

## **Broadening the Notion of Democratic Accountability: Participatory Innovation in Latin America**

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*This article focuses on a set of democratic innovations that were introduced in recent years in Latin America that involve the participation of civil society as an active agent of accountability. Participatory innovations are redefining the traditional scenario in which the practice of democratic representation takes place, adding novel arenas and mechanisms to engage actors that traditionally were not actively involved in accountability politics. The proliferation of alternative means for holding governments accountable undermines the traditional view of democratic representation, which continues to view elections as the quintessential mechanism of citizen control. The conventional way of thinking about the role of citizens in the practice of democratic accountability—which was largely modeled around the act of electoral delegation—must be reconceptualized to make room for other mechanisms of citizen control beyond the sporadic act of voting.*

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Since the return to democracy, Latin America has become an epicenter of democratic innovation. Despite the proliferation in recent years of negative diagnoses about the quality of existing democracies, the optimism that the transitions from authoritarian rule generated regarding the potential of democracy has not been lost. Citizens and public authorities developed novel mechanisms to address the accountability deficits that were the concern of the “quality of democracy” literature and in doing so they helped to redefine the very practice of democratic representation. This article presents some of those noteworthy developments and highlights their specific contributions to the agenda of democratic accountability. Democratic innovations have redefined the traditional practice of democratic representation, adding novel arenas and mechanisms to engage actors that traditionally were not actively involved in accountability politics.

Here I review recent developments on social accountability politics and participatory governance in Latin America and the arguments that such processes have generated within the field of democratic studies. The first section briefly presents the central tenet of initial debates on democratic deficits in the region. Those discussions introduced an issue—governmental accountability—that was largely foreign to the political tradition of the region. At first, the debate replicated conventional conceptual frameworks for analyzing accountability, focusing on the performance of traditional state agencies of governmental oversight on the one hand and that of electoral institutions on the other. The narrow conception favored by conventional approaches was soon challenged by a heterogeneous set of initiatives that arose with the intention to address legal and political deficits of accountability by promoting processes of democratic deepening. The latter supposed not merely the improving of conventional accountability mechanisms but the creation of novel ones as well. This article concentrates on a specific set of those innovations: those involving the participation of civil society as an active agent of accountability. The next section focuses on the contribution of social participation to the agenda of legal accountability, analyzing two distinctive forms of social oversight of governmental wrongdoing: social accountability politics and experiences of articulated oversight. The third part analyzes institutionalized arenas of participation and their contribution to a more deliberative and public process of policy making. The final part briefly reflects on the challenges that the processes of democratic innovation analyzed here pose for democratic theory, particularly for election-centered ways of understanding democratic representation and governmental accountability.

### **The Latin American Debate on Accountability Deficits of Existing Democratic Regimes**

In contemporary Latin America there is a burgeoning literature on the democratic deficits of existing regimes that promotes an agenda of political and institutional reform to improve the quality of democracy. There is a generalized agreement in the “quality of democracy” literature that institutional deficits are directly related to the poor performance of agencies of accountability. This diagnosis prompted a search for ways to address existing accountability deficits and produce regimes that are more responsive to their citizens.<sup>1</sup> As Philippe Schmitter argues, a conceptual connection was established between

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1. Scott Mainwaring, Guillermo O'Donnell, and Samuel J. Valenzuela, eds., *Issues in Democratic Consolidation: The New South American Democracies in Comparative Perspective* (South Bend, IN: University of Notre Dame Press, 1992); Guillermo O'Donnell, “Illusions about Consolidation,” *Journal of Democracy* 7: 2 (1996): 34–51; Philippe C. Schmitter, “Defects and Deficits in the Quality of Neo-Democracy,” in *Democratic Deficits. Addressing Challenges to Sustainability and Consolidation around the*

democratic betterment and accountability, the assumption being that “. . . the more politically accountable to citizens, the higher will be the quality” of any democracy.<sup>2</sup> It is consequently not surprising that processes of political innovation decidedly tackle the question of how to strengthen the overall performance of mechanisms of democratic accountability.

The agreement over the need to strengthen democratic accountability does not mean that there is a single way of conceptualizing accountability or a unified strategy for addressing accountability deficits. In fact, the call for greater accountability has prompted multiple and diverse answers. Some focused on conventional accountability mechanisms, looking for ways to strengthen their performance. Others instead postulated the need to expand the repertoire of accountability mechanisms through political and institutional innovation. Democratic innovation was the result of both top-down reform and of bottom-up civic initiatives. Some proposals prioritized the *legal* dimension of accountability, focusing on the strengthening of the rule of law, the protection of civic rights, or the overall improving of governmental transparency. Other addressed deficits of *political* accountability instead, searching for ways to improve the political receptiveness of public officials' decisions and policies to citizens' demands.

Guillermo O'Donnell set the initial conceptual and analytical framework of the debate on democratic accountability in the new Latin American democracies.<sup>3</sup> Following a spatial metaphor, he classified accountability mechanisms into “horizontal” and “vertical” ones to indicate the axis of operation of controlling agencies, each plane respectively corresponding to the distinction between state and civil society.<sup>4</sup> The concept of horizontal accountability, O'Donnell argued, indicates the operation of an intra-state system of agencies of mutual oversight, while vertical accountability assumes the presence of an external agent of control: civil society and the electorate.

O'Donnell was fundamentally concerned with deficits of legal accountability, more specifically, with the problematic performance of horizontal agencies responsible for overseeing and punishing actions or omissions by public officials

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*World*, ed. Gary Bland and Cynthia J. Armon (Washington, DC, Woodrow Wilson International Center for Scholars, 2009), 19–35.

2. Philippe C. Schmitter, “The Quality of Democracy: The Ambiguous Virtues of Accountability,” (2004), unpublished.

3. See Guillermo O'Donnell, “Delegative Democracy,” *Journal of Democracy* 5:1 (1995): 55–69; “Horizontal Accountability in New Democracies,” in *The Self-Restraining State. Power and Accountability in New Democracies*, ed. Andreas Schedler, Larry Diamond, and Marc F Plattner (Boulder, CO: Lynne Rienner, 1999); “Horizontal Accountability: The Legal Institutionalization of Mistrust,” in *Democratic Accountability in Latin America*, ed. Scott Mainwaring and Christopher Welna (Oxford: Oxford University Press, 2003); “Why the Rule of Law Matters,” *Journal of Democracy* 15:4 (2004): 32–46.

4. Guillermo O'Donnell, “A Response to My Commentators,” in Schedler, *et al.*, *The Self-Restraining State*, 68.

that may be qualified as unlawful.<sup>5</sup> His analysis left aside: (a) those horizontal interactions that correspond to the principle of mutual political checks and balances among Executive, Legislative, and Judicial powers, and (b) the whole vertical axis of accountability exchanges, given that his initial assumption was that elections provided the most relevant vertical linkage between society and state and that the operation of electoral institutions—even under delegative regimes—did not encounter fundamental obstacles.<sup>6</sup> His definition of delegative democracies as a subtype of polyarchy that supposes the regular holding of free and competitive elections but that lacks effective horizontal mechanisms to control governmental unlawfulness clearly indicates O'Donnell's main analytical and political concerns.<sup>7</sup>

A significant number of authors followed O'Donnell's call to propose an agenda of institutional reform to increase the jurisdictional autonomy and effectiveness of the Legislative and the Judiciary as well as of other agencies that are part of the traditional network of intrastate controls against illegal encroachments on the part of the Executive Power. Others focused on the role that newly appointed agencies such as Ombudsman, Human Rights Commissions, State Councils, and Anti-Corruption offices fulfill in the enforcement of legal accountability.<sup>8</sup> Another

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5. The notion of legal accountability refers to a set of institutional mechanisms that are designed to ensure that the behavior of public officials is in accordance to existing administrative and legal procedures by establishing sanctions to those who violate them. Legal mechanisms of accountability perform three key and interrelated roles: (a) they protect citizens from state arbitrariness, (b) they prevent/sanction misuse of public office by unscrupulous elected officials and bureaucrats, and (c) they delimit and protect the jurisdiction of the different branches of the state and of other state agencies.

6. He also suggested that civil society and the media acting in the public sphere could present an alternative source of vertical accountability, but did not pursue this line of analysis. The latter would be the subject of the social accountability framework that will be introduced in the next section.

7. O'Donnell's emphasis on the legal over the political dimension of accountability led him to overlook the question of the deficits of political accountability that delegative polyarchy exhibited. The concept of political accountability refers to the responsiveness of governmental policies to the preferences of the citizenry. A government is politically accountable if citizens have adequate channels to voice their demands and influence governmental decisions as well as the possibility to punish unresponsive administrations. The political dimension of accountability directs our attention to the question of the channels of communication that the political system and society establish with one another. A key challenge for any agenda of political accountability is how to develop mechanisms to compel representatives to implement laws and policies that reflect the preferences of the citizenry. To be fair, O'Donnell made explicit references to the hostility of delegative presidents to mechanisms of political mediation, yet he did not follow this line of analysis, concentrating instead on the deficits of rule of law. For an analysis of the political deficits of delegative democracies, see Enrique Peruzzotti, "El otro déficit de la democracia delegativa" *Journal of Democracy en Español* 2 (2011): 47–64.

8. Thomas Pegram, "The Global Diffusion of National Human Rights Institution and Their Political Impact in Latin America"; Thesis submitted to the Department of Politics and International Relations, Nuffield College, Oxford University, 2011; Pegram, "Accountability in Hostile Times: The Role of the Peruvian Human Rights Ombudsman 1996–2001", *Journal of Latin American Studies* 40 (February 2008) 51–82; Fredrik Uggla, "The Ombudsman in Latin America," *Journal of Latin American Studies* 36: (August 2004): 423–50; Rose Ackerman, "Independent Accountability Agencies and Democracy: A New Separation of Powers?" Paper presented at Latin American Studies Association 2009 Congress, June 11–14, 2009.

important group of works calls attention on the poor functioning of electoral institutions as a mechanism of accountability in Latin America. In their view, O'Donnell's diagnosis did not take full consideration of some problematic features of electoral systems and institutions in the region that made elections ineffective as a mechanism of vertical control. The list of problematic features includes questions of electoral design,<sup>9</sup> the existence of radical policy switches,<sup>10</sup> and weakly embedded political parties that fail to respond to voter's mandates.<sup>11</sup>

These discussions still take place within the confines of a conventional conceptual approach to democratic accountability, one that assumes that the responsibility for the proper workings of governmental accountability largely rests on horizontal state mechanisms (both of legal and political nature) and on elections (and political parties) as the essential vertical mediation between political system and society. This narrow understanding of accountability is being challenged by numerous developments that have as their common denominator the presence of an active civil society and more participatory forms of governance. There has been a proliferation of non-conventional mechanisms of accountability that seek to engage citizens in various oversight roles to enhance the different dimensions of democratic accountability. Those experiences are respectively analyzed in the literature on "social accountability" and of "participatory governance." One set of analyses focuses on the alleged contribution of mechanisms of social oversight to the improvement of constitutional and legal controls on government. The emergence of civic networks and social movements organized around a rule of law discourse and of rights-oriented politics in many democracies of the region adds a valuable complement to the intra-state network of horizontal agencies.<sup>12</sup>

Second, there is a growing literature on the multiple forms of institutionalized participation and their contributions to the agenda of political accountability.<sup>13</sup> The development of deliberative spaces between civil society and public officials,

9. Erika Moreno, Brian F. Crisp and Matthew Soberg Shugart, "The Accountability Deficit in Latin America," in Mainwaring and Welna, *Democratic Accountability in Latin America*, 79–131.

10. Susan S. Stokes, *Mandates and Democracy: Neoliberalism by Surprise in Latin America* (Cambridge: Cambridge University Press, 2001).

11. Scott Mainwaring and Timothy Scully, eds., *Building Democratic Institutions: Party Systems in Latin America* (Stanford, CA: Stanford University Press, 1995).

12. Jonathan A. Fox, *Accountability Politics: Power and Voice in Rural Mexico* (Cambridge: Cambridge University Press, 2008); Enrique Peruzzotti and Catalina Smulovitz, eds., *Controlando la Política. Ciudadanos y Medios en las Nuevas Democracias Latinoamericanas* (Buenos Aires: Editorial Temas, 2002); Peruzzotti and Smulovitz, *Enforcing the Rule of Law*; Silvio Waisbord, *Watchdog Journalism in South America: News, Accountability, and Democracy* (New York: Columbia University Press, 2000).

13. Rebecca Abers, *Inventing Local Democracy: Grassroots Politics in Brazil* (Boulder, CO: Lynne Rienner, 2000); Leonardo Avritzer, *Participatory Institutions in Democratic Brazil* (Washington, DC and Baltimore, MD: Woodrow Wilson Center/Johns Hopkins University Press, 2008); William R. Nylen, *Participatory Democracy versus Elitist Democracy: Lessons from Brazil* (New York: Palgrave Macmillan, 2003); Andrew Seele and Enrique Peruzzotti, eds., *Participatory Innovation and Representative Democracy in Latin America* (Washington, DC and Baltimore, MD: Woodrow Wilson Center/Johns Hopkins University

particularly at the local level, is an important complement to the workings of electoral mechanisms of political intermediation. New mediating structures might provide an effective way to redress existing deficits in political accountability, giving voice to previously disenfranchised groups or allowing for a more equal distribution of public goods.

Participatory innovations have redefined the landscape where the practice of democratic representation takes place, introducing a multiplicity of mechanisms for citizens to hold governments accountable. The analysis of some of those new forms of civic engagement and their contribution to the agenda of legal and political accountability is the subject of the next two sections. The following section analyzes civic efforts to improve control over the legality of governmental actions through a variety of non-conventional means that rely on the active involvement of civil society actors, while the succeeding one focuses on the creation of new mediating participatory arenas specifically created to make the process of policy making more responsive to the needs of the poor and previously marginalized social groups. As will be shown, those innovations have significantly transformed the landscape for the exercise of democratic accountability and have established a much more complex environment than the one initially envisioned by traditional approaches to democratic accountability.

### **Civic Participation and Legal Accountability**

Conventional approaches to legal accountability focus exclusively on the interrelationships that the networks of state agencies of control establish with one another without granting any meaningful role to social actors. It is only in recent years that the role that informal non-state mechanisms play in the promotion of more transparent and accountable democratic governance became an important question on the accountability agenda. Citizens, the media, and civil society organizations in the public sphere, many argued, can contest governmental decisions and denounce the unlawful actions of public officials, acting as informal watchdogs over public authorities. This dimension of governmental accountability experienced a significant development in the new Latin American democracies: civic struggles for more accountable government and media exposés of governmental wrongdoing have become an established feature of the political landscape of the continent, instituting an important informal network of social oversight. In more recent years, there has been a trend oriented towards combining the resources of civil society with those of state agencies, which resulted in interesting experiences of articulated oversight. Both developments

(social and articulated oversight) are indicative of the emergence of new forms of accountability politics to ensure the subordination of elected officials to legal and constitutional norms.

### *Social Accountability Politics*

The term *social accountability* highlighted a series of civic initiatives to expose and denounce different forms of governmental wrongdoing, from corruption to human rights violations. It was argued that the latter constituted an informal mechanism of vertical legal oversight that needed to be incorporated into the broader debate on governmental accountability.<sup>14</sup> The social accountability framework grew out of O'Donnell's framework, reflecting his concern with the question of legal accountability deficits: the concept referred to civil society initiatives that specifically address unlawful state behavior.

Social accountability politics involve civic efforts whose goals are to: (1) monitor the behavior of public officials and agencies to ensure that they abide by the law; (2) expose cases of governmental wrongdoing involving corruption and human rights violations; and (3) activate the operation of horizontal agencies, such as the judiciary or legislative investigation commissions, that would otherwise not act or would act in a biased manner. In exposing cases of governmental wrongdoing, activating reluctant state agencies of accountability, and monitoring their operation, civic actors make a crucial contribution to the enforcement of the rule of law.

Usually, initiatives of social accountability involve three different types of actors: protest movements, NGOs, and watchdog journalism. Protest movements are normally born out of the mobilization of groups directly affected by breaches of law on the part of public officials. Families and friends of the victims of human rights violations or the victims of environmental degradation, for example, organize and mobilize to denounce, respectively, police violence or the inaction of state agencies in charge of enforcing environmental controls. Those actors, when they attain media visibility, can be very successful in gaining the support of the general public. Given their grassroots and reactive origins, many of these movements are short-lived and unspecialized. They provide, however, a very

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14. The concept of social accountability focused on social initiatives that addressed deficits of legal accountability. Social accountability is defined as "... a non-electoral, yet vertical mechanism of control of political authorities that rests on the actions of a multiple array of citizens' associations and movements and on the media. These actions monitor the action of public officials, expose governmental wrongdoing, and can activate the operation of horizontal agencies. Societal accountability employs both institutional and non-institutional tools. The activation of legal actions or claims before oversight agencies is an example of institutionally channeled actions; social mobilizations and media exposés of non-institutional ones." Enrique Peruzzotti and Catalina Smulovitz, "Social Accountability: An Introduction," in Peruzzotti and Smulovitz, *Enforcing the Rule of Law*, 10.

vivid illustration of how accountability deficits directly affect the livelihood of ordinary citizens.

A second type of actor is the permanent network of professionalized and specialized NGOs that have become an important public presence in many Latin American democracies. An important watershed in the agenda of social accountability is the consolidation of a network of professional social organizations that can serve as a resource for grassroots civil society actors.<sup>15</sup> For example, a chronic problem with police violence in Argentina has led to the formation of an NGO “Network against Police and Institutional Repression” (CORREPI) which produces statistics on police violence and challenges official data. The organization has played a crucial role in providing legal assistance and media contacts to the family and friends of victims of police violence.<sup>16</sup>

The establishment of a network of thematically specialized social watchdog organizations with significant professional skills has also contributed to the development of monitoring capacity outside the state, particularly important in democracies where horizontal accountability mechanisms tend to be weak and reluctant to perform their functions. Informal watchdogs can effectively supervise the behavior of public officials and activate fire alarms whenever a breach of rights or process has occurred. Permanent societal watchdogs provide a valuable infrastructure for other actors and movements who are frequently more successful in attracting media attention and popular support than are advocacy NGOs.

The third actor is the media. The presence of independent or watchdog journalism is essential for the success of any action of social accountability; protest movements or advocacy organizations commonly view the mainstream media as a potential “strategic ally.” The public impact of any movement or NGO campaign may be directly proportional to the amount of media visibility it is able to gather.<sup>17</sup>

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15. In those cases in which the domestic watchdog network is weak or underdeveloped, global institutions or actors can play a crucial leveraging role, providing political and technical support to civic actors that might find it difficult to establish significant domestic partnerships with other sectors of society or who encounter open resistance or social indifference towards their cause. In many areas, like the environment or human rights, domestic civic actors have developed crucial linkages and coalitions with global actors to strengthen their domestic voice and influence. See Margaret Keck and Kathryn Sikkink, *Activists without Borders* (Ithaca, NY: Cornell University Press, 1998), Chapter 3; Jean Grugel and Enrique Peruzzotti, “Grounding Global Norms in Domestic Politics: Advocacy Coalitions and the Convention of the Rights of the Child in Argentina,” *Journal of Latin American Studies* 42 (February 2010): 29–57.

16. On civic struggles against police violence in Argentina see Marieke Denissen, *Winning Small Battles, Losing the War: Police Violence, the ‘Movimiento del Dolor’ and Democracy in Post-Authoritarian Argentina* (Amsterdam: Rozenberg Publishers, 2008); Claudio Fuentes, *Contesting the Iron Fist: Advocacy Networks and Police Violence in Argentina and Chile* (New York: Routledge, 2005); Ruth Stanley, “Controlling the Police in Buenos Aires: A Case Study of Horizontal and Social Accountability,” *Bulletin of Latin American Research* 24 (1995): 71–91.

17. Waisbord, *Watchdog Journalism in South America*; Catherine Conaghan, *Fujimori’s Peru: Deception in the Public Sphere* (Pittsburgh, PA: Pittsburgh University Press, 2006); Enrique Peruzzotti,



A scenario where social mechanisms are strong provides an important source of “stimulation” for horizontal agencies to fulfill their responsibilities. At the same time, the existence of horizontal agencies that are willing to perform their duties and responsibilities is an important facilitator of social accountability “induction.”<sup>18</sup> As O’Donnell forcefully put it, “It is in these interactions, both of induction and stimulation, where chances to move forward in the much-needed democratization of these countries can be found.”<sup>19</sup> Horizontal and social mechanisms of accountability can reinforce each other in a virtuous cycle of “induction and stimulation” that in the end results in improved state compliance. If civil society and the media are capable of sustaining social pressure through denouncing and exposing government wrongdoing, they could eventually encourage a reinforcing cycle of accountability.

### *Articulated Oversight*

In recent years, there has been an effort to consciously articulate horizontal and social forms of accountability by creating mixed forms of legal oversight. This is an incipient yet promising trend in the region that—by combining the resources of social and state mechanisms—can result in more effective forms of legal oversight of governmental activities. Experiences of “articulated oversight” entail the opening of horizontal agencies to incorporate participatory mechanisms that complement their monitoring activities.

There are a few salient examples of this new trend in accountability politics. Perhaps the best-known case is the so-called process of *ciudadanización* (“citizenization”) of the Federal Electoral Institute (IFE) in Mexico. After years of sustained social pressure by a nation-wide network of civic organizations (“Alianza Cívica”) that demanded institutional and electoral reform to guarantee the holding of free and competitive elections, the Federal Code was modified in October 1996 to allow the appointment of “citizen counselors” to safeguard the autonomy of the agency from political manipulation. The incorporation of respected figures from civil society into the board of IFE is considered a major institutional breakthrough that changed the logic of political subordination that has characterized the IFE, initiating a series of reforms that made possible the holding of free and competitive elections and the transfer of power to an oppositional party for the first time in more than six

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“Media Scandals and Social Accountability: Assessing the Role of the Case of the Senate Scandal in Argentina,” in Peruzzotti and Smulovitz, *Enforcing the Rule of Law*, 249–71.

18. The terms ‘induction’ and ‘stimulation’ are borrowed from O’Donnell, “Notes on Various Accountabilities,” 339.

19. *Ibid.*

decades. The “societalization” of such a key agency of horizontal control<sup>20</sup> was the stepping stone for a radical political shift that, with the triumph of Vicente Fox in the presidential elections of July of 2000, inaugurated the present democratic period.<sup>21</sup>

A more recent experience is the establishment of a mixed network of state agencies and civil society organizations to monitor the implementation of the environmental plan to clean up the Riachuelo/Matanza basin in Argentina. The Riachuelo/Matanza basin is the most populated and contaminated one in Argentina. Decades of governmental inaction had only aggravated the problem. Civil society organizations have repeatedly mobilized to press authorities to address the numerous environmental and social problems that affect the 3.5 million inhabitants of the basin. Finally, and as a response to a third party plaintiff elevated to the Argentine Supreme Court by a civil society organization, the Court decided to take an active role and requested the organization of a mixed network of control, comprising horizontal agencies (the Ombudsman Office and the General Comptroller) and civil society organizations (neighborhood organizations located in the basin, environmental NGOs, research institutes, etc.), which now form a Civil Society Body (CSB). The role of the CSB is to monitor compliance with the obligations set out in the court sentence and to make the relevant recommendations to the basin’s jurisdictional authority (ACUMAR).

The Ombudsman Office coordinates and articulates the participation of civil society within this process, conveying its message to the Supreme Court. The General Comptroller is responsible for monitoring the budgetary implementation of the proposed environmental plan. The establishment of a mixed network of horizontal and social mechanisms that act in coordination has resulted in a more effective kind of monitoring intervention, with accountability actions benefiting from the specific and combined input of distinct accountability

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20. The case clearly differs from the logic of classical social accountability politics, for it supposes the inclusion of social actors into a state agency. This difference has been rightly highlighted by Ernesto Isunza Vera, who referred to the experience as a case of “transversal” accountability. See Ernesto Isunza-Vera, “Para Analizar los Procesos de Democratización: interfaces socio-estatales, proyectos políticos y rendición de cuentas,” in *Democratización, Rendición de Cuentas y Sociedad Civil. Participación Ciudadana y Control Social*, coord. Ernesto Isunza Vera and Alberto J. Olvera (Mexico: Miguel Angel Porrúa Editores, 2010), 265–91.

21. For a more detailed analysis of the experience of Alianza Cívica and the struggles for free elections in Mexico, see Isunza Vera, “Para Analizar los Procesos de Democratización”; Alberto J. Olvera, “Social Accountability in Mexico. The Civic Alliance Experience,” in Peruzzotti and Smulovitz, *Enforcing the Rule of Law*, 178–212; Sergio Aguayo, “Electoral Observation and Democracy in Mexico,” in *Electoral Observation and Democratic Transitions in Latin America*, ed. Kevin J. Middlebrook (San Diego, CA: Center for U.S.-Mexican Studies, University of California, San Diego, 1998), 167–85.

partners. By incorporating a heterogeneous group of civic stakeholders into their controlling activities, horizontal mechanisms profit from the specific input that actors as diverse as grassroots organizations, international environmental NGOs, and universities generate. Grassroots organizations, for example, have provided invaluable knowledge of the local terrain, monitoring on a daily basis the progress of construction and clean-up activities. They also serve as fire alarms, immediately reporting any incident or environmental emergency. Other organizations, such as environmental NGOs or universities, contribute their professional and technical expertise, which is crucial in the evaluation of government reports. The backing that the Riachuelo/Matanza case has received from the Supreme Court of Justice, and the fact that the Court now acts in concert with the Ombudsman, not only strengthens the legitimacy and political relevance of the initiative but gives proxy sanctioning powers to the Ombudsman.<sup>22</sup>

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The initiatives described in this section add important resources to ongoing efforts to strengthen the legal dimension of governmental accountability in the region. Both social accountability and articulated oversight experiences represent novel efforts to strengthen the rule of law in the region, openly challenging state unlawfulness in the area of human rights violations, environmental issues, or corruption. Even if those initiatives are successful in reducing discretionary state behavior, there are still other democratic deficits of a more political nature that need to be addressed. Civic efforts to promote the subordination of state agents to the rule of law are insufficient if not complemented with other forms of engagement that seek to strengthen and improve the political dimension of democratic accountability, particularly the lack of responsiveness that public policies exhibit towards the needs of poor and marginalized groups. There are an important number of mechanisms that have been created specifically to address political deficits of accountability. One of the most noteworthy is the establishment of novel mediating arenas that seek to establish more participatory, public, and deliberative channels of communication between civil society and the political system. The analysis of such arenas of institutionalized

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22. For further analysis of this initiative see Gabriela Merlinsky, "El Plan Integral de Saneamiento Ambiental de la Cuenca Riachuelo/Matanza: desafíos para la gestión integrada del agua en la Región Metropolitana de Buenos Aires," in Gabriela Merlinsky, *Política y Gestión Hídrica en la Región Metropolitana de Buenos Aires*, (Buenos Aires: Editorial Universitaria de la Universidad Nacional de General Sarmiento, forthcoming); Enrique Peruzzotti, "The 'Societalization' of Horizontal Accountability: Rights Advocacy and the *Defensoría del Pueblo* in Argentina," in *National Human Rights, State Compliance, and Social Change: Assessing National Human Rights Institutions*, ed. Ryan Goodman and Thomas Pegrum (Cambridge: Cambridge University Press, 2011), 243–69.

participation and their contribution to the agenda of democratic accountability is the subject of the next section.

### **Arenas of Institutionalized Participation and Political Accountability**

The last continental democratizing wave in Latin America generated a number of original participatory formats such as participatory budgeting, different sorts of citizen's councils, oversight boards, participatory urban planning, neighborhood committees, and public audiences. In some cases, those arenas resulted from Constitutional reforms, as was the case in Brazil and Colombia. The 1988 Brazilian Constitution introduced a variety of different devices to promote civic voice and participation and improve access to social services such as healthcare, social assistance, urban services, etc. Similarly, the 1991 Constitutional reform in Colombia created 29 different types of participatory mechanism, including consultative planning councils, local administrative juntas, citizen oversight committees, consultative planning councils for indigenous territories, etc.<sup>23</sup> In other democracies like Bolivia, Nicaragua, Peru, and Guatemala, participatory institutions came to life as the result of the adoption of national legislation that mandates the inclusion of participatory institutions at the local level. Mandatory participatory budgeting in Peru was introduced as a component of a top-down decentralization reform that also included the creation of regional coordination councils that bring together civil society and mayors to discuss development plans and budgets.<sup>24</sup> Bolivia enacted the Popular Participation Law in 1994, which divides the entire territory into 320 municipal governments and broadens the powers and responsibilities of municipalities to include rural areas. The law also modifies the municipal structure by creating oversight committees, which are integrated by social organizations.<sup>25</sup> Finally, in other countries, institutional innovation was not part of a wider and coordinated process of institutional reform, but rather the result of isolated initiatives on behalf of municipal authorities, as is the case of the different ongoing experiences with participatory budgeting in Argentina and Uruguay.

Within Latin America, Brazil distinguishes itself for the depth and extent of its experimentation with arenas of institutionalized participation. The country

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23. See C. Fabio Velasquez and R. Esperanza Gonzalez, *Que ha pasado con la participación ciudadana en Colombia?* (Bogota: Fundación Corona, 2003).

24. See Stephany L. McNulty, *Voice and Vote: Decentralization and Participation in Post-Fujimori Peru* (Palo Alto, CA: Stanford University Press, 2011).

25. See Roberto Laserna, "Decentralization, Local Initiatives, and Citizenship in Bolivia, 1994–2004," in Seele and Peruzzotti, *Participatory Innovation and Representative Democracy in Latin America*, 126–55.

was an early promoter of participatory mechanisms and through the years it has instituted a large number of sites for civic engagement. It is thus not surprising that the regional debate on institutionalized participatory formats largely reflects on the Brazilian experience with participatory governance, particularly with what has worldwide become its most visible sign: participatory budgeting.<sup>26</sup>

Outside of participatory budgeting, there are other important structures of participatory governance, such as the different social councils that have been established to shape the process of formulation and implementation of social policies.<sup>27</sup> Social councils are the most widespread participatory institution in Brazil: there are over 28,000 policy councils throughout the country. Specific types of social councils have been established to address, respectively, social policies in the areas of health, education, social services, and children's and adolescents' rights.

Health councils, for instance, bring together public officials, private sector service providers, and civil society organizations to deliberate on public policies in the area of health.<sup>28</sup> There are over 5,000 health councils currently functioning

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26. Abers, *Inventing Local Democracy*; Leonardo Avritzer, "Modes of Democratic Deliberation: Participatory Budgeting in Brazil," in *Democratizing Democracy: Beyond the Liberal Democratic Canon*, ed. Boaventura de Sousa Santos (New York: Verso, 2006); Leonardo Avritzer and Navarro Zander, eds., *A Inovação Democrática no Brasil: O Ornamento Participativo* (São Paulo: Editora Cortez, 2003); Gianpaolo Baiocchi, "Participation, Activism, and Politics: The Porto Alegre Experiment and Deliberative Democratic Theory," *Politics & Society* 29 (March 2001): 43–72; Nysten, *Participatory Democracy versus Elitist Democracy*; Boaventura de Sousa Santos, "Participatory Budgeting in Porto Alegre: Toward a Redistributive Democracy," *Politics & Society* 26 (December 1998): 461–510; Celina Souza, "Participatory Budgeting in Brazilian Cities: Limits and Possibilities in Building Democratic Institutions," *Environment & Urbanization* 13 (April 2001): 159–84; Brian Wampler, "Expanding Accountability through Participatory Institutions: Mayors, Citizens, and Budgeting in Three Brazilian Municipalities," *Latin American Politics & Society* 46 (2004): 73–99; Brian Wampler and Leonardo Avritzer, "Participatory Publics: Civil Society and New Institutions in Democratic Brazil," *Comparative Politics* 36 (April 2004): 291–312; Wampler, *Participatory Budgeting in Brazil*. There is also a burgeoning literature which analyzes the fate of participatory budgeting experiences outside of Brazil. See Daniel Chavez and Benjamin Goldfrank, *The Left in the City: Progressive and Participatory Local Governments in Latin America* (Amsterdam: Latin American Bureau, 2004); Denis Rodgers, "Unintentional Democratization? The Argentinazo and the Politics of Participatory Budgeting in Buenos Aires, 2001–2004," Crisis State Programme, Working Paper # 61 (London: London Development Research Institute/LSE, 2005); Enrique Peruzzotti, "The Politics of Institutional Innovation: The Implementation of Participatory Budgeting in the City of Buenos Aires," in Seele and Peruzzotti, *Participatory Innovation*.

27. Vera Schattan, "Consejos de Salud: El Desafío de Construir Instituciones Políticas Participativas en Brasil," in *Participación Ciudadana y Políticas Sociales en el Ambito Local*, coord. Alicia Ziccardi (Mexico: Instituto de Investigaciones Sociales de la Universidad Autónoma de Mexico, 2004); Luciana Tatagiba, "Los Consejos Gestores y la Democratización de las Políticas Públicas," in *Sociedad Civil, Esfera Pública y Democratización en América Latina: Brasil*, coord. Evelina Dagnino (Mexico: Fondo de Cultura, 2002), 305–68; Monika Dowbor, "Origins of Successful Health Reform: Public Health Professionals and Institutional Opportunities in Brazil," in "State Reform and Social Accountability: Brazil, India and Mexico," ed. P. Houtzager, Anuradha Joshi and Adrián Gurza Lavalle, *IDS Bulletin* 38:6 (2008), 73–80.

28. Schattan, "Consejos de Salud," 218–19.

in Brazil (practically one for every city), which mobilize around 100,000 citizens as well as a wide array of civic organizations.<sup>29</sup> Health councils are spaces of mandatory negotiation and deliberation on health issues that bring together local administrations, private sectors providers, and civil society actors. Councils have the responsibility of approving as well as monitoring the implementation of public policies in the area of health that are part of the annual municipal plan. If the plan (and its corresponding budget) is not approved by the council, the municipality will not receive the funds allocated to it by the Federal Government, so there is a strong incentive for local authorities and council members to reach an agreement on the annual priorities in the area of health policy and their implementation.<sup>30</sup>

Participatory budgeting was introduced in the city of Porto Alegre in 1990 and rapidly expanded all over Brazil. Today participatory budgeting is practiced in approximately 170 cities.<sup>31</sup> It entails several rounds of deliberative assemblies, where neighbors make claims and negotiate among themselves about the allocation of the yearly budget. The assemblies are either of a territorial or thematic nature. Territorial assemblies are formed by the elected councils of a locality (either regions or sub-regions); thematic assemblies instead are organized around specific issues such as transportation, urban development, health and social services, culture, economic development, etc.<sup>32</sup>

Many view arenas of institutionalized participation as an effective way to expand and increase the voice of citizens in the policy-making process beyond those opportunities traditionally established by electoral politics. The opening up of new venues of citizen participation is seen as a way to thicken the field of mediating mechanisms beyond legislatures and parties to promote the access of previously marginalized specific sectors to the political system. Scholars, civic leaders, and politicians have credited recently introduced instances of institutionalized participation with contributing to the betterment of existing democracies in different ways. Participatory mechanisms, they argue, strengthen democratic representation by giving voice to previously disenfranchised groups and by establishing more fluid channels of communication between the citizenry and the political system.<sup>33</sup>

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29. Avritzer, *Participatory Institutions in Democratic Brazil*, 116.

30. Schattan, "Consejos de Salud," 218.

31. Avritzer, *Participatory Institutions in Democratic Brazil*, 85.

32. Leonardo Avritzer, "Sociedad Civil, Espacio Público y Poder Local."

33. There are of course those who are skeptical about the eventual benefits of such mechanisms and consider that they tend to create more problems than solutions. The addition of participatory mechanisms, some argue, only serves to amplify some of the existing democratic deficits or to repackage old forms of non-democratic relationships. Rather than experimenting with participatory institutions, efforts should aim at improving the performance of formal political institutions. See, for example, Marcus André Melo, "Democratizing Budgetary Decisions and Execution in Brazil: More Participation or

There are two distinct—yet interrelated—arguments on behalf of participatory institutions. The first one focuses on the effects of these mediating structures in civic participation; the second emphasizes the ways in which such arenas redefine the linkages between citizens and public authorities. A first set of arguments focuses on the influence that mechanisms of institutionalized participation have on civic participation. Participatory arenas generate incentives to political participation, mobilizing previously disengaged neighbors, civic organizations, or social groups. Spaces of institutionalized participation level the playing field to ensure the inclusion of previously excluded or unorganized sectors of society, bringing new voices into the political arena and creating new channels for political intermediation. Participatory arenas in places like Bolivia, Ecuador, and Peru, for instance, have facilitated the incorporation of previously disengaged indigenous groups into local politics.<sup>34</sup>

Another set of arguments emphasizes the qualitative changes that some of those mechanisms produce on participatory practices. What matters, on this view, is how participatory design helps to shape participatory practices, promoting more deliberative, public, and equal forms of participation. The dynamics within those spaces promote a more deliberative process of decision making, forcing citizens to provide public justification for their particular claims and to hear the demands of others. This is the case with the forms of interaction that take place within the different cycles of debate within participatory budgeting. The deliberative and bargaining processes that occur in the assemblies of participatory budgeting must—on many occasions—submit to normative criteria: negotiations over the allocation of public goods, for instance, must take into account previous access to public goods of other citizens and groups. In Belo Horizonte, half of the resources available for participatory budgeting are allocated according to an “Index for Urban Quality of Living,” which measures the differential access to public goods of different regions of the city.<sup>35</sup> Such a normatively regulated discursive interaction helps participants to have a better understanding of a community’s needs; forcing participants to take into consideration the pressing concerns of more disadvantaged citizens.

A second type of argument focuses on how mechanisms of institutionalized participation redefine the linkages between the citizenry and public authorities. When they function properly, participatory arenas promote a more public and deliberative way of connecting with public authorities than either private

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Redesign of Formal Institutions?” in Seele and Peruzzotti, *Participatory Innovation and Representative Democracy*, 17–39.

34. Anthony Bebbington, *Comunidades Indígenas, Desarrollo Local y Concertación Pública: El caso de Guamoto, Ecuador*, working paper prepared for the Inter-American Foundation’s Project on Espacios Públicos de Concertación Local (Arlington, VA: Inter-American Foundation, 2005).

35. Avritzer, *Participatory Institutions in Democratic Brazil*, 95.

bargaining through lobbying or clientelism. Clientelism, in particular, has been a persistent and troublesome feature of most Latin American political systems that has conditioned the access of the poor to public goods.<sup>36</sup> The poor often have access to basic services only through local political brokers who provide public goods in exchange for electoral support or for other types of political favor.<sup>37</sup> The format of participatory institutions, when properly implemented, reduces the influence of traditional political brokers, replacing the latter with a more grass-roots cadre of activists linked to different organizations of civil society.<sup>38</sup> As Archon Fung argues, “the novelty and significance of participatory budgeting lies in its distinctive structuring of relationships between state, civil society organizations, and citizens that shifts the balance of authority in some venues away from professional politicians who inhabit the state apparatus to civic organizations and citizens themselves.”<sup>39</sup> This shift is confirmed by the research carried out by Brian Wampler in different Brazilian cities showing that delegates to participatory budgeting relied less on political brokers and political connections to access public services or goods than ever before.<sup>40</sup> In brief, if properly designed and implemented, institutionalized participation can replace clientelism with more public forms of political intermediation.

The wide range of existing experiences, of formats and designs, of differing social and political contexts, in fact makes it difficult to generalize about the performance of participatory institutions or about their alleged contribution to an agenda of democratic accountability. It is unrealistic to expect that participatory institutions will by themselves revolutionize a problematic political environment. Yet even in such cases they might be able to promote relevant, if more modest, changes. Comparing the performance of three different participatory arrangements (participatory budgeting, health councils, and city master plans) in Belo Horizonte, São Paulo, Salvador, and Porto Alegre, Avritzer concludes that the performance of participatory mechanisms in each city showed significant variations due to differences in the composition of their local civil and political society.<sup>41</sup> He nevertheless found that in Salvador—which was the city that provided the least favorable environment of the analyzed

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36. Luis Roniger, *Hierarchy and Trust in Modern Mexico and Brazil* (New York: Praeger, 1990); Javier Auyero, *Poor People's Politics: Peronist Survival Networks and the Legacy of Evita* (Durham, NC: Duke University Press, 2000); John D. Martz, *The Politics of Clientelism: Democracy and the State in Colombia* (Piscataway, NJ: Transaction Publishers, 1997); Frances Hagopian, *Traditional Politics and Regime Change in Brazil* (Cambridge: Cambridge University Press, 1996).

37. Auyero, *Poor People Politics*.

38. Wampler, “Expanding Participatory Institutions”; Fung, “Reinventing Democracy in Latin America.”

39. Fung, “Reinventing Democracy in Latin America” 25.

40. Wampler, *Participatory Budgeting in Brazil*. A similar argument is made by Avritzer; see his *Participatory Institutions*.

41. Avritzer, *Participatory Institutions in Democratic Brazil*, 172–74.



cases (a weak civil society and hostility among local political elites towards participatory experiments)—participatory institutions exerted some beneficial influence.<sup>42</sup> He concludes that questions of institutional design are essential for ensuring that participatory institutions are devised to be effective in light of the specific circumstances of each local context in which they are being introduced.

## Conclusion

This article described a series of participatory innovations that seek to address existing democratic deficits in Latin America by expanding the repertoire that citizens have at hand to promote governmental accountability. In the process, the very notion of democratic accountability was redefined. The exercise of accountability is no longer the prerogative of a limited number of state agencies; rather, there is a variety of social actors who regularly engage in actions whose goal is to promote more responsible and responsive democratic governments. New institutional arenas and tools have been introduced for citizens to demand governmental accountability as well. The end result of such developments is the creation of a more complex landscape for the practice of democratic representation than the one originally envisioned by democratization studies and conventional theories of governmental accountability.

Conventional theories of accountability focused on horizontal and electoral mechanisms, but the workings of horizontal mechanisms—such as audits, legislative scrutiny, judicial review, etc.—received most of the attention. On this view, elections were the paradigmatic form of vertical accountability, the quintessential mechanism of citizen control. The experiences analyzed here challenge this narrow understanding of democratic accountability and force us to look beyond the role of traditional horizontal mechanisms and electoral institutions. They undermine the election-centered understanding of representation, suggesting a broader interpretation of democratic accountability that focuses on voting as well as on non-electoral channels through which citizens can successfully promote more responsible and responsive decisions and policies.

The conventional way of theorizing the role of citizens in the practice of democratic accountability must be expanded to make room for other mechanisms of citizen control. While voting is still a defining moment in the public life of any democracy, citizens now have at hand alternative tools and venues to make their claims heard between elections. These include exposing

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42. Similarly, the comparative study carried out by Baiocchi *et al.* arrived at the same conclusion: cities that adopted participatory budgeting were better off than similar cities that did not. See Gianpaolo Baiocchi, Patrick Heller, and Marcelo K. Silva, *Bootstrapping Democracy: Transforming Local Governance and Civil Society in Brazil* (Palo Alto, CA: Stanford University Press, 2011).

governmental wrongdoing in the public sphere; the direct and indirect activation of horizontal agencies of oversight; engaging in coordinated exercises of articulated oversight; and participating in formal arenas of deliberation and decision making on matters of popular concern. The proliferation of these alternative means for holding governments accountable adds to the tool-box that citizens have at their disposal to promote governmental accountability. Many participatory innovations link society and the political system in novel ways. They do not demand the complete delegation of citizens' democratic powers to an elective elite nor their subjection to the timetables of the electoral calendar. Neither do they assume a drastic division of roles between representatives and constituents, but instead blend, in a creative manner, participation and representation.

In contemporary Latin American democracies, organized citizens in civil society actively engage in practices of democratic representation and governmental accountability. Whether the emerging topography of democratic politics represents an adequate response to the democratic deficits that had troubled regional democracies remains an open question. What is certain is that those regimes have not remained indifferent to them and in fact have often embraced them in imaginative ways.

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