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Editorial Note

Dear Reader,

it is a pleasure to release the second issue of volume 4 of Encuentro Latinoamericano: Journal of Political Science and International Relations. This journal publishes in-depth studies on Latin American politics, bringing together students and academics from all over the continent and the world.

As with every issue, we kindly thank all the external reviewers, based on various places in the world, who voluntary contributed to a rigorous review process that is reflected in the academic fundamentals of the following articles.

We are also thankful for the large response to our ‘calling for papers’, from students all around the world. Particularly, thanks to the authors that presented a diverse, original and interesting contribution to the understanding of Latin American politics.

Vol. 4 No. 2 contains the following papers:

“Brazilian institutional changes 1891-1967” by Larissa Rodrigues de Arruda (Brazil) addresses the institutional changes that occurred within the Brazilian regimes between 1891 and 1967.

“Dilma Rousseff na Assembleia Geral das Nações Unidas: Os Discursos de 2011 e 2015” by Pedro Chapaval Pimentel and Luciana Panke (Brazil) analyses the first and last speeches delivered by President Dilma Rousseff in 2011 and 2015 at the United Nations General Assembly.

“Democratic development and corruption perception in Latin America during 2002-2014: a widespread setback” by Alberto Vélez Valdés (Mexico) explores the democratic development in Latin American states during the period of 2002-2014, in a context of corruption perception and conventions against corruption.

“Authoritarian Legacies in Guatemala’s Democracy: Environmental rights defenders: the new threat to national security?” by Stéphanie Bacher (Canada) investigates the nature of the obstacles hindering environmental rights defenders' political participation against mining companies in Guatemala.

Finally, Tiago Vales and Joe Sater (Brazil and Lebanon) argue that cyberspace and information technologies have become essential to many of the activities of contemporary society. The authors use the conceptual lenses of the Copenhagen School to investigate how Brazil securitises the use of cyberspace.

We hope that you find these articles attractive, and look forward to your comments as well as submissions for our 2018 volume.

The Editorial Board
Original Articles
Brazilian institutional changes 1891-1967

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Abstract

Brazil passed through important institutional changes during the 20th century: an Oligarchic Republic, two dictatorships, and two democrat periods in 1934-1937 and 1945-1964; finally, the current Democracy started in the 1980s. The objective of this paper is to analyse the institutional changes that occurred within the Brazilian regimes between 1891 and 1967. Historical Institutionalism is the theoretical approach used. We argue that Brazilian politics displayed some characteristics that difficulted Democracy implementation. For instance, the Union controlled states and municipalities, while the Executive dominated the Legislative, in addition to restricting the opposition as well.

Keywords: Institutional change, Historical Institutionalism, Brazilian politics, Federalism, Representative system, Powers organization
1. Introduction

The 20th century in the Brazilian political history was tumultuous and unstable in a difficult trajectory to the consolidation of Democracy. First, the Declaration of the Republic in 1889, marked the beginning of an oligarchical and undemocratic period. The Vargas Era (1930-1945) was a civilian Dictatorship; the Estado Novo (New State, 1937-1945) had two Constitutions, a more open one in 1934 and an authoritarian one in 1937. A brief democratic regime was in power between 1945 and 1964, with new rules established in the Constitution of 1946. A coup d’état in 1964 inaugurated a Military Dictatorship and its emblematic Constitution in 1967. Finally, through the democratization in the 1980s, Brazil seemed to overcome those issues.

Brazil has experienced many institutional changes between 1891 and 1967. This paper aims to analyse such changes. Our theoretical premise is that political actors were able to adapt to constant changes in the period that extends from 1891 to 1967. To analyse those changes we used historical institutionalism as a theoretical framework. In general, some researchers use this method to compare those regimes, and when they use history it is often to highlight social connections or analyse institutional change between two regimes. The importance of this research is to offer another interpretation of Brazilian politics to clarify political patterns, which helps us to understand the path of Democracy construction in Brazil as well as the difficulties underlying its implementation.

This paper is organized as follows: Firstly, we proceed to a literature review and explain the theoretical framework to be used. Secondly, in the Methodology we establish the conceptualization and operationalization of our research in order to define our basic definitions, variables and hypothesis. Finally, in the last section, related to Brazilian Constitutions and institutional change, we define and analyse the data. Furthermore, we argue that Brazilian politics presented some characteristics that difficulted Democracy implementation, such as: Union controlling of states and municipalities, strong Executive conducting Legislative, personal politics and charismatics presidents, and restriction of opposition. Those traits are still present in Brazilian politics.

1 As known, Latin America was mainly colonized by Spain and Portugal. After Independence, Spanish America was divided and gave rise to several Republics. In turn, Portuguese America remained united under a Monarchy (1822) until 1889 when Brazil became a Republic.
2. Literature review and theoretical framework

Brazilian researchers often used the historical framework to understand their society. However, their studies focus on socio-structural interpretations, instead of integrating political history in the explanation of institutional changes. Two books are usually considered a classical example: ‘Casa Grande & Senzala’ (The Masters and the Slaves) published in 1933 by Gilberto Freyre; and ‘Raízes do Brasil’ (Roots of Brazil) published in 1936 by Sergio Buarque de Hollanda. Both authors offer a new interpretation of Brazilian society through history, besides exploring the Portuguese heritage and the Colonial past. Freyre concludes that Brazil had a positive mixture of races at a time when racist interpretations of development were supported. Hollanda, through the ideal type *homem cordial* (cordial man) define Brazilians as people with passionate motivation.

Although this perspective was seminal in Brazilian Social Sciences, a second approach used history to clarify political patterns and institutional changes. Two classical books are ‘Coronelismo: the municipality and representative government in Brazil’, first published in 1945 by Victor Nunes Leal; and ‘States and Party system - 1930 a 1964’, published in 1976 by Maria C. Campello de Souza. Leal dialogued with two approaches. First, he brilliantly theorized on *Coronelismo*, which was a political phenomenon in Brazilian society. Secondly, he explored the institutional frameworks in Brazilian municipalities from colonial times until 1945. Campello, who used only the second perspective, explained the formation of the Brazilian political party system over the period 1930-1964. She demonstrated how the institutions from dictatorship 1937-1945 were kept under the democratic period (1945-1964). Another significant book, affiliated to a second approach, is ‘The barons of the federation’ by Fernando Abrucio. This author analyses the federalism in Brazil from the First Republic (1889-1930) until the period of Democratization in 1988, explaining how state governors used democratic means to strengthen their power vis-à-vis the federal State.

The theoretical framework that we will use is Historical Institutionalism, to understand the institutional changes over the periods. Historical institutionalism is an approach that studies politics considering the ways in which institutions structure and shape political behaviour and its outcomes (Steinmo, 2008). Institutionalists are scholars who put special emphasis on the role of institutions in structuring behaviour. Institutions are usually defined as rules (Steinmo, 2008). According to Douglas North (2011: 3), “institutions are the rules of the game within a society”, which means that institutions are behaviour norms, conventions and codes of conduct that shape human interaction. Therefore, institutions ‘reduce uncertainty’. In what regards history, North points out that history matters, not only because future and present are connected by
past, but mainly because “today’s and tomorrow’s choices are shaped by the past; and the past can only be made intelligible as a story of institutional evolution” (North, 2011: vii). Thus, “institutional change shapes the way societies evolve through time and hence is the key to understanding historical change” (North, 2011: 3).

Historical institutionalists seek overall patterns, permanence and/or ruptures. Therefore, historical institutionalists aim at making those patterns visible and at tracing their causal impacts (Pierson and Skocpol, 2002). Additionally, the Historical Institutionalism is an approach for comparing the institutional changes over the periods (Hall and Taylor, 2003; Crouch, 2005; Steinmo, 2008). According to Historical institutionalists, history is not a mere chain of independent facts because there are causal processes between periods. Indeed, past events influence the current situation and history matters (Fernandes, 2002). In other words, if a country chooses to no longer follow a certain route, it will face high risks and barriers to pursue another direction. Because institutions shape interactions and need stability, they do not change easily neither. According to most sociological institutionalists, theorists of rational-choice and historical institutionalists, institution implies persistence (Mahoney and Thelen, 2009).

3. Methodology

Given that consolidated institutions offer little room for change, institutionalist theorists had spent less attention in analysing institutional change (Crouch, 2005). Nevertheless, in the case of Brazil, there were several changes over the 20th century: Oligarchical Republic (1889-1930), Vargas Era (1930-1945), Democracy (1945-1965), Military Dictatorship (1964-1988) and Democratization. Therefore, even though there are institutional constraints against changes, they happen.

Some authors are concerned about this issue. From an economical angle, North points out that the agent of change is the individual entrepreneur, and change involves “modifications in the rules, norms, and enforcement that constitute the institutional framework” (North, 2011: 83). On the other hand, stability is defined as a set of limitations imposed by institutions in a hierarchical arrangement. Formal and informal rules take place in this configuration.

In the same effort to analyse institutional changes, Margaret Levi (1991) makes a significant contribution to the subject. The author admits that to change an institution is costly; moreover, institutions are made by individuals. In turn, institutions limit the choices of these same individuals and future generations. According to Levi’s (1991) definition, institutions imply a fixed distribution of powers, because institutions contain and create power. Hence, who exercises the power has conditions to maintain institutional arrangements and to transform
undesirable institutions arrangements. Therefore, according to Levi, institutional change is an alteration in the rules or in the ways they are implemented. Formal institutional change happens when alteration within the distribution of power occur; and disobedience is a tool that people less powerful can use against powerful people, since obedience is important to institutional stability.

An interesting model of institutional change is offered by Mahoney and Thelen (2009), who highlight gradual change. In contrast with studies that concern rapid transformations, such as revolutions (Skopcol, 2015); Mahoney and Thelen are interested in constitutions, systems and arrangements that shift in more subtle ways across time (2009: 2). The authors present the model of institutional changes, political context, and agents behind such change. Besides, they state that institutional change occurs when problems of rule interpretation and enforcement enable actors to implement existing rules in new ways (Mahoney and Thelen, 2009).

Political context and the kind of institution determine the type of institutional change. Streeck and Thelen (2005) define four models of institutional change: displacement, layering, drift, and conversion. 1) Displacement occurs when the existing rules are replaced by new ones. It could be a rapid change (such as a revolution) or a gradual substitution of rules. 2) Layering is the introduction of new features in an old rule; then, old and new rules are connected. In contrast with displacement, layering does not provide a completely new change. Its amendments, additions, and revisions are small; however, over long periods they can promote a major change. 3) Drift takes place when environmental changes encourage alterations in the existing rules. 4) Conversion occurs when rules are the same, although rule interpretation change.

This paper analyses formal rule changes through different Brazilian Constitutions. Until nowadays, Brazil had seven Constitutions. After Independence in 1822, the Monarchy established the first Constitution in 1824. With the proclamation of the Republic in 1889 came the second Constitution in 1891. Due to the Revolution in 1930, a new Constitution was drafted in 1934. The civilian Dictatorship of Vargas in 1937 implemented the fourth Constitution in the same year. After the democratization, a new Constitution in 1946 was born. In 1964 the military coup imposed the sixth Constitution of 1967. Finally, the last Constitution came in 1988 after the post-military transition period. Because the topic of this paper is related to institutional change in the 20th century, we will analyse most of the Constitutions in this century: The Constitution of 1891 (the most enduring one, which lasted 39 years); the Constitution of 1934; the Constitution of 1937; the Constitution of 1946; and the Constitution of 1967. The last Constitution is not addressed here because of the scope limitations of this paper.
Given that Constitutions are extensive (particularly Brazilian Constitutions), we chose three variables to analyse our data. The first variable is the organization of the Legislative, Executive and Judiciary branches, which means that we will look for attributions and competences from each branch in the five Constitutions. The second variable is federalism, which means that we will analyse how power and attributions are distributed by municipal, state and federal spheres. And the third variable is the representative system by which electoral rules change over periods.

We understand that institutions constrain choices and preferences of individuals, and institutional change impose limitations in the political actors’ action. The main hypothesis of this paper is that institutional change in Brazil occurred by displacement (Mahoney and Thelen, 2009). Thus, historical institutionalism is the chosen method because it helps understand changes and permanence over periods. Even if it does not necessarily take into account ideas, culture and social values, we consider historical institutionalism the best approach to accomplish the objectives of this paper.

4. Brazilian Constitutions and institutional change

This section aims to clarify the institutional change of the formal rules, specifically in five Constitutions implemented through different regimes. We will begin by providing a brief historical context as well as by explaining the three variables which will guide our analysis: organization of power, federalism, and representative system. Finally, we will compare the evolution of those three variables among the five constitutions, using the theoretical framework of Levi (1991), Skocpol (2015), Mahoney and Thelen (2009) to explain institutional change.

4.1. Constitution of 1891

After Independence in 1822, particularly when Dom Pedro I resigned and returned to Portugal, the power was finally organized in Brazil (Fernandes, 1976) and national elites achieved the power (Faoro, 2008). However, since Dom Pedro II assumed power in 1840, regional elites had accepted monarchic interference in states which displeased the groups that claimed commanded politics in their own states. The Monarchy had lost the support of many groups such as military, Catholic Church; and when slavery was abolished in 1888 without compensations, the slaveholders withdrew too. Then, a bloodless military overthrow of the Empire came in 1889. Afterward, Brazil became a Federal Republic with the same electoral rules of the Monarchy: the Law Saraiva of 1881.
a) Power organization

The distribution of competences among the three powers (Legislative, Executive and Judiciary) was contradictory in the Constitution of 1891. First, article 15 explains that the three powers were national sovereignty bodies, as well as harmonic and independent. Nevertheless, when the Constitution defined the attributions of the Legislative Power, which was bicameral with a Senate and a Chamber of Deputies, it established that the elected Legislative Power needed to be approved by the President of the Republic. Beyond the law, in the real world, President Campos Salles implemented the Política dos Governadores (Politics of Governors), as the Legislative Power did not rule. Instead, the Executive Power was the main driver of the government (Cardoso, 2006). As the Judiciary Power was controlled by local elites (Leal, 1975), an absolute impunity reigned in the municipalities. This was known as “bread for my (local boss) friends, a stick for my enemies” (Leal, 1977: 14).

b) Federalism

Contrary to Monarchy, the Constitution of 1891 established greater powers for states and a weak Federal Union. In comparison with Argentina and Mexico, Brazilian Constitution was more decentralized. For example, Brazilian states could get loans abroad and had their state own military forces acting as police. For instance, states like São Paulo and Rio Grande do Sul had more security power than federal forces. By the Constitution of 1891, the Federal Union could have干涉ed in states only in specific cases. Nonetheless, the common practice was the federal government to intervene only in the weak states. From the standpoint of municipalities, the Constitution ensured autonomy in ‘peculiar interest’, although the latter was never defined (Leal, 1975). In practice, the municipalities lacked both financial and electoral autonomy.

The federalist form enabled the existence of two systems over the whole period: the Politics of Governors and Coronelismo. As mentioned above, in addition to the limitations of the Legislative Power, the Politics of Governors included a support and alliances system, wherein political opposition was almost eliminated. Therefore, only allies assumed elective office, even if opposition had won an election. Although there were several constraints for an opposition which strived to get the public office, if foes of the state won an election, they were forbidden to take the public office. Support and reciprocity system existed among states and their municipalities, namely the Coronelismo. In the cities, the coronel (colonel or local chief) offered the votes (that he controlled from his dependents) to the state government. Under the regime of 1891, Brazil was a rural country and much of the population lived in farms and small towns. Some cities emerged from farms, where the coronel had workers and did favours for people. In exchange, he required their votes. The coronel provided the only support for the rural people, as
it did not exist any public policies for this population. Ergo, the coronel controlled the rural votes and offered them to the federal government. In exchange, the state government allowed the coronel to own the municipality. In the city, he chose the individuals for every public office. In addition, the coronel used the police for personal purposes, such as to persecute his political enemies. The state government overlooked his acts whereas the coronel spurred on deputy and senator victories.

c) Representative system

Indeed, Politics of Governors and Coronelismo did not enable representative system to behave as desirable, because opposition could not compete. Nonetheless, the biggest limitation to Democracy in this period was the fact that the Republic did not change the Saraiva electoral law of 1881. By Saraiva law only literate men could vote, while most Brazilians were illiterate, hence the overwhelming majority was excluded of the right to vote. Moreover, women, homeless, lower rank military and some religious were also not allowed to vote.

To sum up, during the First Republic the Constitution of 1891 established independence of Powers, but Legislative depended on the President. Thus, the power organisation comprised the Executive Power conducting both the Legislative and the Judiciary, as in the municipalities Judiciary Power obeyed the coronel. Federalism was the most decentralized when the states had more power and attributions than the Union, and municipalities had followed the states. Finally, the representative system faced several limitations vis-à-vis the opposition and only a few people participated.

4.2. Constitution of 1934

As seen, only small groups controlled political power within the First Republic. Due to this fact, the Republic gained many opponents among the middle class from big cities, some sectors of the military, and the states elites that not ruled. Even if Brazil had twenty states, in fact the states of São Paulo and Minas Gerais ruled the country. São Paulo and Minas Gerais had an agreement by which in every presidential election one state launched a candidate with the support of the other. In 1930, the President of the Republic was from São Paulo and the candidate to following election should be from Minas Gerais. Nevertheless, the President decided to launch another candidate from his state, so the agreement was broken. In reaction, Minas Gerais helped by the state of Rio Grande do Sul made the Revolution of 1930 to put down the First Republic. The provisional government had Getulio Vargas as commander. The period of the 1930s was significant to the construction of the Brazilian national state.
a) Power organization

Important changes in power organisation took place since 1930, especially in the Judiciary Power. The latter increased significantly with the creation of the Electoral Justice, (which was responsible for running the elections), and the Labour Justice. The Legislative Power also changed, by the Constitution of 1934. Moreover, the exclusive competences of the Legislative required presidential sanction. Therefore, the Executive Power continued operating with more attributions and competences.

b) Federalism

Similarly, the organization among the Union, states and municipalities also changed. Since 1930s, parts of Brazil with less than 300,000 inhabitants could not be transformed into Federal territories, having thus lost their regional autonomy while federal power took control over their territories\(^2\). In contrast with the First Republic, the Union accumulated considerable attributions and competences, such as electoral legislation of the Union, states and municipalities. Furthermore, the Constitution awarded more power to interfere on states, although the supreme court had to allow the intervention.

The municipalities benefited from a better situation since the Constitution enabled them to receive taxes. Moreover, both the municipal councilman and the major could be elected.

c) Representative system

Electoral rules changed in 1934, as more people were allowed to participate in the representative system. For the first time women could vote, but the illiterate and the majority of the population remained prohibited to vote. In addition, men and women who had a job were obliged to vote. Likewise, a great improvement was the creation of the Electoral Justice.

Similarly to the First Republic, the Deputy Chamber represented the people while the Senate represented the states. The Deputy Chamber had universal suffrage, proportional system, equally and directly. In contrast, the vote became secret, and there were representatives of professional associations indirectly elected. The number of deputies depended on the number of population in the states (that could be up to 20); the territories only had two deputies and not senators.

In conclusion, the Executive Power kept more attributions and competences, while the Legislative had the peculiar professional represented. Differently from the First Republic, the Union increased power and municipalities benefited from a better situation. Certainly, a

\(^2\) The state of Acre was transformed in federal territory, and posteriorly other portions became federal territories such as Igucu, Ponta Pora, Roraima and Amapa.
foremost difference concerned the representative system that included more people and improved the Electoral Justice.

4.3. Constitution of 1937

After the Constitution of 1934, the National Congress elected Getulio Vargas as President and the following election would occur in 1938. However, using a supposed ‘communist threat’ to Brazil, Vargas planned a coup to establish a dictatorship since 1936 with the help of some key politicians, and 17 out of 20 states supported unanimously the coup. Thus, in November 1937, Vargas presented the new Constitution of the civilian Dictatorship, known as *Estado Novo*. The population approved Vargas` government given that for the first time people would receive social rights, although not yet political and civilian rights. This marked the footprint of the Brazilian citizenship (Carvalho, 2009).

a) Power organization

During this period, Vargas wanted to build a strong central government and a social welfare state for urban workers (Skidmore, 2009). The Executive Power concentrated most competences, such as the borders of the national territory, defence, armed forces, police, security of borders, national education, federal finances, all forms of communications, transportation, among others. The Legislative Power was exercised by the National Parliament with the collaboration of the National Economy Council. Even if the Parliament continued working under a bicameral form, the Constitution change the names of the Deputy Chamber and the Federal Council. Although the Constitution established the relations among the three powers, it also gave the President the right to put down the parliament. In fact, the President was the ‘supreme authority’ with power to indicate the next candidate to the presidency, to point the members of the National Council and to declare the state of emergency.

b) Federalism

In the Constitution the federative form was kept. In practice, the Union concentrated all powers, while federal states and municipalities lost revenues and attributions. Each state implemented a system of *interventorias*. Basically, all municipalities were controlled by an *interventor* and each state was controlled by Vargas. In addition, states not able to collect sufficient taxes during three consecutive years would be transformed into federal territories.

c) Representative system

*Estado Novo* was the only period in Brazilian history without elections. In the states, Vargas pointed *interventores*, non-elected governors; and in each municipality the *interventor* pointed a major.
4.4. Constitution of 1946

The civilian dictatorship ended in 1945 (Skidmore, 2010). Vargas was removed from the presidency by a military coup. Finally, the democratization process in 1945 brought more institutional changes. Democracy from 1945 to 1964 was an unsteady period in such a way that only two presidents achieved to finish their mandate. General Eurico G. Dutra was elected in the first transparent election that took place in 1945 and completed his mandate (Bethel, 2000). In 1950, Vargas was elected under a very complex situation that culminated with his suicide in 1954. During the following, period Juscelino Kubitschek was elected and skilfully completed his mandate. Then came Janio Quadros, who resigned in 1960.

a) Power organization

In contrast with the Dictatorship of 1937, the democratic Constitution of 1946 enabled the Legislative power to remain bicameral and to have a Deputy Chamber, as well as a Senate. Each state needed to have at least seven deputies, while territories only had one. Even though the Executive power kept strong competences, the Legislative power could limit the President’s actions. In fact, between 1945 and 1964, Legislative and Executive Powers struggled frequently.

b) Federalism

Brazil remained a Federation, named United States of Brazil since 1891, then with the Constitution of 1946 sought a more equilibrate federalism. States, territories and the Federal District (the federal capital) formed the Union. Its attributions and competences were more distributed, although states and municipalities gained others in turn.

c) Representative system

Finally, elections returned to Brazil in all three levels. All men and women were obliged to vote, except for the illiterate, homeless, those who did not speak Portuguese3, and lower militaries. Municipalities could elect their council members and mayor. Nonetheless, the Constitution allowed governors to appoint the capital’s mayors (the same situation in some cities considered of ‘exceptional importance to security’ by the National Security Council. In regards to other relevant characteristics, for the first time Brazil had national parties, which made elections competitive. However, the Communist Party was still considered illegal.

Essentially, the democratic background was improved. The Executive Power continued to be strong, although restricted by the Legislative Power. The Union divided its competences with states and municipalities in a more well-balanced federalism. Furthermore, the return of

3 Excluding the native inhabitants, as many different ethnics did not speak the national language.
elections and competition among parties help to understand why the representative system was feasible.

4.5. Constitution of 1967

In 1964, the military coup changed rules once more. Differently from others Latin American military dictatorships, “Brazilian officers had a strong legalist streak and wanted legitimacy” (Skidmore, 1999: 160). This concern could be noticed in the Constitution implemented by the dictatorship. In fact, the Military Regime introduced authoritarian mechanisms through seventeenth Institutional Acts (IA) and the Constitution of 67 legally confirmed the fourth IA. The Military Regime claimed to be a Democracy under legal terms.

a) Power organization

The first peculiar fact about the Military Regime is that the Legislative Power was not put down during the whole period. However, military restricted the opposition, especially when candidates supported by the government did not win. For example, the senador biônico or ‘bionic senators’ were indirectly elected by an electoral council, which provided thus the military with the majority on the Senate. The attributions of the Legislative Power slightly differ from 1946. The most significant difference concerns the Executive: the President was indirectly elected. Although article 6 states that Legislative, Executive and Judiciary powers were independent, the Executive power subdued Legislative and established limits to its autonomy.

b) Federalism

Brazil remained a Federation as per the Constitution, although the Union increased considerably its attributions and competences. Article 8 (about the legal attributions of the Union) is extremely vast, and the states’ attributions most seem like restrictions, instead of rights. Likewise, municipalities lost revenue and competences.

c) Representative system

Constitution of 1967 did not change the obligations of voting and for voting. A major modification included is a semi-parliamentary presidential election, introduced by a council formed by the National Congress with deputies appointed by states’ Assemblies with the approval from governors. Furthermore, elections took place inside the Executive and Legislative at all three levels: municipal, federal, and, sometimes, at the state level.

Constitution of 1967 did not alter electoral rules. The institutional acts I, II, III, and other amendments to Constitution remained stable. The first official act made by the Military Junta established indirect elections to the presidency, suspension of the Constitution of 1946,
and suspended political rights to individuals considered as a threat by the military. In 1965, election for governors occurred and the military were concerned because in five states the opposition close to former President João Goulart won. As result, in the same year, the IA - II abolished all parties and established only two parties: the National Renewal Alliance, with support from the government; and the Brazilian Democratic Movement (opposition to the military rule). Moreover, the President could intervene on states and put down the National Congress without authorization from any judicial or political body. In 1966, IA - III indirectly allowed elections to governors. However, a National Congress was directly elected.

To sum up, the Military Regime (1964-1988) was a difficult period with many limitations to civilian and political rights. Although the Constitution is apparently similar to others, the seventeenth institutional act imposed many restrictions to Brazilians. The Executive limited the Legislative; and the Union increased its power over the states and the municipalities. Finally, even though elections took place, they were not competitive.

4.6. Brazilian Constitutions

Despite all changes, it is worth to highlight that the Legislative Power in Brazil was continually subjugated by the Executive. In the First Republic, Legislative was absolutely subdued by the Executive who controlled elections to the Chamber of Deputies and to the Senate. Like the Constitution of 1981, in the Constitution of 1934 the Legislative needed the sanction of the President. The 1934 Legislative was exercised by the Chamber of Deputies with the collaboration of the Senate. This Constitution also improved Electoral and Labour Justice, since elections were not the competence of the private power, coroneis; and the population had social rights. With the democratization, the Legislative gained competences and the possibility of exercising veto on the Executive, which resulted in a struggle between powers. With the coup of 1964, the Executive continued to be elected by the population. Military governments created a sort of limitations in order to control the political system. The whole institutional changes in power organization can be seen in table 1.

As regards federalism, although the five Constitutions claimed to be Federalist, the practice was different. During the First Republic federalism was heavily unbalanced, as some states had more power than the Union. The constitution of 1934 was implemented by two conflicting forces. As a result, federalism continued, although the Union gained many competences and the municipalities’ situation improved (with their own revenue and the possibility of election). With the authoritarian Constitution of 1937, federalist rules were kept,

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4 Four hundred two names were considered as a threat to national stability.
although in practice federalism was abolished given that local forces were understood as dangerous for the nation (Abrucio, 1998). For instance, Vargas publicly burned states’ flags to show that only the national interest matters. With the democratization, a more balanced federalism was set. Based on the Constitution of 1967, once more a dictatorship gave more power to the Union and limited state and municipalities’ competences and rights, as table 2 shows.

**Table 1. Executive, Legislative, Judiciary Power Organization**

<table>
<thead>
<tr>
<th>Year</th>
<th>Law</th>
<th>Summarize</th>
</tr>
</thead>
<tbody>
<tr>
<td>1891</td>
<td>-Powers independent</td>
<td>Legislative subdue</td>
</tr>
<tr>
<td></td>
<td>-Legislative needed</td>
<td></td>
</tr>
<tr>
<td></td>
<td>sanction of President</td>
<td></td>
</tr>
<tr>
<td>1934</td>
<td>-National Congress: Deputy</td>
<td>Legislative subdue</td>
</tr>
<tr>
<td></td>
<td>Council aided by Senate</td>
<td></td>
</tr>
<tr>
<td>1937</td>
<td>-Judiciary: Labour and</td>
<td>Executive strong, Legislative closed</td>
</tr>
<tr>
<td></td>
<td>Electoral Justice</td>
<td></td>
</tr>
<tr>
<td>1946</td>
<td>-Executive with attributions, but Legislative could restrain Executive. Struggle between two Powers</td>
<td>Greater balance between Legislative and Executive</td>
</tr>
<tr>
<td>1967</td>
<td>- Executive restricted</td>
<td>Legislative subdue</td>
</tr>
<tr>
<td></td>
<td>Legislative</td>
<td></td>
</tr>
</tbody>
</table>

Source: author

**Table 2. Federalism: Union, States and Municipalities**

<table>
<thead>
<tr>
<th>Year</th>
<th>Law</th>
<th>Summarize</th>
</tr>
</thead>
<tbody>
<tr>
<td>1891</td>
<td>Federative form</td>
<td>Unbalanced Federalism. States had more power</td>
</tr>
<tr>
<td>1934</td>
<td>Federative form</td>
<td>States had less power, Union and municipalities gained competences</td>
</tr>
<tr>
<td>1937</td>
<td>Federative form</td>
<td>No federalism</td>
</tr>
<tr>
<td>1946</td>
<td>Federative form</td>
<td>Balanced Federalism</td>
</tr>
<tr>
<td>1967</td>
<td>Federative form</td>
<td>Union more power, autonomy restricted</td>
</tr>
</tbody>
</table>

Source: author

**Table 3. Representative system**

<table>
<thead>
<tr>
<th>Year</th>
<th>Law</th>
<th>Summarize</th>
</tr>
</thead>
<tbody>
<tr>
<td>1891</td>
<td>Same of Saraiva Law of 1881</td>
<td>Majority excluded</td>
</tr>
<tr>
<td>1934</td>
<td>-Men and women who had job were obliged to vote -secret vote</td>
<td>More open, but majority excluded because illiterate people could not vote</td>
</tr>
<tr>
<td>1937</td>
<td>No elections</td>
<td>Whole population excluded</td>
</tr>
<tr>
<td>1946</td>
<td>- Men and women are obliged to vote - National parties - Competitive elections</td>
<td>More open, but a significant part was excluded because of illiteracy and non-speakers of Portuguese did not vote</td>
</tr>
<tr>
<td>1967</td>
<td>-Men and women are obliged to vote - Only two parties allowed - President and governors indirectly elected</td>
<td>- Elections with several limitations - Illiterate and non-speakers of Portuguese did not vote</td>
</tr>
</tbody>
</table>

Source: author
The Brazilian representative system in the 20th century is a history of increasingly popular participation. During the times of the Constitution of 1891 only 5.7% of the population could vote (Love, 1982). In the whole century only the Constitution of 1937 provided a legal framework to prevent elections, while in the other periods elections took place, more openly in 1934 and 1946, and in a more restrictive way in the First Republic and Military Dictatorship.


Considering the aforementioned, our hypothesis that Brazilian institutional change occurred by displacement is confirmed. According to Mahoney and Thelen (2009), displacement is a type of institutional change characterised by a complete removal of old rules and the implementation of new ones. Institutional changes caused by Revolutions (according to Skocpol, 2009) are not regular in Brazil. In fact, Brazilian institutional change could be understood as a displacement of all Constitutions. Conversion – i.e. the capacity of the individual to explore institutional contradictions – happened within some periods. As for layering – which is when little changes accumulate and provoke a massive modification – it happened after the Military coup, when the institutional acts were amendments that changed the whole Constitution of 1946 and established a new one. The other form of institutional change, drift (Mayhoney and Thelen, 2009; Levi, 1991), involves civil society acting. Nonetheless, in a country where the state has a strong protagonism, drift is difficult to find in the period exposed.

5. Conclusion

Although the Constitution of 1891 gave way to more than 40 years of decentralization, in the 20th century Brazil experienced a clear centralization process, especially after the Vargas Era (1930-1945), also confirmed by the Military Dictatorship (1964-1988). Federalism was extreme during the First Republic, but it was absent in the dictatorship period, when the Union controlled states and municipalities; and it was more balanced in 1934-1937 and in 1945-1964, when states and municipalities elected their representatives and had their own revenue.

An Executive Power with more competences and driving the Legislative Power was the pattern since the First Republic until the Vargas Era, Democracy and Military Regime. The difference occurred in 1934-1937 and in 1945-1964, when the Legislative had more attributions and veto power, especially in 1946. With a stronger Executive Power, Brazil was often driven by personalized politics concentrated on a charismatic President, such as Vargas, known as the ‘father of poor’, as well as Juscelino Kubitschek and João Goulart. Another characteristic was the restriction of opposition. In other words, candidates supported by the government had better conditions than opposition candidates. Although all candidates were negatively affected
by such government politics, the left-wing ones were particularly restricted. For example, for a long time, the Communist Party was considered illegal. The fear of the left was always source of restrictions and support to dictatorships in 1937 and in 1964. However, the abolition of the opposition was not an exclusive characteristic of the Military Regime. In fact, it was constantly used by the First Republic, the Dictatorship of Vargas and even used throughout the Democratic period of 1945-1964.
References


Dilma Rousseff na Assembleia Geral das Nações Unidas: Os Discurso de 2011 e 2015

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Resumo
O Debate Geral da Assembleia Geral das Nações Unidas é um evento que move as relações diplomáticas. É a ocasião na qual os Estados-Membros se posicionam frente aos acontecimentos mundiais. O objetivo deste artigo é analisar o primeiro e o último discurso proferidos pela Presidente Dilma Rousseff nesse fórum em 2011 e 2015. A metodologia aplicada toma como pressuposto de análise a abordagem de representações sociais proposta por Moscovici (2015) e estruturada por Guareschi e Maya (2000). Os resultados apontam para descontinuidades discursivas no que tange à representação do gênero feminino e para continuidades na utilização de aspectos propagandísticos e de cooperação como meio de consolidação da imagem do Brasil no sistema internacional.

Palavras-chave: Comunicação Política, Comunicação Governamental, Discurso Político, Discurso Diplomático

Abstract
The General Debate at the United Nations General Assembly is an event that drives the diplomatic relations, by enabling UN Member States to adopt important stances regarding global matters. The article aims to analyse the first and last speeches delivered by President Dilma Rousseff in 2011 and 2015 at this forum. The methodology used is based on the social representations’ perspective proposed by Moscovici (2015) and structured by Guareschi and Maya (2000). The results point to discursive discontinuities regarding the female gender representation and to a continuity in the use of propagandistic and cooperation aspects as means to consolidate Brazil’s image in the international system.

Keywords: Political Communication, Government Communication, Political Speech, Diplomatic Speech

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Introdução

O Brasil foi o país responsável por realizar o primeiro discurso no Debate Geral da Assembleia Geral das Nações Unidas, logo após a abertura proferida pelo Secretário Geral, em 1949. Anualmente, desde a ocasião da 10ª Assembleia Geral das Nações Unidas em 1955, o Brasil assume a responsabilidade e mantém a tradição de ser o primeiro Estado-Membro da Organização das Nações Unidas (ONU) a se pronunciar no Debate Geral desta instituição (UN, 2016). Em 2011, ainda no primeiro ano de mandato da presidenta brasileira Dilma Rousseff, ela se tornou a primeira mulher a abrir os trabalhos deste órgão, representando tanto um marco na história brasileira como na própria ONU.

A Assembleia Geral das Nações Unidas (AGNU) é, por excelência, a plataforma política de maior grau democrático no ambiente internacional, uma vez que todos os 193 Estados-Membros da ONU possuem direito a voto e estão representados por Chefes de Estado, de Governo, ou Ministros das Relações Exteriores. O Debate Geral ocorre anualmente no mês de setembro e é, de acordo com Sardenberg (2013), o evento que recebe maior atracação da opinião pública mundial, pois é o espaço em que os Estados têm para discursar e enunciar suas prioridades. Nessa plataforma ocorre um processo social de cooperação ou conflito entre Estados, que Wendt (1992) descreve como um processo de conhecimento intersubjetivo. Ali ocorrem trocas de identidades e interesses que possibilitam: (1) que ideias e conceitos pré-concebidos sejam reafirmados ou transcendidos e (2) que os agentes participantes deste processo definam de suas preferências.

Sardenberg (2013) apresenta as instituições internacionais, aqui materializadas pelas Nações Unidas e a sua Assembleia Geral, como um ambiente que permite acomodar e resolver tensões, descrevendo padrões de cooperação e conflitos entre Estados. Destarte, para Barnett e Finnemore (1999), essas organizações exercem poder enquanto partes de um mundo social onde relações entre diferentes agentes são construídas. Nessas organizações há, portanto, um “espaço de divulgação ideológica (que) procura levar o público a se tornar favorável a: primeiro prestar atenção; segundo pensar a respeito; terceiro mudar a percepção sobre o que foi tratado” (Panke, 2010: 36).

Nesse sentido Brandão (1994) explica que o discurso é o ponto de articulação entre um processo ideológico e os fenômenos linguísticos e que, por esta razão, é necessário observá-lo como uma esfera que opera entre os níveis linguístico e extralinguístico. Para a autora não é possível desconsiderar a ligação entre as “significações” de um texto e as condições sociais e históricas nas quais ele está inserido.
Sardenberg (2013) menciona que a presença de determinados temas segue um agendamento estabelecido pelo momento social, político e histórico vivido pela sociedade em questão, pois, como explicam Barnett e Finnemore (1999), as instituições internacionais são mais do que agentes independentes com suas agendas próprias, elas incorporam agendas de diversos outros agentes.

De acordo com Panke (2010), o discurso político só pode ser analisado a partir de sua relação com os elementos que o circundam, uma vez que a partir desse contexto é possível visualizar qual é o público e quais são as premissas essenciais para se estabelecer afinidade com ele, ou ao menos, criar uma pré-disposição dele. No caso da diplomacia brasileira, Sardenberg (2013) explica que há nos discursos brasileiros um arranjo de preocupações éticas e políticas envoltes em respeito às tradições nacionais e na busca de transformações. Ainda de acordo com o autor, a AGNU representa uma espécie de consciência do mundo onde as decisões tomadas são a personificação de um esforço que busca resolver problemas que dizem respeito a todo o sistema internacional.

O discurso oficial brasileiro proferido na AGNU, ora pelo Ministro das Relações Exteriores, ora pelo(a) Presidente da República, é entendido como um dos segmentos da comunicação governamental que se refere aos objetivos, papéis e práticas de comunicação implementadas por políticos do executivo no serviço de uma política racional. Essa comunicação caracteriza aquilo que Panke (2010) chama de discurso político no qual o sujeito que o profere materializa a voz da instituição a qual ele representa. Já Canel e Sanders (2012) explicam que isso ocorre, pois o orador tem como base consentimentos diretos ou indiretos do povo cujas vontades são decretadas. Posto de outra forma, o detentor do poder de fala adquire um status social para o exercício da palavra, neste caso em nome de toda uma nação. Assim, a fala do Estado brasileiro, personificada pelo seu representante, rege as relações do país com o mundo ao partilhar o que é prioritário para a sua política externa em consonância com um aparato de ideais, valores e aspirações.

É nesse sentido que o discurso pode ser analisado sob a perspectiva das representações sociais (RS), uma vez que elas envolvem:

um sistema de valores, ideias, práticas, com uma dupla função: primeiro, estabelecer uma ordem que possibilitará as pessoas orientar-se em seu mundo material e social e controlá-lo; e, em segundo lugar, possibilitar que a comunicação seja possível entre os membros de uma comunidade, fornecendo-lhes um código para nomear e classificar, sem ambiguidade, os vários aspectos de seu mundo e da sua história individual e social (Moscovici, 1978: 21).
As RS também podem ser entendidas como “[...] uma forma de conhecimento, socialmente elaborada e partilhada, com um objetivo prático, e que contribui para a construção de uma realidade comum a um conjunto social.” (Jodelet *apud* Santos, 2011: 226). É por meio dessa partilha de conhecimento, aqui denominada por discurso, que as representações sociais se materializam (Santos, 2011). Portanto, num viés discursivo, é por meio dos discursos que as representações sociais se movimentam e concretizam.

A análise dos pontos abordados pelo Brasil na AGNU possibilita o entendimento de traços básicos de sua experiência no plano multilateral e, em especial, nas Nações Unidas (Sardenberg, 2013), uma vez que estes discursos dimensionam o mundo, ordenam fatos, explanam recortes da realidade e realizam uma luta simbólica pelo poder (Panke, 2010). Assim, este trabalho pretende auxiliar na identificação de continuidades existentes nas falas da presidente do Brasil, Dilma Rousseff, em distintas ocasiões com ressonância histórica para o país, para as Nações Unidas e, consequentemente para o cenário internacional.

**Os Discursos de Dilma Rousseff Na AGNU (2011 e 2015)**

O *corpus* delimitado para análise abrange os dois primeiros anos de mandato presidencial de Dilma Rousseff (2011 e 2015). Em 2011, Dilma se tornou a primeira mulher a presidir o Brasil e também, por ocasião do Debate Geral da 66ª Assembleia Geral das Nações Unidas, a primeira mulher a abrir os trabalhos desta organização desde a sua criação em 1945. Naquele ano, a crise econômica mundial que eclodiu em 2008 começava a atingir os governos de países desenvolvidos, gerando um cenário de desconfiança quanto à sua capacidade de honrar compromissos financeiros.

Fatores econômicos e políticos levaram diversos países árabes a enfrentar ondas de protestos e levantes populares, denominados Primavera Árabe, que causaram a queda diversos regimes políticos na região. Além disso, o mundo presenciou uma das maiores catástrofes ambientais da história, um terremoto seguido de tsunami que devastou o Japão e outros países da região.

Já em 2015, ano de celebração da 70ª AGNU, Rousseff também foi responsável por abrir os trabalhos no Debate Geral, mantendo o costume protocolar. No plano internacional, naquele ano a crise dos refugiados recebeu destaque internacional com o aporte de milhares deles em solo Europeu e a morte de inúmeros outros no trajeto. Ataques terroristas promovidos pelo grupo Estados Islâmico (ISIS, ISIL, Daesh) eclodiram em alguns países europeus. No cenário nacional, os efeitos da crise econômica de 2008 começaram a ser sentidos pelo Brasil,
como é o caso do rebaixamento das notas de crédito do país em classificações internacionais\(^6\). Além disso, denúncias de corrupção no governo vieram à tona, um processo de *impeachment* foi instaurado contra a presidente e protestos contra o governo começaram a eclodir no país.

**Metodologia**


As categorias de ancoragem partem do princípio que ancoragem é um processo pelo qual dois ou mais interlocutores visam trazer aquilo que é estranho para o campo do comum e aceitável. Em outras palavras, a ancoragem é “um processo que transforma algo estranho e perturbador, que nos intriga, em nosso sistema particular de categorias e o compara com um paradigma de uma categoria que nós pensamos ser apropriada” (Moscovici, 2015: 61). No caso das categorias diretas, elas derivam do conceito de objetivação, que é tornar ideias e conceitos em algo real e concreto, dando uma imagem a eles. De acordo com Santos (2011) esse é um processo que possibilita aos interlocutores estabilizar temporariamente as informações em pauta.

**Categorias diretas nos discursos de Rousseff**

As categorias diretas propostas por Batista e Corrêa (2015) representam o processo de objetivação proposto por Moscovici (2015) e envolvem as quatro dimensões que seguem: (1) *Questão de Gênero* \(^7\), que se refere ao discurso de afirmação da mulher; (2) *Econômica*, relativa à conjuntura econômica; (3) *Propagandística*, referente à construção de uma imagem positiva sobre o Brasil; e (4) *Cooperativa* que promove um discurso integracionista.

**Dimensão Questão de Gênero**

Em 2011, Dilma Rousseff quebra um paradigma existente na Assembleia Geral das Nações Unidas, se tornando a primeira mulher a abrir os trabalhos desta instituição. Por este motivo, percebe-se que a esta dimensão é aquela que recebe destaque naquele momento.

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\(^6\) Três agências de risco internacional – Standard & Poor’s, Fitch e Moody’s – rebaixaram a nota do Brasil com relação ao selo de bom pagador, o que representa um país seguro para investidores.

\(^7\) Optamos por utilizar o termo “Questão de Gênero” para referenciar esta dimensão discursiva por ela conter um alcance mais abrangente, embora em seu artigo, Batista e Corrêa (2015), tenham-na denominado como dimensão “Feminista”.

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Conforme analisam Batista e Corrêa (2015), o discurso daquele ano é construído em um tom ativista visando à igualdade de gênero e defendendo o direito das mulheres.

O tema permeou todo o discurso, recebendo destaque em momentos retóricos importantes, como o início e a conclusão da fala. A informação de gênero é presente e marcante, inclusive quando Dilma reforça sua condição de mulher ao “identificar-se como ‘presidenta’ e não ‘a presidente’ (ente que preside) [...] conforme instituído pela Presidência da República para atos oficiais” (Batista e Corrêa, 2015).

Já em 2015, há uma notável redução nessas menções e na ênfase dada à questão de gênero, que ocorrem em três ocasiões durante todo o discurso. Somente no início do seu discurso Rousseff levanta a questão do gênero feminino, ao mencionar que dentre os temas que ganharam prioridade na Agenda internacional, estão “a questão de gênero, das mulheres e das meninas” (Rousseff, 2015). Além disso, não há sequer uma menção à condição da mulher exercendo uma função de liderança, tradicionalmente dominada pelo sexo masculino (Panke, 2016).

Embora temas referentes a gênero, em especial a presença feminina no cenário político e sua representação serem latentes em 2011, quando Rousseff se tornou a primeira mulher a abrir os trabalhos na Assembleia Geral das Nações Unidas, em 2015 ele é mencionado brevemente, no início e no fim do discurso. Uma hipótese para esta situação poderia ser encontrada na maior participação feminina em cargos de liderança.

Ao que tange essa hipótese, vale mencionar que no Brasil o público feminino ainda ocupa somente 10% das cadeiras da Câmara Federal. Enquanto no ano de 2010 as mulheres compunham 8,8% da Câmara (45 das 513 vagas), em 2014, houve um aumento para 51 mulheres. Ainda que isso represente um aumento de 13,33%, o número ainda é inexpressivo face à realidade do país cujas mulheres representam mais da metade do eleitorado. Vale mencionar que em 2016, o Projeto de Lei do Senado 263/20108 que buscava ampliar a participação feminina no cenário político brasileiro foi barrado pela Comissão de Constituição, Justiça e Cidadania (Lima e Greco, 2015).

Mesmo que a ruptura de um paradigma em 2011 não tenha resolvido todas as implicações concernentes à questão de gênero, o discurso proferido por Dilma Rousseff trouxe à baila o assunto e, mais importante, colocou o gênero feminino no centro das atenções. Partindo da ideia da representação social de Moscovici (2015), a mulher, personificada por

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Dilma Rousseff passa a estar presente no evento, gerando implicações futuras no que é considerado comum. Destarte, a partir daquele momento, a presença de uma mulher como representante de um país dentro do mais importante foro mundial geraria uma nova representação social do papel político da mulher.

No que tange às Nações Unidas, a representatividade da mulher teve melhoras com Ban Ki-Moon no cargo de Secretário-Geral da organização. Conforme Letra (2016), desde 2007, Ban nomeou mais de 150 mulheres para cargos de alto nível e, além disso, cerca de 25% das Missões de Paz são chefiadas por mulheres, antes de Ban não havia mulheres como representantes especiais em campo.

**Dimensão econômica**

Uma vez que a dimensão econômica ocupou parte significativa do primeiro discurso de Rousseff na AGNU, para proceder à análise esta análise optou-se por dividir ambos os discursos em segmentos utilizando como referência os vocativos “Senhor Presidente” e “Senhoras e senhores” os quais, segundo Mota (2011), estabelecem um eixo na comunicação entre o emissor, a mensagem e os respectivos destinatários. Assim, discurso de 2011 foi segmentado em dez sessões, enquanto o de 2015 foi dividido em seis.

Batista e Corrêa (2015) avaliam que a economia apresenta significativa centralidade no discurso proferido por Rousseff em 2011, o que pode ser numericamente verificado por meio da presença do tema em três blocos completos e breves menções num outro. Neste ano, Rousseff coloca o Brasil como modelo para o restante do mundo apresentando “sua visão sobre a saída da crise econômica, (e) citando a experiência brasileira no quadro de recessão” (Batista e Corrêa, 2015: 65). Além disso, a presidente cita o Brasil como um país emergente e, ao mesmo tempo, um exemplo de desenvolvimento, “um país que vive praticamente um ambiente de pleno emprego” (Rousseff, 2011).

O Brasil coloca-se em um patamar de cobrança por mudanças econômicas, pois “há pelo menos três anos (...) o Brasil repete (...) que é preciso combater as causas, e não só as consequências da instabilidade global” (Rousseff, 2011). Para a presidente, o país coloca-se à disposição do sistema mundial na busca de soluções para resolver o problema, pois está desde o início da crise econômica mundial de 2008 “fazendo a sua parte. Com sacrifício, mas com discernimento” (Rousseff, 2011). A mudança de tom é perceptível em 2015 quando há uma expressiva redução na tônica dada à dimensão econômica, tema presente em apenas uma sessão das seis utilizadas como referência.
Rousseff introduz o tema econômico por meio de repetições, uma técnica retórica que visa acentuar determinado acontecimento ou ação (Citelli, 2002). Expressões como “por seis anos” e “aumentamos” se repetem no mesmo parágrafo.

Por seis anos, buscamos evitar que os efeitos da crise mundial que eclodiu em 2008 no mundo desenvolvido, se abatessem sobre nossa economia e nossa sociedade. Por seis anos, adotamos um amplo conjunto de medidas reduzindo imposto, ampliando crédito, reforçando o investimento e o consumo das famílias. Aumentamos os empregos, aumentamos a renda nesse período (Rousseff, 2015).

Logo após a ênfase nas medidas tomadas pelo país, Rousseff declara que “esse esforço chegou agora no limite” (Rousseff, 2015), aceitando o cenário de dificuldades enfrentado naquele momento.

Se em primeiro momento “os líderes dos países desenvolvidos ainda não encontraram uma solução para a crise [...] por falta de recursos políticos e, algumas vezes, de clareza de ideias” (Rousseff, 2011), em 2015 o discurso brasileiro afirmava que apesar de todo o esforço do Brasil para evitar seus efeitos, o país finalmente sofre com ela. Contudo, este seria um momento de transição em que ainda haveria “condições de superar as dificuldades atuais” (Rousseff, 2015). Percebe-se assim que a dimensão econômica recebe especial atenção nesses dois períodos de modo que essa é uma das principais formas pela qual um país tenta se firmar como potência no cenário internacional (Pimentel e Reis, 2016).

**Dimensão Propagandística**

Batista e Corrêa (2015) avaliam que em 2011 Rousseff deu ênfase à posição de liderança brasileira para dar suporte à antiga demanda por um assento permanente no Conselho de Segurança da ONU. Também foi dado destaque aos avanços do Brasil que mesmo combatendo os efeitos da crise econômica de 2008 não deixou de investir em políticas sociais para a erradicação da pobreza. Entre os elementos elencados para sustentar essa visão, o Brasil é colocado como vetor de paz, um país integracionista, líder, engajado em questões ecológicas e na luta contra desigualdades sociais dentro e fora de suas fronteiras.

A ênfase do discurso de 2015 se dá no Brasil como um “país de acolhimento” aos refugiados, temática em voga naquele momento. Pelo fato do país ser formado por refugiados, estaria aberto e de braços abertos para receber aqueles que fogem de conflitos militares sem um destino certo, já que o Brasil é uma região “onde impera a paz e a democracia” (Rousseff, 2015). Neste sentido, a realização dos Jogos Olímpicos e Paralímpicos de 2016 serviriam para enfatizar que o Brasil esperava receber visitantes de todo o mundo “de braços abertos”.

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Grande parte do discurso propagandístico passa a ser relativo a questões ambientais uma vez que o país apresenta atitudes que o diferenciam e o colocam como líder neste cenário, como é o caso da Conferência Rio +20. A conjuntura econômica, que não seria favorável, para de ser utilizada neste período visto às dificuldades que alcançaram o país em 2015 e é colocada como uma questão a ser superada. Para Rousseff, a economia brasileira de 2015 “é mais forte, sólida e resiliente do que há alguns anos atrás” e ainda, o país tem “condições de superar as dificuldades atuais e avançar na trilha do desenvolvimento” (Rousseff, 2015). Dessa forma, a questão ambiental é mesclada com o desenvolvimento em um Brasil que consegue conciliar os dois assuntos, conforme extrato a seguir.

O Brasil está fazendo um grande esforço para reduzir as emissões de gases de efeito estufa sem comprometer seu desenvolvimento, nosso desenvolvimento. Continuamos diversificando as fontes renováveis em nossa matriz energética, que está entre as mais limpas do mundo. Estamos investindo na agricultura de baixo carbono. Reduzimos em 82% o desmatamento na grande floresta amazônica (Rousseff, 2015).

Neste trecho, observa-se que Rousseff enfatiza as iniciativas brasileiras relativas aos impactos ambientais do desenvolvimento. O discurso sinaliza as ações tomadas pelo país, de certa forma, ditando a pauta a ser tratada pelas demais nações presentes no Debate Geral da AGNU e que são responsáveis pela execução do pacto na busca de ações sustentáveis.

**Dimensão Cooperativa**

Em 2011, Rousseff defendeu a integração e a cooperação entre países nos âmbitos econômico, ecológico e político como forma de resolver diversos problemas de ordem econômica, militar, ambiental e política (Batista e Corrêa, 2015). “Mais que nunca, o destino do mundo está nas mãos de todos os seus governantes, sem exceção. Ou nos unimos todos e saímos, juntos, vencedores ou sairemos todos derrotados” (Rousseff, 2011). Este posicionamento reforça a análise anterior, de que o Brasil convoca outros países a tomar atitudes coletivas frente aos desafios mundiais.

Em 2015, novamente, Rousseff apresenta sua nação a favor da criação de um Estado Palestino e da solução de controvérsias com Israel. O fim ao contencioso diplomático entre Cuba e Estados Unidos é celebrado pelo Brasil, que se coloca como porta-voz da sua região geográfica afirmando que toda a “nossa região se regozija” (Rousseff, 2015) com esse fato. O acordo nuclear com o Irã é colocado como uma possibilidade de desenvolvimento da energia nuclear para fins pacíficos e o lançamento do Novo Banco de Desenvolvimento, no âmbito dos BRICS, sinaliza a possibilidade da consecução dos Objetivos do Desenvolvimento Sustentável.
Novamente, a chefe de Estado brasileiro levanta a bandeira da coletividade afirmando que “o esforço para superar a pobreza e promover o desenvolvimento tem de ser coletivo e global” (Rousseff, 2015). A obra do artista brasileiro, Cândido Portinari, doada em 1957 pelo Estado brasileiro e alocada na sede das Nações Unidas, é tomada como referência para esta petição. Dilma apresenta no final de seu discurso que a “obra denuncia a violência e a miséria e exorta os povos a buscar o entendimento” (Rousseff, 2015). Dá-se a entender que a ONU não logrou tal entendimento e, e o Brasil reitera esta necessidade no mínimo desde 1957.

Esperamos que, ao ingressar neste recinto das Nações Unidas e ao olhar esses murais em sua entrada, sejamos capazes de escutar a voz dos povos que representamos e de trabalhar com afinco para que seus anseios de paz e progresso venham a ser atendidos. Afinal, foram esses os ideais que estiveram, 70 anos atrás, presentes no ato fundacional dessa grande conquista da humanidade que é a Organização das Nações Unidas (Rousseff, 2015).

Por sua vez, em 2015, vê-se a presidente destacar uma questão central no momento: a crise dos refugiados que fogem de guerras em seus países de origem. Nesse discurso, percebe-se, não apenas a disponibilidade do Brasil para acolher pessoas, mas uma espécie de chamamento para que todos os países se posicionem a respeito do tema.

**Categorias de Ancoragem nos discursos de Rousseff**

A ancoragem, ao associar sentimentos e questões de ordem afetiva ao discurso, realiza o intercâmbio de valores intrínsecos e extrínsecos a um indivíduo induzindo uma ação de entendimento (Xavier, 2002). Ela busca efetivar o processo de tornar algo não familiar em algo familiar. Assim, para tal análise, Batista e Corrêa (2015) categorizaram a ancoragem em três dimensões: (1) Afetiva; (2) Dramática; (3) Vernacular.

**Dimensão Afetiva**

De acordo com Batista e Corrêa (2015), em 2011, Dilma trabalhou o seu discurso político por meio de associações a sentimentos e a questões de ordem afetiva, de modo que as propagandas sobre as potencialidades nacionais estiveram ancoradas em referências subjetivas do Brasil como um país “querido” e “com cores tão vívidas” (Rousseff, 2011). As maiores referências afetivas envolveram, contudo, a posição de mulher da presidente brasileira frente àquela assembleia. O uso de vocativos como “minhas companheiras” e a tradução da sua posição de referência com sensações de “orgulho”, “honra”, “humildade”, “emoção” demonstram o tratamento afetivo à questão (Rousseff, 2011).
O discurso do ano de 2015 trouxe menos destaque à questão de gênero, de modo que não pode verificar a existência da dimensão afetiva com relação a esse aspecto. O privilégio de Dilma, desta vez estava em realizar seu discurso em uma data tão significativa quanto o aniversário de setenta anos das Nações Unidas, e não necessariamente e explicitamente em ser uma mulher participando daquele momento. A presidente brasileira menciona o “privilégio” em abrir aquela tribuna. Há ainda, menções à esperança de que a reunião de 2015 entrasse para “a história como um ponto de inflexão na trajetória das Nações Unidas” (Rousseff, 2015).

Diante das denúncias de corrupção no seu governo e dos protestos clamando mudanças políticas e sociais, Dilma coloca-se como parte do povo brasileiro ao dizer “nós, os brasileiros, queremos um país em que a lei seja o limite” (Rousseff, 2015). Entretanto, com o surgimento de manifestações a favor do retorno de um governo militar e pelo impeachment da presidente, Rousseff destaca as suas lutas durante o período militar ao falar das “conquistas pelas quais tanto lutamos” e que “muitos de nós lutamos por isso justamente quando as leis e os direitos foram vilipendiados durante a ditadura” (Rousseff, 2015).

**Dimensão Dramática**

Em 2011, Rousseff traduziu a condição financeira global por meio de adjetivações e expressões carregadas de carga dramática. A presidente sustenta que, em razão da ‘crise’ econômica, ‘o mundo sofre’ e enfrenta ‘a face mais amarga da crise’. O resultado: a conjuntura econômica em declínio é responsável por ‘tirar a esperança’ e ‘deixar a violência e a dor’ (Batista e Corrêa, 2015: 70).

Já em 2015, a crise dos refugiados que acabara de eclodir passa a ser o carro chefe do discurso brasileiro. Se de um lado essa situação abre a possibilidade do país apresentar suas demandas, de outro o Brasil se posiciona como um país que não só pode, mas já está fazendo a diferença. Rousseff apresenta um “inquietante pano de fundo” (Rousseff, 2015) e propõe uma reflexão à comunidade internacional sobre os efeitos dessa crise.

Assim, os atos provocados por grupos terroristas são considerados “atos de barbárie” dos quais não se poderia ter complacência. Esses atos explicariam, em grande parte, a crise dos refugiados oriundos de “Estados nacionais desestruturados por ações militares ao arrepio do Direito Internacional” (Rousseff, 2015) que faz como vítimas “grande parte dos homens, mulheres e crianças que se aventuram nas águas do Mediterrâneo e erram penosamente nas estradas da Europa” (Rousseff, 2015).
Dilma evoca o caso do menino sírio Alan Kurdi, que foi encontrado morto na costa da Turquia, e a morte de 71 imigrantes em um caminhão na Áustria como elementos que provocam “profunda indignação” (Rousseff, 2015). Se neste caso a dimensão dramática parece ser uma tentativa de invocar sentimentos de comunidade nos seus interlocutores, naquele é uma tentativa de trazer à tona o sentimento de paternidade e maternidade.

No que se refere à crise econômica, durante seis anos o Brasil adotou medidas para conter a crise de 2008, mas “este esforço chegou agora no limite” (Rousseff, 2015). Como resposta à crise, dentre as novas iniciativas, o país propôs cortes “drástico” de despesas.

**Dimensão vernacular**


**Considerações Finais**

Ao considerar o espaço da fala como um espaço que pode ser utilizado para a apresentação e negociação de ideias e valores é possível verificar por meio das representações sociais o desenvolvimento de posicionamentos no cenário internacional. O uso da Teoria das Representações Sociais (Moscovici, 2015: 1978) permite a identificação e a classificação desses ideais e valores, juntamente com as aspirações brasileiras no plano internacional. Assim, a materialização de tais elementos ocorre por meio da objetivação e de ancoragem e se faz presente em discursos políticos, neste caso no Debate Geral da Assembleia das Nações Unidas.

Em 2011, o discurso de Dilma Rousseff no Debate Geral da 66ª Assembleia Geral das Nações Unidas centrou-se na valorização da mulher, na consolidação de uma imagem positiva do Brasil e no combate à crise econômica. Por outro lado, em 2015, durante a 70ª edição a questão da valorização da mulher passa à margem do discurso, que dá ênfase a outros elementos, como é o caso da crise dos refugiados e a conjuntura econômica.

Embora as mudanças verificadas no cenário político nacional sejam questionáveis e levantadas apenas como hipótese para a relativa ausência da questão de gênero, nota-se que, com base nas representações sociais, uma mulher em posição de liderança e destaque, personificada por Rousseff, pode vir a tornar-se familiar e trazer mudanças em médio e longo prazo.

Já o eixo econômico recebe atenção no discurso brasileiro, pois é um dos elementos que possibilita ao país posicionar-se como potência emergente. Há, contudo, uma redução na ênfase
entre 2015 e 2011. Isso ocorre, pois o Brasil passa de uma posição privilegiada de crescimento em 2011 para uma condição de enfrentamento direto aos efeitos da crise em 2015. Vale mencionar que o Brasil traz à baila as medidas tomadas pelo país e destaca, principalmente, sua maturidade com uma economia mais forte, sólida e resiliente. Ou seja, ainda que haja um impacto sobre o país, ele irá superar as dificuldades.

Essa perspectiva coaduna-se com a consolidação de uma imagem positiva do Brasil que, apesar de receber destaque no Debate Geral da AGNU, continua com necessidade de provar que merece maior reconhecimento no cenário internacional. Ao colocar-se como porta-voz regional, o país apresenta-se como uma nação em desenvolvimento, e até mesmo como uma potência regional, pois toma a frente em processos de desenvolvimento de paz e se coloca como modelo de democracia regional. Assim, ambas as dimensões propagandística e de cooperação amalgamam-se em direção a essa consolidação.

Por fim, não se pretende com este esgotar a análise do posicionamento brasileiro frente ao sistema internacional por meio dos discursos diplomáticos na Assembleia Geral das Nações Unidas em 2011 e 2015. Dessa forma, a fim de aprofundar o estudo sugerimos a análise dos cinco discursos de Rousseff na AGNU a fim de realizar uma comparação temporal abrangente do período em que Dilma Rousseff esteve no comando do governo do Brasil e também à maneira como a mulher é apresentada nesses discursos com base na tipologia proposta por Panke (2016).
Referências


Democratic development and corruption perception in Latin America during 2002-2014: A widespread setback

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Abstract

This paper explains the democratic development in Latin American states during the period of 2002-2014, in a context of corruption perception and conventions against corruption. Applying a statistical analysis of both Democratic Development Index of Latin America and Worldwide Governance Indicators “Control of Corruption”, it proposes three hypotheses to explain Latin American democracy in relation with indicators that measure corruption perception and conventions that fight it. The results rejected them as they show a widespread trend of setback in both sources and a weak correlation between their differences during the period analysed. Corruption perception neither corresponds with the advances of the Inter-American Convention Against Corruption, the United Nations Convention Against Corruption nor with some of the national anti-corruption policies in Latin American states. The corruption perception is best determined by structural variables like social welfare and institutional quality.

Keywords: Conventions against corruption, Corruption perception, Democratic development, Latin America
Introduction

Democracy and corruption as a matter of governance

Independently of the type of government, corruption exists. But the relationship between democracy and corruption is that the latter cannot exist without a high degree of democracy. Otherwise, it would be a flawed democracy or an autocracy. The approach of Mungiu-Pippidi (2016) helps us understand the link between both concepts, which considers two governance orders in a society. The first, when particularism rules with an institutional corruption; the second, when ethical universalism rules with an individual corruption. What differs one from the other is the allocation of public resources. In a modern democracy, the ethical universalism may be an ideal, because it tends to benefit all groups in regards to all levels of development.

Corruption may be considered a systemic problem in any region of the world due to its multiple causes and consequences. Lambsdorff identifies at least nine of its causes: “(…) the size of the public sector, the quality of regulation, the degree of economic competition, the structure of government, the amount of decentralization, the impact of culture, values and gender, and the role of invariant features such as geography and history” (2006: 4). Besides these consequences, there are other somewhat institutional and behaviourist ones. One could highlight, for instance, the negative impact in GDP and several economy sectors, the damage of confidence in institutions and deepening of the social inequalities (OECD, 2013).

In what concerns the democratic conception of corruption, Warren (2004) proposes one that covers not only the political power, as well as the public sphere. Under his view, democracy implies inclusion while corruption implies exclusion from collective decisions. Considering this finding, states with high democratic development that face corruption cases would develop better mechanisms to avoid that the society is affected.

In Latin America there is a tie between corruption levels and support of democracy; as well as satisfaction with a democratic regime, mainly due to its evident negative impact. Morales (2009) concludes that victimization by the corruption of citizens explains more their satisfaction with democracy, rather than their democracy support.

As Holmes and Piñeres (2006) propose, understanding the theoretical model of democratic development implies to go beyond a minimalist view to a comprehensive concept of democracy, focused on the assessment of its political, social and economic variables. Their model includes four categories: human capital, democratic health, democratic inclusiveness and economic and political security. However, a limitation of that model is that it lacks an aggregate indicator with an international scope about the degree of democratic development in the states.
Though Holmes (2015) collects data for a sample of Latin American states during the period 2010-2013, the four dimensions are not aggregated to an index, like, for example, the Democratic Development Index of Latin America (Índice de Desarrollo Democrático en Latinoamérica, IDD-LAT by its acronym in Spanish).

**Democratic development**

Nowadays the region faces several challenges to improve its democratic development. In this regard, the Democracy Index 2014 concludes that the rampant crime, particularly the violence and drug-trafficking as well as the corruption, have had the most negative impact on democracy development. Since its first publication in 2006, the overall score for the region has remained stagnant, ranging between flawed democracies and hybrid regimes (EIU, 2015).

Within the crisis of the democracy debate, the post third-wave of democratization in Latin America has been discussed. Mainwaring and Perez-Liñan (2015) concluded that the problem is not a stagnation of the 20 Latin American states evaluated in the Freedom House Index, but rather their persistent low quality of democracy. This explains that between the period of 2002-2013 the average difference in scores of the states was -0.8%, and the region score decreased from 66.5 to 66.1 (115-123). As such, the achieved advances have not been constant, but instead they have passed through a cycle of advances, setbacks and stagnation.

Besides the approaches regarding the quality of democracy, there are also studies of the region related to the political situation in Latin American states and the major challenges that they face. A report elaborated by the International Institute for Democracy and Electoral Assistance (IDEA, 2014) identifies a contrasted scenario marked by the economic inequality and an uneven quality of democracy caused by insecurity and institutional weakness. As the half-empty glass metaphor, the region combines high support but low satisfaction with democracy by citizens.

In addition, low confidence in public institutions and high corruption perception of political parties are a latent problem. Another study, by the Latin American Public Opinion Project (LAPOP, 2014), concludes that insecurity remains the second most important problem before the economy. As to those surveyed who perceived corruption in public sector, the mean remains between 70% and 73% since 2004. The citizen justice increased from 28.9% in 2012 to 32% in 2014. About this problem, Zizumbo-Colunga (2015) identifies that it is mainly related to the victimization by police corruption ($r = .436$) and crime ($r = .479$).
Corruption as a problem

In Latin America, there are significant efforts towards fighting corruption. In our analysis, we rely on two important hemispheric legal instruments. The first with a regional scope is the Inter-American Convention Against Corruption (IACAC), signed in Venezuela (1996). The second with an international scope is the United Nations Convention Against Corruption (UNCAC) signed in Mexico (2004). Both have their own institutions for implementation: the IACAC has the Mechanism for Follow-Up on the Implementation of the Inter-American Convention against Corruption (Mechanismo de Seguimiento de la Implementación de la Convención Interamericana contra la Corrupción, MESICIC by its acronym in Spanish) and the UNCAC has the Conference of States Part (COSP).

Ratified by 34-member states of the Organization of American States (OAS, 1996), the IACAC is the first regional convention and is positioned as the second one being ratified by most member states, only below the Inter-American Democratic Charter of 1948 with 35 members. It was until 2004, at the First Meeting of the Conference of States Parties of IACAC, that the MESICIC was created with the aim of implementing the convention and offering technical assistance. A relevant point is that the MESICIC operates under principles of respect of national sovereignty, non-intervention and the juridical equality of states. The organization of meetings by rounds to make hemispheric and state reports is the responsibility of the Committee of Experts (OAS, 2004).

The most recent hemispheric report of MESICIC (2015) from the Fourth Round of Analysis shows relevant advances. It summarizes 1137 actions grouped in the enforcement of laws and legal provisions, training and awareness raising, institutional strengthening, international cooperation and use of technological systems. Some of the main recommendations made by MESICIC to the states were: to prepare statistical data on results obtained in anti-corruption struggle, and ensure human and capital resources for their operations.

The UNCAC, ratified by 140 states, has been the first and the only international convention in the matter promoted by United Nations through the United Nations Office on Drugs and Crime (UNODC). It was created at the request of the General Assembly in 2000, with the aim of having a multilateral treaty which conceptualizes the corruption inside the public and private sector. As to the COSP, it was created under the article 63 to follow-up the implementation of UNCAC in an annual meeting. Since 2006, it has held five sessions, and was in the third, in 2009, when it created the Mechanism for the Review of Implementation of the UNCAC as a tool to assist the governments and assess policies (UNODC, 2009). The states that have submitted their report, assess through an evidence-based approach how they will
match their legislation to the four components of the convention: prevention, criminalization, international cooperation, and asset recovery. 16 out of 23 Latin American states\(^9\) have presented their self-assessment report which highlights their best practices and their own limitations to implement it.

The information generated from the MESICIC and the COSP highlights more the advances than the setbacks of the implementation of both conventions by the member states. Both are transitioning toward non-ranking assessment methods that go beyond the perception. Their functions are the half part of an integral anticorruption system regarding assessment, technical assistance and recommendations. The other half part of the system is the government’s responsibilities in regards to prevention, complaint, investigation, penalty and compensation for damages.

**Method**

**Research question and hypothesis**

Based on the relationship between democracy and corruption, we propose here the following research question: *How to explain the Latin American democratic development in a context of indicators of corruption perception and conventions against corruption?* In order to give a provisional response, we expect to confirm three hypotheses. H\(^1\): During the period of 2002-2014, most LA states became more democratic while displaying less corruption perception. H\(^2\): The difference in score among the democratic development and the corruption perception during 2002-2014 remained in constant increase\(^10\); and H\(^3\): When disaggregated the democratic development variable, the dimension with more political variables explains more the corruption perception than the other ones.

**Democratic development indicators**

To know the degree of democratic development in the region, there are several yearly aggregated indicators. The first is Freedom in the World, created by Freedom House, which since 1972 has annually measured the political rights and civil liberties of 195 states. It assigns two scores from 1 to 7, where 1 represents the freest and 7 the least free; along with an overall score for the freedom in the state. The second is IDD-LAT, created yearly by the Konrad Adenauer Stiftung and the Polilat foundations, which measures a comprehensive approach of democracy through 33 indicators from 18 Latin American states. It provides a score from 0 to 10,000 for each of them in four dimensions. The third is Democracy Index, which measures a

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\(^9\) Costa Rica, Ecuador, Guatemala, Haiti, Honduras, Puerto Rico and Venezuela had not done.

\(^10\) Methodologically it means that the higher the score, the lower the corruption.
procedural and substantive conception of democracy in 165 states. It is composed by 60 indicators, grouped in five categories: Electoral process and pluralism; functioning of government; political participation; political culture; and civil liberties. It assigns an overall score for each state from 0 to 10, and also a rank where it locates them among full democracies, flawed democracies; hybrid regimes; and authoritarian regimes (IDEA, 2014).

The most rigorous in theory, updated and robust in methodology may be the IDD-LAT. Its 33 indicators are clustered in four dimensions: political rights and civil liberties; institutional quality and political efficiency; social welfare; and economic efficiency. The sample of 18 states meets the base criteria for considering them democratic (free elections, universal suffrage and full participation). Thus, it excludes Cuba, Jamaica, Haiti, Puerto Rico and Trinidad and Tobago. A special criterion for its data collection is that the sources are available for public and officially validated. Table 2 shows the IDD-LAT scores for each state by year and the difference during the period of 2002-2014.

Corruption perception indicators

It was until the final years of the 20th century when methodologically robust indicators were created to measure the perception of corruption. Among those which remain in force with an international scope are the Corruption Perception Index (CPI), resulting from the combination of expert surveys; and the Corruption Barometer, composed only from one public questionnaire about perception and experience with public corruption, both made by Transparency International. Aside from these, the Worldwide Governance Indicators “Control of corruption” (WGI-CC, 2015) made by the World Bank, is an index that measures the perceived corruption both on public and private sector. In addition to those, there are some others with a regional scope that include at least one item about corruption perception in their method: such as Latinobarómetro, the Americas Barometer and the Rule of Law Index.

Although the Corruption Barometer could be analysed as an indicator of corruption perception of the non-expert public, it is omitted due to its two methodological limitations. The first is that it covers a period from 2003 to 2013, two years less compared with the WGI. The second is its data, which lacks an overall score for each state for a group of questions. The CPI is also omitted because it is not possible to compare across time the scores before 2012. According with Stephenson (2015), the improving or worsening in the states’ scores over a period depends on the significance of its overall mean. Despite this, the WGI-CC represent a better option to make a cross-time and cross-country comparison of the scores for Latin America. It is composed of six dimensions which aggregate among 5 and 17 representative sources. The ‘Control of corruption’ dimension measures the extent to which public power is
exercised for private gain, including both petty and grand forms of corruption, as well as ‘capture’ of the state by elites and private interests (Worldwide Governance Indicators, 2015). It has a sample of 215 states and a yearly periodicity from 1996 to 2014\textsuperscript{11}. Its strong internal consistency lies in the standardization of the sources in a range of -2.5 to 2.5, where the higher score implies less corruption perception and vice versa. In this way, it is possible to assess the degree of corruption perceived among a group of experts, citizens, and entrepreneurs, selected in the region of Latin America.

According to the percentile rank for WGI-CC (2014), the seven regions’ mean were positioned as follows, North America, 90%; Europe and Central Asia, 64%; East Asia and Pacific, 57%; Latin America and Caribbean, 52%; Middle East and North Africa, 44%; South Asia, 39%; and Sub-Saharan Africa, 30%. For Latin America and Caribbean composed of 22 states, the scores for the period 2002-2014 are presented in table 1 (in the appendix).

Once the variables of democratic development and corruption perception during the period have separately been described, it is necessary to know how they are correlated by state. This will enable to understand if the first hypothesis is confirmed or rejected, i.e. that while the states were more democratic, less corruption perception they had. For this, a Pearson product-moment correlation coefficient is applied between the scores of IDD-LAT and WGI-CC in 2014. In the appendix, table 3 shows the coefficients of the model.

For the third hypothesis, to know what is the coefficient of determination that may exist among the WGI-CC 2014 as the dependent variable, and the IDD-LAT 2014 as the independent variable, a simple linear regression is applied. For the latter, data are taken from the four dimensions of the 18 states of IDD-LAT 2014. This method allows creating models for a significant dimension that may explain a percentage of the corruption perception. Table 4 (in the appendix) shows the coefficients for each model. Although the five dimensions of the Economist Intelligence Unit Democracy Index could be studied to give external consistency, they were omitted due to their emphatic political approach of democracy, and their data periodicity, only available since 2006.

Results and discussion

In regards to table 1, it is evident that the region has worsened in the WGI-CC score on average -0.09 between 2002 and 2014. The mean of each state may be interpreted as a widespread setback. Eight states (Uruguay, Haiti, El Salvador, Bolivia, Paraguay, Ecuador, Honduras and Costa Rica) improved, although the last three not significantly. The 14 remaining

\textsuperscript{11} However, 2001 is not available because only from 2002 the data were updated yearly.
(Puerto Rico, Cuba, Brazil, Peru, Mexico, Dominican Republic, Nicaragua, Venezuela, Colombia, Panama, Argentina and Chile) worsened, although the last four not significantly. As for the yearly mean, it is evident that 2011 represents the best score (-0.23), but it is in 2012 when it increases and represents the worst in 2014 (-0.37) over the period. The recent corruption cases in some states may explain it, despite the advances of each member state on meeting the commitments of the IACAC and UNCAC since 1997 and 2005 respectively.

To know if the mean of overall states (-0.27) is significantly greater, a left tailed hypothesis test is applied. The model is similar to the one applied by Stephenson (2015) to test the CPI’ validity. Given the sample of 13 years, a significance level .05, and a standard deviation of 0.17, the critical value of \(z\) is 1.782. Considering the absolute value of the mean of 0.27, the \(t\)-value is -5.62. Because -5.62 is lower than 1.782, the first null hypothesis is rejected. Therefore, an alternative hypothesis is taken as valid. Indeed, there is a significant setback of -0.27 in the corruption perception of Latin American states.

As table 2 (in the appendix) shows, it is evident that the yearly mean of IDD-LAT scores has decreased since 2009 with a difference’ mean in the period of -473. Besides, the mean of states remains in a low democratic development degree, with 4,930 because 11 of 20 countries are in the low-minimum range. These data enable to confirm that there is a widespread setback in regards to the advances and setbacks during the period analysed.

There are two findings in table 3. There is a strong positive correlation between IDD-LAT 2014 and WGI-CC 2014 scores (\(r= .827**\)). Related to the second hypothesis, there is a weak positive correlation (\(r= -.196\) NS) between differences in both indicators. It implies that when a state achieves a developed democracy, less corruption will be perceived due to the effectiveness of institutions in making the political power benefits available to the public. It also means that the difference’ mean in democratic development (-473) in relation to corruption perception (-0.09) and vice versa, changed negatively in the states.

It is evident that a widespread setback in the corruption perception does not necessarily have a heavy impact in its fight, considering that the documents provided by both the MESICIC and the COSP show several advances between 2004 and 2009, respectively. It is probably the experts’ perception that does not exactly correspond to the national or international anti-corruption policies established by the conventions (they could be reflected in a mid-term period, not in a year). Indeed, as Johnston states (2005), a limitation of the CPI\textsuperscript{12} is not only the difficulty to measure the impact of anti-corruption policies on the perception, but also the opinion of the surveyed experts on the spreading of corruption cases at that moment. The anticorruption legal

\textsuperscript{12} As well as of the other corruption perception indicators.
reforms present methodological challenges in measuring their direct impact on corruption levels, and the comparative impact of their type of intervention (Chêne, 2015). Despite this, there are successful experiences/lessons on specific legal and institutional conditions.

In regards to the linear regression, table 4 (in the appendix) shows two models of dimensions of IDD-LAT that explain the corruption perception. The first is Institutional Quality and Political Efficiency ($r^2 = .656; \beta = .710$) related to corruption perception\(^{13}\), political parties in the legislature, accountability and democracy instability. The second is Institutional Quality, Political Efficiency, and Social Welfare ($r^2 = .778; \beta = .712; .363$). This model is related also to urban unemployment, household under the poverty line, education performance and health. Agreeing with the second hypothesis, the political dimension along with social variables explains more effectively the corruption perception. Largely viewed as a public problem, which occurs within the government, the cases of corruption can be determined mainly by structural variables of the dimensions already described. It is important to point out that advances in both conventions against corruption and national anticorruption policies are not considered as variables in any dimension; and probably the qualitative advances of each state are not measured with an indicator.

Once rejected the three hypotheses based on statistical models, it is necessary to understand in depth the democratic setback in Latin American states by resorting to an analytic approach. With the purpose to identify the circumstances in which the struggle against corruption is present, a sample of Latin American states was selected to be analysed. The criteria for selecting them were three: To be members of the IACAC and the UNCAC; experiencing at least one case of corruption at the national level in the past two years; and, having experienced a national strategy to fight this problem. In alphabetic order, the states selected were Brazil, Chile, Guatemala, Honduras, and Mexico. Even if the states of Haiti, Venezuela or Paraguay have a higher corruption perception in WGI CC, they were not selected because they have not experienced a massive case of corruption (at the national level), but, instead, an institutionalized and deep-rooted corruption scheme.

**The cases of corruption in Brazil, Chile, Guatemala, Honduras and Mexico**

A common feature of these states is their different scores of both IDD-LAT 2014 with 4,197; 8,523; 876; and 5,019; and WGI-CC 2014 with -0.38; 1.48; -0.70; and -0.73 respectively. Their governments recently have faced alleged or proven accusations of corruption.

\(^{13}\) The source of this indicator is the CPI for 2013. It does not represent collinearity because it is not included as a source in the WGI-CC.
Operação Lava Jato in Brazil (Operation Car Wash in English), involved public servants of the state-owned oil company Petrobras and construction companies in a bribery pay net in exchange for contracts. Since March 2014 hereof, the consequence has been an investigation led by the Federal Police and the Comptroller General, which have produced criminal sentences (MPF, 2016). The internal investigation of corruption cases is led by the Public Prosecutor's Office, which has not concluded the case that involves the former President Luís Inácio Lula da Silva (the suspended President), Dilma Rousseff and other high-ranking officials.

The cases Penta and Caval in Chile, are relevant because they involve dozens of businessman and politicians in a list of crimes. As Flores (2015) describes them, the first was a kind of fiscal fraud through the Penta Bank with the issuing of false invoices by non-existent services to politicians, with the purpose of paying less taxes and to finance campaigns during the electoral process of 2013. The second involved the President Michelle Bachelet’s son, Sebastián Dávalos and his wife, who were engaged to a business of property speculation through their personal company. In that scenario, they would have benefited from their influence to obtain a credit from the Central Bank of Chile to buy land. The Investigations Police and the Public Prosecutor's Office have led both cases until their final consequences not only during the former government of Sebastián Piñera, but also in the current one. As to the first, culprits have been sentenced to house arrest, some politicians have resigned, and the Penta Bank was sold. Besides, Dávalos resigned. President Michelle Bachelet reacted with the signing of a Presidential Instructive about Declaration of Assets and interests and creating the Presidential Advisory Council Against Conflicts of Interest, Influence Peddling and Corruption (2015). Its main job was organizing a public consultation to propose actions in the matter. According to the Final Inform, there were around 236 proposals grouped in five areas: corruption prevention; conflict of interest regulation; electoral financing; market confidence; and integrity, ethics and civil rights.

In Guatemala, the case of fraud in tax and customs administration operated by La línea has been the most relevant. It was proved the participation of high-ranking officials, included the former President Otto Perez Molina. Unlike the other states, this was investigated by the Public Prosecutor's Office of Guatemala along with the International Commission Against Impunity in Guatemala14, a temporary United Nations organism created at the request of the Guatemalan government in 2007 to investigate violence and corruption cases between public and private sector (CICIG, 2016). The CICIG provides an example of how a low democratic development of a state can block the struggle against corruption, forcing it to ask for

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14 Comisión Internacional Contra la Impunidad en Guatemala, CICIG by its acronym in Spanish.
international support. Its achievements have been possible due to its non-vinculation with the national interest groups, which brings it more autonomy to make decisions. Another reaction to the cases of corruption has been the national dialogues for the judiciary reform in Guatemala, whose aim is to strengthen the domestic institutions.

In response to the case of illicit finance campaign with funds of the social security institute, during the 2013 elections, that involved Honduras’ President Juan Orlando Hernández and his party, the Honduran government, opposition and civil society, agreed to ask for the support of OAS. In January 2016 was created the Mission to Support the Fight Against Corruption and Impunity in Honduras, to investigate corruption networks and impunity cases, and strengthen domestic institutions. Alike CICIG, MACCIH aims to collaborate with the Honduran government by providing advice on judiciary and public security reforms. Though it has not produced criminal sentences yet, it proposed an electoral reform to cover legal loopholes. A key role of the civil society and universities will be to spread the judiciary system functions through an observatory (OAS, 2016).

The case in Mexico implied a potential conflict of interest between the President Enrique Peña Nieto, his wife and the Ministry of Finance and Public Credit. In response to that, the President appointed the Ministry of Secretary of Public Administration, a federal institution focused on internal control. At the same time, he received the President’s order to investigate the case. Though the results concluded that there was not any crime (SFP, 2015), it left doubts among the public opinion. Another response to that case and to the systemic problem of corruption was an anticorruption reform, created by the Congress of the Union (DOF, 2016) with the support of a coalition of civil society organizations. It contained the design of a National Anti-Corruption System with stronger capacities to prevent, investigate and punish corruption crimes in all government levels in a coordinated way, including citizen participation, private sector sanctions and a better audit model of public resources. A key norm led by the civil society was the Ley 3 de 3, a new legal framework of public servant’s responsibilities that aims to reduce the impunity (another problem associated with the corruption in Mexico). In fact, the Global Impunity Index ranks the state as the second in the world where the law does not produce enough punishments to the crime (IGI, 2015).

Once presented the cases related to the states selected, we will now add more details about them. In Brazil, a political and economic crisis put at risk the democratic advances in the medium term. Chile has held the first rank in the IDD-LAT and the WGI-CC among the Latin

15 Misión de Apoyo Contra la Corrupción y la Impunidad en Honduras MACCIH, by its acronym in Spanish.
16 Índice Global de Impunidad, IGI by its acronym in Spanish.
American states. Though corruption is not a systemic problem in this state, the Chilean government reacted seriously to the cases. Probably that is why Mungiu-Pippidi (2016) considers it as one of the contemporary Latin American achievers (along with Costa Rica and Uruguay) in the transition from particularism to ethical universalism. The results of the Guatemalan model against impunity and corruption represent an example that can be exported to other states with similar contexts: Venezuela or Peru, with low democratic development and high corruption perception. Honduras provides evidence that it is possible to create an international body to fight corruption and impunity with the support of OAS. However, its efforts will not be sufficient without strengthening domestic institutions through reforms. In regards to Mexico, its reform have the potential of creating a new typology of anticorruption policies, coordinating national and local institutions of the tree branches of government and civil society.

In sum, the impact of corruption cases tends to oscillate depending on how the government reacts, not only with anti-corruption policies but also with democratic tools. In regards to IDD-LAT and WGI-CC during 2002 and 2014, as tables 1 and 2 show, Brazil worsened -0.39 and improved 265; Chile worsened -0.08 and -234; Mexico worsened -0.53 and -1321; and Guatemala worsened -0.20 and -3116.

Conclusions

The key finding of this research is that the three hypotheses proposed are temporary rejected, until other hypotheses contradict them. Probably based on another method they may be confirmed. It was evident the relationship among democratic states with less corruption perception and more effective policies against it. Chile is an example.

On average, Latin America has had a setback in democratic development and corruption perception during the period 2002-2014. Through a representative sample of Latin American states we could show their own advance or stagnation in both indexes. The difference among the scores in both indicators during the period of 2002-2014 were not correlated. At least to the Latin American region, the advances of both UNCAC and IACAC, besides to the states’ policies in the matter, are not necessarily reflected in corruption perception among experts.

These conclusions can be useful to further research on a setback in both variables. What contribution could be applied in the decision-making? First, in cases of high-level corruption, the reactions require a systemic fight accompanied not only by policies but also by mechanisms of assessment on how effective they are. Both the perception and empirical evidence are key data sources to compare what has been successful.
References


Appendix\textsuperscript{17}

Table 1. Worldwide Governance Indicators Control of Corruption for Latin American states 2002-2014

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\textsuperscript{17} SPSS data available for download at https://goo.gl/J6Rhhn.

\textsuperscript{18} The states' names are abbreviated according to the ISO 3166-1 alpha-3 code.
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<td>6,490</td>
<td>5,455</td>
<td>4,925</td>
<td>5,373</td>
<td>5,098</td>
<td>5,019</td>
<td>5,738</td>
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<tr>
<td>PAN</td>
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<td>8,028</td>
<td>6,914</td>
<td>6,918</td>
<td>6,452</td>
<td>6,503</td>
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<td>5,142</td>
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<td>6,495</td>
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</tr>
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<td>3,214</td>
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<td>10,000</td>
<td>9,204</td>
<td>0</td>
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<tr>
<td>VEN</td>
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<td>2,811</td>
<td>1,552</td>
<td>2,581</td>
<td>2,720</td>
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<td>2,418</td>
<td>2,702</td>
<td>2,406</td>
<td>2,689</td>
<td>163</td>
</tr>
</tbody>
</table>

| Mean per year | 5,101 | 5,158 | 4,647 | 4,818 | 5,019 | 5,100 | 5,162 | 5,238 | 4,934 | 4,622 | 4,975 | 4,913 | 4,602 | 4,930 | -473 |

Table 3. Pearson product-moment correlation coefficient between IDD-LAT and WGI-CC for 2014 and its differences during the period of 2002-2014

<table>
<thead>
<tr>
<th></th>
<th>r</th>
<th>Sig. (unilateral)</th>
<th>N</th>
</tr>
</thead>
<tbody>
<tr>
<td>IDD-LAT 2014 – WGI-CC 2014</td>
<td>.827**</td>
<td>0</td>
<td>18</td>
</tr>
</tbody>
</table>

Note: The r coefficients are significant at **p<.01 unilateral; NS: not significant.

Table 4. Model summary of linear regression between the four dimensions of IDD-LAT 2014 (independent) and WGI-CC 2014 (dependent).

<table>
<thead>
<tr>
<th>Model</th>
<th>r</th>
<th>r²</th>
<th>Beta</th>
<th>Adjusted r²</th>
<th>Std. Error of the Estimate</th>
<th>Method</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 (Institutional Quality)</td>
<td>0.810</td>
<td>0.656</td>
<td>.710</td>
<td>.634</td>
<td>.4691</td>
<td>Foreward</td>
</tr>
<tr>
<td>2 (Institutional Quality and Social Welfare)</td>
<td>0.882</td>
<td>0.778</td>
<td>.712</td>
<td>.748</td>
<td>.3892</td>
<td></td>
</tr>
</tbody>
</table>

Authoritarian Legacies in Guatemala's Democracy Environmental rights defenders: the new threat to national security?

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Abstract

This paper aims at understanding the nature of the obstacles hindering environmental rights defenders’ political participation against mining companies in Guatemala. Through a case study of the social movement against the El Escobal mine, this paper highlights the continuity of past authoritarian practices against environmental rights defenders in the regions of Santa Rosa and Jalapa. These strategies, inspired by the National Security Doctrine, are still applied under old and new political institutions. These arguments are confirmed by the data collected through semi-structured interviews and secondary sources on this issue.

Keywords: Authoritarian legacies, Foreign direct investment, Guatemala, Human rights, Political participation
Introduction

This paper begins with a concern raised by human rights organizations about the hostile environment in which human rights defenders work. UDEFEGUA (2013: 4), a Guatemalan human rights organization, published in the introduction of its annual report that

[...] breaking the taboo is our theme for the year 2013. Why? Because 2012 has been characterised as the period during which the dynamics of stigmatization and defamation has reached the same levels as during the internal armed conflict.

This hostile environment against human rights defenders in the country thus seems to be caused by state practices similar to those used by military dictatorships, but this time against segments of the population defending their rights and advocating for a different model of development (Frontline, 2006; HRW, 2015; Oxfam, 2015).

Guatemala’s democratic transition in 1986 with the election of a civilian government has not constituted the critical juncture many hoped for (Haggard and Kaufman 1995). Ten years later, the Guatemalan democratic government and the guerrilla movement signed the Peace Accords, but the loss of the referendum on the implementation of the Peace Accords in 1999 meant the continuity of past practices and the absence of any structural change (Jonas 1991). Furthermore, instead of pursuing a model of development focused on the inclusion of the marginalized populations, the government of Alvaro Arzú, a representative of the modernizing segment of the nation’s business elite, implemented a neoliberal program to attract foreign direct investment (FDI) in the country, especially in the extractive (mining) sector (Ruhl, 2004). These policies continued to be implemented in the following decade. In 2005, a social movement emerged in the North of Guatemala to protest against the activities of the Marlin mine (CORDAID, 2009). Ten years later, the social movement against mining companies has spread around the country. However, as this research will show, the environmental rights defenders have faced many obstacles while protesting in the public sphere.

This concern about the situation of human rights defenders and the quality of political participation in Guatemala has led to the formulation of the following research questions: what are the causes of the obstacles to environmental rights’ political participation? Research intuitions have been formulated at the beginning stage of the investigation. These intuitions stated the presence of authoritarian legacies in the Guatemalan state’s practices towards environmental rights defenders, visible through the discourse linking human rights defenders to

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19 Especially socio-economic and environmental rights defenders opposed to extractive industries.
national security threats; the frequent use of violence; and the presence of many ex-military in the government. During the process of data collection, the research intuitions were nuanced and the following hypotheses were stated. The first hypothesis concerns the presence of authoritarian practices that take place under institutions inherited from the past regime. These practices hinder participation through the militarization and securitisation of the regions where social movements are active in the application of the Ley de Orden Público20 and through the presence of military bases. The second hypothesis concerns the presence of authoritarian practices under new institutions, such as the Inter-Institutional Group of Mining Affairs. For the purposes of this paper, I will focus solely on a case study of the social movement against the Escobal mine in the regions of Santa Rosa and Jalapa given the importance of mining activity in the region and the availability of data.

This paper starts with a brief literature review to emphasize the lack of studies on the impact of authoritarian legacies on political participation, and the focus on hegemonic structures in the literature on participation in Guatemala. Afterwards, I will present the analytical framework which is based on two theoretical debates. The first debate focuses on the nature of political regimes, which helps to define the independent variable of this study. In turn, the second theoretical debate addresses the nature of democracy and the role of participation in a democratic society. Later, I will explain the methodology used to collect and analyse the data with sections on the research questions and hypothesis, the indicators, as well as the methods of data collection and analysis. Then, I will get to the heart of this paper with the analysis of the effects of the presence of authoritarian legacies on the Guatemalan environmental rights defenders' participation.

**Literature Review**

Since the 'third wave of democratization' in Latin America and Southern Europe, scholars have been increasingly interested in the study of authoritarian legacies in representative institutions (Garretón, 1989). A part of this literature focuses on the impact of laws inherited from the authoritarian regime on the power of non-elected actors, the structure of the electoral system and the government responsiveness (Códova Macías and Ramos, 2012; Garretón and Garretón, 2010; Marques-Pereira, 2005). For example, Garretón and Garretón (2010) identify various forms of authoritarian enclaves in Chile's democracy, including the nature of the

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20 The Ley de Orden Público (Law of Public Order) was adopted in 1965 in the context of the Cold War and the internal armed conflict between the guerrillas and the Guatemalan military dictatorship (Saenz, 2006). This law is an emergency provision that applies in exceptional circumstances in which the territorial integrity and the security of the state is at stake (CENADOJ, n.d.).
electoral system, the inclusion of very high quorums for constitutional reforms in the Constitution and the process of nomination to the Senate. These authoritarian enclaves are the result of the pact concluded between the political elites during Chile's democratic transition to ensure their interests.

Other studies look at authoritarian legacies through the behavior of state actors in the realm of national security (Drouin, 2012; Epe and Kepfer, 2014; Picard, 2008). According to Picard (2008), this type of authoritarian legacy is visible through the presence of former officers in the political administration and the current discourse around 'stability' over democracy. This discourse participates in the construction and stigmatization of a ‘public enemy’ and leads to the imposition of states of emergency, selective repression and the exclusion of certain groups. However, this body of literature does not address the presence of authoritarian legacies in the public sphere nor does it look at authoritarian practices under new institutions.

In recent years, several studies conducted in the field of political participation in Guatemala have been inspired by a structuralist approach. Bastos and De León's (2014) comparative study of three social movements in Guatemala are based on the Marxist notion of the "model of accumulation by dispossession" (Bastos and De León's, 2014: 17). According to the authors, this capitalist system enables Guatemala's political and economic elites to reproduce the model of domination with the enactment of legislations in favour of their interests and the absence of political attention to the opponents' claims due to a racist ideology (Bastos and De León's 2014: 132-134). In her studies of social movements in Guatemala, Yagenova highlights the hegemonic nature of the state and its propensity to use violence against the population to maintain its power as the main obstacles to political participation (Yagenova, 2012; Yagenova, 2010a; Yagenova, 2010b).

Although these studies describe various practices used by several governmental and non-governmental actors against social movements in a democratic regime, they tend to leave agency aside. They also do not address the authoritarian nature and origin of these practices. The present research aims to fill these gaps in the literature. On the theoretical level, this research will put agency back in the analysis of the practices hindering environmental rights defender's participation with Amartya Sen's notion of capabilities. The analytical framework is inspired by two major theoretical debates on political regimes. The first debate is on authoritarianism in democracy, while the second debate concerns the nature of democracy and the role of participation in a democratic society. These two theoretical discussions, in addition to an historical perspective, will help us understand the effects of authoritarian legacies on environmental rights defenders' participation in the public space.
This research will examine the case of a specific movement of environmental rights defence, as well as the case of the social movement opposed to the presence of mining companies in their territory. It will also examine the impact of various state practices on the activists’ sense of security.

**Theoretical Framework**

**Authoritarianism in a Democratic Society**

The literature on authoritarianism in democracy was developed in late 1980s with Manuel Antonio Garretón’s typology around three types of authoritarian enclaves: institutions, actors and symbols (Garretón, 1989). This typology has since been adapted by Dabène, Massardier and Geisser (2008) in their conceptualization of ‘authoritarian enclaves’, and by Hite and Cesarini (2004) in their analysis of 'authoritarian legacies' in Latin America and Southern Europe.

This literature has challenged the traditional dichotomy on political regimes, according to which each political system is a homogeneous and mutually exclusive category to see political regimes based on similarities or convergences as "a juxtaposition of political arenas that operate under different logic and time frames" (Dabène, Massardier and Geisser, 2008: 97).

The notion of authoritarian legacy, developed by Cesarini and Hite (2004: 4), is defined as

the rules, procedures, standards, patterns, practices, arrangements, relationships and memories from authoritarian experiences clearly defined in the past which, as the result of specific historical configurations and/or political struggles, survived the transition to democracy and intervene in the quality and practice of post-authoritarian democracies.

It is among Cesarini and Hite’s examples of authoritarian legacies that the concept of ‘practice’ was chosen for this study, which refers to the actions emanating from actors’ behavior. For the purposes of this work, the focus will be on practices that hinder environmental rights defenders' security. The definition of security chosen for this research goes beyond the conception of security as the absence of physical threat. It is inspired by a constructivist approach to security borrowed from the school of Critical Security Studies, in which security is linked to emancipation and to its interpretation and representation by the actors (Booth, 1991). Also, in order to understand the nature of these legacies, this study will use an historical perspective (Thelen, 1999).
Authoritarianism in a Democracy...But Which Form of Democracy?

The nature of democracy is that of the great theoretical debates that have marked and continue to mark the field of comparative politics. Without getting into the details of the debates around the nature of democracy, it is important to briefly present them given their omnipresence in the literature and especially in the literature on authoritarian legacies and enclaves in a democratic regime. Democratic theory can be divided into two major approaches. The first procedural approach defines democracy on a procedural basis as the political regime in which fair and free elections are held. The substantive approach of democracy does not limit the definition of democracy to the holding of fair and free elections, but also includes the relationship between the state and the society during the exercise of power (Held, 2006). The participatory democracy theory, which forms our analytical framework, looks at the substantial elements of democracy, such as public participation. In this perspective, participation is a key democratic practice enabling citizens to question the status quo and the legitimacy of the regime (Lamoureux, 2013). Participation is not restricted as it is in the case of a procedural view of democracy as the right to vote, but also includes other non-conventional forms of intervention, such as protests and boycotts.

The participatory democracy theory appears as the most relevant theory from a theoretical, practical and 'emic' perspective. According to this perspective, civil society is defined as a place where individuals and groups can express their interests and/or claims, build social capital, as well as promote tolerance and compromise and thus offer an environment conducive to encourage political participation (Fioramonti and Kononykhina, 2015). It is through Amartya Sen's concept of capabilities that participation and the enabling environment for civil society are represented as a set of conditions that influence the ability of citizens to participate in the civil society (Fioramonti and Kononykhina, 2014).

Through these conceptual lenses, it will be possible to look at the underlying conditions in the socio-cultural, socio-economic and governance environments that influence participation. The governance environment, which includes individual and collective capabilities for engagement, provides a useful perspective to see the space for the participation of the territorial defenders and the role of political actors and institutions (Fioramonti and Kononykhina, 2014).

Methodology

In this section, I will discuss the methodological implications of the theoretical debates discussed in the previous section. In the first part, I will present the general and specific research questions followed by the hypothesis. The selected indicators will be detailed in the second part of this section. I will then conclude the discussion of the methodological aspects with a section
on the methods of data collection and analysis.

**Research Questions and Hypothesis**

As stated in the introduction, this study aims to answer the following question:

1. What are the causes of the obstacles to environmental rights' political participation?

This general question underlies the two following specific questions:

i. What is the origin of these practices?

ii. Who are the actors and which institutions are bind to the practices hindering environmental rights defenders' participation?

To answer these research questions, I suggest the following hypothesis:

1. The presence of authoritarian practices under old institutions is visible through the militarization of territory and intrusions into residences under the *Ley de Orden Público* (Public Order Law);

2. The existence of authoritarian practices under new institutions is visible through the militarization with the practices deployed under the new Inter-Institutional Group of Mining Affairs.

**Presentation of the Indicators**

The selected research instruments come from the theory of participatory democracy presented in the previous section. These indicators are based on Fioramonti and Kononyknina's (2015) conceptualization of the civil society's "enabling environment", a concept inspired by Amartya Sen's notion of capabilities. In this study, I will focus on one of the three dimensions of the "enabling environment": the "governance environment". It includes the following nine sub-dimensions: the infrastructure of civil society, political dialogue, corruption, political rights and freedoms, freedom of association, rule of law, personal rights (civil liberties), the legal context of NGOs and media freedoms. The sub-dimensions and indicators of the governance environment chosen within this research are:

1. Civil liberties:
   1.1 Rights to life, to physical integrity and security of person;
   1.2 Freedom of movement

As stated in the previous section, these dimensions will be analysed through a constructivist conception of security influenced by the Critical Security Studies. An historical perspective (Thelen, 1999) will determine the origin of the obstacles on the three indicators

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21 The two other dimensions are related to the socio-economic and socio-cultural aspects and thus, do not focus on the role of the Guatemalan state.

22 These dimensions were chosen because of their link with environmental rights defenders' security.
Methods of Data Collection and Analysis

Several data collection methods have been used with the aim of gathering the most reliable and valid data. Data collection was structured into two moments: The first part of the data collection was carried out during the second half of 2014 with secondary data on authoritarianism in Guatemala, the mechanisms employed by the dictatorships, as well as the situation of participation, human rights work and democracy in Guatemala. The second period of data collection was carried out in 2015 with an ethnographic work in Guatemala and a combination of semi-structured interviews and participatory observation.

Semi-structured interviews were conducted with organizations working with environmental rights defenders in the country (CALAS, Comité por la Defensa de la Vida, Madre Selva, Consejos Comunitarios de Desarrollo Urbano y Rural [COCODE], and the Xinca Parliament) and environmental rights defenders who do not belong to any organization but have been active in the social movement against the El Escobal mine in the regions of Santa Rosa and Jalapa. Eight interviews have been conducted on this case study from February to July 2015. These interviews aimed at collecting information on the case study that was not available by other means, and at understanding the environmental rights defenders’ representation of the obstacles they face in their social and political environment. The researcher also attended the 'Encuentro Continental Contra la Minería y Por la Soberanía Popular' in Mataquesquintla from March 11 to March 17, 2015 to gather further information about the case studied.

These data were subsequently analysed using a technique for contextual analysis called thematic analysis, to categorize the data into themes related to the indicators previously stated and to put the categories obtained in relationship between them. These categories are related to civil liberties (right to life, to physical integrity and security of person; freedom of movement) as presented in the previous section on the indicators (Paillé and Mucchielli, 2008).

Historical Context: Authoritarian Legacies in Guatemala

This section presents the historical context in which public participation against mining companies take place. Three factors contributing to the presence of an authoritarian legacy on participation will be presented: the duration of the authoritarian period, the transition mode and the level of innovation of the current regime.

First, authoritarianism lasted for more than 30 years in Guatemala with a succession of military dictatorships. It was the coup of Colonel Armas and its National Liberation Army which, after several US attempts to destabilize the place of the Arbenz regime in 1953 marked
the end of the democratic regime and the return to authoritarianism with thousands of imprisonments, the spread of anti-communist propaganda and the repression of the opposition (Booth, Wade and Walker, 2010). During the following 36 years, Guatemala’s political life was characterised by an authoritarian regime and an internal armed conflict between the government and communist guerrilla groups. During this period, the government used various mechanisms to defeat the "internal enemy", an expression used to include all political opposition (student and trade unions, etc.) against the power in place and not only the guerrilla movement. These mechanisms included formal laws such as the Ley de Orden Público to install an almost-permanent state of siege in many regions of the country. It also included the installation of military bases to collect information about the enemies, as well as other practices to repress political opponents. The authoritarian regime lasted 36 years until the signature of the Peace Agreements in 1996.

Secondly, the political transitions that occurred in 1985 and 1996 failed to put an end to the exclusion of a large part of the population for several reasons, although political and socio-economic exclusion were factors at the heart of the end of the ‘Guatemalan Democratic Spring’. The political transition was initiated in 1983 with the lifting of the siege and the beginning of the political liberalization (Brett and Delgado, 2005; Domínguez and Lindenberg, 1997) and concluded in 1985-1986 with the elections that led to the return to power of a civilian government (Haggard and Kaufman, 1995). However, many obstacles continued to impede the transition to a formal democracy, to the point where several authors do not consider the political transition in 1985, but rather in 1996 with the Peace Agreements (Brett, 2008).

Thirdly, few innovations and transformations of authoritarian policies and practices have been made during and after the two political transitions. Few steps have been taken to encourage citizen participation and greater responsiveness on the part of the state. In addition, the electoral system does not represent the interests and values of citizens because of the presence of several practices, such as cronyism and corruption and the absence of ideological pluralism among political parties, leading to a highly fragmented Congress (BTI, 2003; BTI, 2006; BTI, 2008; BTI, 2010; BTI, 2012; BTI, 2014). The analysis of these three factors suggests the high probability of an authoritarian legacy in Guatemala's democracy. In the following section, I will demonstrate how these legacies affect environmental rights defenders' participation in the public sphere with the case of the social movement against the El Escobal mine.
A Brief Overview of Guatemala’s Environmental Rights Movement Against Mining Companies

The social movement against the *El Escobal* mining project emerged in December 2010, when citizens started to become aware that a mining project would be implemented in their region (Cardona, 2010). Since then, many social organizations (such as the *Comité por la Defensa de la Vida* and the Xinca Parliament) have been focusing efforts to organize collective actions against the presence of a mining company.

Environmental rights defenders have organized several protests and Community consultations on the basis of ILO Convention 169 and Article 63 of the municipal code (Cardona, 2011; Oliva, 2012; Oliva, 2013). They have also filled complaints addressed to the Ministry of Energy and Mines arguing that the potential environmental impacts would violate the rights to water access and live in a healthy environment. They also took legal means in order to recognize the legal and binding status of community consultations (MiningWatch Canada, 2013). However, several state practices and strategies have hindered their participation in the public sphere.

The *Ley de Orden Público* and military bases: Old Institutions Redeployed against New Enemies

The authoritarian past of Guatemala influenced in many ways institutional and extra-institutional practices characterizing the conduct of the state with activists in the social movement studied. The application of the *Ley de Orden Público* and the installation of new military bases in the region were identified by environmental rights defenders as two of the main obstacles to their participation. According to the activists, these authoritarian legacies, which were commonly used by the military dictatorship against any kind of political opposition, continue to be used by the state who sees them as the new threats to national security.23

The *Ley de Orden Público* was adopted in 1965 in the context of the beginning of the internal armed conflict and has been repeatedly used in the following decades not only against the guerrilla movements, but also against peaceful political opponents. This law is part of the architecture around the National Security Doctrine, renamed the ‘Tesis de la estabilidad nacional’ by the military dictatorship. This doctrine defines the internal enemy as any individual, group or organization who could alter the internal order (Oglesby and Ross, 2009).

In response to the social protests against the Escobal mine, President Otto Pérez Molina

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23 Interview with Molino, the coordinator of Comité por la Defensa de la Vida. Interview with Munez, environmental rights defender in Santa Rosa. Interview with Lemus, member of a COCODE. Interview with Gonzalez, president of the Xinca Parliament.
authorized the application of the Ley de Orden Público in the region. The government implemented two dispositions on the state of siege and the state of prevention in May 2013 in order to restrict the participation of environmental rights defenders in the region. One of the practices that resulted from the application of the state of emergency in Santa Rosa and Jalapa was the militarisation of the territory, a procedure regularly used by military dictatorships during the armed conflict. Once the state of siege declared, the government deployed 8,500 members of the military and the police in the region, which is the equivalent of the presence of a military or policeman for 25 people (MiningWatch Canada, 2013). The militarization of the territory was very visible with the presence of several army tanks and several police and military forces in public places with their weapons pointed at the population (Interview with Munez, environmental rights defender in Santa Rosa).

The militarization of the territory was so visible and strong that human rights defenders dressed a parallel with a war: “(...) Such a situation occurs only during a war”, said Lemus (Interview with Lemus, member of COCODE). An activist in the municipality of Guadalupe (Nueva Santa Rosa) added in the same dialogue line: "(...) They sent the police and army to repress us. The truth is, in Guatemala, the armed conflict is still not over" (MiningWatch Canada, 2015). Although the militarization of the territory lasted only several days, in the case of the social movement against the El Escobal project, its effects on the community’s feeling of security and especially on the segment of the population that participated in the social movement lasted even once the states of emergency were repealed (Interviews with Lemus and Munez).

A second key institution used by the military dictatorships against their political opponents is the implementation of military bases. Military bases were used to gather information about the population (CEH, 1999). The state set up a military base in the region of Santa Rosa after the beginning of social protests against the Escobal mine. All the environmental rights activists interviewed see this institution as a center of monitoring and data collection on their political activities, practices that were common under the previous regime. Moreover, the actors’ behavior in military bases remains secret despite the adoption of the Ley de Acceso a la Información Pública in 2008. Activists opposed to the mining project El Escobal see military bases as a way to militarize the country and hinder their participation and thus, a practice that characterises the authoritarian behavior of the Guatemalan state towards them. The secrecy surrounding such practice also makes it difficult to analyse the frequency of the conduct of the state, creating therefore a certain level of insecurity among participants.
The Inter-Institutional Group of Mining Affairs: Old Practices by Authoritarian Actors Under New Institutions

Environmental rights defenders also see the new Inter-Institutional Group of Mining Affairs as an institution of social control, monitoring, and gathering information on political opponents, practices that were used in the preceding political regime. Despite being a new institution formally aiming at the resolution of the social conflict in the area, environmental rights defenders draw many parallels between practices exercised within these institutions and the actors in charge of them who have been in power under the previous regime. The way militants perceive the activities of these temporary institutions is therefore attached to the behavior of actors who are responsible for these entities and, in part, to the secret that surrounds their practices.

The Inter-Institutional Group of Mining Affairs created in 2013 formally aims at elaborating strategies and recommendations to address the environmental problem due to the exploitation of non-renewable natural resources. Some of its priorities include promoting inclusive processes of social participation, proposing changes to the mining and environmental laws and recommending future actions to guarantee the financial investments (see Appendix 1). However, the Inter-Institutional Group of Mining Affairs is seen as a continuity of past practices because of the nature of the actor24 responsible for the National Security Council, under which this institution exists. The latter is portrayed as a citizen control office with surveillance practices on human rights defenders’ movements and mobilization.

In an interview, Morales, the coordinator of Comité por la Defensa de la Vida (Defence of Life Committee), draws a direct connection between its activities and the actors who work there: "(…) all representatives are militaries. The head of the office is a retired soldier who participated in the armed conflict". Colonel Ricardo Bustamante, a former soldier who participated in the armed conflict, also draws a direct parallel between the practices deployed by the Inter-Institutional Group of Mining Affairs and inter-institutional offices that existed during authoritarianism and armed conflict: "(…) The inter-institutional offices of this type were part of the military strategy during the internal armed conflict. What is worrying, however, is the secrecy with which it is handled" (Interview with Cruz, director of the organization Madre Selva).

The surveillance and social control activities are causing environmental rights defenders a lot of stress. Some admit they might not continue to protest because of the intensity of these practices. The feeling of insecurity is particularly visible through the participants' fear of future

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24 An actor who had been involved in the conduct of the state against political opponents during the dictatorship.
retaliation (Interviews with Morales, Munez, Lemus and Gonzalez).

**Conclusion**

This paper started with a reflection about the nature of the obstacles to the participation of environmental rights defenders in Guatemala. I then hypothesized the presence of authoritarian legacies affecting environmental rights defenders' participation in the practices deployed under institutions inherited from the authoritarian past. I also suggested that authoritarian legacies continue to hinder public participation in Guatemala because of the presence of influential actors that are linked to the authoritarian regime and who continue to exercise political power in the current regime. The theoretical debates on political regimes and participation helped me constitute the general framework for this study by putting agency back in the analysis and by focusing on the representation of environmental rights defenders in an historical perspective.

I also highlighted the particularity of the Guatemalan case and the three factors that led me to believe that there was a high probability of finding authoritarian legacies in Guatemala's democracy. The data collected in the case study of the social movement against the Escobal mine confirmed the hypothesis. Some practices creating insecurity to the human rights defenders are based on the enactment of the *Ley de Orden Público* and under the military base, institutions that have been inherited from the authoritarian past. Other practices causing the environmental rights defenders to fear for their security in the exercise of their right to participate are related to the Inter-Institutional Group of Mining Affairs, a new institution that is however under the control of an actor that was influential under the previous political regime. It would be interesting and important in future researches to compare the case studied to the situation in other countries with similar features.
References


Appendix

Art. 13. Creación de la Comisión de Asesoramiento y Planificación. Se crea la Comisión de Asesoramiento y Planificación para asesorar al Consejo Nacional de Seguridad. Su trabajo debe ser desarrollado dentro del ámbito de la Secretaría Técnica, sin integrarla por profesionales en materia de seguridad, nombrados por el Presidente de la República, a propuesta de los miembros del Consejo Nacional de Seguridad. Sus funciones son: a) Asesorar al Consejo Nacional de Seguridad; b) Formular y proponer la Agenda Estratégica de Seguridad y; c) Defender el desarrollo de la Agenda Estratégica de Seguridad y; d) Promover la formación y profesionalización de los miembros del Sistema Nacional de Seguridad.

Guatemala, 03 de Julio 2015
REF.: CAP-CNS-028/2015

Licda. Fabiola del Cid
Unidad de Información Pública
Secretaría Técnica del Consejo Nacional de Seguridad

Estimada Licenciada:

Atentamente me dirijo a usted, en respuesta al oficio de fecha 02 de julio de 2015, Ref.: STCNS/UIP 77-2015.

La creación del Grupo Interinstitucional para Asuntos Mineros fue aprobada en reunión ordinaria del Consejo Nacional de Seguridad, de fecha 28 de marzo de 2013 y se cumplió el objetivo de dicha creación, por haberse minimizado la conflictividad entre pobladores y la empresa extractiva, el Consejo Nacional de Seguridad aprueba su desintegración en reunión ordinaria de fecha dieciocho de diciembre de dos mil catorce, según acta número cero doce guion dos mil catorce (No. 012-2014).

El Grupo Interinstitucional para Asuntos Mineros que en su implementación también fue conocido como Comisión Interinstitucional para el Desarrollo Integral, tenía asignadas las siguientes funciones:

a) Elaborar lineamientos, estrategias y recomendaciones de carácter técnico, social y económico al Consejo Nacional de Seguridad para la atención integral de la problemática ambiental, generada por la explotación y aprovechamiento de recursos naturales no renovables;

b) Promover procesos de participación social incluyente, en las comunidades de las áreas de influencia para facilitar la resolución de conflictos entre las comunidades, el poder local, las organizaciones ambientalistas, de derechos humanos, las empresas, y el Gobierno;

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~ 75 ~
c) Recomendar acciones que generen certeza jurídica de las distintas concesiones mineras, tanto en el ámbito nacional como local, para garantizar las inversiones autorizadas y las que se realicen en el futuro;

d) Proponer los cambios que se crean convenientes a la legislación minera y ambiental vigente;

e) Presentar al Presidente de la República y al Consejo Nacional de Seguridad, informes periódicos de sus labores, recomendaciones y acciones realizadas; y,

f) Otras que le determine el Consejo Nacional de Seguridad.

Sin otro particular,

Atentamente;

José Manuel Rivas Ríos
Coordinador
Comisión de Asesoramiento y Planificación (CAP)
Is there a way to desecuritise cyberspace? How Brazil’s Legal Framework for the Internet could have done that

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Abstract
Cyberspace and information technologies (ITs) have become essential to many of the activities of contemporary society. Mainly in the developed world, the daily practices have been linked to and served much of the facilities offered by ITs, making cyberspace a kind of support for the productive and social activities. While they maximise the ability of agents, these information tools also pose challenges to modern democracies. By asking how the discourse on the internet and cyberspace helped Brazil formalise its interests and policies domestically and abroad, this work argues that while Brazil started to formulate a set of rules for the cyberspace that could be understood as the approbation of the ‘Legal Framework for the Internet’, such legal code may contribute, at the same time, to a ‘securitisation’ of cyberspace.

Key-words: Democracy, Cyberspace, Brazil, Internet, Security, Legal Framework, Securitisation, Desecuritisation
Introduction

It is more than visible that the internet and a whole set of tools, devices, codes, among others, became a crucial part of contemporary social life. The flow of information, the ways to produce and access it were absorbed by the society in a relatively short period. From the beginning of the 90’s until nowadays, Information Technologies (cell phones, personal computers and electronic devices in general) have improved in terms of capacity, efficiency and sophistication.

More than becoming part of almost every activity, the access to Information Technologies (ICTs), its use and interaction became synonymous with development (Lévy, 2003; Castells, 2005). In this sense, the politics of developing information technologies in order to decrease even more the prices has been implemented, while many initiatives of making the internet available to people in underdeveloped countries have been encouraged. For example, Information companies such as Google or Facebook have implemented measures to provide access to the internet to remote parts of Africa (Thielman, 2015). Non-profit organizations also joined this initiative. The World Telecommunication Union, for example, dedicated some meetings and conferences to overcome what is known by digital divide25 (ITU, 2016).

To sum up, the technological development, mainly in the Information Technologies represents a major sector of the contemporary globalized and interdependent economy (Albert & Papp, 1997). ITs and their growing availability create the advent of what Castells calls the ‘IT Paradigm’. Considering that those elements are an important part of social life (Lévy, 2003), it is possible to observe what has been understood by the ´information society´ (Cardoso, 1998; Castells, 2003).

The evolution of ITs has enabled an independent globalized public space not monitored by the state, nor manipulated by any other actor. This ‘space’ (in particular the Internet and its tools), can be defined as cyberspace. The latter has become a common mechanism for social interaction, allowing actors to meet and develop their interests in a very dynamic network. This was clearly defined by the Spanish National Cybersecurity Strategy26 (2013):

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25 As defined by Internet World Stats, Digital Divide, digital split or digital gap refers to the amount of information between people who have access to Internet and those who lack it (Internet World Stats, 2016).

26 There is no consensus over the definition of cyberspace. Despite the similarities, the definitions of the concept of cyberspace may vary according to the methodological, theoretical or strategic goals of the actor who is defining it. For the purposes of this paper, we believe that the Spanish National Cybersecurity Strategy fits better in our discussion because not only does it involve technical elements, but also the interaction of social dynamics. For different definitions and a glossary, refer to https://ccdcoe.org/cyber-definitions.html
Cyberspace, the name given to the global and dynamic domain composed of the infrastructures of information technology - including the Internet - networks and information and telecommunications systems, has blurred borders, involving their users in an unprecedented globalisation that provides new opportunities and entails new challenges, risks and threats.

Among the challenges imposed by the cyberspace as a new element of contemporary society, a special attention must be given to security issues: terrorism, hacking of data, access control, operation of infrastructure and cyber warfare (Lewis, 2002). States and international organizations adopted certain actions to deal with cyber security threats and to promote the governance of internet. One of the most remarkable initiatives in this sense was taken by the North Atlantic Treaty Organization (NATO), who fostered the publication of the Tallinn Manual.27

This work will investigate how governance on internet is being promoted in the particular case of Brazil. This South American country has developed a Legal Framework, called the Civil Rights Framework for Internet (CRFI), to set the role of the many actors in internet and regulate their rights and responsibilities. It includes the regular users, private companies, non-profit organizations, civil associations and the Brazilian state in what is known as a Multistakeholder way of governance. Moreover, Brazil started a campaign in international fora to foster the governance of internet in a multilateral agreement under the aegis of international organizations.

Although former President Dilma Rousseff had defined CRFI as the world’s most advanced law in defence of internet (Palácio do Planalto, 2014), it comes with some problems. Some issues concern the role of the state, since it is not specific enough, and its contradiction with some other legal documents, specially when it comes to security and defence issues.

This work intends to analyse the role of Brazilian initiatives in promoting the governance of the cyberspace under the light of securitisation theories. This paper argues that while Brazil descuresitises the cyberspace through the ‘Civil Framework for the Internet’ by answering concerns regarding the roles of different actors that deal with the cyberspace, at the same time the Legal Framework may contribute to a re-securitisation of the cyberspace, by not clearly limiting state action on this field. To develop this argument, this text is divided into three parts. Considering that the main theoretical framework for this paper lies on the Securitisation theory, the first part

27 In 2007 a series of cyberattacks were perpetrated against Estonia’s cyber infrastructure. It put down all the online services of the country. Considering Estonia is one of the most “cyberized” countries in the world and that an important part of the services is made online, it represented a grave issue for Estonians. More than that, the suspicion that Russian hackers with support of the government coordinated the attacks. As the attacks are considered the first act of war in cyberspace, many actors and researchers from political science to informatics have focused their study on this episode.
is dedicated to sum up this view. Since the establishments of the Legal Framework for the Internet in Brazil are understood here as an ongoing desecuritisation process, this part also addresses the general concepts linked with this aspect of the theory. Turning into a more specific approach, the following parts will explore the availability and use of the Internet in Brazil and its legal framework for civilian purposes.

**Theoretical framework and literature review: securitisation and cyberspace**

The issues concerning national security are generally at the core of the state purposes. Nevertheless, the decision regarding what is a priority among the security issues is still a complex process. The latter is subject to several elements, such as personal evaluations, personal vs group interests, the personal understanding of the decision makers, the discourse of different actors. The discourse is a fundamental piece of this whole as it is used to justify the measures to be taken, to establish what is really a security concern and to define who are the actors responsible for taking the adequate policy.

The systematization concerning this decision process is set by the Theory of Securitisation, originally thought under the Copenhagen School of Securitisation and complemented by other scholars. Having underscored the relevance of the cyberspace issues in the introduction, this part will focus on the Securitisation and Desecuritisation processes and on a brief literature review on security of the cyberspace.

As argued by the theorists of the Copenhagen School, to become a security priority an issue must first be securitised. That means in practice establishing an existential threat to a referent object (Buzan et al., 1998). There is a need to adopt special measures to protect a possible threatened element (Taurec, 2006). This securitisation move can be seen as the first step of the securitisation process.

The discourses or speeches are crucial within the securitisation process. It is through the discourses that a threat can be addressed and a functional actor persuaded to take the necessary measures to protect the referent object. According to Weaver, “a designation of the threat as existential justifies the use of extraordinary measures to handle it” (2012: 54). The referent object is something central to a securitisation process as it has to be something that deserves protection, otherwise the cease of its existence will jeopardize seriously something that is truly important to a society or a group.

To sum up, according to the Securitisation Theory, the security issues consist of a successful speech provided by a securitising actor. This actor, or group of actors, targets an audience (citizens, decision makers, representatives, who have the authority to adopt policies) in order to justify the use of special measures to protect or to make the existence of the referent
object secure. In this case, security becomes a social-constructed issue and not a pre-established concern (Balzacq, 2005). As explained by Buzan,

Security is thus a self-referential practice, because it is in this practice that the issue becomes a security issue – not necessarily a real existential threat exists, but because the issue is presented as such threat […] when a securitising actor uses a rhetoric of existential threat and thereby takes an issue out of what under those conditions is normal politics, we have a case of securitisation (Buzan et al. 1998: 24).

As argued by Weaver (2005), while the securitisation process addresses special measures to face threats, it automatically brings the security issues out of the normal conduct. It provokes, at the first moment, a high politicization of the discussions and, at the end, brings the politicized theme to an exceptional policy field.

According to Buzan at al. (1998), securitisation is something to be avoided, because it causes distortions on the normal conduct and management of the security issues. As such, Weaver (1995) proposes the opposite movement, where a desecuritisation process will be able to bring the security discussions and decisions to the normal rules. Notwithstanding, the desecuritisation process has to be more accurately analysed mainly because the “desecuritisation move” may not be as clear as the securitisation one. In fact, the desecuritisation cannot always be seen as the opposite pole of the securitisation.

According to Weaver (1995), the desecuritisation process must be the main goal within a securitised context. The actors shall pursue the demobilization of the special measures that characterise a securitised process, and bring back the securitised issue to be treated in the normal realm of politics. As Weaver underscores, it is necessary to transform “treats into challenges, and security into politics” (1995: 60).

Despite its importance, desecuritisation is under-theorized and little explored in the literature dedicated to the theories of securitisation. Nonetheless, some authors highlight various elements that can be summarized in three aspects. The first is to avoid the discourse that formalises a securitisation process (Biba, 2013). The desecuritisation does not necessarily depend on a securitised context and can be conscientiously applied as a policy of prevention, as well as in an ongoing securitisation process. The second strategy for desecuritisation involves the management of the securitised issues. This strategy must consider important aspects and be very clear in order to prevent a (re)securitisation process. Finally, the third strategy is the one that most closely matches the process opposite to securitisation. It is implemented through the opposite discourse of securitisation, which aims at bringing the securitisation issue to the normal
politics. As Roe (2004) suggests, this process can be viewed as a transformation movement. Sometimes there is room for a combination of strategies. It seems to be the case of Brazil, as it will be explored in the following pages.

The security of the cyberspace has been analysed through several theoretical lenses, from the National Security studies, as in Reveron (2012), Giacomello (2014), and different approaches in Eriksson and Giacomello (2007), to the different implications of the rising of cyberspace for International Relations and for the state, as in Choucri (2014). Also, the role of the state in dealing with this relatively new environment is explored by Nye (2011) and Naim (2014). Notwithstanding, Castells (2005), in a broad sociological approach, treats the cyberspace as a new age with implications for the social configurations in general.

The securitisation approach for cyberspace is also explored by the security studies, including the original creators of the theory. Buzan et al. (1998) mention the work of Nierop and Der Derian, to underscore that the rise of cyberspace may become a security issue, due the globalisation process. This concern is also addressed by Buzan and Hensen (2009) as a matter of international security, mainly after the 2001 attacks in the United States. According to the authors, the particularity of the securitisation of the cyberspace lies in its permeability to several sectors. As the theory suggests, there are five main sectors in security issues: Societal security, Economic security, Environmental security, Political security and the traditional Military security. The securitisation of cyberspace has implications in more than one sector at the same time. This issue was further explored by Hensen and Nissembaum (2009). The authors suggested that the securitisation of cyberspace occurs in three specific categories:

a) Hypersecuritisation: generally supported by a hype involving the security issues, claiming exceptional measures;

b) Everyday security practices: connecting the cybersecurity issues and threats to daily life;

c) Technification: limiting the security in the cyberspace to a high level of technical experts, bringing the decisions out of the political realm, as defended by the authors: “if cyber security is so crucial it should not be left to amateurs”.

It is also important to stress the military dimension of the securitisation of cyberspace (Ball, 2011). Some authors have already analysed this dimension. Cavalty (2012) at some point understands that while cyberspace can be seen as an element of national security, it may be applied to military matters, since it can become a priority and a sensible point of reflection for national interests and protection. In fact, some countries have military divisions in charge of the protection of cyber activities, considered strategic for the governments.
The military dimension also meets the cyberspace specifically in this securitisation approach. As Hare (2010) elaborates, a military aspect conjugated with the social-cultural cohesion of a country can provide a set of elements to characterise and compare the securitisation of cyberspace in different countries. According to his theoretical model, weak states (in military terms), with poor or deficient cultural cohesion, are more likely to securitise cyberspace, contrary to stronger states. However, despite of presenting interesting elements to be tested as a theory, this model was not applied to any concrete situation.

There are few mentions to the desecuritisation of cyberspace, mainly because such approach needs to be developed both on its theoretical and empirical aspects. Giacomello (2007) suggests that countries such as France and the United States, persuaded by the private sector, are regularising the use of encryption instruments by civil consumers instead of keeping it restricted to the military sphere. An interpretation is possible here. As the desecuritisation passes through a process of regularisation by the state institutions, this can be seen as a type of ‘desecuritisation move’ that could bring back a securitised instrument (in this case, the encryption) to the normal ways of conduction of rules and uses.

In order to investigate the Brazilian initiatives concerning the cyberspace, it is useful to have a look at the Brazilian cyberspace situation. The next part will thus present a brief background on how representative and important the cyberspace is both for the Brazilian users in general and for the government.

The evolution and use of cyberspace in Brazil

Brazil has been witnessing a steady increase in the use of internet since the early 90s. Just like the rest of the world, the internet in Brazil was first restricted to small groups of governmental agencies and academic research centres. While the activities on the internet crossed the boundaries of academic and scientific fields to become a business issue, the infrastructure of connections and hardware were ameliorated. Besides, its prices decreased. As a result, the number of users increased, which made the government and companies widen their services to include other fields and offer online solutions to attract more customers.

Nowadays, the internet and its services and tools encompass roughly 140 million users, or around 66% of the total Brazilian population (Internet Live Stats, 2016). In economic terms, these users are responsible for generating more than 20 billion dollars (Statista, 2016). Furthermore, important activities like Internet Banking, social networks and e-governance services, are among the most developed and diffused activities in Brazil. It is indeed due to such activities that Brazil is considered the most ‘cyberized’ nation in Latin America, as well as one
of most cyber-inclusive nations in the world. However, there are here some big gaps that need to be addressed by the politics of inclusion already in course (Pedrozo, 2013).

Since cyberspace occupies an influential and relatively large field in Brazil, the country has created institutions to address internet-related issues, from the regulation of the role of users and service providers, to more complex security matters involving military and strategic decisions at the state level. According to Diniz et al (2014), many of the entities are linked to the technical management of systems.

The implementation of policies, as well as the elaboration of legal and normative guidelines, are supervised by a few but very important institutions, which are in turn subject to a political hierarchy. The President of the Republic is the head of the organization that includes governmental institutions like the Brazilian Intelligence Agency (Abin), the Ministry of Defence, the National Defence Council, the Armed Forces and the Join Chief of Staff, and the Federal Policy.

Brazil has recently published its security strategy, which is split in two main documents: the National Strategy Defence (2008) and the White Paper to Guide Future Defence Priorities (2012). In what concerns cyberspace policies, the country published the Green Book on Brazil’s Cybersecurity in 2010 (Presidência da República, 2010). Among all, the most important document in this field is the CFI, which was approved in 2014 and regulated by former President Dilma Rousseff in 2016. The hierarchical relations among these institutions can be found in Diniz et al. (2014). The authors offer a visual scheme of the Brazilian main institutions and their relations with cyber security and the defence structure (figure 1).

**The Security Discourse and the Brazilian Civil Framework for the Internet**

Beyond the security concerns, cyberspace has become an object of domestic and foreign policy. The importance of cyberspace as a strategic security sector and its implications for foreign relations, was addressed by the former Brazilian Minister of defence in 2013, Celso Amorim. The discursive connection between security and cyberspace was unraveled when the issue reached the public opinion in 2013. In this very year, the former employee of the American National Security Agency (NSA), Edward Snowden, denounced a practice of cyber espionage on many leaders and high authorities from several countries, sponsored by the American government (Greenwald, 2015).

In what concerns Brazil, the American agency hacked some e-mail accounts of the former Brazilian President Dilma Rousseff, as well as e-mails of high-ranked government officials, including directors from Petrobras, the Brazilian State oil company (Harding, 2014). The Brazilian press highlighted this event, as it became a very sensitive international issue.
As a result, this episode had many implications for the political field, at both domestic and international levels. In terms of foreign relations, Snowden’s revelations provoked a diplomatic dispute between Brazil and the United States and led Brazil to officially convey its discontent. The bilateral relations witnessed a huge setback, although not to the extent of cutting diplomatic ties. Rousseff cancelled a scheduled visit to Washington (Monteiro, 2013), and the Brazilian Ministry of Foreign Affairs, the Itamaraty, issued a note addressing some important elements. It classifies the act of espionage perpetrated by the American government as a serious attempt against national sovereignty and individual rights:

Illegal practices of interception of communications and data from citizens, companies and Brazilian government officials are a serious issue and a threat to national sovereignty and to individual rights, and incompatible with the democratic coexistence between friendly countries (Free translation from the original Palácio do Planalto, 2013).

Rousseff used this discourse to further bolster her arguments at the 68th Section of the General Assembly of the United Nations. While she conveyed Brazil’s discontent with the
practices sponsored by the U.S. government, Rousseff specified some elements to be discussed at the International Initiative Towards the Protection of Privacy in Internet. As she pointed:

Mr. President, we face a serious case of violation of human rights and civil liberties. The invasion and capture of sensitive information concerning business activities and, above all, a disrespect for the national sovereignty of my country. We made known our protest to the U.S. government, demanding explanations, apologies and assurances that such actions will not be repeated (Free translation from the original Palácio do Planalto, 2013).

The espionage scandal has pulled this discussion towards the approbation of what became known as the Civil Framework for the Internet28 (Palácio do Planalto, 2014b: online). Although it wasn’t directly associated with the Snowden case and was actually criticized by some civil sectors, the Civil Framework for the Internet was approved by the Brazilian congress in 2014. Although the law does not comprise any article that explicitly tackles the protection of the country against espionage, that issue itself was the object of debate by some parliamentarians. As this approach for security constituted some valorous argument for the approbation of the CFI which could be interpreted as a securitisation move, but not necessarily a complete securitisation process, the document itself does not extend to security issues, which can also be interpreted as a flaw in Brazil’s cyberspace and cybersecurity politics.

Despite the avoidance of the securitisation discourse, several actors choose to raise some security issues. They suggest the implementation of tools to avoid the securitisation in an attempt to establish or create ways to deal with similar situations. It is possible to link this movement to the aforementioned way of securitisation, namely, the management of the securitised issue. In this case, there is not a proper securitised topic. A contrary movement of securitisation can also be observed as the alleged intentions for the approval of the CFI were made towards a more democratic cyberspace. These intentions have the potential to bring some issues to a normal set of rules to be applied in their normal juridical aspects.

The approved set of rules was highly questioned. In fact, the final document lacked articles concerning some aspects of the cyberspace, including the role of the public power in security and defence. The next part will focus on the main aspects of the Legal Framework for the Internet.

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28 It is important to emphasise that the CFI was proposed as a project of law by the Presidency of the Republic, in 2011, already under Rousseff’s mandate. This initiative precedes any denounces of espionage or security issues for cyberspace made public. Of course, there were some discussions about the implications of this set of rules and some polemics, according to some news agencies as in Coutinho (2012) and specialized pages, such as in Grossmann (2012).
Considerations on the Brazilian Civil Framework for the Internet

The Brazilian CFI, or law No. 12,965, April 23rd. 2014 is dedicated, as the text says, to the establishment of “the principles, guarantees, rights and obligations for the use of the Internet in Brazil”\(^29\) (Brasil, 2014). The intentions (presented on Chapter one) include recognising the global scope of the use of internet and mentioning some important elements related to the protection of data and to the neutrality of the networks.

The document defines the elements of the internet upon which the law will be applied:

[The Internet is] the system consisting of logical protocols, structured on a global scale for public and unrestricted use, in order to enable communication of data between terminals, through different networks (Free translation from the original Palácio do Planalto, 2014b).

Additionally, the CFI is presented as a complementary law to the existent one and offers a juridical framework, from international treaties to domestic criminal settings. Although it implies that the framework is specific for internet usage, including the role of the states and the Union, it does not determine the limits of each public actor in case of a conflict of interests. As such, given its borderless features the extension of the internet, represents an ongoing debate, not only for Brazil but for the global governance of the internet.

Chapter 4 of the Framework is dedicated to scrutinizing the actions of the public power. This chapter delves into the liberties and warranties of the development and improvement of the internet’s infrastructure, the promotion of governance and transparency, as well as the official information of private, public and academic sectors. The security issues are left for those who have the expertise, namely at the state level, the Cyber Command of the Army who shares this responsibility with the private sector. The role of both the state and the security agents in case of an alleged threat, such as espionage, theft of financial data or even theft of industrial information involves a military and strategic decision and not necessarily a public discussion.

Although claiming to be comprehensive, the Framework is open to many interpretations, as it presents general aspects of the use of internet and ascribes the private sector as the main actor responsible for safeguarding the data. What is intriguing in this context is the possibility for the private sector to be considered as the main actor that can declassify the internet service for its uttermost users in Brazil.

Conclusions

The structure of the CFI could be an interesting, yet imperfect tool to set principles for a secure legal framework for cybersecurity in Brazil. In other words, the document seems to be vague when it comes to security issues. Actually, it only acknowledges some generic security issues without mentioning the leading institutions and organs responsible for this subject.

The evocation of security aspects when the discussions for the approbation took place suggests the beginning of a securitisation process. In fact, cyberspace was not fully securitised and the technical matters were delegated to a military branch that kept it as a high-institutionalized policy. By alluding to the public’s opinion, the press etc., the government managed to politicise this issue, amplified by Edward Snowden’s denounces.

Although portrayed by its proponents as one of the most advanced legal settings dealing with the rights and duties in cyberspace, the CFI didn’t prevent some controversial decisions such as the prohibition of WhatsApp for allegedly not cooperating with justice, and the imprisonment of the Latin American Facebook CEO for the same reason (Connors and Jelmeyer, 2015; Watts, 2015).

For being generic and focused on the business issues more than the states’ duties, the CFI leaves some loopholes in the securitisation of cyberspace in Brazil, depending on the interests of the state or the government. Furthermore, issues dealing with cybersecurity in Brazil, as in many other countries, are mostly technical issues that fall under the military’s responsibility, which is aligned with the technification argument for the securitisation of cyberspace.

In a globalized world, cyberspace and cybersecurity are quintessential to our daily lives. In order to keep cyberspace de-securitised, not only does it have to be politicized, but also examined on two different levels. At the micro level, the technical aspects have to be probed in order to address the challenges. In turn, at the macro level, one has to study its implications on the society in general.
References


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