

# LUISS



*Department of Political Science*

*Degree Course in Politics: Philosophy and Economics*

Course of Public Law

**POPULIST CONSTITUTIONALISM IN LATIN AMERICA:  
EVALUATING VENEZUELA'S CONSTITUTION OF 1999  
AND BOLIVIA'S CONSTITUTION OF 2009**

**SUPERVISOR:**  
Prof. Cristina Fasone

**CANDIDATE:**  
Giulia Caravita  
Matricola 099182

**ACADEMIC YEAR 2023/2024**

# Table of Contents

<b>Table of Contents.....</b>	<b>2</b>
<b>Introduction.....</b>	<b>4</b>
<b>Chapter 1. Populism: the definition dilemma and the Constitutional approach.....</b>	<b>6</b>
1.1 The “Definition Problem”.....	6
1.1.1 The Ideational Approach.....	7
1.1.2 The Political-Strategic Approach.....	7
1.1.3 The Relational Approach.....	8
1.1.4 Framing Populism.....	9
1.2 Populist Constitutionalism.....	10
1.2.1. Defining Populist Constitutionalism.....	10
1.2.1 The Relationship between the Judicial and Populist Rule.....	10
1.2.3 Populism Intersecting with Constitutional Principles and Institutions.....	11
1.3 Conclusion.....	14
<b>Chapter 2. Populist Constitutionalism in Latin America.....</b>	<b>16</b>
2.1 Populism in Latin America.....	16
2.1.1 Why study Populism in Latin America?.....	16
2.1.2 Key characteristics and Impact of populism in Latin America.....	17
2.1.3 Additional Features of Latin American Populism.....	19
2.2 The Relationship between Latin American populism and the Constituent Power.....	21
2.2.1 Historical evolution of populism in the Latin American region.....	21
2.2.2 The “New Wave” of Populism: exploiting the “Constituent Power”.....	22
2.2.3 Consequences and Impact.....	26
2.3 Conclusion.....	27
<b>Chapter 3. Venezuela’s 1999 Constitution.....</b>	<b>28</b>
3.1 Historical Overview.....	28
3.1.1 The Rise of Hugo Chavez.....	28
3.1.2 The Bolivarian Revolution.....	29
3.1.3 Forming the Constituent Assembly.....	30
3.2 The Constitution of 1999.....	31
3.2.1 The Separation of Powers.....	32
3.2.2 The Rights of the Venezuelan People and the Freedom House Report.....	34
3.2.3 The Power of the President.....	36
3.3 Evaluating the 1999 Constitution.....	38
<b>Chapter 4. Bolivia’s 2009 Constitution.....</b>	<b>41</b>

4.1 Historical Overview.....	41
4.1.1 Indigenous Protest and the Rise of the MAS in Bolivia.....	41
4.1.2 The Constitution-Making Process.....	43
4.2 The Constitution of 2009.....	46
4.2.1 State Structure and the Distribution of Power.....	47
4.2.2 Indigenous Autonomies and the Economic Development of the State.....	50
4.3 Evaluating the 2009 Constitution.....	52
<b>Conclusion.....</b>	<b>55</b>
<b>Bibliography and Sitography.....</b>	<b>61</b>

## Introduction

Mostly implied in its pejorative connotation, nowadays the term “populist” is predominantly used to describe right-wing political figures, particularly in Europe and the United States, where a new tide of populist leaders has emerged during the last elections. A new wave of populism seems to be approaching modern democracies all over the world, and the populist phenomenon is gradually taking center stage.<sup>1</sup>

The academic tendency is to reduce populism to a single set of universal elements which makes populism, by definition, antithetical to constitutionalism: populism seems to be against the core elements of constitutional democracy, such as independent courts, free media, civil rights, and fair electoral rules, degenerating into one or another form of anti-liberal and authoritarian order.<sup>2</sup> The question comes naturally: how is it possible, then, to conceptualize a form of “populist constitutionalism”?

Despite the apparent contradiction between populism and liberal constitutions, some populist leaders actively engage in constitutional projects to assert popular sovereignty and consolidate their hold on power. The concept of populist constitutionalism, as theorized by scholars like Jan-Werner Müller, Nicola Lacey, Paul Blokker, and David Landau, delves into the intricate relationship between populist movements and the foundational principles of constitutional democracy. Populist leaders, driven by anti-elitism and a desire for direct connection with the populace, often challenge established institutions, including the judiciary and the rule of law, viewing them as impediments to the expression of the “will of the people”. This thesis will start by analyzing the phenomenon of populist constitutionalism and the main theoretical contributions that studied the relationship between populist rulers and democratic institutions.

---

<sup>1</sup> Daniele Battista, “*Knock, Knock! The next Wave of Populism Has Arrived! An Analysis of Confirmations, Denials, and New Developments in a Phenomenon That Is Taking Center Stage*,” *Social Sciences* 12, no. 2

<sup>2</sup> Bojan Bugarič, “*Populist Constitutionalism – between Democracy and Authoritarianism*,” ed. Adam Czarnota, Martin Krygier, and Wojciech Sadurski, Cambridge University Press (Cambridge: Cambridge University Press, 2022)

The choice of the Latin American region as the geographical focus of this thesis has a multifaceted explanation. Firstly, Latin America has been deeply influenced by populism since the early to mid-20th century, witnessing charismatic leaders who capitalized on socioeconomic crises and income inequality to gain power. The populist manifestations in the region exhibit distinct and very clear features and often resort to forms of populist constitutionalism, such as Venezuela's Bolivarian Revolution, which utilized constitutional reforms to concentrate power in the executive and weaken democratic institutions. Leaders like Hugo Chavez and Evo Morales were able to seize power through democratic means and later concentrate State powers in their own hands by engaging in constitutional projects. They represent the perfect case studies to assess the impact of a populist project when applied to constitutional reform. For this reason, this thesis will analyze, respectively, Venezuela's Constitution of 1999 and Bolivia's Constitution of 2009 in detail, especially focusing on the critical aspects and the process of institutionalization of populist rule in both countries.

The main objective of this dissertation is to define a connecting line between these two manifestations of populist constitutionalism, drawing on similarities between the constitutional texts and the consequences they have brought upon their countries, now that both constitutions have been in force for significant periods. After having analyzed the concept of populist constitutionalism and having applied it to the Latin-American region, the thesis will dive deep into the constitutional texts of Venezuela and Bolivia, each scrutinized singularly. Finally, the conclusive chapter will compare the two constitutions and try to assess how and to what extent the populist constitutions in Venezuela and Bolivia have threatened the democratic quality of these two countries, by evaluating parameters such as the independence of the judiciary, whether or not the citizens are granted civil rights and the concentration of powers in the executive branch.

# Chapter 1. Populism: the definition dilemma and the Constitutional approach

## 1.1 The “Definition Problem”

The term “*populist*” often permeates media discourse, and nowadays it has become commonplace, seeping into the collective consciousness. Mostly implied in its pejorative connotation, “populist” is now predominantly used to describe right-wing political figures, particularly in Europe and the United States, where a new tide of populist leaders has emerged during the last elections<sup>3</sup>. However, recent studies identify a rise of populism also in regions such as Southeast Asia, the Middle East, and even Sub-Saharan Africa<sup>4</sup>. The populist phenomenon has undeniable political relevance, yet, despite the extensive body of academic literature dedicated to the subject, a precise definition of “populism” remains elusive, causing a lack of consensus regarding its attributes and implications. As an essentially contested concept, the definition of populism still divides academics across various fields of study, including political science, economics and law, but the debate is not exclusively confined to the academic world. Among the aims of this chapter is to provide a theoretical framework that can later be used to analyze two case studies, delving specifically into the concept of populism as a constitutional project. However, in order to explain how it influences democratic institutions within a nation's constitution, it is necessary to construct a more or less defined understanding of the concept of populism itself, which can prove to be a hard operation to take out. To tackle such a challenge, this section will present three commonly acknowledged theoretical approaches to defining populism. Subsequently, I will try to draw a picture of the main features of populism, finding common ground between the presented theories, and elucidating the similarities that come up upon analyzing the concept of populism. The primary approaches used to define populism are the ideational approach, the political-strategic approach, developed by Kurt Weyland, and the socio-cultural approach,

---

<sup>3</sup> Peter C Baker, “*We the People: The Battle to Define Populism*,” the Guardian (The Guardian, February 23, 2019)

<sup>4</sup> Kurlantzick, 2018 and Mansour & Khatib, 2018

developed by Pierre Ostiguy<sup>5</sup>. They all provide different, but equally valuable lenses through which to examine the multifaceted nature of populism, offering insights into its ideological underpinnings, strategic manifestations, and socio-cultural dynamics.

### 1.1.1 The Ideational Approach

The ideational approach distances itself from the definitions of populism in terms of structure, economics, or political strategy, reducing them to contingent factors and underlying ideas as the most important factor of causal analysis. Populism is conceptualized as an ideational “core” that “*attaches itself to a ‘host’ ideology*”<sup>6</sup> and can thus be combined with other ideological features. Because of this specific characterization of the concept of populism, and particularly the versatility it provides in applying it, the ideational approach has become increasingly popular, especially in comparative studies of the populist phenomenon. However, this focus on ideas as the sole defining factor can also be seen as a weakness. It might be argued that the ideational approach can downplay the importance of other factors, such as economic conditions or political structures, that might contribute to the rise of populism. Additionally, the emphasis on a core set of ideas might overlook the significant variations in how populism is manifested in different countries.

### 1.1.2 The Political-Strategic Approach

The political-strategic approach, as the name suggests, shifts the analytical focus from the ideological framework to the strategy employed by the leaders in their pursuit and exercise of power. According to Kurt Weyland, this approach focuses on analyzing “*the methods and instruments of winning and exercising power*”<sup>7</sup>. According to Weyland, then, populism is “*a*

---

<sup>5</sup> Cristóbal Rovira Kaltwasser et al., *The Oxford Handbook of Populism*, Oxford University Press, 2017, Chapter 1

<sup>6</sup> Kirk A. Hawkins and Cristóbal Rovira Kaltwasser, “*The Ideational Approach to Populism*,” *Latin American Research Review* 52, no. 4 (2017): 513–28,

<sup>7</sup> Kurt Weyland, “*Clarifying a Contested Concept: Populism in the Study of Latin American Politics*,” *Comparative Politics* 34, no. 1 (October 2001): 1–22. , p. 12

*political strategy through which a personalistic leader seeks or exercises government power based on direct, unmediated, non-institutionalized support from large numbers of mostly unorganized followers*<sup>8</sup>. Central to this perspective is the understanding that the leader needs to gain and maintain support from a large, heterogeneous aggregate, which vests in him the power of executing “the will of the people”. To foster a sense of identification in the leader himself, populist rulers rely on continuous and direct engagement with the general public, eliminating as much as possible any intermediation. The advantage yielded by Weyland’s approach is the concrete characterization of the populist phenomenon it offers, as it is solely derived from the leader’s personality and practical action. The political-strategic lens can easily explain the unpredictability and variability of populist rules, as it emphasizes the strategies employed, not the ties to a specific ideological framework, thus acknowledging the dynamic nature of populist movements and their adaptability to diverse political landscapes<sup>9</sup>. On the other hand, it is true that exclusively focusing on strategy might neglect the ideological components that can shape populist movements, and the focus on leader behavior can make it challenging to distinguish between a populist leader and other forms of charismatic leadership.

### 1.1.3 The Relational Approach

Taking a distinctly different route, Pierre Ostinguy introduces a level of analysis absent in the works of Mudde and Weyland: the sociological component. He proposes a relational approach, linking popular socio-cultural identities to the assertive power of the leader<sup>10</sup>. Ostinguy underlines how populist leaders often draw support from specific social groups with distinct identities, values, and grievances, by connecting with and mobilizing these socio-cultural identities. Ostinguy’s formulation of the populist phenomenon leans more towards a taxonomy of the involved variables rather than a rigid definition, as the ones

---

<sup>8</sup> Ibid., p.14

<sup>9</sup> Kurt Weyland, “*Populism: A Political-Strategic Approach*,” in Oxford Handbooks Online, ed. Cristóbal Rovira Kaltwasser et al. (Oxford University Press, 2017)

<sup>10</sup> Pierre Ostinguy, “*Populism: A Socio-Cultural Approach*,” in Oxford Handbooks Online, ed. Cristóbal Rovira Kaltwasser et al. (Oxford University Press, 2017)



previously considered in this chapter. This approach proves effective in operationalizing the concept as it employs the notion of polarization, which has been widely utilized in political communication since the late 1990s: populism can take various forms and can be found all across the political spectrum. In essence, Ostinguy's framework does not engage in the debate surrounding populism, which views it either as an "ideology" or a "rhetorical style", opting for alternative categories instead.

#### 1.1.4 Framing Populism

Although they differ in the theoretical emphasis, causal factors, and views over the ideological content, we can trace a "common line" between these three approaches that could help draw an identifiable picture of populism.

The approaches align on three primary traits that we can consider as characterizing populism: (a) an anti-elitist core; (b) a Manichean worldview, according to which "*society is separated into two homogeneous groups, 'the pure people' versus 'the corrupt elite'*"<sup>11</sup>; this moralized form of anti pluralism, portraying a morally elevated group ("the real people") to be defended from a corrupt and immoral elite, can be considered the central claim of populism, and is recognized as such by most academics<sup>12</sup>; (c) flexibility across ideologies: each approach acknowledges that populism can take on different ideological colors and is not limited to a particular political ideology. This is particularly evident when focusing on Latin American populism, as it has historically encompassed both left-wing and right-wing leadership.

---

<sup>11</sup> Cas Mudde, "*The Populist Zeitgeist*," *Government and Opposition* 39, no. 4 (2004): 541–63,

<sup>12</sup> Jan-Werner Müller, *What Is Populism?* (Philadelphia: University Of Pennsylvania Press, 2016)

## 1.2 Populist Constitutionalism

As already mentioned, around the definition of populism there still is widespread disagreement, but the versatility and wideness of the concept allow it to be analyzed under multiple viewpoints, including the economic, sociological, cultural and legal. This section explores the relationship between populism and constitutions and, in particular, how populist-led governments can enact policies affecting constitutional principles such as the rule of law, separation of powers, and checks and balances.

### 1.2.1. Defining Populist Constitutionalism

The term “populist constitutionalism” derives from a specific evaluation of those regimes wherein populism has reached a high level of institutionalization in the judicial and legal establishments of a State, thus potentially mining the liberal character of democracy. Constitutional populist scholars are particularly concerned about the ability of populist leaders to successfully undermine the legitimacy of experts and the judiciary and be able to enshrine their populist ideals within the legal framework. This "institutionalization" of populism weakens the checks and balances that are essential for a healthy democracy, leading, in some extreme cases, to a transformation or substitution of the constitution itself, thus invoking the so-called constitutional power. Recent examples like Orban's Hungary and Chavez's Venezuela highlight the impact of populist constitutions on the future of democratic regimes.

### 1.2.1 The Relationship between the Judicial and Populist Rule

*“Constitutions attempt to secure important social benefits by establishing fundamental laws, mandating the rule of law, entrenching political procedures, limiting government powers, and, in liberal orders, guaranteeing basic human rights.”<sup>13</sup>*

---

<sup>13</sup> Mark A. Graber, “*Constitutional Purposes*,” in *A New Introduction to American Constitutionalism*, 2015, p.40

Taking this as a broad definition of the purposes served by a constitution, and keeping in mind the main traits of populism previously discussed, it does not come as a surprise that most academic contributions tend to view populist rule as antithetical to the concept of constitutional democracy. Populist leaders, as noted earlier, aim to build a direct connection with the people, devoid of any intermediary. One of their main focuses, then, becomes eliminating the “middleman”, so to speak, relying “*as little as possible on complex party organizations as intermediaries between citizens and politicians*”<sup>14</sup>. This willingness of populist regimes to eliminate most forms of intermediaries is not just limited to party organizations and political entities. In this sense, populist action, especially when populists ascend to govern a country, might intersect with legal norms and affect judicial institutions, ultimately influencing the rule of law, the system of checks and balances and the clear separation of powers within the State. One of the tendencies of populist leaders is to “*challenge the politics of the established parties and elites in a radical, ideologically incoherent and unpredictable way*”<sup>15</sup>, and to do so “in the name of the people”. Among the targeted elites, populist leaders also tend to address experts and members of the judicial system, framing them as detached from the people and unable to promote their interests, as a way to consolidate their power<sup>16</sup>.

### 1.2.3 Populism Intersecting with Constitutional Principles and Institutions

A strong argument can then be made that populism and liberal, constitutionally established institutions are inherently incompatible<sup>17</sup>. Populists view the rule of law and the interference of the judicial in political matters as an obstacle to their claimed objective of representing the “will of the people”<sup>18</sup>: the detached judiciary elites and the systems of checks and balances established by the constitutional principle of separation of power is nothing but a “speed

---

<sup>14</sup> Müller, 2016

<sup>15</sup> Jan Pakulski, “*Populism and Political Elites*,” *Zoon Politikoon* Special Issue 2018, p. 7

<sup>16</sup> Manuel Anselmi, Paul Blokker, and Oscar Mazzoleni, “*Populism and Law*,” in *Political Populism. Handbook of Concepts, Questions and Strategies of Research* (Nomos, 2021)

<sup>17</sup> Andrej Zaslove & Meijers, 2023; Galston, 2018; Sharlamanov, 2022

<sup>18</sup> David Molloy, “*What Is Populism, and What Does the Term Actually Mean?*,” BBC News, March 6, 2018; Müller, 2016; Mudde 2004

bump” to prevent a populist government from implementing what they claim the majority wants<sup>19</sup>. However, as highlighted by Professor Nicola Lacey:

*“Populists do not necessarily eschew constitutionalism altogether. But populist constitutionalism is a tricky matter, since the creation of separate and mutually checking governmental institutions necessarily gives rise to the possibility of conflict between them – a conflict which is inconsistent with the populist monarchic claim to express the people’s will.”*<sup>20</sup>

Despite what it has been stated up until now, then, we can infer that it still is in the interest of populist leaders to keep *some* forms of institutions working. When mentioning legal resentment, it was noted how As Jan-Werner Muller brilliantly notes: *“Populists in power are fine with institutions - which is to say, their institutions”*. We can observe different cases of populists engaging in constitutional projects, remarkably in the European and American continents. The two most recent and notable cases in the Latin American populist experience, the aforementioned Hugo Chavez in Venezuela and the case of Evo Morales in Bolivia, will later be analyzed in depth.

*“Populist projects of constitutionalism follow a different understanding of (constitutional) law.”*<sup>21</sup>. In defining the relationship between populists and the rule of law, Paul Blokker employs the term “legal resentment”, meaning that populists do not reject the rule of law entirely, but they advocate for a version of it that better serves their purposes. Their main argument is that the traditional liberal principles of neutrality and individual rights can hinder the expression of a unified national identity and the will of the “true people”, as they tend to view human rights and individual freedoms as subordinate to the national interests. Whilst rejecting the rule of law as a neutral framework for decision-making, populists still believe it

---

<sup>19</sup> Jean-Werner Müller, “Populism and Constitutionalism,” in *The Oxford Handbook of Populism* (S.L.: Oxford Univ Press, 2019)

<sup>20</sup> Nicola Lacey, “Populism and the Rule of Law,” *Annual Review of Law and Social Science* 15, no. 1 (October 13, 2019), p. 13

<sup>21</sup> Blokker, 2017

to be a tool, used by the people's true representatives to enact the will of the national community.

In a populist regime then, the rule of law can become a powerful weapon to obstruct the representative system and its checks and balances, viewing them as obstacles to a direct enactment of the people's will. As a consequence, populist leaders will target courts and other institutions designed to ensure accountability, resorting to tactics like court-packing, intimidation of judges, or manipulation of judicial appointments (as seen recently in Poland and Hungary<sup>22</sup>). The populist legal resentment can also translate in backlashes against international courts and the international legal order, arguing that these can erode national sovereignty and democratic decision-making.

Once these checks are undermined and the judiciary is “commandeered” and co-opted, the legal system assumes the form of what some scholars have called “abusive constitutionalism” or “discriminatory legalism”<sup>23</sup>. These terms describe a system where the rule of law is still invoked, but manipulated to serve the interests of the populist regime rather than uphold democratic principles.

Apparently, the liberal normative system seems to be going against everything populists stand for. Why should populist leaders resort to the rule of law then?

In 2017, Polish president Andrzej Duda called for a national debate on Poland's constitution, claiming that “*It is time for a serious debate on the constitution, not only among elites and politicians, but among the Polish people.*”<sup>24</sup>. Duda was elected president in 2015 after being made a candidate by his mentor, Jaroslaw Kaczynski, head of the populist and nationalist-conservative Law and Justice Party (PiS). The Polish president's words reflect what, according to Paul Blokker, is the main reason why populists engage in constitutional projects: the claim to popular sovereignty<sup>25</sup>. They claim to be forming a new constitutional

---

<sup>22</sup> Amnesty International, “*Poland: Witch Hunt of Judges Threatens Independence of Judiciary*,” Amnesty International, July 4, 2019; and Ágnes Kovács, “*Defective Judicial Appointments in Hungary: The Supreme Court Is Once Again Embroiled in Scandal*,” Verfassungsblog, September 27, 2022,

<sup>23</sup> Lacey, 2019

<sup>24</sup> Gerhard Gnauck, “*Constitutional Referendum in Poland?*” Dw.com, May 5, 2017,

<sup>25</sup> Blokker, 2019

order in which the will of the people is represented directly, without the complexity of constitutional norms inhibiting the true representation of the voters' preferences.

In 1999, the president of Venezuela Hugo Chavez successfully led the drafting of a new constitution for his country. The document, while containing progressive social elements that resonated with his base of supporters, significantly expanded presidential powers. Among other provisions, the new constitution gave Chavez broader control over the military and decree power, abolished the Senate, extended the presidential term limits to six years, and empowered the president to call for constitutional amendments. The immediate consequence was a weaker independence of the judiciary and the National Assembly, thus making room for greater executive control. But Chavez's grip on presidential power was bound to get tighter, as he further exploited the new constitution's provisions for referendums. In 2009, he proposed a constitutional reform allowing for indefinite reelection, that was voted through a national referendum. Despite a close outcome, the reform, which Chavez claimed was "*a clear victory for the people*"<sup>26</sup>, passed, allowing the president to potentially rule indefinitely. This example leads us to another, maybe more "banal" reason that brings populist leaders to engage in constitutional law projects: the willingness of populist leaders to create institutions that will allow them to keep their power, possibly for an indefinite period of time. They use democratic means, such as referendums (like in the aforementioned Venezuelan case) and constitutional courts, to retain a power that is fundamentally undemocratic in its authoritarian character, thus attempting to permanently "occupy the state"<sup>27</sup>.

### 1.3 Conclusion

This chapter has explored the complex relationship between populism and constitutions. While the concept of populism remains contested, it is possible to identify three key features of the phenomenon, according to the numerous scholarly works produced on the topic of

---

<sup>26</sup> Rory Carroll, "Hugo Chávez Wins Referendum Allowing Indefinite Re-Election," The Guardian, February 16, 2009, sec. World news

<sup>27</sup> Muller, 2019

populism. Those are an anti-elitist core, a Manichean worldview, and an ideological flexibility.

The second section of this chapter then dived into the concept of “populist constitutionalism” examining how populist leaders interact with and potentially reshape constitutional principles. Populist leaders often view the rule of law and established institutions as obstacles to their direct connection with the “people”, potentially leading to tension with the separation of powers and checks and balances that are essential to a healthy democracy.

Despite a perceived oxymoron in the concept of “populist constitutionalism”, as liberal constitutions seem to stand against the populist projects, some populist leaders still engage in constitutional projects. These projects can serve two main purposes: (a) claiming popular sovereignty, thus establishing a new national order properly reflecting the national community’s will, and (b) securing their hold on power.

The case studies of Venezuela and (potentially) Poland highlight how these projects can undermine democratic principles. While populists may invoke the rule of law, they often manipulate it (“abusive constitutionalism”) to serve their own agendas.

## Chapter 2. Populist Constitutionalism in Latin America

### 2.1 Populism in Latin America

*“Latin America is the land of populism. From the 1930s and 1940s until the present, populist leaders have dominated the region’s political landscapes.”*<sup>28</sup>

As Carlos De La Torre, one of the main scholars of Latin American populists, pointed out, the populist phenomenon has deep roots and a long history in the Southern-American region, to such an extent that it has become of prime academic interest: from the charismatic sway of Getúlio Vargas in Brazil to the enduring legacy of Juan Perón in Argentina, populist leaders have dominated the region's political landscapes since the 1930s and 1940s. The endurance of populist leadership in the region has its roots in vast income inequality, a legacy of military rule, and a yearning for strong leadership in the face of recurring economic crises. This section delves into the characteristics of populism specifically in its Latin-American manifestations.

#### 2.1.1 Why study Populism in Latin America?

Even though the origins of the first populist movements are often identified in the People’s Party in the United States, the *Narodnik* movement in Russia, and Boulangism in France<sup>29</sup>, it is undeniable that the Latin American region had, and continues to have, a long and uneasy relationship with populism, with the first “populist wave” dating as far back as the 1930s. According to Sebastian Edwards, we can trace the characteristics of contemporary manifestations of populism around the globe back to classical Latin American populism<sup>30</sup>. This is also due to the multifaceted experience of populism in South America, ranging from socialist-leaning populist leaders to more neoliberal forms of populist governments, like

---

<sup>28</sup> Carlos de la Torre, “*Populism in Latin America*,” in Oxford Handbook of Populism, ed. Cristóbal Rovira Kaltwasser et al. (Oxford University Press, 2017). p.1

<sup>29</sup> Cristóbal Rovira Kaltwasser et al., The Oxford Handbook of Populism (Oxford, United Kingdom ; New York: Oxford University Press, 2017), Chapter 1, p. 1-24

<sup>30</sup> Sebastian Edwards, “*On Latin American Populism, and Its Echoes around the World*,” Journal of Economic Perspectives 33, no. 4 (November 1, 2019), p. 76-78



Menem's in Argentina and Fujimori's in Peru. Moreover, Latin American populism has gained academic relevance because it is now possible for experts to evaluate the long-term socioeconomic consequences of such a prolonged exposure to populist rule. In the context of this dissertation, the prolonged exposure of countries like Venezuela and Bolivia to populist constitutions allows for not only an analysis of the constitutional provisions themselves, but also of the medium-long term effects on the countries' stability and on the well-being of their citizens.

### 2.1.2 Key characteristics and Impact of populism in Latin America

The literature is already counting on extensive research about populism in Latin America. Together with Western Europe, it is the geographical region that has received the most academic attention so far<sup>31</sup>. To elaborate on the main characteristics differentiating Latin American populism from other manifestations of the phenomenon, this chapter I will be mostly drawing on a comparative analysis by Cas Mudde and Cristóbal Rovira Kaltwasser from 2011, in which the authors mention some key features of Latin American populism on which most literature seems to agree.

To start off, populism in Latin America seems to be predominantly left-wing. This claim is sustained by the global database created by Manuel Funke, Moritz Schularick and Christoph Trebesch<sup>32</sup> which identified 51 populist leaders in a sample of 1,482 leaders, in a period spanning from 1990 to 2020. In their research, they underlined how, historically, left-wing populists have played the main role in Latin America, and right-wing populists in Europe, although the Latin American populist experience also includes some neoliberal leaders in its ranks, most recently, President Jair Bolsonaro in Brazil.

---

<sup>31</sup> Cristóbal Rovira Kaltwasser et al., *The Oxford Handbook of Populism* (Oxford, United Kingdom ; New York: Oxford University Press, 2017), Chapter 1, p. 1-24

<sup>32</sup> Manuel Funke Funke, Moritz Schularick, and Christoph Trebesch, "*Populist Leaders and the Economy*," 2022, Appendix A, p. 1-7

Another key feature of populism in South America is its chiefly economic character. The economic aspect is important in analyzing Latin American populism, as most populist leaders capitalized on their countries' economic crises to gain power and sway the electorate in their direction through mass clientelism and electoral promises.

According to an economic review by the National Bureau of Economic Research<sup>33</sup>, two characteristics of most Latin American countries' economic setup are fundamental elements to explain the rise and persistence of populist leaders. The first is a very high concentration of income and assets, leading to income inequality. The second feature is a sharp division between employers and workers in industry and services versus the primary products export sector controlled by the traditional oligarchy. Thus, the legitimization of the classic rhetoric “*el pueblo*” versus “*la oligarquía*” (the people versus the oligarchy), commonly employed by Latin American populists, derives from an economic class distinction.

Mudde and Kaltwasser also argue that populism in Latin America is a mostly inclusive phenomenon, that is, it focuses on opening political participation and representation to categories that were previously ignored and marginalized by the political establishment. The keyword here is “mostly”: on one hand, populist rulers have indeed focused on the political and economic inclusion of the outcasts, the lower class, and indigenous people. On the other hand, populist political action was not always completely inclusive, as it often involved only specific groups of marginalized people. A lot of the populist rhetoric constructed in Latin America often excluded those of indigenous and African descent from “*el pueblo*”, which in turn included urban and *mestizo* people (ethnically and culturally mixed folk). It is possible, then, to affirm that the Latin American experience assumes the connotation of Müller's definition of populism as a “*moralized form of anti-pluralism*”<sup>34</sup>, according to which only *some* of the people are really part of “the people”. The aforementioned aspect of inclusivity ingrained in Latin American populism is also reflected in the constitutional setup of the new constitutions established under populist rule. The 2009 Bolivian constitution is an exceptional example: Evo Morales, the first indigenous president of his country, was very

---

<sup>33</sup> Robert R. Kaufman and Barbara Stallings, “*The Political Economy of Latin American Populism*,” National Bureau of Economic Research (University of Chicago Press, January 1, 1991), p. 19-22

<sup>34</sup> Jan-Werner Müller, *What Is Populism?* (Philadelphia: University Of Pennsylvania Press, 2016), Chapter 2

keen on granting the indigenous people in his country unprecedented rights. Article 3 of the 2009 constitution cites:

*“The Bolivian nation is formed by all Bolivians, the native indigenous nations and peoples, and the inter-cultural and Afro-Bolivian communities that, together, constitute the Bolivian people.”*<sup>35</sup>

The constitution also guarantees the recognition of indigenous institutions and officially identifies 37 official languages, which includes all of the languages of the indigenous communities and Spanish. This aspect of indigenous inclusion will be analyzed in detail later on in this dissertation.

### 2.1.3 Additional Features of Latin American Populism

Adding on to what was already established as common elements of populism, that is, anti-elitism and a Manichean worldview, populist governments throughout Latin American modern and contemporary history have also displayed the following features: (a) personalistic charismatic leadership, (b) political clientelism and patronage, and (c) mass media control<sup>36</sup>.

Charismatic leadership does not necessarily derive from the expectation of the people to have a leader who “is just like them”, although in some cases this form of identification with the “regular people” did help populist leaders in ascending to power, as some people tend to feel more seen or recognized by these kinds of leaders<sup>37</sup>. The relationship between populist leaders and *el pueblo* is developed thanks to the specific charismatic trait of the leader himself. The populist is perceived as an individual “*endowed with extraordinary gifts*”<sup>38</sup>, that can thus represent the popular will better than anyone else. Who better than such an

---

<sup>35</sup> Bolivia (Plurinational State of) Constitution of 2009, Chapter 1, Article 3

<sup>36</sup> Carlos de la Torre, “*The Ambiguous Meanings of Latin American Populisms*,” *Social Research* 59, no. 2 (1992), p. 385-414; de la Torre 2017 (p. 195–213); Müller, 2016

<sup>37</sup> Christian F. Rostbøll, “*How Populism Fails to Respect the People*,” *The Loop*, August 4, 2023

<sup>38</sup> Müller, 2016

extraordinary individual could embody the essence of the people? Charisma also tends to be highly personalistic: it cannot be shared, transferred, delegated, or inherited, not even by a hand-picked successor, as so evidently demonstrated by Nicolas Maduro, Chavez's "tailor-made" successor as President of Venezuela, who turned out to be way less popular than his predecessor, mostly due to his lack of personal charisma<sup>39</sup>.

The principal instrument through which leaders perpetrate such an individualistic form of power is populist organizations. Such organizations are characterized by low levels of institutionalization, with the clear objective of belittling the importance of the party, "eclipsing" it behind the figure of the leader. This way, people start identifying the State not in an institution, but in the leader himself and only in those organizations that are loyal to him. The "presidentialization" of party politics is fundamental: the populist leader needs a direct connection with the people, and complex party organizations do not serve this purpose. President Alberto Fujimori of Perú was able to win three consecutive presidential elections by building a new party organization for each electoral cycle, showing that the party really had no significant role for the electorate, and that "*there could be no Fujimorismo without Fujimori*"<sup>40</sup>.

As previously mentioned, populist leaders and organizations tend to engage in mass clientelism, which Müller defines as the "*exchange of material and immaterial favors by elites for mass political support*". In developing regions like Latin America big chunks of the population live under material and legal deprivation, making such forms of clientelism, especially if they involve material favors, particularly appealing. Kurt Weyland<sup>41</sup>, underlines how populist leaders use clientelism to "routinize their charisma": once they have received the initial approval and legitimation through elections, they seek to maintain their position of power, offering services in exchange for the voters' loyalty.

---

<sup>39</sup> Imdat Oner, "Nicolas Maduro: A Populist without Popularity" European Center for Populism Studies (ECPS), 2021

<sup>40</sup> Cas Mudde and Rovira Kaltwasser, "Populism and Political Leadership," in *The Oxford Handbook of Political Leadership* (Oxford University Press, 2013).

<sup>41</sup> Kurt Weyland, "Clarifying a Contested Concept: Populism in the Study of Latin American Politics," *Comparative Politics* 34, no. 1 (October 2001): 1–22.

Latin American populists have thrived and continue thriving on the strategic usage of mass media. As Carlos De La Torre pointed out, “*Latin American populists were media innovators*”<sup>42</sup>. While radio played an important role for classical populists, like Eva Peron, who used it to communicate directly with her followers, television was the real ally of charismatic leaders. Through television, they were able to directly reach their followers and “*combine constant pressure with an aesthetic production of proximity to the people*”<sup>43</sup> Hugo Chávez heavily relied on *Aló Presidente*, his weekly televised show, “*to shape the political debate, to publicize the accomplishments of Chavez's Bolivarian Revolution, to attack the opposition and make surprising announcements, and to strengthen the bond between leader and followers*”<sup>44</sup>. Similarly to his Venezuelan counterpart, Ecuador’s Rafael Correa frequently exposed himself on television, to reach out to the people as much as possible and as close as possible to their homes.

## 2.2 The Relationship between Latin American populism and the Constituent Power

### 2.2.1 Historical evolution of populism in the Latin American region

Building on what was briefly disclosed in the previous section, the development of populism in the Latin American region started around the 1930s. Typically, the social and economic analysis begins with the 1929 crisis. The impact of the Great Depression is considered a key point for the development of socioeconomic factors that would pave the way for the first populist leaders<sup>45</sup>. The fundamental cleavage between “the people” and “the oligarchy” became distinctly evident after the Depression, mainly due to the acceleration of the import-substitution industrialization (ISI) processes, consequently encouraging populist policy approaches. The post-1929 phase is what is considered the “Classical Phase” of

---

<sup>42</sup> de la Torre, 2017, p. 12

<sup>43</sup> Weyland, 2001; Müller, 2016

<sup>44</sup> Eduardo Frajman, “*Broadcasting Populist Leadership: Hugo Chávez and ‘Aló Presidente,’*” *Journal of Latin American Studies* 46, no. 3 (2014), p. 503

<sup>45</sup> Omar Acha, “*Latin American Populism: Tentative Reflections for a Global Historiographical Perspective,*” *Nuevo Mundo Mundos Nuevos*, February 10, 2013

populism<sup>46</sup>. According to Carlos De La Torre, the main legacy of this first populist phase was the ambivalence toward liberal democracy: while these leaders did somehow enhance democratization in their countries, they still refused to stay within the “lines” of the liberal constitutional principles, dismissing constitutional constraints.

Neoliberal populism developed in a completely different context. Leaders like Menem in Argentina, Fujimori in Perú, and Fernando Collor de Mello in Brazil were elected amid situations of domestic economic chaos brought about by the failure of the ISI processes. One of the main concerns was hyperinflation: Perú hyperinflated in both 1988 and 1990, and Argentina hyperinflated between 1989 and 1990<sup>47</sup>. The economic collapse brought about a crisis of the institutions: people felt like political parties were not in touch with their needs, and the elites were only getting richer at the expense of most of the population. This popular discontent created an opening for a new wave of populist candidates, who implemented neo-liberal and market-friendly policies: draconian shock treatments to reduce inflation, privatization of State-owned companies, and opening of the national economies. Although the neoliberal policies helped lower hyperinflation, this wave of populism ended due to corruption and electoral fraud<sup>48</sup>, as the funds collected through privatization went right into patronage and clientelism.

### 2.2.2 The “New Wave” of Populism: exploiting the “Constituent Power”

The new wave of populism started precisely as a reaction to the neoliberal policies implemented during the 90s. The term "Pink Tide" (*Marea Rosada*) is often used to indicate this wave of leftist and socialist governments in Latin America that gained prominence between the late 1990s and early 2000s, associated with a diluted form of the color red<sup>49</sup>. The “evil elite” was now the corrupt political class, guilty of giving up national sovereignty and colluding with foreign powers (particularly, the United States and the IMF). The discontent

---

<sup>46</sup> Kaufman & Stallings, 1991, p. 38-40

<sup>47</sup> Steve H. Hanke and Tal Boger, “*Inflation by the Decades: 1990s*,” August 2018,

<sup>48</sup> De La Torre, 2017, p. 195–213

<sup>49</sup> Will Grant, *Populista : The Rise of Latin America’s 21st Century Strongman* (Apollo, 2021).

with the neoliberal policies, together with a weakening of the institutional democratic framework, enabled new populist governments to take power in countries like Venezuela, Ecuador, and Bolivia. As per their economic approach, the *Pink Tide* populist leaders heavily relied on state intervention to reduce poverty. By nationalizing the countries' national reserves, leaders like Morales, Chavez, and Correa were able to fund social programs that rapidly targeted the lower-income population and consequently increased the leader's popularity. However, these types of policies were only intended as a political instrument, as they lacked the efficiency, transparency, and institutionalization needed to be sustainable in the long run.

Taking up again the revolutionary ideals of classic populism, these leaders did not use violence or mass mobilization as their main tool, but the revolutionary role of constituent power<sup>50</sup>. Constitution-making is not a new concept in Latin American countries: since independence, Bolivia had 16 constitutions, Ecuador 20, and Venezuela 26. However, the new populist constitutions that emerged between the 1990s and the early 2000s, had innovative characteristics, as they were used as a “*tool to bring re-foundational change*”<sup>51</sup>. Hugo Chávez, Evo Morales, and Rafael Correa all instituted constitutional assemblies to draft new constitutions that would “re-found” their nations and, according to them, better embody the popular will, dismissing the previously existing constituent orders as favouring the “bad” political elites and not the interests of “*el pueblo*”. However, the new constitutions brought about a concentration of power in the executive and a lack of consideration for checks and balances that cannot be justified by a leader's claim to speak for the people<sup>52</sup>. This claim is nothing but a means employed by populist leaders to achieve an institutionalized form of absolute rule. Once in power, populists have demonstrated that they tend to ignore the appeals to popular sovereignty and their previous criticisms of constitutional government that got them elected in the first place, and instead make corrupt use of constitutional

---

<sup>50</sup> de la Torre, 2017, p.195–213

<sup>51</sup> Carlos De La Torre and Felipe Burbano De Lara, “*Populism, Constitution-making, and the Rule of Law in Latin America*,” *Partecipazione E Conflitto* 13, no. 3 (2020). p. 5

<sup>52</sup> Francisco Panizza and Romina Miorelli, “*Populism and Democracy in Latin America*,” *Ethics & International Affairs* 23, no. 1 (2009): 39–46

institutions to hold on to power<sup>53</sup>. Venezuela, Bolivia and Ecuador are no exceptions: in these countries, the processes of constitution-making were apparently “democratic”, as the constitutional texts were redacted by assemblies made of elected members and the constituent power was invoked as a way to achieve inclusiveness and popular representation. According to Umberto Allegretti, “*the process of structuring and empowering constituent assemblies allows citizens to exercise their power over the foundations of their civil life, a new regime, or even important changes in an upheld constitution*”<sup>54</sup>. Having a constitutional body drafted by an elected assembly, then, should guarantee, at least on some level, popular inclusion and representation in the constitution-making process. This idea, however, was not the case for the Bolivian constitution-making process, in which the functioning and execution of the Constituent Assemblies became a point of contention. The draft for the new constitution was adopted by the Constituent Assembly with a two-thirds majority of present members: a seemingly democratic threshold, that becomes problematic once one considers that the majority was only possible because the most important opposition groups boycotted the process<sup>55</sup>.

Even though the new constitutional texts were eventually subject to popular vote, this did not prevent the new constitutions in countries like Bolivia and Venezuela from setting up an institutional framework intended to benefit the populist leader: the power of the executive was strengthened, the judiciary power was weakened or rigged, elections were made less free and fair and media became easier to be controlled<sup>56</sup>. The new populist constitutions legitimized the leaders’ authority whilst keeping their nations *de jure* democracies and republics<sup>57</sup>, allowing the populist leaders to exploit their renewed and enlarged powers and gain even more control over their countries, without them *formally* ever becoming dictatorships.

---

<sup>53</sup> Ana Cannilla, “*Political Constitutionalism in the Age of Populism*,” *Revus*, no. 46 (January 5, 2022)

<sup>54</sup> Umberto Allegretti, Cecilia Corsi, and Giovanni Allegretti, “*Constituent Process and Constituent Assembly: The Making of Constitutions through the Larger Involvement of Citizens*,” 2016, p. 3

<sup>55</sup> Jonas Wolff, “*Democracy and Rule of Law - Challenges to Democracy Promotion, the Case of Bolivia*,” 2011,

<sup>56</sup> Müller, 2016

<sup>57</sup> Nicolás Cachanosky and Alexandre Padilla, “*Latin American Populism in the Twenty-First Century*,” *The Independent Review* 24, no. 2 (2019). p. 214



As mentioned in Chapter 1, Hugo Chavez was able to pass a provision allowing him to be reelected indefinitely, enabling him to rule Venezuela for fourteen years, albeit in utterly unfair and undemocratic circumstances: judges who ruled against him were imprisoned, opposition presidential candidate were exiled and those who supported them were investigated, labor leaders who opposed the government were imprisoned, and opposition radio and TV stations were shut down, denied permits, and fined. This meant that Venezuela could still claim to be upholding democratic elections, dodging the authoritarianism accusations, but *de facto* these elections were not fair and free at all.

Populist leaders also tend to target independent institutions like judiciaries and media outlets. The exemplary cases of populist actions aimed at weakening the judiciary are the removal of judges and court-packing, the latter consisting in changing the configuration of a certain tribunal by subtracting or adding members. However, in this age of advanced technology and social media, populists might resort to a wider array of attacks against the judicial system.

In the last decades, executive attacks on the judiciary in Latin America have increased. According to an elaboration by Azul Aguiar Aguiar of data from the V-Dem dataset, from 2010 to 2021 some Latin American presidents increased their attacks on the judiciary by pointedly accusing judges of being corrupt, privileged elites, failing to fulfill their functions, or ruling against the nation's interests<sup>58</sup>. As reported by the previously mentioned dataset, one of the Latin American countries whose government produced the most attacks on the judiciary was Brazil. The country was led from 2019 to 2022 by far-right populist Jair Bolsonaro, who started attacking the country's judiciary branch as soon as he took office. The Brazilian Supreme Court has emerged as a pivotal safeguard against President Bolsonaro's policies that undermine human rights, notably his attempt to essentially halt the enforcement of the country's access to information law<sup>59</sup>. Rather than honoring the autonomy of the judiciary, the president has retaliated with verbal abuse and intimidation tactics.

---

<sup>58</sup> Azul A. Aguiar Aguiar, "Courts and the Judicial Erosion of Democracy in Latin America," *Politics & Policy* 51, no. 1 (January 23, 2023), p. 7–25

<sup>59</sup> Bruna Fontes de Azevedo Palma, "Freedom of Expression in Brazil Suffers under Bolsonaro," *The Loop*, September 29, 2022

Bolsonaro's actions have endangered the democratic quality of his country so much that a group of 80 jurists and legal researchers appealed to the UN Special Rapporteur on the independence of judges and lawyers to report on the attacks on the Supreme Court and the Superior Electoral Court made by the President days before the 2022 elections in Brazil<sup>60</sup>. Jair Bolsonaro is nothing but an exemplary case of how populist leaders act to undermine the judiciary, to weaken the system of checks and balances that is essential for a healthy democracy, limiting dissent and consolidating their power, especially when the time for new, "democratic" elections comes close.

### 2.2.3 Consequences and Impact

Populist policies brought up a decline in institutional quality that was not accompanied by an improvement in economic performance<sup>61</sup>, failing to provide a form of development alternative to the neoliberal policies they so strongly criticized, and some populist leaderships even led their countries to an economic wreckage: Venezuela is still suffering the heavy consequences of fifteen years under *chávismo*. While the economic consequences of populist policies are significant, the impact of populist constitutions and institutions extends far beyond financial strain. These changes can have a profound effect on the very fabric of democracy, by changing the system of checks and balances and consequently inhibiting the strength of the democratic order. Populist rhetoric thrives on a Manichean division of society: "us vs. them", "the good people vs. the bad people". Latin American populism is no exception: in a continent in which racial and economic inequality is among the highest in the world, populist leaders have exacerbated social rifts and hindered national unity, directing the people's resentment and anger toward the political parties and the judiciary, seen as evil and corrupted. This resulted in a loss of confidence in the democratic system<sup>62</sup>.

Populist leaders have used their control over the legal system to curtail individual rights and freedoms enshrined in the constitution, including restrictions on freedom of speech,

---

<sup>60</sup> AlJazeera, "Bolsonaro Gov't Threatening Brazilian Democracy, Jurists Tell UN," [www.aljazeera.com](http://www.aljazeera.com), 2022,

<sup>61</sup> Cachanosky & Padilla, 2019, p. 224

<sup>62</sup> Joseph Wornom, "A Continent Divided: Political Polarization and the Future of Latin American Democracy," Harvard International Review, January 17, 2020,

assembly, or the press, as they try to suppress any form of dissent. This is already the case in Latin American countries such as Venezuela and Brazil,<sup>63</sup> whose democratic quality has greatly suffered under populist leadership. A report on the status of Human Rights in Latin America by the European Parliament published in 2022 and underscoring the vulnerability of democratic institutions in Latin America to populist manipulation highlights a worrying trend in the region: according to the Economist Intelligence Unit (EUI) Democracy Index 2020 only three countries in the Latin American continent (Uruguay, Chile, and Costa Rica) have maintained their status as full democracies. Other countries that have been or currently are under populist leadership have seen a decline in democratic quality, ranking them as either flawed democracies (Brazil, Peru, Argentina), hybrid regimes (Bolivia), or even authoritarian regimes (Venezuela)<sup>64</sup>.

### 2.3 Conclusion

This chapter has explored the unique characteristics of populism in Latin America, identifying its key features such as a left-wing orientation, economic focus, and a claim to inclusivity (albeit often limited). The chapter also examined the historical development of populism, from the “classical phase” dating as far back as the 1930s, to the recent “Pink Tide”. The second section of the chapter focused on the relationship between populism and the concept of “constituent power” in populist regimes that emerged during the last decades. Populist leaders often utilize constitutional reforms to bolster their own authority and weaken democratic institutions. The “new wave” constitutions of Venezuela, Ecuador, and Bolivia, were presented as examples of constitutional texts which concentrated power in the executive and undermined checks and balances. The chapter concludes with the consequences of these populist constitutional projects that now tarnish Latin American democracies: the erosion of checks and balances, concentration of power in the hands of the executive, erosion of individual rights, and increased social division, which progressively led to a deterioration of democracy across the continent.

---

<sup>63</sup>Blanquita Cullum and Luis Fortuño, “*Under Chavez, Time Is Running out on Free Speech for Venezuela*” The Hill, May 22, 2007

<sup>64</sup> Enrique Gómez Ramírez, “*Democracy and Human Rights in Latin America*,” 2022, p. 3-4

## Chapter 3. Venezuela's 1999 Constitution

### 3.1 Historical Overview

In 1998 Hugo Rafael Chavez Frias was elected President of Venezuela, receiving 56.4 percent of the votes cast<sup>65</sup>. Just hours after being elected, the new president issued a decree calling for a referendum on a constituent assembly to rewrite the Venezuela constitution, leading to the issuing of the 1999 constitution, the country's sixth constitution, which is still in force today. This section will analyze the historical background that led to Hugo Chavez's presidency, his Bolivarian Revolution and the processes that led to the issuing of the new Constitution, including the formation of a new Constitutional Assembly that could correctly embody the constituent power of the people, a promise he had made during his swearing-in ceremony: *"I swear in front of my people, on this dying Constitution, that I will push forward the democratic transformations that are necessary so that the new republic will have an adequate Magna Carta for the times"*<sup>66</sup>.

#### 3.1.1 The Rise of Hugo Chavez

Just six years prior to his election, in 1992, Hugo Chavez had been captured for attempting a coup against President Carlos Andres Perez, who was head of the government at that time. The attempted coup had been the result of years of popular outrage and discontent that had shaken Venezuelan democracy. Widespread corruption and elitism in the government had been exposed after the 1970s petroleum boom had ended, leaving the country in a deep economic crisis<sup>67</sup>. In 1989, President Perez implemented free-market reforms, the so-called "Washington Consensus", to try and solve Venezuela's economic recession, but the reforms only led to Venezuelans rioting against the massive increase in gas prices they faced. Under presidential order, the country's security forces brutally put down the uprising: the so-called

---

<sup>65</sup> Serge F. Kovaleski "Populist Elected in Venezuela." Washington Post, December 7, 1998.

<sup>66</sup> Latin American Data Base - LADB: "Venezuelan President Chavez Clashes with Congress after Inauguration." February 12, 1999.

<sup>67</sup> Maxwell A. Cameron and Flavie Major. "Venezuela's Hugo Chavez: Savior or Threat to Democracy.", Latin American Research Review 36, no. 3, 2001

“*Caracazo*”, or “Caracas smash” lead to at least three thousand deaths, according to Venezuelan media sources claim at least three thousand people died<sup>68</sup>. The riots and subsequent military crackdown polarized the popular consensus and Hugo Chavez’s clandestine Bolivarian Revolutionary Movement-200 started recruiting more and more members and, in 1992, the movement unsuccessfully attempted to overthrow President Perez<sup>69</sup>.

Although the objectives of his coup had “momentarily” failed (“*por ahora*”, in Chavez’s famous and prophetic words<sup>70</sup>), Chavez emerged as a leader capable of giving voice to public outrage<sup>71</sup>, so much that he was able to rapidly transition from leading a revolutionary movement to becoming an elected president within just six years. Chavez’s election was the consequence of multiple convergent factors, including the deterioration of the living standards of most Venezuelans, the perception of generalized political corruption and the decay of national parties<sup>72</sup>. However, his ability to effectively channel public discontent into a potent political force proved to be a key factor in his rise to power.

### 3.1.2 The Bolivarian Revolution

Securing the presidency in 1998 provided Chavez with the institutional platform to formally launch his project of a Bolivarian Revolution. According to Chavez the Bolivarian ideology, which followed the revolutionary spirit of 19th-century Venezuelan leader Simon Bolivar, encouraged nationalism and a state-led economy in South America<sup>73</sup>. Upon assuming power, Chávez's Bolivarian Revolution acted intending to break decisively with the past and ushering in a new era of Venezuelan politics<sup>74</sup>, starting by dismantling the country’s previous

---

<sup>68</sup> “*Venezuela’s Caracazo: State Repression and Neoliberal Misrule.*” Venezuelanalysis, March 1, 2016.

<sup>69</sup> From the timeline: “*Venezuela’s Chavez Era,*” by the Council on Foreign Relations, 2022,

<sup>70</sup> After the failed coup, Hugo Chavez made this statement on national television, as a 38-year-old lieutenant colonel, unknown to the country. After speaking to the journalists, he would go to prison along with his other companions from the Bolivarian Revolutionary Movement 200.

<sup>71</sup> Maxwell A. Cameron and Flavie Major. “*Venezuela’s Hugo Chavez: Savior or Threat to Democracy.*”, Latin American Research Review 36, no. 3, 2001

<sup>72</sup> Damarys Canache, “*From Bullets to Ballots: The Emergence of Popular Support for Hugo Chavez,*” Latin American Politics and Society 44, no. 1, 2002

<sup>73</sup> TRT World, “*What Is Venezuela’s Bolivarian Revolution?.*” 2019

<sup>74</sup> Guy Emerson, “*A Bolivarian People: Identity Politics in Hugo Chávez’s Venezuela a Bolivarian People: Identity Politics in Hugo Chávez’s Venezuela,*” 2011, pages 89 - 93

institutional order: as previously mentioned, one of neo-president Chavez's first acts was calling for a referendum on a constituent assembly to rewrite the Venezuela constitution. For some, the problems of Venezuela were connected to the Constitution of 1961, which was seen as the main reason behind the permanence in power of the traditional, corrupted, political elites<sup>75</sup>. One aspect made the Constitutional process of 1999 different from all others in the history of Venezuela: it was not the result of a rejection of the previous constitution through a revolution, a war, or a coup d'état, but rather it began as a democratic process that did not violently interrupt the previous political regime<sup>76</sup>.

### 3.1.3 Forming the Constituent Assembly

In 1999, Hugo Chavez issued a decree calling for a referendum on a constituent assembly that would then have to write a brand new Venezuelan constitution. This decree was immediately faced by opposition claiming that, according to the already existing constitution, such a referendum had to be called by the legislature<sup>77</sup>. According to the government's critics, Chavez's government had to justify, in legal terms, the creation of an extraordinary body such as a constitutional assembly. The solution was to issue a decree to hold a special referendum, asking the population if they wanted to convene a Constituent Assembly vested with the power to "*transform the state and to create a new juridical order that would allow for the effective functioning of a social and participatory form of democracy*"<sup>78</sup>, a decision that was scrutinized by the Venezuelan Supreme Court of Justice (SCJO).

Opinion n° 17 of the Supreme Court of Justice upheld Chavez's power to call a referendum, affirming the superiority of the people's constituent power over any form of legislation. The Court's decision states that consultative referendums can be used to seek the opinion of the electorate on any matter of special national importance, including issues not explicitly

---

<sup>75</sup> Joel I. Colón-Ríos, "*Carl Schmitt and Constituent Power in Latin American Courts: The Cases of Venezuela and Colombia*," *Constellations* 18, no. 3, 2011, pages 12 - 18

<sup>76</sup> Allan R. Brewer-Carrias, "*The 1999 Venezuela Constitution-Making Process as an Instrument for Framing the Development of an Authoritarian Political Regime*," in *Framing the State in Times of Transition, Case Studies in constitution-making*, ed. Laurel E. Miller (United States Institute of Peace, 2010), 505–31.

<sup>77</sup> William Partlett, "*Hugo Chavez's Constitutional Legacy*," *Brookings*, March 14, 2013,

<sup>78</sup> Joel I. Colón-Ríos, "*Carl Schmitt and Constituent Power in Latin American Courts: The Cases of Venezuela and Colombia*," *Constellations* 18, no. 3, 2011, pages 12 - 18

excluded by the constitution such as the decision to convene a Constituent Assembly. This meant that the Venezuelan people could be consulted via referendum on whether or not to establish a Constituent Assembly to rewrite the constitution<sup>79</sup>. The referendum took place on April 25, 1999, and the outcome was decisively positive for Chavez's government: a large majority of voters (around 88%) approved creating a constituent assembly, and a significant majority (nearly 82%) endorsed the government's proposed guidelines for the assembly<sup>80</sup>. Subsequently, the election of the Constituent Assembly took place 3 months later, on July 25, 1999: with about 46% electoral participation, Chávez's candidates, even though they only received 62.1% of the total votes, ended up counting with a whopping 124 seats from the 131 available. Despite the electoral promises of building a new State through a democratic and participative process, Chavez and his allies were able to exert significant control over the constitution-making process. This explains how the document was drafted so rapidly: it was completed in just three months before it was put to a referendum on December 15, 1999, with little time for public debate or discussion. According to Soto et al., "*This is how the Bolivarian constitutional project excluded the participation of a large part of the electorate and led to an extremely biased constituent body that failed to properly represent the varied forces that were pressing for constitutional change.*"<sup>81</sup>

### 3.2 The Constitution of 1999

In December 1999, the twenty-sixth constitution of Venezuela entered into force, bringing significant changes to the previous constitutional asset, starting with the name of the country, which officially became the Bolivarian Republic of Venezuela. Although this was the first Constitution in the history of Venezuela to be approved by popular referendum<sup>82</sup>, the process was ultimately not so pristine and participatory, exactly as it had previously happened during the election of the Constituent Assembly. The final constitutional draft was only made

---

<sup>79</sup> Fallo N° 17 [de La Corte Suprema de Justicia de Venezuela Sobre El Referendo Para Convocar a Una Asamblea Constituyente], 1999

<sup>80</sup> Carlos García Soto, Miguel Ángel Martínez Meucci, and Raúl Sánchez Urribarrí, "*Winds of Change: Comparing the Early Phases of Constitutional Redrafting in Chile and Venezuela*," Hague Journal on the Rule of Law 13, no. 2-3 (November 18, 2021): 315–34

<sup>81</sup> Ibid.

<sup>82</sup> From the timeline: "*Constitutional History of Venezuela*" by ConstitutionNet.org, 2016

available to the public two days before the vote, giving little to no space for a critical analysis to take place. The constitution was ultimately approved with around 72% of the vote, but participation was low and the political climate was highly polarized between the governing coalition and the opposition<sup>83</sup>. This chapter aims at examining the reforms implemented in the Bolivarian Republic of Venezuela following the adoption of the 1999 Constitution, which still stands today as the nation's supreme law. The following sections will dissect the specific changes enacted and their lasting impact on the Venezuelan political and social landscape.

### 3.2.1 The Separation of Powers

The 1999 Constitution implemented major changes related to the structure of government, surpassing the classic tripartition of power into Executive, Legislative and Judicial by introducing a “penta-separation” of power at the national level<sup>84</sup>. According to Article 136, the national public power is separated among five branches of government: “*Public Power is distributed among Municipal Power, that of the States Power and National Power. National Public Power is divided into Legislative, Executive, Judicial, Citizen and Electoral. Each of the branches of Public Power has its own functions, but the organs charged with exercising the same shall cooperate with one another in attaining the ends of the State.*”<sup>85</sup>

However, as reported by Allan Brewer-Carrias, even though the Venezuelan constitution of 1999 repeatedly specifies the independence of the different branches of government, in practice this independence is undermined by the constitutional text itself when it grants the national assembly (legislative), not only the power to appoint but to remove the justices of the supreme judicial tribunal, the members of the national electoral council, the public prosecutor and the people’s defender, in some cases through simple majority vote<sup>86</sup>. In theory, then, the 1999 Venezuelan Constitution set up a system of checks and balances with a

---

<sup>83</sup> Joel I. Colón-Ríos, “Carl Schmitt and Constituent Power in Latin American Courts: The Cases of Venezuela and Colombia,” *Constellations* 18, no. 3, 2011, pages 12 - 18

<sup>84</sup> Allan R Brewer-Carrias, “*Centralized Federalism in Venezuela*” *Duquesne Law Review* 43, no. 4 (January 1, 2005): page 629

<sup>85</sup> Constitution of Venezuela (Bolivarian Republic Of), 1999 (Rev. 2009)

<sup>86</sup> Allan R. Brewer-Carrias, “*The 1999 Venezuela Constitution-Making Process as an Instrument for Framing the Development of an Authoritarian Political Regime,*” in *Framing the State in Times of Transition, Case Studies in constitution-making*, ed. Laurel E. Miller (United States Institute of Peace, 2010), 505–31.



five-branch structure. Nonetheless, the power granted to the National Assembly to appoint and remove key figures from the other branches with relative ease undermines the very independence the constitutional text claims to establish. This inherent tension between the text and its implementation raises concerns about the true separation of powers in Venezuela.

The new Constitution also changed the legislative branch from bicameral to unicameral: in the 1961 Constitution, Article 138 stipulated that “*the Legislative Power is exercised by Congress, which is composed of two Chambers: the Senate and the Chamber of Deputies*”. The 1999 Constitution, on the other hand, foresees the formation of a unicameral National Assembly. According to Article 186: “*The National Assembly shall consist of Deputies elected in each of the federal entities by universal, direct, personalized and secret ballot with proportional representation, using a constituency base of 1.1 % of the total population of the country.*”<sup>87</sup>

Unicameralism represents an unconventional choice for a relatively large federal country such as Venezuela: in the Latin American region, unicameralism traditionally existed only in Ecuador and the six Central American republics<sup>88</sup>: unitary governments are typically found in smaller countries with less population, as they tend to have fewer competing political interests compared to federal systems<sup>89</sup>. In bicameral systems, second chambers whose members are chosen on a different system to the lower house allow a different range of interests and views to be represented, and they also allow for greater accountability in both chambers. A unicameral system, if not correctly implemented with reforms checking on the majority (which was precisely the case in Venezuela), impedes checks and balances to operate within parliament itself<sup>90</sup>. Unicameral congresses also present a different dynamic in terms of coalition building. Unicameralism institutionally offers a faster legislative process, in which policy is normally approved or rejected faster than in bicameralism. In anticipation

---

<sup>87</sup> Ibid.

<sup>88</sup> Carolina A. Fornos, Timothy J. Power, and James C. Garand, “Explaining Voter Turnout in Latin America, 1980 to 2000,” *Comparative Political Studies* 37, no. 8 (October 2004), pages 932 - 933

<sup>89</sup> National Democratic Institute For International Affairs, “*One Chamber or Two? Deciding between a Unicameral and Bicameral Legislature.*” *Legislative Research Series*, no 3 (January 1, 1996)

<sup>90</sup> The Constitutional Unit, “*Checks and Balances: What Are They, and Why Do They Matter?*,” *The Constitution Unit Blog*, January 19, 2023

of this situation, presidential candidates will often form coalitions before elections to boost the chances of passing their program if they are eventually elected.<sup>91</sup>

The potential for more agile coalition building allowed Hugo Chavez to consolidate power by forging alliances with smaller parties, effectively bypassing any resistance a bicameral system with a stronger opposition presence might have offered. Consequently, he was able to marginalize and ultimately force the opposition voices out of the National Assembly<sup>92</sup>. By eradicating the second chamber, President Chavez found little to no impediments when he took control of the check-and-balances institutions, leaving the Venezuelan government susceptible to unchecked power and potentially undermining democratic principles<sup>93</sup>.

### 3.2.2 The Rights of the Venezuelan People and the Freedom House Report

On paper, the 1999 Constitution text aimed at defending the idea of popular sovereignty and the social and civil rights of the Venezuelan People. the right to rebel against injustice, and the eternal independence of the republic from foreign domination. Further, it enshrined certain human rights such as free education up to the tertiary level, free health care, access to a clean environment, and the rights for minorities, with a special emphasis on indigenous people, to uphold their own cultures, religions, and languages<sup>94</sup>. Whilst all these principles look very good in theory, the implementation of the Constitutional safeguard of civil and social rights in Venezuela proved to be difficult and, in some cases, unsuccessful. The organization “Freedom House” publishes an annual report titled “Freedom in the World”, assessing political rights and civil liberties around the globe. According to Venezuela’s annual report, the country has once again been rated as “Not Free”, indicating severe restrictions on political rights and civil liberties. According to Freedom House, democratic institutions have been progressively deteriorating since 1999, meaning that the promises and principles of the Constitution have not been upheld.

---

<sup>91</sup> Kenneth Bunker, “*Coalition Formation in Presidential Regimes: Evidence from Latin America*”, PhD Thesis, London School of Economics, 2015

<sup>92</sup> Steve Ellner, “*Chávez’s Opposition Opts Out*,” *In These Times*, December 21, 2005,

<sup>93</sup> Javier Corrales and Michael Penford, “*Venezuela: Crowding out the Opposition*,” *Journal of Democracy* 18(2) 2007, pages 99–113.

<sup>94</sup> From the timeline: “*Constitutional History of Venezuela*” by ConstitutionNet.org, 2016,

The Constitutional text enshrined the right to free education up to the tertiary level and free healthcare:

*Article 83: “Health is a fundamental social right and the responsibility of the State, which shall guarantee it as part of the right to life. The State shall promote and develop policies oriented toward improving the quality of life, common welfare and access to services. All persons have the right to protection of health, as well as the duty to participate actively in the furtherance and protection of the same, and to comply with such health and hygiene measures as may be established by law, and in accordance with international conventions and treaties signed and ratified by the Republic.”<sup>95</sup>*

*Article 102: “Education is a human right and a fundamental social duty; it is democratic, free of charge and obligatory. The State assumes responsibility for it as an irrevocable function of the greatest interest, at all levels and in all modes, as an instrument of scientific, humanistic and technical knowledge at the service of society. Education is a public service, and is grounded on the respect for all currents of thought [...].”<sup>96</sup>*

While Article 102 guarantees free education, a politically driven economic collapse has hampered its availability: budget cuts have crippled universities, leading to an exodus of academics and a decline in research capabilities<sup>97</sup>. Political indoctrination permeates the academic environment, starting from primary school: research comparing elementary school textbooks published during previous administrations and during Hugo Chavez’s government and those have found a strong component of social indoctrination in the latter<sup>98</sup>.

---

<sup>95</sup> Constitution of Venezuela (Bolivarian Republic Of), 1999 (Rev. 2009)

<sup>96</sup> Ibid.

<sup>97</sup> Chris Kraul, “In Venezuela, Students and Faculty Caught in Budget-Driven University Closures” Los Angeles Times, November 17, 2015

<sup>98</sup> Antonio Saravia, Clara Mengolini, and Robi Ragan, “Socialist Indoctrination in School Textbooks: The Case of ‘Colección Bicentenario’ in Venezuela” The Journal of Private Enterprise 36, no. 1 (2021): 79–104

Similar issues plague the healthcare system. Despite Article 83's provisions, shortages of medical supplies and limited access to reproductive health services have resulted in rising maternal and infant mortality rates between the years 2000 and 2016<sup>99</sup>. The politically driven economic collapse that has been affecting Venezuela since 2008 has reduced the availability of health care. According to The Lancet, a prestigious weekly peer-reviewed general medical journal, the economic collapse of the country has resulted in reduced government spending on healthcare, significantly impacting the system's capacity. Media reports suggest corruption further hindered access to medical resources, although the scarce availability of governmental sources of information makes it harder to assess the true impact corruption has had on the Venezuelan healthcare system.<sup>100</sup>

Articles 119 to 126 of the Constitution are dedicated to the rights of indigenous peoples and other minorities, which are granted recognition of their cultural, religious, and linguistic rights, to promote cultural diversity and inclusion in the country<sup>101</sup>. However, according to the Freedom House report, the political dominance of Chavez's party, the PSUV (Partido Socialista Unido de Venezuela), *“leaves little opportunity for ethnic and other groups to advocate independently for their interests. Indigenous people in Venezuela are poorly represented in politics, and members of these groups struggle to bring government attention to their concerns.”*<sup>102</sup>

### 3.2.3 The Power of the President

The 1999 Constitution reformed the role of the President, making Venezuela's presidency stronger than that of most Latin American countries, and giving Hugo Chavez unprecedented powers<sup>103</sup>.

---

<sup>99</sup> Pan American Health Organization (PAHO), *“Venezuela - Country Profile,”* Health in the Americas, September 24, 2022

<sup>100</sup> The Lancet, *“The Collapse of the Venezuelan Health System,”* The Lancet 391, no. 10128, April 2018

<sup>101</sup> Constitution of Venezuela (Bolivarian Republic Of), 1999 (Rev. 2009), Articles 119 - 126

<sup>102</sup> Freedom House, *“Venezuela: Freedom in the World 2024 Country Report,”* Freedom House, 2024

<sup>103</sup> From the timeline: *“Constitutional History of Venezuela”* by ConstitutionNet.org, 2016,

Article 230 increased the presidential term from five to six years, and allowed each president to be reelected for a second term.<sup>104</sup> Subsequently, on February 15, 2009, a referendum was held with the aim of reforming Article 230, together with Articles 160, 162, 174, and 192 of the Constitution: the constitutional amendment would include a clause permitting indefinite re-election of any elected office<sup>105</sup>. The "Yes" option prevailed in the referendum, winning 54% of the votes cast, with a noteworthy abstention rate of 30%. This outcome, nonetheless, secured President Chávez the ability to seek re-election indefinitely, effectively bypassing the previously established term limits<sup>106</sup>.

As previously mentioned, even though the new Constitution did theoretically set up a system of separation of powers and independence between the five branches, in practice the National Assembly's members, mostly belonging to the majoritarian, Chavez-supporting coalition, had the power to influence and skew the other branches in the direction they pleased. This effectively mines the separation of powers in Venezuela thus affecting the efficiency of the democratic apparatus. According to Mario Garcia-Sierra, however, the true demise of the separation of powers in the 1999 Constitution is represented by the "enabling laws", a constitutional provision that completely goes against the principle of separation of powers. According to Article 203, "*enabling laws are those enacted by a three fifths vote of the members of the National Assembly to establish the guidelines, purposes and framework for matters that are being delegated to the President of the Republic, with the rank and force of a law. Enabling law is to set the period for the exercising thereof.*"<sup>107</sup>

This meant that, through the passage of an enabling law, the National Assembly could empower the President to promulgate laws in any policy area, effectively bestowing upon him the legislative prerogative reserved to the National Assembly and other components of the legislative branch.

---

<sup>104</sup> Constitution of Venezuela (Bolivarian Republic Of), 1999

<sup>105</sup> "Referendum Approving the 2009 Constitutional Amendment" LATINNO - Innovations for Democracy in Latin America

<sup>106</sup> Rory Carroll, "Hugo Chávez Wins Referendum Allowing Indefinite Re-Election," The Guardian, February 16, 2009, sec. World news

<sup>107</sup> Constitution of Venezuela (Bolivarian Republic Of), 1999

During his fourteen-year rule of Venezuela, the National Assembly issued four enabling laws (“*leyes habilitantes*”) authorizing the President to promulgate legislation in the form of decree-laws in the areas of finance, the economy and society, infrastructure, personal and legal security, science and technology, and the civil service<sup>108</sup>. Under the first enabling law granted to Chávez, he issued 53 decree-laws. In the second, he issued 49 decree-laws. In the third, 59 decree-laws. And in the fourth, 54 decree-laws<sup>109</sup>. This resulted in a total of 215 decree-laws, typically enacted without the legislative debate characteristic of the parliamentary process.<sup>110</sup> Moreover, the new Constitution would empower the President to call referendums on national issues at will, name an Executive Vice President, which would essentially have the role of a prime minister, and dissolve the National Assembly under certain circumstances<sup>111</sup>.

In the 1999 Constitution of Venezuela, the power of the president, which is usually checked by the legislative and the judicial, is almost absolute, contradicting the democratic principles the same constitutional text claims to be defending.

### 3.3 Evaluating the 1999 Constitution

With the 1999 Constitution, Hugo Chavez was able to achieve a near-authoritarian power in a State that remained, at least on paper, democratic. According to Article 6:

*“The government of the Bolivarian Republic of Venezuela and of the political organs comprising the same, is and shall always be democratic, participatory, elective, decentralized, alternative, responsible and pluralist, with revocable mandates.”<sup>112</sup>*

---

<sup>108</sup> Mario Garcia-Sierra, “*Institutional Repository the ‘Enabling Law’: The Demise of the Separation of Powers in Hugo Chavez’s Venezuela*” *University of Miami Inter-American Law Review* 265 (2001), pages 276 - 285

<sup>109</sup> El Nacional, “*El Crimen Con Las Leyes Habilitantes*” November 30, 2017

<sup>110</sup> Allan Brewer-Carías, “*Administrative Law in Venezuela*”, 3rd ed. (Editorial Jurídica Venezolana, 2021), p. 578 - 579

<sup>111</sup> Mario Garcia-Sierra, “*Institutional Repository the ‘Enabling Law’: The Demise of the Separation of Powers in Hugo Chavez’s Venezuela*” *University of Miami Inter-American Law Review* 265 (2001), pages 276 - 285

<sup>112</sup> Constitution of Venezuela (Bolivarian Republic Of), 1999 (Rev. 2009)

The Constitution guarantees universal suffrage (Articles 64 and 70), outlines a separation of powers among the different branches of power (Article 136), and establishes a system for electing representatives at various levels of government (Articles 180 and following), all elements that are characteristically guaranteed in a democratic State. Moreover, the constitutional text undeniably guarantees a wide range of social rights, including free education and healthcare, and has expanded the avenues for popular participation through mechanisms like popular referendums.

Even so, ever since its creation, Venezuela's constitution presented important incongruencies between the theoretical "democratic" project and the practice: to start off, Chavez used the pretext of constitutional reform to stack the Constituent Assembly with his supporters, allowing them to draft a text that concentrated power in the presidency, his presidency.

The Constitution gave the PSUV-controlled National Assembly the power to appoint and remove. Article 203 allowed the National Assembly to grant Chavez legislative authority with the promulgation of enabling laws, an instrument that gave an almost unlimited law-making power to the President. During his fourteen-year-long presidency, Hugo Chavez was able to bypass the legislative process and promulgate 215 decree-laws.

The 1999 constitutional text gave Hugo Chavez enough space to act during his mandate to further concentrate the power in his hands through the legislation he promulgated and the significant 2009 amendment to the Constitution, which allowed for indefinite presidential re-election, eliminating any constitutional restraints on Chavez's time in office.

Nevertheless, Chavez did not entirely eliminate opposition forces. He maintained some channels for electoral contestation, even while prioritizing a form of popular sovereignty that ultimately favored his own position<sup>113</sup>. This highlights the inconsistency of the system put in place by the 1999 Constitution: a democratic facade with an internal structure that

---

<sup>113</sup> Kenneth M. Roberts, *Populism and Democracy in Venezuela under Hugo Chávez*, ed. Cas Mudde and Cristóbal Rovira Kaltwasser, Cambridge University Press (Cambridge: Cambridge University Press, 2012),

undermines the checks and balances required for effective democratic contestation or institutionalized pluralism<sup>114</sup>

According to Allan Brewer-Carrias, the 1999 Venezuelan Constitution breaks the essential democratic principles of separation of powers and vertical distribution of state power, allowing for the development of a centralized and plebiscitary system of government that destroys democracy<sup>115</sup>.

This happened as a consequence of a strategic maneuver put in place by President Chavez and his followers: they used the constitution-making process as a tool to strengthen and consolidate the power of the executive, while at the same time maintaining a surface appearance of adherence to democratic norms.

---

<sup>114</sup> Ibid.

<sup>115</sup> Allan R. Brewer-Carrias, “*The 1999 Venezuela Constitution-Making Process as an Instrument for Framing the Development of an Authoritarian Political Regime*,” in *Framing the State in Times of Transition, Case Studies in constitution-making*, ed. Laurel E. Miller (United States Institute of Peace, 2010), 505–31.



## Chapter 4. Bolivia's 2009 Constitution

### 4.1 Historical Overview

In 2005, the leader of the Movement for Socialism (MAS), Evo Morales, won the general elections to become the first indigenous president of Bolivia<sup>116</sup>. One of his campaign promises was to convene a new constituent assembly, to draft a new charter that would end social injustice and inequality, especially amongst the indigenous people<sup>117</sup>. The following section dives into the historical background behind the election of Bolivia's first indigenous president and the reasons why this step was of fundamental importance for the Andean country.

#### 4.1.1 Indigenous Protest and the Rise of the MAS in Bolivia

In the 16th century, Spain colonized the country now known as Bolivia, forcing the Indigenous population to mine valuable metals, especially silver, to enrich the Spanish Empire, while the Catholic Church set up missions to convert these communities<sup>118</sup>.

Even after independence, Bolivia kept being controlled by a minority elite that tended to identify as European, and Catholicism remained the protected religion of the state. The ruling class still looked down on the Indigenous people, who were socially and economically marginalized, and there was no State guarantee to protect cultural diversity in the country.

While some social mobility became possible in the mid-20th century, change accelerated in the 1980s. In 1982, Bolivia ended a period of several military dictatorships. This democratic openness was accompanied by a severe economic, political, and social crisis, which led the government to pursue policies consistent with the Washington Consensus. The objective was to avoid punishments by international creditors and maintain its internal legitimacy<sup>119</sup>.

---

<sup>116</sup> Edmond Roy, "Bolivia Swears in First Indigenous President," ABC News, January 22, 2006, <https://www.abc.net.au/news/2006-01-23/bolivia-swears-in-first-indigenous-president/783122>.

<sup>117</sup> El Mundo, "Morales Promete Nueva Constitución En Bolivia," La Nación, July 13, 2008,

<sup>118</sup> Robbin Laird, "Potosí and Its Silver: The Beginnings of Globalization," Second Line of Defense, December 13, 2020

<sup>119</sup> Timothy Kehoe, Carlos Gustavo Machicado, and Jose Peres Cajias, "'The Case of Bolivia'," Manifold at the Becker Friedman Institute for Economics, 2021,

Ordinary Bolivians experienced very few benefits from these measures, which further exacerbated inequalities and were blighted by corruption and implementation incapacity. The ineffectiveness of government policies triggered a wave of protests that combined established forms, such as those championed by strong trade unions and ideologically articulated organizations, with new expressions of dissent inspired by indigenous values and traditions. The latter was fostered by the fact that the indigenous population was going through a process of growing awareness about their numbers, the values of their cultures, and their entitlement to govern<sup>120</sup>. This sentiment would be of utmost importance when the US Government decided to implement the campaign “Blast Furnace” in 1986. As part of a Bolivian-US Anti Narcotics effort, the Americans sent in 170 troops to work with the Bolivian police for find-and-destroy operations against coca-processing facilities in the Chapare, Beni and Santa Cruz areas<sup>121</sup>. Comprised in the series of Washington-aligning policies, President Hugo Banzer, who served from 1997 to 2001, had promised the United States that it would eradicate the coca leaf<sup>122</sup>.

The coca leaf is a symbol of Bolivia and the production and consumption of coca leaves are deeply rooted in society and its customs; the plant offers a moderate stimulant like coffee, but full of vitamins and minerals<sup>123</sup>. However, in most other countries, coca is still best known as the main ingredient in cocaine, and this is why it became one of the targets of anti-narcotics efforts by the United States: the “Blast Furnace” campaign plunged the Chapare region, one of Bolivia’s main cocoa-producing areas, into traumatic conflict, igniting a fire of coca-grower protests against Hugo Banzer’s government.<sup>124</sup> The coca growers union became a major political force, defending the crops at all costs. Evo Morales was a coca grower and leader of the union, who helped found the MAS, *Movimiento al Socialismo*, a party with its

---

<sup>120</sup> Koen De Munter and Tom Salman, “*Extending Political Participation and Citizenship: Pluricultural Civil Practices in Contemporary Bolivia*,” *The Journal of Latin American and Caribbean Anthropology* 14, no. 2 (2009): 432–56,

<sup>121</sup> GlobalSecurity.org, “*Operation Blast Furnace*,” [www.globalsecurity.org](https://www.globalsecurity.org/military/ops/blast_furnace.htm), accessed April 22, 2024, [https://www.globalsecurity.org/military/ops/blast\\_furnace.htm](https://www.globalsecurity.org/military/ops/blast_furnace.htm).

<sup>122</sup> Ben Kohl and Linda Farthing, “*The Price of Success: Bolivia’s War against Drugs and the Poor*,” NACLA, 2019,

<sup>123</sup> FIIAPP, “*Coca Leaf Production and Consumption Are Deeply Rooted in Bolivia*,” FIIAPP, October 25, 2018,

<sup>124</sup> Simeon Tegel, “*Bolivia Ended Its Drug War by Kicking out the DEA and Legalizing Coca*,” Pulitzer Center, September 21, 2016

roots in the *cocaleros* movement that prioritized indigenous sectors' interests. Later that year, he would be one of the six members of MAS elected to Bolivia's National Congress<sup>125</sup>.

The party's support grew over the next few years, during protests against the sale of Bolivia's national gas company to U.S. corporations, and when President Carlos Mesa was forced to resign by popular demonstrations in June of 2005, MAS won the elections<sup>126</sup>. Evo Morales became Bolivia's first indigenous president, an expression of the popular classes' will for political change and a clear illustration of their disapproval of the neoliberal capitalist model<sup>127</sup>.

#### 4.1.2 The Constitution-Making Process

In 2005 Bolivia elected as its president Evo Morales, the left-wing leader of the Chapare coca growers union. Its party, the MAS, looked nothing like the traditional parties that up until that moment had characterized Bolivia's political scenery and were increasingly seen as corrupt, elitist and unrepresentative. On coming to power Evo Morales and the MAS set out to fashion a new economy geared towards helping people to 'live well' (*vivir bien*) in harmony with nature, the nationalization of strategic industries, and, most significantly, the reinvention of the state through the rewriting of the constitution by a popularly elected assembly<sup>128</sup>. The assembly was to draft a new charter that would end social injustice and the ethnic discrimination that still pervaded Bolivia and was perceived as a continuity of the Spanish colonization.<sup>129</sup>

---

<sup>125</sup> Nancy Postero, "The Emergence of Indigenous Nationalism in Bolivia: Social Movements and the MAS State," in *The Indigenous State: Race, Politics, and Performance in Plurinational Bolivia* (University of California Press, 2017), 25–40.

<sup>126</sup> James Petras, "Bolivia: Fascism Seizes Power - Morales Complains," The Official James Petras Website, 2008

<sup>127</sup> Thomas Grisaffi, "*From the Grassroots to the Presidential Palace: Evo Morales and the Coca Growers' Union in Bolivia*," in *Where Are the Unions?: Workers and Social Movements in Latin America, the Middle East and Europe.*, 2017, 44–63.

<sup>128</sup> Thomas Grisaffi, "*From the Grassroots to the Presidential Palace: Evo Morales and the Coca Growers' Union in Bolivia*," in *Where Are the Unions?: Workers and Social Movements in Latin America, the Middle East and Europe.*, 2017, 44–63.,

<sup>129</sup> Almut Schilling-Vacaflor, "*Bolivia's New Constitution: Towards Participatory Democracy and Political Pluralism?*," *European Review of Latin American and Caribbean Studies | Revista Europea de Estudios Latinoamericanos Y Del Caribe* 0, no. 90 (April 15, 2011)

According to Evo Morales' electoral promises, the Bolivian 2006-2008 Constituent Assembly had to be an inclusive process that represented marginalized groups, particularly indigenous peoples. However, between the Constitutional Assembly's purpose and its institutional setup, there was a representational breach which *de facto* limited the direct representation of interest groups, including the indigenous ones<sup>130</sup>. While it is true the assembly was significant in its representation of indigenous groups, Morales opposed indigenous organizations' demands that they be able to send delegates to the Assembly representing their organizations, based on *usos y costumbres* (traditional norms), and decided to opt for an election scheme based on political party membership. This allowed Morales to control a majority of MAS delegates and to pull indigenous representatives into the Constitutional Assembly as their own MAS delegates<sup>131</sup>. The election scheme required citizens to be members of a political party or a citizen's association to be elected, thus limiting the representation of interest groups and rendering the constitution-making process highly susceptible to manipulation by controlling political forces.

The election for the Constituent Assembly took place on the 2<sup>nd</sup> of July 2006: Morales' MAS won 137 seats, corresponding more or less to 54% of the Assembly's members. The runner-up was the main opposition party PODEMOS, which gained 60 seats.<sup>132</sup> It is important to note how the election process was meaningful in terms of participation, as citizens from all walks of life mobilized to express their support or dissatisfaction with the process, resulting in an 85% voter turnout<sup>133</sup>.

The Assembly convened for the first time on the 6<sup>th</sup> of August 2006 in Sucre, and the operations to write a new Constitution for Bolivia got started, not without challenges. The distinct democratic views of the assembly members had a significant influence on the

---

<sup>130</sup> Ibid.

<sup>131</sup> Nancy Postero, "*The Constituent Assembly*," in *The Indigenous State: Race, Politics, and Performance in Plurinational Bolivia* (University of California Press, 2017), <https://doi.org/10.1353/book.63431>.

<sup>132</sup> Inés Valeria Carrasco Alurralde and Xavier Albó, "*Cronología de La Asamblea Constituyente*", *Tinkazos* 11, no. 23-24 (March 1, 2008): 101–28

<sup>133</sup> International Foundation for Electoral Systems, "Elections: Bolivia Referendum 2 July 2006," [www.electionguide.org](http://www.electionguide.org) (IFES Election Guide)

effectiveness of the Constituent Assembly in crafting a new constitution<sup>134</sup>. It is important to note that, while the MAS had a majority of delegates, it did not have the two-thirds majority necessary to approve new articles, as prescribed by Article 70 of the General Rules of Procedure of the Constitutional Assembly.<sup>135</sup> When MAS members tried to change the majority with which new articles to the constitution would be approved, they caused outrage and disagreement in the opposition parties<sup>136</sup>. This led to seven months of contention in which the Assembly's operations were paralyzed. Opposition groups held massive marches, boycotted the assembly, and in December of 2006 organized a series of hunger strikes across the country.<sup>137</sup> Eventually, a compromise was reached, but tensions remained high, with violence erupting in Sucre and Santa Cruz: protestors from the Sucre Civic Committee and a Pro-Sucre umbrella organization were demanding the Commission to consider shifting the nation's capital from La Paz to Sucre, as it had been up until 1899. The sometimes violent protests, which included beatings of some MAS assembly members, made it impossible for the Assembly's sessions to take place<sup>138</sup>.

In November 2007, the Morales government opted for a decisive move and moved many of the Constitutional Assembly's delegates, not including those in the oppositional parties, to the nearby city of Oruro. With no opposition present, the MAS party and its allies rapidly approved the constitutional text, with just a few minor last-minute adjustments<sup>139</sup>. PODEMOS, the primary opposition party, chose to abstain from the process except for a brief appearance to register their disapproval. According to John Crabtree: "*The fact that the number of delegates present from the MAS and its allies was well in excess of the two-thirds required meant that the new constitution was summarily approved with little debate on the*

---

<sup>134</sup> Martín Mendoza-Botelho, "Revisiting Bolivia's Constituent Assembly: Lessons on the Quality of Democracy" in *Asian Journal of Latin American Studies* (2016) Vol. 29 No. 1: 19-55

<sup>135</sup> Asamblea Constituyente de Bolivia, "Reglamento General de La Asamblea Constituyente," 2006

<sup>136</sup> John Crabtree, "Bolivia's Controversial Constitution," *opendemocracy.net*, December 10, 2007, [https://www.opendemocracy.net/en/bolivia\\_s\\_controversial\\_constitution/](https://www.opendemocracy.net/en/bolivia_s_controversial_constitution/).

<sup>137</sup> Nancy Postero, "The Constituent Assembly," in *The Indigenous State: Race, Politics, and Performance in Plurinational Bolivia* (University of California Press, 2017)

<sup>138</sup> Andean Information Network, "Bolivia: Three Dead in Capital Conflict" November 26, 2007, <https://ain-bolivia.org/2007/11/bolivia-three-dead-in-capital-conflict/>.

<sup>139</sup> Nancy Postero, 2017

*substance of the details.*”<sup>140</sup> The long constitution-making process that aimed at constructing a more inclusive State effectively ended with a potentially superficial approval process, without any possible form of opposition contestation, raising questions on whether the Oruro session was nothing but session a tactic to secure the government's preferred constitution rather than a way to comply with the promise of giving the citizen's a new *magna carta*.

The Constitutional text approved during the controversial “special session” in Oruro was approved with 61.43% of the votes, during the 2009 Constitutional Referendum. The new Constitution was published in the Official Gazette of Bolivia on February 7, 2009.

## 4.2 The Constitution of 2009

“*Here begins the new Bolivia, here we begin to reach true equality.*”<sup>141</sup> These were the words President Evo Morales pronounced upon the popular approval of Bolivia's new Constitution. According to its constitution, the now Plurinational State of Bolivia “*has left the colonial, republican and neo-liberal State in the past*”<sup>142</sup>, and now stands as a renovated country based on “*principles of sovereignty, dignity, interdependence, solidarity, harmony, and equity in the distribution and redistribution of the social wealth*”<sup>143</sup>.

Key features of the new constitution include recall provisions for all elected public officials, nationalization of certain economic sectors such as the gas industry, decentralization of power with four levels of autonomy, and the importance of ethnicity in Bolivia's regional makeup<sup>144</sup>. This chapter will dive into the changes implemented in the Plurinational State of Bolivia following the adoption of the 2009 Constitution.

---

<sup>140</sup> John Crabtree, 2007

<sup>141</sup> Matthew Taylor, “Evo Morales Hails ‘New Bolivia’ as Constitution Is Approved,” the Guardian, January 26, 2009,

<sup>142</sup> Bolivia (Plurinational State Of) 2009 Constitution

<sup>143</sup> Ibid.

<sup>144</sup>“ *Constitutional History of Bolivia,*” ConstitutionNet

#### 4.2.1 State Structure and the Distribution of Power

*“The new Constitution enshrines - on paper - the centuries-old demands of indigenous peoples. Evo Morales is their president, the Plurinational Constitution is their Magna Carta, and Bolivia is - for the first time - their country: the Plurinational State of Bolivia.”*<sup>145</sup>

This is how author Miguel Urioste describes the Plurinational Constitution of Bolivia (or CPE). In 2009, Bolivia officially became a Plurinational State.

According to Jason Tockman and John Cameron, plurinationalism is a model of state opposed to the traditional nation-state model, as it emphasizes the sharing of power between multiple nations within a state. It seeks to heighten the degree of self-governance of Indigenous peoples through the concepts of legal pluralism, autonomy, and the right to consent to external incursions into indigenous territories<sup>146</sup>.

By making Bolivia a plurinational state, Evo Morales wanted to challenge the economic, political, and social structures of Western liberal capitalism. However, discrepancies emerged between the discourse of plurinationalism and its practical implementation<sup>147</sup>, especially due to the Bolivian State’s economic dependence on nonrenewable resource extraction.

The Constitution of 2009 also tried to solve the capital city debate. As evidenced by the eruption of violence in 2008 and the near derailment of the Constituent Assembly, in Bolivia the La Paz-Sucre question holds immense significance. Article 6 of the Constitution states that Sucre is the Capital of Bolivia.<sup>148</sup> However, the executive and legislative branches of the state still reside in La Paz, therefore the country is governed from there. While it is true that

---

<sup>145</sup> Miguel Urioste, “*La Gran Paradoja*,” in *Marcha Indígena Por El TIPNIS*, ed. Fundación TIERRA (Comunicaciones El País S.A., 2012), 190–91

<sup>146</sup> Jason Tockman and John Cameron, “*Indigenous Autonomy and the Contradictions of Plurinationalism in Bolivia*,” *Latin American Politics and Society* 56, no. 3 (2014)

<sup>147</sup> Theo Roncken, “*Plurinational Bolivia: Change Process and Social Conflict*” (Global Partnership for the Prevention of Armed Conflict, 2016), [https://gppac.net/files/2019-08/Bolivia\\_Alert\\_final14Nov.pdf](https://gppac.net/files/2019-08/Bolivia_Alert_final14Nov.pdf).

<sup>148</sup> Bolivia (Plurinational State Of) 2009 Constitution, Article 6(I)

Sucre houses the judicial and electoral branches, these are branches with a much lower decision-making capacity. Based on this argument, then, the Bolivian case could be defined as another case of a *de jure* capital versus a *de facto* capital, as demonstrated by the nature of the conflict: if Sucre were content with being recognized as the constitutional capital, they would not fight for the relocation of the institutions<sup>149</sup>.

Although the MAS had generally refrained from mentioning term limits during the election campaign, for Morales, the reform of term limits was a key objective of the constitutional process<sup>150</sup>. Article 168 states: “*The period of office of the President and of the Vice President of the State is five years, and they may be re-elected once only on a continuous basis*”<sup>151</sup>. The 2009 Constitution significantly altered two components: it extended the term limit to five years and it allowed for consecutive re-election, one of the constitutional norms that had remained reasonably constant in Bolivia since 1839<sup>152</sup>. Even though these two changes might not themselves be symptoms of an authoritarian project, Morales later demonstrated that he had seized enough power to “mold” his Constitutional project to hold onto the Presidential seat. As Morales neared the end of his second term in 2013, he argued that he could actually run a third time: as his first term had been under the old constitution, he argued, he was eligible for a second term under the new one. In a vote heavily contested by the opposition, Bolivia’s constitutional court voted unanimously to allow President Evo Morales to run for a third term in office<sup>153</sup>. This was still not enough.

In a referendum held on 21 February 2016, Evo Morales proposed a constitutional amendment that would have allowed the president and vice president to run for a third

---

<sup>149</sup> Álvaro Ramón Sánchez, “¿La Paz O Sucre? El Conflicto Por La Capitalidad En Bolivia,” *REVISTA ELECTRÓNICA IBEROAMERICANA* 17, no. 2 (December 19, 2023): 152–74

<sup>150</sup> David Doyle, “*Presidential Term Limits in Bolivia*,” *The Politics of Presidential Term Limits*, June 20, 2019, 535–54

<sup>151</sup> Bolivia (Plurinational State Of) 2009 Constitution

<sup>152</sup> David Doyle, 2019

<sup>153</sup> Mariano Castillo and Gloria Carrasco, “*Court Clears Path for Bolivia’s Morales to Run for 3rd Term*,” CNN, April 30, 2013



consecutive term, but it was rejected at the popular referendum by a narrow majority of 51.3%<sup>154</sup>.

The MAS challenged the constitutionality of the limit on more than two consecutive terms. In its judgment of November 2017, the Plurinational Constitutional Court performed a control of the conventionality of Articles 156, 168, 285 and 288 of the Constitution<sup>155</sup> in relation to the American Convention on Human Rights, and established that the protection of political rights afforded by the latter international treaty is more favorable than the one afforded by the constitution<sup>156</sup>. The Supreme Court, completely under Morales' control, qualified Morales saying that limits on the lengths of his tenure would violate Morales' "human right" to run for office and the rights of voters to choose their candidates as many times as they want and the rights of politicians to run for office<sup>157</sup>. By the time of the 2019 elections, Morales had been president for 13 years.

As previously mentioned, the Bolivian Courts were packed with Morales' supporters, a setup that, according to the opposition, skewed the 2017 ruling in the president's favor. This might strike as controversial with one of the 2009 Constitution's objectives: historically, Bolivia's justice system struggled with inefficiency, corruption, and political meddling, often linked to the appointment of judges by political figures, and the 2009 Constitution attempted to address these issues by instituting the popular election of the highest judicial authorities. This approach stands out as unique: while some countries elect lower-level judges or have citizen approval for high court appointments, Bolivia became the first nation to have citizens directly elect all the top leaders of its judicial branch<sup>158</sup>.

---

<sup>154</sup> Jonathan Watts, "Bolivian Referendum Goes against Evo Morales as Voters Reject Fourth Term," the Guardian, February 24, 2016

<sup>155</sup> Bolivia (Plurinational State Of) 2009 Constitution; Articles 156 (limit on re-election for members of parliament), 168 (limit on re-election for President and Vice-President), and 285 (limits on election of executive authorities of autonomous governments) and 288 (limits on election for members of autonomous governments' councils and assemblies).

<sup>156</sup> European Commission For Democracy Through Law (Venice Commission), "Report on Term Limits: Part I - Presidents," March 18, 2018

<sup>157</sup> Associated Press, "Bolivia's President Evo Morales to Run Again despite Referendum Ruling It Out," The Guardian, December 18, 2016, sec. World news,

<sup>158</sup> Luis Pásara, "Judicial Elections in Bolivia: An Unprecedented Event," Due Process of Law Foundation, n.d.

However, the elections of high court justices raised some doubts, especially concerning the prior selection of candidates, which, according to the Constitution, should be performed by the legislature<sup>159</sup>. Critics argued that the pre-selection process lacked transparency and objectivity, favoring candidates aligned with the political majority, making the selection more political than meritocratic. Furthermore, limitations on campaigning restricted public awareness of the candidates and the election itself. This, along with a high number of blank or spoiled ballots, cast doubt on the legitimacy of the elected judges: despite the legal validity of the vote, nearly 60% of voters either abstained or did not cast a valid vote<sup>160</sup>. The dubious process of selection of judges, together with the scarce popular participation to the elections raises questions about how much the Bolivian Constitutions ensure the respect for the principle of judicial independence and to have impartial judges, both essential elements in a democratic society<sup>161</sup>.

#### 4.2.2 Indigenous Autonomies and the Economic Development of the State

The “indigenous-popular” collective identity represents the base of the MAS strategy and Evo Morales, the leader of humble *Aymara* origin who emerged from the coca-grower union movement, is the personification of the leftist-indigenous ideal on which the party desired to build the new State Constitution<sup>162</sup>. The independence and the recognition of the indigenous community, as a way to detach from the colonial past and to embrace the cultural diversity of the State, in enshrined all throughout the Constitutional text, starting from Article 2:

*“Given the pre-colonial existence of nations and rural native indigenous peoples and their ancestral control of their territories, their free determination, consisting of the right to autonomy, self-government, their culture, recognition of their institutions, and*

---

<sup>159</sup> According to Article 158 of the Constitution, one of the attributes of the Plurinational Legislative Assembly is “To pre-select the candidates to form the Plurinational Constitutional Court (*Tribunal Constitucional Plurinacional*), the Supreme Court of Justice (*Tribunal Supremo de Justicia*), the Agro-Environmental Court (*Tribunal Agroambiental*) and the Council of Magistrates (*Consejo de la Magistratura*)”.

<sup>160</sup> Luis Pásara, “Judicial Elections in Bolivia: An Unprecedented Event,” Due Process of Law Foundation, n.d.

<sup>161</sup> Christopher M. Larkins, “Judicial Independence and Democratization: A Theoretical and Conceptual Analysis,” *The American Journal of Comparative Law* 44, no. 4 (1996): 605, <https://doi.org/10.2307/840623>.

<sup>162</sup> Diego Andreucci, “Populism, Hegemony, and the Politics of Natural Resource Extraction in Evo Morales’s Bolivia,” *Antipode* 50, no. 4 (December 7, 2017): 825–45

*the consolidation of their territorial entities, is guaranteed within the framework of the unity of the State, in accordance with this Constitution and the law.”<sup>163</sup>*

The ways to guarantee the recognition of the indigenous institutions devised by the new Constitution are manifold. The new Bolivian constitution recognizes “communitarian democracy” for self-governed indigenous and peasant communities, which are granted the power to elect or appoint representatives according to their own traditions. This right to self-determination includes internal governance with their own political, legal, and economic systems, but also allows participation in national institutions and society<sup>164</sup>.

The recognition of indigenous-campesino self-governing entities and their participation in state politics has the potential to contribute to the building of multiple public spheres. The new Bolivian constitution foresees the creation of indigenous-campesino autonomies (Art. 289–296, 304). The rights of indigenous peoples anchored in the constitution have been extended to campesino communities as well as to the Afro-Bolivians (Art. 32). With regard to the representation of indigenous-campesino peoples and communities in the legislative branch, Art. 147 stipulates “that the proportional participation of indigenous-campesino peoples and communities will be guaranteed” and that quotas stipulating a certain number of indigenous representatives will be implemented<sup>165</sup>. The constitution also guarantees the right to a “Rural Native Indigenous Jurisdiction,” (Art. 179) which grants rural indigenous peoples a right to their own customary law, local jurisdiction, and community justice systems<sup>166</sup>.

While the project of constructing a plurinational State is clearly expressed in the Constitution, the text itself contains an important contradiction that hinders the implementation of indigenous autonomy: the economic dependence on nonrenewable

---

<sup>163</sup> Bolivia (Plurinational State Of) 2009 Constitution

<sup>164</sup> Almut Schilling-Vacaflor, “*Bolivia’s New Constitution: Towards Participatory Democracy and Political Pluralism?*,” *European Review of Latin American and Caribbean Studies | Revista Europea de Estudios Latinoamericanos Y Del Caribe* 0, no. 90 (April 15, 2011): 3

<sup>165</sup> *Ibid.*

<sup>166</sup> John L. Hammond, “*Indigenous Community Justice in the Bolivian Constitution of 2009*,” *Human Rights Quarterly* 33, no. 3 (2011): 649–81

resource extraction. Articles 349 and Article 359 specify the central government's control over natural resources, especially the nonrenewable ones, including those located within legally recognized indigenous territories<sup>167</sup>. As a consequence, the State is endorsed with the power to manage indigenous lands and resources, effectively obstructing the full autonomy of indigenous governments to manage their own lands and resources effectively. This undermines indigenous conceptions of territory, which often view land as interconnected with their cultural identity and spiritual well-being, and not only as an economic resource<sup>168</sup>.

The Constitutional framework gave Morales government enough leeway to adopt a neo extractivism development strategy, prioritizing the general interests of Bolivia's national majority over the specific interests of indigenous peoples and consequently hindering the exercise of the principle of plurinationalism<sup>169</sup>. The struggle of the Guarani people in Bolivia against oil and gas exploration on their territory exemplifies this conflict<sup>170</sup>.

### 4.3 Evaluating the 2009 Constitution

While it is true that the 2009 Constitution brought significant changes to Bolivia, particularly regarding indigenous rights and state structure, tensions still remain as unresolved contradictions in the constitution lead to political instability, hindered social development, and weakened democratic institutions.

Under Morales, Bolivia experienced economic growth and poverty reduction. Social programs improved living standards for many Bolivians. However, concerns persist

---

<sup>167</sup> Article 349, I: “*The natural resources are the property and direct domain, indivisible and without limitation, of the Bolivian people, and their administration corresponds to the State on behalf of the collective interest.*”; Article 359, I: “[...] *The State, on behalf of and in representation of the Bolivian people, is owner of the entire hydrocarbon production of the country and is the only one authorized to sell them. The totality of the income received by the sale of hydrocarbons shall be the property of the State.*”

<sup>168</sup> United Nations Department of Economic and Social Affairs, “*State of the World’s Indigenous Peoples Rights to Lands, Territories and Resources*” 2021

<sup>169</sup> Darío Indalecio Restrepo Botero and Camilo Andrés Peña Galeano, “*Territories in Dispute: Tensions between ‘Extractivism’, Ethnic Rights, Local Governments and the Environment in Bolivia, Colombia, Ecuador and Peru.*” *Revue Internationale de Politique de Développement* 9, no. 9 (October 10, 2017): 269–90,

<sup>170</sup> Toby Stirling Hill, “*Guarani People Turn to the Law to Fight Latest Battle with Bolivian Authorities,*” the *Guardian*, October 6, 2015

regarding income inequality, access to quality education and healthcare, and, most significantly, the impact of extractive industries on indigenous communities and the environment. As Jason Tockman and John Cameron noted: *“The government of Bolivia led by President Evo Morales and the Movement Toward Socialism (MAS) party claims to be constructing a new postliberal or plurinational state. However, this alleged experiment in plurinationalism conflicts with two central elements of government and MAS party strategy: the expansion of the economic development model based on the extraction of non-renewable natural resources, and the MAS’s efforts to control political space, including indigenous territories.”*<sup>171</sup>

According to Oxfam America, such an excessive economic dependence on extractive industries, even under a good macro administration, can undermine development and lead to high levels of economic and social inequality<sup>172</sup>.

Evo Morales' extended rule and controversial re-election attempts polarized the country. In particular, the 2019 election crisis<sup>173</sup>, sparked by allegations of electoral fraud, led to social unrest and Morales' resignation<sup>174</sup>. Even after the President’s resignation, the deep divisions between Morales' supporters and opponents continue to impede political dialogue and compromise, with neither side showing much sign of compromise.<sup>175</sup>

While the 2009 Constitution aimed to strengthen democratic institutions, the appointment and election system devised for the judicial branch raised questions about the capability of the elected judges and, consequently, about the legitimacy of their decisions. Additionally, even though the constitution guarantees freedom of expression, in practice, Bolivian journalists have reported receiving harassment in connection with critical or investigative reporting. Media outlets critical of the government faced intimidation from administration

---

<sup>171</sup> Jason Tockman and John Cameron, *“Indigenous Autonomy and the Contradictions of Plurinationalism in Bolivia,”* Latin American Politics and Society 56, no. 3 (2014)

<sup>172</sup> Oxfam America, *“Lifting the Resource Curse,”* 2009

<sup>173</sup> France24, *“Morales Confirmed Winner of Bolivia Election despite Opposition Accusations of Fraud,”* France 24, October 25, 2019,

<sup>174</sup> Jihan Abdalla, *“Bolivia’s Evo Morales Resigns: What Prompted It and What’s Next?,”* www.aljazeera.com, November 13, 2019

<sup>175</sup> International Crisis Group, *“Keeping Violence in Check after Bolivia’s Political Rupture | Crisis Group,”* www.crisisgroup.org, November 13, 2019

officials during the Morales and Añez presidencies<sup>176</sup>. These limitations placed on the investigative media raise concerns about democratic backsliding.

Overall, the 2009 Bolivian Constitution represents a significant step towards recognizing indigenous rights and reshaping the state structure. However, the challenges of political polarization, resource allocation, and central-regional tensions remain. Bolivia's future stability and democratic development depend on finding solutions that address these issues and promote greater social inclusion and effective governance.

---

<sup>176</sup> Freedom House, “*Bolivia: Freedom in the World 2022 Country Report*,” Freedom House, 2022, <https://freedomhouse.org/country/bolivia/freedom-world/2022>.

## Conclusion

As mentioned at the beginning of this dissertation, populist leaders often utilize constitutional reforms for a dual purpose: claiming popular sovereignty to establish a new national order and consolidating their own hold on power. Venezuela and Bolivia serve as stark examples of this phenomenon: in both countries, populist leaders, respectively, Hugo Chavez and Evo Morales, rewrote and amended their countries' constitutions to consolidate their power<sup>177</sup>.

These leaders invoked the supreme instrument of the rule of law, their countries' constitutions, while simultaneously manipulating it for their benefit, engaging in a form of abusive constitutionalism, a term first coined by Rosalinda Dixon, David Landau and Mark Tushnet<sup>178</sup>. As defined by Grażyna Skąpska, “*abusive constitutionalism entails the making of constitutional changes rendering a state less democratic. This type of modification is accomplished by formally valid procedures (e.g., amendments to an existing constitution or the proclamation of a new one) and democratic legitimation (e.g., sufficient support by the electorate, majority representation in parliament, etc.)*”.<sup>179</sup>

This is precisely the case for Hugo Chavez and Evo Morales' constitutional reforms: both leaders claimed to wield power following the “will of the people”, but ultimately ended up abusing their positions to establish populist regimes and inevitably leading their countries to a decline in democratic health. The following section is dedicated to exploring the tangible consequences of abusive constitutionalism in Venezuela and Bolivia.

By analyzing data from the Democracy Index, the Democracy Matrix, and the WJP Rule of Law Index, we can see a clear correlation between the manipulation of constitutions and the decline in democratic health within these countries.

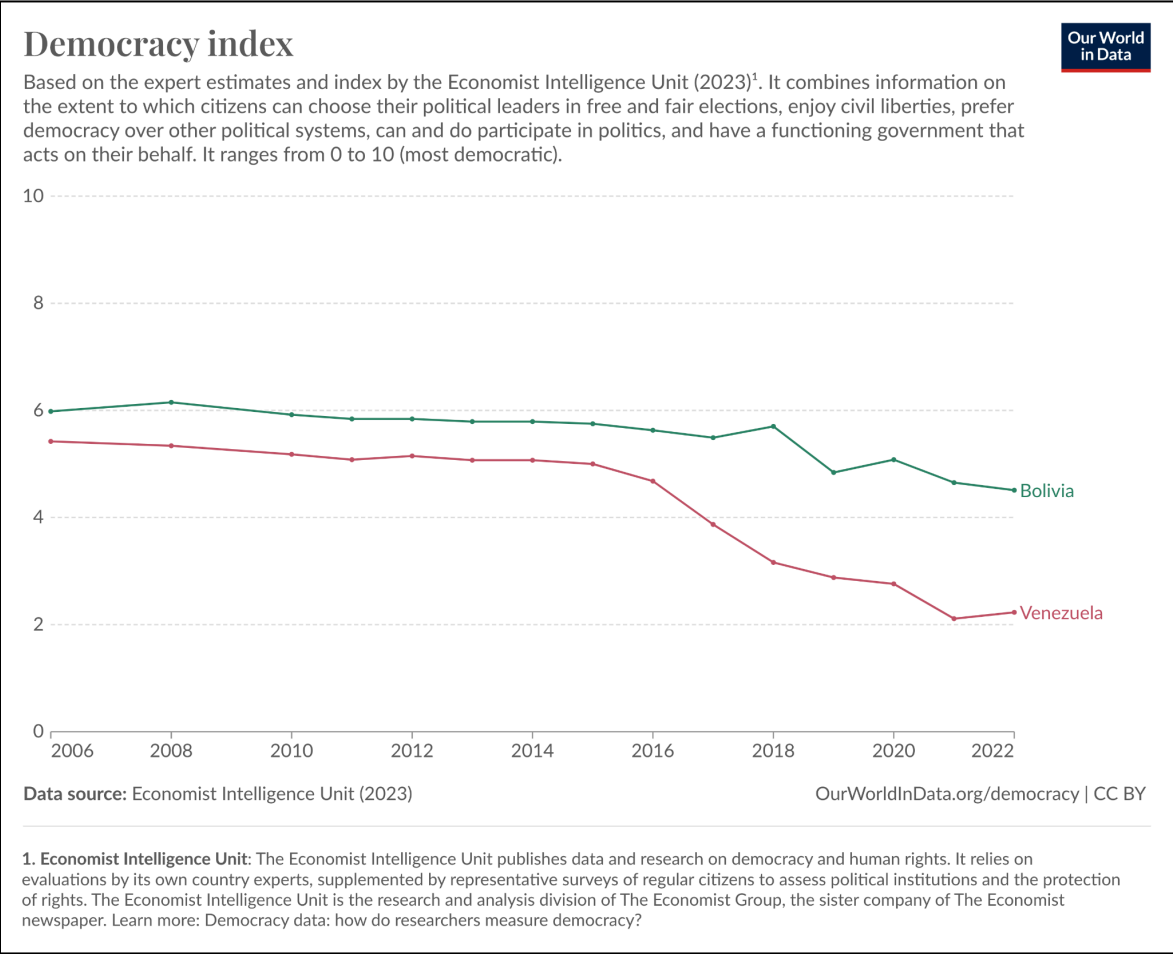
---

<sup>177</sup> Steve Ellner, “*The Distinguishing Features of Latin America's New Left in Power: The Governments of Hugo Chavez, Evo Morales, and Rafael Correa*,” *Venezuelanalysis*, January 17, 2012, <https://venezuelanalysis.com/analysis/6754/>.

<sup>178</sup> David Landau, “*Abusive Constitutionalism*”, Florida State University College of Law Scholarship Repository, 2013

<sup>179</sup> Grażyna Skąpska, “*Abuse of the Constitution as a Means of Political Change: Sociological Reflections on the Crisis of Constitutionalism in Poland*” 208, no. 4 (December 12, 2019): 421–38, <https://doi.org/10.26412/psr208.03>.

The Democracy Index is a measure of a country’s democratic state based on five factors: electoral process and pluralism, civil liberties, effectiveness of government, political participation and political culture<sup>180</sup>. Venezuela’s Democracy Index score has been steadily declining since 2006, and Bolivia’s, while it remained generally higher, also foresaw a decline. In 2023, Venezuela's score was 2, indicating an authoritarian regime, while Bolivia’s score was 4, indicating a flawed democracy<sup>181</sup>. So, while Bolivia scores better than Venezuela, both countries have a long way to go to achieve a strong democracy.



<sup>180</sup> Laza Kekic, “Defining and Measuring Democracy,” 2007

<sup>181</sup> Economist Intelligence Unit, “Democracy Index 2022,” Economist Intelligence Unit, 2023



The Democracy Matrix classifies countries based on their overall democratic health using a scale that ranges from the most democratic (scores from 0.9 to 1) to the least democratic (scores 0.0 to 0.299). In 2020, Venezuela ranked 159th, classified as a Hard Autocracy, while Bolivia ranked 97th, classified as a Hybrid Regime<sup>182</sup>. Venezuela's ranking indicates a severe erosion of democratic institutions. Bolivia's score, on the other hand, is considerably higher, suggesting a more functional system. However, the country being classified as a hybrid regime still signifies significant shortcomings in democratic processes.

Not surprisingly, the WJP Rule of Law Index rankings for 2023 also paints a grim picture, reflecting the negative trends in these countries' democratic institutions. Venezuela holds the lowest ranking at 142, while Bolivia sits at 131<sup>183</sup>.

These poor scores suggest a significant erosion of democratic health following the implementation of, respectively, the 1999 Constitution in Venezuela and the 2009 Constitution in Bolivia.

In countries suffering democratic backsliding, leaders weaken the checks on their power generally citing the need for decisive government<sup>184</sup>. Both Hugo Chavez and Evo Morales were able to significantly concentrate the power in the executive branch through their constitutional reforms. The 1999 Venezuelan Constitution gave the President the authority to issue decrees on a wider range of issues, potentially bypassing legislative approval and weakening the National Assembly's ability to hold the executive branch accountable<sup>185</sup>. Similarly, the 2009 Bolivian Constitution allowed for indefinite presidential re-election, gave

---

<sup>182</sup> Democracy Matrix, "Ranking | Democracy Matrix," [www.democracymatrix.com](http://www.democracymatrix.com), 2020, <https://www.democracymatrix.com/ranking>.

<sup>183</sup> World Justice Project, "WJP Rule of Law Index," [worldjusticeproject.org](http://worldjusticeproject.org), 2023, <https://worldjusticeproject.org/rule-of-law-index/global/2023/Venezuela%2C%20RB/>.

<sup>184</sup> The Constitutional Unit, "Checks and Balances: What Are They, and Why Do They Matter?," The Constitution Unit Blog, January 19, 2023

<sup>185</sup> Allan R. Brewer-Carrias, "The 1999 Venezuela Constitution-Making Process as an Instrument for Framing the Development of an Authoritarian Political Regime," in *Framing the State in Times of Transition, Case Studies in constitution-making*, ed. Laurel E. Miller (United States Institute of Peace, 2010), 505–31.

the executive significant influence over the appointment process for judges and broadened the president's power to manage state enterprises and other key areas<sup>186</sup>.

This concentration of power inevitably weakened judicial independence, an element essential for a healthy democracy<sup>187</sup>: constitutions can guarantee citizens' rights on paper, but this would mean nothing without independent courts to protect them<sup>188</sup>. Both countries witnessed the judiciary being packed with allies of the ruling party. Courts became tools for the executive, disregarding rulings that challenged government actions and even resorting to intimidation tactics against dissenting judges.

According to a report made by the US Bureau of Democracy, Human Rights and Labor, in Bolivia, *“the law provides for an independent judiciary, but the judiciary is widely considered corrupt, overburdened, and weakened by vacancies at its highest levels.”*<sup>189</sup>. The same report states that in Venezuela, *“while the constitution provides for an independent judiciary, judicial independence remained compromised according to many observers, and there were allegations of corruption and political influence, [...]”*<sup>190</sup>.

As argued by James Melton and Tom Ginsburg, better constitutional protection of judicial independence does not generally result in more independence in practice<sup>191</sup>. Both the Venezuelan and the Bolivian constitutions exemplify how simply including strong protections for judicial independence in a constitution is not enough to provide for *de facto* judicial independence.

Furthermore, these populist regimes implemented measures that severely restricted basic rights and freedoms, eroding democratic processes. On the Freedom House report of 2024, an annual publication that assesses the condition of political rights and civil liberties around

---

<sup>186</sup> Bolivia (Plurinational State Of) 2009 Constitution

<sup>187</sup> European Liberties Platform, *“What Is the Role of the Judiciary?”* I Liberties.eu,” Liberties.eu, March 28, 2023, <https://www.liberties.eu/en/stories/role-of-judiciary/44724>.

<sup>188</sup> The Judicial Learning Center, *“What Is Judicial Independence”* Judiciallearningcenter.org, 2014, <https://judiciallearningcenter.org/judicial-independence/>.

<sup>189</sup> Bureau of Human Rights, Democracy and Labour, “2009 Country Reports on Human Rights Practices - Bolivia,” 2010

<sup>190</sup> Bureau of Human Rights, Democracy and Labour, “2009 Country Reports on Human Rights Practices - Venezuela,” 2010, <https://2009-2017.state.gov/j/drl/rls/hrrpt/2009/wha/136130.htm>.

<sup>191</sup> James Melton and Tom Ginsburg, *“Does de Jure Judicial Independence Really Matter? A Does de Jure Judicial Independence Really Matter? A Reevaluation of Explanations for Judicial Independence Reevaluation of Explanations for Judicial Independence,”* University of Chicago Law School - Chicago Unbound, 2014

the world, Venezuela scored 14 out of 60 in civil rights. Slightly better was the position of Bolivia, which scored 39 out of 60, but still could not rank as a free country.

Freedom House reports that in Venezuela over 60 digital media outlets were arbitrarily blocked, silencing critical voices<sup>192</sup>, while independent journalists operate under constant threat. Extensive government surveillance over communication outlets makes it hard for most Venezuelans to exercise their right to personal expression: just to cite an example, in 2021 1,584,547 phone lines were bugged by the government<sup>193</sup>. Social media activity and participation in social programs are also closely monitored.

Despite constitutional guarantees, another basic freedom, freedom of assembly, is severely restricted in Venezuela, as protests are frequently met with excessive violent responses by security forces and threats from pro-government groups<sup>194</sup>.

The Freedom House report of Bolivia paints a mixed picture regarding civil freedoms. While the constitution guarantees freedom of expression, journalists critical of the government have reported facing harassment from both state and pro-government actors. Media outlets, albeit not as strictly controlled as in Venezuela, can be pressured economically and may resort to self-censorship, a practice that is common in the country to avoid conflicts due to the high political polarization<sup>195</sup>. The right to peaceful assembly is protected by law, but protests have frequently erupted in violence between demonstrators, counter-demonstrators, and security forces<sup>196</sup>.

This dissertation has examined how populist constitutions in Venezuela and Bolivia eroded the rule of law and threatened the democratic order in these countries. As the evidence points out, these constitutions, while enacted to “represent the true will of the people”, ultimately

---

<sup>192</sup> Freedom House, “Venezuela: Freedom in the World 2024 Country Report,” Freedom House, 2024,

<sup>193</sup> María Luisa Paúl, “Venezuela Tapped 1.5 Million Phone Lines. It’s Just the Start, Experts Warn.,” Washington Post, June 28, 2022

<sup>194</sup> Peaceful Assembly Worldwide, “The Right of Peaceful Assembly in Venezuela,” Peaceful Assembly Worldwide, n.d., <https://www.rightofassembly.info/country/venezuela>.

<sup>195</sup> Freedom House, “Bolivia: Freedom in the World 2024 Country Report,” Freedom House, 2022

<sup>196</sup> Peaceful Assembly Worldwide, “The Right of Peaceful Assembly in Bolivia,” Peaceful Assembly Worldwide, April 30, 2021, <https://www.rightofassembly.info/country/bolivia>.

served to consolidate power in the hands of populist leaders Hugo Chávez in Venezuela and Evo Morales in Bolivia.

This erosion of the rule of law manifested in several ways: the concentration of power in the hands of the executive branch, leading to weakened checks and balances, the erosion of judicial independence, and a restriction of civil liberties such as freedom of speech, assembly, and the press. Data from the Democracy Index, Democracy Matrix, WJP Rule of Law Index, and the Freedom House report provided tangible proof of the decline in democratic health in Venezuela and Bolivia following the implementation of their respective populist constitutions. Bolivia's democratic shortcomings should not be underestimated, but particularly concerning is Venezuela's descent into authoritarianism, with the country now classified as a "Hard Autocracy" and "Not Free".

This analysis underscores the dangers that come when populist leaders are given enough leeway to manipulate constitutions for personal gain. While hiding behind the legitimacy of the rule of law, they can dismantle democratic institutions and concentrate power in their own hands,<sup>197</sup> ultimately undermining the very principles of popular sovereignty that these leaders claim to be representing.

---

<sup>197</sup> Kim Lane Scheppele, "Autocratic Legalism," *The University of Chicago Law Review* 85, no. 2 (2018): 545–84

## Bibliography and Sitography

- Abdalla, Jihan. "Bolivia's Evo Morales Resigns: What Prompted It and What's Next?" *www.aljazeera.com*, November 13, 2019. <https://www.aljazeera.com/news/2019/11/13/bolivias-evo-morales-resigns-what-prompted-it-and-whats-next>.
- Acha, Omar. "Latin American Populism: Tentative Reflections for a Global Historiographical Perspective." *Nuevo Mundo Mundos Nuevos*, February 10, 2013. <https://doi.org/10.4000/nuevomundo.64834>.
- Aguilar Aguilar, Azul A. "Courts and the Judicial Erosion of Democracy in Latin America." *Politics & Policy* 51, no. 1 (January 23, 2023): 7–25. <https://doi.org/10.1111/polp.12516>.
- AlJazeera. "Bolsonaro Gov't Threatening Brazilian Democracy, Jurists Tell UN." *www.aljazeera.com*, 2022. <https://www.aljazeera.com/news/2022/5/18/bolsonaro-govt-threatening-brazilian-democracy-jurists-tell-un>.
- Allegretti, Umberto, Cecilia Corsi, and Giovanni Allegretti. "Constituent Process and Constituent Assembly: The Making of Constitutions through the Larger Involvement of Citizens," 2016. [https://www.forumcostituzionale.it/wordpress/wp-content/uploads/2016/06/allegretti\\_corsi.pdf](https://www.forumcostituzionale.it/wordpress/wp-content/uploads/2016/06/allegretti_corsi.pdf).
- Amnesty International. "Poland: Witch Hunt of Judges Threatens Independence of Judiciary." *Amnesty International*, July 4, 2019. <https://www.amnesty.org/en/latest/press-release/2019/07/poland-witch-hunt-of-judges-threatens-independence-of-judiciary/>.
- Andean Information Network. "Bolivia: Three Dead in Capital Conflict ." *ANDEAN INFORMATION NETWORK*, November 26, 2007. <https://ain-bolivia.org/2007/11/bolivia-three-dead-in-capital-conflict/>.

- Andrej Zaslove, and Maurits J Meijers. “Populist Democrats? Unpacking the Relationship between Populist and Democratic Attitudes at the Citizen Level.” *Political Studies*, May 25, 2023, 003232172311738-003232172311738. <https://doi.org/10.1177/00323217231173800>.
- Andreucci, Diego. “Populism, Hegemony, and the Politics of Natural Resource Extraction in Evo Morales’s Bolivia.” *Antipode* 50, no. 4 (December 7, 2017): 825–45. <https://doi.org/10.1111/anti.12373>.
- Anselmi, Manuel. “Constitutional Populism.” In *Populism: An Introduction*, 87–90. Routledge, 2017. <https://doi.org/10.4324/9781315268392>.
- Anselmi, Manuel, Paul Blokker, and Oscar Mazzoleni. “Populism and Law.” In *Political Populism. Handbook of Concepts, Questions and Strategies of Research*. Nomos, 2021. [https://serval.unil.ch/resource/serval:BIB\\_71667900B2DF.P001/REF.pdf](https://serval.unil.ch/resource/serval:BIB_71667900B2DF.P001/REF.pdf).
- Asamblea Constituyente de Bolivia. “Reglamento General de La Asamblea Constituyente,” 2006. <https://constitutionnet.org/sites/default/files/Bolivia%20CA%20Rules%20Spanish.pdf>.
- Associated Press. “Bolivia’s President Evo Morales to Run Again despite Referendum Ruling It Out.” *The Guardian*, December 18, 2016, sec. World news. <https://www.theguardian.com/world/2016/dec/18/bolivias-president-evo-morales-to-run-a-gain-despite-referendum-ruling-it-out>.
- Bagus, Philip. “La Estrategia Populista de Javier Milei En Argentina Está Funcionando.” Instituto Mises, September 19, 2023. <https://mises.org/es/power-market/la-estrategia-populista-de-javier-milei-en-argentina-est-a-funcionando>.
- Baker, Peter C. “‘We the People’: The Battle to Define Populism.” *The Guardian*. The Guardian, February 23, 2019. <https://www.theguardian.com/news/2019/jan/10/we-the-people-the-battle-to-define-populism>.

- Barbar, Ricardo. “La Muerte de Una Constitución (Veinte Años Después).” Prodavinci, January 3, 2019. <https://prodavinci.com/la-muerte-de-una-constitucion-veinte-anos-despues/>.
- Battista, Daniele. “Knock, Knock! The next Wave of Populism Has Arrived! An Analysis of Confirmations, Denials, and New Developments in a Phenomenon That Is Taking Center Stage.” *Social Sciences* 12, no. 2 (February 1, 2023): 100. <https://doi.org/10.3390/socsci12020100>.
- Berkeley Law. “Indigenous Bolivian Community Justice,” 2020. <https://www.law.berkeley.edu/wp-content/uploads/2020/10/Indigenous-Bolivian-Community-Justice.pdf>.
- Blokker, Paul. “Populism as a Constitutional Project.” *International Journal of Constitutional Law* 17, no. 2 (2019). <https://academic.oup.com/icon/article/17/2/536/5523745>.
- . “Populist Constitutionalism.” *Verfassungsblog*, May 4, 2017. <https://verfassungsblog.de/populist-constitutionalism/>.
- . “Populist Constitutionalism, Popular Engagement, and Constitutional Resistance – RECONNECT.” *Reconnect*, February 7, 2019. <https://reconnect-europe.eu/blog/blokker-populist-constitutionalism/>.
- Brewer-Carías, Allan. *Administrative Law in Venezuela*. 3rd ed. Editorial Jurídica Venezolana, 2021. <https://biblioteca.enj.org/bitstream/handle/123456789/124004/2021-44%20%20ADMINISTRATIVE%20LAW%20%20VENEZUELA.pdf?sequence=6&isAllowed=y>.
- Brewer-Carias, Allan R. “Centralized Federalism in Venezuela.” *Duquesne Law Review* 43, no. 4 (January 1, 2005): 629.
- Brewer-Carrias, Allan R. “The 1999 Venezuela Constitution-Making Process as an Instrument for Framing the Development of an Authoritarian Political Regime.” In *Framing the State in Times of Transition, Case Studies in constitution-making*, edited by Laurel E. Miller, 505–31. United States Institute of Peace, 2010.

- Bugarič, Bojan. “Populist Constitutionalism – between Democracy and Authoritarianism.” Edited by Adam Czarnota, Martin Krygier, and Wojciech Sadurski. Cambridge University Press. Cambridge: Cambridge University Press, 2022. <https://www.cambridge.org/core/books/anticonstitutional-populism/populist-constitutionalism-between-democracy-and-authoritarianism/9E1014E7887BF4A96838EA5802E993B2>.
- Bunker, Kenneth. “Coalition Formation in Presidential Regimes: Evidence from Latin America.” 2015. [https://etheses.lse.ac.uk/3243/1/Bunker\\_Coalition\\_formation.pdf](https://etheses.lse.ac.uk/3243/1/Bunker_Coalition_formation.pdf).
- Bureau of Human Rights, Democracy and Labour. “2009 Country Reports on Human Rights Practices - Bolivia,” 2010. <https://2009-2017.state.gov/j/drl/rls/hrrpt/2009/wha/136102.htm>.
- . “2009 Country Reports on Human Rights Practices - Venezuela,” 2010. <https://2009-2017.state.gov/j/drl/rls/hrrpt/2009/wha/136130.htm>.
- Cachanosky, Nicolás, and Alexandre Padilla. “Latin American Populism in the Twenty-First Century.” *The Independent Review* 24, no. 2 (2019): 209–26. <https://www.jstor.org/stable/pdf/45216633.pdf>.
- Cameron, Maxwell A., and Flavie Major. “Venezuela’s Hugo Chavez: Savior or Threat to Democracy.” Edited by Alberto Arvelo Ramos, Augustin Blanco Munoz, Freddy Dominguez, Alberto Garrido, Teodoro Petkoff, Roger Santodomingo, Leonardo Vivas, and Juan Carlos Zapata. *Latin American Research Review* 36, no. 3 (2001): 255–66. <https://www.jstor.org/stable/pdf/2692130.pdf>.
- Canache, Damaris. “From Bullets to Ballots: The Emergence of Popular Support for Hugo Chavez.” *Latin American Politics and Society* 44, no. 1 (2002): 69. <https://doi.org/10.2307/3177111>.
- Cannilla, Ana. “Political Constitutionalism in the Age of Populism.” *Revus*, no. 46 (January 5, 2022). <https://doi.org/10.4000/revus.8039>.



- Carrasco Alurralde, Inés Valeria, and Xavier Albó. “Cronología de La Asamblea Constituyente.” *Tinkazos* 11, no. 23-24 (March 1, 2008): 101–28. [http://www.scielo.org.bo/scielo.php?script=sci\\_arttext&pid=S1990-74512008000100008](http://www.scielo.org.bo/scielo.php?script=sci_arttext&pid=S1990-74512008000100008).
- Carrias, Allan Brewer. “The 1999 Venezuelan constitution-making Process as an Instrument for Framing the Development of an Authoritarian Political Regime.” Constitutionnet.org, 2010. <https://constitutionnet.org/sites/default/files/Venezuela%20USIP.doc>.
- Carroll, Rory. “Hugo Chávez Wins Referendum Allowing Indefinite Re-Election.” *The Guardian*, February 16, 2009, sec. World news. <https://www.theguardian.com/world/2009/feb/16/hugo-chavez-indefinite-rule>.
- Carvalho, Salo de, David R Goyes, and Valeria Vegh Weis. “Politics and Indigenous Victimization: The Case of Brazil.” *The British Journal of Criminology* 61, no. 1 (August 24, 2020). <https://doi.org/10.1093/bjc/azaa060>.
- Cas Mudde, and Rovira Kaltwasser. “Populism and Political Leadership.” In *The Oxford Handbook of Political Leadership*. Oxford University Press, 2013.
- Castillo, Mariano, and Gloria Carrasco. “Court Clears Path for Bolivia’s Morales to Run for 3rd Term.” CNN, April 30, 2013. <https://edition.cnn.com/2013/04/30/world/americas/bolivia-morales-re-election/index.html>.
- Chavez, Hugo. “‘Por Ahora’ - Hugo Chavez 4 de Febrero 1992.” www.youtube.com, 1992. <https://youtu.be/iKcoFPsoKLU>.
- Colón-Ríos, Joel I. “Carl Schmitt and Constituent Power in Latin American Courts: The Cases of Venezuela and Colombia.” *Constellations* 18, no. 3 (September 2011): 365–88. <https://doi.org/10.1111/j.1467-8675.2011.00643.x>.
- Committee to Protect Journalists. “Brazil Restricts Access to Government Information amid COVID-19 Emergency.” Committee to Protect Journalists, March 26, 2020. <https://cpj.org/2020/03/brazil-restricts-access-to-government-information/>.

- Constitute Project. “Bolivia (Plurinational State Of) 2009 Constitution.” [www.constituteproject.org](http://www.constituteproject.org). Accessed September 29, 2023. [https://www.constituteproject.org/constitution/Bolivia\\_2009](https://www.constituteproject.org/constitution/Bolivia_2009).
- ConstitutionNet.org. “Constitutional History of Bolivia.” ConstitutionNet, n.d. <https://constitutionnet.org/country/constitutional-history-bolivia>.
- . “Constitutional History of Bolivia.” ConstitutionNet.org, n.d. <https://constitutionnet.org/country/constitutional-history-bolivia>.
- . “Constitutional History of Venezuela.” ConstitutionNet, 2016. <https://constitutionnet.org/country/venezuela>.
- Corrales, Javier, and Michael Penford. “Venezuela: Crowding out the Opposition.” *Journal of Democracy* 18(2) (2007): 99–113.
- Corte Suprema de Justicia de Venezuela. Fallo N° 17 [de la Corte Suprema de Justicia de Venezuela sobre el referendo para convocar a una Asamblea Constituyente] (1999).
- Council on Foreign Relations. “Venezuela’s Chavez Era.” Council on Foreign Relations, 2022. <https://www.cfr.org/timeline/venezuelas-chavez-era>.
- Crabtree, John. “Bolivia’s Controversial Constitution.” [opendemocracy.net](http://opendemocracy.net), December 10, 2007. [https://www.opendemocracy.net/en/bolivia\\_s\\_controversial\\_constitution/](https://www.opendemocracy.net/en/bolivia_s_controversial_constitution/).
- Cristóbal Rovira Kaltwasser, Paul A Taggart, Paulina Ochoa Espejo, and Pierre Ostiguy. *The Oxford Handbook of Populism*. Oxford, United Kingdom ; New York: Oxford University Press, 2017.
- Cullum, Blanquita, and Luis Fortuño. “Under Chavez, Time Is Running out on Free Speech for Venezuela.” [The Hill](http://The Hill), May 22, 2007. <https://thehill.com/opinion/op-ed/5794-under-chavez-time-is-running-out-on-free-speech-for-venezuela/>.

- De La Torre, Carlos. "The Ambiguous Meanings of Latin American Populisms." *Social Research* 59, no. 2 (1992): 385–414. <https://www.jstor.org/stable/40970698?seq=12>.
- De La Torre, Carlos, and Felipe Burbano De Lara. "Populism, constitution-making, and the Rule of Law in Latin America." *Partecipazione E Conflitto* 13, no. 3 (2020): 1453–68. <https://doi.org/10.1285/i20356609v13i3p1453>.
- De Munter, Koen, and Tom Salman. "Extending Political Participation and Citizenship: Pluricultural Civil Practices in Contemporary Bolivia." *The Journal of Latin American and Caribbean Anthropology* 14, no. 2 (2009): 432–56. <https://doi.org/10.1111/j.1935->.
- Democracy Matrix. "Ranking | Democracy Matrix." [www.democracymatrix.com](http://www.democracymatrix.com), 2020. <https://www.democracymatrix.com/ranking>.
- Doyle, David. "Presidential Term Limits in Bolivia." *The Politics of Presidential Term Limits*, June 20, 2019, 535–54. <https://doi.org/10.1093/oso/9780198837404.003.0026>.
- Economist Intelligence Unit. "Democracy Index 2022." Economist Intelligence Unit, 2023. <https://www.eiu.com/n/campaigns/democracy-index-2022/>.
- Edwards, Sebastian. "On Latin American Populism, and Its Echoes around the World." *Journal of Economic Perspectives* 33, no. 4 (November 1, 2019): 76–99. <https://doi.org/10.1257/jep.33.4.76>.
- El Mundo. "Morales Promete Nueva Constitución En Bolivia." *La Nación*, July 13, 2008. <https://www.nacion.com/el-mundo/morales-promete-nueva-constitucion-en-bolivia/KQE BRZEMLBAUZHYDPJIRTHL5AA/story/>.
- El Nacional. "El Crimen Con Las Leyes Habilitantes." *El Nacional*, November 30, 2017. [https://www.elnacional.com/opinion/columnista/crimen-con-las-leyes-habilitantes\\_213483/](https://www.elnacional.com/opinion/columnista/crimen-con-las-leyes-habilitantes_213483/).
- Ellner, Steve. "Chávez's Opposition Opts Out." *In These Times*, December 21, 2005. <https://inthesetimes.com/article/chez-opposition-opts-out>.

- . “The Distinguishing Features of Latin America’s New Left in Power: The Governments of Hugo Chavez, Evo Morales, and Rafael Correa.” *Venezuelanalysis*, January 17, 2012. <https://venezuelanalysis.com/analysis/6754/>.
- Emerson, R. “A Bolivarian People: Identity Politics in Hugo Chávez’s Venezuela a Bolivarian People: Identity Politics in Hugo Chávez’s Venezuela,” 2011. <https://press-files.anu.edu.au/downloads/press/p121501/pdf/ch0613.pdf>.
- European Commission For Democracy Through Law (Venice Commission). “Report on Term Limits: Part 1 - Presidents,” March 18, 2018. [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2018\)010-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2018)010-e).
- FIIAPP. “FIIAPP ‘Coca Leaf Production and Consumption Are Deeply Rooted in Bolivia.’” FIIAPP, October 25, 2018. [https://www.fiiapp.org/en/blog\\_fiiapp/coca-leaf-production-and-consumption-are-deeply-rooted-in-bolivia/](https://www.fiiapp.org/en/blog_fiiapp/coca-leaf-production-and-consumption-are-deeply-rooted-in-bolivia/).
- Fornos, Carolina A., Timothy J. Power, and James C. Garand. “Explaining Voter Turnout in Latin America, 1980 to 2000.” *Comparative Political Studies* 37, no. 8 (October 2004): 909–40. <https://doi.org/10.1177/0010414004267981>.
- Frajman, Eduardo. “Broadcasting Populist Leadership: Hugo Chávez and ‘Aló Presidente.’” *Journal of Latin American Studies* 46, no. 3 (2014): 501–26. <https://www.jstor.org/stable/pdf/24544171.pdf>.
- France24. “Morales Confirmed Winner of Bolivia Election despite Opposition Accusations of Fraud.” France 24, October 25, 2019. <https://www.france24.com/en/20191025-final-vote-count-in-bolivian-election-gives-morales-outright-win-after-a-disputed-race>.
- Freedom House. “Bolivia: Freedom in the World 2024 Country Report.” Freedom House, 2022. <https://freedomhouse.org/country/bolivia/freedom-world/2024>.

- . “Venezuela: Freedom in the World 2024 Country Report.” *Freedom House*, 2024. <https://freedomhouse.org/country/venezuela/freedom-world/2024>.
- Funke, Manuel Funke, Moritz Schularick, and Christoph Trebesch. “Populist Leaders and the Economy,” 2022. <https://sciencespo.hal.science/hal-03881225>.
- Galston, William A. “The Populist Challenge to Liberal Democracy.” Brookings, April 17, 2018. <https://www.brookings.edu/articles/the-populist-challenge-to-liberal-democracy/>.
- Gamarra, Eduardo A. “The Rise of Evo Morales.” JSTOR, 2007. <https://www.jstor.org/stable/resrep05736.8>.
- Garcia-Sierra, Mario. “Institutional Repository the ‘Enabling Law’: The Demise of the Separation of Powers in Hugo Chavez’s Venezuela .” *University of Miami Inter-American Law Review* 265 (2001). <https://repository.law.miami.edu/cgi/viewcontent.cgi?article=1238&context=umialr>.
- GlobalSecurity.org. “Operation Blast Furnace.” [www.globalsecurity.org](http://www.globalsecurity.org). Accessed April 22, 2024. [https://www.globalsecurity.org/military/ops/blast\\_furnace.htm](https://www.globalsecurity.org/military/ops/blast_furnace.htm).
- Gnauck, Gerhard. “Constitutional Referendum in Poland? .” *Dw.com*, May 5, 2017. <https://www.dw.com/en/polands-president-calls-for-constitutional-referendum/a-38725200>.
- Gómez Ramírez, Enrique. “Democracy and Human Rights in Latin America,” 2022. [https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/698868/EPRS\\_BRI\(2022\)698868\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/698868/EPRS_BRI(2022)698868_EN.pdf).
- Graber, Mark A. “Constitutional Purposes.” In *A New Introduction to American Constitutionalism*, 2015. <https://academic.oup.com/book/26830/chapter/195829674>.
- Grant, Will. *Populista : The Rise of Latin America’s 21st Century Strongman*. Apollo, 2021.

- Grażyna Skąpska. "Abuse of the Constitution as a Means of Political Change: Sociological Reflections on the Crisis of Constitutionalism in Poland" 208, no. 4 (December 12, 2019): 421–38. <https://doi.org/10.26412/psr208.03>.
- Grisaffi, Thomas. "From the Grassroots to the Presidential Palace: Evo Morales and the Coca Growers' Union in Bolivia." In *Where Are the Unions?: Workers and Social Movements in Latin America, the Middle East and Europe.*, 44–63., 2017. <https://research.reading.ac.uk/coca-cocaine-bolivia-peru/wp-content/uploads/sites/127/Unorganized/Coca-Union-TG-and-Lazar-edits-FINAL.pdf>.
- Hammond, John L. "Indigenous Community Justice in the Bolivian Constitution of 2009." *Human Rights Quarterly* 33, no. 3 (2011): 649–81. <https://www.jstor.org/stable/23015997>.
- Hanke, Steve H., and Tal Boger. "Inflation by the Decades: 1990s ," August 2018. <https://www.cato.org/sites/cato.org/files/troubled-currencies-project-site/inflation-by-the-decades-1990s.pdf>.
- Hawkins, Kirk A., and Cristóbal Rovira Kaltwasser. "The Ideational Approach to Populism." *Latin American Research Review* 52, no. 4 (2017): 513–28. [https://www.jstor.org/stable/pdf/26743761.pdf?refreqid=fastly-default%3A76171e9c5ad2ad14e1f4ebbd970a2a9f&ab\\_segments=&origin=&initiator=&acceptTC=1](https://www.jstor.org/stable/pdf/26743761.pdf?refreqid=fastly-default%3A76171e9c5ad2ad14e1f4ebbd970a2a9f&ab_segments=&origin=&initiator=&acceptTC=1).
- International Crisis Group. "Keeping Violence in Check after Bolivia's Political Rupture | Crisis Group." [www.crisisgroup.org](http://www.crisisgroup.org), November 13, 2019. <https://www.crisisgroup.org/latin-america-caribbean/andes/bolivia/keeping-violence-check-after-bolivias-political-rupture>.
- International Foundation for Electoral Systems. "Elections: Bolivia Referendum 2 July 2006." *Www.electionguide.org*. IFES Election Guide. Accessed April 22, 2024. <https://www.electionguide.org/elections/id/107/>.
- ISPI Online Publications. "L'Argentina a Javier Milei." ISPI, November 20, 2023. <https://www.ispionline.it/it/pubblicazione/largentina-a-javier-milei-153781>.

- Kaufman, Robert R., and Barbara Stallings. “The Political Economy of Latin American Populism.” National Bureau of Economic Research. University of Chicago Press, January 1, 1991. <https://www.nber.org/books-and-chapters/macroeconomics-populism-latin-america/political-economy-latin-american-populism>.
- Kehoe, Timothy, Carlos Gustavo Machicado, and Jose Peres Cajias. “‘The Case of Bolivia’ .” *Manifold* at the Becker Friedman Institute for Economics, 2021. <https://manifold.bfi.uchicago.edu/read/the-case-of-bolivia/section/328253e7-233a-4efb-a01a-e197eccfe0ca>.
- Kekic, Laza. “Defining and Measuring Democracy,” 2007. [https://www.economist.com/media/pdf/DEMOCRACY\\_INDEX\\_2007\\_v3.pdf](https://www.economist.com/media/pdf/DEMOCRACY_INDEX_2007_v3.pdf).
- Kohl, Ben, and Linda Farthing. “The Price of Success: Bolivia’s War against Drugs and the Poor.” *NACLA*, 2019. <https://nacla.org/article/price-success-bolivia%27s-war-against-drugs-and-poor>.
- Kovács, Ágnes. “Defective Judicial Appointments in Hungary: The Supreme Court Is Once Again Embroiled in Scandal.” *Verfassungsblog*, September 27, 2022. <https://verfassungsblog.de/defective-judicial-appointments-in-hungary/>.
- Kovaleski, Serge F. “Populist Elected in Venezuela.” *Washington Post*, December 7, 1998. <https://www.washingtonpost.com/wp-srv/inatl/daily/dec98/07/venezuela120798.htm>.
- Kraul, Chris. “In Venezuela, Students and Faculty Caught in Budget-Driven University Closures.” *Los Angeles Times*, November 17, 2015. <https://www.latimes.com/world/mexico-americas/la-fg-venezuela-professors-20151117-story.html>.
- Kurlantzick, Joshua. “Southeast Asia’s Populism Is Different but Also Dangerous.” Council on Foreign Relations, 2018. <https://www.cfr.org/in-brief/southeast-asias-populism-different-also-dangerous>.

- Lacey, Nicola. "Populism and the Rule of Law." *Annual Review of Law and Social Science* 15, no. 1 (October 13, 2019): 79–96. <https://doi.org/10.1146/annurev-lawsocsci-101518-042919>.
- Laird, Robbin. "Potosí and Its Silver: The Beginnings of Globalization." *Second Line of Defense*, December 13, 2020. <https://sldinfo.com/2020/12/potosi-and-its-silver-the-beginnings-of-globalization/>.
- Landau, David. "Populist Constitutions." *The University of Chicago Law Review* 85, no. 2 (2018): 521–44. <https://www.jstor.org/stable/26455916>.
- Larkins, Christopher M. "Judicial Independence and Democratization: A Theoretical and Conceptual Analysis." *The American Journal of Comparative Law* 44, no. 4 (1996): 605. <https://doi.org/10.2307/840623>.
- Latin American Data Base - LADB*. "Venezuelan President Chavez Clashes with Congress after Inauguration." February 12, 1999. <https://digitalrepository.unm.edu/cgi/viewcontent.cgi?article=13602&context=notisur>.
- library.brown.edu. "Document #23: 'Address to the United Nations,' Hugo Chávez (2006) | Modern Latin America," n.d. <https://library.brown.edu/create/modernlatinamerica/chapters/chapter-8-venezuela/primary-documents-with-accompanying-discussion-questions/document-21-address-to-the-united-nations-by-hugo-chavez-2006/>.
- Ludwig, Jessica. "Can Democracy in Latin America Survive the Populist Temptation?" George W. Bush Presidential Center, October 31, 2022. <https://www.bushcenter.org/publications/can-democracy-in-latin-america-survive-the-populist-temptation>.
- Mansour, Renad, and Lina Khatib. "Analysis | an Emerging Populism Is Sweeping the Middle East." *Washington Post*, 2018. <https://www.washingtonpost.com/news/monkey-cage/wp/2018/07/11/what-populist-success-in-iraq-and-lebanon-says-about-todays-middle-east/>.



- Melton, James, and Tom Ginsburg. “Does de Jure Judicial Independence Really Matter? A Does de Jure Judicial Independence Really Matter? A Reevaluation of Explanations for Judicial Independence Reevaluation of Explanations for Judicial Independence.” *University of Chicago Law School - Chicago Unbound*, 2014. [https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1178&context=law\\_and\\_economics](https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1178&context=law_and_economics).
- Mendoza-Botelho, Martín. “Revisiting Bolivia’s Constituent Assembly: Lessons on the Quality of Democracy.” *Asian Journal of Latin American Studies* 29, no. 1 (2016): 19–55.
- Miguel-Ángel Benítez-Castro, Francesca De\_Cesare, and Encarnación Hidalgo-Tenorio. *Populist Discourse : Critical Approaches to Contemporary Politics*. London ; New York: Routledge, 2019.
- Molloy, David. “What Is Populism, and What Does the Term Actually Mean?” *BBC News*, March 6, 2018. <https://www.bbc.com/news/world-43301423>.
- Mudde, Cas. “The Populist Zeitgeist.” *Government and Opposition* 39, no. 4 (2004): 541–63. <https://www.jstor.org/stable/pdf/44483088.pdf>.
- Mudde, Cas, and Cristóbal Rovira Kaltwasser. “VOICES of the PEOPLES: POPULISM in EUROPE and LATIN AMERICA COMPARED.” *Cristóbal Rovira Kaltwasser*, 2011. [https://kellogg.nd.edu/sites/default/files/old\\_files/documents/378\\_0.pdf](https://kellogg.nd.edu/sites/default/files/old_files/documents/378_0.pdf).
- Müller, Jan-Werner. *What Is Populism?* Philadelphia: University Of Pennsylvania Press, 2016.
- Müller, Jean-Werner. “Populism and Constitutionalism.” In *The Oxford Handbook of Populism*. S.L.: Oxford Univ Press, 2019.
- National Democratic Institute For International Affairs. “One Chamber or Two? Deciding between a Unicameral and Bicameral Legislature.” *Legislative Research Series* , no. Paper 3 (January 1, 1996). [https://www.ndi.org/sites/default/files/029\\_ww\\_onechamber\\_0.pdf](https://www.ndi.org/sites/default/files/029_ww_onechamber_0.pdf).

- Oikonomakis, Leonidas. "Europe's Pink Tide? Heeding the Latin American Experience." *ROAR Magazine*, 2015. <https://roarmag.org/essays/syriza-podemos-pink-tide-europe/>.
- Oner, Imdat. "Nicolas Maduro: A Populist without Popularity - ECPS." *European Center for Populism Studies (ECPS)*, 2021. <https://www.populismstudies.org/nicolas-maduro-a-populist-without-popularity/>.
- Ostiguy, Pierre. "Populism: A Socio-Cultural Approach." In *Oxford Handbooks Online*, edited by Cristóbal Rovira Kaltwasser, Paul Taggart, Paulina Ochoa Espejo, and Pierre Ostiguy. Oxford University Press, 2017. <https://doi.org/10.1093/oxfordhb/9780198803560.013.3>.
- OWID. "Democracy Index 2021: Least Democratic Countries." Statista, n.d. <https://www.statista.com/statistics/681644/democracy-index-bottom-30/>.
- Oxfam America. "Lifting the Resource Curse," 2009. [https://www-cdn.oxfam.org/s3fs-public/file\\_attachments/bp134-lifting-the-resource-curse-011209\\_4.pdf](https://www-cdn.oxfam.org/s3fs-public/file_attachments/bp134-lifting-the-resource-curse-011209_4.pdf).
- Pakulski, Jan. "Populism and Political Elites." *Zoon Politikoon* Special Issue 2018 (2018). <https://doi.org/10.4467/2543408XZOP.18.001.10057>.
- Palma, Bruna Fontes de Azevedo. "Freedom of Expression in Brazil Suffers under Bolsonaro." *The Loop*, September 29, 2022. <https://theloop.ecpr.eu/freedom-of-expression-in-brazil-is-suffering-under-bolsonaro/>.
- Pan American Health Organization (PAHO). "Venezuela - Country Profile." *Health in the Americas*, September 24, 2022. <https://hia.paho.org/en/countries-22/venezuela-country-profile#situation>.
- Panizza, Francisco, and Romina Miorelli. "Populism and Democracy in Latin America." *Ethics & International Affairs* 23, no. 1 (2009): 39–46. <https://doi.org/10.1111/j.1747-7093.2009.00188.x>.
- Partlett, William. "Hugo Chavez's Constitutional Legacy." Brookings, March 14, 2013. <https://www.google.com/url?q=https://www.brookings.edu/articles/hugo-chavezs-constitu>

tional-legacy/&sa=D&source=docs&ust=1713119474181189&usg=AOvVaw1v9i2YyQakEDOojVGoTrHp.

Pásara, Luis. “Judicial Elections in Bolivia: An Unprecedented Event .” *Due Process of Law Foundation*, n.d.  
[https://www.dplf.org/sites/default/files/executive\\_summary\\_rev\\_web.pdf](https://www.dplf.org/sites/default/files/executive_summary_rev_web.pdf).

Paúl, María Luisa. “Venezuela Tapped 1.5 Million Phone Lines. It’s Just the Start, Experts Warn.” *Washington Post*, June 28, 2022.  
<https://www.washingtonpost.com/nation/2022/06/28/telefonica-wiretapping-venezuela-phone/>.

Peaceful Assembly Worldwide. “The Right of Peaceful Assembly in Bolivia.” Peaceful Assembly Worldwide, April 30, 2021. <https://www.rightofassembly.info/country/bolivia>.

———. “The Right of Peaceful Assembly in Venezuela.” Peaceful Assembly Worldwide, n.d.  
<https://www.rightofassembly.info/country/venezuela>.

Petras, James. “Bolivia: Fascism Seizes Power - Morales Complains.” The Official James Petras Website, 2008.  
<https://petras.lahaine.org/bolivia-fascism-seizes-power-morales-complains/>.

Platform, European Liberties. “What Is the Role of the Judiciary? | Liberties.eu.” Liberties.eu, March 28, 2023. <https://www.liberties.eu/en/stories/role-of-judiciary/44724>.

Poder360. “Democracy Index Bolivia 2022.” Statista, n.d.  
<https://www.statista.com/statistics/1402570/democracy-index-bolivia/>.

Postero, Nancy. “The Constituent Assembly.” In *The Indigenous State: Race, Politics, and Performance in Plurinational Bolivia*. University of California Press, 2017.  
<https://doi.org/10.1353/book.63431>.

———. “The Emergence of Indigenous Nationalism in Bolivia: Social Movements and the MAS State.” In *The Indigenous State: Race, Politics, and Performance in Plurinational*

- Bolivia*, 25–40. University of California Press, 2017.  
<http://www.jstor.org/stable/10.1525/j.ctt1pq34b0.7..>
- Ramón Sánchez, Álvaro. “¿La Paz O Sucre? El Conflicto Por La Capitalidad En Bolivia.” *REVISTA ELECTRONICA IBEROAMERICANA* 17, no. 2 (December 19, 2023): 152–74.  
<https://doi.org/10.20318/reib.2023.8298>.
- “Referendum Approving the 2009 Constitutional Amendment .” *LATINNO - Innovations for Democracy in Latin America*. Accessed April 16, 2024.  
<https://latinno.net/en/case/19042/>.
- Restrepo Botero, Darío Indalecio, and Camilo Andrés Peña Galeano. “Territories in Dispute: Tensions between ‘Extractivism’, Ethnic Rights, Local Governments and the Environment in Bolivia, Colombia, Ecuador and Peru.” *Revue Internationale de Politique de Développement* 9, no. 9 (October 10, 2017): 269–90.  
<https://doi.org/10.4000/poldev.2374>.
- Rezende, Gabriel. “Populism, Courts and Institucionalidad: A View from Latin America.” *Acta Academica* 54, no. 3 (2022). <https://doi.org/10.18820/24150479/aa54i3/2>.
- Roberts, Kenneth M. “Populism and Democracy in Venezuela under Hugo Chávez.” Edited by Cas Mudde and Cristóbal Rovira Kaltwasser. Cambridge University Press. Cambridge: Cambridge University Press, 2012.  
<https://www.cambridge.org/core/books/populism-in-europe-and-the-americas/populism-and-democracy-in-venezuela-under-hugo-chavez/FA3183273C9744A9A70FE4EBF71EB826>.
- Roncken, Theo. “Plurinational Bolivia: Change Process and Social Conflict.” *Global Partnership for the Prevention of Armed Conflict*, 2016.  
[https://gppac.net/files/2019-08/Bolivia\\_Alert\\_final14Nov.pdf](https://gppac.net/files/2019-08/Bolivia_Alert_final14Nov.pdf).
- Rostbøll, Christian F. “How Populism Fails to Respect the People.” *The Loop*, August 4, 2023.  
<https://theloop.ecpr.eu/how-populism-fails-to-respect-the-people-2/>.

- Roy, Edmond. "Bolivia Swears in First Indigenous President." *ABC News*, January 22, 2006. <https://www.abc.net.au/news/2006-01-23/bolivia-swears-in-first-indigenous-president/783122>.
- Ryan, Felipe. "Populism in Latin America, Can the Region Break the Cycle?" *The Governance Post*, October 3, 2023. <https://www.thegovernancepost.org/2023/10/populism-in-latin-america-can-the-region-break-the-cycle/>.
- Saravia, Antonio, Clara Mengolini, and Robi Ragan. "Socialist Indoctrination in School Textbooks: The Case of 'Colección Bicentenario' in Venezuela - ProQuest." *The Journal of Private Enterprise* 36, no. 1 (2021): 79–104. <https://www.proquest.com/openview/f5e4d941a6ebd95bbb1d013e4c907d2d/1?pq-origsite=gscholar&cbl=39984>.
- Sarmiento Erazo, Juan Pablo. "POPULISMO CONSTITUCIONAL Y REELECCIONES: VISCITUDES INSTITUCIONALES EN LA EXPERIENCIA SUDAMERICANA." *Estudios Constitucionales* 11, no. 1 (2013): 569–602. <https://doi.org/10.4067/s0718-52002013000100016>.
- Scheppele, Kim Lane. "Autocratic Legalism." *The University of Chicago Law Review* 85, no. 2 (2018): 545–84. <https://www.jstor.org/stable/26455917>.
- Schilling-Vacaflor, Almut. "Bolivia's New Constitution: Towards Participatory Democracy and Political Pluralism?" *European Review of Latin American and Caribbean Studies | Revista Europea de Estudios Latinoamericanos Y Del Caribe* 0, no. 90 (April 15, 2011): 3. <https://doi.org/10.18352/erlacs.9248>.
- Sharlamanov, Kire. "Populism and Liberal Democracy." *Populism as Meta Ideology*, 2022, 195–213. [https://doi.org/10.1007/978-3-031-03934-8\\_8](https://doi.org/10.1007/978-3-031-03934-8_8).
- Soto, Carlos García, Miguel Ángel Martínez Meucci, and Raúl Sánchez Urribarrí. "Winds of Change: Comparing the Early Phases of Constitutional Redrafting in Chile and

- Venezuela.” *Hague Journal on the Rule of Law* 13, no. 2-3 (November 18, 2021): 315–34. <https://doi.org/10.1007/s40803-021-00159-1>.
- Stirling Hill, Toby. “Guaraní People Turn to the Law to Fight Latest Battle with Bolivian Authorities.” *the Guardian*, October 6, 2015. <https://www.theguardian.com/global-development/2015/oct/06/guarani-people-turn-to-the-law-fight-latest-battle-bolivia-authorities>.
- Taylor, Matthew. “Evo Morales Hails ‘New Bolivia’ as Constitution Is Approved.” *the Guardian*, January 26, 2009. <https://www.theguardian.com/world/2009/jan/26/bolivia>.
- Tegel, Simeon. “Bolivia Ended Its Drug War by Kicking out the DEA and Legalizing Coca.” *Pulitzer Center*, September 21, 2016. <https://pulitzercenter.org/stories/bolivia-ended-its-drug-war-kicking-out-dea-and-legalizing-coca>.
- The Constitutional Unit. “Checks and Balances: What Are They, and Why Do They Matter?” *The Constitution Unit Blog*, January 19, 2023. <https://constitution-unit.com/2023/01/19/checks-and-balances-what-are-they-and-why-do-they-matter/>.
- The Judicial Learning Center. “What Is Judicial Independence .” *Judiciallearningcenter.org*, 2014. <https://judiciallearningcenter.org/judicial-independence/>.
- The Lancet. “The Collapse of the Venezuelan Health System.” *The Lancet* 391, no. 10128 (April 2018): 1331. [https://doi.org/10.1016/s0140-6736\(16\)00277-4](https://doi.org/10.1016/s0140-6736(16)00277-4).
- Tockman, Jason, and John Cameron. “Indigenous Autonomy and the Contradictions of Plurinationalism in Bolivia.” *Latin American Politics and Society* 56, no. 3 (2014): 46–69. <https://www.jstor.org/stable/pdf/43284913.pdf>.
- Torre, Carlos de la. “Populism in Latin America.” In *Oxford Handbook of Populism*, edited by Cristóbal Rovira Kaltwasser, Paul Taggart, Paulina Ochoa Espejo, and Pierre Ostiguy. Oxford University Press, 2017. <https://doi.org/10.1093/oxfordhb/9780198803560.013.8>.

- TRT World. “What Is Venezuela’s Bolivarian Revolution?,” 2019. <https://www.trtworld.com/americas/what-is-venezuela-s-bolivarian-revolution-23587>.
- United Nations Department of Economic and Social Affairs. “State of the World’s Indigenous Peoples Rights to Lands, Territories and Resources 5 Th Volume Photo: Fabian Amaru Muenala,” 2021. <https://social.desa.un.org/sites/default/files/migrated/19/2021/03/State-of-Worlds-Indigenous-Peoples-Vol-V-Final.pdf>.
- Urioste, Miguel. “La Gran Paradoja.” In *Marcha Indígena Por El TIPNIS*, edited by Fundación TIERRA, 190–91. Comunicaciones El País S.A., 2012. <https://tipnisboliviaorg.files.wordpress.com/2018/10/aca-lib-tierra-00571-2012.pdf>.
- Venezuela (Bolivarian Republic of) 1999 (rev. 2009) , [www.constituteproject.org](http://www.constituteproject.org) § (n.d.). [https://www.constituteproject.org/constitution/Venezuela\\_2009](https://www.constituteproject.org/constitution/Venezuela_2009).
- Venezuelanalysis. “Venezuela’s Caracazo: State Repression and Neoliberal Misrule.” Venezuelanalysis, March 1, 2016. <https://venezuelanalysis.com/analysis/11868/>.
- Watts, Jonathan. “Bolivian Referendum Goes against Evo Morales as Voters Reject Fourth Term.” *the Guardian*, February 24, 2016. <https://www.theguardian.com/world/2016/feb/22/bolivia-evo-morales-president-national-referendum-fourth-term>.
- Weyland, Kurt. “Clarifying a Contested Concept: Populism in the Study of Latin American Politics.” *Comparative Politics* 34, no. 1 (October 2001): 1–22.
- . “Populism: A Political-Strategic Approach.” In *Oxford Handbooks Online*, edited by Cristóbal Rovira Kaltwasser, Paul Taggart, Paulina Ochoa Espejo, and Pierre Ostiguy. Oxford University Press, 2017. <https://doi.org/10.1093/oxfordhb/9780198803560.013.2>.
- Wolff, Jonas. “DEMOCRACY and RULE of LAW | CHALLENGES to DEMOCRACY PROMOTION the Case of Bolivia,” 2011. [https://carnegieendowment.org/files/democracy\\_bolivia.pdf](https://carnegieendowment.org/files/democracy_bolivia.pdf).

World Justice Project. “WJP Rule of Law Index.” worldjusticeproject.org, 2023.  
<https://worldjusticeproject.org/rule-of-law-index/global/2023/Venezuela%2C%20RB/>.

Wornom, Joseph. “A Continent Divided: Political Polarization and the Future of Latin American Democracy.” Harvard International Review, January 17, 2020.  
<https://hir.harvard.edu/a-continent-divided-political-polarization-and-the-future-of-latin-american-democracy-2/>.

www.constituteproject.org. “Bolivia (Plurinational State Of) 2009 Constitution - Constitute,” n.d.  
[https://www.constituteproject.org/constitution/Bolivia\\_2009](https://www.constituteproject.org/constitution/Bolivia_2009).

Zúquete, José Pedro. “The Missionary Politics of Hugo Chávez.” *Latin American Politics and Society* 50, no. 1 (2008): 91–121. <https://www.jstor.org/stable/pdf/30130840.pdf>.



