

Innovative mechanisms to engage citizens in public policy-making. A comparative study of leftist governments in Uruguay

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Abstract

The expansion of institutionalized participation for the elaboration of public policy was a central pillar in the government programs of the Frente Amplio (FA) for the eight elections in which it competed (1971-2014); however, once in power, the innovation of the institutional mechanisms of participation in the different state arenas presented disparate characteristics.

It is proposed to make a comparative study of the areas of participation promoted by state institutions during the different governments of the FA of Tabaré Vázquez (2005-2010/2015-2019) and José Mujica (2010-2015). In this context, a key question is identified: Why for the elaboration of postmaterialist public policies (environment, water policy) did governments innovate with some participatory formats such as citizen juries, councils, dialogues and deliberative workshops, while in labor and redistributive policies (salary, social security and tax) they maintained a traditional Uruguayan design of the XX century?

keywords: institutionalized participation, distributive public policy, environmental, Uruguay.

1. Introduction

The Uruguayan political system since its first polyarchy (1918) presented the singularity of being qualified as a partisanship: political parties are the central actors (Caetano, Rilla and Pérez 1987, Chasquetti and Buquet, 2004) coexisting in the state arena with corporate actors of societal stamp (Lanzaro, 1986, 2004). In 2005, the left-wing Frente Amplio (FA) party acceded to the national government for the first time in Uruguay's history. The assumption of the FA in government management broke the bipartisan tradition that prevailed throughout the twentieth century in addition to relocating the State in its intervening role – after the liberal policies of the traditional governments of the decade of the 90s and the economic crisis of 2002-2003 – within a matrix of social protection. Unlike previous governments, the general institutional characteristics of the Uruguayan party system and the formats of the organized social actors allowed the FA to consolidate common arenas of work for the process of drafting its public policies.

The FA was founded in 1971 with the purpose of overcoming the serious political crisis that Uruguay was going through at the time, but also to promote structural reforms in the State, the economy and society. Under these objectives, its founding guidelines maintain that "*the fundamental axis is the continuous popular participation in the process of necessary economic, political and social transformations*" (FA, 1971:1). As can be seen, given the fact that among its founding axes the participatory vision of government management has been central to the proposal of the FA, it is necessary to ask ourselves what has happened since it began to have the opportunity to put into practice its participatory ideals in the political-social agenda for the definition of public issues. In addition, the importance of the intervention of citizens in public activities is maintained in all the programs of the FA for the eight elections in which it competed (1971-2014). For example, in the electoral proposal of 2004 it is argued that in the Uruguayan political system: "*it is necessary to raise the construction of state tools aimed at strengthening horizontal control and broad and genuine citizen participation in decisions and control of what is done*" (FA, 2004:7).

Although historically the FA raised the relevance of citizen participation as the central axis of its way of conceiving government management, once in power, the opening of institutional participation mechanisms in the different state arenas for the elaboration of public policy did not always respond to programmatic principles.

It is proposed to make a comparative study of the areas of participation promoted by state institutions during the different governments of the FA of Tabaré Vázquez (2005-2010/2015-2019) and José Mujica (2010-2015). In this context, a key question is identified: Why for the elaboration of postmaterialist public policies (environment, water policy) did governments innovate with some participatory formats such as citizen juries, councils, dialogues and deliberative workshops, while in labor and redistributive policies (salary, social security and tax) they maintained a traditional design of Uruguay of the XX century?

Based on a normative, institutional and pragmatic analysis of the participatory institutions carried out by the FA governments and a fieldwork with in-depth interviews with qualified sources from the political, technical and social spheres, innovation - or the lack of it - in participatory designs is explained. The present work is structured as follows: a first part raises the theoretical tension regarding representative, direct and participatory democracy; secondly, both the innovation or non-innovation of the selected public policies are analyzed: tax, salary, social security and water, together with their respective regulatory frameworks that design participatory mechanisms, including the preferences and interests of the social actors involved. Finally, the conclusions of the work are detailed.

2. Theoretical tension: The labels of democracy? Representative, direct and participatory

In the discussion on how to sustain the stability and legitimacy of democratic regimes, political parties play a central role in their turn. It is understood that they grant on the one hand to citizens the opportunity to participate through the vote in the election of representatives who will be responsible for government leadership and, on the other hand, they grant institutional resources to ensure that public policy decisions are consistent with government programs (Stokes, 1999). It is understood that political parties are an important driver in the complex relationship between representation and democracy; however, at present the debate around representative democracy shows that electoral competition as a mechanism of political representation does not correspond to the central ideals of democratic politics. The academic literature presents a "certain consensus" regarding the relevance of participation to state institutions as an essential component of democratic regimes and a possible response to the crisis of legitimacy of representative democracy (Dahl, 1971; Cunill Grau, 1991, 1997; Fung, and Wright, 2003; Gurza and Isunza, 2003; Schnapper, 2004; Wampler, 2004; Subirats, 2005; Fung, 2006; Rossanvallon, 2007, 2008; Lang and Warren, 2008; Peruzzotti, 2008; Annunziata 2009, 2011 and Blondiaux, 2013). Despite this, in recent decades, various reasons have been put forward to explain why governments decide to open different types of institutionalized participation.

In the first place, and focusing on the theories around democracy, one can locate the Schumpeterian vision that maintains that the important thing for democracy is not that all citizens participate in public decision-making but that "only citizens with certain competences" through electoral competition represent the demos, therefore, participation is not a necessary and valid instance for democracy, in the words of Schumpeter (1942) "*voters must understand that, once they elect an individual, political action is his business, not theirs. This means that they should refrain from instructing him about what should be done.*" At the other extreme, Habermas' thinking considered that the centrality of the democratic process was deliberative politics for collective decision-making. "*Participation is a common practice only through the exercise of which citizens can become what they themselves wish to be: politically responsible subjects of a community of free and equal people*" (Habermas, 1999: 234).

A second argument concerns the fact that governments cannot avoid the incorporation and activation of mechanisms of citizen participation. In fact, the problems of representative democracy derived from the election-representation nexus, both as a mandate and as control, are essential to determine what are the procedures of aggregation and decision-making, but confirm important shortcomings, both at the level of institutions and in the sphere of the actors, as

they are endowed with scarce powers (Máiz, 2003). Therefore, citizen involvement beyond the ballot box is fundamental to strengthen the capacity to respond to the demands of the population and, consequently, the legitimacy of political systems (Welp, 2016).

A third argument focuses on the contributions represented by direct democracy (MDD) mechanisms for participation (Lissidini, Welp and Zovatto: 2008; 2014; Altman, 2010, Lissidini, 2012). A study by Lissidini (2008) on the MDD processes in Bolivia, Ecuador and Venezuela shows that they were opened to "the voice" of actors traditionally excluded from the political sphere such as indigenous people, women and peasants. In turn, Altman et al (2014), find that MDDs in the Chilean local context show that context matters and that there are no rules or variables that automatically promote participatory scenarios. In the Chilean experience, the authors highlight how the richest municipalities and those whose government has a majority in the council have most frequently promoted participatory processes. Therefore, the tendency to expand the mechanisms of direct democracy was "*in search of higher levels of citizen participation to correct the crisis of representation and address the problems of governance*" (Zovatto, 2008: 262).

Thus, although the contributions that have been developed on democracy over time are diverse and their components or attributes may differ, democracy as a government regime presents several fundamental demands and principles: legitimacy, representativeness, the participation of citizens in public affairs, the strengthening of the links between those represented and their representatives and trust in institutions. All this set of principles imposes problematizing democracy beyond electoral contests, because if one starts from the assumption that politics is a collective activity, democracy must be analyzed on the basis of its institutions, actors, ideas, decisions and policies. How power is distributed within the State's institutional arrangements, how social actors are or are not involved is key to understanding today's democracy. This work does not analyze participatory mechanisms beyond the logic of representative democracy. On the contrary, here we try to break this dichotomy representation-participation, since those who sit in the government and are elected by the citizens within the framework of the rules, recognizing the State as a central institution for public policy, always include in the game of politics the interests and the preferences of different actors, who exercise pressures, who may, or may not, have veto power; in any case, they play a central role in fostering certain policies. For this reason, the second section of this paper presents what governments normally do and how they involve or not social actors in decision-making, whether they are decisive or marginal, basically whether or not they have power in the political arena.

3. *Distributive policies and their openness to participation in FA governments*

In 2005, for the first time in Uruguay, a left-wing party – the Frente Amplio – came to the national government after winning the 2004 elections by an absolute majority. That victory was repeated in the 2009 and 2014 elections, although by a narrower difference. The triumph of the Broad Front (FA) in 2004 was a historic event that materialized the ideological alternation in the government, given the fact that, since the mid-nineteenth century, the Uruguayan Executive Power had been in the hands of the traditional parties, i.e. Colorado Party and National Party.

The FA is a left-wing party that has two unique characteristics of the Uruguayan party system. The first is that since its foundation it has integrated the trade union movement and social movements into its ranks, giving social participation a unique place, even in programmatic elaboration, where actors of various kinds participate: grassroots militants, organized civil society, trade union movement and even academics. The second is the internal structure of the FA: it presents a heterogeneity among its main fractions, ranging from the Communist Party to social-democratic fractions, which can be grouped between moderates and radicals, which arouses interest in studying a party of these characteristics for its ways of governing, in general, and for institutionalized participation, in particular.

The antecedents that the FA had in participatory matters at the level of government management cannot be ignored. To do this, it is necessary to refer to its conduct at the departmental level, precisely in Montevideo, capital of Uruguay. In 1989 the FA won for the first time the departmental elections with Tabaré Vázquez as Mayor and it was from there that it placed on its agenda from the beginning decentralization and participation as central nuclei. Thus, three local institutions were created with the aim of bringing local public policy closer to citizens:

1. Zonal community centers,
2. Neighborhood councils,
3. Local boards.

The latter were maintained until 2010, when the Law on Political Decentralization and Citizen Participation came into force, which created municipal governments as the third level of government along with the figure of mayor¹. This progress at the local level meant that the studies for the Uruguayan case focused on this level of government with the emphasis on participatory budgets or the election of Neighborhood Councils (Veneziano, 2009, 2011; Welp et al, 2013, Welp, 2017) without expanding the research at the national level; hence, the analytical interest of this work.

By focusing on primary purposes such as economic issues, specifically tax issues, the FA carried out a tax reform where the participation of social actors was not exercised through institutionalized channels of participation, but rather more informal specific dialogues were opened to listen to suggestions, proposals, but without any binding capacity and less to compromise the government proposal. The issue of how to record wealth and consumption was one of the priority themes of the FA at the historical level. It was not a new issue for the FA and it was clear how to execute it, in addition to the fact that according to the current Constitution (1996), the approval of tax laws at the national level is conferred to the Legislative Power, its regulation being the competence of the Executive Power. During the first semester of each period of government (five years), the Executive Branch submits to the approval of the Legislative Power the national budget of remunerations, expenses and investments and the corresponding sources of funding. This constitutional legal framework served to maintain its authority in the face of an issue as relevant as the prosecutor and not to open channels of participation.

On the ability to negotiate, when a leader of the Chamber of Industries was consulted, it was considered that there was no margin for it. *"The business community does not negotiate, there is a parliamentary majority, the negotiation is within the FA. The government votes what it wants"*.

This correlates with what a former government official said about the importance of rules and who ends up "cutting the cord." *"Businessmen played very little in tax*

¹ The Community Centers are decentralized units of the Municipality of Montevideo, responsible for administrative management, procedures, complaints, requests and services.

The Neighborhood Councils are private, autonomous, regulated and recognized by the Departmental Government, for voluntary integration of neighbors. They function as spokespersons for the needs, demands and proposals of the neighborhood before the national and municipal authorities. Their legally recognized competences are: right of initiative and capacity of proposals in plans; projects and programmes of local interest; advice to the Departmental Government and the Municipal Governments; collaboration in departmental and municipal management; organization, promotion and development of activities of local interest and participation in the evaluation of management. Neighborhood Councillors work honorarily, and in many cases are representatives of social, religious, cultural or sports organizations.

reform. The business sector resisted the reform. Of the whole business parade, each one who said my situation was special would go to prison; if they showed you that this could have such impacts and did not violate the principles of the reform, those suggestions were taken. Part of the beauty of the tax system is its rules and there is no discretion. Before, discretion passed". (Interview with the former president of the Central Bank and Vice Minister of Economy).

Online, the economic advice of the General Tax Directorate (DGI) also emphasized the rules *"One receives approach from companies of all kinds but this is neither bad nor good, it occurs naturally and the context is open for that to happen, how permeable you are to that, the important thing there is that you have a good institutional design"* (interview political advisor DGI). However, from the trade union movement it was considered that: *"There are no explicit vetoes, but there are mechanisms that play to avoid putting more taxes, such as investment, or the danger that capital leaves. Media pressure weighs more than lobbying politicians, who could have more lobbying opportunities in the past, with right-wing governments. Every time the business chamber goes to the press, they want their speech to be shareable with the whole society. The business chambers insist in their message that taxes are bad and if you increase investment they leave, and if you increase wages unemployment increases, and no one disputes the profits of entrepreneurs, that is the dominant message. The dominant ideology is that of the ruling class. It is the vision that is most transferred by the media."*

There is an implicit statement and that is that, although in the decision-making vetoes are not explicitly imposed, they affect which sectors are selected for investments, what stimuli are needed and what would happen if that was not there. *"The elites have less influence; that does not mean that the FA has not been influenced by pressure groups, and there have been no agreements. What is clear is that the Uruguayan left was not a stone in the shoe of the businessman. Economic power in Uruguay is more depersonalized than in the 80s. Economic power is more transnationalized and it is more difficult to identify that these are the families, the elites that dominate the Uruguayan economy"* (Union leader).

Article 206 of the Constitution stipulates that the law may provide for the creation of a National Economy Council (CEN), with an advisory and honorary status, composed of representatives of the economic and professional interests of the country. The law shall indicate the form of constitution and functions thereof. Never since this normative possibility was placed in the Constitution of 1934 had a government summoned it. It was thus the FA government in its first government that created it by law, at the initiative of the Executive Branch in March 2005, being regulated in December of that same year. In its legal intention, the CEN aims to become the *institutional sphere of relationship between civil society and the State* to address the economic and social aspects of public policies, defining it as an *instance of representation* of civil society. However, in practice it met a few times

in the first government administration and was never reconvened. This is how one union leader puts it:

"It has never been applied well. It would be nice to have an area, for capital to say what it wants, us - the trade union movement - and the government. There were a few calls at the beginning, but it has not worked well. The space is defined so wide that they end up laughing, listen to everyone or do not listen to anyone, and this was." (trade union leader).

And this is stated from the confederation of business chambers:

"Those things don't work. Because it is very difficult for an arbitrator to be impartial enough to draw the best conclusions. Uruguay is a country that has too much revanchism above and many accounts to collect from one side and the other, so it is difficult to move forward. It is difficult to make progress in this kind of thing" (president of the Confederation of Business Chambers).

In this way and with regard to the preferences and power of agents in tax issues, there is no doubt that they matter, the institutions and their incentives too, but the decision on how the collection and distribution should be carried out is in the hands of the Executive Power, as expressed by a high authority of the Ministry of Economy:

"This government has been characterized by talking to everyone. I do not see problems of dialogue, that does not mean that there are a huge number of agreements. The agenda is dynamic and leads you to take a line of work that is more ad hoc; it leads you to do it more at the moment, because the dynamism in this matter leads you to generate ad hoc spaces, and this has worked reasonably well. We do not notice the need for more spaces because we are fine with what we have and they have not told us that they need another space. Ultra-institutionalized areas, as in larger societies, may be necessary, as in Brazil, where you institutionalize getting together; but in a country like Uruguay, with other dimensions and proximity, if someone tells you "we have to get together", in 48 hours maximum you meet with businessmen or unions. You're having meetings based on monitoring that. It's a design that works, I don't know if it's the best. It is positive to have a back and forth with the social actors, but after the interactions, one must take decisions, and one decides. Sometimes there are certain fears of deciding, having all the respect of the separation of power, you have to exercise authority, which is not authoritarianism."

When analyzing the structure of the wage councils within labor policy, it maintains its historical format, without any innovation in its participatory mechanism. Since 1943, Uruguay has convened Wage Councils in a format of tripartite integration bodies, created by Law 10449, which through the mechanism of social dialogue establish minimum wages, categories and other benefits. Following what is established by regulations, in 1985, the Executive Power, by Decree 178/85,

convened the Wage Councils creating forty-eight groups of activity, which as a result of negotiations in the different economic branches, created, in turn, subgroups and chapters, all as collective bargaining units. At the beginning of the liberal government of President Lacalle the call was suspended and it was in 2005, through Decrees 138/05 and 139/05, that the aforementioned Councils were convened again. On this occasion, three areas of negotiation were distinguished: the classic one in the private sector and two new ones: the public and rural sectors. In the Third Round of 2008, Group 21 was added: Domestic workers or domestic servants. In addition, the Rural Groups were renumbered.

The Wage Councils are an instance of negotiation with a typical format to address this type of issues. In them, the recognition towards the FA has to do with their convocation, as well as the expansion by sector and by their operations. *"If I go back to the year 1943, when the wage councils were created, the area of negotiation covered nothing more or less than the salaries of private activities, although their means were cut, the public ones did not enter, the rural, domestic ones did not enter; but well, it was an area. Uruguay came with a tradition of important social participation"* (union leader).

It is interesting how it is marked that the wage council is not an instance with political leadership but is responsible for negotiating a wage pattern between workers and employers. *"The wage councils have decision-making power and have social representation, they are older than the FA, there is no political leadership there but the salary pattern has to be agreed"* (high government hierarchy).

Now, although this format of wage negotiation remains intact after 60 years, there is a recognition of the place the councils occupy as pressure groups of entrepreneurs and unions on issues such as their capacity, resources, mobilization and collective action. These become key factors for the government to recognize them and maintain classic management positions in prominent organizations, such as the Social Security Bank, an autonomous entity created in accordance with article 195 of the Constitution, whose central task is to coordinate state social security services and organize social security or the National Institute of Employment and Vocational Training, a non-State public entity whose main task is to implement policies for vocational training and strengthening the employment of workers in Uruguay².

²As for the conformation of the directory of the organism, it is composed of four members appointed by the Executive Power, one elected by the active affiliates, one elected by the passive affiliates and one elected by the contributing companies. It was only in 1992 when the Board of Directors was fully integrated for the first time and in 2006 when the constitutional provision was fully complied with the entry of the first social directors elected by direct vote of their representatives.

The current membership of the Board of Directors of INEFOP includes representatives from: Ministry of Labor and Social Security (MTSS), Ministry of Education and Culture (MEC), Office of

"How can we influence the economy in wages, in what way? With a correlation of forces, by negotiating. So, one way to influence the outcome is to negotiate, through salary and productivity. We do very well" (union leader).

"The employers are very clear in the defense of their legitimate interests, , and therefore historically have a link with the ruling government for the defense of those interests, corporate perhaps; their logic of expression is more conventional than that of the unions" (opposition legislator).

Concomitantly with what was presented, the FA did not incorporate changes in the institutional architecture of the spaces of participation on issues such as salary, security and taxation. So, it was proposed to focus on the water policy, an issue that is incorporated into the FA government agenda and where innovations were introduced.

4. The water resource in Uruguay: innovation in participation?

This section presents an analysis of the water policy and the mechanisms of citizen participation that have existed in different conjunctures. The issue of water resources in Uruguay is not a minor one, both at the level of public institutions and civil society in general. The precedent of the plebiscite in 2004 was a milestone that underlined the importance that water has for the population. This is a central concern as water policies affect the well-being, distribution, social inequalities and self-interests of political and economic elites, and the society as a whole.

An analysis of the water policy can demonstrate that water builds social and power relations around those who have access to it, and under what conditions. There is no doubt that social, political, economic processes affect the understanding of water as a disputed resource shared by multiple public and private actors. Thus, water becomes a strategic resource and therefore its control is a source of power and socioeconomic and environmental conflicts around several axes: demand, use, exploitation, irrigation and pollution. Thus, states face an environmental dilemma that has not been resolved and where the controversies around water resources have acquired a pivotal role. Environmental policies require a high degree of coordination and articulation with social and economic policies. Following Delamata (2013: 87) "*environmental*

Planning and Budget (OPP), by the most representative organizations of workers: Inter-Union Plenary of Workers (PIT - CNT), by the most representative organizations of employers: National Chamber of Commerce and Services of Uruguay, Chamber of Industries of Uruguay (CIU), and a representative of social economy companies, introduced by article 219 of Law 18996.

demands put in tension and are sometimes able to align the general antinomy that runs through states, between their dependence on investments and business and the construction of political power of government based on popularity". There is no doubt that water is a global issue. Hence, the challenges faced by these post-modern societies under geographical borders, as well as under the borders of the "individualization of politics", become obstacles to be overcome to untie the main critical knots that concern such a vital resource, when States are increasingly faced with the mobilization of citizens on their right to water. For this reason, Uruguay witnessed a citizen mobilization that managed to hold a plebiscite to reform the Constitution and recognize water as a human right, in addition to granting the State the exclusive distribution of water and sanitation.

Since 2002, but especially throughout 2004, after years of neoliberal policies and an acute economic crisis, with a state in decline, Uruguay marks a turning point in the resistance to the privatization of several public goods and services. Uruguayan society debated and politicized an issue that until then seemed unquestionable in a small country surrounded by water: the recognition of water as a political and social problem. This process resulted in the constitutional plebiscite of 2004, held by the National Commission in Defense of Water and Life (CoNDAV), which greened party politics and ended up representing the first major victory on a national scale in a popular initiative of an environmental nature (Renfrew, 2013). The mechanisms of direct democracy are an explicit recognition of popular sovereignty; hence, in the context of modern liberal democracies, the citizen has the possibility to decide and/or veto on matters of public interest carried out by government representatives through the extraordinary use of the vote. Errandonea (1994: 36) in its approach to the mechanisms of direct democracy and its functions with respect to the Uruguayan political system states that the normal mechanism of legitimization of the Uruguayan Constitution is the plebiscite. He affirms that *"Since the political actors felt the need to make corrections to the equation in which the political functioning is concretized according to the correlation of forces of the conjuncture, they promoted constitutional reforms."*

Thus, the plebiscite was a milestone for Uruguayan democracy, since in addition to enshrining water as a human right, the initiative of such a proposal did not have its "origin from above", it did not arise from the formal political powers – Executive Power or Legislative Power – but the origin was "from below", that is, citizenship, organized under the CoNDAV, playing a central, proactive, and informed role involved with public affairs. This case illustrates and breaks the myth of the "passive citizen" following Rossanvallon (2007), where society generated a concrete change in the order of priorities of government actions and modified the usual frameworks of the discussion around the process of elaboration of political decisions. The resistance to the privatization of water in Uruguay is led by an emerging social movement that has integrated different perspectives in the defense of a public, participatory and sustainable management

of this common good. The CoNDAV, obtained the support of 64.7% of the citizens to approve a Constitutional reform where these principles were enshrined. The rejection of the commodification of water was the touchstone that facilitated a metamorphosis in several social actors: popular organizations became ecologists and environmental groups became social movements (Navarro, 2006). This prominence led Uruguay to become a country that explicitly recognizes the right to water in its Constitution, and the State is obliged to protect the rights of its citizens³.

This normative advancement and the social mobilization led to the promulgation in 2009 of Law No. 18610, which establishes the guiding principles of the National Water Policy. This law, which, in addition to raising several points such as state action for access to drinking water, sanitation and both surface and groundwater, weighs citizen participation in articles 18 and 19, defining it as "*the democratic process through which users and civil society become fundamental actors in terms of planning, management and control of water resources, environment and territory*" thus granting users and civil society "*the right to participate effectively and efficiently in the formulation, implementation and evaluation of plans and policies established*". In this way, the place of the state apparatus and civil society with respect to the political process in the field of water management is established normatively. By law, an intersection in the society-State link for the formulation of public policy is proposed, where spaces for participation should be reflected to maintain that bidirectional relationship between both players: state and social actors, with a character that is not merely informative but binding, with decision-making capacity in Uruguay's water policies.

A clear example is the creation, in the orbit of the Ministry of Housing, Territorial Planning and Environment (MVOTMA), of the National Council of Water, Environment and Territory, composed of representatives of the government, users and civil society, each of them having equal representation for the elaboration of national guidelines on water, environment and territory. This type

³ Article 47 of the Constitution states: "The protection of the environment is in the general interest. Persons shall refrain from any act which causes serious predation, destruction or pollution of the environment. (...). Water is an essential natural resource for life. Access to safe drinking water and access to sanitation are fundamental human rights. The national Water and Sanitation policy will be based on:

- a) The planning of the territory, conservation and protection of the environment and the restoration of nature.
- b) The sustainable management, in solidarity with future generations, of water resources and the preservation of the hydrological cycle, which constitute matters of general interest. Users and civil society will participate in all instances of planning, management and control of water resources; establishing the hydrographic basins as basic units.
- c) The establishment of priorities for the use of water by regions, basins or parts thereof, the first priority being the supply of drinking water to populations.
- d) The principle by which the provision of drinking water and sanitation service must be done by putting social reasons before those of an economic nature (...).

of intersectoral and interinstitutional spaces is a faithful reflection of the Uruguayan political system: a case of intermediation of interests fundamentally pluralistic, with partisan protagonists, but in which corporate arenas of societal stamp have also coexisted. Therefore, when analyzing the process of elaboration of public policies during the government's management of the Frente Amplio, different types of participatory mechanisms are observed. On the water issue, the government promoted institutionalized participation spaces such as the National Council of Water, Environment and Territory and the Regional Councils of Water Resources and Basin Commissions, as well as non-institutionalized mechanisms that transcend the technical-bureaucratic dimension in state management, such as spaces for consultation with citizens.

Now, the way of instrumentation of these participatory spaces and how they are inserted into the process of public policy, whether through inputs for the design, implementation, monitoring or evaluation, cannot be conceived equally; consultation is not the same as co-management, citizens control in a phase of monitoring of the policy or are simply informed of what is being carried out by the government. In this line, it is important to establish how the link occurs both from the government and from the actors, and what type of participation is desired from both sides. To problematize this, the following is the elaboration of the National Water Plan during the years 2016 and 2017, of which there are no precedents in Uruguay. It is the first time that the Uruguayan State has addressed the issue of water in a comprehensive, innovative way and with a long-term strategic view; hence, its relevance for this work.

5. National Water Plan and citizen deliberation

The National Water Plan (*Plan Nacional de Aguas*, PNA) is the result of an exchange process, initiated in 2010 by the National Water Directorate (DINAGUA), with the Ministries of Livestock, Agriculture and Fisheries (MGAP), Industry, Energy and Mining (MIEM), the company Obras Sanitarias del Estado (OSE), with the Regional Councils of Water Resources and the Basin and Aquifer Commissions. After six years of design of the PNA and instances of deliberation in August 2017, the Executive Branch decrees this first PNA. Concerning its functions, the interest of this work is focused on the spaces submitted by DINAGUA for the public discussion of the PNA.

The DINAGUA direction within the MVOTMA, that has the main function of the administration, use and control of water resources, in July 2016 presented the proposal of the PNA as a "*technical and political instrument that establishes the*

general guidelines for the management of water resources throughout the Uruguayan territory" (DINAGUA, 2016) and from its coordination it expressed "*a firm political conviction that the population has contributions to make and that the sustainability of the NAP requires basic agreements among all actors.*" In this way, the main guidelines for this NAP stressed the importance of considering the proposals that arise from areas of participation to the relevant decisions through a deliberative instrument that socially validates this public policy. Thus, DINAGUA coordinated the exchanges on the NAP within the framework of the Regional Councils of Water Resources and the Basin Commissions, institutionalized areas that operate in different regions of the country. Moreover, in order to expand the discussion to a general public, it asked an interdisciplinary team of the University of the Republic (UdelaR) to carry out a non-institutionalized process of "Citizen Deliberation on Water" (Deci Agua), to foster dialogue and contributions to the NAP. This mechanism of citizen deliberation is an adaptation of the Citizen Juries, but it shares with them the same deliberative ideals⁴.

The Deci Agua project was funded by the Sectoral Commission for Scientific Research (CSIC) of UdelaR and DINAGUA. This process lasted between August and December 2016 and organized the discussions around five main axes: 1. the PNA; 2. the management of water resources; 3. the models and conceptual frameworks of the management of these resources and the role of citizenship; 4. education, culture and citizenship, and 5. ethical dimension. Deci Agua was based on the formation of a Panel made up of fifteen citizens, not specialized in the subject matter, that following its documents "*represents a voice of civil society: the one not directly involved with particular interests*". The participating citizens will analyze the proposal of the National Water Plan for two months. To this end, they will read informative material, analyze and exchange opinions in work sessions, contact experts and those involved in the subject and debug a series of questions that will be processed through an Advisory Group (DECI AGUA, 2016: 2).

⁴ For the case study of this work, it is considered important to detail what the citizens' jury is about. This participatory model aims to associate, during the time of a formal consultation, a group of supposedly profane citizens to the formulation of a collective decision, in a situation marked by real uncertainties. The originality of this model comes from the central role played in it by the emerging political figure of the "profane". This citizen without qualities is supposed, first and foremost and against all the theses that denounce his incompetence or his irrationality, to be capable of pronouncing on problems in which experts and politicians had until now the monopoly. It is, in turn, to organize the confrontation of experts, politicians and citizens within the framework of "hybrid forums" capable of producing political judgments worthy of being taken into consideration by the convening authority, which remains solely responsible for the final decision. However, a trait in common to all remains: to think that the inclusion of citizens without qualities in the process of elaboration of the political decision produces effects of democratization of the existing regimes. (Blondiaux, 2013: 77-79).

This advisory group was made up of specialists and people linked to the subject who were not part of the organization. One of its main tasks was to ensure that the information process of the Citizen Panel would be balanced in relation to different positions and that diverse approaches would be contemplated on the proposal of Plan. Accordingly, Deci Agua represented a voice of civil society, not directly involved in particular interests. The selection of this Citizen Panel had as criteria the representation of a variety of ages, work occupations, origins and motivations. The only requirements were: to be over 18 years old, not to be a specialist or someone directly involved in the subject of water, and to be available to participate in work meetings that were held during three weekends between the months of October and November 2016. In this way, the work Deci Agua lasted only two months, i.e. the amount of time that was granted to the participating citizens to analyze and exchange the proposal of the PNA, based on the information provided by DINAGUA, UdelaR and the exchange with the advisory group. Time that, as the protagonists of this citizen panel affirm, was not enough and this was a problem for the objectives to which they were summoned:

"It is necessary to consider that the study of the information provided to us had to be carried out in a short time, which prevents a deepening in very broad areas of knowledge. The variety of disciplines that are involved in water management (we read reports of a socioeconomic, cultural, environmental, toxicological, biological, chemical, geological and geographical nature, legal framework, monitoring, etc.) prevented us from taking the time to give the appropriate value to each information received. One of the main problems that the group encountered in terms of the deliberation process was the little time available to reach a final report. We believe that with only 60 face-to-face hours it was impossible for us to analyze in detail the National Water Plan" (DECI AGUA, 2016: 3-4)

In the document that synthesizes the main contributions of Deci Agua, the importance of citizen participation and involvement is emphasized. They reflect that the PNA proposal recognizes that there are no capacities in relation to human and economic resources to meet the demands of the participants of the Regional Water Resources Councils and the Basin and Aquifer Commissions, to process them and provide an adequate response in a timely manner according to the importance of the issue. Given this, Deci Agua considers that it is an impediment to effectively comply with the mandate of Article 47 of the Constitution of the Republic, which determines that "users and civil society will participate in all instances of planning, management and control of water resources", raising a concrete claim to consolidate citizen participation in spaces for discussion and generation of policies such as the Basin and Aquifer Commissions, so that these mechanisms and Areas are effectively channels that bring citizens closer together in decision-making.

"Promote participation based on the premise of 'governing with the people, not for the people'. This is essential to regain citizen confidence in management. It is necessary to institute procedures for evaluating the management of the Basin Commissions. Analyze the problem of the representativeness of civil society in the commissions, considering their diversity. There are neighbors and other actors who do not participate in already established organizations. Modalities of inclusion of unrepresented persons should be considered. Other spaces for citizen participation should be created in support of the work of the Basin Commissions, through deliberative methodologies where local citizens are convened to analyze the issues that the commissions are working on and to make proposals linked to the reality of the area" (DECI AGUA, 2016: 7-8).

"Decí agua" showed on the one hand, that citizen participation matters to the government, generated a citizen panel – "jury of citizens" following Blondiaux (2013) – that responds to the legal framework that supports it, i.e. article 8 of the National Water Policy (2009), that provides for "the participation of users and civil society in all planning instances, management and control", and the Constitution itself. However, on the other hand, these mechanisms implemented by the government do not bring with them the expected results and even generate discontent among the actors involved. There is no doubt that giving substantive contributions to a national water plan is unfeasible in two months, even more so when those who participate do not have specific knowledge of the subject; therefore, the process of capacity-building and involvement requires that panels of this type be prolonged in time and be maintained not only for the design of the NAP but also for the following stages, that is, monitoring and evaluation of the policy.

Given the scope of this innovative mechanism, its impact on the Uruguayan tradition and the fact that it failed to generate the expected enthusiasm in the social actors involved, on the basis of the interviews conducted the analysis found out that the issue of the civil society representation in environmental matters is a relevant factor. There is the need of a greater incidence, and the responsibility on issues of general interest must be given by the governmental authorities.

"Participation in all areas is important. Yes, you have to strike a balance, there are several executive and decision-making areas; the government is legitimized because there is a democratic process behind, you should see that in the social actors. In short, it is also the responsibility of those who were awarded this function. If you look at it from another point of view, the excessive participation can remove the responsibility from above, from those who were voted to do things. Then, it is very good to have to consult, but there comes a certain moment that you have to decide. There's a balance there." (High hierarch of the Presidency of the Republic).

"I believe that we must always open spaces for participation, but we must consider that the social movements or social organizations will put forward proposals closely

linked to their issues, those that involve them, while the legislator must have a more general vision. The role played by each one is different: the role of the movement or organization is to defend a certain specific issue, and the role of the parliamentarian is to ensure a general good. So, a more general, broader and open vision has to be adopted. For example, I may implement a certain measure, but I would be affecting a lot of other issues; so, I have to take a decision that contemplates some of the issues that are told to me, but also all these externalities that I would generate in other areas and that the organization would not raise. I can decide to place a factory somewhere, and an environmental organization may come up that is totally against placing that factory, because it considers that it would cut down a certain number of trees, and it would be harmful to the environment; however, I have to find a balance there with the fact that such factory would generate jobs, that is something very positive. Then, I have to find a mechanism by which I would listen to the proposal of the environmental organization and maybe take some measures, such as requesting the company that for each tree they cut down they replant another one; in this way I think that you would put together a policy listening to different voices, and that is why it is important to listen. The issue is that you probably would not concede 100% to any of the participants, because your project contemplates different visions" (official legislator).

Thus, the government recognizes the lack of institutionalized spaces available to environmental movements. It was possible to innovate some areas such as dialogue, forums, councils of Cuenca, citizen juries, but all of them in their consultative, informative capacity, which did not grant the incentive for social actors to feel motivated and part of the process. This is recognized from the ranks of the government as well as from the social actors themselves, who also add the economic issue as a variable that is prioritized by the government.

"With environmental movements in particular, the social movement gains more from "Voice" than from "Loyalty". Loyalty does not work at all in the case of environmental movements, differently from trade union movement. Environmental movement do not attempt to change things from inside, because it is very difficult to deal with the government. But it does not mean that there are no spaces for participation, they have opted for a strategy of joining forces outside, defending their causes, the politics of the street, the politics of the networks, but not the politics within the formal State institutions." (pro-government legislator).

6. Conclusions

From the elaboration of a normative, institutional and pragmatic mapping of the participatory institutions carried out by the governments of the FA and a field work with in-depth interviews with qualified sources from the political, technical and social spheres, it is concluded that innovation, or the lack of it, in participatory mechanisms depends on the following factors.

Firstly, the role of the participation space: it was possible to innovate only in consultative/informative formats; secondly, the type of social actor with which the government is linked: the representativeness and legitimacy of social movements and civil society organizations influenced what kind of innovation could be introduced in the public policy process. A third factor is the institutional architecture in which the space for participation is anchored: the dependencies of the Executive Power innovated in participatory formats and the autonomous bodies maintained their traditional designs. Fourth, the ideological and historical prioritization of the capital/labor conflict in the Uruguayan left: there is a clear consensus on the part of the FA government that the spaces to resolve redistributive issues have to provide for participation of union and business communities, ensuring the representation of both actors with binding capacity in decision-making, without the need to innovate their format while ensuring the representation of the interests involved.

In short, consultative social-governmental linkage spaces with innovative formats do not translate into a greater impact on decision-making. The "Decí Agua" Jury represented an ad hoc, conjunctural, non-binding mechanism that is not institutionalized to ensure its permanence within the framework of Uruguayan water policy. Unlike several Latin American countries – such as Brazil – that present regulatory frameworks that institutionalize citizen participation, such as this type of citizen panels or public conferences, in Uruguay there is no established regulatory framework for participation that commits the State to create participatory mechanisms of a binding nature, guaranteeing transparency and independent and autonomous citizen control in decision-making processes. Given this, the concern arises to problematize why there is no institutionalized framework to account for deliberative instances where the main actors are involved before the matter is submitted for the legislative discussion. One possible question could be: does Uruguayan democracy show more levels of trust that don't make necessary such an institutional framework? The response has to be found in future research.

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