

University of Mississippi

eGrove

---

Honors Theses

Honors College (Sally McDonnell Barksdale  
Honors College)

---

2008

## The Use of Presidential Decrees in New Democracies: A Study of Argentina and Chile

Lindsey Michelle Stringer

Follow this and additional works at: [https://egrove.olemiss.edu/hon\\_thesis](https://egrove.olemiss.edu/hon_thesis)

---

### Recommended Citation

Stringer, Lindsey Michelle, "The Use of Presidential Decrees in New Democracies: A Study of Argentina and Chile" (2008). *Honors Theses*. 2430.

[https://egrove.olemiss.edu/hon\\_thesis/2430](https://egrove.olemiss.edu/hon_thesis/2430)

This Undergraduate Thesis is brought to you for free and open access by the Honors College (Sally McDonnell Barksdale Honors College) at eGrove. It has been accepted for inclusion in Honors Theses by an authorized administrator of eGrove. For more information, please contact [egrove@olemiss.edu](mailto:egrove@olemiss.edu).

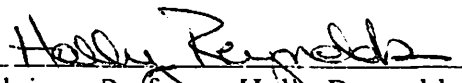
THE USE OF PRESIDENTIAL DECREES IN NEW DEMOCRACIES: A STUDY OF  
ARGENTINA AND CHILE

by  
Lindsey Stringer

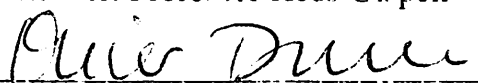
A thesis presented in partial fulfillment of the requirements for completion  
of the Bachelor of Arts degree in International Studies  
Croft Institute for International Studies  
(Sally McDonnell Barksdale Honors College)  
University of Mississippi

University, Mississippi  
May 2008

Approved by

  
\_\_\_\_\_  
Advisor: Professor Holly Reynolds

  
\_\_\_\_\_  
Reader: Professor Kees Gispen

  
\_\_\_\_\_  
Reader: Professor Oliver Dinius

## ABSTRACT

LINDSEY STRINGER: *The Use of Presidential Decrees in New Democracies: A Study of Argentina and Chile*  
(Under the direction of Dr. Holly Reynolds)

The presidents of both Argentina and Chile have the power to issue decrees under various circumstances. However, these powers have been used more extensively in Argentina. In this thesis I answer the questions of how presidential decree powers have been used in Argentina and Chile and how these uses have affected democracy. In Chapter 1, I define decree powers and describe the powers held by presidents in Argentina and Chile since the more recent transitions to democracy. In Chapters 2 and 3, I analyze how these powers have been used in first Argentina, then Chile. Finally, in Chapter 4, I suggest how this aspect of the president's power has or has not affected the democracy by looking at executive-legislative relations and public opinion towards democracy and the major political institutions of the state. I conclude that the use of presidential decree powers has not had a negative effect on democracy in Argentina and Chile.

## TABLE OF CONTENTS

CHAPTER 1: A Study of Argentina and Chile.....	1
CHAPTER 2: The Use of Decrees in Argentina.....	11
CHAPTER 3: The Use of Decrees in Chile.....	21
CHAPTER 4: Effects on Democracy.....	27
APPENDIX.....	32
WORKS CITED.....	38

## **Chapter 1: A Study of Argentina and Chile**

### **Introduction**

In January of 2007, Michelle Bachelet, the president of Chile, signed a decree that legalized emergency contraception, also known as the morning-after pill, to girls as young as 14 without their parents' consent, despite opposition from the Roman Catholic Church and conservative political parties. Earlier that month the Constitutional Court had ruled that her administration's Health Minister did not have the authority to legalize the drug for minors after a group of legislators petitioned the court about the issue. These petitioners included members of the Partido Demócrata Cristiano, or Christian Democratic Party, who make up part of the majority coalition (Emergency pill for Chilean girls 2007). President Bachelet used her decree power as a means to pass legislation without the intervention of the legislature. This conflict is a prime example of how presidents may use decree powers to push their agenda.

Both Chile and Argentina experienced a transition to democracy in the 1980s after a period of authoritarian rule, and have been in the phase of democratic consolidation ever since. These countries have experienced conflict between the executive and legislative branches over public policy. The presidents of Argentina and Chile have significant decree powers. However, these powers have been used more often in Argentina. In my thesis, I will address this issue with the following questions: What presidential decree powers are held in Argentina and Chile? How and why have decree

powers been used? How has the use of presidential decree powers affected the functioning of those democracies?

I have found that the presidents in both countries exercise strong powers, which I believe influence the functioning and perception of democracy. I will divide my thesis into three parts. I will a) describe the decree powers held by presidents in Argentina and Chile since the more recent transitions to democracy; b) analyze how these powers have been used, and c) suggest how this aspect of the president's power has or has not affected the democracy by looking at executive-legislative relations and public opinion towards democracy and the major political institutions of the state. Ultimately, I will conclude with some ideas about how the strength of the presidency has affected the functioning of democracy in Argentina and Chile.

In order to suggest how presidential decree powers have or have not affected democracy, I first need to provide the definition of democracy that I will be using. To qualify as a democracy, a government must have free and fair elections to choose who will govern. The chosen representatives need to be accountable to their constituents so that they have to justify their actions in order to remain in office. Additionally, there must be nearly universal adult suffrage to elect the representatives so that no significant part of the population is excluded from the voting process. Finally, there must be assurance of basic civil rights, such as freedom of speech, freedom of assembly, and freedom of religion (Shugart 1997, 14; Smith 2005, 7).

Democracies can either be presidential, parliamentary, or a mix of both, often called semipresidential. In the case of Chile and Argentina, the government is a presidential democracy. This system means that the chief executive, or president, is

popularly elected and the terms of office for the president and legislature are fixed (Shugart 1997, 14). Of course, presidential systems vary among countries by the constitutional powers given to the president (Mainwaring 1997, 1). Since the most recent transitions to democracy in Latin America, there has been much debate over whether strong presidents are detrimental or beneficial to democracy. For example, some political scientists have argued that presidents may abuse their powers and circumvent the legislature altogether, thus moving towards authoritarianism. On the other hand, it has been argued that stronger presidential powers may be used to pass necessary legislation in the case of legislative gridlock in a time of emergency or to address the many problems facing these democracies.

In order to form an opinion on this debate, it is necessary to determine how to measure presidential power. In a presidential democracy, the president has both constitutional and partisan powers. Constitutional powers are those that allow the president to shape policies regardless of whether he or she is a member of the ruling party in the legislature, such as the power to veto bills or issue decrees. Partisan powers give the president the ability to influence the lawmaking process through the party system such as when his or her party controls the legislature and is a cohesive majority power (Shugart 1997, 13). Presidential powers can also be divided into proactive and reactive powers. Proactive powers allow the president to change the status quo of his public policies, such as with decrees. Reactive powers protect the status quo from attempts by the legislative majority to change it, such as with a veto (Shugart 1997, 41). Proactive powers are especially valuable when the president also has some reactive powers in the same policy areas. For example, with a veto power, the president can prevent the

legislature from overturning an issued decree. Proactive powers are also useful to the president, even without reactive powers, when the legislature is divided or lacks information or time because he or she can make sure the desired legislation gets passed (Carey and Shugart 1998, 8-9).

In my thesis, I will focus on constitutional and proactive powers in the form of the decree power. These powers can be measured by determining what powers are provided in the constitution and to what degree they have been used by presidents in each country. Decrees are defined as “laws which the president can initiate and which maintain the force of law unless specifically rescinded (vetoed) by congress” (Shugart 1992, 143). These powers give the president the ability to pass a law before any other branch has a chance to respond to it (Shugart 1997, 46). The decree power can either be provided in the constitution or can be delegated to the president by congress (Shugart 1992, 140). Constitutional Decree Authority (CDA) is explicit in the constitution and Delegated Decree Authority (DDA) is delegated by the legislature (Carey and Shugart 1998, 13-14). Typically, the greater influence of the executive over constitutional design, the stronger the CDA will be (Carey and Shugart 1998, 19).

According to Mark P. Jones in Presidentialism and Democracy in Latin America, there are four types of decrees: regulatory, autonomous, delegated, and decrees of urgent necessity. Regulatory decrees are used by the president to alter laws presented by the legislature; autonomous decrees create new laws without the input of the legislature. Regulatory and autonomous decrees are forms of CDA and are common in almost all presidential systems. Delegated decrees and decrees of urgent necessity are types of DDA and are limited to a period of time determined by the legislature. With delegated



decrees, congress gives the president the power to issue decrees in an area that they define. Decrees of urgent necessity are used in times of national emergency and give the president the ability to issue decrees in any area (Jones 1997, 285-286). However, the president's ability to issue decrees may sometimes be limited by the legislature's ability to set the budget, which affects how much money can be used for the decree, specifications of what topics they may pass decrees about, or congressional vetoes (Shugart 1992, 141). From this point forward I will refer to decrees of urgent necessity as Need and Urgency Decrees or NUDs, as this term is more commonly used by scholars of decrees in Argentina.

In relation to Chile and Argentina specifically, the two countries differ in terms of presidential decree power because while the Chilean president has stronger powers, the powers have been used more in Argentina. Prior to 1994, the Constitution in Argentina only gave the president the power of regulatory and autonomous decrees. However, delegated decrees and NUDs were commonly-used de facto powers despite the Constitution not giving the president these powers (Jones 1997, 285-286). For example, between July 1989 and August 1994, President Carlos Menem issued 336 decrees of urgent necessity (Ferreira Rubio 1998, 33). The Constitution created in 1994 during President Menem's term granted NUDs under more specific conditions and restricted the use of decree authority, which I will discuss further in the next section. While the de jure powers increased, the president was constitutionally limited in what he or she could do with those powers (Jones 1997, 293).

Chile's Constitution of 1980, which was created during Pinochet's dictatorship, gives the president extreme power when compared to the rest of Latin America. For

example, he or she can declare executive urgencies during which the legislature has a short amount of time to respond to proposals and must put all other projects aside. There are three stages of executive urgency: *simple urgencia*, *suma urgencia*, or *discussión inmediata*, with a consideration period of 30, 10, or 3 days respectively (Siavelis 1997, 325-326). The Constitution also provides the president with the ability to control the creation of the budget, and the Congress can only reduce or approve the expenditures it calls for (Siavelis 1997, 328). Finally, once a decree is delegated in Chile, it can not “be prematurely retracted unless either the president capitulates, or congress overrides the presidential veto by a two-thirds vote or each chamber” (Shugart 1992, 145).

The stronger decree powers in Chile have not meant that more conflict has occurred there than in Argentina though. For example, during the 1990s, the presidents of Chile made an effort to work with the ruling coalition known as the Concertación and did not use decrees to legislate, which would cause resistance from the oppositionist Right. The presidents in Argentina, on the other hand, issued a large number of decrees without successful legislative vetoing. For example, 69% of decrees under President Raúl Alfonsín from 1983 to 1989 and 60% under President Menem from 1989 to 1999 were made law (Smith 2005, 173). Menem also passed significant neoliberal reforms without Congress and was able to pack the Supreme Court, which approved his decrees (Smith 2005, 164). While some NUDs passed by Menem covered important topics such as taxes and private contracts, others involved trivial issues such as television coverage of soccer games and paving roads (Ferreira Rubio 1998, 33, 50). Overall, while presidents in Chile have more constitutional decree powers, presidents in Argentina have used them more to their advantage.

In conclusion, I will attempt to determine how presidential decree powers are used in Argentina and Chile and how the use of presidential decree powers has affected the functioning of those democracies. I hypothesize that presidential decree powers in Argentina and Chile do not negatively affect the perception of democracy and do not pose a threat to the institution of democracy. I will divide the thesis into three sections. First, I will describe the decree powers of the president in each country. Next, I will research how the decree powers have actually been used by the post-authoritarian presidents, and why they have opted to use these powers. Finally, I will analyze how the use of this power has affected the democracy in each country.

### **Decree Powers Held in Argentina and Chile**

Chile's strong presidential powers are largely due to a government based on the Constitution of 1980 created by General Pinochet, which was amended slightly during the transition to democracy in 1989 and several times since then. In Article 32 of the 1980 Constitution, the president was given the power to issue decrees when delegated by Congress and those that "he may deem appropriate for the enforcement of the law" such as states of exception (Art. 32, secs. 3, 8). A state of exception is either a state of assembly, siege, emergency, or catastrophe and covers "a foreign war, an internal war or internal commotion, an internal disturbance, and an emergency or public calamity" (Library of Congress 1994). In the 1980 Constitution the president was allowed to declare a state of emergency, with the approval of the National Security Council, in the case of "serious disturbance of public order, harm or danger to national security" (Art. 40, sec 3). During a state of emergency he could limit the freedoms of information, opinion, and

movement and ban certain people from entering or leaving the country (Art. 41, sec 4). The amendment to the Constitution in 1989 limited some of the president's power during a state of emergency by only allowing him to restrict the freedom of movement and assembly. The amendment also said that if a person was expelled from the country or banned from entering during a state of exception, these actions would end after the state of exception was terminated, while the original Constitution maintained these actions. Despite the limitations to the president's ability to declare states of exception, the regulations for other decrees remain unchanged (Valenzuela 1994).

The powers granted to the president by the Constitution mean that he or she has the ability to issue delegated and urgent necessity decrees<sup>1</sup> (NUDs). When the president issues an NUD he or she can declare it to be of *simple urgencia*, *suma urgencia*, or *discussion inmediata*, which gives the legislature a period of 30, 10, or 3 days respectively to consider the decree. The legislature must also put aside all other proposals until the NUD has been considered. This delay means that legislative initiatives are second in importance to presidential initiatives and may not receive the necessary attention to be enacted. Finally, if the legislature fails to modify the president's proposal within the given time period, it automatically becomes law (Siavelis 1997, 325-326). According to Article 62 of the Constitution, the president also holds the exclusive right to create the country's budget, while Congress only has the ability to reduce or approve the expenditures without redistributing them within a period of sixty days. This

---

<sup>1</sup> While Peter M. Siavelis (1997) refers to these NUDs as "initiatives," I have chosen to categorize them as NUDs because the president can issue them without receiving any delegated power from the Congress and in an urgent manner

power allows the president to provide the funding for his or her policy initiatives and prevent legislative policies from having the necessary funding (Siavelis 1997, 328). Also in the Constitution, Congress may not delegate powers to the president that affect the framework or powers of the government branches, however, and can place restrictions on the delegated powers, such as a time period or issues to be covered (Art. 61). Overall, the president of Chile holds strong powers as a remnant of the dictatorial past.

Prior to the constitutional reform of 1994, the Argentine Constitution had been last modified in 1957 and was a revision of the original Constitution of 1853. The Constitution that was in place from the transition to democracy in 1983 to 1994 gave the president the power of regulatory and autonomous decrees. However, delegated decrees and NUDs were commonly-used de facto powers. For example, in 1989 Congress passed the Administrative Emergency Act and Economic Emergency Act, “operating under the provisions of the Constitution dealing with emergency situations”, which allowed President Menem to issue decrees in specific areas regarding the economy. Menem also issued 336 NUDs prior to 1994, despite this power not existing in the Constitution because the Congress and Supreme Court were willing to ignore this abuse of power (Jones 1997, 285-286). In 1994, Menem wanted to be reelected as president, but the Constitution prohibited reelection. In order to obtain the support of Congress for constitutional reform, Menem collaborated with UCR leader Raul Alfonsín and agreed to curtail some of his powers in exchange for the chance to be reelected in what was known as the Pact of Olivos. The reforms allowed for reelection, reduced the presidential term from six years to four years, and granted the power to issue NUDs with established guidelines (Jones 1997, 290-293). While it may appear that the presidential powers

increased, the 1994 constitutional reform developed regulations for a decree power that was already in use. Section 3 of Article 99 of the reformed Constitution says that the president may not issue decrees of legislative nature, as defined by the specific legislative powers given to Congress by the Constitution, and may only issue NUDs under exceptional circumstances when it is impossible to enact the law through the normal channels. Furthermore, the decrees may not involve criminal issues, taxes, and matters involving elections or political parties. Therefore, presidential powers in Argentina under the 1994 Constitution are better defined and regulated. In conclusion, the president of Chile holds more decree powers than the president of Argentina, but as I will show in the following chapters, this difference has not meant that more decrees have been used in Chile.

## **Chapter 2: The Use of Decrees in Argentina**

In order to determine how presidential decrees affect a democracy, it is important to examine how decrees have been used by presidents and under what circumstances the presidents chose to issue the decrees. Unfortunately, I am not able to access the primary sources of the public record of legislative and executive actions produced by the Argentine government that I could obtain only in Argentina. Therefore, I am limited to sources that discuss these decrees, such as scholarly publications and newspaper articles. Carlos Menem issued significantly more decrees than other Argentine presidents, and for this reason his two terms have been analyzed to a greater extent by scholars. As a result, my data set of Argentine decrees is the most complete from 1989 to 1994, the first half of Menem's presidency because it was extensively studied by Delia Ferreira Rubio and Matteo Goretti (1998). Ferreira Rubio and Goretti divide the decrees issued by President Menem from 1989 to 1994 into sixteen categories, as seen in the chart A-1. Three of the categories are for the "mega"-NUDs, one is an "other" category, and the rest deal with specific policies such as taxation, trade, and public agencies. The category with the most decrees issued is taxation, which was also addressed in the mega-NUDs (Ferreira Rubio and Goretti 1998, 43-45). Unfortunately, these categories only cover President Menem's first term in office.

Despite the limitation of sources, I have done my best to compile information on the three categories using the secondary sources that are available to me. For example, I was able to obtain information on specific decrees through the websites of Argentine

newspapers Clarín and La Nación or American periodicals such as *The New York Times* or *Time Magazine*. I also used secondary sources to form background knowledge about the political climate at the time a decree was issued. For example, I used a 1987 journal article by Daniel Heymann to get a sense of the economic crisis that was occurring during Raul Alfonsín's presidential term that caused him to pass economic decrees.

Ferreira Rubio and Goretti divide the decrees into sixteen categories, but I decided to group the topics that presidential decrees have covered into three major categories: economic or financial policies, regulations for public and private enterprises, and emergency relief. In addition, there is an "other" category composed of decrees addressing minor issues. I believe that these four categories better exemplify the reasons that decrees were used in Argentina instead of simply showing what the decrees addressed, as with the sixteen categories. Therefore, despite the obstacle I face by not having access to primary sources in Argentina, I have been able to analyze the three presidential decree categories in order to conclude on how these decrees have been used. By taking a closer look at each category, I will attempt to determine why the decrees were used.

### **Economic and Financial Policies**

The first category, economic or financial policies, is composed of decrees dealing with taxes, salaries, and currency as a way for the president to shape the economy of the country. According to Ferreira Rubio and Goretti (1998), during President Raúl Alfonsín's term, which lasted from December of 1983 to July of 1989, he only issued approximately ten Need and Urgency Decrees (NUDs). The majority of these NUDs



belonged to this first category of economic and financial policies. For example, NUD 1096/85<sup>2</sup>, also known as Plan Austral, established a new currency known as the austral (Ferreira Rubio and Goretti 1998, 42). The new currency was needed because the Argentine peso had been significantly devalued due to hyperinflation. The plan also froze prices and wages and the central bank stopped granting credits to the Treasury (Heymann 1987). NUD 2192/86 repealed a series of laws that had set salaries for employees within the public administration in an effort to combat the public deficit that had grown since the early 1980s. Finally, NUD 2196/86 declared an emergency within the pension system and deferred judicial claims against the state involving pensions (Ferreira Rubio and Goretti 1998, 43). Prior to the passage of this decree, the pension system had been subjected to a financial crisis in which the resources available were not enough to cover the expenditures. A sharp decrease in benefits resulted in lawsuits against the state, and the government declared a pension emergency (Arza 2005, 4).

President Carlos Menem issued a significant number of decrees, especially when compared to President Alfonsín. From July of 1989 to August of 1994, Menem used 336 NUDs, 140 of which covered economic and financial policies (Ferreira Rubio and Goretti 1998, 45). For example, in separate instances NUDs 2596/90, 501/91, 707/91, 171/92, 879/92, 180/93, and 2501/93 each modified the Value Added Tax; 779/91 and 1684/93 modified the Income Tax Act; and 2198/91 modified the Fuel Taxation Act (Ferreira Rubio and Goretti, 1998 48-49). Menem also created taxes on financial assets in NUD

---

<sup>2</sup> The first number in an NUD represents decree number in a certain year and the second number represents the year it was issued.

560/89, a tax on the exhibition of films through video and television in 2736/91, and taxes on fuel in 2733/90 (Ferreira Rubio and Goretti 1998, 48).

Presidents following Menem continued to issue financial and economic decrees, although to a lesser extent. For example, President Fernando de la Rúa (1999-2001) set a limit for withdrawal from bank accounts that accredited salaries and pensions (Diputados 2001). In June of 2006, Nestór Kirchner (2003-2007) issued a decree that eliminated the salary limit for civil servants of public administration, including the president, vice-president, and ministers, which had been created in a decree by Adolfo Rodríguez Saá in 2001, who served as interim president for only nine days after De la Rúa resigned due to the economic crisis (Aumento 2006). Overall, the economic and financial policy category encompasses many of the important decrees that have been issued since Argentina's transition to democracy in 1983.

One of the reasons for the use of decrees in this policy area is that Congress was in recess. Menem used this explanation for NUD 2196/86 to declare the pension system emergency, for example (Ferreira Rubio and Goretti 1998, 43). However, this reasoning does not explain why decrees were issued when Congress was in session or why the president did not wait until Congress was in session during periods of recess. According to Delia Ferreira Rubio and Matteo Goretti (1998), Congress was in session almost constantly during Menem's first term in office, and 38% of the 336 NUDs he created were issued while Congress was in ordinary legislative session, and most of the remaining 62% were issued when Congress was in an extraordinary session.

Furthermore, the president has the power to call an extraordinary session whenever he

believes it is necessary (Ferreira Rubio and Goretti 1998, 51). Therefore, Congress being in recess is not an adequate reason for why presidents issue decrees.

The real reason that the majority of decrees involving economic and financial policy were issued was because of economic crisis. Economic crisis was especially prominent during the presidencies of Alfonsín and Menem who experienced extreme inflation, and with the exception of Nestór Kirchner, the other presidents also had to contend with an unstable economy. For example, inflation in 1984 was at 700 percent, compared to 90 percent in 1980. In 1983, the public sector deficit was more than 15 percent of the GDP (Heymann 1987, 284). In 2001, Argentina defaulted on \$132 billion of international debt and was thrown into an extreme economic and political crisis (Krauss 2001). During these periods, the presidents felt that in order for the economic reforms to be successful, it was necessary to pass the changes without any previous announcement. For example, when Alfonsín issued Plan Austral, it was important that the price freezes be unannounced because otherwise there might have been a sharp increase in prices in reaction to the upcoming changes. De la Rúa's establishment of a limit for bank withdrawals would also have been unsuccessful without immediate passage because preemptive rush to the banks due to the knowledge of the forthcoming limit would have worsened the economic crisis. This need for quick and secretive enactment is the reason that the majority of economic and financial decrees were issued, instead of creating the policies through Congress.

### **Public and Private Enterprises**

The second category is composed of regulations for public and private enterprises. This category is related to the first category because the regulations were created in response to the government's beliefs as to how the economic market should be legislated. For example, in Mega-NUD 435/90 President Menem put payments to public contractors on hold, "regulated industrial promotion, and provided for the management of public corporations" (Ferreira Rubio and Goretti 1998, 47). In Mega-NUD 2284/91, he repealed rules that impeded free supply and demand or altered market prices and closed ten regulatory and audit agencies (Ferreira Rubio and Goretti 1998, 47-48). In May of 2003, Eduardo Duhalde passed a decree that created a new airline company that would be under state control for six months (Duhalde firmó el decreto 2003). These decrees demonstrate how the presidents viewed public and private businesses in relation to Argentina's economy.

Instead of issuing a decree because of the need for speed and secrecy as in the first category, a president most likely uses a decree to create or change policies involving public and private enterprises because of convenience. In this case, a president may feel that laws promoting his agenda will not be able to pass in Congress. The composition of Congress and the representatives' attitude towards the president are essential to the passage of the president's agenda. During Alfonsín's presidency, his party, the Unión Cívica Radical (UCR), had an absolute majority of the seats in the Chamber of Deputies from 1983 to 1987, but was a minority in the Senate from 1983 to 1989 and the Chamber of Deputies from 1987 to 1989, as seen in the table A-2, with the president's party highlighted (Mustapic 2002, 26). President Menem's Partido Justicialista (PJ) had an absolute majority in the Senate during both presidential terms and from 1995 to 1997 in

the Chamber of Deputies, and a simple majority in the Chamber of Deputies during the rest of his presidency (Llanos 2001, 80). President Kirchner, on the other hand, benefited from the UCR's decline in popularity after President de la Rúa, which allowed Kirchner supporters in the PJ to gain a majority in Congress (Levitsky and Murillo 2003, 156).

A majority in Congress does not guarantee that a president will be able to easily enact his policies though, especially if the majority is not absolute. Support for the president within his party and parties in opposition to his and the amount of party discipline also influence how the executive and legislative branches cooperate or not. For example, during times of crisis Congress might be more likely to support the president's policies in an effort to stabilize the country. President Menem lacked an absolute majority during the beginning of his first term, but due to the pending economic crisis, Congress delegated powers to him through the Administrative Emergency Act and Economic Emergency Act (Mustapic 2002, 40). These bills allowed Menem to issue decrees involving public contracts and taxes and gave him the ability to extend the term of the bills once they expired (Ferreira Rubio and Goretti 1998, 39-40). According to Mariana Llanos (2001), the PJ's support for Menem continued through the rest of his first term largely because of the success of the economic policies he implemented. During the beginning of his second term, the PJ had an absolute majority in both chambers of Congress, but Menem still dealt with conflict with the legislative branch due to factions within the party created by the presidential bidding for the election of 1995 (Llanos 2001, 91-92). This division meant that President Menem would be more successful in implementing his policies through the use of decrees and helps explain why he issued so many.

## **Emergency Relief**

The third category of decrees issued in Argentina covers emergency relief. The emergencies can be at a national level such as with political uproar or at a more local level such as with natural disasters. For instance, decree 1675/01 passed by President de la Rúa allotted 7 million pesos for the distribution of 700,000 packages of food through local governments and non-governmental organizations. This decree aimed at alleviating the food shortages caused by a failing economy (El Gobierno destinará 7 millones de pesos 2001). Another example of emergency relief is NUD 1678/01 by de la Rúa, which created a state of siege for 30 days. The state of siege was issued in response to political uproar caused by citizens calling for de la Rúa's resignation and an end to the economic crisis. According to Article 23 of the Constitution, under a state of siege the president is allowed to order the arrest of any person, and the rights to assemble and strike are restricted. In addition, the government can terminate the license of radio stations that transmit messages that promote chaos (El estado de sitio regirá por 30 días 2001). A state of siege was first declared by Alfonsín in 1985 after accusing six military officers and six civilians of attempting to overthrow the government (Smolowe 1985) and also by Menem in 1990 after an attempted military rebellion (El estado de sitio regirá por 30 días 2001).

In the case of emergency relief, whether national or local, time is the most important factor that causes a president to issue a decree. If a natural disaster occurs in a certain region, Congress may not be able to respond fast enough to send the needed aid or may delay action to make the president look bad in a time of crisis. For instance, if

flooding occurred in a certain region of the country and nothing was done to help the situation, the victims would blame the president for his inaction, benefiting parties in opposition to him. As for a political emergency, according to Section 16 of Article 99 of the Constitution, a president can only declare a state of siege when Congress is in recess. Therefore, the president has no choice but to call Congress to a special session or issue a decree for immediate action if a political crisis occurs during a period of Congressional recess. If the crisis threatens the president's position in office or involves members of Congress, he will be more likely to use a decree for rapid action.

### **Minor decrees**

There is an "other" category composed of decrees addressing minor issues. Because these decrees do not seem to be of great importance, many presidents, especially Menem, have been criticized for their use of decrees in this category. For example, NUD 1809/91 by Menem was created to give asphalt to the Bolivian government for use in paving an airport runway and a road between three nearby towns. The reason given for this decree was an upcoming visit by the Bolivian president. Another example is NUD 1563/93, which "established that there would be no exclusive transmission rights for soccer games in which the national team played." The supposed emergency in this situation was that the 1994 World Cup had already started the preliminary matches and viewers should not be denied the ability to watch the national team play. One month later, NUD 1747/93 repealed this decree (Ferreira Rubio and Goretti 1998, 50). The "other" category also includes minor appointments to administrative positions. President Kirchner used decree 74/03 to designate Daniel Omar Cameron as Secretary of Energy of

the Ministry of Public Planning and Investment and decree 75/03 to name Norberto Quantín Secretary of Interior Security (El Presidente designó a nuevos funcionarios 2003). Decree 1913/04 made Alberto Abad Federal Administrator of Public Income for four years (Ratifican a Abad por decreto 2004). As with the second category, “other” decrees are issued because a president wishes to avoid Congress for convenience, not because of an emergency or the need for secrecy. In these instances, it is easier for a president to enact his policies through decree than obtain a majority to support him in Congress. In conclusion, by examining the four different types of decrees issued in Argentina since 1983, it can be determined that decrees are used for three reasons: 1) the need for secrecy for a policy to be successful, 2) the need for rapid action in the case of an emergency, and 3) because the president feels the law will not pass in Congress. In the majority of these cases, the president uses a decree out of necessity, and not out of mere disregard for the powers of Congress.



### **Chapter 3: The Use of Decrees in Chile**

Because fewer decrees have been enacted in Chile since its transition to democracy than in Argentina, there is significantly less information on their use that is available outside of Chile itself. If I were able to research in Chile, I would have access to the public records about presidential and legislative initiatives. However, as with the previous chapter, I am restricted to newspaper articles that discuss the passing of individual decrees at the time of their implementation. Of the decrees that I have researched, there are four categories that they address: government spending, basic administration, memorial events, and issues in the presidential agenda. Government spending covers topics such as the budget and salaries and basic administration deals with topics such as forming commissions and naming representatives to government positions. Memorial events recognizes tragic events that occur and commemorates them and presidential agenda covers controversial topics that might not pass in the legislature. Occasionally the lines between memorial events and presidential agenda are blurred because it can be beneficial to the president to address certain historical events at the time of their presidency.

#### **Government Spending**

The first topic, government spending, is covered by the president's power to create the budget that is outlined in Article 62. An example of this category of decree occurred in July of 1998 when President Eduardo Frei (1994-2000) cut government

spending by \$212 million, with reductions of \$19 million in health care, \$27 million in housing, and \$22 million in education (Saveedra 1999). In July of 1999 President Frei created a salary bonus for war veterans that work in national public administration (Malvinas 1999). These decrees were enacted because the president holds the exclusive right to generate the budget, while the legislature can only reduce or approve the expenditures. For example, Article 60 states that the president has the exclusive initiative of “imposing, suppressing, reducing or condoning taxes of any type or nature,” creating or amending retirement payments and pensions, and “creating new public services”. Therefore, the only way to pass laws regarding government spending is through presidential decree.

### **Basic Administration**

The second category of basic administration covers topics such as conferences, appointments, and name changes. For example, in May of 2002, President Ricardo Lagos (2000-2006) issued a decree that created the organizing commission for the Asian-Pacific Economic Cooperation conference (Salud y pobreza recibirán 220 mil millones 2002). In September of 2003, he named Jose Miguel Insulza as coordinator for matters of civil security, which he would serve through the newly created Civil Security Organization. According to the Chilean newspaper *La Nación*, the project would put the administration of the Carabineros, or Chilean police, in the hands of the Interior Ministry. Previously, the Carabineros were run by the Ministry of Defense through General Pinochet, and they played an important role in the 1973 coup against President Salvador Allende that brought General Pinochet to power. The change of administration of the

Carabineros was opposed by the Unión Demócrata Independiente (UDI) party but supported by the Renovación Nacional (RN) party, both of which make up the right-wing Alianza por Chile opposite to Lagos's center-left Concertación. Despite the majority support that Lagos would have had in Congress for this issue, as seen in the table A-3 with the president's party highlighted, Lagos explained the use of the decree by saying that the government "has to do what is theirs", which means coordinating distinct entities of public administration within the state (Ministro Insulza asume todo el control de seguridad ciudadana 2003). Therefore, he avoided ongoing debate over a controversial topic by issuing the decree himself. Public debate over a controversial issue can bring unfavorable coverage of the anticipated actions of the president to the attention of the country if many citizens feel that the president is making the wrong decision, no matter how many supporters he has. By issuing a decree, a president can avoid coverage altogether by limiting discussion of the topic, and thereby maintain his popularity.

Another example of a decree of basic administration was issued by President Michele Bachelet (2006-today) in March of 2007. In this decree, Bachelet created Region 14 of the country, which was made up of Valdivia and La Unión provinces, areas that had wanted their own region for over thirty years (Presidenta firmó decreto 2007). Finally, in January of 2008, she signed a decree that changed the name of the road from Pucón to Argentina to Monseñor Valdés after missionary Francisco Valdés (Mi hermano Francisco será el santo de los mapuches 2008). Neither of these two decrees by Bachelet were controversial, and she held a majority in Congress, so it is unclear why decrees were used in these situations. It is possible that she felt that these policies were so widely accepted that she would benefit more from citizen support by enacting the changes

herself. Except for a few exceptions, such as with the creation of the Civil Security Organization by Lagos, decrees involving basic administration are relatively benign and do not greatly disrupt political order.

### **Memorial Events**

The third category, memorial events, commemorate tragic occurrences in the history of Chile, such as deaths of soldiers or human rights violations. For example, in May of 2005, President Lagos issued a decree that created three days of mourning in honor of 21 soldiers that died during military training in the Andes (Chile: tres días de duelo 2005). In May of 2007, President Bachelet declared May 18 as the “Día del Soldado Conscripto” or the “Day of the Conscripted Soldier” in honor of those same soldiers (Bachelet se comprometió 2007). To commemorate human rights violations, in August of 2006, Bachelet declared August 30 the “Día de los Detenidos Desaparecidos” or the “Day of the Disappeared Detainees” in memory of the victims of the Pinochet regime (Presidenta Bachelet declaró hoy el día de los Detenidos Desaparecidos 2006).

In a more controversial period, President Patricio Aylwin (1990-1994) passed decree 355/90 which created the Nacional Commission of Truth and Reconciliation to investigate human rights violations perpetrated by General Pinochet, the former dictator, and present the information to the courts for possible prosecution (Ley del secreto profesional 2003). At the time the decree was enacted, tensions were still very high between the new government and the military, and General Pinochet continued to receive support from the right-wing parties in Congress and was head of the army. The government was forced to find a balance to meet the demands of the military that they not

be prosecuted and the family of victims that they receive justice. President Aylwin agreed not to publish the names of the accused perpetrators in an effort to avoid military upheaval. Furthermore, the political variation within the Concertación, made up of 17 parties, meant that there was not a central ideology to the party that supported these actions (Loveman 1991, 55). By issuing a decree to create the commission, he circumvented the conflict that would have occurred in Congress over the legislation, and therefore avoided any negative coverage by the press associated with the conflict.

### **Presidential Agenda**

The final category, composed of decrees involving the presidential agenda, covers controversial issues that the president feels need to be addressed. This category includes some of the previous decrees dealing with human rights abuses, as the president often feels pressure from citizens to reconcile the past, but at the same time does not believe that the legislature can handle this matter without too much conflict. I have made it a separate category though because not all decrees involving memorial events are controversial issues that would not pass in the legislature. Decrees of presidential agenda, on the other hand, do not always involve memorial events addressing human rights. An example of a decree of presidential agenda outside of the realm of human rights is the decree President Bachelet issued in January of 2007 involving the morning-after contraceptive pill, as I described in the beginning of Chapter 1. After meeting resistance from the Partido Demócrata Cristiano (PDC) party of President Bachelet's Concertación and the Supreme Court, Bachelet resorted to a decree to address what she felt was an important part of women's rights (Emergency pill for Chilean girls 2007).

With only a slight majority in the Senate, as seen in table A-3, and the dissenting representatives of the PDC, Bachelet would most likely not have seen this legislation passed in Congress. Overall, decrees have been used in Chile as a means of creating the budget, avoiding political controversy, or simply regulating uncontroversial matters of public administration or memory of events that would have passed in Congress. Fortunately for Chile, none of these uses of decrees have negatively affected the functioning of democracy, as I will explore in the following chapter.

## **Chapter 4: Effects on Democracy**

I believe that the success of a democracy is defined by two factors: 1) a political culture that supports democracy over all other forms of government and 2) a system in which the checks and balances between the executive and legislative branches do not allow for prolonged conflict between the two branches. I will first discuss the political culture in Argentina and Chile. According to Larry Diamond, as cited by Peter H. Smith (2005), political culture is “a people’s predominant beliefs, attitudes, values, ideals, sentiments and evaluations about the political system of their country and the role of the self in the system.” The best source for analyzing political culture in Latin America is the Latinobarómetro, or Latin Barometer. The Latinobarómetro is an annual public survey since 1995 that is conducted in eighteen Latin American countries and done by the non-profit Latinobarómetro Corporation based in Santiago, Chile. The survey asks questions about people’s opinions and beliefs regarding topics such as the economy, democracy, civic culture, and gender and discrimination. The results can also be compared with similar surveys covering Europe, Africa, and Asia (Latinobarómetro Corporation 2007). These surveys have traditionally shown that support for democracy tends to be more moderate in Latin America, with variations among countries, than in Europe and the United States (Smith 2005, 292).

The Latinobarómetro poll measures both support for democracy and satisfaction with the way democracy works as a means to determine how democracy has functioned in a given country. A distinction must be drawn between measurements of the support

for democracy and satisfaction with the way democracy works though. Satisfaction with democracy is typically lower than support for democracy, as people that support democracy as a form of government may not be content with how the current officials are running the government. For example, during the beginning of a presidential or congressional term, satisfaction with democracy is likely to be higher than at the end of the terms, when people may become disappointed with what they see as failures of the representatives. This dissatisfaction with democracy is not a threat to the functioning of democracy because it is only indicative of temporary disappointment among people that continue to see democracy as the preferable form of government.

As shown in chart A-4, democracy has been preferable to other types of governments in Argentina more than in Chile since 1996. In the 2007 survey, both Argentina and Chile showed the biggest decreases in support for democracy in South America, with Argentina's support dropping by 11 percent and Chile's by 10 percent. 20 percent in Argentina and 21 percent in Chile of the people surveyed even said that in certain cases, "authoritarian government can be preferable to a democratic one." Both countries also experienced a decrease in the percentage of people who responded as being "very satisfied" or "somewhat satisfied" with the way democracy works in their country from 2001 to 2007 (A warning for reformers 2007). This change is surprising considering both Argentina and Chile have growing economies and have had successful democratic elections for over fifteen years. I believe that the use of presidential decree powers can be ruled out as the cause of this decrease, because there have not been more decrees issued in recent years than before. Furthermore, more decrees have been used by presidents in Argentina than Chile, yet Argentine citizens tend to prefer democracy more



than Chilean citizens. If decrees negatively affected the perception of democracy, Argentine citizens would have responded less strongly in favor of democracy than Chile in Latinobarómetro survey. Unfortunately, because the survey only started in 1995, it does not cover the period in Argentina during which the most decrees were enacted during President Menem's first term. Furthermore, although the survey includes a section that asks people in each country how much they trust specific institutions such as the president and congress, I have not been able to find a free source that includes this data. Therefore, it is necessary to look at legislative-executive conflict as the second defining factor of the success of democracy.

I consider legislative-executive conflict as significant in its effect on democracy when it creates a situation in which resolution of the conflict is not able to be solved through the normal legislative process and one or more representatives are forced to step down. These instances demonstrate how a government functions outside of day to day policymaking during periods of conflict such as those caused by economic or political crises. If the democracy is not functioning properly, it will collapse under these situations. Only two cases exist in Argentina since 1983 when an elected president was forced to resign early: President Raúl Alfonsín in July of 1989 and President Fernando de la Rúa in December of 2001. President Alfonsín left sixth months early because of economic and social crisis, leaving president-elect Carlos Menem to fill the position early. President De la Rúa left two years early under similar circumstances created by the economic collapse and was followed by a series of non-elected, interim presidents (Negretto 2006, 82). Furthermore, during other periods of conflict, Argentine presidents were able to maintain power by using decrees to overcome the legislative-executive

conflict. For example, President Alfonsín decreed Plan Austral in 1985 to avoid economic collapse and President Menem declared a state of siege in response to the military uprising in 1990, events that could have forced them to resign or destroyed the democracy. In the case of Chile, none of the four presidents in Chile since 1989 have resigned early. There is not a single case since the transition to democracy in the two countries in which the government failed due to conflict between the executive and legislative branches. When the presidents of Argentina were forced to resign, new elections were held to replace them, maintaining Argentina's democracy.

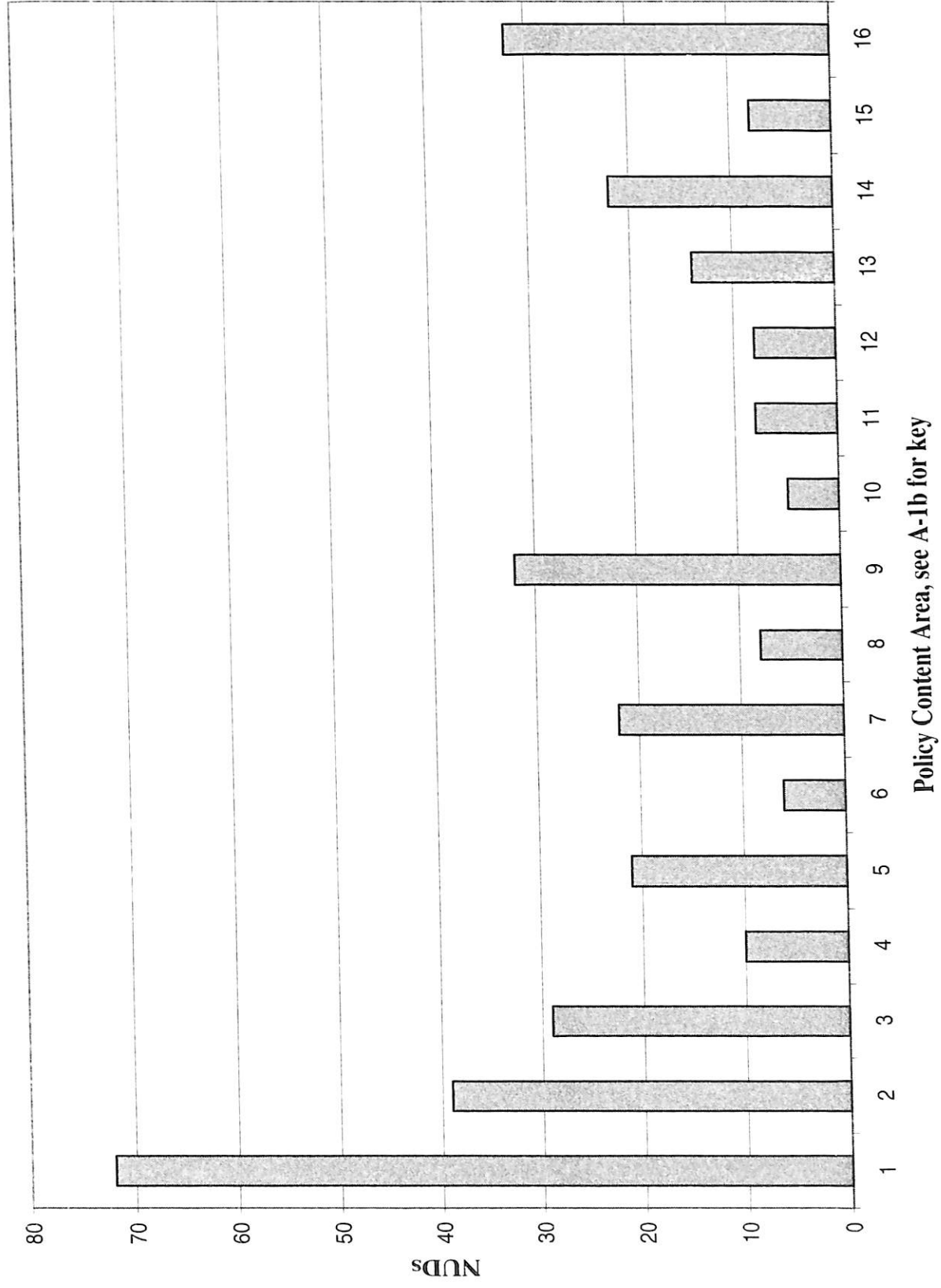
If I were to continue research in the future on the effect of decree powers on the functioning of democracy in Argentina and Chile, I would like to obtain data from polls in local newspapers during specific times of legislative-executive conflict to see how the public views changed. These polls would demonstrate the immediate effects of conflict more accurately than yearly surveys. I would also like to obtain more complete information on when periods of conflict occurred and whether decrees were used as a means of resolving the gridlock. While I have data on some instances of conflict, such as on the arguments over how to reconcile the human rights violations in Chile, I have not found much published research on more minor conflicts. Finally, I would purchase the Latinobarómetro surveys from several years so that I could compare the trust of the president and Congress separately in Argentina and Chile to see if one government institution is preferred over the other.

Despite not being able to continue my research, after observing the two factors influencing the functioning of democracy, I conclude that the decree powers in Argentina and Chile and the manner in which the presidents employed them have not had a negative

effect on the functioning of these democracies. The two countries differ in the number of decrees issued, with the presidents of Argentina issuing a significantly larger number of decrees than the presidents in Chile, but neither instance has resulted in one country having a more successful democracy. As I have shown, presidential decrees have been used for circumstances such as avoiding legislative-executive gridlock, legislating in times of emergency, and passing laws involving controversial topics. Whether the Congress is made up of representatives who support the president or not, decrees were used without damaging democracy. In conclusion, based on the extent of my research and analysis, presidential decree powers do not have a negative effect on the functioning of democracy.

## APPENDIX

A-1a: Policy Content Area Covered by NUDs Issued by Menem, 1989-1994



### **A-1b: Policies Covered by NUDs Issued by Menem, 1989-1994**

1. Taxation: taxes, other duties, exemptions, tax benefits
2. Salaries: salaries, labor hours, salary negotiations, and pensions
3. Public Debt: creation, redefinition of the terms of Treasury Bills
4. Trade: trade, marketing, import and export regulation
5. Transport: deregulation; land, sea, river, and air transport rule; labor conditions; and ship registration
6. Nation/Provinces: relationship between the nation and the provinces, tax distribution, and public service transfers
7. Real Estate Privatization: sale of unnecessary public real estate
8. Civil and Political Rights
9. Public Agencies: restructuring of public corporations, labor rules, and dismissal compensation
10. Proceedings Against the State: suspension of litigation against the state
11. Electric Energy: emergency, benefits, and price policy
12. Promotion of Industry: tax and regulatory incentives
13. Mega-NUD 435/90 and those related to it
14. Mega-NUD 1930/90 and those related to it
15. Mega-NUD 2284/91 and those related to it
16. Others

Source: Ferreira Rubio, Delia, and Matteo Goretti. 1998. "When the President Governs Alone: The Decretazo in Argentina, 1989-1993." In *Executive Decree Authority*, eds. John M. Carey and Matthew Soberg Shugart. Cambridge: Cambridge University Press.

## A-2: Congressional Composition in Argentina, 1983-1999

### Chamber of Deputies:

	Alfonsín <sup>1</sup>				Menem			
	1983-1985	1985-1987	1987-1989	1989-1991 <sup>1</sup>	1991-1993 <sup>1</sup>	1993-1995 <sup>1</sup>	1995-1997 <sup>2</sup>	1997-1999 <sup>3</sup>
UCR	129 (50.8%)	129 (50.8)	113 (44.5)	90 (35.4)	84 (32.7)	83 (32.3)	70 (27.2)	71 (27.6)
PJ	111 (43.7)	101 (39.8)	103 (40.5)	121 (47.7)	116 (45)	126 (49)	131 (51)	119 (46.3)
Other	14 (5.5)	24 (9.4)	38 (15)	43 (16.9)	57 (22.2)	48 (18.7)	56 (21.8)	67 (26.1)

### Senate:

	Alfonsín <sup>1</sup>		Menem <sup>1</sup>	
	1983-1986	1986-1989	1989-1992	1992-1995
UCR	18 (39%)	18 (39)	18 (39)	11 (23)
PJ	22 (48)	22 (48)	22 (48)	30 (63)
Others	6 (13)	6 (13)	6 (13)	7 (15)

Sources: <sup>1</sup> Mustapic, Ana María. 2002. "Oscillating Relations: President and Congress in Argentina." In *Legislative Politics in Latin America*. eds. Scott Morgenstern and Benito Nacif. Cambridge: Cambridge University Press.

<sup>2</sup> Llanos, Mariana. 2001. Understanding Presidential Power in Argentina: A Study of the Policy of Privatisation in the 1990s. *Journal of Latin American Studies* 33, no. 1: 67-98. <http://www.jstor.org> (accessed September 25, 2007).

**A-3: Congressional Composition in Chile, 1989-2008**

**Chamber of Deputies<sup>1</sup>:**

	Aylwin		Frei		Lagos		Bachelet	
	1989-1993	1993-1997	1997-2001	2001-2005	2005-2008	2005-2008	2005-2008	
Concertación	69 (57.5%)	70 (58.3)	69 (57.5)	62 (51.7)	65 (54.2)			
Alianza	48 (40)	50 (41.7)	47 (39.2)	57 (47.5)	54 (45)			
Other	3 (2.5)	0 (0)	4 (3.3)	1 (0.8)	1 (0.8)			

**Senate:**

	Aylwin		Frei		Lagos		Bachelet	
	1989-1993 <sup>2</sup>	1993-1997 <sup>2</sup>	1997-2001 <sup>2</sup>	2001-2005 <sup>3</sup>	2005-2008 <sup>4</sup>	2005-2008 <sup>4</sup>	2005-2008 <sup>4</sup>	
Concertación	22 (48.8%)	21 (44.7)	20 (41.6)	24 (50)	20 (52.6)			
Alianza	25 (53.2)	26 (53.3)	27 (56.3)	24 (50)	17 (44.8)			
Other	0 (0)	0 (0)	1 (2.1)	0 (0)	1 (2.6)			

Sources: <sup>1</sup> Ministro del Interior. Sitio Histórico Electoral. <http://elecciones.gob.cl/> (accessed March 22, 2008).

<sup>2</sup> Siavelis, Peter M. 1997. "Executive-Legislative Relations in Post-Pinochet Chile: A Preliminary Assessment." In *Presidentialism and Democracy in Latin America*. eds. Scott Mainwaring and Matthew Soberg Shugart. Cambridge: Cambridge University Press.

<sup>3</sup> "Chilean Rightist Party Loosens Socialists' Grip in Legislature." *The New York Times*. (December 17, 2001). <http://www.nytimes.com> (accessed March 22, 2008).

<sup>4</sup> Carr, Adam. Republic of Chile. <http://psephos.adam-carr.net/countries/c/chile/> (accessed March 22, 2008).

Note: Alianza also known as Democracia y Progreso (1989-1992), Participación y Progreso (1992-1993), Unión por el Progreso (1993-1996), and Unión por Chile (1996-2000)



#### A-4: Perceptions Towards Democracy

	Which of the following statements do you agree with most? %						Change since 2006	In certain circumstances an authoritarian government can be preferable to a democratic one						Change since 2006
	Democracy is preferable to			any other type of government				1996			2006			
	1996	2001	2006	2007	Change since 2006	1996		2001	2006	2007	Change since 2006			
Argentina	71	58	74	63	-11	15	21	16	20	4				
Bolivia	64	54	62	67	5	17	17	18	14	-5				
Brazil	50	30	46	43	-3	24	18	18	17	-1				
Chile	54	45	56	46	-10	19	19	13	21	8				
Colombia	60	36	53	47	-6	20	16	16	12	-3				
Costa Rica	80	71	75	83	8	7	8	9	5	-4				
Dominican Republic	na	na	71	64	-7	na	na	21	21	0				
Ecuador	52	40	54	65	11	18	24	21	13	-8				
El Salvador	56	25	51	38	-13	12	10	15	20	5				
Guatemala	50	33	41	32	-9	21	21	35	33	-2				
Honduras	42	57	51	38	-13	14	8	12	17	5				
Mexico	53	46	54	48	-6	23	35	15	14	-1				
Nicaragua	59	43	56	61	5	14	22	14	10	-4				
Panama	75	34	55	62	7	10	23	19	13	-6				
Paraguay	59	35	41	33	-8	26	43	30	36	6				
Peru	63	62	55	47	-8	13	12	20	22	2				
Uruguay	80	79	77	75	-2	9	10	10	10	0				
Venezuela	62	57	70	67	-3	19	20	11	14	3				

Source: "A warning for reformers." *The Economist* (November 17, 2007).

## Works Cited

- Arza, Camila. 2005. "Aims, Outcomes and Prospects of Pension Reform in Argentina: An Assessment Ten Years After." Presented by the Economics Working Group at The Argentina Observatory.
- "Aumento salarial para diputados y senadores." *La Nación* (June 20, 2006).
- "Bachelet se comprometió a que 'nunca más' ocurrirá una tragedia como la de Antuco." *La Nación* (May 16, 2007).
- Carey, John M., and Matthew Soberg Shugart, eds. *Executive Decree Authority*. Cambridge: Cambridge University Press, 1998.
- "Chile pharmacies warned over pill." *BBC News* (October 30, 2007).  
<http://www.bbc.com> (accessed November 21, 2007).
- "Chile: tres días de duelo." *BBC News* (May 25, 2005). <http://www.bbc.com> (accessed March 2, 2008).
- "Diputados votó a favor de la derogación de los superpoderes." *La Nación* (December 19, 2001).
- "Duhalde firmó el decreto que crea la aerolínea estatal." *La Nación* (May 21, 2003).
- "El estado de sitio regirá por 30 días." *La Nación* (December 19, 2001).
- "El Gobierno destinará 7 millones de pesos a un programa de emergencia alimentaria." *La Nación* (December 19, 2001).
- "El Presidente designó a nuevos funcionarios de su gobierno." *La Nación* (May 30, 2003).
- "Emergency pill for Chilean girls." *BBC News* (January 30, 2007). <http://www.bbc.com> (accessed November 21, 2007).

- Ferreira Rubio, Delia, and Matteo Goretti. 1998. "When the President Governs Alone: The Decretazo in Argentina, 1989-1993." In *Executive Decree Authority*, eds. John M. Carey and Matthew Soberg Shugart. Cambridge: Cambridge University Press.
- Heymann, Daniel. 1987. The Austral Plan. *The American Economic Review* 77, no. 2: 284-287. <http://www.jstor.org> (accessed February 25, 2008).
- Jones, Mark P. 1997. "Evaluating Argentina's Presidential Democracy: 1983-1995." In *Presidentialism and Democracy in Latin America*, eds. Scott Mainwaring and Matthew Soberg Shugart. Cambridge: Cambridge University Press.
- Krauss, Clifford. 2001. "Argentine Leader Declares Default on Billions in Debt." *The New York Times* (December 24, 2001).
- Latinobarómetro Corporation. 2007. Latinobarómetro. <http://www.latinobarometro.org/> (accessed March 30, 2008)
- Levitsky, Steven and María Victoria Murillo. 2003. Argentina Weathers the Storm. *Journal of Democracy* 14, no. 4: 152-166. <http://muse.jhu.edu> (accessed February 26, 2008).
- "Ley del secreto profesional." *La Nación* (June 25, 2003).
- Library of Congress. 1994. Glossary. In *A Country Study: Chile*. <http://lcweb2.loc.gov/frd/cs/cltoc.html> (accessed January 20, 2008).
- Llanos, Mariana. 2001. Understanding Presidential Power in Argentina: A Study of the Policy of Privatisation in the 1990s. *Journal of Latin American Studies* 33, no. 1: 67-99. <http://www.jstor.org> (accessed September 25, 2007).
- Loveman, Brian. 1991. ¿Mision Cumplida? Civil Military Relations and the Chilean

- Political Transition. *Journal of Interamerican Studies and World Affairs* 33, no. 3: 35-74. <http://www.jstor.org> (accessed March 22, 2008).
- Mainwaring, Scott, and Matthew Soberg Shugart, eds. 1997. *Presidentialism and Democracy in Latin America*. Cambridge: Cambridge University Press.
- “Malvinas: LanChile alista el primer vuelo.” *Clarín* (July 27, 1999).
- “Mi hermano Francisco será el santo de los mapuches.” *El Mercurio* (January 26, 2008).
- “Ministro Insulza asume todo el control de seguridad ciudadana.” *La Nación* (September 5, 2003).
- Mustapic, Ana María. 2002. “Oscillating Relations: President and Congress in Argentina.” In *Legislative Politics in Latin America*. eds. Scott Morgenstern and Benito Nacif. Cambridge: Cambridge University Press.
- Negretoo, Gabriel L. 2006. Minority Presidents and Democratic Performance in Latin America. *Latin American Politics & Society* 48, no. 3: 63-92 <http://muse.jhu.edu> (accessed March 30, 2008).
- “Presidenta Bachelet declaró hoy el día de los Detenidos Desaparecidos.” *La Nación* (August 30, 2006).
- “Presidenta firmó decreto que crea nueva Región de los Ríos.” *La Nación* (March 16, 2007).
- “Ratifican a Abad por decreto.” *La Nación* (December 31, 2004).
- “Salud y pobreza recibirán 220 mil millones.” *La Nación* (May 21, 2002).
- Savecdra, Mauricio. “Chilean President revives labour reforms in bid to win votes.” *World Socialist Web Site* (December 11, 1999). <http://www.wsws.org/index.shtml> (accessed March 22, 2008).

- Shugart, Matthew Soberg, and John M. Carey. 1992. *Presidents and Assemblies: Constitutional Design and Electoral Dynamics*. Cambridge: Cambridge University Press.
- Shugart, Matthew Soberg, and Scott Mainwaring. 1997. "Presidentialism and Democracy in Latin America: Rethinking the Terms of the Debate." In *Presidentialism and Democracy in Latin America*. eds. Scott Mainwaring and Matthew Soberg Shugart. Cambridge: Cambridge University Press.
- Siavelis, Peter M. 1997. "Executive-Legislative Relations in Post-Pinochet Chile: A Preliminary Assessment." In *Presidentialism and Democracy in Latin America*. eds. Scott Mainwaring and Matthew Soberg Shugart. Cambridge: Cambridge University Press.
- Smith, Peter H. 2005. *Democracy in Latin America: Political Change in Comparative Perspective*. New York: Oxford University Press.
- Smolowe, Jill. "Argentina Caught in a Revolving Door." *Time* (November 11, 1985).
- Valenzuela, Arturo. 1994. Government and Politics. In *A Country Study: Chile*. Library of Congress. <http://lcweb2.loc.gov/frd/cs/cltoc.html> (accessed January 20, 2008).
- "A warning for reformers." *The Economist* (November 17, 2007).