

OPPOSITION AT THE MARGINS STRATEGIES AGAINST THE EROSION OF DEMOCRACY IN COLOMBIA AND VENEZUELA

Laura Gamboa
(Forthcoming Comparative Politics)

Abstract

This article argues that the goals and strategies the opposition uses against presidents with hegemonic aspirations are critical to understand why some leaders successfully erode democracy, while others fail. Using interviews and archival research, I trace the dynamics of erosion in Alvaro Uribe's (Colombia) and Hugo Chávez's (Venezuela) administrations. I show that during the first years of these governments, the opposition in both countries had some institutional leverage. The Colombian opposition used that leverage. It resorted to institutional and moderate extra-institutional strategies, which protected its institutional resources and allowed it to eventually stop Uribe's second reelection reform. The Venezuelan opposition forsook that leverage and chose radical extra-institutional strategies instead. The latter cost it the institutional resources it had, and helped Chávez advance more radical reforms.

The erosion of democracy has become increasingly common. Faced with economic and security crises, democratically elected presidents in Latin America,¹ Eastern Europe,² and Africa³ have used their popularity to introduce constitutional amendments that destroy the system of checks and balances, hinder free and fair elections, political rights, and civil liberties. In Venezuela, Hugo Chávez eroded democracy. Using institutional reforms, he slowly turned a democracy into a competitive authoritarian regime. In Colombia, Alvaro Uribe tried to do the same, but failed. Despite his efforts to undermine the independence of courts and congress, and the fairness of elections, Colombia's constitutional order remained fairly strong. Why, despite similar circumstances, some presidents successfully erode democracy, while others fail?

The literature on democratic reversals has often thought of transitions away from democracy as dependent upon institutions,⁴ economic development,⁵ or state strength.⁶ Contrary to these approaches,⁷ I highlight the role of the opposition. Democratic erosion is a transition from democracy to autocracy that happens over time, giving the opposition several opportunities to respond. The goals and strategies it uses to fight the president's initial attempts to undermine checks and balances are, therefore, critical to better understand these leaders' ability to successfully increase the powers of the executive and extend their time in office beyond a second term.

If the opposition uses institutions or extra-institutional strategies with moderate goals to fight the government, it keeps its legitimacy domestically and abroad. It reduces the incentives and increases the costs of repression, allowing the opposition to keep some presence in the legislative and be better equipped to repeal more aggressive reforms down the road. If, however, the opposition retaliates outside institutions hoping to oust the president before the end of his constitutional term, it loses legitimacy domestically and abroad. Such a response increases the incentives and decreases the costs of repression, providing the president with more leeway to remove opposition leaders from office, prosecute, or jail them, and enough support to push for more aggressive reforms.

To assess this argument, I use 88 semi-structured interviews to judges, politicians, journalists, and academics as well as archival research in congress⁸ and newspapers⁹ to trace the dynamics of erosion in Colombia and Venezuela. The evidence suggests that, during the first years of Chávez's (1999-2013) and Uribe's (2002-2010) governments, oppositions in both countries had some institutional leverage. The Colombian opposition used that leverage to

protect their institutional resources and eventually stop Uribe's second reelection reform. The Venezuelan opposition forsook that leverage and chose extra-institutional strategies hoping to remove Chávez from office instead. The latter cost them the institutional resources they had and helped Chávez advance more radical reforms.

This article makes three contributions to the literature. First, unlike most approaches to democratic reversals, my theory highlights the importance of opposition tactics and goals. I provide a more nuanced understanding of democratic erosion that distinguishes it from classic breakdowns, analyzing it as a process rather than a one-shot game. In doing so, I move away from accounts that see democratic breakdowns as inevitable once an authoritarian leader attains power and provide insights on the role of opposition forces in protecting democracy today. Second, most accounts of transitions from and to democracy collapse actors' strategies and goals; my argument separates them. I show how different combinations of these elements have different consequences on regime change. Finally, even though Uribe marked a watershed in Colombia's history, few scholars have analyzed his presidency in a comparative perspective. This article contributes to the Colombia's specific literature by filling that gap.

1. EXPLAINING DEMOCRATIC EROSION

Existing theories cannot fully explain why some presidents with hegemonic aspirations –who want to enhance their powers and stay in office beyond a second term– successfully erode democracy, while others fail. Theories of regime change have focused on factors that increase the likelihood that an authoritarian leader attains power. Structural and state centered arguments assume that once these leaders are in office there is little that can be done to prevent a democratic reversal and, therefore, fail to consider what happens afterwards.

Scholars have argued that lower levels of economic development¹⁰ and governance problems¹¹ increase the likelihood of democratic setbacks. They lead to legitimacy crises that unsettle democratic institutions, increasing the probability that authoritarian leaders attain power. These theories help explain why presidents with hegemonic aspirations are elected in the first place, but are less helpful explaining why some of them succeed in their attempts to erode democracy, while others fail. Economic recessions and governance problems shake a president's hold on power. Once an authoritarian leader attains office these issues should decrease his support and his ability to change the constitution, not the other way around.

Both Hugo Chávez and Alvaro Uribe came to power in the midst of severe crises. In 1999, Venezuela faced a drastic economic decline. It had the highest inflation in the region, stagnant GDP, high unemployment, and public sector deficits.¹² In 2002 Colombia faced a serious security threat. The armed conflict had intensified in the 1990s. After the 1998-2001 failed peace process, homicides, kidnappings, and terrorists attacks were on the rise.¹³ In both countries, these situations triggered legitimacy crises. Traditional parties were seen as equally corrupt in Venezuela,¹⁴ and as equally incompetent in Colombia.¹⁵ They could not present themselves as credible alternatives, which paved the way for Chávez and Uribe to attain office.¹⁶

These crises, however, cannot completely explain Colombia's and Venezuela's different outcomes. While in Colombia, the sense of insecurity maintained Uribe's high support, in Venezuela, the economic decline decreased Chávez's popularity. The president's inability to fix the economy, before 2004, became a liability to his government, hurt his support, and put him at risk of being overthrown. However, Chávez eroded democracy; Uribe did not.

Institutional approaches have also been used to explain democratic reversals.¹⁷ Inchoate party systems make electoral politics unpredictable, allowing populist leaders—presidents with hegemonic aspirations—to gain office.¹⁸ Moreover, a weakly institutionalized party system could also weaken the opposition’s ability to build an effective response after the president has attained power, and thus help explain why he is able to erode democracy, while others are not. This factor, however, cannot fully account for the erosion of democracy. Countries like Perú show that democracy can flourish in weakly institutionalized party politics.¹⁹ Moreover, both Colombia and Venezuela saw their party systems decline. After decades of controlling the political arena, the traditional parties in both countries lost presence at the national level. By the time Uribe and Chávez became presidents, these organizations were similarly weak,²⁰ yet, only the Venezuelan president eroded democracy.

Alternative institutional arguments suggest that institutions carry regime legacies: they reproduce norms of democratic behavior that can help prevent presidents from eroding democracy.²¹ Indeed a strong and independent Constitutional Court was essential to prevent Uribe’s reelection for a third term. However, regime legacies are not path dependent. Even in the presence of strong democratic institutions, switches to authoritarianism can happen.²² Both Chávez and Uribe faced institutions rooted in decades of democratic history. Still, Chávez was able to decrease these institutions’ check on the executive and Uribe was not.

Mass based theories have also been used to explain democratic erosion. At times of crisis people often turn to strong leaders, putting regime preferences aside.²³ In fact, left leaning Latin American presidents’ success in eroding democracy is often attributed to their popularity.²⁴ Regardless of whether it is the outcome of charisma, ideology,²⁵ and/or mineral wealth,²⁶ popular

support is necessary for presidents to be able to enhance their powers and extend their time in office beyond a second term.²⁷ Alone, however, popularity cannot entirely explain democratic erosion. Uribe remained immensely popular throughout his government. Nevertheless, he failed to uncheck the executive and extend his time in office for a third term. Chávez, on the contrary, had low levels of popularity between 2001 and 2003. Yet, he was able to reduce the checks on the executive and stay in office until 2013.

In sum, whereas economic development, state strength, institutions, and mass support are very good explaining Venezuela's and Colombia's vulnerability to democratic erosion, they are less good explaining why Chávez was able to erode democracy, but Uribe was not. To better understand this puzzle, we need to take into account the strategic choices of the opposition, as well as the context in which these take place.

Some scholars suggest that transitions from and to democracy are elite driven,²⁸ that democratic breakdown is the outcome of elites' strategic choices in response to crises.²⁹ Like these theories, I emphasize the importance of actors and their choices. Unlike these theories, however, I pay attention to elites' choices even after the authoritarian leader has attained power. I underline the importance of what political elites do to prevent these leaders' rise to power, as well as what they do once the latter become presidents.

Elite's decisions, of course, do not happen in a vacuum. The international context has shaped the way in which regimes turn authoritarian today. Autocrats have found ways to concentrate power without breaching basic international democratic standards.³⁰ Aware of the importance of international support, presidents with hegemonic aspirations have aligned together and sought each other for support.³¹ My theory acknowledges the relevance of international factors in

regime change. It underlines the importance of international and domestic audiences in shaping the president's and opposition's strategic choices. I assume these audiences have a preference for democracy that motivates authoritarian leaders to keep a democratic façade. Contingent on that assumption, I argue, some goals and strategies are better than others in preventing democratic erosion.

2. EROSION AS A TYPE OF REGIME CHANGE

I understand the erosion of democracy as a type of regime transition³² from democracy to autocracy that happens over time. Like classic democratic breakdowns –civilian or military coups– democratic erosions entail a regime change. Incumbents introduce constitutional amendments that increase de-jure and de-facto powers of the president³³ and change the electoral rules³⁴ in his favor. Together, over time, these alterations not only hinder horizontal accountability, but unbalance the electoral playing field, thwarting electoral accountability as well. They allow the president to extend his time in office, build artificial majorities in congress, and pack or overturn the decisions of courts and oversight agencies, enabling him not only to run for two or more terms, but also to manipulate the electoral process to such an extent that it becomes extremely difficult for the opposition to defeat him.

A democracy that has undergone erosion, therefore, is no longer a democracy –not even a delegative democracy³⁵—but a competitive authoritarian regime. It has a meaningful competition for power, but this competition is largely unfair. The government uses its control over state institutions to commit widespread fraud, repress, harass, or deny critical resources to the opposition, to such an extent that the incumbent has an almost guaranteed win.³⁶

Unlike classic democratic breakdowns, the erosion of democracy, however, happens over time. In military or civilian coups, authoritarian leaders, once in office, quickly dismiss elections, ban opposition parties, and/or close congress, courts and/or oversight agencies. In democratic erosions, democratically elected presidents with hegemonic aspirations slowly introduce constitutional amendments that eventually allow them to neutralize and coopt congress, courts or oversight agencies. It takes years before they successfully skew the electoral playfield to such an extent that it becomes almost impossible to defeat them.

3. LOOKING AT THE OPPOSITION

Because democratic erosions happen sequentially, unlike classic breakdowns, they provide the opposition many opportunities to respond. Even after the authoritarian leader is in office, the opposition has institutional (i.e. significant presence in congress, courts or oversight agencies) and non-institutional resources (i.e. economic resources, ability to mobilize etc.) it can use against the incumbent. How it uses these resources, and what it uses them for is critical to better understand why some presidents succeed in their attempts to erode democracy –i.e. increase the powers of the presidency and extend their time in office beyond a second term—and others do not.

Presidents with hegemonic aspirations are office-seekers with policy interests. They come to power against seated elites in contexts of crisis. In order to attain their policy goals, these presidents try to increase their powers and stay in office. To do so, they could close congress, however, international sanctions increase leaders' incentives to keep a democratic façade.³⁷ To avoid triggering a negative international response, presidents prefer to introduce constitutional reforms sequentially instead.

Initially, these constitutional reforms might increase some of the president's powers, increase term limits or allow one reelection, but will likely fail to politicize state institutions or provide budgetary powers large enough that would seriously unbalance the playing field.³⁸ As they accumulate, however, these constitutional amendments become more dangerous for democracy. Later reforms will likely enhance the president's ability to enlarge or lock his majority in congress, coopt or undermine courts, congress and oversight agencies, and extend his tenure in office again. They will eventually allow him to politicize and deploy state institutions that deal with electoral rules or media access and/or give him extensive budgetary powers, effectively eroding democracy. Together, these reforms will not only enable the president to run for more than two terms, but –in an unfair competition—almost guarantee he will win.

The opposition, office-seekers with policy interests themselves, wants to stop the president's reforms. It can have radical or moderate goals. The first type of goals embodies a fundamental challenge to the existing political structure, while the second one calls for "piecemeal" reforms.³⁹ In the case of democratic erosion, the opposition is fighting a president who, despite his hegemonic aspirations, was democratically elected. Radical goals are those that aim to end his presidency before he finishes his constitutional term, while moderate goals are those that want to thwart the president's project but do not seek to prevent him from completing his constitutional term.

In order to achieve these goals, the opposition can resort to institutional or extra-institutional strategies. The first ones rely on conventional political channels: courts, congress or elections. The second ones fight the government outside these channels, using repertoires such as coups, violence, guerrilla warfare, protests, strikes or boycotts.⁴⁰ (See Table 1)

TABLE 1: STRATEGIES AND GOALS

| | | GOALS | |
|-------------------|----------------------------|---|---|
| | | Radical | Moderate |
| STRATEGIES | Institutional | Recall Referendum Presidential Impeachment | Electioneering Legislating Lobbying Litigation |
| | Extra-Institutional | Coups, Guerrilla Warfare | |
| | | Protests, Boycotts, Strikes | |

Individually, neither radical goals nor extra-institutional strategies contribute to democratic erosion. Together, however, extra-institutional strategies with radical goals can have negative consequences for democracy. Domestic and international toleration for the government’s actions is related to the nature of the challenge.⁴¹ Institutional strategies or extra-institutional strategies with moderate goals pose a small challenge. They preserve the opposition’s legitimacy increasing the cost of and reducing the incentives for a repressive response. Conversely, extra-institutional strategies in order to remove the president pose a big challenge. They jeopardize the opposition’s legitimacy lowering the costs of and increasing the incentives for a repressive response.

Regardless of the objectives, strategies that use elections, congress or courts convey an acceptance of the established channels of conflict resolution. They are, therefore, less threatening for the ruling elite.⁴² Contrarily, non-institutional strategies convey a rejection of the established mechanisms to seek redress. They are, therefore, more threatening for the ruling elite. Moderate goals, however, decrease the level of an extra-institutional threat. They leave some space to negotiate and endanger only those groups whose interests are related to the opposition’s specific

claim.⁴³ Consequently, extra-institutional strategies that spouse moderate goals are less threatening than extra-institutional strategies that spouse radical goals.

The legitimacy of presidents with hegemonic aspirations hinges on their democratic façade. The violation of widely accepted norms of political behavior not only risks an adverse response from the international community, but could also endanger this leader's domestic support.⁴⁴ If the opposition uses institutional strategies, or extra-institutional tactics with moderate goals, the government has no legitimate reason to "crowd" it out or push for more aggressive reforms. Even if diminished, the opposition will keep enough presence in the legislature to protect the very institutional resources the government is trying to seize.

Elections, courts, and legislatures provide spaces for the opposition to challenge the incumbent.⁴⁵ As long as the opposition keeps some presence in congress, it can delay, modify and even stop government projects. It can use legislative procedure to obstruct and lengthen the legislative process, endangering bills with legislative deadlines, enhancing public scrutiny, and increasing the probability that friends or foes will modify the bill.⁴⁶ Accordingly, contingent on the procedural tools available, even small opposition coalitions can tame and slow down reforms that would allow the government to erode democracy. Even if individual bills pass, this type of obstruction will delay the president's agenda enough to protect seats in courts and oversight agencies or at least some pockets of support within these, which will prove useful when more aggressive reforms come along.

Extra-institutional strategies with moderate goals can complement these efforts. They can increase the visibility of the situation and enhance the opposition's public support. Often, extra-

institutional strategies with moderate goals have proved useful to mobilize voters and pressure electoral authorities to stick to the true result.⁴⁷

Contrary to the strategies described above, extra-institutional strategies with radical goals, convey a rejection to the established mechanisms to seek redress and create a zero-sum game. This kind of challenge increases the government's incentives to repress, while reducing the costs of doing so.⁴⁸ Even if diminished, at this time, the country is still democratic. The use of an extra-institutional strategy that seeks to oust the president will be seen as unwarranted domestically and abroad. Such a choice will decrease the opposition's international and domestic legitimacy, increasing the incentives and decreasing the costs to repress. It will guarantee the president some leeway to remove opposition leaders from office, prosecute, and jail them, risking whatever institutional and non-institutional resources they have left. The president will then be able to use the opposition's diminished legitimacy to gather enough support to push for more aggressive reforms that the opposition, weakened, will not be able to stop.⁴⁹

4. VENEZUELA AND COLOMBIA: SIMILAR CIRCUMSTANCES, DIFFERENT OUTCOMES

The presidencies of Hugo Chávez and Alvaro Uribe were alike in many ways. Both came to power in contexts of crisis, after decades of democratic stability. In order to promote social equality and reduce guerrilla violence, respectively, they tried to dismantle the checks on the executive and extend their time in office beyond a second term. Chávez introduced reforms that sought to increase the presidential term (1999) and allow for indefinite reelections (2007, 2009); reduce the size of congress and elect a new one on his coattails (1999); gain control over the military (1999, 2002); coopt courts and oversight agencies (1999, 2004, 2005-2010); and

increase his hold over media outlets (2004), the central bank, and the state owned petroleum company (PDVSA) (2003). Similarly, Uribe introduced reforms that sought to establish two immediate presidential reelections (2004, 2010); reduce the size of, and impeach, congress in order to elect a new one on his coattails (2002); increase his powers of decree (2003); curtail the powers of the Constitutional and Supreme courts (2002, 2006, 2008); and coopt courts and oversight agencies.

Despite different ideologies, Uribe and Chávez were equally populist and polarizing. Both addressed the nation on weekly TV shows, in which they portrayed themselves as sole bearers of the state, addressed private and local issues in a personalistic manner, and depicted those that criticized them as enemies of the state.⁵⁰

Uribe and Chávez were also equally willing to increase their powers and extend their time in office. Chávez's government manipulated electoral rules, threatened and forced to resign justices and public servants, and harassed journalists and opposition members. Uribe's government bought legislators, spied on justices, journalists and politicians, made up evidence to falsely convict people who testified against Urubista officials, and facilitated information to paramilitaries, helping them to commit crimes against human rights activists, union members, journalists, and leftist politicians.⁵¹ The survival of democracy in Colombia was far from certain until 2010.

Finally, both presidents started off with oppositions⁵² that had institutional and non-institutional resources. The Venezuelan opposition had some support inside the military, control over media outlets, a third of the seats in congress,⁵³ some influence over courts⁵⁴ and oversight agencies,⁵⁵ and the power to mobilize millions of Venezuelans to the streets. The Colombian

opposition had approximately a fourth of the seats in congress⁵⁶ and some influence over courts and oversight agencies.⁵⁷ While significantly less than its Venezuelan counterpart, it also had the ability to mobilize people to the streets.

4.1 THE EROSION OF DEMOCRACY IN VENEZUELA

Chávez became president in 1999. Between 2002 and 2005, the opposition, led by media owners, unions, trade associations, and civil society organizations, thought they could finish Chávez's presidency before the end of his constitutional term. Ignoring the advice of traditional political leaders⁵⁸ and supported by middle and upper class Venezuelans, they chose mostly extra-institutional radical strategies⁵⁹—a coup (2002), a strike (2003), and an electoral boycott (2005)—to fight his reforms. These tactics provided Chávez with “legitimate” reasons to prosecute, jail, and remove opposition leaders from office. They allowed him to “rally around the flag” and push for more aggressive reforms that, without institutional resources, the opposition was unable to stop.

4.1.1 THE COUP

Once elected, Chávez called for a Constitutional Assembly (ANC) in which the opposition only obtained 5% of the seats. The 1999 Constitution, enacted afterwards, enhanced some of the powers of the president and increased his time in office. It reduced the size of congress and made it unicameral; lengthened the presidential term one year and allowed for one immediate reelection; and gave the president full autonomy over military promotions.⁶⁰ The ANC named a, mostly Chavista, “legislative commission” that dismissed congress members,

judges and oversight agents, named replacements, and legislated for six months with little restraint.⁶¹

Despite expanding Chávez's control over key institutions at the expense of the opposition,⁶² the 1999 Constitution was democratic and left the opposition some pockets of support.⁶³ The latter had little leverage inside courts or oversight agencies, but had influence over PDVSA and won a third of the congressional seats in 2000. According to Angel Mesa, former member of Acción Democrática, having a presence in the National Assembly (AN) was useless to pass legislation or stop most reforms, but essential to slow down what would have been a faster process otherwise.⁶⁴

In November 2001, Chávez used an Enabling Law to decree 49 laws that weakened private control over land and enhanced state control over PDVSA. These laws enraged middle and upper class sectors, which, under the leadership of *Fedecámaras* (national business association), the *Confederación de Trabajadores de Venezuela—CTV* (largest workers' union), and private media outlets' owners (*El Nacional*, *El Universal*, *Venevisión*, *Globovisión* and *RCTV*), began to organize frequent mobilizations asking Chávez to resign.⁶⁵ The president, in turn, hardened his discourse and conflict escalated.⁶⁶ In April 2002, taking advantage of the president's low popularity and the support they had inside the military, opposition leaders transformed a massive antigovernment protest into a coup d'état. Refusing to negotiate with moderate Chavistas, they named a temporary government, closed the AN, and invalidated the 1999 Constitution. These actions backfired. They split the opposition and rallied Chavista supporters, who brought Chávez back two days afterwards.

The coup had disastrous consequences for the opposition. First, it increased the president's domestic support. Whereas in February 2002, 35% Venezuelans approved Chávez's performance and 58% disapproved it, by June of that same year those numbers had changed to 45% and 55%.⁶⁷ Second, it reduced the opposition's international support. The OAS condemned the "alteration of the constitutional regime," and even the US, which disliked Chávez, backpedaled its support.⁶⁸

The coup also allowed the government to prosecute, jail, and remove from key institutions important opposition members. Pedro Carmona –Fedecámaras' president—escaped prison and asked for asylum in Colombia; and Henrique Capriles, opposition mayor, was imprisoned in 2004, accused of directing opposition supporters to seize the Cuban embassy during the coup. More seriously, Chávez used information gathered during the coup to purge the military. Two generals and two admirals were charged with rebellion, and by September 2002 approximately 200 officers had been demoted, fired or forced to retire.⁶⁹ According to Eugenio Martínez, political journalist at El Universal:

"The coup gave Chávez, the legitimacy, the reasons, and the information...if it hadn't been for the coup, many people who opposed Chávez would have stayed in the government."⁷⁰

Although the opposition kept, and even increased, some institutional pockets of support,⁷¹ it lost any influence over the armed forces, which would prove costly in the years to come.

4.1.2 THE STRIKE

Right after the coup, the OAS and Carter Center intervened to get government and opposition to negotiate. However, both groups saw advantages in keeping polarization alive.⁷²

The government believed it could further its control over state institutions; while the opposition

believed they could oust the president without negotiation. Despite agreeing to talk on November 2002, the parties maintained their radical discourse and escalated their actions.

On December, the opposition called for a general strike (including PDVSA). Initially, the strike was supposed to last two weeks, but, in an attempt to force Chávez to resign, the opposition made it indefinite. While this extra-institutional radical strategy seriously hurt the country's economy, decreasing the GDP by 4.5 billion dollars in two months,⁷³ it failed to force the president to resign. With the help of the military and neighbor countries, Chávez bypassed the shortages and got PDVSA up and running by late January 2003. By February the strike had faded away, and by April the economic situation was back to what it was before December 2002.

The strike further divided the opposition and hurt its support among moderate sectors. Before the strike, a little over 35% Venezuelans supported the opposition; later that year that number dropped below 30%. By the same token, before the strike a little over 35% Venezuelans self-identified as “independents,” and later that year that number increased to roughly 45%.⁷⁴ As Américo Martín, civil society representative to the OAS and Carter Center negotiation table, suggested:

“They [the opposition] felt strong with the people in the streets. And they hoped that if they continued with the demonstrations, these would translate into the government's fall...I said: “...I have never seen an indefinite strike, other than to oust the government.” The indefinite strike...weakened the opposition and strengthened the government.”⁷⁵

More seriously, the strike provided Chávez with information and good reasons to fire approximately 18,000 PDVSA employees and replace them with loyalists.⁷⁶ PDVSA, which until then had been controlled by the opposition, was therefore lost to the executive.⁷⁷ The strike also hurt the opposition's ability to push for a favorable agreement at the negotiation table. Before

December it was strong enough to push for early presidential elections; in February, it had to settle for an impeachment referendum, which was already in the Constitution and had been the government's offer all along.⁷⁸

Despite the setbacks, the opposition still controlled most of the media, half of the AN and TSJ, and part of the CNE. It used these positions to denounce and obstruct important government initiatives and rule against the president in serious matters. For instance, in August 2002 the TSJ ruled that the coup was a "power vacuum," exonerating the officers who participated in it; and between 2003 and 2004 the opposition in congress used legislative procedure to delay a bill that sought to coopt the TSJ (Organic Law of the TSJ), over a year.⁷⁹ Even though Chávez's power and legitimacy had increased, the opposition's presence in these institutions still proved able to prevent, or at least contain, his project.

In other words, by March 2003, neither government nor opposition had won yet. Everything depended upon the negotiation table, where the opposition was trying to speed up an agreement to hold an impeachment referendum that the government did not want to hold. Before December, when the opposition privileged extra-institutional strategies over negotiation, pressure from the streets, low petroleum prices, and Chávez's weak support might have been enough to push for an early referendum. In March, however, none of these factors existed anymore. The coup and the strike killed the opposition's opportunity to use the streets to push for a better agreement and hindered its ability to supervise the use of PDVSA resources. With global petroleum prices on the rise and little restraint, Chávez increased social spending and, with it, his support

4.1.3 THE ELECTORAL BOYCOTT

The referendum finally took place in August 2004, after Chávez had used various legal strategies to push it back. He replaced the directives of the CNE⁸⁰ for ones more favorable to the government⁸¹ and introduced the Organic Law of the TSJ, which increased the number of justices and enhanced the Assembly's power to dismiss them. The new CNE and TSJ used stalling strategies to delay the referendum. By the time it took place, the opposition was more divided than the year before, petroleum prices were rising, and Chávez's popularity was picking up. Consequently the opposition lost.

The defeat demoralized the opposition. Disregarding the moderate faction's willingness to accept the defeat and contest the next legislative elections, the opposition's radical sector shouted fraud and created an atmosphere that pushed candidates and voters to abstain. The idea was that an electoral boycott would delegitimize Chávez, forcing him to resign.⁸² This extra-institutional radical strategy backfired as well. Instead of losing legitimacy, the government gained all the AN seats. Poll data suggested that if the opposition had participated, it could have won about 30% of those seats.⁸³

The 100% Chavista parliament was essential to speed up and strengthen the government's project and cooptation of other institutions. Between 2006 and 2010 the AN sanctioned twice the number of laws it passed between 2000 and 2005, and did so almost six times as fast. Between 2000 and 2005 it took legislators an average of 217 days to push a government bill through Congress; between 2006 and 2010 it took them 37 days.⁸⁴ In its second period, the AN introduced legislation to further the Chavista project, renewed the CNE and TSJ replacing opposition rectors and justices with loyalist, and changed the AN rules of procedure to avoid opposition obstruction after 2010. In 2007, the government called for a referendum that

would have seriously tightened the control of the executive over state institutions. Although the opposition defeated the initiative, the government used its control over congress, courts, and oversight agencies to launch a second referendum in 2009. The latter allowed the president to run for indefinite immediate reelections, completing Venezuela's erosion of democracy.

The country's democratic erosion was far from certain in 1999. Between 2000 and 2005 many, including some supporters, believed that Chávez was not going to last.⁸⁵ The opposition had enough institutional and non-institutional resources to negotiate with the government,⁸⁶ but using extra-institutional strategies to oust Chávez, they squandered them all. Many interviewees agree that, had the opposition resorted to congress, courts and elections, and avoided the coup, the electoral boycott and the strike, they might have been able to stop Chávez sooner or at least slow him down enough to prevent Venezuela from turning into a competitive authoritarian regime.⁸⁷

4.2 THE SURVIVAL OF DEMOCRACY IN COLOMBIA

Uribe won the presidential elections in 2002 by a landslide. Like Chávez, he repeatedly threatened checks and balances. He introduced bills that sought to weaken congress, curtail the powers of, or coopt, courts and oversight agencies, and allow two consecutive reelections.⁸⁸ Unlike, Chávez, however, he wasn't able to erode democracy. In contrast to Venezuela, the opposition in Colombia opted, mostly, for institutional strategies or extra-institutional strategies with moderate goals⁸⁹ to fight Uribe's reforms. Led by the leftist coalition Polo Democrático Alternativo (PDA)—which skillfully set itself apart from the guerrilla and its actions— some members of the Liberal Party, worker unions,⁹⁰ and human rights NGOs,⁹¹ the opposition kept their seats in congress and used rules of procedure to protect courts and oversight agencies and

obstruct the legislative debate. They extended Uribe's reforms' transit through congress, and denounced or manufacture procedural irregularities. The delays opened up windows to a) tame radical reforms and b) increase public scrutiny. The procedural irregularities facilitated judicial review by providing arguments to rule against some of these constitutional amendments.

Together these strategies helped slow down the process by which the government meant to weaken other branches of government and helped the Constitutional Court (CC) stop Uribe from extending his time in office beyond a second term.

To illustrate these mechanisms, I focus on three bills: the Referendum against Bad Politics and Corruption (2002), the Antiterrorist Statute (2003), and the Reelection Referendum (2008). These bills were key to Uribe's attempts to erode democracy. Had any of these passed as proposed, they would have weakened the legislature, increased the presidents' powers of decree, and allowed him to govern for 12 years or more.

4.2.1 THE REFERENDUM AGAINST BAD POLITICS AND CORRUPTION

Uribe sent to congress the "Referendum against Bad Politics and Corruption" in August 2002. Originally, the bill called for a smaller unicameral legislature and new legislative elections; sought to increase the causes that would remove congressmen from office or disqualify them from participating in politics; and proposed to abolish regional oversight agencies.⁹² The idea was to use the momentum of Uribe's electoral victory to push the referendum bill through congress and get people to the polls. Therefore, in order to meet the turnout required to enact the bill into law, Uribe needed the referendum to happen soon.⁹³ From the beginning, the bill had the executive's full support. Against the majorities and the resources of the president there was little the opposition could do to fight the bill.⁹⁴ Still, on each of the three congressional debates they

demanded that the referendum –all sixteen questions and their amendments—had to be debated and voted using roll call voting.⁹⁵ As a result, getting the referendum through Congress took more time than it would have taken otherwise. Whereas committee or plenary debates usually take one to four sessions, the referendum debates took, in average, seven sessions each.

Friends and foes of the project used this time to change the referendum bill. When it left congress, it no longer proposed immediate congressional elections, did not call for a unicameral legislature, and proposed to reduce congress by 20%, not 30%. The bill lost one of the questions that promised to increase turnout (congress impeachment), and no longer curtailed congress's power as much as it did before. The CC further changed the bill. It dropped introductory paragraphs that could bias the questions and an item that would have allowed voting all the questions at once.

The Congress and Constitutional Court's amendments were critical for the referendum's failure, but it was the opposition's extra-institutional strategies with moderate goals that finished it off. The latter campaigned for abstention. It did not want to delegitimize Uribe, but hinder his ability to reach the threshold required for the bill to pass. Indeed, although the electorate approved most of the referendum questions, only two of them got the number of votes required. If Congress and the CC had not modified the bill, however, the opposition's electoral boycott would have been less successful preventing the reform.⁹⁶

4.2.2 THE ANTITERRORIST STATUE

According to Colombia's Constitution (Article 241) the CC cannot judge constitutional reforms based on their content, but only on the appropriateness of their design and congressional debate. Consequently, congress members who oppose any reform regularly denounce, or

manufacture, procedural irregularities.⁹⁷ They ask to include their complaint in the official records, as if they wanted to alert court clerks⁹⁸ about the irregularity, so that justices can use it to rule against the bill.

The Antiterrorist Statute is an example of that. This bill sought to make permanent some presidential decree powers. Uribe wanted to a) allow members of the armed forces to participate in the recollection and analysis of evidence related to “terrorism,” b) allow raids and detentions without court orders in cases of suspected “terrorism,” and c) institute mandatory censuses in regions with frequent “terrorist activity,” without mandatory judicial review or time limits.⁹⁹ Had it been approved, this bill would have effectively unchecked the executive, which would have been able to suspend some civil liberties at will.

Due to the popularity of Uribe’s security program, the bill went through five of eight congressional debates relatively fast. In the sixth debate, in the middle of a chaotic roll call vote with no quorum, the President of the House closed the session for the day. An opposition congresswoman appealed the decision based on the fact that the speaker hadn’t formally brought the voting to a close. Consequently, the president reopened the session. Immediately afterwards, another opposition congressman claimed that the results were in, the bill had not passed, and the session was closed, therefore, any other vote or debate from that point forward violated procedure. The President disregarded the claim, called for a vote again the next day, and the bill passed.¹⁰⁰ Opposition congress members claimed that there had been a procedural irregularity, left a formal note of it on the record,¹⁰¹ and restated their claim in the following debates. Although Congress approved the bill,¹⁰² the opposition claim was borrowed by different unconstitutionality lawsuits, and ultimately used by the CC to rule against the bill.¹⁰³

The CC was essential to block the Antiterrorist Statute, however, it was the opposition's institutional strategy that gave the justices enough arguments to rule against it. They created a procedural irregularity and noted it for the record, providing key legal resources for advocacy groups that presented lawsuits against the bill. Without these members of congress it would have been hard for the plaintiffs to realize there had been a procedural irregularity. Congressional written records only show snippets of what happens inside legislative debates, and advocacy groups do not have the resources to attend every single debate. Unless they are duly documented and/or the relevant parties are tipped off, it is hard for plaintiffs and justices to notice procedural irregularities. As a member of one of these advocacy groups explained to me:

“Members of the opposition in Congress are important...Advocacy groups do not have the resources to follow the debates so, most of the times, the opposition congressmen are the ones that help...”¹⁰⁴

4.2.3 THE REELECTION REFERENDUM

The referendum bill that would have allowed Uribe to run for a third term was dubious at best. During its transit through congress, the opposition used rules of procedure to delay and identify legal issues with it. Although the bill was ultimately approved, the opposition's complaints raised awareness, rallied support against the initiative, and provided important information that the CC used to rule against the bill.

The referendum had time constraints. If Uribe wanted to run for president in 2010, the bill had to make transit through congress and the CC with enough time to schedule the referendum before December 2009. The Reelection Committee introduced the bill in August 2008. Thanks to the opposition's obstruction strategies, the bill did not leave congress until September 2009.

During the first debate, the opposition postponed the session a couple of weeks. They leaked bits of weak evidence about irregularities with the funds used to pay for the signatures to support the initiative and required that the head of the Reelection Committee, the National Registrar and the president of the National Electoral Council (CNE) attended the debate before moving on.¹⁰⁵ Due to these delays, the president of the House had to schedule the second debate the last day of the legislative term (December 16, 2008). In this session the opposition asked to do roll call voting for almost everything, voted ten impediments¹⁰⁶ independently, and even asked for, and duly voted, a minute of silence for a recently deceased congressman.¹⁰⁷ If Uribe had not extended the legislative term until the next day, the House would have been forced to wait until February 2009 vote the bill.

Once the bill got to the Conference Committee (May 2009) —where representatives of both houses reconcile different versions of a bill—the opposition launched a strong political and judicial battle to decide who would sit in that committee, pushing the debate to the next legislative term on July 2009.¹⁰⁸ It took almost a month to get the committee to agree on a version of the bill, and another month for the House and Senate —where the opposition used roll call voting for every matter, including 50 impediments—to approve it.

The delays had important consequences. They allowed the opposition to collect enough evidence to support the claim that the money used to gather the referendum signatures exceeded the legal limits. Using that evidence, they were able to sue the organizers of the initiative and the congressmen who had supported it. The requests and lawsuits, in turn, forced the National Registrar and the CNE to produce documents certifying that the bill did not fulfill all the requirements to go to congress. The situation turned into a public scandal that disqualified some

of the government legislators from participating in the ratification process of the bill.¹⁰⁹

According to Germán Navas, senator for the PDA:

“...I managed to divide the evidence [pertaining the funding irregularities] into doses to keep the debate alive... During that time we began to find the book keeper and the money they [Reelection Committee] had used, and the money they were declaring, and how they were messing with the rules...”¹¹⁰

The delays also helped change minds and hearts. The complaints gave time for serious scandals that hurt the president’s image to surface. According to Germán Varón, Cambio Radical’s senator, who opposed Uribe during his second term:

“...we managed to push forward the decision by eight months, circumstance that, I think, at the end helped, because these eight months allowed several corruption scandals to surface and changed peoples’ perception... [They] showed that not everything had been that good on the side of Uribe’s government.”¹¹¹

The scandals and the complaints from members of congress strengthened the opposition and attracted those who, despite being Uribistas, were hesitant about the project. Partly driven by the negative press, a group of Uribistas and non-Uribistas united against the referendum bill. They used creative campaigns to ask the Constitutional Court to rule against the project,¹¹² making justices feel more comfortable to rule against the bill.¹¹³

Finally the opposition’s parliamentary tactics were instrumental in warning those in charge of judicial review about possible irregularities in the law. The congressional written records and interventions gave the CC reasons to go beyond the normal review process, and ask for documentation about the bill before it reached congress.¹¹⁴ That documentation was key to prove that the Reelection Committee had violated the legal contribution limits.¹¹⁵

If members of congress had not researched and noted the irregularities, it is unlikely that court staffers or advocacy groups would have been able to find this fraud.¹¹⁶ Although it is

possible that the court could have ruled against the bill based on the theory that there are limits to what congress can reform, this controversial theory often divides the CC.¹¹⁷ It is easier and safer to rule on procedural irregularities. The court is more likely to agree on these irregularities, and they are hard to argue against. This is especially important if a president with considerable popular support backs up the bill. Without the procedural irregularities the decision would have been harder to make. Under these circumstances, ruling against the referendum would have weakened the Constitutional Court's prestige and made it more vulnerable vis-à-vis a president with the resources to ignore its decision.

The CC ruled against the referendum only three months before the presidential elections. Although the opposition in congress had not been able to stop the project in the legislature, the institutional strategy of delaying and denouncing had proven fruitful. The court used their arguments to rule against the initiative, and the delays left Uribe without time to introduce another reform. He had to step down, sparing Colombia from democratic erosion.

5. CONCLUSIONS

Most studies of democratic erosion have focused solely on the variables that allow authoritarian leaders to attain power. Scholars often assume that democratic rollbacks are inevitable once a president with hegemonic aspirations is in office, and fail to examine what happens afterwards. The argument presented above challenges that assumption. It defines the erosion of democracy as a process and sheds some light on the mechanisms that allow democratically elected presidents to turn democracies into competitive authoritarian regimes.

In doing so, this article shifts the focus away from the president and highlights the role of the opposition in democratic erosions. Most scholars view transitions from and to democracy as the

outcome of regime vulnerability. They claim that only weak authoritarian leaders fail.¹¹⁸ This article, however, shows this needs not to be the case. During their first years in office, Chávez was weaker than Uribe, yet, the former eroded democracy; the latter did not. Rather than focusing on the correlation of forces between government and opposition, what I claim here is that we should see the erosion of democracy through the “regime defeat” lens,¹¹⁹ and focus on the decisions oppositions make. The evidence from Colombia and Venezuela suggests that even if weak, those out of power have resources they can effectively use to help protect democracy today.

This argument is not meant to apply equally across all cases. Democratic international and domestic audiences and a basic democratic infrastructure are necessary for opposition strategies and goals to work the way I claim they do. Still, the implications of this research can help us understand other countries undergoing similar processes. Radical-extra institutional strategies in Bolivia and illegal strategies in Ecuador cost the oppositions in these countries institutional and non-institutional resources, as well as legitimacy domestically and abroad. Although it is hard to predict if the erosion of democracy would have advanced as it has in these nations if the opposition had not make these mistakes, this does not mean that democracy wouldn’t be better off if they had not make them at all. Further research should evaluate the theory in other settings in order to assess other scope conditions and find other mechanisms by which the erosion of democracy takes place.

The Kellogg Institute and the Political Science Department at the University of Notre Dame funded this research. I am grateful with Sandra Botero, Michael Coppedge, Omar Coronel, Ezequiel González Ocantos, Riitta-Ilona Koivumaeki, Scott Mainwaring, David Nickerson, Guillermo Trejo and two anonymous reviewers for excellent comments.

¹ Rafael Correa (Ecuador, 2006-present), Evo Morales (Bolivia, 2005-present), Manuel Zelaya (Honduras, 2006-2009), Daniel Ortega (Nicaragua, 2007-present), and Carlos Menem (Argentina, 1989-1999).

-
- ² Vladimir Putin (Russia, 2000-present), Viktor Orbán (Hungary, 2010-present), and Tayyip Erdogan (Turkey, 2003 to present)
- ³ Sam Nujoma (Namibia, 1990-2005), and Frederick Chiluba (Zambia, 1991-2002)
- ⁴ Steven Fish, "The Dynamics of Democratic Erosion," in *Postcommunism and the Theory of Democracy*, in Richard Anderson et al. eds, (Princeton: Princeton University Press, 2001), 54–95; Miguel Carreras, "The Rise of Outsiders in Latin America, 1980–2010 An Institutional Perspective," *Comparative Political Studies* 45, no. 12 (December 1, 2012), 1451–82; Aníbal Pérez-Liñán and Scott Mainwaring, "Regime Legacies and Levels of Democracy: Evidence from Latin America," *Comparative Politics* 45, no. 4 (July 1, 2013): 379–97..
- ⁵ Milan Svobik, "Authoritarian Reversals and Democratic Consolidation," *American Political Science Review*, 102, no. 2 (May 1, 2008), 153–68; Adam Przeworski et al., *Democracy and Development: Political Institutions and Well-Being in the World, 1950-1990*, Cambridge Studies in the Theory of Democracy (Cambridge: Cambridge University Press, 2000).
- ⁶ Steven Levitsky and Lucan Way, *Competitive Authoritarianism: Hybrid Regimes after the Cold War* (New York: Cambridge University Press, 2010); Scott Mainwaring, "From Representative Democracy to Participatory Competitive Authoritarianism: Hugo Chávez and Venezuelan Politics," *Perspectives on Politics* 10, no. 04 (2012): 955–67; Larry Diamond, "Facing Up to the Democratic Recession," *Journal of Democracy* 26, no. 1 (2015): 141–55.
- ⁷ Exceptions: Giovanni Capocchia, *Defending Democracy: Reactions to Extremism in Interwar Europe* (Baltimore: Johns Hopkins University Press, 2007); Juan Linz, *The Breakdown of Democratic Regimes: Crisis, Breakdown, and Reequilibration* (Baltimore: Johns Hopkins University Press, 1978); Scott Mainwaring and Aníbal Pérez-Liñán, *Democracies and Dictatorships in Latin America: Emergence, Survival and Fall* (New York: Cambridge University Press, 2013).
- ⁸ Colombia: 16 bills' debates. Venezuela: 16 bills' debates.
- ⁹ Colombia: Revista Semana (2002-2010). Venezuela: El Nacional (1998-2010).
- ¹⁰ Przeworski et al.; Svobik.
- ¹¹ Mainwaring; Diamond.
- ¹² Javier Corrales, "Venezuela in the 1980s, the 1990s and beyond," *ReVista Harvard Review of Latin America*, Fall 1999, <http://revista.drclas.harvard.edu/book/venezuela-1980s-1990s-and-beyond>.
- ¹³ John Dugas, "The Emergence of Neopopulism in Colombia? The Case of Álvaro Uribe," *Third World Quarterly* 24, no. 6 (December 1, 2003): 1117–36.
- ¹⁴ Jason Seawright, *Party-System Collapse: The Roots of Crisis in Peru and Venezuela* (Stanford: Stanford University Press, 2012).
- ¹⁵ Juan Albarracín, Laura Gamboa, and Scott Mainwaring, "De-Institutionalization Without Collapse: Colombia Party System," in Scott Mainwaring ed., *Latin America Party Systems: Institutionalization, Decay and Collapse*, (Cambridge University Press, Forthcoming.)

-
- 16 Jana Morgan, *Bankrupt Representation and Party System Collapse* (University Park: Pennsylvania State University Press, 2011); Seawright; Albarracín et al..
- 17 Carreras; Scott Mainwaring and Timothy Scully, "Introduction: Party Systems in Latin America," in Scott Mainwaring and Timothy Scully, eds., *Building Democratic Institutions: Party Systems in Latin America* (Stanford: Stanford University Press, 1995).
- 18 Mainwaring and Scully.
- 19 Martín Tanaka and Carlos Meléndez, "The Future of Perú's Brokered Democracy," in Diego Abente Brun and Larry Jay Diamond eds., *Clientelism, Social Policy, and the Quality of Democracy*, (Baltimore: Johns Hopkins University Press, 2014), 65–87.
- 20 Lower House electoral volatility was 45% in Venezuela and 47.8% in Colombia, and the two traditional parties captured roughly 45% and 43% of the legislative seats, respectively. Although, Venezuela's party system collapsed and Colombia's only de-institutionalized, this is mostly a consequence of the success of Chávez's anti-democratic reforms. Mainwaring.
- 21 Pérez-Liñán and Mainwaring.
- 22 Ibid.
- 23 Steven Levitsky, "The 'Normalization' of Argentine Politics," *Journal of Democracy* 11, no. 2 (2000): 56–69.
- 24 Maxwell Cameron, "The State of Democracy in the Andes," *Revista de Ciencia Política (Santiago)* 30 (2010); Steven Levitsky and James Loxton, "Populism and Competitive Authoritarianism in the Andes," *Democratization* 20, no. 1 (2013): 107–36.
- 25 Kurt Weyland, "The Threat from the Populist Left," *Journal of Democracy* 24, no. 3 (2013): 18–32.
- 26 Manuel Hidalgo, "Hugo Chávez's 'Petro-Socialism,'" *Journal of Democracy* 20, no. 2 (2009): 78–92.
- 27 Low support helps explain why Menem could not approve a second reelection, and why –unlike Chávez in 2002—Zelaya was unable to reverse the 2009 Honduras's.
- 28 Guillermo O'Donnell and Philippe Schmitter, *Transitions from Authoritarian Rule* (Baltimore: Johns Hopkins University Press, 1986).
- 29 Capoccia; Linz; Mainwaring and Pérez-Liñán.
- 30 Mainwaring and Pérez-Liñán.
- 31 Javier Corrales, "Autocratic Legalism in Venezuela," *Journal of Democracy* 26, no. 2 (2015): 37–51; Weyland, 2013
- 32 Nancy Bermeo, "On Democratic Backsliding," *Journal of Democracy* 27, no. 1 (2016): 5–19.
- 33 Veto, decree, exclusive introduction of legislation, budgetary powers, proposal of referenda, cabinet formation, cabinet dismissal, censure, dissolution of assembly, appointment of judicial, oversight officers, and the ability to overstep judicial review. Gabriel Negretto, *Making Constitutions: Presidents, Parties, and Institutional Choice in Latin America* (Cambridge University Press, 2013).

34 Allow reelections, increase immediate term limits, or do gerrymandering.

35 Delegative democracies lack horizontal accountability, but have electoral accountability. Guillermo O'Donnell, "Delegative Democracy," *Journal of Democracy* 5, no. 1 (January 1994): 55–69.

36 I conceptualize democracy as a regime that has: 1) free and fair elections, 2) universal suffrage, 3) protection to civil rights, 4) no non-elected "tutelary" authorities, and 5) a reasonably level playfield. Levitsky and Way, 2010, 7.

37 Jon Pevehouse, "Democracy from the Outside-In? International Organizations and Democratization," *International Organization* 56, no. 03 (June 2002): 515–49.

38 Levitsky and Way (p. 9-12) code a playing field uneven if: 1) state institutions are widely politicized and deployed by the incumbent, 2) there is uneven media access or 3) there is uneven resource access.

39 Doug McAdam, *Political Process and the Development of Black Insurgency, 1930-1970*, 2nd ed. (Chicago: University of Chicago Press, 1999), 57-58.

40 These repertoires are distinct in other ways: legal/illegal, violent/nonviolent (Doug McAdam and Sidney Tarrow, "Nonviolence as Contentious Interaction," *PS: Political Science and Politics* 33, no. 2 (June 1, 2000): 149–54.) Here, however, these characteristics are secondary to the institutional/extra-institutional divide.

41 Scott Gartner and Patrick Regan, "Threat and Repression: The Non-Linear Relationship between Government and Opposition Violence," *Journal of Peace Research* 33, no. 3 (August 1, 1996): 273–87.

42 McAdam, 57-58.

43 McAdam, 57-58.

44 Valerie Bunce and Sharon Wolchik, *Defeating Authoritarian Leaders in Postcommunist Countries* (Cambridge: Cambridge University Press, 2011), 97–10.

45 Levitsky and Way, 20; Bunce and Wolchik, 15–16.

46 Herbert Döring, "Time as a Scarce Resource: Government Control of the Agenda," in *Parliaments and Majority Rule in Western Europe* (Mannheim: Mannheim Centre for European Social Research, 1995); Taeko Hiroi and Lucio Renno, "Dimensions of Legislative Conflict: Coalitions, Obstructionism, and Lawmaking in Multiparty Presidential Regimes," *Legislative Studies Quarterly* 39, no. 3 (August 1, 2014): 357–86.

47 Guillermo Trejo, "The Ballot and the Street: An Electoral Theory of Social Protest in Autocracies," *Perspectives on Politics* 12, no. 02 (June 2014): 332–52.

48 Gartner and Regan; McAdam, 57–58.

49 Oppositions are rarely unified. Different groups can use different strategies/goals. However, not all opposition factions are equally threatening. More legitimate groups represent a more credible threat for the incumbent than less legitimate groups. Is mostly against these more legitimate factions that presidents react to. Nancy Bermeo, "Myths of Moderation: Confrontation and Conflict during Democratic Transitions," *Comparative Politics* 29, no. 3 (1997): 305.

-
- 50 María Fernanda González, *Hugo Chávez y Alvaro Uribe: La fuerza de las palabras. Dos discursos para gobernar* (Bogotá: Instituto Caro y Cuervo, 2013).
- 51 Ramiro Bejarano, “La justicia sitiada,” in *Las perlas uribistas* (Bogotá: Debate, 2010), 11–24; Laura Wills Otero, “Colombia: Analyzing the Strategies for Political Action of Alvaro Uribe’s Government, 2002-10,” in Juan Pablo Luna and Cristóbal Rovira Kaltwasser, eds., *The Resilience of the Latin American Right*, (Baltimore: Johns Hopkins University Press, 2014), 194–2010.
- 52 Following Mainwaring and Pérez-Liñán (p.10-13), I identify as political actors: presidents, political parties, and groups that were cohesive and organized enough to influence future resources and regime outcomes (i.e. business associations, unions, NGOs, guerrilla groups etc.). I do not classify congress, courts or oversight agencies as actors, but as arenas; institutional resources that actors could use to advance their agenda. Although the military is usually conceived as an actor, it was not a driving actor in the process of erosion in Colombia or Venezuela. The decisions were taken mostly by other groups, which used/coopt the armed forces to achieve their goals.
- 53 Initially 34%, but increased to 48% in 2002.
- 54 In 2000 the TSJ had mostly Chavista leaning justices, however that had changed. In 2002 10, out of 20 TSJ justices, supported the opposition.
- 55 Most were elected with a qualified majority. With more than a third of the AN, the opposition had some input in these names.
- 56 28%-29% (Senate) and 21%-23% (House)
- 57 They were perceived as independent. Some members leaned towards the government; others towards the opposition.
- 58 The weakening of the party system destroyed people’s trust in politics. Although political parties were part of the opposition, party leaders and politicians had little influence in the decisions made.
- 59 Political parties used institutional strategies. They were very active in the AN (2000 and 2005). Discredited, however, what they did was almost invisible.
- 60 According to former ANC delegates, Ricardo Combellas (Author’s interview, Caracas, March 28, 2014) and Antonio DiGiampaolo (Author’s interview, Caracas, June 19, 2014), except for the appointment of military officers and the presidential term, the opposition had some leverage in the institutional design.
- 61 Michael Coppedge, “Soberanía popular versus democracia liberal en Venezuela,” in Marisa Ramos, ed., *Venezuela: Rupturas y continuidades del sistema político, 1999-2001*, (Salamanca: Ediciones Universidad de Salamanca, 2002), 68–95.
- 62 Javier Corrales, “Why Polarize? Advantages and Disadvantages of Rational-Choice Analysis of Government-Opposition Relation Under Hugo Chávez,” in Thomas Ponniah and Jonathan Eastwood, eds., *The Revolution in Venezuela: Social and Political Change Under Chávez*, (Cambridge: Harvard University Press, 2011).
- 63 Coppedge; Roberto Viciano and Rubén Martínez *Cambio político y proceso constituyente en Venezuela, 1998-2000* (Caracas: Vadell Hermanos, 2001); Medófilo Medina and Margarita López Maya, *Venezuela:*

64 *Confrontación social y polarización política* (Bogotá: Ediciones Aurora, 2003); Teodoro Petkoff, *El chavismo al banquillo: Pasado, presente y futuro de un proyecto político* (Bogotá: Planeta, 2011).

65 Author's interview, Caracas, March 4, 2014.

66 Medina and López Maya, 2003.

67 Corrales, 2011

68 Datanálisis, "Encuesta Nacional Ómnibus" (Caracas, Venezuela, March 2013).

69 Jennifer McCoy, *International Mediation in Venezuela* (Washington, DC: United States Institute of Peace, 2011), 10.

70 *El Nacional*, September 11, 2002.

71 Author's interview, Caracas March 21, 2014

72 Defections before the coup increased their coalition in the AN, TSJ and CNE.

73 Corrales, 2011.

74 *Banco Central de Venezuela*, accessed June 12, 2015, <http://www.bcv.org.ve/>.

75 Datanálisis.

76 Author's interview, Caracas, March 20, 2014

77 Author's interview to Eugenio Martínez, Caracas March 21, 2014

78 Javier Corrales and Michael Penfold-Becerra, *Dragon in the Tropics: Hugo Chávez and the Political Economy of Revolution in Venezuela* (Washington: Brookings Institution Press, 2011); Miguel Ángel Martínez, *Apaciguamiento: El referéndum revocatorio y la consolidación de la Revolución Bolivariana*, (Caracas: Editorial Alfa, 2012).

79 Author's interview to Jennifer McCoy, former Director of the Carter Center Americas Program, May 30, 2015

80 Asamblea Nacional. Expediente No. 253.

81 The existing CNE allowed an opposition's consultative referendum in 2002.

82 Two opposition rectors, two government rectors, and a "neutral" third one.

83 Author's interview to Edwin Luzardo Alianza Bravo Pueblo Depute, Caracas, March 8, 2014

84 Author's interview to Primero Justicia board member, April 29, 2014.

85 Author's calculations using data from the AN Archives

86 Author's interview to History Professor at U. Nacional de Colombia, Bogotá, May 12, 2014

86 Author's interview to Jennifer McCoy, May 30, 2015

87 Author's interviews to: Sociology Professor at CENDES, (Caracas, March 20, 2014), Eugenio Martínez, (Caracas, March 21, 2014), and Julio Borges, leader of PJ, (Caracas July 23, 2014.)

88 Directly and indirectly intervened in the election of Attorney General, Ombudsman and members of the Constitutional Court. Mauricio García and Javier Eduardo Revelo, "La concentración del poder en Colombia," in Mauricio García and Javier Revelo, eds., *Mayorías sin democracia: Desequilibrio de poderes y Estado de Derecho en Colombia, 2002-2009*, ed. (Bogotá: Dejusticia, 2009), 328–71.

89 The guerrilla used extra-institutional strategies with radical goals. However, they were very unpopular and not a credible opponent in the struggle for political power.

90 CTC, CUT, CGT etc.

91 CODHES, MOVICE, CAJAR, etc.

92 Gaceta del Congreso 323 de 2002.

93 In July 76% of the people approved Uribe and 81% were willing to support the referendum. In January 2003, those numbers dropped to 68% and 46%, and in July they dropped to 64% and 43% respectively. Jaime Bermúdez, *La Audacia Del Poder: Momentos claves del primer gobierno de Uribe contados por uno de sus protagonistas*, (Bogotá: Planeta, 2010).

94 Juan Pablo Milanese, "Dinámicas cambiantes de la relación interinstitucional entre el poder ejecutivo y el legislativo en Colombia (2002/2006)," *Desafíos* 1, no. 24 I (July 1, 2012): 231–74.

95 Gaceta del Congreso 01 de 2003, Gaceta del Congreso 36 de 2003.

96 Bermúdez; Anita Breuer, "Policymaking by Referendum in Presidential Systems: Evidence from the Bolivian and Colombian Cases," *Latin American Politics and Society* 50, no. 4 (2008): 59–89.

97 Author's interview to member of Congreso Visible, Bogotá November 20, 2013

98 Author's interview to CC clerk, January 17, 2014

99 Gaceta del Congreso 174 de 2003.

100 Gaceta del Congreso 617 de 2003, pg16.

101 Gaceta del Congreso 663 de 2003, pg. 11.

102 Gaceta del Congreso 707 de 2003, Gaceta del Congreso 03 de 2004, Gaceta del Congreso 04 de 2004.

103 Corte Constitucional (Agosto 2004), "Sentencia C-816-2004," M.P. Jaime Córdoba and Rodrigo Uprimmy Yepes.

104 Author's interview, Bogotá, December 19, 2013

105 Gaceta del Congreso 55 de 2009, pg. 3.

106 When there is a conflict of interest, members of congress can ask the floor whether they consider them unfit

-
- to participate in the debate or not.
- 107 Gaceta del Congreso 77 de 2009.
- 108 César Paredes, “Referendo Reeleccionista: El Estado de Derecho prevaleció sobre el ‘Estado de Opinión’” (Universidad de Antioquia, 2010).
- 109 Ibid.
- 110 Author’s interview, Bogotá, November 19, 2013
- 111 Author’s interview, Bogotá, November 26, 2013.
- 112 Author’s interview to Armando Novoa member of Alianza Ciudadana por la Democracia, Bogotá, December 5, 2013.
- 113 Author’s interview to CC Justice, Bogotá, January 20, 2013.
- 114 Author’s interview to CC Clerk, Bogotá, January 17, 2013.
- 115 Corte Constitucional (February, 2010), “Sentencia C-141-10,” M.P. Humberto Sierra Porto.
- 116 Author’s interview to member of advocacy group, Bogotá, May 14, 2013.
- 117 Author’s interview to constitutional scholar, Germán Zafra, Bogotá, December 10, 2013.
- 118 Levitsky and Way
- 119 Bunce and Wolchik.