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From issue: **Cuba and Colombia** (Fall 2014)

Policy Updates

A snapshot of policy trends and successes in the region.

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Protesters in Monterrey, Mexico, brandish a mock ballot box with a "for sale" sign. Photo and homepage photo: Hans-Maximo Musielik/Latincontent/Getty.

[Climate Change: COP 20 in Peru](#)

BY

[Katerina Valdivieso](#)

As host of the upcoming United Nations Climate Change Conference in December, Peru has assumed a challenging burden. Ministers and high representatives of 195 countries and international organizations, along with roughly 15,000 visitors, will gather in Lima to mark the 20th annual session of the Conference of the Parties (known as COP 20)—the governing body of the international convention. The work plan is as challenging as the conference logistics: delegates are expected to draft a document that will serve as the basis of a multinational agreement on reducing global warming, to be signed in Paris in 2015.

The odds of reaching such consensus seem slim. The richest countries of the world are just coming out of an economic crisis (some are still struggling), and emerging economies such as China and Brazil have experienced slowed economic growth. Developing countries such as China and India refuse to shoulder the burden of reducing carbon emissions if that implies curtailing economic development, while developed countries show an increased reluctance to adopt global climate change agreements. Japan, for example, has opted out of prior commitments to reduce emissions to specific target levels, while the Australian Parliament just repealed a carbon tax this summer established under the previous administration.

Unfortunately, even Peru's commitment to environmental safeguards seems to have weakened ahead of the summit—calling into question its ability to set an effective example as summit host.

As in other developing nations, Peru's environmental backsliding has economic roots. The country faces a significant decline in the price of its main export commodities—mostly metals and minerals—and a sharp drop in GDP growth.

As a result, it is hoping to jump-start its economy by attracting greater levels of domestic and foreign investment. The recovery plan, however, appears to involve a sharp reduction in environmental safeguards.

The first indication came with the June 2014 announcement by Peruvian President Ollanta Humala of a number of economic measures that include new incentives for investment in the mining and energy sectors. The measures have opened him to charges that he is putting the economy ahead of the environment.

Specifically, the plan calls for a temporary 35 percent reduction in fines for environmental violations. Since this law places the emphasis on corrective actions rather than preventive measures, environmentalists fear that the worst sanction a company could get for failing to apply clean technology or for contaminating a river is to be ordered to restore the situation to its previous state. Since lower fines are cheaper than making preventive investment upfront, the risk is that companies will just build them into their annual budgets as expenses without making any real effort to avoid environmental damage.

Necessary Tradeoffs?

Many in the private sector argue that ensuring economic growth and greater investment is Peru's top priority. As Peruvian economist Gianfranco Castagnola wrote in his column in *Perú21.pe* in July, these measures are needed to speed up the permit approval process in the mining, electricity and hydrocarbons sectors. Under the new measures, permit applications will have to be decided upon in 45 days, as opposed to the previous system, which could take up to two years.

Moreover, Peru produces only 0.4 percent of global gas emissions, mostly from land use, not from fossil fuels. Even if Peru's emissions doubled, the impact on global climate would be negligible.

More alarming, however, is Peru's vulnerability to climate change. Peru is home to four of the five geographical areas most vulnerable to climate change—from fragile mountain ecosystems to low-lying coastal areas. Some environmentalists argue, therefore, that Peru could use its role as summit host to showcase efforts to put climate adaptation at the head of the world's environmental agenda.

Hector Maletta, who studies adaptation opportunities in agriculture in the Andean region at the *Centro de Investigación de la Universidad del Pacífico* (CIUP), says that Peru's varied ecology enables farmers to take advantage of some changes in climate, such as the increased rainfall and temperatures in Peru's highlands—especially at altitudes above 10,000 feet (3,000 meters), where arid soil and cold temperatures are major constraints on agriculture. Maletta suggests that because rainfall occurs predominately in the summer, followed by a dry winter, the government should prioritize the

construction of reservoirs that can regulate the flow of water, thereby avoiding landslides and floods while improving conditions for irrigated agriculture.

Peru once appeared to be heading in the right direction. In 2008, the government announced it would contribute to global climate change mitigation efforts by conserving 54 million hectares of forest (42 percent of the national territory) by 2021 to reverse the process of illegal logging and burning and to substantially reduce deforestation. As a consequence, the National Forest Conservation Program for Mitigation Against Climate Change was created in 2010 to reach this goal. Currently, around 17 percent of the national territory has been protected.

But will the country's economic problems allow it to complete the job? One potential source of funding is the REDD+ (Reducing Emissions from Deforestation and Degradation) initiative led by the World Bank. The initiative, which is aimed at strengthening forest governance at a local and national level, empowers Indigenous communities who live in the forest to manage it in a sustainable way. There are already many projects under way in Peru, with the funding paying for regional monitoring and reporting systems that can generate reliable digital data to enable researchers to determine direct and indirect causes of deforestation and forest degradation.

Peru's moment in the spotlight of the global climate change debate may have come at a controversial time. While the country's current plight underscores the challenge many nations are facing as they try to address economic slowdowns, Peru also has an opportunity to demonstrate that the narrow pursuit of economic development carries real and immediate environmental and economic costs of climate change that no country can afford.

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The Electoral Challenge for the Western Hemisphere

BY

Jennifer McCoy

After more than three decades of experience with representative democracy, most Latin American countries have successfully reduced ballot-stuffing and other forms of election-day fraud, only to be faced with a different challenge: ensuring that elections are truly competitive. The legacy of concentrating power in iconic personalities or political parties gives incumbents around the region an overwhelming advantage that distorts the political process and creates an uneven playing field—a form of corruption just as insidious as the old-fashioned version.

To address this challenge, multilateral organizations, international NGOs, governments, legislatures, and national electoral commissions need to work together to establish a clear set of approaches and norms to ensure fairness, transparency and voter choice, before and during election campaigns.

The Problem

Incumbent executives tend to win elections. Why? Sometimes they are rewarded for good performance, but too often incumbents have access to state resources that can swing public opinion in their favor—such as timely “gifts” of infrastructure projects or welfare programs at election time. In some cases, these pre-election gifts may be quite legal; but the process is also open to abuses, such as the siphoning of government funds for use in campaigns and shady fundraising. In the past year, incumbent advantage became an issue in several elections. Venezuelans refer to *ventajismo*—or “extreme advantage”—to describe exploiting an incumbent’s access to state resources for electoral advantage, such as obligatory broadcast of presidential messages, participation of government officials in campaign activities, and use of government vehicles to transport voters. In Colombia, the opposition complained that *mermelada*—literally “marmalade”—or financing provided by the executive to legislators for their districts—influenced opposition legislators to use their own political machines to favor the president. In Panama, critics charged that former President Ricardo Martinelli exerted his influence to secure the nomination of his wife and former first lady, Marta Linares de Martinelli, to run as a vice presidential candidate in the May 2014 presidential elections.

Before the 1990s, most Latin American constitutions prohibited presidents from running for a second term. The ban was a direct response to a long history of strongmen who hid behind an electoral façade to stay in power indefinitely. In the past two decades, however, many presidents have persuaded friendly legislatures to reverse these bans, arguing they should have the right to continue their work. This has turned into a worrying trend—reinforcing the problem of incumbent advantage. Today, only four countries prohibit second presidential terms. Eight countries (including the U.S.) allow a leader to run for re-election after his or her first term ends; another eight allow presidents to re-enter the electoral struggle after a specific amount of time has elapsed. Presidents who hit the campaign trail for another term are usually rewarded by voters. Since 1990, the only Latin American president who lost a bid for immediate re-election was Hipólito Mejía in the Dominican Republic in 2004.

A new trend toward indefinite re-election makes the need for rules and enforcement to ensure competitive elections even more urgent. Constitutional amendments removing presidential term limits passed in Venezuela under Hugo Chávez in 2009 and in Nicaragua under Daniel Ortega in January 2014, with Ecuadorian president Rafael Correa in May proposing a similar reform. Such unlimited mandates could be dangerous. As multiple-term presidents concentrate more power in the executive branch, the system of checks and balances is weakened and the growth of an insider clique around a strong president responsible for appointments in the judiciary and financial administration reduces public accountability.

Solutions

In itself, a second or third term is not undemocratic: if incumbent politicians or parties are doing a good job, it is rational for voters to be given the chance to return them to office. But the campaigns must be truly competitive. Opponents must have a fair shot at gaining office, and voters’ ability to decide against an incumbent cannot be impeded. The challenge is how to compensate for the natural advantages of incumbency and prevent the abuse of state power.

Three things are needed: effective regulations to enhance equitable campaign conditions; independent election and judicial authorities who can enforce those regulations; and a stronger hemisphere-wide norm for assessing the fairness and transparency of the entire electoral process—rather than just

conditions on voting day.

Several countries have experimented with a variety of regulations to control incumbent advantage and enhance electoral competitiveness. Argentina, Brazil, Colombia, and Mexico prohibit the inauguration of public works during a campaign. Brazil also prohibits the government from distributing free goods and services, and prohibits the sitting president from making major public broadcasts during a campaign that are not part of the *horário eleitoral gratuito*—or free airtime—that is given to each presidential candidate.

Many other countries also provide free television access for campaign spots to enhance equitable competition, and Argentina, Brazil and Mexico further prohibit the private purchase of campaign ads on television and radio. Every country in the hemisphere except Venezuela provides some type of public financing to parties or candidates, which levels the playing field and also helps smaller parties compete. In the U.S., however, this financing is only for presidential campaigns and has been eschewed by candidates in the two most recent elections to avoid caps on campaign spending.

Although scholars and international election-monitoring organizations have long emphasized that the entire electoral process must be considered in evaluating the quality of elections, there is a tendency by the media and foreign governments to focus only on election-day activity: if no fraud is found in the vote count, election results are generally accepted. But if elections are truly to provide a democratic choice, citizens must have an equal chance to participate, both as voters and candidates. Voter registration, legal criteria to run for office and transparent dispute resolution are all crucial aspects, but campaign conditions described above typically have been the hardest aspects of an election to measure and evaluate.

Fortunately, there has been progress in identifying international standards for democratic elections and assessing compliance with them. The Carter Center's Democratic Election Standards database identifies the international obligations that each state has committed to in the form of international treaties, protocols and agreements. The Organization of American States (OAS) and the Organization for Security and Co-operation in Europe (OSCE) have designed methods to evaluate the often opaque elements of political finance—perhaps the trickiest part of election observation. International and national election observer groups have made strides in monitoring the balance in media coverage of campaigns and estimating campaign expenditures.

Yet, there is no hemispheric agreement on who will assess, and how to assess, elections. Despite the widely touted norm of international election observation, differing views on the role of outsiders in assessing elections exist: the U.S. and the Southern Cone countries of Argentina, Brazil, Chile, and Uruguay do not invite outside observers; while other countries that had previously invited international observers, such as Nicaragua and Venezuela, no longer do.

Even where international observer missions are invited, the willingness of the missions to publicly criticize or to recommend changes is inconsistent. In the OAS and the European Union, though observation procedures are well-established, the person selected to lead the observer delegation (chief of mission) sets the tone, which can vary widely across elections. The Union of South American Nations (*Unión de Naciones Suramericanas*—UNASUR) is the new “kid on the block” in election monitoring and is still developing its own standards and procedures. It has, thus far, varied its

approach according to the desires of the inviting government—at times giving no public reports at all, such as in Venezuela in 2012 and 2013.

Developing a consensus on international standards for democratic elections that includes equitable campaign conditions is the next hurdle to overcome in achieving election quality. Citizens are the foot soldiers in this battle—either as national observers or as political party poll watchers—and they need to be well trained in the modern techniques for monitoring campaign equity, including equitable access to media, transparent campaign finance, and use of state resources.

At the same time, the civil society and multilateral organizations that have worked to establish free and fair elections have an important role to play in maintaining norms and practices. Those organizations should encourage a standard that recognizes and welcomes international observer groups that adhere to the Declaration of Principles for International Election Observers. After the hemisphere's long struggle for democracy, it would be a shame to allow Latin America's old-style politics to return through the back door.

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