

# **Methodological Template for the Andean Pilot Project**

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## Introduction

Recent developments in the Andean sub-region pose challenges to our understanding of the meaning of democracy.<sup>1</sup> Elected leaders hold power from the tropical Caribbean coast of Venezuela to Chile's Antarctic peninsula. They gained office by virtue of their ability to win elections that were sufficiently competitive, clean and inclusive to be worth contesting. And yet by themselves elections do not establish democracy, which is not simply a system of leadership selection, but rather a system of government which includes the rule of law and an actionable system of rights, open and transparent deliberation of public matters, legitimate and stable brokerage of interests, and inclusively empowered citizens. With the exception of Chile, the problems of democracy in the sub-region have less to do with the electoral legitimacy of presidents than with their inability or unwillingness to govern in a manner that reflects an abiding respect for these broader dimensions of democracy. These problems, in turn, are rooted in the absence of coherent democratic states, which are the foundation of state-society relations based on citizenship. A quick survey of the region exposes the symptoms:

- Venezuela's popular but confrontational President Hugo Chavez convened a constituent assembly in 1999 to re-write his country's constitution, and the new constitution was approved in a referendum. The concentration of power in the hand of the executive, and the refusal of the opposition to abide by constitutional rules—notably in the brief coup against Chavez in April 2002—resulted in a deep polarization of Venezuelan politics that brought the country to a virtual stand-still in 2003-2004. The opposition boycotted legislative elections in December 2005,

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<sup>1</sup> This methodology is proposed to serve as the template for research to be conducted under the rubric of a pilot project for monitoring and reporting on the state of democracy in the Andean region. Primary references for this discussion include the Inter-American Democratic Charter, the UNDP electoral democracy index, International IDEA's framework for assessment of democracy, and the Costa Rican democracy audit (see bibliography).

leaving the assembly under the control of the government. Despite opposition attacks, Chavez's popularity cannot be disputed: he was handily re-elected in a presidential election in 2006 that the opposition did contest. More recently, however, in December 2007, Chavez submitted to referendum a package of sweeping constitutional reforms that failed to win the support of a majority of the electorate.

- Bolivian President Evo Morales, elected in 2005 with an historic majority (54 percent) of the vote, emerged as a leader of indigenous social movements struggling for control over resources (the so-called water and gas wars) and access to power. Morales convened a constituent assembly to revise Bolivia's constitution but, lacking a two-thirds majority in the assembly, the governing MAS (Movement Toward Socialism, or Movimiento al Socialismo) passed the constitution in a military barracks, despite an opposition boycott, and pledged to submit the new magna carta to the popular verdict by means of a referendum. The opposition rejected the new constitution, however, and prefects from the "crescent moon" Departments proposed their own referenda on greater autonomy from the central government. The standoff between the government and the prefectures threatened to engulf Bolivia in violent confrontations.
- In Ecuador, Rafael Correa of Alliance Country (Alianza País) was elected in November 2006 with 57 percent of the vote in a runoff against Álvaro Noboa of the Partido Renovador Institucional Acción Nacional (Institutional Renewal Party of National Action, PRIAN). Correa did not run candidates for the congress, promising instead to hold a referendum to create a constituent assembly and reform the constitution. Once in office, he called the referendum for April 2007, which passed with the support of 82 percent of the voters. The constituent assembly suspended the sitting congress and began to draft a new constitution in November 2007. Although the constituent assembly is said to be sovereign, in

- practice it cannot challenge Correa's presidential powers. Correa's constitutional reform initiative is the culmination of over a decade of crises centering on the powers of the executive, the congress and political parties, the election authorities, and the courts.
- Colombia is undergoing a slower, more institutional and conservative process of constitutional change, with origins in the collapse of the bipartisan system following the adoption of a new constitution in 1991. A surprisingly stable constitutional order (in the sense that Colombia does not have a history of military coups) is superimposed upon a violent society in which non-state armed groups, both guerrillas and drug traffickers, deny the state a monopoly of coercion over the national territory. The conflict explains why President Alvaro Uribe remains popular despite—or indeed because of—his impatience with parties, courts, the congress, and checks and balances generally. Colombia's military incursion into Ecuador on March 1, 2008, inflamed diplomatic tensions with its neighbors and the Inter-American community.
  - A similar legacy of violence, authoritarianism, and weak state capacity has prevented democratic governments in Peru from grappling with the poverty and inequalities—especially between the coast and the highlands—that have made Peruvian democracy precarious in the recent past. Although Ollanta Humala, who promised to convene a constituent assembly in the model of Venezuela, Bolivia, and Ecuador, lost to Alan Garcia in a runoff election, the underlying conditions that fuel outsider candidates and volatility remain present. And despite a period of political tranquility—largely due to the weakness of political opposition and the remarkable commodity boom-led growth—the public sector seems incapable of undertaking reforms that would extend the prosperity of the coast into the highlands and create the conditions for more inclusive citizenship. The APRA government has exhibited a pattern of intolerance

toward non-governmental and popular organizations, which have been criminalized or used as scapegoats for policy failures.

- Chile stands in contrast to the preceding countries, in a way that is potentially illuminating. The election of Michelle Bachelet brought a socialist woman, and the daughter of a general tortured and killed by the Pinochet dictatorship, to power in Chile, historically one of South America's most highly institutionalized democracies. Yet critics of the Concertación alliance suggest that Chile's political system, still partially trapped in the constitutional legacy of the Pinochet dictatorship and its economic development model, is out of touch with voters, offers few meaningful channels for active participation, and that linkages between the party system and civil society are precarious. Voters, especially youth, are politically apathetic in the face of institutions that often seem remote, elitist, and non-transparent.<sup>2</sup>

One barometer of the health of democracy in the Andes is the state of legislatures, courts, and parties. These are among the region's least popular institutions, not only because of the perception (and no doubt, often, the reality) of endemic corruption and cronyism, but also because they are seen as irrelevant. In other words, they are neither productive in good laws, nor oriented toward the public interest. Not surprisingly, strong leaders have discovered that it can pay to attack traditional parties, politicians, judges and the institutions they occupy. Wherever constituent assemblies have been created, they have resulted in fights with existing legislatures and the courts; most of the time, the executive wins, at least in the short term.

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<sup>2</sup> These thumb-nails sketches are drawn, in part, from presentations by Rafael Roncagliolo, Simón Pachano, Ana Maria Bejarano, Gonzalo Rojas, Gary Hoskin, and Andrea Sanhueza as reported in Juan Carlos Machado (with Freddy Osorio-Ramirez and Rebecca McPartlin) "Construyendo una Red de Investigacion para el Monitoreo del Estado de la Demoracia en la Region Andina," rapporteur's report on a conference held in Lima, Peru, December 14-15, 2007.

For example, one of the first things Chavez did when he came to power in 1998 was to face down the high court in a bid to hold a referendum on a new constitution. He won that fight, and the constituent assembly elected in Venezuela in 1999 supplanted a sitting congress and ruled for a transitional period after the new constitution was drafted. A key to Chavez's success was his ability to rally the public around his attacks on a political system based on a pact between two parties that had become oligarchic and sclerotic. Correa's decision not to run a slate of congressional candidates implied a challenge to all existing parties and the legislature itself, because it virtually pre-committed him to suspending the congress once in office. In Bolivia, where the constituent assembly coexisted with the congress, the situation has been even more complex and conflictive because the opposition used both the national legislature and regional governments to challenge the constitutional reform process.

In each of these constitutional crises, disagreements revolve around the powers of different elected and judicial bodies, rather than in the results of electoral processes.<sup>3</sup> Deliberative institutions are vulnerable not simply because Caesarist politicians are impatient with checks and balances; such leaders can get away with bypassing traditional institutional constraints because of the absence of a strong societal consensus on the importance of these institutions, and the belief that they do not serve the public well. In other words, democratic institutions are vulnerable when not supported by citizens with an investment in their success.

The United Nations Development Programme (UNDP Item 10, p. 36) states that "Latin America has achieved electoral democracy and the basic freedoms that are part of it. Now there is a need to progress to a citizens' democracy." The

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<sup>3</sup> In the extreme, constitutional crises can undermine the electoral dimension of democracy—that is, the ability to hold elections that are inclusive, clean and competitive. So far, this has occurred only in Venezuela, where the government controls virtually the entire National Assembly because the opposition refused to participate in the legislative elections in 2006.

rights of political citizenship—to vote, to run for office—are reasonably secure, but social and civil rights are vulnerable. In a region of vast inequalities and entrenched habits of discrimination and exclusion, rights of civil and social citizenship are more easily ignored. Gross inequalities foster social relations of clientelism, corruption, and particularism that are inimical to the practice of democracy precisely because they corrode the civil and social rights that underpin citizenship. Under these circumstances, it is harder to sustain effective mechanisms for representation or to hold their elected officials accountable between elections or to acquire habits of citizenship and the skills of deliberation without which it is difficult to demand rights to equal protection under the law.

The project will focus on ways of expanding and strengthening citizenship: by reinforcing political institutions that encourage and channel representation and by strengthening civil society capacity to encourage societal accountability of elected officials between elections. It clearly matters when deliberative institutions are enfeebled by overweening executives and dismissed as corrupt, or worse irrelevant, by the public. Weak deliberative institutions undermine the healthy state-society relations that are vital to democracy. When institutional channels of representation are blocked or inaccessible, political pressures shift to other paths. Social movements are often sign of the vitality of civil society, but they may become less civil when channels of democratic participation are blocked. In some instances (Ecuador and Bolivia, in particular), civil society mobilizations have destabilized democratically elected, albeit unpopular, governments. Poor institutions and mobilized societies can produce uncivil democracies; but stronger institutions, better capable of channel and representing civil society, can produce lasting legislative and policy achievements.

Another effect of the erosion of deliberative institutions is the rise of political outsiders within party systems—indeed, as products of those systems. Party systems have collapsed, or have been severely eroded, in Venezuela, Colombia,

Ecuador, Peru and Bolivia. Leaders like Chavez, Morales, Correa, and Humala, each of whom purports to challenge the traditional political establishment, has captured a mood of dissatisfaction with the uneven performance of democratic governments. They offer to overcome democratic deficits by re-founding the republican order on more egalitarian and participatory terms. It is far from clear that the path to equality, justice, and the rights and freedoms of a democratic society is through constitutional reform, but the fact that this is the strategy adopted by three of the six countries in the subregion is extremely revealing.<sup>4</sup>

## Democracy Reporting

Assessing the state of democracy in the Andes is a difficult but necessary task. Leaders of democratic nations, such as those that make up the Western Hemisphere, often prefer to work with leaders of other democracies rather than those of non-democratic nations. The preference for working with other democracies may result in the formation of democratic clubs, or groups of democracies. An example of the formation of such a club is the recent evolution of the Organization of American States, which in 2001 adopted the Inter-American Democratic Charter (IADC) to collectively defend and promote democracy.<sup>5</sup>

If the Americas are to be a club of democracies, there must be some shared understanding of what the idea of democracy means. The major purpose of creating a research network for reporting on the state of democracy is to work

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<sup>4</sup> For the purposes of this project, Chile is tentatively included as part of the Andes. Although Chile is, in many respects, part of the Southern Cone rather than the Andean subregion, it is useful to include Chile for purposes of comparison.

<sup>5</sup> This is not a violation of sovereignty. Indeed, it is the sovereign right of each nation to conduct its foreign affairs in accordance with its own values and preferences. No state is obliged to be part of the club, and all that can be done to those that do not share the democratic principles and practices of the IADC is to ask them to leave. In a world in which democracy enjoys nearly uncontested legitimacy as the basis for good government, however, the stigma of exclusion may be considerable.

toward such an understanding, and to provide the kind of evidence that would enable policy makers, researchers, and the public alike to make reasoned judgments about whether countries in the hemispheric neighborhood are, at best, deepening and strengthening their democratic practices and institutions or, at a minimum, living up to their commitments under the IADC, as well as to suggest and prioritize targets of reform. It is quite astonishing that nothing of the sort currently exists, especially considering the extensive data gathering and analysis that has developed around analogous areas of public policy such as human rights, human security, or human development.

This lack of evidence for policy analysis and decision-making is due in part to the contested nature of the concept of democracy, and to political sensitivity. Much of this contestation and sensitivity comes, however, from the tendency to conflate democracy as a norm or principle with the particular institutions or sets of institutions through which the principles are achieved. It is, therefore, important to distinguish broad democratic principles from specific institutions—elections, for example—so that we can ask whether a particular institution is contributing to democracy. The basic principles of democracy are very clear: “popular control over public decisions and decision makers; and equality between citizens in the exercise of that control” (IDEA, Item 9.2, p. 3; see also Dahl 1982). The institutions required to put these principles into practice, however, are both complex and diverse. Three clusters of issues are especially crucial for understanding the state of democracy in the Andes: elections, constitutions, and citizenship.

**Electoral democracy** (polyarchy, to use Robert Dahl’s term [1980: 10-11]) refers to a democratic regime in which citizens may vote and run for office in competitive elections. In small-scale participatory democracies, elections for representatives may be unnecessary: for example, the ancient Greeks used lotteries to select from among a community of peers. In large-scale nation states, however, election of representatives is an indispensable feature of any

democratic regime. Elections contribute to popular control over decision makers by giving voters a chance to periodically remove their leaders. The principle of “one person, one vote” guarantees the equality of citizens in at least one aspect of control over public decisions. Elections imply competition, but they are also expected to produce agreement on winners and losers: they should be decisive (albeit temporary) resolutions of political competition.

One of the advantages of defining democracy in terms of elections is that it is easier to measure and quantify the electoral dimension of democracy than somewhat more nebulous concepts such as “popular control over decisions.” The electoral democracy index (EDI) developed by the UNDP provides a very clear snapshot of the state of electoral institutions throughout Latin America. The key elements of this index are fourfold:

- the right to vote is assured
- elections are clean
- elections are free
- elected public officials assume office

Free and clean elections require voter registration lists that enable all eligible voters who wish to vote the opportunity to do so. In many countries in Latin America there are important administrative obstacles to voting, such as the need for identity documents that can only be obtained by costly and time-consuming procedures. This is especially critical for the rural poor, but there are other groups that are systematically disadvantaged in terms of access to the ballot, such as workers in certain industries who must move frequently and often do not have up-to-date documents, citizens abroad, or members of the armed forces who are required to provide security on election day. There is significant variation in the quality of voter registration lists, and serious problems with the lack of trained election officers and scrutineers, both those employed by the state and those provided by parties. Election officials are often reluctant to provide

administrative solutions to increase voter turnout, like voter registration drives, postal ballots, advance polls, or mobile polls.

Elections are essential ingredients of democracy in any large-scale political community; they are articulated within the Inter-American Democratic Charter (Chapter 1, article 3 cites “the holding of periodic, free and fair elections based on secret balloting and universal suffrage as an expression of the sovereignty of the people”) and they are incorporated into the OAS manual for electoral observation (Munck 2007). Failure to hold elections that “meet minimum international standards” or to “hold periodic elections or to respect electoral outcomes” (Carter 2005) is generally understood to constitute a breach of the IADC. Free and fair elections are also included in the IDEA framework of assessment (Point 5.1-5.7).

There is a strong and justified consensus on the importance of the electoral dimension of democratic regimes. Failure to respect this core set of rules constitutes an interruption of the democratic order under virtually any concept of democracy. Yet while elections are a core institution in modern democracies, they are not necessarily at the core of the problems confronting fragile democracies. In the Andes in particular, disagreement over constitutional essentials is a more important source of democratic crises. Indeed, the measurement of democracy understood as elections does not provide a reliable sense of which democracies are most threatened by constitutional crises.

**Constitutional democracy** places a qualification on “popular control over public decisions and decision makers.” In most constitutional democracies, the people rule indirectly by means of legislators who make laws on their behalf. Popular control is limited by a widely shared and abiding respect for the rule of law—both in the making and the enforcement of laws. There is a tension, therefore, between the rule of the people and the rule of law. This is a classic problem of political theory, which can be traced back to Aristotle. Indeed, Aristotle used the

term “polity” rather than democracy to refer to a system in which popular sovereignty was tempered by respect for the laws. Such a system would be called constitutional democracy in our times; others might use the label “republican.”

The tension between the will of the people and the rule of law is a critical problem in the Andean region today. Democracy is not just about control over decision makers. It also assumes that the people are the original source of law, including the foundational laws (or constitutions). The idea that constitutions arise from an original agreement or contract is of course, like any foundational myth, a fiction. There is always, therefore, an inevitable tension between the practices that we call democratic within a particular regime and the fact that these practices are shaped by institutions and laws that are given and inherited from the past and over which we have little real control. This tension may be tolerable in some circumstances, but when the institutions of democracy are riddled with injustice, discrimination, and exclusion, there is a risk that the democratic regime, even in its minimal, procedural dimension, comes to be seen as a sham. The institutions that tend to be most harshly criticized in such circumstances are parties, legislatures and courts—the core institutions of any constitutional order.

The core institutions of constitutional democracy, therefore, deserve very careful analysis. We need to think about the normative standard that these institutions are held to and assess why they fall short. The core normative task of the legislature is to produce laws of general interest, as opposed to laws with proper nouns. In this respect the IDEA definition of democracy merits modification: it refers to public decisions and decision makers, but legislation is different from decision-making. Legislation implies deliberation over matters of public interest and the production of legal texts that are binding on decision-makers and citizens alike. Public control over legislation requires that laws be made in public by elected representatives who are held accountable for their actions in ways that encourage them to behave in the public interest. To be sure, legislatures are

also decision-making bodies, and they do more than make laws; for example, they can initiate certain kinds of investigations and they can make budgetary decisions; but the most important thing that legislatures do is to monopolize—though in some cases this monopoly is shared with the executive—the production of legal texts within a given territory.

Judicial independence is another feature of the constitutional democratic state. Once again, the normative standard for the judiciary is the application of laws in a fair, impartial, and egalitarian manner. Courts are designed to guarantee both equality before the law, and its universal application (that is, justice implies that everyone is equal before, and nobody is above, the law). These aims are built into judicial institutions in a number of ways: they affect the way judges are appointed and granted long-term tenure, the way that judicial arguments and sentences are constructed, the rules governing behavior in courts, the guarantees that are provided to ensure due process of law, and the way the courts are insulated from pressures from the executive, legislature, military, and public opinion. The end of such a system is to guarantee that the state acts within the law and thus safeguard against the abuse of power. But in limiting the state's arbitrary power, such a system also imposes limits on the power of the people, or any group or individual who claims to govern on their behalf. The reason for this is that the courts have the power to determine the constitutionality of the laws passed by the legislature and approved by the president.

The construction of legislatures and judiciaries with jurisdiction over their respective areas of competency, and capable of legally holding one another and the executive, and indeed the entire administration, to account is the very essence of the separation of powers. This essential ingredient of constitutionalism is upheld in every single democratic constitution in the modern world (whether presidential, parliamentary, or mixed), and it is enshrined in the IADC (Chapter 1, article 3). The main reason for upholding the separation of powers is not to limit the use of state power to achieve social ends, much less to make it difficult for governments to get things done; it is inspired by the ideal that

all government actions within a constitutional order must be guided by a respect for the principles of legality.

For this reason, the separation of powers is intimately connected with civilian supremacy over the armed forces. Not surprisingly, the armed forces are the most reliable opponents of the development of the separation of powers. In a number of Andean countries, the armed forces have insisted on special courts and prerogatives, on the right to regulate not only their own affairs, free from oversight and public scrutiny, but also the affairs of civilians, and they have demanded impunity for abuses of power in the conduct of counterinsurgency activities. Thus, the IADC also asserts that the “constitutional subordination of all state institutions to the legally constituted civilian authority, and respect for the rule of law on the part of all institutions and sectors of society are equally essential to democracy” (Chapter 1, article 4). Unfortunately, the IADC does not specify under what conditions the violations of the separation of powers, or the derogation of the supremacy of civilians, would count as an interruption or alteration in the democratic order.

A free and fair media is another essential ingredient of a constitutional order, as is access to information. In a mass society, citizen participation in public deliberation necessarily requires access to print and electronic media. The abuse of private or public control over the media to manipulate information or silence dissenting voices impedes access to alternative sources of information, which is part of the very definition of electoral democracy. The damage occasioned by such abuses to the fairness of elections is not hard to understand (International IDEA Point 10). Without access to unbiased and accurate reporting, and to a range of viewpoints, citizens may lack knowledge of alternative choices. Moreover, an informative and balanced media contributes to the development of an attentive and informed public between elections, and thus reinforces accountability and transparency of public officials. Access to

information ensures the media can investigate wrong-doing by government officials.

Among the ways in which the separation of powers may be violated in a democracy, three merit particularly close attention based on the experience of the Latin American region. Following Carter (2005 & Carter Center 2007), we may say that democracy is likely to be “seriously impaired” (IADC, Chapter 4, article 19) when any of the following situations occurs:

- “Unconstitutional termination of the tenure in office of any legally elected official”;
- “Arbitrary or illegal removal or interference in the appointment or deliberations of members of the judiciary or electoral boards”; and
- “Interference by non-elected officials, such as military officers, in the jurisdiction of elected officials” (Carter 2005: 5).<sup>6</sup>

Moreover, in a stable constitutional order, those who win office are allowed (and in fact do) exercise power in accordance with the law, and serve out their terms in office without interference by non-elected officials. Note that the idea that elected officials carry out their mandate is implied in the fourth feature of electoral democracy.

Finally, a major test of the health of constitutional democracy is the actions of public officials during states of exception. Rules are defined by how they are used in exceptional circumstances, for nothing is so difficult to uphold as a norm in an abnormal situation. The fact is that democracies have their exceptional moments, as well as their routine ones, and such moments give rise to two types of questions. First, are the actions of officials during a crisis legitimate? Second, is there really a crisis sufficient to justify the departure from democratic norms?

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<sup>6</sup> Related issues are addressed in International IDEA’s points 2 (the rule of law) and 8 (civilian control over the military and police forces).

Widespread violations of civil liberties under states of emergency, involving the use of powers beyond what is permissible under the constitution, in the absence of major disruptions (war, unrest, natural disasters), or for political purposes, signal the breakdown of a constitutional order. More broadly, since political opposition is necessary both for the competitiveness of electoral institutions as well as to hold governments accountable and ensure their responsiveness to voters (International IDEA points 6, “political parties,” 7, “effectiveness and accountability” and 12 “responsiveness”), the “systematic use of public office to silence, harass, or disrupt the normal and legal activities of members of the political opposition” (Carter 2005: 5), as well as the media and civil society, is incompatible with fundamental democratic and human rights and freedoms.

The discussion so far has stated both negative and positive features of constitutional democracy. Constitutional democracy *is not* a system in which those in power can arbitrarily alter democratic outcomes; *it is* a system in which deliberative institutions fulfill the purposes for which they were explicitly designed: to legislate and to adjudicate such that state power is exercised, on penalty of legal sanction, in accordance with duly promulgated and publicly known laws. That is, the constitutional dimension of democracy is not only, or even primarily concerned with access to power so much as it is with how power is exercised.

**Citizens’ democracy** (O’Donnell 2004, IDEA 2002, UNDP 2004) denotes arrangements that provide citizens with opportunities to effectively participate in collective deliberations and decisions that affect them. Behind this idea is a moral claim: democracies are good because they maximize citizens’ self-government, whether in the domains of private life or collective affairs. Because democracy “deals with life,” as the UNDP claims, “it is much more than simply a system of government. It is more than merely a means of electing and being elected. Its principal figure is the citizen rather than the voter.” (UNDP 2004: 36).

Democracy is desirable in itself—the very act of democratic participation is ennobling—but the moral claim that democracy enhances collective decision-making also rests on the assumption that democracies can achieve desirable results in ways that improve peoples' lives. Democracies generate governments that are more accountable, and hence more responsive to the interests of the people. Most people should live better lives under democracy than under other regimes. Yet for this to hold true, governments must be able to perform certain core tasks.

Specifically, a robust constitutional state is necessary to uphold and guarantee fundamental civil, political, and social and economic rights of citizenship.

Drawing on the work of Guillermo O'Donnell, the UNDP (2004) has strongly argued that rights of citizenship have been unevenly developed in Latin America. Latin American states have advanced political citizenship but have not institutionalized civil or social and economic rights of citizenship.

The basic institution that guarantees civil rights is courts. Civil rights mean that certain basic principles of civil law – habeas corpus, freedom from arbitrary arrest or violence, due process, fair trial, freedom of conscience – are recognized by public officials and enforceable in the courts, such that any violation of these rights is punishable under law. These rights are vulnerable without an independent judiciary, the separation of powers, and civilian supremacy over the armed forces. Weak judiciaries are obstacles to the achievement of civil rights.

Political rights too must be enforceable in the courts, but they also concern the involvement of citizens in the political process: voting, campaigning, running for office, and governing if elected, opposing if not. These are rights that assume the existence of representative institutions such as parties, legislatures, and elected offices in the executive (and sometimes the judiciary). Again, a constitutional separation of powers and the independence of the branches of government are necessary in order to ensure political rights are respected.

Finally, social and economic rights assume the existence of a state with the capacity to ensure that certain welfare functions are performed, not as favors or exchanges for votes, but as rights enforceable in a court of law. Education, for example, is a social right, which means that must be provided to all school aged children without exclusions. Certain rules concerning safety in the workplace, or corporate social responsibility, might be included as examples of social and economic rights provided that ordinary citizens have some recourse under the law in the event of non-compliance.

Where rights civil, political, and social and economic citizenship are secure, trust in public institutions tends to be higher. In Latin America, as a whole, and in the Andean countries in particular, trust in public institutions tends to be low. This dampens the preference for democracy as a system. Low levels of trust tend to encourage the rejection of the political class as whole, and it may result in the election of politicians who act in ways that further weaken democratic institutions. The challenge is to break the feedback loop that causes poor quality democratic *institutions* to result in disappointment with the *principles* of democracy.

The Latin American countries with the strongest democratic traditions are those that invested early in the construction of citizenship through social policies like healthcare and education, through the development of strong civic institutions like the public service, and through the promotion of a national culture and literature. The investment in citizenship pays off over time by generating political support for public goods that are otherwise impossible to achieve. Unions and other popular organizations play an important role in demanding that states provide these goods.

Two of the biggest obstacles to achieving citizenship are poverty and inequality. Poverty is important both because it undermines the capacity for citizenship, and because it is a symptom of neglect. As OAS Secretary General Insulza recently

stated, “poverty hurts democracy because a state accepting that a significant part of its population remains in poverty, inequality and discrimination can hardly be called democratic.”<sup>7</sup> Inattention to social exclusion is both the symptom of the weakness of democracy and, in turn, a mechanism of reproduction of poor quality democracy; those who lack the basic preconditions for living with dignity cannot devote the time and resources necessary to exercise real political power, while the acceptance of poverty as an inevitable and natural condition points to ingrained habits of exclusion and discrimination. Democracy can be sustained in countries that are poor as well as rich, but a properly functioning democracy there should be continuous pressures to address the needs of the poor.

The constitutional underpinnings of citizenship are necessary but not sufficient. The legal trenches that protect the citizen in a constitutional electoral regime are worthless unless a vigorous citizenry has the capacity to use them to fight for representation and the defense of their legal rights and substantive claims. The vitality of civil society is reflected not only in party competition and participation in elections, but also in the strength of popular organizations, grassroots movements, and non-governmental organizations. Legal equality is at best an invitation to use rights of citizenship to advance substantive interests, and at worst a fiction, unless it is backed by real political power.

A nation of equal citizens will share a common interest in supplying public goods like health, education, security, justice, and welfare—the kinds of policies that should be promoted by deliberative institutions acting in the public interest. The concentration of income means more money is in the hands of those who can purchase expensive medical care; elite universities for those who can afford access; gated communities behind walls protected by private security guards for those who seek to escape from crime and urban disorder; and efficient justice for

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<sup>7</sup> International IDEA’s framework of assessment includes both categories of rights—civil and political as well as social and economic—and they articulate the substantive features of each extremely well (Points 3 and 4).

those who can make the legal system work for them by virtue of special connections or bribes.

Citizenship can seem particularly fictitious when it is formally enshrined in codes of law but is, in practice, negated by everyday conditions of poverty and inequality. Indeed, when particular groups capture political office in ways that violate the principle of equality and popular control, democracy can acquire an unmistakably oligarchic quality, as in the Punto Fijo pact in Venezuela. The problem is all the more acute since Latin American countries are relatively rich in natural resources and other endowments. In light of this natural wealth, sub-human social conditions cannot easily be rationalized as a natural state of affairs.

The anomic violence that occurs in parts of contemporary Latin America suggests the needs to think of citizenship deficits as involving both lack of access to rights and lack of societal capabilities for solidarity. Citizenship, understood as membership in a community, involves both rights and obligations. Understood this way, citizenship deficits are evident not only in everyday violence, but also in rampant corruption and tax evasion. These deficits may be reflected in the actions (and omissions) of rich and poor alike.<sup>8</sup>

## **Research Questions**

The key issues can be summarized in a Decalogue (see Table 1).

### **Electoral Democracy<sup>9</sup>**

#### **(1) The right to vote is respected**

Are all eligible and willing adults within a country are registered and allowed to vote in elections?

#### **(2) Elections are clean**

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<sup>8</sup> Thanks to Eric Hershberg for these thoughts.

<sup>9</sup> Based primarily on UNDP, 2004, p. 79. See Table 2

Is the voting process carried out without irregularities that constrain voters from autonomously and accurately expressing their preferences for candidates?

**(3) Elections are free**

Is the electorate offered a range of choices that is not constrained either by legal restrictions or as a practical matter?

**(4) Public officials are elected and allowed to govern**

Are elections the means of access to government offices (i.e. are the main political offices, both executive and legislative, filled through elections)?

**Constitutional Democracy<sup>10</sup>**

**(5) Independence of the executive and legislative branches of government**

(i) Does the legislature initiate and produce laws in the public interest, or are the actions of legislators generally limited to helping particularistic interests? (For example, do drug traffickers have influence in the legislature? Do laws get passed that are written to benefit particular individuals, as in laws with proper nouns?) Is the legislative process transparent? Does it inquire into whether the other branches implement and enforce the law? Does it use the power of the purse and of public inquiry to ensure that the other branches of government execute and enforce the law?

(ii) Does the executive abide by the law and the constitution? Does it act with energy and decisiveness without encroaching on the other branches of government?

(iii) Do any of the branches of government unconstitutionally terminate the tenure in office of any other legally elected official?

(iv) Are elected officials prevented from assuming office or serving their full term?

(v) Are they prevented from carrying out their mandates as a result of encroachments by other branches of government?

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<sup>10</sup> Based, in part, on Carter 2005; the Carter Center 2007; OAS 2001, 2007. See Tables 1 and 2

(vi) Does the executive encroach on the legislature's power to make laws by ruling by decree without authorization from the legislature? Can the legislature be bullied into conceding powers by an overweening executive?

**(6) Judicial and electoral independence from the executive and legislature**

(i) Is the judiciary independent? That is, does the judiciary apply and interpret the law in a fair, impartial and egalitarian manner? Does it strike down legislation that violates the constitution? Does it control executive actions that threaten to violate the law? Does the judiciary have the necessary resources to carry out the duties and responsibilities it was designed to fulfill?

(ii) Is there any executive or legislative usurpation or encroachment on the powers of the judiciary? Does any arbitrary or illegal removal or interference in the appointment or deliberations of members of the judiciary or electoral boards occur?

**(7) Supremacy of civilians over the armed forces, states of exception, the media**

(i) Is there any interference by non-elected officials, such as military officers, in the jurisdiction of elected officials? Does the military respect the rule of law and the constitution? Do military courts create impunity and shield the military from the law (eg. by refusing writs of habeas corpus)?

(ii) Are elected officials able to govern without undue influence of non-elected officials?

(iii) Are states of emergency declared in accordance with the law and not abused for partisan political ends, or are they used as a pretext to violate fundamental rights and freedoms with impunity? Are they declared without due process or sufficient justification? Are non-suspended constitutional guarantees upheld during states of emergency?

(iv) Do voters and candidates have access to reliably impartial information and alternative sources of opinion? Is there access to information to enable journalists to investigate wrong-doing by all public officials? Do parties have access to the media and is campaign finance regulated to ensure equity?

## **Citizens' Democracy<sup>11</sup>**

### **(8) Civil Rights of Citizenship**

- (i) Are civil rights equally guaranteed for all in the courts?
- (ii) Specifically, how free are people from physical violations of their person, and from fear of it? Do they have enforceable rights against physical abuse?
- (iii) How effective and equal is legal protection of the freedoms of movement, expression, association and assembly?
- (iv) How secure is the freedom for all to practice their own religion, language or culture?
- (v) How free from harassment and intimidation are individuals and groups working to improve human rights?
- (vi) What measures, if any, are being taken to remedy publicly identified infringements on civil liberties, and what degree of political priority and public support do they have? Can all the above civil liberties be upheld in the courts?

### **(9) Political Rights of Citizenship**

- (i) Are fundamental political rights –the right to vote, to run for office, to campaign for a political party – enforced by the courts and respected by the other branches of government?
- (ii) Are there systematic efforts to silence, harass, bribe or disrupt the normal and legal activities of members of the political opposition, civil society, the media, either by the executive, the armed forces, or other public officials or their agents?
- (iii) Are clientelistic or corrupt practices used to influence electoral outcomes? Is the media, both public and private, fair and impartial in its reporting, or is it a partisan agent in the political struggle?

### **(10) Social and Economic Rights Citizenship**

See IDEA (Item 9.2: 4.0)

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<sup>11</sup> Based, in part, on International IDEA [see Beetham 2003: 3.0 and 4.0]; Carter 2005, Carter Center 2007. See Table 1.

- (i) Are economic and social conditions necessary for the exercise of civil and political rights guaranteed by the state?
- (ii) To what extent is access to work or social security available to all, without discrimination?
- (iii) How effectively are the basic necessities of life guaranteed, including adequate food, shelter and clean water?
- (iv) To what extent is the health of the population protected, in all spheres and stages of life?
- (v) How extensive and inclusive is the right to education, including education in the rights and responsibilities of citizenship?
- (vi) How free are trade unions and other work-related associations to organize and represent their members' interests?
- (vii) How rigorous and transparent are the rules on corporate governance, and how effectively are corporations regulated in the public interest?
- (viii) What measures, if any, are being taken to remedy publicly identified problems in this field, and what degree of political priority and public support do they have?
- (ix) Are the rights of indigenous peoples protected and respected?

## **Political Impact**

The purpose of this project is to make an independent, arms-length contribution to politics and public policy debate within the Americas by means of timely, impartial, high quality research on the state of democracy in the Andes; to provide evidence to enable judgments about the trends in the region; to provide credible research that may be used to mobilize political will to support and strengthen democratic reforms within the framework of the IADC and other related instruments; to develop local capacity for credible research on democracy; and to move the academic discussion to broader issues of constitutionalism and citizenship.

The expected impact of this project will be in the long not the short-term. There may be activities undertaken within this project aimed at making a specific immediate impact in a particular time and place, but such occurrence can neither be planned nor should drive the overarching objectives of the project. The long-term objective is: (1) to enhance awareness in policy, civil society, and academic communities of both substantive findings concerning the trends in the region and the state of democracy, as well as an appreciation for the value of an international research network for monitoring and reporting on democracy within the Western Hemisphere; (2) to expand the Andean Pilot Project to other countries so as to establish a permanent a system for continuously monitoring, assessing, and periodically reporting on the state of democracy throughout the Western Hemisphere; and (3) offer a model of democracy assessment that is based on the active participation of researchers and civil society organizations from within the region, and informed by their needs and priorities. Expansion will occur on an incremental basis, adding cases serially rather than simultaneously in accordance with the level of demand by civil society, funding availability, and research capacity in each country.

There is currently no systematic democracy monitoring in the region. There is no shared methodology for democracy assessment that would enable us to systematically compare countries over time and within the region, especially in light of their commitments under the IADC. Diverse groups working in related areas operate without a common network linking their efforts. Without a mechanism for democracy monitoring, and a common methodology, there is little awareness of shared problems, and little contact among respective communities, within the Andean sub-region. By reaching an agreement to form a partnership involving a cluster of research centers and civil society organizations we may develop an initial template for democracy assessment, assemble research teams, and undertake the necessary research activities. The target of the first pilot project on the Andes will be to produce a report on the state of democracy involving commissioned field-work-based assessment papers; and synthetic

papers, all operating under a common research design. A major contribution of this exercise will be more researchers trained to participate in democracy assessment, and more civil society awareness of common problems and willingness to engage in a debate with the framework of the IADC.

The target audience will be research communities, civil society organizations, policy makers in national governments and multilateral institutions. The network will support the work of the “Friends of the Charter” to ensure that the findings of its research are brought to the attention of the Secretary General of the OAS, and, if necessary, the Permanent Council and/or General Assembly.

Engagement of civil society organizations will create momentum to continue monitoring and reporting if the results generate public interest. The willingness of civil society organizations to participate in the collection of data and discuss the findings of the reports will be crucial to the network’s success.

Partners will include CSDI at UBC, International IDEA, the Comisión Andina de Juristas, the “Friends of the Charter” at the Carter Center, FLACSO, IEP, Fundación Ebert, various universities and research institutes, OAS officials, government officials, and civil society organizations throughout the subregion. An academic advisory council will be used to involve prominent academic researchers. Relations with governments and the OAS will be arms-length. The pilot project will provide the research necessary for the defence and progressive development of democracy, and do so in a way that is autonomous from the state, leveraged from within by civil society organizations, and from without by a multilateral community of democracies.

## **Conclusion**

Strong democracies consist of whole ecologies of interdependent institutions and cultures which underwrite citizen capacities for self-government, and which encompass civil, political, and human rights, backed or enforced by a lawful and

effective state, and exercised freely, without violence or discrimination.<sup>12</sup> The right to vote for leaders and to run for office in free and fair elections is inherent in electoral democracy. The exercise of these rights assumes the existence of effective, representative, and lawful state institutions.<sup>13</sup> Unless the state effectively guarantees basic rights and freedoms, voters and candidates may be unable to exercise their rights and freedoms at election time, or between elections, free from harassment, persecution, or the threat of violence. And unless the legal system provides mechanisms for appeal, the abuse of state power, including in the election process, cannot be redressed. Citizens' capacities for self-government also require some basic social and economic rights, which must be fulfilled to ensure that citizens have effective capacities for political agency.

The purpose of this methodological template is not to offer a laundry list of desirable features of democracy, but to parse some of the dimensions that must be included within an assessment of the state of democracy in the Andean subregion. There is a strong academic consensus on the importance of electoral institutions in any democratic regime, and substantial work has been done to develop indicators of electoral democracy (especially, UNDP 2004). We can build upon these efforts, but should not merely replicate them. In light of recent crises in the region, we broaden our focus to include the constitutional foundations of democracy (as highlighted in the Carter Center 2007). Finally, the deep polarizations in the region suggest the necessity of examining broader issues involving the protection and defense of fundamental rights and freedoms that are essential to inclusion and citizenship within a democratic context.

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<sup>12</sup> I am grateful to Mark Warren for this phrase.

<sup>13</sup> See O'Donnell 2004.

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Table 1

Indicator Cluster	Defined and unpacked	Recognizing serious cases (nonexhaustive)	Information Sources	Charter References
<p><b>Electoral democracy</b></p> <p><u>(1) The right to vote is respected</u></p> <p><u>(2) Elections are clean</u></p> <p><u>(3) Elections are free</u></p> <p><u>(4) Public officials are elected and assume office</u></p>	<p>Are all adults within a country allowed to vote in elections?</p> <p>Is the voting process carried out without irregularities that constrain voters from autonomously and accurately expressing their preferences for candidates?</p> <p>Is the electorate offered a range of choices that is not constrained either by legal restrictions or as a matter of practical force?</p> <p>Are elections the means of access to government offices (i.e. are the main political offices, both executive and legislative, filled through elections)?</p>	<p>Widespread of systematic gaps in voter registration lists</p> <p>Administrative or political obstacles to voter registration</p> <p>Exclusion of groups or individuals (members of the armed forces, displaced persons, itinerant laborers) from the right to vote</p> <p>Lack of adequately trained scrutineers and other election officers</p> <p>Fraud</p> <p>Vote-buying</p> <p>Elections postponed or cancelled (in absence of, or well beyond period of, major unplanned disruptions like war, civil unrest, natural disaster, failures in election logistics)</p> <p>Results not announced, not counted, or not recounted</p> <p>Winner barred from assuming office</p>	<p><i>OAS EOM reports; consensus among domestic and international observer NGOs; domestic ombudsman or oversight agency</i></p> <p><i>- Judgement of OAS EOM, domestic or international observer NGO's, media reports, IAHR</i></p> <p><b>DATA SOURCES:</b></p> <p>UNDP index of electoral democracy</p> <p>- Freedom House (political and civil liberties) <a href="http://www.freedomhouse.org">www.freedomhouse.org</a></p> <p>- ACLP (Type of Regime) <a href="http://politics.as.nyu.edu/object/przeworskilinks.html">http://politics.as.nyu.edu/object/przeworskilinks.html</a></p> <p>- IDEA (voter turnout) <a href="http://www.idea.int/vt/definitions.cfm">http://www.idea.int/vt/definitions.cfm</a></p> <p>- <i>IDEA Framework of Democracy Assessment 5.1 -5.7</i></p> <p>- <i>IDEA (Electoral System Design)</i> <a href="http://www.idea.int/publications/esd/index.cfm">http://www.idea.int/publications/esd/index.cfm</a></p> <p>- Golder, Matt Dataset –only democracies (regime type from Przeworski ACLP) <a href="http://homepages.nyu.edu/~mrg217/elections.html">http://homepages.nyu.edu/~mrg217/elections.html</a></p> <p>-Vanhanen Democratic Index/Polyarchy Dataset <a href="http://www.svt.ntun.no/iss/data.vanhanen">www.svt.ntun.no/iss/data.vanhanen</a></p> <p>- Gerring, Thacker &amp; Moreno (Presidential – Parliamentary) <a href="http://www.bu.edu/sthacker/data.html">http://www.bu.edu/sthacker/data.html</a></p> <p>(Gerring et al. 2005)</p> <p>- Polyarchy Scale (Coppedge and Reinicke's) (free election) <a href="http://www.nd.edu/~mcoppedg/crd/datalist.htm">http://www.nd.edu/~mcoppedg/crd/datalist.htm</a></p>	<p>Art. 25: The electoral observation missions shall advise the Permanent Council, through the General Secretariat, if the necessary conditions for free and fair elections do not exist.</p> <p>Art. 3: Essential elements of representative democracy include...the holding of periodic free and fair elections based on secret balloting and universal suffrage as an expression of the sovereignty of the people...</p>

Indicator cluster	Defined and unpacked	Recognizing serious cases (nonexhaustive)	Information sources	Charter references
<p><b>Constitutional democracy:</b></p> <p><u>(5) Independence of the executive and legislative branches of government</u></p> <p><u>(6) Judicial and electoral independence from the executive and legislature</u></p> <p><u>(7) Supremacy of civilians over the armed forces, states of exception, the media</u></p>	<p>a. Executive branch usurping, encroaching on, or unconstitutionally altering legislature or judiciary.</p> <p>b. Executive, legislature, or other entity exerts extraconstitutional influence on judicial or electoral bodies. Usurping, erosion or widespread corruption of elected officials' legal powers or constitutional roles</p> <p>c. The legislature does not act in the public's interest (but is beholden to private interests, passes laws with proper nouns).</p> <p>d. The legislature does not have the ability to inquire into other branches and to use public inquiry to ensure other branches execute and enforce the law.</p> <p>e. Legislative branch usurping, encroaching on, or unconstitutionally altering executive or judiciary.</p> <p>f. Decree powers are used without legislatures authorization.</p> <p>g. Judicial branch usurping, encroaching on, or unconstitutionally altering executive or legislature.</p> <p>h. Judicial branch applying and interpreting the law in a partial manner.</p> <p>i. Judiciary is not able to check the executive and legislature if they violate the law.</p> <p>j. The arbitrary or illegal removal, appointment or interference in deliberations of members of the judiciary or electoral bodies.</p> <p>k. Circumventing established/accepted rules and procedures for appointment and tenure of judicial or electoral officials</p> <p>l. Elected officials are able to assume office and serve their terms.</p> <p>m. Resistance to or subversion of civilian oversight of military as required under the constitution</p> <p>n. The actions of elected officials are interfered with by non elected officials.</p> <p>o. Military courts used as a shield against the law, assuring impunity</p> <p>p. Unconstitutional termination, or attempted termination, of the tenure in office of any legally elected official.</p> <p>q. States of emergency are not used for partisan political ends and not declared within accordance to the law.</p> <p>r. Citizens are denied access to, or cannot obtain impartial information. Parties lack access to media.</p>	<p>Executive closes congress</p> <p>Courts stacking or purging</p> <p>President removed by congress or courts without cause</p> <p>Electoral tribunal purged</p> <p>Unconstitutional rule by degree</p> <p>Use of provisional judges or transitory authorities</p> <p>Military courts refuse to respect civilian authority</p> <p>Use of emergency powers without cause</p> <p>Use of exceptional powers to justify or facilitate human rights violations which serve political purposes</p>	<p><i>National and international human rights groups; IAHR and IACJ; HRW reports; AI reports; constitutional scholars, etc.</i></p> <p><b>DATA SOURCES:</b></p> <p>Polity IV (institutionalized democracy; limits on executive power)  <a href="http://www.cidcm.umd.edu/inscr/polity/index.htm">http://www.cidcm.umd.edu/inscr/polity/index.htm</a></p> <p>World Bank (rule of law, stability, corruption)  <a href="http://info.worldbank.org/governance/wgi2007/">http://info.worldbank.org/governance/wgi2007/</a></p> <p>International Country Risk Group (Quality of Government Indicator = law and order --strength and impartiality of the legal system, order = assessment of popular observance of the law)  <a href="http://www.icrgonline.com">http://www.icrgonline.com</a></p> <p><i>National and international human rights groups; IAHR and IACJ; constitutional scholars.</i></p> <p>ACLP (Type of Regime)  <a href="http://politics.as.nyu.edu/object/przeworskilinks.html">http://politics.as.nyu.edu/object/przeworskilinks.html</a></p>	<p>Art. 3: Essential elements of representative democracy include...the separation of powers and independence of the branches of government.</p> <p>Chapter 1, article 4: constitutional subordination of all state institutions to the legally constituted civilian authority, and respect for the rule of law on the part of all institutions and sectors of society are equally essential to democracy</p>

	Defined and unpacked	Recognizing serious cases (nonexhaustive)	Information Sources	Charter References
<p><b>Citizens' Democracy</b></p> <p><u>(8) Civil Rights</u></p> <p><u>(9) Political Rights</u></p> <p><u>(10) Social and Economic Citizenship</u></p>	<p>a. Civil and political and economic rights are not guaranteed by the courts equally for all.</p> <p>b. People are not free from violence, harassment and intimidation.</p> <p>c. There is no, or only ineffective, protection for freedom of movement, expression, assembly language, culture and religion.</p> <p>d. Government decisions and policies do not seek to remedy violations of rights</p> <p>e. Systematic use of public office to silence, harass, or disrupt the normal and legal activities of members of the political opposition, the press, civil society or human rights workers.</p> <p>f. Clientelistic or corrupt practices are used to influence electoral, executive, legislative, and judicial decisions and policies.</p> <p>g. Basic necessities of life are not guaranteed and/or health of the population is not protected</p> <p>h. Rights to education are not protected or do not include the rights and responsibilities of citizenship.</p> <p>i. Trade unions or work related organizations are not permitted to organize or represent their members.</p> <p>j. Rules on corporate governance are not protected or corporations are not regulated in the public interest.</p> <p>k. Rights of indigenous peoples protected.</p>	<p>Violation of women's rights, or reproductive rights</p> <p>Prohibition of unions or strikes.</p> <p>Repression of, or unconstitutional or illegal restrictions on membership in, political organizations, labor unions, trade groups, religious associations, etc.</p> <p>Widespread limits on habeus corpus, due process, equality before the law, etc.</p> <p>Systematic repression or political exclusion of a discrete group within society (eg indigenous groups)</p> <p>Credible evidence of widespread coercion, bribery, blackmail, threats aimed at opposition groups, press, or civil society.</p> <p>Illegal use of citizens' sensitive or confidential information held by state agencies to harass, intimidate or coerce opposition groups, press, or civil society</p>	<p><i>National and international human rights groups; IAHR and IACJ; HRW reports; AI reports; etc.</i></p> <p><b>DATA SOURCES:</b></p> <p>Freedom House (political and civil liberties) <a href="http://www.freedomhouse.org">www.freedomhouse.org</a></p> <p>Polyarchy Scale (Coppedge and Reinicke's) (Variables: freedom of expression, freedom of organization, media pluralism, and the holding of fair elections) <a href="http://www.nd.edu/~mcoppedg/crd/datalist.htm">http://www.nd.edu/~mcoppedg/crd/datalist.htm</a></p> <p>IDEA Handbook of Democracy Assessment [Citizenship, Law and Rights; Representative and Accountable Government; Government effectiveness and accountability; Civil Society and Popular Participation; Democracy beyond the state] <a href="http://www.idea.int/publications/sod/uploads/demo_ass_inlay_eng_L.pdf">http://www.idea.int/publications/sod/uploads/demo_ass_inlay_eng_L.pdf</a></p>	<p>Art. 3: Essential elements of representative democracy include...respect for human rights and fundamental freedoms...</p> <p>Art. 3: Essential elements of representative democracy include...the pluralistic system of political parties and organizations...</p> <p>Art. 4: ...respect for social rights, and freedom of expression and of the press are essential components of the exercise of democracy.</p> <p>Art. 10: The promotion and strengthening of democracy requires the full and effective exercise of workers' rights and the application of core labor standards...</p>

		Illegal surveillance of political opposition, press or civil society members (videotaping, phone-tapping)		
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		Questionable criminal prosecution of political opposition, press or civil society members on grounds of treason		
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