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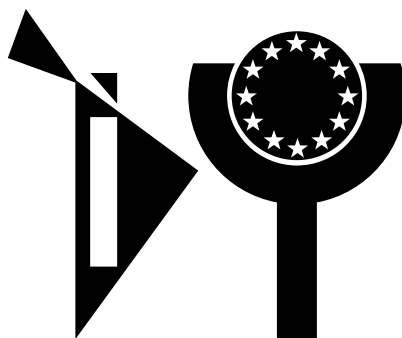
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Latin America: The Pitfalls of U.S.-Mirrored Presidential System in Banana Republics

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There is something in common between the countries located in the Western Hemisphere—and is not just the geographic position. Latin America¹ boasts an impressive string of coups, compared to the stable democracy of its American neighbor. Recent events in Brazil after Lula was sworn in for a third term as president against incumbent Bolsonaro, reminded us of the assault on the U.S. Capitol on January 6, 2021, that disrupted a joint session of the Congress in the process of affirming the presidential election results which kicked Donald Trump out of the White House. The election protests in Brazil began shortly after the conclusion of the general election's second round on October 30, 2022, in which Luiz Inácio Lula da Silva was elected president, and picked on January 8, 2023, when thousands of far-right supporters of former President Jair Bolsonaro stormed all three branches of Brazil's government in the capital calling for military intervention. There are similarities and differences between the Brazil attack compared to January 6 attack in the United States. Both Bolsonaro and Trump have contested their electoral defeats, amplifying unsupported conspiracy theories of voter fraud. Also, the Venezuelan presidential crisis which lasted from 2019 to 2023 was paved by fraudulent elections².

The public riots that followed the removal of President Castillo in Peru in December 2022 confirm the weakness of a government system that mimics the US without having similar and effective checks and balances. In the presidential system, which is the dominant form of government in mainland America, with 18 of its 22 sovereign states being presidential republics³, the head of government is in most cases also the head of state⁴ and the legislature cannot dismiss the president except in extraordinary cases. Such a system hides in itself the seeds of a “legal coup”. The rules embodied in Latin American constitutions create the conditions for the lawmakers to legally overthrow the executive, especially when the legislature expresses a different majority from the one which elected the president.

On December 7, 2022, the Congress of the Republic of Peru approved the third presidential vacancy (impeachment) process against President Castillo, declaring his “permanent moral

¹ The term Latin America encompasses all those countries in South America and Central America, from Mexico and including Panama, Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, and the Caribbean, according to the United Nations online publication *Standard Country or Area Codes for Statistical Use (M49 Standard)*.

² Corrales, J. (2020). Democratic backsliding through electoral irregularities: The case of Venezuela. *European Review of Latin American and Caribbean Studies*, vol. 109, pp. 41-65. <http://doi.org/10.32992/erlacs.10598>.

³ Canada, Belize, Guyana and Suriname are exceptions.

⁴ Only Argentina has a presidential systems with a prime minister.

incapacity” under Art. 113 §2 of the 1993 Constitution⁵. It has been observed that, due to broadly interpreted impeachment wording in the Constitution of Peru, Congress can impeach the president without cause, effectively making the legislature more powerful than the executive branch⁶. After the removal of Castillo from the presidency, Congress appointed Dina Boluarte as the new head of the executive⁷. Public protests inflamed the country against the decision of the congressmen to overturn the popular vote⁸.

Although the Constitution of Peru indicates the “permanent moral or physical incapacity” as grounds for a presidential vacancy, on the other hand, the Constitution itself says in Art. 117 that the president can only be accused, during his term, for treason; for preventing presidential, parliamentary, regional, or municipal elections; for dissolving Congress, except in the cases provided for in Art. 134 of the Constitution, and for preventing its meeting or operation, or those of the National Election Jury and other electoral system bodies.

Pedro Pablo Kuczynski, who served as president of Peru from 2016 to 2018, stepped down on March 23, 2018, following a successful impeachment vote and days before a probable conviction vote, and in April 2019 was placed in pretrial detention and sentenced to three years of house arrest on corruption and money laundering charges⁹. The Congress, which was controlled by the opposition Popular Force, had already initiated impeachment proceedings against Kuczynski in December 2017 but lacked the majority of votes needed. After further scandals and facing a second impeachment vote, Kuczynski resigned from the presidency on March 21, 2018. Before Kuczynski, Alberto Fujimori, who was president of Peru from 28 July 1990 until 22 November 2000, resigned via fax from Japan, but his resignation was rejected by Congress, which preferred to remove him from office by the process of impeachment on charges of corruption and human rights abuses¹⁰. Fujimori was pardoned by president Kuczynski on health grounds in December 2017¹¹.

Resignation of the head of state in parliamentary systems, where the position is largely ceremonial in most cases, is rare, and removal is almost impossible except in case of impeachment due to serious charges. On the other hand, in some presidential regimes, the ousting of the chief executive is a very remote hypothesis and change occurs following the change in the leadership of the single or dominant party, because of the resignation or death of the incumbent, or through coup d'état. Republics formed after the break-up of the Soviet Union¹² and

⁵ Political Constitution of Peru, Enacted on December, 29, 1993, Congress of the Republic, Lima, September 2009. Translated from Spanish into English by Juan Gotelli, Esther Velarde and Pilar Zuazo, members of the staff of the Translation Bureau of the Congress of the Republic of Peru. Revised by Jonathan Potts and Joe Northover. https://www.congreso.gob.pe/Docs/files/CONSTITUTION_27_11_2012_ENG.pdf.

⁶ Asensio, R., Camacho, G., González, N., Grompone, R., Pajuelo Teves, R., Peña Jimenez, O., Moscoso, M., Vásquez, Y. & Sosa Villagarcía, P. (2021). *El Profe: cómo Pedro Castillo se convirtió en presidente del Perú y qué pasará a continuación* (1 ed.). Institute of Peruvian Studies, Lima, p. 92.

⁷ Ministry of Foreign Affairs of Peru. (2022). *Comunicado Oficial 010-22*. gob.pe (in Spanish), December 12, 2022. <https://www.gob.pe/institucion/rree/noticias/679338-comunicado-oficial>.

⁸ Ministry of the Interior of Peru, Oficina General de Comunicación Social e Imagen Institucional. (2023). *Más de 850 policías heridos y 43 sedes policiales afectadas dejan actos vandálicos durante protestas en el país*, gob.pe (in Spanish), January 30, 2023. <https://www.gob.pe/institucion/mininter/noticias/694416-mas-de-850-policias-heridos-y-43-sedes-policiales-afectadas-dejan-actos-vandalicos-durante-protestas-en-el-pais>.

⁹ Pedro Pablo Kuczynski. (n.d.). <https://ppk.pe>.

¹⁰ Burt, Jo-Marie, & Youngers, C.A. (2010). Peruvian precedent: the Fujimori conviction and the ongoing struggle for justice. *NACLA Report on the Americas*, vol. 43, no. 2, pp. 6-8. doi: 10.1080/10714839.2010.11722203.

¹¹ Contesse, J. (2019). Case of Barrios Altos and La Cantuta v. Peru. *American Journal of International Law*, vol. 113, no. 3, pp. 568-574. doi: 10.1017/ajil.2019.28.

¹² Hale, H.E. (2012). Two Decades of Post-Soviet Regime Dynamics. *Demokratizatsiya*, vol. 20, no. 12, pp. 71-77.

post-colonial African states¹³ adopted a strong presidential system with few checks and balances, with leaders who stay in office so long and with extensive powers that they can be characterized as “republican monarchs”. The feature of such regimes is a “hegemonic presidency” or “imperial presidency”¹⁴, a “super presidency” which hardly can be limited or countered by the legislature. The presidential regime of banana republics¹⁵ does not have the same strength as countries located in Africa or Central Asia; such weakness can be considered a positive or a negative feature of Latin American democracy depending on whether it is seen as a democratic guarantee of stability or as a lack of checks and balances.

Impeachment is an institution borrowed from the American system: “a constitutional remedy to address serious offenses against the system of government”¹⁶. The remedy is provided for by Art. 2 of the U.S. Constitution: “The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors”. So far, the House of Representatives has impeached four presidents, all followed by acquittal in the Senate: Andrew Johnson (1868), Bill Clinton (1998), and Donald Trump (2019 and 2021). Richard Nixon (1969-1974) is the only U.S. president who resigned to avoid likely removal from office due to involvement in Watergate.

During the 1810s and 1820s, Spanish colonies in the Americas sought independence, and several new Spanish-speaking governments emerged in Latin America. These countries drafted their fundamental charters inspired by the U.S. Constitution, and thus presidentialism became the dominant political system in the Americas¹⁷. The name of the legislative branch (*Congreso* in Spanish, *Congresso* in Brazilian Portuguese) is adapted from U.S. Congress, while in Europe is termed “parliament”¹⁸. Latin American presidential systems have experienced varying levels of stability, with many experiencing periods of dictatorial rule¹⁹, to the extent that the early nineteenth century is sometimes called “The Age of Caudillos”²⁰. Right-wing dictatorships, mostly

¹³ Van de Walle, N. (2003). Presidentialism and Clientelism in Africa’s Emerging Party Systems. *The Journal of Modern African Studies*, vol. 41, no. 2, pp. 297-321. <http://www.jstor.org/stable/3876122>; van Cranenburgh, O. (2008). ‘Big Men’ Rule: Presidential Power, Regime Type and Democracy in 30 African Countries. *Democratization*, vol. 15, no. 5, pp. 952-973. doi: 10.1080/13510340802362539.

¹⁴ Kieh, G.K. Jr. (2018). The ‘Hegemonic Presidency’ in African Politics. *African Social Science Review*, vol. 9, no. 1, art. 5. <https://digitalscholarship.tsu.edu/assr/vol9/iss1/5>.

¹⁵ The term is first used in O. Henry (1904). *Cabbages and Kings*. Doubleday, Page & Company, New York City, pp. 132, 296.

¹⁶ Brown, W. H., Johnson, C. W. (2003). *House Practice: A Guide to the Rules, Precedents, and Procedures of the House*, chap. 27 (Impeachment). U.S. Government Publishing Office, Washington, D.C., p. 587. <https://www.govinfo.gov/content/pkg/GPO-HPRACTICE-108/pdf/GPO-HPRACTICE-108-28.pdf>.

¹⁷ Sundquist, J.L. (1997). The U.S. Presidential System as a Model for the World. In: Baaklini, A.I., & Desfosses, H. (eds.). *Designs for Democratic Stability: Studies in Viable Constitutionalism*, pp. 53-72. Routledge, London/New York. doi: <https://doi.org/10.4324/9781315503578>.

¹⁸ This paper does not consider countries ruled by parliamentary constitutional monarchy, where the head of state is the British sovereign, U.S. unincorporated territories and British, Dutch and French overseas territories, regardless of their legal status.

¹⁹ Sondrol, P. (2005). The Presidentialist Tradition in Latin America. *International Journal of Public Administration*, vol. 28, no. 5, pp. 517-530. doi: 10.1081/PAD-200055210; Mainwaring, S. (1990). Presidentialism in Latin America. *Latin American Research Review*, vol. 25, pp. 157-179. doi: 10.1017/S0023879100023256; Valenzuela, A. (2004). Latin American Presidencies Interrupted. *Journal of Democracy*, vol. 15, no. 4, pp. 5-19. doi: 10.1353/jod.2004.0075.

²⁰ Hamill, H. M. (1996). Caudillismo, Caudillo. *Encyclopedia of Latin American History and Culture Vol. 2*. Charles Scribner’s Sons, New York, pp. 38-39.

run by the military²¹, characterized Central and South America through most of the twentieth century: Getúlio Vargas (Brazil, 1930-1945); Fulgencio Batista (Cuba, 1933-1940, 1940-1944, 1952-1959)²²; François Duvalier (Haiti, 1957-1971), succeeded by his son Jean-Claude Duvalier (1971-1986); Anastasio Somoza (Nicaragua, 1967-1972, 1974-1979); Rafael Trujillo (Dominican Republic, 1930-1938, 1942-1952); Alfredo Stroessner (Paraguay, 1954-1989); Augusto Pinochet (Chile, 1974-1990); Dési Bouterse (Suriname, 1980-1988); and Óscar Humberto Mejía Victores (Guatemala, 1983-1986)²³. Rulers who held *de facto* power and governed under an authoritarian regime can be termed “strongmen” –Rafael Trujillo served as president of the Dominican Republic (1930-1938, 1942-1952) ruling for the rest of the time as an unelected military strongman (*Generalissimo*) under puppet presidents²⁴. Enrique Peralta Azurdía, who ruled Guatemala from 1963 until 1966, never officially occupied the post of Constitutional President of the Republic of Guatemala, and signed decrees under the title of “Head of Government of the Republic of Guatemala” (Spanish: *Jefe del Gobierno de la República*). Dictators and military officers who were the *de facto* rulers of Panama–Omar Torrijos (1968-1981), Rubén Darío Paredes (1982-1983), and Manuel Noriega (1983-1989) –were never officially presidents²⁵.

Brazil adopted the presidential system in 1889 after the country became a presidential republic following a military coup d'état. Dilma Rousseff, who served as the 36th president of Brazil, held the position from 2011 until her impeachment and removal from office on August 31, 2016, by the Senate, finding her guilty of breaking budgetary laws in violation of Art. 85,

²¹ Military or civil-military junta leaders include: Carlos Román Delgado Chalbaud Gómez (Venezuela, 1943-1950), Germán Suárez Flamerich (Venezuela 1950-1952), Marcos Pérez Jiménez (Venezuela, 1952-1958), Wolfgang Larrazábal (Venezuela, 1958), Edgar Sanabria (Venezuela, 1958-1959), Víctor Elby Viñas Román (Dominican Republic, 1963), Emilio de los Santos (Dominican Republic, 1963), Donald J. Reid Cabral (Dominican Republic, 1963-1965), Antonio Imbert Barrera (Dominican Republic, 1965), Bolívar Urrutia Parrilla and José María Pinilla Fábrega (Panama, 1968-1969), Anastasio Somoza (Nicaragua, 1972-1974), Eduardo Lonardi (Argentina, 1955), Pedro Eugenio Aramburu (Argentina, 1955-1958), Juan Carlos Onganía Carballo (Argentina, 1966-1970), Roberto Marcelo Levingston Laborda (Argentina, 1970-1971), Alejandro Agustín Lanusse (Argentina, 1971-1973), Jorge Rafael Videla (Argentina, 1976-1981), Roberto Eduardo Viola (Argentina, 1981), Carlos Lacoste (Argentina, 1981), Leopoldo Galtieri (Argentina, 1981-1982), Alfredo Oscar Saint Jean (Argentina, 1982), Reynaldo Bignone (Argentina, 1982-1983), Humberto Castelo Branco (Brazil, 1964-1967), Artur da Costa e Silva (Brazil, 1967-1969), Aurélio de Lira Tavares, Márcio Melo, and Augusto Rademaker (Brazil, 1969), Emilio Garrastazu Médici (Brazil, 1969-1974), Ernesto Geisel (Brazil, 1974-1979), João Figueiredo (Brazil, 1979-1985), Gabriel Paris Gordillo (Colombia, 1957-1958), Guillermo Rodríguez Lara (Ecuador, 1972-1976), Alfredo Poveda (Ecuador, 1976-1979), Juan Velasco Alvarado (Peru, 1968-1975), Julio Lozano Díaz (Honduras, 1954-1956), Oswaldo López Arellano (Honduras, 1963-1971; 1972-1975), Juan Alberto Melgar Castro (Honduras, 1975-1978), Policarpo Paz García (Honduras, 1978-1982), Carlos Enrique Díaz de León (Guatemala, 1954), Elfego Hernán Monzón Aguirre (Guatemala, 1954), Carlos Castillo Armas (Guatemala, 1954-1957), Óscar Mendoza Azurdía (Guatemala, 1955-1957), I Efraín Ríos Montt (Guatemala, 1982-1983), Adolfo Arnoldo Majano (El Salvador, 1979-1980), Jaime Abdul Gutiérrez (El Salvador, 1980), José Napoleón Duarte (El Salvador, 1980-1982), Dési Bouterse (Suriname, 1980-1988), Ivan Graanoogst (Suriname, 1990).

²² After the revolution that overthrew Batista in January 1959, Cuba became an authoritarian regime under a one-party communist government which exercises dictatorial control.

²³ For a discussion, see: Lentz, H. M. (2014). *Heads of States and Governments Since 1945: A Worldwide Encyclopedia of Over 2,300 Leaders, 1945 through 1992*. Routledge, London/New York; Fitzgibbon, R. H. (1960). Dictatorship and Democracy in Latin America. *International Affairs (Royal Institute of International Affairs 1944)*, vol. 36, no. 1, pp. 48-57. doi: <https://doi.org/10.2307/2609309>.

²⁴ Rafael Estrella (1930); Jacinto Peynado (1938-1940); Manuel Troncoso (1940-1942); Héctor Trujillo (1952-1960); Joaquín Balaguer (1960-1962). For a definition of puppet government, see: Marsili, M. (2022). The Servant of Two Masters: Italian Diplomats in World War II. Story of a Diplomatic Civil War and its Implications and Consequences on Post-war Foreign Policy. *Journal of Modern Italian Studies*, vol. 27, no. 1, pp. 19-40. doi: 10.1080/1354571X.2021.1950342.

²⁵ For a discussion, see: Harding, R. C. (2006). *The History of Panama*. Greenwood Press, Westport, CT.

V and VI, of the Constitution of Brazil²⁶, and Art. 36 of the Complementary Law on Fiscal Responsibility (*Lei Complementar No. 101*)²⁷.

Before Rousseff's removal, Fernando Collor de Mello, the first president democratically elected in 1990 after the end of the Brazilian military government, was forced to resign in December 1992 after a failed attempt to stop his impeachment trial by the Brazilian Senate on charges of corruption²⁸. He was later acquitted of ordinary criminal charges in his judicial trial before Brazil's Supreme Federal Court, for lack of valid evidence.

Brazil has a long string of impeachments and military coups. João Café Filho took office as the 18th president of Brazil following a series of brief presidential reigns after the suicide of President Getúlio Vargas on August 24, 1954²⁹. Café Filho was temporarily removed from the presidency on November 3, 1955, due to a cardiovascular disorder³⁰. On November 8, he was replaced by Carlos Coimbra da Luz, the president of the Chamber of Deputies, who served for only three days as acting president—the second of three presidents in a brief period of 16 months and the shortest-serving president of Brazil. Luz was in turn ousted through impeachment by Congress under pressure from the military. He was declared unable to fulfill his duties and replaced by the vice president of the Senate Nereu de Oliveira Ramos, next in line of succession to the presidency³¹. Nereu Ramos served briefly as provisional president³². Recovered, Café Filho tried to reassume presidential powers, but his removal was approved by Congress on November 22, and confirmed by the Supreme Court in December. Café Filho was removed through impeachment by Congress which, after military pressure, declared him unable to discharge his duties³³. He was ousted by a coalition of high-ranking military officers who staged a counter coup to secure the inauguration of President-elect Juscelino Kubitschek, threatened with a military coup. Kubitschek and Vice President João Goulart took office on January 31, 1956³⁴. Goulart served a second term as vice president on the ticket with Jânio Quadros. When Quadros resigned from the presidency on August 25, 1961, military ministers formed a junta³⁵ at his suggestion, and the President of the Chamber of Deputies Ranieri Mazzilli took *interim* office as Brazilian president³⁶. The impeachment of Mazilli and military ministers for the crime of responsibility was requested in the Chamber of Deputies but never discussed³⁷. On August

²⁶ Constitution of the Federative Republic of Brazil of 1988.

²⁷ Brazil, Presidência da República (2000). *Lei Complementar n. 101, de 4 de maio de 2000*. <http://bibliotecadigital.economia.gov.br/handle/777/208>.

²⁸ Figueiredo, A. C. (2010). The Collor Impeachment and Presidential Government in Brazil. In: Llanos, M., & Marsteintredet, L. (eds.). *Presidential Breakdowns in Latin America*. Palgrave Macmillan, New York. https://doi.org/10.1057/9780230105812_7.

²⁹ Vargas served as the 14th and 17th president of Brazil, from 1930 to 1945, under a provisional presidency following an armed revolution, remaining until 1934 when he was elected president under a new constitution, and democratically from 1951 after winning the 1950 Brazilian general election.

³⁰ Ferreira, J. (2011). *João Goulart* (in Portuguese) (3 ed.). Civilização Brasileira, Rio de Janeiro, p. 165.

³¹ Ferreira (2011), p. 161.

³² Ramos served as *interim* president from November 11, 1955 until January 30, 1956, and as acting president from November 11, until November 22, 1955.

³³ Llanos, M., & Perez-Linan, A. (2021). Oversight or Representation? Public Opinion and Impeachment Resolutions in Argentina and Brazil. *Legislative Studies Quarterly*, vol. 46, no. 2, pp. 357-389. doi: 10.1111/lsq.1228.

³⁴ As vice president, João Goulart was also president of the Federal Senate of Brazil, in accordance with the 1946 Constitution.

³⁵ Military ministers were: Odílio Denys (Army), Gabriel Grūn Moss (Aeronautics), and Silvio Heck (Navy).

³⁶ Ferreira (2011), p. 228.

³⁷ Ferreira (2011), p. 229.

29, Congress rejected also the impeachment of Goulart³⁸. Eventually, Goulart took office after a parliamentary system of government was installed on September 1, 1961, as part of a settlement to the political crisis³⁹. A plebiscite held on January 6, 1963, to confirm or reverse the changes made to the Constitution, was overwhelmingly rejected in the referendum (82% of no votes), and then Goulart assumed full presidential powers.

In 1964 a military coup overthrew Goulart⁴⁰ and installed a military dictatorship which ended in 1985. After an *interim* presidency held by President of the Chamber of Deputies (Speaker of the House) Ranieri Mazzilli (April 2-14, 1964), the office was assumed by Army Gen. Castelo Branco until 1967. When Army Marshal Artur da Costa e Silva, who was elected indirectly, under the Constitution of 1967, by an absolute majority of both houses of Congress, as the candidate of the military-backed National Renewal Alliance (*Aliança Renovadora Nacional*, ARENA), suffered a severe stroke, he was removed and replaced by a military junta⁴¹ that ruled the country from August 31, 1969, to the investiture of Army Gen. Emílio Garrastazu Médici as president of Brazil, on October 30. The junta declared vacant both the presidency and the vice presidency to prevent Pedro Aleixo, the civilian vice president, to become acting president under the sixth Constitution of 1967⁴².

Under the previous Constitution of 1946, elections for executive offices would be held in a single round, and voters could freely choose candidates of any party, including for vice president. The powers of the presidency were also reduced to prevent authoritarian excesses. These provisions fueled legitimacy crises (presidents were usually elected by less than a majority of votes) and conspiracies (the vice president was usually from another party). It is noteworthy that the official name of the country was the United States of Brazil (Portuguese: *Estados Unidos do Brasil*) until the Constitution of 1967 entered into force; this feature makes it even more evident that the Brazilian political system mimics the American one.

For this study, what is interesting are the events that occurred in the early years of the military dictatorship that ruled Brazil after 1964; the military changed the constitution to interrupt the line of succession to the presidency. As a matter of fact, before the new Constitution of 1967, the next in line to the presidency was the vice president, and then the president of the Chamber of Deputies. This feature of the presidential regime in Latin America, borrowed by the U.S. constitutional system, together with the remedy of impeachment, allows the replacement of the president with a substitute who is not elected by universal suffrage, but who is chosen from and by an inner circle of congressmen—it is a kind of palace intrigue. Under the presidential regime, the head of government, who is also the head of state, is elected independently of the legislature, while in parliamentary systems the head of government answers directly to the lawmakers

³⁸ Ferreira (2011), p. 247.

³⁹ Ferreira (2011), p. 251; Schneider, R. M. (1991), "Order and Progress": A Political History of Brazil. Westview Press and Oxford, Boulder, CO, pp. 214-216.

⁴⁰ Goulart served as the 24th president of Brazil from September 8, 1961, until a military coup d'état deposed him on April 1, 1964.

⁴¹ The three individual members of the military junta were: General of the Army Aurélio de Lira Tavares, General of the Air Force Márcio Melo, and Admiral of the Navy Augusto Rademaker. A previous military junta overthrew President-elect Júlio Prestes de Albuquerque, and governed Brazil from October 24 to November 3, 1930, when the junta leaders—General Augusto Tasso Fragoso, head, Admiral Isaiás de Noronha, and General João de Deus Mena Barreto—handed power over to Getúlio Vargas.

⁴² The sixth Constitution replaced the fifth, that was written in 1945 after Vargas was forced to resign—it was later largely amended in 1969 to increase the powers of the president.

through the vote of confidence⁴³. Indeed, in presidential regimes, the president is elected independently of the legislature, and the two powers can be in opposition if they represent a different majority. Accordingly, presidential interruptions in Latin America can be explained by the opposition's primary motivation for challenging the president, and the degree of undemocratic behavior demonstrated by the president and opposition during the crisis⁴⁴.

In Latin America, which includes almost 40% of the world's presidential systems, ten presidents from six countries were removed from office by their lawmakers via impeachments or declarations of incapacity between 1978 and 2019⁴⁵. National legislations differ regarding both the consequences and definition of impeachment, but the intent is nearly always to expeditiously vacate the office on charges of misconduct or serious abuses of their office. The validity of an impeachment trial is a political question that is nonjusticiable (i.e., is not reviewable by the courts). Impeachment may be understood as a unique process involving both political and legal elements⁴⁶.

Although the purpose of this article is not to scrutinize the rulings of parliaments or national courts, it would be appropriate to investigate the decisions that led to the removal of presidents—and eventually their imprisonment. Indeed, there are well-founded grounds to consider such decisions sometimes politically driven. Since the latter half of the 19th century, the United States government has participated and interfered, both overtly and covertly, in the replacement of many Latin American governments⁴⁷. After military regimes in Latin America ended in the years from 1979 to 1991, new constitutions introduced methods to remove presidents under extraordinary circumstances, such as a president committing a crime or becoming incapacitated⁴⁸. These provisions are so broad that they leave room for political purposes and impeachment replaced coup d'état as a legal means to change leaders.

José María Velasco Ibarra became president of Ecuador five times, in 1934-1935, 1944-1947, 1952-1956, 1960-1961, and 1968-1972, and only in 1952-1956 he completed a full term. In his four other terms, he was removed by military force, and several times he was installed as president through a military coup. He was eventually removed by a military coup d'état and replaced by junta leader Guillermo Rodríguez (1972-1976), later removed from power and succeeded by Alfredo Poveda (1976-1979).

⁴³ Von Mettenheim, K. (1997). *Presidential Institutions and Democratic Politics*. The Johns Hopkins University Press, Baltimore, MD, pp. 2-15.

⁴⁴ Abbott, A. (1983). Sequences of social events: Concepts and methods for the analysis of order in social processes. *Historical Methods*, vol. 16, no. 4, pp. 129-147.

⁴⁵ Arana Araya, I. (2019). To Impeach or Not to Impeach: Lessons from Latin America. *Georgetown Journal of International Affairs*, December 13, 2019.

⁴⁶ Gerhardt, M. J. (2018). *Impeachment: What Everyone Needs to Know*. Oxford University Press, New York, N.Y., p. 20; Gerhardt, M.J. (2019). *The Federal Impeachment Process: A Constitutional and Historical Analysis* (3rd ed.). University of Chicago Press, pp. 106-107.

⁴⁷ Age, P. (1975). *Inside the Company: CIA diary*. Stonehill, New York; Dix, R.H. (1994). Military Coups and Military Rule in Latin America. *Armed Forces & Society*, vol. 20, no. 3, pp. 439-456. <http://www.jstor.org/stable/45347010>; Diedreich, B. (1981). *Somoza and the Legacy of US Involvement in Central America*. Dutton, New York; Ameringer, C. D. (1990). *U.S. Foreign Intelligence: The Secret Side of American History* (1990 ed.). Lexington Books, Lanham, MD; Musicant, I. (1990). *The Banana Wars*. MacMillan Publishing Co., New York; Schmitz, D. (1999). *Thank God They're on Our Side: The United States & Right-Wing Dictatorships*. University of North Carolina Press; Schenoni, L., & Mainwaring, S. (2019). US hegemony and regime change in Latin America. *Democratization*, vol. 26, no. 2, pp. 269-287. doi: 10.1080/13510347.2018.1516754; Gilderhusrt, M.T. (2000). *The Second Century: U.S.-Latin American Relations Since 1889*. Rowman & Littlefield Publishers, Lanham, MD; Blakeley, Ruth (2009). *State Terrorism and Neoliberalism: The North in the South*. Routledge, Abingdon; Esparza, M., Huttenbach, H.R., & Feierstein, D. (eds.). (2011). *State Violence and Genocide in Latin America: The Cold War Years*. Routledge, Abingdon.

⁴⁸ For the scope and purpose of this work, only presidential regimes after World War II are taken into account.

After the end of military governments (1972-1979) and the return to democracy, Ecuador overthrew several presidents. Abdalá Bucaram (Ecuador, 1996-1997) was dismissed without impeachment or prior medical analysis by Congress just six months after he took office, following massive protests due to the economic crisis, on grounds of alleged mental incapacity based on Art. 100 of the Constitution of 1995, although the supreme law of Ecuador did not regulate or establish the procedure to justify the use of that article⁴⁹. Based on the constitutional concept of succession, vice president Rosalía Arteaga assumes the presidency without authorization from Congress. At the same time, the Congress designates then President of Congress, Fabián Alarcón, as *interim* president although the position was not outlined in the Constitution. This gave way to the event known as “the Night of the three presidents”. The constitutional court determined the congressional resolution to be anti-constitutional and rejected it, but the lawmakers ignored the court resolution and restored Alarcón with the support of the armed forces. The seventeenth final provision of the 1979 Constitution was implemented, which gave way to the Ecuadorian Constitution of 1998 under the presidency of Fabián Alarcón. Alarcón, who will be arrested in 1999 on corruption charges, but later released, filed charges against Bucaram for the mishandling of public funds during his presidency. In 2005 Ecuador’s Supreme Court dropped the charges against Bucaram, and he returned home, eight years after his ouster⁵⁰. Within a month of his return, however, President Lucio Gutiérrez (2003-2005), an ally of Bucaram, was impeached and the charges filed by Alarcón were reinstated.

In 2007, President Rafael Correa (Ecuador, 2007-2017) called a constituent assembly to expand presidential powers and to give the president the ability to dismiss Congress⁵¹. The request was approved by the Electoral Tribunal. Congress, which was controlled by Correa’s opposition, reacted by trying to impeach the president of the electoral tribunal. The Electoral Tribunal then removed from office the 57 members of Congress who tried to impeach the president of the Electoral Tribunal, on the grounds of attempting to intervene in an electoral process. Alternative deputies were sworn in and pledged to support the presidential request, but the Constitutional Court decided to reinstate 51 of the 57 Congressmen who had been fired by the Electoral Tribunal, and Congress fired all nine judges of the Constitutional Court for their “unconstitutional actions”. Correa was indicted and sentenced *in absentia* to eight years in jail for alleged corruption—the former president has always denied all the allegations. An arrest warrant requested by the Ecuadorian justice in 2018, 2020, and 2021 was rejected all three times by Interpol (2018, 2020, and 2021) as politically motivated⁵². Belgium, where Correa resides since 2017, granted him political asylum and refused to extradite the former president to Ecuador on grounds of political persecution⁵³.

Guillermo Lasso, the incumbent president of Ecuador, is also under investigation over his repeated appearance in the Pandora Papers in October 2021, which linked him to offshore

⁴⁹ Conaghan, C. (2007). *Bucaram en Panamá. Las secuelas del populismo en Ecuador*. LDIS, Quito.

⁵⁰ Tikkanen, A. (2022). Abdalá Bucaram. *Encyclopedia Britannica*. <https://www.britannica.com/biography/Abdala-Bucaram-Ortiz>.

⁵¹ Sánchez, F., & Polga-Hecimovich, J. (2019). The Tools of Institutional Change under Post-Neoliberalism: Rafael Correa’s Ecuador. *Journal of Latin American Studies*, vol. 51, no. 2, pp. 379-408. doi: 10.1017/S0022216X1800072X.

⁵² teleSUR (2021). *Interpol Rejects Red Alert Against Rafael Correa for Third Time*. teleSUR, August 18, 2021. <https://www.telesurenglish.net/news/Interpol-Rejects-Red-Alert-Against-Rafael-Correa-for-Third-Time-20210818-0013.html>.

⁵³ Realfonzo, U. (2022). Belgium blocks extradition request against former Ecuador President. *The Brussels Times*, May 10, 2022. <https://www.brusselstimes.com/223765/belgium-to-reject-extradition-request-for-former-ecuador-president-correa>.

companies and trusts including in Panama and the U.S. state of South Dakota⁵⁴. A motion to impeach Lasso was rejected by the National Assembly, the unicameral legislature which replaced the National Congress in 2009 following reforms under the 2008 Constitution.

Political instability is a feature of Latin American countries, with 20 coups d'état, 451 political assassinations, 217 riots, and 113 crises that threatened to bring down the sitting government between 1971 and 2000⁵⁵. Instability in the region is linked to presidential regimes, and to the wanton use of impeachment⁵⁶, as well as to corruption⁵⁷.

When democracy was restored in Paraguay, after almost forty years of military dictatorship under Alfredo Stroessner (1954-1989) and Andrés Rodríguez (1989-1992), the country experienced the impeachment of four presidents. Raúl Cubas Grau (1998-1999) was forced to resign after violent demonstrations led by striking workers following the assassination of Vice President Luis María Argaña⁵⁸. Cubas had survived a first attempt of impeachment only two votes short of that necessary in February 1999, but the Chamber of Deputies voted overwhelmingly in March. After the resignation, Cubas fled into exile, and returned to Paraguay in 2002; he was immediately arrested and tried for corruption and conspiracy to murder Argaña, but acquitted of all charges. After the resignation of Cubas, Luis Ángel González Macchi (Paraguay, 1999-2003) ascended to the presidency as president of the Senate. He became unpopular due to political and economic crises, and he suffered a coup attempt in 2000 and an impeachment attempt in 2001, though both failed⁵⁹. In 2006, González Macchi was sentenced to eight years in prison for fraud and embezzlement, but he was released after the appeal court annulled the conviction⁶⁰.

Political corruption, i.e. the illegitimate use of public power to benefit a private interest, which includes bribery, influence peddling, misappropriation, money laundering, and drug trafficking, is common in many authoritarian or dictatorial governments but is systematic also in democratic governments⁶¹. In Latin America such corruptive policies will take place with ease,⁶² boosted by political instability⁶³. In the 1990s, political corruption affected a long-established democracy like Venezuela. The country returned to democracy in 1958, after ten years of

⁵⁴ Francis, E. (2022). Ecuador's president faces tax investigation after Pandora Papers. *The Washington Post*, October 22, 2022. <https://www.washingtonpost.com/world/2021/10/22/ecuador-president-tax-investigation-pandora-papers/>.

⁵⁵ Blanco, L., & Grier, R. (2009). *Long Live Democracy: The Determinants of Political Instability in Latin America*. Pepperdine University, School of Public Policy Working Papers. Paper 33. <https://digitalcommons.pepperdine.edu/sppworkingpapers/33>.

⁵⁶ Pérez-Liñán, A. (2014). A Two-Level Theory of Presidential Instability. *Latin American Politics and Society*, vol. 56, no. 1, pp. 34-54. <http://www.jstor.org/stable/43286513>.

⁵⁷ Abofarha, E.A., & Nasreldein, R.I. (2022). Explaining Presidential Instability in Latin America: Evidence from Brazil, Argentina and Ecuador. *Review of Economics and Political Science*, vol. 7, no. 1, pp. 56-70. <https://doi.org/10.1108/REPS-04-2021-0041>.

⁵⁸ Ortiz de Zárate, R. (2002). *Raúl Cubas Grau*. CIDOB (in Spanish). https://www.cidob.org/biografias_lideres_politicos/america_del_sur/paraguay/raul_cubas_grau.

⁵⁹ Ortiz de Zárate, R. (2003). *Luis González Macchi*. CIDOB (in Spanish). https://www.cidob.org/biografias_lideres_politicos/america_del_sur/paraguay/luis_gonzalez_macchi.

⁶⁰ Corte Suprema de Justicia (2007). Sobreseen al ex presidente Luis González Macchi. Corte Suprema de Justicia, Asunción, May 24, 2007. <https://www.pj.gov.py/notas/643-sobreseen-al-ex-presidente-luis-gonzalez-macchi>.

⁶¹ Weyland, K. G. (1998). The Politics of Corruption in Latin America. *Journal of Democracy*, vol. 9, no. 2, pp. 108-121. doi: 10.1353/jod.1998.0034.

⁶² Warf, B., & Stewart, S. (2016). Latin American Corruption in Geographic Perspective. *Journal of Latin American Geography*, vol. 15, no. 1, pp. 133-155.

⁶³ Dimant, E., & Tosato, G. (2017). Causes and Effects of Corruption: What Has Past Decade's Empirical Research Taught Us? a Survey. *Journal of Economic Surveys*, vol. 32, no. 2, pp. 335-356. doi:10.1111/joes.12198.

military dictatorship. A triumvirate of military personnel ruled the country until 1952 when it held fraudulent presidential elections that led Marcos Pérez Jiménez to the presidency⁶⁴. In 1953, Pérez instituted a constitution that granted him dictatorial powers, and following massive public demonstrations was deposed in a military coup, and replaced by a Provisional Government Junta.⁶⁵ Pérez fled to the United States, where he lived until 1963 when he was extradited to Venezuela, and convicted of embezzling during his presidential tenure⁶⁶.

Corruption is not an exclusive feature of dictatorships; it affects also democratic regimes. In 1993, as a result of the crisis produced by the impeachment of President Carlos Andrés Pérez for the misappropriation of a presidential discretionary fund, Congress appointed Ramón José Velásquez President of the Republic until the end of the term in 1994, after the President of the Senate Octavio Lepage Barreto had held the provisional presidency from May 21 to June 5, 1993. The Senate voted to strip Pérez of his immunity, but the president refused to resign and was forcibly removed by Congress—he was later sentenced to 28 months in prison⁶⁷.

The Venezuelan institutional crisis which lasted from 2019 to 2023 is a benchmark for the pitfalls of the presidential system in Latin American countries. Following the disputed results of the 2018 presidential election, the opposition-majority National Assembly⁶⁸ declared Nicolás Maduro a usurper of the presidency on the day of his second inauguration. A week later, the Supreme Tribunal of Justice, the highest court in Venezuela loyal to Maduro, declared that the presidency of the National Assembly was the “usurper” of authority and declared the body to be unconstitutional. The National Assembly declared its President Juan Guaidó to be the acting president and he swore himself under Art. 233 of the 1999 Constitution⁶⁹. Guaidó received support from the president of the Supreme Tribunal of Justice of Venezuela in exile, based in Panama. With Maduro that continued to control Venezuela’s state institutions and began to be increasingly perceived as a *de facto* dictator, the nation and the world divided in support of the contenders⁷⁰. The presidential crisis ended in January 2023, after the opposition parties voted to dissolve the Guaidó *interim* government and his presidential claim.

Political corruption is not the only cause of removal by the impeachment of leaders in Latin America. Fernando Lugo, a laicized Catholic bishop who was President of Paraguay from 2008 to 2012, was removed from office through an impeachment process motivated by insecurity, nepotism, and controversial land purchase, following a deadly clash between police and landless

⁶⁴ After a kidnapping that ended in the murder of President Delgado Chalbaud, the Military Junta renamed itself ‘Government Junta’, and installed Germán Suárez Flamerich (1950-1952) as puppet president manoeuvred by Pérez Jiménez.

⁶⁵ The junta was constituted by Adm. Wolfgang Larrazábal, Commanding General of the Navy, as president along with Cols. Luis Carlos Araque, Pedro José Quevedo, Roberto Casanova and Abel Romero Villate. Casanova and Villate were forced to resign and were later replaced on January 24 by Eugenio Mendoza and Blas Lambertí.

⁶⁶ Ewell, J. (1977). The Extradition of Marcos Perez Jimenez, 1959-63: Practical Precedent for Administrative Honesty?. *Journal of Latin American Studies*, vol. 9, no. 2, pp. 291-313.

⁶⁷ Kada, N. (2003). Impeachment as a punishment for corruption? The cases of Brazil and Venezuela. In: Baumgartner, J. C., & Kada, N. (eds.). *Checking executive power: presidential impeachment in comparative perspective*. Greenwood Publishing Group, Westport, CT.

⁶⁸ The Constitution of 1999 converted the formerly bicameral Congress into a new single-chamber National Assembly.

⁶⁹ The first paragraph of Art. 233 states that “when the president-elect is absolutely absent before taking office, a new election shall take place [...] And while the president is elected and takes office, the *interim* president shall be the president of the National Assembly”.

⁷⁰ U.S. Department of State, Bureau of Western Hemisphere Affairs. (2017-2021). *Venezuela: A Democratic Crisis*. <https://2017-2021.state.gov/a-democratic-crisis-in-venezuela/index.html>.

farmers. Lugo was defended as legal and constitutional by its supporters⁷¹. Neighboring countries deemed the removal through impeachment a coup d'état and announced that they would not recognize Vice President Federico Franco as the new head of the executive⁷². The incumbent president of Paraguay, Mario Abdo Benítez, elected in 2018, faced the possibility of an impeachment procedure in mid-2019 for having signed an agreement with Brazilian President Jair Bolsonaro on the Itaipu Dam, which was considered to be unfavorable for Paraguay⁷³.

South America has a long record of authoritarianism, but Uruguay experienced a different regime that led to the gradual usurpation of power from civilian presidents who continued to serve as head of state⁷⁴, and which distinguished it from dictatorships in other South American countries in which senior military officers immediately seized power and directly served as head of state. The civic-military dictatorship of Uruguay ruled the country for 12 years (1973-1985). Executive and legislative power was in the hands of *de facto* presidents ruling by decree as a non-democratically elected authority. The dictatorship interrupted the brief restoration of the one-person presidency under the new Constitution of 1967. After the short presidency of Óscar Diego Gestido, who died in office after 9 months in 1967, and Jorge Pacheco Areco (1967-1972), Juan María Bordaberry staged a self-coup in December 1973, before he turned his first year in office⁷⁵. Bordaberry dissolved Congress, suspended the Constitution, and ruled by decree with the assistance of a National Security Council (Spanish: *Consejo de Seguridad Nacional*). Indeed, under the previous constitutional text, which had been in force since 1952, the country was ruled by a similar body, the National Council of Government (Spanish: *Consejo Nacional de Gobierno*), which had previously existed as the National Council of Administration (Spanish: *Consejo Nacional de Administración*) between 1918 and 1933.

In Argentina, democratically elected governments were regularly interrupted by military coups during the 20th century: in 1930, 1943, 1955, 1962, 1966, and 1976⁷⁶. In the 53 years since the first coup in 1930, until the last dictatorship fell in 1983, the military ruled the country for 25 years, imposing 14 dictators under the title of “president”, thus detaining one of the longest strips of authoritarian regimes in Latin America. In February 1976, weeks before being overthrown by a U.S.-backed military coup in March, the Radical Civic Union (Spanish: *Unión Cívica Radical*, UCR) initiated impeachment proceedings against President Isabel Perón, who held the presidency for almost two years following her husband's Juan Perón death in office⁷⁷.

Honduras and Guatemala share many features with the above-mentioned South American regimes. We are non-talking about stories of dictatorships, but of presidents who were ousted

⁷¹ Merco Press. (2012). “Institutional coup” removes Paraguayan president Lugo from office. *MercoPress*. June 22, 2012. <https://en.mercopress.com/2012/06/22/institutional-coup-removes-paraguayan-president-lugo-from-office>.

⁷² AFP, EFE, Télam, AP. (2012). Argentina ‘no convalidará el golpe en Paraguay’ mientras que Brasil sugirió que quedaría fuera de la Unasur y el Mercosur [Argentina ‘will not support the coup in Paraguay’ and Brazil suggested that it would be left out of Unasur and Mercosur]. *La Nación* (in Spanish), June 23, 2012. <https://www.lanacion.com.ar/el-mundo/unasur-y-mercosur-tomaria-medidas-severas-ante-la-remocion-de-lugo-nid1484357/>.

⁷³ Carneri, S. (2019). Paraguay anula el acuerdo energético con Brasil que amenazaba con hacer caer el Gobierno. August 1, 2019 [Paraguay cancels the energy agreement with Brazil that threatened to bring down the government]. *El País* (in Spanish). https://elpais.com/internacional/2019/08/01/america/1564674648_241391.html.

⁷⁴ Juan María Bordaberry (1973-1976), Alberto Demicheli (1976-1976), Aparicio Méndez (1976-1981), Gregorio Álvarez (Uruguay, 1981-1985), and Rafael Addiego Bruno (served as acting president for 17 days in 1985 before Julio María Sanguinetti was sworn in as president-elect).

⁷⁵ Kaufman, E. (1979). *Uruguay in Transition: From Civilian to Military Rule*. Transaction Books, New Brunswick, NJ, p. 1.

⁷⁶ Centro Editor De América Latina (ed.). (1980). *Historia Integral Argentina*. Centro Editor De América Latina, Buenos Aires.

⁷⁷ Also the second presidential term of Juan Perón (1952-1955) was ended early by a military coup.

or were forced to resign under an impeachment attempt—for this reason, we have not covered countries like Mexico, Bolivia, Chile, or Colombia. In Central America, only Honduras and Guatemala have experienced impeachment and/or forced removal of the president by Congress.

In 2009, the National Congress of Honduras began to discuss impeaching President Manuel Zelaya, who received massive support through street demonstrations⁷⁸. The Supreme Court issued an order to detain Zelaya, who was subsequently captured by the military and taken into exile in Costa Rica “to avoid mob violence”, and Congress President Roberto Micheletti assumed the presidency. The United Nations, the Organization of American States, and the European Union condemned the removal of Zelaya as a military coup and did not recognize Micheletti as *de facto* provisional president. He was not acknowledged as *de jure* president by any government or international organization, which on the other hand called for the reinstatement of the ousted president. The Truth and Reconciliation Commission (*Comisión de la Verdad y la Reconciliación* or CVR) was created to clarify the events that occurred before and after the withdrawal of Zelaya. In its final report submitted in July 2011, the Commission found that it was illegal for Congress to oust Zelaya and appoint Micheletti as provisional president, and concluded that the removal of the former was a military coup d'état. Xiomara Castro, the wife of Zelaya, assumed the presidency of Nicaragua in 2022⁷⁹.

Some Guatemalan presidents were forced to resign by Congress: Jorge Serrano Elías and Gustavo Espina in 1993, after an attempted self-coup, and Otto Pérez Molina in 2015 for corruption—in December 2022 former President Molina was sentenced to 16 years in prison⁸⁰. With a political history marked by military leaders, Guatemala experienced many coups staged by army officers. The army is still influential after the junta era (1954-1957) when a CIA-orchestrated coup inaugurates four decades of military rule.⁸¹ The Institutional Democratic Party (Spanish: *Partido Institucional Democrático*, PID), a military-backed founded in 1963 by Enrique Peralta Azurdia after he had seized power in a coup, dominates national politics until 1982. The military rule Guatemala until 1986, when Óscar Humberto Mejía Víctores, who served as *de facto* president from 1954 to 1983 after taking power in a coup d'état, handed over power after democratic elections held under a new constitution.

CONCLUSIONS

Instability is a hallmark of Latin America, with presidents remaining in office for even a few days or hours. The region has a long string of coups and dictatorships, often led by the military, and several presidents accused, convicted, or arrested for embezzlement, fraud, corruption, money laundering, drug trafficking, gross human rights violations, and even murder. Latin

⁷⁸ Stein Barillas, E. (ed.). (2011). *Para que los hechos no se repitan: Informe de la Comisión de la Verdad y la Reconciliación, Tomo I, II*. Comisión de la Verdad y la Reconciliación (CVR), San José, July 2011 (in Spanish). <https://www.sedh.gob.hn/index.php/odh/publicaciones/informes-uscvr>.

⁷⁹ Presidencia de la República de Honduras. (2002). *Administración 2022-2026*. Presidencia de la República, Tegucigalpa (in Spanish). <https://www.presidencia.gob.hn>.

⁸⁰ The Editors of Encyclopaedia Britannica. (2022). Civil war years. <https://www.britannica.com/place/Guatemala/Civil-war-years>; Moving toward peace. <https://www.britannica.com/place/Guatemala/Moving-toward-peace>. *Encyclopedia Britannica*.

⁸¹ Isaacs, A., & Schwartz, R. A. (2020). Guatemala: The Military in Politics. In: Thompson, W. R., & Bou Nassif, H. (eds.). *Oxford Research Encyclopedia of Politics*. Oxford University Press, New York. <https://doi.org/10.1093/acrefore/9780190228637.013.1893>.

America also has a long record of political instability; civilian presidents freely elected after the era of military dictatorships have often suffered “institutional coups” through impeachment, a legislative power that is often used to overthrow rulers “proved to be inefficient”. Therefore, impeachment seems to be a remedy for getting rid of unsuitable leaders. The removal of elected presidents by lawmakers after an impeachment vote opens a political crisis and triggers the reaction of the supporters of the ousted chief executive, and leads to widespread and bloody protests, which can end up in bloodshed. Constitutional remedies and proper democratic political behavior can balance the weaknesses of the presidential system.

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INTRODUCCIÓN 5

NOTAS AL MARGEN 7

Dos cometas que se cruzan.....	9
Sobre la duda y la bondad.....	11
Madre, que dar pudiste.....	13
El espíritu de las guayaberas.....	15
Guterres, <i>auctoritas</i> y <i>potestas</i>	17
Amen sin tilde.....	20
La esposa de Lot.....	22
Cambio de agujas.....	25
Los estorninos.....	28
Dies irae.....	30
Digo diciembre y digo tristeza.....	33

ACADEMIA 35

Cinco razones para impulsar las relaciones Unión Europea - América Latina.....	37
<i>Ramón Jáuregui Atondo</i>	
Entrevista a Franz Welser-Möst.....	41
Ahora sí, "Nosotros los pueblos".....	44
<i>Federico Mayor Zaragoza</i>	
Entrevista a Enrique Moradiellos García.....	48
El impacto de la guerra de Rusia en Ucrania sobre las jóvenes democracias de Europa Oriental. El caso de la República de Moldavia.....	54
<i>Monica Luisa Macovei</i>	
Venezuela: la libertad que nunca llega.....	59
<i>Ramón Jáuregui Atondo</i>	

RED ALUMNI 61

España: país acompañante del nuevo proceso de paz en Colombia.....	63
<i>Vanessa Monterroza Baleta</i>	
El rol de Frontex en las fronteras terrestres europeas.....	67
<i>Pablo Alonso Rodriguez</i>	

371 INTRODUCTION

373 SIDE NOTES

375.....	Two Comets that Cross
377.....	On Doubt and Goodness
379.....	Mother, that You Were Able to Deliver
381.....	The Spirit of the Guayaberas
383.....	Guterres, <i>auctoritas</i> and <i>potestas</i>
386.....	Amen with No Accent Mark
388.....	Lot's Wife
391.....	Needle Change
394.....	Starlings
396.....	Dies irae
399.....	I Say December and I Say Sadness

401 ACADEMY

403.....	Five Reasons for Boosting European Union - Latin America Relations
	<i>Ramón Jáuregui Atondo</i>
407.....	Interviewing Franz Welser-Möst
410.....	Now Indeed, "We the peoples"
	<i>Federico Mayor Zaragoza</i>
414.....	Interviewing Enrique Moradiellos García
	The Impact of Russia's War on Ukraine on East Europe's Young Democracies.
419.....	The Case of the Moldova Republic
	<i>Monica Luisa Macovei</i>
423.....	Venezuela: The Freedom that Never Arrives
	<i>Ramón Jáuregui Atondo</i>

425 ALUMNI NETWORK

427.....	Spain: An Accompanying Country of the New Peace Process in Colombia
	<i>Vanessa Monterroza Baleta</i>
430.....	Frontex's Role at Europe's Land Borders
	<i>Pablo Alonso Rodriguez</i>

América Latina: los escollos del sistema presidencial estadounidense reflejado en las Repúblicas Bananeras.....	71
<i>Marco Marsili</i>	
Esta Europa pesa 2.048 kilómetros y unos cuantos etcéteras.....	88
<i>Jairo Marcos</i>	
III Cumbre UE-CELAC 2023: la reactivación de las relaciones.....	94
<i>Vanessa Monterroza Baleta</i>	

TRIBUNA ABIERTA 97

Carlos V y la ética en la ocupación de las Indias y en la integración indígena.....	99
<i>Sixto Sánchez-Lauro</i>	
¡La solidaridad no es suficiente! Obras sonoras de solidaridad.....	103
<i>Christopher North</i>	
Identidades expansivas en la migración: reflexiones sobre el programa psicoeducativo para migrantes <i>Mind-Spring</i>	106
<i>Elena Anastasaki</i>	
Los elementos unificadores del Magreb árabe.....	114
<i>M'hammad Benaboud</i>	
El Mediterráneo: identidades políticamente en juego.....	119
<i>Lamyae Chairi</i>	
La traducción como medio de integración de las creaciones literarias en el espacio mediterráneo.....	124
<i>Abdelhai Sadiq</i>	
La Cumbre de Barcelona como llamamiento a un enfoque transcultural del patrimonio cultural colonial en el norte de África.....	129
<i>Ludolf Pelizaeus</i>	
¿Han enterrado las revueltas árabes el Proceso de Barcelona?.....	135
<i>Mohamed Haddad</i>	
La imagen del Mediterráneo en el imaginario de los jóvenes escritores de la ribera sur.....	141
<i>Abdellatif Bousseta</i>	
Cómo relanzar la dinámica de los puentes culturales	150
<i>Mohieddine Hadhri</i>	
Diversidad de patrimonios, diversidad de culturas.....	154
<i>Jorge Chaminé</i>	

Latin America: The Pitfalls of U.S.-Mirrored Presidential System in Banana Republics.....	434
<i>Marco Marsili</i>	
This Europe Weighs 2,048 Kilometres and a Few Etceteras.....	450
<i>Jairo Marcos</i>	
3 rd EU-CELAC Summit 2023: The Reactivation of Relations.....	456
<i>Vanessa Monterroza Baleta</i>	

459..... **OPEN TRIBUNE**

Charles V and Ethics in the Occupation of the Indies and Indigenous Integration.....	461
<i>Sixto Sánchez-Lauro</i>	
Solidarity is not Enough! Soundworks of Solidarity.....	465
<i>Christopher North</i>	
Expansive Identities in Migration: Reflections on "Mind-Spring", a Psychoeducational Programme for Migrants.....	468
<i>Elena Anastasaki</i>	
The Unifying Elements of the Arab Maghrib.....	475
<i>M'hammad Benaboud</i>	
The Mediterranean: Politically at Stake Identities.....	480
<i>Lamyae Chairi</i>	
Translation as a Means of Integrating Literary Creations into the Mediterranean Space.....	485
<i>Abdelhai Sadiq</i>	
The Barcelona Summit as a Call for a Cross-Cultural Approach of the Colonial Cultural Heritage in North Africa.....	490
<i>Ludolf Pelizaeus</i>	
Have the Arab Uprisings Buried the Barcelona Process?.....	496
<i>Mohamed Haddad</i>	
The Image of the Mediterranean in the Works of Young Writers of the Southern Shore.....	501
<i>Abdellatif Bousseta</i>	
How to Re-Launch the Dynamic of the Cultural Bridges.....	510
<i>Mohieddine Hadhri</i>	
Diversity of Heritage, Diversity of Cultures.....	514
<i>Jorge Chaminé</i>	

ENTREVISTAS157

Mariano Jabonero Blanco159

Cástor Díaz Barrado165

Alfredo Rocafort Nicolau170

María Rodríguez Alcázar174

Jorge Iván Vélez Arocho179

Olivier Védrine182

Sagrario Morán Blanco187

Carlos Zamora López192

Pablo Hurtado Pardo195

ACTUALIDAD199

Los retos de la Unión Europea a escala europea e internacional201
Umberto Triulzi

One Health: economía, energía y medio ambiente205
María de los Ángeles Calvo Tomas
Esteban Leonardo Arosemena Angulo

Valores de la Unión Europea e invasión de Ucrania212
Daniel Berzosa López

Una diplomacia verdaderamente europea: aspiraciones frente al espejo216
Ignacio Sánchez Amor

Ucrania Año Cero: la Unión Europea ante un nuevo reto estratégico219
Alejandro Cercas Alonso

La democracia latinoamericana en la encrucijada226
Eva María Pérez López

Iberoamérica y la influencia de los actores globales230
Capitán de navío Ricardo Valdés Fernández

Un recorrido por las políticas de seguridad y defensa en Iberoamérica237
Eduardo Matres Manso

El mito de los valores compartidos entre la Unión Europea y América Latina y el Caribe243
Francisco Sánchez López

RECORDANDO A249

Entrevista a Alain Touraine251
Por Jesús Baigorri Jalón

517 **INTERVIEWS**

519 Mariano Jabonero Blanco

525 Cástor Díaz Barrado

530 Alfredo Rocafort Nicolau

534 María Rodríguez Alcázar

538 Jorge Iván Vélez Arocho

541 Olivier Védrine

546 Sagrario Morán Blanco

550 Carlos Zamora López

553 Pablo Hurtado Pardo

557 **CURRENT NEWS**

The European Union's Challenges at European and International Level
Umberto Triulzi

One Health: Economy, Energy and Environment562
María de los Ángeles Calvo Tomas
Esteban Leonardo Arosemena Angulo

Values of the European Union and the Invasion of Ukraine568
Daniel Berzosa López

A Truly European Diplomacy: Aspirations in the Mirror572
Ignacio Sánchez Amor

Ukraine Year Zero: The European Union Before a New Strategic Challenge574
Alejandro Cercas Alonso

Latin American Democracy at the Crossroads580
Eva María Pérez López

Ibero-America and the Influence of Global Actors583
Ship captain Ricardo Valdés Fernández

Going Over Security and Defence Policies in Latin America589
Eduardo Matres Manso

The Myth of Shared Values Between the European Union and Latin America and the Caribbean595
Francisco Sánchez López

601 **REMEMBERING**

603 Interviewing Alain Touraine
By Jesús Baigorri Jalón

REFLEXIONES**CAMPUS YUSTE**.....257

La relación de los jóvenes con la Unión Europea y su influencia en la percepción que de ella se tiene fuera de sus fronteras.....259

Clara Orantos González

Cómo combatir los desafíos generados por la globalización económica en los procesos de integración de la Unión Europea y América Latina.....265

Javier Matamoros Becerra

Accesibilidad universal: de todo para todos.....271

María Álvarez Couto

El Derecho Constitucional como herramienta de promoción. Una aproximación desde la perspectiva de la juventud europea.....276

Miguel Domínguez García

Impresión 18.....281

Tomás Mena García

América Latina, la Unión Europea y la importancia de cooperar para hacer frente a los retos comunes.....283

Antonio Luis Moreno Sánchez

Confesión.....288

Carlos Amado Román

Ecofeminismo para la construcción de un mundo en paz.....292

Beatriz García Corredera

Lejos del mundanal ruido.....296

Lucía Tena Morillo

Testimonio.....300

Santiago Ardisson

El legado de Saramago. Una mecha encendida para el pensamiento crítico.....306

Ana Dias Viegas

La imprenta en el Nuevo Mundo.....309

Francisco Miguel Monago Gallardo

Entre la globalización y la desglobalización económica: ideas para el debate.....313

Miguel Ángel Sevilla Duro

Memorial de un monasterio: Saramago en Yuste.....319

Cristiana Oliveira y Conceição Ribeiro

CAMPUS YUSTE**REFLECTIONS**

609.....

The Relationship of Young People with the European Union and Its Influence on the Perception of It

611.....Outside Its Borders

Clara Orantos González

How to Combat the Challenges Caused by Economic Globalisation in the Integration Processes of the

617.....European Union and Latin America

Javier Matamoros Becerra

Universal Accessibility: Everything

622.....for Everyone

María Álvarez Couto

Constitutional Law as a Tool for Promotion. An Approach from the Perspective of European

626.....Youth

Miguel Domínguez García

631.....18th Impression

Tomás Mena García

Latin America, the European Union and the Importance of Cooperating in

633.....Order to Meet Common Challenges

Antonio Luis Moreno Sánchez

638.....Confession

Carlos Amado Román

Ecofeminism for the Construction of

642.....a Peaceful World

Beatriz García Corredera

646.....Away from Worldly Noise

Lucía Tena Morillo

649.....Testimony

Santiago Ardisson

Saramago's Legacy. A Lit Fuse for

654.....Critical Thinking

Ana Dias Viegas

657.....The Printing Press in the New World

Francisco Miguel Monago Gallardo

Between Globalisation and Economic Deglobalisation:

661.....Ideas for Debate

Miguel Ángel Sevilla Duro

Memorial of a Monastery: Saramago

667.....in Yuste

Cristiana Oliveira and Conceição Ribeiro

Entre dos aguas: patrimonio y progreso en Extremadura dentro del marco europeo. Reflejo de la dicotomía mundial actual323
Estrella Píriz Rico

¿Por qué Latinoamérica no logra salir del círculo vicioso de la corrupción y la pobreza?330
Elena Álvarez Braseró

Autonomía estratégica: soberanía europea como respuesta a un mundo en crisis335
Jacob Clavel Sánchez

La protección de los valores comunes en la Unión Europea342
Ricardo Moreno Palomero

Los derechos fundamentales y las libertades públicas como motor de cambio. El papel del derecho como impulsor de la transformación social347
Joan Briones Jiménez

Algunos apuntes sobre el sincretismo352
Ismael García Cáceres

El mecanismo intergubernamental idóneo para dialogar con América Latina y el Caribe357
Juan Manuel Quinche Roa

Dialogando con el olvido362
Carmen Gallego Ávila

On the Fence: Heritage and Progress in Extremadura Within the European Framework. A Reflection of the Current World Dichotomy671
Estrella Píriz Rico

Why Can't Latin America Get out of the Vicious Circle of Corruption and Poverty?677
Elena Álvarez Braseró

Strategic Autonomy: European Sovereignty as a Response to a World in Crisis682
Jacob Clavel Sánchez

The Protection of Common Values in the European Union689
Ricardo Moreno Palomero

Fundamental Rights and Public Freedoms as an Engine for Change. The Role of Law as a Driver of Social Transformation694
Joan Briones Jiménez

Some Notes on Syncretism698
Ismael García Cáceres

The Ideal Intergovernmental Mechanism for Dialogue with Latin America and the Caribbean703
Juan Manuel Quinche Roa

Talking to Oblivion708
Carmen Gallego Ávila



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