

**CHALLENGES TO DEMOCRACY IN  
THE WESTERN HEMISPHERE**

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**HEARING**  
BEFORE THE  
SUBCOMMITTEE ON  
THE WESTERN HEMISPHERE  
OF THE  
COMMITTEE ON FOREIGN AFFAIRS  
HOUSE OF REPRESENTATIVES  
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## CHALLENGES TO DEMOCRACY IN THE WESTERN HEMISPHERE

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TUESDAY, SEPTEMBER 10, 2013

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON THE WESTERN HEMISPHERE,  
COMMITTEE ON FOREIGN AFFAIRS,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 3:03 p.m., in room 2172, Rayburn House Office Building, Hon. Matt Salmon (chairman of the subcommittee) presiding.

Mr. SALMON. This committee meeting is called to order. A quorum being present, the subcommittee will come to order. I will start by recognizing myself and the ranking member to present our opening statements. Without objection, the members of the subcommittee can submit their remarks for the record.

I am going to actually do something a little bit unusual. I have got to defer to my boss on the committee, our chairman. And I am going to allow him to make the first opening statement.

Mr. ROYCE. Well, thank you, Mr. Chairman. And I also, obviously, want to extend my appreciation for President Uribe of Colombia, the former President of Colombia, for his being with us today.

And I again thank you, Mr. Chairman, for holding this very important hearing on the challenges of democracy. And I think it is timely, I think it is vital that we have a discussion about the state of democratic institutions here in our hemisphere. We are linked very, very closely with our neighbors to the north and the south, and we all benefit when democratic values are bolstered throughout this hemisphere because those values are the values that help ensure peace, they are the values that promote free trade, they are the values that guarantee shared prosperity, that really offer people upward mobility when they are deployed, that really offer people opportunity in those types of democratic environments.

And while there are great examples of healthy democratic developments in Latin America, as of course in the case of Colombia, President Uribe, we do have a situation where we have seen the unraveling of democratic values in several countries over the last decade. And taking cues from Cuba's dictator, Fidel Castro, the late Venezuelan President, Hugo Chavez, laid the groundwork for the emergence of a populist extreme left in Latin America. And as a result, time-honored democratic principles like free and transparent elections, and freedom of the press, and freedom of expres-

sion, freedom of assembly, all of that has been under assault in Venezuela, in Ecuador, in Bolivia, in Nicaragua.

I have been particularly concerned with the implementation of a communications law in Ecuador that serves to stifle the rights of freedom of press and expression. Passed this past June by Ecuador's National Assembly, the law creates regulatory bodies tasked with redistributing licenses equally among the private, government, and nonprofit sectors, thus dismantling much of the private media ownership in the country. These regulatory bodies will be charged with monitoring content and imposing sanctions, or imposing criminal penalties if they assess, subjectively, that published information is not precise, contextualized, or if an outlet neglects to cover issues deemed to be in the public interest.

The passage of this law is chilling to those of us who know the importance of press freedom and independence from government for the proper functioning of a free society. The language of this law is open to the whims of President Correa, who has shown himself to be anti-press, anti-free expression. In fact, according to Freedom House's annual press freedom survey, Ecuador had the world's second largest decline in press freedom over the last 5 years.

The passage of the law that offers that President the sweeping and subjective control of the media will also encourage Bolivian President Evo Morales, I suspect, or President Cristina Kirchner of Argentina to advance their own attempts at controlling dissent in the media. Through populist rhetoric, demonizing private ownership, these governments are seeking to put the executive firmly in control of media content. These types of laws do more than challenge democracy, they dismantle democratic institutions right here in the Western Hemisphere. And I am looking forward to hearing from each of the witnesses and discussing what can be done to discourage these types of abuses, made cynically in the name of democracy.

Again, Mr. Chairman, I thank you for holding this hearing today.

Mr. SALMON. Thank you, Mr. Chairman.

I will next yield myself such time as I may consume, and then I will recognize our ranking member to make his opening statement. Without objection, the members of the subcommittee can submit their remarks for the record, or we can have a few opening statements as long as we don't go beyond a minute.

I would like to thank my colleagues for joining me in convening this important hearing, where we have the opportunity to take a close look at the challenges to freedom and democracy that exist throughout the Western Hemisphere. Since the beginning of this Congress, we have focused our attention in this subcommittee on the growth and opportunity that exists throughout the region. I have long believed that the most effective way for the United States to bring freedom and democracy to people around the world is to promote principles of economic freedom, entrepreneurship, and free trade, a liberalized economic system where citizens are empowered to innovate, pursue their dreams, and decide how best to provide for their families. That is the best recipe for strengthening democratic institutions and the rule of law.

Unfortunately, the Western Hemisphere is the home to several leaders intent on stifling economic growth and freedom, and erod-

ing democratic institutions and values. The erosion of democracy in Latin America is best described as authoritarianism masked by progressive rhetoric that ironically claims loyalty to democratic values. The late Hugo Chavez of Venezuela, an acolyte of the Cuban dictator Fidel Castro, paved the way for the emergence of the populist left brand of authoritarianism we still see today in Venezuela, Ecuador, Nicaragua, Bolivia, and, regrettably, Argentina. By undermining institutions and the rule of law, and threatening their opposition and the press, these leftist leaders have consolidated power and marginalized the opposition. Media laws in Ecuador, Venezuela, Argentina have blatantly stifled the basic democratic right to free press and expression. When a communications law that gives the government the power to regulate media content was passed this summer in Ecuador's National Assembly, President Correa declared that this encroachment on the right to free expression democratizes access to the news media. President Correa, like President Kirchner of Argentina and other populist leftist leaders in Latin America, have attempted to shield their very undemocratic power grabs by labeling them democratic.

This shameless populist doublespeak has done much to undermine the intrinsic value democratic institutions have had in protecting the rights of individual citizens. These same leaders have further used populist, nationalistic rhetoric to justify the squandering of vast economic resources, stifling free enterprise and free trade, to the detriment of their people. Venezuela's late President Hugo Chavez nationalized major segments of industry, from oil to agriculture, as part of his socialist agenda, and that included an overt hostility to foreign investment. The result has been flagging production, record high inflation rates, and scarcity, evidenced still today under his dubiously elected successor, fellow populist leftist Nicolas Maduro.

Democracies are almost always some form of market economy, and they cannot function without the rule of law. Yet the rule of law is literally under siege in many South American countries. In 2011, Argentina's President Cristina Kirchner announced the nationalization of the oil company YPF, expropriating 51 percent of the shares owned by the Spanish company Repsol. Her populist rhetoric declared the takeover as a victory for Argentina's energy sovereignty, but the reality has brought disappointment as Argentina is now a net importer of energy for the first time since 1984.

Argentina has been plagued by high inflation, which even questionable government figures are forced to acknowledge. Meanwhile, Argentina has been a generally inhospitable environment for the foreign investment needed to realize its true economic potential. For instance, the government consistently refuses to honor awards issued by the World Bank's International Center for the Settlement of Investment Disputes. Instead, President Kirchner has focused agenda on growing the public sector in an effort to further consolidate her own power. She has led the passage of media and judicial laws that represent an assault on democratic values, while contemplating reform of the Argentinian Constitution in order to give her another term as President. A nation so rich in natural resources and human capital is being strangled by authoritarian populism that Kirchner has admired in Hugo Chavez.

As I said at the outset, a commitment to the rule of law, coupled with free trade and economic liberty, will lead to stronger and more vibrant democracies. We should all be encouraged by the exciting free trade bloc known as the Pacific Alliance, ongoing negotiations for the Trans-Pacific Partnership, as well as the prospect that energy reforms in Mexico could bring about greater North American energy independence and security. The Western Hemisphere is commercially and culturally vibrant, and the United States should do more to encourage the opening of markets and opportunity to those nations currently strangled by populism. This will do much to empower citizens, make them less dependent on government, thereby making governments less powerful and less authoritarian.

I am so pleased that former Colombian President Alvaro Uribe is here to testify on our first panel.

Mr. President, I consider you to be one of the foremost leaders in the entire world of our last century. I know that the great strides that have been made in Colombia have been a direct result of your leadership and your guts and your willingness to stand up and lead. The United States has done a lot of things to try to help that happen, but it would have never happened, never, without your great leadership.

As President of Colombia, you tackled a serious threat at the hands of narcoterrorists, while bringing security to the people of Colombia. You worked to bring greater prosperity to your country, including with the signing of a free trade agreement with the United States. This subcommittee is eager to hear what you consider to be the major challenges to democracy in our region and how we can be a positive force to encourage the protection of democratic rights and institutions all across our hemisphere.

I also want to thank the second panel of experts, Dr. Hector Schamis, Mr. Carlos Lauría, and Dr. Cynthia Arnson for being here with us to discuss the state of democracy in our hemisphere. I look forward to a productive and informative hearing, and appreciate you all taking part today. And I will now recognize the ranking member for his opening remarks.

Mr. SIRES. Thank you, Mr. Chairman.

Good afternoon. Thank you to our witnesses for being here today, especially President Uribe, who I have known for many years.

Colombia wouldn't be Colombia today if you weren't around, Mr. President. Thank you for being here.

Across the world, we are witnessing the implosion of anti-democratic regimes. And as a consequence, the lengths that some authoritarian leaders will go to in order to remain in power. As a child in Cuba, I witnessed the deterioration of democracy as the Castro regime began its decades-long stranglehold on the freedom-loving people of Cuba. Today, over 50 years later, the Castro brothers' dictatorship continues to act with impunity, restricting basic human rights, freedoms of expression, and economic opportunity.

The road to democracy in the hemisphere has long been fraught with challenges. The lack of inclusive participation by all members of society in the growing economic prosperity of the region has made the Americas vulnerable to anti-democratic forces. Additionally, weak state presence and corrupt governance has allowed drug traffickers to act with impunity, while economic and fiscal insecur-

rity has merely dampened sustainable progress and further encouraged immigration abroad.

Furthermore, democratic progress has been beset by the inability to ensure political accountability, public goods and safety, and uphold the rule of law. For instance, in Mexico and in Central America drug-related crime and violence has set back democracy and public security. While in Venezuela, Bolivia, Ecuador, and Nicaragua, elected leaders have abused executive office to consolidate power, limit the rights and freedoms of political opponents, and dismantle institutional checks and balances.

Democracy, however, has shown indications of progress. While 16 of the region's countries were ruled by authoritarian regimes in 1981, today all but Cuba are ruled by elected leaders. Nonetheless, elections do not make democracy, nor do they guarantee its depth or legitimacy. The elections of Venezuela's Hugo Chavez, Ecuador's Correa, Bolivia's Morales, and Nicaragua's Ortega are products of poor governance that failed to address crime and endemic corruption, weak institutions, and social and economic inequalities. Their emergence cannot be attributed to a failure of democracy, rather to the failure of previous leaders to advance and uphold democratic principles. As a result, the disenfranchised and democratically disillusioned citizens turned to their leaders to solve difficult economic and social problems through undemocratic and comparatively authoritarian means.

Moreover, these leaders rationalize the need for themselves to stay in office in order to see the social and institutional reforms take hold. And they utilize the rents from the state-owned natural resources industry to fund their projects and further consolidate their rule. Under Chavez's 14-years rule, power in the executive was accumulated as human rights eroded and opposition censorship and intimidation and prosecution escalated. Owners of media outlets that refused to play by the rules have been forced to sell their assets and leave the country for fear of reprisal.

We have seen similar trends take hold with respect to freedoms of the press in Bolivia, Ecuador, and now Argentina with the intimidation of journalists and media critical of the government. Mexico, consumed by the drug-related violence of cartel turf wars, is considered to be the most dangerous country in the hemisphere for journalists, as they are murdered with impunity by organized crime and corrupt officials. Similarly troubling is the deterioration of the rule of law as seen with diminished judicial independence and the failure to prosecute high level officials deemed above the law.

The May 2013 conviction in Guatemala of former military dictator Efraim Rios Montt for genocide and crimes against humanity was deemed a watershed moment against the acts of impunity. However, the overturning of the ruling just 10 days later questioned the state of Guatemala's rule of law and judicial independence. Paramilitary groups, like Peru's Shining Path and Colombia's FARC, have been significantly diminished. I am closely following the peace talk negotiations of President Santos with Colombia's FARC. If successful, Colombia could potentially free itself of a long-standing obstacle to peace and economic prosperity. Nevertheless, I am skeptical on the willingness of the FARC leadership to simply

cede control and forego the revenues of drug and criminal activities. And additionally, I find the intermediary role of Cuban officials particularly dubious.

I look forward to hearing from our panelists regarding their assessment of the hemisphere's challenges to democracy. Additionally, I look forward to discussing how Congress can work with our regional neighbors to respect and advance democratic principles like free, clear, and contestable elections, freedoms of assembly and press and human rights, and the rule of law. Thank you.

[The prepared statement of Mr. Sires follows:]

**Hearing on Challenges to Democracy in the Western Hemisphere**  
Tuesday September 10, 2013

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Thank you, Mr. Chairman. Good Afternoon and thank you to our witnesses for being here today.

Across the world, we are witnessing the implosion of anti-democratic regimes, and as a consequence, the lengths that some authoritarian leaders will go to in order to remain in power. As a child in Cuba, I witnessed the deterioration of democracy as the Castro regime began its decades-long stranglehold on the freedom loving people of Cuba. Today, over fifty years later, the Castro brothers' dictatorship continues to act with impunity restricting basic human rights, freedoms of expression, and economic opportunity.

The road to democracy in the hemisphere has been long and fraught with challenges. The lack of inclusive participation by all members of society in the growing economic prosperity of the region has made the Americas vulnerable to anti-democratic forces. Additionally, weak state presence and corrupt governance has allowed drug traffickers to act with impunity, while economic and fiscal insecurity has merely dampened sustainable progress and further encouraged emigration abroad.

Furthermore, democratic progress has been beset by the inability to ensure political accountability, public goods and safety, and uphold the rule of law. For instance, in Mexico and Central America, drug-related crime and violence have set back democracy and public security. While in Venezuela, Bolivia, Ecuador and Nicaragua, elected leaders have abused executive office to consolidate power, limit the rights and freedoms of political opponents, and dismantle institutional checks and balances.

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Under Chavez' 14 year rule, power in the executive was accumulated as human rights eroded and opposition censorship, intimidation and persecution escalated. Owners of media outlets that refused to play by the rules have been forced to sell their assets and leave the country for fear of reprisal. We have seen similar trends take hold with respect to freedoms of the press in Bolivia, Ecuador, and now Argentina with the intimidation of journalists and media critical of the government. Mexico, consumed by the drug-related violence of cartel turf wars, is considered to be the most dangerous country in the hemisphere for journalists as they are murdered with impunity by organized crime and corrupt officials.

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I look forward to hearing from our panelists regarding their assessments of the hemisphere's challenges to democracy. Additionally, I look forward to discussing how Congress can work with our regional neighbors to respect and advance democratic principles like free, clear and contestable elections, freedom of assembly and press, human rights, and the rule of law.

Thank you.

Mr. SALMON. At 4:15 we have to go vote on the floor, but I do want to get to our panel as quickly as possible. I would like to recognize one more opening statement with the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman, and welcome to our great friend, President Uribe. And when talking about the theme of today's hearing, the challenges to democracy in the Western Hemisphere, we need only look no further than Cuba, where 11 million continue to be oppressed by the brutal Castro regime, activists risk their lives on hunger strikes, dozens of brave democracy advocates face intimidation, harassment, and beatings by regime thugs. In Venezuela and Nicaragua, millions were deprived of their basic democratic freedoms through fraudulent elections. And the leaders continue to exert control over important institutions such as the courts, the military, and the media.

And these efforts have been orchestrated by ALBA nations like Bolivia and Ecuador, who continue to attempt to undermine and weaken the Inter-American Commission on Human Rights. There have been some reports that Venezuela is pulling out today. And that is why I joined with Congressman Sires to introduce the Countering ALBA Act, which would help protect human rights and democratic institutions in these countries. And the bill urges the President to sanction those individuals who are officials of, or acting on behalf of, ALBA nations who are responsible for the commission of serious human rights against the citizens. And I am interested in hearing President Uribe's views on the talks, the peace talks taking place in a state sponsor of terrorism country in Cuba between FARC and Colombia.

Thank you, Mr. Chairman.

Mr. SALMON. Thank you. I would like to get to our panel of one very distinguished leader in the world. We would like to recognize former President Uribe. He is a senior fellow now at the Bipartisan Policy Center. He did serve as President of Colombia from 2002 to 2010. During his 8 years in office, he was responsible for the transformation of Colombia from a country with limited territorial control, escalating violence, and considered by many to be a failed state, into one of the most thriving, dynamic countries in our hemisphere.

Congratulations.

President Uribe studied law at the University of Antioquia. Also, he received a certificate of special studies in administration and management at Harvard Extension School, and a certificate in negotiation and dispute resolution at Harvard Law School.

Before I recognize you to provide your testimony, I am going to explain the lighting system there in front of you. You will have 5 minutes to present your oral statement. When you begin, the light will turn green. When you have 1 minute left, the light will turn yellow. And when your time is expired, the light will turn red, just like driving. I ask that you conclude your testimony once the red light comes on.

After our witness has testified, all members will have 5 minutes to ask questions. I urge my colleagues to stick to the 5-minute rule to ensure that all members get the opportunity to ask questions.

President Uribe.

**STATEMENT OF MR. ÁLVARO URIBE VÉLEZ, SENIOR FELLOW,  
BIPARTISAN POLICY CENTER, (FORMER PRESIDENT OF THE  
REPUBLIC OF COLOMBIA)**

Mr. URIBE. Thank you, Mr. Chairman, Ranking Member Sires, distinguished members of the committee. I am very grateful for this invitation. I am not an academic, I am a political fighter, generating controversy almost every time.

Elections are not enough for democracy. In the region I see two sets of countries. One is ALBA. In my opinion, these countries are in a regressive path against democracy. To consider which country is going on a progressive democracy or on a regressive democracy, I have considered five parameters: Security, freedom, freedom of investment, social cohesion, independent institutions, and pluralistic people participation. ALBA countries, led by Venezuela, they have in oil their main bond.

Security. Venezuela has passed from more than 4,000 cases of homicide per year to more than 21,000, in kidnapping from 63 to more than 1,200. At the same time, the government disregards security [inaudible] Violence because the government promotes social class hatred.

Freedom of investment. Expropriations, shortages. Venezuela has expropriated more than 4 million hectares and has to import more than 17 million tons of food. At the same time, we see problems for the freedom of investment in Ecuador, Bolivia, and Nicaragua. Ecuador enjoys good economics at this moment, has advanced a lot in infrastructure, subsidizes the poorest people, but it lacks investment confidence. Therefore, these policies, the good policies, seem not to be sustainable in the longer term.

Bolivia has a similar situation, with lack of investment confidence. And in Nicaragua, for investors to prosper they need to be close friends of the government. These countries have included in their agendas social policies, but with the lack of investment these social policies are not sustainable.

Independent institutions. In Venezuela, there was a coup d'état against the Congress elected 2 years ago. Pluralistic people participation. In some of these countries members of the opposition are taken to trial or even to jail. The cases more notorious are in Venezuela and Bolivia. Restrictions to free media all across these countries. In Ecuador, I want to say that the restrictions create distrust in the business community.

On the other side, progressive democracies—Mexico, Colombia, Chile, Peru, Brazil, Uruguay—with the exception of Uruguay, these democracies have some challenges. The youth unemployment is very high, between 17 and 23. These same progressive democracies have to face this challenge, the aspiration of the middle classes. They have to follow the example of Mexico, to aggregate value to the commodity-based economy and the free trade agreement with the United States. For people to legitimize the free trade agreements, people had to perceive that these free trade agreements are convenient for all these countries, not only for industrialized countries.

And of course in Central America they have made significant progress in democratic values, but they, in my opinion, need much more help from the international community for them to overcome

violence and the growing trade of illicit drugs. In Venezuela, one of the main problems is that they harbor, the government harbors terrorists from all over the world and promotes anti-Semitic speech.

For the first time I am on time to finish my introductory remarks.

Mr. SALMON. Thank you, Mr. President, for your statement.  
[The prepared statement of Mr. Uribe follows:]



BIPARTISAN POLICY CENTER

**STATEMENT OF FORMER COLOMBIAN PRESIDENT ALVARO URIBE**  
Senior Fellow, Bipartisan Policy Center

“Challenges to Democracy in the Western Hemisphere”

Subcommittee on the Western Hemisphere  
Committee on Foreign Affairs  
U.S. House of Representatives  
September 10, 2013

Chairman Salmon, Ranking Member Sires, Members of the Committee, I appreciate the opportunity to appear before you today.

**Introduction**

Whereas military dictators, brutal Marxist guerrillas, and one-party systems affected much of Latin America’s democratic progress throughout the 20<sup>th</sup> century, the current slow pace of democratic progress in some Latin American countries is due to the rise of radical populist governments. Venezuela, Bolivia, Ecuador, Nicaragua, and, of course, Cuba, dominate their respective political landscapes through abusive speech and media restrictions, as well as laws that limit political opposition and give sweeping executive power.

Because democratic deficiencies vary on a country-by-country basis, this brief testimony will focus on discussing the most salient threats to democracy in a handful of countries in the region. Furthermore, because certain nations in the region provide positive examples of strong and vibrant democratic institutions, part of this testimony will address those success stories.

**Background: Recent History of Latin American Democracy**

Throughout the twentieth century and into the twenty-first, Latin America has had a volatile, yet hopeful, history of democratic development. While representative democracies were strong in certain countries—including my own Colombia—others have struggled for the better part of the century to develop democratic societies. The Cold War presented additional setbacks to regional democracy, as oppressive military governments emerged throughout the region to combat the perceived threat of violent Marxist guerrillas.

The thaw of the Cold War marked a cooling of heated regional tensions marked by civil war and authoritarian rule. Countries like Guatemala, El Salvador, and Nicaragua all adopted democratic systems in the early 1990s, and Chile’s military dictatorship was pushed out by popular vote in 1990.

By the year 2000, much of the region had undergone positive institutional and democratic transitions. One would expect, then, that the recent decade would have been marked by a steady increase in regional democracy. Sadly, however, uniform democratic progress throughout the region has not been the case. While Cuba remains the only country in the hemisphere not operating under an electoral democracy, there are profound variations in the quality and performance of the democratic institutions in the region.

### ALBA Countries

The major ALBA (Bolivarian Alliance for the Peoples of Our America) nations of Venezuela, Bolivia, Ecuador, and Nicaragua (along with Cuba) are all governed by leaders who continuously violate democratic values.

#### *Venezuela*

Congress should be very familiar with the Venezuelan government's hostility to democracy. Beginning with his landslide presidential victory in 1998, Hugo Chavez transformed the oil-rich Venezuela into the hemisphere's neo-Castrist vanguard until his death earlier this year. Chavez's first worrisome move in office was in early 1999, when he oversaw the formation of a 165-member, Chavez-leaning constituent assembly that would go on to draft a constitution that increased executive powers, and created a new, more manipulative national legislature.<sup>i</sup> Later, in 2004, Venezuela's judicial independence—the hallmark of successful democracies—was compromised when a new law expanded the number of Supreme Court justices from 20 to 32, allowing his ruling coalition to select the majority of justices as well as nullify the appointment of sitting justices.<sup>ii</sup> Chavez's coalition did just that, and Venezuela's highest court to this day remains in their control, having in recent years used its authority to further entrench the agenda of Chavez and his successor, Nicolas Maduro.

In September 2010, dismal economic performance and rising crime rates allowed the opposition to win enough Congressional seats to deny Chavez's coalition a three-fifths Parliamentary majority. In typical Chavez fashion, the outgoing National Assembly approved a handful of laws limiting civil society, democratic governance, and free speech just weeks before they were to lose their three-fifths majority. Most alarming was the approval of an "enabling law" that granted the president 18 months of near-limitless power.<sup>iii</sup> Until his death, Chavez used the decree power to further debilitate his opposition and silence his critics, all while exploiting his king-like stature to misappropriate Venezuela's vast oil wealth to fund his unsustainable welfare system.

That Chavez's whimsical economic policies have placed his country at high economic risk is no surprise. Despite benefitting from high global oil prices, Chavez's increasingly centralized economic initiatives have destroyed investment climate, threatened foreign investors and blocked private initiative, while giving Venezuela one of the world's highest inflation rates (22.8% in 2012).<sup>iv</sup> Such economic turmoil has played no small role in Venezuela's precarious security situation, as the national homicide rate in 2011 was 45 per 100,000 people, third in the region only to El Salvador and Honduras. Despite having cut the average poverty rate, Chavez's approach to eliminating violence through decreasing inequality has proven to be a complete failure, as homicides have jumped during his regime from 5,000 homicides in 1999 to 19,000 in 2011.

Regardless of the debate surrounding possible electoral fraud, Venezuela's place at 165 out of the 174 countries ranked in Transparency International's 2012 Corruption Perceptions Index (just ahead of Somalia, North Korea, Afghanistan, and Sudan) clearly indicates that Chavismo's dominance has been achieved by anything but democratic means.<sup>v</sup> While nations like the Democratic Republic of the Congo and Zimbabwe are often cited in discussions on the poor state of global democracy, the fact that a diplomatically influential nation in our own hemisphere ranks even more corrupt is deeply concerning.<sup>vi</sup>

Limiting dissident voices has been a hallmark of Chavismo, and the closing of national and local media outlets has placed Venezuela in the category of a regime that denies freedom of speech,

combats free press, and violates international human right treaties. Chavez's hand-picked successor, Nicolas Maduro, has shown no sign of veering from his predecessor's policies and rhetoric, as his first major move was to use his party's state funds and institutions to narrowly win April's presidential elections.<sup>vii</sup>

According to the Venezuelan Press and Society Institute (IPYS Venezuela) the Chaves-Maduro regime has continued to penalize journalists and media organizations that criticize the government, violating the principles of free press. Some of those cases include *Diario del Caroni* and *La Mañana* in the States of Bolivar and Falcon, and journalists like Leonardo Leon, Nelson Bocaranda, Enrique Otero, and Leocenis Garcia, among others.

#### *Bolivia*

Bolivia's Evo Morales, in office since 2006, was elected on a platform ideologically similar to that of President Chavez. While his policies are less socialist than his rhetoric suggests and are less hostile to democratic institutions than those of his late Venezuelan supporters, Bolivia under Morales is far from fair and free. A cornerstone of any democratic nation is a strong judicial system, and Bolivia's legal institutions suffer numerous deficiencies. A chief concern is the frequent arrest and imprisonment of judges, military officials, and other former or current government personnel on loose charges. Those who are arrested frequently face unlawful detention, and it is not uncommon for a detained individual to exceed the 18-month pretrial detention limit. In 2012, the U.S. Department of State reported that 84 percent of prisoners in Bolivia were still in pretrial detention.<sup>viii</sup> While Bolivian law provides for an independent judiciary, Bolivia's judiciary is weak and overburdened. A report from the UN Office of the High Commission for Human Rights found that in 2012, criminal court judges had a backlog of 129,000 cases, and examples exist of authorities pressuring judges to change unfavorable verdicts.<sup>ix</sup>

Morales has deepened his hold on power through a relentless attack on free speech. Morales, who stated last year that there is "too much freedom of expression" in Bolivia, benefits from Bolivian laws that limit free speech, one example being a far-reaching telecommunications law passed in July 2011.<sup>x</sup>

Although the Bolivian economy has experienced positive economic indicators, primarily due to commodity prices, the country lacks investment confidence and the private sector operates on permanent uncertainty, derived from interventionist government policies. The acquisition of media corporations by the state, as well as the use of the judicial apparatus to target government opponents, such as former President Jorge Quiroga, are vivid demonstrations of Morales' use of anti-democratic means to silence any form of opposition

#### *Ecuador*

In 2008, Ecuador's Rafael Correa co-engineered the removal of over half the members of Congress in order to form a constituent assembly, which went on to draft a constitution that gave the president greater control over the economy, strategic sectors like oil and mining, and the ability to abolish the National Congress once each term.<sup>xi</sup> Such powers have been used for hostile aggressions against the private sector, foreign investors, and entrepreneurs that do not agree with his policies. Correa's consistent attacks on free speech pose another great threat to Ecuadorian democracy. Consistent with Correa's history of hostility toward free speech, independent media is the target of a communications law passed by the National Assembly in June 2013. One of numerous stringent

features, the law legalizes the use of criminal charges to respond to broadcast and print media allegations made against public officials.<sup>xiii</sup>

Despite the current positive performance of the Ecuadorian economy, triggered by oil prices and significant levels of public expenditure, private investment levels remain low due to permanent government hostility and lack of long-term investor confidence.

#### *Nicaragua*

Sandinista (FSLN) President Daniel Ortega assumed office in 2006 and began his first term by pushing legislation that consolidated his power over the central bank, the police, and the military.<sup>xiii</sup> Ortega's quest to further consolidate power through anti-democratic means was first observed in 2008, when independent observers documented fraud by FSLN candidates in 40 of 146 municipal elections.

In 2009, amidst strong opposition from the National Assembly, Ortega and more than 100 FLSN mayors successfully petitioned Nicaragua's Supreme Court to lift the constitutional ban on consecutive presidential terms. Through his subsequent packing of the Supreme Electoral Council (CSE), Ortega was reelected in a landslide victory rife with irregularities that included the poor distribution of voting cards, mismanagement of voter registries and polling places, and concerns about the composition of electoral boards. In addition to Ortega's victory, the elections—in which international observers were not fully involved—gave Ortega's party an overwhelming majority in the National Assembly. In the country's May 2012 municipal elections, the FSLN won 134 of 153 municipalities, again with alarming irregularities that included outdated voter rosters, repeat voters, and voters being turned away at polls.<sup>xiv</sup>

The FSLN's ability to consistently dominate national and municipal elections, coupled with a judiciary and Supreme Court that has come to be controlled by FSLN appointees and judges, makes Ortega, regime a serious threat to foreign investors and private initiative, insuring business climate conditions only to business leaders that favor the government policies.

#### *El Salvador, Guatemala, and Honduras*

El Salvador and Guatemala have undertaken positive democratic transitions since the end of their respective civil wars. Solid political parties have emerged, independent institutions have been strengthened, and a stable constitutional order has become an asset to attract foreign investors and improve the business climate in both countries. Their respective economic policy frameworks have allowed both countries to face stable growth and introduce more profound social policies in favor of the most vulnerable population.

Despite their efforts to prevent the expansion of organized crime through hand-in-hand prevention and penalization policies, the presence of narco-trafficking networks as well as criminal gangs known as *maras* have become notorious, and their rise has contributed to inter-related factors that include operational weaknesses in security and justice systems.<sup>xv</sup>

Though the ongoing truce established in March 2012 between the two largest *maras*, the Mara Salvatrucha and the 18<sup>th</sup> Street gang, has resulted in a significant drop in the region's homicide rate, these countries require long-term institutional solutions. Security forces and judicial bodies in Guatemala, El Salvador, and Honduras are in need of stronger international cooperation in order to improve their training, functional capabilities and rapid response to face security threats. Programs

to prevent gang activity through economic and social means entail more support from the international community.

In Honduras, the 2010 elections that followed the 2009 exile of President Manuel Zelaya, which resulted in the election of Porfirio Lobo as a Honduras' new president, have allowed the country to undergo a reconciliation process among political groups and create a more stable investment climate.

Despite a truce established in June 2013 between the Honduran bases of the Mara Salvatrucha and 18<sup>th</sup> Street gangs, homicides, violent land disputes, and attacks against journalists persist. Because of its long Caribbean coastline, organized crime related to cocaine routes through the country is an issue.<sup>xvi</sup> Although there is an institutional commitment to face the situation weaknesses in its anti-crime structure have contributed to Honduras's dire security situation, giving it the current highest homicide rate in the world.<sup>xvii</sup>

Notwithstanding that the Salvadorian economy has been performing in a positive fashion, it must be said that high dependency on remittances from the United States as well as Venezuelan government grants through oil price subsidies or rural lending, is not sustainable and allows the Chavez-Maduro regime to request political favors in return.

#### **Other Challenges faced by Democratic States**

##### *Mexico*

Since President Felipe Calderón initiated an open and brave effort to combat Mexico's numerous entrenched narco-trafficking organizations immediately following his 2006 election, over 60,000 Mexicans have lost their lives to the ensuing violence. Though criticized, Calderón was the first president to bravely address the growing threat posed to the state by Mexico's drug cartels, who for decades have attempted to corrupt portions of Mexico's security forces, judicial officials, and high and low-ranking members of local, state, and federal government. Calderón's decisiveness allowed the strengthening of Mexican institutions to combat the power of major drug cartels.

Calderón was succeeded in 2012 by the PRI's Enrique Peña Nieto. To address Mexico's drug-related violence, Peña Nieto has promised an approach to combating the influence of the cartels by creating a police force stronger by 40,000 men, while strengthening the investigative capabilities of Mexico's Federal Police.<sup>xviii</sup> Among the victims of the drug-related violence are Mexico's journalists. Calderón and Peña Nieto's efforts have shown that drug cartels can be effectively confronted as powerful kingpins have been arrested and hitmen structures have been dismantled.

##### *Colombia*

In 2002, Colombia experienced 28,000 homicides, 2,800 kidnappings, 1,645 attacks by terrorist groups, and guerrilla or paramilitary control of over 350 municipalities. Beyond the fact that Colombia's geography and climate have made it the world's largest producer of illicit cocaine, weak institutions on a local, state, and national level contributed to the violence.

To restore institutional order and to protect individual liberties my administration developed the Democratic Security policy, focused on protecting vulnerable civilian populations, strengthening local, state, and national governments, and targeting the drug-based revenues of Colombia's criminal organizations. Democratic Security was implemented hand-in-hand with strong investor

confidence and a strengthening of Colombia's social safety net. Thanks to the execution of these three pillars we won back state presence in villages and towns through the combination of military operations and then by listening and responding to the needs of citizens at town hall-style meetings.

With the trust and support of a greater number of Colombians, the military successfully forced the FARC out of its strongholds and slashed its size by more than half, down to 6,800 members by 2010. Colombia's other security threat in 2002 was the country's various violent paramilitary forces. In 2005, the Justice and Peace Law demobilized over 30,000 members from Colombia's largest paramilitary organization, the AUC, while holding responsible those who committed serious crimes against Colombian citizens. The same legislation was also applied to FARC and ELN members, demobilizing 18,000 members who now seek an honorable way of living with government and private sector support. By the time I left office, Colombia's homicide rate had been reduced by 50 percent, kidnappings by 80 percent, and terrorist attacks by 90 percent.

Today, the Colombian Government is involved in peace talks in Cuba with the FARC. Various leaders of the terrorist group have openly requested a Constitutional Assembly, widespread impunity, and Congressional representation for its members in return for peace. The danger of granting impunity has been clearly demonstrated by recent resurgence of terrorism in Colombia. FARC attacks in the first half of 2012 rose 52 percent compared to the previous year, including the killing of two and wounding of eleven police and military personnel in April. Last year also saw a 173 percent increase in oil pipeline bombings. Not only is the FARC unwilling to relinquish its terrorist tactics, it hopes to force the government to compromise through its renewed campaign of terror.

The kind of peace that my administration promoted with illegal armed groups entailed no impunity for crimes against humanity, the obligation to unveil the truth about all of their criminal activities, victim reparation, immediate release of kidnapped people, unilateral cessation of criminal activities, no policy agenda or Constitutional amendment on the table, and international verification of disarmament. Those principles were applied within the peace process with the Paramilitary Groups and offered to FARC and ELN as well.

### **Regional Success Stories**

#### *Chile and Uruguay*

Chile represents one of the most developed democracies in the region. Independent institutions, strong rule of law led by an independent judiciary, a business environment favorable to private initiative, and a successful social safety net are some of the characteristics of the Chilean order. The sound democratic architecture has allowed the country to attract foreign investors, consolidate long term state policies and turn its economy into one of the most stable in the region. Chile boasts Latin America's most stable, global-minded economy, while consistently ranking in the top tier of studies measuring institutions, civil liberties, and political rights.

Like Chile, Uruguay has demonstrated that strong institutions and a vibrant democracy are key ingredients for economic and social progress. Uruguay has become a regional star for creative industries, high tech, and mobile services. The consolidation of independent institutions and long term consensus among private and public sector leaders has allowed Uruguay to expand its commodity markets while facilitating the transition to intellectual property aggregated value goods and services.

Uruguay and Chile have also achieved significant social results. Education, health, and public utilities coverage are one of the highest in the region.

#### *Brazil*

Brazil in the last twenty years has also proven that a country can emerge from authoritarian rule to form strong democratic institutions. While large and ambiguously motivated protests in July drew much international attention to the Brazilian government, Brazilian economic performance and democracy have made important strides since President Fernando Henrique Cardoso's (1995-2003) reformist agenda charted Brazil's present course.

#### *Peru*

The consistent policy agenda that has evolved from Alejandro Toledo, Alan García and currently Ollanta Humala, has made Perú a country with a stable currency, a fast growing export apparatus, an attractive place for Foreign Direct Investment and sustainable poverty reduction.

The consistency of the last three administrations regarding a national security agenda has also allowed the Peruvian institutions to effectively dismantle the presence of narco-terrorist cells in some areas of the country. Peru currently represents one of the region's more promising societies, recognizing that more socially inclusive policies ought to be deepened.

#### **Triggers of Change**

The potential for positive change in growth in the years ahead is not an accident; it is a consequence of the consistency, congruence and sense of urgency that a group of countries have adopted as their policy cornerstone. Brazil, Mexico, Colombia, Chile, Peru, and Uruguay represent 70 per cent of the region's population and 75% of the regional GDP.

This group of countries has common characteristics that explain their outstanding performance:

- *The strengthening of Liberal Democracy.*
- *The adoption of an institutional Framework in favor of foreign and national investment.*
- *The construction of a sound and sustainable social safety net.*
- *The expansion of export markets and the commercial integration with the world (through free trade agreements).*
- *A public administration driven by results and the elimination of the byzantine ideological debate between left and right.*
- *A sound macroeconomic administration driven by fiscal and monetary prudence.*
- *Better regulatory environment.*
- *Construction of strategic infrastructure.*
- *The consolidation of an innovation agenda leaded by an improvement in education.*
- *A well capitalized financial sector and the constant expansion of financial services.*

Today countries like Panama, Dominican Republic, Costa Rica, Guatemala, Salvador, Honduras, and Paraguay, as well as most of the Caribbean States, are following this line of behavior. Because of that, the IDB, with Luis Alberto Moreno as its leader, many analysts, statesmen and prestigious publications like The Economist, are optimistic and talk about "The Latin American Decade."

Countries that opted for a sound evolution of policies have motivated sustainable positive change. Countries that have opted for a "Revolution" to accommodate the institutional order in favor of an ideology have been shown to be the ones with instability, limitation of individual liberties, government intervention, lack of confidence from investors, and a growing social polarization with the risks of political turmoil's.

### **Opportunities for Improvement**

#### *The Role of Multinational Organizations: The OAS*

Many discussions of the current state of Latin American democracy inevitably turn to discussing to what extent the activities of multinational organizations like the Organization of American States or special initiatives like the United States' Plan Colombia have positively affected democratic institutions throughout the region. With its weighty responsibility to promote regional democracy firmly in mind, the OAS in 2001 created the Inter-American Democratic Charter (IADC). The IADC was written to ensure "the effective exercise of representative democracy" through a more cooperative effort among the 34 member states to defend against any perceived threats to democratic stability.<sup>xix</sup> The IADC will mark its twelfth anniversary this year on September 11, and those twelve years have been filled with institutional and regional setbacks that have only rendered the OAS more incapable of promoting regional democracy.

The IADC's current ineffectiveness is due in large part to the fact that in 2001 Latin American leaders were much more likely to cooperate with each other. Some analysts and political scientists explain the problem, asserting that in 2001 "a broad elite consensus existed across the Americas in terms of support for representative democracy and free markets, as well as cordial U.S.-Latin American relations." They note, however, that the political climate has changed, that "over the past decade, this relative harmony has given way to increasing fragmentation, a decline in U.S.-Latin American relations, and a heterogeneity of competing political and economic ideas."<sup>xx</sup> Such a diagnosis is accurate when one observes the ALBA bloc that has in less than ten years emerged as a key player in regional policy with a populist ideology completely contrary to democracy. As a result, the IADC, or any similar structure, does not enjoy consensus approval and is therefore incapable of being fully implemented throughout the region.

Any positive initiatives the OAS does pursue are extremely limited by the OAS's small and further-diminishing operational budget.<sup>xxi</sup> For the 2013 fiscal year, the OAS operates on a budget of \$83.1 million. Though the OAS is not a police force, it would be absurd to assume that this amount can sufficiently fund the OAS's task to promote regional democracy by monitoring elections, improving regional security policy, and training scores of judges and government officials.

#### *The Need to Support Institutional Security Efforts in Central America*

In order to prevent drug-related violence from continuing to threaten democratic institutions in Central America, stronger support ought to be given by more developed democracies in the hemisphere in four priority areas: a) judicial training and technical assistance; b) police and military anti-drug capabilities improvement; c) social programs and demobilization agendas for gang members; and d) youth unemployment policies that prevent recruitment by illegal armed groups.

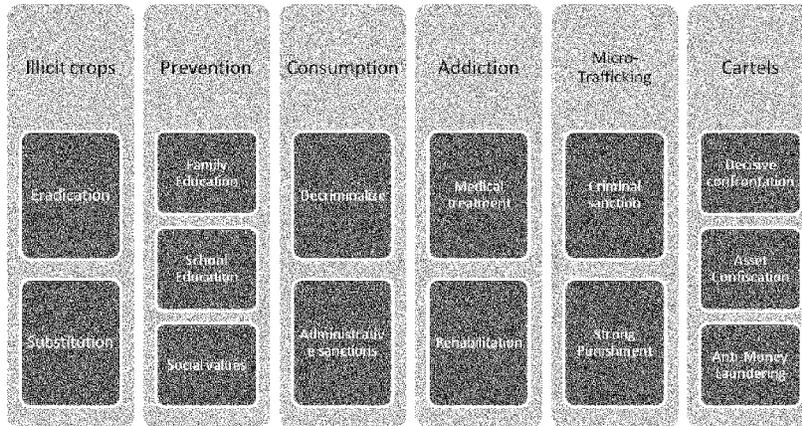
Such areas of intervention can be successfully implemented through multilateral development bodies like the Inter-American Development Bank and the World Bank, and bilateral assistance.

*Bilateral and Multilateral Actions Must be Implemented to Face Venezuela's Dictatorship in Disguise*

The current suppression of human rights, civil liberties, and democracy in Venezuela must not remain without effective denouncement from democratic nations in the hemisphere and the world. Bilateral and multilateral pressure to ensure due rights for the opposition as well as the need to guarantee free press and free speech must take place in order to prevent the emergence of an unsustainable social conflict with unimaginable consequences.

*Regional Anti-Drug Framework*

Drug-related criminal organizations remain one of the major threats to institutional order in many Latin American countries. Consumption has also become a regional challenge and micro-trafficking in urban areas threatens young populations. Thus the countries in the hemisphere must work jointly to build a framework that considers the following seven elements:



The Colombian Constitution has three main provisions for a logical approach against drugs: 1) No criminalization of consumers, but instead the introduction of administrative, educational and medical treatment mechanisms; 2) education with preventive public health policies; and 3) prosecution of narco-traffickers and distributors. The principles that have been incorporated in our constitution represent the essence of the kind of anti-drug policy that can guide all institutional efforts in the region to dismantle drug cartels and their financial and operational capabilities, while introducing policies that can prevent consumption and create a collective action against consumption. If we do not strengthen regional anti-drug policies, we risk fueling future threats to democratic institutions.

I reiterate my gratitude to all the members of this Committee for allowing me to share some thoughts about Latin America.

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Mr. SALMON. Before I ask questions, I would like to recognize our Peruvian Ambassador, Harold Forsyth.

Thank you for coming today.

I also would like to do just a little shout-out, our summer intern's last day is today. Thomas Harrigan, thank you for all your hard work this last summer. I really appreciate you.

Mr. President, I am concerned that in many countries respect for effective rule of law seems to be weakening. And in some cases it is the government itself that is the prime instigator of that shift. Do you share this concern? And if so, what countries, and what can be done?

Mr. URIBE. One of the main violation of the rule of law, Mr. Chairman, is the gradual elimination of independent institutions. In Venezuela, and in some degree in Ecuador and Bolivia and Nicaragua, the executive branches have overtaken the justice administration. And they take advantage of this dominance of the justice administration to proceed against dissidents. It is a very grave violation of the rule of law.

Mr. SALMON. Thank you. In the aftermath of the death of Venezuelan President Hugo Chavez, what are Venezuela's political prospects in terms of restoring checks and balances to this political system? And what has been the Maduro government's track record on respect for the rights of the minority or freedom of expression? What are the prospects of the December local elections that they will be conducted freely and fairly? And how do you characterize media freedom in Venezuela now that the last remaining television station critical of the government, Globovision, has been sold to a group of businessmen with links to the Venezuelan Government?

Mr. URIBE. Some journalists have fled to foreign countries. Other journalists are intimidated, and they cannot openly express their opinions. The government has bought media and has promoted the purchase of media by its own friends. At the same time, the government has taken advantage of its influence on the justice administration to go after independent journalists.

Fraud. In past elections, there were rumors of fraud. But in the election this year that elected President Maduro there was evidence of fraud, evidence of fraud. The economic situation is very severe because of the shortage and the macroeconomics have [inaudible]. For instance, Venezuela was a country with a public indebtedness that represented no more than 24 percent of the GDP. Now it represents in between 70 and 80 percent of the GDP. Therefore, the situation is very complicated. The private sector is under permanent threat. The same case is for the freedoms.

Mr. SALMON. In your testimony you mentioned that Chavez's economic policies, continued by Nicolas Maduro, have placed Venezuela at high economic risk and clearly undermine democratic governance. In your opinion, what countries in Latin America are implementing some of the sound policies, economic policies that represent democratic governance and contribute to economic prosperity?

Mr. URIBE. I will mention Mexico, Costa Rica, some other Central American countries, Panama, Colombia, Peru, Chile, Uruguay. And we are very hopeful with Paraguay and of course Brazil. And I am very hopeful for what is known as the Pacific Alliance that

included some of these countries. They are working with all the democratic values, but they face many challenges. One challenge is to make the reduction of poverty quicker. Other challenge is to provide the youth with opportunities because of the high level of youth unemployment. And at the same time, to combine the knowledge-based economy with the commodities-based economy.

Mr. SALMON. Thank you, Mr. President.

I yield back the balance of my time, and I yield 5 minutes for questions to the ranking member, Mr. Sires.

Mr. SIRES. Thank you, Mr. Chairman.

Mr. President, I would like your view, because I have a very different view of what is going on in Cuba in terms of the changes and where you see that leading the Cuban people. Obviously, I feel that they are just trying to soften their world, how can I say, the world thinks of Cuba. I would just like to hear from you what you think this is going to lead in terms of is there really a change or is it just a facade?

Mr. URIBE. Mr. Congressman, Ranking Member, when we compare Cuba with China, China has gone much far in economic openness than Cuba. In my opinion, the economic openness of Cuba is only an excuse, is only for appearance, and there is no political openness. Therefore, in my opinion, this economic openness in Cuba won't be enough to satisfy the basic needs of the people of Cuba.

Cuba has been a failure. First, Cuba survived because of the subsidy of the Soviet Union. When the Soviet Union collapsed, the Cuban economy dropped by 30 percent. After, Cuba got the Chavez government subsidy. And now Cuba has subsidized loans from Brazil, for instance to build the Mariel port, and at the same time, the growing amount of money that is transferred from the United States to the Cuban families. Therefore, I don't see enough signs for the better off of the people of Cuba.

Mr. SIRES. Thank you. One of the complaints that I receive in my office when I receive people from Central America is the issue of corruption. They want to invest more in the region, but they feel that the corruption is too risky with the corruption in some of these countries. Can you talk a little bit about corruption in the region?

Mr. URIBE. Of course. The main remedy against corruption is the independent institutions and the total openness for people's participation. For instance, when I was President to assign every contract in my government it was necessary to have a public hearing on TV. Therefore, all the bidders had the opportunity to discuss their proposals. When a country eliminates the independence of institutions, the country is much more willing to have growing corruption. Therefore, independent institutions, eliminated gradually in some of the countries, are a part to increased corruption.

Mr. SIRES. Can you talk a little bit about the Merida Initiative? I know that is pretty much in the same mold of what we tried to do in Colombia. But I don't know if we have the kind of backing from the country that we have in Colombia. Can you talk a little bit about that?

Mr. URIBE. In Mexico?

Mr. SIRES. In Mexico.

Mr. URIBE. In my opinion, President Calderon did a great job, because in the absence of President Calderon's fight against the drug cartels Mexico was not as it is today. In Mexico there is optimism.

In my opinion, President Calderon recovered the predominance of the institutions over the drug cartels. And this policy has allowed President Pena Nieto to promote the new structural reforms that the Mexican economy needs. But these structural reforms, in my opinion, are going to produce very good output under the condition that Mexico never forget that they have to fight drug cartels.

Mr. SIRES. Thank you.

Mr. SALMON. Thank you.

The chair now recognizes the former—actually, chairman emeritus of this committee, this full committee, the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman. It is a delight to have President Uribe with us.

As Congressman Sires talked about, corruption is such a deep problem in our hemisphere, the lack of the rule of law, weak institutions. All of these factors continue to plague many countries in Latin America, and this prevents democratic forces from flourishing, from growing. And we continue to see many leaders, more in the ALBA nations, manipulate elections, move away from democratic principles. And once they are in power, these rogue leaders change the rules of the game. They manipulate the legislative system, the electoral councils, the judicial systems in their favor to hold onto power at any cost.

And at the same time we see countries like Colombia and Chile do well economically because of the stability and the implementation of regulations that promote trade and open markets. But these democratic advances, as we have seen, continue to be threatened by narcoterrorism, by violence, by the lack of political will, by corruption.

You are a leader who can really speak on the issue of narcoterrorism, FARC, because the great progress that you made in Colombia in the struggle against this terrorist group during your presidency. As we know, peace talks have been underway, sometimes they get halted, between the Colombian Government and the FARC. They are being held in a very unlikely place, in Cuba, which is a state sponsor of terrorism. I wanted to know your opinion about whether Cuba, a state sponsor of terrorism, is a proper forum in which to have these peace talks. And do you believe that the FARC will dismantle its terrorist network, abandon their efforts on illicit activities as a result of these talks?

And then also related, Nicolas Maduro remains very much in control in Venezuela. Do you think that his control will continue or do you see—there is a lot of talk about maybe getting rid of him, putting in another stooge who will continue this farce.

And then in Ecuador, as we talked about here, the manipulation of this referendum to eliminate the print media by forcing them to go digital. And he is not the only one who has been threatening the press.

And then lastly about the OAS, which has such a lack of leadership, which could be a real institution for democracy and for the rule of law. And what reforms do you think are possible in the OAS

so that it can be living up to the principles upon which it was founded?

Thank you, Mr. President.

Mr. URIBE. Thank you, Mrs. Congresswoman.

When I was President and my government was inaugurated, my predecessor, President Pastrana, had two initiatives for peace, one with paramilitary groups through the Catholic Church, and the other with the ELN through the Cuban Government. I said we are ready to continue these talks under the condition that these criminal groups make the decision to unilaterally cease all their criminal activities.

And we tried to advance in Cuba with the ELN, but the ELN did not accept our claim. And I had the opportunity to talk to President Castro, and he said to me that he no longer had influence on FARC. And I believed in what he said to me because FARC is very rich and arrogant. With the incursion of FARC in narcotrafficking, FARC no longer needs the help of Cuba.

Therefore, going to the case of Venezuela, I can't understand why from midnight to early morning Venezuela has passed from being the promoter, promoter of terrorist groups, and becoming the promoter of peace. I cannot accept this.

And in the case of Ecuador, when the Government of Ecuador says that they are in need of having communitarian social media, they are right. But it could not be at the expenses of free, independent media. It could be an excuse to eliminate every expression of independent media.

Going to the Organization of American States, it has been very weak. I cannot understand why they adopt one stand in the case of Honduras, one stand in the case of Paraguay, and they do not say anything against the coup d'etat in Venezuela against the new congress 2 years ago.

And I want to conclude with this. We should not ask for replacing the Organization of American States. The region needs democratic governments in joint action to make all the region to comply with the Democratic Charter of the Organization of American States. No one could be the police in the region, but we need to reform and to review and to rethink what will be the role of the Organization of American States, because it seems that the Organization of American States depends on the whims of some dictators or quasi-dictators and are not ruled by its own charge.

And finally, Mrs. Congresswoman, I am very critical of some of the steps in Colombia at this moment. However, I prefer to say what I did, what was, what were my wrongdoings. What Colombia needs more at the moment of the end of my terms than here to criticize the current government, I am a daily fighter in my country. Therefore, I have to keep the criticism to my country for my country. And I accept that.

Ms. ROS-LEHTINEN. Thank you, sir.

Mr. URIBE. I understand you will accept this excuse.

Ms. ROS-LEHTINEN. I sure do. Thank you, Mr. President.

Thank you, Mr. Chairman.

Mr. SALMON. Thank you. Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman, Ranking Member for convening this hearing. I would also like to extend my per-

sonal welcome to his excellency, the Honorable Álvaro Uribe, the former President of the Republic of Colombia.

I am impressed that in less than 25 years, 16 countries in the Western Hemisphere have transitioned from authoritarian regimes to governments by elected leaders. Such a monumental achievement is a testament to the backbreaking work and tireless dedication of the Canadians and Latin Americans and Caribbean people. Yet I am aware and sure that our witnesses will instruct us even more in terms of what needs to be done.

As our Secretary of State Kerry stated, and I quote,

“The Western Hemisphere is our backyard. It is of vital importance to us. Too often many countries in the Western Hemisphere feel that the United States does not—does not give them enough attention. And sometimes this is probably true. We need to be closer and we plan to do it.”

And I could not agree more with Secretary Kerry’s observation about this in all the years that I have been a member of this subcommittee.

Mr. President, my question, first question is, what is the role, both positive and negative, has the United States played in the development of democracy in this region? What successes and failures have we contributed to?

My second question is that, and correct me if I make this as an observation, that maybe one of the serious problems that Latin America has always been confronted with is the extreme social and economic inequalities existing in the societies of the different Latin American countries. And I believe that with this inequality it does affect the government institutions, leading to corruption, trafficking, and all these negative aspects of what has been discussed earlier this morning.

One area that I am of particular interest in, would certainly like to ask for your comments and your insights, is that of all the testimonies that I have read this morning, not one, not one item ever mentions the fact of the plight, the suffering of the indigenous Indian populations that make up practically every one of these Latin American countries. I have met with delegations of the various indigenous tribes that have come from Latin America, and it is the same story, Your Excellency. They are the West’s not just bottom of the barrel, they are below bottom of the barrel when it comes to economic, social conditions, educational opportunities. They are the worst off. Somewhat very similar to what the American Indians are going through right now even in our own country.

I would just like to start with those two questions, Mr. President, if I could. Your response?

Mr. URIBE. Thank you, Mr. Congressman.

Indigenous people in our country are making significant progress. During the Barco administration in Colombia between 1986 and 1990—

Mr. FALCOMA. By the way, I am sorry, I didn’t mean to interrupt you. I do want to say my highest commendation for the achievements that you made during the time when you served as President. You reduced the kidnappings by 80 percent in Colombia, and as high as 50 percent reduction in homicides, and as high as

90 percent of terrorist attacks in your country because of your leadership and your commitment to public service. And I want to commend you for that.

Mr. URIBE. Thank you. Thank you, Mr. Congressman. But we did not only work for security, our democratic security policy had other two companions: The policy to promote investment and the policy to advance in social cohesion. At the same time, we reduced poverty, we reduced unemployment. We began to improve income distribution.

My country, and before my administration, since many years ago, had made some significant progress in dealing with the indigenous communities. And in my country many governments have worked to assign them land titles, to give them educational possibilities, to give their children possibilities for nutrition, to give them access to health services, and so on. But I agree with you that we need to do much more in order to overcome poverty and in order to eliminate these inequalities.

But one aspect, distinguished Congressman, it is necessary to take hand in hand investment with social cohesion. If you only want to create social opportunities, and at the same time you are hostile against the private sector you won't have the necessary resources to sustain social cohesion.

The role of the United States. I once said, and I apologize for this, that Latin America is the back yard. Latin America and the Caribbean is the front yard of these North American countries. And at this moment we cannot say that we need the United States as the police of the region. But we need a set, a group of democratic countries, the United States, Canada, Mexico, Colombia, Peru, Uruguay. Uruguay, it has a leftist government, but with all the respect for democratic values. It does not matter that they are center left or center right. What matters is that they are progressive democratic countries with the rule of law.

We need this group of countries to review the Organization of American States to make that Democratic Charter be complied with by all the countries. I remember, and I finish with this, the role many democratic countries played for Chile to push out Pinochet, for Peru to push out Fujimori. And what is the reason for silence in the case of Maduro in Venezuela? I cannot understand. Democratic value, the rule of law should prevail over any ideological willingness.

Mr. FALEOMAVAEGA. Thank you very much, Mr. President. My time is way over. Thank you.

Mr. SALMON. Thank you.

Recognize the gentleman from South Carolina, Mr. Duncan.

Mr. DUNCAN. Thank you, Mr. Chairman.

And thank you, Mr. President, for being here today. I was reading your written testimony. And you point out the regional success stories of Chile and Uruguay. And what I was reading there, it says Chile represents one of the most developed democracies in the region, and Uruguay has demonstrated strong institutions, a vibrant democracy. They are key ingredients for economic and social progress. But I can say that Colombia is the epitome of what success looks like in South America.

When we were down there, the ranking member and I, and he has left now, but we were down there in Cartagena for the Summit of the Americas, and we met with some congressmen from Colombia. And one thing that struck me was three things that they talked about. They talked about that Colombia is pursuing low taxation, corporate taxes and individual taxes; a debt-to-GDP ratio of 4 percent or less; and just enough government to support a free market. These are American principles. This is what made this country great. And I see Colombia applying those principles.

And then I see Chile, Uruguay, Peru even, Brazil, Mexico to some degree putting the principles in place that made America great. And you are seeing a tremendous economic and political progress in Latin America.

I read also that Brazil, Mexico, Colombia, Chile, Peru, and Uruguay represent 70 percent of the region's population, 75 percent of the regional GDP. That is pretty strong when you compare, well, when you factor in Brazil and Argentina and their GDP as well. So thank you for that.

Every instance I have had to go to Colombia I have been impressed. And I think it falls back on your shoulders, the leadership that you provided that Chairman Salmon talked about earlier. When we were down for seeing the cooperation between the U.S. and Colombian military with regard to helicopters and the 10-year, \$10 billion investment the U.S. made in cooperation with Colombia and the effect it has had on pushing back the narcotrafficking, pushing back FARC to the borders, that came under your leadership. So I just say thank you for that.

You speak of the importance of reforming the OAS. How can the U.S. affect the reform, and what do you think would be most helpful for the U.S. as far as helping Colombia and other countries reform the OAS?

Mr. URIBE. Thank you, Mr. Congressman.

My main concern is that the Organization of American States needs to be much more strict on preserving the Democratic Charter than it has been so far. Therefore, I don't know exactly what are the regulations that the organization needs to be introduced. In my opinion, it is necessary to have political determination, because it seems the Organization of American States fears the Government of Venezuela, fears the Government of Ecuador. They are very strong against what happened, what did happen in Honduras, very strong against what happened in Paraguay. They have been very weak in regarding Venezuela and Ecuador and Bolivia.

Therefore, much more than regulation, it is necessary to adopt the political determination to preserve democratic value, the rule of law all over the region.

Mr. DUNCAN. Thank you for that. I believe you are right. And I believe Colombia is leading by example with individual freedoms, with economic prosperity. Those are the things I think the neighboring countries will notice. I think they do notice. And when you see what is going on in Bolivia and Venezuela, Ecuador, the best example that those folks can look toward is to Colombia.

And I just in my limited time I just want to point out that the South Carolina National Guard has a sister states relationship in the State Partnership Program with the Colombian air helos and

their army. So we are glad to watch from Columbia, South Carolina, to Colombia, South America, the progress and have that sister relationship.

So thank you again. I enjoyed the testimony and the questioning today. And I yield back.

Mr. SALMON. Thank you.

Mr. Radel.

Mr. RADEL. Thank you, Mr. Chair.

You know, being Members of Congress, we have a bit of a megaphone here, and in today's discussion we keep hearing the same names, the same countries over and over, and our very serious and legitimate concerns with those countries. But with that very same megaphone that we have, I would also urge the people of those countries to know and to understand that at the end of the day we all want the same things for ourselves and for our children: Oportunidad y libertad, opportunity and freedom for all.

And let there be no question that the Honorable Presidente Uribe in front of us right now has led the charge in Latin America of being able to show and exemplify how, when we as countries work together, we create more opportunity in our own country.

And what has happened in Colombia is nothing short of amazing, and that is because of your leadership, and we thank you for that, and we cherish the relationship that we have with you.

One thing, though, that I think also right now is threatening parts of Latin America and the opportunity and freedom that we are all looking for is organized crime. I think that it could potentially lead to a political backlash of erosion of civil liberties in particular and others.

That said, let's take a look at the violence that has plagued Mexico. I would ask you, could we use Colombia as an example of where foreign aid and cooperating when it comes to national security, where we can work together. But Mr. President I would also ask this: In the context of this, if we are talking about narco-traffickers, if we do the same in Mexico, are we simply going to end up pushing the problem somewhere else?

Mr. URIBE. Thank you, Mr. Congressman. I want to express my gratitude to the comments that some of you have made and I want to remember that the United States has been very helpful to my country.

And it is not a question of bilateral relations between Colombia and the United States, the fight against organized crime, terrorist groups should be a universal fact. And one of the problems I see in the region is the penetration of other terrorist groups, different than FARC, to the region through the Government of Venezuela. This is the case of the connection with Hezbollah and other terrorist groups.

Mexico, in my opinion, has advanced a lot, but it is necessary that every country is ready to support Mexico with whatever Mexico requests, because, you know, we need to respect the sovereignty of every country. And at the same time, I am very concerned because of impunity in some countries. This is not the case of Mexico. It could be the case with my country, because impunity is the midwife of new violence. Therefore, peace talks should never be at the expense of justice.

And the same time, illicit drugs. I want only to bring one example. The constitutional provision of my country enacted in the year 2009, it states that point, those points. First, addicts, consumers may never be taken to jail, always to hospital for rehabilitation. Second, there should be prevalent policies on prevention, on education. And third, narcotraffickers and distributors, the street distributors, from national narcotraffickers, all of them should be taken to jail. Don't forget, FARC is the main drug cartel all over the world and has all the connections with the Mexican cartels. Therefore, it is necessary to have a universal fight.

You have expressed one concern: What if Mexico succeeds as it is going on in this country and at the same time the drug cartels flee from Mexico to the Central American countries? Therefore, it is necessary to have a universal policy against the drug cartels.

Mr. RADEL. With 7 seconds left, again, thank you so much for being here today. It is a real pleasure to have you here. Gracias por venir.

Mr. URIBE. Muchas gracias.

Mr. SALMON. Thank you so much, Mr. President. We really appreciate your willingness to come. It truly is an honor. And thank you for all the great leadership you have provided, not just for Colombia, but for the world.

Mr. URIBE. Thank you, Mr. Chairman. And thank you to all of you distinguished members of the committee. It has been a great honor.

Mr. SALMON. Thank you.

I move that we install our next panel. And with regard to some of the time constraints, I am going to dispense with the introductions. I apologize. You deserve very flowery introductions, but in the interests of time, I would like to move quickly.

Thank you. Again, I apologize for dispensing with introductions, but I would really like to get to the meat of the testimony. And we will probably be called to vote in about 15 minutes, and so I want to make sure we hear from all of you that have waited and been patient for so long.

So I am going to start out with Dr. Schamis.

**STATEMENT OF HECTOR E. SCHAMIS, PH.D., ADJUNCT PROFESSOR, CENTER FOR LATIN AMERICAN STUDIES, GEORGETOWN UNIVERSITY**

Mr. SCHAMIS. Thank you, Mr. Chairman. Thank you for the invitation. And it is a pleasure to be here sharing this panel with good friends, and I appreciate your concern with this important subject.

I don't want to speak too long, because time is short and you have more important things to do, I guess, today, but I would reiterate something that I put in writing here, which is that the single most critical challenge to democracy today in the region, it is in my view the impermanency of constitutional rules.

It has become customary for incumbent Presidents to modify constitutional rules with the immediate goal of getting themselves reelected for another term or for an indefinite number of terms, which generates, I would say, a whole set of pathologies of political life. And that has happened, as we discussed here, in a variety of countries and in much more countries that we don't remember, per-

haps, but it has happened in the Dominican Republic and it has happened in Honduras and it has happened even in Brazil, even if it didn't lead to the perpetration of anyone in power.

And that generates a bad example. That generates this idea that, well, rules are flexible and rules can be changed. And indeed, constitutions are somehow flexible, but occasionally, not all the time. And also constitutions are not there to be changed for the benefit of an incumbent President. That generates, again, a toxic political environment.

When that happens, these constitutional tricks, these quasi-constitutional reelection processes, in Ecuador or in Venezuela or in Bolivia and so on and so forth, it generates a dramatic concentration of power in the executive by definition, and that affects also some of the fundamental principles of democracy, which is checks and balances and separation of powers.

As a result as well, there is a heightened concentration of authority in the executive, which turns executive branches into legislating executives at the expense of congress, and rule by decree has become customary. That has generated a contradiction between the majority rule and minority rights. It has become quite frequent the case the majority rule is invoked to violate the rights of the minority. Whether those minorities are political parties in the minority or ethnic minorities, as the Congressman suggested, is irrelevant in the sense that it happens equally to whoever is the minority in this context in which majority rule is the pretext for violating those rights.

Judiciaries have been at risk, judges have been intimidated, judges have been harassed, supreme courts have been packed, and the cases, again, we have discussed them over and over again.

The most tragic consequence, in my view, of this has been increasing violence and particularly increasing violence to a particular group of people, journalists. And I am sure Carlos Lauría here will discuss that issue in detail, but it has become quite frequent.

A range of state actions on the part of elected governments, that somewhere I have called new authoritarianism in the region, but it has become frequent for these governments to go from censorship, to mild censorship and intimidation, to harassment, to manipulation of the courts against journalists, all the way to assassination and rape, in the case of—there is documentation in which in certain countries where violence against journalists has been diffuse, has been prominent, the case in which, if those journalists have been female journalists, rape has also taken place, a particular form of violence. And, therefore, we are in a situation in which the mutilation of press freedom, as I call it here, is the single most critical deficit of democracy and political life in the region as a whole.

I want to conclude with two things. One is—or three things, I would say. One is President Uribe said that it doesn't matter very much whether right or left, and I agree with him. It doesn't even matter whether they are more or less populist, which is a common word that has been pronounced here and is pronounced in debates in the press, in the academic and the political debates. It doesn't even matter that. And let me illustrate that with one example.

In 2009, one of those Presidents, at times one of those Presidents in Latin America, at times called a populist, certainly a leftist, a former labor leader, President Lula of Brazil, in 2009 he was approaching the end of his second term in office. His popularity was above 80 percent. A reporter asked him in a press conference why wasn't he going to change the constitution and stay in office. His popularity was above 80 percent at the time, his 7th year in office. And he said, no, because democracy is about two things: Constitutional rules and alternation in power.

And here we have someone we have called leftist for sure, a labor leader from industrial Sao Paulo, and a populist in some other commentary. Well, he rejected that. So ultimately it doesn't matter that much how they call themselves or how we call them, whether it is populist, leftist or rightist or et cetera, et cetera.

The second point I want to make is that a question that has been already asked here is, what can we do? What can we do as a community in the hemisphere, I would say, the OAS? I think what we can do is highlight and constantly point fingers to these bad practices, at the OAS, but at the summit. There are regional summits that go on and on with speeches forever, and the conversation goes from trade to infrastructure and integration, very nice things, while many of these governments are abusing the rules and abusing their citizens, therefore.

And it is not that important in the context of Latin America today that the U.S. does it, but that the U.S. does it in combination with many other quite democratic countries in the region. The puzzle is not so much whether the U.S. is saying something, but why isn't Chile and Brazil and Uruguay saying something to their counterparts in those regional summits? And that is a puzzle that I legitimately present here as an honest puzzle, intellectual puzzle, if you want.

The final point is there is a label by which we have addressed these realities of politics, which we owe to a commentator and author, Fareed Zakaria, which is illiberal democracy. Let me say that we are getting to a point in which in Latin America illiberalism has turned that idea of a liberal democracy into an oxymoron. Without liberalism, with that level of illiberalism, there is no democratic politics possible. Thank you.

Mr. SALMON. Thank you, Dr. Schamis.

[The prepared statement of Mr. Schamis follows:]

Statement of Hector F. Schamis  
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 Senior Associate, Center for Strategic and International Studies

“Challenges to Democracy in the Western Hemisphere”

Subcommittee on the Western Hemisphere  
 Committee on Foreign Affairs  
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Mr. Chairman, Ranking Members, and Members of the Committee, thank you for the invitation to testify today; I appreciate your interest in this important subject. I also stress that all the views presented here are solely mine, and do not reflect the views of the organizations I am affiliated with.

Let me start by saying that, after a long history of instability and on-and-off military rule, Latin American societies have overwhelmingly chosen competitive democracy. Since the transitions of the 1980s, most countries of the region have experienced uninterrupted turnovers of power from one elected government to another. Truly auspicious, in several nations of the region an entire generation of their citizens has not spent a day of their lives under any other political order. On this account alone, democracy would seem alive and well in Latin America.

But, is it? Not quite. Beyond this seemingly bright landscape, the picture is quite gloomy in several of these countries. Political competition is generally meaningful—in the sense that people vote freely and participation is high—but when it comes to constitutional procedures and civil liberties the state of “democracy” in Latin America is troubling, to say the least. It is probably no exaggeration to say that the impermanency of constitutional rules is the single most critical challenge to democracy in the region.

#### **Constitutional Tricks and Perpetuation in Office**

Democracy is a method for choosing government, but it is also a series of institutional arrangements that determine how that government has to exercise power. While the former works relatively well throughout the region, the latter does not, subject to arbitrary change for the straightforward benefit of the president. Incumbents have often manipulated constitutional rules with the goal of staying in office longer than initially stipulated. To do so, they have concentrated inordinate amounts of power in the executive branch, altering checks and balances. When successful, they eliminate the very norm of alternation in office, eroding the principle of separation of powers together with basic civil liberties, especially press freedom.

In Venezuela, for example, Hugo Chavez managed to modify the constitution and eliminate term limits in pursuit of indefinite re-election. Deceased in office after fourteen years, it is now his successor Nicolas Maduro who will try to fulfill that goal. Elected in last April, the contest was widely believed to have been rigged by the electoral authorities, hardly an independent body, to give the official party’s candidate the victory against Henrique Capriles.

In Bolivia, Evo Morales had a new constitution approved in 2009, which stipulates in an article and accompanying legislation that previous presidential terms count, explicitly banning Morales to run for a third consecutive period. In 2013, however, the Constitutional Tribunal authorized yet another

candidacy of the sitting president. The reasoning invoked was that the new constitution refounded the state—the *Plurinational* Bolivian State—thus Morales’s first term happened in “another state.”

In Ecuador, Rafael Correa also modified the constitution, which now allows two consecutive presidential terms. His third period, however, was somehow resolved from the beginning, by a clause specifying that the term under the previous constitution did not count. That is, he turned the clock back to zero in 2009, so that he will be in power until 2017—for now, at least in terms of his intentions, if one read his recent statements on the subject carefully. In Nicaragua, in contrast, Daniel Ortega avoided to amend the constitution altogether, which bans immediate re-election. Instead, he presented his candidacy for re-election and had the Supreme Court ruled it legal—the highest tribunal violating the highest law to satisfy the whims of the chief executive.

In Argentina, government insiders used to talk, until very recently, about “eternal Cristina.” With three terms in office by 2015, two of her own and one of her deceased husband’s, it is unclear whether Cristina Kirchner will pursue her third consecutive presidency. To that end, she would need two thirds of the congressional votes and a constitutional convention to make it legal, that after the midterm elections next October. The problem is that recent primary elections throughout the country showed her popularity in decline. Though herself not in the contest, she still campaigned actively, framing the primary contest as an implied plebiscite on her. The idea backfired, as the ruling party’s 54 percent of October 2011 decreased to 26 percent last August, with forecasts of an even weaker performance next October.

It remains to be seen whether in this context—constrained by the constitution, with decreasing popularity, and a Supreme Court that has fought hard to maintain its independence—the president will abandon dreams of perpetuation, leave graciously and oversee a peaceful transition to a new government in 2015. If so, a much needed breath of fresh air may come in support of democratic ideals, in Argentina as well as elsewhere in Latin America.

#### **Executive Discretion: Congress Circumvented, Judges at Risk**

It is a fundamental premise of democratic theory that an election, however free and fair, does not automatically ensure a democratic exercise of power, but in much of Latin America the two appear rather incompatible. In fact, the former has been the pretext for deviating from the latter. Madison’s tyranny of the majority becomes more than a metaphor in countries where constitutional manipulation is the tool for executive discretion from the outset, a setting that crases the very principle of separation of powers.

A growing concentration of executive power has entailed what some experts have dubbed “hyperpresidential systems,” a polity in which the actions of the executive exceed its constitutional boundaries. As in Venezuela’s “enabling laws,” Ecuador’s “urgent bills” and Colombia’s “extraordinary powers,” to name three examples, the use, and sometimes abuse, of decrees has normalized a political system where the executive legislates and, riding on electoral majorities, legislates at will. An exaggerated version of this trend has been observed in Argentina under both Kirchners. It has been customary since 2003 that the president delivers the equivalent of the state of the union every year in Congress and in the same speech where they have boasted of record growth rates, they also requested a renewal of the presidential decree authority—often called *superpowers*—that the constitution reserves exclusively for times of economic emergency.

Executive discretion has also affected the independence of the judiciary and turned the principle of checks and balances into a hollow notion, a disturbing trend in the region. This has unequivocally

been the case when the Supreme Court was packed with cronies, as in Argentina in the 1990s under Carlos Menem, Ecuador in 2004 under Lucio Gutiérrez, and Venezuela since 2004 under Chávez. Similarly, in Bolivia, and since his landslide victory in December 2009, President Morales passed a law of dubious constitutional status, so-called “Ley Corta,” which allowed him to fill 20 of 27 posts in the Supreme Court, the Constitutional Tribunal, and the Judicial Council. As of that moment, court proceedings against former government officials increased, all of them his opponents, sending many into exile and many more into jail without a sentence.

In Ecuador, President Correa has managed to subordinate Congress and the courts alike. The 2008 Constitution grants the executive broader legislative prerogatives and veto powers, in turn protected by laws that can only be reversed by super-majorities. The new constitution also determined the expansion of powers of the Constitutional Tribunal, and at the expense of the Supreme Court, which politicized the judiciary. Last but not least, 19 new judges were selected to serve on the Constitutional Court through a mechanism that was highly controlled by the executive. The new Court will be responsible for the oversight and approval of laws, most notably the reforms passed in May 2011 that gave the president more authority to regulate the content of information.

In Argentina, the executive’s attempt to curb the independence of the judiciary also has to be seen as a tool aimed at silencing critical media—both instrumental for another reelection. As reported by international press freedom watchdogs, for a long time many news organizations have suffered from systematic legal and administrative acts of harassment. Independent journalists have been subjected to various forms of intimidation. And the government has effectively bought itself control of media content through preferential placement of state advertising, even ignoring a 2007 Supreme Court ruling that ordered the government to advertise in a nondiscriminatory fashion.

This case is revealing of the frequent dual attack on judicial independence and press freedom, and it goes back to 2009 when a law was passed to diversify media ownership. While the text of the media statute is simple and couched in the language of antitrust law, the subtext was clearly more significant, as the government sought to stifle dissent and to create an environment of friendly press. This was particularly revealed when new licenses and frequencies were granted to government allies in a non-competitive fashion, and when the break-up and expropriation of the Clarín Group, the largest media organization in the country, became the main function of a newly created agency in charge of overseeing that process.

When the case got to the Supreme Court in 2012, which granted a temporary stay in favor of Clarín and ordered the lower court to rule on the constitutionality of the law, the advance on the press became an explicit attack on the judiciary. To this end, the government, in control of Congress since 2011, passed a law meant “to democratize the judiciary,” namely, to make the members of the *Consejo de la Magistratura*, the body that appoints judges, run for office through party lists. When the Supreme Court ruled the law unconstitutional in June 2013, which sparked the support of hundreds of thousands of citizens on the streets, a symbolic and unprecedented reaffirmation of liberal democracy took place in the country.

### **The Mutilation of Press Freedom**

If several Latin American democracies are substandard in terms of their constitutional processes, the record is dismal when it comes to the infringement of basic civil liberties, especially the freedom of the press, which in some places has become truly tragic. In Mexico and Brazil press organizations have regularly been targeted by narco-traffickers and, in Colombia, also by guerrillas and paramilitary. Journalists investigating drug-related corruption suffer threats, kidnappings, and

assassinations, generally carried out with gruesome cruelty, and when the reporter is a female, rape has also taken place.

Several governments in the region have to be held accountable for this situation, as they have failed to protect the rights of journalists, either because they have fostered a climate of intolerance under which violence thrives, or because they have been the perpetrators themselves. The latter is particularly the case at the subnational level, where local authorities don't have enough monetary and coercive resources to confront illegality, and so they end up colluding with, or captured by, all too powerful criminal organizations. When the state fades, lawlessness reigns supreme.

In Honduras attacks against journalists have been rampant since the 2009 coup. Even under the Lobo presidency, pro-Zelaya reporters continued to be gunned down, which has since placed the country among the top of the world in per capita assassinations of journalists. There is less violence in Ecuador, yet President Correa has re-criminalized defamation, as in the days of military rule, and regularly files lawsuits against "media excesses." As in Argentina, the government has withdrawn official advertising from critical media outlets, and regularly places limitations on media coverage of electoral campaigns.

In Venezuela the president's discretion to grant, revoke, and suspend media licenses has been, for way over a decade now, the preferred strategy to curb their independence. But censorship and intimidation has intensified once the opposition MUD (United Opposition Table) began to improve its electoral performance. In fact, as Freedom House reported, in the 2012 election, incumbent president Chavez benefited from massive use of state resources that enabled him to dominate media time by a margin of 25-to-1, and used it to convince many voters that the state could punish them if they were to cast their ballot for the opposition.

### **Conclusion**

I have referred elsewhere to this disturbing trend in terms of "a new authoritarianism in Latin America." To be sure, long gone are the days of systematic torture and forced disappearances in Latin America, yet the right to political dissent remains unfulfilled. A generation after the sweeping transitions of the 1980s, democracy is endangered today, not because of the threat of military takeovers, but at risk of losing its meaning and purpose in the hands of presidents that, while freely elected, crush freedom once in office. The result has been the creation of a personalistic, civilian, yet undemocratic regime.

Curiously, the international community has remained silent on these anti-democratic practices. One after the other, regional summits go on with long discussions and speeches about a variety of topics—trade, integration, infrastructure, you name it. Hardly a word has been heard, however, on the decay of democracy in the region. These proto-authoritarian leaders have thus walked by with not even a slap on the wrist. It is time to go back to the 1980s, perhaps, when abuse was so vigorously condemned, and condemn the violation of rights today, whichever those rights are and wherever that happens.

Several analysts have used the label "Illiberal Democracy," to capture the essence of these polities. They are wrong. While all democracies are susceptible of some degree of illiberalism, there is a fundamental question of proportion. In the end, as in Latin America today, Illiberal Democracy is an oxymoron.

Mr. SALMON. Mr. Lauría.

And I would just like to ask the panelists again to watch the lighting system. And red means stop. So thank you very much.

Mr. Lauría.

**STATEMENT OF MR. CARLOS LAURÍA, SENIOR COORDINATOR,  
AMERICAS PROGRAM, COMMITTEE TO PROTECT JOURNAL-  
ISTS**

Mr. LAURÍA. Thank you, Mr. Chairman. I would like to commend you and the members of the House Subcommittee on the Western Hemisphere for holding this important hearing and for providing the Committee to Protect Journalists with the opportunity to testify before you.

I am CPJ's America senior program coordinator. CPJ is an independent nonprofit organization dedicated to defend press freedom worldwide. And, Mr. Chairman, my statement today will summarize the issues raised in my written testimony.

I would like to highlight the threats that journalists face while reporting the news and its impact on fundamental human rights. In different countries, broad aspects of public discourse are limited by the threat of violence, government censorship, restrictive laws, and financial pressures. The lack of debate on issues of public interest is creating political instability, reducing government accountability, and compromising economic development.

With the exception of Cuba, democracy in the Americas has become entrenched. While many countries in the region have great investigative journalism, reporters and media outlets are still exposed to both violence and government repression, which are the emerging trends that illustrate the major challenges facing the press in the hemisphere.

During the last 20 years, transnational criminal groups have extended their sway and spread a wave of lethal violence in Latin America. Scores of reporters have been killed or disappeared with impunity, as dysfunctional justice systems have been incapable to solve these crimes. With more than 50 journalists killed or disappeared over the last 6 years, Mexico is the deadliest country for the press in the Americas and one of the most dangerous worldwide. Terror and censorship have devastated the news media, while placing Mexico's democracy at risk.

Criminal organizations and impunity have also forced the press into silence in some Central American countries, but nowhere more so than in Honduras. With the highest homicide rate in the world, according to U.N. statistics, a climate of violence and widespread impunity have made this country one of the most dangerous in the region.

Even as lethal violence has drastically declined in the last decade, as expressed by former President Uribe here in this panel before, Colombia continues to rank among the most murderous countries for journalists in the world, with 44 journalists killed in direct reprisal for their work since 1992. This year, unfortunately, CPJ has documented a series of press freedom cases that illustrate the serious risks journalists still face when reporting on sensitive issues.

Besides the threat of physical violence, the subsequent most pressing issue for the regional media is an array of restrictive measures imposed by democratically elected governments. Showing disdain for the institutions of democracy, several governments are seeking to stifle dissent and control the flow of information.

Venezuela provides the starkest example of the lack of tolerance for different views and opinions. In the last 14 years, Venezuela has used different laws, regulatory measures, judicial decisions to progressively break down the private press. Authorities have closed dozens of broadcasters, censored critical coverage, and sued reporters for defamation. Venezuela has served as a model to other leaders in the region who are trying to repress dissent and control information, but perhaps none has learned the lesson better than President Rafael Correa of Ecuador, whose policies have transformed the country into one of the hemisphere's most restrictive nations for the press. Ecuador has made use of archaic criminal defamation laws to silence critical journalists, and the new Communications Law, which establishes regulation of editorial content and gives authority and power to censor the press, represents a severe blow to freedom of expression.

In the last few years, Cuba has projected an image of a nation opening up economically, but the government has taken no actions to promote freedom of expression and access to information.

Finally, and being in Washington today, I must mention recent developments that have worsened the climate for press freedom in the United States. Actions taken by the U.S. Department of Justice in seizing journalists' phone records and emails, the aggressive prosecution of whistleblowers who leak information to the press, classified information to the press, and massive surveillance of communications send a chilling message to journalists and their sources, particularly on issues of national security that are vitally important to the public. At the same time, just as troubling, these actions in the United States set a terrible example to the rest of the world, where governments routinely justify intervention in the media by citing national security.

Mr. Chairman, members of this subcommittee, thank you again for your invitation.

Mr. SALMON. Thank you, Mr. Lauría.

[The prepared statement of Mr. Lauría follows:]



**Testimony before the Subcommittee on the Western Hemisphere**

**Committee on Foreign Affairs**

**United States House of Representatives**

**Submitted by Carlos Lauría**

Americas Senior Program Coordinator

Committee to Protect Journalists

**September 10, 2013**

**“Challenges to Democracy in the Western Hemisphere”**

I would like to commend Chairman Salmon and the members of the House Subcommittee on the Western Hemisphere for holding this important hearing and for providing the Committee to Protect Journalists with the opportunity to testify before you. My name is Carlos Lauría, and I am CPJ's Americas Senior Program Coordinator. CPJ is an independent, nonprofit organization dedicated to defending press freedom and the rights of journalists worldwide. It is an honor to speak to you today.

I will focus my testimony on the threats that journalists face while reporting the news and its impact on fundamental human rights, including freedom of expression and access to information. In different countries throughout the hemisphere, broad aspects of public discourse are limited by the threat of physical violence, government censorship, restrictive legislation, and financial pressures. The lack of vigorous debates on issues of public interest, which is the cornerstone of modern democracies, is creating political instability, reducing government accountability, and compromising economic development.

With the exception of Cuba, democracy in the Americas has become firmly entrenched. While many countries in the region have great investigative journalism, editorial independence, and critical coverage, reporters and media outlets are still exposed to both violence and government

repression. The role of journalists as democracy's watchdogs has gradually become more dangerous. Violence and official legal harassment are the main emerging trends that illustrate the major challenges facing the press in the Western hemisphere, according to CPJ research.

During the last two decades, transnational criminal networks have extended their influence and spread a wave of lethal violence across Latin America. Political turmoil and weakened institutions have been the consequences of their unlawful behavior. In this context, coverage of crime, corruption, human rights abuses, and other sensitive issues made journalism a high-risk profession. Scores of journalists have been killed, disappeared, and brutally attacked with total impunity as dysfunctional and overburdened judicial systems have been incapable to bring to justice those responsible for these crimes, CPJ research shows.

With more than 50 journalists killed or disappeared over the last six years, Mexico is the deadliest country for the press in the Americas, and one of the most dangerous worldwide. Media outlets have seen their offices bombed or fired upon and their websites hacked. Violence linked to organized crime and corruption have devastated the news media and stripped citizens of their rights to freedom of expression and access to information. Terror and censorship have destroyed the ability of the press to report the news while placing Mexico's future as a democracy at risk.

A climate of widespread impunity exacerbates the problem. Journalists are attacked while reporting on complicity between criminals and officials, and they have been targeted while pursuing crime or corruption stories. Crimes are almost completely unsolved, not only as a product of negligence and incompetence, but of pervasive corruption among law enforcement. The lines between political and criminal groups are often unclear, raising the risk for reporters. Local reporters pay the highest price, as the global trend shows. Nearly nine out of ten journalists killed worldwide are journalists reporting on issues in their own community, according to CPJ research.

In April, CPJ commended the approval of legislation that implements a constitutional amendment giving federal authorities in Mexico broader jurisdiction to prosecute crimes against freedom of expression as a step forward in the fight against impunity. The legislation establishes accountability at senior levels of the national government, evading the more corrupt and less effective state law enforcement officials. The administration of President Enrique Peña Nieto must now show full political will to break this terrible cycle of impunity.

Criminal organizations and impunity have also forced the press into silence in some Central American countries, but nowhere more so than in Honduras. With the highest homicide rate in the world, according to United Nations statistics, a climate of violence and widespread impunity has made this country one of the most dangerous in the region. Rampant gang violence, the presence of powerful Mexican drug cartels, and deep societal polarization following the 2009 coup that ousted Manuel Zelaya are all factors that have made the work of reporters even more perilous. A total of 16 journalists have been killed in Honduras since July 2009, at least three in direct reprisal for their work, CPJ research shows. Pervasive impunity and negligent and incompetent investigative work often make it difficult to determine motives in murder cases, CPJ research shows. Honduran authorities' approach toward the killings of journalists has aggravated the problem. Officials have played down the threat, often arguing that the murders are not related

to the work of journalists. But so far they have not presented concrete evidence to make their case.

While investigative journalism is thriving in Brazil, a spike in lethal violence has made this country one of the most dangerous for journalists in the world, according to CPJ research. Four reporters have been killed so far this year, at least three of them in direct retaliation for their journalism. In 2012, the second consecutive year, Brazil appeared on CPJ's Impunity Index, which calls attention to countries where journalists are murdered regularly and the killers go unpunished. The country was also named to CPJ's Risk List, which identified 10 places where press freedom suffered in 2012. Nine out of ten journalists killed in the past two years had reported on official corruption or crime and all but one worked in provincial areas. Reporters are more vulnerable to attack in provincial areas where law enforcement is weak. Journalists who work in urban centers are not immune to threats and violence. Those who cover organized crime, official corruption, and drug trafficking have faced serious risks and, in certain cases, are forced into hiding and exile. The case of investigative journalist Mauri König, a special reporter with the Curitiba-based daily *Gazeta do Povo*, is striking. In late 2012, König received serious death threats after an investigative series on police corruption in the state of Paraná. After a follow-up story last December, he was warned of a plot to kill him and shoot up his house. König went into hiding and returned to Brazil several weeks later.

Even as lethal violence has drastically declined in the last decade, Colombia continues to rank among the most murderous countries for journalists worldwide, with 44 journalists killed in reprisal for their work since 1992. While authorities have made strides in combating impunity in cases of murdered journalists, improvements in the overall security climate have generally outpaced judicial gains, CPJ research shows. While the number of killings has decreased, threats have been on the rise. This year, CPJ has documented a series of press freedom cases that illustrate the serious risks journalists still face when reporting on sensitive issues. Authorities recently discovered a plot to kill a prominent journalist and two political analysts who had been investigating links between local politicians and organized crime. According to Colombian officials, an assassin had been hired and paid to kill Gonzalo Guillén, a freelance investigative journalist who has produced documentaries and reported for the Miami newspaper *El Nuevo Herald*. In May, eight provincial reporters covering land restitution efforts by the government were threatened by a group that said they had 24 hours to abandon the northern city of Valledupar. Ricardo Calderón, who heads *Semana* magazine's investigative unit, barely escaped an assassination attempt in May, CPJ research shows.

Besides the threat of physical violence, the subsequent most pressing issue for the regional media is an array of restrictive legislative, judicial, and regulatory measures imposed by democratically elected governments. Showing disdain for the institutions of democracy, several governments are seeking to stifle dissent and control the flow of information. Describing critical journalists as the unelected opposition, these governments have become increasingly intolerant to media criticism.

Venezuela provides the starkest example of the lack of tolerance to different views and opinions. As CPJ research shows, in the last 14 years Venezuela has used different laws, regulatory measures, and judicial decisions to progressively break down the private press. With majority in the National Assembly, and control over the judiciary and government regulators, authorities

have closed dozens of broadcasters, censored critical coverage, sued reporters for defamation, excluded those deemed unfriendly from official events, and intimidated critical journalists.

At the same time, Venezuela has built an unprecedented state media empire that is used to harass critics and obscure issues like crime and corruption. During the past decade, Venezuela has invested heavily to build a large state press conglomerate to further the government's political agenda, CPJ research shows. While state media largely broadcast propaganda at the expense of plural viewpoints, it is also used as a platform to launch attacks and smear critical journalists.

Globovisión, the only network critical of the government still on the air until recently, was sold in May to businessmen with close ties to the Maduro administration. Since then, the network has dramatically toned down its criticism while many of its journalists and hosts have left the station with accusations of censorship, according to CPJ research. Globovisión was sold after being hit with huge fines, an array of regulatory sanctions, and facing the probability that its license would not be renewed in 2015.

Venezuela has served as a model to other leaders in the region who are trying to weaken the press, repress dissent, and exert control over information. But perhaps none has learned the lesson better than President Rafael Correa of Ecuador, whose policies have transformed the country into one of the hemisphere's most restrictive nations for the press, according to CPJ research. Ecuador has made use of archaic criminal defamation laws to silence critical journalists. A former op-ed editor and three executives with the largest circulation daily *El Universo* were sentenced to three years in prison and \$40 million in fines for allegedly defaming the president in an opinion column. President Correa also filed a \$10 million civil defamation lawsuit against investigative journalists Juan Carlos Calderón and Christian Zurita, authors of a book called *Gran Hermano* (Big Brother) on official corruption. Both journalists were ordered to pay \$1 million each in damages to Correa. The president later pardoned the journalists and executives in both cases. But Correa's statement after the pardon—that he was forgiving, but not forgetting—was interpreted as warning to all journalists who report critically on his administration.

The new Communications Law approved in June by the Ecuadoran National Assembly represents a severe blow to freedom of expression, according to CPJ and other regional and international press freedom organizations. The law establishes regulation of editorial content and gives authorities the power to impose arbitrary sanctions and censor the press. The restrictive provisions and vague language of this legislation run counter to constitutional guarantees and international standards on freedom of expression. The law not only undermines journalists' ability to report critically but threatens the right of citizens to be informed about sensitive issues. The legislation, which created a state watchdog entity to regulate media content, is filled with ambiguous language demanding that journalists provide accurate and balanced information or face civil or criminal penalties. Article 26, for instance, prohibits "media lynching" that is defined as "the dissemination of concerted and reiterative information ... with the purpose of undermining the prestige" of a person or legal entity. Media outlets found violating this provision could be ordered to issue public apologies and would be subject to criminal and civil sanctions that are not specified in the legislation.

In the last few years, Cuba has projected an image of a nation opening up economically, but the government of President Raúl Castro has taken no important actions to promote freedom of expression and access to information. The authorities' decision to eliminate exit visa regulations that had long restricted Cuban travel is a positive step that has allowed government critics to travel abroad. But harassment and intimidation of independent journalists and political dissidents have remained constant. Though the government has almost abandoned its policy of long-term detentions, short-term detentions and harassment, especially surrounding widely covered events, is a common practice. Internet penetration remains low, with existing public connections slow and expensive. The installation of a fiber-optic cable project financed by Venezuela was completed, but analysts say Internet access is still elusive for most Cubans. The general population goes online at hotels or government-controlled Internet cafés by means of expensive voucher cards. Defying economic and legal obstacles, a vibrant number of independent bloggers detail everyday life and offer criticism of the Cuban government. Their blogs are hosted outside the country and are largely blocked on the island. Cuba placed ninth on CPJ's global survey of most censored countries.

Being in Washington today I must also mention recent developments that have worsened the climate for press freedom in the United States. Actions taken by the United States' Department of Justice in seizing journalists' phone records and emails, the aggressive prosecutions of whistleblowers who leak classified information to the press, and massive surveillance of communications send an unequivocal chilling message to journalists and their sources, particularly on issues of national security that are of vital importance to the public. At the same time, just as troubling, these actions in the United States set a terrible example for the rest of the world, where governments routinely justify intervention in the media by citing national security.

Mr. SALMON. Dr. Arnson.

**STATEMENT OF CYNTHIA J. ARNSON, PH.D., DIRECTOR, LATIN AMERICAN PROGRAM, WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS**

Ms. ARNSON. Thank you, Mr. Chairman and members of the subcommittee. Thank you for this opportunity to testify today.

Tomorrow, September 11th, is not only the anniversary of the terrorist attacks against the United States, but also marks the 40th anniversary of the military coup in Chile. The commemorations that are underway in Santiago and other major cities throughout the country show how the reckoning with the legacy of those abuses, the search for justice, the search to end impunity continues to pose tasks for Chilean society even this many decades after the formal transition to democracy.

In terms of democratic governance, I agree with my colleagues, there is much to celebrate since the 1960s and 1970s and 1980s, when many countries in the region were in the grip of military dictatorship or civil war. But I would like to refer you to my testimony to summarize some of those and rather focus on the setbacks to representative democracy in the Andean region, but also broader challenges to democratic governance in those countries even where liberal democracy is strong.

First, and despite the significant strides in reducing poverty and more limited steps in reducing inequality over the last decade, the region as a whole remains the most unequal region in the world. Social mobility has improved, millions have entered the middle class, but they remain highly vulnerable to falling back into poverty. Frustration with corruption, with the poor quality of services, and with the unequal distribution of the fruits of economic growth remains high, sparking protests from Chile to Brazil to Colombia, as we have seen in these recent weeks.

Second, in many countries electoral democracy survives amidst new threats: The unprecedented increase in the rates of crime and violence abetted, but not entirely caused by the growing activities and sophistication of transnational organized crime. My colleague, Mr. Lauria, has pointed to the attacks on the media in places like Honduras and Mexico, including those who have reported on organized crime.

Latin America as a whole has a homicide rate that is more than double the global average. It is second only to parts of sub-Saharan Africa, and with the notable exception of Colombia it is increasing in most countries, disproportionately affecting young men, particularly in urban areas. And as has been mentioned in earlier remarks, this is an especially grave problem in Central America as well as part of the Caribbean.

In addition to these overall trends that affect many countries of the region is the growing authoritarianism of regimes in the Andean region and with echoes in places such as Argentina and Nicaragua.

In previous testimony, my colleagues have outlined many of the difficulties. I will summarize, I think, some of the most egregious. Today's populist regimes in Latin America are focused on transformational or revolutionary projects that concentrate power in the

executive and do not envision ceding power to political opponents. Even when leaders enjoy significant popular support, largely as a result of social programs that have been supported by the high prices of basic commodities, the institutions and legal frameworks that constrain power have been systematically eroded. Constitutional reforms have done away with limits on Presidential terms. There has been the weakening or elimination of checks and balances through the packing of institutions, such as judiciaries and electoral councils. Leaders themselves foster actively the polarization of society from above, and politics is lived not as a process of bargaining with accepted rules of the game, but as a full-blown confrontation between irreconcilable interests.

Populism's authoritarian qualities are most evident and advanced in Venezuela. Since his victory by a razor thin margin in April 2013, Nicolas Maduro has struggled to establish his authority. The opposition has refused to recognize the legitimacy of his election amidst numerous credible allegations of fraud. The government has failed to thoroughly investigate reliable reports of violence against opponents during the electoral period in April, at the same time that it conducts thorough investigations of incidents in which the opposition is alleged to be responsible.

The erosion of media freedoms and of political space for autonomous civil society, the aggressive concentration of power in the hands of the Presidency, the destruction of checks and balances, the assault on the very notion of political pluralism and alternation in power, and the fostering of polarization at all levels of society, these characteristics of contemporary populism constitute the new face of authoritarianism in Latin America.

But they are not the only threats to democracy and democratic governance in the region. To conclude, efforts to support democracy must include policies to improve citizen security, combat organized crime and its corruption at all levels of society, and foster inclusionary growth and development that benefit the region's citizens more broadly.

Thank you very much.

Mr. SALMON. Thank you very much, Dr. Arnson.

[The prepared statement of Ms. Arnson follows:]

**Testimony of Dr. Cynthia J. Arnson  
Director, Latin American Program  
Woodrow Wilson International Center for Scholars**

**U.S. House of Representatives  
Committee on Foreign Affairs  
Subcommittee on the Western Hemisphere  
“Challenges to Democracy in the Western Hemisphere”  
September 10, 2013**

Mr. Chairmen and Members of the Subcommittee:

Thank you very much for this opportunity to testify about the numerous challenges to democracy in the Western Hemisphere.

Tomorrow, September 11, 2013, marks the 40<sup>th</sup> anniversary of the military coup in Chile. The coup ushered in years of cruel dictatorship and the violation of human rights on a massive scale. Commemorations of the anniversary in Chile demonstrate how the legacy of these abuses—the reckoning with the past and the search for justice—pose ongoing tasks for Chilean society even decades after the formal transition to democracy.

In terms of democratic governance, there is much to celebrate since the 1960s, '70s, and '80s, when many countries of the region were in the grip of military dictatorships or civil war.<sup>1</sup> Given the diversity of experiences with democratization in Latin America, one must take care to avoid broad-brush generalizations. Military coups for the most part have been discredited as a path to power, but interruptions of the democratic process—the coup in Honduras in 2009 and the removal of Paraguay’s president in 2012—are not totally a thing of the past. An authoritarian regime remains firmly entrenched in Cuba. At the same time, in most countries of the region, ideological conflicts have dissipated as center-left and center-right regimes have converged on the need for a strong state to facilitate both the dynamism of a market economy and the enhancement of social welfare. A peace process underway in Colombia holds the promise of ending close to fifty years of internal armed conflict. For the most part, the armed forces have gone through serious processes of professionalization and are subject to civilian authority. The first decade of the 21<sup>st</sup> century has seen historic reductions in poverty and some smaller reductions in inequality, the growth of the middle class, and the engagement of vibrant civil societies in articulating and solving national problems. Indeed, representative democracy has appeared to thrive most fully in some of the countries that experienced the devastation of democratic breakdown in the 1960s and 1970s.

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<sup>1</sup> This testimony draws on the following recently published works: Cynthia J. Arnson and Carlos de la Torre, “Conclusion: The Meaning and Future of Latin American Populism,” in Carlos de la Torre and Cynthia J. Arnson, eds., *Latin American Populism in the Twenty-First Century* (Baltimore, MD: Woodrow Wilson Center Press and Johns Hopkins University Press, 2013), 351-76; Cynthia J. Arnson and Abraham F. Lowenthal, “Foreword,” in Guillermo O’Donnell and Philippe C. Schmitter, *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies* (Baltimore, MD: Johns Hopkins University Press, 1986 and 2013).

Before addressing the major setbacks to representative democracy in several countries of the Andean region, I would like to indicate several broader challenges to democratic governance even in those countries where liberal democracy is strong.

First, and despite the strides in reducing poverty and inequality since the early 2000s, the region as a whole remains the most unequal region in the world. Social mobility has improved and millions have entered the middle class, albeit they remain highly vulnerable to falling back into poverty. Regressive tax structures help to perpetuate longstanding social inequities. Frustration with corruption, with the poor quality of services, and with unequal distribution of the fruits of economic growth remains high, sparking protests from Chile to Brazil to Colombia. Racial and ethnic minorities, women, and those in rural areas continue to suffer the highest rates of marginalization and poverty.

Second, in the majority of countries it has been difficult to combine the procedural minimum of democracy—free and fair elections under conditions of universal suffrage—with more substantive dimensions such as adherence to the rule of law, the functioning of robust institutions, and the practice of citizenship. Liberal democracy is founded on the separation of powers, accountability that is horizontal (within and across government institutions) as well as vertical (between governments and voters), and respect for basic civil and human rights and liberties. Against this ideal is the fact that all too often, power is hyper-concentrated in the executive branch, governance institutions as well as political parties are in disrepute, inequality before the law remains high and impunity is rampant. These “deficits” of the democratic system, and particularly the weakness of institutions, help explain why political systems have imploded in several countries of the region, giving rise to populist regimes.

Third, in many countries, electoral democracy survives amidst new threats—the unprecedented increase in rates of crime and violence abetted but not entirely caused by the growing activities and sophistication of transnational organized crime. Latin America as a whole has a homicide rate that is more than double the global average,<sup>2</sup> is increasing in most countries (Colombia is an important exception), and disproportionately affects young people, especially men, in urban areas. This is a grave problem in Central America, particularly the so-called “Northern Triangle,” as well as some parts of the Caribbean. Rampant citizen insecurity in turn undermines support for democratic systems and expands support for hard-line, *mano dura* approaches that perpetuate patterns of abuse—the disproportionate targeting of marginalized youth, for example, and the swelling of prison populations, in which the majority of those incarcerated in many countries have never formally been convicted of a crime.<sup>3</sup> The expansion of organized crime, including but not limited to drug trafficking, has spawned violence as well as the penetration and corruption of state institutions and political and economic structures of power.

<sup>2</sup> United Nations Office on Drugs and Crime, [http://www.unodc.org/documents/data-and-analysis/statistics/Homicide/Globa\\_study\\_on\\_homicide\\_2011\\_web.pdf](http://www.unodc.org/documents/data-and-analysis/statistics/Homicide/Globa_study_on_homicide_2011_web.pdf)

<sup>3</sup> Carlos Basombrio, *What Have We Accomplished? Public Policies to Address the Increase in Violent Crime in Latin America*, Woodrow Wilson Center Reports on the Americas, No. 30, November 2012.

In addition to these overall trends is the growing authoritarianism of regimes in the Andean region but with echoes in such places as Argentina and Nicaragua. Political scientists have coined the term “competitive authoritarianism” to describe the ways in which leaders combined democratic rules with authoritarian governance, winning elections in which the voting was technically fair but the electoral playing field was skewed in ways that overwhelmingly and systematically favored the incumbent.<sup>4</sup>

Authoritarian populism in Latin America is not characterized by the repression and massive human rights violations of bureaucratic authoritarian military regimes of decades past; rather, it is reflected in the ways that power is held and exercised. Most significantly in the Andes, today’s populist regimes are focused on transformational or revolutionary projects that concentrate power in the executive and do not envision ceding power to political opponents. Even when leaders enjoy significant popular support (largely as a result of social programs financed by the boom in commodity prices), the institutions and legal frameworks that constrain the unfettered exercise of power have been systematically eroded. Constitutional reforms that do away with limits on presidential terms are one factor in that erosion; the weakening or elimination of checks and balances through the packing of institutions such as the judiciary or electoral councils, are another. Leaders foster the polarization of society from above; politics are lived not as a process of bargaining within shared rules of the game but as a full-blown confrontation between irreconcilable interests. The fostering of polarization is not unique to populist regimes; indeed, all politics rests to some extent on the confrontation of ideologies and personalities and the mobilization of mass followings behind a particular leader. What matters is the institutional framework within which power is contested and exercised; whether those institutions serve to constrain presidential power and permit or prohibit peaceful alternation; and whether a vast array of rights, from media freedoms to individual civil and political rights, are upheld by the rule of law.

The profound deficits of representation and consequent collapse of party systems in Venezuela, Ecuador, and Bolivia have given rise to new forms of populism that explicitly reject liberal, representative democracy in favor of direct and vertical linkages between the leader and “the people” and the gutting of checks and balances on executive power. Populist leaders have not only skirted or undermined existing institutions; they have also coupled processes of de-institutionalization with efforts to create new institutions that “re-found” the state based on a new constitutional order. This “re-foundational” aspect through constitutional reform is one of the defining features of radical populism in contemporary Latin America.<sup>5</sup>

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<sup>4</sup> According to Steven Levitsky and Lucan Way, “competitive authoritarian regimes are civilian regimes in which formal democratic institutions exist and are widely viewed as the primary means of gaining power, but in which incumbents’ abuse of the state places them at a significant advantage vis-à-vis their opponents. Such regimes are competitive in that opposition parties use democratic institutions to contest seriously for power, but they are not democratic because the playing field is heavily skewed in favor of incumbents. Competition is thus real but unfair.” See Steven Levitsky and Lucan Way, *Competitive Authoritarianism: Hybrid Regimes After the Cold War* (Cambridge: Cambridge University Press, 2010), 5.

<sup>5</sup> See César Montúfar, “Rafael Correa and His Plebiscitary Citizens’ Revolution,” in de la Torre and Anson, op. cit., 295-321.

Populism's authoritarian qualities are most evident and advanced in Venezuela. Before his death earlier this year, Hugo Chávez dominated virtually every aspect of political life. Through lavish social spending financed by the high price of oil (Venezuela has the largest proven oil reserves in the world), and through the sheer force of his charismatic personality, Chávez assembled a loyal base of supporters among those who received concrete material and political benefits. He buttressed his dominance by stacking institutions such as the judiciary (in 2004 and again in 2010) and the electoral council with his political supporters. He ensured the loyalty of the armed forces through successive purges and likewise stacked the state oil company, PdVSA, with loyalists following a failed strike in 2002.

Since his victory by a razor-thin margin in April 2013 elections, Chávez's designated successor, Nicolás Maduro, has struggled to establish his authority. The opposition has refused to recognize the legitimacy of his election amidst numerous credible allegations of fraud. The government has failed to investigate reliable reports of violence against opposition supporters in the April electoral period, at the same time that it conducts thorough investigations of incidents in which the government alleges the opposition was responsible.<sup>6</sup> Venezuela's withdrawal from the inter-American system of human rights protection, as of today, September 20, 2013, deprives Venezuelan citizens of one of the few instruments of redress provided by international legal norms when abuses are not adequately addressed in the domestic court system.

The Venezuelan economy continues to be in crisis; expropriations have undermined domestic investment, while rampant inflation and shortages of electricity, food, and basic consumer goods pose a mounting problem for the government. Attempts to reconcile with the private sector, to combat low-level corruption, and to name a moderate as Finance Minister have been touted as signs of greater pragmatism. So far, however, these measures remain timid; worse still is the way anti-corruption cases unfairly target political opponents of the regime. President Maduro routinely blames the opposition for the country's mounting economic difficulties—including a blackout in early September and the explosion at the Amuay refinery in August 2012—and regularly denounces assassination plots hatched from abroad in an effort to deflect attention from the government's responsibility for Venezuela's mounting domestic problems. This provides a toxic setting for upcoming municipal elections in December 2013.

Attacks on the press in Venezuela, Ecuador, and to a lesser extent Argentina, constitute troubling indicators of the degradation of fundamental freedoms. Conditions for the press have deteriorated in many countries of Latin America; from Mexico to Honduras to Brazil, journalists covering issues of drug trafficking and organized crime have been threatened, physically assaulted, and murdered as a result of their reporting. While these attacks reflect a state failure to protect citizens and, more generally, to uphold the rule of law and overcome impunity, criminal groups, not the state, are for the most part responsible. By contrast, the pressures on independent media under contemporary populist regimes are explicit, state-directed policies, aimed at harassing and punishing critics and limiting the free flow of information.

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<sup>6</sup> See Human Rights Watch. "Letter to the UN about post-electoral violence in Venezuela." July 11, 2013; based on reports by the Venezuelan human rights NGOs, PROVEA and COFAVIC as well as the Human Rights Center of the Central University of Venezuela.

The pressures have been the most severe in Venezuela but Ecuador is not far behind. There the Rafael Correa administration has seized private media outlets, sued journalists and editors who criticize his policies, and interrupted broadcasts to allow government spokespersons to rebut unflattering news reports.<sup>7</sup> Since his re-election last February, a legislature dominated by Correa's supporters has passed a new communications law that subjects the media to criminal and civil sanctions for "undermining the prestige" of an individual or entity. The government also issued a presidential decree giving the state broad powers to interfere with the work of civil society organizations.

In Argentina, the government of Cristina Fernández de Kirchner has used tax audits to harass critics, including *Clarín*, the most widely circulated newspaper. In defiance of a Supreme Court ruling, the government used the state advertising budget to reward supportive media and punish outlets critical of the government; fined economists for publishing inflation statistics at odds with the government's figures; and brought the sole newsprint manufacturer under government regulation, a company in which the two largest papers sharply critical of the government—*Clarín* and *La Nación*—owned a majority stake.<sup>8</sup>

The erosion of media freedoms and of political space for autonomous civil society, the aggressive concentration of power in the hands of the presidency, the destruction of checks and balances, the assault on the notion of political pluralism and alternation in power, and the fostering of polarization at all levels of society—these characteristics of contemporary populism constitute the face of authoritarianism in Latin America today. But they are not the only threats to democratic governance in the region. Efforts to support democracy must include policies to improve citizen security, combat organized crime and its corruption at all levels of society, and foster inclusionary growth and development that benefit the region's citizens more broadly.

Thank you for this opportunity to share my thoughts and concerns about the state of democracy in Latin America. I look forward to any questions you might have.

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<sup>7</sup> The most notorious case involved an editor and three board members of the largest privately owned newspaper, *El Universo*, who were convicted of defamation and sentenced to three-year terms for publishing an editorial entitled, "No a las mentiras," ("No to Lies"); the paper was also fined \$40 million. All four of those convicted were pardoned in early 2012.

<sup>8</sup> The government accused *La Nación* and *Clarín* of collusion with the military dictatorship in acquiring ownership of the company, Papel Prensa. Under anti-trust provisions of a controversial 2009 media law, the government also ordered *Clarín* in late 2012 to sell its extensive cable, radio, and television stations.

Mr. SALMON. We will now turn to the questioning phase of our hearing. And given the time constraints that we have, I will limit each member, including myself, to 3 minutes.

I just have one question, and, Dr. Schamis, I would like to direct it to you. While Argentina has high Freedom House ratings for political rights and civil liberties, the government of President Cristina Fernandez de Kirchner enacted a controversial media law regulating broadcast and print media. How would you characterize the current status of media freedom in Argentina and the government's effort to break up the media concentration? What is your view of recent efforts by the Argentine Government to provide for the election of magistrates to oversee the judiciary. More broadly, how would you assess the current state of democracy in Argentina?

Mr. SCHAMIS. Mr. Chairman, yes, one could say that the current Government of Argentina has conducted a double strategy to try to stay in power longer than elected for, control of the media, control of information in the form of legislation that, while it was written in simple antitrust law, was no more than an attempt to break down the main media organization in the country and take away different outlets, whether radio or audio-visual or print, and give it to friends. And that has already started to happen, and now it is up to the Supreme Court to decide on the constitutionality of that law.

The second strategy of the government to stay in office was to have control of the so-called magistratura, which is an organ, an institution that appoints, nominates judges, and to invoke in the name of democratization of justice, make those appointments electable through political party lists. That law would have control of the nomination and appointment of judges, including the electoral courts, which at a time in which reelection, indefinite reelection was in the minds of many people in the government, that would have been, you know, extremely convenient. However, the Supreme Court in a 6-1 ruling determined the unconstitutionality of that reform, in what introduced, I have to say, a breath of fresh air into Argentine society and politics.

Recently there has been an election. The government didn't do well, and there is all of a sudden a lot less, if any, talk of reelection. And there is an upcoming election in October in which the government has gone from 54 percent in 2011 to 26 percent just now. And much of that has to do with the, I would say, courageous attitude taken by the judiciary and also by Argentine society that has expressed in a clear and loud way its rejection of any attempts of perpetuity on the part of the government.

And therefore we will see what happens with the ruling of the Supreme Court on the constitutional status of this law, but overall the climate in Argentina, both in terms of freedom of expression and independence of the courts, has improved dramatically from just, I would say, 6 months ago.

Mr. SALMON. Thank you very much.

Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Mr. Chairman, thank you. I actually had 100 more questions I wanted to ask our panel. But thank you so much for the testimony that you have given.

Let me just ask one question and I would like to ask all three of you to comment on it. We have got problems of a permanent constitutional framework of how these governments are lacking and then the problem of absolutely no freedom of the press and what they are doing to the journalists. And then Dr. Arnson's observation, the fact that corrupt governments are also a major cause of instability that we have in Latin countries. I had asked earlier to President Uribe, could you give me, each one of you, what you consider to be the top priority of what we need to do in dealing with Latin America.

Dr. Arnson.

Ms. ARNISON. I will start. In terms of supporting democratic governance, I think it is obvious that the United States needs to use its voice and prestige on behalf of democratic systems and on behalf of those who are struggling to preserve and advance the cause of democracy in the region. When I say that, I also note that the involvement of the United States, for example in supporting overtly the opposition in Venezuela or Bolivia or Ecuador, is not something—

Mr. FALEOMAVAEGA. Well, what about the fact that 85—

Ms. ARNISON [continuing]. That the opposition itself is in favor of, and it is often the kiss of death. And so it is very, very complicated to find ways concretely to support, other than rhetorically and verbally, to support democracy and civil society. There are restrictions on the flow of funds to civil society organizations in virtually every country in the Andean populist region.

Mr. FALEOMAVAEGA. What about the fact that 85 percent of all the small arms that come into Mexico comes from the United States causing one of the serious, serious problems. And I am sorry. We can get into that discussion, but I need to get to Mr. Lauria and Dr. Schamis.

What do you consider to be the top priority of what we should do as a country to deal with Latin America?

Mr. LAURIA. Sure. First of all, I think that, you know, the issue of killings and disappearances of journalists should be part of, you know, the bilateral agenda of the U.S. in talks with Mexico and other countries like Honduras and even Brazil, where journalists are killed with total impunity. That is an important point.

And I think that another point is, and was expressed before, that a group of countries of the ALBA bloc are aggressively attacking one of the model systems in the protection and promotion of human rights in the hemisphere in the world, which is the Inter-American System of Human Rights. The U.S. should work with regional countries, heavyweights like Mexico and Brazil, to strongly support the Inter-American human rights systems. Reforms like the ones proposed by the ALBA could really weaken the Inter-American human rights system, the Inter-American Commission and its special rapporteur. And this is a last line of defense for citizens in the Americas when their human rights are violated.

Mr. FALEOMAVAEGA. Thank you.

Thank you, Mr. Chairman. My time is up.

Mr. SALMON. Thank you.

Mr. Radel.

Mr. RADEL. Thank you, Mr. Chair.

I have worked as a journalist all of my life. Started as an intern at CNN. I have worked in radio, print, TV. So this is something near and dear to my heart. I firmly believe, for the record, that without a free press you are not a free country in any way, shape, or form.

My question, Mr. Lauría, would actually be with respect to Cuba. I guess it would be the Cuba question, without Mr. Sires or Ms. Ros-Lehtinen here today. We have seen some economic reforms, and I put gigantic sarcastic quotation marks around reforms in Cuba, but I would ask you, has there been any sort of reform to move toward a freer press or even freedom of discussion in the country of Cuba?

Mr. LAURÍA. Thank you for your question. I think it is a very important one. Unfortunately, despite, you know, the opening up in the economic and political aspects, there has been no attempt by the Cuban Government to promote freedom of expression and even access to information. There is a project recently implemented in Cuba, a cable fiber optic project financed by Venezuela that was going to provide more Internet infrastructure. That is not available for the Cubans. The government has changed its policy of long-term detentions, for short-term detentions, but harassments, intimidation, and beatings of independent journalists and political dissidents continue to be widespread.

Mr. RADEL. And to clarify that, too, then the technology that they are putting into the country is simply used for government officials and, what, potentially tourists that show up if they want to have Internet access?

Mr. LAURÍA. Well, it is for government officials or for, you know, people that have close ties with the government.

Mr. RADEL. Sure.

Mr. LAURÍA. Common citizens have no access to Internet and have to rely on Internet cafes or hotels to get access.

Mr. RADEL. All right. To all three of you, thank you so much for your time today.

I yield the rest of my time.

Mr. SALMON. Thank you to our distinguished panel. This has been a very enlightening hearing today. We are proud of the job that most of the countries in the Western Hemisphere have done protecting human rights and promoting freedom and democracy, but we have some challenges, some bumps in the road that we are all going to have to work together to try to overcome. And so I appreciate your testimony in shedding the light on some issues that need to be examined and corrected, and we applaud your efforts. Thank you very much.

Without any other business, this committee will now adjourn.

[Whereupon, at 4:36 p.m., the subcommittee was adjourned.]



# A P P E N D I X



MATERIAL SUBMITTED FOR THE HEARING RECORD

**SUBCOMMITTEE HEARING NOTICE  
COMMITTEE ON FOREIGN AFFAIRS  
U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, D.C. 20515-6128**

**Subcommittee on the Western Hemisphere  
Matt Salmon (R-AZ), Chairman**

September 5, 2013

**TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS**

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs to be held by the Subcommittee on the Western Hemisphere in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at [www.foreignaffairs.house.gov](http://www.foreignaffairs.house.gov)):

**DATE:** Tuesday, September 10, 2013

**TIME:** 3:00 p.m.

**SUBJECT:** Challenges to Democracy in the Western Hemisphere

**WITNESSES:** Panel I  
Mr. Alvaro Uribe Vélez  
Senior Fellow  
Bipartisan Policy Center  
*(Former President of the Republic of Colombia)*

Panel II  
Hector E. Schamis, Ph.D.  
Adjunct Professor  
Center for Latin American Studies  
Georgetown University

Mr. Carlos Lauría  
Senior Coordinator  
Americas Program  
Committee to Protect Journalists

Cynthia J. Arnson, Ph.D.  
Director  
Latin American Program  
Woodrow Wilson International Center for Scholars

**By Direction of the Chairman**

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COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON the Western Hemisphere HEARING

Day Tuesday Date 09-10-2013 Room 2172 RHOB

Starting Time 3:01 p.m. Ending Time 4:31 p.m.

Recesses  (to to ) (to to )

Presiding Member(s)

*Chairman Matt Salmon*

Check all of the following that apply:

Open Session

Executive (closed) Session

Televised

Electronically Recorded (taped)

Stenographic Record

TITLE OF HEARING:

*"Challenges to Democracy in the Western Hemisphere"*

SUBCOMMITTEE MEMBERS PRESENT:

*Chairman Matt Salmon, Rep. Ileana Ros-Lehtinen, Rep. Jeff Duncan, Rep. Trey Rudel, Ranking Member Albio Sires, Rep. Eni Faleomavaega and Rep. Theodore Deutch.*

NON-SUBCOMMITTEE MEMBERS PRESENT: (Mark with an \* if they are not members of full committee.)

*Chairman Ed Royce*

HEARING WITNESSES: Same as meeting notice attached? Yes  No

(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: (List any statements submitted for the record.)

*N/A*

TIME SCHEDULED TO RECONVENE \_\_\_\_\_

or  
TIME ADJOURNED 4:31 p.m.

*Maka Walker*  
Subcommittee Staff Director