

Título de la ponencia:

A Comparative Study on the Presidential Impeachment in South America

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Resumen

El objetivo de este trabajo es examinar el juicio político contra presidentes de América del Sur. Después de los años 1990, algunos presidentes tuvieron que dejar su cargo por la decisión del Congreso, mientras otros podían sobrevivir. ¿Por qué los resultados fueron distintos?

Los estudios preliminares señalan que el Presidente pudo sobrevivir cuando consiguió el apoyo del Congreso. Los congresistas tienden a apoyarlo cuando el Jefe del Estado goza de tener alta aprobación para buscar su reelección. Sin embargo, los países sudamericanos se diferencian acerca del sistema electoral, algunos cuentan con la lista abierta mientras otros utilizan la lista cerrada. Este trabajo examina si esa diferencia ha afectado a la toma de decisión para juzgar al Presidente.

I. Introduction

The purpose of this paper is to examine the presidential impeachment in South America, using a quantitative approach. After the 1990s, some South American presidents have been removed from his office by impeachment (e.g. Rouseff) while others could survive thanks to the legislative support (e.g. González Macchi). On the other hand, some presidents forced to offer his or her resignation during the impeachment process (e.g. Kuczynski). What makes differences between those presidents?

Some scholars have suggested that a legislator might decide his or her decision by a partisan composition of the legislature, presidential patronage or public opinion. When the president's party gains the majority in the Congress, the president may get enough support from legislators. Even if the president's party does not hold enough seat in the Congress, the president could negotiate with opposition forces by his or her patronage. On the other hand, a legislator could analyze the public opinion and vote in favor of impeachment when the popularity of president is low because of scandals or bad economic performance and the legislator seeks his or her own reelection (Kada 2003b; Pérez-Liñan 2007).

Based on these studies, it seems that the incumbent president might be able to avoid the impeachment when the presidential approval is high and he or she gets support from Congress. However, South American countries are characterized by a variety of election system, for example, some countries have an open list (e.g. Brazil) and others have a closed list (e.g. Paraguay). Does legislator oppose his or her party's decision under a closed list? If so, he or she may lose the party's

support then cannot seek his or her reelection. It might add a variety of election system as a key factor to determine the impeachment.

This paper tries to answer the above questions by presenting a comparison between cases in which South American presidents were able to survive, and those in which they could not and by assessing the relative impact of the conditions behind the two resulting scenarios. In conclusion, most of the South American countries have a closed list, except for Brazilian case.

II. The Partisan Composition of the Legislative and the Electoral System

This section summarizes the previous studies, focusing on the condition in which the presidents could avoid the impeachment while others not. Pérez Liñan discussed the importance of the economic reform and rise of presidential scandal as the main factor that can derive an impeachment. After the "Lost Decade", many South American countries had to reduce public support with an aim to overcome the financial crisis. At the same instant, mass media reported many scandals involved the President in many South American countries so that it caused the "Popular Outrage" (Pérez Liñan 2007: 88-93). Kada argued that the voting threshold for impeachment, the partisan composition of the legislative, presidential patronage and the public opinion are crucial keys to analyze the impeachment (Kada 2003b: 144-150). About the presidential patronage, Kasuya also demonstrated the importance of the presidential patronage and divides the patronage into the past and the future one (Kasuya 2003: 51-54). If the legislature can seek his or her reelection so that they can expect more patronage from the

President in the future, they will reject the impeachment (Kada 2003b: 147).

Not all the presidential party can occupy the majority in the Legislative, but even not, many Presidents could complete their presidential term without any impeachment trial because of the political agreement with other political parties. Besides, not all Presidents involved in the scandals had the impeachment process and even so, some of them could survive the impeachment. That is why this paper will concentrate on the other factors to analyze the impeachment, such as patronage. As Kada and Pérez Liñan mentioned in their paper, the President can use their patronage to avoid the impeachment. However, as Isoda argued, the patronage can trigger the scandal so that the "Popular Outrage" can rise and it forces the President to resign from the Presidency. It seems that the presidential patronage can avoid the impeachment, but there is a possibility to bring another scandal that will mark the end of the Government. These studies lead to a question: Why some presidents could successfully use their patronage while others not? In which condition did the legislators decide to support the President, seeking for the future patronage?

Based on the case study of Madagascar and Brazilian cases, Kada argued:

Even though it takes two-thirds of legislators' votes in each country, and even though each president had, at the same time of parliamentary elections, a majority in supporting him; in both cases, a president was impeached because a substantial portion of the governing coalition turned against him (...) We need to look beyond the number of legislators per party and look at individual legislators' incentive in order to fully understand the impeachment process (Kada 2003b 146).

However, the previous studies do not mention much about the variety of electoral system to determine the legislator's decisions. There are two types of candidates' list, one is an open list and the other is a closed list. Under the open list, the candidate can seek for the vote individually, while under the closed list, the candidate depends on the decision of his or her party's decision, since the party decides the order of their candidates. It seems that the legislator cannot vote against the party's decision to seek for their reelection. However, some Peruvian legislators did not allow the party's decision even if under the closed list in 2017. The next chapter will summarize the impeachment cases on South American countries after the 1990s.

III. Case studies

Linz discussed the impeachment as the extreme measure "which is in the constitutional texts, is difficult to use compared to a vote of no confidence" (Linz 1994:10). For example, Llanos and Marsteintredet compared the presidential breakdowns cases between South America, Asia y Africa and demonstrated "one president left office prematurely in Asia (...) while in Africa presidents have usually been removed through coups." (Llanos and Marsteintredet 2010: 3). Compared with Asian and African cases, there are many presidential breakdown cases in South America, including the presidential impeachment. This section focus on the correlation between presidential impeachment and the electoral system. First, Table 1 illustrates the classification of impeachment and the

electoral system and shows that half of them have a couple of impeachment cases, while the others have not it. Almost all countries with impeachment cases have a closed list of deputies, except for Brazil.

Table 1. Classification of Impeachment and the type of Candidates' List of Deputies

	Impeachment	Open List	Closed List
Argentina	0		✓
Bolivia	0		✓
Brasil	2	✓	
Chile	0		✓
Colombia	0		✓
Ecuador	2		✓
Paraguay	3		✓
Peru	2		✓ (*)
Uruguay	0		✓
Venezuela	1		✓

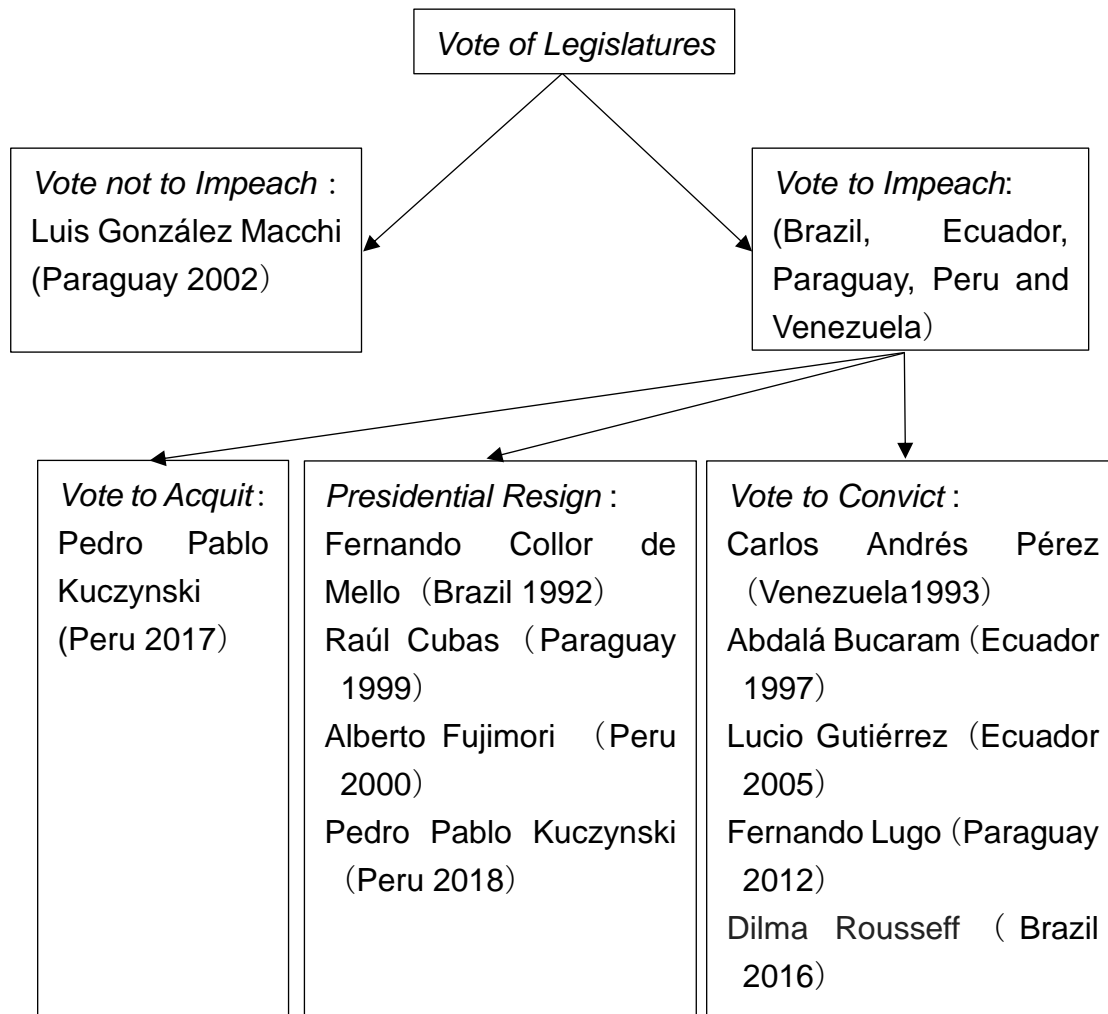
Source: Variety of Democracy Database

Note: Peruvian list is unique because the party decides the order, but those who get more votes can win even though his or her number is lower than other candidates who get less vote.

Second, Figure 1 summarizes the cases happened in South America after the 1990s. As Table 1 pointed, the impeachment is concentrated at Brazil, Ecuador,

Paraguay, Peru, and Venezuela while other South American countries never occurred presidential impeachment.

Figure1. Process of Impeachment



Source: Elaborate by the Author, based on (Kada 2003b:153)

In all impeachment cases, the President's party was the minority in the Congress except for Paraguayan case in 1999, and each country has a closed list. The only exception was Peruvian case in 2018, the impeach trial acquitted even the

President's party was the minority in the Congress at the moment. Thanks to the presidential patronage, Kuczynski could avoid the impeachment but three months later, he had to resign from the presidency because of the scandal involved with him (Isoda 2018) .

IV. Conclusion and for Further Research

This paper classified the South American impeachment cases, focusing on the electoral system. Most of the South American countries have a closed list, but some countries had more than one impeachment, so it seems that the legislator decides the vote according to the decision of his or her party, however not all President who does not control the Congress ended to accused or forced to resign with a same electoral list. For further research, it still needs to investigate the condition which makes the difference between who was convicted and who could avoid it.

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