



GOVERNANCE, DEMOCRACY AND DEVELOPMENT in Latin America and the Caribbean

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Assessment and Public Policy Recommendations*

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FOREWORD

This document, which was jointly prepared by the UNDP Bureau on Latin America and the Caribbean and International IDEA, arises from a shared concern about the quality of governance in the countries of Latin America and the Caribbean (LAC) and the state of their governability. It is becoming increasingly less clear that the region's political systems have the capacity to respond effectively to the socioeconomic needs and expectations of the population, as well as to channel the growing social conflicts and political polarization in the region. There is therefore increasing pressure on the democratic institutions built in LAC over more than four decades.

Previous studies conducted by both organizations show a deep interconnectedness between two sides of the same coin of human development: economic performance and wealth distribution, on the one hand, and the legitimacy and functionality of democratic institutions and the rule of law, on the other. Today, it has become even more necessary in the region to make an analysis of the complex interactions between both dimensions which generate virtuous processes between them in some cases, and processes of mutual weakening in other cases. Nonetheless, this analysis should go beyond being a mere intellectual exercise. In addition to helping to understand the motley reality of the processes of building human development and democracy in the region, the exercise should yield public policy recommendations in response to the challenges identified.

Keeping in mind these objectives, both organizations consider it is necessary to move forward in the discussion of the concept of governance, its components and interconnections thereof in LAC. Governance refers to a series of (inter)actions between state and non-state actors to formulate and implement social, economic, and institutional policies and reforms related to the access and/or exercise of power, with the objective of improving the governability of democratic political systems. Governability is a quality: Societies are more or less governable depending on the presence, capacity and quality of several factors, among others: optimal and equitable conditions for human, social and economic development; well-financed States with the capacity to exercise effective control over their territories, and a consolidated rule of law that guarantees the principle of legality and the administration of justice, among others.

Starting from the concept of governance, both in its democratic and effective meaning, this paper elaborates on four key issues for the LAC region: first, economic performance as a trigger of social unrest; second, representative and democratic disaffection; third, the lag and deterioration in building the rule of law; and fourth, the international and regional dimension of governance. The document also put forwards 12 lines of action and 30 public policy recommendations on concrete issues of governance in the region.

In the development of these core issues and recommendations, the document places special emphasis on the economic vulnerability of the middle class, the persistent income inequality and the growing perception of a culture of privilege rooted in political elites and those who profit from the State. Furthermore, it delves into the disaffection towards representative democratic institutions, particularly political parties and parliaments, and the way in which this citizen anger has been responded to with institutional reforms that have enhanced political fragmentation and, in some cases, the worst traits of presidential systems. The document also points out the risks that such disaffection poses for the invigoration of populist and authoritarian leaderships and, in turn, the danger that such leaderships pose to the rule of law and democracy. Moreover, an analysis is made of how corruption, violence and impunity – long-standing scourges in the region - are both a cause and a consequence of the region's lag in strengthening the rule of law, which is perhaps the greatest shortcoming of the democracy building process of the last generation in

LAC. It also reflects on how subnational governments and regional integration structures in LAC can contribute to improving governance in the countries of the region.

Despite the multiple challenges besieging democracy in the region, the document is also clear in its recognition of the strengths of LAC political systems. In particular, it notes the remarkable capacity to hold democratic elections with transparency and comparatively high levels of citizen participation, as well as the civic and social activism that has emerged, in point of fact, as a result of citizen discontent. It also highlights the progress made by the region in the protection of civil and political rights. Several of the social movements that have acquired visibility in recent years do not only seek to express their anger and frustration with the status quo, but also to claim rights, fight against the different forms of exclusion and defend the democratic and inclusive nature of political processes. Today, the young population in the region, as well as feminist movements and other groups traditionally excluded from the spheres of power, have new digital tools and agendas that are very different from those of the protagonists during the transitions to democracy. This is an opportunity for the region's political institutions and processes to become more participatory and inclusive.

This document makes an urgent call to size up the risks to social, economic and political stability of LAC posed by the worsening quality of its governance and governability, in a context in which the institutional and socioeconomic effects of the COVID-19 pandemic have not yet fully materialized. Never before has it been so necessary to rethink existing social pacts and design public institutions and government systems with sufficient capacity to address the demands of the region's population. UNDP and International IDEA invite governments, political parties, international organizations, civil society organizations and the population in general to join this unavoidable discussion.



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EXECUTIVE SUMMARY

The COVID-19 pandemic has highlighted and exacerbated the chronic problems of governance and the low quality of governability affecting the countries of Latin America and the Caribbean (LAC).

This document highlights six main problems:



(1) low and erratic economic growth rates



(2) high income inequality and concentration of wealth



(3) fiscally constrained states



(4) representative and democratic disaffection



(5) fragmentation and polarization of the political system



(6) lag and deterioration of the rule of law

The way in which these six problems interact has far-reaching consequences for the day-to-day conduct of public affairs, the rights and freedoms of citizens and the legitimacy of the democratic system. The assessment points to the economic vulnerability of the lower middle class, due to the fragmentation of the labor market (formality-informality, low-high productivity) and the segmentation of social security. It also points to the fragility of the poorest households that rely extensively on social welfare programs to meet their most basic needs. In parallel, the income of the highest percentiles continues to go up, adding to a historical concentration of wealth in these population segments. The weak and regressive tax systems of the states play a central role in this imbalance. The economic precariousness and vulnerability have deepened a feeling of economic exclusion which, combined with citizens' opinions on corruption becoming tougher, and the perception of a culture of privilege rooted in political elites and in people who profit excessively from the state, has translated into feelings of citizen anger. One of the faces of this anger is the representative disaffection towards representative democratic institutions, especially political parties and parliaments. The way in which this disaffection has been responded to, both in practice and with institutional reforms, has led to fragmented and polarized political systems and the concentration of powers in the hands of executive branches.

As a consequence, the capacity for negotiating and reaching political and social consensus has deteriorated, in some cases the hyper-presidential system has become stronger and the conditions of socioeconomic exclusion, further aggravated by the pandemic, persist. This is fertile ground that boosts populist, authoritarian and anti-system leaderships. Such leaderships form a direct threat to democracy, not because of the way in which they come to power (through elections) but because of the weakening of the rule of law, especially of constitutional checks and balances. This deterioration (due to negligence) or weakening (deliberate) erodes the rules and processes that give stability, effectiveness and legitimacy to democratic governability. At the same time, corruption, violence and impunity - all of which long-standing problems in the region – are both a cause and a consequence of the fact that the region is historically lagging behind in terms of strengthening the rule of law since the democratic transitions. Violence and impunity also have detrimental effects on people's lives and integrity, corroding democratic coexistence and limiting citizen participation. Notwithstanding the above, the existence of citizens with greater political empowerment and awareness of their rights is also reflected in the numerous social protests, in the regularity with which elections are held and in the levels of electoral participation. This is indicative of a more complex history of political participation/exclusion in the region. Although the progress in human development and electoral matters in recent decades has meant that social interests that were not represented politically before are represented now, they have not been translated immediately into public policies in their interest. This is the result of both a temporal and natural lag of electoral democracies and the deficiencies in governance and problems in governability mentioned above. It is also important to underline that the current challenges to improve both governance and governability in the region will only worsen over the next decade (unless adequately and promptly addressed), given that materialization of the full institutional and socioeconomic effects of the pandemic will take time.

1

Context

The COVID-19 pandemic (hereinafter “the pandemic”) has put additional pressure on the structures of governance in Latin America and the Caribbean (LAC), which were already displaying signs of deterioration and weakening. These new pressures range from the predicament of electoral authorities to organize elections in the absence of special mechanisms for remote voting, concerns about the use of extraordinary executive powers to face the emergency, the constraints affecting states to contain contagion and provide quality health services, to the difficulty in articulating comprehensive socioeconomic arrangements to protect vulnerable populations and enable post-pandemic recovery. A year before the outbreak of the pandemic, several countries in the region were struggling with massive protests and social mobilizations against poverty, inequality and corruption. During the pandemic, there were protests in all 23 countries in the region (IDEA, 2021b), fueled by citizens' frustration with what they consider inadequate responses to the pandemic or directed against reform proposals considered unfair or not enjoying sufficient popular support. Likewise, ongoing investigations into the actions of some heads of state to contain the pandemic may lead to fresh constitutional crises.

Underlying this context are two specific concerns for the democratic future of the region: first, without substantial improvements in the quality and capacity of governance, *further political polarization, social instability and even violent clashes between citizens and states* may arise due to the devastating socio-economic consequences of the pandemic, which will also take a long time to fully materialize. These effects represent a severe risk to governability, human rights, the rule of law and democracy itself. Second, and closely linked to the first concern, *social pacts in the region are showing deep cracks*, with citizens increasingly unwilling to make financial contributions to the state on the grounds that their basic needs and prospects for development are insufficiently met or ignored altogether.

Among the main reasons to be concerned about the quality of democratic governability and the effectiveness of governance in the LAC region is the urgent need to protect the significant transformations in democracy and human development that have taken place over the last four decades. According to International IDEA's State of Democracy in the Americas Report 2021 (2021d), LAC remains the third most democratic region in the world. Out of a total of 23 LAC countries, 18 are considered democracies (78%). Thus, the region ranks behind North America (which has 100% democracies) and Europe (where 89% of countries are democracies) in terms of regions with the most democracies in the world but ahead of Asia-Pacific (56%) and Africa (36%). Moreover, the number of democracies in LAC has not changed in the last two years, despite the disruptive effects of the pandemic, demonstrating a high level of resilience. Similarly, according to the United Nations Development Programme's Human Development Report 2020 (2020), the LAC region has also made major improvements in its human development levels since 1990, moving from a medium to a high level of human development in 2010 and maintaining that status during the last decade (UNDP, 2020).

Nevertheless, despite these and other important achievements, it is essential to look more closely at the components of democracy and human development that have shown signs of setbacks and lethargy, particularly in the last two decades, and that have given rise to people starting to talk about a crisis of governability (UNDP, 2021c) or a crisis of democracy (Zovatto, 2018). According also to the Report on the State of Democracy in the Americas 2021 (International IDEA 2021d), despite the resilience shown during the pandemic, half of the region's democracies have suffered from erosion and most of the region's democracies have stagnated at a medium level of performance. Of particular concern are the intentional actions in some countries to restrict freedom of speech and press freedoms, to attack electoral authorities and judges, and to weaken constitutional control over the authority of the executive branch. These behaviors, together with the persistence of crime, corruption and impunity, threaten the very foundations of the rule of law in the region, with the consequent impact on civil and political liberties, the ability to guarantee free and fair elections, and the exercise of full citizen participation.

Likewise, the feeling among a large part of the population that expectations have been broken, especially during the last decade, has had fundamental consequences for democratic coexistence, generating harmful cycles with mutual feedback between the economic and political spheres. One of the main indicators is the drop in support for democracy in the region (Latinobarómetro, 2018; Zechmeister and Lupu, 2019). Months before the pandemic was officially declared, several LAC countries were already struggling with massive protests and displays of social discontent. The political consequences of having economies with high income inequality and prolonged periods of mediocre economic growth have been a constant source of social tensions in LAC's development process. GDP growth in the region was very dynamic and above the world average from 2003 to 2013; however, from 2013 onwards, economic performance fell sharply compared to the global economy. Prior to the onset of the pandemic, in 2019 the economy was virtually stagnant, with a growth rate below 1 percent. Finally, the pandemic caused a GDP drop of 7.4 percent in LAC in 2020, while the decline was 3.5 percent in the rest of the world.

Over the past two decades, LAC has managed to consolidate itself as a middle-income economy, but has not succeeded in making the leap to become a middle-class society. The population that managed to lift its head above the poverty line in the last 20 years has remained stuck in a state of economic vulnerability, with high sensitivity to external shocks. This is precisely what is happening during the pandemic, dragging the middle sectors into poverty. Simultaneously, LAC remains the second most unequal region in the world, with a high concentration of wealth at the top of the distribution pyramid in most countries (UNDP, 2021b). This is clear in the fact that the number of billionaires in Latin America has increased from 27 in 2000 to 74 in 2020 (Forbes, 2020). Finally, LAC is a society in which there are patterns of exclusion associated with inequalities based on gender, ethnicity and geography that go much further than income inequality. In specific regard to gender inequality, ECLAC employment forecasts (2020) estimate that the pandemic could push back female labor participation by ten years, as almost 60 percent of female jobs are in at-risk sectors.

The trends documented in *The Global State of Democracy 2019* report (IDEA, 2019) and the events documented in *International IDEA's Global Monitor of COVID-19's Impact on Democracy and Human Rights (2020a)* suggest that the process of democratic deterioration did not emerge with the pandemic and will not automatically disappear once the pandemic is under control or has been overcome. Quite to the contrary, the systemic shock could end up breaking the fragile political balances that exist in the region, increasing the risk of democratic backsliding. The full picture regarding the risks to democracy in the region as a result of the pandemic will need some time to take shape. For now, there is an urgent need to address the shortcomings in governance in LAC that have been apparent for several years now. In addition to the assessment and public policy proposals presented herein, this document puts forward the following provisional definitions to be discussed and enriched in the different stages of the joint UNDP-IDEA initiative:



Governance refers to a series of (inter)actions between state and non-state actors to formulate and implement social, economic, and institutional policies and reforms related to the access and/or exercise of power, with the objective of improving the governability of democratic political systems. **Governability** is a quality: Societies are more or less governable depending on the presence, capacity and quality of several factors, among others: optimal and equitable conditions for human, social and economic development; well-financed States with the capacity to exercise effective control over their territories, and a consolidated rule of law that guarantees the principle of legality and the administration of justice, among others. Finally, **to govern** is the action carried out by those who exercise political power, regardless of the processes used to gain access to power.

There are as many types of governance as there are thematic, territorial or temporal emphases. Thus, for example, the effective governance agenda focuses on human development, socioeconomic development and institutional strengthening in order to improve governability standards in both access to and the exercise of power in a broad sense. The democratic governance agenda focuses on substantive and procedural issues to improve standards of democratic governability in both access to and exercise of democratic power.

Both democratic governance and effective governance can focus on the formulation and implementation of policies for accessing and exercising political power. Likewise, in some issues there is an overlap between both agendas, so that it is not only possible to advance them jointly, but also in some contexts this is a necessary task.

Governability depends on both governance and the action of governing. While governance can impact the action of governing, the latter also has a direct and independent influence on governability, without necessarily being mediated by governance.

See Annex 1, which contains a brief literature review for further inputs on the discussion of these terms.

2

Economic Performance as a Trigger of Social Unrest

The point of entry to begin to understand the signs of a possible crisis of governance and governability lies in the distribution of resources in societies. While this is not the only point of entry, it is at least the first one. In recent decades there have been four main economic trends, which are closely related to each other and which give rise to different socio-political manifestations: a) low economic growth and its impact on the quality of life; b) increasing inequality in terms of income and wealth; and, closely related to these two factors; c) labor market segmentation; and d) constrained tax systems with poor redistributive power. Together, these four phenomena constitute a “development trap” (UNDP, 2021b).¹ The link between these trends and social discontent lies in the different forms of exclusion they produce. In turn, the link to governance lies in the attitudes and policy preferences arising from both exclusion and privilege.

2.1 LOW ECONOMIC GROWTH AND ITS IMPACT ON THE QUALITY OF LIFE

LAC's recent economic performance has two very clear stages. In the first stage, GDP growth was very dynamic and above the global average in years 2003-2013. For example, from 2003 to 2004 alone, the economy grew at an unprecedented rate of 6.3 percent. In the second stage, starting in 2013, the previous economic expansion dropped significantly in relation to the economy of the rest of the world. While between 2013 and 2016, average annual GDP growth in Latin America went into free fall, declining from 2.8 to -0.4 percent, global growth in those years ranged between 2.7 and 2.8 percent per year (World Bank, 2020). The end of the “commodity boom” marked the beginning of a sharp drop in the per capita income growth rate in the region, which effectively turned into a recession in some countries. Prior to the onset of the pandemic, in 2019 the economy of the region was virtually stagnant, with a growth rate below 1 percent. The contrast between the two stages generates a deep sense of frustrated expectations.

During the first stage of the economic boom, LAC made significant progress in terms of social progress, with almost all of its countries becoming middle-income countries. Nonetheless, the countries did not succeed in transforming themselves into middle-class societies. Thanks to the economic dynamism and important changes in social policy, a significant portion of the population was lifted up from the bottom of the income distribution, i.e., below the monetary poverty line of US\$ 5.50 per day (purchasing power parity, PPP). The poverty rate went down from 49.7 percent in 2000 to 24.2 percent in 2018. In other words, monetary poverty was halved during the last two decades.

At the same time, a large number of Latin Americans joined the middle class. According to the methodology of López-Calva and Ortiz-Juárez (2014), considering a definition of the middle class measured by an income between US\$ 13 and US\$ 70 per day (in PPP), nearly 72 million people have become part of the middle class over the past two decades, increasing from 22.4 percent in 2000 to 37.3 percent in 2018. However, not all people who were lifted out of poverty were able to achieve economic security.

The vulnerable population, measured in terms of an income between US\$ 5.50 and US\$ 13 (in PPP), has remained relatively stable over time, accounting for around 35 percent of the population. In other words, vulnerability in the region has remained stagnant and persistently high for more than 20 years.

1 UNDP (2021b) defines “development trap” as a situation in which, despite decades of displaying certain levels of development, two characteristics of the region have remained largely unchanged: high inequality and low growth. These two factors interact with one another to create a trap from which the region has been unable to escape and which, in addition, have a deep impact in other spheres such as violence, corruption and impunity, and fuel popular discontent all around.

The persistent and high vulnerability also means that the majority of the population in Latin America is at risk of falling back into poverty in the event of an economic shock. When talking about social and political discontent, it is necessary to take a closer look at this population segment that has seen a large number of governments of different political colors pass by, with no substantial changes to this state of vulnerability and the avenues of opportunity to access better living conditions.


Finally, the pandemic caused an intense economic shock, the recovery from which is proceeding with great uncertainty. The latest World Bank estimates (2021) indicate that the number of new people in poverty due to the pandemic, according to its different poverty lines, would be as follows: below the poverty line of US\$ 1.90 per day, the number of people would increase by 3 to 4 million; below the poverty line of US\$ 3.20 per day, the number of people would increase by 9 to 10 million people; and below the poverty line of US\$ 5.50 per day, the number of people living in poverty would increase by at least 20 million (World Bank 2021). At the same time, the pandemic hit the region at a time when most countries' fiscal systems had limited capacity to protect the less economically secure, i.e. those in a position of vulnerability and belonging to the middle class.

In general, vulnerable populations do not receive social assistance benefits, such as cash transfers, so in the absence of universal social protection mechanisms they are exposed to a greater risk of falling into poverty when economic shocks hit. Using estimates such as that of Lustig and Tommasi (2020), it is easier to understand that the main losers of the economic shock are not among the poorest population, but rather in the middle deciles of the distribution before the shock (deciles 3 to 8 approximately). These middle deciles, which include the “moderate” poor and vulnerable households, are more likely to fall below the poverty line if they are exposed to an economic shock. On the contrary, the poorest households have been able to reduce the impact of the shock thanks to the prior existence of social assistance policies put in place by the vast majority of Latin American countries during the last 20 years.

2.2 INCREASE IN INCOME AND WEALTH INEQUALITY

Income and wealth inequality is one of the main nodal points structuring the region's social dynamics. Even though the region has achieved reductions in income inequality, Latin America continues to be the second most unequal region in the world.² If we consider traditional measures of income inequality, such as the Gini coefficient, we see that LAC Equity Lab's estimates for 2000 were, on average, 0.56, while in 2018 this same coefficient only fell to 0.52 (López-Calva and Ortiz-Juárez, 2014).

However, this measure does not tell the whole story about inequality in the region, primarily for two reasons:

-  1. Wealth is not only made up of income. A large share of wealth, especially among the wealthiest individuals, is made up of other types of assets or property. These assets include personal residence, other real estate, durable goods, savings and retirement funds, and bonds and financial stocks. Inequality in ownership of assets is greater than inequality in income, so when both pieces of information are taken into account, economic inequality in LAC shoots up considerably. Unfortunately, official public information on these assets is scarcely available in the region. For absolute measures of the wealth of countries, estimates from the

² According to the November 2020 publication of the World Inequality Database, LAC is not only the most unequal region in the world, but the quality of the data in the countries is highly heterogeneous, which suggests that the figures for the region are grossly under-estimated.

World Bank (2018) or Credit Suisse (2016) can be consulted. Forbes, on the other hand, has information on the number of “billionaires” and their wealth. The information provided by Credit Suisse is also useful for estimating the percentile distribution of some countries for which information is available. Using these data, in Latin America, for the countries for which information is available, on average the *wealthiest 1 percent concentrate 42 percent of the wealth and the top 10 percent concentrate 71.2 percent of the total wealth*.



2. Even if we only look at income and leave wealth aside, it is particularly difficult to obtain accurate data to describe the income in the top percentiles of the distribution. It is unlikely that these people would agree to fill out a questionnaire, talking about their income or, even if they do, they are likely to underestimate their actual income, especially that derived from investment returns. Recently, efforts have been made to statistically estimate the value of income that should be attributed to the highest percentiles to “correct” for the bias inherent in income and expenditure surveys. For example, in Brazil, Chile and Uruguay (Lustig, 2020), using the corrected data we can see that the story usually told about the fall in inequality in the region since 2000 has a different narrative. The burden of redistribution towards the low-income sectors fell on the population in the eighth and ninth deciles (in other words, on the middle classes, and in particular, the upper-middle class), while the income of the wealthiest group continued to increase.

There are two main channels through which inequality affects governability: first, the contrast that most people experience in their day-to-day life opportunities, as opposed to the exuberance of the wealthiest end, gives rise to an important sense of frustration and rejection of the *status quo*. Even without precise metrics of wealth inequality, the experience is very visual and, moreover, empirical when it comes to accessing basic public services of poor quality. The discourse that has been developed to defend certain degrees of economic inequality on the basis of a general interest, for example, meritocracy, entrepreneurial vocation or trickle-down economics, has collapsed in the face of the extreme concentration of wealth. The common denominator of the social protests that have rocked the region in recent years is the multidimensional feeling of exclusion (economic exclusion, exclusion from the rule of law, political exclusion) or, conversely, the perception of privilege of a few individuals. In other words, the existence of a social group favored by written and unwritten rules and which does not only include the wealthy, but also those with connections to political and economic power.

The second channel is that when income and wealth inequality is as accentuated as it is in LAC, its other face is the concentration of political power. LAC markets are characterized by a small number of large companies and high levels of market power. The phenomenon of political capture of the instruments of the state by political-economic groups gives rise to an oligopoly of public deliberation and distorts public policies, which in turn enhances market power, creating a vicious circle. For example, the political power of large corporations has been partly responsible for enduring low effective taxation and staving off more progressive tax systems (UNDP, 2021b). Another important example of political capture is in the manifest weakness of competition policies, their instruments and enforcement. In other words, this means that the interests of large social groups are represented in a limited manner or unequally in decision-making mechanisms. As Michael Lind (2020) points out, as a political style, populism emerges when conventional politicians and party establishments ignore large groups of a country's population.

2.3 SEGMENTATION OF THE LABOR MARKET

The stories of aspirations and frustrations directly linked to the labor position or experience are perhaps the most appropriate place to delve into discontent with the status quo, especially for the population segments that have been left stranded vis-à-vis the relative success of other social groups. As highlighted by the International Labor Organization (ILO) in its definition of work, work is not only a means to meet material needs but also a means for personal fulfillment (ILO, 2018).

Prior to the pandemic, more than 158 million workers in the region were working in informal labor conditions. This number accounts for 54 percent of the employed population (ILO, 2020). Although labor informality has gone down slightly in recent decades, the rate of informality has remained the main characteristic of the labor market in many countries of the region. However, heterogeneity is very significant. While countries such as Uruguay and Chile have relatively low rates of informality (less than 30 percent), countries such as Mexico and Bolivia have rates of informality that reach almost 60 percent and 80 percent, respectively.

On the other hand, the phenomenon of labor informality is a determining factor in explaining the low productivity growth in Latin America, since informal jobs tend to have a relatively lower level of productivity than formal jobs. On average, informal jobs produce 38% of gross domestic product in Latin America and the Caribbean (Medina and Schneider, 2019).

The other major division becomes clear when analyzing the employment situation by gender. According to the *Regional Human Development Report 2021* (UNDP, 2021b), women participate less than men in the labor force and, when they do, they work fewer paid hours than men. Moreover, unemployment rates among women are higher than among men. Furthermore, women spend an average 16 percent fewer hours per week than men in paid work; for women in the bottom 20 percent of the income distribution, this goes up to 24 percent. The poorest women face the worst inequalities, because the higher the level of household income, the smaller the gender gaps.

The relationship of labor markets with governability also concerns the dynamics of exclusion. This materializes in two main ways:



First, there is a widening gap between the skills and capabilities of the bulk of the population and the skills demanded by the small, highly productive circuits. This is what Rodrik and Sabel (2019) refer to as “productive/technological dualism”, with a segment of advanced production in metropolitan areas that thrives on the uncertainty generated by the knowledge economy co-existing with a mass of relatively less productive activities and communities that neither contributes to nor benefits from innovation.



Second, segmentation between the formal and informal sectors of the labor force is one of the main characteristics of the labor market in LAC. It is the result of a combination of legal exclusions and non-compliance by companies and workers. This division means that full social protection is awarded to some workers, including health services, pensions, credits, legal labor protection, insurance against risks, paid vacations and minimum wage regulations, while the rest have only some benefits from the social assistance system and assume all occupational risks themselves. This situation opens up a significant opportunity gap. Both situations affect women more acutely than men.

More importantly, the exclusion lies in the fact that for a significant segment of the population, work is not a space of personal fulfillment in which effort and dedication pave the way for social advancement and security. Rather, they quickly and permanently encounter a ceiling to their aspirations that is difficult to break through.

2.4 CONSTRAINED AND NOT VERY REDISTRIBUTION-ORIENTED TAX SYSTEMS

The region has historically displayed limited fiscal performance, driven in part by low tax revenues and high evasion rates. Although tax collection has increased in recent years, the rates in LAC countries are low compared to developed countries. In 2018, total tax revenues in the region reached 23.1 percent of GDP, well below total tax revenues of the countries of the Organization for Economic Co-operation and Development (OECD), where they accounted for 34.3 percent of GDP. There is a great heterogeneity among countries in the region in terms of tax collection, ranging from 12.1 percent of GDP in Guatemala to 33 percent of GDP in Brazil. One of the main determinants of low tax collection is the composition of taxes: many countries in the region are highly dependent on value added and consumption taxes and on the export of non-renewable resources. Moreover, the region has high levels of tax evasion of up to around 50 percent (IMF, 2020; IMF, 2021).

In addition to this situation, another factor characterizing the countries of the region is their low levels of social spending and limited redistribution compared to developed countries. Although social spending in the countries of the region has been increasing in recent years, reaching an average of 11.5 percent in relation to GDP in 2019, it has not yet reached the levels of OECD countries, where the average is 20.0 percent (ECLAC, n.d.). The architecture and effectiveness of tax and social protection systems are determinants of both inequality and economic growth. In other words, what should be the tool to correct the course in fact becomes an additional cause of stagnation.

In addition to this structural weakness, the pandemic and the lockdowns caused a deep supply shock that, according to International Monetary Fund estimates (2021), resulted in the sharpest regional economic contraction for LAC in 2020. The global recession was 3.5 percent of GDP, while the LAC economy shrank by 7.4 percent. Under this scenario, the main challenge faced by fiscal systems around the world and in LAC is the dual condition of falling tax revenues, given the steep economic downturn and the immediate need to increase public spending to protect the households' health and income. To remedy this situation, many countries have opted to take out new debt. However, this source of resources also faces significant risks, since debt levels as a percentage of GDP are well above those of the rest of the world's emerging countries, which is in turn affecting their credit ratings. The possibility of taking out more debt in the near future, on favorable terms, is uncertain.

The medium-term solution to this dilemma necessarily entails a fiscal reform to strengthen the resources available to the state. However, the dilemma put forward by this situation is even greater. The levels of political polarization and the low credibility of governments in the region mean that an immediate fiscal reform implies committing political capital that almost no government in the region has at the moment. A much broader dialogue is therefore needed, which goes beyond national boundaries and is put forth as a necessity for the region as a whole. This requires strengthening democratic leadership in the region, opening spaces for dialogue and citizen participation regarding the benefits of this type of reform. In other words, clear and strategic political communication on the transparent destination of these resources.

The fact that different governments with varying ideological platforms have been unable to break this trap of low growth and high inequality has opened up the space for new disruptive political platforms that offer to break the current social pact, by concentrating power in the executive branch. The dilemma facing these proposals is that they offer to represent excluded groups by further concentrating political power into even fewer hands. The following section discusses these and other dilemmas concerning political representation in the region in depth.

3

Representative and Democratic Disaffection

Representative disaffection, understood as “a feeling or attitude of rejection, estrangement or detachment among citizens from institutions or agents of political representation” (Monsiváis, 2017, free translation), entails three major risks for governability in the region:

- (1) Without legitimate and effective institutions representing and aggregating collective interests, it is not possible to reach broad social and political agreements (i.e. transform and finance the “social contract”);
- (2) Without broad social and political agreements, the social cohesion of the community or polis and the financial viability of the state, both of which are essential conditions for a democracy, suffer (Casas-Zamora, 2021a); and
- (3) Communities fractured by high levels of inequality, poverty, corruption and violence, along with weak states, are fertile ground for the invigoration of populist and authoritarian alternatives.

Representative disaffection is mainly driven by three main citizen feelings: *anger*, *discontent* and *distrust* towards political elites and the institutions they represent. These feelings are closely related and are fueled by broken expectations of economic well-being and social mobility, the insufficient or poor quality in the provision of public services, actual and perceived corruption, the feeling that people who hold positions of representation enjoy privileges, the lack of transparency in the political function, irregularities -either effective or alleged- in electoral processes, the poor quality of public debate, and even the extensive and factious use of social networks that have undermined the mediating role of political parties (Monsiváis 2017; IDEA, 2019).

The relationship between citizen anger, discontent and distrust, representative disaffection and governability is not linear and varies according to each country's political system and system of government, its levels of democratic consolidation, its respective historical and socioeconomic contexts, and the quality of its governance. Although each country has its own trajectory in terms of representative disaffection, it is possible to distinguish three challenges and three opportunities for an agenda on democratic governance in the region.

On the side of the *challenges*, the following are identified:

- (1) The weakening of traditional political parties as vehicles of representation and aggregation of collective interests and the reconfiguration of the political party system;
- (2) Increased political fragmentation and marked political polarization (which closely follows trends in income distribution); and
- (3) The invigoration of authoritarian, populist and anti-establishment political leaderships.

On the side of the *opportunities*, the following are identified:

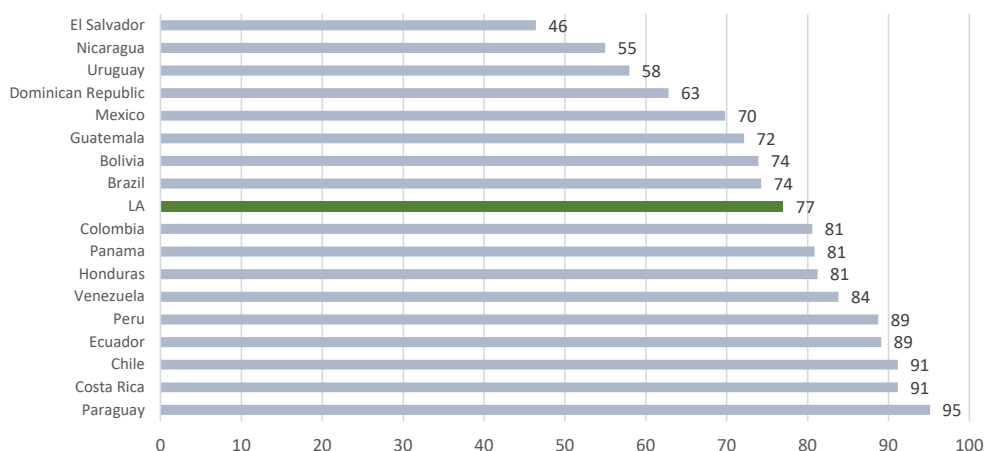
- (1) Electoral resilience, in terms of both the regular holding of elections and electoral participation;
- (2) Social movements that seek to assert their representation and political identity among citizens; and

(3) Active citizenship, with awareness of human rights and the advantages of living in a democracy.

With respect to the challenges, the weakening of political parties as vehicles for representation and aggregation of collective interests is evident in the low level of trust that citizens in the region have in them (13 percent) and in parliaments (20 percent) (Latinobarómetro, 2021). Both institutions have also experienced a decline in citizen confidence from 2010 to 2020 of 9 and 13 percentage points, respectively. When asked for which party they would vote if there were elections on Sunday, in 2020 63 percent of citizens did not mention a party, one of the highest percentages since 2005 (Latinobarómetro, 2021). Moreover, 53 percent of citizens in the region think that most or all people in the office of the prime minister/president are embroiled in corruption and that the same goes for 52 percent of senators or members of parliament at the national level (*Transparency International*, 2019). According to the most recent figures, in 2020, 77 percent of citizens felt that their countries were governed at the service of the interests of a few powerful groups and not for the common good of all. In three countries of the region, these percentages are over 90 percent (Figure 3.1).

FIGURE 3.1.

Percentage of people who believe that their country is governed at the service of the interests of few people



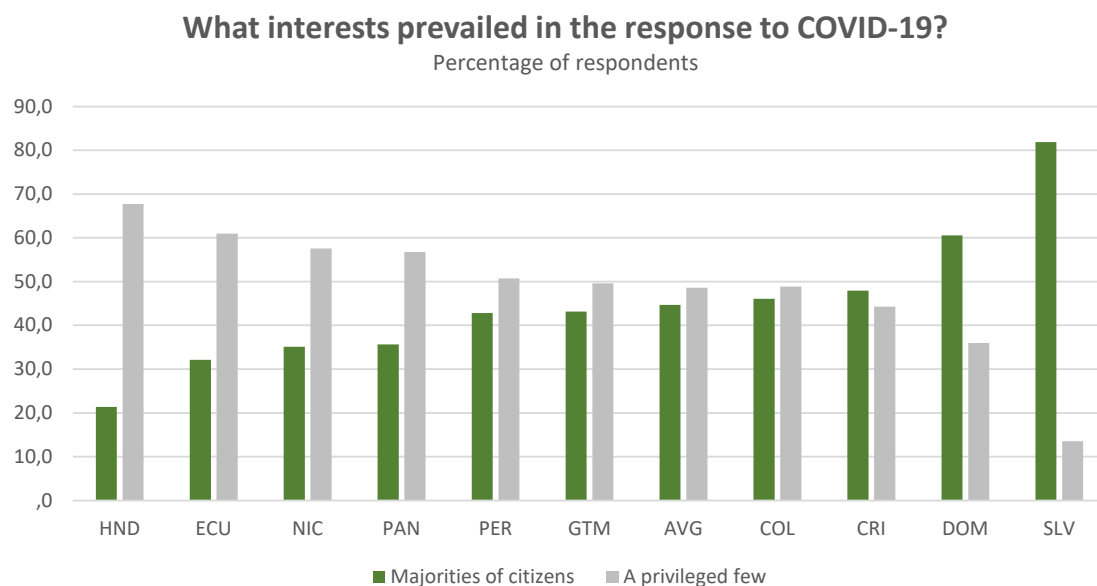
Source: UNDP (2021b).

Similarly, and specifically in the context of the pandemic, 48.6 percent of all citizens interviewed in ten countries³ in the region believe that the decisions made by governments in the face of the pandemic were driven primarily by the interests of a privileged few (Figure 3.2).

3 Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Peru and Dominican Republic.

FIGURE 3.2.

Assessments of equity in the response to the pandemic



Source: Acuña-Alfaro and Sapienza (2021).

Paradoxically, and without linear and homogeneous trajectories, representative disaffection has gone hand in hand with increasing party fragmentation. The effective number of parties in Latin America has increased in 11 out of 17 countries⁴ over the last three decades (1988-2016), while institutionalization of the parties⁵ has decreased in 12 countries in the same period. While in 2004, 52 relevant political parties were counted in 17 countries in the region (Alcántara (2004) in Alcántara 2019), in 2019 there were 11 presidents who did not belong to any of those parties. Likewise, electoral concentration⁶ decreased in 11 of the 17 countries, while electoral competitiveness⁷ increased in 9 and ideological polarization⁸ in 10 of the 17 countries. More than half (17) of 33 elections in 12 countries in the region⁹ between 1999 and 2019 with a second round of voting were “very highly” or “highly” competitive¹⁰. Likewise, 26 of these elections (79 percent) produced divided governments (executive branches with no majority in parliament) (Hurtado, 2020). Electoral volatility¹¹ has also increased in 11 of the 17 countries covered by the study (Alcántara, 2019; Martínez, 2017).

4 Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Dominican Republic and Uruguay.

5 Understood as the stability of the system's dynamics of competition (Alcántara, 2019). A more critical view of the notion of “institutionalization” of political parties can be found in Alenda and Varetto (2020).

6 The extent to which the elections are monopolized by the two main party forces (Alcántara, 2019).

7 It measures the margin of victory between the winning party and the one coming second (Alcántara, 2019).

8 The distance or proximity of parties in a given system in ideological terms (Alcántara, 2019).

9 Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Peru, Dominican Republic and Uruguay.

10 Measured by the percentage difference in votes obtained between the president-elect and the candidate who came second (Hurtado, 2020).

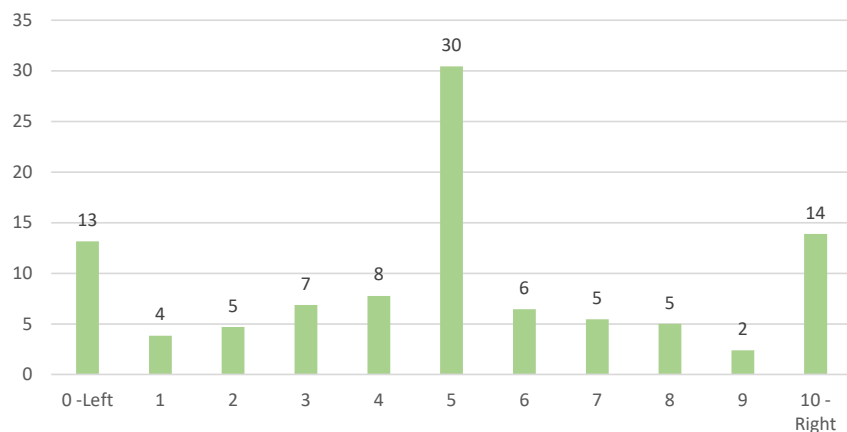
11 It measures the stability of electoral preferences from one election to the next (Alcántara, 2019).

In the case of political polarization, the most recent figures show that the most extreme political positions are concentrated in just over a quarter (27 percent) of the population, while the majority of citizens are somewhere at a halfway point (42 percent) and 30 percent are directly in the middle. Nonetheless, there is a marked position between extreme political positions and income perception which is highly relevant in the present context of persistent income inequality (section 2). While people who believe they are in the top 20 percent of the income distribution identify more often on the extreme right (39 percent), those who perceive themselves among the bottom 20 percent identify more often on the extreme left (24 percent) (UNDP, 2021b) (Figure 3.3). The implication of this is that in countries where income polarization overlaps with the polarization of political ideology (and incidentally with high political fragmentation), the task of reaching broad social and political agreements becomes more difficult, most notably the ones for transforming and financing the “social contract”.

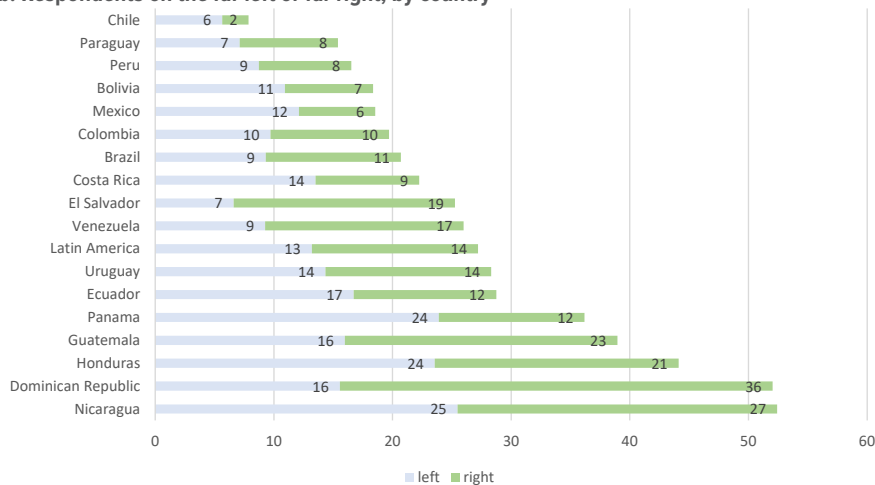
FIGURE 3.3.

Extreme political positions vary across countries and according to the perceived location concerning income distribution.

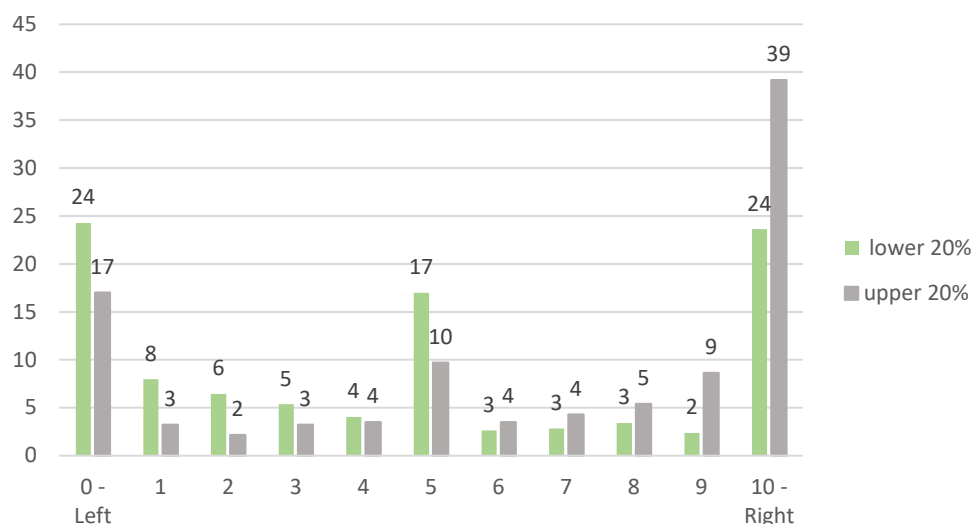
a. Location of respondents along the political spectrum



b. Respondents on the far left or far right, by country



c. Respondents along the political spectrum, by quintile perceived



Source: UNDP calculations (2021b); Latinobarómetro data (scoreboard) 2020, Corporación Latinobarómetro, Santiago, Chile.

The levels of political polarization and fragmentation are the result of a combination of institutional, socioeconomic, contextual and demographic factors (Rodríguez, 2021; IDEA, 2019). From the institutional point of view, there has been no shortage of political and electoral reforms in the region. Between 1978 and 2015, 250 changes to different dimensions of the electoral system and the rules regulating political party competition and the parties' internal organization were recorded in 18 countries (Freidenberg and Došek, 2016). The reform momentum varies from country to country, but in general terms political and electoral reforms in the region have been contradictory and have had diverging consequences in terms of representation and governability: while promoting greater inclusion, pluralism and proportionality in political and electoral systems, reforms have been made aimed at deepening the presidential system, the concentration of power in the executive branch and the permanence of presidents in office (Freidenberg and Došek, 2016).

With the specific aim of enhancing representativeness, 13 of the 18 countries in the region have introduced some form of open list, preferential voting or independent candidacies, which has hindered political cohesion (Freidenberg and Došek, 2016; Casas-Zamora, 2019). Short-termism is also one of the characteristics of these reforms, as a result of both the particular interests of political party elites and inadequate diagnostics, feeding the reform frenzy, preventing the consolidation of reforms and increasing citizen frustration with governability. According to Kevin Casas-Zamora, Secretary-General of International IDEA (2016), “the combination of the presidential system and the multiparty system is problematic and requires a very special institutional design effort to manage the risks” (Casas-Zamora, 2016, free translation).

One of these risks is precisely the invigoration of authoritarian, populist and anti-system political leaderships (Zovatto, 2021a). Such leaderships are the most direct –and generally intentional– threat to the rule of law and democratic institutions, affecting not only the *functionality* of democratic governance but also its democratic quality. These leaderships emerge precisely by capitalizing on representative disaffection and the factors feeding it. On the one hand, by filling the void left in some countries by the collapse of traditional parties¹² that usually

¹² This is however not the case in all countries. For a more in-depth analysis of the transformation of political parties, including traditional parties, see Alenda and Varetto (2020). On this topic, also see Lupu (2014).

rotated in power; on the other hand, by appealing directly to the anger, discontent and distrust of citizens towards socioeconomic conditions and an anti-system and anti-elite discourse (IDEA, 2019). These leaderships usually enter the political arena through the creation of new political platforms that are not very well institutionalized and that are articulated around a charismatic leader who repudiates political party structures. These poorly institutionalized political platforms entail the risk of a chaotic transmission of social demands, a corporatization of politics and the removal of real (albeit imperfect) filters when authoritarian leaders come to power (Casas-Zamora, 2019).

There is a growing risk of the empowerment of authoritarian leaderships in the region. Support for democracy in the region has fallen 12 percentage points over the last decade (from 70 percent in 2008 to 58 percent in 2017), with a steeper decline (8 percentage points) from 2015 to 2018. According to the most recent data on the region, 46 percent of citizens share the perception that democracy does not work well, which is an opinion prevailing especially among those who perceive that income distribution in their countries is very unequal (UNDP, 2021b). Another issue of great concern is that more than half (55 percent) of the population would not mind having a non-democratic government as long as it was effective. In 12 of the 17 countries in the region covered by the survey, more than 50 percent of the population holds this opinion. This view is also more prevalent among those who see themselves as placed at the ends of the income distribution line. On the other hand, the people who place themselves near the middle of the distribution do not agree with this assertion (UNDP, 2021b).

Despite the serious risks that this type of leadership poses to democracy, it has been difficult to articulate the response of opposition political parties, civil society organizations and the international community to the rise to power of these leaders. Among other things, because unlike the time before the “third wave of democratization” (Huntington, 1991), these political platforms and leaderships do not come to power through blatant coups d'état but through elections. Furthermore, once in power they do not proceed to suddenly eliminate the constitutional checks and balances on the exercise of power (from the executive branch), but the concentration and expansion of power rather occur gradually through the weakening and manipulation of the rule of law (restricting civil and political liberties through formal laws passed by parliaments). At the same time, there is an appeal to nationalism and heavy-handedness to restore law and order (IDEA, 2019). The eventual democratic collapse in Nicaragua and Venezuela, for example, came after a gradual process of democratic erosion over two decades (IDEA, 2019).

The challenge to governability posed by representative disaffection has been -to a certain extent- mitigated by the regular competitive and free elections in the region, one of its most significant democratic achievements. LAC has the highest levels of electoral participation in the world: 67 percent (compared to 63 percent in Europe and 55 percent in North America). However, this is partially explained by the fact that voting is compulsory in 14 countries in the region, especially in South America (Zovatto, 2021; IDEA, 2019). Likewise, the region also has electoral rules and practices “with high democratic standards” and as of 2019 half of the countries (11) displayed a high performance in Clean Elections (IDEA, 2019).

During the pandemic, electoral authorities also showed enormous resilience in the present election super-cycle (IDEA, 2020c; Zovatto, n.d.). Although some electoral processes in the region were postponed, the vast majority were held through a reconciliation of public health and electoral integrity (Zovatto, 2020; IDEA, 2021b). On the other hand, voter turnout declined in all but one country, though not significantly, compared to the average voter turnout during 2008-2019 (IDEA, 2021b)¹³. This decline is however understandable in the context of the pandemic. The existence of compulsory voting, in some countries of the region where it is enforced, may also have prevented greater electoral abstention. Likewise, there are persistent deficiencies in the use of special voting mechanisms, an area in which the region still lags far behind other regions (IDEA, n.d.).

13 Updated as of 22 June 2021.

In terms of women's electoral participation, there have been positive developments in the region in recent decades. LAC continues to be the leader in terms of parity in national parliaments (lower or single chamber), although 10 countries in the region have yet to reach 20 percent representation of women in parliament. In 2019, women held only 24.5 percent of government positions at the local level (Inter-Parliamentary Union, 2021).

Electoral participation and resilience are therefore an opportunity for the governance agenda. However, political fragmentation and polarization and social conflict are also affecting the quality of electoral processes and their capacity to diminish the enormous social pressure and trigger new social and political agreements. Although political parties may reflect, and to a certain extent absorb, social conflict, their draw is imperfect, since social conflicts may go beyond ideological differences and party affiliations. The high competitiveness in elections is also putting pressure on electoral systems, particularly on electoral authorities. With few exceptions, electoral processes in the region have had high levels of integrity (IDEA, 2019); however, unfounded allegations of fraud and political bias of electoral authorities jeopardize the stability of elections and weaken the legitimacy of elected governments and democratic institutionalality. The result of this is that some countries in the region have been going through early and recurrent constitutional and governance crises between electoral periods. This is compounded by the deliberate undermining of the rule of law by authoritarian and populist leaders, especially through the breach of judicial independence (including electoral authorities) and of integrity of the media (see section 3).

Visible social protests and mobilizations in the region also represent an opportunity for the governance agenda. The year 2019 will be remembered as the year of the “social outburst” in Latin America (Murillo, 2021). In the last quarter of that year, protests broke out in Ecuador, Chile, Bolivia and Colombia. While the risk of COVID-19 contagion and the confinement and quarantine measures seemed to quell the massive social protests when the pandemic hit the region in 2020, in those countries the discontent was stronger and people took to the streets even in the midst of the pandemic. In Peru and Paraguay, which had gone through institutional crises in 2019, protests broke out in late 2020 and early 2021, respectively.

In addition to the discontent fueling these and other protests in the region, in some countries there is also a visible predisposition in terms of representation, inclusion and participation. Furthermore, some identity movements in the region have moved forward in formalization as environmental or indigenous political parties. More recently, the feminist movement has also burst forward onto the political scene in the region in a strong and organized manner to protest against gender-based inequality and violence and to advocate for women's rights (Agencia EFE, 2020; Gil and Paúl, 2020). Young people have also played a leading role in the current forms of expression of social conflict and the main mobilizations in the region. This means that in those mobilizations there are new players with different agendas, different from the main actors in the protests during the transitions to democracy and who use new technological and digital tools, most notably social networks.

This is a valuable asset for the democracies of the region. On the contrary, citizens who keep quiet and with no capacity to mobilize are fertile ground for the advancement of authoritarian projects. In other words, despite representative disaffection and declining support for democracy, there is also a desire for socioeconomic and governability conditions to improve *in democracy*, that is, with the participation of multiple voices. But at the same time, the existence of varying social agendas makes the task of aggregating collective interests and reaching broad social and political agreements more complex.

The great challenge facing the region is how to take advantage of the momentum of citizen participation within the framework of representative disaffection and with institutional design problems that hinder governability. Given that all expressions of collective action (political parties, elections, referendums, protests) are imperfect by nature, one of the first objectives in the region should be to improve their complementarity (World Bank, 2017) and avoid

embracing proposals that encourage the substitution of one of these mechanisms for others. A healthy democracy does not function with political parties alone, but neither does it function without them. While making reforms to the traditional mechanisms of representation, especially in the political-electoral systems, in order to reduce political fragmentation, it will be necessary to activate complementary mechanisms of citizen participation and deliberation to help channel the social upheaval on the streets.

In the short term, economic, social and environmental councils at the national and subnational levels should be established or reactivated to start or continue with deliberation processes on new or ongoing public policies and legal reforms. The use of digital technologies can play a central role in facilitating new mechanisms for deliberation and citizen participation. It will also be necessary to activate complementary mechanisms for a political dialogue and consensus-building to facilitate decision-making in parliaments, especially in those with a high degree of political fragmentation or where the ruling party does not have a majority in parliament. Without a doubt, the region is facing two major challenges ahead to improve the quality of its governability: revitalizing political parties and reconciling its identity diversity with the need to reach broad agreements (Bitar and Zovatto, 2021).

In the area of representative government, it is also worth exploring in greater depth and on an ongoing basis how subnational governments and citizen participation and inclusion initiatives at the local level can help improve governability in the countries of the region. This is essential, considering that local governments are the most visible face of political power in most territories, particularly in rural areas. Both the poor public service delivery at the local level and the frequent confrontations between the national and subnational governments can fuel feelings of representative disaffection and discontentment with democracy among citizens.

According to a recent UNDP study, 16,529 local governments¹⁴ were identified in a sample of 19 Latin American countries, which shows the magnitude of democratic exercise in the subnational sphere. Hence, focusing on subnational governments offers an opportunity to improve governance and governability in the region (UNDP, 2021c). According to International IDEA's *The Global State of Democracy 2019* (2019), on average, the Latin American and Caribbean region displays median scores in Local Democracy, but has more countries with high scores (10) compared to countries with median scores (7). In total, eight of these countries¹⁵ rank among the 25 percent of high-performing countries in the world (IDEA, 2019). It is worth highlighting a series of tools and initiatives which UNDP is currently promoting at the subnational level with regard to the creation of socioeconomic development opportunities, institutional transformation, peaceful coexistence and citizen security, which can have a direct impact on governability in the region (UNDP, 2021c).

Finally, advancing reforms and initiatives at both the national and subnational levels will require a firm commitment to respect for civil and political liberties, both in the exercise of the right to protest and in day-to-day life. In this sense, it is troubling to see that in recent years the civic and media space in the region has shrunk. The proportion of countries with a high score on Civil Society Participation and Media Integrity has halved since 2015 and the proportion of countries with a high performance on Civil Liberties has also decreased significantly, while the proportion of countries with a low performance has increased (IDEA, 2019 and 2020b). Such limitations usually occur in non-democratic countries in the region, but also in democratic countries through regulations that affect the right of civil society organizations to protest and develop their activities, as well as press freedom. Organized crime organizations and other illicit networks also seriously encroach upon civic and media space in several countries in the region. It is to be condemned that the region is the most dangerous in the world for environmental activists (Colorado, 2019) and journalists (UN News, 2020). This is also a serious obstacle to governability. As will be seen below, corruption and impunity seriously undermine the rule of law, which is the framework that provides stability and certainty to governability.

14 Municipalities, delegations, districts, cantons or prefectures

15 Bolivia, Brazil, Chile, Costa Rica, Ecuador, Jamaica, Peru and Uruguay.

4

Lag and Deterioration in Building the Rule of Law

Strengthening the rule of law in the region has not gone hand in hand with strengthening electoral processes since the democratic transitions (Casas-Zamora, 2021a). This mismatch is not only seen in the historical lag in judicial, security and anti-corruption matters, especially in countries with weak states, but also, and more recently, in the erosion of key aspects of democracy such as judicial independence, media integrity and the apolitical stance and subordination of the armed forces to civil power (IDEA 2019 and 2020a), all of which are essential to preserve the checks and balances on power. Both the historical lags and the current trends of deterioration of the rule of law are a major challenge for a governance agenda for three main reasons:

- (1) Given the absence of urgent reforms to protect and strengthen the rule of law, the gains in the strength of the region's electoral processes over the past decades may rapidly deteriorate;
- (2) Without strong and independent rule of law institutions, the risk of giving a greater boost to populist, authoritarian and anti-establishment leaderships in the region increases;
- (3) If the rule of law is not strengthened thoroughly and effectively, corruption, organized crime and violence are perpetuated and form a vicious cycle of impunity.

With respect to the first of these challenges, the lag in strengthening the rule of law, or its deterioration, has begun to take its toll on the quality of the region's electoral processes, one of its fundamental democratic attributes. Recent electoral processes have not only been fraught with greater political polarization, but also with attacks on electoral and judicial authorities and officials, violations of press freedom, political violence, and accusations and counter-accusations of corruption. They have also been marked by a degradation in the quality of political debates, which has been reinforced by the factional and divisive use of social networks in the region and the rise of religious-fundamentalist political parties (IDEA, 2019 and 2020a). The intrusion of organized crime and the undue influence of economic power (UNDP, 2021b), especially through political financing, also threaten to disrupt the integrity and equity of electoral processes (Casas-Zamora and Zovatto, 2015). All these factors have direct effects on democratic institutions, the quality of electoral processes and the successive governments that are formed. Turbulent, divisive electoral processes heavily laden with mutual attacks generally translate into government administrations with the same traits. After the elections, party fragmentation and the use of political patronage to sustain presidential coalitions seriously affect legislative activity as well (IDEA, 2019). There is therefore an urgent need to design and strengthen mechanisms so that the electoral authorities do not become victims of political polarization and so that parliaments moderate their positions once the elections are over.

The lack of strong and independent rule of law institutions also increases the risk of giving a boost to populist, authoritarian and anti-system leaderships in the region, while at the same time this type of leadership is characterized by its weakening or manipulation. The latter, through violations of judicial independence or press freedom, or by enacting constitutional reforms to perpetuate themselves in power, all with the ultimate goal of weakening or suppressing checks and balances on their power (IDEA, 2019; IDEA, 2020a). In turn, this is happening through legal or constitutional reforms that award legitimacy to these attacks on the rule of law. Another visible threat to the rule of law in some of the countries of the region is the empowerment of the armed forces to exercise public security functions, overriding the civil police and as an institutional player close to the political projects of the presidents (Bitar and Zovatto, 2020; IDEA, 2020a). That empowerment represents a very serious risk to democratic institutions, civil and political liberties, and governability. Indeed, in countries where public security tasks have been militarized, aggressions against citizens have intensified and violence has escalated (UNDP, 2021b).

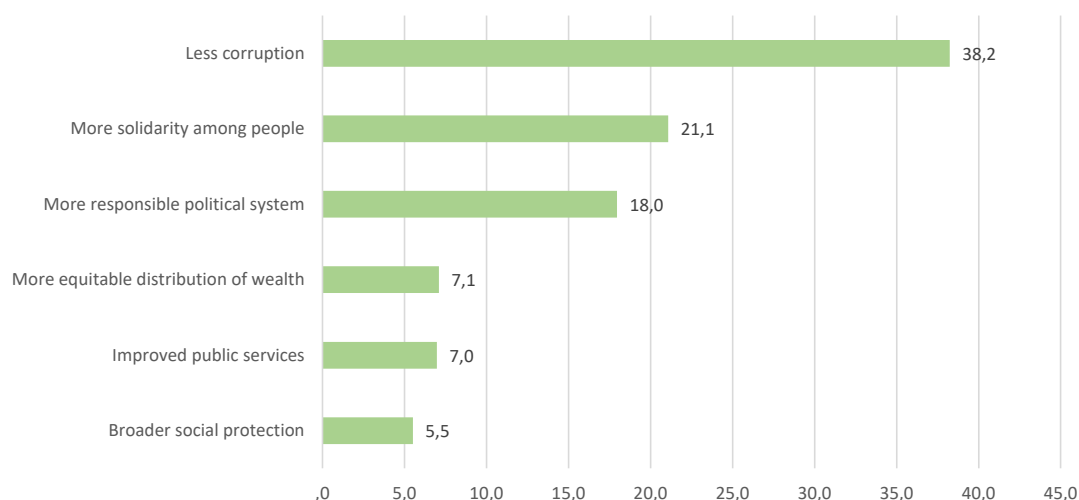
Finally, if the rule of law is not strengthened thoroughly and effectively, corruption, organized crime and violence are perpetuated and form a vicious cycle of impunity. Corruption seriously affects governance and governability, as it undermines citizen confidence in democracy and its institutions, favors the misuse and improper use and misappropriation of already scarce public resources, engenders impunity and affects social cohesion (IDEA, 2014a; OECD, 2018). Evidence from OECD countries on the drivers of trust shows that public integrity and the perception of corruption are the most crucial determinants of trust in government (2020). Of all the aspects of democracy in Latin America and the Caribbean, reducing corruption is the field in which the least substantial and rapid progress has been made in recent decades. Almost half (41 percent) of the countries in the region –including almost one-third of its democracies– suffer from a high level of corruption (IDEA, 2019). However, among the countries in the region, and within each country, there are considerably divergent trajectories between the real and perceived dimensions of corruption (Casas-Zamora and Carter, 2017). Likewise, while the levels of victimization and perception of corruption do not seem to have undergone dramatic or uniform changes from the beginning of the millennium until the middle of the past decade, opinions about corruption among the region's inhabitants do seem to have become notably harder (Casas-Zamora and Carter, 2017).

Among other plausible factors that may explain the current wave of anti-corruption activism in Latin America, Casas-Zamora and Carter (2017) point to the high levels of inequality –which produce a vicious circle that induces corruption and exclusion–, the expansion of the middle class and a context of a deep economic downturn since the beginning of the past decade¹⁶. All these factors will be exacerbated in the context of the pandemic, which will have implications for improving governance and governability in the region, as new cases of corruption come to light and reinforce “the notion that political institutions exist at the service of the interests of the wealthy and politically connected few” (Casas-Zamora and Carter, 2017, p. 51). According to a recent UNDP survey in the region, among six priorities for effective and sustainable recovery from the pandemic, the interviewed citizens overwhelmingly (38.8 percent) mentioned reducing corruption as a priority, which is more than 32 percentage points higher than the priority of having greater social protection (Figure 4.1).

16 The other possible explanatory factors are changes in patterns of access to information and enhanced transparency in the public sector

FIGURE 4.1.

Lessons Learned from the Pandemic: Priorities towards the Future (average across all countries)



Source: Acuña-Alfaro and Sapienza (2021).

The high levels of violence in the region are also testimony to the weakness of the rule of law and a “factor underlying the high inequality and low growth” (UNDP, 2021b). Between 2000 and 2018, murder rates in each of the subregions of Latin America and the Caribbean significantly surpassed global averages (UNDP, 2021b). Although LAC is home to 8 percent of the world's population, 33 percent of all homicides are committed in this region. In addition, 17 of the 20 countries with the highest homicide rates in the world are located in LAC. The WHO classifies more than 10 homicides per 100,000 people as an epidemic (Muggah and Aguirre, 2018). Nonetheless, between 2019 and 2020 the homicide rate went down significantly in some of the most violent countries in the region, especially in Central America¹⁷. In view of the widespread presence of organized crime in the region, fueled especially by drug trafficking, various manifestations of criminal violence are common in the region, among which human trafficking, illegal exploitation of natural resources, forced displacement, among others, all of which are detrimental to democratic coexistence. However, five forms of violence are particularly harmful for governability: violence against women, violence against journalists, violence against human rights advocates, violence against politicians, and violence by agents of the state.

With regard to the first type of violence, the rate of prevalence of intimate partner violence among women aged 15-49 is 25 percent, 8 percentage points higher than the subregion with the lowest prevalence in the world (Southern Europe). Regarding the second type of violence, Latin America is considered the deadliest region in the world for journalists (UN News, 2020). With regard to human rights advocates, according to United Nations figures, 75 percent of all assassinations globally between 2015 and 2019 took place in LAC (UNDP, 2021b). In terms of violence against politicians, although it is not common in all countries of the region, in the countries where it is present it is widespread¹⁸. Finally, with regard to violence by state agents, police brutality and abuse continue

17 In El Salvador, homicides fell by -16.2 per 100,000 inhabitants and in Guatemala and Honduras by -6.3 and -6.1, respectively. However, Honduras remains one of the most violent countries in the region, with a homicide rate of 37.6, the third highest rate after Jamaica (46.5) and Venezuela (45.6) (infoSegura, 2021; Asmann and Jones, 2021).

18 In Mexico alone, in the most recent electoral process, 252 people linked to politics and public service lost their lives, of which 91 were politicians (aspirants or candidates, party militants and elected representatives or authorities), including 14 women (Etellect Consultores, 2021).

to be a major problem in the region, which mainly affects young men and residents of large cities (UNDP, 2021b). Impunity in the prosecution of these and other violent crimes stokes public distrust and anger towards state institutions, especially in case of flagrant violations of the right to life and personal security and integrity. It is no coincidence that some of the countries in the region with the highest levels of violence at the same time suffer from the highest levels of impunity in the world¹⁹.

Organized crime is widely present in the region and, in some territories, criminal organizations have completely replaced the presence and action of the state. These organizations provide some forms of social assistance to the population and supposed protection against other criminal gangs, in exchange for various payments similar to tax payments, which represents a complete lack of governability in these places. Organized crime also poses a threat to rule of law institutions because of its tendency to infiltrate political parties, bureaucracies, democratic decision-making institutions and law enforcement agencies (IDEA et al., 2014b), which in turn contributes to perpetuating impunity. In addition to the cost in human lives, impunity also entails high economic costs for LAC countries which, as set out in section 2, are in urgent need of improving their chronically low economic growth rates. Reducing social and economic inequalities also requires strong and independent judiciaries and law enforcement agencies. Ultimately, governance and governability require a rule of law that provides legal security, certainty and stability to the coexistence of citizens and to the dynamics of political power between states, institutions of representation and citizens.

¹⁹ For countries with data available. Among the countries in the region with the highest levels of impunity in the world are Ecuador, Honduras, Guatemala, Mexico, Paraguay and Peru. Honduras has the highest levels of impunity in the region and the second highest in the world (Global Impunity Index, 2020).

5

International and Regional Dimension of Governance

It is also worth reflecting, albeit briefly, about the international and regional dimensions of governance with a view to a future research agenda. Regional integration structures in LAC are in a state of paralysis and lethargy (Merke, Stuenkel and Feldman, 2021; IDEA, 2021c). This has been harshly underlined by the pandemic, given the considerable impact it has had on the region in terms of public health and the socio-economic situation in comparison with other regions of the world. While there are various channels through which regional integration can affect governance agendas at the national level and vice versa, five of them are particularly evident in the region: first, the boost given to nationalist and populist discourses, which intrinsically entail a disregard for regional integration institutions and initiatives; second, the international and regional nature of a significant part of the risks and challenges to governability, including organized crime, migration, drug trafficking, corruption and, more recently, climate change²⁰; third, declining international cooperation, which can translate into poorer quality public policies and a halt to the transfer of knowledge and best practices; fourth, low levels of economic integration and trade that could lead to higher production costs and a loss of competitiveness, which in turn perpetuates low economic growth rates; and fifth, the concentration of regional integration initiatives at the level of governments and their representatives, reducing opportunities for peer-to-peer participation of civil society in the region.

The first of these channels, i.e. the close relationship between the use of nationalist and populist discourses and a disregard for regional integration institutions and initiatives, is no coincidence. On the one hand, because “Regional commitments have increased the costs of antidemocratic conduct, thereby serving as a deterrent for potential coup-makers” (Merke, Stuenkel and Feldman, 2021, p. 27). On the other hand, because regional commitments to democracy “have also become venues to socialize ruling elites into democratic norms” (ibid). In turn, authoritarian and populist leaderships tend to use ideological polarization, both nationally and internationally, for political gain. The global geopolitical changes of recent years, dominated by the confrontation between the United States and China, have fueled this polarization, which has become an obstacle to international cooperation and the strengthening of multilateral initiatives, as well as to the optimal performance of regional institutions working in the field of the defense of human rights. At the same time, regional mechanisms to respond to threats to democracy in the countries of the region have been applied selectively, and are outdated to respond to less flagrant, but not necessarily less dangerous, threats to democracy (i.e. erosion of democracy and attacks on the rule of law).

Regarding the second channel, the international and regional nature of a significant part of the risks and challenges to governability, it is clear that, without strong regional integration initiatives and institutions, the isolated efforts of each country to combat scourges such as organized crime, migration, drug trafficking, corruption and climate change shall always be insufficient. The evidence of this is the persistence or worsening thereof in the region. This is partly due to the low state and financial capacity of some of the countries, but mainly due to the lag and deterioration in building the rule of law, perpetuating these challenges. Without robust rule of law in the region, it is extremely difficult to activate a governance agenda at the regional cooperation and coordination mechanisms based on multilateral rules, as well as to execute resources from international donors and financing sources with integrity.

With respect to the third and fourth channels, less international cooperation and low levels of economic integration and trade, they will continue to limit good governance in public administration and the provision of quality public services and prevent further economic growth, both of which are essential to fight against citizen disaffection and discontent. Broad international or regional agreements, for example, the 2030 Agenda, or even for some countries membership in organizations such as the OECD, can accelerate decision-making and the approval of reforms at the national level and reduce internal political polarization. Furthermore, the countries of the region

20 See Casas-Zamora (2021b).

may also decide unilaterally to pursue development strategies through diplomatic and trade integration offensives with world powers, with positive effects on their economic performance and eventually on citizens' assessment of democracy, thus also highlighting the international –and even geopolitical– dimension of governance. But while this latter channel may benefit some of the larger economies in the region, for the smaller ones regional integration remains a fundamental step towards smart trade integration with large markets and global value chains.

Finally, with respect to the fifth channel, regional integration initiatives that go beyond the governments of the region, they would offer more opportunities for citizen participation (civil society, non-governmental organizations, media, and academic institutions) to strengthen governability and governance. Citizens and civil organizations “play a far more substantial role in boosting regional integration than is generally recognized” (Merke, Stuenkel and Feldman, 2021, p. 38).

Both on these issues and on those mentioned previously, experts agree that, without giving up regional reform efforts, it is necessary to adopt a pragmatic approach both in the selection of issues and in the mechanisms of action to revitalize regional integration (IDEA, 2021c; Merke, Stuenkel and Feldman, 2021). A more in-depth analysis is therefore required on how to match that pragmatism in the field of regional integration with the task of improving the quality of governance.

6

Conclusion

Governance and governability in the LAC region are displaying worrying signs of atrophy and erosion. This document has identified three main factors behind the growing inability and deterioration in the democratic quality of the region's political systems to meet citizens' demands: first, the poor performance of the economies and high inequality in income distribution, which give rise to profound social discontent; second, a marked representative disaffection towards political parties and parliaments; and third, a historical lag and recent deteriorations in the construction of the rule of law. The way in which these three factors interact - and the way in which they have been addressed from an institutional reform perspective - is putting considerable pressure on the legitimacy of traditional democratic forms to exercise the power granted in the elections and to reach broad social and political agreements.

Unsatisfied social demands or expectations are largely due to the development trap in which LAC is stuck. This trap is the result of multiple interactions between closely interconnected phenomena, mainly high income inequality and low economic growth, as well as the segmentation of the labor market, the historical concentration of wealth and the existence of weak and not very redistribution-oriented tax systems. The key to connecting these economic trends with social discontent lies in identifying the different forms of exclusion that are experienced and perceived, both in terms of deprivation and privilege. In turn, among citizens these exclusions generate feelings of anger and distrust towards political elites, triggering a profound representative disaffection towards political parties and democratic decision-making institutions. Thus, the development trap of LAC takes on a political dimension, marked by the need to reach viable political agreements that urgently address the visible cracks in the region's social pacts.

Nonetheless, the political institutions designed for this purpose during the democratic transitions currently lack the political capital needed to accomplish the required economic and social transformations. In addition to the representative disaffection, which has led to the weakening of political parties as vehicles for representation and aggregation of collective interests, a greater fragmentation of the political party system and a marked political polarization that closely follows trends in income distribution have increased the number of political actors with powers of veto. The inability to reach a political agreement, added to the discontentment with the political elites due to their performance, is opening spaces for the empowerment of anti-system, populist or authoritarian leaderships in the region.

Such leadership represents the most direct threat to the rule of law and democratic institutions, affecting not only the quality of governability but also its democratic nature. This type of political leadership, which comes to power through elections, is characterized by the concentration and gradual expansion of power by weakening and manipulating the rule of law. Inter alia, this would be by restricting civil and political liberties through formal laws; attacking judicial independence, electoral authorities and the media; and giving greater power to the armed forces.

This current deterioration of the rule of law is in addition to a historical lag in judicial independence and the fight against corruption, insecurity, violence and organized crime. Combined with the lack of opportunities for development, these historical lags feed citizens' feelings of being fed up with political elites, which is also fertile ground for authoritarian leaderships that promise radical punitive action against corruption and crime, often without regard for civil rights and guarantees.

There are, however, important democratic reserves in the region that provide an opportunity to improve the state of governability and make governance more effective. The first one is electoral resilience, i.e. both the holding of regular elections and electoral participation, two of the region's best democratic attributes. Despite some postponements, the calendar of the electoral super-cycle remained on course, thanks in part to the great technical and adaptive capacity of the electoral bodies. Still, the erosion of the rule of law and the political fragmentation

and polarization are beginning to take their toll on the quality of electoral processes. Of particular concern is the renewed attack by political figures on the electoral authorities in several countries of the region. The conduct of elections must be protected, but the quality must be improved as well. Electoral processes with integrity, within the framework of democratic institutions and less political polarization, generally translate into periods of government with the same characteristics and vice versa.

The other valuable democratic reserve which the region has is active citizens that are aware of human rights and the advantages of living in a democracy. While social and protest movements are unmistakable signs of discontent, they also offer an opportunity for governments to correct their political course with the instruments of democracy. In light of the current difficulty of traditional mechanisms of representation to channel the discontent that is visible on the streets, it is necessary to design and activate complementary mechanisms of social and political dialogue. However, political parties will continue to have a crucial role and strengthening and institutionalizing them must be a priority. The biggest challenge for the political party system in the region is to show its capacity for inclusion and agreement to citizens over emerging one-person and authoritarian leaderships. Although politics is not practiced exclusively through political parties, governability is not possible without them.

To finalize, the elements developed in this document are just a few central pieces of the complex puzzle that shapes governability and which constitutes the scenario for governance action. Faced with the daunting task of quality enhancement, a strategic approach is required to prioritize certain knots that, when unraveled, will give rise to virtuous circles that will make it easier to address the rest of the challenges. In other words, the prioritization and sequence chosen, as well as the tools for decision making, play a decisive role, especially faced with the current scarce political and economic capital of democracies in the region.

7

Public Policy Recommendations

In a didactic fashion, the document has been divided into specific problems of governability in the region; however, from the point of view of governance, is of great value to find the points of interdependence between these problems, that is, it is more appropriate to think of it as an interconnected system, in which modifications to any one of them have repercussions on the others. This perspective has an impact on the proposals to address these problems, in which the effort should be aimed at finding and addressing the nodal points of governability and governance, rather than offering an exhaustive list of possible solutions. Making this broad systematization effort is one of the cross-cutting recommendations derived from this report.

ECONOMIC PERFORMANCE AS A TRIGGER OF SOCIAL UNREST



Mediocre economic growth, low productivity, income inequality and labor segmentation are different elements of the same systemic problem that triggers considerable social unrest.

- 1. Universal social protection systems:** specifically, universal social protection systems that are more inclusive and redistributive, sustainable in fiscal terms and more conducive to growth. Poor households need income transfers and social security, not either one or the other. Moreover, social security is key for non-poor households, especially when they are in a vulnerable position. Instead of acting *ex ante* to prevent poverty, policies react *ex post* to mitigate it once it is there. In LAC, poverty rates have declined largely because households receive revenue transfers and not so much because the revenues of poor households have increased. The region should not expect targeted transfers alone to eradicate poverty. These transfers should be better integrated with social security policies, covering all people living in poverty and those who are not poor, with the same quality (UNDP, 2021b).
- 2. Financing the state:** it is necessary to build alliances and social communication schemes to prepare the ground for a fiscal reform in the medium term; increasing tax collection as a percentage of GDP is an unavoidable condition to address the identified issues. Simplifying tax structures to clear away distortions that limit productivity growth and generating more progressive taxation are key elements. It has been argued in different forums (see Ahmad et al., 2019) that property taxes offer an untapped potential in Latin America as a progressive tax to help combat economic inequality and achieve the Sustainable Development Goals (SDGs). On the other hand, creative means are needed to link the use of public debt to development objectives, as in the case of the SDG Sovereign Bond issued by Mexico, which is unique in the world.
- 3. Inclusive digitization:** three conditions need to be met to take advantage of the momentum that the pandemic has given to digitization, aimed at making it inclusive and fostering productivity: significant investments in infrastructure and access to devices; development of digital skills, especially for the population lagging behind; and regulation to bolster public-private cooperation. In a region with marked differences in productivity according to company size, digital transformation offers opportunities, though it may also accentuate disparities. If appropriate policies were adopted, digital technologies would help close the productivity gap in relation to larger companies.
- 4. Protection of care work in households:** it is essential to put in place public policies that institute the right to provide care and receive care. Designing solutions for caregiving is essential for women to enjoy equal opportunities in the world of work. This implies at least the following challenges:
 - » Defeminization, that is, deconstructing gender roles by making care a choice, and including the people who provide unpaid care in social protection.
 - » Redistribution of the provision of care between the state, the market, the community and families, and promotion of a balance between men and women in households.
 - » Demercantilization of the care experience (changing the concept of “if you can pay, you have access”), as access to quality care services is a way to reduce social inequalities by guaranteeing the rights of those who require care and those who provide care (ECLAC, 2020).

REPRESENTATIVE AND DEMOCRATIC DISAFFECTION



Political parties that are weak and that have fallen into disrepute

5. Democratic leadership programs: aimed at strengthening the capacity of existing schools and centers of public administration and public policy in the region with training programs focusing on democratic leadership for members of political parties, candidates and public officials. In addition to instilling devotion to democracy and its principles, these programs should give priority to the modernization of political parties, the reduction of political polarization, the enhancement of the quality of public debate and the design of formal and informal spaces for interaction between political parties and civil society. Electoral authorities must play a central role in leading these efforts. The recommendation is to explore the operation and financing thereof as soon as possible with the cooperation of regional and international agencies.

6. Institutionalization of political parties: review and amend existing regulations to encourage and facilitate the institutionalization and sustainability of political parties and their structures. It is important to ensure a balance between rigor and flexibility to prevent the volatility of political parties and the abuse of political platforms for personality-centered projects, while at the same time encouraging the formal political participation of civil society movements and platforms.

7. Formalization of screening and veto procedures for legislative candidacies: aimed at allowing political parties to perform due diligence, but also due process, when reviewing the ethical background of candidates for legislative positions. It is also about putting in place the legal obligation of parties to require that candidates submit criminal records and that sanctions will be imposed in case of providing false information, as well as about introducing the obligation for political parties to make information on their candidates publicly available²¹.



Divided governments and fragmented parliaments

8. Review political-electoral systems: especially in countries where, after a considerable number of elections, the usual result is divided governments, highly competitive second rounds of elections, and significant fragmentation in parliament. Such a review should seek a balance between representativeness and governability. The recommendation in advance is to review the president's powers, in order to avoid an imbalance that would benefit the concentration of power.



Polarized and divisive elections

9. Adopt controls to prevent campaign spending from skyrocketing: imposing limits on the duration of electoral campaigns, in particular the period of political propaganda and caps on advertising in the media by political parties and candidates (Casas-Zamora and Zovatto, 2015).

10. Negotiate codes of conduct during electoral processes: involving political parties, media and social media platforms, in order to reduce polarization and the dissemination of fake news or unfair information during elections and in order to protect electoral bodies and their officials from attacks and threats to their integrity. The recommendation is that such codes be negotiated for each electoral process under the guidance and oversight of the electoral authorities and with the support of civil society and academia. The first code of conduct of this type negotiated in the Netherlands under the leadership of International IDEA provides valuable guidance for the benefit of electoral bodies in the region.

²¹ With regard to mechanisms for screening and vetoing legislative candidacies in Latin American political parties, see Casas-Zamora and Quesada (2019).

11. Implement special voting mechanisms: it is recommended that the electoral bodies of the region start, before long, with a discussion on the convenience of implementing special voting mechanisms such as postal voting, Internet voting, early voting and the extension of the election day. Where pilot projects do not yet exist, the recommendation is to start designing a roadmap as soon as possible, as well as exchanging good practices with electoral authorities in countries within and outside the region that already use these mechanisms. These initiatives must be socialized with political parties, citizens and civil society organizations in order to strengthen the trust placed in the electoral authorities and shield the integrity of the use of these mechanisms. In addition to increasing voter turnout, extending the election day beyond a single day and activating special voting mechanisms (especially postal voting) are likely to dissipate the electoral tension and political polarization traditionally concentrated in a single election day.



Persistent limitations to women's political participation

12. Approve legislative frameworks that guarantee full gender parity: for all branches and levels of government and in terms of incumbent candidates, as well as effective mechanisms to enforce such legislation.



Deeply-rooted culture of privilege

13. Design anti-privilege agendas in public office: it is recommended that an exhaustive review be made of the number and type of privileges or economic and in-kind benefits enjoyed by those elected to office or who are public officials appointed at discretion. It is also recommended that an agenda be drawn up for the progressive reduction or elimination of these privileges and benefits, based on an analysis of proportionality and reasonableness with regard to their necessity.



Absence of alternative mechanisms for political and social dialogue and negotiation

14. Institute permanent forums for consensus-building among political parties: with the aim of discussing public policy and institutional reform proposals (including electoral matters). The purpose of these forums should be to complement the formal decision-making spaces in order to articulate and push forward proposals of common interest among diverse political forces, establish common channels of dialogue with other state bodies and reduce political polarization.

15. Establish and reactivate economic and social councils: both at the national and subnational levels, as a mechanism for dialogue and negotiation among various sectors of society. It is recommended that these councils be institutionalized through a law or constitutional amendment, so that their constitution and operation would be periodic and uninterrupted. Cooperation mechanisms should be explored with countries where these councils are long-standing and successful.

LAG AND DETERIORATION IN BUILDING THE RULE OF LAW



Persistent corruption

16. Digitize public procurement and contracting systems and systems for the provision of public services: seeking to prevent bribery and overpricing through digital systems that make transactions transparent and facilitate control of the different stages of the procurement, contracting and service provision process. It is recommended that this action be put into effect as soon as possible.

17. Strictly control political financing: among other measures, through greater control of private financing (especially anonymous contributions, contributions from foreign sources and contributions from legal entities); distributing stepwise subsidies throughout the electoral cycle and partially directed to research and training of party members; establishing accountability mechanisms regarding financial management by parties and candidates; and applying a gradual system of sanctions for political party financial managers in the case of any violation of current legislation (Casas-Zamora and Zovatto, 2015). The recommendation is to regulate/implement these actions prior to the next electoral process.

18. Regulate legislative lobbying: in order to avoid undue influence in law-making processes by both criminal groups and powerful economic groups.



Attacks on the integrity of electoral authorities and their officials

19. Create special monitoring mechanisms in the event of attacks on electoral authorities or their officials: que incluyan mecanismos de registro, reacción y medidas correctivas. Se recomienda que dicha iniciativa sea diseñada y ejecutada por una red o redes de organismos electorales de la región. Dichos mecanismos deberán además presentar informes regulares y emitir recomendaciones de política pública dirigidas a proteger a los organismos electorales de la región.



Breach of judicial independence

20. Put in place observation and corrective mechanisms vis-à-vis attacks on judicial authorities and officials: establish and strengthen an independent monitoring entity that identifies and quantifies the extent and scope of the breach of judicial independence and that recommends and implements prompt corrective mechanisms.

21. Enhance transparency in the appointment of judicial authorities: updating and issuing legislation to publicly and transparently share the names, requirements and procedures for the candidature, election and renewal of judicial, electoral and control authorities, as well as their deputies.

22. Ensure the stability of judicial appointments: through the use of mechanisms for the non-renewal or removal of appointments that require qualified majorities, that call for transparent and reasoned voting and that ensure stability of the judicial profession.

23. Guidelines for advancing judicial reforms: focusing on the development of guidelines by international and regional technical bodies and experts on how to design and advance judicial reforms within the framework of the rule of law, complementing them with cooperation programs.



Breach of freedom of expression and press freedom

24. Observation and correction mechanisms to protect freedom of expression and press: by putting in place and strengthening monitoring, correction and protection systems that make it possible to identify and quantify the extent and scope of violations of the freedom of expression and press freedom. Collaboration with professional associations and academia is recommended.



Undue empowerment of the armed forces

25. Keep public security forces under civilian command: review and modify, as soon as possible, regulations to ensure that specialized public security forces are under civilian rather than military command.

26. Enforce regulations prohibiting political and electoral activity by active military personnel: establish and strengthen, as soon as possible, expeditious mechanisms for monitoring and correcting incidents of political and electoral activism by active military officials.



Violence against journalists, human rights advocates, and women

27. Violence against journalists: see the recommendations of the Office of the Special Rapporteur on Freedom of Expression and the Inter-American Commission on Human Rights²².

28. Violence against human rights advocates: see the recommendations of the Inter-American Commission on Human Rights²³.

29. Violence against women: see the recommendations of UN Women²⁴.

30. Violence against women in politics: see the recommendations of UN Women and OAS²⁵.

22 www.oas.org/es/cidh/expresion/docs/brochures/violencia-periodistas-largo.pdf

23 www.oas.org/es/cidh/r/dddh/guias/GuiaPractica_DefensoresDDHH-v3_SPA.pdf

24 www2.unwomen.org/-/media/field%20office%20americas/documentos/publicaciones/2017/11/delcompromisoalaaccionescompressed.pdf?la=es&vs=1627

25 www.oas.org/es/mesecvi/docs/ViolenciaPoliticaMapeoLegislativo-ES.pdf

ANNEX 1:

Brief literature review on the concepts of “democratic governability”, “governability” and “governance.”²⁶

<p>“Governability can be understood as the situation in which there is a concurrence of a set of favorable conditions for government action that are located in its environment (of an environmental nature) or that are intrinsic to it.”</p> <p>“Governability will be assured to the extent that a government can simultaneously maintain legitimacy and promote socioeconomic development.”</p>	<p>Alcántara (1994), p.11</p>
<p>“When considering the underlying dimensions of the issue of governability in Latin America, it has been pointed out that these are none other than 'strengthening the legitimacy of the political system and state institutions; and development of the effectiveness of the public policies designed and implemented by the state'.”</p>	<p>Mayorga (1992), quoted by Alcántara (1994), p. 12</p>
<p>Governability: “a state of dynamic equilibrium between the level of society's demands and the capacity of the political system (state/government) to respond to them in a legitimate and effective manner.”</p> <p>Governance: “examination of the specific way in which governments set their agendas, design their policies, make their decisions and assess their impacts.”</p>	<p>Camou (2001), cited by Mayorga and Córdova (2007)</p>
<p>“There is a need to deepen both democratic governability, understood as institutional strengthening of the regime, and, above all, the political culture, which entails building spaces for equitable participation, especially for the most disadvantaged in Latin American societies. This requires political will, leaders committed to their countries and to the region, and citizens determined to confront the problems and challenges in order to live with greater and better democracy.”</p>	<p>UNDP (2004), p.32</p>
<p>“Governability is the process by which opportunities are generated (application is linked to the practice of democracy as well as political and civil rights leading to sustainable development).”</p>	<p>UNDP Latin America and the Caribbean (n.d.)</p>
<p>“[G]overnance is the process of interaction between state and non-state actors to formulate and put into effect policies within the framework of a given set of formal and informal rules that shape power and are shaped by it [...] power is defined as the ability of certain groups and individuals to get others to act in the interests of those groups and individuals and to achieve specific results.”</p>	<p>La gobernanza y las leyes, World Bank (2017), p.3</p>

26 Free translation into English of the works originally written in Spanish.

Effective governability: “It means thinking about and supporting democratic governability processes that enable the (i) generation of opportunities for socioeconomic development and meaningful participation; (ii) opportunities for institutional transformations and greater efficiency in responding to citizen demands; and (iii) better opportunities for peaceful coexistence and citizen security.”

Gobernabilidad efectiva en tiempos de incertidumbre: innovaciones en gobernabilidad local en América Latina y el Caribe [Effective governability in times of uncertainty: innovations in local governability in Latin America and the Caribbean] (UNDP, 2021c), p. 11

“Democratic governability is the quality of a political system to consistently generate legitimate governments, elected in fair and transparent elections, capable of effectively promoting inclusive, sustainable and equitable economic and social progress. It implies a suitable management to lead a process of continuous strengthening of democracy, which is resilient, without ruptures or serious interruptions, which takes place through institutional and peaceful means, within the framework of the rule of law and backed by an electoral and parliamentary majority. Its strength is enhanced by a strategic narrative that points to a shared future, and by a government capable of satisfying the basic demands and aspirations of the most vulnerable sectors.”

Bitar, Sergio; Mattar, Jorge; Medina, Javier. (2021). “El gran giro de América Latina. Hacia una región democrática, sostenible, próspera e incluyente” [America Latina's great shift: Towards a democratic, sustainable, prosperous and inclusive region], p. 86.

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UNDP RBLAC

The Bureau on Latin America and the Caribbean (RBLAC) acts as headquarters for the regional programs of the United Nations Development Programme (UNDP) and our offices in 26 countries, which encompass 42 countries and territories. In Latin America and the Caribbean, UNDP works primarily with governments, though also with civil society organizations and the private sector, developing national and local capacities and building stronger institutions that provide quality services to citizens. Our overall goal in Latin America and the Caribbean is to promote human development, improving lives, empowering citizens and building more resilient nations.

For inquiries about this proposal, please contact Diego Zavaleta, Senior Advisor on Strategy and Partnerships, at: diego.zavaleta@undp.org



INTERNATIONAL IDEA

Founded in 1995, the International Institute for Democracy and Electoral Assistance (International IDEA) is an intergovernmental organization that supports sustainable democracy worldwide. The Institute is the only intergovernmental organization with a global mandate solely focused on democracy and elections, and is committed to being a global leader in democracy construction and consolidation. With 32 Member States from all continents, International IDEA supports the development of stronger democratic institutions and processes and fosters more sustainable, effective and legitimate democracy through the provision of thematic and comparative studies and the establishment of dialogues and partnerships at the global, regional and national levels.

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