

My dear fellows,

I hope you are having a nice time and a successful gathering in Seoul. I was asked to provide a brief statement on the state of affairs of direct democracy in Latin America. Before submerging myself into the waters of direct democracy, let me briefly refer to the state of democracy as such in the continent, I think, is urgently required.

Let me start by saying that the news on democracy is hardly positive, actually all the contrary. While very few years ago, not so many as a matter of fact, democracy seemed to be in gross lines the “*only game in town*,” that looks more like a mirage now than a proper assessment of the region we did then. Freedom is going backwards in many countries in the region, most notably in those countries where populist leaders have taken power, even where they assumed through clean and fair elections (of course I am not talking about Cuba, the only clear dictatorship left in the continent). I am not only talking about Venezuela, where freedom of expression has been very recently strongly damaged by Chavez’s closing of more than 30 mass media simply based on the argument that they were “brain washing” (sic) the Venezuelan people, among other violations of liberties; I am talking about other countries such as Ecuador, Bolivia, or Nicaragua where democracy is trembling, even at the most formal institutional level (courts, legislatures, etc). Even going beyond these formal institutions, democracy also shows clear weaknesses in countries where the most basic *rule of law* reigns over the complete territory of each polity. In this regard, particularly in Mexico, Colombia and Guatemala, drug dealers and paramilitary forces are the sovereigns over vast regions of these three beautiful countries. **If a proper architecture of direct democracy requires basic freedoms and “plain” democracy to be granted, nowadays our continent does not seem to be a fertile ground for it.**

The recent military coup d’état in Honduras, which was, with the open support of the legislature and the judiciary, triggered by the undoubtedly un-constitutional presidential measure of calling for a plebiscite for making a constituent assembly, had taken most of the news coming from this part of the world. Such is the depth of the problem that even the Organization of American States seems a futile organization in order to trigger a minimum consensus on what way to take. Despite all efforts of Costa Rican President Arias no solution has been found yet. So democracy is not doing so well these days.

In terms of direct democracy the situation is not promising, either. Coldly seen, mechanisms of direct democracy have done not much more than helping leaders to bypass the checks and balances any liberal democracy needs to survive. Particularly, direct democracy helps leaders to escape from the constitutional limits of presidential reelection (successfully in the case of Chavez in Venezuela, and

Correa in Ecuador; Uribe tried by the senate is stopping the measure in Colombia, and just recently Ortega of Nicaragua has told that he would help a plebiscite with that objective...something that Zelaya of Honduras tried and could not put in practice).

In short, with very few exceptions, the prospects for direct democracy in the region are quite poor. **It is highly unlikely that direct democracy would prosper if democracy is in itself under siege in many countries of the region.** Unless representative democracy blossoms again, direct democracy will continue to mobilize populations from above with the only purpose of providing some leaders the legitimization they need to retain power.

Yet, there are some countries where freedom exists and democracy works despite all the chronic problems of embedded poverty, relative low rates of growth and so on and so forth that characterize this part of the world. These countries are not only “the three typical suspects” of Chile, Costa Rica, and Uruguay, but also the giant Brazil, probably Panama, and just partially Argentina or Peru. With the sole exception of Uruguay, even in these countries the prospects of direct democracy are still slim.

In Costa Rica there was a crucial authorities’ plebiscite in terms for checking the popular support for a free trade agreement between this small countries and the US among other small states of Central America.

In Brazil, despite its immense experience with other type of citizen involvement in public affairs - as the world famous experience of participatory budgeting in Porto Alegre - the limited experience with direct democracy still is restricted to couple of legislative plebiscites and nothing more.

In Chile there were just other couple of experiences at the municipal level, but no national leader is even considering it (all the contrary) for the country itself.

Uruguay is still the only country where citizen-initiated mechanisms of direct democracy are substantially used and not abused; a place where paradoxically the executive power does not have the capability of calling for a popular vote whatsoever. Indeed, this October, concurrently with the national elections, Uruguayans will hold two elections in the modern direct democratic way. One is a constitutional reform (triggered by 2/5 of the legislature) on the extension of voting rights for the quite large Uruguayan Diaspora in the world (about 20% of citizens are living overseas in countries as diverse as Spain, the USA, Australia, Israel, Sweden, etc.), and a popular initiative (actually used as a facultative referendum) in order to abolish an amnesty law approved in 1986. For this popular

initiative to be validated by the electoral authorities, more than 10% of citizens were required to endorse the measure in a one-year period.

Citizen-initiated mechanisms of direct democracy have been scarce in the region in the last 10 years, and besides Uruguay, there were only two cases of this type in the region: the Venezuelan presidential recall of 2004, and Bolivian autonomic initiatives of 2006. In this Bolivian case, the fact that popular initiative triggered a series of non-recognized popular initiatives have allowed nationalistic and quite conservative groups to attempt changing the political architecture of the country. Citizen-initiated mechanisms of direct democracy are almost inexistent in the region with the exception of the tiny Uruguay. And even in this country with the population of 3.5 million, direct democracy faces problems.

With the mentioned exceptions, all uses of direct democracy have been plebiscitary (i.e. coming from the authorities), and most of the time they had the simple objective of institutional changes for increasing or retaining power. **In this regard, direct democracy has been mainly used against the basic normative ideal of empowering people. In any case, important lessons can be perfectly drawn from these miscellaneous experiences - experiences that generate a fertile background for holding a Global Forum on Direct Democracy in some South American country in the time soon.**

Hope you enjoy the world-famous Korean hospitality. Best regards from the South America!