

# **Participation of National Civil Society Organizations in the Policy Process: A Case Study of CONPES as a Venue in Nicaragua.**

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## **Abstract**

The concept of participation has become a significant component within development theory. It is also through participation that new roles for Civil Society Organizations (CSOs) are being created, shifting from traditional service-delivery functions to influencing policy formulation and decision making process on behalf of a variety of constituencies. It is under this shift to influence policy formulation and decision making that the objective of the present study is to assess the role of the National Council for Economic and Social Planning (CONPES) as a venue for Nicaraguan CSOs to participate in the policy process. Created in 1999 by presidential degree, CONPES is comprised of members from a wide variety of CSOs, business organizations, national labor unions, national trade and professional organizations, and networks of national NGOs. It was envisaged as a consultative body to advise the President of the Republic (PR) on the formulation, monitoring and evaluation of social and economic policies, programs and plans. In order to achieve its objective, the study begins with an analysis of the concept of participation, civil society and Civil Society Organizations (CSOs) and the policy process. Based on the stages of the policy process, an analysis is made of the advantages and challenges for CSOs to influence the policy process within the context of CONPES.

## **I. Introduction**

The concept of participation has been part of the development theory for many decades, and during this period it has obtained a wide range of meanings as well as approaches to be implemented. Thus, peoples' participation has become a significant component within the development theory. According to the World Bank (1996), through participation in development initiatives, people can influence and

share control of these initiatives, as well as the decisions and resources that affect them. It is also through participation that new roles for CSOs are being created, shifting from traditional service-delivery functions to influencing policy formulation and the decision making process on behalf of a variety of constituencies (Brock, K., et al.(2001), McGee, and Brock (2001).

It is under this shift to influence policy formulation and decision making that the present study will attempt to explore the role of CSOs in the context of Nicaragua. The objective of the study is to analyze to what extent CONPES' serves as a venue for Nicaraguan CSOs to participate in the policy process. The study begins with an analysis of concepts that are closely related with the task at hand. Thus, the study deals with the concept of participation which has evolved from a condition in which the control of "community development initiatives" was mostly exercised by outsiders, to one in which participation is a process where stakeholders share control over priority setting, policy making, resource allocation and access to public goods and services. This analysis provides a conceptual base to define the term civil society and the importance of identifying and classifying CSOs. It also includes an analysis of the policy cycle in order to understand how CSOs can potentially influence policy in each of the different stages of this cycle.

To put these concepts in perspective, the social, economic, and political conditions that prompted the creation of CONPES in Nicaragua are identified. Then the mandates of CONPES are discussed; and subsequently to better understand the role of CONPES as a venue for CSOs to influence policy, an analysis of the overall Nicaraguan policy formulation process is carried out. This approach permits one to have a better understanding of CONPES' organizational structure and the internal process of its recommendation. The following section is focused on discussing civil society participation within CONPES. Next, the role of Nicaraguan CSOs in influencing policy formulation in line with the conceptual base and the project cycle is examined, and the participation of CSOs in the process of policy formulation, utilizing CONPES as a venue, is assessed.

In order to achieve the above goals a series of interviews with key informants from international agencies, national and local non-governmental organizations (NGOs), government officials, development agencies and donors<sup>2</sup> were carried out in Nicaragua. A National workshop and meetings that dealt directly with the issue of CSOs participation were also attended as observer to get inside information<sup>3</sup>. Furthermore, published and unpublished sources from the respective CSOs and CONPES were used in the analysis.

## **II. The Implications of Participation in Development Activities.**

The concept of participation has been influenced by the different philosophical and sociopolitical winds that have shaped development theory. In the 1960s, under the conception of Community Development Initiatives<sup>4</sup>, participation was considered as a means to involve local people in the efforts to improve their communities (Clayton, A., et al, 1998). Although community development initiatives did promote community involvement, the control of the initiatives was mostly exercised by outsiders (government, development agencies, etc). More recently, Cornwall (2000) makes an analysis of the concept of participation and the different changes that it underwent. Thus, during the 1970's, participation was mostly linked to the basic needs approach to development, which in theory meant to move away from top down approaches with technocratic and strong economic intervention, and towards the direction of popular involvement, human resources and basic needs as being essential for development

efforts. In the 1980s, it became linked with concepts of self-reliance and self-help. Although poor communities were considered active actors in the implementation of development activities, the main objective for community participation in development initiatives was cost sharing and efficiency<sup>5</sup>. By the 1990s, participation had gained a wider meaning and concepts like ownership and empowerment played an important role. The concept moved beyond the context of project and community to include higher and broader levels in social, economic and political life. Thus, the role of civil society was seen as an essential part of the development process.

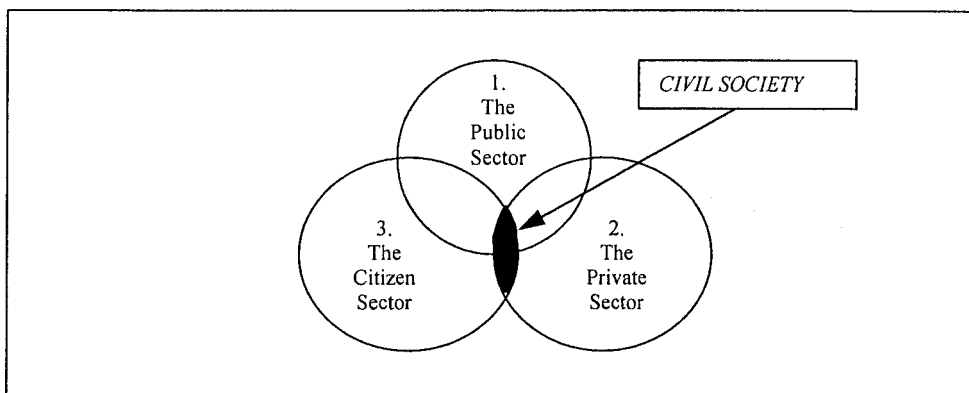
Participation in this study refers to “a process by which stakeholders influence and share control over priority setting, policy making, resource allocation and access to public goods and services” (Tikare, S., et al. 2001). According to this perspective, one of the main advantages of participatory processes is that it “allows countries to begin exchanging information with other stakeholders and thereby increase the transparency of the decision making. This in turn will improve government accountability to the people and, as a result, increase the overall governance and economic efficiency of development activities” (Ibid). From this perspective, the case of the Ugandan Debt Network (UDN), which is an advocacy and lobbying organization, represents an example of a CSO aiming to strengthen the capacity of civil society to engage government and to influence policy planning in Uganda. The strategies to achieve UDN’s goal ranged from planning, mobilizing civil society and forming a task force in order to guide the campaign, to lobbying government parliament and donors on debt issues. In the end, CSOs including UDN, were able to draft and pass a bill that allows parliament to regulate government’s borrowing. Thus, by strategically positioning in the government policy making processes, they have been able to mobilize and advocate their ideas, and influence government policies (Anena C.).

### III. Civil Society.

The term civil society was officially coined in 1993 in the declaration of the Earth Summit “Agenda 21”. According to Holloway (2001), civil society can be defined as “*The sphere of institutions, organizations and individuals located between the family, the state and the market, in which people associate voluntarily to advance common interests*”. Thus, civil society can be considered to comprise a country’s three main sectors: the public sector (government or the state), the private sector (business enterprise) and the citizen sector (the non-government and non-profit sector). (**Figure 1**) From this perspective, the shaded area in figure 1 represents a space where the state, business, and citizens join together to create a normative area of democracy, social responsibility and protection of the public good. Essential for civil society is the existence of an enabling environment in which different views are allowed and considered. In order to make this concept an effective one, a series of institutions are necessary which will offer civil society a space for citizens to participate and their voices to be taken into consideration (i.e. the parliament, the executive, citizen’s organizations, local government, universities, the media, etc.)

Depending on the source consulted<sup>6</sup>, CSOs could be divided into two or more categories. However, for the purpose of this study, Holloway’s classification will be examined. He divides CSOs into three main groups:

*Mutual Benefits Organization*: This consists of individuals who join together to form an organization in which they are members, and they have a governance function to elect office bearers from which, as members, they derive benefits. They can be small organizations or large and have community or national range. (i.e. cooperatives, trade unions, professional associations or village self-help groups)



**Figure 1:** Interrelations between Country's Sectors.

Source: Holloway R. (2001) Using the Civil society Index: Assessing the Health of Civil society

Notes:

Sector #1, contains the government executive, legislature, civil service, military, and judiciary.

Sector #2, seeks to create wealth for individuals and organizations through the production of goods and services.

Sector #3, is composed of organizations that citizens have created with neither the purpose of ruling over other people, nor of making a profit for individuals.

*Public-Benefit Organizations:* The goal of this group is to benefit citizens who have been identified as needing help. The members or those who manage the organization are not the target (beneficiaries) of the organization. Consequently, the beneficiaries do not set the mandate of the organization. Most of the time board members are accountable to the organization's management structure and the organizations' rules, and not to those who benefit from their services. (i.e. foundations, NGOs, charitable organizations)

*Pretender:* These are organizations which neither represent membership organizations, nor organizations of committed individuals who wish to benefit others, but represent individuals who are trying to earn money or power for themselves, their political party or their business.

However, it is important to keep in mind that CSOs involve a vast area of people's activities; as such, this is not meant to be the only and exclusive classification, variations of the above classification are possible as well.

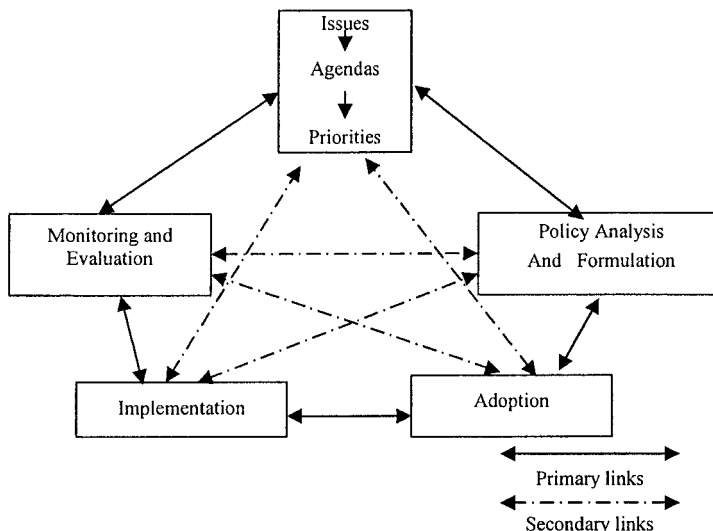
#### **IV. Characteristics of the Policy Process.**

Cornwall and Gaventa (2001), using the perspective of citizenship<sup>7</sup>, state that participatory processes can provide venues by which spaces in policy formulation can be opened to include alternative interpretations of peoples needs, and consequently alternative solutions. Also, by having a more direct engagement with those who formulate and implement policy, it is argued that people (i.e. CSOs) can have access to new policy spaces opened up by participatory processes. For example, people's involvement

in monitoring and evaluation of policy implementation or other mechanisms to improve accountability, will in itself provide the means for people to be part of the making and shaping of policy.

However, they also advise on the use of participatory processes that are geared to simply ask people's opinion. Consequently, they have the potential to produce support for dominant discourses, as opposed to alternative and informed points of views on policy issues. For example, during the formulation of the Bolivian Poverty Reduction Strategy Paper (PRSPs)<sup>8</sup>, CSOs' mistrust of the government-led National Dialogue (ND)<sup>9</sup>, prompted the need for them to carry out their own consultation process called the National Forum (NF) in 2000. It was an initiative led by the Catholic Church and co-sponsored by more than 20 CSOs and the largest labour union, private entrepreneurs' union, groups of women, environmental and human rights organizations. The CSOs consultation process was parallel to the Government's ND, and its inputs were fed into the official process, thus incorporating the views of the most vulnerable groups. According to McGee, et al. (2002), mechanisms and initiatives for monitoring social spending were strengthened, challenging corruption and accountability. Finally, a new legal institution was established, called the "Dialogue Law", which regulates the way debt relief funds are distributed among municipalities, as well as how these funds should be used for social investment. Bearing in mind these issues, it is important to discuss the main characteristics of the policy process. From a traditional perspective, the policy process considers policy-making as a problem-solving practice which is rational, balanced, objective and analytical, it is known as the Linear Model (Sutton, 1999). However, there is a body of research that considers the policy process to be more multi-directional (Blaike and Soussan 2002). Along with this perspective, Brinkerhoff and Goldsmith (2001) state that the policy process usually consists of a series of stages, and can be viewed as cyclical. (**Figure 2**)

Since the policy process is repetitive, (the cycle repeats itself), and multi-directional (as opposed to the linear model), the policies that are created evolve and change in an incremental way overtime, rather than making radical changes with no modifications from their original conception. Each stage has direct



**Figure 2:** The Policy Process Cycle

Source: Brinkerhoff, and Goldsmith (2001)

link to its immediate stages (primary links), and are mutually influencing each other. It also has connections with the Issues Identification-Agenda and Priority stage which starts the cycle of a certain policy (secondary links). In time, these connections will add additional input and momentum to further develop the policy. Political considerations play a predominant role prior and up to the decision to proceed (first stage). From the policy analysis and formulation stage onwards, the technical aspects of the policy become visible and more significant as the process advances. However, they continue to be interrelated and influenced by politics. Consequently, either for the public officials (with policy responsibilities), or for external groups (i.e. CSOs) looking to influence the policy process, each stage represents a series of opportunities and challenges for participation.

## V. Participation Levels within the Policy Process

This section will discuss the levels of participation for CSOs that aim to influence the policy process (within the context of the policy cycle described above). These five levels can range from a passive role to a more proactive role of those involved in the process.

1. **Information Sharing:** which means a one-way flow of information. There are two directions, from *government to the people* by distributing written material through official documents, newspapers, press conferences, media, establishment of websites. From the *people to government*, by responding to questionnaires and surveys, making use of toll-free telephone, or websites, or providing various kinds of data in polls.
2. **Consultation:** this means a two-way information flow and exchange of views. For example, beneficiary assessments, participatory poverty assessments, town hall meetings, focus groups, parliamentary hearings, etc.
3. **Collaboration:** this includes joint activities where the initiator invites other groups to be involved but retains decision-making authority and control. Examples include public reviews of draft legislation, government-led working groups, and government-convened planning sessions.
4. **Shared Decision-Making:** it means collaboration among the participants, where there is shared control over decisions made. Examples are: joint committees, advisory councils, public-private partnership and taskforces.
5. **Empowerment:** here the control over decision-making, resources, and activities is transferred from the initiator to another beneficiary group. Examples are local natural resource management committees, community empowerment zones, water user associations.

By combining these participation levels with each stage of the policy cycle, it is possible to identify the spaces where CSOs have the potential to be involved and influence policy. This classification provides an important tool in identifying where CSOs (within the context of CONPES) may have an influence during the policy making cycle. Box 1 provides an overall view of the spaces where CSOs' participation can take place in each stage of the policy cycle, and within each stage there is also reference to the participation levels previously mentioned.

In order to place these issues in practical terms, the following sections will carry out an analysis of CSOs in the Nicaraguan context. However, to assess all the institutions of the enabling environment mentioned before will go beyond the scope of this study. Therefore, the main focus of this study is to analyze the influence (or lack of it) of CSOs in policy making, by utilizing CONPES as a venue. It is important to point out that CONPES is one of the venues employed by Nicaraguan CSOs to participate

in national issues. For example, there are other councils which deal with specific sectors such as: education, sustainable development, energy, health, etc. What differentiates CONPES from the other venues is that it represents a formal and institutionalized space for CSOs to recommend directly to the President of the Republic (PR) on a variety of issues (as opposed to only education, health, or energy), thus analyzing and recommending on policy issues from a wider perspective. It is also a permanent and structured venue, whose members represent a wide variety of CSOs at the national level. Aiming to achieve this objective, the following section will first deal with the conditions that prompted the formal estab-

### BOX 1

#### *Participation of CSOs within the Policy Cycle*

***During Policy analysis and Formulation:*** If it is assumed that better policy design can result from combining technical and sectoral expertise with commonsense and the every day experience of ordinary people, then the most basic level of participation in this stage is where groups that are potentially affected by the policy provide information to technical specialists on their needs, desires, preferences or prior experiences.

Participation Levels: Consultation: it involves a two-way dialogue on needs, desires, preferences, or experiences. Collaboration: it implies involvement in conducting analysis and diagnosis, deciding on what information is more important, as well as the sources of information, participating in drawing conclusions, preparing actions plans, etc. Empowerment: where CSOs take a leadership role, by implementing independent analysis themselves, and proposing policy alternatives.

***Policy Adoption:*** The options for CSOs to participate in policy adoption are reduced, due to the fact that formal policy adoption includes a legal or administrative requirement in the form of a referendum, parliamentary vote, agency official directive, etc. As a result, participation at this stage is mostly information sharing. However, during this process there is a need to generate levels of legitimacy for the policy and the need to build supportive constituencies (gain the support of those that will be affected by the policy and encourage those that will benefit from the policy).

Participation Levels: Consultation, collaboration and share decision-making are fundamental to create legitimacy, by making the policy content understandable to the ordinary people and establishing supportive policy constituencies. This has the potential to empower CSOs to take ownership of policies, making policy adoption more feasible and increasing the chances for policy change.

***Implementation:*** It will depend on the type of policy that is being implemented.

Participation Levels: In sectoral policies, opportunities for collaboration, share decision-making and empowerment are possible by forming partnerships in service delivery where CSOs may take the lead through delegations of authority, contracting-out, or community co-management.

***Monitoring and Evaluation:*** The possibilities for CSOs' participation in monitoring and evaluation are similar to policy analysis and formulation.

Participation Levels: CSOs can share information with those in charge of policy monitoring and evaluation, or be consulted about their opinions, interpretations and analysis. However, they can also collaborate in joint monitoring and evaluation or they can conduct their own independent monitoring and evaluation. One of the advantages in civil society carrying out their own independent assessments is the potential that they have to serve as countervailing views on the policy being considered. Thus, allowing a range of alternative perspectives for the policy at stake, as well as serving as inputs to a larger audience of political dialogue and debate in the country.

lishment of this representative body.

## **VI. Creation of CONPES and CSOs' Participation in the Policy Process.**

### **VI.1 CSOs' Participation in the Policy Process**

With the end of the long period of dictatorships and military conflict<sup>10</sup>, since the 1990s, Nicaragua has been going through a slow process of transformation. Thus, in the early 90s, the government's main efforts were geared to the restoration of peace, the establishment of a representative democracy with transparent and fair elections, and the transition from a command economy to one based on the private sector and open markets. Nicaragua has made progress in the transition to political stability and has also achieved modest economic growth. During the late 1990's, a combination of agricultural policy, high commodity prices and land availability provided a more stable economy, resulting in relative growth for the Nicaraguan economy from 4.0% in 1998, 7.4% in 1999, 4.3% in 2000 and 3.0% in 2001. However, it remains the second poorest country in the hemisphere: around 46% of the population live below the poverty line and 15% of the population live in extreme poverty (German and Cruz, 2003). During its short democratic history, Nicaraguan governments have also made efforts to consult different sectors within the society. Some of them were politically motivated, others were for seeking international financial support, and yet others were as a result of natural disasters.

As for the politically motivated reasons in 1997, the new government<sup>11</sup> established a series of consultations with political parties, the business community, churches, labor unions, universities, professional associations and women's movements and community organizations to stimulate support for its policies (Government of Nicaragua 2001). Because of this early and ambitious agenda, this consultation left some issues unsolved. Nonetheless, these exchanges led to a series of agreements and reforms such as: discussions on health reform with CSOs and international organizations; a new national educational strategy was developed with teachers; an Environmental Policy and Action Plan (PANic) was ratified by the PR. Concrete examples are: the decentralization of primary and secondary education; de-concentration of the public health system through the creation of a system of local health care centers.

A second reason for the government's consultation with CSOs, political parties and international organizations, has been during the preparation stages of the different Consultative Groups meetings<sup>12</sup>. During these meetings the Nicaraguan Government presented to the international community a National Plan for Reconstruction and Transformation in order to obtain financial support. During the first meeting in Stockholm in 1999, a series of principles were identified for the effective implementation of these plans. Among them were improving transparency and good governance, decentralization and municipal participation, poverty alleviation, strengthening of democratic institutions and the rule of law. In this context, the Nicaraguan government carried out a series of consultations with civil society.

A third reason for consulting CSOs was the impact of Hurricane Mitch in late 1998. During this period there were hopes that a joint process of reconstruction could be achieved, one in which civil actors would work with national and international governments towards a common goal. The Government organized a presidential commission composed of six consultative councils. Their objective was to assess the damage, identify immediate needs and work out a plan for reconstruction. The councils met and worked with local and national CSOs, as well as international organizations and experts to develop policy recommendations. However, CSOs consultations to address other areas such as, the national budget, macroeconomic issues, or national strategies rarely took place. Although, these were important



advancements, there was an increasing demand from CSOs, and the International Organizations (development agencies, international financial institutions, etc) for a wider and more formal mechanism (a venue) that support the interaction and participation of CSOs at the national level.

## VI. 2 Creation of CONPES and its Mandates.

It is in the above context that CONPES was created in 1999, by Presidential Decree (15-99) as a permanent and consultative body with a legal base. It was envisaged as a consultative body to support the President of the Republic (PR). Its mandates are: 1) to advise the PR on the formulation, monitoring and evaluation of social and economic policies, programs and plans; 2) to make recommendations on law initiatives of economic, social and of national interest which the PR presents before the National Assembly<sup>13</sup>; 3) to make recommendations on the composition of the annual national budget, prior request from the PR; 4) to recommend on the PR's requests on specific issues and on issues of national interest; 5) to liaise with civil society and the international community; 6) to monitor the consultation and implementation process of the Strengthened Growth and Poverty Reduction Strategy (SGPRS)<sup>14</sup> (CONPES, 2002).

To better understand the role of CONPES as a venue for CSOs to influence policy, it is essential to first undertake an analysis of the overall Nicaraguan policy formulation process<sup>15</sup>. The process is initiated by the discussion of issues, new agendas and new priorities emerging from a range of sources: for example, the executive branch, members of the National Assembly, and also by Nicaraguan citizens<sup>16</sup>. The policy analysis and formulation stage will directly be dependant on the group or groups that are involved in promoting the initiative of law. Next is the adoption stage, according to Article 7 of the Nicaraguan Constitution, in which the Legislative Branch (embodied in the National Assembly) is responsible for elaborating, modifying and approving the laws of the country. All initiatives of law are presented to the First Secretariat in the National Assembly. After previous revision (where it can be accepted or rejected) it is presented to the board of directors (Junta Directiva), where it is included in agenda and presented to the plenary, and then it is sent to the corresponding commission. Upon the official pronouncement from the commission, the initiative of law is submitted to general debate and if approved, then a specific debate is carried out. Once the initiative is approved by the National Assembly, it is sent to the PR (chief of the Executive Branch) for veto or enactment and publication. Here several scenarios can take place (**Table 1**). The implementation of the initiative of law (now law) will take place once it is published in the Official Gazette (La Gazeta), and the monitoring process will depend on the characteristics and statutes (or rules) specified by the law or policy approved.

From this perspective, and as an example of CSOs influencing the policy formulation process, it is noteworthy to highlight that since its creation, CONPES has made recommendations to the General Budget of the Republic. This represented the first time for CSOs to be able to make recommendations to the PR on the National Budget. In October 2002, the Ministry of Finance gave an official response (through CONPES' Executive Secretary) to a series of recommendations made by CSOs on the General Budget of the Republic for the year 2003. In this official response to CONPES' recommendations, specific issues were addressed by the Finance Minister. For example, an increment was made in capital spending by transferring economic resources from projects that had external financing and assigning these resources to the improvement of poverty conditions. Others include rehabilitation and equipment of health centers in the Pacific Region; Integral development of artisan fishery in the North Atlantic Autonomous Region (RAAN)<sup>17</sup>; Municipal strengthening and local development in the region of Rio

**Table 1:** Different Scenarios for Law Approval.

President of the Republic	National Assembly Members	Effects on the Law
Totally veto the law =>	Half plus one accepts the veto =>	Law is canceled
Totally veto the law =>	Half plus one rejects the veto =>	The law is approved and the President of the National Assembly sends for its publication
Partially veto the law =>	Half plus one accepts the partial veto =>	The President of the Republic approves the law, and it is published without the sections he vetoed.
Partially veto the law =>	Half plus one rejects the partial veto =>	The law is published by the President of the National Assembly without any changes (the same as it was approved within the Assembly)

Source: Interpreted from: [www.asamblea.gob.ni](http://www.asamblea.gob.ni). Retrieved in November 2003.

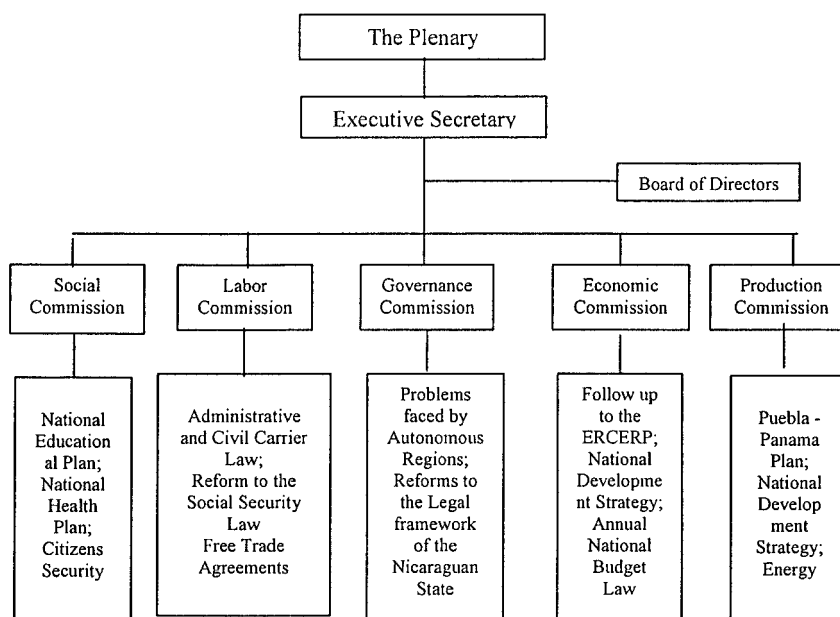
San Juan; food support to people affected by disasters, etc. Also, a small budget increment for the Health and Education Ministry, in order to tackle priorities such as: the purchase of medicines; projection of income from tax collection, in order to avoid more expenditure than what is actually collected. This process demonstrates how a national policy that has been discussed within CONPES, and to which it has provided recommendations, has been addressed by a line Ministry with an official response. By having analyzed the overall process in policy formulation and having provided an instance where CONPES recommendations have been addressed, it is possible to better identify how CONPES fits within this overall process. The following section will analyze its organizational structure.

### VI 3. Organizational Structure of CONPES

The organizational structure of CONPES is composed of the Plenary, the Executive Secretary (ES), the Board of Directors and the Working Commissions (**Figure 3**). The Plenary is the apex body of decision making of the Council and is formed of all members. The ES is selected by the PR and is the Council's coordinator in charge of managing and directing and presides over the plenary sessions. The ES is the link of communication between the PR<sup>18</sup> and the Council, who submits the issues proposed by PR for the council to consider. The Board of Directors is comprised of the coordinators of each working commission, and three members from the plenary selected of the PR, for a period of one year. Its main function is to help the ES in the execution of the council's activities. The Working Commissions are integrated with members of the council, they can be permanent or special, and the Plenary can directly (or through the Board of Directors) create the commissions that it considers necessary.

### VI 4. Internal Process of CONPES Recommendations

The plenary is the apex instance of decision-making in CONPES. The sessions are presided over by the ES or by a member of the Board of Directors if he/she is not present. The ES open the sessions and will chair the debates and confirm the results of voting. Sessions are held at least every 3 months, and extraordinary sessions can be proposed by the PR, the ES, the Board of Directors or at least a third of



**Figure 3:** CONPES Organizational Structure.

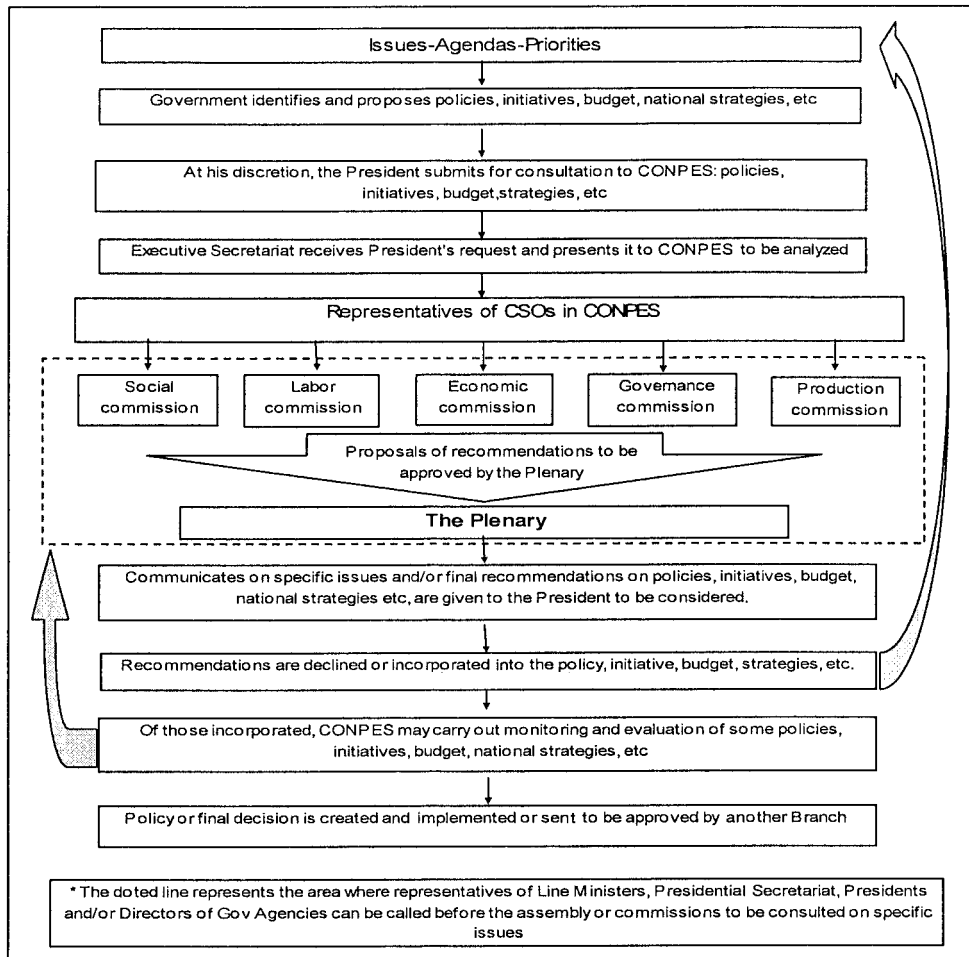
Source: CONPES Interpreted from: [www.conpes.org.ni](http://www.conpes.org.ni). Retrieved in July 2003.

the members of the plenary. Policies, strategies, programs are presented by the PR to CONPES through the ES. Depending on the issue, they are presented to the respective commission, which is in charge of analyzing and make recommendations on the issue at hand. The decisions and pronouncements are then sent to the Board of Directors to be included in the agenda of the plenary. Any member of CONPES can propose, eliminate or modify recommendations. Documents, recommendations, and pronouncements approved and/or made by the plenary will be sent to the PR, and they can be available to the media if decided by the plenary. CONPES internal process is shown in **Figure 4**. Through CONPES, CSOs also have the capacity to invite heads of Line Ministries, Presidential Secretariat, the Presidents and/or the Directors of government agencies, to assist and address concerns placed before them at its commissions or at the Plenary. As a part of CONPES functions, CSOs are able to establish relations of collaboration with advisory bodies at the governmental, regional, municipal, and international levels.

## VI 5. Civil Society Representation within CONPES

CONPES is comprised of members from a wide variety of CSOs: business organizations, national labor unions, national trade and professional organizations, and networks of national NGOs, that are officially registered, and with national representation. In addition, there are 10 notable persons who are of recognized professional, moral, and scientific capacity, named by the PR. In 2002, the total number of CSOs represented within CONPES was 47. (**Table 2**)

In an institutional setting such as CONPES where there are a variety of personal, institutional, organizational and political interests, it could be expected that agreements among most CSOs members are not always solid. Especially when taking into consideration the wide variety of issues that CSOs have to embark upon. Thus, there are instances where discussions and exchanges of ideas do not result in agree-



**Figure 4:** Internal Process for CONPES Recommendations.

Source: Created by the authors

ments among all members. One example of this is the recommendations of CONPES on the initiative of law of Civil Service and Administrative Career<sup>20</sup>. This is an important law, since its approval is a condition from the IMF and the WB for Nicaragua to have access to the Highly Indebted Poor Countries (HIPC)<sup>21</sup> initiative. It is a process that started in 2002 when CONPES' Labor Commission started to discuss this initiative; by October 2003, consensus was only achieved on 112 articles out of a total of 130. It is important to underline, that these 18 articles deal with key issues for labor unions, government and political parties, issues related to workers' strikes, the relocation of workers, and the institutions in charge of safeguarding the law. In the end, the results were sent to the PR and to the National Assembly where CONPES presented its position on the 18 articles on which consensus had not yet been achieved<sup>22</sup>.

Nonetheless, CONPES does represent a space for CSOs to discuss issues and policies internally and to find some level of consensus among CSOs, and there are other issues where high levels of coopera-

**Table 2: Membership within CONPES (2002)**

1) Mutual-Benefit Organizations	
<u>Labor Unions:</u> (16)	
-Permanent Workers' Congress (CPT)(6)	-American-Nicaraguan Chamber of Commerce (AMCHAM) (2)
-National Workers' Front (FNT) (6)	-National Union of Agriculture and Cattle Breeders (UNAG) (2)
-Workers Sandinista's Central (CST) (2)	-Nicaraguan Farmers' Association (UPANIC) (2)
-Nicaraguan Central Workers (CTN) (2)	-Nicaraguan's Mines Chamber (CAMINIC) (2)
<u>Political Parties:</u> (8)	-Nicaraguan Television Chamber (2)
-Sandinista National Liberation Front (FSLN) (2)	-Nicaraguan Radio Chamber (CANIRA) (2)
-Constitutionalist Liberal Party (PLC) (2)	<b>2) Public-Benefit Organizations</b>
-National Resistance Party (PRN) (2)	<u>Non Governmental Organizations:</u> (24)
-Christian Path Nicaraguan Party (PCCN) (2)	-Civic Coordinating Group for Emergency and Reconstruction. (CCER) ( 2)
<u>Trade and professional organizations</u> (16)	-Non Governmental Organizations of the South Atlantic Autonomous Region (4)
-Association of Nicaraguan Municipalities (6)	-Non Governmental Organizations of the North Atlantic Autonomous Region (4)
-National Universities' Council (CNU) (2)	-Network of Women Against Violence (2)
-Private Universities' Nicaraguan Federation (FENUP) (2)	-Cultural Forum (2)
-National Confederation of Professional Associations (CONAPRO) (2)	-Maria Elena Cuadra's Movement of Unemployed and Working Women (2)
-Nicaraguan's Journalist Union (UPN) (2)	-Network of Orgs of Civil Society (CIVITAS) (2)
-Nicaraguan's Journalist Association (APN) (2)	-Nicaraguan National Council of Youth (2)
<u>Business Organizations</u> (26)	-Community Development Boards (JCOP) (2)
-Nicaraguan Private Banking Association (ASOBANP) (2)	-Nicaraguan Community Movement (MCN) (2)
-Superior Council for Private Enterprise (COSEP) (10)	10 Notable Members selected by the President of the Republic.
-National Chamber of Small and Medium Industry and handcraft (CONAPI) (2)	

Source: CONPES Memory 2002, Presidential Resolution No.122-2002

tion was achieved even though these are CSOs that normally are on opposite sides. One example is the recommendation of candidates to the Justice Supreme Court (to be discussed in section VII) where discussion among the academic, business and labor sectors at different geographical and administrative levels was achieved, all within the structure and context of CONPES.

The representation and number of CSOs members in CONPES has changed from 46 in 1999 to 100 in 2002. During the first year of activities (1999-2000), CSOs<sup>23</sup> represented 39% (18), political parties had a representation of 39% (18) and Government representation accounted for 22% (10). By 2002, CSOs representation was 82% (82), political parties accounted for 8% (8), the government representation had disappeared, and a group of 10 Notable Members was included (10%)<sup>24</sup>. This increase in CSOs' membership represents a quantitative advantage in terms of the capacity of CSOs to influence policy through its recommendations on the several areas stated in CONPES's mandates.

## VII. CONPES and Policy Process Formulation.

In this section participation of CSOs in the Policy Process will be discussed utilizing the policy cycle analyzed before. According to the cycle, the first stage for CSOs to participate is during 'Policy Analysis and Formulation'. This is the stage in which CSOs through CONPES can make an impact on policy formulation because issues are placed before this body to be analyzed and later to make the respective recommendations. Although these issues are decided upon by the PR, it is a space where representatives of the CSOs can establish and clarify their position on those specific policies, programs, or issues. It is also important to underline that the relation of CSOs within the context of CONPES allows them to have a formal venue (platform) where discussions and exchanges of ideas are on more equal terms, and recommendations made by CSOs are presented directly to the PR (as opposed to CSOs making recommendations individually and with no formal access to the PR).

Through CONPES, CSOs have also made use of the attributes stipulated in the presidential decree, by which they can call upon Line Ministries, Presidential Secretariat, the Presidents and/or the Directors of government agencies. Representatives of these institutions appear before the Plenary or to some of the commissions, to be consulted about specific issues, thus increasing the transparency of the decision making and government accountability as stated by Tikare, S., et al. (2001), in the end this represents an improvement in the relations State-Civil society. As mentioned in section VI 5, an example of CSOs' influence on national affairs and achievement of consensus among them was the recommendation on candidates for the Justice Supreme Court. In June 2002, the PR solicited CONPES' Plenary to carry out a consultation within CSOs respective members, in order to propose a list of candidates to be presented by the PR before the National Assembly. To this end, an *ad hoc* sub commission was created to design the methodology for selecting the candidates, and discussions were carried out within the academic, business and labor communities. In the end, of the 15 candidates proposed by the PR to the National Assembly, 10 were from the approved list proposed by CSOs through CONPES<sup>25</sup>. To put in perspective the role of CONPES as a platform for CSOs to influence policy, it is important to introduce some of the issues and activities in which CSOs have been involved. During the year 2002, through the different commissions and sub-commissions, CSOs made recommendations on a wide variety of issues. In table #3 a list of the most relevant is provided.

In order to avoid misunderstandings in relation to the role and impact of the above recommendations on policies, it is essential to make clear that within the organizational structure established for CONPES, all policies, strategies, initiatives, etc. submitted by the PR for the consultation of CSOs and the resulting recommendations that evolve from them, are for the PR to consider, and in the end, it is his/her prerogative to incorporate them in his/her final decision.

The second stage in the policy cycle is 'Policy Adoption'. Because of the inherent legal formality, during this stage, participation of CSOs is reduced (formal policy adoption includes a legal or administrative resolution: parliamentary vote, administrative official directive, etc). However, during this stage there is a need to obtain support from those who may be affected by the policy or a need to strengthen support from those that will benefit from it. Depending on the CSOs agenda, their role in this stage can be considered as one in which they can support or challenge policy initiatives. CSOs can do this by mobilizing their own constituencies or by using CONPES as a platform. In many cases, CSOs decisions made within CONPES are subject to media coverage, this allows them to exercise some level of influence in supporting or challenging national issues through the council. This level of influence is also carried out by "communiqués" made by the Plenary or Commissions on issues such as: Election of the new

**Table 3:** CONPES Recommendations on Different Issues.

<b>Commission</b>	<b>Issues Discussed and Recommendations</b>	<b>Date</b>
<b>Governance</b>		
	Recommendations to the Citizens' Security Policy	Nov 26 <sup>th</sup> , 2002
	Recommendations on the Minimum Agenda for the Fight Against Corruption	Nov 22 <sup>h</sup> , 2002
	Recommendations for the Reform of the Legal and Political Framework of Nicaraguan State. To the Judicial Branch, the Electoral Branch and Legislative Branch	Oct 30 <sup>th</sup> , 2002
	Recommendation to the President on the Proposal for Candidates to the Justice Supreme Court	Jun, 20 <sup>th</sup> , 2002
<b>Social and Economic</b>		
	Recommendations to the General Budget of the Republic 2003	Oct, 4 <sup>th</sup> , 2002
	Response from the Ministry of Finance to CONPES' recommendations	Oct, 11 <sup>th</sup> , 2002
	Recommendations to the ERCERP First Progress Report	Oct, 31 <sup>st</sup> , 2002
	Recommendation of Adjustment to the Initiative of Law for the Increase of tax base.	Jul, 2002
<b>Labor</b>		
	Recommendations on Labor Policy and Social Security	Nov 23 <sup>th</sup> 2002
	Recommendations on the Initiative of Law for Civil Service and Administrative Carrier.	Jun, 17 <sup>th</sup> , 2002
<b>Production</b>		
	Recommendations on the eradication of Law No.325 that creates the Patriotic Tax.	Nov 15 <sup>th</sup> 2002

Source: CONPES 2000, Memory 2002.

National Assembly Directive Junta (council); of the post-electoral situation in the Caribbean Coast, etc.

In relation to the 'Implementation stage' within the policy process, the role of CSOs within CONPES is reduced because it is not part of its mandates. However, as stated by Cornwall and Gaventa (2001), peoples' involvement in monitoring and evaluation in order to improve accountability, represents a mean for people and CSOs to be part of the making and determination of policy. Thus, the last stage in the policy process, 'Monitoring and Evaluation', does place a role for CONPES. One of the added roles for this body has been the monitoring and evaluation of the Strengthened Growth and Poverty Reduction Strategy (SGPRS). As a result, within the Economic commission, there have been a series of actions directed to fulfill this role. CSOs through the Executive Unit of CONPES/PAI<sup>6</sup>, and in collaboration with the Technical Secretariat Presidency (SETEC)<sup>27</sup> carried out in 2002 a process of consultation and validation of the "Integral Work Plans" as a part of the implementation of the SGPRS. Through these plans, the goal was to identify the needs and demands of 11 municipalities selected as pilots for the implementation of the SGPRS. In this context, the role of CSOs have been one of coordination and follow up of the activities and products presented by the Executive Unit. An important result of this process has been the formulation of a National Coordination System for the Participatory Implementation, Monitoring and Evaluation of the SGPRS, which is expected to be implemented this or next year.

### VIII. Discussion of Findings.

It has been mentioned the importance of keeping in mind that CONPES is an advisory body for the

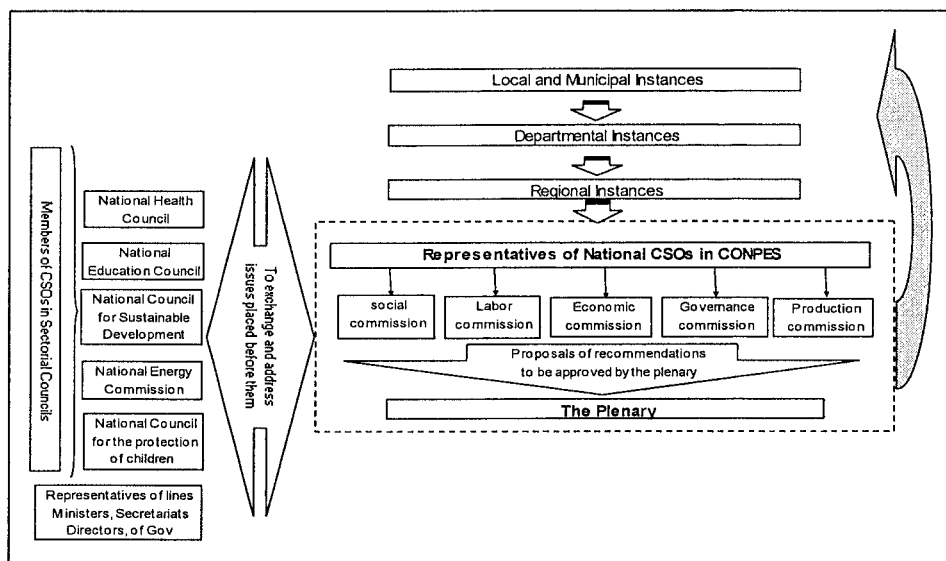
PR; failing to do so is likely to create inconsistencies as to what is the participation of CSOs in CONPES, and of their potential capacity to influence policy. It all depends on the lens used to analyze this situation. For some members of the National Assembly or political parties, CONPES is and should be, an advisory body for the PR: a body that should provide the PR (as stated in its mandates) with an informed opinion of CSOs' views on issues of national interest, through their recommendations. On the other hand, CSOs' members of CONPES tend to consider it as a platform that should be able to propose and influence more directly the issues of national interest. This could be the result of two different perspectives to legitimize their role in policy formulation. The National Assembly is legitimized by the electoral vote representation, ratified by national elections (as well as its constitutional mandate to approve national legislation), and CSOs (through CONPES) legitimize their participation in policy formulation as being representative of civil society. These two roles should not be seen as conflicting, but rather they should be seen as mutually supportive and complementary to each other. On the one hand, political parties should recognize the potential capacity of civil society to contribute and enhance the substance of issues of national interest (be these policies, strategies, programs, etc). On the other hand, CSOs must recognize that spaces available to them to contribute and influence issues of national interest, such as CONPES, should not be used to replace the role of the political parties and/or the functions of the National Assembly. In the end, CSOs have also an important level of accountability and ethics to maintain in order to make responsible utilization of the formal spaces made available to them.

In general, CONPES is considered to be a national participation venue where members of CSOs represent various sectors: labor unions, business community, national communal organizations and NGOs. This is opposed to territorial representation, in other words, CONPES is not fully articulated in other forms of territorial organizations such as the municipal and/or departmental Councils. It was mentioned that during 2002 CONPES, through the executive unit of CONPES/PAI, carried out a consultation process and validation of the "Integral Work Plans". Another example was in late 2000, for the formulation of the ERCERP, during which members of CONPES were involved in the local consultation process. However, these were consultations organized ad hoc for a specific objective. To improve CONPES' role as a representative of CSOs it is important that its level of representation also takes into consideration these territorial structures (municipal, departmental and regional). In this way, decisions and needs taken at these lower levels can be articulated at the national level. In the same way, there should be efforts made to create better communication levels with members of other CSOs that are part of National Councils (Councils of Education, Energy, Health, etc). **Figure 5** provides a visual idea of the issues discussed above, and how territorial instances can be taken into consideration at the national level. It also shows the relation that can be developed between CONPES and other Councils, in order to avoid a duplication of functions and in order to improve its effectiveness.

The issue of representation of CSOs also needs to be addressed in CONPES. There needs to be a prerequisite for CSOs to elect their representative to CONPES (according to their own procedures). The transparency of this election process, is an important factor to ensure that positions or decisions made or defended by CSOs within CONPES (through the plenary or any of its commissions), are as much as possible, the result of previous consensus reached within their own constituencies. This will also ensure that there is an internal feedback process about the issues being discussed in CONPES (either at the plenary and commissions levels) that can also be conveyed to the CSOs members.

A positive development in relation to the above issues is that since its early development, CONPES has gone through a series of changes that reflect its dynamic institutional growth. CSOs within CON-





**Figure 5:** Horizontal and Vertical Levels of Representation collaboration within CONPES.

Source: Created by the Authors

PES have made efforts to strengthen its organizational framework: in early 2002, efforts were made to actualize internal statutes as well as the norms to regulate plenary sessions and to regulate the work of the different commissions. Since its establishment, CSOs' members of CONPES have also received technical support on issues such as the formulation and implementation of national budget, labor issues, legal, etc. in order to improve the quality of the recommendations that CSOs make through the council. The number and purpose of the Commissions has also changed as a result of changes in the national context. For example, with the arrival of the new PR in 2002, the issue of governance and the fight against corruption took relevance, since this has been one of the main concerns for the present administration. CONPES has also served as a platform for CSOs to make audible positions that are closer to their particular objectives and interests. This has been achieved by the coverage that they received from the mass media, allowing some of these CSOs to "make public" some of their causes. But it has also served as a space to find agreements among CSOs, and then to pursue them in a joined position either inside or outside CONPES.

## IX. Conclusions.

It was mentioned that one of the advantages in countries exchanging information with other stakeholders (in this case CSOs), is the potential to increase transparency in decision making, which will improve governmental accountability, resulting in an improvement in governance and economic efficiency of development activities. To this end, CONPES represents a step forward as a space for CSOs to participate in the policy process. Since its creation, it has been able to establish itself as a forum wherein CSOs can discuss and find common positions on different issues. Considering that within CONPES there are a variety of personal, institutional, organizational and political interests, it has still been able to maintain channels of communication, and has institutionalized a significant level of partici-

pation.

This study has shown how through the policy cycle it is possible to identify how CSOs within CONPES are able to influence the policy process. CONPES provides an institutionalized and formal platform which allows CSOs to call upon government officials, through which they are able to obtain and exchange information with those in charge of formulating and implementing policy. Also, CSOs use CONPES as a platform for challenging or supporting policies or issues, through “communiqués” or by using the media coverage that CONPES is exposed to. It has also been able to increase accountability and transparency in areas where CSOs did not have formal participation, such as: the formulation of the National Budget; recommendations of candidates to the Supreme Court, the country’s National Development Strategy (SGPRS), and reforms to the Judicial, Electoral and Legislative branches.

Nonetheless, there is an element that needs further development in order to improve CONPES’ role. This refers to the lack of territorial representation of CSOs that are members of CONPES. The way forward is to envision CONPES as being a more horizontal and vertical platform for CSOs to participate and be involved in the policy process, as shown in **Figure 5**. In this context, “vertical” means that CSOs are required to, and are able to, bring into CONPES’ overall agenda the demands and needs of CSOs at the community, municipality, departmental and regional level. It also means bringing back to these lower levels the decisions and issues that are or will be discussed within CONPES (feed back). To achieve this goal it is necessary to establish a structure and mechanism capable of allowing this bottom-up and top-down flow of information in a way that is efficient and effective. It is possible to achieve this by utilizing the existing councils at the local and departmental level, and insuring that participation is at least, at the “Consultation Level”, that is a two-way information flow and exchange of views. Also, horizontal means to improve the relationships between CSOs within CONPES and members of other important participation platforms. For example, the existing national councils and commissions, and by strengthening relations with other state institutions such as line ministries, the national assembly, electoral and judicial powers, etc. The goal is to avoid duplication of functions among these spaces, and to promote stronger and more articulated recommendations and positions of CSOs on specific issues (health, education, national budget, development strategies, etc.)

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## Endnotes

1 The full name in Spanish is: Consejo Nacional de Planificacion Economica y Social.

2 United Nation Development Programme, Inter-American Bank, Department for International Development,

- Swedish Embassy, Hagamos Democracia, Fondo de Inversion Social, Casa Sol, Executive Secretary of CONPES/PAI, Grupo Fundemos, Enlace Nacional Coordinadora Civil.
- 3 Taller Nacional sobre Implementacion Monitoreo y Evaluacion de las politicas publicas, May 5 and 6, 2003. Taller sobre "Estrategia Nacional de Desarrollo" April 2, 2003.
  - 4 These initiatives sought to promote people's local participation in order to take responsibilities for supporting and implementing physical infrastructure work in rural and urban communities.
  - 5 The introduction of Structural Adjustment Programs, which resulted in cuts on public expenditures and on basic social services, also meant the transfer of the burden of these costs mostly on to the poor. At the same time, the state was to move away from its traditional role, and NGOs were the ones to fill this gap.
  - 6 The UNDP, The WB (2000), and Tikare, McClean, Edgerton, Shah, (2000).
  - 7 Within this perspective, citizens are seen as active participants who engage in making and shaping social policy and social provisioning.
  - 8 This is the new anti-poverty reduction framework that serves as a common platform for WB and IMF interventions in low-income countries for debt relief under the Highly Indebted Poor Countries (HIPC) initiative.
  - 9 The National Dialogue was a consultation process carried out by the Bolivian Government as a mean of involving civil society in the design of the PRSP that was presented to the IMF and WB to obtain debt relief through the HIPC in 2001.
  - 10 From 1936 to 1979, Nicaragua was under the dictatorship rule of the Somoza Dynasty. In 1979 a massive uprising of the Sandinista National Liberation Front (FSLN) established a Sandinista Regime and by 1990, as a result of negotiations with the Contras, general elections were carried out.
  - 11 This is the second democratic government elected since 1990, and the third and current democratic government has been in power since 2002.
  - 12 The Consultative Group (CG) is the group of nations contributing to the reconstruction of Central America after Hurricane Mitch, which is considered to have been one of the worse disasters in over 200 years. A large part of the population (870,000) lost their homes, land and means of survival (Bradshaw and Linneker, 2002).
  - 13 This is the Legislative Branch in the Nicaraguan Context.
  - 14 This is the Poverty Reduction Strategy (ERCERP in Spanish) presented by the Nicaraguan Government to the International Monetary Fund and the World Bank to be eligible for debt relief funds.
  - 15 A good majority of CONPES recommendations are on initiatives of laws that the president presents to the National Assembly, thus this will be the process to be analyzed in the paper.
  - 16 In 1997 the "Law of Citizen Initiative" #269 (Ley de Iniciativa Ciudadana), was enacted, it allows citizens to introduce an initiative of law before the National Assembly (it has to be supported by 5000 signatures).
  - 17 Its name in Spanish is Region Autonoma del Atlantico Norte (RAAN)
  - 18 In practice, during the inauguration of the council's sessions, the PR will outline the issues considered as a priority for his/her administration.
  - 19 In case of discrepancies, they can be reasoned and included in the final document to be presented to the PR, thus providing more inputs for his/her decision making process.
  - 20 This law is intended to optimize public administration and provide stability to public servants.
  - 21 It is a debt relief mechanism proposed by the WB and the IMF designed to provide assistance to poor countries, which have to follow a series of economic policies.
  - 22 At the present time, this initiative of law is still under discussion in the National Assembly.
  - 23 According to the definition of CSOs provided.
  - 24 In 2003, political parties were not included, CSOs representation account for 87% (82), and the Notables

Members account for 13% (12).

25 The list presented by CONPES to the President of the Republic included a total of 30 candidates.

26 This is a technical unit financed by the Inter-American Development Bank, that is in charge of the follow up and implementation of the ERCERP in 11 pilot municipalities; it also is in charge of establishing a system of Civil Auditory (Monitoring and Evaluation of the ERCERP by the Civil society).

27 From 2003 it is known as the Secretariat of Coordination and Strategies of the Presidency (SECEP)