

6 Latin America

Between Governability Crises and the Impeachment Trap

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6.1 Introduction

Upon taking office in July 2021, Peruvian president Pedro Castillo faced almost immediate threats of legislative removal from an intransigent opposition. Indeed, legislators brought a formal motion of impeachment against Castillo on the grounds of ‘moral incapacity’ by early December of his first year, but the resolution fell six votes short of triggering a full trial. In March 2022, however, Castillo again faced the prospect of impeachment, with the process this time advancing to a full trial in congress in which the president was required to respond to the array of charges laid out against him. As before, he survived the floor vote. However, this was only a temporary reprieve. On December 7, 2022, just hours before he was due to face a third impeachment vote, Castillo announced that he would close congress and form an emergency government until new legislative elections could be held. Lawmakers widely condemned these actions as an *autogolpe* and proceeded with the impeachment vote, approving his removal from office by a sweeping margin after a little more than 16 months in power.

Part of Castillo’s experience has become more common in Latin America in recent decades, where impeachment has displaced other forms of presidential instability. Since 1991, there have been 22 impeachment trials in Latin America, with eight removals, four resignations ahead of near-certain removals, nine cases of survival, and one dissolution of congress and the presidency pending removal—in addition to dozens of motions that never garnered sufficient votes to open a formal process. Across the region, impeachment is simultaneously what the editors of this volume refer to as a ‘core’ process (Argentina, Brazil, Chile, Ecuador, Guatemala, Honduras, Paraguay, and Peru), a ‘peripheral’ process (Bolivia, Colombia, and Panama), and in other places, a ‘satellite’ process

1 The views expressed in this chapter are solely those of the author and do not represent the views of or endorsement by the United States Naval Academy, the Department of the Navy, the Department of Defense, or the United States Government.

(Costa Rica, Cuba, the Dominican Republic, El Salvador, Mexico, Nicaragua, and Uruguay). Several of these countries also featured other forms of executive instability, from presidential resignations due to street protests (Argentina, Bolivia, and Guatemala) to military coups d'état (Bolivia, Ecuador, and Honduras).

In the places where impeachment is a core process, its use has skyrocketed. In Peru, both Pedro Pablo Kuczynski (2016–2018) and Martín Vizcarra (2018–2020), like Castillo, survived one impeachment trial only to fall in a second, while Ecuador's Guillermo Lasso survived one impeachment attempt only to constitutionally dissolve his presidency amid a second trial. Likewise, Chile's Sebastián Piñera (2018–2022) survived two impeachment trials, while Brazil's Dilma Rousseff (2010–2016) was ousted in 2016 after facing the threat of impeachment throughout her last two years in office. Honduran president Juan Orlando Hernández (2014–2022) and Paraguay's Mario Abdo Benítez (2018–2023) also faced the possibility of impeachment on at least two occasions, although none of these accusations made it to the trial phase. Curiously, every country with an impeachment or impeachment-like removal has had more than one, except for Venezuela, whose 1999 Constitution eliminated impeachment.

This raises some questions: has impeachment become more prevalent across Latin America in the 2010s and 2020s? If so, why? Existing explanations tend to focus on the conditions under which legislatures remove presidents, such as the presence of a presidential crisis, executive corruption scandals, poor economic performance, anti-government demonstrations, or lack of a 'legislative shield'. Others try to elucidate the factors that led to the rise in impeachment and concurrent decline in coups d'état by focusing on such things as regionwide democratization and the changing role of the military and international actors. Few of these explanations, however, can account for the rise in impeachment attempts across the region since 2019. In this chapter, I propose two complementary explanations: 1) the presence of acute governability crises that have spread across the region, especially since 2019; and 2) the existence of an impeachment trap, by which the presence of one impeachment process is likely to result in the appearance of a subsequent one. Like a 'coup trap', the impeachment trap occurs when a presidential interruption fails to provide relief from underlying political, economic, and social problems, thus resulting in its further use.

The chapter begins with an overview of the historical development and use of impeachment in Latin America, followed by a survey of the contemporary prevalence of impeachment and presidential interruptions in the region. Section three synthesizes the scholarly explanations of impeachment and offers additional interpretations of the uptick in cases since the late 2010s. I develop the concept of the 'impeachment trap' and then examine the empirical evidence of such a phenomenon in Latin America. The last section concludes.

6.2 The Development and Use of Impeachment

Globally, most democratic constitutions provide for removal of the head of state, either for incompetence, criminal actions, or some other basis.² In Latin America's presidential systems, constitutions have typically provided for impeachment – the political trial of the president authorized by one legislative body and typically conducted by a separate political institution – as the mechanism of horizontal accountability since the nineteenth century. This model of congressional oversight authority follows the U.S. Constitution, which, in turn, draws from the British experience. However, in Latin American constitutions, legislative oversight mechanisms may also include provisions for presidential removal based on mental, physical, or moral incapacity, or vacancy of office.³

Regarding impeachment, constitutions are split between legislature-dominant systems, where only the legislature is involved in the impeachment process, and mixed systems, where both a legislature and the judiciary play a role.⁴ Under the so-called 'American model' (adopted by Argentina, Brazil, Chile, Colombia, the Dominican Republic, Mexico, Paraguay, and Uruguay) the accusation is initiated by the lower house of congress, and the trial is conducted by the upper house. By contrast, under the 'Unicameral model' (adopted by Panama, Peru, and Ecuador), both the accusation and trial are carried out by the country's sole legislative body. In the mixed or judiciary-dominant systems (adopted by Bolivia, Costa Rica, El Salvador, Honduras, Nicaragua, and Venezuela from 1961–1999), a unicameral congress initiates proceedings, and the trial is carried out by the country's high court.⁵ These different thresholds for removal result in difference patterns of presidential instability: two of the countries in the unicameral model, Ecuador and Peru, are notoriously unstable, while there has only been a single removal in the judiciary-dominant systems (Venezuela in 1993).

Prior to the third wave of democratization, impeachments in Latin America were rare. The region's first recorded trial took place in the Dominican Republic in 1857, when President Buenaventura Báez was removed by a hostile congress for 'usurpation of the presidency' during an open revolt against his government. In 1916, another Dominican president, Juan Isidro Jimenes, was impeached by the House of Deputies and then, the Senate for violations of the constitution and laws, and in 1936, Cuban president Miguel Mariano Gómez

2 Tom Ginsburg, Aziz Z. Huq and David Landau, 'The Comparative Constitutional Law of Presidential Impeachment' (2021) 88 *The University of Chicago Law Review* 81.

3 Gabriel L. Negretto, *Making Constitutions: Presidents, Parties, and Institutional Choice in Latin America* (CUP 2013).

4 Naoko Kada, 'Comparative Presidential Impeachment: Conclusions' in Jody C. Baumgartner and Naoko Kada (eds), *Checking Executive Power: Presidential Impeachment in Comparative Perspective* (Praeger Publishers 2003).

5 Victor J. Hinojosa and Aníbal S. Pérez-Liñán, 'Presidential Survival and the Impeachment Process: The United States and Colombia' (2006) 121 *Political Science Quarterly* 653.

was removed by his country's senate. The incidence of impeachment picked up after World War II, with four impeachments taking place in Panama, three in Brazil, and one in Chile, and removals occurring in four of the eight cases (Arnulfo Arias in Panama, 1951; José Ramón Guizado in Panama, 1955; Carlos Luz in Brazil, 1955, and Café Filho in Brazil in 1955). Common across these processes is the fact that legislative assemblies generally removed these presidents under pressure from the military in contexts that were not wholly democratic.

Instead, military coups were typically the mechanism to remove presidents from office during the Cold War period. Militaries directly governed in 12 of 19 Latin American countries at some point in the 1960s and 1970s,⁶ and in 1977, only three states in the region (Colombia, Costa Rica, and Venezuela) were democratic. Authoritarian governments are unlikely to be displaced by non-independent congresses or judiciaries or through ordinary institutional channels, and between 1950 and 1990 there were 57 military coups d'état in Latin America. Conversely, constitutional forms of involuntary presidential removal such as impeachment became rare.

6.3 The Ubiquity of Impeachment in Contemporary Latin America

As such, impeachment has only become a central feature of Latin American presidentialism since re-democratization in the 1980s and 1990s.⁷ After Panamanian president Guillermo Endara survived an impeachment attempt in 1991, Brazilian President Fernando Collor de Mello and Venezuelan President Carlos Andrés Pérez were accused of corruption and ousted on impeachment charges in successive years. This was only the beginning. Between 1991 and 2023, there were 22 impeachment trials across nine Latin American presidential democracies. As shown in Table 6.1, these resulted in eight removals, four resignations, one government dissolution, and nine cases of presidential survival.⁸ Analytically, the category of 'resignation' is the equivalent of 'removal', since the four presidents (Fernando Collor de Mello, Otto Pérez Molina, Raúl Cubas Grau, and Pedro Pablo Kuczynski) only resigned pending their near-certain removal through legislative vote. The same holds true for Guillermo Lasso in Ecuador, who used article 148 of the 2008 Constitution, the so-called figure of *muerte cruzada* ("crossed death"), to dissolve the presidency and congress while facing impeachment in 2023.

6 These 12 countries are Argentina, Bolivia, Brazil, Chile, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Panama, Peru, and Uruguay.

7 Aníbal S Pérez-Liñán, *Crisis Without Breakdown: Presidential Impeachment and the New Political Instability in Latin America* (CUP 2007)

8 As I explain in the following, some of these votes to remove the presidents in Ecuador and Peru technically deviate from impeachment trials but act as their functional equivalent.

However, impeachment is even more common than the scholarly literature or even the list in Table 6.1 would suggest. With few exceptions, the comparative scholarship on presidential removals in Latin America tends to select successful impeachments or successful removals, while leaving out the myriad resolutions that fail to leave committee or reach a legislative vote, those that fail on the assembly floor, and those that fall short in the trial stage.⁹ In this way, the literature undercounts the prevalence of the procedure.

In fact, Latin American legislators, judges, and citizens have filed hundreds of motions against leaders that never reach an assembly vote. Llanos and Pérez-Liñán, for instance, find that impeachment resolutions normally die at the committee stage.¹⁰ They count 87 impeachment resolutions introduced against Argentine presidents between 1983 and 2018, although no impeachment ever took place, and a whopping 193 impeachment resolutions in the Brazilian Congress between 1990 and 2018, although only two were successful (Fernando Collor de Melo in 1992; Dilma Rousseff in 2016). Numbers rose further under the controversial presidency of Jair Bolsonaro (2019–2022). During his four years in office, the President of the Chamber of Deputies received 153 different impeachment requests, largely based on Bolsonaro's response to the COVID-19 pandemic, participation in anti-democratic demonstrations, and 'breach of decorum'.¹¹ The high number is also a function of law 1079/50, popularly known as the 'Impeachment Law', which allows any Brazilian citizen to file a request to impeach the president, as long as it includes a justification.

Other motions leave the committee stage and fail to reach a trial, but ultimately reveal presidents' weaknesses vis-à-vis their legislatures and/or prove damaging to their survival. These include a failed resolution against Raúl Cubas Grau of Paraguay in February 1999, which came amid a political crisis and presaged his removal in March of that year; a narrow lack of support for a motion to begin impeachment against Lucio Gutiérrez in Ecuador in November 2004, which nonetheless paved the way for his removal in April 2005; and failed votes to begin trials against Peru's Martín Vizcarra (2019) and Pedro Castillo (2021), which preceded their ultimate removals. In Ecuador, Lasso faced down an impeachment motion in December 2021 and then a trial in June 2022 before the trial in 2023 in which he ended up dissolving the government. In all of these cases, the floor votes revealed not only significant legislative opposition to the presidents but also the precariousness of their grip on power. In other instances, the dismissal of charges reflected support from other key state institutions that would guarantee presidents' survival, as with

9 See, e.g., Mariana Llanos and Aníbal S. Pérez-Liñán, 'Oversight or Representation? Public Opinion and Impeachment Resolutions in Argentina and Brazil' (2021) 46 *Legislative Studies Quarterly* 357; Hinojosa and Pérez-Liñán (n 5).

10 *ibid.*

11 Agência Pública, 'Os Pedidos de Impeachment de Bolsonaro' (*Agência Pública*, 2023) <<https://apublica.org/impeachment-bolsonaro/>> accessed 23 February 2023.

Table 6.1 Impeachment Trials in Latin America (1991–2022)

<i>Country</i>	<i>Year</i>	<i>Date</i>	<i>President</i>	<i>Outcome</i>
Brazil	1992	12/29/92	Fernando Collor de Mello	Resigned
	2016	8/31/16	Dilma Rousseff	Removed
Chile	2019	12/12/19	Sebastián Piñera	Survived
	2021	11/9/21	Sebastián Piñera	Survived
Colombia	1996	6/12/96	Ernesto Samper	Survived
Ecuador	1997	2/6/97	Abdalá Bucaram	Removed
	2005	4/20/05	Lucio Gutiérrez	Removed
	2022	6/28/22	Guillermo Lasso	Survived
	2023	5/17/23	Guillermo Lasso	Dissolution
Guatemala	2015	9/1/15	Otto Pérez Molina	Resigned
Panama	1991	3/12/91	Guillermo Endara	Survived
Paraguay	1999	3/25/99	Rául Cubas Grau	Resigned
	2003	2/11/03	Luis Gonzalez Macchi	Survived
	2012	6/21/12	Fernando Lugo	Removed
Peru	2000	11/21/00	Alberto Fujimori	Removed
	2017	12/15/17	Pedro Pablo Kuczynski	Survived
	2018	3/15/18	Pedro Pablo Kuczynski	Resigned
	2020	9/11/20	Martín Vizcarra	Survived
	2020	11/2/20	Martín Vizcarra	Removed
	2022	3/14/22	Pedro Castillo	Survived
	2022	12/1/22	Pedro Castillo	Removed
Venezuela	1993	3/20/93	Carlos Andrés Pérez	Removed

Source: Author

Honduras's Juan Orlando Hernández (2019 and 2021), Argentina's Mauricio Macri (2017), and Brazil's Michel Temer (2017).

Combined with the list of impeachment trials in Table 6.1, these examples reveal a great deal of regional variation in the use (or non-use) of impeachment across the region. In Argentina, Brazil, Chile, Ecuador, Guatemala, Honduras, Paraguay, and Peru, impeachment motions – or the threat of impeachment motions – have become what the editors of this volume define as a ‘core process’ of legislative-executive relations, a central and visible process of executive control. In other countries, such as Bolivia, Colombia, and Panama, impeachment constitutes more of a ‘peripheral process’: although it is not often employed, it has been used and remains a tool in legislators’ toolkits to confront presidents.¹² In still other countries, such as Costa Rica, the Dominican Republic, El Salvador, Mexico, Nicaragua, and Uruguay, impeachment exists but is not used in contemporary politics. Meanwhile, the current constitutions of Cuba and Venezuela do not permit impeachment.

¹² Andrea Paola Buitrago Rojas, Juan Guillermo Miranda Corzo and Juan Sebastián López López, *Juicio político a presidentes en Colombia (1982–2018)* (Ediciones USTA 2020).

The absence of impeachment, however, does not mean that presidents are free of legislative or judicial oversight or can govern free of threats to their power.¹³ To the contrary, presidents' terms can be interrupted through democratic means, such as impeachment, declarations of incapacity, resignations, and popular recalls, and non-democratic forms, such as assassinations, military coups d'état, and foreign invasions. As Table 6.2 shows, expanding the range of categories means that 33 Latin American presidencies since 1985 have suffered interruptions, with exits ranging from negotiated resignations to facilitate governance (Raúl Alfonsín, Eduardo Duhalde, Hernán Siles Zuazo, and Joaquín Balaguer) and resignations in the face of popular protest (Fernando de la Rúa, Adolfo Rodríguez Saá, Gonzalo Sánchez de Lozada, Carlos Mesa, Jorge Serrano, and Manuel Merino), to military coups d'état (Jamil Mahuad, Manuel Zelaya, and Evo Morales). There is also another variation: the category of 'impeachment' also contains legislative votes of removal for 'mental incapacity' (Abdalá Bucaram), 'abandonment of post' (Lucio Gutiérrez), and 'moral incapacity' (the Peruvian cases), all of which I consider to be the functional equivalents of impeachment.

Analytically, the combination of impeachments with other types of presidential interruptions or presidential exit, however, has meant that the comparative literature of presidential instability in Latin America has at times been at cross-purposes. Some scholars have specifically focused on impeachment,¹⁴ while others emphasize a wider range of popular presidential removals.¹⁵ For the purposes of this book, it is worth considering that although impeachment may not (yet) be a core process in all countries in the region, presidents in

13 Leiv Marsteintredet and Einar Berntzen, 'Reducing the Perils of Presidentialism through Presidential Interruptions' (2008) 41 *Comparative Politics* 83; Leiv Marsteintredet, Mariana Llanos and Detlef Nolte, 'Paraguay and the Politics of Impeachment' (2013) 24 *Journal of Democracy* 110.

14 See, e.g., Jody C Baumgartner and Naoko Kada (eds), *Checking Executive Power: Presidential Impeachment in Comparative Perspective* (Praeger Publishers 2003); David De Micheli, Jose T Sanchez-Gomez and Kenneth M Roberts, 'Tenuous Pacts and Multiparty Coalitions: The Politics of Presidential Impeachment in Latin America' (2022) 54 *Journal of Latin American Studies* 283; Young Hun Kim, 'Impeachment and Presidential Politics in New Democracies' (2014) 21 *Democratization* 519; Pérez-Liñán (n 7).

15 See, e.g., Kathryn Hochstetler, 'Rethinking Presidentialism: Challenges and Presidential Falls in South America' (2006) 38 *Comparative Politics* 401; Leon Zamosc, 'On Popular Impeachments' [2012] *Latin American Studies Association* 15–18; Christopher A Martínez, 'Presidential Survival in South America: Rethinking the Role of Democracy' (2017) 38 *International Political Science Review* 40; Christopher A Martínez, 'Presidential Instability in Latin America: Why Institutionalized Parties Matter' (2021) 56 *Government and Opposition* 683; Mariana Llanos and Leiv Marsteintredet (eds), *Presidential Breakdowns in Latin America: Causes and Outcomes of Executive Instability in Developing Democracies* (Palgrave Macmillan 2010); Leiv Marsteintredet, 'Explaining Variation of Executive Instability in Presidential Regimes: Presidential Interruptions in Latin America' (2014) 35 *International Political Science Review* 173; Marsteintredet and Berntzen (n 13).

Table 6.2 Early Presidential Exits in Latin America (1985–2022)

<i>Country</i>	<i>Year</i>	<i>Name</i>	<i>Interruption</i>
Argentina	1989	Raúl Alfonsín	Early departure/ Resignation
	2001	Fernando de la Rúa	Resignation
	2001	Adolfo Rodríguez Saá	Resignation
	2003	Eduardo Duhalde	Early elections/ Resignation
Bolivia	1985	Hernán Siles Zuazo	Early elections/ Resignation
	2003	Gonzalo Sánchez de Lozada	Resignation
	2005	Carlos Mesa	Resignation
	2019	Juan Evo Morales	Military coup
Brazil	1992	Fernando Collor de Mello	Impeachment
	2016	Dilma Rousseff	Impeachment
Dominican Republic	1996	Joaquín Balaguer	Early elections/ Resignation
Ecuador	1997	Abdala Bucaram	Impeachment
	2000	Jamil Mahuad	Military coup
	2005	Lucio Gutiérrez	Impeachment
	2023	Guillermo Lasso	Government dissolution
Guatemala	1993	Jorge Serrano	Resignation
	2015	Otto Pérez Molina	Impeachment
Honduras	2009	Manuel Zelaya	Military coup
Paraguay	1999	Raúl Cubas Grau	Impeachment
	2012	Fernando Lugo	Impeachment
Peru	2000	Alberto Fujimori	Impeachment
	2018	Pedro Pablo Kuczynski	Resignation
	2020	Martín Vizcarra	Impeachment
	2020	Manuel Merino	Resignation
Venezuela	2022	Pedro Castillo	Impeachment
	1993	Carlos Andrés Pérez	Impeachment

Note: Does not include exits of disputed interim presidents Gustavo Espina (Guatemala 1993), Rosalía Arteaga (Ecuador 1997), or Pedro Carmona (Venezuela 2002), or president de jure Eric Delvalle (Panama 1988).

Source: Author

places such as Bolivia, Colombia, and others may still face legislative, judicial, or popular threats to their rule.

6.4 Crisis, Social Unrest, and Impeachment Traps

These data seem to indicate that impeachment has become more prevalent across Latin America in the 2010s and 2020s. The academic literature, however, offers limited interpretations of why. Macro explanations view impeachment in the post-Cold War era as a natural response to presidentialism and its Linzian attributes, such as the rigidity of the fixed term and lack of confidence

mechanisms.¹⁶ Others suggest that the coalitional aspect of presidentialism is to blame. Specifically, as the president's legislative coalition erodes, presidents are more likely to fall regardless of other factors.¹⁷ Different scholars have also tried to elucidate the factors that led to the rise in impeachment and concurrent decline in coups d'état by focusing on elements such as democratization and the changing role of the military and international actors¹⁸ or a country's underlying democratic 'stock'.¹⁹ Although useful, these explanations nonetheless do a poor job of explaining variation in the use of impeachment within democratic periods.

More useful are explanations that focus on the conditions under which legislatures remove presidents. These include the presence of executive corruption scandals,²⁰ and reasons such as poor economic performance,²¹ low public opinion of the president,²² elite radicalism,²³ weak political party system institutionalization,²⁴ social protest or anti-government demonstrations,²⁵ and perhaps most importantly, the presence or absence of a 'legislative shield' to protect the president during the impeachment trial.²⁶ Importantly, these explanations help link Latin America's acute social, political, and economic crises with the region's executive instability. Specifically, during times of economic stagnation and citizen discontent, presidents are more likely to confront low approval ratings, legislative opposition, and challenges to their leadership on the streets. In this context, impeachment becomes more likely.

Latin America's post-commodity boom era of the mid- to late-2010s is the perfect example of how global economic and political conditions can cause a regional wave of instability. Incumbents were re-elected at record rates during the commodity boom of the 2000s and early 2010s, but they suddenly faced threats to their survival as conditions changed. During this time, the region was beset by low economic growth, myriad high-level corruption scandals,

16 Arturo Valenzuela, 'Latin American Presidencies Interrupted' (2004) 15 *Journal of Democracy* 5; Hochstetler (n 15).

17 Andrés Mejía Acosta and John Polga-Hecimovich, 'Coalition Erosion and Presidential Instability in Ecuador' (2011) 53 *Latin American Politics and Society* 87; De Micheli, Sanchez-Gomez and Roberts (n 14).

18 Pérez-Liñán (n 7); Martínez, 'Presidential Survival in South America' (n 15); Aníbal S. Pérez-Liñán and John Polga-Hecimovich, 'Explaining Military Coups and Impeachments in Latin America' (2017) 24 *Democratization* 839.

19 Martínez, 'Presidential Survival in South America' (n 15).

20 Pérez-Liñán (n 7); Kathryn Hochstetler and Margaret E Edwards, 'Failed Presidencies: Identifying and Explaining a South American Anomaly' (2009) 1 *Journal of Politics in Latin America* 31; Kim (n 14).

21 Hochstetler and Edwards (n 20).

22 Ginsburg, Huq and Landau (n 2); Hinojosa and Pérez-Liñán (n 5).

23 Pérez-Liñán and Polga-Hecimovich (n 18).

24 Martínez, 'Presidential Instability in Latin America' (n 15).

25 Hochstetler (n 15); Pérez-Liñán (n 7); Young Hun Kim and Donna Bahry, 'Interrupted Presidencies in Third Wave Democracies' (2008) 70 *The Journal of Politics* 807, and Kim (n 14).

26 Hochstetler (n 15); Pérez-Liñán (n 7); Kim and Bahry (n 25); Kim (n 14).

and in many places, a return to austerity, all of which conspired to produce an unprecedented wave of social unrest. In 2017, anti-government demonstrations took place in Brazil, Honduras, and Venezuela, while even larger anti-Ortega protests followed in 2018 in Nicaragua in which police and militia repression led to the deaths of an estimated 500 protestors.²⁷ In 2019, a benchmark year, anti-government protests took place first in Venezuela, Nicaragua, and Guatemala and then in Ecuador, Peru, Chile, Colombia, and Bolivia – almost all of which threatened the survival of the president.²⁸ The COVID-19 pandemic, supply chain disruptions, and the subsequent rise in the cost of living have only exacerbated discontent with the status quo.²⁹ Although protests subsided during the global pandemic, they returned in force in 2022.

A complementary explanation is that some countries have also fallen victim to an ‘impeachment trap’, a cycle of instability in which one impeachment process is likely to result in a subsequent one. This concept is inspired by and represents a democratic version of what Finer and Putnam called a ‘coup trap’.³⁰ They hypothesized that a single coup could cause the erosion of a society’s political culture and lead to a greater risk of future interventions, as recurrent disruptions embolden coup-mongers and weaken civilian institutions. Furthermore, since the underlying social, economic, or political disfunction that contributed to the initial coup is likely to remain, the baseline probability of a subsequent coup rises. This proposal has been borne out in repeated empirical analyses that find that military rebellions are more likely to occur in countries with a previous history of coups.³¹

Like a coup trap, an impeachment trap also has both psychological and structural explanations. Psychologically, a first impeachment trial ‘breaks the seal’ for politicians, lays out a roadmap for how the process works, and helps them establish norms around how it will be used. This familiarity may also

- 27 Graig R Klein, José Cuesta and Cristian Chagalj, ‘The Nicaragua Protest Crisis in 2018–2019: Assessing the Logic of Government Responses to Protests’ (2022) 14 *Journal of Politics in Latin America* 55.
- 28 Anthony Faiola and Rachele Krygier, ‘How to Make Sense of the Many Protests Raging Across South America’ *The Washington Post* (Washington, D.C., 14 November 2019) <www.washingtonpost.com/world/the_americas/a-government-chased-from-its-capital-a-president-forced-into-exile-a-storm-of-protest-rages-in-south-america/2019/11/14/897f85ba-0651-11ea-9118-25d6bd37dfb1_story.html>.
- 29 Ryan Dube and Juan Forero, ‘Turmoil and Protests Shake Latin America as Region Sours on Democracy’ *The Wall Street Journal* (New York, 16 January 2023) <www.wsj.com/articles/turmoil-and-protests-shake-latin-america-as-region-sours-on-democracy-11673886497>.
- 30 Samuel E Finer, *The Man on Horseback* (Pall Mall 1962); Robert D Putnam, ‘Toward Explaining Military Intervention in Latin American Politics’ (1967) 20 *World Politics* 83.
- 31 Rosemary HT O’Kane, ‘A Probabilistic Approach to the Causes of Coups d’Etat’ (1981) 11 *British Journal of Political Science* 287; John B Londregan and Keith T Poole, ‘Poverty, the Coup Trap, and the Seizure of Executive Power’ (1990) 42 *World Politics* 151; Fabrice Lehoucq and Aníbal S. Pérez-Liñán, ‘Breaking Out of the Coup Trap: Political Competition and Military Coups in Latin America’ (2014) 47 *Comparative Political Studies* 1105; Naunihal Singh, *Seizing Power: The Strategic Logic of Military Coups* (Johns Hopkins UP 2014).

lead formerly hesitant lawmakers to incorporate it into their legislative toolkit, allowing them to wield it not only as a mechanism of accountability but also as a political weapon – potentially leading to further use (or misuse). There are also structural reasons for why one impeachment may presage another. As with the coup trap, there are no guarantees that removing one president will either resolve the core social, political, or economic crisis that tends to accompany a chief executive's removal or meaningfully change other underlying structural debilities (e.g., a fragmented and weakly institutionalized party system) that contributed to the president's fall. Moreover, the presidential successor generally lacks legitimacy. As Llanos and Marsteintredet point out, although an impeachment may successfully remove a president, it does not necessarily provide the successor with a broad mandate or political backing to lead the country out of the crisis.³² On the contrary, it may reduce rather than enhance the executive's legitimacy and governance capacity.

Many scholars have recognized the possibility of an impeachment trap in Latin America without calling it by that name. Helmke, for example, points out that 'countries [in the region] tend to experience multiple [constitutional] crises or none at all',³³ while Marsteintredet argues that a presidential interruption does not create further turmoil if the president is removed for violating the law but may lead to more crisis when the removal is due to policy or economic issues.³⁴ For their part, Hochstetler and Samuels find that a presidential ouster tends to lead to a climate of political instability that usually lasts about one year.³⁵ Despite the fact that Pérez-Liñán and Polga-Hecimovich find little statistical evidence of an impeachment trap in Latin America, they also acknowledge that they were working with a rare event; since their data cut-off of 2010, there have been eight additional presidential interruptions, many in countries with previous experiences of executive instability.³⁶

6.5 Evidence

Data on Latin America instability lends credence to both the governability crisis and impeachment trap interpretations, at least anecdotally. Figure 6.1 uses a stacked bar chart to overlay the outcomes of presidential impeachment trials in Latin America dating from 1990 to June 2023. It shows eleven such events from 1990 to 2014, with only 2005 featuring more than one impeachment.

32 Mariana Llanos and Leiv Marsteintredet, *The Political Limits of Presidential Impeachment: Lessons from Latin America* (German Institute for Global and Area Studies (GIGA) 2021).

33 Gretchen Helmke, 'The Origins of Institutional Crisis in Latin America' (2010) 54 *American Journal of Political Science* 737, 742.

34 Marsteintredet (n 15).

35 Kathryn Hochstetler and David J Samuels, 'Crisis and Rapid Re-Equilibration: The Consequences of Presidential Challenge and Failure In Latin America' (2011) 43 *Comparative Politics* 127.

36 Pérez-Liñán and Polga-Hecimovich (n 18).

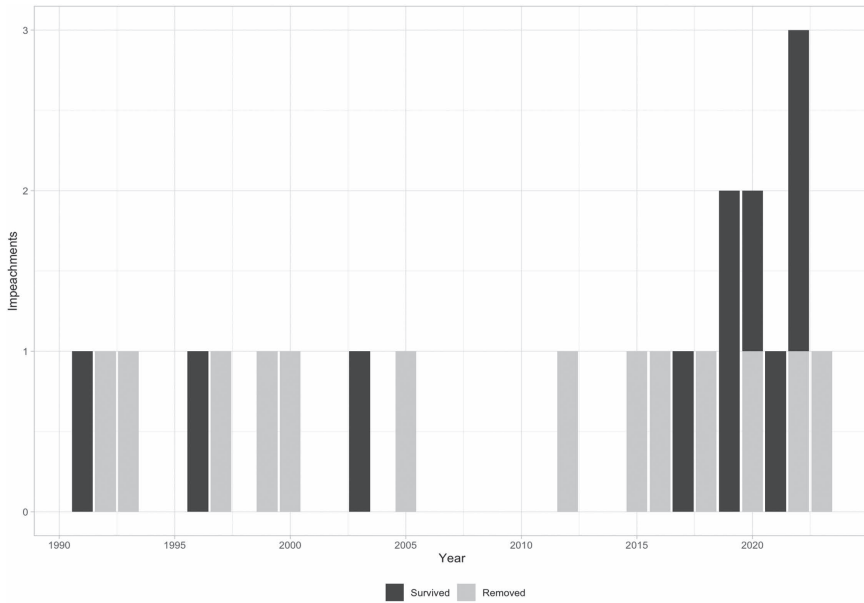


Figure 6.1 Presidential Impeachments Trials in Latin America (1990–2022)

However, beginning in 2015, there has been an impeachment trial every year. The bunching of cases in this latter period suggests that the region's multiple crises influenced legislators' demands of presidents in a systematic way. The disaggregation of presidential removals (including resignations) and survivals also reveals that although the total number of presidents forced from office has not varied considerably over time, there are far more cases of unsuccessful impeachment trials since 2017. This may indicate that recent impeachment processes were sparked more by social demands against beleaguered presidents rather than by inter-branch conflict, since the presidents were able to count on legislative majorities to survive.

Data on the geography of impeachment trials and presidential interruptions from 1990–2023 show another, possibly complimentary pattern. As the left-hand plot of Figure 6.2 indicates, countries tend to either never experience presidential impeachment trials or they endure multiple cases. This is especially true of Peru (seven trials), Paraguay (three trials), and Ecuador (three trials), all of which display signs of having fallen into an impeachment trap. The right-hand side of the figure combines removals via impeachment with negotiated resignations, forced resignations, and coups d'état, showing a sort of 'presidential instability trap' not only in Peru, Paraguay, and Ecuador but also in Bolivia (three removals) and Argentina (three removals). As with impeachments, presidential interruptions either are foreign to countries' political systems or tend to occur repeatedly.

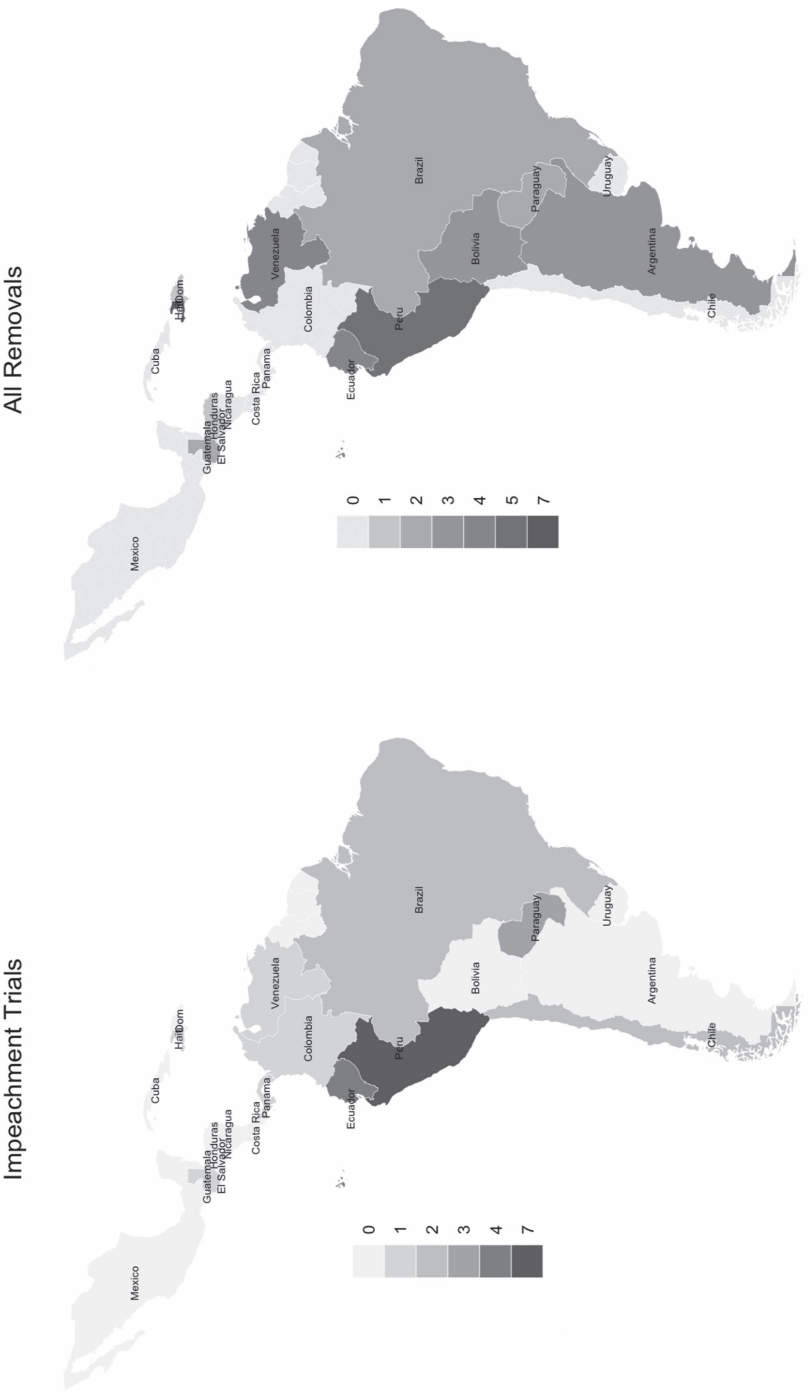


Figure 6.2 Impeachment Trials and Removals by Country (1990–2022)

Nonetheless, if underlying structural deficiencies enable presidential crisis and impeachment votes, then it follows that impeachment – or interruptions in general – should be bunched temporally. The evidence from Latin America fits when examining impeachment trials over shorter periods of time. For instance, in the five years from 2018–2022, there were ten impeachments in the region: with two in Chile and a whopping five in Peru (and a sixth if extending the period back an additional year). Ecuador's Guillermo Lasso survived an impeachment vote in June 2021 after having survived an impeachment motion in December 2021 and then faced another impeachment trial in May 2023.³⁷ No other country in the region experienced an impeachment trial during this time, putting into stark terms the difference between places where impeachment is a core process and those where it is not.

The same holds true of presidential interruptions more generally, as instability events have also been concentrated in a short period of time and tended to feature similar underlying causes. In Ecuador, the legislative removal of two presidents and a coup d'état against a third between 1997 and 2005 followed a pattern of presidential scandal, anti-government protests, and the erosion of the president's legislative partners.³⁸ Similarly, three of Argentina's presidential resignations took place in the short period from 2001–2003 during that country's unprecedented economic breakdown and resulting social and political crisis,³⁹ while the Bolivian presidential resignations in 2003 and 2005 were in response to massive social uprisings and related anti-neoliberal protests.⁴⁰ In all three countries, successors to fallen presidents failed to resolve the social or economic problems that drove the removal of their predecessors.

Of course, the paradigmatic illustration of a country beset by crises and social unrest and caught in the throes of an impeachment trap is contemporary Peru. As of this writing, four of the previous five presidents have been forced from office before their terms ended: Pedro Pablo Kuczynski (2016–2018), who resigned in the face of certain impeachment; his replacement, Martín Vizcarra (2018–2020), who was impeached; Vizcarra's successor, Manuel Merino (2020), who resigned after only five days in office facing credible threats of impeachment; and Pedro Castillo (2021–2022), who was impeached after he attempted an autogolpe. The only president in the last three decades who has not faced accusations of corruption is interim leader Valentin Paniagua

37 Haiti is not included in this analysis because it does not have a presidential system. However, it experienced an impeachment vote in 2019 against Jovenel Moïse, followed by another episode of instability when the president was assassinated in 2021 – providing evidence not of a trap of impeachment but one of instability.

38 Mejía Acosta and Polga-Hecimovich (n 17).

39 Steven Levitsky and María Victoria Murillo, 'Argentina Weathers the Storm' (2003) 14 *Journal of Democracy* 152.

40 Jeffery R Webber, 'Carlos Mesa, Evo Morales, and a Divided Bolivia (2003–2005)' (2010) 37 *Latin American Perspectives* 51.

(2000–2001), with the others facing indictments, house arrest, and imprisonment.⁴¹ Moreover, both Vizcarra and Castillo survived one motion of impeachment, and Kuczynski, Vizcarra, and Castillo all survived an initial impeachment trial before they were forced from power in a second. By any reasonable standard, this is the definition of an impeachment trap.

The geographical concentration of impeachment trials in Latin America also converges with some of the region's most noteworthy governability crises. In this sense, Peru is also emblematic. At least some of these leaders committed impeachable acts, to be sure, but a multiplicity of structural difficulties also plagued their rule. These include many of the micro-conditions the impeachment literature argues can lead to removals, such as a poorly institutionalized and nearly non-existent party system, numerous corruption scandals that weaken the executive, elite radicalism, and poor public approval of nearly all politicians, all of which facilitate broad social protest and rejection of the status quo.

The destruction of the party system and resulting legislative fragmentation are particularly important, and they contribute to presidential instability in at least three ways. First, they incentivize the candidacy of outsiders and populists, which hampers governance. Specifically, the paucity of programmatic parties means less vetting of presidential candidates and fewer institutional checks to filter out unprepared outsiders and populists. Second, a weak party system means Peruvian presidents have to engage in costly negotiations to govern. Excessive fragmentation and a deficit of programmatic parties means that presidents must constantly forge and maintain floor voting coalitions in the National Congress. This makes them more likely to purchase votes in illicit ways and leaves them open to public accusations of corruption. Lastly, a multiplicity of parties makes building a legislative shield difficult at the time of the impeachment motion or vote.

Accordingly, Peru's extreme presidential instability suggests the compatibility of several factors highlighted in the literature along with an impeachment trap. Unfortunately for the country, these phenomena also seem to reinforce one another: underlying problems give way to a crisis, which leads to an impeachment; the removal of the president then fails to resolve the underlying problems, and the cycle continues.

6.6 Dangers of the Impeachment Trap

Impeachment has long existed in Latin American constitutions. However, for most of the region's history, it was used only sparingly and often as legal cover for a presidential removal orchestrated by elites or the military. This changed

41 In addition, ex-president Alan Garcia (1985–1990; 2006–2011) committed suicide in April 2019 when Peruvian police arrived to arrest him over participation in the Odebrecht bribery scheme.

with the third wave of democratization. Freed from the vicissitudes of the Cold War, impeachment replaced the military coup d'état as Latin America's modal form of presidential removal. Between 1991 and 2022, there were 24 impeachment trials across nine Latin American presidential democracies. These resulted in eight removals, four resignations pending removal, and 12 cases of presidential survival. Furthermore, Latin American legislators, judges, and citizens have filed hundreds of motions against leaders that never left committee or reached an assembly vote.

The use of this tool, however, is not uniform. In some countries, impeachment is an instrument that the legislature wields as a 'core' part of the executive control process, and without exception, these political systems have experienced multiple impeachment trials or multiple presidential interruptions. Where impeachment or other types of presidential interruptions have become core processes, they are invoked quite often. In other countries, impeachment is a 'peripheral' process; it is rarely invoked, and motions or resolutions related to the process fail to reach the trial phase. In a third group of countries in Latin America, impeachment is considered a 'satellite' process where impeachment exists on paper but is not invoked by legislators as a mechanism of accountability or as a political weapon.

The temporal evolution of impeachment across Latin America, including the rise in impeachments since 2016, indicates not only a relationship between socio-economic conditions and presidential stability but also the existence of an 'impeachment trap'. During the commodity boom of the late 2000s and early 2010s, incumbents were often re-elected and rarely faced threats to their survival. However, as this period of prosperity ended and economic conditions worsened, the depth of popular grievance and popular protest increased along with the number of impeachment trials. In places where presidents have fallen, many of their successors have also faced challenges to their rule.

An impeachment trap and a high level of presidential instability are probably not healthy for Latin American democracy. Some scholars initially welcomed impeachment as a needed 'flexibilization' mechanism of presidentialism, allowing the removal of presidents but survival of the regime.⁴² However, multiple, repeated challenges to presidential rule do not necessarily resolve political crises and may instead contribute to them by raising citizen disenchantment, increasing polarization, and undermining the legitimacy and governing capacity of politicians. In these places, impeachment is no longer used as a mechanism of accountability but almost exclusively as a political weapon, undermining trust in the political system, politicians, and political parties.

42 Marsteintredet and Berntzen (n 13).