

Rendición de cuentas y los mecanismos de transparencia legislativa en América Latina

*Rendered Accounting and mechanisms of Legislative Transparency in Latin
America*

Responsabilidade e transparência mecanismos legislativos na América Latina

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Resumen

Este documento analiza la manera como el proceso de modernización legislativa en la región latinoamericana favoreció la gestión legislativa, el acceso a la información, la transparencia y la participación ciudadana en las decisiones legislativas. Sin embargo, las expectativas tecnológicas no garantizaron del todo cambios profundos en las prácticas políticas, en la representación y aún menos en la rendición de cuentas, situación que coloca a los Congresos en una complicada crisis de credibilidad y confianza. El estudio elabora un análisis comparado a partir de dos criterios: 1) la rendición de cuentas, el equilibrio de poderes y la reelección; y 2) el acceso ciudadano a la información y del nivel de incidencia de este en las decisiones legislativas.

Palabras clave: rendición de cuentas, Congresos latinoamericanos, parlamentos abiertos, sistemas de información legislativa.

Abstract

This document analyzes the way the process of legislative modernization favored the legislative management in the region Latin America, the information access, the transparency and citizen participation in decision making. However, technological expectations not guaranteed at all profound changes in political practices, in the representation and even less in rendered accounting, situation that put the Congress in a complicated crisis of credibility and confidence. The study develops a Comparative Analysis based on two criteria: 1) Rendered Accounting, balance of power and Re-election; and 2) citizens access to information and the level of incidence of this in decision making.

Key Words: Rendered Accounting, Latin American Congresses, Open Parliament, Legislative Information System.

Resumo

Este artigo analisa a forma como o processo de modernização legislativa na América Latina favoreceu a gestão legislativa, o acesso à informação, a transparência ea participação dos cidadãos nas decisões legislativas. No entanto, as expectativas tecnológicas não estão garantidos em mudanças profundas na todas as práticas políticas, em representação e ainda menos a prestação de contas, uma situação que coloca o Congresso em uma crise complicada de credibilidade e confiança. O estudo baseia-se em uma análise comparativa de dois critérios: 1) a prestação de contas, o equilíbrio de poder e reeleição; e 2) o acesso dos cidadãos à informação e o nível de incidência deste nas decisões legislativas.

Palavras-chave: responsabilização, congressos latino-americanos, parlamentos abertos, sistemas de informação legislativas.

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Introduction

Is possible to say that the transit towards the transformation by the democracy of various Latin American countries, in line with the technological impact of Governments and open parliaments, has increased the citizens expectations concerning its democratic institutions —particularly those of representative Court—, as mediums for the aggregation and discussion of public interest demands. The democratic arrival in the Latin American region offered opportunities to those institutions to adapt and conform to democratic demands through institutional and technological modernization processes.

In the case of congresses, they promised particular interest since returning to their audit and representative function, they would contribute with the citizens expectations of enjoy a good quality democracy that bring closer the national representation to an unbelieving citizenship of authoritarian, inefficient and corrupt governments. The process of institutional transformation has varied from country in country, but in general you can say, coinciding partly with Elice (2010) and Ampuero (2005), that the “modernization” of the Congresses has been limited to the incorporation of new techniques and technologies that somehow have facilitated the legislative activities.

In other words, changes have favored the legislative management, the Information access, the transparency and somehow the citizen participation in the decisions making; however, the technology expectations do not guarantee all deep changes in the political practices, in the representation and even less in Rendered Accounting, situation that puts the Congress in a complicated crisis of credibility and confidence, where particularly them Latin American assemblies will have stand out by their discredit and lack of legitimacy.

The result of this refusal is disturbing if seen in the light of the data reported by the Latinobarómetro Corporation Inform in 2015, on democratic perception. The region is highlighted by the bad evaluation of democratic institutions, particularly parties and Congress. Regarding the latter, the data provided by the index presented over twenty years (1995-2015) highlights that countries better assess their legislatures are Uruguay and Ecuador, where less than half of respondents have said much and some confidence in its Congresses (46%). The opposite side, were qualified worst Congresses Peru, Colombia, Chile and Guatemala with figures ranging between 85 and 76%, they say countries have

little or no confidence in their legislatures. In places like Mexico, Venezuela and Bolivia, 60% reported a negative perception of their parliament.¹

Alcántara Sáez et al. (2005), explain this in terms of the problems of democratic consolidation, weak structures that have worked as ratificadoras tools in the hands of authoritarian regimes; its low technical and political capacity from the executive; the absence or misuse of institutional mechanisms for interaction with civil society has prevented him from bringing the representation to the public. At the same time, it has been difficult to eradicate practices such as management of Congress under patrimonialistas criteria without any technical attachment; this has generated among the population perceptions of mistrust and low self-esteem in relation to other public institutions.²

However, inherent to Latin American Congress structural weaknesses is undeniable that today the legislative institutions of the region seek strengthened since the crisis presents an opportunity to balance their weight to the executive, integrating political representation, citizen participation, expand channels of social interaction and promote accountability, transparency and evaluation of the Congress.

Currently there have been a number of changes that refer to three elements: 1) accountability, the balance of power and re-election; 2) legislative information systems and quality of such information; 3) citizen access to information and its impact on legislative decisions. The first element will be observed under the double role of the legislature in terms of accountability, as agent and subject of the surrender, in other words, it is an entity that monitors and controls its Executive counterpart, while being subject of accountability by the choice and the ability of citizen control over their legislators through re-election as an element that encourages the bond and commitment of the legislature with his electorate and the citizens' ability to evaluate the performance of its representative.

Information systems, as a second premise, are essential for compliance with the first quality while reducing information asymmetry between the executive and legislative branches and

¹ In this sense we can relate distrust of Latin American citizens with their parliaments and their perception of the performance. The report responded to the question of whether they feel represented by their Congress as follows: 70% of Latin Americans do not feel represented by their Congresses. Uruguay is the country that feels best represented with 45%; and at the other extreme are Peru with just 8% of acceptance, Brazil and Mexico with 13% 17%.

² For example, in the same opinion poll, the government or the presidential figure have levels slightly higher than those recorded by the Congress approval.

between the legislature and citizens. The third element will address the ability of citizens to influence those open parliaments whose criteria include access to quality information and integration structures for citizen participation.

Accountability in the legislature

Accountability implies a control logic performance from the previous assessment. Such performance is vested with elements that guarantee transparency, access to information, the responsibility of those who exercise civil and penalty for incorrect actions in the decision.³

In the Legislature, accountability is diffuse both the extent that can be identified from different areas. Analytically, O'Donnell (1998) includes two types of accountability: horizontal and vertical. The first is the existence of state agencies with legal authority, responsible for monitoring and sanctioning performance and proper use of resources by public officials and state institutions. The horizontal accountability is outstanding while subjected to the state as a whole since "... nobody owns authority, this is provided by the public through competitive elections" (O'Donnell, 2007, p. 37); thus, the mechanisms that operate this type of accountability are translated into systems of weights and counterweights own presidential systems.

³ Shedler (1999) y Ackerman (2004) agree on three basic elements of accountability: a) answerability, b) and c) receptiveness) enforcement, ie transparency, responsiveness and punishment. Transparency as the right to require the reporting of government decisions, in addition to explain and / or justify the reasons for the decision. Responsiveness is the ability to include in the decision making process, opinions and / or citizen deliberations. Finally, Punishment is the possibility for citizens to punish the correct and incorrect performance of elected governments, sanction which can range from not being re-elected in the next election, until revocation of the mandate.

Table 1. Accountability and Legislature	
Horizontal (agente)	<ul style="list-style-type: none"> - Balance (sistemas de control y distribución de poder) - Asignada (sistemas de fiscalización interna)
Vertical (sujeto)	<ul style="list-style-type: none"> - Electoral (con sistemas de reelección e información del representante, ejerce control electoral) - Social (sistemas de participación ciudadana vinculatoria y acceso a la información de las decisiones legislativas, ejerce control legislativo)

Preparation: own based on Casar, Marván y Puente (2010); O’Donnell (1998) y Cunill (2007).

Balance of powers and horizontal accountability

Para O’Donnell (1998) the horizontal accountability in presidential systems is divided into two subtypes: balance and assigned. Balance prevents the concentration of power in any of the three powers (executive, legislative and judicial). Each institution reacts when another power invades their jurisdiction (institutional control). The second subtype (assigned) identifies those institutions that monitor and sanction the actions of other state, national or municipal organizations in order to avoid and prevent illegal resource management (control of public officials). That is, the horizontal accountability functions as an instrument of control, counterweight and distribution of power between the executive and legislative branches, as well as control of decisions of the governing bodies themselves through internal control systems (audits, *ombudsman*, etcétera), (Casar, Marvan y Puente, 2010).⁴

However, these instruments depend on the type of building the institutional balance of powers. Latin America has experienced the gradual fall of authoritarian regimes by other democratic type, in this transit, has tried to modernize and consolidate the new democratic states, however, what is observed is a weakness in its institutional designs, derivatives the transformations of their own regimes. These weaknesses tried to strengthen in Latin America with constitutional reforms. According to Negretto (2009), two trends are what

⁴ En un estudio muy documentado estos autores evalúan la rendición de cuentas horizontal en el caso mexicano e identifican las normas y reglas que integran el conjunto del sistema de pesos y contrapesos en el sistema político mexicano.

make this dynamic of constitutional changes from 1978 to 2011 by countries that generated a new constitution (Argentina, Brazil, Chile, Colombia, Ecuador, El Salvador, Guatemala The first consists , Honduras, Nicaragua, Paraguay, Peru, Dominican Republic and Venezuela). This trend has been accompanied by various processes that led to the replacement of authoritarian regimes by democratic; when the outgoing authoritarian regime had replaced the previous democratic constitution, the country had no previous democratic experience, or the last democratic constitution had fallen into disrepute. The second trend is for countries that opted for deep constitutional reforms that changed their political, electoral, judicial and accountability systems in certain cases, as in the case of Costa Rica, Mexico, Panama and Uruguay.

Table 2. Replacements and Constitutional Reforms in Latin America			
País	Constituciones Vigentes	Nueva Constitución	Reformas*
Argentina	1853		0
	1994	Sí	0
Bolivia	1967		4
	2010	Sí	0
Brasil	1988	Sí	16
Chile	1925		0
	1980	Sí	9
Colombia	1886		4
	1991	Sí	11
Costa Rica	1949		15
Ecuador	1978	Sí	4
	1998	Sí	0
	2008	Sí	0
El Salvador	1983	Sí	6
Guatemala	1985	Sí	1
Honduras	1982	Sí	21
México	1917		26
Nicaragua	1987	Sí	3
Panamá	1972		5
Paraguay	1992	Sí	0
Perú	1979	Sí	0
	1993	Sí	5
República Dominicana	1966		2
	2010	Si	0
Uruguay	1967		4
Venezuela	1961		4
	1999	Sí	0

Source: actualización en 2011 con base en Negretto (2009).

* Reforms year accounted for amendments were made.

The changes made involved the introduction of parliamentary traits presidential systems such as censorship and dismissal of some cabinet ministers by Congress to empower the president to dissolve Congress and the creation of the post of chief of staff, partially responsible to the legislature (Argentina, Guatemala, Peru and Uruguay). Another trend was the restriction of presidential power to issue decrees and strengthen the capacities of the legislature by modernizing its information systems and specialized as well as the strengthening of legislative committees and audit entities (Chile, Colombia, Costa Rica) (

Payne et al., 2003, p. 288). Finally, in some constitutions the presidential figure remained relatively strong in the extent to which executives wield extraordinary powers granted them by the constitution, as in the case of the veto power, the power to decree without restriction only have Argentina Brazil and Colombia, the political reserved only holds the president of Uruguay, the power of extraordinary budget initiative with most of the leaders, but only in some cases the involvement of Congress in the modification thereof is restricted, for example , Brazil, Chile, Colombia and Peru and the power of referendum does not require the consent of Congress to summon (Ecuador and sometime in Guatemala), which is popular consent before than their political counterparts (Shugart, 2000, pp. 167-163).

Product of these powers, presidential regimes can be classified by their constitutional powers: hegemonic, for example, Brazil, Ecuador, Honduras, Mexico, Dominican Republic and Venezuela; the parliamentary nuances such as Bolivia, Chile, Colombia, Costa Rica, El Salvador, Nicaragua, Panama and Paraguay; and presidentialism "parliamentarized" as Argentina, Guatemala, Perú y Uruguay (Reniu Vilamala, 2011).

Table 3. Types of presidential systems balance		
Tipo de equilibrio	Facultades otorgadas	Países identificados*
Hegemónico o facultades extraordinarias del presidente	<ul style="list-style-type: none"> - Vetos poderosos - Decretos sin restricciones - Política reservada - Iniciativa presupuestaria extraordinaria - Referéndum sin consentimiento del Congreso 	Brasil Ecuador Honduras México República Dominicana Venezuela
Con matices parlamentarios, restringen los poderes presidenciales	<ul style="list-style-type: none"> - Restricciones para emitir decretos - Fortalecimiento de las capacidades legislativas - Reforzamiento de comisiones legislativas 	Bolivia Chile Colombia Costa Rica El Salvador Nicaragua Panamá Paraguay
Parlamentarizado introduce la figura de primer ministro, la censura o la disolución del Congreso	<ul style="list-style-type: none"> - Censura y destitución de algunos ministros - Faculta al Presidente a disolver el Congreso - Creación del cargo de Jefe de Gabinete, parcialmente responsable 	Argentina Guatemala Perú Uruguay

* Some powers granted are only one or two countries, but are identified in this area by type of equilibrium.

Source: elaboración propia con base en Shugart (2000) y Reniu Vilamala (2011).

Other trends observed are granting or restriction of partisan support as deconcentration and decentralization of unitary systems and some federal, fragmentation of party systems through the establishment of systems of proportional representation and cooperation systems party systems as a result of the proposed new electoral systems. The trend in the presidential election was distancing simple majority system of absolute majority by two turns; the concurrence of the presidential and legislative elections in favor of maintaining a majority of the Executive, limits on presidential re-election, the existence of a second chamber in those non-federal countries, improved the combined regional representation with proportionality of both houses whose aim has been to reduce single-party systems by

fragmented majorities required to create coalition governments systems (Payne et. al., 2003).

Finally, the effects of these changes have led to the integration of Congresses and governments aimed at generating cooperation systems that support institutional change. Currently, multiparty systems operate according to their degree of fragmentation, resulting in three potential scenarios: one-party government with a parliamentary majority opposing the ruling party; or governments with unequal size political forces in favor of one of them. In this model the risk of blockage and conflict for the first case is increased; or offers channels of cooperation if the majority of government in turn. minority governments where no party holds the majority in this particular case the parliamentary negotiation of agreements is timely and provisional and subject to the proximity of the parties in the specific policies and; coalition governments with similar political forces in size where negotiation and agreement is stable, whose duration depends on the holding of the next elections (Reniu Vilamala, 2008, pp. 21-23).

The result of these changes is observed in the effect on the balance, while the hegemonic systems that favor the presidential figure with extraordinary powers tend to generate poles of unpredictability regarding the support received by the president of the party in Congress, that parliamentarians have features that restrict presidential powers or parliamentarized introducing the figure of prime minister or censorship, which favors negotiation point for the first case and stable for the second (see table 4).

Table 4. Institutional change and balance in presidential systems		
Tipo de equilibrio	Tipo de cooperación	Efectos en el equilibrio
Hegemónico o facultades extraordinarias del presidente	Unipartidario (mayoría parlamentaria contraria al partido del Presidente, o predominio de uno de los partidos)	Incrementa el bloqueo presidencial
Con matices parlamentarios, restringen los poderes presidenciales	Gobierno minoritario (ningún partido ostenta la mayoría)	Negociación de acuerdos puntuales y provisionales. Condiciona la cooperación a las temáticas puntuales
Parlamentarizado, introduce la figura de primer ministro, la censura o la disolución del Congreso	Gobierno de coalición (fuerzas políticas similares en tamaño)	Negociación de acuerdos estables. Incentivan la cooperación con el presidente

Elaboración: propia con base en Reniu Vilamala (2008 y 2011), Payne et al. (2003), Shugart (2000) y Negretto (2009).

Vertical accountability

The vertical accountability, O'Donnell (1998 and 2007), subdivided into electoral and social. The electoral subtype understood as the mechanism used by citizens to sanction or punish the leaders through voting. However, this type of accountability is more effective if the re-election of legislators is allowed and if, in addition, the citizen has sufficient information from the legislature to assess their performance, history and even capabilities. Both reelection as access to information are two instruments that voters should be guaranteed for electoral exercise control over their representatives.

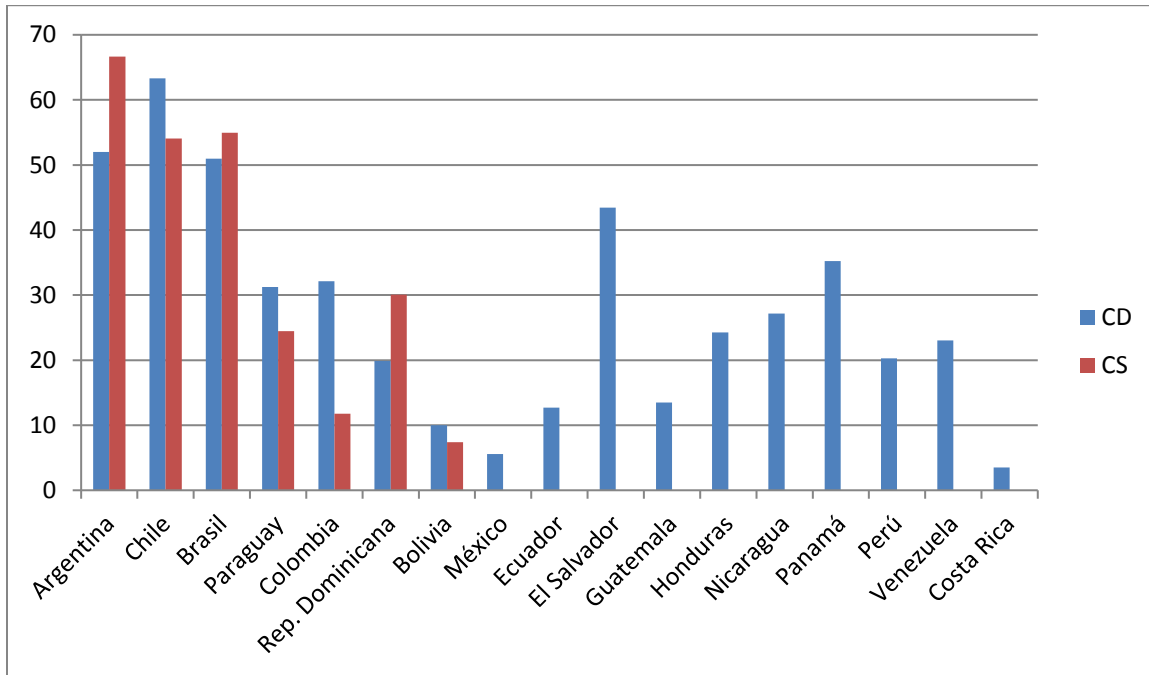
Reelection as citizen control

Speaking of legislative reelection involves referring to the origins of parliamentary representation and, therefore, the primary purpose of which is "to serve the voters." This right vested by the mantle of the popular vote, involves two aspects: the sense of responsibility towards citizens (accountability), and the experience gained as part of the

institutional strength of the legislature against the complexity and specialization public decisions and parliamentary tasks.

With regard to the accumulated experience few Latin American countries that maintain constant levels of tenure. Chile, Argentina and Brazil in the period 1995 to 2008, maintained an average above 50% of legislators who have been reelected in the lower house; while countries like Mexico, Costa Rica (with no reelection), Bolivia, Ecuador and Guatemala registered the smallest averages ranging between 3 and 13% of repeat offenders reappointed or members (for those countries without consecutive reelection) in the same position. Reelection in the Senate (in bicameral systems for the region) is similar with some upward adjustments (see Figure 1).

Figure 1. Legislative Reelection in Latin America



Source: elaboración propia con base en Legislatina. Observatorio del Poder Legislativo en América Latina, <http://americo.usal.es/oir/legislatina/reelección.htm>

The lack of experience by way of re-election in Latin American countries has limited the professionalization and legislative expertise, hence Carey (2006) states that restrict the legislative election eliminates the possibility of a career within Congress, and allows the professional future of legislators in the hands of political parties-to the extent that control

the policies of their members- and not the electorate careers; decisions then depend on the electoral calculation before interest and learn about government policies, ie re-election prevents professional politicians dealing primarily with its electoral political career (also called external), rather than a legislative (or inner race) in seeking to specialize in legislative and governmental affairs.

We can say that the academic community has discussed and agreed that the professionalization of the legislative function is the product of the accumulated experience of legislators, however, we wonder: is it enough legislative reelection and experience to ensure accountability? The answer to this question is twofold: those who accept the reelection "cultivates the capacity of legislators," enriches the experience of the same and, therefore, promotes professionalism while promoting responsibility and accountability (Campos, 2003; Valadés, 2003; Dworak, 2003; Carey, 2006); and those who believe that the election does not guarantee recidivism of legislators in the same position, so that the accumulation of experience is limited and lacking commitments to their constituents (Jones, 2002). In addition, the representative activity by its very nature has no information as legislators rely on the information generated by specialists of the bureaucracy; the result of the aggregation of interests occurs in the best of cases consensus before effectiveness and coherence, therefore, the immediate effect given as dysfunctional, conjunctural political result and unable to respond to social demands (Mezey, 1995).

Although the second conception or citizen detachment is the one that has prevailed in the Latin American vision of the Congress, it is possible to consider that horizontal accountability and vertical applied to the legislatures are instruments that paid to increasing greater knowledge of legislators, because the information and expertise of legislative work since such knowledge contributes to better monitoring exercise and a broader impact on the government. At the same time it provides the opportunity to maintain constant contact with their constituents, so that these require greater responsibility. In other words, re-election as an instrument of social control is only possible if three strands of action are consolidated: vertical and horizontal accountability accounts; quality and access information; and advocacy and citizen participation channels.

For that reason reelection is the institutional arrangement that helps build commitment among makers legislative decisions and those who await the opening of the representative

bodies in which not only the applicants' profits, but to strengthen and legitimize the own re-election as a feedback system and communication, as well as responsibilities and commitments to voters. There are four elements that encourage commitment and institutional response:

- Opening on the control information in the management of resources.
- Advertising of legislative activities.
- Ensure citizen participation in legislative decisions.
- Respond to requests and demands through access to the legislative agenda.

The link between representation and commitment adds to representative democracy new elements that, far from replacing traditional representation, complemented by giving a function of opinion, or where appropriate, the ability to listen to citizens as consideration of opinions , preferences, levels of citizen satisfaction, all through public consultation, deliberation initiatives, public hearings, contact offices, advisory councils, referenda, in addition to electronic instruments such as citizen approach channels.

The social accountability

Przeworski (1998, p. 9) is skeptical noting that "elections do not oblige politicians to implement policies intended by the voters." This is explained by the limited or insufficient information with which voters have to assess their elected legislators; in addition to the author, the threat of not being reappointed is not sufficient to induce representatives to act in the public interest. Therefore additional instruments are required to vote, so that citizens have the ability to effectively monitor and sanction the behavior of the representative.

To Smulovitz (2001) social option accountability is an extension of the vertical because:

Social accountability is a vertical control mechanism, not electoral, political authorities based on the actions of a broad spectrum of citizens associations and movements as well as media actions. The actions of these actors are intended to monitor the behavior of public officials, expose and denounce illegal acts thereof, and activating the operation of horizontal agencies control. Social accountability can be channeled both institutional and non-institutional ways (Smulovitz, 2001, p. 3).

In the same vein, Nuria Cunill (2007) states that through social control is possible to influence collective and effective way accountability, since the actors of civil society organizations, NGOs or the media, make cash this power through access to information, freedom of expression, public deliberation, reporting and participation rights and petition. That is, the social accountability rests one hand on instruments of citizen participation (access to information, public consultations, public deliberation, citizen initiative, citizen comptrollers, revocation of the mandate), and on the other, the intensity of claims as well as the impact of their actions in order to influence public opinion (power of movement, communicative power, lobbying and / or pressure).

It can be said that the reformulation of the representation within public support mechanisms is the key to the influence of those in government and legislative agenda, complement the educational and information channel represented for the exercise of political responsibility. In other words, the representation linked to accountability allows citizens to exercise influence on public decisions, management, public opinion, control and monitor government policy, establish (especially in the opposition parties) objectives justified to achieve consensus governance and form an opinion on the government's (Sánchez de Dios, 1995).

Seen thus, representation in relation to vertical accountability in their electoral and social aspects have a double meaning, on the one hand coexists with regulatory frameworks that facilitate the active involvement and legal control of citizens individually or collectively in the public affairs; on the other hand, the involvement of citizens in decisions is an effort of organization and argumentation (Nino, 2003 and Alexy, 2006) of collective action that interacts between representatives and organized society.

Regulatory frameworks consist of instruments legally established in codes or laws that refer to the spaces in which citizens can participate collectively or individually in different social, economic, cultural, political, environmental fields, as well as various public activities local and regional.

Regulatory frameworks for citizen participation are different levels of access and linkages with decisions. Levels of participation are enlarged or reduced depending on the link or access to the process of legislative decision (see Table 5). Some mechanisms have an

advisory role in the extent to which citizens can express opinions about preferences or satisfaction levels on programs or policies offered by the government through public consultations, referendums, plebiscites more or less influential as the opinions are obligatory nature with government decisions. Others have an informative function (access to information). Consultation and access to information are mechanisms involved in institutional policies insofar as they identify problems and influence the legislative agenda; other group are the mechanisms that meet management functions and information sharing, where citizens have the ability to directly manage a good or service, or are considered to share information through direct access to legislative committees, discussions with specialists, organization from academic events, promoting reform, among the main ones.

Table 5. Regulatory frameworks and levels of participation

1. ACCESO A LA INFORMACIÓN	3. GESTIÓN Y PETICIONES
2. CONSULTIVOS Y DE OPINIÓN	4. ALTA DELIBERACIÓN



Fuente: elaboración propia
 S/V= unlinked
 C/V= LINKED

Finally, citizens can directly influence some decisions through mechanisms of high deliberation regarding the decision process, these institutions contribute to the process of decision making not only by issuing opinions, but directing the actions of the government through the power of decision given by instruments such as the popular initiative, social comptrollers, revocation of the mandate or legal recognition of lobbying.⁵

Overall, Latin American countries have institutional bodies of public access, however, the effectiveness of the instruments varies from country to country and depends on the level of openness, involvement and responsibility to subject lawmakers. For example, in Chile legislators accountable for the resources used; besides having a parliamentary audit, responsible for controlling public funds for legislative function, it has a parliamentary allowance Decisive Council, composed of former officials, academics and specialists in budget management. In addition, the Assembly must submit their sworn statement equity interests for public consultation. In contrast, Peru has a Parliamentary Ethics Committee, which prevents, investigates and punishes offenders Congress, however, the commission is composed of the same parliamentarians.

Bolivia and Ecuador stand in civic management offices and public attention in the electoral districts of their representatives. Argentina and Colombia have public hearings where citizens and representatives of associations expose topics of interest (Transparency, 2013). That is, while lawmakers in Chile are subject to budgetary responsibility; Bolivia and Ecuador in the relationship with citizens is management and any non-binding consultative manner. In Colombia and Argentina hearings are access to public debate, but no binding force.

The importance of monitoring bodies and legislative audit are a priority to the extent that the congresses have exponentially increased their budgets as part of the institutional modernization processes that favor autonomy. For example, we take as a reference the US

⁵ On this last element, it is true that lobbying exerted by specific interests has the ability to manipulate the legislative decisions in favor of certain interests; however, lobbying not only be exercised by specific interests. This requires encouraging the participation of professional groups and / or academics specializing in issues that contribute to the flow of information that may lack legislators, such groups may be partakers of legislative decisions or at least their positions be considered in the government agenda in the legislative process, in policy design or in evaluating the same.

Congress as the assembly that has the largest number of specialized in various areas of public policy staff. It is noteworthy that Brazil is the second largest budget in Congress with the world, or that Mexico occupies the fifth or seventh Argentina (see Table 6). At the regional level the last three Congresses occupy the top three places in high budget allocations, a situation which does not correspond to the indices of budget transparency identified in Figure 2 (Unión Interparlamentaria, 2012).

Table 6. Budgetary allocations and transparency index

País	Asignación presupuestal (en millones de dólares)	Índice de transparencia presupuestal*
Brasil	35 105.7	S/D
México	8 878.1	0.21
Argentina	5016.5	0.17
Colombia	2 468.8	0.25
Venezuela	2 276	0.12
República Dominicana	1 952.7	S/D
Chile	1 633.2	0.50
Uruguay	1 113.4	S/D
Costa Rica	498.1	S/D

* The index has a range between 0 and 1, being close to zero less transparent and close to one of the most transparent.

Source: prepared based on data from the Inter-Parliamentary Union (2012); Latin American Network for Legislative Transparency (2014).

The operation of the instruments depends on the organizational, informative and / or argumentative capacity that citizens have. In all cases, the goal is to influence greater or lesser extent on the legislative agenda, however, how effective is the response of legislators ?, simply manage the different demands, proposals designed to recognize when problems or their actions affect instances of social control?

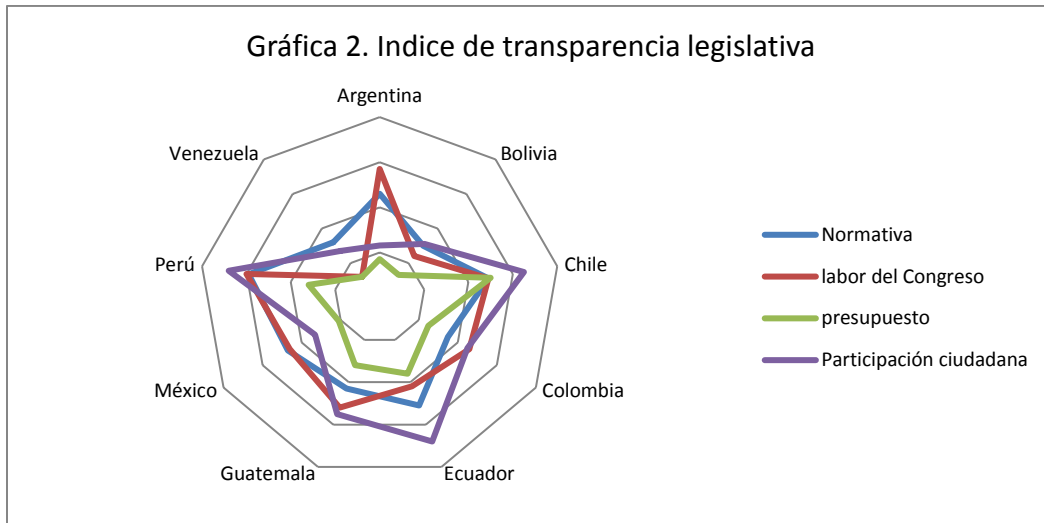
According to the index of legislative transparency proposed by the Latin American Network for Legislative Transparency 2014, the region is characterized by low levels of transparency, 40% of a total of 100, which include Peru and Chile above average with 55% and 53% respectively and the opposite side, Venezuela and Bolivia with 21% to 24%. Intermediate countries are Argentina, Mexico and Colombia, ranging between 36% and

38% transparency index (see chart 2).⁶ That is, the lack of transparency is a product, according to the report, absence, ambiguity or discretionary rules depending on various factors such as the existence of laws or regulations concerning transparency, citizen participation, accountability, control lobbying, asset declarations, reports the legislative budget exercise and regulation of advertising of legislative work.

According to the report, only Chile, Peru and Mexico have lobbying regulations, however, the report states that these are still ambiguous. Chile, Ecuador and Guatemala require legislators to report their expenses.⁷ Evaluation of a total of 16 indicators (see note 8) relate the existence of laws or regulations in these areas, countries that stand out for having a relevant regulations are Peru with 59%; Ecuador with 51% and Mexico with 47%. In contrast, Venezuela and Bolivia are less prominent in this area with 32 and 30% each. Although the existence of regulations in these terms is the first step, the implementation of it is what really helps to verify the true citizen bonding.

⁶ Dicha evaluación es importante en tanto que las dimensiones consideran además de la base normativa que incluye la existencia de leyes y reglamentos relacionados con acceso a la información, fiscalización legislativa, oficinas de atención ciudadana, gestión y ética. La medición también incluye códigos que evalúan la implementación de las mismas además de la publicidad de la labor del Congreso y sus órganos internos como las comisiones, los grupos parlamentarios, las votaciones, la asesoría interna y externa, así como la facilidad de acceso a la documentación legislativa, además de campos relacionados con el presupuesto y la gestión administrativa de los Congresos de la región, sin olvidar el cumplimiento de la normativa de aquellos países que poseen mecanismos legislativos de atención, petición y respuesta ciudadana. Finalmente, se evalúa la capacidad tecnológica de los diversos medios de comunicación con los que cuentan los Congresos para la facilitar la accesibilidad a la información legislativa de parte de los ciudadanos.

⁷ En Chile y Colombia se publican los nombres de los proveedores de bienes no licitados. Chile, Ecuador y Perú brindan informes financieros sobre viajes dentro y fuera del país; estos países también publican detallados formatos presupuestales en los que se incluye: gasto de las fracciones, auditorías internas y externas, publicación de los salarios y prestaciones, estructura administrativa, asesorías contratadas por los congresistas, contrataciones públicas, entre los principales (Red Latinoamericana por la Transparencia, 2014).



Source: own calculations based on data of the Latin American Legislative Transparency Index, Latin American Network for Transparency, september 2014.

The policy implementation depends on the progress of the different Congresses in terms of adequacy of technologies, specialized permanent staff and building computer networks. This work has been initiated in the region since the nineties of the last century, after democratic transitions as a process of modernization that has been submitted to Congress in two ways: 1) by reducing the asymmetry of information and knowledge of the legislative from the executive when it comes to improving horizontal accountability and their ability to control and government oversight; and 2) in the construction of computer networks that provide access control and citizen participation in order to broaden the inclusion of those represented in legislative decisions,

Conclusion

According to Betanzo Alejandra de la Rosa (2008), transparent decision-making tends to produce policies that prevent the dominance of a few interests above the rest. Therefore inclusive institutional arrangements allow broad participation of stakeholders and open up the possibility of putting on the table a more complete view of certain problem, to contrast conflicting ideas and to have information from plural sources. Thus, the existence of mechanisms that promote transparency in the process of legislative decision-making makes it possible for all interested parties to know not only how the decision was made, but who was involved and what was the rationale and technical information that oriented. That is,

electronic instruments and technology adapted to the representation would allow parliamentary accountability, as well as bringing and give access to citizens, have the potential to strengthen the performance of their control functions, legislation, education, control and communications legislative.

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