

**Civil Society Follow-Up Strategy to the Implementation
of the Quebec Plan of Action**

ANDEAN REGION REPORT II° STAGE
“Systematization of Activities of Diffusion and
Incidence in Bolivia, Colombia, Ecuador, Peru and
Venezuela”



CITIZEN PARTICIPATION IN THE SUMMIT OF THE AMERICAS

**Civil Society Follow-Up Strategy to the Implementation
of the Quebec Plan of Action
ANDEAN REGION REPORT**

Coordinating Agency



Supporting Agencies

Canadian International Development Agency (CIDA)
Inter-American Development Bank (IDB)
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US Agency for International Development (USAID)
Inter-American Democracy Network (IADN)
Partners of the Americas (POA)
Corporación Andina de Fomento (CAF)

The opinions expressed in this document do not necessarily reflect those of the Organizations supporting the Project, neither of its bodies or of its staff nor that of the Member States of these Institutions.

Project Citizen Participation in the Summit of the Americas

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I. INTRODUCTION

The present report corresponds to the Second Regional Andean Region Report for the Project “Civil Society Follow-up Strategy to the Implementation of the Québec Plan of Action”. This Project is being implemented in 21 countries of the Americas and is coordinated by PARTICIPA, Chile, in conjunction with the Canadian Foundation for the Americas (FOCAL), the Regional Coordinator for Economic and Social Research for Central America and the Caribbean (CRIES), Universidad de los Andes of Colombia and the Latin American Faculty of Social Sciences (FLACSO) of Chile. The Project enjoys the support of the Canadian International Development Agency (CIDA), the Inter-American Development Bank (IDB), the Inter-American Council for Integrated Development of the OAS (CIDI/OAS), the US Agency for International Development (USAID), the Inter-American Democracy Network (IADN), Partners of the Americas (POA) and the Corporación Andina de Fomento (CAF).

This Strategy is part of the Program "Citizen Participation in the Summit of the Americas", whose aim is to educate citizens and Civil Society Organizations on the Summits of the Americas processes, familiarize them with the commitments undertaken by Governments at the Summits and on how these processes relate to the development of the countries and the well-being of its citizens. In addition, the Strategy seeks to both influence the commitments the governments undertake, as well as their subsequent implementation.

The phase of the Project now being developed, dating from December 2002 to December 2005, forms part of the Follow-up Strategy Project. The objective of this Project is to provide follow-up and support the fulfillment of the Quebec Plan of Action in the thematic area of strengthening of democracy by enhancing and broadening citizen participation through a network of Civil Society Organizations designing and applying advocacy and outreach mechanisms at the hemispheric, regional and national levels.

The first phase of the Project, which took place between December 2002 and July 2004, comprised the implementation of research mechanisms to indicate the level of fulfillment of the mandates of the Plan of Action.

The themes chosen for this follow-up exercise were: a) Access to information; b) Freedom of expression; c) Local government and decentralization; d) Strengthening of civil society participation, and e) Judicial reforms and access to justice.

To carry out the investigation, a series of indicators were outlined for each of the themes and using them as a basis, questionnaires were designed to gather information related to the level of fulfillment of the Quebec mandates in each of the countries.

This document constitutes the Report of the Second Phase of the Project, developed between September 2004 and March 2005. At the national level, this second phase focused its work on outreach and advocacy actions with the aim of influencing decisions taken on specific public policies, thus overcoming the obstacles encountered.

Presented below are the main activities carried out by Centro al Servicio de la Acción Popular (CESAP) and Instituto Venezolano de Estudios Sociales y Políticos (INVESP) of Venezuela, Centro de Estudios Estratégicos para la Integración Latinoamericana (CEEILA) and Ciudadanos Trabajando por la Justicia of Bolivia, Department of Political Sciences of Universidad de Los Andes of Colombia, Corporación Latinoamericana para el Desarrollo

(CLD) of Ecuador, Centro de Estudios y Promoción del Desarrollo (DESCO) of Peru in the context of the implementation of the proposals selected. Firstly, we present a summary of the situation identified in the first report, complemented with information on the events which took place after the conclusion of the first report, to finalize with the activities carried out.

II. PRESENT SITUATION AT THE REGIONAL LEVEL VIS-À-VIS THE THEMATIC AREAS THAT HAVE BEEN MONITORED

Table No.1: Proposals by theme selected in each of the countries

COUNTRY	THEMES ¹				
	AI	LE	J	GLD	FSC
Bolivia			X		
Ecuador	X		X		
Colombia	X			X	
Peru				X	X
Venezuela	X				X
Total	3	0	2	2	2

The comparative success or setbacks registered for each of the themes of the follow-up exercise during the first stage of the project do not necessarily represent a long-term situation nor one of sustained results. Undoubtedly, factors as the constitutional and legal recognition of a right in itself constitute an advance reflecting the commitment undertaken by the governments to protect and defend rights and democracy. As such, this situation is irreversible. Nevertheless, the development and fulfilment of constitutional rules must be introduced into the daily political life of our countries, must adapt to institutions, to practices and to the priorities of the changing political, social and economic scenarios. This fact makes the query on the situation of the countries of the Andean Region a key question, and its answer lies within the context of the proposals presented by each country during the advocacy stage of the project Civil Society Follow-up Strategy to the Implementation of the Quebec Plan of Action.

The objective of the general outline of this report is to show the tendencies revealed in the themes each country selected as part of the national advocacy and outreach strategy on one hand, and to provide information on the consolidation of the commitments undertaken by the governments with regard to the Quebec Plan of Action, on the other. The results refer exclusively to the themes chosen by each country of the region, therefore there is no review of the five thematic areas of the follow-up exercise in each of the Andean countries, as not all of them were selected for the advocacy stage. Likewise, it is worth mentioning that in countries as Ecuador and Venezuela the end of the year 2004 was marked by political instability for the first nation and, for the second, by an increased authoritarianism on the part of the régime. This situation implied not only a setback in the achievement of the commitments to the Plan of Action, but a real limiting factor to carry out the work of the national coordinators in both countries.²

¹ AI: Access to Information; FE: Freedom of Expression; J: Justice; LGD: Local Governments; and SCS: Strengthening of Civil Society.

² In Venezuela the setbacks relate to an increased authoritarianism on the part of the régime and an increment in the participation of the military both in political and civil affairs, an increased use made of the Judiciary to exert pressure on the opposition, as well as the passing of laws which have a negative impact on freedom of expression and the right to demonstrate. The independence of the authorities is curtailed due to the excessive power in the hands of the Executive.

ACCESS TO INFORMATION

Three Andean countries chose proposals for advocacy on Access to Information: Colombia, Ecuador and Venezuela. According to the conclusions of the first stage of the project, in the three countries of the Andean Region this right is guaranteed by the Constitution and only Ecuador has a Ley Marco (Marco Law) ruling the protection of this right, while in Venezuela and Colombia the rules and regulations are scattered in different laws, e.g., law on administrative procedure, regulations on the responsibility of public administration or those relating to the accountability of government officials. In Venezuela, among the laws associated to the theme, mention can be made of the Ley de Ciencia, Tecnología e Innovación and, in Colombia, certain rules on protection can be found in the Código Contencioso Administrativo, while in Ecuador a specific organic law was recently enacted.

At this stage, the following conditions were assessed in the three countries who selected the thematic area of Access to Information. In Ecuador, legal procedures have been designed and special steps have been taken to demand free access to information provided by the Ley de Transparencia y Acceso a la Información (enacted in May 2004) but, even though the term of 90 days required to issue the ruling of this Law had expired, the President still had not completed the process.

Venezuela has not shown significant changes in relation to the topic chosen for the follow-up exercise. There is still no general law on access to information, therefore the possibility of having access to public information is limited, less data is being published by the government and there is evidence that the statistics provided by the administration do not reflect the reality of the country, thus hampering an assessment of the State's management and of a balancing of accounts exercise. Due to this situation, the legal progress in Venezuela is limited and its impact on achieving greater access to public information is restricted in practice. Both the National Assembly and Civil Society Organizations have identified the need to promote a bill on Access to Information, but until mid-2005 no improvements could be seen on this issue.

As is the case for most of the Andean countries, neither Venezuela, Ecuador or Colombia incorporate in day-to-day life and in a continuous manner the principles of access and availability of information and it can be pointed out that the greatest obstacles for real access to information is the lack of data, the lack of systematization and poor quality, the generalized exceptions to the law and the persistence of an institutional culture which rejects requests made by the citizens and considers as a threat the availability and transparency of the information in the hands of the State.

In the case of Colombia, the recent modernization process in the handling and output of public information can be emphasized, as the government of Alvaro Uribe Vélez laid the foundations for a State policy on public information. Therefore, the Colombian government by developing a legal framework based on the idea that "public" information is the core of the administration of the State, has broadened the guarantees for access to information. Thus, the plan of government of the President was based on an analysis establishing that one of the most serious flaws presented by public administration lies in the information problems: its limited availability, its deficient quality, the lack of incentives to collect and use it, the diffusion of public information systems, gathering and exchange of State information and, especially, the dismantling of public initiatives to provide official information to the citizens. Consequently, the government's policy to modernize public administration was introduced, emphasizing elements such as the *government on line*, the priority to develop intra-

governmental systems of information and the need to design a strategy to unify and to present the information directly to the public. All this has emphasized the relation access to information/citizen participation/better public administration and indicates the strengthening of a strategy to make this right more effective by establishing norms and generalized means of access for the population and public institutions (on line and in real time).

It can be asserted that one of the main reasons for the implementation of this type of public projects is to promote access to public information by emphasizing mechanisms of access, but this right will not be fully guaranteed if the best kind of technology and the best relations State-citizen are not supported by the connection existing between the constitutional right and all the available means to ensure its vigilance. That is to say, more technology not necessarily means more and better access, as good quality, up-dated and relevant information also depends on the various public and private scenarios, where social practices and traditions are a part of it. Bearing in mind what has been said above, we can affirm that the State initiatives to modernize information are valid *per se*, but are not sufficient.

STRENGTHENING OF LOCAL GOVERNMENTS

Strengthening of Local Governments was the thematic area selected by Peru and Colombia to generate one of their proposals in the advocacy stage of the Project. In both cases the outlook is not so dim as in the other thematic areas, since both Peru and Colombia have devised public initiatives to intensify decentralization by expediting the formation of regions in the first case and by giving priority to local governments in the second. With this purpose, in July 2004, Peru enacted 2 laws to consolidate the regions, especially on fiscal issues³. After the approval of this law, a regional coordination process was started⁴ partially due to the incentives contained in the rules and regulations.

In Peru, after the initiation of the process of decentralization in 2003, other positive aspects are the transfer of resources from social programs to the municipalities, the efforts to systematize the local administration of the resources transferred and the experience obtained from this process. In relation to the regions, their progress has been more heterogeneous and unequal, the accreditation requirements have not been complied with, the transfer of resources from social programs and investment projects was suspended for one year, thus showing the lack of interest on the part of the government in transferring responsibilities and that of the regions in assuming these duties. Despite the efforts made by Civil Society Organizations, in 2004 the process of decentralization in Peru came to a standstill, the legislation on regionalization was not widely disseminated, the debate of these laws was very poor and civil society was not properly represented in the Regional Coordination Committees.⁵ Therefore the timetable that had been approved to carry out the regional integration processes makes it very difficult for macroregions to be consolidated in Peru during 2005 as it had been estimated, and there are no clear incentives to fulfill this goal.

³ It refers to Law 28274 of 2004 or Ley de Incentivos a la integración y conformación de regiones. This Law delineated three kinds of incentives to promote regionalization – Integration based on consultations with citizens, Adjustability to the process through transitional organizations, Incentives, i.e., the power to obtain internal indebtedness or the debt exchange.

⁴ Up to 2004, six regions from the northern part of the country had formed their regional coordination committees and the regions in the South were preparing to do likewise.

⁵ These committees are spaces to promote regional coordination to introduce the decentralization process in Peru.

In Colombia, since 2004 the proposals to promote the capability of the local governments were concentrated on projects of institutional reform in order to improve the efficiency of these governments and bring them more up-to-date. Even though the country is still suffering from corruption, lack of trust on the part of citizens, shortage of resources to intensify decentralization, all factors which cast doubt on the model, a strategy of *territorial government on line* was launched with a multiple purpose: to improve the low capacity of local governments to incorporate communication technologies, to provide territorial entities with technological solutions to improve the management of their skills in matters relating to health, education, communal services for homes, running of errands and in all those areas which are the responsibility of the Municipality. The future impact of these strategies is still unknown, especially in regard to the increase of citizen participation and in the relation government-citizenry, but it is hoped that the use of Tecnologías de la Información y la Comunicación (TIC's) can be incorporated as a form of management and that its use be spread beyond the Executive Branch.

In summary, it can be maintained that the mandate on decentralization and municipal governments in the countries studied has positive connotations based on the value given to the modernization of technology as the basis to strengthen local governments and regional integration vis-à-vis centralism. Nevertheless, despite the declarations on autonomy, events like the obstacles to finalize a Ley sobre Ordenamiento Territorial in Colombia, exemplify the difficulties encountered to reorganize the territorial power in the country. What is lacking in these spheres is time, resources and the capacity to reassert local autonomy.

STRENGTHENING OF CIVIL SOCIETY

From the Andean Region, Peru and Venezuela were the countries working on projects on the thematic area of Strengthening of Civil Society. During the second stage of the project, it could be verified in Peru that despite the great number of laws promoting citizen participation and the organization of civil society organizations, in 2004 the public interest to promote participation has decreased and therefore, there were few events to be highlighted. Since democracy was reestablished in Peru in 2001, the most outstanding event was the National Accord of 2002 which brought together actors from the governmental, social and economic spheres with the aim of discussing priority topics of national development and to agree on measures to be adopted by the governments. This process was given impetus with the return to democracy, but thenceforward the legal occurrences have reduced participation to aspects of a consultative and not a representative nature.⁶ In addition, citizen participation has been irregular in the Peruvian regions, so much so that 40% of them are not represented in the Consejos Regionales, which also function as consultative bodies. In summary, the situation in Peru comes closer to be described as legal conventionalities rather than a testimony of citizen participation.

In Venezuela, this theme is not endorsed by a coherent regulation and the existing dispositions show several inconsistencies; there are also no mechanisms for civil society to supervise the administration of public funds. Nevertheless, what is more crucial in Venezuela are the limitations imposed to the right of citizens to organize and participate; all this while the government of Hugo Chávez launches a campaign to discredit the reputation of some organizations which oppose his government. To this must be added that the Venezuelan organizations (as is the case for the majority of those of the Andean Region) depend on the

⁶ According to Peruvian regulations, citizen participation cannot exceed 40% in those communities where they have representation

resources provided by the international cooperation and, given this fact, the Supreme Court of Justice of Venezuela decided to apply restrictions to the functioning of organizations financed with foreign resources, or which employ foreigners or who are linked to international organizations.⁷ In the same way, the reforms made by the National Assembly to the Penal Code seriously limit the possibilities of citizens to demonstrate, as this right is now considered a criminal offense. In general, the scenario in that country shows that despite the legal instruments available to promote citizen participation, its achievement is not foreseeable in the short term.

The report of the first stage gave a comprehensive record of resolutions, principles and laws acknowledging and encouraging participation, but in the process of applying them (socially and individually) the problems of representativity, lack of clarity and the lack of knowledge that different sectors of government have in relation to legal responsibilities become evident. This position is stronger in Venezuela where the government openly obstructs the work of civil organizations but, due to the problems stated above, the results and impact of citizen participation and civil society organizations are weak in most of the Andean Region. Therefore, the vulnerability of civil society in the Andean Region does not stem solely from the absence of laws, but what should be examined is both traditions and the learning process of society as a whole of the level of commitment with what is public.

ACCESS TO JUSTICE

Bolivia and Ecuador were the two countries that selected Access to Justice as their thematic area of study. Presented below are the main conclusions of the follow-up exercise carried out by both countries.

The exclusion of an important percentage of the population from access to justice is a constant problem in Bolivia. Out of a total of 324 Municipalities, 180 do not have courts, being the poorer sectors the most affected by this situation. In short, the serious problems which the Bolivian population faces to have access to justice are:

- Limited territorial coverage of the courts and their concentration in the capitals.
- The court system is the primary mechanism for conflict resolution
- Excessive ritualism in the services provided by justice.
- High legal costs.
- Discrimination in the service of justice offered to the rural, migrant and indigenous population.

In spite of the structural flaws of the legal system in Bolivia, progress has been achieved with the support of civil society and of the government, i.e., training programs, education of citizens on their rights, legal orientation and free legal assistance, among others. Among the projects launched by the government, mention can be made of the *Servicios Legales Integrales*, the *Defensorías de la Niñez* and the *Servicio Nacional de Defensa Pública*, the alternative forms for administering justice and complementary systems as the Conciliación Vecinal, Justicia Comunitaria, and the Centros Integrales de Justicia, all having been acknowledged as organizations to provide assistance to the population excluded from access to justice. Nevertheless, the majority of these projects are financed with resources provided by

⁷ At present in Venezuela several representatives of CSOs may undergo trial for "traición a la patria" (SIC) (betraying his country) because they received international funding.

the international community and, as at present there is no budget from the Bolivian government to continue with the execution of these plans, their continuity and impact are at risk.

The significant public and private efforts made to guarantee access to justice are still not concentrated in one document, therefore it is necessary to formulate a national public policy of access to justice, as at present the main problem relates to the difficulty of giving continuity and of institutionalizing the initiatives which exist in this Andean country.

The other theme selected by Bolivia for the advocacy and outreach strategy was the Independence of the Judiciary. In Bolivia this principle is guaranteed by the Constitution, but a severe limiting factor for its fulfilment was given in 2004 when a power vacuum was experienced given the failure to designate members of the Judiciary: of a total of 12 posts, six were vacant; of a total of four posts for members of the Supreme Court of Justice, two were vacant and the post of Attorney General had not been filled. This situation generated a period of quasi-standstill in the Judiciary and a serious crisis in the democratic institutionalism of the country. The non-existence of mechanisms of participation for civil society to verify the transparency and independence in the selection of members of the Judiciary was made evident in this case, and this incidence encouraged Bolivia to select this theme as a working proposal.

The other country which selected the theme of access to justice was Ecuador, who at the end of 2004 experienced a similar institutional crisis as Bolivia. In Ecuador, as in the majority of the Andean countries, the right of access to justice is guaranteed by the Constitution and there are explicit commitments with the most vulnerable sectors to assure them access to legal services. But, notwithstanding this fact, it cannot be ensured that in this country or in the rest of the Andean Region, the population has full access to legal services, due in part to coverage problems and to flaws in the quality of the services provided. Ecuador is faced with a large number of complaints to be dealt with by the legal system, resulting in a slow and inefficient justice; there is a scarcity of resources allocated to the programs to provide free legal services, citizens are not aware of their rights and they mistrust the capacity of the system to impart justice, plus its coverage is very limited. Meanwhile some civil society organizations have assumed the task of informing and promoting the right of access to justice. Without fear of overlooking other important factors, it can be asserted that the situation described above can be applied to the rest of the Andean countries, as the development of their legal systems present very similar problems.

From a functional point of view, it can be said that the legal systems in the Andean Region are not independent and a critical factor, especially in Ecuador, is the fact that the selection of judicial authorities still responds to political criteria. For more than one year in that country political interests have obstructed the appointment to fill three vacancies in the Supreme Court of Justice and, recently, the political system collapsed when a "de facto" Court appointed by Congress selected officials for all the vacant posts in the high courts of the country. Although in Ecuador, as in Colombia and Venezuela, officials can be promoted to higher posts on merit, as in the *Carrera Judicial*, there are no clear-cut criteria on the subject and these standards are characterized by corruption (the personal history of the candidates is not published, there are no Codes of Ethics nor are there sanctions for those officials who take arbitrary decisions).

Ecuador also shows positive signs. There are legal periods for judges to remain in office, and the gradual (albeit scarce) access of women to high positions within the Judiciary. Likewise, progress has been achieved in publicizing processes for selecting judges, as well as the

possibility for civil society to nominate candidates. A great part of these issues were already identified in the follow-up stage, but at the end of 2004 Ecuador faced a difficult political situation which has severely eroded the independence of the Judiciary, as is shown by very concrete facts. In December of 2004 Congress, by a resolution, arbitrarily dismissed the magistrates of the Supreme Court of Justice, of the Tribunal Constitucional and of the Tribunal Supremo Electoral and designated new magistrates, disregarding legal and constitutional procedures. In the same way, Congress made the magistrates of the Supreme Court of Justice and its cojudges redundant, and through a resolution appointed new ones, disregarding the principles of independence of the different branches of the State. This crisis is related to the power achieved in Congress by a group under the leadership of the recently dismissed former president of Ecuador. In Congress this group appointed a "de facto" Supreme Court who replaced the members of the Consejo Superior de la Judicatura. This Consejo Superior is the entity dealing with themes as judicial reforms, the modernization of the system of justice, the career in the Judiciary, the selection processes and the designation of magistrates and officials, among others. In any case, in Ecuador the fulfilment of the commitments undertaken in the theme of justice is seriously limited by one of the worst institutional crisis the country has had to face in the last years.

III. ACTIVITIES OF THE SECOND STAGE

Table No. 2: Specific proposals to improve the level of implementation of the Quebec Plan of Action, by country.

COUNTRY	PROPOSAL
Bolivia	<ul style="list-style-type: none"> • Campaign to incorporate a public policy on Access to Justice in the <i>Estrategia boliviana para reducir la pobreza</i> (Bolivian strategy to reduce poverty). • Proposal to promote transparency and citizen participation in the nomination of officials in the Judiciary (Independence of the Judiciary).
Ecuador	<ul style="list-style-type: none"> • Proposal to expedite the correct implementation and application of the Ley de Transparencia y Acceso a la Información Pública. • Proposal to monitor the selection of new members to the Consejo Nacional de la Judicatura.
Colombia	<ul style="list-style-type: none"> • Proposal to prepare a <i>Manual sobre Sistemas de Información Pública</i> to disseminate and motivate the use of national mechanisms of access to information. • Proposal to create a Módulo de Información sobre Servicios Públicos –basic and to be used at home – for Municipal and Departmental websites to advocate for the improvement of territorial administration and citizen participation
Peru	<ul style="list-style-type: none"> • Campaign to strengthen citizen participation among social actors and to be attentive to the fulfilment of the existing laws on participation. • Campaign to be attentive to the fulfilment of the existing laws on local governments and decentralization and to promote the enactment of laws on citizen participation and a Ley Orgánica of the Executive.
Venezuela	<ul style="list-style-type: none"> • Proposal to encourage the participation of Civil Society Organizations in the available legal mechanisms, both at the national and local levels. • Strengthen the proposal to obtain official spaces for CSOs to participate in the Summits of the Americas process. • Strengthen a proposal to promote discussion among CSOs for devising a bill of law on Access to Information.

Table No. 3: Principal advocacy and outreach activities carried out by country.

COUNTRY	PRINCIPAL ACTIVITIES
Bolivia	<ul style="list-style-type: none"> • Updating, editing and summary of the National Report. • Printing, publishing and distribution of 700 copies of the National Report. • Posting of the Report on the website. • Preparation of a summary for the press. • Public act to officially deliver the National Report to the Government of Bolivia represented by the Minister of Foreign Affairs. • Coordination meetings with the Dirección de Cumbres Internacionales of that Ministry. • Three informative workshops were organized with Civil Society Organizations: March 9 in Cochabamba with 31 participants, March 10 in Santa Cruz with 28 participants and March 16 in La Paz with 40 participants. • Organization of a Pre-Dialogue meeting on Justice and participation in 70 municipal roundtables, nine departmental roundtables and a National Roundtable, where the definition of a National Policy on Access to Justice was given together with the publication of the document containing the Conclusions. • Execution of the project “Participación ciudadana en las designaciones judiciales”.
Ecuador	<ul style="list-style-type: none"> • Meetings with an interinstitutional working group to prepare a draft containing the proposal of a Reglamento a la Ley Orgánica de Transparencia (Organic Law on Transparency) and Access to Information. The draft was presented to the President of the Republic.

	<ul style="list-style-type: none"> • Training events were held at the Universidad de las Américas addressed to public officials on the applicability of the Ley Orgánica de Transparencia (Organic Law on Transparency) and Access to Information. • The IV Conferencia Internacional de Desarrollo Constitucional (Fourth International Conference on Institutional Development): <i>El desarrollo del Derecho de Acceso a la Información. Experiencias y avances en la Región</i>, was moved forward. • A half-day workshop was held for journalists to help clarify the use of the new law as a basic tool for journalism. <p>Within the proposal to monitor the process for selecting the new members of the Consejo Nacional de la Judicatura, various activities were envisaged which could not be carried out due to the political instability present in the country. Basically these activities were concentrated on a follow-up exercise to the nomination, evaluation and selection of the new members of the Consejo Nacional de la Judicatura, as well as the assessment made of the work performed by the members finishing their term in office.</p>
Colombia	<ul style="list-style-type: none"> • A meeting was held with representatives of public and private institutions to consult the main drawbacks and needs on the followed-up subjects. • Requests for information on the internal strategies and the application of the information policy of the Colombian State were presented to public institutions. • A Manual sobre Sistemas de Información Pública (Manual on Public Information Systems) was designed. • Interinstitutional contacts were established to disseminate and deliver the Manuals. • A Working Agreement was negotiated with the Corporación Transparencia por Colombia. • A survey was conducted in five municipalities of the country on the needs of and perception by the population of the website pages available in their localities. • A Módulo sobre Servicios Públicos y Sociales básicos (Module on Public and Basic Social Services) was designed to be included in the national project Agenda de Conectividad del Ministerio de Comunicaciones (Connectivity Agenda of the Ministry of Communications), in charge of supplying the territorial entities with the software necessary to modernize the government.
Peru	<ul style="list-style-type: none"> • Two informative and training events were convened for social leaders. The first was the Conferencia Nacional sobre Desarrollo Social (National Conference on Social Development), where DESCO, national coordinator in Peru, formed part of the Comisión Rol del Estado, Reformas Constitucionales y Descentralización (Commission on the Role of the State, Constitutional Reforms and Decentralization) and where the lines of action for the advocacy strategy from civil society in matters relating to a national and decentralized economic development with social participation were discussed. The second event run along the same lines and took place in the Huancavelica Region. • Dissemination of decentralization issues among members of Civil Society. • Outreach events with public officials in coordination with the Office of the Summits of the Americas of the Ministry of Foreign Affairs.
Venezuela	<ul style="list-style-type: none"> • Work has been done to disseminate the results of the national and Hemispheric reports in the media and in the various website pages. • Workshops were carried out in the cities of Barquisimeto for the Western region, in Mérida for the Andean region and in Barcelona for the Eastern region of the country. • Despite the difficulties encountered to carry out a dialogue initiative, the report could be delivered to public institutions.

The majority of the proposals presented by the countries of the Andean Region during the advocacy and outreach strategy portray the role played by Civil Society Organizations, the changes these institutions can bring about, their greatest strengths and, from an objective perspective, their weaknesses. These two aspects will be commented on at the end of this report. At present, it is of interest to highlight the characteristics of the projects developed by

the national coordinators during this last half year and whose description will be made in accordance with the themes of the follow-up exercise.

Four of the thematic areas of the follow-up exercise were selected by the countries of the Andean Region, i.e., access to information, access to justice and independence of the Judiciary, local governments and decentralization and, lastly, strengthening of civil society.

In each of the five countries the proposals focusing on tasks relating to lobbying, outreach to public opinion and groups of interest, teaching and project management are the most important; all of them supported by the examination and outlook given in the follow-up exercise to the fulfilment of the commitments of the Quebec Plan of Action.

On *Access to Information*, Ecuador, Colombia and Venezuela. The first country prepared a proposal to complete the implementation process of the recently enacted Ley de Transparencia y Acceso a la Información Pública (May 18, 2004). Basically, this proposal indicates the need that exists to design and obtain the approval of the Reglamento General for the above-mentioned law, so that it can come into force and be applied in accordance to the procedures developed by this Reglamento. With this objective in mind, the National Coordinator for Ecuador⁸ formed an interinstitutional working group (CLD, Defensoría del Pueblo, Fiscalía, Contraloría General, Consejo Nacional de Seguridad) with the objective of preparing a draft of the Reglamento of the law, presented in January 2005 and considered by the Ecuadorian president as an important element to work out the final version of the Reglamento. Activities carried out in addition to the preparation of the draft set of rules were, on one hand, the organization of training workshops (11 in total) for public officials to explain the characteristics of the Law that had been approved and the conditions on which it could be applied and, on the other, the holding of a Workshop for journalists to raise awareness on the importance this Law has as a basic working instrument in their profession.

In Colombia, the proposal for advocacy consisted of the design and dissemination of a Manual sobre Sistemas de Información Pública, whose main objective is to promote the use of the national mechanisms available for access to public information, in accordance with the latest developments on legislative and public policy taking place in the country. The Manual readdressed issues like what kind of information can be accessed in the country through the information systems created by the public administration, which are the institutions responsible for reporting and delivering information, which mechanisms are available to solicit information, as well as the characteristics and functions of the main existing systems of information. Thus, the proposal sought to clarify the means by which access could be obtained to public information in Colombia and to specify the real possibilities these means offer in accessing the data. The activities necessary to develop the initiative were based in the establishment of strategic institutional contacts to disseminate the Manual (with PROBIDAD) and in the integration of the Manual as a tool in the public offices responsible for citizen participation, for the release and frequent use made of public information.⁹

In the case of Venezuela, the recommendation on the theme of access to information was proposed for the future. Essentially, work has been carried out on disseminating, through the media, the results of the First Regional and National Reports, in various websites and, during

⁸ Corporación Latinoamericana para el Desarrollo, CLD.

⁹ Institutions like the departmental and municipal Contralorías (Finance Offices), Personerías (Legal entities), Cámaras de Comercio (Chambers of Commerce), Alcaldías (Municipalities), Gobernaciones (Provincial governments) and base organizations.

the next two months, two workshops will be conducted in the interior of the country to disseminate the Second National Report and formulate lines of action around the proposals for advocacy. Likewise, sectoral meetings will be held with CSOs and academic sectors involved in the areas covered by the proposals, and financing is being sought to continue the activities of the project beyond the year 2005. In Venezuela, and especially in the governmental sphere, advocacy is one of the most difficult tasks because of the political polarization of the country, nevertheless the report is being forwarded to public institutions, even though it is extremely difficult to achieve opportunities for any kind of dialogue.

On the theme of *Access to Justice and Independence of the Judiciary*, Bolivia and Ecuador presented two of their working proposals. In the first case, a campaign for national dialogue was launched in the spirit of incorporating public policy on access to justice in the already available *Estrategia Boliviana para Reducir la Pobreza*. In Bolivia there is an agreement (*Diálogo Nacional*) between sectors of the Bolivian society to promote, from different areas, lines of action to address various problems in the country, among which mention can be made of the high levels of poverty. In the second half of the year 2004, the Executive and the Judiciary signed an *Acta de Entendimiento* to implement *Centros Integrados de Justicia* to provide legal assistance, bearing in mind the severe difficulties experienced by the poorest sectors of the population of the country to have access to the legal system. In the frame of this process, the National Coordinator for Bolivia¹⁰ initiated and acted as leader of a lobbying campaign to seek a rapprochement with various social sectors and to evaluate the viability of the governmental projects to broaden access to justice. This initiative was carried out by convening working groups in the Municipalities around the country. The results of this task were the consolidation of a demand of access to justice for the marginalized sectors and the need of having legal security to promote a productive development.

The second working proposal of Bolivia was on the theme of *Independence of the Judiciary*. The specific project consisted of a campaign to generate transparency and participation of civil society in the selection of judicial officials. With this aim in mind, the National Coordinator for Bolivia formed part of a wide network of organizations committed to putting forward reforms and to improving the legal system. To achieve these objectives, the Coordinator presented for discussion the document entitled "*Por unas designaciones transparentes para un Poder Judicial independiente*", where a working methodology on publicity and opening-up of the processes to select magistrates in the Judiciary was defined. The body in charge of conducting the process to designate officials to the Judiciary received this document and, for the first time, it was possible to promote a process that would open up citizen participation to the information relating to the personal history of the candidates to the posts of the Supreme Court of Justice, Consejo de la Judicatura and Fiscalía General. Thanks to this effort made by civil organizations, the history of the candidates applying for posts in the Supreme Court, Consejo and Fiscalía were published in the national press, consultations with citizens were conducted across the country and a mechanism was established whereby candidates could be opposed. The proposal was developed through departmental workshops conducted by the network of civil organizations, publication in the media of the personal history of the candidates, summons to consultations with citizens to discuss the mechanisms to oppose candidates and a forum where the workshops' projects were presented to the public.

In the case of Ecuador, the commitment to the theme of *access to justice* was executed through a project to monitor the selection of members to the Consejo Nacional de la

¹⁰ Ciudadanos Trabajando por la Justicia.

Judicatura through two important activities: the follow-up carried out by citizens to the nomination, qualification and selection of members to the CNJ and the assessment of the work performed by the leaving members of this institution. Nevertheless, this option could only be partially developed since at the end of 2004 the Ecuadorian Congress, in practice, dismissed from office the members of the Supreme Court, the Tribunal Constitucional and the Tribunal Supremo Electoral. Next, the legislative body replaced the members who had been dismissed, arbitrarily ignoring the legal and constitutional procedures and, it is in this context, that the members of the CNJ were designated by the Court "de facto". Obviously the possibility of generating a proposal for advocacy was sidetracked, this not being the most serious consequence of this action, but more so the fact that the democratic governance of the country was hurt. It is pointless to comment on this event.

Touching on the proposals on the thematic area of *Local Governments and Decentralization*, we come across the initiatives generated in Colombia and Peru. The first of these initiatives addressed the development of a strategy to improve the administration of the territory and to encourage citizen participation in this program, while the proposal of Peru was concentrated on two subactivities: firstly, to be attentive to the fulfilment of the existing laws on strengthening of local governments and decentralization and, secondly, to promote the approval of a Ley de Participación Ciudadana y Orgánica del Poder Ejecutivo. In Colombia the proposal for advocacy consisted in the creation of a Módulo de Información en el tema de Servicios Sociales Básicos (Salud y Educación) y Públicos Domiciliarios. The Unit was designed to be posted on the websites of the territorial governments – departmental and local- and to achieve this purpose an institutional alliance was formed with the Colombian chapter Transparencia Internacional. From the coordination of these projects the goal to be achieved is that the Unit forms part of the software to be handed out to the Ministerio de Comunicaciones of Colombia to develop a policy of accountability for the territorial administrations which, in its turn, is part of the governmental project *Gobierno en Línea Territorial*, proposed in January 2004 in view of the low capability shown by the local governments to incorporate the TICs into their administration. Thus, the objective of the Módulo sobre Servicios Públicos is to provide the territorial bodies with a technological solution for modernizing the administration of their services and to encourage citizen participation by providing a more direct access to the information that supports the provision of services and operations carried out by the Departments and Municipalities. This objective is in line with the commitment of the Quebec Plan of Action to strengthen the institutional capacity of the local governments to guarantee that citizens have access to basic services.

Peru launched a campaign to define in a concerted and participative way, the central issues of an advocacy strategy from the viewpoint of civil society in matters relating to national development and decentralization with social inclusion. Thus, in December 5, 6 and 7, 2004 the Conferencia Nacional sobre Desarrollo Social took place with the participation of 900 representatives of CSOs. The objective was to discuss the growth model of the country, the issue of redistribution and the social policies necessary to achieve a good quality of life for the population of Peru. DESCO, the National Coordinator for Peru, was part of the team which coordinated the work of the Commission on the role of the State, on constitutional reforms and on decentralization. The outcome of this Conference was a document reaffirming the fact that decentralization is the most important process in the transition to democracy experienced by that country, and also clearly stipulating that this is not an irreversible process despite the tenacity shown by the centralist model, specifically in the Executive Branch. The main conclusion of this Commission indicated that one of the decisive issues of this process were the stipulated periods to advance in the decentralization exercise, that the reaction to

initiatives proposed by civil society is not positive and that their incorporation responds merely to the fulfilment of a legal formality.

In the campaign launched by the National Coordinator for Peru the problems posed by decentralization were extensively disseminated among representatives of civil society and public officials in coordination with the Oficina de Cumbres of the Ministry of Foreign Affairs but, unfortunately, and despite the network of organizations Grupo Propuesta Ciudadana created with the objective of promoting the passing of the Ley sobre Participación Ciudadana y Orgánica del Poder Ejecutivo, the lack of political will on the part of the Administration obstructed the discussion in Congress of these two themes.¹¹

Lastly, *Strengthening of Civil Society* was selected for two campaigns. One in Peru and the other which will take place in Venezuela. In Peru, this exercise consisted of a series of meetings with social leaders to encourage civil participation and to be attentive to the implementation of the existing laws on this matter. Together with promoting the theme of decentralization with social inclusion in the Conferencia Nacional sobre Desarrollo Social, held in Lima in December 2004, the topic of citizen participation was also part of the debate and of the work carried out by the Commissions which were the entities responsible for implementing the Conference. From this meeting, as well as from other regional gatherings, the proposal emerged to approve a law on citizen participation and to work on a joint agreement to favour the representation of CSOs in regional decision-making bodies as the Consejos Coordinadores Regionales y Locales. Likewise, it was agreed that there is a need to modify the legal structures for citizen participation on decentralized public administration.

Similarly, Venezuela plans to launch two campaigns on the theme of strengthening civil society. The first one is a proposal to increase the presence of CSOs in the participation mechanisms as established in the national and local legal structures and the second seeks to support the proposals to establish a formal space for the participation of Civil Society Organizations in the Summits of the Americas process. Both proposals will be supported by outreach activities at the national level as well as by coordinated work with other sectors of civil society.

¹¹ It should be clarified that the two proposals of Peru, on decentralization and local governments and on strengthening of civil society can be integrated into the campaign to promote the Ley sobre Participación y Orgánica del Poder Ejecutivo and in the outreach events carried out, as both themes are incorporated into the topic of decentralization.

IV. FINAL CONSIDERATIONS

The development of the second stage of the Project Civil Society Follow-up Strategy to the Implementation of the Quebec Plan of Action is, like none other, the key moment to assert the role of "veedoras" (supervisors) of the commitments undertaken by the governments in the Quebec Plan of Action and gives great significance to a project supporting the traditionally more fragile actors in scenarios of political decision-making and, as such, puts forward the needs of Civil Society Organizations for leadership and for long-term strategies. Thus, the question arises of how could CSOs seek changes on concrete themes and specific problems, in this case, in the Andean Region.

From the information provided for this second report by the organizations members of the Project in the Andean Region, it can be established that there is a line of action directed towards persuading the public authorities and other social sectors of the need to make legal amendments which will strengthen and guarantee the various rights of the population, as well as a parallel strategy designed to provide training and education on these issues and thus strengthen the long-awaited legal modifications. Moving from the conceptual to the strategic sphere, these efforts are very useful at the local level and constitute one of the most significant contributions to obtain long-lasting modifications in public, private, individual and collective behaviours, without which it would be impossible to achieve a modification of the legislation.

Going back to the question on how CSOs can bring about changes, it is necessary to mention which are the main advances made at the regional level on the themes under study and which are the main setbacks experienced in consolidating and accomplishing these results. One of the most worthy improvements is the contribution made by Civil Society Organizations to the institutional development of the Andean Region; its influence goes beyond the level of investigation and analysis to become pressure groups having political presence. These circumstances could be appreciated in Ecuador, where the work of the CSOs was reflected in the contents and approval of the Reglamento de la Ley de Transparencia y Acceso a la Información Pública; in Bolivia with the process of public scrutiny in the designation of the District Attorney and in Colombia with the inclusion of a proposal emanating from civil society as part and parcel of a public policy to modernize the State. An important progress in this matter is constituted by the legal institutionalization of publicity for posts available in the high courts, in the selection process not involving competitive examination (selection by merit), in open and public debates among the candidates to the posts and in more opportunities for citizen participation.

Even though the Andean Region is not an entirely homogeneous area, a similarity can be seen in the disposition towards institutional development, the spaces for State intervention, the ways how policy is made and, of course, the difficulties related to the civil, political or social rights of the population, as the conditions of poverty, socio-political conflicts and ancient traditions in the public scenario contribute to make the Andean Region specially prone to conditions of lack of governance. In this context, an important progress is the enhanced representativity of civil society when they can get themselves organized, as then they can develop the capacity to incorporate new interests and, in what relates to the five countries of the Region, the main achievements have been obtained with the integration of several groups in national campaigns to promote or criticize changes in sets of rules on different issues. Without this coordination, there would be scant possibilities of modifying the traditional and "etatist" way of organizing and managing policy making in the countries of the Region. To

this end, the appreciation shown for the advocacy policy of Civil Society Organizations in governmental decision-making spheres on the themes studied, finds resistance in arguments which oppose the force of law to the unpredictability of politics. However, a less purist analysis can conclude that there are no legal systems which have nothing in common with political projects that would serve to validate the effectiveness of the initiatives proposed by civil society.

Looking into the future of the Andean Region, it is important that countries as Peru, Bolivia and Venezuela, each in its own way, provide spaces for national dialogue on the main problems and challenges facing their political, economic and social development with the presence of both the government and civil society. In the case of Colombia, one of the main achievements is the launching of an unprecedented public campaign to modernize the State administration on the basis of offering better quality services to their citizens (what has been termed *Estado Comunitario*) and, without any doubt, in Ecuador the highlight is the passing of the Ley de Transparencia y Acceso a la Información Pública. In all these instances, the relationship between public institutions and civil society is of the utmost importance since cooperation links have been built among these institutions to finalize the different public policies. Nevertheless, from the information given above, some conclusions can be reached on the major obstacles faced by Civil Society Organizations in the Region, as well as the difficulties encountered in the fulfilment of the commitments pledged by the governments to the Quebec Plan of Action.

Taking into consideration not only the achievements represented by the legal amendments and educational campaigns to develop and promote the rights among the population, the question arises on the sustainability and impact of these projects. The work carried out by CSOs up to this date is essential to promote an in-depth deliberation of the most urgent changes needed in the Region, to shed light on the most conflictive areas and, perhaps, on those scenarios where the policy of advocacy of the organizations has been limited, indicating the real difficulties encountered in matters of institutional and social development. The most important limitations are:

- In the Andean Region public opinion favours many legal and constitutional modifications guaranteeing more rights for the citizens, but one should keep in mind that public opinion handles temporary and unpredictable criteria, so that the strategies of public and institutional modifications of a higher scope cannot be maintained exclusively by reaching for the support of the "majority". In this field authoritarian and populist initiatives can also be found and this is why the sovereignty of the people should not be confused with the wisdom of the people.
- On the issue of results, one of the main problems in the Andean Region relates to the imposition of economic limitations to the political and social objectives. The various processes of national agreement, the initiatives to achieve reforms and the commitments relating to equity for the population are continually obstructed and reduced to mere goodwill statements, be it because each government has to honour commitments subscribed in fiscal and economic matters or because the public resources necessary to support programs as the Casas de Justicia, the launching of technological platforms in local administrations or the Defensores de Oficio are not sufficient and, hence, these programs must be closed down or carried on under inadequate conditions. Therefore, the work performed by Civil Society Organizations still depends on the funds made available by international organizations, which at times are severely restricted as in the case in Venezuela.

- On one hand, the results showing civil society participation were poor: in general, the presence of these organizations is weak and much of their efforts are not articulated. The legal provisions to ensure the participation of citizens on public decision-making processes are either partially honoured, omitted or considered as a formality, offering no consultative role to civil society groups. This problem originates in the design of the available institutional mechanisms to participate, on the incentives for the citizens to participate,¹² as well as in the difficulty to coordinate strategies and institutionalize large working groups in the organizations. Undoubtedly, the lack of own funds is an important factor in this situation.

- Another limiting factor is the lack of political will to find solutions or present proposals in themes as legislation on citizen participation, access to public information and judicial reforms. Despite the mandates available for each one of these topics, their implementation is ruled by the will of the government in office. Nevertheless and despite this situation, Civil Society Organizations will continue opening important spaces for citizen surveillance.

- A critical situation present in the Andean Region is the institutional crisis affecting Venezuela and Ecuador. In the latter country, because of the increasing weakness experienced by the authorities and, in the case of Venezuela, due to the lack of independence of the authorities and the increasing tendency to centralize power in the President of the Republic. This circumstance hampers the democratic institutionality and restricts any initiative to promote the most basic rights of citizens, attaching too much importance to the tasks performed by civil organizations.

In conclusion, it is necessary to carry on fighting for pluralism and for the understanding of the problems, as discussions behind closed doors never achieve positive results. In this task, the legitimacy of Civil Society Organizations reaches its highest expression, since one of its main roles is to enrich public debates with arguments based on their experience and on the knowledge they have of the day-to-day problems our countries face due to political commitments.

Lastly, it should be remembered that the strengthening of the inter-American System is a task which should not be delayed in a too tightly intertwined political context as the present one and the fulfilment of the recommendations emanating from this scenario is a dynamic element for the national political processes. In practice, many of the observations and agreements reached in the inter-American system never operate in the countries of Latin America and this lack of implementation highlights the urgent need to facilitate official spaces for supervision and advocacy of the commitments undertaken by the governments. The Summits Project worked along these lines and civil society ought to concentrate its efforts on achieving efficiency and effectiveness on this issue.

¹² Given the high index of poverty among the population of the Andean Region, it is quite unfeasible that large segments of society will be interested in issues not concerned with their own subsistence.