



Quality of Democracy and Parliamentary Reform in Latin America: How Europe Can Help

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Abstract¹

When observing the democratic consolidation process of Latin America and the Caribbean, legislatures are often understudied and neglected. A vital aspect of the quality of democracy is the increase of the performance of parliamentary institutions, in order to foster social-economic development. Parliaments are the primary institutions where oversight, representation and legislative functions should take place. Latin American legislatures tend to be viewed as ineffective for several reasons: institutional imbalance with the executive branch, high levels of legislative fragmentation, lack of technical and financial resources, and internal organization deficiencies. These aspects hinder legislatures in performing their oversight function, and weaken the overall quality of democratic governance. Ongoing reforms have insufficiently addressed this issue, and the European Union's (EU) democracy assistance has tended to neglect political institutions to instead focus on civil society building. For this reason, the modernization of parliamentary institutions is key to the region's social and economic development, and is part of the challenges to improve the quality of democracy in the region. The EU could

Box 1.

All Latin American countries, with the exception of Cuba, are now consolidating democracies. The wave of democratization during the 1980s in Latin American countries made the designation of civil authorities in periodical, transparent and fair elections possible. However, the recurring opinion, shared by the EU and by other donors, seems to be that despite international democracy assistance during the last two decades, the region has only been able to con-

solidate electoral democracies, but not a democracy capable of organizing an effective participation of the citizens. And, the region still faces huge socio-economic challenges. If Latin American countries are defined as 'consolidating democracies', what do they lack in order to become 'consolidated democracies'? What role can the EU play to improve the quality of democracy in Latin America?

¹ The authors thank Juan Manuel Muñoz Portillo for his very helpful comments and suggestions.

contribute to democratic development of the region by strengthening the institutional capacity of parliaments, congresses and national assemblies in Latin America and the Caribbean. Latin America could also highly benefit from the development of exchange networks between parliamentarians from Latin American and European countries.

Summary of Recommendations

In order for the EU to become a better partner to Latin American democracy building, it should focus on strengthening parliaments across the continent. Issues that should be considered include e.g. parliament autonomy, technical capacity of parliamentary staff, increase of budget oversight capacity, regulation or party defection and increased parliamentary transparency.

Parliaments should be able to define their agenda and approve their own internal budgets without executive-branch interference. Independent statistical and planning offices should be supported, and the institutional resources of parliaments should be developed in order to increase their research capacity. EU support to parliaments in Latin America should also help strengthen parliaments' role in the budget process, not only in the adoption phase, but also in its elaboration and in monitoring spending. Today, the distribution of parliamentary resources and strategic positions on committees is more often a result of party-political agreements than of institutionalized rules. Improving the transparency and access to legislative information is therefore an important priority.

A priority for Latin American parliaments is to rationalize their internal organization structures in order to monitor the executive arm. The committee system should be as institutionalized and rationalized as possible, and at least one legislative committee should be assigned to every executive agency.

In order to improve the representation function of parliaments, it is also vital to institutionalize its relations with the opposition who represent the interests of organized civil society. Social and political dialogue is necessary so legislators can effectively take into account the needs of the population in a representative manner, but this should be channeled by formal institutional mechanisms. Participative and direct democracy mechanisms, such as the popular legislative initiative, should also be institutionalized.

Finally, the EU should support the development of an organization of bi-continental forums of legislators, which would be a permanent platform for networking between European and Latin American parliamentarians.

1. Quality of Democracy in Latin America

O'Donnell et al (2003) defines democracy by several distinctive characteristics that include clean and institutionalized elections, the respect of civil liberties and human rights, and a legal system that establishes a rule of law. He argues that several levels of 'democraticity' (that is, quality of democracy) can be established when comparing countries, based on the degree of fulfillment of a set of initial conditions and criteria. Moreover, he argues there is a strong connection between democracy, human development and human rights, affirming that a democratic regime fosters a sequential extension of political and social rights.

This procedural/minimalist and electoral approach of democracy makes it possible to analyze the necessary pre-conditions of democracy. However, from a more qualitative perspective, it does not answer the question of whether the political institutions effectively take into consideration the needs and demands of the population. The analysis of the electoral dimension of democracy can be complemented with a deeper reflection about the quality of democracy, understood as the effectiveness of the political institutions to incorporate social demands into public policy and secure economic and social results (Carrillo-Flórez 2009). This corresponds to what Dahl (2000) identifies as 'the second dimension' of democracy.

To measure the quality of democracies, the Latinobarómetro (an annual opinion poll) is a useful tool to evaluate citizens' attitudes towards democracy. It has been criticized for only reflecting citizens' perceptions and not assessing the performance and quality of democracies. This is why this poll's results for 2008, presented in *Table 1.1*, are contrasted with a comparative 'democratic quality index' based on experts' opinions. To complement the analysis, the legislator's perspective has been added, since legislators are (or should be) the most important political actors within a democracy.

The general conclusion of the Latinobarómetro poll seems to be the same as the one already stated in the Interamerican Development Bank's (IDB) Democracies in Development report in 2002: 'Despite general support for the idea of democracy and the rejection of authoritarian alternatives, most citizens are disenchanted with the performance of their democratic systems' (IDB 2002: 41). The priority task for Latin American countries, and for European cooperation with the Latin American continent, is to work to improve the quality of democracy, taking into account its economic and social dimension but also looking at its political-institutional dimension in an integrative approach.

The Importance of Parliaments for the Quality of Democracy

When observing the democratic consolidation process of Latin America and the Caribbean, legislatures are often understudied and neglected. However, parliaments are vital institutions of the democratic systems of the region, since they are the marketplace of demands and interests of society that are channeled, represented, negotiated and traded off, and most important, where political decisions are made. With the presidency, legislatures constitute one of the two representative bodies of presidential regimes in Latin America. If they duly fulfill their representation, oversight and legislative functions, they can and should play an important role in the policy-making process. Legislatures are expected to be reactive to the needs of citizens in their function of compiling interests, creating legislation to address societal problems, overseeing the implementation of these laws and controlling the government.

Parliamentary effectiveness is therefore an essential aspect of the quality of democracy, since parliaments are the forum par excellence to translate social demands into public policy. Equipping parliaments to adequately fulfill their oversight function is vital to the democratic consolidation process. Pelizzo & Stapenhurst (2008), in research

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Table 1. Perspectives on quality of democracy

Country	The expert's Perspective (IDD-Lat)	The citizen's perspective (Latinobarómetro) (%)	The legislator's perspective (PELA) (%)
Costa Rica	10,000	44	54.0
Chile	9,670	39	46.6
Uruguay	8,717	71	66.3
Panama	6,503	35	27.9
Mexico	6,135	23	11.3
Argentina	5,731	34	35.2
Peru	5,020	16	4.8
Colombia	4,660	44	40.0
Brazil	4,520	38	63.4
Honduras	4,408	24	32.4
El Salvador	4,184	38	13.8
Paraguay	3,861	22	1.8
Nicaragua	3,860	38	0.0
Dominican Republic	3,577	47	18.6
Guatemala	3,444	27	2.5
Venezuela	3,258	49	18.0
Bolivia	2,843	33	3.8
Ecuador	2,521	37	2.0

Source: Adenauer Stiftung/Polilat.com (2008)²; Informe Latinobarómetro (2008)³; PELA (2005)⁴

² Índice de Desarrollo Democrático de América Latina, edición 2008: <http://www.idd-lat.org/Edicion%202008.htm>. The Democratic Development Index of Latin America (IDD-Lat) is constructed with the use of four variables measuring distinct dimensions of democratic development, including respect of political rights and civil liberties, institutional quality and political efficiency and effective government exercise.

³ Question: In general, would you say you are very satisfied, moderately satisfied, not very satisfied or not satisfied with democracy in your country?: satisfied + moderately satisfied

⁴ Proyecto "Elites Parlamentarias en Latinoamérica", Instituto Interuniversitario de Iberoamérica de la Universidad de Salamanca: <http://www.usal.es/~iberoame/elites.htm>. Question: In your opinion, democracy in your country today is stable, relatively stable, little stable, not stable: very stable.

Table 2. Confidence and capacity of parliament

Country	The expert's perspective (Congress Capabilities Index)	The citizen's perspective (Latinobarómetro) (%)	The legislator's perspective (PELA) (%)
Chile	High	33	81.5
Uruguay	High	61	96.5
Colombia	High	40	63.6
Brazil	High	52	71.9
Costa Rica	Medium	39	72.5
Panama	Medium	21	88.2
Mexico	Medium	50	72.2
El Salvador	Medium	57	60.0
Paraguay	Medium	47	87.9
Nicaragua	Medium	41	64.4
Venezuela	Medium	49	74.7
Bolivia	Medium	30	40.3
Ecuador	Medium	50	62.2
Argentina	Low	42	66.5
Peru	Low	16	71.0
Honduras	Low	34	82.0
Dominican Republic	Low	45	76.3
Guatemala	Low	27	62.2

Source: Stein e.a. (2006)⁵; Informe Latinobarómetro (2008)⁶; PELA (2005)⁷

⁵ The Congress Capabilities Index is constructed from eight sub-indices measuring various features of parliaments' institutional capacity and political incentives, including the experience and specialization of parliamentarians, the strength of committees or the degree of technical and advisory expertise.

⁶ Question: How would you evaluate the work the Parliament/National Congress does? Very good, good, bad, very bad, or not enough information: very good + good.

⁷ Question: Compared to other Political Institutions, how much do you trust Parliament? A lot, much, little, nothing: a lot + much.

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conducted for the World Bank, establish the existence of a strong correlation between oversight potential of parliaments and quality of democracy. Because oversight tools are used to keep governments accountable, the increase of a country's oversight potential tends to lead to an increase of the quality of democracy.

Public confidence in political institutions, including parliaments, also affects their functioning and the quality of democracy. A minimum level of public trust in politicians and institutions is essential to their performance

when having to make tough decisions (IDB 2002). In *Table 1.2*, the three perspectives (experts, citizens and legislators) have again been examined, this time on the confidence and capacity of parliament. The legislator's perception about the capacity of their institution does not present much variation from country to country, but the citizen's perspective is, on the whole, close to the experts' perspective.

The ranking of Latin American countries based on the institutional capacity of parliaments measured by the Congress Capabilities Index (developed by the IDB), roughly matches the ranking of quality of democracy, which confirms that quality of democracy is strongly linked with parliamentary effectiveness.

2. The Need to Improve Parliamentary Effectiveness

The efficiency and stability of presidential democracies is greatly influenced by the manner in which the inherent tension between the executive arm and the legislature is resolved. Given the separate election of the executive branch and legislature – usually through different electoral procedures and out of different constituencies (and sometimes at distinct moments in time) – and (consequently) their separate bases of legitimacy, conflict between the two branches is more out in the open and pervasive in presidential systems.

Authoritarian government styles and frequent situations of institutional deadlock have created the impression that legislatures in Latin America are irrelevant actors in the public-policy process, or even obstructionist. Critics of presidentialism have emphasized the relative lack of a capacity for (positive) collective action by the legislature in the lawmaking and oversight process. The endowment of presidents with inordinate legislative powers has in some cases impaired developing the capacity of the legislature to engage itself effectively in policy making and executive oversight.

Empirical research has shown that Latin American parliaments are generally constitutionally powerful but institutionally weak (Diamond 1997; Linz & Valenzuela 1994). Unilateral presidential measures have undermined the parliamentary institutions and their control capacity over the executive branch. The level of citizen support for parliaments remains very low. Data from the World Economic Forum (2005) shows that business executives also consider legislatures to be very ineffective, as the following table shows.

Table 3. Parliamentary effectiveness

Country	Effectiveness of lawmaking bodies (2004–2005) (1 = very ineffective; 7 = very effective)	Index of potential political control capacity (0 = minimal capacity; 15 = maximal capacity)
Chile	3.7	6.3
Brazil	3.1	6.8
Uruguay	2.7	9.8
Colombia	2.7	10.3
Honduras	2.6	8.0
Costa Rica	2.2	10.05
Paraguay	2.2	8.85
El Salvador	2.1	8.55
Mexico	2.0	6.05
Dominican Republic	2.0	6.2
Panama	1.8	7.8
Bolivia	1.8	10.7
Guatemala	1.8	7.8
Ecuador	1.7	9.05
Peru	1.7	10.9
Nicaragua	1.6	8.0
Argentina	1.6	9.8
Venezuela	1.4	10.4

Source: World Economic Forum (2005)⁸; Alcántara et al (2005)⁹

⁸ Data from Stein e.a. (2006), *op.cit.* The mean score given by business executives in the 2004–2005 World Economic Forum survey to the question ‘How effective is your national parliament/congress as a lawmaking and oversight institution?’

⁹ The index of potential political control capacity is constructed from nine parliamentary oversight instruments: control over presidential nominations, interpellations of government officials, creation of investigative committees, presidential report, confidence vote, inquiry of information from the executive, parliamentary questions, interpellations and instruments that imply political responsibility (impeachment).

How can these low levels of effectiveness be explained? The IDB report *The Politics of Policies* identifies three essential factors affecting the role of parliaments in policy making: **(a)** the constitutional powers of parliament, **(b)** party dynamics and electoral incentives and **(c)** the organization of the legislature.¹⁰

a) Constitutional Powers of Parliament

Latin American countries all adopted the presidential system as a political regime, based on a separation of powers between the executive and the legislative branches. The extent to which legislatures play an effective role in the policy-making process varies among Latin American countries, between 'proactive and constructive' legislatures on the one hand, and 'rubber-stamp legitimizers' on the other. However, between these two extremes there is a wide area where legislatures can actively use their oversight and legislative privilege. The intensity and effectiveness in which these roles are executed also vary (Stein et al 2006). Generally, the executive arm controls the legislative agenda and has legislative powers (Mainwaring & Shugart 1997).

Although it is true legislatures generally take a reactive role, this does not imply they have no capacities to participate in the public-policy process. If legislatures seem to approve all government bills without any obstruction, it does not necessarily imply they are 'rubber-stamp legitimizers', but it can also be that those bills that are presented are the result of an indirect and discrete lobby of the legislature with the executive branch (Morgenstern 2002).

The capacity of parliaments to block unfavorable legislation or actively shape government bills should therefore be seen as indicators of their effectiveness (Morgenstern 2002; Pachón 2006). Legislatures with limited capacity to play a constructive role in policy making may nonetheless be important players in the sense of obstructing or vetoing much of what the executive arm proposes and can therefore be considered as *veto players* in the policy-making process with the capacity to obstruct or amend the executive agenda (Stein et al 2006).

b) Party Dynamics and Electoral Incentives

Executive dominance is confirmed by every study but parliaments are still relevant actors, especially in situations of a divided or minority government. Beyond the formal institutional powers, central variables in explaining parliamentary effectiveness are the size of the president's contingent in parliament, the level of legislative fragmentation and the extent of party discipline (Stein et al 2006).

However, the ever-higher levels of legislative fragmentation in many Latin American countries reflect a weak institutionalization of the party system. Weak party discipline distorts the possibilities of legislative and political-parliamentary control. It affects the quality of the democratic system because it reduces the visibility of programmatic political parties and weakens the representational relationship between politics and citizenship. High rates of party switching, especially in countries like Brazil, Guatemala and Ecuador, also introduce high

¹⁰ The *Politics of Policies* includes a fourth variable of parliamentary effectiveness. This variable will be left out of the analysis in this paper.

levels of instability, implying constant modifications of the party system between elections.

c) The Organization of the Legislature

The committee system has proven to be the most effective to organize the work of parliaments, allowing for higher levels of specialization of legislators and a more active oversight on specific policy domains. The number, size and prerogative of committees in Latin American parliaments are heterogeneous. The distribution of chairmanships of committees tends to be done on the basis of partisan lines.

Low levels of parliamentary effectiveness can also be explained by a deficient internal organization structure and the lack of financial resources of parliaments to draft their own legislative proposals. 'If legislatures are to become meaningful arenas for injecting the interests and concerns of their constituencies into the policy process, they must have sufficiently elaborated and resourceful organizational structures so that they can engage, challenge, and check executive officials and state bureaucracies' (Diamond 1997: 31).

The perceived ineffectiveness of parliaments can therefore be explained by insufficient organizational capacity and institutional weakness to perform its democratic functions (Alcántara et al 2005).

In only a few Latin American countries is staff available to assist legislative committees with research and analysis. Low reelection rates also tend to limit the professionalization of the legislature. Brazil and Colombia are the only countries that have a legislative budget research office to advise the budget committee.

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3. Potential Roles for the EU

Most Latin American countries agree on the need to strengthen legislatures and to equilibrate parliamentary powers in executive-legislative relations. However, the necessary parliamentary reform agenda has only slowly been implemented, with most reforms aiming at the presidential institution and avoiding the legislatures.

Incremental electoral reforms have contributed to increase the levels of fragmentation in some parliaments. As a direct consequence, legislators were disconnected from national party leadership, being more loyal to local constituencies. The accountability of individual legislators has increased, but has also indirectly contributed to weaken party unity (Carey 2008).

No country abandoned presidential regimes in favor of parliamentarism or semi-presidentialism, but a few countries incorporated some semi-parliamentary or semi-presidential features, such as providing parliament with the power to censure and remove cabinet ministers, providing the president with the power to dissolve the legislature in specific circumstances, and in one case establishing the position of chief of the cabinet being partly accountable to the legislature. However, these reforms did not solve the

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One characteristic of the EU approach in Latin America is the absence of prescription and conditionality, in the belief that coercive procedures would be counterproductive.

The executive branch has considerable advantages with respect to staff and resources. Several infrastructure reforms for the legislative branch, such as modernizing information systems and increasing staff support, have been implemented, but are generally still insufficient (IDB 2002).

Perspectives on EU Democracy Assistance Policies

In the field of democracy building, the European Union is often viewed by Latin America as ‘the’ alternative for American initiatives. Although this is a simplification, it can be said the EU approach to democracy building tends to be primarily developmental, while the United States’ approach is basically political. The concern for equality, justice and socio-economic development is characteristic of the ‘developmental approach’ to democracy assistance, as opposed to the political approach, focusing mainly on elections and political liberties (Carothers 2009). It should be stressed, however, a great number of European actors involved in democracy assistance have extremely heterogeneous policies (Carothers 2009).

Box 2.

Institutionalized relations between Europe (both the European Commission and individual member states) and Latin America have some 35 years of history. The involvement of the European Union in the region in

the field of democracy assistance began in the 1980s, with a geographical focus on Central America, in the context of the ongoing pacification initiatives, including the San José dialogue in 1986.

In its regional programming document for 2007–2013, the EU affirms its commitment to ‘strengthening democratic systems, institutional legitimacy, the role of civil society and protection of human rights, especially those of indigenous peoples, women and minorities’ and recognizes the need to build institutional capacity (EC 2007: 5). However, specific programs aimed at strengthening political institutions are almost nonexistent.

The EU approach to democratic consolidation, through the European Initiative for Democracy and Human Rights, has a strong focus on human rights and civil society development, rather than on strengthening political institutions. This ‘bottom-down approach’ is characteristic of EU democracy aid.

In focusing almost exclusively on non-governmental organizations (NGOs), the EU has neglected the top-down dimension of democratic consolidation: ‘It is significant that policymakers conceived the extent of such general NGO and civil society funding as pertinent to the strengthening of a broad “democratic capacity” in Latin America. The European strategy focused on such democratic “capacity

building” measures designed to facilitate the effective articulation of citizens’ interests – rather than “institutional designs”’ (Youngs 2002: 119). Parliaments have received little attention compared to civil society development, human rights and the broader good governance agenda (Youngs 2008).

Thus, the main weakness of EU democracy aid is its prioritization of civil society development. The direct connection between civil society development and democracy promotion remains unclear. In this light, an increased focus on strengthening parliamentary institutions would be welcome as it is still an unconsidered aspect of democratic reform: 'In the long term, it is essential to improve the technical and institutional capacities of Latin American States to overcome their development problems.

There is quite a lot of potential in general, but sometimes elements are lacking to make activities sustainable. If the countries manage to articulate these needs (with or without external support), the European Union can make progress in [giving] specific support for technical aspects' (Freres & Sanahuja 2005: 29).

Opportunities for the EU to Help Strengthen Latin American Parliaments

The long democratic history of most European countries, and the democratic transition in Eastern Europe, offers a lot of knowledge on how to strengthen parliaments, especially increasing their effectiveness. As a neutral actor, the EU can help support internal parliamentary reform processes that are politically difficult or costly to implement.

Apart from the necessary work on improving the technical capacity, there are some structural conditions that need to be improved to increase the quality of parliamentary oversight. These conditions have to do with the necessity to strengthen their access to independent information sources, mainly statistical information. Too often, parliaments rely on the information provided by executive-arm agencies, but this dependence does not allow them to properly investigate and monitor the executive branch. Autonomous statistical and planning offices should therefore be supported in order to provide for independent statistical information and social-economic planning and forecasting.

The professionalization of the public sector and the limitation of its politicization are a necessity. Technical quality of the public service should prevail over political interests. An important thematic priority is the support of decentralization processes, especially in the field of translating national legislation into local rules. The accumulated experience of decentralization in many European countries can be highly beneficial. The articulation of coherent national and local development policies is an important task that legislatures have to fulfill, since they are at the same time representatives of the nation and their territorial constituencies.

Working on coherent national development plans is essential to the quality of democracy and parliaments can play an important role in doing this, supported by the EU. Strengthening parliamentary institutions will improve their effectiveness in tackling the challenges of economic and social development. This would also foster a greater continuity of state policies.

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The ongoing reforms should be supported technically and financially by the international community, including the EU, but since the frequent constitutional reforms have not changed the practice of government in Latin America, the focus should now be on strengthening the internal organization structures of parliamentary institutions. It is of no use to give parliaments more institutional powers if their technical capacity and resources are not increased.

4. Policy Recommendations and Priorities of Parliamentary Reform

Contribute to Parliamentary Autonomy

The concept of parliamentary autonomy concerns the ability of the parliament to operate free of interference from any other institutional power. This autonomy is in the first place budgetary: parliaments should be able to define their agenda and approve their own internal budgets without executive interference. Parliamentary autonomy, to a certain extent, is a practical extension of the concept of separation of powers, since if parliaments are financially and institutionally dependant on the executive branch, they are not equipped to properly exercise political and legislative control.

The financial resources Latin America parliaments have at their disposal, except for Mexico, are generally insufficient to develop an efficient research capacity (Alcántara et al 2005). Parliamentary autonomy also implies a lesser dependence of parliaments on information provided by the executive branch. Independent statistical and planning offices should be supported, and the institutional resources of parliaments should be developed in order to increase their research capacity.

Develop the Technical Capacity of Parliamentary Staff

When the staff of parliaments is compared with the total number of public servants that work for the executive arm, an enormous asymmetry is apparent. Increasing the institutional capacity of parliaments is critical, since they simply cannot technically oversee the government. The perceived weakness of parliaments can be explained by insufficient organizational capacity and institutional weakness to perform its democratic functions (Alcántara et al 2005).

Increase Budgetary Oversight Capacities

EU support to enforce parliaments in Latin America should help strengthen their role in the budget process, not only in its adoption, but also in its elaboration and in monitoring spending. This aspect is probably the most important aspect of legislative oversight, yet it has not received sufficient attention (Santiso 2007). A parliamentary budget office should be created in every Latin American country, similar to the Congressional Budget Office in the United States (only Brazil and Mexico have such an office). A budget office will increase the technical capacity of parliaments.

Regulate Party Switching

For most Latin American countries, it can be said that *transfuguismo* – party switching – has been a characteristic trait of political life. The numerical importance of parliamentary defection, and the impact it has on parliamentary fragmentation, the relations between

the executive and legislative powers, the internal organization of the parliaments, the volatility of the party system and coalitional dynamics calls for a regulation of this phenomenon. Electoral reforms should systematically take into account its potential stimulating effects on party discipline and party switching; anti-*transfuguismo* pacts should be supported.

Streamline the Internal Organization Structures of Parliaments

A priority for Latin American parliaments is to rationalize their internal organization structures in order to monitor the executive arm. The committee system should be as institutionalized and rationalized as possible, and at least one legislative committee should be assigned to every executive agency.

Improve Parliamentary Transparency and Access to Parliamentary Information

Internal decision-making processes in Latin American parliaments are not always democratic. The distribution of parliamentary resources and strategic positions on committees is more often a result of party-political agreements than of institutionalized rules. Furthermore, the limited mechanisms for recording the votes (personal roll-call votes) within most parliaments makes it difficult to monitor their activity. Visible voting is far from being a standard operating procedure. Where technological instruments exist to record votes, they are not systematically used (Carey 2008).

Improving the transparency and access to legislative information is therefore an important priority. In many cases, systemized institutional information is not available. The final declaration of the Presidents of Ibero-American Democratic Parliaments of 1999 also emphasizes the importance of modernizing communication technologies used by parliaments to increase transparency and exchange of information.

Institutionalize Relations with Civil Society

In order to improve the representation function of parliaments, it is vital to institutionalize its relations with the opposition who represent the interests of organized civil society. Strong civil society is vital to a democratic society, but should not weaken parliaments in their representative function. Social and political dialogue is necessary so legislators can effectively take into account the needs of the population in a representative manner, but this should be channeled by formal institutional mechanisms. This will allow civil society to actively participate in the policy process. Participative and direct democracy mechanisms, such as the popular legislative initiative, should also be institutionalized.

Establish Exchange Networks between European and Latin American Parliamentarians

Latin American parliaments could benefit from exchanges with European parliaments. The EU should support the development of an organization of bi-continental forums of legislators, which would be a permanent platform of European and Latin American networked parliamentarians.

Such a forum might also help to awaken the interest of European legislators for Latin America again, and put Latin America back on the development cooperation agenda of

European countries. Europe in general lacks a good understanding of the big questions related to the institutional and socio-economic development of the Latin American continent. A close look at Western democracies could reveal that the challenges that their parliaments face are in fact very similar to Latin American parliaments. Therefore, exchanges between parliamentarians of both regions could be mutually beneficial.

References

- Alcántara Sáez, Manuel, García Montero, Mercedes, Sánchez López, Francisco, *Funciones, procedimientos y escenarios: un análisis del Poder Legislativo en América Latina* (Salamanca: Ediciones Universidad de Salamanca, 2005), p. 301
- Carey, John M., *Legislative Voting and Accountability* (Cambridge University Press, 2008), p. 320, available at <<http://www.dartmouth.edu/~jcarey/Research.html>>, accessed 2 April 2009
- Carothers, Thomas, 'Democracy assistance: political versus developmental?', *Journal of Democracy*, Vol. 20, No. 1 (January 2009), pp. 2-16
- Carothers, Thomas, *Aiding Democracy Abroad: The Learning Curve* (Washington D.C.: Carnegie Endowment for International Peace, 1999), p. 411
- Carrillo Flórez, Fernando (ed.), *La lucha contra la exclusión social en América Latina. Una mirada desde Europa* (La Paz: BID/Comisión Europea/EUROSOCIAL/REDGOB/Plural, 2009), p. 227
- Corporación Latinobarómetro (2008) <<http://www.latinobarometro.org/>>, accessed 2 April 2009
- Dahl, Robert A., 'A Democratic Paradox?', *Political Science Quarterly*, Vol. 115, No. 1 (Spring 2000), pp. 35-40
- Diamond, Larry, 'Consolidating Democracy in the Americas', *The Annals of the American Academy of Political and Social Science*, Vol. 550, NAFTA Revisited: Expectations and Realities (March 1997), pp. 12-41
- European Commission, *Latin America Regional Programming Document 2007–2013*, E/2007/1417 (12 July 2007), p. 29, <http://ec.europa.eu/external_relations/la/rsp/07_13_en.pdf>, accessed 2 April 2009
- Final Declaration of the X Conference of Presidents of Democratic Ibero-American Parliaments, 17-19 June 1999, <<http://www.congreso.es/portal/page/portal/Congreso/Congreso/Internacional/Conferencia%20de%20Democ>>, accessed 2 April 2009
- Freres, Christian, Sanahuja, José Antonio, *Study on Relations between the European Union and Latin America. New Strategies and Perspectives* (Madrid: Instituto Complutense de Relaciones Internacionales/European Commission, 14 November 2005), p. 96
- Linz, Juan J., Valenzuela, Arturo, 'The Failure of Presidential Democracy', *Comparative Perspectives*, Volume 1, The Johns Hopkins University Press, 1994
- Mainwaring, Scott, Shugart, Matthew Soberg, *Presidentialism and Democracy in Latin America* (Cambridge: Cambridge University Press, 1997)

- Morgenstern, Scott, Nacif, Benito (ed.), *Legislative Politics in Latin America* (New York: Cambridge University Press, 2002), pp. XXII-503
- O'Donnell, Guillermo, Iazzetta, Osvaldo, Vargas Cullell, Jorge, *Democracia, Desarrollo Humano y Ciudadanía. Reflexiones sobre la calidad de la democracia en América Latina* (Santa Fe, Argentina: Ediciones Homo Sapiens/PNUD, 2003), p. 357
- Pachón, Mónica, 'Congress and Political Parties' in Cepeda, Fernando (ed.). *Strengths of Colombia* (Bogotá: Ariel Ciencia Política/Banco Interamericano de Desarrollo, 2006), p. 551
- Payne, Mark J., Zovatto G., Daniel, Carrillo Flórez, et al, *Democracies in Development. Politics and Reform in Latin America* (Washington D.C.: Interamerican Development Bank/International IDEA/The John Hopkins University Press, 2002), p. 351
- Sanahuja, José Antonio, 'Un diálogo estructurado y plural. La dimensión institucional de la relaciones Unión Europea-América Latina', *Nueva Sociedad*, 189 (January-February 2004), pp. 80-96
- Santiso, Carlos, 'Parliaments and budgeting: understanding the politics of the budget', in Bodemer, Klaus, Carrillo Flórez, Fernando, *Gobernabilidad y reforma política en América Latina y Europa* (La Paz: GIGA/BID/REDGOB/Plural, 2007)
- Stapenhurst, Rick, Pelizzo, Riccardo, Olson David M., von Trapp, Lisa, *Legislative Oversight and Budgeting. A World Perspective* (Washington: World Bank Institute, 2008), p. 342
- Stein, Ernesto, Tommassi, Mariano, Echebarría, Koldo et al (coord.), *The Politics of Policies. Economic and Social Progress in Latin America. 2006 Report* (Washington D.C.: Interamerican Development Bank/David Rockefeller Center for Latin American Studies/Harvard University, 2006), p. 303
- Vargas, Jean Paul, Petri, Dennis P., *Efectividad Parlamentaria. Incentivos y restricciones coalicionales en Costa Rica y Nicaragua* (San José: Ministerio de Asuntos Exteriores y de Cooperación de España/AECID/Fundación DEMUCA/REDGOB, 2008), p. 303
- Youngs, Richard, 'The European Union and Democracy in Latin America', *Latin American Politics and Society*, Vol. 44, No. 3 (Autumn 2002), pp. 111-139
- Youngs, Richard, 'Trends in Democracy Assistance: What has Europe been doing?', *Journal of Democracy*, Vol. 19 (April 2008), pp. 160-169

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