

Law, governance and social policies in Venezuela:

The case of two Bolivarian Misiones

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Abstract

Based on a study of two social protection programs (Bolivarian Misiones), this research examines the Venezuelan government's utilization of certain legal tools, namely the enactment of special legislation and the transformation of legal institutions, to assist in the implementation of social policies. My goal is to explore whether the law works as a mechanism to regulate and institutionalize government action, thereby enhancing accountability and transparency. I also explore whether the law sets clear boundaries for the executive and other actors regarding what they can and cannot do with respect to social policies. I examine whether law is simply employed as an instrument that facilitates government action by removing those obstacles, institutional or otherwise, that slow down the implementation of the administration's social agenda. I argue that, in the case of the Misiones, the deployment of legal tools has been subordinated to the will of the administration for political purposes, with little or no effect on the eradication of poverty and the attainment of the country's stated development goals.

Introduction

Since the early 2000s, the Venezuelan government has invested more than \$5 billion, or about 4.5% of its annual gross domestic product (GDP)¹ in the implementation of more than twenty-five programs called Bolivarian Misiones.² The Misiones encompass an ambitious group of poverty alleviation and development promoting initiatives that cover a broad range of areas. They include the provision of health services, cash transfers, literacy and other educational programs, community building, conservation and use of natural resources and energy, the protection of indigenous peoples, and the redistribution of unused lands. Each Misión serves a specific purpose set forth in the act by which it was created (typically a presidential decree). Collectively, the stated goals of the Misiones are the promotion of solidarity, redistribution of wealth, empowerment of the traditionally disenfranchised members of society, and the facilitation of sustainable growth.

The Venezuelan government has linked the Misiones to an ambitious social agenda symbolically called “Misión Cristo”³, which aspires to eradicate poverty in Venezuela by the year 2021. This goal is part of the country’s Economic and Social Development Plan (ESDP)⁴ and its commitment under the United Nations Millennium Development Goals.⁵

In developing its social policy, the Venezuelan government has also followed some of the principles set forth by leading international organizations, such as the World

¹ The real magnitude of social spending under the Chavez administration is difficult to determine, as there are no reliable sources of data about it. One possible indicator relied upon by experts is the accumulated fiscal deficit, which in 2006 “reached 2.3 percent of the GDP despite a fivefold expansion in oil prices during the previous three years”. According to Corrales and Penfold (2011), the special government fund established by the government to finance its social programs was at some point “believed to hold more than \$15 Billion from the oil windfall”. See, Corrales, Javier, and Michael Penfold, *Dragon in the Tropics: Hugo Chávez and the political economy of revolution in Venezuela*, Washington: Brookings Institution Press (2011), p. 42.

² See, Appendix 1: List of Bolivarian Misiones.

³ See, <http://www.gobiernoonlinea.ve/miscelaneas/misiones.html#>

⁴ See, http://fegs.gerenciasocial.org.ve/paginas/RMISION_CRISTO.html

⁵ See, <http://www.un.org/millenniumgoals/>

Health Organization (WHO).⁶ These principles have been used in the formulation of different strategies geared towards fighting poverty and providing primary health care to the underserved. Other Latin American countries have previously embarked on or are currently carrying out social programs designed to alleviate poverty and eradicate inequality. Some examples often mentioned in the academic literature are the FONCODES program implemented by President Alberto Fujimori in Peru during the 1990s⁷, the PRONASOL program carried out by the Salinas administration, and its successor, PROGRESA, implemented by the Zedillo administration in Mexico⁸. More recent cases are the Familias en Acción program⁹ created by the Uribe administration in Colombia¹⁰ and the Bolsa Escola and Bolsa Família programs¹¹ created during the Lula Da Silva administration in Brazil.¹²

The use of special social funds, including cash transfers and similar programs based on human capital investments, have garnered broad support among policymakers, development agencies and experts because of their perceived potential for alleviating poverty and promoting economic growth by funneling resources to poor households.¹³

⁶ An example can be found in the declaration of Alma-Ata adopted in 1978 at the International Conference on Primary Health Care.

⁷ See, M. Penfold-Becerra, 'Clientelism and Social Funds: Evidence from Chavez's Misiones', (2007) 49 *Latin American Politics and Society* 4; Graham and Kane, 'Opportunistic government of sustaining reform: Public expenditure and voting patterns in Peru, 1990-95 (1998) *Latin American Research Review* 33(1): 67-104; and Christina Paxson and Norbert Schady, 'Do school facilities matter? The case of the Peruvian Social Fund (FONCODES)', available at: <http://www.cid.harvard.edu/archive/events/cidneudc/papers/revision4.pdf>

⁸ T.P. Schultz, 'School subsidies for the poor: Evaluating a Mexican strategy for reducing poverty. Report submitted to PROGRESA. Washington, D.C: International Food Policy Research Institute. (2000)

⁹ See, <http://www.accionsocial.gov.co/contenido/contenido.aspx?catID=204&conID=157>

¹⁰ See, Helena Alviar Garcia, 'Social policy and the New Development State: The case of Colombia', included as chapter ____ in this book.

¹¹ See, <http://www.mds.gov.br/bolsafamilia>

¹² See, Diogo Coutinho, 'O direito nas políticas de desenvolvimento: o Programa Bolsa Família no Brasil', included as chapter ____ in this book.

¹³ Jishnu Das, Quy-Toan Do, and Berk Ozler, 'Reassessing Conditional Cash Transfer Programs', *The World Bank Research Observer*, vol. 20, no. 1 (Spring 2005). See also, Glauco Arbix and Scott B. Martin, 'Beyond developmentalism and market fundamentalism in Brazil: Inclusionary state activism without Statism'. Paper presented at the workshop on "States, Development, and Global Governance" hosted by the Global Studies Center and the Center for the World Affairs and the Global Economy (WAGE) at the University of Wisconsin-Madison, March 12, 2010. Available at: http://www.law.wisc.edu/gls/documents/paper_arbix.pdf

Instead of exercising its conventional role as the sole entity responsible for the development process, the state has launched these social policies in coordination with the private sector, decentralized agencies and other actors.¹⁴ The idea of a new developmental state (NDS) that rejects the traditional “top-down, one-size-fits-all” approach and embraces an idea that “policies must be constructed through experimentation and public-private collaboration” seems to be gaining a strong foothold.¹⁵ In this context, the law has acquired a different contour, for it is expected to foster stability (and security) as well as flexibility in a way that encourages innovation.¹⁶

Experimentation with new policies and approaches can also take place outside this new developmental model. As the Venezuelan example shows, some states have radically departed from a Washington consensus-type model only to regain their active role as omnipresent planners.¹⁷ Instead of encouraging flexibility and private-public partnership, these states have increased the presence of public actors in almost every arena while reducing the role of private actors.

The result has been the rise of a new wave of interventionist states.¹⁸ In these regimes, the social agenda has taken a protagonist role and an unprecedented flow of cash has been poured into a myriad of special programs geared towards the alleviation of poverty and reduction of inequality. These social programs have also been employed as vote purchasing strategies.¹⁹ Most of these initiatives call for their beneficiaries to actively participate in the implementation of the programs. The organization of the community is used as a mechanism to empower the traditionally underserved. The programs, however, are managed top-down by the central government through a parallel bureaucracy of sorts, outside the influence of formal institutions. This is the context in which the Bolivarian Misiones have emerged.

There are at least two key features that set the Misiones apart from similar social

¹⁴ See, David M. Trubek, ‘Developmental States and the Legal Order: Towards a New Political Economy of Development and Law’, (2010) unpublished manuscript on file with the author.

¹⁵ See, Trubek (2010), p. 9

¹⁶ Id. p. 20

¹⁷ See, Corrales and Penfold (2011) p. 9.

¹⁸ Id. p. 49.

¹⁹ Penfold-Becerra (2007)

protection policies²⁰ implemented by other Latin American governments. First, unlike the limited scope of other social funds, which generally target a specific area or social group, the Misiones cover the entire social spectrum, and have thus become the centerpiece of the Venezuelan government's social agenda. The Misiones are also one of the administration's most effective foreign policy tools. Regarding the latter, at least until 2009, Venezuela had invested around US \$43 million, or roughly six percent of the country's fixed capital, in social programs targeted to foreign countries.²¹ By these measurements, the Bolivarian Misiones are one of the largest and most ambitious social programs launched in Latin America during the last decade.²²

A second feature that distinguishes the Misiones from other social programs is the four-pronged strategy employed by the Venezuelan government to implement them. First, the government relies on the active participation of the armed forces to carry out and manage the day-to-day operation of the most salient Misiones. Second, the government designated PDVSA, the state-owned oil conglomerate, as the entity responsible for the financing and administration of the Misiones.²³ Third, the Misiones are directly subordinate to the executive office of the Presidency and are insulated from any external oversight. Finally, the government utilizes specific legal tools²⁴ designed to facilitate and streamline the execution of the Misiones in a way that bypasses the formal bureaucracy.

The Misiones have attracted the attention of scholars from different disciplines because of their radical departure from the social policies designed and implemented by previous administrations in Venezuela²⁵, and the polarizing political environment

²⁰ Luis Pedro España, 'Detrás de la Pobreza: Diez Años Después', Caracas: Publicaciones UCAB (2009), p. 98.

²¹ J. Corrales, 'Using Social Power to Balance Soft Power: Venezuela's Foreign Policy', (2009) 32 *The Washington Quarterly* 4, p. 99.

²² Penfold-Becerra (2007), p. 65.

²³ Párraga (2010).

²⁴ By "legal tools" I mean a set or group of laws (statutes, decrees and other forms of official law), legal institutions and processes enacted and/or used by certain types of actors as a means to pursue a specific goal or objective that is deemed beneficial to a group.

²⁵ Rosa V. Nuñez Nava, *Principios característicos de las políticas sociales en el Estado social venezolano*, paper presented at the XIII Congreso Internacional del CLAD sobre la reforma del Estado y de la Administración Pública, Buenos Aires, Argentina, November 4-7, 2008

affecting the country during the last decade. The existing literature on the Misiones has focused on important aspects such as their utilization as vote purchasing strategies²⁶, their impact on the management of the oil industry by the state²⁷, their encouragement of active citizen participation²⁸, and their inability to contribute to the reduction of poverty and social inequality²⁹.

Most of these studies have focused on the first three implementation strategies mentioned earlier, namely, the involvement of the armed forces, the use of oil revenues managed by PDVSA to finance the Misiones, and the direct subordination of these social programs to the Presidency. However, none of the research seems to have concentrated on the use of legal tools as part of the government's implementation strategy. This chapter tries to fill that vacuum.

My general goal is to examine the Venezuelan government's utilization of certain legal tools, namely the enactment of special legislation and the transformation of legal institutions, to assist in the implementation of the Misiones. Specifically, I intend to explore what precise purpose law serves in this context. Does the law work as a mechanism to regulate and institutionalize government action? Does the law enhance government accountability and transparency? Does it set clear boundaries for the executive and other actors regarding their role in the formulation and implementation of social policy? Or is the law simply employed as an instrument that facilitates government action? Is the law used to remove those obstacles, institutional or otherwise, that slow down the implementation of the administration's social agenda?

²⁶ J. Corrales, *Venezuela's Domestic Politics and Foreign Policy: Current Trends*. Testimony before the House Committee on Foreign Affairs, Subcommittee on the Western Hemisphere, July 17, 2008; J. Ferrell, 'Misiones: Social Programs of the Bolivarian Revolutionary Government of Venezuela as a Development Model for Alleviating Poverty' 2008; Penfold-Becerra (2007); Penfold-Becerra (2008); K. Hawkins, and G. Rosas. 'Social Spending in Chavez's Venezuela', paper presented at the Annual Meeting of the Southern Political Science Association, Atlanta, January 5, 2006.

²⁷ Marianna Párraga, 'Oro Rojo: Desentrañando el misterio de la PDVSA revolucionaria', Caracas: Ediciones Puntocero, (2010)

²⁸ Mariela Hoyer and Patricia Clarembaux, 'Barrio Adentro: Historias de una Misión', Caracas: Editorial CEC (2009); and Patricia Yáñez, 'Evaluación de las Misiones de la República Bolivariana de Venezuela: un reto metodológico', paper presented at the IX Congreso Internacional del CLAD sobre la Reforma del Estado y de la Administración Pública, Madrid, España, 2-5 November 2004.

²⁹ Luis Pedro España, 'Detrás de la Pobreza: Diez Años Después', Caracas: Publicaciones UCAB (2009).

If the answer to the latter two questions is “yes,” the law would be deployed as a tool used to insulate the executive from the interference of the “heavy, strict, and often inefficient bureaucracies”³⁰. As a result, the executive would be given ample discretion to implement its policies in a way that directly impacts the target population.

As part of this latter approach (law as a facilitating mechanism), however, legal tools might also work toward perverse goals.³¹ For example, the government could manipulate the law to avoid external oversight and accountability, hinder transparency and use social programs for political manipulation.

Based on a study of the Misión Barrio Adentro (Inside the Shanty Town) a holistic community based health program launched to target the underserved, and Misión Madres del Barrio (Mothers of the Shanty Towns) an unconditional cash transfer program geared to assist women in extreme poverty, I argue that the deployment of legal tools connected to the Misiones was not necessarily intended to remove the obstacles that slow down the government’s war against poverty, help eradicate social inequality and advance the country’s developmental agenda. Rather, in the case of the Misiones law seems to be used as a malleable tool, as an instrument subordinated to the will of the administration for political purposes. The law has had little or no effect on the eradication of poverty and the attainment of the country’s stated developmental goals. Even though the attention to social issues has become part of the Venezuelan government’s development strategy, it seems that this commitment remains confined to the rhetorical level.

In the sections that follow, I provide an overview of the context surrounding the implementation of social policies in Venezuela since 1999, from the initial programs enacted by the Chavez administration to the Misiones currently in place (section two). In section three, I delve into a description of the Misión Barrio Adentro and Misión Madres del Barrio, by explaining how these Misiones work. In section four, I discuss the implementation strategies used in the selected Misiones, with emphasis on the use of legal tools. In section five, I conclude by addressing the question of whether the reliance on certain legal tools has helped Misión Barrio Adentro and Misión Madres del Barrio to

³⁰ Gabriel Siri, ‘Employment and Social Investment Funds in Latin America, Socio-Economic Technical Papers (SETP) No. 7, International Labour Organization (2000), cited by Penfold-Becerra (2007).

³¹ See, Kerry Rittich (2005), p. 211.

accomplish their goal of alleviating poverty and reducing inequality.

2. Social power during the Bolivarian Revolution and the Misiones

1998 marked a turning point in the political, social and economic landscape of Venezuela. Lieutenant colonel Hugo Chávez, an outsider to the political establishment, was elected President, thus putting an end to an era of traditional party politics. Chávez's military background and his pledge to be anti-corruption, anti neo-liberalism, and anti-political establishment, resonated with many Venezuelans. Despite a record high abstention, he obtained the majority vote in the presidential elections by a broad margin³².

During his electoral campaign, Chávez vowed to embark on an ambitious plan to transform the state in order to address the most critical social problems, namely the rampant levels of poverty and unemployment. As a way to symbolize the new government's desire to break with the traditional political elites and their market oriented macroeconomic plans, the new administration dubbed this new era the Fifth Republic (*La Quinta República*) or the Bolivarian Revolution.³³ This was an evocation to Simón Bolívar, the eighteenth century's military leader who led the independent movements of Venezuela, Colombia, Bolivia, Peru, Ecuador and Panama³⁴.

In order to promote the conditions for transforming the state, the new government vowed to reverse most of the market-oriented policies advanced by its predecessors during the previous decade, based on the recommendations of leading multilateral organizations such as the World Bank (WB) and the International Monetary Fund (IMF).³⁵

³² Manuel A. Gómez, 'Political Activism and the Practice of Law in Venezuela', *Cultures of Legality: Judicialization and Political Activism in Latin America*, Javier Couso, Alexandra Huneeus, and Rachel Sieder, eds. Cambridge: Cambridge University Press (2010), 182-206.

³³ Movimiento Quinta República (MVR), Programa Económico de Transición 1999-2000, Caracas (1998); Movimiento Quinta República (MVR), 'Una Revolución Democrática: La propuesta de Hugo Chávez para transformar Venezuela', Caracas (1998).

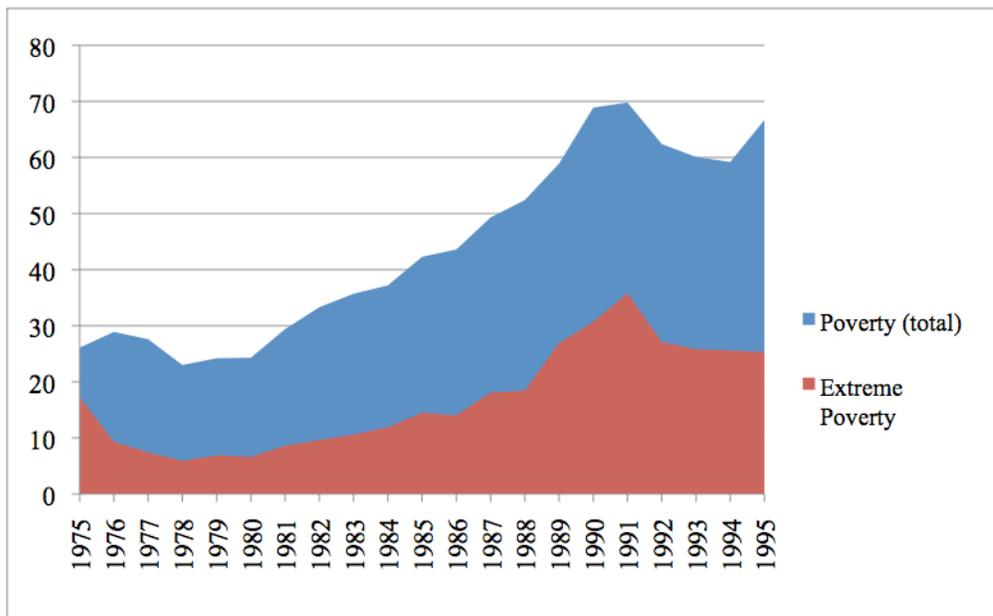
³⁴ Leonardo V. Vera, 'Políticas Sociales y Productivas en un Estado Patrimonialista Petrolero: Venezuela 1999-2007', *Nueva Sociedad* 215, Mayo-Junio (2008); and Manuel A. Gómez (2010)

³⁵ Extreme neoliberalism, however, never gained traction in Venezuela as the most market-oriented formulas always contained a protectionist or interventionist component typical of other models. Corrales and Penfold (2011) at 5.

The different administrations that ruled the country since the late 1980s emphasized a series of measures designed to foster trade liberalization, deregulation, and protect private property. These policies also encouraged the privatization of a large number of state enterprises as a way to increase the involvement of the private sector in the economy and reduce government participation. During this time, most social policies were left out of the equation. Social programs were not prioritized due to the belief that once economic growth and efficiency were achieved, the benefits would trickle down to the population.³⁶

By the mid 1990s, the percentage of Venezuelans living below the poverty line peaked at seventy seven percent and those in extreme poverty at forty five percent³⁷, as Chart 1 below shows.

Chart 1- Level of poverty (%) in Venezuela between 1975 and 1995



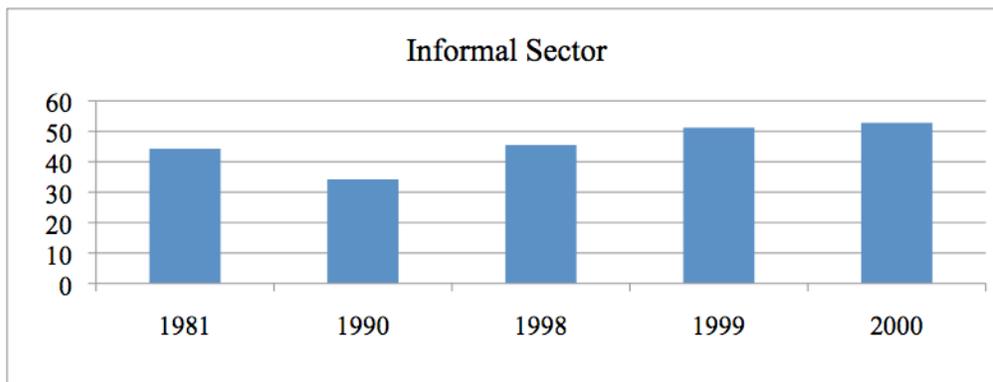
Source: Maingon 2004, Riutort and Orlando 2001, Riutort and Balza 2001.

³⁶ Thaís Gutierrez Briceño, ‘Actores e ideas de política social en Venezuela (1989-2007)’, *Revista Científica Electrónica de Ciencias Humanas* 11(4) (2008), p. 5-27.

³⁷ Thaís Maingon, *Política Social de Venezuela: 1999-2003*, *Cuadernos del Cendes* 21(55) (2004); Riutort and Orlando (2001); and, Riutort and Balza (2001).

Unemployment has risen to 11.4 percent by 1997. The percentage of people working in the informal sector increased to forty five percent, the highest in the last twenty years. This trend is demonstrated in the following chart, which compares the percentage of Venezuelans employed in the informal sector between 1980 and 2000.

Chart 2- Informal sector in Venezuela, 1980-2000



Source: Maingon 2004, INE 2003, Cepal 2003.

The newly minted Chavez administration made clear its intention to depart from the policy orientations followed by its predecessors, and made the social agenda a key component of its government plan³⁸. The administration proposed a set of guidelines geared towards the improvement of the living standards of all Venezuelans. The new policies were to be implemented by existing government agencies³⁹. The basic plan was to strengthen the government bureaucracy so it could regain control of the social agenda and encourage the citizenry to actively participate.

Despite the administration's stated intention to implement a radical change, its initial attitude was "fiscally conservative and even friendly toward foreign investment"⁴⁰.

³⁸ See, Leonardo Vera (2008).

³⁹ See, Plan de Gobierno de Venezuela (2000), available at <http://www.analitica.com/bitblbio/hchavez/programa2000.asp#sociedad>

⁴⁰ Corrales and Penfold (2011) at 47.

Moreover, the first group of social policies was basically a continuation of the Agenda Venezuela launched in 1996 under President Rafael Caldera's administration. These social policies were conceived as provisional tools intended to give short-term and limited relief only to those adversely impacted by economic reforms, and not to benefit the general public. They were comprised of fourteen different programs that offered limited assistance to women, children, and the elderly in the areas of nutrition, health services and education.⁴¹

Most assistance came in the form of subsidized commodities or services such as school meals, medicines, school uniforms, and public transportation. Services were offered to the program beneficiaries at a low cost or no cost at all. Depending on their areas of specialization, different ministries were given the task to administer these programs were administered by various Ministries (within their areas of specialization). Nine of the fourteen social programs initially launched as part of the Agenda Venezuela were maintained by the Chávez administration at least until 2001⁴² when they were eliminated during a comprehensive fiscal adjustment⁴³.

President Chavez promised to retool government institutions in a way that empowered the disenfranchised and contributed to the attainment of social justice and economic prosperity. To further these goals, he actively promoted the idea of a new Constitution that would include a large number of socially oriented provisions, and recognize the importance of a number of third generation rights. The new Constitution became the backbone of the government's political agenda and with no doubt the most "presidentialist" constitution in the region for it expanded the powers of the executive to unprecedented levels.⁴⁴

After nine months of debate within a constituent assembly, sweeping constitutional reforms were approved. The new constitution redefined the political system as a

⁴¹ For a list and description of these programs, see:

<http://americo.usal.es/oir/opal/Documentos/Venezuela/PartidoConvergencia/ProgramaSocialCaldera.pdf>

⁴² Neritza Alvarado Chacin, 'Populismo, Democracia y Política Social en Venezuela' (2005) 15 *Venezuelan Journal of Sociology and Anthropology*, p.305-331.

⁴³ Michael Penfold-Becerra, *Clientelism and Social Funds: Evidence from Chávez's Misiones*, *Latin American Politics and Society* 49:4 (2007), p. 70.

⁴⁴ Corrales and Penfold (2011) at 19.

participatory democracy. Ordinary citizens were expected to play a role in the operation of the state, and social rights were defined and given broader protections. Members of certain social groups, who had been traditionally absent from the political scene, such as indigenous peoples, were now included and given important rights. An Electoral Branch (*Poder Electoral*) and a Citizen's Branch (*Poder Ciudadano*) were added to the existing branches of government, and Congress was transformed into a unicameral body that became the National Assembly⁴⁵. These reforms streamlined the law-making process. However, the internal checks and balances, which had helped maintain political equilibrium over the past four decades were dismantled.⁴⁶

As will be explained in greater detail later, the approval of the new constitution was also viewed by the government as an important step toward subordinating the remaining parts of the legal system to the executive branch. This became evident when, in the year 2000, the national assembly granted the president extraordinary powers to enact emergency legislation in areas otherwise limited to congressional authority. The president has repeatedly used (and continues to use) these powers to enact most of the legal instruments intended to implement social policies.

The new administration gave legal tools a prominent role, thus helping reinstitute the societal perception of the rule of law as a vital element in the operation of a state. The government, at least in a rhetorical sense, heralded law, “as a condition of social justice and democratic participation”⁴⁷. It became apparent over the next few years, however, that despite the Chavez administration's emphasis on the centrality of the legal system, legal institutions did not operate independent of political interference. On the contrary,

⁴⁵ Bolivarian Republic of Venezuela, ‘Constitution’ (1999)

⁴⁶ Allan R. Brewer Carías, *Dismantling democracy in Venezuela: The Chávez authoritarian experiment* (Cambridge: Cambridge University Press 2010).

⁴⁷ Kerry Rittich, *The future of law and development: Second generation reforms and the incorporation of the social*, Michigan Journal of International Law (vol. 26, 2005). Rittich argues that law has acquired a prominent role in the context of second generation, post-Washington consensus reforms, “whether under the rubric of the rule of law, good governance, or best practices”(at 204).

the government has made clear that legal principles are subject to a very elastic interpretation that depends on the changing needs of the political establishment⁴⁸.

Social programs in the hands of the military: Rise and fall of the Plan Bolivar 2000

In 1999, the Chavez administration launched its first poverty alleviation initiative via a military-civilian campaign dubbed Plan Bolivar 2000 (PB). PB was limited to a series of specific actions designed to assist only those in extreme poverty. The implementation of this program was entrusted to the military and it did not move through the regular institutional channels. The direct oversight of PB was, however, kept in the hands of the presidency⁴⁹.

PB started with an initial budget of US\$ 170 million. It involved approximately 40,000 troops, who were deployed around the country to distribute food in poor areas, vaccinate children, paint hospitals, rebuild schools, organize literacy campaigns, provide free meals and transport people aboard military aircraft, as a way to defray the high cost of air travel⁵⁰. The government vowed to use PB as a vehicle to foster military-civilian cooperation⁵¹, but also employed it as way to exclude opposition governors and mayors from the management of social investment funds, and to reward loyalty to the president.

In December of 2000, a presidential decree⁵² enabled the administrators of PB to award contracts and allocating resources directly to private parties and individuals without any outside control. As part of this scheme, the need for competitive bids was eliminated, along with other safeguards ordinarily applicable to public contracts. PB was divided into three implementation phases, which would gradually include other actors

⁴⁸ Jesús M. Delgado Ocando, 'Revolucion y derecho', Estudios sobre la constitucion: Libro-homenaje a Rafael Caldera, Caracas: UCV (1979) p. 2595-2600

⁴⁹ Penfold-Becerra (2007), p. 70.

⁵⁰ Jamie Ferrell, *Misiones: Social Programs of the Bolivarian revolutionary government of Venezuela as a development model for alleviating poverty*. 2008. Unpublished manuscript available at: http://www.wlu.edu/documents/shepherd/academics/cap_08_ferrell.pdf

⁵¹ <http://www.mpd.gob.ve/prog-gob/proyb2000.htm>

⁵² Bolivarian Republic of Venezuela, Presidential Decree 1,221, December 2000.

such as volunteer citizens and certain public agencies. The following table shows the different stages of the plan, the implementing entity and the goals of each phase.

Table 1: Stages of the Plan Bolívar 2000⁵³

Stage	Implementing entity	Activities/Goals
Proyecto País (Pro-País)	Armed forces/military personnel	Provide assistance to the most disadvantaged and excluded groups of the Venezuelan society in order to alleviate their urgent social needs. (Instead of facilitating access, it created a parallel system)
Proyecto Patria (Pro-Patria)	Selected public employees and unemployed citizens enrolled as voluntary personnel	Involve larger social groups into socially minded activities geared to promote “productivity”.
Proyecto Nación (Pro-Nación)	Several government agencies, under the supervision of CORDIPLAN, the Presidential Office for Coordination and Planification.	A variety of “structural” projects focused on the petrochemical, agricultural, and educational sectors.

Source: <http://www.mpd.gob.ve/prog-gob/proyb2000.htm>

PB did not live beyond its initial stage as numerous tensions grew with respect to its management and oversight. Further, the military commanders in charge of the plan became the target of a corruption scandal, thus adversely affecting the public perception of this policy and affecting the government’s initial popularity. After the allegations of corruption involving PB became widespread, the government dismantled it.

Little is known about the real impact of PB because of the secrecy surrounding its implementation and the government’s reluctance to conduct or allow an assessment of

⁵³ <http://www.mpd.gob.ve/prog-gob/proyb2000.htm> (last visited, October 28, 2009)

this short-lived social program⁵⁴. The perception, however, is that PB served more as a mechanism to buy political support from the military or to reward loyalty to the government's political projects, than to actually help fight poverty. In any case, the government continued to rely on similar strategies to formulate and implement social programs.

The Unified Social Fund and other institutional tools

In the aftermath of PB, a Unified Social Fund, (USF, or *Fondo Único Social*)⁵⁵ was launched as the coordinator of the government's social agenda. Like in the case of PB, the USF was placed under the direct supervision of the Presidency and completely detached from any external oversight and control. USF was put in charge of administering and allocating the resources set aside by the central government to finance its social policies. It was also given broad discretion on how, where and with whom to invest its capital.

The decree that established USF mentioned a wide variety of programs designed to strengthen social development, health, education, and to foster a “competitive popular economic model”, with emphasis on cooperativism and micro financing⁵⁶. Regarding the latter, the administration supported the creation of a Fund of Microfinancial Development, and two Banks (*Banco del Pueblo Soberano*⁵⁷ and *Banco de la Mujer*⁵⁸), which were intended to facilitate access to microcredit to those who otherwise could not qualify for a conventional bank loan. These initiatives, however, were poorly planned and lacked self-sustainability. None of these institutions had a system in place to ensure the repayment of loans, or to educate and assist borrowers, who were selected based on their membership in the ruling political party rather than on their individual merits. For example, by 2007 Banco del Pueblo Soberano had allocated only 34% of its capacity in

⁵⁴ Maingon (2004), Vera (2008)

⁵⁵ Gaceta Oficial de la República Bolivariana de Venezuela, número 37.322 de fecha 12 de noviembre del año 2001. <http://www.fus.gov.ve/> (last visited, October 28, 2009)

⁵⁶ Id.

⁵⁷ <http://www.bancodelpueblo.gob.ve/>

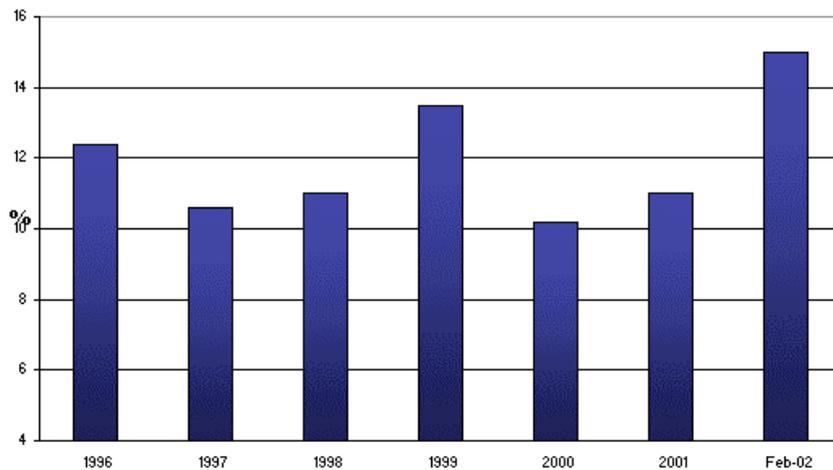
⁵⁸ http://www.gobiernoenlinea.ve/servicios/programas_sociales1.html

small credits, and had a bad debt portfolio of 24%, which is, sixteen times higher than the average financial institution⁵⁹.

*Misiones to save the people*⁶⁰

The failure of the government's early social programs and desperate efforts to jumpstart the economy became evident as the unemployment rate increased from 10% in 2000 to 15% in early 2002 as shown in the following chart.

Chart 3: Unemployment rate between February 1996 and February 2002



Source: Venezuelan National Statistical Institute (Instituto Nacional de Estadísticas de Venezuela, INE).

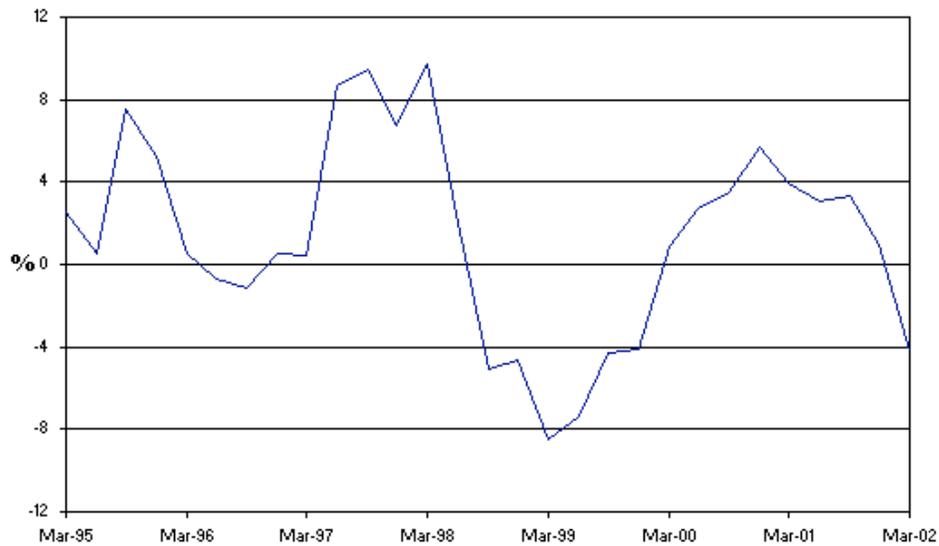
The rapidly rising unemployment rate was obviously linked to a significant decrease in the country's economic activity. By the end of 2001, Venezuela's GDP had fallen dramatically to minus four percent, while the government had initially projected it at 2.7 percent. Oil prices had also dropped 21.65 percent between 2000 (USD\$ 25.91 per barrel) and 2001 (USD\$ 20.30 per barrel) and the country's international reserves decreased

⁵⁹ Leonardo Vera (2008)

⁶⁰ This was the initial name given by President Chavez to his new social intervention tools during the speech given to outline his administration's social policy.

accordingly from USD\$ 15,685 million to USD\$ 12,289 million. The following chart shows the annual GDP variation between March 1995 and March 2002.

Chart 4: Annual GDP variation (%) between 1992 and 2002



Source: Venezuelan Central Bank (Banco Central de Venezuela, BCV)

By early 2002, the economic climate was one of significant tension and turmoil. Numerous street protests took place and a national strike paralyzed the oil industry, which is the main engine of the country's economy. The government took a radical stance and threatened to nationalize the banking system, take direct control of the national oil company (PDVSA), and unleash a series of measures against the private sector, including the confiscation and expropriation of industrial facilities, land and heavy equipment. This, according to the government, would help strengthen the economic transformation and accelerate the recovery process while neutralizing the political resistance to the new agenda.

On April 11, 2002, a group of civilian protesters marched on the presidential palace to voice their discontent with these controversial measures. The President was briefly deposed and a de facto regime took over, only to be ousted twenty-four hours later. President Chavez was reinstated soon thereafter.

In the aftermath of this political crisis, leaders of the private sector were accused of staging a coup d'état and became the target of a political offensive by the government⁶¹. Around the same time, a group of civil society organizations began gathering support for a recall referendum against the President to be held in August of 2004. Political turmoil and harsh economic circumstances undermined the government's popular support. By the end of 2003, the real GNP fell to -7.8 percent and the unemployment rate reached 16.7 percent, the highest in twenty years⁶².

In response to the ever-increasing threat of impeachment (that would end the Bolivarian Revolution), the government's top priority became regaining popular support and staying in power. To further this end, the administration utilized every conceivable means to raise its popularity and embarked on a fierce campaign to defeat the referendum petition. A year later, the government defeated the petition through a very controversial electoral process.

The most important action in the government strategy to boost its popular support was the announcement of a new Strategic Social Plan (SSP, or *Plan Estratégico Social*). The main component of SSP was the deployment of several state-funded poverty alleviation initiatives called *Misiones*. The purpose of the Misiones was to deliver goods and services directly to the poor, thus circumventing the traditional bureaucracy and other official channels. Depending on their scope, implementation mechanism and objectives, the Misiones can be classified into three groups. The first group comprises the Misiones that address education, culture, and political and social organization. The second group includes the Misiones that focus on food supply, nutrition and health. The third group

⁶¹ Manuel A. Gómez, *Activist Lawyers and the Practice of Law in Venezuela in Cultures of Legality: Judicialization and Political Activism in Latin America*, Javier A. Couso, Alexandra Huneeus, and Racel Sieder, eds. Cambridge: Cambridge University Press (2010)

⁶² Leonardo Vera (2008) p. 117

includes the Misiones that target public infrastructure, land reform, land ownership, and housing development.

Theoretically, each Misión is subordinated to a government agency or ministry, charged with overseeing the implementation of that particular program. In practice, however, the Misiones are directly administered by the Executive Office of the President and financed by PDVSA.⁶³ This is accomplished through separate budgetary and accounting channels, which gives the administration broad discretion to decide how, where and when to allocate resources, and to select who to benefit and exclude from the programs⁶⁴.

Out of all the Misiones that have been launched thus far, Misión Barrio Adentro (Into the shanty town) and Misión Madres del Barrio (Mothers of the shanty town) represent the boldest steps the administration has taken toward the fulfillment of its top two social priorities: the right of the underserved to universal healthcare and the alleviation of poverty. In the following section, I describe their structure, the legal tools deployed in their implementation, and their relationship to the social and development goals set forth by the government.

⁶³ Párraga (2010)

⁶⁴ Hawkins and Rosas (2006); D. Ortega and M. Penfold-Becerra, 'Does clientelism Work?: Electoral Returns of Excludable and Non-Excludable Goods in Chavez's Misiones Programs in Venezuela', paper presented at the American Political Science Association, Boston, August 2008.

3. Social Policies in Action: A closer look at Misión Barrio Adentro and Misión Madres del Barrio

Misión Barrio Adentro

Misión Barrio Adentro (MBA) is a program geared towards enabling people living in poverty to access a comprehensive set of health services that include urgent, preventive and outpatient care. These services are offered free of charge to the beneficiaries and the entire cost is absorbed by the government. In addition to consultation services offered by healthcare providers, MBA involves the design, building and management of community clinics in areas with restricted or no access to hospitals⁶⁵. MBA's holistic approach evolved from two previous government programs.⁶⁶ The first predecessor program was implemented in response to a natural disaster that affected the central coast of Venezuela in December 1999 and claimed the lives of more than 25,000 people. In 2000, the Venezuelan and Cuban governments entered into an emergency agreement to provide humanitarian assistance and emergency health services to the victims.⁶⁷ The second predecessor, Programa Barrio Adentro (PBA) was implemented by the mayor of the Libertador Municipality in Caracas during 2002. It was a poverty alleviation initiative that constructed temporary clinics. The PBA also implemented a program whereby a group of Cuban doctors provided healthcare services to the extremely impoverished inhabitants of Libertador.⁶⁸

⁶⁵ UNICEF, 'Venezuela's Barrio Adentro: A model of universal primary healthcare' (2005)

⁶⁶ The holistic approach adopted by MBA is not entirely novel. Similar initiatives were adopted in Chile during President Salvador Allende in the early 1970s and became popular among proponents of the Latin American Social Medicine movement. See, Waitzkin, et. al 2001a, 2001b.

Waitzkin H, Iriart C, Estrada A, Lama-drid S. Social medicine in Latin America — productivity and dangers facing the major national groups. *Lancet* 2001; 358: 315–323.

Waitzkin H, Iriart C, Estrada A, Lama-drid S. Social medicine then and now: lessons from Latin America. *American Journal of Public Health*, 2001; 91:1592–1601.

⁶⁷ Another agreement, signed in October 30, 2000 between Venezuela and Cuba, expanded the bi-national cooperation to other areas such as agriculture, the supply by Cuba of vaccines and other drugs, medical and laboratory equipment, and the training of Venezuelan healthcare professionals in Cuba, for which Venezuela agreed to pay Cuba up to 53,000 barrels of crude per day. See, Convenio Integral de Cooperación entre la República de Cuba y la República Bolivariana de Venezuela, 30 October 2000.

⁶⁸ Yolanda D'Elia, Luis Francisco Cabezas, 'Las Misiones Sociales en Venezuela', Caracas: ILDIS (2008) p. 16; Hoyer and Clarembaux (2009), p. 12; Vera (2008) p. 120.

These programs were well received by their initial beneficiaries, but were also surrounded by controversy. For example, PBA provided free care to almost 100,000 beneficiaries in less than a year.⁶⁹ However, it also drove the Medical Federation of Venezuela to seek a court order enjoining the Cuban doctors and other foreign healthcare providers from practicing medicine without a license in Venezuela. The Medical Federation acknowledged the assistance of the foreign doctors during a national emergency but strongly opposed their remaining in the country beyond that period. Even though the courts sided with the Medical Federation, the ruling was never enforced⁷⁰ and the number of Cuban doctors and other foreign healthcare providers in Venezuela has skyrocketed ever since.

Despite the legal controversy surrounding the presence of Cuban doctors in Venezuela, the national government decided to expand PBA throughout the rest of the country and gave it full support. Between April and June of 2003, around 100 Cuban healthcare providers arrived to lead the first phase of the program in Caracas. In mid-December of that same year, the President announced the creation of a Special Commission for the Implementation and the Institutional Coordination of the Misión Barrio Adentro (SCMBA). He also formally launched MBA⁷¹ as a nationwide program. By this time there were at least 10,000 Cuban doctors offering their services in twenty three states⁷².

MBA offers home visits by doctors and other healthcare providers who work on foot in the poorest shantytowns. It also offers free services in three types of facilities: Centers of Comprehensive Diagnosis (*Centros de Diagnóstico Integral*), Rehabilitation Halls (*Salas de Rehabilitación*), and High Technology Centers (*Centros de Alta*

⁶⁹ Hoyer and Clarembaux (2009) p. 16.

⁷⁰ In the aftermath of the court ruling, the mayor of the Sucre Municipality Mr. Rangel Avalos vowed to rebel against it. See, http://buscador.eluniversal.com/2003/09/11/ccs_art_11277B.shtml Moreover, in the aftermath of this and other judicial decisions adverse to government policies, several judges were summarily dismissed and their court eliminated. The judges brought their case to the Inter-American system of Human Rights and obtained a favorable ruling, which the Venezuelan government resisted to comply with. See, http://www.corteidh.or.cr/docs/casos/articulos/seriec_182_esp.pdf

⁷¹ Ministerio del Poder Popular para la Comunicación y la Información, Dirección General de la Prensa Presidencial, Aló Presidente no. 174, 14 December 2003. Summary available at: http://www.minci.gob.ve/alo-presidente/16/6630/alpresidente_n174.html

⁷² Hoyer and Clarembaux (2009) p. 14

Tecnología). These facilities operate in popular clinics built by the government in remote or inaccessible areas, in schools, churches, or even in private homes.⁷³

The medical equipment, furniture and supplies are provided by presidential decree. The funds come from the *Fundación Oro Negro*, a special entity created by PDVSA to channel oil revenues into social funds⁷⁴. The salaries of the Cuban healthcare providers are paid directly to the Cuban government under a special agreement signed with the Caribbean nation. Venezuelan employees-which include the hosts of the numerous medical facilities that operate out of private homes- are paid through a special account set up by the Ministry of Health and Social Development⁷⁵. The direct involvement of ordinary citizens in the operation of MBA is encouraged by the government as part of its goal to enhance public participation in the implementation of the social policy.

Some public hospitals have been integrated into MBA in order to serve patients in need of hospitalization or critical care not offered at the popular clinics, but MBA largely remains outside the scope of the formal healthcare infrastructure⁷⁶. MBA does not have a fixed budget.⁷⁷ Instead, government funds are allocated to MBA based on current needs. These needs are identified by the different layers of managing supervisors and are approved by the executive office of the President. As previously stated, the financing of MBA as well as the rest of the Misiones is the direct responsibility of PDVSA, which channels a portion of the oil revenues into social programs and other forms of assistance⁷⁸.

⁷³ By November of 2004, out of the 8,513 MBA clinics, only 217 were housed in special facilities built by the government (octagonales) and the vast majority operated out of private homes.

⁷⁴ Hoyer and Clarembaux (2009) p. 70.

⁷⁵ Hoyer and Clarembaux (2009) p. 72

⁷⁶ Hoyer and Clarembaux (2009) p. 74

⁷⁷ Hoyer and Clarembaux (2009) p. 67

⁷⁸ As a way to facilitate this process, in 2005 the National Assembly passed an amendment to the Central Bank Law (*Ley del Banco Central de Venezuela*), which main goal was to enable PDVSA to withhold a percentage of the earnings obtained for oil exports. See, *Ley del Banco Central de Venezuela*; see also, Párraga (2010), p. 27.

The role of the military in the implementation of MBA is also very important. The Ministry of Defense, through the Proyecto País Foundation and its Infrastructure Office is in charge of designing and building the *octagonales*, which are the buildings that house the popular clinics.⁷⁹ The Ministry of Defense also collects data on the activities carried out under MBA⁸⁰, controls the inventory of the clinics, and provides weekly reports to the Presidential Palace, which is where most decisions involving the Misiones are made⁸¹. Military personnel have also been charged with providing logistical support to MBA, mainly in rural and remote areas. These duties include transporting patients in need of specialized treatment from those areas to the cities, or to Cuba for certain types of surgery.⁸²

MBA is free to everyone and there are no special requirements to qualify for assistance under this program. However, some critics have alleged that the government has invested more generously in areas where political support for the ruling party is strong, while leaving opposition-friendly neighborhoods off the MBA grid. Others have complained that the provision of specialized or complex medical procedures is often conditioned on patient registration as a member of the Partido Socialista Unido de Venezuela (PSUV). During election times, some have alleged that the provision of medical care is contingent upon a commitment to vote in favor of the government.

The fact that MBA is handled through extra- official channels makes it difficult to know how many people it employs, including the number of foreign (mainly Cuban) doctors and other healthcare providers. It is also difficult to know how much it costs to run the program.⁸³ However, according to a 2008 report published by the Ministry of

⁷⁹ According to some sources interviewed by Hoyer and Clarembaux (2009) however, the entities in charge of building the octagonales are the Fondo Unico Social and the Fondo Venezolano de Inversión Social, both under the supervision of the Ministry of Health and Social Development. (p. 69)

⁸⁰ None of this data, however, is released to the public.

⁸¹ Hoyer and Clarembaux (2009): 75.

⁸² Another program dubbed Mision Milagro, offers the opportunity to visually impaired citizens to fly to Cuba in order to undergo surgery in one of that nation's specialized hospitals. Similar agreements have been entered into between Cuba and other Latin American nations including El Salvador, Guatemala, Bolivia, Argentina, and the Dominican Republic. See, http://ceims.mre.gob.ve/index.php?Itemid=28&id=13&option=com_content&view=article

⁸³ Unfortunately, the statistical data offered in MBS's website was last updated on 31 January 2004.

Information and Communications, since its inception, MBA doctors had offered almost 278 million consultations and paid more than 124 million home visits to people living in areas with no access to the formal healthcare system. According to the same report, there were 3,267 popular clinics and 6,743 health committees operating nationwide⁸⁴. Notwithstanding the lack of more precise information about MBA, the perception is that it reaches a broad sector of the population, or at least those who have been traditionally excluded from the formal healthcare system.

The government justified its support of MBA on its policy commitment to ensure free access to primary health care (as outlined in the declaration of Alma-Ata, adopted in 1978 at the International Conference on Primary Health Care)⁸⁵ and the right to free health outlined in article 83 of the Constitution. Principle VI of the Alma-Ata declaration stresses that:

“Primary health care is essential health care based on practical, scientifically sound and socially acceptable methods and technology made universally accessible to individuals and families in the community through their full participation and at a cost that the community and country can afford to maintain at every stage of their development in the spirit of self-reliance and self-determination. It forms an integral part both of the country's health system, of which it is the central function and main focus, and of the overall social and economic development of the community. It is the first level of contact of individuals, the family and community with the national health system bringing health care as close as possible to where people live and work, and constitutes the first element of a continuing health care process.” (Emphasis added)

The link between primary healthcare and social and economic development outlined in the excerpt included above, was adopted by the Venezuelan government as an express policy in its 2001-2007 National Economic and Social Development Plan, and

⁸⁴ Ministerio del Poder Popular para la Comunicación e Información (2008), Hoyer and Clarembaux (2009) p. 101.

⁸⁵ See, Declaration of Alma-Ata, adopted at the International Conference on Primary Health Care, Alma-Ata, USSR, 6-12 September 1978, available at http://www.who.int/hpr/NPH/docs/declaration_almaata.pdf

was praised on more than one occasion by foreign governments, progressive political leaders⁸⁶, local NGOs⁸⁷ and international organizations⁸⁸. Primary healthcare is also seen as a means to alleviate poverty, albeit indirectly, because of its potential to improve the living conditions of the general population and the absorption by the state of healthcare costs that otherwise would be borne by the general population⁸⁹.

Another important component of this policy is the active participation of the citizenry in the delivery of social services⁹⁰, and the direct efforts of the state to reach out to the poor. Most of the critiques of the implementation of MBA, however, have attacked the “direct intervention” component, as some view it as a government strategy to bypass all controls, avoid accountability, and manipulate social programs in pursuit of a political agenda⁹¹.

As the backbone of the Bolivarian Misiones, MBA is related to several other poverty alleviating initiatives that target specific groups. Misión Madres del Barrio, which I now describe, is among the most salient.

Misión Madres del Barrio

Misión Madres del Barrio (MMB), formally created in 2006 by Presidential decree 4,342⁹², purports to support women living in situations of extreme poverty for a limited period of time. It assists them in becoming productive and financially independent. The beneficiaries of MMB are homemaker women with dependents

⁸⁶ Buxton, Julia, ‘European Progressives and the Bolivarian Social Agenda’, in Venezuela’s Petro-Diplomacy: Hugo Chávez’s Foreign Policy, Ralph S. Clem and Anthony P. Maingot, eds. Gainesville: University Press of Florida (2011) at 143.

⁸⁷ Carlos H. Alvarado, María E. Martínez, Sarai Vivas-Martínez, Nuramy J. Gutiérrez, Wolfram Metzger (2008), “Social Change and Health Policy in Venezuela”, *Social Medicine*, Volume 3, Number 2

⁸⁸ UNICEF (2005), World Health Organization (2005).

⁸⁹ Iriart et al (2002)

⁹⁰ The government has achieved this by allowing some of the MBA clinics to be housed in private residences.

⁹¹ Penfold-Becerra (2008)

⁹² Presidential decree 4,342 of 23 March 2006. Official Gazette of the Bolivarian Republic of Venezuela 38,404.

(children, parents, or other family members), and whose family income is below the minimum salary⁹³.

The support comes in the form of an unconditional cash transfer (UCT)⁹⁴ paid to the beneficiaries every month through an authorized financial institution or through the social security administration (*Instituto Venezolano de los Seguros Sociales*). The maximum amount of the subsidy is eighty percent of the minimum salary without any time limit, although the expectation is that in most cases the aid will be temporary in nature⁹⁵.

During the early stages of MMB, the beneficiaries were selected by members of a Technical Community Team (TCT, or *Equipos Técnicos Parroquiales*). These beneficiaries were selected by more than 2,000 volunteer surveyors who interviewed women across the country. The TCT issued a recommendation to the Presidential Commission in charge of the Misión who in turn issued a final decision on the award. Once the MMB was underway, the TCT role was taken over by ad hoc Committees (CMB, or *Comité Madres del Barrio*). Each committee was made up of a group of 20 to 200 women beneficiaries and volunteer community leaders. According to official records, in March of 2007 there were 2,744 committees formed by 83,484 women nationwide.

The purpose of leaving the selection of MMB beneficiaries in the hands of members of the beneficiary communities is to empower the citizenry and foster the idea

⁹³ At the time of writing (January 2011) the minimum salary is BsF 1,223.89 (US\$ 284.62).

⁹⁴ Unlike other forms of social assistance employed in many countries as a way to increase investment in human capital, unconditional cash transfers (UCT) entail the award of monetary aids with no strings attached, giving the beneficiaries flexibility to use the monies to purchase or consume any commodity or service they choose. The three main reasons behind UCT are: 1) that they provide beneficiaries with a great degree of choice to decide what to do with the money based on their own spending priorities; 2) that by giving beneficiaries cash they feel empowered; and 3) that cash awards contribute to maintain people's dignity as they don't see themselves as recipients of relief. See, Witteveen, Ann. No Small Change: Unconditional cash transfers as a response to acute food insecurity. Paper prepared for the workshop "Social Protection Initiatives for Children, Women and Families: An Analysis of Recent Experiences, October 30-31, 2006. Available at: http://www.unicef.org/files/Unconditional_cash_transfers_as_a_response_to_acute_food_insecurity.pdf

⁹⁵ See, http://fegs.gerenciasocial.org.ve/paginas/RMISION_MADRES_DEL_BARRIO.html

of social solidarity⁹⁶. The CMB are also tasked with coordinating with other Misiones, including MBA (health), Misión Robinson, Misión Ribas and Misión Sucre (literacy and education), and Misión Guaicaipuro (assistance to indigenous peoples), to determine whether beneficiaries are eligible to obtain other forms of government aid and overcome their situation of extreme poverty. It is also common for CMB members to be involved in the implementation of other Misiones so the likelihood of an overlap is high. Notwithstanding the involvement of the CMB in the initial selection of the beneficiaries and the day-to-day operation of MMB, most decisions related to this program, including the supervision and control of the activities, depend directly on the president.

The government's goals for the first year of MMB were to promote the creation of 648 CMB and to benefit at least 200,000 extremely impoverished women. The government also allocated BsF 750 Billion or the equivalent to approximately US\$ 128 million for MMB⁹⁷.

The beneficiaries are divided into four different battalions (*batallones*), each geared to serve a subset of women based on their condition (disability or capacity to work) or place of residence. The following table shows the allocation of each battalion and the total number of beneficiaries during 2006.

Table 2: Distribution of beneficiaries of Misión Madres del Barrio (2006)

Battalion	Description	Beneficiaries
First (Madres Lanceras included in the Mision Vuelvan Caracas)	Women in transition to a productive activity and who are able to work	148,739
Second	Mothers from the poorest twenty four municipalities of nationwide	36,925
Third	Mothers affected by a particular disability	5,589

⁹⁶ See, http://ceims.mre.gob.ve/index.php?option=com_content&view=article&catid=23&id=44:mision-madres-del-barrio

⁹⁷ See, http://fegs.gerenciasocial.org.ve/paginas/RMISION_MADRES_DEL_BARRIO.html

Fourth	Mothers from two additional municipalities in each of the twenty four states	47,291
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Source: http://www.minci.gob.ve/reportajes/2/12926/mision_madres_del.html

The policy underlying MMB is contained in the government’s 2001-2007 National Economic and Social Development Plan, which expressly set the empowerment of women and the alleviation of poverty as two of its top priorities⁹⁸. In addition, articles 75 and 76 of the 1999 constitution deem the protection of the family as an active obligation of the state⁹⁹.

4. The role of the law in the pursuit of the social agenda

A distinctive feature of the implementation process of the Venezuelan social agenda is the reliance on a novel combination of four different strategies utilized by the government to achieve its goals. The government’s objectives are to reach out directly to its potential beneficiaries without any obstacles, and to engage certain strategically important actors, including the armed forces PDVSA, in the delivery of social services.

Law has been an important element in this formula, for it has been used by the state as a tool to remove the potential obstacles embedded in multiple layers of bureaucracy that –according to the government- impede necessary social intervention. Law has also been employed as a facilitative tool that gives the executive the flexibility it needs to move freely in accomplishing its policy objectives. By developing different legal instruments and promoting the reform of institutions, the government has made no secret of its ideological or discursive use of the law¹⁰⁰. The main function of law, according to the administration, is to optimize conditions for the realization of important social

⁹⁸ See, 2001-2007 National Economic and Social Development Plan.

⁹⁹ Bolivarian Republic of Venezuela, Constitution, article 75, 76 (1999)

¹⁰⁰ See, Kerry Rittich (2005), p. 211. As Rittich points out, the “discursive or ideological use of the law” is one of the most salient modes in the connection between the “social agenda and the objectives of democratization”.

objectives such as social justice, equality and democratic participation¹⁰¹. In order to legitimize this view, the government has promoted a number of reforms that it considers critical in fulfilling the national social development plan¹⁰².

Types of legal intervention used in the Misiones

The most important of these tools is obviously the 1999 Constitution, which includes language that reflects the state's aspiration to reduce inequality (articles 75, 76, 79, 80, 88) and fight poverty (articles 86, 87, 299) while promoting economic growth (articles 79, 110, 112, 123, 169), political stability and social justice (articles 3, 26, 84, 119)¹⁰³.

Other legislation, either in the form of statutes or presidential decrees, has also been enacted as a way to facilitate the state's attention to social needs. It is worth mentioning that a significant group of these laws were enacted directly by the president in the form of emergency legislation, with little or no deliberation by the national assembly. Furthermore, no public debate was allowed to take place. At least 77 laws have been enacted this way.

The first time the president relied on extraordinary powers to implement social legislation was in 2001, when a package of 49 law-decrees were announced just when the term given by the National Assembly to the President to dictate emergency legislation was about to expire. Two of the laws that were especially controversial because of their perceived negative impact on the private industrial sector are the Agricultural Development Act (*Ley de Tierras y de Desarrollo Agrario*) and the Fisheries Act (*Ley de Pesca*)¹⁰⁴. Other socially oriented laws included in this group were the Popular Economy

¹⁰¹ See, http://www.gobiernoenlinea.ve/gobierno_al_dia/plan_desarrollo1.html

¹⁰² The social development plan established by the Venezuelan government "aims to respond to social needs achieving equity as a new order of social justice (...) This objective requires the transformation of the living conditions of the majority of the population, historically deprived and separated from the equal access to wealth and wellbeing". See, http://www.gobiernoenlinea.ve/gobierno_al_dia/plan_desarrollo1.html

¹⁰³ See, Bolivarian Republic of Venezuela, Constitution (1999)

¹⁰⁴ These instruments subordinated private property rights to an idea of public interest as defined by the government.

Development Act (*Ley para el Fomento y Desarrollo de la Economía Popular*), the Social Security Act (*Ley del Seguro Social*), the Agricultural Bank Act (*Ley del Banco Agrícola de Venezuela*), and the Social Fund Act (*Ley del Fondo Social*).

The 2005 amendment to the Venezuelan Central Bank Law (*Ley del Banco Central de Venezuela*) was especially important because it enabled PDVSA to retain a percentage of its extraordinary earnings obtained from the surge in oil prices. The law also allowed the executive to tap into these resources and use them to fund the Misiones without any kind of external oversight¹⁰⁵.

Lastly, the general purpose of each of the Misiones has been broadly defined via a presidential decree that strengthens the control of the executive. The decree prevents all other organs from asserting any supervisory role over the social policy¹⁰⁶. These decrees have also impacted the role of institutions and public agencies as they have subordinated the Misiones to the Presidency, thereby bypassing the official bureaucracy and other traditional controls¹⁰⁷.

The instrumental use of the law and the pursuit of the social agenda

It is clear that the Venezuelan state has not viewed law as a mechanism to regulate government action or as a method of enhancing accountability and transparency. Law has been used as an instrument that helps facilitate government action by removing the potential barriers that the administration views as “standing in the way” of the President and his constituents. The executive justifies this instrumental view of law as a means of achieving social reform. Furthermore, it “legitimizes the attention to particular social objectives”¹⁰⁸, namely poverty alleviation and primary healthcare. Has the instrumental or ideological use of the law helped the Misiones achieve their stated goals?

¹⁰⁵ Párraga (2010).

¹⁰⁶ See, Gaceta Oficial Extraordinaria N° 37,865, Decreto N° 2745 de fecha 26/01/2004, mediante el cual se crea la Comisión Presidencial para la implementación y coordinación institucional del programa denominado Barrio Adentro; See also, Gaceta Oficial número 38,404 del 23/03/2006, decreto 4.342 mediante el cual se crea la Misión Madres del Barrio.

¹⁰⁷ Id.

¹⁰⁸ See, Rittich (2005), p. 211.

Specifically, has access primary healthcare improved? Have the Misiones helped to alleviate poverty in women? Or have these legal tools fulfilled other agendas?

Some experts agree that, unlike other social interventions implemented in Venezuela in the past, the Misiones were right on target in identifying a series of critical deficits in the delivery of social services. They were also able to offer what appeared to be a simple solution: specific remedies, accessible to the masses, carried out directly by the government, free of institutional obstacles¹⁰⁹. For example, MBA appeared to be a natural solution to the difficult problem of access to primary healthcare by those living in remote areas or without means to access the formal system. MMB, offered to assist women in extreme poverty in a way that helped them maintain their dignity and autonomy.

The government was able to act swiftly and launch the Misiones with relative ease, largely because of the flexibility special legislation afforded the executive. This legislation insulated its actions from congressional oversight and eliminated the potential obstacles associated with multi-layered bureaucracies. But the Misiones also emerged at a time when the government was experiencing its lowest level of popularity, and oil prices were starting to soar.¹¹⁰ These factors combined to create an incentive for the government to manipulate the Misiones for political gain.

The public announcement of the launching of each Misión was always preceded by an intense public campaign. Each Misión was strategically launched around election time¹¹¹. It became apparent that the Misiones were being used by the government as vote purchasing strategies¹¹² or to secure political alliances; in many cases the selection of potential beneficiaries was limited to registered members of the Movimiento Quinta Republica (MVR) or to those who declared their allegiance to the government.

It was publicly known that in order to apply to most Misiones, potential beneficiaries were required to obtain a national identification card, which is required to

¹⁰⁹ Luis Pedro España N. (2010), p. 99.

¹¹⁰ M. Párraga (2010)

¹¹¹ Hoyer and Clarembaux (2009), p. 10

¹¹² Penfold-Becerra (2008)

vote. The government facilitated the acquisition of this card through another program (*Mision Identidad*). Moreover, during his weekly-televised speeches, the president made no secret that the Misiones were also intended to bolster his political platform, thus sending an explicit message to the many volunteers working for the Misiones that their support was required. At the same time, members of the official party published a list (Lista Tascón) of the names of those who had signed the petition to activate the recall referendum. This list was used as a mechanism to further exclude people from receiving social benefits¹¹³ and to practice job discrimination, which in turn helped the government “maintain its electoral coalition and attract non-ideologized groups”¹¹⁴.

A related problem documented by researchers on the impact of MBA is that it has only delivered benefits to a fraction of its target population.¹¹⁵ Out of the proposed 8,300 *octagonales* that were supposed to be built during 2005, only 600 were ready at the end of that period. The same problem occurred with the new clinics (only 4 were built in 2004 out of 151 planned), and other facilities.¹¹⁶ If we consider the problem of exclusion of non-members of the MVR party, then the number of beneficiaries of MBA is further reduced.

The political manipulation of the Misiones has been possible because there are no institutional constraints limiting the executive with respect strategic implementation of these programs. The law has been molded to give ample latitude to the government and, most if not all of the traditional checks and balances have been removed. Further, the key institutions (PDVSA and the military) involved in the Misiones’ implementation are also important partisan players. It is well documented that many of PDVSA’s directors and upper level executives play several other political roles in addition to their formal positions as part of the oil conglomerate. For example, the current President of PDVSA is also the Minister of Energy, the Vice-President of the United Socialist Party of Venezuela

¹¹³ See, Miriam Kornblith, ‘Elections versus Democracy’, *Journal of Democracy* 16: 1 (2005); and, Penfold-Becerra (2007), p. 74.

¹¹⁴ Corrales and Penfold (2011) at 44-5.

¹¹⁵ Pedro Luis España N. (2010), p. 101; Yolanda D’Elia and Luis Cabezas, ‘Las Misiones Sociales en Venezuela’, Caracas: Instituto Latinoamericano de Investigaciones Sociales (2008).

¹¹⁶ Pedro Luis España N. (2010), p. 101.

(the successor of the MVR) and the head of the Misión Ribas¹¹⁷. These multiple roles creates obvious conflicts of interest in addition to posing a serious risk to the integrity of the social programs.

The absence of checks and external oversight also render the Misiones inefficient because there is no way to control the criteria that are used to select beneficiaries or how the different programs are managed. There is also no oversight of the coordination of the Misiones with the corresponding bureaucratic agencies. In the particular case of MMB, the open-ended form of the cash transfer and the lack of a clear definition of the type of assistance that will be offered to women to encourage economic productivity are also problematic.

The Misiones represent a novel state agenda that purports to alleviate poverty and advance social inclusion. Legal instruments may have been designed to facilitate the process of delivering programs without institutional obstacles. Unfortunately, though, law (or the lack thereof) has also been a problem¹¹⁸ as it has enabled the executive to avoid accountability, shield itself from external control, and manipulate the Misiones for political gain.

¹¹⁷ Marianna Párraga (2010), p. 117.

¹¹⁸ See, Kerry Rittich (2005), p. 214. “Badly-crafted rules and policies, even the regulatory state as a whole, may be impediments to growth or otherwise incompatible with the demands of a globally integrated economy. Hence, the task is to import not just law, but the right set of institutions”.

5. Conclusion

The development model proposed by the Chávez administration in Venezuela purports to encourage a reinvigorated government to take control of production and industrialization processes. The administration also purports to foster direct citizen participation, promote social justice and equality, and reduce the role of the private sector in society. The government has proclaimed the novelty of this model, dubbing it “21st century socialism.” However, critics have dismissed it as a set of outdated populist and clientelistic strategies that hinder rather than promote development.

Using this approach, social policies have gained unprecedented prominence to the point of becoming the most visible aspect of the government’s proposed transformation. The implementation of these policies has also been accompanied by a great deal of symbolism used by the government to convey the radical nature of its political and ideological message. However, the administration’s confrontational approach to implementing its social policy agenda coupled with the fierce resistance with which these changes have been received, have caused controversy and polarization, both domestically and abroad. This has also made it difficult to assess the effectiveness of the various policy initiatives.

The Misiones are an important government priority, and a large number of laws connected to these programs have been enacted. The constitution now contains an enhanced catalog of social rights and express policies that emphasize the value of equality and social justice. The extensive list of presidential decrees, legislative acts, and other legal tools has acquired significant prominence. The problem, however, is that at the same time most government actions connected to the Misiones are deliberately kept outside the realm of formal institutions and processes, thus reducing the law to a mere pawn.

The executive has had ample flexibility to redirect the Misiones to certain areas deemed a political priority and to target and exclude certain social groups, usually in order to bolster popular support or to purchase votes. In addition, by being able to tap into

oil revenues without any outside control and being able to use it to finance the Misiones at will, the government has secured the long term existence of these powerful political tools.

The Bolivarian Misiones may be presented as having a legitimate goal because they enable the government to reach out to groups who were traditionally excluded from state support. The Misiones may also help by delivering direct benefits to the poor. However, the lack of transparency in their implementation and the overt control exerted by the executive over these and other social programs hinders their effectiveness and has a negative impact on their long-term stability.

Appendix 1: List of Bolivarian Misiones

Mision	Creation date	Objective	Supervising agency
Mision 13 de Abril ¹¹⁹	04/13/2008	To reinforce the people's power through the creation and development of socialist communities	Presidency
Mision Alimentación (MERCAL) ¹²⁰	12/01/2003	To ensure the supply of food for the economically disadvantaged in Venezuela.	Ministry of Nutrition
Mision Alimentacion (FUNDAPROAL)	3/22/2005	Free meals to poor people	Ministry of Nutrition
Mision Alma Mater	9/18/2007	Planning of higher education institutions	Ministry of Higher Education
Mision Árbol	5/28/2006	To engage the community in the creation of a new development model based on the recovery, conservation and sustainable use of forests, in order to improve the quality of life.	Ministry of the Environment and renewable natural resources
Mision Barrio Adentro (I, II, III and IV) ¹²¹	6/12/2005, 8/28/2005, 3/6/2005 and 4/17/2007	To guarantee access to health services for excluded groups, using a model of comprehensive health management aimed at achieving a better quality of life through the creation of clinics, in addition to the hospitals, located within the poor communities that do not have access to hospitals.	Ministry of Health
Mision Barrio Adentro Deportivo	7/13/2004	To provide support for the practice of sports	Ministry of Sports
Mision Ché Guevara (formerly, Vuelvan Caracas) ¹²²	9/13/2007	To design and implement training activities, sustainable work organizations, develop ethical awareness and the moral revolution as factors in the formation of a new society.	Ministry of Communal Economy
Mision Ciencia ¹²³	2/20/2006	To promote scientific and technological development throughout the country's productive sectors, promoting the socialization of knowledge, and joining efforts to reinforce the strategic guidelines for the creation of a new economic and productive system	Ministry of Science and Technology
Mision Cultura ¹²⁴	7/14/2005	To develop and consolidate a national identity within a decentralized and democratized Venezuela	Ministry of Culture

¹¹⁹ <http://www.gobiernoenlinea.ve/miscelaneas/misiones.html>

¹²⁰ <http://www.mercal.gob.ve/web/index.php>

¹²¹ <http://www.barrioadentro.gov.ve/>

¹²² <http://www.misioncheguevara.gob.ve/>

¹²³ <http://www.misionciencia.gob.ve/>

Mision Guaicaipuro ¹²⁵	21/1/2003	To restore the rights of indigenous peoples	Ministry of Indigenous Peoples
Mision Identidad ¹²⁶	9/26/2003	To provide anyone with national ID cards and facilitate access to other social services	Ministry of Internal Affairs and Justice
Mision Justicia	2/2/2005	Legal assistance to indigent litigants	Ministry of Internal Affairs and Justice
Mision Madres del Barrio	3/24/2006	To provide support to mothers/housewives and their families facing extreme poverty.	Ministry of Labor and Social Development
Mision Milagro ¹²⁷	7/8/2004	A joint effort between the Venezuelan and the Cuban governments to provide medical attention to visually impaired citizens.	Ministry of Health and Ministry of Foreign Affairs
Mision Miranda ¹²⁸	12/18/2003	Aimed at restructuring the reserve system of the National Armed forces through organization, monitoring, recruitment, registration and retraining.	Ministry of Defense
Mision Negra Hipólita ¹²⁹	1/13/2006	To rescue, recover and ensuring the rights of the most impoverished and homeless in Venezuela.	Ministry of Social Protection
Mision Piar ¹³⁰	7/4/2004	Designed to integrate and promote small-scale miners into the five main areas of the National Social and Economic Development Plan.	Ministry of Mining and Basic Industries
Mision Revolución Energética ¹³¹	11/17/2006	To achieve and promote a more rational use of energy through the replacement of incandescent light bulbs with fluorescent ones.	Ministry of Energy and Oil
Mision Ribas ¹³²	11/17/2003	Launched to ensure the continuity of education for all Venezuelans, primarily those who had failed to enter or complete a third degree education, and to those seeking secondary or professional level education.	Ministry of Energy and Oil
Mision Robinson (I and II) ¹³³	7/2/2003 and 10/28/2003	Launched as a mass literacy program aimed at teaching reading and writing to all Venezuelans.	Ministry of Education

¹²⁴ <http://www.misioncultura.gob.ve/>

¹²⁵ http://minpi.gob.ve/minpi//content/view/51/68/lang.es_VE/

¹²⁶ http://www.onidex.gov.ve/Mis_ident/mision_ident.php

¹²⁷ <http://www.mpps.gob.ve/ms/modules.php?name=Content&pa=showpage&pid=427>

¹²⁸ <http://www.milicia.mil.ve/>

¹²⁹ <http://gp.cnti.ve/site/minpades.gob.ve/view/Mision%20Negra%20Hipolita.php>

¹³⁰ <http://www.fundacionmisionpiar.gob.ve/>

¹³¹ <http://www.menpet.gob.ve/portalmenpet/secciones.php?option=view&idS=144>

¹³² <http://www.misionribas.gov.ve/>

¹³³ <http://www.misionrobinson.gov.ve/>

Mision Sonrisa	7/23/2006	To ensure dental services to all Venezuelans.	Ministry of Health
Mision Sucre ¹³⁴	11/10/2003	To ensure access to college education to all high school students.	Ministry of Higher Education
Mision Villanueva (formerly Habitat) ¹³⁵	9/8/2007	To redistribute population and improve living conditions of Venezuelans.	Ministry of Housing and Habitat
Mision Zamora ¹³⁶	1/10/2005	The reorganization of unused lands with agricultural potential in order to eradicate the latifundio system, promote rural development, and ensure food supply through sustainable agriculture.	Ministry of Agriculture and Land

¹³⁴ <http://www.misionsucre.gov.ve/>

¹³⁵ <http://www.mopvi.gob.ve/habitat/pag/index.php>

¹³⁶ <http://www.gobiernoenlinea.ve/miscelaneas/misionzamora.pdf>