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Democratizing the State



Social Accountability and Social Control
Regimes in Mexico and Brazil

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Foreword: Participatory institutions and democratic governance

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This study provides a robust conceptual framework for analyzing how state institutions can share power with citizens and civil society in between elections. Since the 1990s, several Latin American states have developed an array of laws and institutions that embed public engagement and oversight into governance processes and public administration. These participatory institutions take different forms in different countries. Their roles, scope, capacities and inclusiveness vary widely - both across different national government agencies and at state and local levels. Their degrees of vigor and relevance ebb and flow over time. In the context of this diversity, this book's conceptual framework shows the value of recognizing social accountability and oversight institutions as *ensembles* of institutions. This way of seeing a whole generation of reforms can both reveal what the authors call certain 'family resemblances' and enable comparative analysis of their strengths and limitations. Though these nationally-embedded official participatory institutions may be quite disparate, the larger cross-cutting question for understanding democratic governance is - what do they add up to?

The recognition here of *regimes* of participatory institutions allows this study to address their origins in broader national processes of political democratization and their subsequent articulation with the governing systems of both public administration and political parties. In both Brazil and Mexico, the history and evolution of institutions for citizen engagement and public oversight are directly embedded in their broader national democratization processes. This study enriches the study of democratization by complementing the conventional emphasis of political analysis on national political regime change with attention to adjacent processes of democratization of the *state* (unpacked in terms of distinct agencies and multiple levels).

This book's approach also offers a very useful alternative to the way that much of the international policy research evaluation literature addresses institutions for engaging citizens and civil society. English-language international policy debates about "what works" often take a primarily projectized, micro-level approach to assessing the impact of citizen voice on the delivery of public services. These debates tend to focus more on interventions than on institutions. While interventions are often externally-driven, institutions develop more organically - as in the experiences analyzed here. Moreover, exclusively projectized or micro level studies tend to be rather disembodied, leaving out the roles of the rest of the

state and society. Not coincidentally, weak, apolitical interventions are more amenable to mainstream international funders and are more straightforward for them to evaluate. Yet such superficial actions are also less likely to bolster the state's responsiveness to voice. These projectized lenses end up actively depoliticizing analysis of state-society interfaces. In contrast, in those countries whose political histories have produced ensembles of multi-level participatory institutions – as in Brazil and Mexico - a 'regime lens' can guide how to bring politics into the analysis. This approach is in turn crucial for identifying the strengths, limitations and future prospects of participatory institutions.

This study recognizes that social control – a Latin American concept that refers to participatory oversight - is an umbrella concept that includes many different kinds of institutions, ranging from official power-sharing bodies that include social and civic organizations in co-creating and/or implementing public programs to consultative spaces that allow for input via policy proposals, third party monitoring or auditing of public sector performance, as well as institutional mechanisms for receiving and addressing citizen complaints. This mix of institutional channels for voice can look fragmented, yet the framework here identifies what the authors call 'family resemblances,' which are very relevant for informing comparative analysis. Put another way, this study's regime lens also allows analysts to see both the forest and the trees (in contrast to studies that address *either* the trees or the forest).

In the spirit of this study's systemic approach to analyzing public institutions, one of its most important innovations is its focus on different kinds of linkages between different arenas for state-society interfaces. Participatory oversight institutions have broad coverage and presence at multiple levels in both Mexico and Brazil. Yet their approaches to '*scaling* voice' differ in two crucial ways. The first involves whether and how citizen and civil society voices are articulated across levels. Brazilian participatory institutions at local, state and national levels tend to be linked across levels, often with higher level bodies that are informed by and represent broader constituencies of participants at local levels. In Mexico, in contrast, local participatory oversight bodies and national consultative councils are not connected with each other (in contrast to how they may appear on org charts). Plus, Mexico's participatory institutions often have a 'missing middle' at intermediate levels (in spite of the country's federal system, designed to represent and articulate multiple levels of representation).

A second key difference in '*scaling* voice' involves *whose* voice is included (or at least invited) – especially at national levels. Many Brazilian participatory institutions are structured to represent organized social and civic constituencies, a direct reflection of the central role that civil society played in the institutional design of the state's founding 1988 democratic constitution. In Mexico, in contrast,

a multiplicity of national consultative councils are composed of ‘notables’ - officially-certified individuals rather than representatives of organized social or civic constituencies. This trend may reflect both a certain reification of expertise and prestige of individuals, as well as an implicit rejection of Mexico’s history of group representation via authoritarian corporatism. At local and regional levels, citizen participation in official channels for engagement is also more individualized. Mexican institutional spaces that once existed for social organizations to have seats at the table – either to co-manage or oversee public programs – have either eroded or been dismantled over time. This trend has been accelerated by the government’s labeling of autonomous social and civil society organizations as inherently self-interested, unrepresentative ‘intermediaries’ rather than legitimate representatives of constituencies. To sum up the authors’ key distinction, Brazil’s regime of participatory oversight institutions prioritizes representation of organized civil society, whereas Mexico’s emphasizes individual citizens. These differences affect whether participatory institutions can fulfill their potential to exercise any countervailing power.

This book provides conceptual foundations for analysts to address the next generation of challenges facing the democratization of the state. By unpacking the key elements of social control and social accountability regimes, analysts can identify both bottlenecks and opportunities for defending and deepening democracy more broadly. That involves identifying opportunities for synergy between participatory oversight, social accountability and other ‘adjacent’ democratic institutions.

– **Defending democracy from rollback.** Thanks to years of struggle to defend free and fair elections, both Mexico and Brazil have robust, widely-recognized institutions for public participation in the administration and oversight of elections, independent of the party in power. These systems for administering electoral processes are emblematic cases of the institutionalization of citizen participation in the state. Yet recent history suggests that even where such institutions appear to be well-established and broadly legitimate, their future stability, integrity and non-partisan independence are not guaranteed. Moreover, other autonomous public oversight institutions that promote citizen access to the state have also turned out to be vulnerable to rollback, notably agencies dedicated to responding to citizen requests for access to public information (as in Mexico).

– **Citizen voice and government responsiveness.** One of the central questions involving institutional channels for citizen voice is how to identify patterns and determinants of government responsiveness. When and how do government responses go beyond occasional, one-off problem-solving to influence policy design,

priorities and performance? What are the ‘adjacent’ policy reforms that can enable more government responsiveness to voice – and can overcome often-invisible bottlenecks that limit state capacity to deliver?

– **How can citizen oversight have teeth?** Citizen-led auditing of public sector performance, often under the rubric of social accountability, is often very earnest but is also inherently limited. First, citizen watchdogs often lack of public access to the full picture of institutional performance (and ‘leakage’) – especially at local levels. Second, once citizen watchdogs manage to identify problems with public sector performance, the *rest* of the public accountability ecosystem rarely shows willingness or capacity to respond with tangible actions to prevent or sanction corruption, abuse or ineffectiveness. Meanwhile, conventional national government systems for auditing the public sector – ‘supreme audit institutions’ – also tend to lack enforcement power and their findings only occasionally trigger others to act. Within national government auditing systems, technically skilled civil society advocacy and changes in international professional norms among auditors have created new space to encourage audit institutions to engage more with citizens – both to contribute to agency agenda-setting and to serve as their eyes and ears. Yet in spite of enlightening official discourse, in practice the promise of this agenda for state-society synergy remains largely unfulfilled.

– **Citizen voice and the state’s duty to protect from reprisals.** The capacity of social and civic actors to contribute to improving governance depends on their vulnerability to reprisals. This underscores states’ duty to protect their own citizens. One of the most potentially impactful kinds of citizen action comes from public servants because they have inside knowledge of abuses of power – yet whistleblower protection laws and institutions are incipient. Nevertheless, for many years, several Latin American governments have operated official ‘protection mechanisms’ – national agencies dedicated to mitigating risk and preventing violence against journalists, community leaders and rights defenders (as well as public officials whose mission puts them at risk). Brazil and Mexico stand out here, though Colombia has the largest and most comprehensive system in Latin America. Yet the region’s unabated wave of violent reprisals against individuals and organizations who question abuses of power shows that democratic regimes are not managing to fulfill their duty to protect. Human rights defenders call for governments to adopt less top-down approaches to protection, including collective approaches that are especially appropriate for community defenders of territories invaded by armed actors and commercial interests. After all, these community-based organizations are under attack because they are engaged in social oversight to defend their territories. So far, this public security agenda of ‘defending defenders’ is far from constituting a regime but it is necessary for citizens to survive speaking truth to

power – and therefore could be seen as ‘adjacent’ and complementary to the participatory oversight regimes whose institutional design assumes some degree of the rule of law.

– **Take into account competing regimes of social control.** Though the Latin American term ‘social control’ has long been associated with its democratic sense of citizen oversight, it is increasingly taking on a contradictory meaning in everyday and media usage. In several countries, wide swaths of regions, towns, and neighborhoods are under the de facto control of criminal organizations. Public authorities face the choice of ‘silver or lead.’ In such ‘dual power’ situations, criminal organizations exercise intensive regulation and oversight of daily life. This is the dark side of social control. In some areas, citizens respond to such failure of the democratic state capacity with their own protection mechanisms, independently of the state. In these contexts, community police that are publicly accountable to local assemblies or elected leaders may represent a form of democratic armed social control - not to be confused with vigilantes or *autodefensas*, who are not accountable to democratic local authorities.

To return to this foreword’s point of departure, this book guides us to ask when and how institutional regimes for social control and social accountability contribute to democratizing the state. When can official ‘invited spaces’ become ‘claimed spaces,’ with broader capacity for both including excluded voices and bolstering the state’s responsiveness? How to minimize a result that combines enlightened official discourse, endless meetings and broken promises? The experiences documented here suggest that multiple scenarios can be expected, varying across agencies, territories and changing over time. The conceptual framework focused on regimes tells us that the outcomes depend on what else is going on in the political system. This underscores the challenge for theory and practice: how can regimes of participatory institutions complement political representation to strengthen democratic governance?