

Citizen Audit of the Quality of Democracy in Costa Rica State of the Nation Project ¹

Summary

The Citizen Audit of the Quality of Democracy is a method for citizen participation, deliberation, and evaluation of public affairs (*societal accountability*)ⁱ and for in-depth study of democracy. It seeks discernible outcomes in public life such as modifying the agendas of political and social actors. The entire process, from planning to publication and dissemination, took approximately three years. (1998-2001).

Background

The Audit began in 1998 following the publication of the first three State of the Nation reportsⁱⁱ on sustainable human development in Costa Rica. These reports, together with recent surveys on citizens' perceptions of public agencies and the government, revealed two phenomena common to all Latin American countries: the first is the growing public disenchantment with politics and the second, economic precariousness, inequality, and poverty. In activities organized by the State of the Nation Project [Proyecto Estado de la Nación], representatives from different social, academic, and political sectors of Costa Rican civil society belonging to the project's Advisory Council [Consejo Consultivo]ⁱⁱⁱ reaffirmed this phenomenon and the need to examine it closely from a citizens' perspective. They created the project's initial mandate. Conversations with Notre Dame University's Hellen Kellogg Institute for International Studies, and particularly Professor Guillermo O'Donnell, contributed to the development of the study's premise, purpose and methodology, and all the way through implementation of the citizen's audit of the quality of democracy.

The State of the Nation Project is a joint initiative with the National Council of University Presidents [Consejo Nacional de Rectores—CONARE] and the Ombudsman for Inhabitants of the Republic [Defensoría de los Habitantes de la República], with sponsorship from the European Union and the United Nations Development Program (UNDP). The latter was interested in providing funding for a citizen audit as part of its focus on governance and democracy in Latin America. Swedish cooperation (ASDI) also provided financial assistance to the project.

The Advisory Council for the citizen audit, made up of 41 people representing different social sectors, served as a “steering committee” and quality control mechanism for this process. In addition to these entities, hundreds of people participated in different phases of the audit (see endnote 3).

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Costa Rica was considered an ideal location for the first endeavor of this kind for a number of reasons: it is a small country (approximately 51,000 km²) with a population of just under 4 million; it has a consolidated democracy and a network of research centers involved in the issue; and, there are no overt or polarized political conflicts that would impede dialogue among different sectors. Even so, it should be noted that there are marked differences in the quality of democratic coexistence at the subnational level.

Objectives

A citizen audit that contributes to building skills so that citizens can participate in a critical and informed manner in how their society is governed. To accomplish these objectives, the audit established:

- A system to monitor and evaluate the strengths and weaknesses in democratic life, with citizen participation at each phase of implementation. This participation helped to ensure the legitimacy and social relevance of the initiative.
- A different way of deliberating about public affairs. Data collection and analysis about “what is going on with our democracy” led to in-depth dialogue among people representing the diverse social and political perspectives in the country.
- An exploration of the relevance of the concept of democracy in order to understand people’s day to day experience of living in a democracy and deepen the understanding of democracy as a way of life.

Processes and Methods.

Who

The Citizen Audit of the Quality of Democracy involved a wide range of sectors, since democracy is a matter that concerns all of us. Nonetheless, the methodology used, the outcomes and the conceptual framework that was created, may be useful in the development of future citizen audits on more specific social issues (for example, a citizen audit of the impact of a poverty reduction plan in a specific region).

Although hundreds of people are involved in the citizen audit, the core coordinating team comprises a small group of 3 or 4 people from different fields. They must have expertise in research management and social methods in order to maintain quality control over the outcomes. It is important to note that the technical team and the Advisory Council are considered impartial, trustworthy, and academically rigorous. And while different social and political actors may participate in this initiative, none control it. The acknowledgments section of the final audit report reflects the number and variety of participants who contributed to this process.

The direct participation of low-income sectors is encountered first in the definition of democracy used in this project, which includes a particular concern for sectors with lower skills levels. The definition of democracy includes an aspect referred to as “basic citizen empowerment.” This introduces into the debate the need to ensure that the entire population has at least the basic skills they require to exercise their rights and responsibilities.

Second, the Advisory Council for the Citizen Audit of the quality of democracy was made up of 41 Costa Ricans from different backgrounds. Some are leaders of social organizations or workers' associations with constituencies from across civil society, such as the National Association of Public Employees, the National Peasant Roundtable, the Confederation of Workers Rerum Novarum, The Assembly of Workers of the People's Bank, representatives of the women cooperativist movement. This Advisory Council was responsible for overseeing the substantive conduct of the Audit, from the identification of research issues to the validation of findings and quality control of the process.

Last but not least, the use of several participatory methods in the fieldwork meant that citizens were able to become information sources and evaluators of their own democratic practices. Specifically different socioeconomic groups participated in the following research methods: observation sites, national survey, ethnographic exercises in experimental observation and focus groups.

What

The Audit is a method for deliberation and citizen capacity-building in the areas of participation, evaluation, and identification of democratic challenges. It truly became a forum for deliberation throughout the design process, which included a series of participatory methods and direct consultations with citizens. But in addition to deliberation, the Audit also has accomplished its objective of strengthening citizens' ability to participate in governance through the collection and dissemination of objective information of various kinds. Using an evaluation method designed for this purpose, the strong and weak points of the quality of democracy were identified and citizens could observe the areas where more effort was required (see Chapter 1 of the final report for the conclusions).

How

The Audit was a three-year process divided into four phases: planning, fieldwork, evaluation, and dissemination. Different citizen consultation and participation methodologies were used in each phase, from the definition of research issues to evaluation of research findings (Table 1).

Table 1
Consultation mechanisms

Phase	Planning	Field work	Evaluation	Final report	Dissemination
Specific mechanism	1. Civil Society Advisory Council 2. Consultations to identify issues	1. Participation of 64 researchers 2. National survey 3. Focus Groups 4. Observation site 5. Ethnographic exercises 6. Group court	1. Ten citizen panels to evaluate field research findings using an evaluation tool	1. The Advisory Council and citizen panels critiqued draft chapters	1. Presence in the media 2. Presentations to civil society and government institutions 3. International workshops to present findings 4. Book to be disseminated across the continent (forthcoming)

A number of methods were employed in the field research for each issue addressed. The result was improved understanding of how democracy works in the country. The study, which used 10 research methods (table 2) produced a list of indicators for previously overlooked political variables. The adaptation of methods from other disciplines, such as health observation sites, anthropological experimental observation, and legal analyses, opened up new frontiers of information about each standard of quality in democracy. Areas in which it was impossible to obtain information were noted, for their inclusion in future research by universities and specialized centers.

Table 2
Research methods

Type	Method
Consultation methods	National survey Focus groups Observation Sites Balanced group court
Experimental methods	Ethnographic exercises of experimental observation Collective observation in the media
Interpretative methods	Specialized presentations Thematic research Legal Analysis
Document collection	Collection and systematization of administrative records Bibliographic search including previous research

How Much

The estimated budget for the entire process is approximately \$350,000. Swedish cooperation (ASDI) and the UNDP provided most of the funding. One fourth of the total budget was spent on planning activities including: consensus-building (viability), preparation of the project proposal, fundraising, conceptual design, setting up the technical team and other project entities, preliminary research, and determining the mandate and research issues.

Approximately one fourth of the funds were used for the fieldwork phase. This covered designing the field research strategy, terms of reference, selection and hiring of researchers, establishing networks of collaborators, and research administration.

The evaluation phase used 9% of the funds. This included preparing evaluation materials, setting up committees, introductory session, support for the work of individual evaluators, processing of individual findings, organization of group meetings, development of reports and feedback to the process.

Lastly, publication and dissemination accounted for the remaining 40% of the budget. This phase included designing a dissemination strategy and timeline, a media awareness campaign, and international promotional activities.

Table 3
Estimated Budget for each Phase

Phase	Estimated cost in USD	Percentage of the total	Ideal percentage for a second audit process
Planning	\$ 81,638	23.5%	25%
Field work	\$92,436	27%	35%
Evaluation	\$ 34,556	9%	20 %
Dissemination	\$141,217	41%	20%

Outcomes^{iv}

The Citizen Audit Final Report sketches a map of democratic coexistence in which citizens, aware of the texture of their political life, have a useful tool for debating new paths in the democratic adventure. The image of democracy elicited in the audit is richer and more accurate than that found in previous studies.

The introductory paragraph of the final report uses the metaphor of a relief of Costa Rica's furrowed terrain to synthesize the response to the question, What is the quality of democracy in the country? This metaphor was used to describe three things. First, that an examination of the quality of democracy goes beyond democracy as a political regime. Second, the image of peaks and dips and valleys reflects the multidimensional nature of democratic coexistence. And third, the strengths and weakness of Costa Rican democracy are not distributed uniformly among different areas.

The main strengths of Costa Rica's democracy are concentrated in its political system. The Audit documented respect for the rule of law in electoral campaigns and the public's broad access to information to evaluate electoral options. Effective constitutional safeguards are in place to protect civil rights and democratic standards are observed in the enactment of laws and administrative regulations. Targeted research at the subnational level found solid democratic practices in local governance in some areas. These municipalities have established mechanisms for citizen consultation and participation in relevant community matters and are accountable for their actions. These findings have served as demonstration models for other municipalities.

There are substantial variations in the quality of democracy in aspects that go beyond the political sphere. For example, there are both success and failures in the area of democratic rule of law. On the positive side, the audit found broad public access to the administration of justice system, political and administrative independence of the Judiciary, and a rigorous legal and institutional regime for the protection of individual rights. In 2001, nearly 800,000 cases were filed with the administration of justice system in a country with a population of 4 million people. On the negative side, the study found that legal services were overwhelmed by the caseload, which is an obstacle to the swift and effective administration of justice. It likewise documented weaknesses in legislation and oversight entities responsible for control of corruption in public service. In effect, more than 35% of agrarian, labor, and civil cases delay two years or more. In the labor sphere, which is critical to protecting workers rights, labor courts issued verdicts in no more than 40% of the cases received each year, between 1993 and 1998. (PEN, 2001b: 64-76).

The citizen audit found areas of poor democratic quality. One such area is evidence of widespread mistreatment of people by government agencies—cases in which people's rights or dignity are violated in the course of conducting government business. The survey² found that one in six people have been asked for a bribe in exchange for accomplishing their business in a public agency, while nearly one in four reported being discriminated against by a public servant because of their characteristics (PEN, 2001b: 208-22). At the same time, a review of the legal and administrative regime led to the conclusion that, despite progress made over the past decade,

² The sample used in the survey conducted by the citizen audit was larger than usual to ensure that the findings would be representative at the regional, as well as the national level.

significant weaknesses persist in safeguarding people against institutional mistreatment. Some entities that have been created lack independence from the institutional hierarchy. Others, such as the Ombudsman, have a legal framework guaranteeing its independence and establishing its specific jurisdiction, yet lack the means to make its resolutions binding.

The citizen audit identified controversial issues in which the evidence offered led to intense debates that were not resolved. The legal regime governing freedom of the press is controversial since in Costa Rica, people must prove the veracity of a complaint, media directors have objective oversight over what is published or transmitted and, up until 2002, *desacato* [contempt] laws were still in place. Journalists argued that because of such regulations, they engage in censorship (and self-censorship) while other evaluators asserted that such legislation was necessary to protect people's reputations. The fact that this is a controversial issue in Costa Rican society was reaffirmed later: of the eight reforms to legislation concerning the press submitted to the Congress in late 2001 (after the report was published) only one, pertaining to the *desacato* law, was enacted. Media scrutiny of public affairs and protection of journalists vis-à-vis their employers was equally contentious. The audit documented cases of reprisals by public institutions in response to reports (basically resorting to the court of public opinion) and threats against journalists. It also documented cases of journalists who were fired or had to leave off an investigation under pressure from their agencies. (PEN, 2001b: 383-489).

The audit was able to identify problem areas where, despite a dearth of information, worrisome signs were detected. This includes private contributions to political parties and antidemocratic practices among civil society organizations in their capacity as representatives of social sectors. In the first instance, the law establishes minimum controls on private contributions (essentially voluntary reporting). In 1998, political parties declared that under 10% of their campaign expenses came from private contributions. This is inconsistent with advertising norms and the activities carried out (PEN, 2001b: 184-189, 285-297). An examination of civil society organizations and leadership revealed the lack of safeguards of the rights of members and few mechanisms for holding leadership accountable. (PEN, 2001b: 319-333).

The final report contains general and specific public policy recommendations aimed at influencing the agenda of different political and institutional actors.^v The general recommendations were:

- Simultaneous improvement of political representation and citizen participation mechanisms
The audit suggested a combination of short-term measures in response to premises that equate “participatory democracy” with “representative democracy.”
- Inclusion of the democratic perspective in government reforms, an issue currently dominated by debate over the government's economic role and incentives for private investment. The audit suggested developing process and impact evaluation systems for public policy and specific mechanisms for the detection and punishment of acts of corruption in public service.
- Gradual and selective government decentralization. In view of the variations in democratic quality among local governments, the audit proposed that the transfer of resources and powers from the central government to the municipalities be subject to compliance with minimum standards of democratic local governance (PEN, 2001a: 65-7).

Limitations

The main challenge faced in conducting the Audit was the fact that this was a groundbreaking process and therefore new experiences and methodologies were encountered at every stage. In some cases the methodology was improved along the way as a result of trial and error and the feedback received from experts. In other cases, the original design did not reflect what actually happened, mostly in terms of the duration of each stage of the audit process. The evaluation phase was typical in that it turned out differently from what was originally planned. In response to these changes, the project had to extend scheduled timelines and increase the human resources involved in certain phases.

In general, the citizen audit's limitations are inherent to the nature of the exercise, a social and technical process that is highly dependent on the immediate environment. Prior to implementation, there must be a thorough evaluation of the political, technical, and social conditions in the immediate environment and time and effort must be invested to create a climate for this initiative to work. We can identify three types of conditions that should be evaluated as relevant to the citizen audit. The first are restrictions on design, the presence (or absence) of which influence the initial decision to move forward or completely discard the initiative. Second, the nature of the political regime, since evaluating the quality of democracy implies that democracy is a pre-existing condition. Third, the size of the country, since the extensive use of citizen consultation in the research, evaluation of findings, and in-depth study of a series of issues limit the scope (territorial and population) in which the audit can be conducted fully.

The second type of conditions has to do with the political viability of the mandate to conduct the citizen audit. In other words, building a climate of legitimacy and support for the initiative among different social sectors. It was essential that this audit create a favorable social pact, ensure its autonomy from the government and ensure voluntary compliance with the citizen audit so that it would take on a quality of self-evaluation.

Lastly, the technical conditions must be considered. These conditions ensure the effective implementation of the initiative. Such conditions include basic procedures and resources (human and logistical) necessary for the organization and application of the citizen audit.

The Audit had anticipated contributing to a pilot project to conduct this exercise in other areas. At this time, we do not know whether this exercise has been replicated in another area with similar characteristics. The conditions outlined above may prove to be a limiting factor in this regard.

Opportunities

The recommended approach is to confine the exercise to the provinces (departments or states) and even cities. The experience has shown that a medium sized city (Santiago o Bogotá) or a small country (Panamá, Uruguay) represent the geographic and population limit for an exercise such as the audit. It might also be possible to conduct thematic audits related, for example, to a particular public service or a problem in a particular region or institution. Some entities have requested technical assistance for the application of this method in other areas, such as quality of

employment or quality of public services. At this time, the State of the Nation Project is taking steps to implement a citizen audit on the environment in Costa Rica.

It should be recalled that the two components of this project, citizen audit and the concept of quality of democracy, are independent and each one can be used without the other. The citizen audit methodology can be applied in other issue areas; and the quality of democracy can be studied using other approaches such as academic research.

The Audit's impact is divided into two broad areas: a) academic and b) civic. In the academic sphere, the proposal and the findings identified issues that are theoretically and methodologically relevant for comparative policy research. In the civic arena, the audit had a strong impact on the debate over relevant national issues.

Table 4
Outcomes of the Citizen Audit

Academic Potential	Civic Potential
<p>-It help to systematically respond to the question, “How democratic is a democracy?”</p> <p>-It proposed revisiting and adapting existing notions of democracy.</p> <p>-It established a reflection process on the links between democracy and human development.</p> <p>-It developed new ways of measuring the concepts of quality of democracy.</p>	<p>-It raised the profile of relevant issues for public administration (e.g. treatment of citizens).</p> <p>-It is a point of reference for debating laws and public policy (e.g. the Public Administration Law).</p> <p>-It had a visible profile in the debates over public affairs (for example, a significant presence in the media).</p> <p>-It stimulated new research (e.g. the State of the Nation Report, World Human Development Report 2002, Report on democracy in Latin America).</p>

Dissemination activities included the organization of two workshops with international experts, which produced a paper that contains a self-evaluation of the audit process, incorporating the main criticisms that have been received in the two years since the report.

Additional Resources

Complete versions of the final report of the Citizen Audit of the Quality of Democracy and all of the final reports on the research and methodologies used by the Citizen Audit can be found in PDF form at the following web site: www.estadonacion.or.cr.

Endnotes:

ⁱ On the concept of societal accountability, see: Peruzzotti y Smulovitz, 1999.

ⁱⁱ The State of the Nation Report is an annual publication on issues relating to sustainable human development in Costa Rica. It was first published in 1994 thanks to a consortium between the National Council of University Professors, the State Counsel for the Defense of Inhabitants, the United Nations Development Program, and the European Union. The latter withdrew from the consortium in 1999 and the UNDP withdrew in 2002. Currently the report is sponsored by national counterparts and international donor agencies for specific subprojects. The reports examine different areas of human development: economic opportunities and solvency, social equity and integration, harmony with nature, social relationships and values, and strengthening democracy. This report is produced based on a participatory research strategy. (www.estadonacion.or.cr)

ⁱⁱⁱ The Advisory Council is a mechanism for social consultation in which the State of the Nation Project has delegated substantial responsibility for the process of drafting the annual report. Its main features are:

- a) It is made up of people with well-known backgrounds in issues relevant to human development.
- b) They are leaders of social organizations, political parties, or high level government officials.
- c) They participate in their individual capacity and as volunteers.

In general the Councils objective is to serve as a quality control entity for Project activities. Its main responsibilities include:

- a) Review and approve the annual research strategy,
- b) validate research findings, and
- c) validate the final versions of Report chapters.

^{iv} This section is based on an essay by Vargas-Cullell, J. et al., written for the book *Desarrollo, democracia y ciudadanía* [Development, Democracy, and Citizenship]. Editorial Homo Sapiens. Argentina. 2003.

^v Policy recommendations are found in Part 1 of the final Report.