

Parliaments in Latin America: Transatlantic Political Culture and Parliamentary Institutions

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Amerika latinoaren historia parlamentarioa eragin bikoitzarepean agiri zaigu. Batetik erregimen presidentzial sendoak daude indarrean eta horrek boterearen ikuspegi partekatua eragozten du eta beraz eragin parlamentarioa murriztu. Independentziaren ostean, Espainiako kolonietan errepublikak ezarri ziren. Brasilen, ordea, monarkia gisa antolatatu zen, Europako metropolien antzera.

Giltza-Hitzak: Amerika latina. Parlamentua. Erregimen presidentziala. Kultura politikoa.

La historia parlamentaria de América Latina sufre una doble ambigüedad. Por un lado, la tradición de un régimen presidencial fuerte tiene en entredicho la aptitud de un ejercicio compartido del poder en el Estado con una institución como la Parlamentaria. Después de los diferentes movimientos de independencia se han implantado sistemas de gobierno republicano en las antiguas colonias españolas. Brasil, sin embargo, se mantuvo organizada siguiendo los patrones de las áreas metropolitanas europeas, como una monarquía.

Palabras Clave: América Latina. Parlamento. Régimen presidencial. Cultura política.

L'histoire parlementaire de l'Amérique latine souffre d'une double ambiguïté. D'un côté, la tradition d'un régime présidentiel fort met en question l'exercice partagé du pouvoir dans l'État avec une institution du type parlementaire. Suite aux différents mouvements d'indépendance, des systèmes de gouvernement républicain se sont implantés dans les anciennes colonies espagnoles. Le Brésil, cependant, a maintenu son organisation monarchique en suivant les modèles de zones métropolitaines européennes.

Mots-Clés : Amérique latine. Parlement. Régime présidentiel. Culture politique.

The parliamentary history of Latin America suffers under a twofold ambiguity. On one hand, the tradition of a strong presidential regime has deeply compromised the aptitude of a shared exercise of power in the State. After the different movements of independence, which have installed republican systems of government all over the old Spanish colonies, only Brazil remained organized as the old European metropolitan sieges, as a monarchy. Also since the very first form of independent State in the Spanish speaking countries the Republic has been the formal shape of the countries. This was not a participative republic, but a centralized one, mostly under the leadership of one man. Bolívar, San Martín and O'Higgins have profoundly influenced the republics in Spanish America as a bundle of countries mimetically following the former political and territorial structures of the Spanish Vice-Kingdoms. On the other hand the model of the United States –federation, bicameralism, republican values of equality and freedom– has been repeatedly invoked as the best possible form of shaping a really new world. All during the 19th century the transatlantic culture of a parliamentary system of government seemed to bring together two different traditions: the composite one of the United States (strong presidency under parliamentary control: double legitimacy, double majority not always coinciding) and the 'straight one' of the United Kingdom (parliamentary legitimacy of government and investiture of the prime minister on the basis of one and the same electoral majority). Although the traditional political practice of the UK is not based upon a formally exact bicameralism, this tradition prevailed in the most Latin American countries including the Brazilian Empire.

In 1889 Brazil became a republic too. The political system adopted then has been inspired by the North-American. It is however an old practice in the Latin American countries that Parliaments do not play an important role in political life. Strong presidents and other forces have mostly exercised power in the many countries. Parliamentary practice seems to become a new sure value in politics, mainly since the mid-1980s for the most countries in the region. Reference is made directly to the parliamentary history of success in (Western) Europe and to the trend in the USA to conciliate the presidential strength with the parliamentary one. We can affirm that –with the exceptions of Cuba and newly Venezuela– Latin America witnesses in the last 20 years a slow but sure evolution towards a reevaluation of parliaments and of their role in political life.

In the case of the Brazilian Constitution of 1988, as one might refer to it as a paradigmatic case, three main political streams came together to shape a new basis for the 'Republic under reconstruction' after the authoritarian rule 1964-1985. The first main stream was the reconstruction of a democratic consensus on the values of freedom, civic rights and political liberties. The second main stream was related to idea of shared power in the State, in order to avoid future appropriation or usurpation of effective power by persons or corporations as the newly experienced dictatorship had made to fear. Combining the two streams mentioned, a third one played an important role: the reconciliation within the social forces. Many political actors feared the persistence of ruptures in the Brazilian society and the hard concurrence between the political ambitions of social, political, economic and military forces in the country. So reconciliation itself had vested three complementary dimensions. The first one was the recon-

ciliation of the former rulers (mainly military and their civilian collaborators) and all the others, back into the political arena. The adopted solution was a wide conceived amnesty bill (in the first version in 1979 and later inserted in the Constitution in 1988). The second dimension was the efforts to consolidate the democratic rule and the rights (much more than the duties – the critic stand into the 2000s), in writing a far too much detailed Constitution with the logic of recovering the imagined lost paradise of the 1960s. In order to assure a social environment able to make such a reconstruction viable, a wide social reconciliation must be done. So the third dimension was the search of a large social consensus among all political and social groups, mainly the Government, the working classes and the businesspeople through the elected Parliament. The openly evoked inspiration for this third dimension was the Pacto de la Moncloa, established in 1977 in Spain very early in the redemocratization process after Franco's death in 1975. The Brazilian experience is analogous to these lived by the South American neighbors in the 1980s and 1990s as democracy has been introduced again. Nevertheless the inspiration provided by the Moncloa Pact was not successful in these countries, where the difficulties of an inadequate electoral system do not create a favorable climate to stabilize the political decision making and taking process. The developments in the period since 1999 in Venezuela, 2006 in Bolivia and 2007 in Ecuador show it abundantly.

The idea of Latin America is well established. Its scope, however, is changeable and its sense arguable. In order to define it usefully and so to have a necessary reference, Latin America is taken here as a concept covering the countries constituted out of the former Spanish and Portuguese colonies in the American continent. The territories of French expression (Québec, Guyane, Guadeloupe, Martinique) are left out, although they could be considered from the quite general perspective of the 'latinity' (a too much theoretical approach, however, for the purpose of the present study). Furthermore they have been developed and consolidated under a different legal and political regime, compared with the traditions practiced in and applied to the Spanish and Portuguese speaking countries. The case of Puerto Rico, albeit its Hispanic cultural origin is left equally apart, for its legislative system being closely associated the American, following, therefore, the anglo-saxon tradition. It is a fact to be recognized, however, that the modern political systems and their legislative production in the region present similarities that regardless of their cultural origins in the remote colonial period follow similar procedures and, considering their constitutions, adopt philosophical and legal doctrines which place them in the general model of a representative democracy. This model has spread out throughout the 19th Century and became widely valued mostly in the second half of the 20th Century. This valuation took place under the impact of the 2nd World War and under the strong and continuous tension of the Cold War. Latin America lived a divided 20th Century, going forth and back from formal democracy to the sad reality of the authoritarian intervals, in which the power was exerted in a dictatorial way by civilians and/or military, indistinctly. Social and economic factors were and are highly influential on the level of development in the region, marked by strong inequalities –that persist into the ongoing 21st Century–, and had served frequently of excuse, reason, pretext or argument for interventions in the political life: coups d'état, *pronunciamentos*, revolutions. Although the issue of econom-

ics is not the point of the present analysis, one must keep it in mind, for it brings an important background element of the real politics, and, consequently, of the real parliamentary and legislative activity. The economic depression of the 1930s attained Latin America hardly. The flows of foreign investment had withdrawn and the prices of the exportation commodities (essentially primary products) had fallen rapidly. The economic fall down was an excellent occasion for nationalistic policies, leading many countries to adopt programs of economic development to promote the substitution of importations and to diminish as far as possible the strong dependence upon external sources both industrial and financial, the least what concerned goods of infrastructure and durable consumption. This economic nationalism, also known as *national-developmentism*, served as a reference axle, in years 1950-1970, for diverse countries of Latin America. The main representatives of this theory were grouped mainly in the Cepal (Economic Commission for Latin America, of the Organization of United Nations), hosted in Chile, and some distinguished Argentine, Brazilian and Mexican authors as well. The crisis and the international political environment of the between-wars period mobilized the working masses deeply touched by the following hard poverty wave, especially the urban ones. These masses had been turned toward populist leaders who promised immediate relief, as Getúlio Vargas, in Brazil, and Juan Domingo Perón, in Argentina. Supported by the organized workers and having also the support of the enterprises whose interests in the production's expansion and in the market's growth, these political leaders had sped up the industrialization process, making possible the increase of the wages and the widening of the industrial and commercial job's market. The evolution of the economic politics after 1945, however, caused the return of the pressures for the redemocratization, so that in middle of the decade of 1950 both Vargas and Perón must leave the political scene in Brazil and in Argentina. Unfortunately for the parliamentary practice and the development of democratic culture, many countries in Latin America felt down again in dictatorial military regimes in the 1960s. Only after two decades the so-called 'democratic normality' came back.

It is interesting to note, that the pressure put on Latin American countries (like Brazil, Argentina, Chile, Paraguay, Uruguay, among others) by the United States and by other European countries concerning Human Rights was moderated by the apparent formality of democratic institutions – Parliaments existed, votes took place, elections were held. The large Atlantic tradition of formal democracy seemed to be preserved. One might say, looking at the period 1965-1985, that (economic, financial) business were made as usual, so that a sort of political tolerance regarding the harshness of the regimes could be practiced.

Another important economic and social element for the delimitation of the democracy's political space and its parliamentary expression is the agrarian question. In years 1940 and 1950, attempts of radical agrarian reform had been an intense expectation from the peasants and a strong fear of the landlords. Even in Mexico, pioneer of the social revolution in Latin America, the results had been comparatively modest. The Guatemalan assay of agrarian reform promoted by President J. Árbenz Gusmán in 1951 failed and unhappily the North American intervention –so usual at the time in the countries Latin American (and over all Central America)– led to the deposition of Árbenz in 1954. This episode exempli-

fies the difficulty –which is still current up to date– Latin America encounters in promoting public welfare state politics without having enough sources of financing. Landlords opposed systematically to the governments on the ground of insufficient compensations and common people blamed the same governments for their weakness. This quandary was echoed by the political decisions as by the forms electoral systems were defined. It was reflected by the electoral results and by the composition of the parliaments. It influenced the relationship between the authorities of regional and of central offices and played a determinative role in the confrontations between groups in the Latin American societies. As an example, one may recall that the Cuban revolution of 1959 emerges as a proposal of simultaneous social and economic change. All the sectors of the economy had been nationalized, the land collectivized and the provisions of health and education, for all the Cuban, universalized. Cuba, in the landmark of the Cold War, became an emblem –if more theoretical than effective– of an initially violent and soon authoritarian format of social guardianship. The contagion effect has been rapidly perceived in Latin America (and, later, in Africa) in 1960's. The armed movement of the revolt seemed to place in check the viability of the transformations by the democratic and electoral way. This was, however, the way effectively adopted in Venezuela and Chile in the 1970's. But the political instability and the institutional immaturity have quickly lead these countries, as before Brazil and Argentina, to the dictatorial formulas of government, with military juntas assuming an strong centralized executive power, with clear support of the business' circles (internal and external) and exerted with the aid of a new technocratic state bureaucracy, very little interested in democratic processes of decision, which are by their very nature complex and slow. The financial crises following the oil shocks after 1973 and the increasing internal plea in all the Latin American countries lead to the democratic transition and to the fall of authoritarian regimes in Brazil, Chile, Argentina, Uruguay, Paraguay, Bolivia, Peru, in Nicaragua. The 1980s inaugurate, therefore, a new phase of social mobilization and generalized democratic re-institutionalization. This movement went on although the United States (mainly in the Reagan Administration) pursued their (eventually armed) interventions, in particular in the Caribbean (Granada) and in Central America (Panama). During the 1990s the Latin American countries saw the return the democratic life in all fields, although its intense economic and financial difficulties remained. The population growth aggravated old structural gaps in Latin America, overloading the dependence of external financing of the current expenses. The crisis of the debt, as it is known, becomes thus a factor of heavy effect on the social and political pleas in the various local societies. Thus Peru, Mexico, Argentina and Brazil have seen themselves forced to face the challenge of conceiving and adopting consistent public policies. In this evolution parliaments acquired a role of increasing importance in the political play. The former merely formal role (and so far quite artificial role) in the apparent democracy evolves, in the new established constitutional frame, into an important role of a social relevant forum for political expression and mediation.

This was clearly to note in the processes of impeachment of President Fernando Collor (Brazil) in 1992, and, immediately afterwards, of President Carlos Andrés Pérez, Venezuela. Analogous social, political and parliamentary movements had promoted decisive changes in Peru, in Paraguay and Argentina,

between 1999 and 2002. The regional difficulties of Mexico and Colombia, with armed fight and social conflict, represent a remaining factor of instability not yet equated, nor internally nor externally.

The end of the Cold War and the substantial modifications of the political international context had contributed to force a sped up rhythm of institutional revision in the Latin American countries: throughout the 1990s practically all the States had promoted constitutional reforms. Moreover, the proposal of creating regional blocks and their development, mainly in their economic and commercial matrix, imply political and legal adjustments and adaptations, and a new shaped political culture as well. The North American Free Trade Agreement (NAFTA) and the *Mercosul*, beyond the project of an Association of Free Trade of the Americas (AFTA) had brought new and sped up rhythms for the mechanisms of Latin American insertion in the globalized world. The privileged forum of political debate and decision in the Latin American countries (excepted Cuba and Venezuela) has migrated into the national parliaments and slowly into the versions (incipient, for certain) of the supra-national parliamentary organisms.

Here are presented the predominant characteristics of the effective systems in the nineteen Latin American countries, in the political sense mentioned and in the defined geographic space, as they subsist in the 2000s. All political regimes of the examined States are republican and presidential. In this regard, the American political structure has been adopted in all countries so far they are a republic. The traditional European form of parliamentary legitimacy of the Executive is not in use. Only Brazil had an European political system during the monarchy (1822-1889).

The eventually subsistent light parliamentary shades, for example, in Cuba or Peru, do not modify the centralized and strongly concentrated exercise of power in the in fact much more presidential way of governing.

In thesis, the parliamentary regimen means that the see of the legitimate power lay in the deliberative parliamentary assembly. The parliamentary regimen means, additionally, that the government is, moreover, invested by a specific vote of the assembly and is responsible before it. This is not the case for all political regimes in Latin America. The Latin American States have a recurrent history of power concentration: it can occur in an individual, in a party, in a corporation. The democratic practice of the alternation in power was till now an intermittent and relatively recent experience, whose slow expansion came only in the last quarter of the 20th Century. The occurrence of suspension or dissolution of parliaments in Latin America, was always the consequence of institutional rupture, if violent or not, and never occurred for legal mechanisms.

The contemporary parliamentary law includes three specific branches. The first one is the constitutional one. It provides the institutional definitions for the power partition and for the competences INCOMBANT the parliaments (national, regional, local). The second one is constituted by the internal rules of functioning, which reproduce the pertinent habitually constitutional disposals: the organization, the composition, the powers and the functioning of the political assem-

blies. The third encloses what can be called the “special law of the assemblies”, that consecrates their autonomy and their power of auto-organization and self management. The attention will not be lingered, here, in the theoretical quarrel of the power structure in a democracy. The presentation is restricted to the formal elements of the nature and the qualities of the parliamentary assemblies.

1. THE MAIN COMMON LINES OF THE PARLIAMENTARY SYSTEMS IN LATIN AMERICA

At the beginning of 21st Century, it can be said that, in the perspective of the long historical duration, Latin America recouped –with the exception of Cuba and halfway Venezuela– democratic normality, in general terms. All the countries adopted, from the strict formal institutional point of view, the necessary legal definition of democracy and its political practices, so coping with the traditional model of the modern democratic State. The rule of law prevails, although some distortions still subsist, which reflect old inertial economic and social problems still remaining unsatisfactorily or barely solved. The detailed analysis of the multiple specificities of a so vast region and with so diverse demographic and economic characteristics, as Latin Americans, is impossible to be carried through in a study that just presents a comparative set of common points of the parliamentary systems.

1.1. The democratic State and the rule of law

The first common point that emerges of the political trajectory of the State in Latin America is the reestablishment of the full rule of law on one hand and the practice of political democracy on the other hand. This movement started for the most countries in the late 1980s. In the States where the democratic constitutional regimen existed or remained, important constitutional reforms have occurred in the same period and have been carried out since then. The beginning of 21st Century sees the many political and social entities in the Latin American space looking forward to reshaping the political life in a way that makes possible the economic development, under the increasing pressure of the globalization mechanisms.¹ This new shaping of politics takes place not only within the legal and political frames of each country, but equally in regional dimensions, with the process of block formation, as the *Mercosul*, congregating Argentina, Brazil, Paraguay, Uruguay, and Venezuela, with the associated Bolivia and Chile.

1.2. The presidential regime

The historical tradition of a personalized and autocratic system of decisions in the Latin American countries explains the institutional option for the presidential

1. Cf. Jürgen Osterhammel. *Geschichte der Globalisierung. Dimensionen – Prozesse – Epochen*. München 2003 (with Niels P. Petersson).

regime of government. With the exception of Brazil, constitutional monarchy from 1815 to 1889², all the other Latin American countries are republics since their founding moment. In this particular point, it is justified to leave unconsidered the French supported neocolonial experience of Maximilian's empire in Mexico between 1864 and 1867. The presidential form of power exercise was taken to the paroxysm in numerous revolutions and dictatorships, throughout practically two centuries of independent political life until the late 20th Century. It is also the reason for which the role played for the parliaments, throughout the time, always was secondary and subordinate. In the periods of authoritarian regime, the parliaments, when they still subsisted, were barely more than a convenient façade for legitimacy purposes when not only a so-called "chamber of validation" or "registration" for decisions in whose making processes they participated very little or in nothing. With the re-democratization process in the last quarter of the 20th Century, parliaments had started to play a role of increasing importance in the political decision systems. However, the choice for the totality of the Latin American countries for choosing the presidential regimen discloses the long and persistent duration of the centralized culture of a personalized highest authority.

1.3. The system of political parties

In this specific point, the multi-party system still seems to take very hesitating steps. In the case of Brazil –the largest electoral body in the region (132,629,575 voters³ in February 2010)– the structure of political parties have just began to stabilize itself, for authoritarian interruptions had for the most part dismantled almost all participation in the party-political system in the different countries of the region. Countries like Uruguay, Paraguay or Peru –which were used to a two party system since a long time– have not resisted to authoritarian rule and to the instrumentalization of politics by the eventual rulers.⁴ The proscription of the left parties, but after all of any party, and the repression unfortunately not uncommon of all divergent forms of thought had contributed to give advantage to a wide spread attitude of 'officialism' and rather preferred adhesion of many politicians to the current authority *de facto*, especially in its military form – as the Cuban and Venezuelan ways seem to maintain. In certain cases, as in Mexico, the long prevalence of an only-one-party system (the *Partido Revolucionario Institucional* [PRI] and its former presentations, from 1928 till 2000) has certainly marked a form of 'over-presidential' political life.

From an abstract point of view, the academic discourse and public opinion are obviously favorable to the consolidation of trustworthy political parties, with

2. In 1815 as united kingdom with Portugal; since 1822 as an independent country.

3. Cf. TSE (Superior Electoral Court) in http://www.tse.gov.br/internet/eleicoes/evolucao_eleitorado.htm (access 31.3.2010).

4. Cf. Juan J. Linz/Alfred Stepan. *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe*. Baltimore: The Johns Hopkins University Press, 1996.

clear programs and transparent proposals of management. Still it remains, however, much way to cover, as the repetitive “invention” of new parties demonstrates, frequently only *ad hoc* to run for such or which election, as in the case of *Peru Posible*, of President Alejandro Toledo, in 2001, for instance. One might remember also the renaissance of the traditional parties, as the Uruguayan Colorado, for example. The sprouting of new parties may also be registered. Many of these can more or less be considered as pertaining to the “left wing” of the political spectrum, some ones deriving from previous revolutionary movements, as the Sandinist Front of National Liberation, in Nicaragua. One of the examples most interesting, in the Latin American partisan landscape, seems to be the Brazilian Party of the Workers, founded in 1980, shortly after the Amnesty Bill.

In the case of Latin America, the maturity and, from an historical perspective, the duration and the persistence, are requirements of the politician-partisan life that still must be appraised by the political theory. The continuity of the democratic practice, that seems to have been assured for the many political transitions lived since the 1980s in the region and the overcoming of the crises in Paraguay, Peru, in Venezuela and Argentina, in the years 2000-2005, indicate a positive evolution to be recognized, when compares with the recent past. Still subsists the risk (or either the factual) risk of populism. The eventual financial difficulties that devastate the Latin American region since the 1990a can serve as a cutting line, as in the past, for the new tendencies in politics. The trend, however, indicates an ongoing strong interest in the public space to prevent any distortion or ‘hard-lined’ option, as it occurs, since 2002, in Venezuela.

It can be said, anyway, that the transatlantic political traditions in political life have been restored and –as one could say without exaggerating– consolidated as a political asset: electoral regimes and government practices are legitimated by a party-political life –so fragile it could yet be– whose system is institutionally protected (with still two major exceptions in 2010: Cuba and Venezuela). Indeed, the structural function of political parties in politics offers the only admitted platform for running for offices and for instituting representative elected bodies in the republic. This is a political value imported out of the European matrices through the North-American experience clearly expressed in the renewed constitutions of the Latin-American countries since the 1980s.⁵

This institutional architecture contributes, for certain, for the better valuation of parliaments and for the reestablishment of the prerogatives of the Legislative. The long transition of the re-constitutionalization, of the institutionalization of the electoral system and parties system, and the slow recovery of the capacity of effective participation of the citizens in the public life of the countries appears in the main movements of renewal of the political capacity of social self-determination in Nicaragua, Argentina, Uruguay, Brazil, Paraguay and Chile, mainly.

5. Cf. for more details Horst Dippel/Berend Wispelwey (eds.) *Constitutions of the World 1850 to the Present / Verfassungen der Welt 1850 bis zur Gegenwart*. Btrlin: de Gruyter, 2003-2007.

1.4. The parliamentary system

The Latin American States are approximately divided, for a half, between the bicameral and unicameral system of parliamentary representation. Nine States adopt the bicameral, composed system of a lower chamber (Chamber of Deputies or Representatives) and of a higher chamber (Senate). The political tradition has usually instated bicameral systems in States with a federal structure, even if it is not always the case. In Latin America following countries have a bicameral system: Argentina, Bolivia, Brazil, Chile, Colombia, the Dominican Republic, Mexico, Paraguay, and Uruguay. In the organization of the State, habitually the Chamber of Deputies is the house of popular representation. The Senate usually congregates the representation of the federated entities, defined according to their territorial unity. It is a direct influence of the US political system, that the republican parliaments in Latin America have adopted this system. Federalism and representation concur together in the form of conceiving a 'democratic and popular' (also not a 'monarchic and selective') political system.⁶

The ten other Latin American States considered here adopt the unicameral system: Costa Rica, Cuba, Equator, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Peru and Venezuela. Proportionally one can remark that the unicameral system is concentrated in the Central American countries, a region composed by States comparatively of small territorial dimension and lesser population. The relative exception is the Dominican Republic. Among the countries of bigger territorial extension and population, Peru and Venezuela constitute cases to the part, of recent unicameralism. In the case of the Venezuela, that adopted the system of only chamber with the Constitution of 1999, it kept the definition of the Venezuelan State as being federal.

Peru is the only Latin American State to have foreseen, constitutionally, the position of a prime minister (*presidente del Consejo de Ministros*). This seems to be a relic of a pseudo-parliamentarism, as the president-centered exercise of power is very much the same as in the other countries. As for the effective constitutional law, all the effective incumbencies of the executive belong to the President of the Republic. The Presidency of the Peruvian Council of Ministers is therefore a political operative function only to assist the President of the Republic in the coordination and management of the governmental action.

The parliamentary mandates in the region have terms of office between three and eight years, with concentration in the period of four the five years, as most of the contemporary parliaments:

6. Cf. Alfred Stepan. Federalism and Democracy. Beyond the U.S. Model. In: *Journal of Democracy* 10.4 (1999) 19-34.

Figure 1: Terms of office

Term of office	3 years	4 years	5 years	6 years	8 years
Deputies	2	7	8	1	-
Senators	-	3	3	1	2

With exception of Mexico, Colombia and the Dominican Republic, that forbid the re-election for any position, including parliamentary mandates, members of the Chamber of Deputies and Senators can indefinitely be re-elected. All the parliaments have full budgetary autonomy and internal management. This autonomy can be absolute (although practically it is not the case), fitting to the parliament to decide by itself all its budget and to only communicate to the Executive for inclusion in the 'master budget of the nation'. It prevails, however, the relative autonomy: the parliament foresees its budget and votes it together with the whole of the national bill of finances and means. The tradition wants that the Executive does not oppose its veto to the specific budgetary endowment of the Legislative. All the parliaments are endowed with absolute autonomy for the internal legislative administration and of their employees, including when the legal regime of civil servants it common to all the branches of the State.

All the parliaments work with four types of committees: permanent, thematic, technical, and of inquiry. The number is changeable and if it repeats itself (in both chambers), in the case of the bicameral parliaments. There are bicameral committees which congregate the elected representatives, chosen by the respective House, to handle subject-matters of common parliamentary interest. The technical committees are usually put together to examine themes that are a common subject (to both Chambers) for deliberate (mainly budgetary matters). The thematic committees are usually temporary and handle specific questions, of relevant topical interest, on which they produce special reports for later use. The inquiry committees investigate questions of relevant public policies or examine public agents with sights to elucidate suspicion or accusations of condemnable public behavior.

It is usual for parliaments to elect and to instate a 'special representative committee', to take the decisions needed, on behalf of the parliament, in the periods of recess. Each committee is composed proportionally to the political groups represented in parliament. The parliaments are –without exceptions– competent to examine governmental indications for provisions of high positions of the public administration (for example: directors of central banks and regulating agencies, heads of permanent or temporary diplomatic missions, judges of superior courts) or to directly choose members of the high national magistracy. The parliament functions can equally, when it is the case, act as a court to judge the president and the vice-president of the Republic. In the case of the bicameral system, the accusing chamber is of the Chamber of Deputies, and the judging chamber the Senate.

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The legislative process is, usually, an initiative of the parliamentarians, the executive, the superior courts of justice, as of a number of agencies of administration (the Public prosecution service, for example) and, under determined conditions, of popular authorship. All bill draft is always submitted to one or more committees. Eventually there is a possibility of choosing a special committees according to the complexity of matters to be examined. The principle of the simple majority is the usual one applied to pass bills. The constitutional bills require qualified majority (absolute or of two thirds) and the constitutional amendments demand a majority of two thirds of the whole composition of the House or of both the legislative houses. In the case of Brazil, the constitutional amendments demand majority of two thirds, in two turns of voting, by both the houses of the National Congress and that the approved text must be literally the same. Historically, independently of the regime of functioning of the legislative process, most of the projects transformed into law in all the Latin American States are of initiative of the Executive. This trend is not exclusive, by the way, for the region. This is the case in practically all the Occidental representative democracies, as a consequence of the force of the political play of parliamentary majorities.

The presidential centered regime in all the Latin American countries, explains why the President of the Republic is in charge of the promulgation of all the bills passed. The presidential right to veto exists and reinforces this centralization in the Executive. The veto, partial or total, has of being submitted to the approval or the rejection of the parliament –but in general almost 100% of the vetoes are maintained. The rare rejection of a presidential veto would demand a qualified majority of two thirds– specially difficult to gather under the specific rules of electoral majorities.

Figure 2: Government and State form

Country	Parliamentary System		System of Government		State form		Polling system	
	Two chambers	One chamber	Presidential	Parliamentary	Federal	Central	Obligatory vote	Optional vote
Argentina	x		x		x		x	
Bolivia	x		x		x		x	
Brasil	x		x		x		x	
Chile	x		x			x	x	
Colombia	x		x			x	x	
Costa Rica		x	x			x	x	
Cuba		x	x			x		x
Dominican Rep.	x		x			x	x	
Ecuador		x	x			x	x	
El Salvador		x	x			x		x
Guatemala		x	x			x	x	
Honduras		x	x			x	x	
Mexico	x		x		x		x	
Nicaragua		x	x			x		x
Panama		x	x			x	x	
Paraguay	x		x			x		x
Peru		x	x			x	x	
Uruguay	x		x			x	x	
Venezuela		x	x		x			x

1.5. The electoral system

The Latin American electoral system is strongly under a kind of social and political guardianship. The guardianship appears through the fact that a citizen is compelled to vote in fourteen countries, and free to vote in only five. It is the so-called right-duty to vote. The standard age to have active right to vote is of eighteen years. The age standard to cease the obligation to vote is seventy years. But three countries admit the exercise of the vote before the eighteenth anniversary: with sixteen years of age it is possible to vote in Cuba, Nicaragua and Brazil. Illiterates are no longer interdict of vote in any Latin American State. Some countries exclude from the right to vote the military of the active service and the members of the police. The full ownership of the civil rights is a previous condition for the exercise of the vote and the candidacy. Venezuela is the only country to grant the right to vote to the foreigners resident in the country, after a certain time of permanent residence.

All the States, without exception, fix minimum ages for the passive electoral right. For the Chamber of Deputies, this age limit lays between 21 and 25 years. But Guatemala and Cuba admit a minimum age of 18 years to be elected. For the Senate, the required minimum age is fixed between 25 and 40 years. The criterion prevails in the proportionality for the setting of the number of mandates that composes each house of the Legislative. This proportionality can be straight (a head, a vote; a head, an elected), as in the case of the Brazilian Chamber of Deputies. In this case there is a major difference with all the Atlantic tradition of electoral constituencies. The mixed voting system as the German, or the simple, as the British, or yet the double voting as the French are not practiced in Latin America. Lists of candidates are put together by the political parties and the electoral circumscription usually coincide with the whole province/State in which the vote is exercised.

In the case of the Federative states, the number of senators for the province/State circumscription is a fixed one, like in the US. The election obeys the electoral principle of a simple majority. No Latin American State adopts the system of majority vote in two turns for legislative mandates. Neither the notion of imperative mandate exists. All legislative mandates are considered as a direct empowerment of the elected, without coercitive obligation of obedience to the respective political party or 'electoral basis' – beyond the political interest of the parliamentarian and of his own conscience. Each Deputy or Senator is fully free to exercise his vote in the legislative process. In general terms, the title of the political mandate, while a personal investiture, admits the resignation at any time, as an unilateral act of will.

All Latin American States establish (at least formally) the regime of absolute immunity for opinions and votes in the exercise of the mandate. The immunity also includes, as a general rule during the mandate, a full protection concerning all possible pursuits under civil and criminal law, but excludes the crime *in flagrante*. This is the only case in which the arrest of a parliamentarian is possible. Ceased the mandate, the law suit starts again. Otherwise it is necessary to obtain from the respective House a specific authorization, by qualified majority to make the case against a Deputy or a Senator. The immunity is an important gain in the structural political maturity in the ongoing democratic life in Latin America, although much progress has still to be reached concerning the excessive immunity in ordinary civil and criminal matters. This is a point in which more influence of the North American and European practices is still awaited.

CONCLUSION

The Latin American parliamentary experience is, simultaneously, long and brief, old and recent. All the Latin American countries know the constitutional architecture of the division of powers and the importance of being able to give all three republican and democratic powers a stable and continuous ground, since the processes of independence –200 years in 2010– and consolidation of the national projects. The roots of these convictions are old and deep and go back to

political program of the Enlightenment. The rhythm of the political experiences of the States, however, suffered under long lasting authoritarian mal-functions and institutional discontinuities – at least in very general terms until the second half of the 20th century. The political stability of was rare in this long period.

The end of 20th century brought for the Latin American region the valuation of the shared power by the institutions of the State and the revitalization of the legislative. The reconstruction of the political culture as a legacy inherited from founding fathers of the society, in all the countries of Latin America, started, since the 1980s, to take the contours needed –gradually– to avoid any totalitarian temptation that for so many years haunted the region. It can be said, at risk of a small exaggeration, that the political development and the social participation in the representative democracy grow regularly. The regularity of the elections and the increasing institutional tranquility of the last 30 years, strengthened the conscience of the interdependence and regional solidarity, contribute for the incorporation of the segments of the society in the public life. The creation of supranational regional entities, as the Andean Pact or the *Mercosul*, comes equally demanding to be followed by proper parliamentary institutions or similar, in order to make possible an ample legitimization of what, at its beginning, was just an initiative of governments (like the European Union). The regional parliaments, however, not yet constitute an immediate active element of the political all-day life of Latin American societies. The agenda of the Latin American countries, although does not under-estimate the dimension of the parliamentary activity, is still heavily overloaded by the economic and financial difficulties. The political life and the consciousness of the collective responsibility in the decision-making processes, express themselves through the electoral participation and the direct performance in the social movements. The Latin American public opinion unquestionably reflects a collective consciousness of the political importance of common Euro-American legacy of democratic full participation in politics, which is still to fulfill extendedly. The Latin American public space recognizes the parliamentary forum as an expression of the collective will and privileged scope of political negotiation and decision.

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