



# **PARTICIPATION IN POLICY MAKING: CRITERIA FOR THE SELECTION OF CIVIC NGOs**

LATIN AMERICAN REPORT

SEPTEMBER 2004

***ASSESSING AND REVIEWING THE CRITERIA OF  
REPRESENTATIVENESS OF CIVIC NGOs PROJECT***

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## INTRODUCTION

This document contains information on the main findings of the survey on the institutional criteria and practices for selecting civic NGOs to participate in public policy making, implementation and evaluation. This survey was carried out in 21 countries of Latin America,<sup>1</sup> as well as in 28 countries in Europe and at the supranational EU level. This report presents the results of the research in Latin America. A separate but attached report (“the European Report”) sets forth the findings of that research. The present document is to be read together with the European Report, which comprehensively sets forth the common background, conceptual and methodological framework (key concepts and methodological choices), basic research design and implementation, and the common analytical typologies unifying these two studies. In order to avoid repetition, we have focused this report on the particular methodology employed for the Latin American research, and the results obtained.

The research conducted in Latin American differed from that carried out in Europe in three main respects. First, while Active Citizenship Network’s European research commenced in October 2003, the Latin American project started in February 2004 by identifying possible partner organizations and governments’ contacts. Second, while internet research (of both government contacts and ministerial websites) played a fundamental role in the European project, the more limited use of the internet in Latin America affected the way in which data on existing selection criteria could be collected. Third, while the working language for the European research was English, most of the communications related to the Latin American research were in Spanish. The European research was coordinated by the ACN office in Rome, and the Latin American research by Inés Brill, an independent consultant to the Inter-American Development Bank.

### *1. Methodological choices*

*First* of all, it was decided that *the research of selection criteria be limited to those accessible to citizens’ organizations*, either by questionnaire or by directly contacting government agencies to obtain information on this topic.

*Secondly*, it was decided not to take the peculiarities of national institutional or political systems into account, nor their unique historical legacies. For example, dictatorial regimes of the past (Argentina, Chile, Peru, Brazil) are currently in the transition to a participatory democracy. Despite these differences, the arena of public policy making and its operational rules are quite similar in all the countries, making information received from these different realities relevant and comparable.

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<sup>1</sup> While the Caribbean countries were generally excluded, we made an exception for the Dominican Republic for its particular progress on civil society issues.

*Thirdly*, we decided to *limit the search* for selection criteria to individual states and their *central government institutions*. This choice was motivated by the need to produce uniform, comparable and manageable results. We recognize the importance of the great activity taking place at the local and regional levels, but for the pur pose of uniformity we had to limit our scope.

## 2. *Research Design and Implementation*

The research was structured into four operations and related tools, aimed at gathering different kinds of data and information on the topic of the representativeness of civic NGOs:

- government questionnaires,
- partner organizations’ research and experience,
- case studies,
- position papers of partner organizations.

### *Government Questionnaires*

We sent a total of 67 questionnaires – focusing on the institutional criteria for involving civic organizations in various phases of the public policy-making process and the specific role of civic organizations in implementing the Millenium Development Goals – to the President’s and Prime Minister’s offices, the Ministries of Foreign Affairs, the Environment, Social Affairs and the Interior, in 21 Latin American countries. We identified the recipients of these questionnaires within the government institutions through the internet, or where that was not possible, we relied on the help of local offices of the Inter American Development Bank. We tried to identify recipients within these institutions who would be familiar with their institution’s relationship with NGOs, or with social policy. The questionnaires were sent by electronic mail to the Ministries and sometimes to the President’s Cabinet as well, asking that it be distributed to the relevant ministries or agencies. We followed up on the questionnaires by mail, with the help of the IADB’s local representatives and our local NGO partners in each country.

During the process of identification, selection and responses, there was a continuous follow up on the part of the project coordinator with the questionnaire recipients and local partners, and constant feedback with the ACN office in Rome. Responses to the questionnaires were received from June to August, 2004.

We received a substantive reply from the 14 following institutions in 8 different countries:

<b>Country</b>	<b>Institution</b>
Argentina	Ministry of Health
Bolivia	Bolivian National Dialogue
Colombia	Colombian International Cooperation Agency (ACCI)

Colombia	National Planning Agency (DNP) (2)
Costa Rica	Presidency of the Republic
Costa Rica	Ministry of Foreign Affairs and Cult
Costa Rica	Social Assistance Mixed Agency –IMAS
Costa Rica	Ministry of Health
Costa Rica	National Training Institute
Guatemala	Presidential Commissioner for State Reform, Decentralization and Citizen Participation (COPRE)
Nicaragua	Nicaraguan National Economic Social Planning Council
Panama	Technical Secretary of the Social Cabinet
Peru	Peruvian International Cooperation Agency

The data derived from these government questionnaires is set forth in Chapter 1.

#### *Partner Organizations' Research and Experience*

Partners working in areas such as citizenship participation, the third sector, civil society research, public policy formation and lobbying were chosen in each country and contacted by e-mail or fax. Since contacts in some countries were difficult by mail, personal contacts were also utilized. We established partnerships with 18 organizations in 21 Latin American countries. The list of these organizations is set forth in Annex 1.

The partners were asked to visit the websites of the Prime Minister's Office or Interior Ministry, the Ministries of Foreign Affairs, Social Affairs and the Environment, in order to examine the criteria in place in the different Ministries. In the countries where we had difficulties finding partners (Bolivia, Guyana and Belize) no internet research was done.

The goals of this internet research were to find information about the criteria used by the specified institutions to select civic NGOs for participation in public policy making, as well as to measure the level of information about selection criteria publically available to interested citizens.

But because not every institution had working or informative web sites, partners on the whole had a very hard time in finding the specified information. This suggests that the level of information about selection criteria publically available to interested citizens is quite low. To cite an extreme case, in Suriname, none of the specified institutions had websites. Several partners, moreover, affirmatively reported the *absence* of selection criteria on the relevant websites. For example, Argentina, El Salvador, Panama, Paraguay and Peru indicated that the government websites failed to provide information about specific criteria. In El Salvador, the government web sites provided information about the government's recognition of the role of NGOs as strategic allies, but again, failed to specify the ways in which individual NGOs are selected. The Colombian partner reported there to be dispersed information about selection criteria on the government websites, and great difficulties in finding it. The Costa Rican partner suggested that the scarcity of specific criteria had to do with the immaturity of citizens' participation mechanisms, as

the country still suffers from “excessive centralism” and some institutions have not yet valued the internet’s potential.

As a result, a number of partners went beyond the simple task assigned to them. Considering that the websites provided no information on effective selection criteria for NGO participation in the public policy process, six of them decided to supplement website information with further research. They researched other official government websites, where more information was to be found than on the ones we had assigned to them. All the official websites visited by the partners are set forth in Annex II. While in Europe, the questionnaire had been sent only to government institutions, some of the Latin American partner organizations made use of the questionnaire themselves: they answered the questions based on their own research or experience or they contacted government officials to solicit their responses. They also offered information based upon their own experience as professionals working in the field of civic activism. This additional research yielded concrete, detailed information, often of much higher quality and relevance than that obtained from the government questionnaires and ministerial websites. Because of this, we have considered this additional information alongside that generated from the government questionnaires and specified internet research as evidence of the existing criteria in these countries.

The partners submitted a three-page report summarizing their findings in June 2004. The information on existing criteria set out in the partners’ reports is set forth in Chapter 1.

### *Case Studies*

Focused examinations of selection criteria in 5 countries were carried out by experts with a rich experience in the work of civic organizations. A regional criterion was used to select the focus countries in Latin America, and one country was chosen in each of the following regions: North America (Mexico), Central America (Nicaragua), the Andean Zone (Colombia), the South Cone (Argentina) and Brasil. The Nicaraguan case study was the first to be carried out, in the summer of 2003. It differs from the others in that it did not specifically seek out information on the Millennium Development Goals.

Experts carried out six interviews:

- three with leaders of civic organizations, two of which were supposed to represent a national organization, and one was supposed to represent an umbrella organization,
- and three with government representatives, one drawn from each of the three different policy areas.

The interviews consisted of two parts, a formal questionnaire and a more open-ended discussion. Experts prepared reports of about 15 pages, in which they discussed the relevant context (national or European) and the method they used in identifying and contacting interviewees; they summarized the interviewees’ answers to the questions and offered their own personal evaluations.

The goal of the case studies was to provide an in-depth comparison of the experiences of government officials' and civic organization representatives in working with each other, and their potentially different views on what the selection criteria are, how they are implemented and potential implementation gaps.

The case studies were submitted by June 2004. The data and perspectives gathered by the case studies are reported in Chapter 2.

### *Partners' Position Papers*

On the basis of the information and data received by the governments, the partners and the experts, we drafted a Working Paper, setting forth the existing selection criteria in place in Latin America. This paper was sent to the partner organizations in July 2004 for their comment. Specifically, they were asked to write a Position Paper, commenting on the advantages and disadvantages of the existing criteria, and giving their proposals for new or better criteria.

Partners responded in a 3 page paper with critical and constructive comments in mid-August, 2004. We received position papers from the following 14 partners:

Argentina	Asociación Civil Estudios y Proyectos
Brasil	Associação Brasileira para o Desenvolvimento de Lideranças
Chile	ACCION
Colombia	Asociación de Fundaciones Petroleras
Costa Rica	Fundación Arias para la paz y el progreso humano
Dominican Republic	Centro Gobernabilidad y Genecia Social INTEC
El Salvador	Fundación Salvadoreña para la Promoción Social y el Desarrollo Económico (FUNSALPRODESE)
Honduras	Foprideh
México	Consejo Nacional de organizaciones no gubernamentales de la República Mexicana,
Panamá	Centro Regional Ramsar para la Capacitación e Investigación sobre Humedales en el Hemisferio Occidental
Paraguay	Asociacion de ONGs del Paraguay POJOAJU
Perú	Red Perú de Iniciativas de Concertación para el Desarrollo Local RED PERU
Suriname	Bureau Forum NGOs
Uruguay	Instituto de Comunicación y desarrollo (ICD)

The partners' positions on the existing criteria, and their proposals for improved criteria, are set forth in Chapters 3 and 4, respectively.

### 3. *General policies on NGO involvement in Latin America*

Partner organizations stressed the fact that governments dominate the public policy making process in Latin America. NGOs are more likely to be involved, if at all, in the stage of policy implementation, rather than in agenda-setting, policy formation, and evaluation. Interaction between governments and civic organizations take many forms: consultations, agreements enabling civic organizations to implement public policies and contracts.

The governments of Argentina, Brazil, Colombia and Venezuela have all opened spaces for dialogues between NGOs and governments regarding public policies. Representatives of civic organizations sit on ad hoc councils and commissions covering many different public policy sectors in Brazil, Chile, Guatemala, Panama, Perú and Uruguay. Likewise, Suriname has seen an increasing participation of NGO networks in public policy consultations. Other governments, like that of Honduras and Nicaragua, have also opened spaces for dialogue as a result of international pressure.

Most of the countries of Latin America have laws, decrees, resolutions, plans and codes, which recognize or permit the participation of NGOs.

In many countries, dialogue between government and civic organizations is a relatively new phenomenon. As a consequence, formal mechanisms of organizing such dialogue, like representativeness or selection criteria, have not yet been developed or are in a stage of immaturity. In some countries, such as Honduras, national fora for the deliberation of public policies have been formally established, but not yet implemented in such a way as to enable the participation of civic organizations.

While the relationship between civic organizations and public institutions assumes many different forms in Europe, especially when taking regional and historical differences into account, one constant throughout the European countries is the widespread use of the internet by government institutions. This is not yet the case in Latin America, and the limited use of this tool, and thus the limited information that could be found by means of it, made it difficult to obtain completely comparable data. While the sources of the data are not always the same for Latin America and Europe, we believe that the substantive information that comes out of them about the relationship between public institutions and civic NGOs and the selection criteria that condition it, are well worth comparing.



## CHAPTER 1

### Findings of the survey on the existing criteria: government questionnaires and partners' research and experience

In this chapter we report the data and information gathered from the official sources and the partners themselves about the existence and content of criteria for the selection of citizens' organizations as actors in the policy making process. The data and information reported below come from both the governments' answers to questionnaires, from the partners' research on official internet sites and their own experience.

This data and information has been organized according to the same tables and typology employed in the European Report, taking into consideration the following:

- Status and scope of the identified criteria,
- Kinds of criteria,
- Existence of formal prerequisites for selection,
- Actors involved in the selection process,
- Existence of tools and procedures for the publicity of criteria,
- Existence of forms of facilitation for the citizens' organizations interested in participating in policy making.

#### 1. *Status and Scope of Criteria*

The analysis of the status and scope of selection criteria focuses on the following points:

*Table 1.1. – Status and scope of criteria - Typology*

- <i>Positive criteria</i>
* Written
- in laws and regulations
- in policy documents and guidelines
* Unwritten
- <i>No positive criteria</i>
* Open procedures
* Flexible, <i>ad hoc</i> process
* Arbitrary procedures
- <i>Scope</i>
* General
* Sectoral

Criteria may be official, *written standards*. Written criteria are set forth in such instruments as laws, regulations, governmental or departmental policy statements, and as

such might be legally binding, or expressions of political or institutional commitment. They may also be unwritten standards (evolving out of custom, institutional practice or implicit policy). *Unwritten criteria* refer to regular and consistent practices that make selection procedures sufficiently foreseeable, as when they are regulated by written criteria. Like written criteria, they operate in a knowable and predictable way to regulate civic NGOs' access to participation in the public policy-making process.

The affirmative existence of selection criteria can be distinguished from three other kinds of situations, in which no positive criteria are to be found:

*Open procedure*, a situation characterized by the formal openness of institutions to the participation of any organization that may so desire. Participation is not determined by institutions applying, and organizations satisfying, criteria.

*Flexible, ad hoc selection process*. Institutional representatives declare that they are not regulated by fixed criteria, but rather follow a flexible, ad hoc (but not necessarily arbitrary or unprincipled) selection process.

*Arbitrary procedures* describes the situation in which public institutions' selection of non-governmental interlocutors is not constrained or regulated by norms and standards. An example of such arbitrary treatment would be when selection depends on personal or partisan considerations, such as the exclusive awareness or affinities of the official in charge.

As far as the scope of the criteria is concerned, we have distinguished between criteria that (are meant to) apply in many different offices, ministries and policy areas from those that just apply specific sectors. *General criteria* refer to written or informal criteria that apply across different government offices and different procedures, participation mechanisms and policy areas. *Sectoral criteria* apply to particular sectors, offices or policy fields.

That having been said, we can turn to the results.

*Table 1.2. – Status and scope of criteria – Latin America*

	Arg	Bra	Chi	Col	CR	DR	Ecu	ES	Gu	Hn	Mx	Nic	Pan	Par	Pe	Su	Ur	Ve	Tot	
<b>• STATUS</b>																				
- POSITIVE																				
* Written				x		x												x		3
*Unwritten	x	x			x			x								x				5
<b>Total Positive</b>																				<b>8</b>
- NON-POSITIVE																				
* Open procedures			x	x					x				x	x						5
* Flexible	x																			1
* Arbitrary										x	x							x		3
<b>Total Non-Positive</b>																				<b>9</b>
<b>• SCOPE</b>																				
- GENERAL																				0
- SECTORAL	x			x																2

The Latin American research suggests an overall lack of formal, public, systematic and homogenous criteria. Notable is the total absence of general criteria; criteria in fact tend to change from one ministry to another, even in the same country. The lack of formal criteria opens the door to arbitrariness in the selection process.

To shed light on this table, it is helpful to consider some of the individual partners' comments more carefully.

The **Dominican** partner found criteria – understood as standards, rules and regulations, procedures, formal and informal requirements – conditioning the participation of civic NGOs. This was the one country in which actual written policies were to be found on the internet.

Several partners filled in the blanks left by their unsuccessful research with information drawn from their own experience. Most partners reported the inexistence of general and specific criteria to govern the selection of civic NGOs, though what criteria were found tended to be concentrated in the environmental and consumers' rights sector.

Five partners reported open procedures for the selection of NGOs to participate in policy formation. The **Salvadorean** partner wrote that selection procedures are not set forth *a priori*, but are shaped by the practice of direct dialogue between civic organizations and public institutions. The **Mexican** partner reported that one institution, the Social Development Agency, acts arbitrarily.

**Venezuela** is a unique case in which there are general criteria, set forth not only in laws, but in written judicial opinions as well, specifically three decisions of the Supreme Court ([www.tsj.gov.ve](http://www.tsj.gov.ve)). There are laws and decrees in place, published in the Official Journal. Notwithstanding the existence of written criteria, the partner also reported there to be arbitrary practices in place.

## 2. *Kinds of criteria*

The data and information on the substance of selection standards make up the core of this part of the research. We have organized the collected data according the following typology:

*Table 1.3. - Kinds of criteria - Typology*

<ul style="list-style-type: none"> <li>- <i>Objective criteria</i> <ul style="list-style-type: none"> <li>* Related to the organization           <ul style="list-style-type: none"> <li>- Size</li> <li>- Territorial scope</li> <li>- Degree or operational level</li> <li>- Stability</li> <li>- Resources</li> <li>- Transparent accounting</li> </ul> </li> </ul> </li> </ul>
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- |   |
|---|
| <ul style="list-style-type: none"> <li>* Related to the organization's activity <ul style="list-style-type: none"> <li>- Field of operation</li> </ul> </li> <li>- <i>Evaluative criteria</i> <ul style="list-style-type: none"> <li>* Related to the organization <ul style="list-style-type: none"> <li>- Experience</li> <li>- Expertise</li> <li>- Reputation</li> <li>- Independence</li> <li>- Trust</li> <li>- Networking</li> <li>- Internal organization</li> <li>- Specific interests</li> <li>- General interests</li> </ul> </li> <li>* Related to the organization's activity <ul style="list-style-type: none"> <li>- Past results</li> <li>- Quality of project</li> </ul> </li> </ul> </li> </ul> |
|---|

Some definitions and specifications related to this typology are necessary.

*Objective* criteria are standards that are measurable, like a requirement that an organization have at least 20 members to participate. While they are supposed to apply “automatically,” they may also depend on the administration’s commitment and ability to verify whether such objective requirements have been met.

Those *pertaining to the organization* are:

- *Size*: number of members, number of volunteers
- *Territorial scope*: membership or activities in a determinate local, regional, national or multi- national area (ex. European networks must have member organizations in several EU Member States).
- *Degree/level of organization*: first-degree organizations with individual members, second-degree organizations like networks or federations, the members of which are other associations.
- *Stability*: minimum years of existence.
- *Resources*: may be human, financial and technical.
- *Transparent accounting*: verifiable financial records.

Objective criteria *pertaining to organization's activity* are

- *Field of operation*: the subject matter or policy area in which the organization is engaged. This might be determined by the organization’s self-definition, its interests and its activities.

*Evaluative* criteria, on the contrary, set forth a framework within which institutional officials must exercise their judgment in determining whether the criteria have been or can be fulfilled. They call for a certain discretion, choice and thus responsibility on the part of the administration.

Those *pertaining to the organization* are:

- *Experience*: this includes range of experience and number of years of experience.
- *Expertise*: technical skill, scientific competence, specific knowledge, know-how.
- *Reputation*: the quality of being well-known and/or well-respected, in a certain territory. It may refer more specifically to how an organization is viewed by relevant institutional actors or other organizations.
- *Independence*: from the government, business and/or industry, political parties and trade unions.
- *Trust*: good personal relationships between representatives of public institutions and the organization, a good working relationship, a history of cooperation, good will between the institution and the organization.
- *Networking capacity*: links and connections with other organizations, the ability to develop networks at the local, national, European or international level.
- *Internal organization*: adequate organizational structure, budget control and financial management.
- *Capacity to give visibility/voice to specific interests*: these might be specified as members' interests, minority interests, interests relevant to a specific group or issue.
- *Capacity to give visibility/voice to general interests*: expression of general concerns or of a large number of people.

Evaluative criteria *pertaining to organization's activity* are:

- *Past results*: outcomes of projects, consultations, and activities already carried out, evidenced by an organization's track record.
- *Quality of the proposed project*: design, relevance, efficient pursuit of goal or use of resources.

Taking into account these definitions and specifications, we can report the results of the survey on this important issue.

Table 1.4. – *Kinds of criteria*

	Arg	Bra	Chi	Col	CR	DR	Ecu	ES	Gua	Hon	Mex	Nic	Pan	Par	Pe	Su	Ur	Ve	Total
<b>· OBJECTIVE</b>																			
<i>*Related to the organization</i>																			
- Size		x		x															2
- Territorial scope	x	x		x															3
- Degree		x		x															2
- Stability				x	x	x						x			x			x	5
- Resources		x		x	x	x													4
- Transparent accounting					x														1
<b>* RELATED TO THE ACTIVITY</b>																			
- Field of operation	x	x		x	x	x		x										x	7
<b>· EVALUATIVE</b>																			
<b>* RELATED TO THE ORGANIZATION</b>																			
- Experience	x	x		x	x	x												x	6
- Expertise	x	x		x	x	x												x	6

- Reputation		x			x	x									x			4
- Independence	x	x			x												x	4
- Trust		x			x	x												3
- Networking		x		x	x	x			x		x			x	x	x		9
- Internal organization		x		x	x												x	4
- Specific interests		x		x	x				x		x			x			x	7
- General interests		x								x								2
<b>* RELATED TO THE ACTIVITY</b>																		
- Past results	x	x		x	x									x	x			6
- Project				x														1

Several partners filled in the blanks left by their unsuccessful internet research with information drawn from their own knowledge and experience. The **Chilean** partner reported that there is a “natural approach” to selecting NGOs, depending on their field or their involvement with beneficiaries of State social programmes. The **Salvadorean** partner wrote that selection in fact depends on the particular issue in question, and how that relates to the field in which the NGO works. In **Suriname**, selection is based on an organization’s track record, its reputation, its legal and registration status and its status as a network.

This table demonstrates that most frequent objective criteria for the selection of NGOs is most relevant in the field of operation (7 countries), followed by stability (5), resources (4), territorial scope (3) and size and degree (2 each). The most widespread evaluative criteria are networking capacity (9 countries), followed by specific interests (7 countries), experience, expertise and past results (6 each), reputation, independence, internal organization (4 countries each) and trust (3).

52 cases of evaluative criteria and 24 cases of objective criteria were reported.

*Table 1.5 Ranking of most frequently appearing criteria*

<b>Criteria</b>	<b>No. of mentions</b>
Networking capacity	9
Field of operation	7
Specific interests	7
Experience	6
Expertise	6
Past results	6
Stability	5
Reputation	4
Independence	4
Internal organization	4
Resources	3
Territorial scope	4
Trust	4

### 3. *The application of criteria*

#### *Formal prerequisites*

Half of the countries mentioned legal status and accreditation as a requirement. Some of them (Argentina, Brazil, Colombia, El Salvador, Guatemala, Honduras and Venezuela) highlighted the existence of Registers. Most of the registers are sectoral (environmental, consumers, housing).

#### *Tools and procedures for the publicity of criteria*

The overall picture on publicity for Latin America is drawn from the various reports of the partners. Overall, there is no uniform process, no formal and structured procedures, and publicity often depends on a direct relationship between NGO's and government officials. The internet is a new tool for transparency, but it is still in a stage of immaturity. We do not have detailed information about the use of internet to publicize selection criteria, but the partners' research suggests that such use is very limited. In fact, the limited dissemination of and access to the criteria presents a major obstacle to the participation of citizens' organizations in the public policy process. Because the use of the internet is still limited, other publicity tools have to be employed. Public tender procedures are generally publicized in journals, but do not always reach certain regions and NGOs. Direct invitation to organizations to participate is very common. Networking organizations play an important role in disseminating information about how to participate in implementing public policies.

#### *Forms of facilitation*

No information on forms of facilitation was reported by governments nor partners.

## CHAPTER 2

### Results of the case studies

#### 1. *Purpose and structure of the case studies*

As explained in the introduction, the third research strategy was the implementation of case studies. They were conducted by experts in the following five Latin American countries:

- Argentina
- Brazil
- Colombia
- Nicaragua
- México.

Experts carried out six interviews:

- three with leaders of civic organizations, two of which represented a national organization, and one representing an umbrella organization. These leaders were supposed to be active in three different policy areas,
- and three with government representatives, drawn from the same three policy areas as the civic organizations' leaders.

The interviews consisted of two parts, a formal questionnaire and a more open-ended discussion. Experts prepared reports of about 15 pages, in which they discussed the relevant context (national or European) and the method they used in identifying and contacting interviewees; they summarized the interviewees' answers to the questions and offered their own personal evaluations.

The case studies aimed at substantively describing concrete situations, rather than contributing to formal typologies. This information can indeed help to illuminate the relationship between what is provided by laws, regulations and policy documents and what happens in reality. They can, therefore, enable us to analyze in greater depth the mechanisms by which selection standards are established and applied, identifying both problems and effective responses to actual needs.

This chapter has been organized as a summary of the main information coming from each national or supranational government/institution. Each summary was structured in terms of:

- Context
- Criteria
- Challenges, obstacles and implementation gaps
- Recommendations



This structure of reporting the results of the case studies differs from that used in the European report, for the reason that the information coming out of Latin America tended to be more general and contextual. For the sake of brevity, we have chosen to report the findings of case studies in a synthesized fashion.

## A. Argentina

The case study focused on the following three policy areas: (i) food; (ii) justice; (iii) AIDS.

### *Context*

Because of the transition from dictatorship to democracy, civil society organizations are fragmented. In the course of the recent economic recession and social crisis, there was a pronounced response on the part of citizens, through associations and other collective organizations. In recent years, citizens' interest in participating in the public policy process, and specifically the fight against poverty has increased. A new space has been created with the support of UNDP and the Church, called *Diálogo Argentino*. It aims to rebuild **trust, credibility and solidarity** in the country.

The expert argues that there is a new model of relationship between the State and civil society, whereby the State calls upon civil society to make proposals. Examples of this are the following convocations: *el Hambre mas urgente* (The most urgent hunger), *Una corte para la democracia* (A court for democracy) and *las leyes de Mayo* (May Laws).

International organizations play an important role in pressuring government bodies to involve civic NGOs.

### *Criteria*

Both civil servants and NGOs confirm the lack of formal criteria in order to favour the participation of NGO's in public policy making. What criteria are used are neither formally defined nor accessible to the public.

### *Challenges, obstacles and implementation gaps*

According to the expert, relations between the State and NGOs are not easy. A mutual mistrust has reigned for years. Civic organizations have been involved in public policy making in recent years by the Transition Government, but the government has also used them in service of its own goal of boosting its credibility and countering its reputation for corruption.

NGOs' participation in the implementation of policies is strongly conditioned by the necessity of fundraising. NGOs are often dependent on international financing, which can lead to conflicts of interest.

### *Recommendations*

- Clear and defined rules should be agreed upon from the start
- Participation should include monitoring and evaluation
- The process must be public
- Media effects should be disregarded
- Convocations should include a wide spectrum of organizations
- Different criteria should be established for the different activities of planning, monitoring, evaluation, deliberation, proposal elaboration and exchange with the Executive power.

## **B. Brazil**

The case study focused on the following three policy areas: (i) sustainable development; (ii) employment; (iii) local development.

### *Context*

The Brazilian government is currently at an important juncture. President Lula is establishing new state agencies oriented towards human rights, women's issues, racial equality, food security and fighting hunger. A new Council on Social and Economic Development has been established, and is one of the most important advisors to the President, and the principal developer of social and economic policies.

NGOs are currently working with the government at the decision making level of public policy formation.

### *Criteria*

The participation of civic organizations in the public policy process is governed by a general legal framework: one law sets forth public bidding procedures and another regulates civil society organizations in general. The 1988 Constitution provides for the open participation of CSOs. This has generated the establishment of some 30,000 local and regional councils, though only 20% of these are actually functioning.

Lula's government is planning to establish new criteria for the selection of civic organizations to participate in the public policy process at the federal level.

The expert reported that informal criteria that might be employed in Brazil are: technical capacity and structure, and public reputation and work at the national, regional or local level. There are also formal threshold requirements to meet for participation, having to do with the organization's legal status, registration as non-profit organization, and statute.

In general, the government invites the participation of those NGOs that have a good reputation in their sector.

According to the expert, the government does not currently use general criteria for selection. The selection of NGOs depends on each Ministry or Agency. The expert reported the following criteria to be in place in some of the institutions examined: the organization's network must be established; field work must be confirmed; environmental NGOs must be registered; the organization must be able to verify its work with local Development networks; an organization must have a minimum of 5 years of establishment, and 3 years of activity; wide territorial coverage; demonstration of awards or other kinds of recognition. Representatives of civic organizations reported the following specific criteria to be in place in one instance: organization must provide services; it must receive its funding according to the law; it must have experience in the specific field; it must be representative, and such representation must be community-based; it must demonstrate know how, advocacy skills and enjoy political legitimacy.

### C. Colombia

The case study focused on the following three policy areas: (i) the fight against corruption; (ii) housing; (iii) environment.

#### *Context*

During the 1980s, Colombia carried out important reforms and in 1991 a new Constitution was adopted. Important arenas for deliberation and agreement were established in different sectors: housing, health, the environment, education, territorial development, indigenous groups and planning. In the above-mentioned arenas, NGOs are represented together with other civil society organizations.

Institutions working in the environmental sector have convened environmental NGOs to formulate triennial plans. NGOs have also been called to participate in the Strategic Ecoregions Plan in order to define and apply methods and to strengthen environmental activities.

The Fight against Corruption Program has created anti-corruption councils in order to inform citizens about transparency of public management and to report civil servants engaged in corruption. Government officials, territorial authorities and civil society participate in these spaces.

According to the expert, the relationship between Government and NGO has suffered ups and downs. There are serious tensions: interactions are influenced by mutual distrust, the product of experience and prejudices about the role of each one of the parties. The current perception of the government is that NGOs collaborate with armed groups, thus weakening the governments' relationship with them. As a result, NGO participation in public policy formulation has decreased in recent years. NGOs, on their part, also express

a distrust of the government. They are tending to renounce their political goals, and focus more pragmatically on the execution of projects

NGO participation has proven more effective at the local level, but there is a common view that greater respect and autonomy are needed among the parties.

### *Criteria*

Representatives from the government, the private sector and civic organizations all participate in meetings to discuss the public interest. The establishment of these meetings, their frequency, the topics of discussion and the expected outcomes are all clearly defined by regulations.

In all of the three sectors examined, there are formal and informal criteria and procedures, which permit NGOs to be involved in the public management. Formal instruments are found in sectoral regulations and agreements.

The National Planning Agency claims to employ the following criteria in its accreditation process: experience in the relevant sector, institutional strength, technical level, staff characteristics, financial capacity, execution capacity, dissemination capacity, credibility among civil society and mechanisms to verify information.

In the environmental sector, civic organizations must meet specific formal prerequisites in order to take part in consultations. In the housing sector, procedures are less well-defined. The Fight against Corruption Program has specific criteria for which organizations may be eligible to participate in the Anti-Corruption Councils.

Some criteria formally in place are: knowledge; experience; stability; technical capacity; independence; public recognition. These are accompanied by formal prerequisites.

### *Challenges, obstacles and implementation gaps*

These criteria may represent an ideal situation. However, the expert reported that they have not been fully observed as proposed. In reality they are often altered and misinterpreted.

## **D. Mexico**

The case study focused on the following three policy areas: (i) social development; (ii) transparency and accountability; (iii) communication.

### *Context*

Mexico is currently undergoing a social and political transformation. In 2000, after 70 years of being governed by a single political party, Vicente Fox won the Presidency of the Republic with the support of one of the traditional opposition parties (Partido Acción Nacional). The political transition is still under way. Citizens' participation continues to be inhibited by interest groups which were privileged by the previous government, as well as by administrative inertia. There are also great divisions in the legislative power that make it difficult to reach the consensus that would be necessary to truly reform the State and establish real citizen participation.

Civic NGOs play a crucial role in the promotion of democratic governance and the country's democratic transition, revitalizing public spaces through education, participation and the establishment of contacts between civil society and government. But civil society organizations are fragmented and atomized, and they have difficulty responding to the challenges presented by the new political arena. This is reflected in their decreased presence in deliberative arenas. Organizations tend to concentrate on their operative projects and direct their energies to reactivating their networks and maintaining negotiation and communication channels with the government.

The Political Constitution of Mexico guarantees citizens' participation in different social spheres. There are defined and established mechanisms of citizen participation, set forth in general and specific laws approved over the last six years. The General Law on Social Development, the Law on Rural Development and the Law on the Environment all have mechanisms and provisions for the definition, evaluation, pursuit and operation of public policies.

### *Criteria*

Government representatives reported the existence of the following selection criteria: organizational structure, experience in the relevant area, wide networks of relationships with other organizations, public prestige, territorial scope.

Representatives of civic NGOs identified the following criteria: organizational structure and experience in the relevant area. Also important are the following criteria: formal organization, expert knowledge, wide public recognition, contact with other social organizations, willingness to cooperate, knowledge, a good relationship with the institutional interlocutor, pluralistic representation, reliable coordination and well-established regulations

### *Challenges, obstacles and implementation gaps*

The expert reported there to be a tension between the tangible and the intangible characteristics of the criteria, and a difficulty in implementing subjective criteria.

Moreover, the relationship between public institutions and civic organizations is made difficult by a lack of mutual trust and knowledge, the lack of a mechanism for financial oversight, the lack of definite criteria and clear regulations within the government agencies.

### *Recommendations*

Civic leaders insist that the selection process should aim for a plural and democratic composition and should employ legitimate procedures in order to reduce all suspicion of favoritism and discretionary election of advisors.

According to the expert, Mexico needs an operative law requiring the public administration to recognize civil organizations as actors and rights-bearers. Moreover, political and social actors must recognize civil society organizations as *social subjects*, with a claim on economic, social, cultural and environmental rights. Political society must regard and treat civil organizations not as competitors, but rather allies for social change. Civil society organizations are essential to maintain a balance of power and to widen the public spheres for the country's democratization.

## **E. Nicaragua**

The case study looks at three national inter-institutional councils: the National Council on Economic and Social Planning (CONPES), the National Council for Integral Attention and the Protection of Children and Adolescents (CONAPINA) and the National Committee for the Fight against Violence against Women, Children, and Adolescents.

### *Context*

The 1990s saw the end of decades of war in Nicaragua, leaving behind a polarized society, limited democratic processes and a culture of mistrust and corruption. As a result, there came a renewed interest in forming NGOs that were autonomous from political parties and had different criteria and different roles. This was a new and innovative experience for Nicaragua. As a result of their daily work at the grass-root level, as well as their technical and professional expertise, many NGOs have gained social legitimacy and are recognized by society, international organizations and finally by the government as valid interlocutors. They put issues, which were never recognized before by governments, on the social agenda, such as violence against women and children, children's rights and local sustainable development. Specifically in response to the natural disaster of Hurricane Mitch (1998), NGOs demonstrated their capacity to efficiently work together, mobilizing resources to assist the populations affected and create concrete proposals for the development of Nicaragua. International organizations have played an important role in pressuring government bodies to involve civic NGOs.

### *Criteria*

In Nicaragua there exists an adequate legal framework for the participation of NGOs in policy making as provided by the Constitution (art. 2 and art. 50) as well as by the many laws, decrees and policy agreements. However, there are no formal criteria for selecting which NGOs should participate in policy making nor are there any mechanisms to guarantee that they can participate effectively. All selection is based on informal criteria.

The informal criteria mentioned during the interviews, which NGOs referred to as being valid and significant for them are the following:

- Outcomes of NGOs' work (results and impact);
- Legitimacy and recognition by society and the population;
- Presence in the territory, contact with the population and practical experience;
- A proven track record both technically and politically (meaning the willingness to negotiate, dialogue and propose concrete solutions);
- Specific knowledge and expertise;
- Ability to present concrete proposals and work together with other NGOs

### *Challenges, obstacles and implementation gaps*

- The lack of formal criteria allows the Government to decide what is convenient for it, not necessarily what is applicable to the reality of NGOs.
- NGOs and Government institutions have different needs. For example with respect to time, NGOs need time to consult their groups, population, to discuss the issue, to construct consensus and proposals, while the Government wants rapid, simple solutions.
- NGOs have been able to put problems on the agenda but are not considered when making decisions on what actions to implement or on the allocation of resources.
- NGOs need resources to participate and to be present in the policy making process, including resources to continue to develop their skills and knowledge in order to effectively participate with concrete proposals.
- Participation is unequal. Civic organizations have a relatively small number compared to government and other actors such as business, trade unions and the church.
- Government has a tendency to look at NGOs as providers of services that they are unable to provide. This results in a contractual relationship, rather than a partnership to confront common problems and issues.
- NGOs should not be considered only for consultation but also be as part of the decision making process, enjoying shared responsibilities in the implementing of public policy.

### *Recommendations*

From the study it is clear that NGOs are working in policy making at different levels. There exists a wide range of experiences, which up until today has depended primarily on

the interest and openness of the current Government or government officials, the persistence of NGOs and the support of international organizations.

The establishment of formal criteria could represent a step towards ameliorating the sense of arbitrariness and ambiguity in the selection process and could provide an element of transparency in the relationship between Government institutions and NGOs, which is needed to begin building partnerships. The challenge is to find criteria that can be “inclusive and flexible” and take advantage of the diversity of knowledge and experiences that civic NGOs have to offer. The richness of opinions, criteria and proposals needs to be seen as an opportunity and not a threat.

However, selection criteria are not enough to guarantee NGOs effective participation in policy making, even though they are a necessary step. It is fundamental to set up procedures and mechanisms to guarantee that NGOs can participate *under equal conditions*, in all the different phases of policy making.

This starts from clearly defining what are the criteria for participation and by setting up basic procedural rules (like a set time for invitation and sending pertinent information beforehand; clearly defined responsibilities and mechanisms for Government to respond to proposals; procedures for making decisions based on consensus). This also includes defining roles of both government institutions and NGOs as well as the allocation of resources so that NGOs can effectively participate.

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<sup>5</sup> Mexican partner NGO has another point of view of Puebla Panama Plan.



## CHAPTER 3

### Partner organizations' evaluation of existing criteria

In this and the next chapter we are going to report the evaluations and suggestions set forth in the Position Papers written by the partner organizations in reaction to our working paper. As noted in the introduction, 14 organizations submitted their comments and remarks.

The partner organizations' responsiveness to our request for information, and their comments and suggestions on the results, suggest their interest in the question of the definition of criteria of representativeness of citizens' organizations. It also suggests that they are particularly placed to participate in the definition of these criteria. Chapters 3 and 4 are based on the thoughtful participation of the partner organizations in the final phase of the research.

These chapters report the remarks and comments put forward in the Position Papers. Chapter 3 focuses on the partners' evaluation of the existing criteria, specifically their advantages and disadvantages. This evaluation indicates whether (and how) these criteria and their application can be improved, and the risks attendant upon their use. Chapter 4 sets forth the criteria and standards put forward by the partners as improvements on the existing criteria, if not ideal solutions.

This section treats only those parts of the Position Papers containing precise evaluations and proposals. The partners' work provided us, in addition, with great insight into their own working contexts and valuable feedback on the structure of the research, which has informed this report as a whole.

There follows a summary of partner organizations' comments on the advantages and disadvantages of the existing criteria for citizens organizations' participation in different policy making phases.

#### *1. Remarks on status and scope of criteria*

The partners stressed the fact that the inexistence of explicit criteria, both general and specific, has been a serious obstacle to participation. It distorts the process by privileging those civic organizations which rubber stamp, rather than challenge, official public policy decisions. It gives too much room to the discretionary choices of public officials, fostering a climate of arbitrary or politically-motivated exclusion, and making civic organizations' participation in policies, programs and projects all the more difficult.

The partners' expressed an overall preference with respect to the **status of the criteria** in favor of formal criteria, explicitly written in laws or policies. The partners put forward

three principle *advantages* of such criteria. Written criteria are more likely to be transparent. They can be applied in a non-political way. And they provide an incentive for the improvement of the quality of civic participation. The partners also acknowledged two disadvantages attendant upon formal, written criteria. First, they may fail to capture a complicated and dynamic social reality, which cannot always be easily framed. Second, they may create standards with which some NGOs, especially smaller ones, have difficulty in complying.

This preference for written criteria is further explained by their criticism of unwritten and other non-determinate criteria: they leave room for arbitrary actions and political manipulation. This is detrimental to the quality of civic participation. Openness and flexibility likewise permit discretionary decisions.

The development of formal written standards must go hand in hand with the modernization of public administrations, in order to make them more organized, transparent and efficient.

With respect to the **scope of the criteria**, partners argued in favor of both general and sectoral criteria. Sectoral criteria may be important, but it is important to make sure that the legal framework is also unified, to check the discretion of individual ministries and agencies.

## 2. *Remarks on the kinds of criteria*

Partners noted that both **objective** and **evaluative** criteria are important. Objective criteria, in particular, have the advantage of being clear, transparent and measurable. At the same time, partners reiterated the concern the use of both kinds of criteria risks privileging the largest and best-established organizations, as only they are really equipped to comply. Criteria can, in general, tend to exclude younger, smaller and weaker organizations, or can be used by public officials in order to do so.

With regard to individual criteria, partners expressed the following:

### *Objective criteria*

- **Resources.** While financial resources is an important factor, its calculation should also take in-kind contributions into account. Moreover, evaluation of financial resources should take into account not just the quantity of an organization's resources, but its ability to channel, leverage and use them in an accountable way.
- **Stability.** This is an important criterion, but should take not only years of existence into account, but also the organization's continuous and proven activity during that time.
- **Transparent accounting.** Partners favored it as a criterion, declaring that it should be mandatory. On the other hand, they noted the disadvantage that it forces NGOs to hire external auditors, which diverts scarce resources.

### *Evaluative criteria*

- **Experience.** This is an important criterion, but partners stressed the disadvantage that it is hard to measure and evaluate.
- **Independence.** Partners favored a criterion of independence from the government and political parties.
- **Networking.** A criterion of national and international networking relationships has the advantage of promoting dialogue and exchange.
- **Reputation.** This criterion has the disadvantages of disproportionately benefiting larger organizations and being hard to measure objectively.
- **Trust.** This criterion has the disadvantage of limiting the participation of some NGOs, especially those engaged in human rights work and critical of the government, to access the public policy making process.

### 3. *Remarks on the application of the criteria*

#### *Formal prerequisites*

Partners expressed an overall negative view of the use of formal prerequisites, especially the requirement that an organization have a particular **legal status**. There is a significant cost in terms of time, human and financial resources in order to obtain a certain legal status, but this requirement does nothing to ensure an organization's capacity and appropriateness for participation, or even its continuing existence and functioning. As such, it is an insufficient condition for participation. For this reason, formal prerequisites only make sense if accompanied by documented activities in the relevant field of operation and past results.

**Accreditation** requirements have the disadvantage of strengthening big, established organizations and discouraging the participation of weaker groups.

#### *Forms of facilitation*

Partner organizations (Argentina, Suriname, Panama) highlighted the need for capacity building and financial resources in order to enable civic organizations to participate. Some partners expressed the advantages of funding the travel of NGOs from isolated areas. Partners also expressed the value receiving important information in a timely manner.

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## CHAPTER 4

### Partner organizations' proposals

In their Position Papers, partner organizations formulated a number of proposals aimed at pointing out basic elements for a more adequate set of criteria for the selection of citizens' organizations as representative partners of governments in the policy making process. Some of these criteria are new (or at least not identified in the official sources used for this research), while others refer to existing criteria, which may not be applied in the partner's country.

Twelve partners submitted at least one concrete proposal. They have a varying degree of complexity but, together with the proposals formulated by the European partners, they can be considered as relevant contributions and starting points for the identification of a shared proposal of guidelines.

The partners' proposals are here presented country by country. Some partners proposed to abolish existing criteria or practices, because they constitute an insurmountable obstacle to the participation of NGOs in the policy making process. We have thus decided to treat both proposals and obstacles together, since they both aim at a more adequate selection system.

The first point will thus be dedicated to listing the partners' positive and negative proposals, while the second one is a tentative typology, the results of which will be commented and analyzed in the third point.

#### *1. The proposals*

##### *Argentina*

- To reinforce the role of international organizations, which provide spaces and occasions of discussion and interaction between Government and civil society, involving NGOs in the different stages of policy-making on the basis of criteria.
- To dedicate a percentage of national and local budgets to facilitate NGO participation.
- To build up NGOs' capacity of dissemination and communication.
- To train both public servants and NGOs to partnership, in order to improve cooperation in development issues.
- To promote participation and trust.
- To create a culture of transparency and evaluation.
- To develop awareness to the public policies cycle.
- To include criteria such as technical experience, representativeness, curriculum of NGOs.

- Transparency of evaluation mechanisms.
- Dissemination of good practices.

#### *Chile*

- The establishment and application of criteria for selecting NGOs participating in public management should be a public policy.
- Institutionalization of dialogue spaces between government and NGOs.
- Legal framework for citizens' participation in public management.
- To incorporate rules and standards at the national level.

#### *Colombia*

- Accessibility and diffusion of the criteria.
- To establish clear criteria, both for the registration and the certification of NGOs.
- To create interlocution spaces between government and NGOs.
- To build up trust and mutual knowledge.
- To strengthen the mechanisms of citizen participation at regional and national levels.
- To promote the NGO assembling by sectors in order to achieve specialization and democratic participation of NGOs.
- Transparency.
- Accountability.
- To simplify the bids and calls for proposals.
- Past results and impact of NGO's activities.
- To encourage experiences of tripartite consultations organized by international organizations, with NGOs and national institutions.

#### *Costa Rica*

- Experience in specific fields, organization's curriculum and reputation.
- International reputation, which implies the fulfillment of other criteria such as capacity of project management, quality of the projects, organization's budget and networking ability.
- Networking ability is a relevant criteria.
- Stability, resources, transparency, accountability, field of operation, expertise, experience, expression of specific interests, trust, independence from the State, internal organization, achievements.

#### *Dominican Republic*

- To establish criteria, since they contribute to institutionalize NGOs' participation in public policies.
- The respect of official and stable criteria would generate credibility and trust on both civil society and government's side.

#### *Honduras*

- To increase the pressure from international organizations to allow NGOs' participation.

- To define rules to involve NGOs in development processes.
- To systematize the participation process.
- To create of a new register for NGOs, the rules of which would be jointly defined by government and NGOs.

#### *Mexico*

- More relations between public institutions and civil society.
- Renewal of the relationship between governments and NGOs.
- Dissemination of best practices.
- Results and experiences.
- Political criteria, friendship and influences are an obstacle.

#### *Panama*

- Expression of different sectors.
- Establishment of forums for exchange, dialogue, negotiation and presentation of results on a sectoral basis.
- Clear, fair, equitable and transparent procedures.
- Development of spaces and procedures for participation.
- Dissemination of information relating to consultation.
- Participation in the different stages of the policy-making process, not only to validate government's decisions.
- Development of spaces in which NGOs can give feedback on ongoing policy-making processes.
- Criteria must be inclusive, pluralist and transparent.
- Criteria must search for efficiency and opportunity.
- Kinds of criteria:
  - organization's level,
  - resources (technical, human, financial),
  - transparency,
  - accountability (technical and financial),
  - stability,
  - reputation,
  - trust,
  - experience,
  - impact (measured by indicators),
  - curriculum,
  - independence,
  - impartiality (especially political),
  - networking ability,
  - capacity to mobilize resources, know how, etc.
- The factors that condition the effectiveness of participation (such as time, financial resources, etc.) are very important.
- Proficiency and specialization of NGOs and their staff.
- Development of networks.
- Efficient and effective administrative and financial management.

- Accountability and reliability.
- Results and impact of activities.
- Selection of organizations on the basis of their conviction / vision and exclusion of those whose activities (and activity fields) are only driven by funds availability.
- Capacity to make constructive proposals, independently from funding offers of the institutions.

#### *Paraguay*

- Criteria should vary depending on the policy field and the kind of organizations. (civic NGOs / development NGOs, grassroots' organizations / professional organizations).
- Incompatibility between the participation in the decision making and the implementation of public policies, in case it may have an influence on the access to funding.

#### *Peru*

- To define evaluative criteria to select NGOs.
- To institutionalize dialogue and to establish permanent concertation spaces.
- Promotion of transparency in public administration.
- Criteria of experience and representativeness.
- To develop cooperation.
- Capacity to collaborate with other civic organizations.
- Effective application of laws.
- Accreditation system, in order to reinforce the legitimacy of NGOs' contribution to the formulation of public policies.
- Clear rules and procedures.
- To limit as much as possible the bureaucracy of procedures.
- Accessibility of information to all NGOs.
- Autonomy and mutual respect.
- Clear and signed agreements.
- Results of NGOs' projects.

#### *Suriname*

- No political or partisan organizations.
- The legal status is an obstacle to participation since many small organizations cannot afford its costs.
- Democratic organization.
- Democratic procedures.
- Financial accountability.
- Transparency.
- Financial support to allow the effective participation of NGOs.
- Qualitative and quantitative representativeness (who or which interests are represented).

## *Uruguay*

- NGOs access to information is a priority. The dissemination should be done through official channels, media, Internet, networks and umbrella organizations and direct communications.
- Two levels of participation should be identified: (i) a general discussion and consultation level, in which all organizations should be able to participate; (ii) a decision making level, in which elected NGOs should represent the other ones.
- Transparency of criteria and selection processes.
- Timely and adequate information is required for serious participation.
- Participation agendas, meeting schedules and financial support are important factors for the effectiveness of the participation processes.
- Simplification of the bids and calls for proposals in order to make them more accessible to smaller organizations.
- Transparent information on the conditions of access to the participation processes in order to guarantee equal opportunities of access to all organizations.

## 2. *Typology of the partners' proposals*

The typology of the partners' proposals does not follow the classification of the existing criteria, but instead reflects the partners' own points of view and priorities. It includes both the positive and the negative proposals of the partners. The latter are effective practices of the institutions, even if they do not result among the official criteria, which are considered by the partners as obstacles to an adequate selection process and should thus be eliminated or overcome for the sake of the good governance.

The typology was established according to the chronological order of the selection, from the preconditions to the existence of the selection process to the necessary factors for the functioning of this process. For each step, the proposals have been listed according to their weight (the number of partners supporting the same proposal) and by "families," since the organizations have often proposed various applications of the same criteria or the same principle.

### **Preconditions to the existence of a selection process**

#### *\* Development of participation*

- Creation, increase or institutionalization of spaces for interlocution and participation (5: Chile, Col, Mex, Pan, Peru)
- Reinforcement of the role of international organizations, which encourage participation and dialogue between government and NGOs (3: Arg, Col, Hon)
- Institutionalization of participation processes (1: Hon)
- Development of procedures for participation (1: Pan)
- Strengthening of participation at regional and national levels (1: Col)
- Definition of rules regarding the participation of NGOs (1: Hon)
- Participation in the different stages of the policy-making process (1: Pan)
- Promotion of participation (1: Arg)



*\* Mutual knowledge, respect and trust*

- Building up of mutual knowledge and trust (3: Arg, Col, Dom)
- Development of mutual respect (1: Peru)
- Training of NGOs and civil servants to partnership and collaboration (1: Arg)

*\* Setting up of criteria*

- Setting up and application of selection criteria (2: Dom, Chile)

*\* Others*

- Capacity building of NGOs (1: Arg)
- Development of NGOs' awareness of public policies cycle (1: Arg)
- Creation of sectoral forums for exchange and dialogue (1: Pan)
- Development of networks (1: Pan)
- Effective application of laws (1: Peru)

**Prerequisites to participation in the selection process**

- Obstacle: legal status (1: Suri)

**Status of criteria**

- Legal framework (1: Chile)

**Scope of criteria**

- Standards of national level (1: Chile)
- Sectoral criteria (1: Para)

**Kinds of criteria**

*\* Organization's curriculum*

- Experience (4: Costa, Mex, Pan, Peru)
- Technical experience (1: Arg)
- Experience in specific fields (1: Costa)
- Achievements / past results (4: Col, Costa, Mex, Pan)
- Organization's curriculum (3: Arg, Costa, Pan)
- Impact of NGOs' activities measured by indicators (3: Col, Pan, Peru)
- Expertise (1: Costa)
- Proficiency of NGOs and their staff (1: Pan)

*\* Independence*

- Independence / Autonomy (4: Costa, Pan, Peru, Suri)
- Impartiality (especially political) (1: Pan)

*\* Image of the organization*

- Trust (2: Costa, Pan)
- Reputation (2: Costa, Pan)
- Credibility (1: Dom)

*\* Expression capacity*

- Capacity to express the interests of a number of people (3: Arg, Peru, Suri)
- Expression of specific interests (1: Costa)
- Expression of different sectors (1: Pan)

*\* Transparency*

- Transparency (4: Col, Costa, Pan, Suri)

*\* Accountability*

- Accountability (4: Col, Costa, Pan, Suri)

*\* Relations with other organizations*

- Networking ability (2: Costa, Pan)
- Capacity of collaboration with other civic organizations (1: Peru)

*\* Resources*

- Technical, human, financial resources (2: Costa, Pan)
- Capacity to mobilize resources, know how, etc. (1: Pan)

*\* Obstacles*

- Political criteria (1: Mex)
- Friendship (1: Mex)
- Personal influence (1: Mex)

*\* Others*

- Stability (2: Costa, Pan)
- Capacity to manage projects (1: Costa)
- Quality of the projects (1: Costa)
- Efficiency and effectiveness of administrative and financial management (1: Pan)
- Field of operation (1: Costa)
- Internal organization (1: Costa)
- Organization's level (1: Pan)
- Capacity to make proposals (1: Pan)
- Specialization (1: Pan)
- Reliability (1: Pan)
- Conviction / vision of NGOs (1: Pan)
- Democratic organization (1: Suri)

**Characteristics of the criteria**

- Accessibility of criteria (2: Col, Peru)
- Clarity of the criteria (1: Col)
- Official and stable criteria (1: Dom)
- Inclusive criteria (1: Pan)
- Pluralist criteria (1: Pan)
- Transparent criteria (1: Pan)
- Efficient and opportune criteria (1: Pan)
- Criteria should depend on the kind of organization (1: Para)
- Evaluative criteria (1: Peru)

**Procedures of selection**

- Transparency of evaluation / selection procedures (4: Arg, Pan, Peru, Uru)
- Simplification of bids and calls for proposals (2: Col, Uru)
- Clear rules and procedures (2: Pan, Peru)
- Fair procedures (1: Pan)
- Equal access to the implementation of policies (1: Para)
- Accreditation system (1: Peru)
- Decrease of the bureaucracy of procedures (1: Peru)
- Democratic procedures (1: Suri)
- Open access to general discussion / Election by peers for participation in decision making (1: Uru)
- Joint definition of registration rules (1: Hon)

**Necessary factors for the functioning of the selection process**

*\* Access to information*

- Information channels: official channels, media, Internet, networks and umbrella organizations, direct communications (1: Uru)
- Timely and adequate information (1: Uru)

- Transparent information on the conditions of access to the participation processes (1: Uru)
  - Diffusion of criteria (1: Col)
  - Dissemination of information (1: Pan)
- \* *Conditions for an effective access to participation*
- Creation of the conditions for an effective access to participation (Financial support, timing of the meetings, etc.) (2: Pan, Uru)
  - Financial support to NGOs' participation (2: Arg, Suri)
- Others**
- Dissemination of good practices (2: Arg, Mex)
  - Clear and signed agreements (1: Peru)

### 3. *Remarks and comments on partners' proposals*

As mentioned above, the typology was established according to the chronological order of the selection process. The main difference with the survey on European countries is the number of proposals regarding the **preconditions** to the existence of a selection process, which led to the creation of a new category with respect to the other study. It refers to the basic elements necessary to establish selection criteria and processes in the first place, such as the existence of participation itself. The existence of this category may reflect the different histories of NGOs' participation in both continents, even if many of the proposals made by the Latin American partners correspond to problems identified in the precedent research carried out by Active Citizenship Network in the Europe (for example, the lack of mutual knowledge and trust between public institutions and NGOs).<sup>7</sup>

Other items, considered important by the European partners, such as the legal status and the scope of criteria, gave rise to very few proposals by the Latin American partners, who did not seem to consider them as important.

As regards the proposals themselves, we will examine the criteria, procedures, factors and conditions around which the most consensus was to be found, taken both as individual proposals and "families." The first list gives information on the elements considered by a large number of partners as necessary or, on the contrary, harmful in themselves. The second list highlights the "families" of criteria considered as most important.

#### *Single proposals*

Starting from the most consensus, the individual proposals supported by at least 4 partners are:

- Creation, increase or institutionalization of spaces for interlocution and participation (5 partners)
- Experience (4 partners)

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<sup>7</sup> Public institutions interacting with citizens' organizations: A survey on public policies regarding civic activism in Europe, Active Citizenship Network, March 2004.

- Achievements / past results (4 partners)
- Independence / autonomy (4 partners)
- Transparency (4 partners)
- Accountability (4 partners)
- Transparency of evaluation / selection procedures (4 partners)

The creation, increase and institutionalization of spaces of participation is the main concern of Latin American partners. As mentioned above, it may reflect the general weakness of participation processes, despite a number of good practices described in the previous chapters.

As regards the criteria themselves, experience is considered as one of the most important ones, together with achievements and past results, to which it is pretty much linked. This is quite similar to the criteria proposed by European partners and may indicate the preference of NGOs from both continents for qualitative criteria based on their concrete activities.

On the other hand, independence and autonomy have a much higher rank in Latin America than in Europe. This may reflect the fact that in the absence of selection criteria and procedures, the NGOs are often involved in the policy making on the basis of political sympathy and personal contacts. This analysis seems to be confirmed by the obstacles to participation mentioned by the Mexican partner: political criteria, friendship and personal influence.

Transparency and accountability were each mentioned by four partners, which means that they are considered as important as experience, past results and independence.

Finally, even if the transparency of evaluation and selection procedures ranks lower in Latin America than in Europe (where it was the proposal mentioned by the higher number of partners), it remains a relevant point for the Latin American partners.

### *Categories*

Starting from the highest consensus, the categories of proposals supported by at least 4 partners are:

- Development of participation (7 partners)
- Curriculum of the organization (6 partners)
- Expression capacity (5 partners)
- Mutual knowledge, respect and trust (4 partners)
- Conditions for an effective access to participation (4 partners)
- Independence / Autonomy (4 partners)
- Transparency (4 partners)
- Accountability (4 partners)
- Transparency of evaluation / selection procedures (4 partners)

There is no big difference between the classification of individual proposals and the classification of categories of criteria. As a matter of fact, independence and autonomy, transparency, accountability and the transparency of evaluation procedures were already present in the first list.

As regards the development of participation, it is worth noting that 3 partners have proposed reinforcing the role of international organizations, inasmuch as they encourage participation, dialogue between government and NGOs and exert pressure on national institutions so that they adopt criteria and transparent selection processes. They thus result as being very important actors of the involvement of NGOs in policy making in Latin America.

The curriculum of the organization is a very broad category which includes experience, past results, impact of the organizations' activities, expertise, proficiency of the organization and its staff, etc. It is mentioned by 3 organizations, while other 3 countries mention several of the elements which are covered by this concept. It bases the selection of NGOs on qualitative criteria, which can be quite easily measured (contrary to criteria relating, for instance, to the image of the organization such as trust, reputation, etc.). These criteria regard the organization, its activities and its staff.

"Expression capacity" has been preferred to "representativeness," which is used by the partners but is confusing for the reasons explained in the introduction of the European report. It refers to both the capacity of organizations to express specific interests, and also to the number of people who share these interests.

The existence of mutual knowledge, respect and trust between NGOs and institutions is one of the main conditions for the effective implementation of participation. In this regard, the proposal from Argentina to promote training of NGOs and civil servants to partnership and collaboration could be extremely useful.

Finally, 4 partners made proposals regarding the effective access to participation, which includes financial support and the timing of meetings but excludes the access to information, considered as a category in itself. Greater access to information and the publicity of the criteria, which were one of the main preoccupations of the European partners, are only supported by 3 organizations (even if Uruguay made several proposals in this regard), while financial support and time are considered as more important. It is quite surprising, especially since the difficulties of partners to access information have been one of the main limits of the research in Latin America. However, it may be linked to the absence of criteria and selection procedures in many cases, which makes their diffusion very secondary in partners' view.

## CHAPTER 5

### Main findings and conclusions

#### 1. *An overall view*

Latin American countries are in a transition phase towards a democracy based on citizens' participation. Even if civil society is dispersed and shapeless, partner organizations noted important spaces of citizen participation and some countries already have specific spaces for citizens' involvement in policy making. A vital part of this civil society, civic NGOs are currently in a process of transition from a critical and protesting role to a proactive role in development.

Most of the countries reported the existence of tension between the State and NGOs because of mistrust and disinformation. However, in some countries a role of NGOs as allies and partners for development and valid interlocutors in social policies is being recognized. In countries where this situation does not obtain, partners and experts mentioned that NGOs are seen as a menace to governments. Another important aspect mentioned by partners was the importance of international cooperation and multilateral agencies in support of the civil society organizations in their consultations with governments. The Inter-American Development Bank's Consultative Councils of Civil Society were mentioned as an important dialogue space, enabling civic NGOs to participate in country programs, sectoral policies and specific projects.

Latin American governments, which have the role of formulating, designing and funding public policies, have often ignored NGOs in the decision making process. Most of the civic NGOs in the region have focused their role on implementing policies, executing programs and projects. However, NGOs are also making efforts to organize themselves and present proposals to local, regional and national authorities.

In general, the legal framework governing policy making in Latin America is fragmented, and there is no explicit State Agency in charge of NGOs affairs. This means that each Agency or Ministry has its own framework and interprets this issue in its own way. There are several regulations regarding citizen participation in general, but they are not specifically addressed to policy making issues.

Both governments and NGOs report the lack of written, centralized general and specific criteria. NGOs reported that the current criteria have generated difficulties for participation and inequality; even if governments are trying to be transparent and, in some countries, more open, there is still a long road ahead. Most NGOs had difficulties finding the requested information on websites. Even if information exists it has been difficult to find.

Some partners highlighted the proliferation of organizations, civil society's lack of organization and inability in achieving systematic and coherent positions on public policies. Others argued that the way to strengthen democracy is by the establishment of a clear legal framework.

### *Main findings*

To identify in a more systematic way the main findings that, thanks to the research, can increase awareness of the criteria for the selection of representative civic NGOs as partners of public institutions in policy making, the following elements can be pointed out:

- Governments – NGOs relationships as a basic element of democratic governance in an early stage of development . For this reason, neither traditions nor common habits could be found, both in general and with regard to criteria of representativeness of civic NGOs.
- Nevertheless, policies aimed at developing such relations have definitely been initiated and some very innovative experiences have come out of them. Though relevant problems do exist in this way, this looks like a process that cannot be stopped. Partner organizations' remarks and proposals have focused on the improvement of this process as a precondition for the development of effective criteria. According to the partners' views, both the implementation of forms of support and a relevant role of international organizations must be part of this policy.
- This process has continued thanks in great part to international organizations whose advocacy, facilitation and monitoring roles in recognizing citizens' organizations as actors in democratic policy making has been of crucial importance.
- About the selection criteria, the research uncovered a widespread situation in which they are lacking . In these cases, arbitrariness and political friendship were reported as existing phenomena.
- In the case of existing criteria, negative situations, due to the prevalence of informality, multiplicity and the misinterpretation of criteria, were reported. From this point of view, the Latin America situation seems very similar to that of Europe.
- Some cases of divergence of perceptions and opinions between governments and civic NGOs were reported: government representatives, for example, stated that criteria exist and that they work, while representatives of civil society argued on the contrary, that they do not exist or are badly-managed.
- Partners' evaluations and proposals confirm the need – common to their European counterparts – for written, public, transparent criteria, able to guarantee equal treatment and the enhancement of the value of citizens' organizations.

- The most relevant proposals coming from partners' documents are those regarding the qualitative criteria, based on experience and expertise, effectiveness and ability to express peoples' needs and the rights of citizens' organizations. Autonomy and independence are also considered to be important. Transparency and accountability received a relevant number of mentions, especially in relation to the need to integrate qualitative criteria with objective ones, in order to avoid arbitrariness in the selection of citizens' organizations.
- In comparison with European survey results, a fewer Latin American proposals addressed the process of selection in itself or the legal status and scope of the criteria. The attention of Latin America partners' seems at the moment to be focused more on the definition of the content of criteria.

## *2. Recommendations and proposals*

On the basis of the survey findings, some proposals and recommendations can be set forth, as policy conclusions of the research.

- Equal, fair and effective criteria for the selection of representative citizens' organizations can be developed only within the framework of a general public policy aimed at promoting active citizenship and supporting citizens' organizations in Latin America. This framework should enable governments to recognize civic NGOs as necessary partners in governance and support their growth and enhancement. The research has shown the urgent need for such a policy, which is a main responsibility of governments, but also a job for citizens.
- A relevant part of this policy is the definition of appropriate selection criteria for representative civic NGOs and rules and procedures for their implementation. These criteria, rules and procedures should be developed with the participation of citizens' organizations, to give value to their experience and competence on this issue.
- Notwithstanding the lack of a solid tradition in this field, Latin American governments and civic organizations have the opportunity to develop their relationships and partnerships, to support the efforts for reforming criteria of representativeness being made in other regions. From this point of view, the establishment of a permanent dialogue and an exchange of good and bad practices between governments and citizens' organizations of Latin America and Europe could be an important occasion for mutual learning.
- The survey has shown a lack of complete and reliable information on the situation of government – citizens' organizations' relations in Latin America, and especially on the topic of criteria of representativeness of civic NGOs. A commitment on the part of



institutions, the academic community and citizens' organizations to fill this gap appears of the utmost importance.

- As supporters of the process of inclusion of citizens' organizations in policy making at the national and regional levels, a growing commitment of international organizations and institutions is expected thus confirming and increasing the leading role they have had in promoting government – NGO dialogue in Latin America.

**Annex No. 1. Partner NGOs**

<b>Country</b>	<b>Partner Organization</b>
Argentina	Asociación Civil Estudios y Proyectos
Brazil	Associação Brasileira para Desenvolvimento de Lideranças
Chile	ACCION Chile
Colombia	Asociación de Fundaciones Petroleras
Costa Rica	Fundación Arias para la Paz
Ecuador	Fundación Esquel
El Salvador	Fundación Salvadoreña para la Promoción Social y el Desarrollo Económico (FUNSALPRODESE)
Guatemala	Acción Ciudadana Sociedad Civil
Honduras	Federación de Organizaciones para el Desarrollo de Honduras FOPRIDEH
Mexico	Consejo de ONG de la República Mexicana
Nicaragua	Federación de ONG de Nicaragua
Panama	Centro Regional RAMSAR para la Capacitación e Investigación sobre Humedales en el Hemisferio Occidental
Paraguay	Asociación de ONG del Paraguay, POJOAJU
Peru	RED Perú
Dominican Republic	Centro Gobernabilidad y Gerencia Social INTEC
Suriname	Bureau Forum NGO's
Uruguay	Instituto de Comunicación y Desarrollo (ICD)
Venezuela	SINERGIA

**Annex No. 2. Visited websites**

Web sites found with general or specific criteria for selecting NGO's in the formation of public policies were the following.

<b>Countries</b>	<b>Websites</b>
Argentina	NGO's National Compulsory Register <a href="http://www.cenoc.gov.ar">www.cenoc.gov.ar</a> Remediar Program <a href="http://www.remediar.gov.ar">www.remediar.gov.ar</a> Ministry of Economy (consumer's assistance) <a href="http://www.mecon.gov.ar/secdef">www.mecon.gov.ar/secdef</a> Ministry of Interior <a href="http://www.mininterior.gov.ar/inadi">www.mininterior.gov.ar/inadi</a>
Brazil	Ministry of Education <a href="http://www.mec.gov.br">www.mec.gov.br</a> Ministry of Environment <a href="http://www.mma.gov.br">www.mma.gov.br</a> Ministry of Justice/Consumer Protection Department <a href="http://www.mj.gov.br/snj">www.mj.gov.br/snj</a>
Chile	No mention of criteria
Colombia	Presidential Programme <i>Colombia Joven</i> <a href="http://www.presidencia.gov.co">www.presidencia.gov.co</a> Plan Colombia <a href="http://www.presidencia.gov.co">www.presidencia.gov.co</a>

	<i>Fondo para Accion Ambiental</i> <a href="http://www.accionambiental.org">www.accionambiental.org</a>
Costa Rica	Ministry of Foreign Affairs and Cult <a href="http://www.rree.go.cr/cooperacion/index.php?stp=01&amp;langtype=&amp;SID=">www.rree.go.cr/cooperacion/index.php?stp=01&amp;langtype=&amp;SID=)</a> Ministry of Economy, Industry and Trade <a href="http://www.meic.go.cr/esp/consumidor/organizacion.html">www.meic.go.cr/esp/consumidor/organizacion.html</a> Ministry of Agriculture and Cattle <a href="http://www.infoagro.go.cr/financiamiento/Catalogo_fuentes.htm">www.infoagro.go.cr/financiamiento/Catalogo_fuentes.htm</a> Ministry of Health <a href="http://www.ministeriodesalud.go.cr/planNaci.htm">www.ministeriodesalud.go.cr/planNaci.htm</a> for policy evaluation
Dominican Republic	Education State Secretary <a href="http://www.see.gov.do">www.see.gov.do</a> State Secretary of Environment <a href="http://www.medioambiente.gov.do">www.medioambiente.gov.do</a> Public Health and State Secretary of Social Assistance <a href="http://www.saludpublica.gov.do">www.saludpublica.gov.do</a> Social Cabinet <a href="http://www.onaplan.gov.do">www.onaplan.gov.do</a>
Ecuador	Ministero de Defensa ( <a href="http://www.fuerzasarmadasecuador.org">www.fuerzasarmadasecuador.org</a> ) Ministerio de Energía y Minas ( <a href="http://www.mineriaecuador.com">www.mineriaecuador.com</a> ) Ministerio de Trabajo y Recursos Humanos ( <a href="http://www.mintrab.gov.ec">www.mintrab.gov.ec</a> ), Ministerio de Educación y Cultura ( <a href="http://www.mec.gov.ec">www.mec.gov.ec</a> ) Ministerio de Relaciones Exteriores ( <a href="http://www.mmrree.gov.ec">www.mmrree.gov.ec</a> ) Ministerio de Agricultura y Ganadería ( <a href="http://www.mag.gov.ec">www.mag.gov.ec</a> ) Ministerio de Ambiente ( <a href="http://www.minambiente.gov">www.minambiente.gov</a> ) <sup>8</sup>
El Salvador	Salvadorian Institute for the Integral Development for Childhood and Adolescence –register- <a href="http://www.isna.gob.sv/servicios%20rys.htm">www.isna.gob.sv/servicios%20rys.htm</a> Institute for Women Development <a href="http://www.isdemu.gob.sv/Principal/OpcionesMenu/PNM/PNM.htm#MARCO">www.isdemu.gob.sv/Principal/OpcionesMenu/PNM/PNM.htm#MARCO</a> Social Investment for Local Development Fund <a href="http://www.fisdل.gob.sv/">www.fisdل.gob.sv/</a> Environment Ministry <a href="http://www.marn.gob.sv/ong's.htm">www.marn.gob.sv/ong's.htm</a>
Guatemala	No mention of criteria
Honduras	Honduran Social Investment Fund <a href="http://www.fhis.hn">www.fhis.hn</a>
Mexico	Presidency of the Republic <a href="http://www.gob.mx">www.gob.mx</a>
Nicaragua	Pending
Panama	No mention of criteria
Paraguay	No mention of criteria
Peru	Ministry of Education <a href="http://www.minedu.gob.pe/gestioninstitucional/of_coopera_internacional/cooperacion_convenios/convenios_bilaterales.htm">www.minedu.gob.pe/gestioninstitucional/of_coopera_internacional/cooperacion_convenios/convenios_bilaterales.htm</a> Ministry of Foreign Affairs <a href="http://www.rree.gob.pe">www.rree.gob.pe</a>
Suriname	No mention of criteria
Uruguay	Ministry of Economy <a href="http://www.mef.gub.uy/programas/adeco.php">www.mef.gub.uy/programas/adeco.php</a> for consumer's protection.
Venezuela	Planning and Development Ministry <a href="http://www.mpd.gov.ve">www.mpd.gov.ve</a>

<sup>8</sup> This website exists but it was impossible to access it.