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Blocked Democracies in Central America

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The elections of 6 November 2011 have further damaged Central American democracy. Otto Pérez Molina, a right-wing conservative former general, was elected president of Guatemala with 54 percent of all votes cast. On the same day, Daniel Ortega was confirmed for a third term as president of Nicaragua in office with 62 percent. Both elections emphasize the growing trend of authoritarian rule in Central America.

Analysis

The shortcomings within the Central American transformation towards democracy, the establishment of the rule of law, and a policy of social development are clearly not of a transient nature, as they have become more and more prominent. These shortcomings prevent the rooting of democracy in society that is necessary for its consolidation.

- After two decades of political transformation, neither social injustice nor poverty have been reduced in Central America. Dealing with these historically ingrained problems, however, is necessary to politically strengthen and legitimize democracy.
- The political minimum consensus is increasingly under threat. The supposedly left-wing parties demand a government policy of active intervention by establishing welfare programs; however, they attempt to put their policies into practice at the cost of the existing legal framework.
- The political right, on the other hand, insists that formally democratic procedures must be adhered to, but suggests that social injustice and political disintegration can be overcome only with a completely free market and a security policy best described as an "iron fist" approach.
- At the same time, both camps try to mobilize their supporters not with policy-driven programs that aim to solve these critical issues, but with populist slogans and loyalty towards certain individuals. The result is a political blockade that prevents the deepening and consolidation of democratization.

Keywords: Central America, democracy, authoritarianism, political development

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Democracies in Crisis

The symptoms of the persistent crisis of democracy in Central America are manifold: they include both the devaluation of democracy as a political system and the fragmentation and personalization of political and social organizations. The 2011 presidential elections symbolize a return to the past on a personal level, too: Former general Otto Pérez received the majority of votes in the Guatemalan runoff election on 6 November despite his likely involvement in grave human rights violations during the war. Daniel Ortega was elected to a third term in office as the head of state of Nicaragua even though the constitution forbids it. Additionally, various agents within the entire region are attempting to circumvent established laws and constitutions. In Guatemala, for instance, Sandra Torres, the wife of outgoing president, Álvaro Colom, divorced her husband primarily to circumvent the constitutional provision against close relatives of an incumbent candidate running for office. In El Salvador, President Mauricio Funes promoted a bill restricting the independence and efficacy of the Supreme Court.

Democratic Opening During War

The democratic opening was a crucial step towards ending the long-standing wars in Nicaragua, El Salvador and Guatemala, wars that had turned Central America into an international hot spot in the 1980s. However, the specific form of transition as practiced everywhere in the region turned out to be a critical "birth defect" of sorts for democratization because it enabled the continuation, or rather modernization, of authoritarian structures. The established minimum consensus included a commitment to democracy, free elections, and freedom of assembly and speech. Both within the region and outside of it, expectations were high that the social development problems might also be solved after the violent and authoritarian regimes on the Central American isthmus ended. Two decades later, however, it can be observed that the formal processes of democratization have led neither to a sustainable reduction in violence, nor to a reduction of poverty and injustice. Achieving those things, however, is critical to firmly rooting democracy within society, then legitimizing and ultimately stabilizing it.

The reasons for the failure of consolidation are, in part, intrinsic to the transition to democracy as practiced in Central America. Structural issues such as widespread poverty and inequality, powerful migration currents, and the weakness and fragmentation of civil society also inhibit the consolidation of democratic structures.

The political opening in Central America was primarily initiated by the authoritarian rulers themselves, albeit due to pressure by external agents in many cases, particularly the United States and Europe. As a result, groups excluded from elections until then – especially the political left – were now able to join the political process. The parties emerging from former guerilla organizations initially became the strongest oppositional forces in El Salvador and Nicaragua; in 2006 and 2009, however, these parties won the presidencies of Nicaragua and El Salvador with Daniel Ortega and Mauricio Funes, respectively. The high hopes of subsequently socially rooting democracy were disappointed.

The transition enabled authoritarian enclaves – such as the military, whose members had special rights – to survive and gave parties opposed to reform significant veto powers. Policies geared towards the rooting of democracy in society regularly fail due to a lack of parliamentary majority and to obstruction by business associations, the latter using the influence they hold with the press and politicians. Physical force against members of oppositional groups and civil society organizations is used as well, subsequently dampening the courage and will of the citizens to take part in the political process. The fact that politics and the justice system alike are corrupt and cater to interest groups further reduces the rule of law; public policies are often deeply ingrained in historic practices, showing little change over time. This can be witnessed in both the controversies surrounding the government's role in reducing poverty and inequality, and the militarization of public security.

The Role of Government in Welfare Policy

Central America, too, has seen a rise in the Human Development Index over the past two decades, and the percentage of poor people within the population has decreased. However, the averages the Index is based on mask deep-seated and persistent disparities (Estado de la Región 2011). Across all

Central American countries, the indigenous, Afro-Caribbean, and rural populations are significantly poorer than the urban, non-indigenous population. The 2010 Human Development Report in Latin America (PNUD 2010) revealed the systemic factors that perpetuate inequality from generation to generation. The fiscal structure is mentioned first: the main problem is the minimal taxation of income and estate combined with the high taxation of consumption and the dominance of indirect taxation in general. Change has been slow even in those countries whose administrations were willing to advocate for more equity.

Fiscal reform is one of the major challenges in Guatemala's post-war era. Though the peace accord of 1996 includes a tax hike, efforts to enact such legislation and to improve methods of tax collection enjoyed only limited success. The tax rate of 11.3 percent of GDP is one of the lowest on the entire continent. Only 2.5 percent of tax revenue comes from direct taxes; the remaining revenue comes from indirect taxation. In El Salvador, the tax rate is only slightly higher (13.6 percent) and, similarly, the political resistance from businesses – in the form of both media and financial support of particular presidential candidates – prevents any kind of tax reform (UNDP 2010: 96).[1]

External agents and the export-oriented model of development facilitate the strengthening of these structures in the entire region. Honduras had subscribed to a model of development based on the exploitation of natural resources instead of the production of goods for a long time. And though the 1990s and early 2000s were accompanied by the advent of an enclave economy in the form of the *maquila* sector, the economic growth it initiated was not sustainable. The Special Economic Zones, which are mostly free of taxation and customs, have yielded tens of thousands of jobs, particularly for young women from lower classes. However, as these zones are hardly interwoven with the local economies, the positive effects on economic and social development for the country as a whole remain negligible. To this day, the most well-educated young adults emigrate beyond the borders of their region, mostly to the United States. Meanwhile, money transfers from migrant workers to their family members have become the primary source of income. While this money does enable the survival of many families or the purchase of imported goods such as refrigerators and consumer electronics, only small amounts are invested in local development.

The 2007 shift to the left by the former president of Honduras, Manuel Zelaya, resulted in a temporarily stronger focus of public policies on welfare. For instance, Zelaya raised minimum wages by up to 60 percent. However, since his 2009 ouster and the subsequent political crisis, the country has gone back to its traditional model with regards to development policy. Both the administration and the parliament are currently initializing the establishment of "Charter Cities" ("Ciudades Modelos") as a radical further stage of development of Special Economic Zones. American economist Paul Romer's concept designates a portion of land – in Honduras, an area of up to 400 square miles – that receives extensive autonomy with regards to administrative powers, legislation, jurisprudence, economy and trade. These Charter Cities will then, in theory, give an economic growth impulse to the rest of the country.

In Nicaragua – the poorest of all Central American countries – welfare politics and the fight against poverty have become more important since the inauguration of President Ortega in 2007; however, the relevant welfare programs are often linked to Ortega's populism and the political machine, the latter of which is often criticized by civil groups. UNDP acknowledged the Ortega administration's successes with regards to education policy – the administration had previously extended free access to elementary education. The initiatives for the improvement of health care systems and the fighting of poverty can also be characterized as serious efforts. However, none of these programs was initiated altruistically; they primarily ensure Ortega's continued popularity among large parts of the population despite the circumvention of democracy and existing legislation. His success in the 6 November elections, where he was re-elected with over 60 percent of the popular vote, confirmed this. In Guatemala, too, criticism has been leveled at the lack of transparency and the political exploitation of "Mi familia progresa," a program that supports 1 million families in poverty. The program was coordinated by the president's wife, Sandra Torres, who was accused of using it to lay the foundations of her own campaign in 2011.

1 By way of comparison: Brazil has a tax rate of 35.8 percent, the United States 19.8 percent.

The Lax Handling of the Rule of Law

Another structural problem facing the development of democracy in Central America is the severe deficit with regards to the rule of law. The prevalence of impunity of even felonies such as murder and the rampant corruption are only the tip of the iceberg. A particularly problematic issue is that the administrations themselves are the ones undermining the rule of law in the first place. This became most apparent in 2009 in Honduras, when President Zelaya was removed from the country in the dead of night by his own military. While the armed forces acted in accord with other governmental forces (such as the parliament and the Supreme Court), they never claimed power for themselves, much unlike "classic" coup d'etats of the past. Just a few hours after Zelaya's involuntary exile, the parliament named its president, Roberto Micheletti, head of state *ad interim*, as elections had already been set for November 2009 (Peetz 2009). A truth commission charged with the investigation and constitutional assessment of these events reached its verdict in mid-2011 – Zelaya's removal was unconstitutional and the act itself was to be called a coup. At the same time, the commission also noted that Zelaya himself had broken the law numerous times. He was alleged to have overridden legally binding decisions made by other government bodies, blatantly ignoring due process all the while.[2] Democratic rules seem to be respected neither by the government nor by society in general; as a result, one must doubt the establishment of democratic values within the Honduran political class in general.

The political elite's disrespect of the existing legal framework and the people also becomes apparent in the politically and tactically motivated dissolution of the marriage of Guatemala's Álvaro Colom to Sandra Torres. The country's constitution forbids close relatives of incumbent presidents to run for the same office. By way of divorce, the relation was to be legally dissolved, enabling Sandra Torres to become an eligible candidate for the presidency. Ultimately, however, the Supreme Court confirmed the election council's decision not to allow her candidacy, avoiding a circumvention of the law.

In Nicaragua, President Daniel Ortega and his politically influential wife Rosario Murillo have been consistently and successfully undermining the rule of law since 2007. Initially, major oppositional parties were excluded from local elections in 2008 and 2009 by the Supreme Electoral Council, an institution loyal to Ortega. This exclusion also applied during the presidential and parliamentary elections in November 2011 and caused significant harm to the Alianza MRS (Movimiento de Renovación Sandinista). The latter is a union of various left-wing parties, but above all of Sandinista parties that broke with the Frente Sandinista de Liberación Nacional (FSLN) in the 1990s in protest against Ortega. Moreover, the Sandinista citizens' councils, which were instituted in 2007 and are under the control of the president's wife, effectively constitute a parallel structure alongside the existing public administration. These councils, rather than the responsible municipal governments, allot funds made available by the government for welfare programs and use them to exert political pressure. The Supreme Court legitimized these councils in 2008, though they answer directly to the party in power, not to the parliament. Important positions within the police force and the military, too, were given to persons loyal to Ortega in 2007. The Supreme Court, also completely occupied by judges loyal to the FSLN since 2010, ruled that Ortega could run for a second consecutive presidential term, even though the constitution forbids the direct re-election of a president and completely rules out a third term. As a result, the court violated existing law twice over by first disregarding parliament and then ruling against the constitution. In order to democratically validate Ortega's candidacy, the parliament would have had to amend the constitution.

El Salvador, too, experienced bitter altercations in the summer of 2011 when the two dominant parties, Frente Farabundo Martí para la Liberación Nacional (FMLN) and Alianza Republicana Nacionalista de El Salvador (Arena) attempted to pass a bill limiting the Supreme Court to unanimous verdicts only. This would have damaged not only the court's independence, but also its general functionality. Only massive protests by civil society organizations eventually led to the bill's being withdrawn.

2 This report was filed by the government-appointed Comisión de la Verdad y la Reconciliación (online: <www.cvr.hn>). The alternative Comisión de Verdad, organized by human rights groups and non-governmental organizations (online: <www.comisiondeverdadhonduras.org>) has not yet published its final verdict. It will most likely come to a different conclusion than the CVR, particularly with regards to the involvement of Zelaya and his followers.

The Lack of a Socially Established Democracy

The inability of Central America's political systems to overcome difficulties and find appropriate solutions, along with their constant undermining of the rule of law, indicate the problem at the core of the political transformation of Central America: its lack of societal rooting.

Table 1 contains the results of surveys in which the participants

1) would not support a military regime under any circumstances,
2) might tolerate a violation of law "in dire circumstances," or
3) would – hypothetically – support a military coup.

The second poll is equally symptomatic of the crisis of Central American democracies. Almost half of all survey participants in Costa Rica said that they could tolerate a circumvention of applicable law, parliament, and democratic institutions in order to solve difficult problems. In Honduras, Nicaragua and Guatemala, roughly a third of participants would accept such a violation of democratic principles. The numbers from the previous year's poll once again show that the popularity of non-democratic governance, high as it already was, has increased even further within the entire region.

The third poll illustrates that the potentially high acceptance of a military coup in El Salvador, Honduras and Nicaragua decreased from 2008 to 2010. This may well be a deterrence caused by the coup in Honduras. When confronted with the fact that a coup might become reality and that the country might be barred from international financial transactions as a result of a coup, some participants apparently changed their minds.[3] Nevertheless, the considerably significant popularity of a hypothetical coup indicates that the Honduran coup is seen as much less of a scandal within the region than it is in international diplomatic circles and the international community.

Table 1: Popular Support of Authoritarian Politics

	(1) No support of any kind for a military regime	(2) In "dire circumstances," law, parliament and other institutions could be circumvented	(3) Support of a military coup	
			2008	2010
Costa Rica	90% (91)	47% (29)	N/A	27.8%
El Salvador	57% (59)	47% (35)	43.1%	40.9%
Guatemala	33% (42)	35% (31)	38.3%	46.0%
Honduras	47% (58)	38% (25)	51.6%	30.0%
Nicaragua	70% (75)	30% (27)	42.2%	35.4%

Sources: 1 and 2 = Latinobarómetro 2010 (2009); 3 = LAPOP 2010.

These numbers confirm the consistently weak rooting of the concept of democracy within Central American society. In the case of strict rejection of a potential military regime, the low Guatemalan and Honduran numbers are most striking. In both countries, more than 50 percent of participants would tolerate a military regime in politically troubling times. Even in Costa Rica, a country that, unlike the others, last experienced military rule almost 100 years ago and therefore boasts a long democratic tradition, one out of ten citizens would, if in doubt, support a military regime. The comparative numbers from the previous year (in parentheses) also indicate that the unconditional support for democracy is waning.

3 The World Bank, the Inter-American Development Bank and the International Monetary Fund ceased their cooperation and, as a result, all transfers of funds to Honduras only a few days after the coup occurred, and did not resume them until the Lobo administration assumed office in February 2010.

Law and Order Instead of Fighting Poverty

The high crime rates in Guatemala, Honduras and El Salvador, the fact that this topic carries major political importance in all three countries and in Costa Rica, and the general fear of crime all serve to further damage democratic processes. In Central America – with the exception of Nicaragua – elections are not won through promises of fighting poverty and enacting welfare policies, but by promising to take an iron fist approach in the fight against crime. Some examples:

- In 2001, Ricardo Maduro won the 2001 presidential election thanks to his pledge to fight youth gangs with an iron fist. The fact that Honduras' current president, Porfirio Lobo, appointed the same minister of public security – Óscar Álvarez – as did his predecessor Maduro, shows the continuity of different administrations in this particular area. In mid-September 2011, President Lobo suddenly removed Minister Álvarez from office because of the latter's attempt to gain special powers from parliament in order to be able to remove supposedly corrupt members of the police force. Should the former minister decide to attempt a political comeback – perhaps as a presidential candidate for the 2013 elections – he would most likely have an excellent chance of winning.
- In El Salvador in 2004, right-wing conservative Antonio Saca was also elected on an iron fist platform. His moderately left-wing successor, Funes, also makes use of the military to fight crime and additionally wants to implement a "security tax."
- In Guatemala, the iron fist subject was at the center of Otto Pérez Molina's 2007 candidacy, too, though the social democrat Álvaro Colom ended up winning the election. In 2011, the former general once again put the topic front and center in his campaign and announced an increased use of the military in order to ensure public safety. He won the presidential election in November 2011. Once inaugurated, he immediately announced the appointment of a former military officer as interior minister and the use of the special forces group "Kaibiles" to ensure public safety. As a result, security policies will be further militarized, even beyond the high levels of the past – the advancements made during the peace process will be effectively repealed.
- In Costa Rica, too, the promise of an iron fist approach for a more successful fight against crime was at the core of the 2010 campaign of Laura Chinchilla, who was later elected president. Her campaign slogan was "Strong hand to punish, intelligent hand to prevent." Prevention, in this case, is primarily understood as monitoring – for instance, surveilling school-yards and public places. Of particular note is the fact that a social democrat made the image of the iron fist, albeit in a "light" version of sorts, the central message of her campaign in the only stable democracy in Central America (Huhn 2011).

These successful campaigns prove that Central American candidates for office currently gather support with the "law and order" principle while welfare policy and a deeper understanding of democracy appear to take a back seat. The call for democratic solutions and rule of law is – in the few places it is uttered at all – a quiet one, slowly fading into the background, unheard.

Conclusion

Despite its political opening and the ending of wars, Central America remains far from solving its historic problems of poverty, inequality, the lack of rule of law, and deficits in democracy. The societal rooting of democracy is inhibited both by governmental resistance to active welfare policy and by the undermining of the minimum standards of the rule of law, as well as by the fact that many important political agents keep coming back to repressive and violent strategies of control. However, the structural problems in the region and the current blockades can only be successfully overcome when the rule of law and democratic proceedings alongside active welfare policies stand at the core of a minimum consensus in society (the social contract). As long as this is not the case, Central America's path to democratization will continue to be blocked.

Table 2: Data on the Current Development on Central America

	Costa Rica	El Salvador	Guatemala	Honduras	Nicaragua	Source
Population in millions	4.5	6.1	13.3	7.1	5.6	UNDP 2009
Percentage of people in poverty	8.1 (2009)	18.9 (2007)	33.9 (2006)/ 46.7 (2004)	33.9	42.7 (2005)	PNUD 2010: 200-201
Public urban unemployment (ca. 2008) in percent	4.8	6.5	2.7	3.9	5.9	UNDP/OEA 2010: 95
Percentage of employees in the informal sector (2006–2008)	37.1	N/A (1990: 51.0)	58.1	43.9	N/A (1990: 49.3)	
Social security within the EAP (economically active population) (ca. 2008)	65.2	28.9	17.7	19.8	17.4	
Social transfer program, initiation	Avancemos since 2007	Red Solidaria since 2005	Mi familia progresa since 2008	Programa de Asignación Familiar since 1998	Atención a Crisis since 2005 Red de Protección Social since 2000	PNUD 2010: 114
Households/people receiving benefits	58,000/278,000	89,000/423,640	250,000/ 1.19 million	411,000/ 1.96 million	3,000/13,428 21,619/102,904	
Democratic opening/first elections	1949	1984	1984	1982	1984/1990	
President	Laura Chinchilla since 2010	Mauricio Funes since 2009	Álvaro Colom since 2008; Otto Pérez Molina starting 2012	Porfirio Lobo since 2010	Daniel Ortega since 2007	
Armed conflicts	1948	1980-1992	1962-1968; 1980-1996		1977-1979; 1981-1990	
Peace accords		1992	1996			
Homicide rate (murders per 100,000 people in 2010	11.3	66.0	41.4	82.1	13.2	UNDOC 2011: 107

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Related GIGA Research

Political change is analyzed by GIGA's research team "Persistence and Change in Non-democratic Regimes" within the framework of GIGA Research Programme (RP) 1, "Legitimacy and Efficiency of Political Systems." Political violence and public security are at the core of RP 2, "Violence and Security," which also houses the research team "War and Peace Processes." This team directs its attention toward the institutional design of peace treaties, arrangements of power, and questions of coming to terms with the past. The research team "Forms of Violence and Public (In-)Security" analyzes the causes and dynamics of violence as well as the manner in which its forms are dealt with outside of organized violent conflicts.

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Argueta, Otto (2010), *Private Security in Guatemala: The Pathway to Its Proliferation*, GIGA Working Papers, 144, online: <www.giga-hamburg.de/workingpapers>.

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