

“Parliamentary questions: comparative analysis of the Municipal Affairs Committees in Central America and the Dominican Republic”

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This research paper, titled “*Parliamentary questions: comparative analysis of the Municipal Affairs Committees in Central America and the Dominican Republic*”, analyzes the questioning behavior in presidential systems without legislative majorities – divided government –, from the theoretical perspective of the relations between the Executive and the Legislative Power.

In order to evaluate the performance of the opposition it is very important to study the capacity and intensity of the use of control instruments, both formal and informal, and the impact those instruments have. Capacity is understood as the facility to access these mechanisms, also when this access implies an effective exercise of control. For its part, the intensity varies according to the recurrence of the use of these control mechanisms.

The paper will study the formal and informal incentives that determine the use of parliamentary questions – as an oversight instrument of parliament –, applied to the case of Municipal Affairs Committees, in seven countries (Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, Panama and Dominican Republic).

The principle of institutional separation of powers in the Central American presidential regimes is facing a series of nuances caused by institutional, political and electoral dimensions. The general tendency in many cases is a weak exercise of the control function by the Parliament as an institutional actor, leaving this job mainly in the hands of the opposition.

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“(...) The policy supervision can be made by general debates, hearings and oral questions in plenary sessions and by oral questions and hearings with specialized perspective in committee. Policy supervision implies a higher degree of control than general oversight. In both cases the main objective is to fight information asymmetries or lack of specific information by MPs and party groups. Policy supervision in committee is usually directed to the goal of party negotiation.” (Sánchez de Dios 2008, p. 5)

Inversely, the possibilities for the exercise of opposition are more important when the President does not have a legislative majority. In the present paper, from an in-depth analysis of the Municipal Affairs Committees, we ask the question: how can parliamentary questions be an effective oversight instrument? What is the influence of the parliamentary institutional design on the use of parliamentary questions? What has been the tendency regarding the use of parliamentary questions in the legislative committees and in the plenary sessions?

The study starts from a neo-institutional empirical approach, and wishes to be comparative, betting on a few cases with an intensive level of analysis, in strict combination with quantitative and qualitative tools. The main question we will seek to answer in following sections is whether better institutional and political-electoral advantages for the parliamentary opposition imply higher legislative performance. How does the institutional design of the Municipal Affairs Committees affect the effectiveness of parliamentary questions?

After a brief description of the **(I.)** the Central American context, the following sections of the paper will focus on the subject of parliamentary questions, from an analysis of the **(II.)** level of institutionalization of the Municipal Affairs Committees³. The objective of this reflection about the MAC's is to understand the institutional dynamics that incentive or constrain the use of parliamentary questions in legislative committees. Starting from this examination, **(III.)** the use of parliamentary questions as a political oversight mechanism, seen from the MAC's in Central America, will be described. This analysis will followed by some **(IV.)** conclusive remarks on the use of parliamentary questions in legislative committees in presidential regimes.

³ This section is based on extensive field research realized by one of the authors and his team of the Fundación Demuca, based in San José, Costa Rica.

I. Central American context

Nowadays, 20 years after the signing of the Peace Agreements, Central American democracies find themselves on a new crossroad, which is once again the recognition of the effectiveness of dialogue and negotiation through the Rule of Law, to channel political and social conflict in our democracies.

The processes of democratic transition in Guatemala, El Salvador and Nicaragua contributed to channel and institutionalize the political opposition. However, the arrival of democracy struck with an important number of unsatisfied social demands, both because of their quantity and their quality, as well as the predominance of a short term vision of the governing elite and those they govern. Therefore, governmental action is oriented more towards governmental policies instead of state policies.

Currently, the political panorama in the Central American region is characterized by a configuration of Presidential systems without legislative majorities, and in some cases with important levels of ideological polarization between the Government and the opposition (El Salvador and Nicaragua), or with cases nuanced by a fragmented and disperse parliamentary opposition (Costa Rica and Guatemala), or even in scenarios of constant conflict or marginalization towards legislative majorities (Panama and Honduras). It seems to hold true that in most cases, small “half parties” –“hinge” and “wing” parties– insert best into the parliamentary arena.

“*Presidencialismo*” is a deformed application of the classical Presidential regime, which is the result of the weakening of the powers of Parliament and the hypertrophy of Presidential powers (Duverger 1957, p. 213). This centralization of power gives the President a great direct and indirect influence in the elaboration, discussion and approval of laws, and many other decisions that emerge from the legislative arena. This is especially so when the government party exercises a strong control on diverse legislative instances such as the Directive Board of the Parliament or through legislative commissions.

As a pathological deformation of the constitutional engineering of the Presidential system, “*presidencialismo*” is a product of a dynamic and volatile combination between formal and informal institutionalism, a deformation that tends to be more common when the President counts with a disciplined and cohesive legislative fraction, and even more so when the parliamentary opposition is fragmented and dispersed. On the contrary, when the President lacks legislative majorities or has a highly unstable and undisciplined majority, the prophetic destiny tends to be paralysis and obstruction in the relations between the Executive Power and the opposition. This situation can eventually be overcome by a smart use of parliamentary engineering.

In situations of conflict between the Executive and Legislative powers, both powers can use the constitutional instruments to make their lives mutually hard, generating a perpetual friction between the parliamentary opposition and the parliamentary majority or

directly with the President, who in turn will carry out unilateral actions when he considers them to have low political cost (see Ackerman 2002).

Paralysis and obstruction in the relations between Executive and Legislative Powers tend to occur more likely in systems where the President has broad constitutional powers. He could be tempted to use those powers intensively, as a way to avoid political fatigue from negotiations and tension with the parliamentary opposition (Cheibub 2007). At the same time it should not be underestimated that an intensive use of formal and informal mechanisms of citizen participation constitutes a recurrent strategy used by the President and by the parliamentary opposition to legitimate their positions and also identify alternative opportunities for decision such as social dialogues and referendums (Vargas & Petri 2007).

The principle of institutional separation of powers in the Central American Presidential regimes is facing a series of nuances caused by institutional, political and electoral dimensions. The general tendency in many cases is a weak exercise of the control function by the Legislative Assembly as an institutional actor, leaving this job mainly in the hands of the opposition.

Inversely, the possibilities for the exercise of opposition are more important when the President does not have a legislative majority. Two types of control functions can be distinguished: **political-parliamentary control** and **legislative control**. The hypothesis can be made that when the opposition is a minority, it has more possibilities to exercise political-parliamentary control to attract media attention than to exercise legislative control.

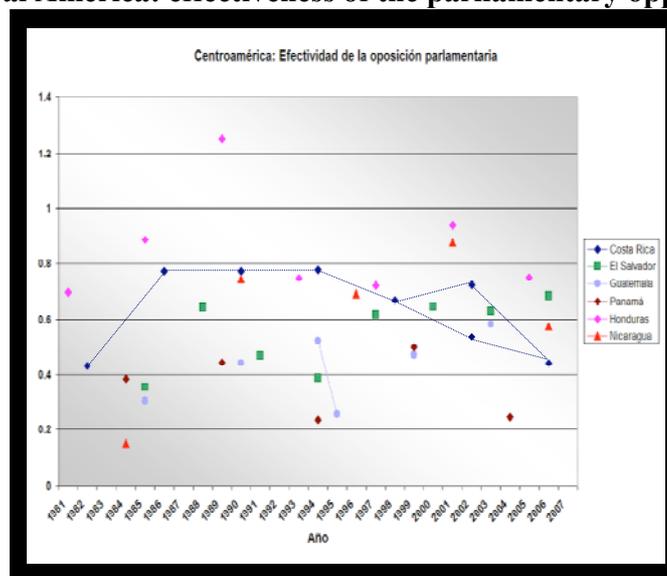
On the other hand, when the opposition has a majority, the institutional framework does not necessarily allow for an effective exercise of political-parliamentary control, but does provide possibilities for legislative control. Although parliamentary control is a constitutional faculty of the Legislative Assembly, it is exercised under certain political-institutional conditions, and it tends to be principally an instrument of media projection. In this realm, legislative control, being an extension and complement of political-parliamentary control based on the “production” of laws, is converted in a pressure and dissuasion instrument. The opposition can manipulate this instrument to intervene in the political debate and in the setting of the agenda, as well as to design and incorporate tools to control public policy and government institutions.

Gianfranco Pasquino (1998) argues that a series of conditional factors that can positively or negatively affect these realities should be taken into consideration, such as fractioning of the opposition, institutional design, and internal conflicts within the opposition. The effectiveness of the opposition can be observed through its participation in and provocation of an active dialogue and reflection on the conditions and effects of law initiatives, this being a vigorous exercise of legislative control. The fundamental question is not rooted in observing how the parliamentary opposition uses the procedures and instruments contemplated in formal institutionalism, but also in the roles they assume when defining their strategies for their legislative and controlling function.

Starting with the hypothesis that the quality of democracy does not only depend on the virtues of the government, or the interactions between government and the opposition, but also on its quality, the following can be said: well-equipped opposition increases the quality of democracy, through its actions of control, orientation, proposal and criticism, even when it does not reach to government, while persisting in affirming itself as a candidate for government (Pasquino 1997, p. 28). For that reason, the effectiveness of the opposition has to do with its capacity to internally articulate coherent standpoints, generate adequate social references, develop strong links with the extra-parliamentary opposition, and an institutional design that assures them of the ability of their functions.

The application of the Opposition Effectiveness Index (Altman & Pérez-Liñán 2001) to the Central American region since the decade of the 1980's shows that after the signing of the Esquipulas II Peace Agreements, the region has experienced an increase in its opposition effectiveness indexes. Nevertheless, only the political systems of Honduras and Nicaragua have experienced, because of intense "party switching" a parliamentary opposition with a greater effective power than the government's fraction in the process of formulating and adopting public policies, which does not necessarily imply their use.

Graphic 1
Central America: effectiveness of the parliamentary opposition



Source: Vargas & Petri 2007, p. 382

In Costa Rica (2002 - 2006) and Guatemala (2004 - 2008) the phenomenon of party switching has affected the effective capacity of the opposition; in the first case it implied a decrease, while in the second, an increase. Currently, countries like Costa Rica, Nicaragua and Honduras, are experiencing a decrease in the effectiveness of the opposition, while in Guatemala and El Salvador an increase can be noted. Panama has maintained a historical trend with non-existent margins of effectiveness for the opposition.

II. The level of institutionalization of the Municipal Affairs Committees (MAC) in Central America and the Dominican Republic

The committee system has proven to be the most effective means to organize the work of parliaments, as it allows for higher levels of specialization of legislators and more active oversight on specific policy domains. Committees are an instrument to reproduce the oversight function of parliament on a smaller scale, but not with lesser political importance. The committee system multiplies the opportunities for parliamentary control.

The number, size and prerogative of committees in Central American parliaments are very heterogeneous. In this section, the standing (permanent) committee systems will be described, from a comparative perspective. This introduction is necessary to understand the institutional framework in which parliamentary questions are used as an oversight mechanism by legislative committees

The focus of our analysis is on one specific committee: the Municipal Affairs Committee (MAC). By analyzing the institutionalization of a specific committee, the role of a specific issue within the committee system can be clarified and it is possible to conduct a micro-analysis of the internal functioning of committees. This will allow us to elaborate on the use of parliamentary questions as an institutional political control mechanism in legislative committees.

Polsby (1968: 145) defines an “institutionalized organization” as an organization that has three main characteristics: **(a)** professionalization, **(b)** complexity and **(c)** universalism.

- a) **Professionalization:** “It is relatively well-bounded, that is to say, differentiated from its environment. Its members are easily identifiable, it is relatively difficult to become a member, and its leaders are recruited principally from within the organization.”
- b) **Complexity:** “The organization is relatively complex, that is, its functions are internally separated on some regular and explicit basis, its parts are not wholly interchangeable, and for at least some important purposes, its parts are interdependent. There is a division of labor in which roles are specified, and there are widely shared expectations about the performance of roles. There are regularized patterns of recruitment to roles and of movement from role to role.”
- c) **Universalism:** “The organization tends to use universalistic rather than particularistic criteria, and automatic rather than discretionary methods for conducting its internal business. Precedents and rules are followed; merit systems replace favoritism and nepotism; and impersonal codes supplant personal preferences as prescriptions for behavior.”

Polsby uses these characteristics to analyze the degree of institutionalization of the United States House of Representatives. With some adaptations, these three characteristics can be transposed to the committee system, to be used to analyze the degree of institutionalization of the MAC’s.

In order to do this, we will use the following analytical variables, partially based on Strom (1995): **(a)** size of the plenary, **(b)** nature and specialization the committee system, **(c)** number of standing committees, **(d)** frequency of the installation of standing committees, **(e)** representativeness of the committee system, and **(f)** average participation of legislators. These variables can give an indication of the level of institutionalization of the MAC’s in Central America and the Dominican Republic. They roughly correspond to

the professionalization, complexity and universalism dimensions of institutionalization defined by Polsby.

(a) Size of the plenary

The plenary is the supreme representative entity of the Legislative Power. However, due to the complexity of the matters being discussed in parliament, the creation of committees is justified by the need for specialization and the challenge of organizing debates which involve the totality of the legislature. The only countries where the plenary can be transformed in a general committee are Costa Rica and the Dominican Republic.

It is easy to see that the internal organization of parliaments in committees is a determinant for the effectiveness of parliamentary oversight and legislation. Standing committees are thus structures where specific tasks of parliament are delegated, allowing for decentralization and de-concentration of parliamentary functions.

The size of the plenary is key to understanding the organization of the committee system. The greater the size of the plenary, the higher the need for specialized parliamentary committees. The following table shows the correlation of the size of the plenary with the level of parliamentary fragmentation. Using this, it is possible to obtain an indication of the relative “weight” of an individual legislator in the plenary, as compared to committees.

Table 1
Size of the Plenary and relative weight of legislators in Central America and the Dominican Republic, based on the fragmentation of parliamentary forces

		FRAGMENTATION				
		Bipartyism	Bipolar Multipartyism	Moderate Multipartyism	Highly fragmented multipartyism	
Relative weight of legislator	High	3,13	Dominican Republic Senate		32	Size of the Plenary
		1,75	Costa Rica		57	
	Medium	1,28	Panama		78	
		1,19	El Salvador		84	
		1,09	Nicaragua		92	
	Low	0,78	Honduras		128	
		0,63	Guatemala		158	
		0,56	Dominican Republic Chamber of Representatives		178	

The Chamber of Representatives of the Dominican Republic has 178 seats and is the largest parliament of the region, while Costa Rica is the smallest with only 57 seats. As can be seen in this table, in the parliaments of Guatemala, Honduras and the Chamber of Representatives of the Dominican Republic, individual legislators have the lowest weight. On the other extreme, The Senate of the Dominican Republic, Costa Rica, Panama, El Salvador and Nicaragua are on the other extreme with the greatest weight.

(b) Nature and specialization of the committee system

The decentralization of the tasks of the plenary is not only functional, but also thematic. The specialization of committees and the legislators involved in them is fundamental for the analysis of legislation and its quality (Alcántara e.a 2005). Specialization through committees contributes to increasing the expertise and professionalization of legislators and also implies higher levels of channeling of social demands.

Different types of committee systems can exist: the **(a)** ministerial system, **(b)** the issue system and **(c)** the mixed system. The ministerial system implies a strict correlation between executive agencies and standing committees. The issue system concerns a thematic distribution of committees, but not necessarily following the organization of the executive. The mixed system combines elements of both systems.

Table 2
Nature of the standing committee system in Central America and the Dominican Republic

Country	System type
Guatemala	Issue system
Honduras	Issue system
El Salvador	Issue system
Nicaragua	Issue system
Costa Rica	Issue system
Panamá	Issue system
Dominican Republic (Senate)	Mixed system
Dominican Republic (Congress)	Mixed system

No one of the Central American countries has committees that are organized following a ministerial system. To a certain extent, oversight of parliaments would be greatly increased with a more efficient thematic distribution of committees, the ideal situation being a situation close to a perfect synchronicity between the committee structure of parliaments and the organization of the Executive. To every Executive ministry or secretary should be assigned at least one legislative committee (Vargas & Petri 2008)(Strom 1995)(Carrillo & Petri 2009).

A vital priority for Latin American parliaments is therefore to rationalize their internal organization structures to enable monitoring the Executive on a permanent basis, and using parliamentary control mechanisms such as parliamentary questions more effectively.

This being said, in the case of MAC's, the ministerial equivalent does not exist, precisely because its tasks are broader than controlling the performance of one specific ministry. Because the MAC's is not linked to any executive agency, the scope of its competences – the issues the committee has to monitor – has to be clearly delimited. The next table gives an indication of the competences of the MAC's, and shows the strong variations throughout the region.

Table 3

Thematic competences of MAC's in Central America and the Dominican Republic

Country	Thematic competences of the MAC
Guatemala	<ul style="list-style-type: none"> ▪ Authorizations and municipal taxes ▪ Reforms to the Municipal Code ▪ Municipal Tax Code ▪ Citizen Participation
Honduras (MAC I & MAC II)	<ul style="list-style-type: none"> ▪ Scope of the Municipalities Law ▪ Fiscal privileges (taxes, lending's, municipal reforms) ▪ Reforms, interpretation or creation of new laws
El Salvador	<ul style="list-style-type: none"> ▪ Municipal legislation in administrative matters ▪ Municipal districts ▪ Territorial planning ▪ Decentralization ▪ Citizen Participation ▪ Municipal tax laws
Nicaragua	<ul style="list-style-type: none"> ▪ Municipal affairs ▪ Political and Administrative organization of the country ▪ Creation, fusion and dissolution of municipalities, and modification of their borders ▪ Administrative decentralization, transference of competences and resources to municipalities ▪ Plans to form municipal associations ▪ Monitor and research the functioning of municipalities, their governments and formulate recommendations
Costa Rica	<ul style="list-style-type: none"> ▪ Municipal taxes ▪ Discuss law projects about municipal matters and law projects that affect the municipal structure, function and competences and local development
Panama	<ul style="list-style-type: none"> ▪ Political organization of the national territory ▪ Internal regime of provinces, municipalities and corregimientos
Dominican Republic <i>-Senate-</i>	<ul style="list-style-type: none"> ▪ Territorial planning ▪ Decentralization
Dominican Republic <i>-Chamber of Representatives-</i>	<ul style="list-style-type: none"> ▪ Territorial planning ▪ Administrative decentralization ▪ Development of the municipalities

(c) Number of standing committees

Standing committees have an institutional permanency, whose prerogatives are usually included in the standing orders of parliament. Following Sartori (1995), committees tend to have a more technical work environment, and to a lesser degree, politicized deliberations. Also, political majorities tend to be of a lesser importance, since the focus is on (constructive) deliberation. Furthermore, committees facilitate the convergence of intraparty differences (Fernandez 1992).

Comparatively, Central American countries have a different number of standing committees. Legislatures with few members tend to have relatively more committees than others. However, larger legislatures have comparatively fewer committees.

Table 4

Standing committees and size of the Plenary in Central American and the Dominican Republic

Country	Standing Committees	Size of the legislative plenary
Guatemala	32	158
Honduras	63	128
El Salvador	18	84
Nicaragua	15	92
Costa Rica	18	57
Panama	21	78
Dominican Republic - <i>Senate</i>	26	32
Dominican Republic - <i>Chamber of Representatives</i>	39	178

Throughout the region, MAC's exist as standing committees, with the exception of Panama, where municipal competences are attributed to the standing committee on Government, Justice and Constitutional Affairs.

Whether the MAC's are standing (permanent) or extraordinary (special) committees, has an impact on its performance of parliamentary control functions. If the MAC has a permanent nature, it has a solid basis to consolidate its oversight in municipal matters. The accumulation of knowledge and expertise, based on the continuous monitoring of the executive, makes it possible for parliament to increase the effectiveness of its political control. This aspect is therefore decisive for the political impact of parliamentary questions, since the more consolidated the MAC, the more informed and demanding it can be. The institutionalization of the MAC thus can be seen as a necessary pre-condition for its specialization and professionalization.

However, the parliamentary engineering (incentives and restrictions going out from the institutional framework) also influence the performance of committees, which is to a great extent determined by the autonomy of parliaments of executive-legislative relations.

Although MAC's are all standing committees, there are important differences between countries concerning their level of institutionalization. For instance, in Honduras, there are two different standing committees entrusted with municipal matters, which may lead to incoherence between the works of both institutions, as one is controlled by the opposition party and the other by the government party. In Nicaragua, the MAC is known as the committee on Population, Development and Municipalities, implying, that the scope of this committee is broader than only municipal affairs. In Costa Rica, the standing committee on Municipal Affairs and Participative Local Development has only been created in February of 2008, having been previously an extraordinary committee.

(d) Frequency of installation of standing committees

Concerning the creation of standing committees, and especially their composition, the standing orders of Central American parliaments include the requirement to respect the proportionality in the distribution of seats in parliamentary committees. However, in practice, it is the actor who has the authority to assign legislator to committees who

determines to a large extent the distribution of parliamentary committees. This implies that political neutrality in the distribution of committees is not guaranteed. Also, it is mathematically impossible to maintain the same levels of legislative fragmentation as found in the plenary (Vargas & Petri 2008).

The frequency a committee is installed, combined with the degree of permanency of legislators (volatility) also determines its specialization level. If there are important institutional incentives against volatility, **technical political-parliamentary control** can be stimulated (because of its continuity over time), in combination with **political political-parliamentary control**.

Table 5
Process for the installation of standing committees in Central America and the Dominican Republic

Country	Installation of standing committees
Guatemala	Plenary
Honduras	President
El Salvador	Directive Board
Nicaragua	Directive Board
Costa Rica	President
Panama	Plenary
Dominican Republic	President
	<i>Senate</i>
	<i>Chamber of Representatives</i>
	President

As can be seen from this table, the mechanism that is used for the distribution of seats in committees varies among countries of the region. Guatemala and Panama depart from the need to establish proportional and representative agreements in the plenary. This will depend on the level of legislative fragmentation and the decision-making procedure used for the designation of legislators to committees. In El Salvador and Nicaragua the distribution of committees is done by the Directive Board. The degree of proportionality therefore depends on the pluralism of the composition of the Directive Board, as well as on its internal decision-making processes. In Honduras, Costa Rica and the Dominican Republic, the distribution of committees is at the discretion of the Speaker of parliament, but this situation can be altered by informal negotiation practices.

Vargas & Petri (2008) show that, for the cases of Costa Rica and Nicaragua, the distribution of the most important permanent committees during the successive periods of Abel Pacheco and Oscar Arias in Costa Rica, and of Enrique Bolaños and Daniel Ortega in Nicaragua does not reflect the distribution in the plenary in a proportional way.

This conclusion can be generalized to the whole region, at least for the Municipal Affairs Committees (MAC). In the majority of countries of the region, the MAC is installed annually. In El Salvador the MAC is installed only once, for the total duration of the constitutional period (three years) and in the Chamber of Representatives of the Dominican Republic every two years. Costa Rica and Honduras have shown high levels of continuity in the composition of the MAC, the assignment of legislatures to the committee being almost systematically reproduced.

The level of institutionalization of the MAC's can also be measured by the number of members that have had a previous political career, constituting an indicator of the political importance of the MAC. It is also an indicator of the level of its professionalization.

Table 6
Number of members of the MAC with a previous political career in Central American and the Dominican Republic

Country	Members of the MAC	Members of the MAC with political career	Relative value (%)
Guatemala	16	5	31,25
Honduras MAC I	9	6	66,67
Honduras MAC II	9	3	33,33
El Salvador	13	5	38,46
Nicaragua	14	8	57,14
Costa Rica	7	7	100,00
Panamá (Government, Justice and Constitutional Affairs)	7	1	14,29
Dominican Republic (Senate)	7	1	14,29
Dominican Republic (Chamber of Representatives)	20	15	75,00

Throughout Central America and the Dominican Republic, situations tend to be very heterogeneous. The MAC's of Costa Rica, the Chamber of Representatives of the Dominican Republic and the first MAC of Honduras have the highest rates of members with a political career.

(e) Representativeness of the committee system

The methods used for the assignment of legislators to standing committees tend to express the pluralism of the political forces represented in the plenary. In the particular case of MAC, the effects of the parliamentary engineering, combined with party-political variables, have a strong influence on the pluralism and representativeness of their composition. This dynamic determines relations of under or overrepresentation of specific parties compared to other committees, or to the plenary.

The next table represents a typology that can be used to evaluate the representativeness and proportionality of the MAC's composition compared to the plenary. The typology does not take political variables into account such as personal affinity between members of a MAC, party discipline, political leadership or negotiation dynamics, but is still a useful tool to determine how the distribution of seats within the MAC allows it to be effective in executive-legislative relations.

Table 7

Typology of representativeness and proportionality of the MAC's compared to the Plenary

		Representation type		Consequences on government-opposition relations		
Parliamentary fragmentation of the MAC in comparison with the Plenary	Symmetrical	Perfect representation	Reproduces the same fragmentation as the plenary in the MAC			
		Relative representation	Benefitting the government fraction	Opposition with effective capacity		
				Opposition with high veto power		
				Opposition with veto power		
				Opposition with little veto power		
				Dispersion of the opposition with little veto power		
			Opposition without veto power			
			Benefitting the opposition	Opposition with effective capacity		
				Opposition with high veto power		
				Opposition with veto power		
	Opposition with little veto power					
	Dispersion of the opposition with little veto power					
	Asymmetrical	Over-representation	Benefitting the government fraction	Opposition with effective capacity		
				Opposition with high veto power		
				Opposition with veto power		
				Opposition with little veto power		
				Dispersion of the opposition with little veto power		
			Opposition without veto power			
			Benefitting the opposition	Opposition with effective capacity		
				Opposition with high veto power		
Opposition with veto power						
Opposition with little veto power						
Dispersion of the opposition with little veto power						
Asymmetrical	Under-representation	Benefitting the government fraction	Opposition with effective capacity			
			Opposition with high veto power			
			Opposition with veto power			
			Opposition with little veto power			
			Dispersion of the opposition with little veto power			
		Opposition without veto power				
		Benefitting the opposition	Opposition with effective capacity			
			Opposition with high veto power			
			Opposition with veto power			
			Opposition with little veto power			
Dispersion of the opposition with little veto power						
		Opposition effectiveness of the Plenary in comparison with the MAC's				

The next table applies this typology to the MAC's of Central America and the Dominican Republic, taking into account some aspects characteristic of the committee system.

Table 8

Level of proportionality and representation of the Municipal Affairs Committees in comparison with the Plenary

Country	Minimum and maximum size of the committees	Number of members of the MAC's	ENP (in the plenary)	Effect of the ENP on the plenary	ENP (in the MAC)	Effect of the ENP (in the MAC)	OEI (in the plenary)	Effect of the OEI on the plenary	OEI (in the MAC's)	Effect of the OEI on the MAC's	Level of representativeness of the MAC's in comparison with the plenary
Guatemala	8 (21)	14	5,765	Highly fragmented multipartyism	3,500	Moderate multipartyism	0,339	High dispersion of the opposition, no veto power	0,689	Opposition with veto power	Under-representation benefitting the opposition
Honduras (MAC I)	1(11)	9	2,370	Bipartyism	1,976	Bipartyism	0,750	Opposition with high veto power	0,800	Opposition with high veto power	Under-representation benefitting the opposition
Honduras (MAC II)	1(11)	9	2,370	Bipartyism	2,000	Bipartyism	0,750	Opposition with high veto power	1,000	Opposition with effective capacity	Under-representation benefitting the opposition
El Salvador	11 (13)	13	3,108	Moderate multipartyism	3,930	Fragmentated multipartyism	0,674	Opposition with veto power	0,750	Opposition with veto power	Over-representation benefitting the opposition
Nicaragua	8 (17)	14	3,226	Moderate multipartyism	4,261	Highly fragmentated multipartyism	0,545	Opposition with veto power	0,467	Opposition with little veto power	Under-representation benefitting the government fraction
Costa Rica	5 (19)	7	3,319	Moderate multipartyism	3,770	Fragmentated multipartyism	0,390	Dispersion of the opposition, little veto power	0,333	Dispersion of the opposition, little veto power	Over-representation benefitting the government fraction
Panama	7 (15)	7	2,849	Bipolar multipartyism	2,579	Bipolar multipartyism	0,246	Opposition without veto power	0,833	Opposition with high veto power	Under-representation benefitting the opposition
Dominican Republic (Senate)	5 (9)	7	2,354	Bipartyism	1,815	Bipartyism	0,539	Opposition with veto power	0,200	Opposition without veto power	Under-representation benefitting the government fraction
Dominican Republic (Chamber of Representatives)	6 (22)	20	2,354	Bipartyism	2,640	Bipolar multipartyism	0,539	Opposition with veto power	0,830	Opposition with high veto power	Over-representation benefitting the opposition

In the majority of the countries of the region, the MAC is smaller than the biggest standing committee, which theoretically should increase its effectiveness. In El Salvador and the Chamber of Representatives of the Dominican Republic, the MAC is close to the largest standing committees, and has higher representation levels of political forces. In both cases, the opposition is overrepresented.

The effects of parliamentary fragmentation in Honduras and the Senate of the Dominican Republic explain the relatively proportional distribution of seats in the MAC. Multiparty representation is also high in the MAC's of El Salvador, Nicaragua, Costa Rica and the Chamber of Representatives of the Dominican Republic. This being said, Nicaragua, Costa Rica and the Senate of the Dominican Republic show an overrepresentation of the government party. In Guatemala's MAC, the effective number of parties is considerably reduced in comparison with the plenary.

The chairman and secretary – in Central America secretaries of committees are always legislators and not technical staff – are fundamental for the constructing and conducting the discussions in the MAC. The control of these positions tends to be very strategic for the executive and its party. As the moderator of the debates within the committee, the chairman gives legislators the floor and in case of disagreements, acts as a judge, when interpreting the standing orders of the parliament. The secretary of a committee tends to have important informal powers, especially in situations where there is little control over his functions.

In the region, the designation of the chairmen of MAC varies substantially from country to country. The following mechanisms exist for the designation of the chairman: **(a)** by the plenary, **(b)** by the committee or **(c)** by the speaker of the parliament.

Table 9
Designation of the President of the MAC

Country	Election system		
	By the Plenary	By the Committee	By the President of Parliament
Guatemala	✓ ¹		
Honduras (<i>MAC I</i>)			✓ ²
Honduras (<i>MAC II</i>)			✓ ²
El Salvador		✓	
Nicaragua		✓	
Costa Rica			✓ ³
Panama		✓	
Dominican Republic (<i>Senate</i>)		✓ ⁴	
Dominican Republic (<i>Chamber of Representatives</i>)		✓ ⁴	

¹/ Absolute majority.

²/ The standing orders of the Parliament of Honduras do not provide clear procedures about the designation process of the Directive Board of the MAC. In practice, the President of Parliament designates these positions, assigning a President of the Partido Nacional (government fraction) to the MAC I and a President of the Partido Liberal (opposition fraction) to the MAC II.

³/ Although the standing orders of the Parliament of Costa Rica indicate that the President of Parliament designates the presidencies of committees, in practice, it is the committees themselves who name their own president.

⁴/ In both assemblies of the Dominican Republic, the designation of the president of the committee is based on a seniority criterion (duration of membership of the committee) and on his knowledge of municipal matters.

If the designation is done by the plenary, the chairmanships are the result of negotiations between parliamentary majorities. If the designation is done by the committee, the chairman will reflect the under or overrepresentation of political forces in the committee.

If the chairman is designated by the speaker of the parliament, then a partisan designation is likely. In general, however, the distribution of chairmanships of committees tends to be done on the basis of partisan lines, and not based on a seniority criterion, which does not constitute a political incentive for government oversight.

(f) Average participation of legislators in committees

In most countries, there is a maximum number of legislators allowed to participate in a standing committee, but only a few cases (Nicaragua and Dominican Republic) establish a maximum number of standing committees in which a legislator can participate. When a legislator is a member of just two or three standing committees, specialization of legislators is incentivized. If a legislator participates in numerous committees, this is more complicated.

Table 10
Average Parliamentary participation in the standing committees of Central America and the Dominican Republic

Country	Size of the Legislative Plenary	Standing Committees	Minimum and maximum sizes of standing committees	Approximate size of standing committees	Average standing committees per legislator
Guatemala	158	32	8 (21)	21,03	4,26
Honduras	128	63	1 (11)	7,00	3,45
El Salvador	84	18	11(13)	10,22	2,19
Nicaragua	92	15	8 (17)	17,42	2,84
Costa Rica	57	18	5 (19)	9,81	3,10
Panama	78	21	7 (15)	6,64	1,79
Dominican Republic - Senate	32	26	5 (9)	12,13	9,86
Dominican Republic - Chamber of Representatives	178	39	6 (22)	14,14	3,10

From the preceding table can be concluded that Panama, El Salvador and Nicaragua, present more favorable institutional conditions for parliamentary professionalization and specialization, using the lower average of permanent committees per legislator as a criterion. Guatemala and the Senate of the Dominican Republic present the least institutional incentives for professionalization.

The size of committees is equally important, when considering effectiveness of political oversight, including parliamentary questions. It can be said that committees large in size tend to be more pluralistic in their composition, while smaller committee sizes allow a higher efficiency of decision-making procedures.

III. Parliamentary questions as a political oversight mechanism seen from the MAC's

When analyzing the use of parliamentary oversight mechanisms and functions, including parliamentary questions, it is necessary to reflect on the roles of parliaments. Traditionally, representation, oversight and legislation, are mentioned as the three main roles of a legislature.

Strom (1995) identifies several aspects to committee power, some of which have been analyzed through the Central American and Dominican cases in the previous sections. The measure of “committee power” is closely related to the level of institutionalization of these committees. One aspect of committee power is information acquisition, hearings and documents – parliamentary questions –.

To classify MAC's, a typological differentiation of oversight functions can be established. Depending on their institutional attributions, their focus can be on (a) legislative control and deliberation, (b) information or (c) political-parliamentary control. These distinctions have implications for the use and scope of parliamentary questions in legislative committees, within the institutional framework of presidential regimes of Central America and the Caribbean that will be studied in the last section.

(a) Legislative control and deliberation functions of the MAC's

Going deeper into the MAC's legislative functions, two types of functions can be differentiated: the *decentralized legislative function* and the *deliberative legislative function*. The decentralized legislative function corresponds to the situation where the first reading of a law is adopted in the committee. Only the MAC of Panama has this competence, as shown by the next table.

Table 11

Legislative functions of the MAC's in Central American and the Dominican Republic: decentralized legislative function and deliberative function

Country	Competencial-procedural function of the MAC's		
	Decentralized legislative	Deliberative legislative	Legislative control
Guatemala		✓	✓
Honduras MAC I		✓	✓
Honduras MAC II		✓	✓
El Salvador		✓	✓
Nicaragua		✓	✓
Costa Rica		✓	✓
Panama	✓		✓
Dominican Republic -Senate-		✓	✓
Dominican Republic -Chamber of Representatives-		✓	✓

The deliberative legislative function, for its part, constitutes the auxiliary working procedure of standing committees. MAC's deliberate about a specific legislative project, elaborate a report, which is then presented to the plenary for voting.

Between these two functions, there is a third possible situation that can be identified as **legislative control**. It corresponds to the capacity of legislatures to present, modify, slow down and reject law proposals, or more simply, participating in the decision making process (Sartori 1987) and be veto players (Tsebelis 2002).

The function of legislative control is in fact an extension and a complement of political-parliamentary control, because it implies the control of the quality of law in elaboration, which is something more than just the control on the execution and implementation of the law (political-parliamentary control). With this, legislative control can be transformed in a pressure instrument for legislators in the MAC so as to intercede in the debate and the agenda (Vargas & Petri 2008).

(b) Information functions of the MAC's

The *information functions of the MAC's* include requests for information, reports, studies and interpellations of government officials, with the objective of increasing its decision making capacity. It is an intermediary function between the legislative and political-parliamentary control function, because the information can be used to improve a legislative proposal, as well as to identify subjects of parliamentary control and oversight.

These information functions can be individual or collective. An individual legislator can request some kind of documentation at a personal level. Collective information functions correspond to requests that can only be made by the committee as an institution. In the region, only the MAC's of Guatemala and Honduras have the faculty to elaborate technical reports (investigations) about municipal affairs. In other countries of the region, MAC's have the faculty to request documentation and interpellations (personal appearances, in person testimonies), but not to elaborate specialized institutional reports.

(c) Political-parliamentary control functions of the MAC's

The *political-parliamentary control functions* have the aim of determining if the actions of the executive and other public agencies reflect the expectation of the will of the people (Solís, 1995). Political-parliamentary control can be **formal** if it is duly typified in the Constitution of the standing orders. It is **informal** when it corresponds to a series of political practices, and has similar processes or objectives as formal instruments (Vargas & Petri 2008).

It can be said that the political-parliamentary control functions are oriented towards two dimensions: limitation and inspection. Oversight can be a mechanism to limit the activity of the executive, but can also be inspective (investigative), when it is required for the executive to explain its orientations, decisions or policies. In other words, this second dimension concerns government accountability.

The effects of formal and informal parliamentary oversight can be aimed at **(a)** generating legislation and control mechanisms, **(b)** denounce before judicial instances, **(c)** denounce before society, **(d)** form public opinion, **(e)** breed political censure, among others (Vargas & Petri 2008).

Except for Costa Rica, in all countries of the region a request to the executive for information requires that this request be adopted by the majority of the members of the MAC, and not by individual legislators. In the case of the MAC of Panama, all information requests must be adopted by a qualified majority.

IV. Conclusive remarks on the function of parliamentary questions in presidential regimes

Polsby (1975: 292-296) identifies two types of parliaments: **(a)** transformative institutions and **(b)** arenas. In transformative parliaments, the internal institutional structures and procedures affect the behavior of MPs and the outcome of the legislative process. In the US Congress for example, within the framework of a strict separation of powers – presidential regime –, the work of committees tends to be rather “technical” (technical political-parliamentary control and legislative control) and not so much political (political political-parliamentary control). One exception to this pattern is formed by committees of inquiry that investigate policy failures.

On the other hand, parliaments as arenas do not affect policy-making but offer a platform on which outside forces, primarily governments and political parties, may try to exert their influence. This is the case of the British House of Commons, and more generally of parliamentary systems. The plenary is predominantly political and committees are predominantly technical.

Central American parliaments are difficult to classify, because they are relatively heterogeneous and tend to combine aspects of both types. The separation of powers is more and more nuanced by party-political factors and a political culture calling for complementarities between the Executive and Legislative Powers.

Understanding the level of institutionalization of MAC's is useful to understand their use of parliamentary questions. This section will describe the formal parliamentary questions mechanisms that exist in Central America, and the way they are regulated.

Parliamentary questions are a formal political-parliamentary control mechanism, but can be used for all three oversight functions described in the previous sections. They can be used to request information, increase the oversight capacities of the committee or indirectly become a legislative control tool.

They can be used as an *ex ante* or *ex post* oversight mechanism. *Ex ante* oversight refers to oversight that is performed during policy formulation through hearings in committees, hearings in the plenary and requests for documentation. *Ex post* oversight corresponds to tools that are used to check if policies are effectively being implemented, such as questions, interpellations and committees of inquiry.

Theoretically, the more institutionalized the MAC's, the higher the political impact of parliamentary questions, because it implies there is a clear connection between debates in the committee and the questions on the political agenda. But, what can be said about the use of parliamentary questions within the framework of a presidential regime? To what extent are parliamentary questions compulsory and compromising for the Executive, in *actual practice*?

To assess the potential use of parliamentary questions by the MAC's, the fact whether the MAC is qualified to initiate questions is determinant, and if so, what type of questions. The exercise of parliamentary opposition is conditioned by the institutional design and the rules of the game that determine legislative governance. Oversight potential basically depends on the capacity of party groups to effectively exercise an opposition.

Traditionally, three types of parliamentary questions are differentiated: **(a)** written questions, **(b)** oral questions and **(c)** interpellations. In the legislatures of Central American countries it is difficult to single out parliamentary questions, because they can easily be confused with interpellations and requests for oral reports.

Table 12
Written and oral questions (requests for information)

Country	Institutions that can be asked for information	Written	Oral	Sanctions if report is not sent	Deadline for answering
Costa Rica	President and Ministers	Yes	Not specified	Not specified	10 working days
El Salvador	President and government institutions	Yes	Yes	Not specified	Not specified
Guatemala	Civil servants	Yes	Yes	Not specified	Not specified
Honduras	Government offices	Yes	Not specified	Not specified	Not specified
Nicaragua	Ministers, Vice ministers, Presidents or directors of governmental and autonomous institutions	Yes	Yes	Not specified	Not specified
Panama	Ministries and public offices	Yes	Not specified	Not specified	Not specified
Dominican Republic	Secretaries of State, civil servants	Yes	Not specified	Not specified	Not specified

Source: based on Alcántara e.a. 2005

In most Central American countries, parliamentary questions do not exist as a formal oversight mechanism. Written questions can only take the form of requests for information and reports to agencies belonging to the Executive Power. Answers to these questions can be either written or oral.

Furthermore, the fact that no sanctions and deadlines exist in Central American countries (except for Costa Rica) for not sending the requested information to parliament is an indication of the weakness of written and oral questions as a parliamentary oversight mechanism in the countries concerned. Costa Rica is the only exception to this trend, where the Constitution specifies written questions have to be answered within 10 working days. This situation, combined with the fact that questions can be put by individual legislators, can lead to abuses, enabling opposition legislators to make an excessive use of this mechanism.

We do not have data about the frequency of the use of parliamentary questions in MAC's. The political dynamic of questioning generally tends to be informal, and no systematized

registry is made of the discussions. Generally, the questioning dynamic therefore tends to be more informal than formal.

Table 13
Interpellations

Country	Motive of the interpellation	Can cause censuring
Costa Rica	Give reports or explanations	Not specified
El Salvador	Answer questions formulated by legislators	Yes
Guatemala	Answer questions formulated by legislators	Yes (confidence vote can be requested by 4 legislators)
Honduras	Matters of Public Administration	Not specified
Nicaragua	Answer questions formulated by legislators	Yes (start of an impeachment procedure)
Panama	n.a.	n.a.
Dominican Republic	Answer questions of its competence (2/3 of present members)	Not specified

Source: Alcántara e.a. 2005

Interpellations are possible in all Central American countries, except for Panama. Normally the motive for an interpellation is the wish for explanations about a specific subject or policy. The main difference between (written or oral) parliamentary questions and interpellations is that interpellations imply a statement or declaration by parliament. In none of the Central American countries, parliamentary questions and interpellations can lead to the censuring or impeachment of a government official for political reasons⁴.

Although parliamentary questions and interpellations constitute a political control mechanism, in Central America they are generally used as an information instrument. In all analyzed cases, the MAC's have the faculty to put written questions, except for Costa Rica, where this faculty can be exercised by a single legislator. Oral questions tend to be more frequent, and their use more intensive, partly because they imply immediate answers.

In most Central American countries the MAC's can request information by a decision of an absolute majority (50%+1). The only exception is the MAC of Panama where a qualified majority to request information is required.

⁴ Impeachment for judicial/penal reasons is nevertheless possible in the majority of Central American countries, similar to the impeachment procedure of the United States. See Pérez-Liñan (2007).

Table 14

Legislative function of the MAC's in Central America and the Dominican Republic: information function and political-parliamentary control function

Country	Competencial-procedural function of the MAC's				
	Individual	Information function		Political-parliamentary control function	
		Information request	Elaboration of technical reports	Formal	Informal
Guatemala		✓	✓	✓	✓
Honduras MAC I		✓	✓	✓	✓
Honduras MAC II		✓	✓	✓	✓
El Salvador		✓		✓	✓
Nicaragua		✓		✓	✓
Costa Rica	✓	✓		✓	✓
Panama		✓		✓	✓
Dominican Republic -Senate-		✓		✓	✓
Dominican Republic -Chamber of Representatives-		✓		✓	✓

In the parliamentary practice of the analyzed cases, questions tend to be transformed in instruments of transmission of information, and not of reception of information. Our review of questioning behavior in Central American countries therefore leads us to the same conclusion as Wiberg (1995) for Western Europe: the main function of parliamentary questions is “signaling”, whatever the motives of questioners.

This gives more importance to the use of questions as a political control mechanism, even when they are put orally or even before the press. Wiberg (1995: 182) recalls that the availability of parliamentary questions as an oversight mechanism is no guarantee that they will be used. Furthermore, the potential costs for legislators to make parliamentary questions should also be taken into consideration. It should also be evaluated what the effect is of a question to the publicity and self-promotion of the questioner. These “self-promotion incentives” could explain why legislators in Costa Rica and Nicaragua sometimes prefer to put questions to the executive through informal channels, such as the press, because they expect it to have a higher media impact (Vargas & Petri 2008).

Contrary to many parliamentary systems, written and oral questions are not made with anticipation, but during a political debate or a personal appearance. However, there is an obvious lack of institutionalization of parliamentary questions in the region. Parliamentary questions are frequently used, both by government and opposition fractions, to obstruct parliamentary sessions and avoid the approval of a specific law or report when no political coalition in its favor has been articulated.

The use of oral and written parliamentary questions depends on parliamentary procedures and legislative processes. In Guatemala and Honduras parliamentary questions can be used to investigate and control the implementation of public policies. In Honduras, the existence of two distinct MAC's, one controlled by the government party and the other by the opposition, undermines the capacity of parliament to influence the political agenda in municipal matters.

In the cases of El Salvador, Panama and Costa Rica, parliamentary questions are formulated by the MAC's. They have a lesser political weight and tend to bear more

resemblance to requests for information, than to specific control over government activities. Its use tends to be more frequent to fill technical information deficiencies. Parliamentary questions can also be used by a committee to publicly express their criticism or disagreement with a certain governmental policy.

In the case of Costa Rica, the faculty of individual legislators to formulate questions tends to be specialized in matters of political control. The answers that legislators receive is processed, analyzed and discussed in the MAC, in the Plenary or even before the press. The excessive use of parliamentary questions generates an overweight of work for some ministries to answer these questions.

In the Central American region specialized comparative studies about the use of parliamentary questions in legislative committees have not been realized. Studies have generally been limited to the characterizations of parliamentary questions in the plenary. Its analysis therefore constitutes an important research necessity to value its political importance and the effectiveness of its control, particularly when this instrument is in the hands of the opposition.

Several complementary research questions can be mentioned: What are, beyond formal procedures, the political dynamics in questioning in legislative committees? What are the behavioral trends regarding the use of parliamentary questions in presidential regimes? What are the (political) consequences of a question or interpellation?

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