Civil society participation in human rights public policy making and implementation in Latin America

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Democratic governance presupposes the need for public policies (Mueller, 2006; Mariñez, 2009), and these in turn require the participation of civil society through a variety of means at two different stages: policy making and policy implementation. And yet it is not as easy to find literature on policy implementation as it is on policy making. At the same time, civil organizations in Mexico and other Latin American countries very often include, as part of their mission, the objective of changing the prevailing social conditions through influencing public policies—the latter being commonly understood as a function of the State. Most of the time however, their sphere of influence seems to be primarily concerned with the policy making processes, and to consider policy implementation to a lesser degree. Policy implementation however, is usually seen as the opportunity for civil organizations to exert the kind of civil scrutiny that is necessary if we are to have government accountability.

After Pressman and Wildavsky (1973) it was clear that the problem of having effective public policies is not only a matter of good theoretical design, but a problem of implementation as well. In some Latin American countries public policy making has become a key issue at the center of political analysis. Nevertheless, the State is still seen as the main, if not the only actor when public policy is discussed, the latter usually being equated to governmental action. In contrast to this, many theorists argue that public policy making and implementation necessarily require the participation of other social actors besides the State; that a democratic regime requires citizens to take part in the construction of governance (Quijano, 2008; Aguilar, 2007; Mueller, 2006). Thus, the participation of civil society in the public sphere constitutes one of the major changes that are sought in these countries. This is clear when it comes to human rights regime (Andreopoulos, 2006; Montero & Charry,2004), which too often have become the arena in which the government and the organizations of civil society enter a confrontation. Instead of this, the implementation of public policies could become the space for the government and civil society to collaborate so as to have the former regain public trust (Saravia, 2009; Ochman, 2006).

In this paper, we propose a set of concepts for a theoretical framework and a comparison between them and some concrete experiences. We propose two operative concepts for public policy making and implementation that would allow for the emergence of new practices for democratic participation, something that seems to be all the more urgent given the present crisis of legitimacy and governance in the region. In this sense, pertinent questions are: What is the concept of public policy that offers the widest variety of opportunities for public participation in democratic governance? How can democratic participation be compatible with efficiency? What challenges can we encounter as we adopt these concepts in Latin America? Are there any cases or experiences we can look at?

For empirical contrast, the paper brings together four cases of public policy implementation in which civil organizations and/or civil society have played a crucial role leading to the achievement of successful results. We do not intend to arrive at theoretical generalizations; we are striving to present a set of concepts and concrete examples that can inspire others to improve citizen participation, a factor that can eventually lead to the attainment of legitimacy and other moral resources for democratic governance. The cases presented in this paper show that good will alone is not enough if we want to change longstanding inertias; not even in times of “democratic alternation”. All cases present human rights organizations that declare, as part of their mission, the goal of “influencing public policy”; that have developed effective collaboration with some government agencies for a significant period of time; and that can be considered to be relatively successful. The areas these organizations work on go from community development to the homeless and HIV+ populations. Success stories were taken from experiences in Argentina, Brazil and Mexico, and it is thought that lessons learned from these cases could help us find new and more effective ways of collaboration between the government and civil society.
References


