”, JONATHAN HAIDT, IS A VERY USEFUL TOOL FOR ANALYSING POLITICS. HAIDT ARGUES THAT WE BELONG TO “MORAL TRIBES” AND THAT THE WAY WE INTERPRET THE INFORMATION WE RECEIVE DEPENDS ON WHO THIS INFORMATION COMES FROM.”



A severe test of the President's ability to govern

Marcela Prieto

General Director for Semana magazine

[@marcelaprietobo](#)

Just five months into his term of office, Colombia's president Iván Duque has already faced a number of challenges, some objective and others a little more subjective in nature. The most obvious objective challenge is his limited ability to govern in Colombia's Congress due to fierce opposition both in parliament and on the streets. The more subjective issues include the doubts that are surfacing about his leadership and his lack of experience in politics and public administration. As a result, his administration has been denied the "honeymoon period" that most governments enjoy when they first take office. We must hope that he is able to significantly change his style of government without abandoning his principles and values.

The key reforms brought before parliament – such as the tax reform act, the reform of the judiciary and the proposals to regulate election campaign funding – have all turned into Frankenstein's monsters. Unable to get them through parliament, the President has been forced to drop them for the time being, in the hope that he will be able to try again during the next legislative period. This is all due to his fractious relationship not only with the opposition but also with the other parties that support his government and indeed with members of his own party.

“TRYING TO GOVERN SUCH A COMPLEX AND DEEPLY DIVIDED COUNTRY IS PROVING TO BE A SEVERE TEST FOR ONE OF THE YOUNGEST PRESIDENTS IN THE HISTORY OF THE COLOMBIAN REPUBLIC.”

Trying to govern such a complex and deeply divided country is proving to be a severe test for one of the youngest presidents in the history of the Colombian republic. President Duque must demonstrate both right now and in the future that he will not let his lack of experience get in the way of him carrying out his bold and ambitious policy agenda. This applies in particular to his goal of changing the way that politics is done in a country where politicians and lobbies are accustomed to receiving all kinds of perks in exchange for supporting the government's key initiatives.

At the last election, Duque won 54% of the vote, or just over 10,3 million votes – one of the highest figures in Colombia's history. Despite this, 8 million people voted for his main rival, Gustavo Petro. This was the highest vote ever obtained by the Left in a Colombian election.

In Colombia's electoral system, whoever comes second in the presidential elections automatically gets a seat in the Senate. On this occasion, therefore, it was the natural leader of the opposition who claimed this seat.

But this is just the beginning of the problems afflicting relations between the Executive and Legislative branches in Colombia's new administration. For the first time, the incoming government is also having to work with the members of the FARC's new political party who were granted their seats under the peace deal negotiated by former President Juan Manuel Santos. Although they were not elected to parliament by the Colombian people, they still enjoy the same rights as any other member of Congress – and unsurprisingly, they have joined the ranks of the opposition. In addition, the new government is having to work with a Congress in which the "Opposition Statute" (Estatuto de la Oposición) is now in force, introducing rules that allow officially recognised opposition parties more access to the media and a stronger role in parliamentary business.



*From the Flickr version: Secretary Pompeo Meets With Colombian President-elect Ivan Duque Marquez.
Author: U.S. Department of State*

As if that were not enough, organised street protests have been employed as a tool to destabilise the Duque government. Publicised on social media, these demonstrations seize on any topic that is a source of public discontent and are proving to be extremely effective. The problem is that troublemakers often take advantage of this opportunity to fish in troubled waters, infiltrating the protests and creating an atmosphere of chaos where things seem to be running completely out of control. Moreover, they do not seem to care that the protests are about problems caused not by the current government but by the wayward rule of previous administrations.

All this goes some way towards explaining why the President's approval rating was just 24% in the most recent YanHaas Pool opinion poll[1] of 10 December 2018. Most worryingly of all, only 18% of young people between the ages of 18 and 24 gave the President their approval. This dissatisfaction was expressed in the recent student protests where huge numbers of demonstrators took to the streets over several days to press their legitimate demands for improvements to both quality and access in Colombia's state higher education system. The protesters' strategy was so successful that the students were able to force the government to negotiate on their terms. Public opinion mostly viewed this as a victory for the student movement and the coalition of left-wing political parties. It didn't seem to occur to anyone that the incoming government had barely been in office for 100 days. In the wake of these successful public demonstrations, other interest groups have started using the same tactics to further their own causes.

Matters are complicated still further by the internal wrangling in the governing Democratic Centre party. Part of the problem is that the party's natural leader is former President Álvaro Uribe rather than the current incumbent. This has forced Iván Duque to adopt a different stance to Uribe on certain issues so that he is not simply regarded as the former President's puppet. Unfortunately, this has soured relations with certain members of his party so badly that they can no longer be counted on to vote with their own government. Some have even aired their differences with the government in public, formally calling for the removal of high-ranking civil servants and military leaders.



“THE BEST ARGUMENT AGAINST DEMOCRACY
IS A FIVEMINUTE CONVERSATION
WITH THE AVERAGE VOTER”

WINSTON CHURCHILL



Duque has no choice but to press ahead with his commendable ambition of changing the way that politics is done and to find solutions that allow him to govern the country. In doing so, however, he must be careful not to confuse political alliances with corruption. He cannot afford to be too sanctimonious about this – the utopian assertion that he can govern without political alliances could return to haunt him if he is seen to renege even slightly on this impossible promise. Lest we forget, politics is the realm of politicians, not archangels. Nevertheless, it certainly makes a refreshing change to have a President who is trying to govern without all the wheeling and dealing that is the bedfellow of corruption and the “dictatorship of the minorities”. To chart a smoother course through these troubled waters, Duque would also do well to open up his inner circle and surround himself not only with technocrats but with people who have the necessary knowledge and experience in the design and implementation of public policies. His Vice President Marta Lucía Ramírez, who has hitherto been shut out almost completely, is one such person. With expertise and experience in all the relevant areas, she should clearly be the key member of his team.

“PRESIDENT DUQUE IS GOING TO HAVE TO CHANGE TACK SOONER RATHER THAN LATER IF HE WISHES TO PUSH THROUGH ALL OF HIS PLANNED CHANGES – AFTER ALL, HE ONLY HAS FOUR YEARS IN WHICH TO DO SO. IF HIS GOVERNMENT FAILS AND HE IS UNABLE TO OVERCOME ALL THE OBSTACLES UNDERMINING HIS ABILITY TO GOVERN, IT IS HIGHLY LIKELY THAT HE WILL BE SUCCEEDED BY A RADICAL, ANTI-DEMOCRATIC AND ANTI-LIBERAL LEFT-WING GOVERNMENT.”

Unfortunately, there is a perception that countries which support a free market economy are simply acting in the interests of a privileged minority. At the same time, democracy is increasingly being manipulated by powerful minorities who are very vocal when it comes to demanding their rights but not so keen on assuming their responsibilities. Moreover, as long as corruption persists, these circumstances will never change.

While the crisis in Venezuela undoubtedly acts as a deterrent, the leaders of Colombia and the rest of Latin America need to take a long, hard look in the mirror. If the leaders who support the principles of classical liberalism fail to change their mantra of “leaving things as they are”, or if they are unable to find solutions for meeting their citizens’ basic needs, then it will be no surprise if new generations of voters continue to be drawn to the progressive or populist left-wing agenda. President Duque’s agenda is admirable in both its style and its substance. But he will need to change his leadership style if he is to achieve real progress and create a better future for the people of Colombia.



[1] Public opinion poll of 10 December 2018. YanHass Pool Study No. 142.

“Everyone is equal before the law”

Carlos Alberto Montaner

Member of the Honorary Board of Red Liberal de América Latina, RELIAL

@CarlosAMontaner

“THE BEST ARGUMENT AGAINST DEMOCRACY IS A FIVEMINUTE CONVERSATION WITH THE AVERAGE VOTER”,

WINSTON CHURCHILL

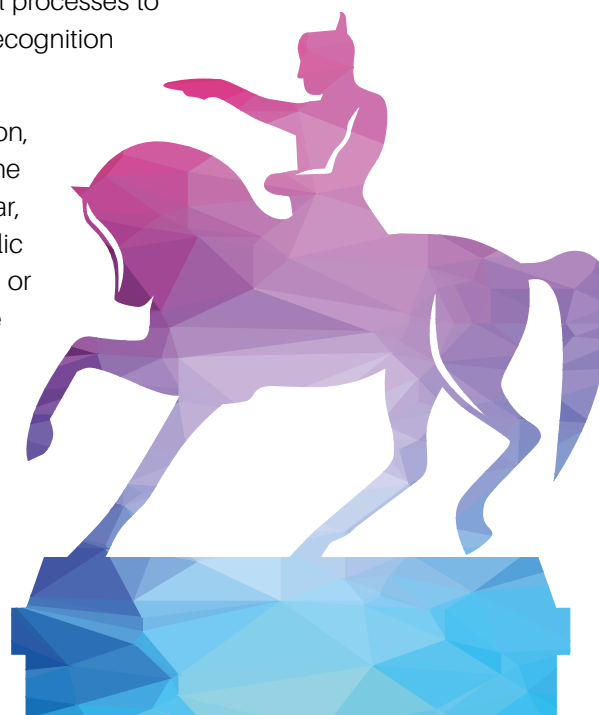
For hundreds of millennia, hominids – including our own ancestors – roamed the Earth in small bands that were generally led by an alpha male. This remains the “social” structure of our closest relatives, the chimpanzees, gorillas and orangutans, although the latter often display a more solitary nature.

This is how our ancestors lived. They probably had a basic hierarchy that was well suited to a hunter-gatherer society. The leader of the group would decide how food would be shared out among its members, signalling his permission with a dismissive grunt. That was the “natural order”, and it is possible that our need for leaders who tell us what to do is a throwback to this distant past.

The alpha male was the boss. He would be the first to take his turn at the food, and would copulate with whichever female members of the group took his fancy. He did not seek consent for his actions from the other members of the pack, he simply imposed his will through brute force. It was only several millennia later, when these groups started to become more complex and evolved into tribes, that we began to witness the slow development of institutions and the use of rational processes to select our leaders, even though the most enduring of these was the recognition of certain blood lines that gave rise to monarchies.

In the West, this eventually translated into Greco-Roman civilisation, which was characterised by a toxic level of “democracy”. In Athens, the military generals known as the “stratēgoi” were elected for just one year, while people who had been charged with crimes were tried in public squares, with crowds voting to decide whether they were innocent or guilty – Socrates being one well-known example. The downfall of the Classical World came about partly as a result of various invasions by Germanic tribes. In the case of the “federated” tribes, they were allowed in after signing treaties with Rome, while other invasions were entirely hostile in nature.

In the 17th and 18th centuries, we finally arrived at the Enlightenment, when people started worshipping reason and believed that there was no problem that could not be solved by human intelligence. The ideas of the Enlightenment still form the basis of modern society today.



“THE RISK OF A “TYRANNY OF THE AVERAGE VOTER” CAN BE COUNTERED BY A CONSTITUTIONAL SYSTEM WITH AN INDEPENDENT, WELL-EDUCATED AND RESPECTED JUDICIARY THAT IS IMMUNE TO REPRISALS FROM THOSE IN POWER AND WHOSE DECISIONS ARE ACCEPTED BY EVERYONE.”

John Locke proposed an entirely artificial yet highly practical way of structuring the relationship between the State and the individual. While the King would remain in place, his prerogative would be limited by Parliament – power would be shared between the legislative and executive powers. In other words, the State would exist in order to protect the individual. In this concession to reason, an artificially created entity (Parliament) shared power with the natural leader (the monarch).

Almost a century later, Locke’s ardent admirer Charles-Louis de Sencondat – better known as Montesquieu – expanded this basic structure by adding the judiciary as the third power of the State, no doubt influenced by the fact that he himself was a judge. He proposed and explained this system in his classic work *The Spirit of the Laws*, which has the rare distinction of never having been out of print since it was first published in 1748.

This was an extremely significant addition to Locke’s model. Fundamentally, Montesquieu argues that a

Constitution will only be effective if there are judges who enforce it. You cannot have a modern State governed by the rule of law without an independent judiciary that enforces the law. Moreover, society must accept this judiciary and abide by its judgements. Although the majority may often disagree with these judgements, we should not forget the words of Winston Churchill, which remain as true today as ever: “The best argument against democracy is a five-minute conversation with the average voter”.

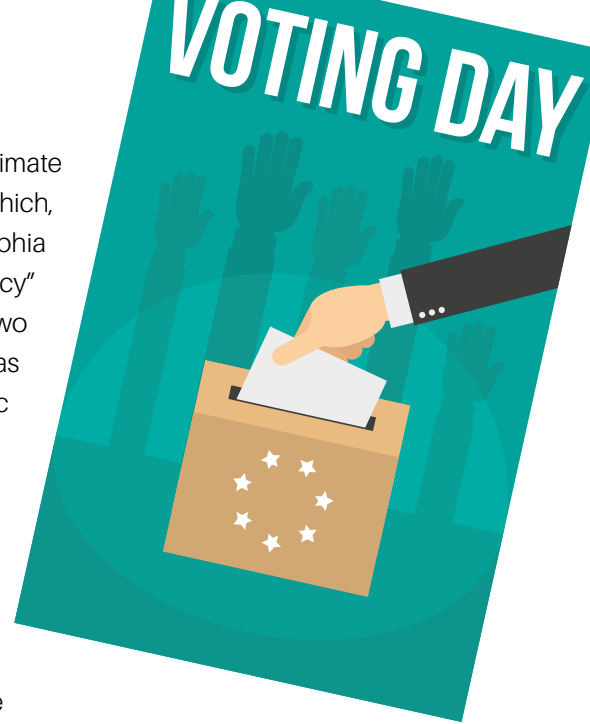
The average voter allows their emotions to cloud their judgement and ends up electing a Hitler or a Hugo Chávez. Highly prone to believing the demagogues and populists, this average voter can be a very dangerous creature. In most Arab countries, for example, it is likely that the average voter is in favour of cutting off thieves’ hands, forcing women to wear the hijab, hanging homosexuals and not punishing people for “honour killings” perpetrated against female members of “their” family who are considered to have brought shame on them.

The risk of a “tyranny of the average voter” can be countered by a constitutional system with an independent, well-educated and respected judiciary that is immune to reprisals from those in power and whose decisions are accepted by everyone. One example occurred during the 2000 US elections contested by Al Gore and George W. Bush. Despite the fact that American society was split down the middle, everyone chose to abide by the Supreme Court’s ruling. (It was subsequently confirmed that Bush had won Florida by 536 votes, handing him victory in the Electoral College).



The United States was built on Montesquieu's artificial model. The ultimate expression of the world's first modern republic is its Constitution which, thanks to James Madison's perseverance, was adopted in Philadelphia during the long, hot summer of 1787. Although the words "meritocracy" and "market" do not appear in the Constitution, it was on these two pillars that the nation was built and would subsequently flourish, as spelled out by Douglass North, winner of the Nobel Prize in Economic Sciences in 1993.

In their desire to end the dominion of the established dynasties and promote the culture of the "self-made man", the Founding Fathers instinctively embraced meritocracy and respect for the common man. By choosing not to wear the gold-braided dress coat customarily sported by diplomats, Benjamin Franklin started a fashion in Paris for the attire of the "common man", at a time when the norm was for people to dress according to their social class.



“THE UNITED STATES WAS BUILT ON MONTESQUIEU'S ARTIFICIAL MODEL. THE ULTIMATE EXPRESSION OF THE WORLD'S FIRST MODERN REPUBLIC IS ITS CONSTITUTION WHICH, THANKS TO JAMES MADISON'S PERSEVERANCE, WAS ADOPTED IN PHILADELPHIA DURING THE LONG, HOT SUMMER OF 1787.”

Something similar happened in relation to the market. The Republic's innate aversion towards anything that ran counter to the principle of equality before the law meant that it could not allow privileges to be granted to certain actors. It therefore made sense to allow the decisions of purchasers of goods and services to be based on free competition, even if there were inevitably differences in the results.

This fortunate and unanticipated consequence of rejecting the "natural" order in favour of an "artificial" model gradually transformed the United States. A country made up of thirteen largely independent colonies on the North Atlantic coast, sandwiched between Canada to the north and Spanish territory to the south, and with a population of barely four million in 1776, had - by the end of the 19th century - spread

all the way across to the Pacific coast, become the world's leading economic power, and gained control of Spain's colonies in the Caribbean and the East.

It is hardly surprising that the United States went on to become a model both for old allies such as France and for former enemies like Japan and Germany. But it wasn't necessarily the republican dimension of the US system that they chose to copy - Japan, the Netherlands and all the Scandinavian countries with the exception of Finland and Iceland are monarchies. In actual fact, what they copied were the notions of meritocracy and the market. To be exact, they copied the immutable principle that underpins American society and gave rise to both of the above notions: the principle of "equality before the law".



Ecuador: towards profound and real changes in favour of democracy and freedom?



Mauricio Alarcón Salvador

Executive Director of the Fundación Ciudadanía y Desarrollo

Senior Legal Associate of the Human Rights Foundation

[@aiarconsalvador](#)

Towards the end of November 2015, a defiant Rafael Correa said that he didn't want to stand in the 2017 elections because he had no interest in power. The National Assembly had pushed through an amendment to the Constitution allowing the President to be re-elected for an unlimited number of terms. In an interview with the press, Correa claimed that "I have never been interested in power. At this stage in my life, I have other personal and family priorities that I would rather devote my time to. Thankfully, we have such a divided, mediocre and unambitious opposition that there is little need for me to stay on. And without wishing to sound arrogant, we can win the 2017 elections without me, thanks to other outstanding candidates like Lenin Moreno."

“CORREA ORDERED HIS LEGISLATORS TO APPROVE AN AMENDMENT TO THE INDEFINITE RE-ELECTION RULE, PREVENTING HIM FROM RUNNING AGAIN IN 2017. HE CHOSE FORMER VICE PRESIDENT LENIN MORENO AS HIS ANOINTED SUCCESSOR AND CAMPAIGNED ON HIS BEHALF.”

And this is exactly how things transpired. Correa ordered his legislators to approve an amendment to the indefinite re-election rule, preventing him from running again in 2017. He chose former Vice President Lenin Moreno as his anointed successor and campaigned on his behalf. Despite questions about the fairness of the electoral process and accusations of fraud, Moreno was eventually declared the winner of the election. Correa wasn't used to losing, and his plan had worked out perfectly. Now he could enjoy four years of "hard-earned" holidays in Belgium before returning for the next presidency in 2021. For those of us who have suffered at the hands of Correa's totalitarian regime, this victory extinguished all hope of change. During the campaign, Moreno promised that his government would further strengthen the revolution. He was constantly to be heard expressing his gratitude to Correa for everything he had done for the country, and he surrounded himself with the self-same characters whose actions had violated the freedom of the Ecuadorean people during the so-called "victorious decade" (década ganada). A delighted Correa prepared to hand over the reins, claiming that he had "left everything in perfect order" for the incoming president.

Moreno was sworn in on 24 May 2017. His inaugural speech was more of the same, albeit in his own style, while his first cabinet was made up of ministers recycled from the Correa administration. *Plus ça change*, or so it seemed. But come July, events took an unexpected turn. Moreno invited a delegation from the Confederation of Indigenous Nationalities of Ecuador (CONAIE) to meet him at the Carondelet Palace, eight years after their organisation had been thrown out and barred from the seat of government.

He called the meeting to announce that he intended to give them back their headquarters, from which they had been illegally evicted by the Correa government, promising to sign an agreement loaning them the premises free of charge for 100 years. Correa reacted furiously on Twitter, issuing his first “warnings” of betrayal.

When Correa left for Belgium a few days later, Moreno announced on national TV and radio that things had not been left “in perfect order” and that Ecuador’s economy was in dire straits. He publicly accused his predecessor, saying that he “could have shown more restraint and left the accounts in better shape”.



Quito 24 may (ANDES).-The president of the republic celebrates 1 year of functions and in the National Assembly delivered his accountability to the Ecuadorian people. Photography: Carlos Rodríguez / Andes.

This marked a clear break with Correa, much to the surprise of observers at home and abroad, who couldn’t understand what had just happened. More than one opinion leader came to the conclusion that the whole thing was a set-up. But then Moreno suddenly started getting rid of the ministers who had been part of the Correa administration. He held meetings with journalists and media owners, announced a reform of the Communication Law (commonly known as the “gagging law”), and even removed the Vice President who had been forced on him by Correa and who was subsequently jailed for links to the Odebrecht case in Ecuador. The President told the country that from now on it would breathe “the air of freedom”. He called a referendum and public consultation on ending the right to indefinite re-election and appointed a Transition Council to reform the institutions of public accountability.

So did this mark the beginning of a real change towards democracy and freedom in Ecuador? In order to paint a true picture of the situation 18 months after Lenin Moreno came to power, we will examine some of the developments with regard to liberties, the economy and international relations. This will allow us to draw our own conclusions.

After a decade of threats, abuses and restrictions, the climate with regard to liberty is undeniably very different and there have certainly been improvements in relation to freedom of expression and freedom of the press. The *sabatinas* (weekly four-hour speeches by the President broadcast every Saturday on TV and radio)

have gone, together with the government-controlled broadcasters and their stigmatising discourse. The government troll centres that silenced any criticism on social media have also been disbanded. The administration has started engaging in a dialogue with journalists and the media again. The number of violations of freedom of expression fell from 640 in 2016 to 144 in 2018. The Superintendency of Information and Communication (SUPERCOM) is no longer enforcing the “gagging law” and has stopped sanctioning the media. Furthermore, on Moreno’s initiative, the National Assembly has approved a package of reforms to the Communication Law, bringing it largely into line with international standards in this area.

Nevertheless, freedom of association and assembly continues to be threatened by the existence of an Executive Decree which, despite having been reformed by Moreno, still contains ambiguous provisions that could be used against civil society organisations. While it is true that NGOs are no longer persecuted, stigmatised or closed down for conspiring against the government, damaging the image of the President, or “acting as agents of the CIA”, there is still a danger that the legislation could be used to this end.

Throughout Ecuador, we can now hold demonstrations in the vicinity of places like the presidential palace in Quito without brutal repression by the police or groups of pro-government thugs. Improvements to other rights and freedoms are also in the pipeline. For example, the National Assembly is currently debating a reform of the Criminal Code that would decriminalise abortion in cases of rape. This was a no-go area during the past decade, since Correa threatened to resign every time the subject was raised and used every means at his disposal to put pressure on the legislators.

There have been far fewer signs of change on the economic front. Moreno’s government continues to maintain a bloated State and impose high levels of taxation on its citizens. For all the talk about austerity, what we are actually witnessing is quite the opposite.

A few weeks ago, the government took the decision to end fuel subsidies. This unpopular measure has damaged the relatively good relationship between the government and civil society groups, which are planning demonstrations and protests for the end of January. The fact that the government’s economic policies lack clarity and are sometimes even contradictory was demonstrated when it responded to transport workers’ threat to call a nationwide strike by agreeing to continue subsidising their fuel through free monthly coupons.

“ THROUGHOUT ECUADOR, WE CAN NOW HOLD DEMONSTRATIONS IN THE VICINITY OF PLACES LIKE THE PRESIDENTIAL PALACE IN QUITO WITHOUT BRUTAL REPRESSION BY THE POLICE OR GROUPS OF PRO-GOVERNMENT THUGS. IMPROVEMENTS TO OTHER RIGHTS AND FREEDOMS ARE ALSO IN THE PIPELINE. ”

The changes have been far more pronounced in the realm of international relations. While it was always likely that Moreno's government would eventually distance itself from Latin America's "progressive", "Bolivarian" bloc, the break came sooner than expected due to the deterioration of the situation in Venezuela and Nicaragua. As well as announcing that it was leaving the Bolivarian Alliance for the Peoples of Our America (ALBA), Ecuador pulled its funding for TeleSur, an international network that broadcasts totalitarian propaganda. Moreno also dealt a fatal blow to UNASUR by personally calling for the return of the building in Quito that serves as the organisation's headquarters, so that it can be used by an indigenous university that has yet to be created.

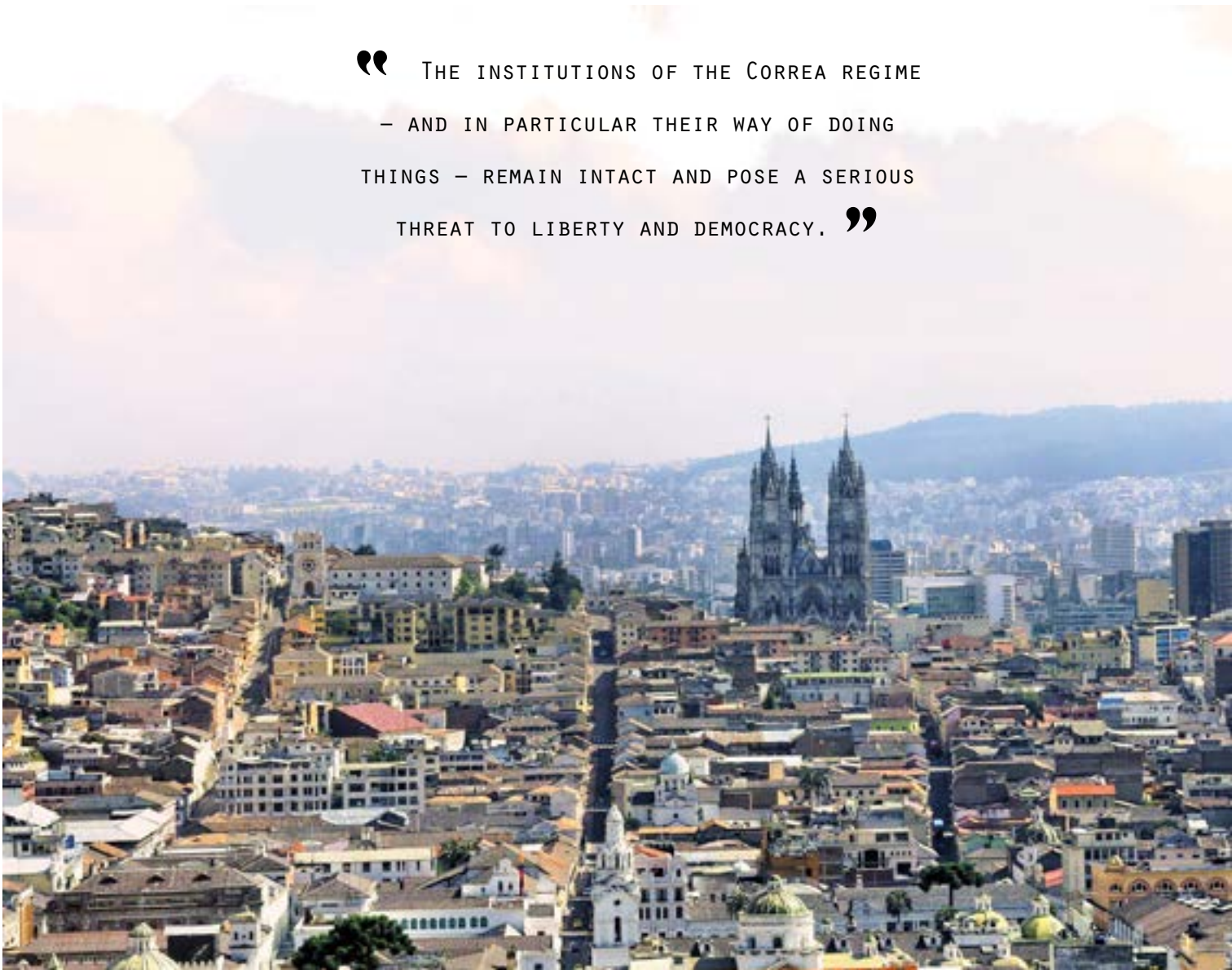
Not content with breaking away from his former allies, the President decided to join forces with new ones. In July 2018, Ecuador applied to become an associate member of the Pacific Alliance, with a view to gaining full membership in the near future. Moreno also officially applied to join the OECD Development Centre. Throughout 2018, the foreign ministry issued a series of statements about democracy and human rights in Venezuela. Indeed, at an OAS meeting only a few days ago, Ecuador even voted in favour of a declaration describing Nicolás Maduro's "government" as illegitimate. The appointment of career civil servants to key positions in the foreign service means that it is no longer just a gravy train for politicians. And seven years after it was closed by Correa's government, the Diplomatic Academy has been reopened.

“WHILE IT WAS ALWAYS LIKELY THAT MORENO'S GOVERNMENT WOULD EVENTUALLY DISTANCE ITSELF FROM LATIN AMERICA'S "PROGRESSIVE", "BOLIVARIAN" BLOC, THE BREAK CAME SOONER THAN EXPECTED DUE TO THE DETERIORATION OF THE SITUATION IN VENEZUELA AND NICARAGUA.”

However, the last development is perhaps the most important of all. Despite the fact that in the referendum and public consultation the people of Ecuador voted to reform the institutions of public accountability, all that the Transitional Council of Citizen Participation and Social Control has actually done is to remove the representatives of the Correa regime and appoint people who are closer to the current administration. But replacing Correa's friends with friends of those who are in positions of power today is not institutional reform, especially when it has been clearly established that the problem is the way that people are appointed to these positions. The institutions of the Correa regime – and in particular their way of doing things – remain intact and pose a serious threat to liberty and democracy.

That is the nature of the beast in this transition that we are supposedly going through – it is a case of one step forward and one step back. There are some positive developments that should be welcomed, but there are also a number of extremely disappointing negatives – either specific measures or cases where the government has failed to take the necessary action. So are we witnessing profound and real changes in favour of democracy and freedom? Personally, I do not think so – first and foremost, because you do not achieve a transition by trying to keep everyone happy and by sharing power around a little more widely. Ecuador still has a long way to go before it can say that it has truly achieved democracy, the rule of law and freedom.

“ THE INSTITUTIONS OF THE CORREA REGIME
– AND IN PARTICULAR THEIR WAY OF DOING
THINGS – REMAIN INTACT AND POSE A SERIOUS
THREAT TO LIBERTY AND DEMOCRACY. ”



The temptation of the imperial presidency

Bertha Pantoja

Executive Director of Caminos de la Libertad

Vicepresident of Red Liberal de América Latina, RELIAL



Following the election of Andrés Manuel López Obrador, power in Mexico is once again concentrated in the hands of a President who controls Congress, holds sway over the make-up and decisions of the judiciary, and is able to undermine or even dispense with the country's institutions. In the words of Héctor Aguilar Camín, the will of the people "expressed in the Mexican elections in July was a kind of democratic farewell to democracy". Mexico's transition to democracy began in 1997, when the PRI lost its majority in the Chamber of Deputies. In conjunction with the subsequent strengthening of the Supreme Court of Justice of the Nation, this created a genuine separation of powers. As a result, we learned to govern democratically, by maintaining a balance, negotiating, making concessions and respecting different opinions. Unfortunately, democracy isn't a magic wand that can solve all our problems and mistakes. "Democratic governments" have distorted democracy so that it has often become synonymous with weakness, corruption, inefficiency, crime and, worst of all, the absence of the rule of law – the very principle upon which it is built. There is no denying that they have also brought us greater freedom and political and economic stability, but clearly this wasn't enough.

“ AS WITH OTHER POPULIST LEADERS, IT WAS DEMOCRACY THAT BROUGHT ANDRÉS MANUEL LÓPEZ OBRADOR TO POWER. AND JUST LIKE HIS FELLOW POPULISTS, MEXICO'S NEW PRESIDENT DISPLAYS THE CHARACTERISTICS DESCRIBED BY JEAN WERNER MÜLLER IN WHAT IS POPULISM? AND ENRIQUE KRAUZE IN HIS ARTICLE DECÁLOGO DEL POPULISTA IBEROAMERICANO¹ (DECALOGUE OF THE IBERO-AMERICAN POPULIST). ”



As with other populist leaders, it was democracy that brought Andrés Manuel López Obrador to power. And just like his fellow populists, Mexico's new President displays the characteristics described by Jean Werner Müller in *What is Populism?* and Enrique Krauze in his article *Decálogo del populista iberoamericano*¹ (Decalogue of the Ibero-American Populist). He sees himself as the sole representative of the people and their interests and therefore believes that he is entitled to speak on behalf of all good citizens. The "people" is a word that he uses and abuses, "he believes that he understands the truth in general better than anyone else, and that he can act as the news agency of the people". Ever since he took office, he has given a daily morning press conference (*la mañanera*) that is covered by all the media and in which he sets out the agenda for the day. If his attacks on the judiciary and the Bank of Mexico are anything to go by, he is also trying to control the other branches of the State, as well as attempting to undermine the country's federal system through the creation of new "super-delegate" officials. He cultivates new allies, buying their support with subsidies. Current examples include young people who are neither students nor in work (ninis), women and the elderly, petrol tanker drivers and the members of

“ HE WANTS TO CONTROL THE MEDIA, IS UNABLE TO ACCEPT CRITICISM AND CONDEMNS THOSE WHO DARE TO SPEAK OUT AGAINST HIM. THE FIRST FEW DAYS OF HIS ADMINISTRATION SAW NUMEROUS ATTACKS ON THE CONSERVATIVE PRESS (THAT HE REFERS TO AS “LA PRENSA FIFI”) AS HE RAMPED UP THE PRESSURE ON JOURNALISTS. ”

the recently approved National Guard. He is also attempting to compromise the independence of institutions such as the National Electoral Institute, National Human Rights Commission and energy industry regulators.

He wants to control the media, is unable to accept criticism and condemns those who dare to speak out against him. The first few days of his administration saw numerous attacks on the conservative press (that he refers to as "*la prensa fifi*") as he ramped up the pressure on journalists. Finally, "he undermines, overrides, and ultimately either tames or abolishes the institutions of liberal democracy". This is illustrated by his attacks on the Supreme Court of Justice of the Nation under the pretext of tackling judges' "exorbitant wages",





The backdrop of the Mexican Chamber of Deputies, covered with the Constitution of Mexico, Flag of Mexico and corbata. President Vicente Fox in the Mexican Chamber of Deputies. Author: Original uploaded by Zscout370 on English Wikipedia.

and by his decision to reduce the budget of the National Electoral Institute.

The rise to power of populist leaders through the ballot box has been discussed in a number of important works such as Yascha Mounk’s essential contribution *The People vs. Democracy*. In their subsequent work *What Populists Do to Democracies*², Mounk and co-author Jordan Kyle state that “the four most populous democracies in the world are ruled by populists: Narendra Modi in India, Donald Trump in the United States, Joko Widodo in Indonesia, and Bolsonaro in Brazil”. Their analysis of 46 populist leaders elected in 33 democratic countries between 1990 and 2018 comes to a number of rather dispiriting conclusions. These include the fact that populists are highly skilled at staying in power and “pose an acute danger to democratic institutions” – only 17 percent stepped down after they lost free and fair elections. Many of them, including Maduro, Ortega and Morales, rewrite the rules of the game. It is impossible to say whether something similar could happen in Mexico. López Obrador has claimed that he will not stand for re-election, but he is perfectly capable of changing his mind as he has done on issues as important as militarisation. For now, we know for a fact that his photo will appear on the ballot paper when the Chamber of Deputies and many of the state congresses are renewed under the pretext of renewing their mandate.

Bolsonaro and López Obrador were elected on the back of promises to root out corruption, which is undoubtedly one of the most serious problems afflicting both Brazil and Mexico. Yet one of Mounk and Kyle’s conclusions is that far from being eradicated, corruption usually increases under populist governments. López Obrador’s plan to eliminate corruption through his own example

“ BOLSONARO AND LÓPEZ OBRADOR WERE ELECTED ON THE BACK OF PROMISES TO ROOT OUT CORRUPTION, WHICH IS UNDOUBTEDLY ONE OF THE MOST SERIOUS PROBLEMS AFFLICING BOTH BRAZIL AND MEXICO. YET ONE OF MOUNK AND KYLE’S CONCLUSIONS IS THAT FAR FROM BEING ERADICATED, CORRUPTION USUALLY INCREASES UNDER POPULIST GOVERNMENTS. ”

and by reducing civil servants' pay and benefits seems doomed to fail.

We cannot afford to forget that democracy needs checks and balances. It is about more than simply voting to choose a government, it also relies on the laws, institutions and organisations that maintain a balance by monitoring those in power and ensuring that they stay within certain limits. Since winning the election, López Obrador and his team have made it plain that they intend to return to the days of the "imperial presidency", where power is concentrated entirely in the hands of the President. Checks and balances just get in the way of his grand plan to engineer a "fourth transformation" – for this, he needs to control everything. He has encountered very little resistance during the early days of his government. Just two state governors spoke out against his assault on the federal system, while the opposition parties in the Chamber of Deputies have also failed to put up much of a fight. There has been no retaliation from those affected by the absurd decision to cancel the construction of a new airport in Mexico City, nor have there been any protests as a result of the fuel shortage that is damaging the economy across much of the country.

“MEXICO IS NOW A COUNTRY POLARISED AND DIVIDED BY ITS PRESIDENT. ON ONE SIDE ARE THOSE WHO HOPE TO GO DOWN IN HISTORY WITH HIM, WHILE ON THE OTHER ARE HIS OPPONENTS, WHO DEFEND OUR COUNTRY'S INSTITUTIONS, BELIEVE IN INDIVIDUAL AND POLITICAL FREEDOMS, EXPOSE THE GOVERNMENT'S LIES AND ABOVE ALL MAINTAIN THAT THE RULE OF LAW SHOULD COME BEFORE EVERYTHING ELSE.”

It is clear that one aim of the fourth transformation is to establish a new imperial presidency. López Obrador wants to go down in history alongside the likes of Benito Juárez, Francisco I. Madero and Lázaro Cárdenas. Interestingly, one thing that all of these figures have in common is their belief that the President's version of history should be the official version. In a spectacular show of arrogance, López Obrador is trying to cast himself as a new national hero who is fighting all the usual bogeymen on behalf of the Mexican people. Mexico is now a country polarised and divided by its President. On one side are those who hope to go down in history with him, while on the other are his opponents, who defend our country's institutions, believe in individual and political freedoms, expose the government's lies and above all maintain that the rule of law should come

before everything else.

Now is the time to demonstrate the virtues of a liberal democracy with checks and balances, with institutions that monitor, report and punish wrongdoing, and with a genuine balance of powers – a democracy that respects and promotes individual freedom and private property, and a democracy where everyone is listened to, not just the President. We cannot allow Mexico to return to the days of imperial presidency.





Democratic conformism and incomplete liberal reforms

Félix Maradiaga

President and Founder of the Fundación para la Libertad de Nicaragua

@maradiaga

Nicaragua has been widely studied as an example of the “third wave of democracy”. In 1990, it managed to bring an end to years of bloody armed conflict and begin a process of democratisation that has yet to be completed. In the February 1990 elections, Violeta Barrios de Chamorro defeated Daniel Ortega, the leader of the Sandinista National Liberation Front (FSLN). The result made headlines around the world – an armed

revolution inspired by Marxist-Leninist ideals had been rejected at the ballot box in favour of a free market economy. Over the next sixteen years (1990 – 2006), the ups and downs of Nicaragua’s transition to democracy received very little attention from the global media. As a result, when it was announced that Daniel Ortega had been re-elected as President in November 2006, few people outside of Nicaragua understood the implications of this momentous event.

“ WHEN IT WAS ANNOUNCED THAT DANIEL ORTEGA HAD BEEN RE-ELECTED AS PRESIDENT IN NOVEMBER 2006, FEW PEOPLE OUTSIDE OF NICARAGUA UNDERSTOOD THE IMPLICATIONS OF THIS MOMENTOUS EVENT. ”

The prevailing narrative at the time was that the FSLN had returned to power in Nicaragua because the “neoliberals” had been unable to satisfy people’s needs and aspirations in the continent’s second poorest country. There is no denying that the conservative National Opposition Union administration (1990 – 1996) and the two Constitutionalist Liberal Party administrations (1997 – 2001 and 2002 – 2006) made a lot of mistakes, particularly in the realms of social policy and the fight against

corruption. However, the FSLN’s victory was essentially achieved through a series of political manoeuvres that allowed it to win the election with barely 38% of the vote. This was thanks to the fact that they were running against a liberal movement split into two factions, although the combined vote of the two liberal parties was over 62%. The details of these events fall far outside the scope of this article. Suffice it to say that Daniel Ortega’s return to power brought an abrupt end to the tentative democratic reforms that had been introduced since 1990.



How was Ortega able to dismantle Nicaragua's fledgling democratic institutions so quickly?

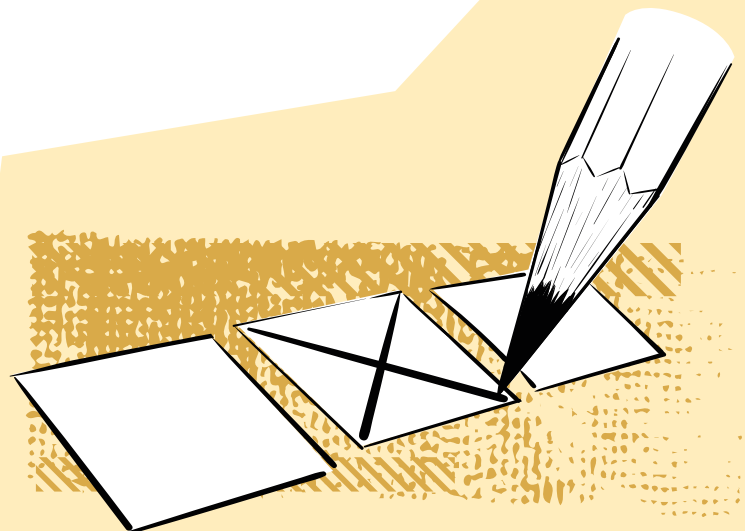
While public disillusionment has been put forward as one explanation of the democratic rollback, other more coherent arguments draw a distinction between the establishment of a more open political regime (democratisation) and the legal and political strengthening of structures that guarantee individual freedoms (the rule of law). As Fareed Zakaria explains in his book *The Future of Freedom*, the rule of law becomes fragile when we confuse democratisation with freedom. Although Nicaragua made progress on democratisation, it did not do enough to strengthen the structures that guarantee individual freedoms, including citizens' ability to limit and control the power of the State.

Zakaria's book is an elegant defence of political liberalism. Similarly, albeit with specific reference to Nicaragua, I have previously proposed what I call "democratic conformism" as an explanation of our country's failed transition to democracy. In very general terms, this concept refers to the failure of the elites and the principal actors in the political system – including international organisations – to carry through the reforms required to guarantee the civil and political liberties that form the basis of a modern democracy. In other words, the relevant actors failed to fully implement the measures needed to strengthen the rule of law, perhaps because of the high political price of the reforms or perhaps because the supporters of the old regime still held more power than the reformers. It is also possible that, during the transition, the elites – including the most powerful business interests – assumed that the reforms that had already been introduced would at least create enough democracy to prevent a return to the dictatorships of the past, and that it would therefore make little financial sense to take them any further.

Democratic conformism or self-interest?

I have used the concept of "conformism" to describe how, during the first few years after a regime change, there is usually a period of political enthusiasm and popular support that makes it possible to introduce some changes to the way things are done. However, institutional reforms and changes in political culture that are more complex or require a broader consensus take longer to achieve and come at a higher price – in terms of trade-offs – for the principal decision-makers. In Nicaragua, the political actors who played a key role in the transition decided not to see through these reforms because they feared that they would damage their own interests or that

the risks for the people promoting them would be too high. It is obviously much easier to engage in pork barrel politics and crony capitalism in systems where there are few guarantees of citizens' individual liberties.





The democratic rollback in Nicaragua has largely come about due to the lack of genuine political liberalism as described by Zakaria, and due to the superficial nature of the liberal reforms that were introduced. When Daniel Ortega won the 2006 elections, institutions like the judiciary and the electoral authorities had still not been modernised. This made it possible for the FSLN to win back political power and – from the moment that they

took office in January 2007 – allowed them to start establishing an autocratic regime that ten years on has become a dictatorship which is strangling the life out of the Nicaraguan people.

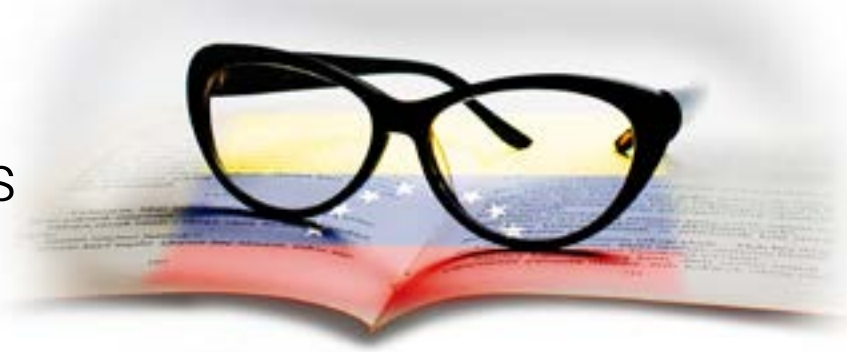
A number of reforms were never completed, while others were even reversed after 1999, as a result of the “pact” between the then President Arnoldo Alemán and Daniel Ortega. The chief examples include hyper-presidentialism, which undermines the ability of the other powers of the State to provide checks and balances, the lack of an independent judiciary, the lack of protection for private property, the excessive functional autonomy of the armed forces and the police, and the lack of a transitional justice mechanism in the aftermath of the armed conflict. These are just a few examples of incomplete reforms that serve to illustrate the concept of conformism.

For many years, the political and economic elites who held the reins of power thought that the reforms introduced in the years immediately after 1990 were enough for Nicaragua to ride the “wave of democratisation”. Few of them imagined that by adopting this attitude of “something is better than nothing” they would open the door for Daniel Ortega to return to power thanks to the fragility of the electoral system, or that he would subsequently be able to introduce a series of self-serving constitutional reforms in 2014, including indefinite re-election and control over all the powers of the State.

The conformism of the Nicaraguan political class and its failure to strengthen the structures that guarantee our basic freedoms is in stark contrast to the courage shown by Nicaragua’s students, farmers and social leaders, who in April 2018 had finally had enough of living under a regime that is essentially no different to a sultanate. The civil unrest that began in April has claimed more than 500 lives and led to almost 800 people being held as political prisoners, including human rights activists and journalists. Over 72,000 Nicaraguans have fled the country in the face of brutal political persecution.

Today, Nicaragua’s future is hanging in the balance. While there is no obvious short-term solution to the crisis, it is clear that people are not willing to resign themselves to living under an oppressive regime. The case of Nicaragua teaches us that half-completed structures for guaranteeing individual freedoms can provide a dangerous opening for the return of terrible demons from the past – and dictatorships certainly fall into that category.

Venezuela: Lessons in freedom



María Corina Machado

Opposition leader and national coordinator of Vente Venezuela

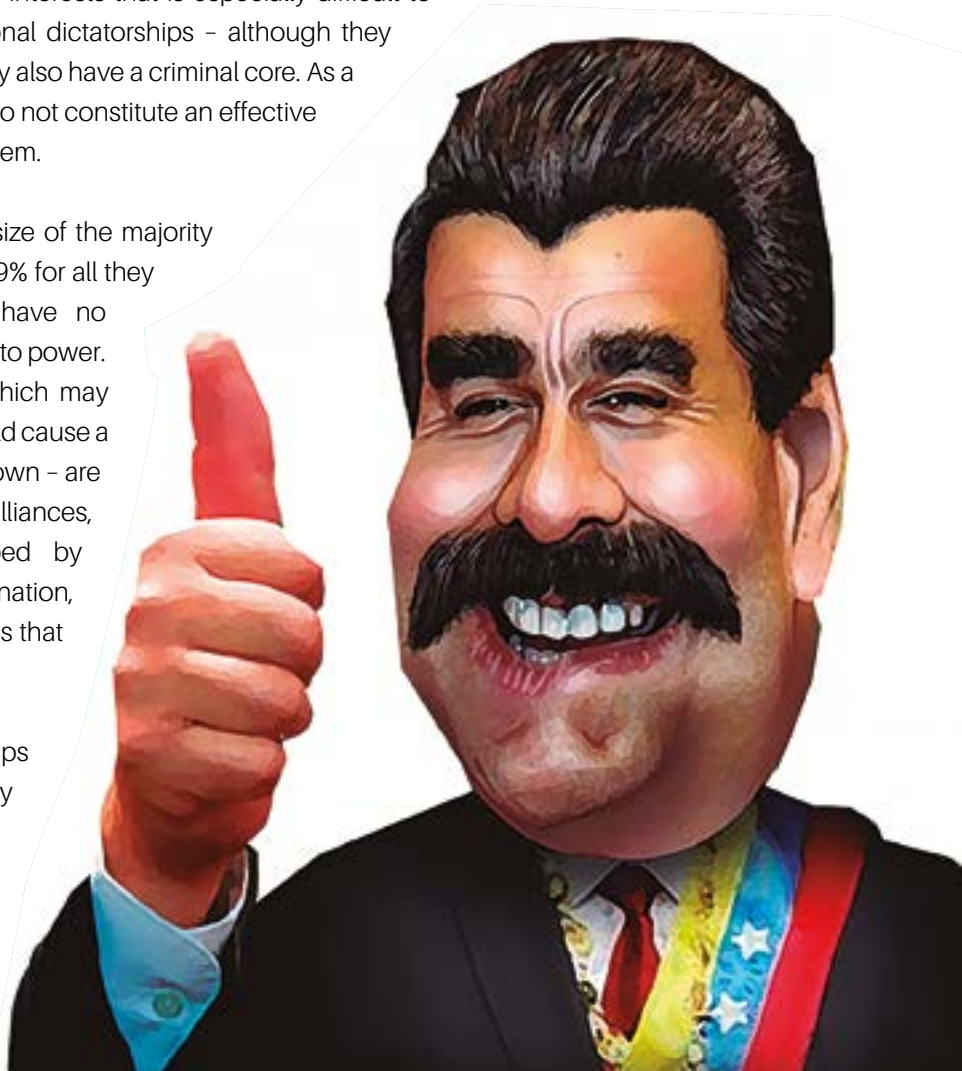
v

Twenty years under a Chavista regime have taught us many lessons. This is especially true today, at a time when a nefarious minority has hijacked the State, putting it at the service of organised crime, the mafia and shadowy interests which are threatening not only to tear apart our own nation but also to destroy democratic institutional structures across the whole of Latin America.

One of the key things that other countries can learn from the crisis in Venezuela is never to underestimate the lurking threat that totalitarian regimes pose to Western democracies. Today, these regimes are joining forces with criminal organisations. They have found a new model where they converge with and complement each other, creating a dangerous web of interests that is especially difficult to overcome. These are no conventional dictatorships – although they are inspired by totalitarian ideals, they also have a criminal core. As a result, traditional political solutions do not constitute an effective means of defeating and removing them.

These people are oblivious to the size of the majority that opposes them – it could be 99.9% for all they care. Utterly unscrupulous, they have no qualms about using force to hold on to power. The traditional forces – some of which may even pose a credible threat that would cause a conventional dictatorship to back down – are powerless against these criminal alliances, which are completely unperturbed by isolation, international condemnation, legal proceedings or even sentences that restrict their individual mobility.

Moreover, these criminal partnerships have expansionist ambitions. Greedy by nature, they are not content to stay within their own borders. The repercussions of the chaos in a country like Venezuela for other parts of the region are not confined to migration and the associated problems and



Por DonkeyHotey

“ TODAY, WHEREVER YOU GO IN VENEZUELA PEOPLE ARE UNITED IN THEIR CONDEMNATION OF MADURO’S REGIME. VENEZUELAN HAVE LEARNED AN INCREDIBLY HARD AND PAINFUL LESSON: THAT SOCIALISM NEVER WORKS ANYWHERE, AND THAT COMMUNIST AND SOCIALIST REGIMES ALWAYS END UP CAUSING EXTREME POVERTY AND SEVERE SHORTAGES, LEAVING THE COUNTRY IN RUINS. ”





March of protest against Maduro on February 2, 2019 in Caracas convened by Juan Guaido Acting President of Venezuela. Realized by Alex Abello Leiva, known in the artistic world as alexcocopro, photographer, filmmaker, extreme sportsman, motivator, entrepreneur, graphic artist and digital project leader. Author: Alexcocopro. <https://creativecommons.org/licenses/by-sa/4.0/deed.es>

impacts. Instead, the regime's aim is to export a system of destabilisation based on resources and income. They do not care if these resources are insufficient to sustain the population – it is all the same to them if people die or emigrate – as long as they are sufficient to sustain their own organisations domestically and finance their expansion into other countries which can eventually also be destabilised and turned into new markets for their criminal undertakings.

The rest of the world is partly to blame for the situation in Venezuela. For years, many democratic governments financed the Venezuelan regime with illegal loans, sold them arms and supplied them with technology that they used to practise systematic censorship, spying and repression against the Venezuelan people. They even branded many early critics of the regime as radicals who were blowing things out of proportion. Today, wherever you go in Venezuela people are united in their condemnation of Maduro's regime. Venezuelans have learned an incredibly hard and painful lesson: that socialism never works anywhere, and that communist and socialist regimes always end up causing extreme poverty and severe shortages, leaving the country in ruins.

We are now facing the most challenging opportunity in the history of our republic. Having lived through a period of extreme economic, institutional, cultural and moral devastation in a country that already has a history of problems such as oil dependency, statism, centralism, populism and militarism, we now face the challenge and opportunity of rebuilding our nation.

Chavismo has used democracy to destroy democracy. Once the Chavistas came to power, they clung on to it regardless of the cost. They dismantled the institutional pillars which, flawed though they may be, provide the foundation of any democracy. They set out to demolish these pillars one by one. Their most corrosive tactic was to make people totally dependent on the State's degrading handouts. To this end, they created a humiliating web of control designed not only to force citizens to participate in the corruption of those in power in order to subsist, but also to make them dependent on the will of a tyrant, on a party and on a system that demanded their "unconditional" support in return for food or money.

Democracy cannot exist without citizens. A stable, republican democracy is characterised by citizens who are free to make their own decisions, without coercion or bribery, and who are able to challenge those in power without fear of reprisals from a paternalistic State. The "Socialism of the 21st Century" always concealed its true authoritarian agenda behind false claims that it would benefit the poorest members of society and promote "social justice". In actual fact, however, all it ever set out to do was to promote poverty, violence and moral degradation while systematically leaving both sovereignty and the national interest in the hands of criminal organisations.

Right from the start, the Chavistas knew that an autonomous society with citizens who felt able to challenge them could pose a threat to their plans. They therefore sought to curtail all those aspects of citizenship that could hold them in check, launching unscrupulous attacks on private property, controlling and stifling the economy, decimating the Venezuelan currency, subjecting the country to devastating hyperinflation and using fear and repression to silence and punish their critics. All of this was done with the aim of enslaving the people of Venezuela by preventing us from fully and autonomously exercising our citizenship.

Unfortunately for them, they miscalculated. The people that they set out to intimidate and crush have proven to be stronger and more resilient than they thought and have not been willing to accept defeat. Despite suffering brutal attacks and terrible humiliations, the citizens of Venezuela have refused to surrender the fruits of their labour, have continued to be enterprising, and have given their all to the protests and struggle against the Maduro regime. And they have done this in spite of the pain and problems it has caused them.

“A STABLE, REPUBLICAN DEMOCRACY IS CHARACTERISED BY CITIZENS WHO ARE FREE TO MAKE THEIR OWN DECISIONS, WITHOUT COERCION OR BRIBERY, AND WHO ARE ABLE TO CHALLENGE THOSE IN POWER WITHOUT FEAR OF REPRISALS FROM A PATERNALISTIC STATE.”



The fact that our citizens possess this well of courage is one of the most important lessons to come out of this struggle. We have learned to believe and know that when we get back our democracy and our freedom there will be a shared understanding of how to move forward, engaging in politics and public affairs and never forgetting the lessons we have learned.

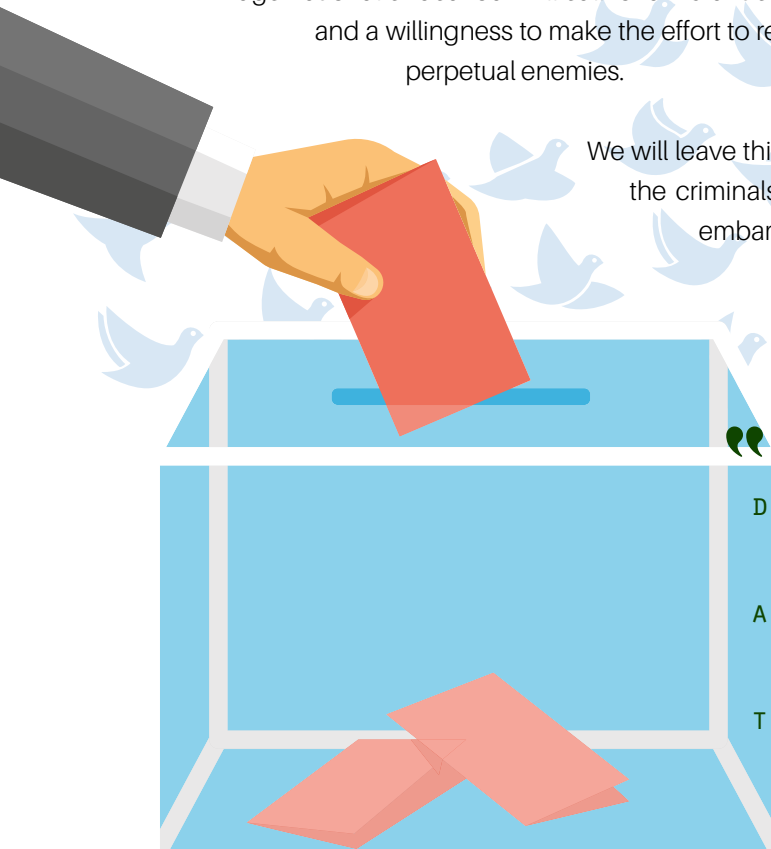
Our vision is of a nation of free and prosperous citizens who value democracy and understand that, as well as providing checks and balances on those in power, a strong and engaged civil society can help to rebuild our nation. We believe that the most important minority of all is the individual. And we know that if the sum of individuals who make up our country are free, we will have a mature society that recognises the importance and value of democracy.

We believe in a stable liberal democracy with institutions and checks and balances on power, and in a State that only exists to serve its citizens, who in turn show an interest in public affairs and engage in them of their own free will. We believe in a free economy, without controls, based on the principle that the market is the most powerful means of organising society – in an atmosphere of freedom and competition that allows ingenuity, creativity, enterprise and development to flourish. And we believe in providing the necessary incentives to build a free, prosperous and democratic nation.

We have come to a critical point and are now facing a historic challenge. We have learned several painful lessons and we will make sure that they are never forgotten. Venezuela is ready and eager to make the arduous journey towards a bright new future of enterprise, creativity, development, democracy and freedom. This

huge national endeavour will call for a vibrant entrepreneurial spirit throughout the whole of society, and a willingness to make the effort to rebuild our country and defend democracy against its perpetual enemies.

We will leave this whole sorry episode behind us, we will bring down the criminals who have seized control of the State, and we will embark upon a transition that will give us, at long last, the free Venezuela that we have fought so hard for

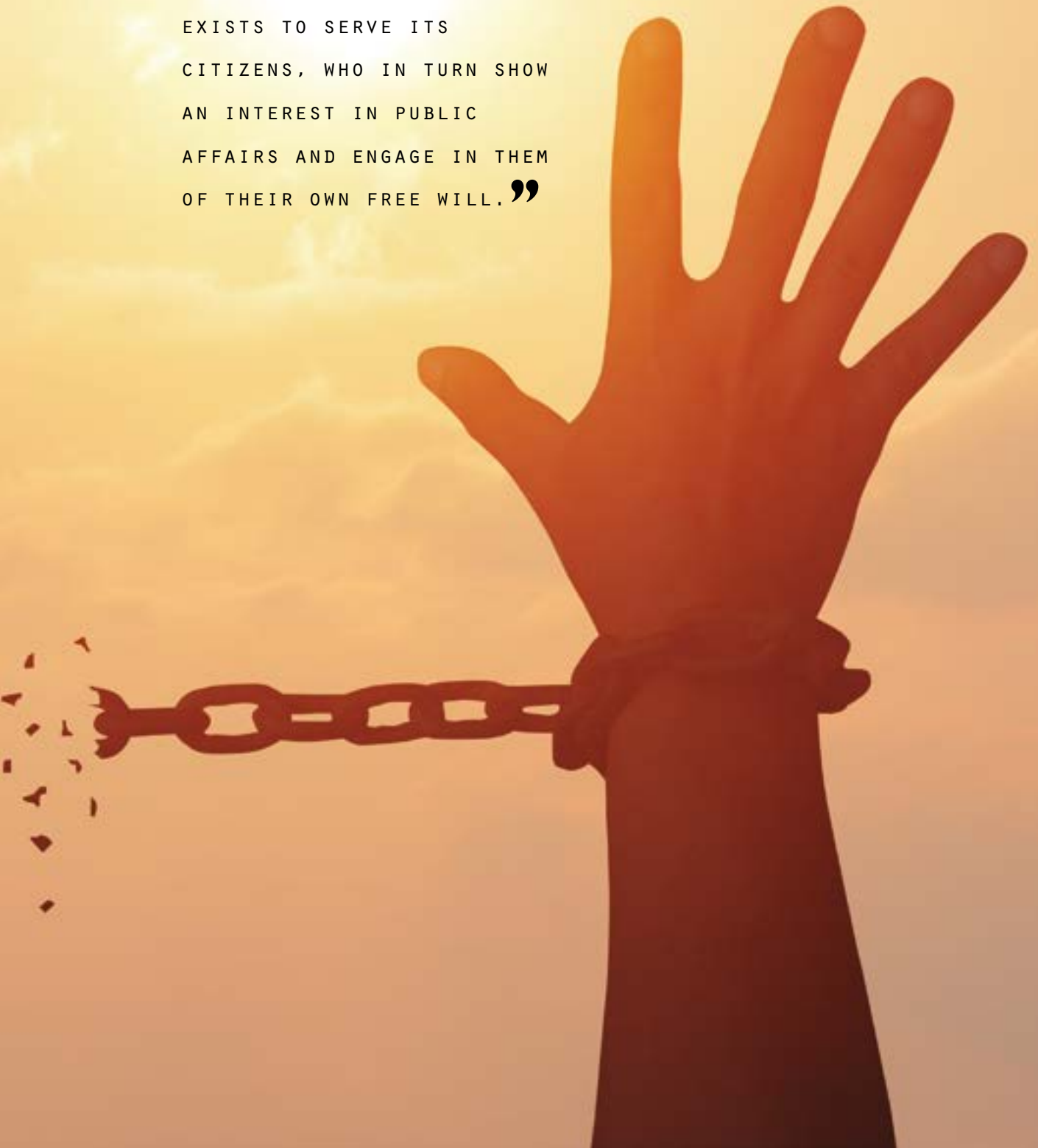


“ WE BELIEVE IN A STABLE LIBERAL DEMOCRACY WITH INSTITUTIONS AND CHECKS AND BALANCES ON POWER, AND IN A STATE THAT ONLY EXISTS TO SERVE ITS CITIZENS, WHO IN TURN SHOW AN INTEREST IN PUBLIC AFFAIRS AND ENGAGE IN THEM OF THEIR OWN FREE WILL. ”

1 https://elpais.com/diario/2005/10/14/opinion/1129240807_850215.htm

2 <https://www.theatlantic.com/ideas/archive/2018/12/hard-data-populism-bolsonaro-trump/578878/>

“ WE BELIEVE IN A STABLE
LIBERAL DEMOCRACY WITH
INSTITUTIONS AND CHECKS
AND BALANCES ON POWER,
AND IN A STATE THAT ONLY
EXISTS TO SERVE ITS
CITIZENS, WHO IN TURN SHOW
AN INTEREST IN PUBLIC
AFFAIRS AND ENGAGE IN THEM
OF THEIR OWN FREE WILL. ”



This publication is the property of the Friedrich Naumann Foundation for Freedom and the Liberal Network for Latin America (RELIAL). The copyright to this work is owned by the authors and/or the respective original sources. The copying (using any media), reproduction or adaptation of this document is prohibited.

The information and views set out in "A Liberal View" are those of the author(s) and do not necessarily reflect the official opinion of Friedrich Naumann Foundation for Freedom or of Liberal Network for Latin America (RELIAL).

Produced and edited by:

Birgit Lamm

Regional Director Latin America,
Friedrich Naumann Foundation for Freedom

Silvia Mercado

Executive Director, Red Liberal de América Latina

Adriana Corona

Project Assistant, Friedrich Naumann Foundation for Freedom

Valeria Ruiz

Intern, Friedrich Naumann Foundation for Freedom

Graphic design:

Carlos Durand | www.carlosdurand.net


Fundación Friedrich Naumann para la Libertad

Red Liberal de América Latina RELIAL

Cerrada de la Cerca N° 82. Col. San Ángel Inn

01060 - México D.F.

Tel. (+5255) 5550 1039

 [relial.red](https://www.facebook.com/relial.red)

 [@RELIALred](https://twitter.com/RELIALred)

<http://www.relial.org>

<http://www.la.fnst.org>