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*Erasmus*

## **Upsetting the democratic balance of power?**

A case-study of the Council of Citizen Participation and Social Control in  
Ecuador.

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## **List of Acronyms**

CCPSC	Council of Citizen Participation and Social Control
OLCP	Organic Law of Citizen Participation
OLCCPSC	Organic Law of the Council of Citizen Participation and Social Control
NGO	Non-Governmental Organization

## **Abstract**

During the 1990s and early 2000s, several Latin American countries were the scene of strong political, economic and social upheavals. This context produced the widening of inequality gaps as well as a crisis of legitimacy over traditional democratic institutions.

These conditions allowed for the emergence of left-wing governments who achieved government power through paradigmatic and counter-hegemonic proposals in their development and governance models. In 2008, Ecuador approved a new constitution that incorporated citizen participation as a constitutional right motivating a new state structure that disrupted the traditional division of powers with the incorporation of two more powers of the State and an organization the Council of Citizen Participation (CPCCS) which is responsible for moving towards a participatory democracy.

This paper illustrates a qualitative case-study about the role played by the CPCCS around two main research areas. The first, focus it analysis around the creation of spaces of participation based on the institutional design and the organizational action. The limitations and opportunities in the exercise and practice of the citizen participation will be identified. The second research area emphasize it analysis on the interests and positions of the Executive and Legislative branch around the CCPSC and the selection appointee process as participatory spaces where the power distribution is deployed. In other words, the CCPSC and the selection appointee process will be explored toward the democratic balance of power.

The perspectives collected by semi-structured interviews with NGOs, officials, scholars and representants of the legislative power were examined in a critical way to rethink these participatory experiences around the debate between participation to transform or to govern. Finally, this research paper reflects the impact of these paradigms on the transformation of power relations in the democratization processes.

## **Relevance to Development Studies**

The participation and the distribution of power are concepts usually examined from the political studies. Nevertheless, the analysis of the participatory experiences in the development process are important to understand the role the citizen have in the making-decision process. The agency, interests and participation of the actors in the decisions of a nation determine the development and governance models. In this sense, the configuration of participatory spaces and the relations of power on it will determine if decisions, priorities and goals of a nation are imposed or in consensus between citizenship-state. At the end, this relation of power illustrates how the development of a country represents the needs of the population, these elements are decisive to manage the conflictive, the inequality and the welfare of a society. That is the relevance to analyse the participation from the development studies.

### **Keywords**

Citizen participation, institutional design, organizational action, spaces of power, spaces of participation, distribution of power, selection appointee process.

# 1. Introduction

## 1.1 A brief introduction of the research problem

The present research establishes an analysis of the implementation processes of the constitutional normative oriented to consolidate the participatory democracy in Ecuador. In this sense, this study will examine the challenges encountered during the establishment and operation of the participatory institutions and organizations incorporated since 2008, and how the key stakeholders dealt with them. Subsequently, the operation and impact of these participatory institutions and organizations will be reflected around the democratization process of Ecuador. Hence, the role and application of these participatory institutions and organizations will be evaluated, while keeping an open mind about the possibility that their impact could either deepen or undermine democracy.

To understand the relevance of this analysis it is required to review some facts and historical elements that influence and illustrate clearly the problem involved. The incorporation of these participatory institutions and organizations in Ecuador cannot be understood totally isolated from the political and social background and process that occurred in some of the countries in Latin America, particularly in South America. During the last few decades, the region experienced the presence and strong intervention of charismatic politicians and left-wing governments that have motivated, in countries like Argentina, Bolivia, Brazil, Chile, Ecuador and Uruguay, fundamental changes around the developmental and democratic paradigms that guided each country (Cannon and Kirby 2012). However, as Jason Ross Arnold and David J. Samuels (2011: pp. 31-32) state “the knowledge about what the outcomes produced by the ‘pink tide’ at the mass level is still limited, i.e. recognize if the left governments represents effectively a critique for the representative democracy as some scholars stated” will be one of the main reflections of this study.

One of the main characteristics that these countries and governments share was the urgency to radicalize or deepen democracy through the incorporation of participatory institutions, organizations and/or mechanisms which motivate the involvement of citizens in decision-making and social control. Each country has adopted different ways to achieve citizen participation. Nevertheless, according to Andrés Moscoso (2014: pp. 7) Bolivia, Ecuador and Venezuela reproduce "neopopulist" forms for integrating citizen participation and other non-common paradigms in their constitutions.

Complementary to this last statement Moscoso (ibid. 2014), also determines that the constitutional creation of new executive functions motivate hyper-presidentialism. This political category refers to the centralization of power by the executive and the imbalance of the division of powers between the other power of the state. It is important to mention that this last aspect will be analysed toward the operation and influence of participatory organizations and institutions in the balance of powers between the different State branches.

The Ecuadorian case is characterized to incorporate in the Constitution of 2008 article 95 which established citizen participation as a constitutional right. This article establishes the possibility for every Ecuadorian to participate in an individual or collective way to take part in the decision-making process of public affairs and in social control (Gobierno del Ecuador 2008). However, even more paradigmatic this twentieth Constitution establishes in its fourth

title called "Participation and organization of power" the division of the powers of the State through 5 functions or branches<sup>1</sup>.

As Franklin Ramirez (2014: pp. 231-232) points out, this constitutional framework enhances the role of citizen participation in the democratic order in such a way that approximately 70 of the 444 articles mark the expansion and creation of innovative spaces, mechanisms, organizations and institutions referring to public deliberation and citizen control of decision-making in public affairs and the use of their resources.

The Council of Citizen Participation and Social Control (CCPSC) is an autonomous public organization created by the Constitution and represents the main participatory space examined during this research. Though citizen participation as well as the enforcement of direct democratic mechanisms is a topic broadly examined in Latin America and in the world, the Ecuadorian case-through the creation and operation of the 'Fifth Power'<sup>2</sup> and the CCPSC-represents a paradigmatic experience where the power behind the participatory spaces could be analysed. It is also a special opportunity to examine how this participatory space influences the relations of power that are recurrent in the relationship that lies between the State and Citizenship and the balance of powers in democracy.

## 1.2 Research purpose: questions and objectives

This paper seeks to analyse the impact generated by the Constitutional incorporation of a series of institutional reforms based on the implementation of citizen participation as a transforming element of power relations between the State and its citizens. In terms of power balance, the research examines the role and function of the CCPSC and focuses its analysis on the effects produced by the implementation of this institutional design and the exercise of the attributions granted to this organization.

In this context, the experiences and points of view collected from qualitative interviews to head officials, representatives from the legislative branch, representatives from NGOs and recognized scholars around the creation and outcomes that the CCPSC achieved from 2010 to 2018 will help to answer the main research question: In what way has the Council established participatory institutions and organizations, and how did the key stakeholders involved (executive, legislative and CSOs) deal with them? The next sub-questions will help achieve this main question.

- ✚ In terms of citizen participation, what are the opportunities and limitations in the implementation of the participatory institutional design and action of the Citizen Participation Council?
- ✚ What effects does the CCPSC appointee selection process, and the way in which certain interest groups attempted to influence it, have in terms of the balance of powers between branches of government?

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<sup>1</sup> Since the Constitution of 2008, the branches or powers of the Ecuadorian state are: (1) Executive, (2) Legislative, (3) Judicial, (4) Electoral and the (5) Transparency and Social Control.

<sup>2</sup> In Ecuador the 'Fifth Power' is a colloquial way to refer about this new branch or power of the State called "Transparency and Social Control"



The understanding of the Ecuadorian case around the exercise and expansion of mechanisms and instruments of citizen participation evidences the exercise of power in the spaces of participation as well as the concrete incidence of citizenship in decision making process. This experience contributes to broaden the analysis of the vindication of social demands and the implementation of development and governance alternatives in the democratization processes framed in the governments of the resurgence of the Latin American left categorized in the pink tide. That's why the main objective of this paper is to identify how and to what extent the new participatory institutions and organizations during the last decade have contributed to either deepen or undermine democratic participation in Ecuador.

To achieve this objective, the coming chapters of this paper will illustrate first a contextual analysis where the institutional design and the attributions and conditions that lead the operation of CCPSC will be described. Next, the constitutional and secondary laws related to this institutional design will be explained to characterize the redistribution of the State power through five functions, focusing in the fifth function -Transparency and Social Control- and the creation of the CCPSC.

Summing up, this contextualization will be an introductory way to get into the analytical chapter that will develop two main research areas around the experiences and visions expressed by the interviewers previously mentioned. The first one, is related to the configuration of the CCPSC and the spaces of participation in order to figure out if the participatory mechanisms implemented has a transformative approach to change the relations power or just to improve government management. The second area will focus on analysing the operation of the CCPSC around the selection appointee process and which effects are produced in the balance of powers between the Executive and Legislative branches.

## **2. The power on participatory spaces: An analytical framework to examine a participatory experience**

This section will identify and map some of the main perspectives, research and approaches around the implementation of participatory spaces in governance models. The literature related to this area of research is quite extensive, however, this paper will consider some theoretical approaches that allow analysis of the power relations found in participatory spaces. This chapter will be divided in three main sections.

The first section illustrates some of the academical and programmatic perspectives around the conceptualization of citizen participation and the relation that lies between citizens and the State in the decision-making process. This part will analyze the heterogeneous implementation of citizen participation mechanisms in Latin America. The reflection of these diverse experiences, particularly the Ecuadorian case, will illustrate how the diverse configuration of the roles and relationships between the citizenship and the State determine the outcomes of these participatory experiences.

A brief understanding of this political process and the institutional and organizational characteristics requires attention for two reasons. In the first instance, this historical understanding allows for a complete overview of the configuration of the roles between the State and citizenship and how the participatory mechanism and process could be analysed as a tool to motivate transformations or manipulate the decision-making process. In other words, the concepts shown will allow the understanding of whether the participatory Ecuadorian experience was intended to transform or to govern; other key concepts involved are citizen participation as a right and how it is facilitated or limited by the State.

Secondly, this background sets the stage for the analysis of different perspectives and studies around the effectiveness of the attempts to deepen democracy by the implementation of participatory mechanisms. This section explores the debate related to the balance of powers in the democratic regime, where some believe that these participatory processes experienced in recent years, rather than deepening democracy, undermined it. One of main analytical scopes of this research is to study the impact of the participatory institutional design and to modify the check and balances between the power or functions of the State. The Ecuadorian case is unique as it illustrates certain characteristics that could not be found in other organizational and state building experiences around the world.

Two of these characteristics are the division of powers of the state in five functions and the appointee selection of the control authorities was coordinated by public institution (CCPSC) through a meritocratic process deployed by a participatory process. These elements are the main units of analysis used in order to study how citizen participation could promote the concentration or redistribution of power.

Finally, it is important to note that this analysis and the perspectives shown are part of a few studies that are surging and contributing to the understanding of the social and political experienced in Latin America during these last decades. The short enforcement time that characterized these reforms and actions makes these analytical efforts mere contributions that help us to understand the configuration of democratic regimes. Additionally, this context allows the rethinking of the hypothesis about the political phenomena that implies

the implementation of discursive and practical experiences to deepen democracy and the citizen participatory processes.

## **2.1 Understanding citizen participation**

### **2.1.1 A general approach to citizen participation**

The analysis and understanding of citizen participation represent a topic broadly studied and described in the political and sociological studies. According to Robert Chambers (1997), citizen participation is the redistribution of power and the implementation of horizontal relationships between who decides and who is affected by the decisions. Additionally, participation means the people's empowerment and capacity to analyse and transform their future influencing public affairs. Nevertheless, participation could also be understood as a tool to manipulate and mobilized people in order to determine political agendas. (Cooke and Kothari 2001)

In Latin America, the comprehension of this concept was permanently linked to the empirical application of this concept, where local experiences of grassroots organizations, communities and local governments developed mechanisms to promote the participation of the people for the governance and decision-making process.

### **2.1.2 Citizen participation from a public management perspective**

According to Samuel Hickey and Giles Mohan (2004: 1), the understanding and role of participation in the development arena has been broadened through a diversity of approaches theoretically and practically. Despite the abundant literature related to this concept, the questions related to the transformative or instrumentalized influence of the participation in the development debate is still a discussion that must be explored. Taking into consideration that participation in the development debate lies in the exercise of popular agency in relation to development and the capacities of people as active claims-making agents (ibid. 2004: 1).

Based on this context, with the aim to contribute to this research field, this literature reviewed will focus on illustrating the diverse conceptualizations and perspectives that contribute to the understanding of citizen participation linked to the Public Administration, social control and the decision-making process. It is noteworthy that this literature review, due to the research approach oriented to analyse the new participatory institutions and mechanism, is omitting some understandings related to citizen participation in local contexts. Nevertheless, the understandings below collectively demonstrate many of the general principles of those that were omitted.

First, according to José Juan Sánchez González and Luis Ortiz (2015, 2012) citizen participation could be understood as a strategical tool to promote an "Open Government", which implies the distribution of public power of the decision making process to the citizen initiative. This governance approach is promoted by a diversity of international organizations, some of them are the Economic Commission for Latin America (ECLA) and the Latin American Center of Administration for Development (CLAD). These organizations view citizen participation in the public administration as the implementation of mechanisms that allow for the social construction of the public policies. In other words, citizen participation

implies a procedure where the different actors of a civil society express their interests to guide the state action extending in this way their legal and constitutional rights. (CLAD, 2009)

Complementary to these perspectives, where the citizen participation is understood as a fundamental element for public administration, Lisa Blomgren Bingham et al. (2005) emphasizes the right that citizens have to influence the decision-making process. That's why the citizens can and must assume this relevant role of guiding public policy according to collective needs and objectives. Based on this approach, the United Nations Development Programme (UNPD) (2018: pp. 4) “define citizen participation as the voluntary action where the citizen in an individual or collective way decide to influence directly or indirectly in the decision-making process of public affairs.<sup>37</sup>”

### **2.1.3 Understanding citizen participation in democratization processes**

It is worth emphasizing the existence of authors tendency to, despite agreeing with a large part of the perspectives previously mentioned, take some distance from these mainstream conceptualizations to position more radical understandings and applications about the citizen participation. According to Armando Noriega (2009), Nuria Cunill (1995, 1991) and Laurens de Graaf et al. (2010) citizen participation is understood as a process where the citizens are not the only subject of rights, the citizens are responsible agents who are competent to be part of the decision-making process promoting legitimacy, social consensus and the construction of an active citizenship empowered by their civic skills and virtues. In other words, citizen participation is a fundamental element of democracy where the citizens who exercise their rights to be involved in this process are co-responsible in public affairs.

These authors view citizen participation from a critical approach more linked to radicalize or deepen democracy through the implementation and use of participatory institutions and mechanisms. This conceptual approximation from the democratization theory (Sader 2011, Philip and Panizza 2013) allows the introduction of a cognitive debate about the relationship between the State and citizenship in the participatory processes. The main characteristic or argument that lies behind this debate, and that generates opposing positions, are the roles that the State and citizenship have played or should assume in either approach.

According to Samuel Hickey and Giles Mohan (2004: 5) and John Gaventa (2002: 32) citizen participation can have a transformative capacity when it brings conditions to empower citizenship to be aware of the politics, political representation and public decisions and to exercise their rights of participation influence in the decision-making process that affects their futures. If the participation deployed does not bring these elements forward, the participatory practice is simply used as a political tool where authors like: Matthias Stiefel and Marshall Wolfe (1994) and Bill Cooke and Uma Kothari (2001) noted the instrumentalization of participation to achieve political agendas or increase the governability as a new form of tyranny. During the analysis of the current research this instrumentalization is understood as a participation to govern not to transform because it omits the issues of power and politics.

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<sup>3</sup> Author's translation

Summing up, this analytical framework described in this section will be useful to analyse how citizen participation was understood to motivate the incorporation of participatory reforms. In other words, the research will examine if these participatory reforms and its implementation understand and employ citizen participation to transform the decision-making process to redistribute the power or to centralize it. Thus, the spaces of participation, the mechanism of the decision-making process, the relation between the State and citizenship and the types of citizen participation are some of the conceptual notions that this section will review during the research.

## **2.2 Spaces of participation and power: rethinking the institutional design on the balance of powers**

### **2.2.1 Introducing participatory spaces in the institutional design**

The analysis of the participatory processes implemented in Latin American countries lead by left governments contributes to the understanding of the use and influence of the institutional and organizational reforms in the configuration of alternatives democracy models, such as the participatory and “post-liberal” democracies (Balderacchi 2017: pp. 134, Arditi 2008, Wolff 2013). In other words, the study of this political phenomenon in Latin America broadens the debate of the conditions that deepen or undermine democracy.

In this context, is worth to taking into consideration that some aspects of the resurgence of the leftist governments in the last few decades. According to Steven Levitsky and Kenneth M. Roberts (2011: 12) is important to distinguish “two typology of governing lefts; based on parties’ organizational characteristics. The leftist governments in Latin America could be classified according to (1) the level of institutionalization and (2) the locus of political authority.” In the Ecuadorian case is characterized by the second classification which refers to new political organizations like “Alianza Pais”<sup>4</sup> that was the electoral mean to Rafael Correa to win the presidential elections. This political organizations located in this classification were characterized by: (a) the counter-hegemonic and counter political establishment proposals and (b) strong and dominant leaderships that concentrate power to perform autocratical regimes.

The characterization of these leftist governments and their proposals aimed to the system and functioning of the democratic order is understandable from the Gramsci's and Foucault's thought. According to Daniel Chavez (2004: 60) and Kenneth Roberts (1998: 68) the new leftist government proposes the reinvention of democracy as an emancipatory project to improve the political, economic and social dimension. In this context, innovative institutional and organizational reforms were common during the leftist governments in Latin America.

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<sup>4</sup> Leftist political movement in Ecuador that was formed by the coalitions of several social organizations that is in power between 2006 until now. In its first decade was recognized to be the leftist political organization which Rafael Correa could win the presidency since 2006 till 2017.

### 2.2.2 Analysing power in participatory spaces

The Ecuadorian case shows a diversity of reforms in the different aspects mentioned. Nevertheless, on the political arena is criticized by modifying the balance of powers of democracy through the participatory reforms. This argument established by scholars, politicians and the media will be examined in a first instance by identifying the mechanism behind the phenomena and its outcomes.

According to Ecuadorian Constitution (2008), the Council of Citizen Participation and Social (CCPSC) symbolises the most important advance in the participation arena. Based on this condition its analysis acquires relevance, principally because the operation of this formal public organization represents the main concrete outcome of the participatory reforms implemented (Balderacchi 2017). Additionally, the organizational design and the role exercised by the CCPSC represents an experience not seen before in the construction of the state.

One of the main aims of the CCPSC was the consolidation of several participatory mechanisms to deepen democracy. In this sense, the CCPSC is a public organization to promote, implement and/or regulate the participatory mechanism that facilitate: (1) citizen involvement in the decision-making process of the public affairs, (2) the selection of the public authorities through meritocratic contest invigilated by citizens and (3) the reception and investigation of corruption complaints. Through the two first aspects, the purpose of the CCPSC was to “deepen democracy moving from hierarchical forms of elitist or bureaucratic control to forms of popular self-determination”(Balderacchi 2017: pp.132).

Additionally, the analysis of these spaces is not separable from the understanding of the relations of power that are permanently changing the configuration of the space and the types of participation that are reproduced. A good understanding of the power relations that influence the configuration of the participatory spaces requires a clear idea of how the participatory space works and the identification of which actors, decisions and interests are involved and possible in this space. In other words, the comprehension of the participatory space helps to gauge the democratic potential.(ibid. 2004: 78)

Considering the importance of this element, there is no space of participation that can be neutral (ibid. 2004: 80). All participatory spaces regardless if they are closed, invited or claimed represent interests and reproduce different powers. Even if the participatory space is created with good intentions it could be manipulated, co-opted or instrumentalized to achieve other purposes. That's why the spaces of participation must be analysed considering the susceptibility of permanent change and cannot be totally assumed transformative or instrumentalized.

Reconfiguration of these spaces is possible; however, it depends on the institutions and rules that can be deployed to facilitate, regulate or control its operation and the powers involved. This dynamic between domination and resistance/transformability or co-opted is understood by Michell Foucault (1991: 5) as the “strategic reversibility”. This concept, in terms of the configuration of participatory spaces, must be understood like a window of resistance to debate and influence in a decision, even if the decision is non-negotiable. In other words, the moment that a participatory space is created the actors involved have the

possibility to challenge the hierarchies and motivate a reconfiguration of power relations which can influence outcomes of decision making in these spaces.

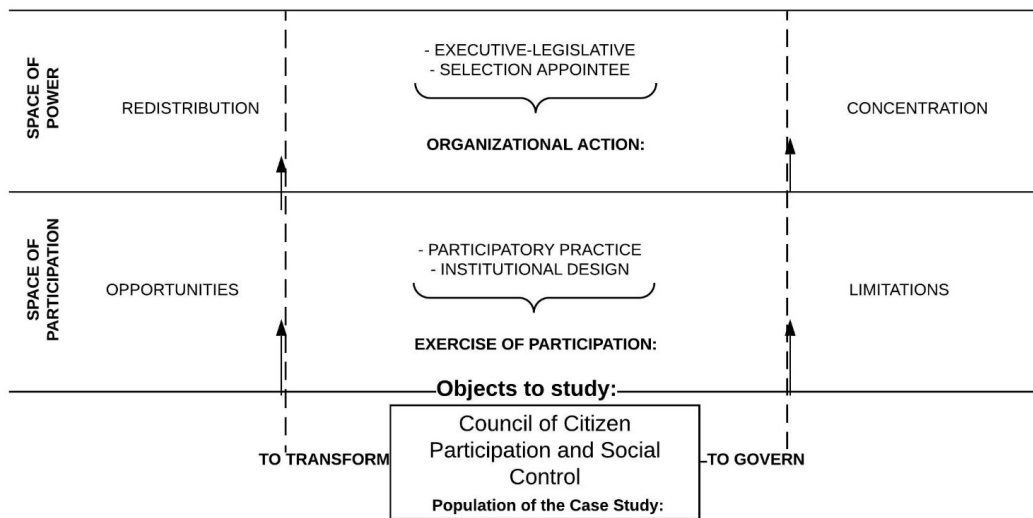
In this context, the power in participatory spaces is understood through the Foucauldian conceptualization of the power of knowledge (Mills 2003). The moment that a decision is open for deliberation, the citizens are informed and could take a position to support or reject it. In other words, participatory spaces bring citizens the possibility to express and enforce their agency over the decision-making process. Unfortunately, this potential could be used by the dominant power to locate the participation in the political arena that could benefit or undermine the agency of the citizens (Hickey and Mohan 2004: pp. 16).

The actions and outcomes of the CCPSC after almost a decade of operation are controversial. According to authors such as Andres Moscoso (2014), Carlos de la Torre (2012) and Andres Ortiz (2015) the exercise of the CCPSC broadens the power of the executive and has consolidated a hyper presidentialism regime. Additionally, some authors noted that the manipulation of participatory mechanisms to undermine democratic institutions to balance the system of power (Cameron 2009, Levitsky and Roberts 2011, Balderacchi 2017). Summing up, these theoretical perspectives around the participatory experience of the Ecuadorian case brings the opportunity to open the debate about the effectiveness of these participatory institutions and spaces. Testing these theoretical perspectives symbolizes a contribution to understanding the political and social phenomenon experienced during the 'pink tide' governments in Latin America. Additionally, this is an opportunity to broaden the analysis around the relations of power in the participatory practices.

In the end, citizen participation is a form of power, hence the presence of a participatory discourse is not enough to deepen citizen participation. Nevertheless, Mike Kesby (2005) noted the need to rethink this binary conceptualization of the application of participatory processes as good or bad. Thus, the analysis of the participatory arena in Ecuador must consider the performance of the CCPSC and its participatory mechanisms in other dimensions such as the organizational capacity, and the creation of concrete spaces to engage and empower the right of the people to influence the decision-making process. As previously mentioned, these reforms and their effects must be analysed as an integral democratization process where the shortcomings and/or certainties of these institutions and organizations are evidenced to contribute to the understanding of to what extent this experience deepens or undermines the democratic balance of power.

Through this analytical framework discussed in this section, the role of the Council of Citizen Participation and Social Control, specifically the appointment selection procedure coordinated by this organization, will be analysed to understand how these reforms affected the balance of power between the functions of the State. In this sense, the study of some phenomenon like hyper-presidentialism and political interference will be useful to understand how the design and implementation of this procedure and space of participation broad or limit citizen participation.

Additionally, the participatory appointment procedure executed by the CCPSC through a meritocratic process will be studied in detail to unravel how this aspect allows the balance or imbalance of powers and how this experience affects the democratization process in Ecuador.



The graphic below represents the analytical process that this research will do in the fifth chapter through the theoretical framework that was deployed previously in this chapter. The analytical process in the graphic comes from the downside to the upside. In the first row is located the population of the case-study which is the CCPSC on the sides of are the concepts (to transform-to govern) through the participatory and organizational action will be examined the CCPSC. The second and third rows refer to research areas that this paper focuses its analysis on. Thus, the data collected from the interviewees based on these two spaces. The first and third columns are related to the aspects that the research questions are based on and are directly related to the concepts that the population is examined. Finally, the middle column means the objects analyzed in the two research areas previously mentioned.



### 3. Research methodology

This research paper focuses on illustrating the experience of the CCPSC as an explanatory case-study of the participatory institutional and organizational reforms which were introduced these last decades in Latin America. Considering this research purpose it is worth explaining briefly the logic and design of this case study. Likewise, the data collection source and the analytical strategies selected to be used will also be explained.

For the purpose of this research, the examination of the applicability and performance of the participatory reforms experienced in Latin America could be determined as the population studied. Considering, the geographical conditions, the nature of these reforms, the accessibility of data and the characteristics of the institutions and organizations implemented made me select the Ecuadorian experience as the sample of this research. The CCPSC was selected as the case-study considering the role of this organization in the enforcement of the participatory institutions. Additionally, the CCPSC was selected because it represents a participatory experience that was not present before in the institutional and organizational design of the State. The organizational structure, its role and the attributions make this organization a unique experience in Ecuador, the region and likely in the world. This particularity reinforces the relevance to select the CCPSC as the population of this case-study.

The analysis of this organization is particularly focused on two main aspects: (1) the application of the participatory institutional design and (2) the influence of this organization in the balance of powers.

Based on these research areas, the primary data collected seeks: in the first section to identify the potentialities, limitations, mistakes and success in the application of this participatory institutional design. The second section analyses the visions about the role of the CCPSC in the participatory and meritocratic selection appointee process and the influence of it modifying balance of powers. Finally, the third section tries to make a balance of the two previous sections in order to examine the perspectives and positions about this organization and the effects of its outcomes in the democratic order and thus in the democratization process.

Thus, this study will test the hypothesis which mentions that the CCPSC is an example of how a participatory organization can be used to unsettle the division of the power between the different functions of the State. In other words, this study will contribute to understanding of participatory institutions, organizations and mechanisms incorporated in Ecuador to deepen or undermine democracy. Additionally, this research will try to unravel if participatory spaces and practices allow the accumulation of power by the executive, motivating an imbalance of powers.

This type of analysis planned for the CCPSC requires deploying a diachronic single case study based on a most-like case-selection strategy. According to John Gerring (2006: pp. 120), this strategy allows us to corroborate a theory. This means that the current research proposal will use the case of CCPSC to figure out how and why participatory spaces also represent spaces of power where the action of the actors and the use of the participation could modify the relations of power between the society and the State. In other words, this case study unravels if the citizen participation exercised could illustrate a manipulation tool

to centralize the decision-making process in the Executive power. To figure out the validity of this assumption mentioned by different authors, this research will examine how the appointment selection procedure could be influenced by governmental interests.

### **3.1 Data collection process**

Considering that this research will focus on exploring the appointment selection procedure, the data collection and analysis process gathered evidence that would show the possible political interference and the imbalance of power. In order to achieve these findings the perceptions of 4 groups of strategic actors were collected: Councillors or officials that lead the CCPSC during 2010 to 2018, directors or delegates from national Non-Governmental Organizations related to the exercise of participatory rights or linked to the democratic arena, electoral representants or officials from the Legislative power and Scholars that focus their academic production on democracy and participation.

The declarations and perceptions collected from these four main groups will be processed to find out the causal relationships that corroborate or not the thinking of the CCPSC as a participatory organization that motivates the accumulation of the power in the Executive function and an imbalance of power that undermine the democratic order. The analytical scope of this last aspect will bring out some conceptual considerations that will broaden the understanding of the participatory reforms implemented in the Ecuadorian case and its impact on democracy. The data collection process was focused on obtaining qualitative primary data gathered from semi-structured interviews to the 4 different groups mentioned. During the fieldwork 17 actors from each distinct group were interviewed.

- Councillors from the CCPSC

From the first group of actors 7 ex officials of the CCPSC were contacted and interviewed. The ex-officials interviewed were part of the three administrations that this organization had between 2010 till 2018. Specifically, the two presidents of the collegiate body that lead from 2010 till 2015 were interviewed. From the collegiate body that lead from 2015 till 2017 three councillors, were interviewed one of them was the vice-president of that administration. Finally, the general Secretary and one more councillor of the transitional collegiate body that was in charge from 2017 till June of 2019 were interviewed.

According to the Constitution, the CCPSC is led by a collegiate body of seven Councillors, until today this organization had been led by four different collegiate management bodies. In the first two administrations, the councillors were selected after a meritocratic process that was coordinated by the Electoral branch. This meritocratic process was characterized to evaluate and select people with the most experience, skills and knowledge about social, organizational and citizen participation.

The process of designation of authorities of the Participation Council was characterized from two main criteria: the one criterion was based on evaluating experience and certified merits in the development of organizational, social processes for the participation of civil society. In other words, it evaluated the academic aptitudes, practices and experience that the candidates could show around participation. The second criteria to this process was that they were selected in two collegiate bodies, each one of these collegiate bodies was configured by seven Councillors. During the field research process, five advisors were interviewed, two of whom

were part of the first collegiate body led by the CCPSC during the 2010-2015 period. The remaining three councillors were part of the collegiate body that led the organization during 2015-2017. It should also be noted that three of the five councillors interviewed from these two administrations held the presidency and vice-presidency of the organisation respectively.

In addition, two more Councillors who led the organization during the transitional period of 2017-2019 were interviewed. This transitional administration happened because in 2017 the current government of Ecuador motivated a national referendum where the population decided in national elections to cease the full CCPSC appointed in 2015. Moreover, this referendum approved to change the mechanism for selecting the authorities of this organization. Nowadays, the Councillors are being elected by a general election based on polls. In order to make this institutional reform viable, the reform establishes a transition period where the National Assembly appointed seven transitory Councillors from a list sent by the president. These Councillors led the organization from 2017-2019 and has the attribution to evaluate the actions and organizational decisions of the ceased CCPSC. From this collegiate body, one Councillor and the Secretary General of the organization were interviewed.

- Non-Governmental Organizations

The first NGO has developed diverse academical research around the social organization and the participation of the actors involved on it. Additionally, this NGO lead a variety of civic programmes and projects focused on strengthening citizens capacity and social organization.

The second NGO contacted was an organization characterized by working with social movements, organizations and general public to promote processes of democratic formation. In addition, this organization promotes several projects related to Open Government, citizen observatories and transparency. This organization has even followed and published some external and non-official evaluations about the performance of the CCPSC.

Finally, the third NGO has a long historical experience promoting social initiatives to strengthen the organizational capacity of social organizations and movements in Ecuador. During the last government this NGO expressed on several occasions their disagreement about the exercise of the citizen participation promoted by the CCPSC and criticized the action of the government on the same topic. According to declarations of the representant of this NGO the government limited the participation and the organizational action of civil society. That's why this NGO works with several social organizations and NGOs promote the organizational platform called "Mesa de Convergencia" to evaluate the exercise of citizen participation and promote the civic initiatives limited by the government and the CCPSC.

Summing up, the data collected from this group of actors shows the position and visions of NGOs that have relevant participation and experience in the promotion of initiatives oriented to empower citizen participation, strengthen social organization and to boost democratic participation of the society.

- Representants from the Legislative power

Taking into consideration the assumption previously stated, which indicates an imbalance of power and a reinforcement of executive power, it is crucial to gather the perspective from the legislative power. The interviews of this group of actors has the purpose to show the

position and visions of this face of the state's power in order to illustrate how this branch could be affected in the redistribution of power and the relationship with the executive power.<sup>5</sup> From the five interviews conducted with this group three of them were representatives, one to the coordinator of a political party which has several representatives in the Assembly- a symbol of one of the main political forces in the plenum- and one to a technical official of the National Assembly.

The representatives and the coordinator interviewed had an affiliation to these political parties: (1) "Socialist Political Party", (2) "Movimiento Unidos", (3) "Alianza PAIS" and (5) "Fuerza Compromiso Social". These four political parties had different ideological representations and different political positions around the participatory institutional and organization reform.

The first party as its name show represents a left-wing party and its current position is in favour of the participatory reforms but also recognizes some critics or possible reforms to it. The second one is a local political party but is part of parliamentary force which represents independent parties adhering to a centre-right political vision. Their position is against this institutional design despite recognizing a few positive aspects. The third political party represents an official political party of the government and is one of the main political forces in the assembly. This party represents a left-centre political vision but nowadays their political position is ambiguous considering their dependency to the current government. This political party was the proponent of this institutional design; but in the present, they are against it despite recognizing several positive aspects. Finally, the fourth political party represents a left-progressive political vision, this political party is quite new but has a relevant number of representatives and symbolises one of the main political forces. Their position is in favour of the institutional design despite recognizing some negative aspects.

The technical official does not represent any political affiliation and their position about the institutional and organizational illustrates a technical perspective of it. Summing up, the data collected from this group tries to represent the plurality of the legislative but also shows the different positions -in favour or not- to the participatory reforms.

- Recognized Scholars

Finally, the fourth group of interviewers were two recognized scholars that focus their academical experience and production around the democratic order, operation and phenomenon in Ecuador and the region. Both are affiliated to the Latin American Social Sciences Institute (FLACSO<sup>6</sup>), however, despite being part of the same university, their positions and research perspectives about democracy and the CCPSC are different. One of them is recognized for his research on an institutional perspective of democracy. The other scholar is recognized for his research studies around political movements and participation. Their

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<sup>5</sup> This research is not considering the point of view of the Judiciary power because the scope of the analysis will be focussed to examine how the decision-making process, particularly, in the selection of public authorities could imbalance the redistribution of the power between the Legislative and Executive. Before 2008, the appointment selection procedure was the responsibility of the National Assembly. Nevertheless, the Constitution of 2008, established the deployment of a participatory and meritocratic process coordinated by the CCPSC. In this context, the Judiciary power doesn't have any role that's why this research will not going to analyse the imbalance of power with this function of the State.

<sup>6</sup> The initials of the institute are in Spanish and means Facultad Latinoamericana de Ciencias Sociales.

specialized research areas mean that they have a different perspective understanding of the CCPSC and thus a different position about this organization.

The perspectives and visions from academical actors represent a relevant input in order to triangulate the data collected from actors directly involved in the participatory practice. Considering the analytical purpose of this paper, the scholars interviewed hold two different critical and academical perspectives around the participatory experience researched.

Summing up, the data gathered from these four groups of actors bring some clues to understanding how the role and action of the Council of Citizen Participation is perceived around: (1) the participatory reforms and the performance of this institutional design, (2) the exercise of citizen participation in the decision making process, (3) the distribution and balance of State's powers, (4) the role of the participatory and meritocratic selection appointee process, (5) the performance of democratic institutions and (5) the democratization process in Ecuador. Finally, secondary data published or generated by the CCPSC about the appointment selection procedure and the involvement of the citizens in the decision-making process will be shown to bring an idea about the organizational action of the CCPSC and explain its attributions in the coming chapter.

### **3.2 Analysis of the data collected**

The research proposal as well as the analytical approach of this document considered primary data collection as an essential element for the analysis of the research questions. In this context, primary data collection consisted in the qualitative evaluation of the perceptions and visions of the four groups of actors previously mentioned.

For this purpose, semi-structured interviews were conducted with representative actors linked to the functioning of democracy in Ecuador, particularly in the area of citizen participation. During data collection, seventeen semi-structured interviews were conducted, which had a duration between 30 min to 85 min. The semi-structured interviews were designed to gather the views of these actors around three main research areas: (1) the understanding of citizen participation in Ecuadorian institutional design, (2) the impact of institutional design and the selection appointee process on the balance of powers and (3) the influence of participatory experience on the democratisation process. Considering these three main research areas the data collected was classified and coded in order to cover these areas with the research questions of the paper and the analytical framework developed.

The coding and analysis of the data collected based on these three areas allow for a grounded analysis of the understanding of citizen participation towards the configuration of the spaces of participation. This analysis established in the first area of research permitted the connection of data to the exercise of the participation and thus some key concepts like the instrumentalization, institutionalization and facilitation of the participation. In the second area it is possible to link the data to the exercise of power in the participatory spaces. In this manner, the coding allowed for an analysis of the experience around key concepts like participation to transform or to govern which analyse the redistribution of power. Finally, in the third area is more a reflexive research area that brings forward some facts about the participatory experience around some key concepts of the democratization theories, like the configuration of presidentialism, and some analytical aspects about consolidated and transitional democracies.

### 3.3 Positionality and research challenges

The exercise of participation has represented in my personal life one of my fundamental principles of social action. From a young age I conceived participation as the channel for social organization and for the incidence of decision making, both aspects leading to dialogue and consensus. Personally, I conceive of these elements as transformers of social reality. For this reason, during my student life I constantly participated in social, organizational and volunteer initiatives. Likewise, it showed the importance of participating in deliberative spaces of student policy, in order to reflect and propose actions that tend to collective decision making.

Subsequently, in my professional life I have had the valuable opportunity to work in different fields of action ranging from a NGO, through state agencies and finally political parties. Although the professional activities in each of these experiences have been different, all of them have had in common the exercise and promotion of participation. In this context, I feel fortunate to have been able to tie my professional life largely to this personal principle of social action.

Although during my professional and personal experience I have constantly learned about the exercise of participation and its transforming potential. I can also say that I have felt their limitations and frustrations. These antecedents have guided my positioning and affinity on participation as an element of social transformation despite its limitations. One of the reasons for doing this master's degree was to rethink the models of governability and the weight of participation.

These elements pointed out during the research have constantly motivated me to do it with passion. But I must also recognize that certain aspects during the collection and analysis of the information discouraged me and sometimes blocked me from following the research, since it showed great limitations in consolidating the participatory exercise as a transforming element. This is already part of some of the challenges that arose during the research, but it did not distance them from my positionality in front of it. In the end, the purpose of this research is limited to my personal motivation to carry out this master's degree, which was to rethink citizen participation in decision-making and, therefore, in the course of my country's development.

Considering these challenges, I would like to point out that the research topic itself represented a new challenge. The study of participation and the Ecuadorian experience shows a high degree of complexity due to various circumstances. In the region as well as in the world there are few experiences to contrast the Ecuadorian case. This condition forced me to focus my research around primary data, since the evidence of secondary information was limited or difficult to access.

Based on this background, during data collection I was able to conduct semi-structured interviews with a significant number of actors, who due to their positions or functions are not usually easily accessible. Fortunately, the social capital generated professionally and personally allowed me to gain access to most actors interviewed. However, it should be noted that due to the plurality of actors in the national assembly there will be positions that were not collected during the fieldwork. Despite that the amount of information gathered through the interviews carried out has been of great quantity. Although my knowledge of the English

language has allowed me to pursue these studies and develop this research, the processing of data has been challenging because the research required it to be conducted in two languages.

## 4. Situating the research: Citizen participation under institutional design

In the late '90s and early 2000s, Ecuador, as well as some other countries in Latin America, were facing a deep institutional, social, economic and political crisis that affected in several occasions the 'Rule of Law' and the democratic stability of the country. This period of instability produced a deep crisis of legitimacy on the formal and traditional institutions that provoked three coup d'état processes (1997, 2000 and 2005) by the social mobilization of the citizenship and social organization (Moscoso, A 2014). This context could be summarized noting that in the decade between 1996 and 2006 where Ecuador had seven presidents and one new constitution (1998).

“The current model is the result of a political crisis and governance that Ecuador had. Ecuador was a train that went to the precipice and that the Indians fought for a first-class space, women, blacks, workers as well (...) So, in that destabilization, in that ungovernability that was in Ecuador is then when appears this movement where people don't want anything, so everyone goes away. Everything related to this movement of everyone goes away with a great crisis of legitimacy, make it possible the idea of a Constituent Assembly to reform all.” (CCP3)

Through this brief historical description and in concordance to the statements of several social scientists, Ecuador in 2006 was perceived as a country where the coupes were common, and the formal institutions did not work, thus this resulted in a legitimacy crisis in concordance of weak democratic principles (De la Torre 2012). Based on this, it is possible to understand how Rafael Correa as an outsider from the traditional political mainstream class won the presidency presenting a left-led government project.

“In '98 as in 2008, Ecuador evidenced a serious political crisis that was also evidenced in the social as economic causes instability that the population mobilizes asking for everyone to leave. At that time, is when the citizen participation its best positioned and manages to incorporate citizen participation as a constitutional right. (CCPT2)

During his first electoral campaign, he presented democratizing proposals tied to a diverse social demand related to deepening democracy and establishing a strong participatory model for the exercise of power by citizens. This concept gives citizens the capacity to influence and be part of the decision-making process, as well as the right to promote social control and monitor the actions of the public authorities and representatives. In this way, Correa's plan was to institutionalize participation as a right and a power in Ecuador and implement an organizational reform in the public sector. The first step appeared during the elaboration of the Constitution of 2008, which is currently enforced.

### 4.1 Institutional Reforms

During the elaboration of this progressive constitution, the proposals brought forward the relevance of citizen participation incorporated innovative legal instruments, which legitimized the access, the control and the rights of citizens in a participatory model such as: (1)



the establishment of Good Living as a developmental paradigm; (2) determination of citizen participation as a constitutional right and (3) redefinition of the structure of the state establishing five functions of it (Executive, Legislative, Judiciary, Electoral and Transparency and Social Control). Hence, this leads to institutional and organizational restructuring which also becomes clear looking for example at the new establishment of the CCPSC and its new additional powers

The image of a New Constitution as the beginning of new institutional order rose the legitimacy of the government but above all rose the hope and credibility of the population around the new institutions and organizations created. This context brought political and social stability to impulse the changes and challenges that implies the enforcement of this Constitution.

#### **4.1.1 Citizen Participation in the Constitution of Ecuador**

The change in the current Constitution of Ecuador promotes citizen participation regarding regulations and a transversal axis in public administration. In fact, the creation of several laws, codes and the integration of government institutions allowed the promotion and guarantee of citizens rights to participate in public affairs and to be recognized in the process of policy making.

Accordingly, the change to Article 1 of the Ecuadorian Constitution of 2008 considered: as an expression of popular sovereignty by the establishes of the State with all its forms and features as a republic, grants sovereignty to the people and to the defence of the natural resources. It underlined political participation, which consists in a construction of direct democracy that is expressed in terms of Popular Power. Moreover, Article 95 expresses the construction of citizen power by the recognition of leading manner in decision-making, planning and management in the public sphere under the principle of autonomy, public deliberation, popular control, solidarity and interculturality. Following up, Article 100 establishes that citizen participation must be present in all the levels of government by creating instances and must be integrated by: elected authorities and representatives of the society of each government level. In this sense, the Constitution enforces citizen participation as an essential part of the democratic system and promotes the creation of spaces that contribute to legally recognized constitutional rights.

#### **4.1.2 Configuration of the Transparency and Social Control Function (TSCF) and the CCPSC**

Considering the fundamental aspect of citizen participation in the Ecuadorian case, the consolidation of the Transparency and Social Control Function (that did not exist in previous constitutions); was recognized in the Chapter 5 of the Constitution which established the division of power in the Ecuadorian State into five functions: Executive, Judicial, Legislative, Electoral and the Transparency and Social Control Function.

Under this perspective, the Transparency and Social Control Function has followed main principles described in the Article 205 such as: a) promote and control public entities and organizations for carried out responsibilities, transparency and fairness b) encourage citizen participation and specially protect the exercise and compliance with rights and specially

c) the formation of the TSCF by: the Participatory Council of Citizen Participation and Social Control, the Public Ombudsman Office, the General Comptroller of the State and the Superintendence. Hence, these entities are constituted with a legal personality and administrative autonomy in terms of financial, budgetary and organizational order.

In this study, the role of the CCPSC is also described under this chapter from the Article 207-210. Here, this council exercises its role as a regulator regarding citizen participation as a right and creates legal participation spaces and gives strategic orientations in its diversity and plurality. The structure of the Council will be considered deconcentrate and will respond to their function's duties. The board will be consisting of seven (female or male) directors from a public merit contest among applicants proposed by social organizations and citizens.

Here, the duties and powers of the Council were highlighted in general by: a) establishing accountability mechanisms and social control for institutions in the public sector b) actions as a procedural part in corruption cases and investigation such as protection of persons who report acts of corruption, request information of any entity, or monitor transparency c) designation of first main authorities such as the General Comptroller of the State, Ombudsman, Public Defender and superintendents and d) after exhausting the selection process in the public entities of the national Electoral Council, Tribunal Contentious Electoral and Judicial Council; the CCPSC will approve the members.

#### **4.1.3 Laws co-functioning to citizen participation and social control**

Currently, Ecuador has extensive regulations for the promotion and the implementation of citizen participation, social control and accountability. Organic laws, secondary laws and local ordinances represent the whole legal framework which determine the mechanisms and the process to facilitate and regulate the exercise of the rights related to the citizen participation. From the actual Constitution of 2008, a set of legal regulations have been followed the strengthening and establishment of the process of CCPSC, among the main principals are:

- Organic Law of the Participatory Council of Citizen and Social Control (LOPCS)

After the new Constitution, this Organic Law represents the normative body that details the structure and functioning of participatory spaces as mechanisms and instances of citizen participation. It is worth mentioning that the structure, attributions and functioning of the CCPSC is detailed in another Organic Law that will be explained later.

In chapter III, title IV of the Organic Law, article 39 determines that the creation of processes where the citizens could be informed and empowered about their citizen participation rights is a responsibility of the CCPSC. In chapter II, title VI, article 62 determines that the CCPSC must provide the technical support to organize and run Local Assemblies in every Local Government. Articles 86 and 87 determine the responsibility of the CCPSC to promote "citizen oversight" and the creation of the List of the Rules which determine the creation, functioning and control of it. Finally, articles 90 and 94 gives to the CCPSC the responsibility to define the accountability process and control the enforcement of it.

- Organic Law of the Council of Citizen Participation and Social Control (OLCCPSC)

The OLCCPSC is the secondary norm that brings to the CCPSC the organizational structure, the attributions and establishes the regulations that the organization must follow in its functioning. Art. 6 brings the attributions related to the promotion of the citizen participation, this represents one of the three main attributions of the CCPSC and brings support to the creation of the Technical Secretariat tied to the CCPSC that must be in charge of participatory attributions. Art. 8 determines the attributions linked to the Social Control and the operation of the mechanism established in the OLCP. Art. 13 is related to the second main attribution of the CCPSC which is about the Transparency and fight against corruption. This brings the operation to the second National Secretariat dedicated to the management of complaints and investigation. Finally, arts. 65, 68 - 73 bring the regulations to the selection and appointment process. The first one of the three establishes how the citizens' commissions responsible for the process have conformed, work and take the decisions. The two other articles determined bring the regulation of the whole process and the operation of the CCPSC during the work of the citizen commission.

## 5. The Council of Citizen Participation and Social Control: Spaces of power and participation

The participatory reforms in Latin America are not distant from the resurgence of the leftist governments that since 1998 some countries in South America started to have. According to Peadar Kirby and Barry Cannon (2012: 11) and Steven Levitsky and Kenneth M. Roberts (2011: 3) the neoliberal projects deployed along the continent in the 80's and 90's generate a diverse of adverse conditions such as financial crises, an anaemic growth and the increase of inequalities.

The representativeness crisis of the traditional democratic institutions allowed for the “pink tide” governments to consolidate their power motivating alternative institutional models and the incorporation of paradigms. Such as the coming quote shows, the erosion of the traditional democratic institutions in the 90's and beginning of 2000's was so bad that there were three coup d'état, this context allowed for the implementation of an alternative institutional model and with it the stability of Correa's government.

The current model is the result of a political and governance crisis in Ecuador. We could say that the crisis began in the mid-eighties, but the crisis worsened in 1997. Then you begin to have a process of democratic non-governance from Bucaram to Rafael Correa. Except for Rafael Correa, all the presidents who were elected at the polls were overthrown. (CCP3)

This context challenges social mobilization and opens political opportunities to non-mainstream political actors and proposals to come to power as they offer an alternative to the political, economic and social crises. According to Andres Moscoso (2014) during the last two decades, some countries of Latin America were characterized by the emergence of Left governments, such are the case of Argentina, Bolivia, Brazil, Chile, Ecuador and Venezuela which incorporated new participatory institutions and mechanisms. Each of these countries experienced different social and political processes that led to acceptance of these alternative governments and ideas. Despite the differences in each situation, one of the main characteristics in common between these countries was their commitment to deepen democracy (Kirby and Cannon 2012, Ludlam and Lievesley 2009).

“The institutional design of the Constitution (2008) provides a horizon which establishes a change in a conception of democracy understood beyond the vote. It wants to better itself to much more protagonist and active democracy, thus it seems to me fundamental that it establishes this new institutional design. That's why the role of the constitutional framework recognizes the Council of Citizen Participation as an entity responsible of competences of citizen participation and this is fundamental.” (NA2)

These political phenomena experienced in South America and specifically in Ecuador encouraged in the first instance the rethinking of new understandings around citizen participation from a national perspective. Following the types of participation reviewed by Sam Hickey and Niles Mohan (2004) the Ecuadorian case shows characteristics from different

types of participation. Considering this classification, the participatory institutional design and the attributions of the CCPSC make the Ecuadorian case a paradigmatic experience.

“Participation in the Constitution has a fundamental quality since it is both a citizen's right and a principle of institutional action. In other words, citizens have the right to participate, but institutions must adapt their modes of daily management to accommodate that participation. This duality of being a right and a principle of public-government action is fundamental to this institutional design.” (ACD1)

In this sense, this participatory experience could represent, the exercise of participation through the lens of the alternative development approach (ibid. 2004: pp. 7). This approach establishes the citizen participation as a right but also, as the key element to implement an alternative model of development. Hence, the civil societies influence in the decision-making process promoting an inclusive governance. Nevertheless, this institutional framework could also reproduce a “participatory governance approach” (ibid. 2004: pp. 8) where “participation as primarily right of society determines a collaborative dialogue between a responsive state and a strong civil society”. This approach determines the decision-making process as a collective interaction between the State, the institutions and the civil society. Finally, as we can see in the next quote this institutional framework could also represents an emancipatory participation approach (ibid. 2004: pp. 8) which additionally states the citizens participation as a right. Nevertheless, this participation has the purpose to challenge the structures of domination reproduced through different areas such as the development model, state structure and the political rule.

“The Function of Transparency and Social Control was created with the Council of Citizen Participation as a member of it. In this function are all the control entities. But in addition, it is determined that the Council of Citizen Participation designates all the control authorities through the creation of citizen commissions, that will coordinate a public contest of opposition and merits where the candidate with the best score is designated.” (CCPT2)

The next three sections will focus on this analysis in order to explore the sub-research questions detailed at the beginning of this paper. The first section will use the perceptions of the actors interviewed to identify the opportunities and limitations of this participatory institutional implemented in Ecuador. In democratic terms of balance of power, the second section will focus its analysis on unravelling the positions or interests that lie around the Citizen Participation and Social Control Council and the selection appointee process. Finally, the third section will deploy a theoretical reflection about the action of the CCPSC around some democratization concepts that helps to rethink democracy through a participatory approach. In this sense, some democratic phenomenon will be reviewed through the consolidated and transitional democracies.

## **5.1 Unmasking the participatory reforms: An institutional and organizational review of citizen participation in Ecuador**

In this section, some limitations and opportunities founded in the data collected are going to be exposed to examine the design, structure and implementation process of the institutional

and organizational reforms linked to the citizen participation. Furthermore, he previously analysed aspects will be put in retrospective in order to: review the configuration of the spaces and types of participation and thus to put in evidence the purpose of the same ones. In other words, the aim is to identify whether the exercise of participation tended to transform the relationship between the State and society or to promote greater levels of governance for the government.

Hence, the visions collected from the four groups of actors will be classified around the concepts stated in the first section of the analytical framework related to the understanding and exercise of citizen participation in order to address the first sub research question.

### **5.1.1 The institutional framework a window of opportunity to citizens participation**

The previous chapter described the deep political instability and representativeness crisis that Ecuador experienced in the late 90's and beginning of 2000's. In this context, the legitimacy crisis faced by the traditional democratic institutions motivated the emergence and incorporation of several institutional and organizational reforms based on radical participatory approaches. Following this, Rafael Correa proposed the creation of a constituent assembly responsible for the elaboration of a new constitution, which was promoted as a broad participatory exercise in which every citizen can participate (De la Torre 2012: 70). As the next quote shows, this context allows the recognition of citizen participation as a constitutional right and the conditions to promote reforms orientated to create new organizations, institutions and spaces to participate.

“The 2008 Constitution has some positive aspects. One is the fact that the Constitution enshrines a whole catalogue of participatory rights. Subsequently, the fact that within this catalogue of rights it is proposed to develop tools for citizen participation and social control and obliges the authorities to give them life and ease is perhaps the most important thing.” (NGO2)

Considering what the interviewer expresses and Correa's purpose with the constituent it is possible to interpret on one hand that the institutional reform was conducted to solve the legitimacy crisis experienced in the 90's and beginnings of 2000's. On the other hand, the constitutional framework illustrates a unique and feasible opportunity to broaden citizen participation because it brings the institutional and legal support to incorporate different mechanisms and tools oriented to guarantee the involvement of the citizens in the decision-making process. In this sense, the citizens based on the constitutional framework acquire a protagonism role in democracy but also in the development of the country. As one of the legislative representants express “the Constitution of 2008 establishes the people as the principal and first overseer of the public power as the right to participation. This aspect gives preponderance and the leading role to the people. (NA2)”

Initially, bringing the power and control to the citizenship sounds good, even more so in the context of crisis where the traditional democratic institutions and organizations were illegitimate by their bad performance. According to the research deployed by Barry Knight et al. (2002: pp. 164) the democratic mechanisms of the liberal democracy are not enough for the citizens. Nowadays people want to deepen democracy making it more direct

and deliberative to the participation of citizen. To achieve this objective the authors mentioned identify and emphasize a double action in terms of governance. Citizens must demand their participation in the decision-making process; however, the State must bring forward the conditions to satisfy this participatory demand. In this sense, it is relevant to recognize that the Ecuadorian Constitution of 2008 and thus the institutional design brings a concrete and paradigmatic opportunity to achieve this democratic expectation.

“According the Constitution and how you count there is between 44 and 56 articles referring to citizen participation. Those are related to: the organization of deliberation spaces, social control, accountability and elements related to direct democracy. If you compare with the two previous constitutions the leap is clear (...) These rights, principles and institutions are linked to Article N°1 of the Constitution, which redefines popular sovereignty and evidences a will for greater citizen protagonism. (ACD1)

Essentially, the Constitution of 2008 could be understood as an effort to incorporate a diversity of participatory organizations, mechanisms and institutions to activate citizenship into public affairs and the participation in politics. As the scholar highlights in the quote the participatory institutional design positioned the involvement of the citizens in the decision-making process as the key element to motivate a transformation of the relations of power between the civil society and the State.

“We must recognize one thing, the rights of citizen participation in the Constitution should not stumble because it is a right. In the chapter of participation, are the rights of participation and what are the mechanisms of participation are established. That is, we have the themes of the assemblies, the participative budget, the accountability, the empty chair, that is, they are rights and tools.” (NGO3)

According to Jane Mansbridge (1999), Andrea Cornwall (2004), John Gaventa (2002) the implementation of institutions which motivate the involvement of the public in the decision-making process or governance spaces had to be understood as efforts to improve the action of the governments and citizens to make better decisions. This characteristic is clearly shown in the Constitution. For this reason, even actors such as the representative of the NGO previously mentioned, despite their strong opposition to the participatory experience in Ecuador<sup>7</sup>, recognize that the Constitution incorporates fundamental elements to improve decision-making with the participation of citizens.

Considering the perceptions of the actors interviewed and their analysis, it is possible to point out that the Ecuadorian institutional design shown in the Constitution of 2008 is generally perceived like an opportunity which opens the possibility to improve governance mechanisms through the participation of the citizens. According to Barry Knight et al. (2002: pp. 162), the Constitution and its participatory approach could be understood as the basis to establish a new consensus where the relationship of the State and the civil society will be in parity conditions to promote a strong complimentary action. This new consensus through the lens of Barry Cannon and Peadar Kirby (2012: pp. 191), could also be understood as “the

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<sup>7</sup> This position is evident in the description given in the methodology and will be evident in the coming sections of the chapter.

revitalisation of the civil society and its articulation to the State”, according to these authors these conditions bring an opportunity to progress forward a participatory democracy.

According to one of the officials interviewed, based on this participatory approach “the constituents of 2008 created or considered it necessary to create an organ that promotes citizen participation, that’s how the CCPSC is created.” (CCPT2) The Council of Citizen Participation requires the state to guarantee the involvement of citizen in the decision-making process. According to Barry Knight et al. (2002: pp. 78), this organization could be understood as a space to promote a “responsive and inclusive governance”. This refers to the participatory space where citizens could take place in the public sphere and influence public affairs decisions through a formal or institutionalized way. Additionally, Andrea Cornwall (2004: pp. 75) emphasize that these “innovative experiments that motivate participatory methodologies and intermediary institutions create new opportunities for public involvement in governance.”

Nevertheless, as we can notice in the analytical framework these new participatory organizations are not neutral spaces and always can be related to power and interests. In this sense, for the analysis of the CCPSC it is necessary to have a better understanding of the participatory experience and identify if the participation deployed is intended to transform or to govern.

“The recognition of citizen participation was in 2008. In order to promote it, the existence of a Citizen Participation Council was proposed as a fundamental element for citizen’s representation. In that moment was when this element and the constitutional dispositions suffered a break”. (NA3)

According to the last quote the role of the CCPSC was to reevaluate the potentiality of the institutional framework. Knowing this, the next sub section will review some of the limitations in the Ecuadorian experience to broaden the understanding of the practice of citizen participation in Ecuador and the institutional design related with it.

### **5.1.2 The State promoting citizen participation**

In the previous section it was evident that the institutional framework opens an opportunity to strengthen the involvement of the citizens in the decision-making process. In this sense, the institutional framework motivated the creation of organizations and mechanism as participatory spaces to put into practice what the Constitution and other institutions established to settle this “new consensus”. These participatory spaces represent governance tools which define the process and the way that citizens could get involved in the decision-making process. Considering this, the current sub-section will examine how the practice of these participatory governance tools, with the purpose to enforce the institutional reform, actually limits true citizen participation.

The practical understanding of these spaces means, in words of Barry Knight et al. (2002: pp. 64), the study of the third component to configuring a good society, which is the “participation in the governance of society”. For this analytical purpose is crucial to examine the relationship of the State and the civil society in the exercise of the citizen participation. According to the representants of two NGO’s interviewed (NGO2 and NGO3) the State institutionalized citizen participation through the creation of the CCPSC. Highlighting the



next quote, creating an organization responsible for citizen participation promotion determines the configuration of a bureaucratic process to exercise a right. In other words, the exercise of a right -citizen participation- is limited by the organizational action -bureaucratic process- of the CCPSC.

“Participation was institutionalized in the creation of the Citizen Participation Council. The practice of a right does not need authorization from an organization (...) it happens when you need a credential given by an organization to exercise a right. In this way creating the Council of Citizen Participation to promote transparency, to promote the social control to carry out the exercise of this right was unnecessary.” (NGO2)

In the quote above, the representant tries to illustrate how the exercise of citizen participation since the creation of the CCPSC requires the fulfilment of some formalities, bureaucratic procedures or requirements to enforce the different mechanism of citizen participation. The previous chapter carried out a brief review of the regulations established in the Organic Law of Citizen Participation and the Organic Law of the CCPSC. Both legal bodies establish a series of attributions to the CCPSC regarding the functioning of participatory spaces. These attributions determine the responsibility and power to promote citizen participation and social control through certain requirements or procedures. These elements in their purpose of guaranteeing the involvement of citizens as well as the functioning of participatory spaces end up institutionalizing the exercise of citizen participation to the action of the CCPSC.

In this context, there is a contradiction between the institutions focused on guaranteeing the right -citizen participation- and the exercise of it. The institutions must only guarantee its free exercise, not to regulate it under the functioning of an organization. Noting the coming quote, one of the officials of the CCPSC expresses some of the limitations of citizen participation under the CCPSC where the government can over regulate citizen participation.

“Limitations are political and communicational. I highlight that the CCPSC from the beginning was born beaten and delegitimized from the side of the elites of the political class. On the other hand, on the side of the government, the importance of the autonomy of participation was not understood. As a state, you can't regulate participation either. In other words, you must create the legal frameworks, the competencies, but in the end the exercise of participation is a very democratic issue.” (CCP1)

This position of the government is understood by Peadar Kirby and Barry Cannon (2012: pp. 13) like a dilemma of the left governments in the sustainability and the quality of democracy. They pointed out that these governments, in their effort to promote the rights of the popular sector, they have to prevent the polarization of political space, otherwise democracy could become unstable.

In the same light, another ex-official described the intervention of the state in the exercise of citizen participation as a way of statization the empowerment of this right. “The state cannot be judge and party in a process of direct democracy of the citizenry, it cannot intervene in citizen participation. In essence, what it did, what it does, is to statize citizen participation.” (CCPT2) Based on the same perspective, one of the scholars interviewed express his disagreement about the intervention of the state and points out that is a mistake to believe

that a transition to a participatory democracy or more participation will be product of the action of an organization.

“Citizen participation cannot be statized, it cannot be a function of the State. Believing that because something called the Citizen Participation Council is created, it will encourage citizen participation or that we are moving towards a more participatory democracy. It is an absurd, participation must be spontaneous and autonomous.” (ACD2)

According to Andrea Cornwall (2004: pp. 85) “even the better-intentioned participatory experiences or projects could be limited to reproduce the status quo”. Taking in consideration this element implies an examination of the participatory spaces through it designed to the practice. In the Ecuadorian case the participatory institutional design including the creation of the CCPSC was paradigmatic in the effort to position the citizen participation as the key element to transform the relationship of the State and the citizenship, but also the reality.

However, it is naive to think that the power that lies within participatory spaces will stop to be attractive to actors who hold state, political or economic power. It is a fact that these spaces open the possibility for citizens to take part in power, but it is also evident that those who hold any other power will take part in these spaces. In this sense, as the ex-officials (CCPT2, CCP1, CCP3, CCPT1) recognized, the representants of the NGOs highlight and the scholars affirm the exercise of citizen participation were limited. As one of the scholars expressed “the impression it is not that there was no participation, but that citizen participation was sterilized. It was sterilized politically.” (ACD1)

In this sense, the limitation must not be understood as the lack of participation nor as reduced participation. Indeed, if we compare the rate of participation before and after the Council of Citizen Participation the increase will be evident. As the next quote points out the participatory spaces reproduce the status quo, which should be understood, insofar the exercise of citizen participation as a right is limited by a bureaucratic procedural.

They are tedious procedures to activate certain participatory mechanisms, to do a citizen oversight you need favourable reports of the Secretariat of Citizen Participation and of the direction, legal coordination, with that, and that the plenary of the council authorizes you to do the oversight. Where is the right of citizen participation? If it is a right to freedom because the state mustn't tell me how, when I can exercise the right. (CCPT2)

Nevertheless, this position that could be understood as a limitation for the exercise of citizen participation; could also be understood through a regulatory approach to prevent the manipulation of the participatory mechanisms. According to other ex-official the participatory mechanisms like the citizen oversight or the citizen assembly's could be manipulated in order to benefit determined interests. In this sense, the CCPSC works as a sort of "counter-power to evaluate what the citizenry has done. “For example, if a citizen oversight is carried out in a tendentious manner to distort its conclusions. The CCPSC through its technical secretariats could prevent it.” (CCP5)

Paraphrasing Andrea Cornwall (2004: pp. 85), the “contingency of the participatory processes” could motivate the transformation even in the most interventionist and instrumental cases. In this sense, the last expression quoted motivate to keep rethinking the participatory process. Despite, the expressions and positions of some NGO representants (NGO2 and

NGO3) and actors from the legislative (NA3, NA4 and NA5) could agree with the expression given by a Scholar who emphasize the instrumentalization of the participation noting: “during Rafael Correa's governments participation was limited, it was a participation guided mainly vertically from above, it was restricted towards a participation in terms of either electoral power or some kind of support.” (ACD2)

According to Barry Knight et al. (2002: pp. 163), the State in the configuration of the “new consensus” must find a balance between being strong and sensitive. In other words, the state in the effort to facilitate and motivate the conditions to enforce a transformative participation could end up committing excesses. On the one hand, in its eagerness to facilitate the conditions of participation, it may adopt dominant actions that concentrate power. But on the other hand, with the purpose to guarantee the free exercise of participation, the State could end powerless to regulate the interests of actors with other dominant powers. Based on this theoretical approach and contradictory arguments given by the ex-officials previously quoted is possible to understand the difficult and risky position that is the configuration of a “strong state”.

Based on this ambiguous dilemma of the role of the State in the exercise of citizen participation, the expressions given by all the representants of the NGO and some ex-officials of the CCPSC (CCPT2, CCP1, CCP3) around some actions taken by the government may clarify this dilemma. The executive function during 2013-2015 issued two presidential decrees aimed at regulating the creation and functioning of social and citizen organizations (commerce). These decrees established a series of requirements that every organization had to achieve for its creation or operation. According to the actors previously mentioned these requirements limited the free exercise of participation and the autonomy of citizens to organize, as the next quote illustrates.

The Decree 16, which I think later became the Decree 782<sup>8</sup>, established several restrictions that we as civil society organizations had to achieve. The amount of paperwork, the amount of money we had to pay in order to exist became disgraceful. That determined that many organizations of the society could not be organized could not be constituted. At the same time these decrees included clauses sanctioning and prohibiting our functioning. Thus, several organizations were closed in application of those decrees. (NGO3)

This last quote closely expresses the perspective of the rest of the NGO who highlight the contradictory action of the government towards the exercise of citizen participation. In this sense, is possible to interpret that the actions of the government in its effort to establish the conditions to guarantee that citizen participation tends to adopt a dominant behaviour concentrating power and limiting the participation. Indeed, some ex-officials also recognize that these Decrees were “a mistake and it limited a lot, but in spite of that I believe that the new institutions and organizations that have been built are important.” (CCP1) It is worth highlighting this expression for two reasons: first, it shows that the analysis of the participatory experiences represents an examination of several aspects, but a crucial element in the analysis is to identify the position of the actors in their participatory action. Andrea Cornwall (2002:

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<sup>8</sup> The interviewer didn't remember the exact Decree, but he was referring to the Decree N° 739

pp.84) in her study of participatory spaces emphasize that the “location as speakers fundamentally affects the nature and effects of their participation: it influences what they say, and how and whether they are heard”. It means that the evaluation or perspectives of the actors about the participatory spaces will be dependent on the position they occupied in the participatory space.

The second reason lies on remind that the understanding of the participatory spaces means the analysis of the power relations. As Uma Kothari (2001) and John Gaventa (2004) state the analysis of the participatory spaces is strictly related to exercise of power. In this sense, as the analytical framework explain the classification of the participatory action between to govern or to transform lies in this power analysis. Remembering that participation is transformative when it modifies the relations of power in order to bring opportunities to influence the decision-making process to actors who previously could not. On the other side, the participation to govern refers to the exercise of the participation to motivate the concentration or accumulation of power to a dominant actor in order to increase their influence in the decision-making process.

To identify if in the last decade the participation deployed in Ecuador was to transform or to govern could be, until this section of the analysis, too early. Nevertheless, is worth pointing out that the analysis of some of the opportunities and limitations of the participatory experience of Ecuador through the expressions given by the actors interviewed allows for some preliminary conclusions about this debate.

Based on this context, paradigmatic proposals become real, such as the incorporation of participatory institutions and organizations that strengthened spaces for deliberation and direct participation distanced from the delegative representation. This institutional and organizational framework effectively created and positioned spaces for participation, strengthening significant experiences not previously seen.

Hence, participatory spaces currently enjoy a legal basis and organizational structure to be effective. Despite this background, the exercise of citizen participation is questioned by most of the actors contacted who noted actions that limited and, in some cases, instrumentalize the participation. Both cases, clearly argued and illustrated under the expressions of the interviewed actors, motivate the debate between the configuration of participatory spaces and their practice. In this sense, it can be pointed out that in the effort to configure the optimal conditions of participation some negative side effects may arise. The legal and organizational structure that seeks to regulate or guarantee participation is vulnerable to the accumulation of power. This last condition limited the exercise of citizen participation, which, being a constitutional right, its exercise and intervention is even more sensitive.

The next section of the analysis will focus on examining the interests of actors around the CCPSC and the selection appointee process in order analyse the power and positions of the actors involved. This examination will unravel the debate around the impact of the new participatory institutional design in the modification of the balance of power. In this sense, the perceptions and expressions from the actors interviewed will be more relevant to determine the relations of power in the configuration of the participatory spaces.

## 5.2 The CCPSC in the balance of power

In this section the second sub-research question will be addressed. In this sense, the analysis will focus on the discussion of how the Council of Citizen Participation operation modifies the checks and balances in democracy. In other words, the analysis will show how the perceptions and declarations of the actors interviewed illustrate if the organizational action related to the activation of the participatory mechanisms, specifically the selection appointee process, represents a vehicle to concentrate or redistribute the power in the decision-making process. The expressions, interests and positions given by the four groups actors interviewed will be the basis to understand how the participatory spaces -the CCPSC and the participatory selection appointee- as spaces of power influence the democratic balance of power.

The analysis will refer to the relations of power between the Executive and Legislative branches and their positions around the action of the CCPSC. In this way, the expressions given by the actors interviewed will be useful to identify the interests about the existence of the CCPSC. The debate concerning the CCPSC is about how this participatory organization influences the accumulation of power by one of the previous State branches and the way this organization redistributes power in the decision-making process. In other words, this subsection will illustrate the power tensions between these two branches of the State and in this way their interest and position in the participatory spaces.

### 5.2.1 The action of the CCPSC: Distributing power or upsetting interests?

This sub-section will focus on the analysis of the role and the action of the CCPSC -as a participatory organization- in the distribution of power. The analytical relevance of this participatory space lies in the organizational nature of it. The CCPSC through the institutional support of the Constitution and the Organic Law of the CCPSC as the previous chapter briefly illustrate. Nevertheless, the most important particularity of this organization lies in their attributions and in that way in its role in the democratic balance of power.

Due to the Ecuadorian constitution which incorporates paradigmatic reforms, the ones related to the citizen participation are the less examined. Ironically, the participatory experience and particularly the role and action of the CCPSC is one of the paradigms of the Constitution. But eventually, there are few studies of this organization that situated the participation, at least in paper, in the heart of the decision-making process and the relations of power. Noting the expressions quoted by a representant from the legislative, one of the reasons why this organization is criticized by some political actors is, regardless of other malfunctions, that it mainly affects interests and modifies the relations of power.

“This new institutional design seeks to make the leap from a democracy of representation to a democracy of participation. There are sectors that showed themselves politically, questioning and proposing that the mistake of Ecuadorian democracy is reduced to the existence of an organism of citizen participation. In the public debate, they demerited the capacity and the rights of their own citizens (...) But above all, this institutional design, confronting many interests, seeks social consensus.” (NA2)

This expression clearly illustrates that the main debate concerning the participatory spaces in Ecuador lies in the power relations in the background of the topic. That's why most of the

participatory spaces that were recognized, promoted and regulated through the Constitution and the Organic Law of Citizen Participation are not criticized by the political actors. Moreover, it is worth mentioning that expressions that point out the limitation of the citizen participation, exercised due to the action of the CCPSC, are not objective. As the expressions quoted by one of the scholars interviewed, the use of mechanisms of direct democracy and citizen participate shows a clear increase. This condition is an outcome of the institutional and organizational action that allows the implementation of participatory spaces.

“Direct democracy has never been as active in Ecuador as it was after Montecristi, for example 784 requests for the revocation of a mandate were addressed. The CCPSC in citizen oversight reports in its beginnings the request of 50 oversight. In 2016, when all the discredit was present, 214 citizens asked to make citizen oversight. Despite, they supposedly knew that everything was wrong. Are they fools?” (ACD2)

These descriptive elements had the purpose to bring in some elements which show that the relevance of the analysis of the participatory spaces does not lie specifically in the participatory practice. Reminding John Gaventa (2004: pp. 34), the exercise of power and its analysis in the participatory spaces are the main issue to evaluate its influence to transform or to govern. In this context, the previous analysis of the CCPSC as a participatory and power space, is a relevant point of the attributions of this organization. As the next quote shows the CCPSC has three main attributions.

“Three fundamental objectives: to promote citizen participation. Secondly, to establish greater levels of social comptrollership where the citizen can exercise a monitoring role over the public affair decisions. Transforming the citizenry in a kind of permanent watchdog over the decisions. And a third element, the selection appointee process of the control authorities trying to depoliticize this decision.” (NA5)

The debate, analysis and positions around the role, action and existence of this organization is mainly focused on the third attribution. Casually, in terms of participation, this attribution probably is the less attractive. But, in terms of governance it is the most transformative one because it affects directly the relations of power of the political actors and the balance of power between Executive and Legislative. In other words, this is where the power is most visible and represented. According to Claudio Balderacchi (2017), the third attribution of the CCPSC affects directly to the representative institutions embodied in the legislative power. These loose attributions and responsibilities produce an imbalance of power by reducing the autonomy and the separation of powers.

This context could promote the surge of dominant governmental social groups located in the executive toward the figure of the president. The modification in the democratic balance of powers between the Executive and the Legislative will be examined through the power relations and conflict of interests between both. In this sense, this subsection will highlight the positions of the actors interviewed, trying to illustrate either arguments which are in favour of the participatory space of CCPSC or those which are against them.

One of the main positions and argument supporting the CCPSC and selection appointee process is that both spaces put in practice the participatory principle of the Ecuadorian Constitution. As one ex-official point out: “I believe that the CPCCS, by the simple fact

of having placed the citizen before the authority ask accountability, has taken an important turn in letting the authority know that his/her actions can be evaluated.” (CCP5) Since the creation of the CCPSC the participatory action of the mechanisms and initiatives take a formal space in the state structure and action.

Andrea Cornwall (2004: pp. 76), highlights that the participatory spaces, even when it represents an "invited spaces", the configuration of power relation make feasible the transform it. In this light, despite the organizational actions of the CCPSC could be wrong due the actors involved. This does not mean that the configuration of power relations could change in a transformative way. As an ex-official point out, "Being self-critical of many things. The authority is afraid of participation” (CCP3). Based on this expression and the transformative capacity review before, it is possible to interpret two visions around the CCPSC. On the one hand, the CCPSC, as an effective participatory space, has the capacity to transform. But on the other hand, it can be co-opted by motivating the accumulation of power.

This dichotomy, accompanied by the selection appointee process, makes the analysis of the CCPSC more complex. The making-decision process in the selection appointee coordinated by the CCPSC affects in the same way the interests and power of the Legislative branch. According to one of the scholars (ACD2) interviewed the power of the political parties represented in the legislative power was progressively cut until the constitution of 1998. In that reform the control and influence that the legislative had over the budget allocations, was removed. This was a huge loss of power for the political representation. Nevertheless, they kept the power to influence the appointee selection process, until the Constitution of 2008 that brings this attribution to the CCPSC. In terms of governance, this change meant the loss of its last direct power attribution of the legislative power. That’s the reason why the positions in about the CCPSC must explore the selection appointee process further.

### **5.2.2 Positions around the participatory appointment selection process**

Actors in favour of the CCPSC point out that political parties do not criticize the capacity for transformation that this organization has or has not achieved. According to these same actors, the criticism of the selection appointee process lies in the interests of the political actors, represented in the Legislative, to recover the power that they previously had to determine the authorities. Through this perspective the position against the CCPSC and the selection appointee does not lie in whether the procedure for selecting authorities is relevant for the citizens or whether citizens are participating. The problem of this participatory space is that the political parties do not have the power to determine an authority. In other words, the problem is their limitation to influence in a decision.

Several assembly members and politicians seek to disappear the CCPSC. They do not have the power to appoint people they think are appropriate because they think it is right to do so. They disregard the competition of merits and opposition, which is a technical instrument. The people who want to disappear the CPCS do not mind taking away the rights of the citizens themselves to decide and elect from the Ecuadorians most prepared for a position. (CCP5)

In this perspective the actors who have expressed their support for the CCPSC points that the central point of discussion is not technical but political. Thus, they are not interested in evaluating the procedure. What they are interested in is recovering their power and influence for the exercise of government. The traditional parties shouted to the sky, because their fundamental interests and competences at loose were damaged, their competences were damaged. (CCP1)".

Additionally, they argue that the process of designation of authority allows first an authentic exercise of participation. According to Barry points out quoting Arnstein (Knight et al. 2002: 81), an authentic exercise of participation is when the power is shared. Through this new process of selection appointee, the citizenship and the state are effectively sharing power to decide the best candidate to be a control authority.

In this new process a citizen commission configured by 10 people, five from the citizenship and five from the state (one per branch) coordinate the meritocratic process that to select the best person to lead the control organizations. The people who support this process highlight the structure of this participatory space, to argue the practice of a participatory governance mechanism based on the collective decision-making where the government as well as the other branches and citizen is one more stakeholder to take the better decision. (Knight et al. 2002: 13) In this way this political decision, stop to be just on the hands of the political actors.

The creation of the Council of Participation that takes away the last function of the real power that the political parties had on the selection appointee process. In other words, the CCPSC and the new process of appointment selection represents the outcome of the representativeness crisis that the political parties faced in 90's and motived these reforms. (ACD2)

This last argument is used in order to argue the existence of the new process in the way the political interference is avoided. Nevertheless, this same argument is used by the actors who points that the selection appointment must be an attribution of the representants elected by polls. According, to one of the scholars (NGO1) interviewed this condition is absurd. In democracy if one decision taken by the representants is wrong, the penalty of this mistake will be effective in the next elections. But with this new process anyone could assume the guilty.

Nevertheless, this position supports the representative approach where the citizens could participate monitoring through a citizen oversight or complaining through the public scrutiny, but never take direct part on the decision. This position is legitimate but close the space of participation, leaving this decision to the political actors that will push according to their interests. This was the way how the political parties could govern without been in the government. In democracy this represents part of the check and balances, but this condition happens when the political forces in the legislative are characterized by a plurality of actors that must agree a consensus to determine an appointment. However, in Ecuador this was a mechanism to the dominant political actors to pressure the government according particular interest, that usually didn't won in elections.

It is supposed that in a democracy the powers and institutions should function independently. But when the executive, the Government, is the one that



appoints this Council of Citizen Participation, and the people appointed were government officials. The accumulation of power is evident. (NGO2)

This last expression represents the other main critic to the CCPSC and the selection appointee process. Based on the position that the CCPSC concentrate the power in the executive, is worth to recognize that historically this accumulation happens. The representants of NGOs, scholars, legislative representants and some officials recognised the accumulation of power was evident when people close or who works in the government become authorities. Nevertheless, the discussion how much or too who could interfere more politically in the decision is useless to analyse the participatory space. If the debate turns into this topic means that the citizen participation already loses the space to be part of the decision. In other words, the interest behind of the CCPSC and the selection appointee are aware the political benefits and not how the participation is enforced.

## 6. Conclusions

In 2008 the current Constitution of Ecuador has the approval of more than the 50% of the population. The elaboration of constitutional framework was characterized by two aspects the incorporation several paradigmatic proposals and the participation of the civil society on it. Nevertheless, is worth to mention that both characteristics were possible by the critical context that motivate a breakdown of the democratic order. The representative crises of the liberal democratic institutions, experienced at the beginning of 2000's, motivate to rethink alternatives to strengthen democracy and it is functioning tied to the expectative of people.

In this sense, the constitution established the guarantee of the exercise of this right and the creation of the CCPSC as the public organization responsible to support this transformation which since the beginning represents an opposition to the representative power. Summing up, the moment that the constitution positioned the participation in the centre of the distribution of power in decision-making process. It opens an opportunity to strengthen the participatory spaces. Indeed, an institutional and organizational began to structure with the CCPSC on the head of it. That's why the understanding of the opportunities and limitations of this institutional framework is relevant to also understand the role of the CCPSC and the conflict of power and interest behind this organization.

Hence, the conceptual and analytical understanding of the spaces of participation and power were indispensable the perspectives of the actors involved. Considering, all this aspect is possible to conclude that the main opportunities of this participatory experience lies on the institutional and organizational design. All the changes couldn't be able without the legal support of the constitution and secondary norms, but also the organizational support was decisive to make it this previous opportunity.

The main outcome of the institutional was the recognition of the participatory space. Through this recognition the spaces become real with the support of the organizational structure of the CCPSC. In other words, the main contribution of this reforms was to open a window opportunity to open, activate and connect the participatory spaces to the spaces of power. Without doubt, since this institutional design get enforce the participatory spaces shows an increase showing the conviction of the people to participate.

The limitations of this process are several probably more than the opportunities visualized. However, these could be summarized in the role of the State in the promotion and regulation of the participation. Since the citizen participation becomes a constitutional right it free and spontaneous exercise must be guarantee not institutionalized. The Ecuadorian State in its effort to guarantee the exercise of participation tries to generate the optimal conditions that at the end limited the free exercise. These limitations become represented in the CCPSC and the bureaucratic process that the exercise of the participation get immerse. But also, the role of the government during the last decade (2008-2018) influence to guide its exercise that in some occasions could be instrumentalized.

Making a balance of all these elements it is possible to affirm that the exercise of the citizen participation during this last decade was mainly characterized by a govern approach. In terms of governance, the CCPSC and the selections appointee process were recognized to promote a governability scenery for the group of actors who had the power to be in the

making-decision process. In this sense the groups of actors in the executive branch improve their transformative capacity, while the legislative in a weak position but in permanent opposition influence by several forms to also limit the participation and in occasions use the participation to argue their positions and decisions. Finally, the civil society wins spaces and the opportunity to be part in the making-decision process. Probably in the weakest positions the citizenship couldn't benefit as much as the other actors could do. But the recognition and the activation of the participatory represents a right and an opportunity to broad the benefits of the participation for the citizens. Despite the participation could be limited in several occasions is irresponsible to say that the participation was eradicate.

Paradoxically, this institutionalization of the participation has a double effect. On one side, its free exercise was affected but never eliminated. On the other side all the institutional and organizational structure allows to facilitate and promote the empowerment of this right in a national perspective. That's why this perception of limitation must be more examined, because even all the delegitimization of the institutional and organizational structure there is more people trying to participate and get involve in the making-decision process. So probably this limitative perception is also because there more people participating. In that way, the future analysis must be to identify the bottle necks that has to be improve with the institutional and organizational structure that allows this increase. Thinking on reform to eliminate the participatory spaces will affect the exercise of this right, that's why it evaluation and possible reform must be priority of the state and a responsibility of the society. In other words, are the citizen who must be involve in the reform.

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