

Chapter 8 ¹

Neo-Constitutionalism in Twenty-first Century Venezuela: Participatory Democracy, Deconcentrated Decentralization or Centralized Populism?

Rickard Lalander

‘I swear before God, before the Fatherland, before my people and before this dying constitution, to carry out the democratic transformations necessary for the Republic to have a new Magna Carta suitable for new times’ (Hugo Rafael Chávez Frías, Presidential Oath, 2 February 1999).

This chapter deals with the Venezuelan experience with neo-constitutionalism under President Hugo Rafael Chávez Frías from 1999 onwards. The process of re-writing the constitution (the so-called *constituyente*) was Chávez’ main electoral banner in 1998: it was his key strategy to change the political system and get rid of the vices of the past. The Bolivarian constitution of 1999 has been referred to as among the most progressive constitutions in the world (Wilpert 2007).

In Latin America, constitutional reforms in the Andean countries since the 1990s have been considered among the most radical because of the introduction of mechanisms to enhance popular participation at the local level and to narrow the gap between state and civil society. Venezuela and other Andean countries have also pioneered what has been labelled multicultural constitutionalism, whereby traditionally excluded ethnic groups of the population are constitutionally recognized.

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The neo-constitutionalist process has challenged existing perceptions of democracy. Latin America's political systems are deeply rooted in the liberal representative democratic tradition; by contrast, neo-constitutionalist actors have promoted a radical participatory form of democracy, at times directly inspired by the ideas of Jean-Jacques Rousseau about the collective will (Peeler 2009: 211-213, Ellner 2010).

The triumph of Hugo Chávez in 1998 broke what had up until then been a dominant neoliberal pattern of government in Latin America. Thereafter a number of countries underwent a leftward shift in political leadership. From a continental perspective, Chávez broke new ground, catalyzing the so-called leftist transformation of Latin America.

This chapter examines a key issue for Latin America's most recent wave of neo-constitutionalism, namely the tensions and contradictions between the local and national political levels. It looks at whether *chavista* participatory democracy clashes with the system of sub-national authorities established with the decentralization process from 1989 onwards and how this conflict is perceived by political actors and scholars and reflected in legal documents.

The chapter begins with an overview of Venezuelan democracy since 1958, with a particular emphasis on the hegemonic two-party system that dominated until the mid 1990s, and on the political reform of 1989 that established decentralization as the new set of rules for the political game. This is followed by an analysis of the mechanisms established after the constitutional reforms of 1999, which have promoted local level political participation, and possibly strengthened national executive power. Thereafter, it explores the tensions and contradictions between the local and national political levels, and between centralized populist leadership and the advancement of a more participatory model of democracy, asking whether the strengthening of executive supremacy and of neighbourhood participation can be mutually reinforcing.

Background

The victory of Hugo Chávez in the presidential elections of 6 December 1998 signalled a definitive rupture with the traditional Venezuelan party system. Since democratization in 1958, two political parties – the social democratic Democratic Action (*Acción*

Democrática, AD) and the Christian Democratic Committee of Independent Political Electoral Organization (*Comité de Organización Política Electoral Independiente*, COPEI) – dominated national politics until the mid 1990s, often by forging strategic pacts and alliances.

From this evolved a system based on a consensus between elite groups around the two parties. Venezuelan democracy was considered an exception in Latin America at a time when most neighbouring countries were still governed by authoritarian regimes. But over time, the model of “pacted” democracy began to show signs that it systematically excluded broad sectors of society. It developed into a “democracy for the privileged”, and the conception of what democracy really meant beyond elections, party representation in parliament and the presidency was lost (Hillman 1994, Lalander 2004).

The economic crisis of the 1980s and 1990s deteriorated the hitherto hegemonic two-party system, as AD-COPEI politicians were blamed for worsening socio-economic conditions. The 1980s concluded with the *Caracazo* riots of February 1989 in protest against a neoliberal reform package. The myth that Venezuela was a political society free from class struggle began to fade. In 1992, there were two attempted coups d'état against AD president Carlos Andrés Pérez. The first of these was led by then Lieutenant Colonel Hugo Chávez, who was jailed for two years before being amnestied in 1994.

The political reform of modern democratic Venezuela that had the greatest impact before Chávez came to power was decentralization, implemented after 1989. Decentralization deepened democracy by opening the political system with the direct election of sub-national political authorities: of municipal mayors and regional state governors.² Most analysts have unfairly belittled this reform and underestimated its repercussions for Venezuelan politics and society.

² In the first decentralized elections of 1989, mayors of 269 municipalities and governors of 20 regional states were elected. Since 1992 there have been elections in 22 states; and since 1998, there have been elections in 23 states, with the creation of the state of Vargas (previously a part of the Federal District of Caracas). The number of municipalities has increased since then: in 1995 there were 330 municipalities and in 2000 there were five more.

In fact, decentralization had a series of implications, including a dramatic and profound impact on the party system, which shifted from a bipartisan (AD and COPEI)³ to a multi-party system during the first decade of decentralization. This wrought significant changes to party competition at distinct political-territorial levels. Both the AD and COPEI were strongly centralized parties. From the late 1980s onwards, however, the so-called partyarchy (*partidocracia*) was undermined and challenged by other political actors. Non-traditional political parties emerged, such as the socialist Movement to Socialism (*Movimiento al Socialismo*, MAS) and Radical Cause (*Causa Radical*, or *Causa R*). These parties won several municipalities and federal states in the mayoral and gubernatorial elections, respectively, thus threatening the quasi-hegemonic position of the two traditional parties. Important factions of these two pro-decentralization leftist parties allied with Hugo Chávez before the presidential elections of 1998.

The Bolivarian Revolution and the Constitution of 1999

Hugo Chávez came to power in 1998 as the presidential candidate of an alliance between the Fifth Republic Movement (*Movimiento Quinta República*, MVR) and the Patriotic Pole (*Polo Patriótico*, PP). In 1999, a series of referenda and elections were held to rewrite the Venezuelan constitution. The socio-cultural impact of the 1999 constitutional process is worth emphasizing: Chávez placed constitutional reform on the agenda and promoted its accessibility to “ordinary people”, who were inspired to read the drafts and the final document as something that really mattered to them (this is sometimes referred to as popular constitutionalism).

The process contributed to awakening political interest among previously apolitical and excluded sectors. From this angle, it became the most democratic process of popular consultation and constitutional approval ever undertaken in the history of constitutional rewriting in Latin America to that date. However, according to critical scholars (Coppedge 2002, for example), President Chávez designed the law to elect deputies to the National Constitutional Assembly (*Asamblea Nacional Constitucional*,

³ Between 1973 and 1988, AD and COPEI together managed to capture between 80 and 93 per cent of the vote in every presidential election.

ANC) in a way that benefitted the dominant party (the MVR).⁴ Politicians from the previous establishment parties (the AD and the COPEI) and other opposition forces participated in the constituent elections, but the crisis they were already undergoing was exacerbated by the vote. The majority ran as independent candidates and thus competed against each other, whereas the *chavista* alliance candidates managed to avoid internecine competition in all states.

The law established a bloc-vote system, favouring candidates with the largest plurality. Accordingly, the triumph of the largest party (the MVR) and of the PP was even more devastating. Around 90 per cent of the representatives elected to the ANC were considered *chavistas*, and the MVR alone obtained 68 per cent of the seats. During the working period of the ANC, a mini-Congress (*Congresillo*) consisting of 11 ANC members and ten non-elected members appointed by the ANC, replaced the traditional bicameral parliament.

The first evident change (and one of the most criticized) introduced to the 1999 constitution was the renaming of the nation, now the Bolivarian Republic of Venezuela (*República Bolivariana de Venezuela*) as a tribute to national liberator, Simón Bolívar. During the constitutional rewriting process and the debate following the approval of the constitution in December 1999, critics claimed that the Bolivarian constitution re-centralized political power. However, the political-territorial division of the state remained unchanged as did the administrative units of the governorships and mayoralties. There has been much confusion and interpretations have varied regarding decentralization, evident not only in the discourse of politicians, but also in the constitutional text.

The Bolivarian constitution refers directly to decentralization 15 separate times, among the highest counts in Latin America at the time of its passage.⁵ Article 158 states that ‘As a national policy, decentralization should deepen democracy, moving

⁴ In the first referendum in 1999, citizens were asked, first, whether the constitution should be revised and, second, whether the president should be authorized to design the process to revise and approve constitutional revisions. Support for both changes was broad: 87.75 per cent voted affirmatively in response to the first question, and 81.74 per cent voted favourably with regard to the second, although electoral abstention reached 62 per cent.

⁵ Articles 4, 16, 157, 158, 163, 165, 166, 173, 184, 272, 294 and 300 directly refer to “decentralization” or “decentralized” or some version thereof, and several other articles refer to the functioning of decentralization.

power closer to the population and creating the best conditions, both for the execution of democracy and for the efficient and effective rendering of [sub-national] state tasks.’ Interestingly, the constitutional text implies that Venezuela changed to a unicameral parliament but remained a formally federal state, which would make it a political exception in the world. Arend Lijphart (1999: 213-214) demonstrates that there is a strong empirical correlation between the bicameral-unicameral and the federal-unitary dichotomies, and concludes that ‘all formally federal systems have bicameral legislatures’, whereas non-federal systems can vary between unicameral and bicameral legislatures.

Another institutional modification concerns the division of powers. Since 2000, there have been five powers: in addition to the traditional executive, legislative and judicial powers, there is a fourth state power, the citizen’s (moral) power, and the Supreme Electoral Authority. The fourth power includes the following autonomous institutions: the Comptroller’s office (*Contralor General de la República*, CGR), the Public Prosecutor (*Fiscal General de la República*, FGR), and the Ombudsman (*Defensor del Pueblo*). Together, these form the Moral Council of the Republic, with the mission and power to supervise the adequate functioning of the public sector and to control the creation of new independent authorities. The idea originated with Simón Bolívar, who included a fourth power of this kind in his constitution.

Executive power has also been reinforced. According to the constitution of 1961, the president could not be immediately re-elected, but had to wait two presidential periods in order to compete again.⁶ The 1999 constitution allows one immediate presidential re-election. Further, the post of vice-president was introduced to improve government and help prevent regime crises. Another change was that the National Assembly was permitted to give the president powers of legislative decree (article 236, section 8). Under the 1961 constitution this was also possible and past presidents used that power. The difference introduced by the 1999 constitution and the subsequent enabling law of 2000 is that because of the more abstract wording, the president is not restricted to legislate only on economic issues (see Coppedge 2002 for instance).

⁶ Under democracy, two presidents – Rafael Caldera (1969-1973; 1994-1998) and Carlos Andrés Pérez (1974-1978; 1989-92, interrupted) – were elected twice according to this principle.

Deconcentrated Decentralization

New elections were held in July 2000.⁷ A novelty was introduced is the direct election of the Super-Mayor of Greater Caracas, which replaced the authority of the previously existing Governor of the Federal District, a post that has been nominated directly by the president since 1989. Chávez's strongest presidential rival was his former soul- arms- and jail-brother, Arias Cárdenas, who represented Causa R and was supported by various smaller parties (and by former *adecos* and *copeyanos* as well).⁸ Arias also had the support of governors from various political parties, who argued that, as president, Arias would support continued decentralization and dialogue. Chávez triumphed by a broad margin: 56 per cent of the votes compared with the 37 per cent obtained by Arias.

During the electoral campaigns of 1998 and 2000, decentralization was among the most debated issues. Hugo Chávez was accused of being the enemy of decentralization and of representing the re-centralizing option, in part because he questioned whether the autonomy of the state and municipal governments was excessive. The constitution of 1999 was meant to correct these defects and make central government intervention in municipal and state territories easier. However, Chávez was not opposed to decentralization as a means to deepen democracy and to broaden access to the political and state arenas. He did take issue with some aspects and arguments in favour of decentralization, which he saw as a smokescreen for neoliberal reform, and as a sign of bureaucratic excess and duplication.

As Steve Ellner argues, the problem is that for a participatory democracy to work (a basic requirement if decentralization is to function properly), there must be a thriving civil society. For *chavistas*, the civil society that existed was linked to the Fourth Republic and the AD-COPEI partyarchy, and so they wanted to create a new one from above. This

⁷ As a direct result of the popular referenda that led to the approval the new constitution in 1999, elections of executive and legislative authorities were held in July 2000, including the re-election of those authorities that had been voted for in 1998. Due to the separation of regional and parliamentary from the presidential elections in 1998, Hugo Chávez and his allies considered them non-representative.

⁸ Neither the AD nor COPEI fielded a proper candidate in these presidential elections. After the humiliation of the 1998 election, these parties had been almost politically extinguished. Another novelty of the 1999 reform was elimination of public financing for political parties, which accelerated the breakdown of the traditional parties, already weakened by electoral defeat and internal divisions.

was not likely to happen, though, at least not in a hurry. In fact, the issue of decentralization was complicated. Chávez was critical of it not because he supported the partyarchy model but because decentralization had helped to foster the kinds of neoliberal policies that he opposed (Ellner, personal communication, in Lalander 2004: 275). In an interview in 2002, President Chávez expressed his view on decentralization and its relationships with the national political plans as follows:

‘There is a contradiction there, and we have found the only possible solution allowed by our Constitution, or at least one of the only solutions – planning through democratic, participatory, public debate. We have been accused of being “enemies of decentralization”, but really we are only opposed to the decentralization that disintegrates the country’s unity. One of the five strategic axes of the national development project is precisely deconcentrated decentralization. That is, we add the term “deconcentrated” to the concept of decentralization in the federal model... A central element of our decentralization plan is the deconcentration of political, economic, and social power. Really, the old neoliberal style of decentralization created power centres within state governments. Governors became local *caudillos*, with total control at the regional level, at the same time community participation from below was cut out of the picture. They understood decentralization but up to a point, up to the point where the communities actually started to get a share of the power and at that point they didn’t decentralize anything (Chávez in Harnecker 2005: 114).

Chávez is making an undeniably crucial theoretical and empirical point, namely that decentralization as a concept and as a political project should reflect a broader and deeper concern with popular participation and inclusion. In his view, the liberal representative democratic model is insufficient, and power should be further deconcentrated from the sub-national representative authorities to the community and neighbourhood levels. This radical model of grassroots popular inclusion is also at the core of the national development plan, although with stronger ties to the national level and greater independence from the regional and municipal levels.

Decentralization can be related theoretically and conceptually to deconcentration since both refer to a transfer of power (from the national to the regional or local levels). However, deconcentration concerns the process through which the national central government is present *in* local and/or regional/provincial entities.

Decentralization on the other hand – broadly understood as sub-national political autonomy – refers to the transfer of services, competencies and resources from central to regional or local government.⁹

Decentralization can be seen as the antithesis of centralization, but in practice neither a totally centralized nor a totally decentralized system would be likely to function, at least not well enough to merit being called a system. Decentralization is therefore more of a process than a system; it is also multi-dimensional, so it functions theoretically more as an umbrella term to describe various different processes (Lalander 2004: 74-75). Political autonomy is considered to be one of the results of political decentralization and as fundamental for the prospects for sub-national self-government. But when popularly elected sub-national authorities belong to the same political movement as the national authorities, the question that arises is whether political decision-making processes at the sub-national level are really relatively autonomous.

Chávez's social transformation project, which his followers (and some of his enemies) claim is driven by a strong commitment to social justice, has been resisted forcefully by powerful elite economic groups that feel threatened by the government's reforms. For this reason, Chávez has been pressed to use a more authoritarian leadership style, even though the regime generally strives for legitimacy and to keep its actions within the margins of the law. It is very likely that opposition strategies between 2002 and 2004 – including a coup attempt in April 2002, strikes, protest marches and a referendum on the president's mandate¹⁰ – forced the regime to radicalize and move closer to socialism. The opposition boycott of the 2005 parliamentary elections made radicalization easier for Chavismo, since the parliamentary majority in the National Assembly facilitated presidential law-making by decree.

International factors also explain radicalization. The victories of leftwing forces elsewhere in Latin America served as an endorsement of the Venezuelan project.

⁹ Broadly speaking, there are four degrees of decentralization, which from the least to the most decentralizing, are deconcentration, delegation, devolution and autonomy.

¹⁰ A referendum was held on 15 August 2004 about whether Chávez should leave the Venezuelan presidency. This referendum was held in accordance with a new mechanism provided for by the 1999 constitution, which makes it possible to hold referenda during the second half of a presidential mandate. In this referendum, 59.1 per cent voted against Chávez leave his post (Consejo Nacional Electoral, 2004, at: http://www.cne.gob.ve/referendum_presidencial2004/)

The notion of twenty-first century socialism appeared gradually in Latin America in the 1990s as a reflection of discontentment with neo-liberalism. This socialism is historically new and differs from that of the past because it rejects the dictatorial traits and economic failings of Soviet socialism. Broadly speaking, it endorses increased state regulation and authority within a democratic structure and strives for a more efficient distribution of resources. Traditionally excluded actors are motivated to take a more active part in politics and economic production.

The Bolivarian Circles were the main grassroots *chavista* organizations between 2000 and 2004. Years before Chávez came to power they were established as a movement to counter the traditional political parties and civil society organizations. The militants of the Revolutionary Bolivarian Movement-200 (*Movimiento Bolivariano Revolucionario-200*, MBR-200)¹¹ sought to train Circle members with study courses in national and international history. The idea was that frequent political debate would help to overcome political inexperience and military rigidity. According to the statutes, the Circles could only have up to 11 members. Each base group could form a circle, or as Chávez puts it, every ‘fishing boat’, every neighbourhood block, should get together and discuss politics in the Bolivarian spirit. For this purpose, local assemblies were organized. But conflicts emerged frequently between civilians and military officers over topics such as the style of political leadership.

Despite being locally grounded, the Circles were partly created from above. Hugo Chávez presented himself as their chief, and the heads of the base organizations were expected to swear loyalty to the 1999 Bolivarian constitution. The Circles also served to mobilize the bases of *Chavismo*, often with the direct prompting of the president. Although the Bolivarian Circles were conceived as an alternative to the traditional civil society organizations associated with the partyarchic model, the Circles depended partly on state economic support (most activities were financed by Circle members). At the time of the coup against Chávez in April 2002, the Circles played a

¹¹ The MBR-200 was formed as a civic-military movement in 1983 by Hugo Chávez and other mid-level military officers. The name alludes to the two hundredth anniversary of the birth of “The Liberator”, Simón Bolívar. The anti-establishment strategy of the MBR-200 can be described as nationalist and populist. Officially, the programme of the movement is based on Bolivarianism (the ideas of Bolívar) and utilitarianism. In order to compete in the 1998 elections, the MBR-200 registered as a political party in July 1997, under the name MVR, although the MBR-200 remained an internal group within the MVR.

key role in the popular counter-mobilization that forced out the “interim government” and made possible the return of the president.¹²

The more socialist structure of the state from 2004 onwards was reflected in a transformation of *chavista* grassroots organization. Between 2004 and 2005, worker cooperatives flourished. The Bolivarian Circles were partly replaced by the State Social Mission Programmes (*misiones*). Many dynamic Circle leaders became central figures within the *misiones*, which can be interpreted as an incorporation of existing civil society structures into the state. According to *chavistas* and scholars of radical democracy (Dieterich 2007, Wilpert 2007, Buxton 2009, Ellner 2009), democratic space has increased and deepened beyond the sphere of the political elite through the development of the Bolivarian Circles and the *misiones* and, since 2006, through the Community Councils (*consejos comunales*). These are all referred to as the foundations of a new kind of participatory democracy.

Notwithstanding these organizations, *Chavismo* has been generally characterized as organizationally fragile at the grassroots level. Organizations have been short-lived and have lacked autonomy from the national level. President Chávez has strong cult status in these organizations. However, other movements of *Chavismo* that existed before Chávez reached the presidency (social organizations dealing with water or land issues, for instance), have succeeded in maintaining a higher degree of autonomy vis-à-vis the president and his party.¹³

Since 2006, the prime organizational unities for local participatory democracy have been the Community Councils, a continuation of the Local Councils of Public Planning (*Consejos Locales de Planeamiento Público*, CLPP) that were established in 2002¹⁴ (these experienced difficulties when choosing work priorities at the community level and were frequently co-opted by municipal mayors). Article 184 of the 1999 constitution provided the mechanisms and jurisdiction for popular participation and self-

¹²Anti-*chavistas* have renamed these organizations “terror circles” (*círculos de terror*), claiming that they are armed by the government. These accusations have been firmly denied by Chávez and circle members. However, Chávez supporters have been behind several violent attacks, for example against the RCTV television station and a former opposition mayor. These events strengthened rumours that the Circles were armed.

¹³ However, in recent years, the land, water and women’s committees, among others, have been increasingly incorporated into the Community Councils.

¹⁴ Article 182 of the 1999 constitution; CLPP law of 2002.

government at the community and neighbourhood levels, but the municipal mayors and regional state governors could still intervene and control these organizations. The Law of Community Councils of 2006 sought to correct this flaw, making Council leaders more independent from politicians or local parallel institutions.¹⁵

Chávez and other critics argued that the mayoralties and governorships were inefficient or ignorant about neighbourhood life and needs, which made the Community Council law necessary. The Community Councils are in charge of local social and political projects and coordinate the activities of organizations within a given territory. Their key objective is to promote local development. The Community Councils are bigger than the Circles. In urban areas, each groups together between 200 and 400 families and is organized into different thematic committees.¹⁶ The Councils are in charge of the planning, financing and administration of public works and the construction of housing in the neighbourhoods. They are horizontally structured: at the top of the decision-making pyramid is the Citizens' Assembly (*Asamblea de Ciudadanos y Ciudadanas*). All Council spokespersons (*voceros*), which are approved in the Citizens' Assembly, work without pay and are equal in rank. The *voceros* can belong to one or several committees. A communal bank (*Banco Comunal*) can be established to manage grant money given to the Councils. Further, a Social Comptroller (*Contraloría Social*), which is made up of five Council members, supervises spending. Members of the community can be remunerated for work undertaken for Community Council projects.

The New Socialist Party and Radicalization of the Constitution

‘...The most important theme is socialism. Now then, socialism, I repeat, I do not have a manual, the socialist manual. No. I call upon you so that we together can construct

¹⁵ It is important to emphasize that constitutions are organic documents – they change over time and depend on secondary laws for their implementation. For this reason, many new laws on popular participation, decentralization, and the political-territorial division and responsibilities of authorities have been drafted in response to the national development plan.

¹⁶ In rural areas, 20 families are the required minimum to constitute a CC (in indigenous communities the number is ten families). The working committees mentioned in article 9 of the Community Council Law include health, education, urban and rural land, housing, social equality and protection, popular economy, culture, security, communication and information media, recreation and sports, food, water, energy and gas, and services. The law also says others can be formed according to community needs.

socialism. We construct it from below. An endogenous socialism, our socialist model...’
(Hugo Chávez Frías, 2006).

The MVR became Venezuela’s strongest political party between 1999 and 2006. In the regional elections of October 2004, the *chavista* coalition triumphed in 21 of the 23 regional states, and the MVR won in 193 of the 332 municipalities, although it is worth noting that the alliance consisted of at least three strong parties at that time.¹⁷ But rather than attempting to institutionalize a strong party, until 2006 Chávez strove to create a political system in which the political parties were less important politically and within society. In 2006 the president switched his strategy to reinforce the Bolivarian Revolution, spearheading the creation of a new socialist party, the Unified Socialist Party of Venezuela (*Partido Socialista Unido de Venezuela*, PSUV), a project involving the dissolution of all the parties of the government alliance.

The pronounced turn to socialism surprised even some *chavista* militants, and the dissolution of the parties was immediately resisted by several alliance partners. Chávez asked the Communist Party of Venezuela (*Partido Comunista de Venezuela*, PCV), Fatherland for All (*Patria para Todos*, PPT) and *Podemos*¹⁸ to leave the government and join the PSUV immediately, although they had preferred to “wait and see.” Important sectors of these parties did break away to join the PSUV. The dissolution of the MVR and of the Unión party of Francisco Arias Cárdenas, who had returned to *Chavismo* a few years earlier, was smoother.¹⁹ The *chavista* parties that chose not to join the PSUV have expressed concern, *inter alia*, about a possible “ideologization” without pluralism. Chávez has repeatedly stated that the PSUV will be the most democratic party in Venezuela’s history, although it has been suggested that the PSUV could be a means to get rid of “inconvenient” MVR and alliance leaders.

This strengthened opposition forces, which unified for the 2006 elections behind a single candidate, former mayor of Maracaibo and governor of Zulia state,

¹⁷The strongest *chavista* allies were the PPT (17 mayoralties) and *Podemos* (10). The AD only obtained 38 mayoralties, COPEI 18, and the *Convergencia* five. *Chavismo* also triumphed in Caracas, with Juan Baretto (MVR) winning the Super-Mayoralty.

¹⁸ The PPT was arose from a split in Causa R in 1997; *Podemos* is the MAS faction that allied with Chávez in 1998.

¹⁹ Arias Cárdenas was nominated Ambassador of Venezuela to the United Nations in 2006, after a period of rapprochement with *Chavismo*.

Manuel Rosales, for the first time since Chávez came to power. Chávez won with almost 63 per cent of the vote, against 37 per cent for Rosales. Nonetheless, the opposition was reinforced by a result which showed that almost 40 per cent of the population stood behind them.

In 2007, President Chávez launched a partial constitutional reform, which changed 69 articles of the constitution, at which time the move towards socialism was made explicit.²⁰ On 2 December 2007, a referendum was held and the *chavistas* lost by a tiny margin: 49.3 per cent favoured reform, and 50.7 per cent opposed it. Chávez declared afterwards that ‘For the moment we were not able to do it (*por ahora no pudimos*)...For me this is not a defeat. It is best this way’ (Chávez, *Por ahora no pudimos*, *El Universal*, 3 December 2007). The optimism of the opposition was further strengthened with this result. But despite this victory, the legitimacy of the Chávez regime was fortified because the president immediately recognized the unfavourable result. The mobilization of *chavista* sectors against the reform probably determined the final outcome; it also confirmed the value of decentralization and democratic pluralism within *Chavismo*.

Some international analysts have stressed that the proposed lifting of presidential term limits was the key issue in this referendum, but this was not the hottest topic in the domestic Venezuelan debate. The result had more to do with the proposed changes to decentralization, sub-national autonomy, and the regulation of private property, which critics perceived as being threatened by the reform. Somewhat ironically, the Bolivarian constitution of 1999 evolved into a platform shared by opposition forces, particularly around the abovementioned themes. *Chavista* leaders at different sub-national levels also mobilized against the partial constitutional reform. The referendum and its result also affected the debate in and around the PSUV. The contents of the proposed constitution stirred up the *chavista* parties, especially the mooted amendments on decentralization and on the creation of federal districts, and on the authorization of the state social missions to replace political-territorial governments, particularly at the regional level. Several *chavista* leaders joined the opposition during or soon after this process.

²⁰ The terms “socialism” and “socialist” were mentioned in several articles, including articles 16, 70, 168 and 173.

The tension over centralization and decentralization continued, influencing the campaigns for the election of municipal and regional state authorities on 23 November 2008. Divergences over who should represent the movement at the local and/or regional levels caused further divisions within the *chavista* alliance. These regional elections became memorable because both the *chavistas* and the opposition pronounced themselves the winners of the contest. The opposition triumphed in five states, compared to two in 2004; the government's reading was that the new PSUV party had become the strongest force of *Chavismo*, winning in 17 states.²¹

As noted elsewhere (Lalander 2004, 2006), some of the most sceptical academic critics (such as Rangel 2010) say that *Chavismo* has definitively extinguished decentralization. I do not agree; the decentralized framework is still functioning and continues to have an impact on the party system and on the way politics is conducted at all territorial levels. It is illuminating to take a retrospective look at Chávez's attitude towards sub-national elections. Before the 2000 elections, he declared that he would swap governors and mayors for *asambleístas*. This suggests that Chávez considered that national representation in parliament weighed more heavily than that of the sub-national authorities. But during the 2004 regional elections campaign, Chávez actually sacrificed several important national leaders, such as Diosdado Cabello and Tarek Williams Saab so that they could run for important governorships (both triumphed, in the states of Miranda and Anzoátegui respectively). In 2008, the president figured quite prominently in sub-national campaigns. Furthermore, internal struggle within the *chavista* parties about the choice of *oficialista* candidates at different political-territorial levels also indicates that the sub-national level is an important arena of political power.

As mentioned above, the proposed "socialist" constitution was rejected in 2007. However, a referendum to amend the constitution was held in February 2009, which also proposed to change article 230 on removing any limits on presidential re-election (as well as on the re-election of other officials). The personalism of *Chavismo* was at stake here. The proposal was approved by 54.85 per cent of voters. When analyzing Venezuelan democratic development, it is important to be cautious when there are proposals to eliminate constitutional mechanisms to prevent the personal

²¹ Contrast this with the 2004 regional elections when three strong *chavista* parties (the MVR, the PPT and *Podemos*) were dominant in different states.

concentration of power. Even though the opposition can still compete and electorally defeat Chávez, his cult status does affect understand the power structures and political mobilization opportunities in Venezuela.

The results of the referendum mean that *chavistas* will have to find a successor for the presidency, so the movement is weak to the extent that it depends to such a high degree on its current chief. Julia Buxton (2009) argues that article 230 would be modified, and advocates that presidential term-limits should conform to the liberal democratic ideal type. The Venezuelan socialist model does imply a redefinition of the idea of democracy. Buxton argues that a majority of the electorate at the grassroots level considers that presidential term limits should not be the only mechanism to control executive power. The far-reaching societal transformations that Chávez proposes may require that the top (symbolic) leadership remain intact during a longer period. Within the *chavista* camp itself, Chávez is perceived as indispensable to carry forward the process of transformation, as he is the man who embodies the confidence of the people.

Community Councils and Democratic Challenges

Do the post-1999 local participatory democratic dispensation and the development of the Community Councils clash with the previously decentralized political authorities and structures? Of course, any assessment of democratic quality will depend on the working definition of democracy (liberal or radical) of the analyst (Ellner 2010).

As of 2011, there are approximately 38,000 Community Councils in Venezuela. However, the autonomy of the Councils is often weak, as they depend strongly on the national government, particularly on the Ministry of Participation and Social Protection, and other state institutions and companies. They also depend on local and regional government authorities, to which the Councils can present projects and proposals for eventual approval and financial support (Ellner 2009: 12). This can easily contribute to increasing clientelism and selective state paternalism. Rather than developing into a more genuine (autonomous) process that strengthens popular participation, for the Councils clientelism and paternalism are often a hallmark of local-national relationships.

In an early analysis of the Community Councils Edgardo Lander (2007) concluded that the challenges are to be found within the state and in the tensions

between political dynamics and institutional structures. On the one hand, the state promotes these democratic processes; on the other, it hinders the autonomy of popular organizations. The state is accordingly both the accelerator of policies for popular participation and the potential obstacle for the development of that process. Like many other liberal scholars, economist Christi Rangel (2010: 87) favours the previously established decentralized political authorities, particularly the mayoralties, and is troubled by the disconnection between the Community Councils and the territorial governments. This, she argues, should be read as a sign of democratic decline.

However, the insistence on grassroots activism and organization suggests that working at the local level to influence politics has taken root in the minds of citizens. True, activists at this level have been directly engaged in community level political organizations by President Chávez; but as Ellner emphasizes, so far the Councils have not displaced the authority of municipal governments, since the former merely carry out priority neighbourhood projects. Further, he notes, the grassroots organizations should be examined in historical perspective:

‘The fixation on autonomy may be somewhat misplaced. Social programmes and the organizations they create, not autonomous social movements, are the backbone of the *Chavista* movement. Prior to Chávez’s election in 1998, Venezuela lacked the kind of vibrant, well-organized social movements that paved the way for the election of Evo Morales in Bolivia and Rafael Correa in Ecuador. For many years, Venezuela’s neighbourhood and worker cooperative movements were independent of the state, but they failed to flourish or play a major role in the lives of non-privileged Venezuelans...In spite of financial dependence on the state, rank-and-file *Chavistas* tend to be critical, and their support for the government is hardly unqualified – this explains Chavez’s defeat in the constitutional referendum of 2007’ (Ellner 2009: 13-14).

As for the participation in the CCs, most of their active spokespersons are women. This adds a further qualitative dimension to the debate about how grassroots organizations are contributing to inclusion and democratization, in this case how they are empowering

previously excluded actors along gender lines.²² Rosa Reyes is *vocera* of a Community Council in San Agustín, Caracas, and she highlights several dimensions of local level empowerment and democratization:

‘The novelty of the Community Councils process is that participation embraces the entire community, beyond political aspirations. There are people from opposition parties, people who do not militate in parties at all, and our people who sympathize with the revolutionary process. There are some opposition people who at least recognize that this is an achievement of the revolution... Earlier, participation was scarce and the majority of those who participated were men. Now participation is massive and the majority are women. Our president says he is a feminist and that the revolution has the face of a woman. Women participate in all processes, the Community Councils, the women’s movement, in capacity-building, in the Bolivarian University, in cultural missions, we are involved in all spheres of the participatory movements... We are in the middle of this learning process, learning that we have the power and that the participation process has begun. People are learning what is meant by the participation process’ (Reyes, Caracas, 9 June 2011).

The Community Councils have been criticized for their political (and financial) connections to the government. However, it is worth emphasizing that opposition activists are participating in communal political structures and have been involved in the Councils, thus recognizing this local participatory arena. Other opposition activists at the communal level have complained about systematic exclusion, and in 2011 a bloc of opposition Councils, the Front of Excluded Community Councils (*Frente de Consejos Comunes Excluidos*, FCCE) was established. Broadly speaking, there are four categories of Community Councils in terms of their political composition and party identification: there are uncritical or loyal *chavista* Councils; Councils of government supporters who are critical and politically more autonomous; mixed Councils that include militants of both opposition and government parties; and excluded Councils.²³

²² Sujatha Fernandes (2007) has highlighted the political empowerment of marginalized women during the Chávez era through state programmes, social missions, or soup kitchens in addition to the Community Councils.

²³ It is not just opposition Councils that have expressed a sense of exclusion or discrimination; Councils that identify with the government have also complained of this.

From the perspective of democratization, the second and third categories are clearly the most interesting since they deal with the capacity of citizens to work together to improve living conditions, identify priorities and resolve problems in the neighbourhood beyond party-political cleavages. Social conflicts are part and parcel of democracy because there are distinct priorities among citizens. The consensus and compromises forged among opposing “wills” constitute the core of the *demos* at the neighbourhood level. Accordingly, the importance of political pluralism and constructive critical internal debate is strongly emphasized in Venezuela.

The first category – loyal *chavista* Councils – could also be a force for democratization, of course, merely by including previously excluded citizens in the creation of public policies, but only as long as there is space for critical thinking and democratic internal debate. The fourth category of excluded Councils clearly constitutes a challenge for the radical local democracy model, as the underlying institutional and financial system should not be perceived as being “only for diehard *chavistas*.” In other words, the vices of political clientelism and selective state paternalism should be eliminated definitively. Of course, the risk that national evaluation procedures to distribute funds at the local level will be politically arbitrary exists in every democracy. Improving the Community Councils will thus depend not only on the behaviour of the neighbourhoods, but also on the attitudes of authorities and progressive democratizing initiatives at different levels of the state. It is also important to distinguish between state and party control of the Community Councils. Thus far, the PSUV is a weakly institutionalized party with weak ties to social movements and trade unionism.

Venezuelan participatory democracy has expanded since 2009. Several Councils can establish a commune (*comuna*) and the *comunas* can form a communal city (*ciudad comunal*), which would clearly challenge the authority of the mayoralties. On the one hand, the result may be confusion about jurisdictions between communal cities and the territories covered by the mayoralties; on the other, the new participatory structure may complement the institutions of representative political authority. Success or failure in this regard will also depend on consciousness-raising and capacity-building among the various actors (neighbours, Council spokespersons, members of *comunas* as well as mayors, municipal councillors, governors and other state authorities and civil servants).

This challenge is also related to corruption within *chavista* structures. This is probably the most crucial failing of the national project, and has repercussions on trust between citizens and the state. Already during the 1998 campaign, Chávez declared that he would be implacable about corruption. But he has since repeatedly admitted that corruption and bureaucracy and institutional inefficiency remain the key obstacles to social progress, although he adds that this is a legacy of the old AD-COPEI regime and that his government has made progress in this regard (Chávez Frías 2004).

When it comes to governability, democracy is the most complicated type of political regime. The deepening of decentralization coexisting with systems of self-government presents administrative, judicial and politico-cultural challenges for citizens and state authorities at different political-territorial levels. These processes require capacity-building among state actors and citizens and respect for fundamental democratic values. The increased responsibility of neighbours-citizens constitutes progress in that regard, since citizens are more conscious and politically active when compared to the political apathy of marginalized sectors in the past.

Although he is classified as a centralist political leader, Chávez and *Chavismo* have recognized the value of decentralization, although they want modifications, including a withdrawal of power from governors and, partly, mayors. Indeed, it has been noted that *Chavismo* supports a deconcentrated model of decentralization that establishes a stronger connection between the central and local political levels. Certain aspects of *chavista* populism and power concentration constitute a source of conflict and are a threat to the democratizing principles of decentralization. It is undeniable that popular participation has increased at the neighbourhood level through the Community Councils, but the continuation of populist personalist political leadership could lead to a weakening of civil society and shrink the democratic space for mobilization.

My aim is not to claim that all populisms are always bad. In times of credibility crisis and citizen disillusionment – and concomitant governability obstacles – a populist leader (or movement) can emerge and (re-)motivate citizens' to believe in democracy and politics. That is, if a particular populism raises consciousness and promotes the political participation of citizens within a democratic framework its legitimacy and democratic functioning may persist for a period of time. From a longer term perspective and from a liberal standpoint, populism and its anti-parliamentary traits constitute a clear threat to

democracy and to decentralization. But if channels for popular participation and voice are created at different political-territorial levels a progressive model of populism²⁴ can be constructive for democracy.

Events in 2009 illustrate how neo-constitutionalism can further complicate the dividing lines between political-territorial authorities. The year before, former AD leader Antonio Ledezma had been elected super-mayor of Great Caracas. After taking office, Ledezma dismissed 7,000 public employees. This led to protests, and the office of the mayor was invaded by *chavistas*. The Chávez government reacted by installing a parallel power for the capital on the basis of articles 16, 18 and 156 of the 1999 constitution. Jaqueline Faría was nominated head of government of Caracas.²⁵

In October 2010, there was an internecine conflict among *chavistas* over the future of decentralization and popular participation. Aristóbulo Istúriz, the PSUV National Assembly leader who had been mayor in Caracas for the Causa R party in the 1990s, suggested that the municipal and state governments should be eliminated on the grounds that the future of Venezuela's revolutionary communal democracy required the disaggregation of the structures of representative democracy. His idea was that the power and responsibilities of these sub-national authorities should be transferred to the Community Councils. Earlier, in December 2009, Chávez had expressed the following view: 'Who could think that we should terminate the mayoralties...the governorships?' He added that the socialist process required the political-administrative units at these levels to be truly solid and democratic (*El Universal*, 17 October 2010).

To summarize, *chavista* participatory democracy has been often demonized or portrayed as a *cubanization* of the Venezuelan political system. My argument is that more scholarly attention should be paid to the links between the Bolivarian process and other experiences of participatory budgeting, such as those led by the Workers Party (*Partido dos Trabalhadores*, PT) in Porto Alegre and elsewhere in Brazil, by radical (indigenous) municipal governments in Ecuador,²⁶ the experience of the Broad Front

²⁴ For reflections on progressive populism in Venezuela see Clark (2010).

²⁵ The position of a popularly elected Super-Mayor was established by the 1999 constitution; under the previous system, the top authority in Greater Caracas was a governor nominated by the central government.

²⁶ In Cotacachi and Otavalo in the Northern Ecuadorian Sierra, for example, progressive Kichwa mayors –Auki Tituaña and Mario Conejo respectively – introduced institutional structures for

(*Frente Amplio*, FA) in Uruguay, and of the Venezuelan municipalities governed by Causa R in the 1990s. Of course, unlike these other Latin American examples, which depended heavily on initiatives by radical mayors, the former experiences are part of a national strategy to increase citizen participation.

Concluding Remarks

This chapter has discussed several dimensions of the nature of Venezuela's political system under the presidency of Hugo Chávez Frías from the viewpoint of neo-constitutionalism; and it has examined the contradictions and tensions between national and local level government with a particular focus on the interplay between political actors and the legal framework. The progressive Bolivarian constitution of 1999 has been the legal platform from which to launch a participatory model of democracy, in contrast with the representative and party-mediated system in place since the democratization process of 1958. From the beginning, decentralization has posed a dilemma for the Chávez regime, and there have been successive and differing strategies and attitudes towards decentralization over time. From one (liberal) point of view, the populism and power concentration of the Chávez regime works against the democratizing principles of decentralization. Further, the decentralized political system in place since 1989 is being challenged by new institutional structures and by the creation of parallel authorities at different political-territorial levels.

In recent times, the 1999 Bolivarian constitution has somewhat paradoxically become a political platform for the opposition, particularly its provisions regarding political-territorial autonomy and the decentralized structure of the state. These decentralization-related issues and legal changes have also contributed to factionalism and divisions within the *chavista* camp. Since 2006 and the formation of the PSUV, the ever closer relationship between the state, political party and civil society actors, most notably the Community Councils, has blurred the distinctions between these actors.

The Venezuelan political system is more complex today than it was before 1999. The 1999 constitution provided for the grassroots participation of previously excluded actors. This has contributed to a more democratic political system, as it has participatory budgeting and self-government. Both these indigenous mayors have aimed to overcome ethnic cleavages (Lalander 2010).

opened up avenues for citizens to take part in political decision-making at the local neighbourhood level. At the same time, Venezuela under *Chavismo* is politically more polarized and more populist in terms of the symbolic and practical authority of the president. In addition to the need for consciousness-raising and capacity-building among citizens, the greatest challenges facing participatory democracy at the neighbourhood level is undoubtedly the politicization-“partidization” of grassroots activism; put differently, the conflict between grassroots autonomy and control from above. This poses an intricate dilemma for *Chavismo*, and its model of socialist deconcentrated decentralization based on the Community Councils, and it could be understood as a project to politicize and co-opt civil society. However, as I have emphasized, because of their varied composition, the Councils can play a more constructive democratic role and promote critical internal debate to identify common objectives beyond partisan cleavages.

Although there are variations in the qualitative outcome of Venezuelan participatory democracy through the Community Councils, the latter have already changed the political rules of the game and the country’s legal-institutional framework. On the one hand, the participatory democracy promoted by the Chávez government has created opportunities for political inclusion and for previously marginalized citizens to voice their demands, through the Bolivarian Circles and, more recently, the Councils. But on the other hand, grassroots organizations often have had relatively little autonomy from central government; and at times selective paternalism has characterized the relationship between national and grassroots government. We are witnessing what is only the beginning of the Venezuelan experiment with grassroots democracy. Whether this experiment clashes with the decentralized scheme and the jurisdiction of mayoralties and governorships remains to be seen, and whether it does so or not depends on if and how the expansion of communal democracy occurs. Of course, it also depends on the outcome of the 2012 elections.

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