



DEMOCRATIC BACKSLIDING AND AUTHORITARIAN RESURGENCE IN LATIN AMERICA

Summary of Findings from an Expert Roundtable

On April 28, 2022, NORC at the University of Chicago, in collaboration with the Kellogg Institute for International Studies at the University of Notre Dame, convened a panel of experts on democratic backsliding to share insights with international development professionals. The panel featured Professors Matthew Cleary (Syracuse University), Javier Corrales (Amherst College), and Mneasha Gellman (Emerson College), and was moderated by Aníbal Pérez-Liñán (University of Notre Dame). The panelists defined backsliding and illustrated the process through the experiences of Venezuela (Corrales), El Salvador (Gellman), and Mexico (Cleary). Based on those experiences, the group discussed strategies that may succeed in reversing backsliding and warned against ineffective tactics.

Authors: Aníbal Pérez-Liñán and Eduardo Pagés Jiménez (University of Notre Dame) with inputs from the expert panelists.

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Defining Backsliding

Democratic backsliding is a process by which existing democracies become less democratic. It occurs when democratic political institutions are dismantled “from the inside” by popularly elected officials, typically the executive branch. It occurs gradually, through a series of incremental actions rather than a coup. While usually protracted, it can be swift and can be reversed, contained, or result in a transition to autocracy. Democratic backsliding is not linear, involves great uncertainty, and can be hard to identify as it unfolds.

Backsliding typically follows a three-step pattern:

01

Illiberal leaders mobilize public support, win elections, and capture the executive branch.

02

Once in power, illiberal leaders activate two reinforcing processes:

- **They capture state institutions.** For example, use a legislative supermajority to pack the constitutional court.
- **They suppress the opposition.** For example, use a loyal constitutional court to uphold laws that undermine independent media or opposition parties.
- **The two processes reinforce each other.** Institutional capture means fewer opportunities for the opposition to fight back, and a weak opposition makes it easier for the executive to capture new institutions.

03

When the two processes are very advanced, we observe a transition to autocracy. But:

- Illiberal leaders do not always pursue an authoritarian outcome (at least in early stages).
- No outcome is predetermined; some backsliding episodes have been contained or reversed.

Several Latin American countries have experienced some degree of democratic backsliding in the twenty-first century, including Bolivia, Brazil, Colombia, Ecuador, El Salvador, Guatemala, Honduras, Nicaragua, and Venezuela. While Nicaragua and Venezuela ultimately transitioned into autocracy, democratic actors in Brazil, Colombia, Ecuador, and Honduras contained the process using elections, legal action, and social mobilization. Backsliding presents an ongoing concern for El Salvador, Guatemala, and Mexico.

Examples of State Institutions Captured by Illiberal Leaders



Judicial institutions

Supreme court, constitutional tribunal, lower courts, public prosecutors, attorney general, judicial council, and electoral tribunal.



Law enforcement and defense agencies

Police, military, and intelligence agencies.



Oversight agencies

State audit office or comptroller, ombudsman, national and local electoral authorities.



Regulatory agencies

Electoral management body, tax authority, and superintendencies (of communications, industry and commerce, etc.).



Public services

Public media, state oil and gas enterprises.

LESSONS FROM THREE CASES

The roundtable discussed three cases that illustrate different aspects of democratic backsliding:

1. Under President Hugo Chávez (1999–2013), Venezuela experienced patterns commonly observed in other cases.
2. Current developments in El Salvador under President Nayib Bukele (2019–2022) illustrate the reinforcing nature of state capture.
3. Mexico's experience under President Andrés Manuel López Obrador (2018–2022) helps identify the factors that can stall backsliding.



Venezuela: Telltale Signs of Democratic Backsliding

Six years into President Hugo Chávez’s administration, the Executive had captured a multitude of state institutions and suppressed the opposition in several ways. Chávez’s tactics are commonly used by illiberal leaders yet not always recognized as antidemocratic given their pairing with popular reforms and other forms of “camouflage.” Because Chávez’s tactics repeat across cases, they can serve as a checklist to identify backsliding. They include:

- ✓ **Initial ambiguity.** Pro-incumbent electoral reforms, for example, were gradually introduced and paired with inclusive reforms, such as increased social spending. The government thus claimed that “substantive” democracy was expanding while it undermined the institutional foundations of the democratic process. Due to the gradual and camouflaged nature of state capture, some sectors of the electorate did not perceive democracy as deteriorating.
- ✓ **Intentional polarization.** Polarization is an autocratic tactic common to all backsliding processes. Illiberal leaders fear the formation of broad opposition coalitions. Chávez prevented this by moving further to the left, ensuring the left vs. right cleavage would dominate over a possible democrats vs. autocrats divide. The possibility of encountering a middle ground for democratic actors in different ideological camps was thus diminished.

Signs of backsliding:



Legislative capture

- Cult of personality to illiberal leader within ruling party.
- Dominance of ruling party within the legislature (critical when the party captures the supermajority required for constitutional amendments, electoral reforms, and high-level appointments).
- Fragmentation of the opposition.



Judicial capture

- Packing of the supreme court or constitutional tribunal.
- Appointment of a partisan attorney general.
- Cooptation of individual judges and public prosecutors.
- Packing of the judicial council.



Suppression of opposition

- Reform of the electoral laws to favor the ruling party.
- Cooptation of (or attacks against) private media.



Camouflage tactics

- Expand social and political rights for some segments of the population while reducing the political rights of the opposition.
- Expansion of rights, which can be real or apparent, hides the illiberal aims of the government.

Examples of Camouflage Tactics

President Hugo Chávez’s coalition adopted a constitutional provision allowing citizens to activate a presidential recall referendum, but at the same time the Constitution restricted public funding for political parties.

President Nicolás Maduro offers assistance to help with the economic crisis (through the so-called food boxes CLAP), but in reality these mechanisms help co-opt voters and punish dissidents.



El Salvador: Conditions for Swift Backsliding

El Salvador has experienced the sharpest backsliding in the region since Nayib Bukele took office in 2019. Given the current situation, marked by arbitrary arrests and retaliation against journalists, judges, academics, and human rights defenders, we can no longer say that El Salvador’s political regime is a liberal democracy. The case illustrates the conditions for swift backsliding:

- ✓ **High presidential approval.** Bukele’s approval rate (85 percent in early 2022) has empowered him to dismantle democratic institutions without fearing a decline in political legitimacy. He amassed popular support because of his distance from established parties, seen as a marker of change by voters. This allowed him to obtain the presidency in 2019 and a legislative supermajority in 2021.
- ✓ **Impunity as a motivating factor.** The State Department’s Engel list documents “credible information” of corruption in the Bukele administration. Journalists have documented illicit negotiations between gangs and top government officials, including protection for gang members requested by the United States for extradition. Autocratic control and military complicity offer protection against future prosecution.

Reinforcing processes:



Legislative capture enabled judicial capture: Soon after winning a supermajority in the Legislative Assembly, Bukele’s legislators replaced the Attorney General and all members of the Supreme Court’s Constitutional Chamber and passed legislation to dismiss lower court judges and prosecutors over 60 years of age.



Judicial capture enabled the weakening of the opposition: The packed Supreme Court upheld the possibility of immediate presidential reelection. The Executive’s cooptation of the Electoral Tribunal has further diminished chances of a free and fair presidential election in 2024.



Legislative capture enabled the suppression of civil society: The Legislative Assembly created a commission to “investigate” non-governmental organizations (NGOs) and passed an ambiguous law penalizing anyone who transmits gang-related messages that “infuse fear,” de facto censoring journalists. In conjunction with a state of emergency, widely used to imprison critics of the regime, this led to the arrest of 16,053 people within a month. On June 6, 2022, an instruction issued by the Attorney General came into force, requiring non-profits and foundations to register with its office and provide information on their leadership and most significant donors.



Mexico: Stalled Backsliding

President Andrés Manuel López Obrador (AMLO) came to power claiming outsider status, much like Bukele, and employs camouflage tactics like Chávez. However, his autocratic intent is less clear than in the other cases, and the Mexican opposition has not radicalized. These differences make backsliding unlikely to advance in Mexico.

The Mexican case is similar to other cases of backsliding:



Populism anchored in popular dissatisfaction: AMLO was elected against established parties. He mobilized support by portraying himself as a man of the people fighting elites. There is no fixed set of conditions that reliably causes the election of outsiders. However, recessions, state weakness, and insecurity can contribute to such victories by causing public anger.



Camouflaged attacks: AMLO has a tendency to use democratic institutions for undemocratic purposes. He offers morning press conferences but uses them to label opponents as enemies and to attack autonomous institutions such as the National Electoral Institute (INE). He uses public referenda extensively but designs processes that exaggerate the level of popular support for his agenda (e.g., he engineered his own recall, which he “won” with 92 percent of the vote but just 18 percent turnout). His administration cut the INE’s budget and attempted to extend the term in office of a favored Supreme Court justice.



Military cooptation: Infrastructure projects now provide the Armed Forces with profits. The new National Guard, in charge of domestic security, is under military control. The Army and Navy have been given full control of land and maritime customs per presidential decree. These policies increase the Armed Force’s domestic role and downplay its accountability for human rights violations.

However, there are some key differences that set the Mexican case apart:

Unclear intentionality: Backsliding is not necessarily the outcome of a deliberate process. While actors like Chávez have a history of authoritarian intent, others like AMLO see themselves as democrats. Their actions are rather fueled by mutual mistrust with the opposition. In an extremely polarized environment, incumbent and opposition see each other as mortal enemies, not as legitimate electoral contenders. As such, they attack each other using any means they view as necessary, damaging democracy in the process.

Moderate opposition: Mexico’s opposition remains moderate. Resistance to backsliding has occurred through legal avenues, relying on Mexico’s relatively strong electoral institutions, Judiciary, and press. This is positive for democracy as it stalls backsliding without fueling the dynamic of mistrust that can lead to radical escalation by the President.

RESPONSES TO BACKSLIDING

The expert roundtable discussed different responses to backsliding in the region and categorized them into unsuccessful and recommended responses:

UNSUCCESSFUL RESPONSES

- ⊘ Election boycotts
- ⊘ Inflammatory labeling
- ⊘ Radicalization

RECOMMENDED RESPONSES

- ▲ Delay institutional capture
- ▲ Leverage legal tactics
- ▲ Support corruption probes
- ▲ Strengthen independent voices
- ▲ Invest in “vaccines”

Domestic democratic actors and international donors both have a role to play in stalling and reversing backsliding.



Unsuccessful Responses

Election Boycotts

Illiberal leaders do not immediately undermine elections, and it takes some time until the electoral process becomes fully uncompetitive. However, opposition parties are tempted to boycott electoral processes to protest the uneven playing field. This facilitates institutional capture.

👉 The Venezuelan experience shows that boycotts often result in decreased popularity for the opposition and increased executive power. The Chavista forces captured all seats in the Legislature after the opposition boycotted elections in 2005.

Inflammatory Labeling

Using labels such as “dictator” or “emperor” early in the backsliding process is likely to be counterproductive. It is important to identify and call attention to democratic backsliding as it happens. However, diplomats, development workers, and local opponents should avoid using excessive rhetoric to describe incumbents. Illiberal leaders play such narratives to their advantage, portraying themselves as victims of foreign intervention. Inflammatory labeling by local opposition leaders is amplified by social media and increases polarization.

👉 During the 2002 coup attempt in Venezuela, prominent opposition figure Carlos Ortega, head of the Venezuela’s largest labor union federation, used inflammatory language such as:

“Everything depends on the decisions of the all-powerful, the master of the country, Mr. Chavez.”

Source: *Orlando Sentinel*, “Opposition tells Chávez: Accept a vote or face a general strike,” 28 November 2002, viewed June 22, 2022. [↔](#)

“We will remain on the streets.... We are not going to rest until Chávez leaves. We are ready to call upon a national conflict...”

Source: Vinogradoff, L. 2002, “Miles de opositores exigen la renuncia de Chávez en las calles de Caracas,” *El País*, 11 July 2002, viewed June 22, 2022. [↔](#)

In contrast, in 2015 in Ecuador, the opposition used less confrontational language:

During protests against a constitutional reform intended to eliminate term limits, demonstrators chanted “Out Correa, out!” To this, Jaime Nebot, leader of the center-right Social Christian Party, responded that such an outcome would only be determined through the ballot box, and that the protest was mobilizing against President Correa’s policies, not his legitimate claim to power.

Source: Cleary, M., and Öztürk, A. 2022. When does backsliding lead to breakdown? Uncertainty and opposition strategies in democracies at risk. *Perspectives on Politics*, 20(1), p. 217.

Radicalization

Opposition actors sometimes adopt radical strategies—including coups, violence, or boycotts—in their quest to defend democracy. These can range from technically constitutional to overtly unconstitutional and include attempts to impeach the president, mass mobilizations demanding the resignation of the government, and calls for military intervention. Efforts to prematurely remove incumbent presidents and extra-institutional tactics are likely to end badly for democratic forces. Radical strategies undermine the democratic credibility of the opposition and provoke extreme responses from the government.

👉 The Venezuelan opposition organized an unsuccessful coup attempt against Hugo Chávez in 2002. This incident strengthened Chávez in the eyes of the public, allowing him to paint the opposition as an enemy of democracy. When he returned to power, he never sought reconciliation again, pursuing illiberal policies such as laws resulting in media censorship.



Recommended Responses

The panel identified two recommendations for democratic actors confronting backsliding and three areas in which international donors can support those efforts.

Democratic Actors:

Delay institutional capture

Opposition forces must play for time. Backsliding requires the capture of key institutions such as the legislature, the judiciary, and the military. Once illiberal agents capture those institutions, they are able to suppress the opposition. Nomination rules and legislative procedures offer opportunities for the opposition to delay such capture, carrying a strong enough opposition towards the next election—the best opportunity to remove an illiberal incumbent.

👉 In Colombia, legislative maneuvers, combined with action in the Constitutional Court, stalled President Alvaro Uribe's efforts to eliminate presidential term limits. Defending term limits is crucial for democratic forces, because backsliding is typically driven by personalistic movements that depend on the incumbent's continuation in office. 📌

Leverage legal tactics

Legal avenues such as electoral participation and litigation remain the best options to combat backsliding. Moderate tactics prevent escalation when illiberal incumbents are most popular and help delay the process. In contexts in which the incumbent is initially uncertain about undermining democracy, opposition leaders may seek to build reciprocal trust before backsliding takes place.

👉 AMLO's law to extend the term of an ally in the Supreme Court was overturned by the Supreme Court itself. In the 2021 midterm elections, opposition parties succeeded in denying AMLO's party a supermajority in Congress. Opposition parties coordinated in Congress to deny the President emergency budget powers. Often, state capture can be prevented by a unified opposition that takes advantage of available institutional spaces.

Delaying Backsliding in Colombia

In August 2002, newly elected President Álvaro Uribe sought to undermine the power of Congress, proposing a referendum to create a unicameral legislature and expand the causes for which legislators could be impeached, among other reforms. The President sought to push the initiative through Congress quickly, to take advantage of his electoral momentum.

Congress used procedural mechanisms to delay the process. Legislators scheduled roll-call votes for each of the 16 referendum questions, extending the usual debate time from an average of 4 to 7 sessions each. Not only did the additional time help legislators water down the questions, but only 2 of the 15 referendum questions ultimately on the ballot received the number of votes required to pass on election day in October 2003.

Source: Gamboa, L. 2017. Opposition at the margins: Strategies against the erosion of democracy in Colombia and Venezuela. *Comparative Politics*, 49(4), pp. 468–469.



International Donors:

Support corruption probes

Corruption is likely to occur in backsliding democracies, once incumbents capture domestic oversight bodies. Donor countries can support investigations and help disseminate information about corruption. Corruption scandals have played an important role in reversing the popularity of illiberal leaders in Colombia, Peru, and South Korea; yet, support for investigations can be counterproductive if perceived as foreign interference.

👉 The United States Department of State's Engel list can play a role by exposing high-profile individuals engaged in corruption. Sanctions associated with being on the list can have a deterrent effect. In El Salvador, divisions among legislators from the ruling party and reluctance to vote on controversial issues may reflect fear of having their names added to the list.

Strengthen independent voices

To combat corruption, denounce abuses of power, and keep reliable information flowing, it is imperative to implement actions that help protect journalists, academics, human rights activists, and other independent voices. Donor countries can redirect cooperation towards pro-democracy outlets and NGOs, in addition to grassroots organizations such as unions, farmer cooperatives, cultural figures, and indigenous collectives committed to democratic governance. They can also increase the availability of humanitarian visas for exiled critics and provide support to allow them to continue their work from outside their country. This ensures that credible information exposing corruption and autocratic abuses continues to reach the electorate.

👉 In El Salvador, reputable democracy advocates include Cristosal, ORMUSA, Las Méridas, and Servicio Social Pasionista. Of particular importance is El Faro, a digital newspaper that has repeatedly exposed Bukele's corruption. Despite being a target of cyberwarfare and its journalists fleeing the country, it continues to operate online.

Invest in “vaccines”

Economic growth, security, a capable state, and a stable party system with few outsider candidates can make the rise of illiberal leaders less likely. It is important to invest in democracies that have yet to face backsliding, hoping to “vaccinate” those regimes against an illiberal turn. Vaccination, however, does not guarantee immunity. Industrial democracies with strong institutions and good governance also face backsliding.

👉 Valuable programs include election observation, civil society strengthening, and support for institutions that provide transparency and accountability. A long-term strategy should also resist institutional reforms that may contribute to backsliding in the future. Removing term limits or supermajority requirements for passing certain types of legislation, for example, might seem innocuous in the absence of democratic threats but will embolden authoritarians at a future date.

