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OVERVIEW:

In approaching the 2003 Special Summit of the Americas, Canada would do well to reflect on previous “agents of change” that were associated with similar events in the past. Not to be forgotten, are those “agents of change” that Canada has been instrumental in incubating within the institutional structures of the Inter American system.

- In joining the OAS, more than a decade ago, Canada gained, essentially, in exchange for its membership, the establishment of the Unit for the Promotion of Democracy. Identified as a “Canadian idea” the UPD is arguably the most visible and active component of the OAS across a range of themes and issues.
- The Miami Summit in December 1994, saw Canada successfully pushing for a component that would address the issue of trade liberalization and resulted in a hemispheric commitment to pursue the negotiation of a Free Trade Area of the Americas (FTAA). Canada also provided important support to the creation in the OAS of the Trade Unit which has played a useful supportive role in the process and at the same time has helped to pull the OAS institutionally into the realm of trade / economic policy discussions.
- The Santa Cruz Summit of 1996 aimed to address the issue of sustainable development. A combination of weak planning and nearly non-existent political will produced an event without any lasting significance.
- In Santiago in 1998, the second “true” Summit of the Americas, the intended focus was supposed to be education – an area in which collective action (as opposed to national action) proved to be difficult. Santiago was characterized as the Summit that gave birth to the multilateral evaluation mechanism (measuring progress against drug trafficking) and the endorsement by Leaders of formal FTAA negotiations.
- Democracy was the centrepiece of the Quebec City Summit in 2001 and those achievements associated with Canada are found in the Democracy Clause and the Democracy Charter, which followed. In terms of initiatives, Canada announced the establishment – and initial funding – of the Institute for Connectivity in the Americas. The ICA, after some initial hesitation, now operates with well-defined mandates – particularly in its three core areas of concentration: E-Strategies; Knowledge Networking; and, Innovation and Demonstration. While ICA claims partnerships with the IADB, the World Bank and the OAS, it is unclear as to what proportion of the actual financial support is provided by entities other than the government of Canada.

In approaching the Special Summit, Canada should consider what legacy, if any, it wishes to achieve as a direct or indirect result of the Mexico meeting. True legacy ideas or initiatives – such as the UPD, the launching of FTAA negotiations, and the creation of the ICA – do not come cheap.

- Ideas, such as those to create the UPD involve elaborate country-to-country negotiations conducted within the parameters of a particular institutional framework. The institutional framework of the OAS, however, provides precious few such opportunities. Other than a few small and highly specialized sub-units the UPD and the Trade Unit are, generally speaking, the most recent “legacy” entities created that perform high profile and useful work. The Inter American Agency for Cooperation and Development (IACD) could arguably be also considered in such a category but with annual programming activity apparently stuck in the US\$6-8 million range its impact is modest.
- A major new strategic policy initiative such as the FTAA also, obviously, requires country-to-country negotiations but rather than an institutional framework, the key requirement is a widely shared philosophical belief. That is to say, the FTAA followed immediately on the heels of the Uruguay Round of GATT negotiations and most importantly on the heels of the NAFTA and LAC’s demands for similar access to the US market. Such an enabling environment does not currently exist in the Americas and therefore a “big bang” idea would appear to be out of the running. An argument could be mounted that there is at least one exception to this conclusion and such an argument would point to the issue of hemispheric security. Hemispheric security as an issue, however, does not currently appear to have generated the necessary consensus on a strategic policy direction.
- A unilateral “legacy” such as the creation of the ICA, on the other hand, carries with it far few requirements. A single country can launch such an initiative as long as the political will and the necessary resources exist. Such initiatives, however, should only be undertaken with the understanding that they are highly unlikely to ever become broadly “multilateralized”. That is to say, they will remain largely national in character with few chances of other countries subsequently subscribing – at least financially to the endeavour. A “plurilateral” legacy initiative, however, has additional possibilities, which are described below.

The Optimum Legacy Initiative – The Inter-American Institute for Governance.

The simple description of an optimum legacy initiative is one where an initiating country such as Canada does not seek total consensus but adopts a strategy whereby a smaller group of countries can be convinced to adopt the idea. In other words, a voluntary association or coalition of the willing, which would meet two critical criteria. The first criterion is a sufficient number and weighting so as to achieve a critical mass and the second is some sense of representativeness and seriousness.

Ideally, an Inter-American Institute for Governance (IAIG) would be:

- policy research orientated and would have some measure of granting capacity;
- physically located (contribution in kind?) within an Inter American institution;

- supportive of existing, and influential with respect to future programming, such as is carried out by the UPD;
- editorially independent; and,
- flexibly and cooperatively managed by a governing Board or Council composed of national officials representing those countries making a financial contribution.

The Idea of an IAIG would most likely be supported by: the United States, Chile, Costa Rica and possibly, Mexico. In the Andean region the concept could be broached with Colombia and Peru as two primary possibilities. Within Mercosur, support is likely from Uruguay and possibly Brazil. The attractiveness of such a concept to Argentina is difficult to gauge but given their leadership role in Summitry they should be consulted early. The Caribbean countries are likely to be tepid in their support for the concept but one or two (Trinidad ?) might be enticed to sign on if they could be assured that their financial contribution would be limited but appreciated. El Salvador, which has made some major national progress in this area, might also be convinced in an early stage.

An IAIG should be physically located in the OAS where it could draw – to a limited extent – upon certain administrative support mechanisms. On the basis of a Memorandum of Understanding, that would have to be negotiated, the IAIG could enjoy free or heavily discounted office space, computer facilities and accounting services. The character of an Inter American entity would determine the specific legal status of the IAIG and would facilitate both its establishment and its operation. As an IAIG would, presumably, draw personnel from many different countries in the Americas, issues such as employment authorization etc. would have to be addressed. Co-location with an existing unit such as the UPD would strengthen the mandate of an IAIG and would enhance its chances for gradual “multilateralization” over time.

Funding, whether initial as in the form of an endowment approach or sequential as in the form of an annual contribution, should be predicated on an understanding of a three to five year time frame. An evaluation component would be necessary but should provide sufficient time for an IAIG to demonstrate its usefulness and capacities. While a much more detailed project proposal might be considered at some point, start-up costs in the first half of 2004 would likely be in the \$500,000 to \$750,000 range. Operational costs thereafter, should ramp up to the \$7 to \$10 million range when fully operational somewhere between the 18th and 24th month. Operations undertaken by IAIG on its own, including in house policy and research activities, should not exceed 30 percent of the annual budget leaving 70 percent available for co-financing or granting purposes. These operational estimates reflect a need for an IAIG to be seen to be credible almost from its inception, especially in relation to other activities that take place in the Inter American system. Lower operational estimates are always possible, but at a cost of credibility and the entity’s subsequent capacity to act as an “agent of change”.

In detailing this concept, we are cognizant that if not approached carefully, an IAIG could be seen as conflicting or competing with some of the responsibilities currently assigned to the UPD. This certainly is not the intent. Rather, the IAIG is seen as an entity that is collaborative and supportive of UPD efforts, yet one that retains a fundamental character

of editorial independence, which would allow it to explore issues and areas that the UPD, for political or other reasons, cannot. Additionally, the concept of an IAIG does not envisage it as being a direct financial competitor to the UPD whose core activities would continue to depend upon OAS regular fund budgeting. An argument could be mounted that at some point an IAIG and the UPD could become competitors for voluntary funds, which is acknowledged.

A fully detailed project proposal, including an initial legal assessment, could be prepared within 15 working days for \$11,250.

The Unilateral (Sub-Optimal) Legacy – the Institute for Governance in the Americas.

A unilateral initiative could represent a respectable outcome but would lack the character of an Inter American entity. Bringing such an initiative – more modest in scope and character – to fruition, however, would be easier. A nationally constructed Institute for Governance in the Americas (IGA – possibly renamed to avoid confusion with a national grocery chain) should take as its point of departure similar objectives as an IAIG. As a policy instrument, however, an IGA would quickly become more bilateral in nature (in its programming and operations) than multilateral. The benefits of this is that focus (geographically or otherwise) and concentration of efforts would be much easier to achieve as consultations and decision making would be in relation to a single funding government.

The first decision that would have to be reached is whether an IGA would be established as a new institution or as an adjunct to an existing legal entity. Each approach carries corresponding costs and benefits. New institutions are relatively easy to create – especially from a legal perspective – and decisions regarding physical location are less encumbered. Thus a new institution could be created and located in any urban centre. New institutions, however, require time to establish their “brand” – even in the public policy field and therefore objectives and desired outputs need to be adjusted accordingly. Establishing an IGA as an adjunct to an existing entity allows for temporary “piggybacking” of an existing “brand name” and allows for at least nominal operations to begin almost immediately.

A unilateral initiative also, can be shaped to accommodate the resources that are available as opposed to the challenge of identifying the resources necessary to achieve a given outcome. Without losing sight of the credibility criteria, a unilateral initiative could be conceived as requiring \$250,000 to \$400,000 for a start up phase and a fully operational budget of about \$2 to \$4 million per year. In this conception, the same approach as above should be utilized where no more than 30 percent should be devoted to the IGA’s own in-house policy and research activities with 70 percent being reserved for co-financing and granting purposes.

A fully detailed proposal, including an initial legal assessment, could be produced within 10 days for \$7,500.

OTHER POSSIBLE CANADIAN INITIATIVES / DELIVERABLES.

DEMOCRACY CHARTER

Canada played a leadership role in the creation of a new form of ‘fast-acting multilateralism’ in the region, which quickly became an important tool in supporting democracies in the hemisphere. Canada should maintain its momentum and support vis-à-vis the Charter; take a leadership role in innovating and expanding its application.

- 1. Inter-American Democratic Institute. One way to enhance the effectiveness of the Charter would be to create an institute to commission thematic or country reports on progress or backsliding in the democracies of the Americas. Regular reports would serve as a way to bright the spotlight of international publicity to bear on problems, to provide encouragement and benchmarks for governments undertaking democratic reforms, and would also serve as an early warning mechanism for the Inter-American system. Such a system could work in partnership with the UPD.¹***
- 2. A slightly scaled down approach, but one that would retain an emphasis on the Democracy Charter as the central point, would be the creation – through directed specific funds – of a sub-unit within the UPD which would focus its energies on the development of an evaluation mechanism of the Charter itself.***

POLITICAL PARTIES

The OAS was mandated by the 2001 Summit to address “the issue of political party access to the media and campaign financing.” Likewise, the Inter-American Democratic Charter defined political parties as “a priority” in democracy and called on the OAS to address the issue of rising costs of campaigns and financing political parties. In 2001, the OAS Unit for the Promotion of Democracy created the Inter-American Forum on Political Parties, as a “multisectoral effort to establish, promote and bring into effect an Inter-American agenda for the reform and modernization of political parties and party systems in the hemisphere.” In February 2003, a letter of agreement was signed between the General Secretariat of the OAS and CIDA to help develop the Inter-American Agenda for the Reform and Modernization of Political Parties in Latin America and the Caribbean. CIDA pledged \$95,000 to the UPD to support this initiative. Additionally, much useful substantive work has been done on this issue by the Atlanta based Carter Center, which has issued a number of practical recommendations for further work and attention. In particular, the Carter Center suggests work on investment in the democratic character of parties; improvements in transparency vis-à-vis the role of financing of political parties and elections; and, the proper structuring and equipping of institutions responsible for the enforcement of electoral matters.

Political party and campaign financing has been the focus of IAFPP activities over the past year. As this portion of study is successfully completed, it would be important to maintain IAFPP momentum through support for a second, related priority area: **access to**

¹ This idea comes from: “*Policy Brief: The Inter-American Democratic Charter: Toward a Plan of Action*”, issued by the Liu Institute for Global Issues and the University of British Columbia.

media. This issue builds directly upon party financing, as the majority of campaign finances are spent in this area. Specific issues that require integrated diagnosis; evaluation and recommendations include regulatory frameworks, media concentration and political party access, incompatibility of current status with goals of democracy.

1. ***Based on positive model set by IAFPP financing focus, Canada could host/sponsor a workshop to design a comparative study on access to media, including 'state of the art' information, setting of basic principles, develop research questions and methodology for diagnosis in country studies.***

JUSTICE:

Continue to support the fulfillment of the Summit Plan of Action items related to Access to Justice and Independence of the Judiciary. The creation of an efficient and independent judicial branch is an effective way to bolster social and economic reforms, fight corruption and protect human rights, while a functioning judiciary is one of the crucial pre-conditions for the consolidation of democratic governance.

The Canadian government recently supported the strengthening of judicial systems throughout the Americas through a substantial contribution to the Justice Studies Centre of the Americas (an institution dedicated to research and training on judicial issues across the Americas, formed out of the Santiago Summit).

Canada can continue to support this sector, namely through the sharing of expertise, skills and information via training courses, technical support, research, the preparation and dissemination of relevant materials and conference organization. These activities could be organized and administered through the Technical Secretariat for Legal Cooperation Mechanisms at the OAS, the Justice Studies Centre of the Americas or Canada could take advantage of emerging national and regional networks working in this area.

Possible Canadian partners/sources of expertise:

1. **Canadian Judicial Council:** The council, instituted to “promote efficiency and uniformity, and to improve the quality of judicial service in superior courts and in the Tax Court of Canada”, could be an excellent source of expertise on ethical, procedural and disciplinary issues (training judges, setting judges salaries, independent review of judicial conduct), that challenge the effective functioning of so many judicial systems in the hemisphere.
2. **Department of Justice:** Support for strengthening of Attorney Generals Offices, administrative and legal policy development, as well as support for legal aid and public defender systems (perhaps in conjunction with experts from provincial legal aid providers).
3. **Statistics Canada:** Judicial reform projects face several obstacles, a critical one being the lack of basic reliable information and data on judicial institutions, the

functioning of courts, prisons and legal aid services, etc. Regional and comparable national data are almost non-existent. Procedurally, backlogs and long waiting times in the courts and prisons are often due to poor information management systems. A basic but crucial support would be in the area of identification, collection, organization, storage and retrieval of data.

CIVIL SOCIETY:

During its time working within the inter-American system (as host of the Summit as well as within the OAS) Canada has consistently supported the increased inclusion and participation of civil society organizations. The gradual but steady opening of spaces and increasing opportunities for exchange within many inter-American institutions are evidence of the positive results of these efforts. Now that critical initial steps have been taken, countries desperately need to address some of the growing chaos that accompanies an expanded intellectual opening to civil society. The key challenge is how to harness the energies and capacities of civil society so as to make their own efforts more relevant to the OAS in particular. In practical terms this means the dedication of certain staff resources that would be responsible for maintaining an ongoing and intensive dialogue with Civil Society players. It also requires a mechanism by which member state representatives can be kept apprised of Civil Society contributions and evolving views. There are two key areas in which Canadian support is needed:

1. ***Ensure that the Committee on Inter-American Summits Management and Civil Society Participation in OAS Activities and the Summit of the Americas Secretariat has adequate budgets and institutional support in order to maintain their momentum and continue to facilitate greater civil society inclusion. The Secretariat is woefully under funded and under staffed – so much so that at different periods it depends heavily on the subsidized labour of FOCAL interns.***
2. ***Support those organizations that are accredited to the OAS – and those that are interested in becoming involved. The complexity of the organization should not be a barrier to inclusion. Transparent and concise information about the OAS and the topics to be discussed, as well as clear timelines and suitable notification for events and meetings are needed. Canada should support the idea of some type of “OAS/summit 101” initial briefing – a session on the OAS and Summit processes for newly accredited organizations which could be held concurrently with civil society meetings and should include a tour, introductions to and briefings by the heads of formal entities, as well as a briefing on organizational procedures and key activities of the OAS.***

Provide support to the growing network of civil society organizations that are engaging with the OAS/Summit process. As civil society organizations are slowly being admitted to previously closed spaces they face the challenging task of using these spaces as effectively as possible. Although there has been support for capacity building within civil society, the organizations involved in this arena must continue to work on specific skill, including: collaborating, reaching consensus, prioritizing ideas and issues, making the best use of the time that they have with national and multilateral policy makers, etc.

A recent civil society consultation that took place in Santiago Chile prior to the 2003 General Assembly provided one such opportunity, but these spaces must be secured and developed. Further support is needed:

1. *Secure and reliable funding for attendance at relevant meetings and gatherings for those civil society partners that require it.*
2. *Support more civil society consultation/working sessions prior to official meetings (like the one held at FLACSO Chile prior to the 2003 GA) to provide a separate space for discussion, debate and prioritizing.*
3. *Promote the need for further inclusion and incorporation of domestic civil society at the national and multilateral level within the OAS as well as through Canada's bilateral relationships.*
4. *Conduct active efforts to educate and make civil society organizations, and the public at large across the Hemisphere, aware of the processes, work and relevancy of the OAS and of the accreditation process, and encourage them to take part in this important multilateral fora.*

PUBLIC SECTOR GOVERNANCE

The Canadian Centre for Management Development (CCMD) has the enhancement of public sector management as its core mission. It designs and delivers training programs and other learning events in support of public sector managers. CCMD International was established to respond to the global demand for the learning expertise that has been built up and is designed specifically to assist foreign governments in the areas of institutional development and sustainable capacity strengthening.

1. *Inter American Program for Management Development. In 2003 CCMD could develop the core curricula and administrative support mechanism necessary to deliver a program of public sector management training. The program could contain three fundamental modules aimed at: junior executives; mid-career executives and senior executives. The training components, each of which should be in the two to three week range could rely on the physical infrastructure of the OAS or the IDB for actual delivery. A ratio of two Spanish language courses to one English language (directed to Caribbean countries) course might be adopted. By the end of 2004, the delivery of two "junior" (Spanish and English) and one "mid-career" courses should be achievable. Canada could finance between 10 and 15 students in each class of 20 with other potential donors invited to contribute additional "places".*
2. *Inter American Institute for Public Sector Development. A more ambitious possibility would involve charging CCMD with the task of designing a full blown Institute that would – when fully operational – deliver the same sorts of learning and training programs except on a full-time basis from a permanent site, somewhere in the Americas.*

EDUCATION

Education is the single most important factor affecting inequality in Latin America, and has been identified as a priority area in the Summit Plan of Action as well as the Inter-American Democracy Charter (Article 16). Successful Canadian programs such as Industry Canada's 'SchoolNet' Program (which provides online resources for teachers – <http://schoolnet.ca>), holds potential for Latin American teachers who are increasingly 'connected' but lacking quality resources for curricula.

- 1. Industry Canada and the Institute for Connectivity could sponsor an initiative to extend or create a comparable 'SchoolNet' in pilot country projects in LAC. SchoolNet has been particularly successful in leveraging non-government sources of support that have been critical in the implementation of the overall program. As a point of departure, the 2000 KPMG Program Evaluation Report should be consulted in any further exploration of this particular suggestion.***

ACCESS TO INFORMATION / FREEDOM OF INFORMATION.

"The overarching purpose of access to information legislation ... is to facilitate democracy. It does so in two related ways. It helps to ensure, first, that citizens have the information required to participate meaningfully in the democratic process, and secondly, that politicians and bureaucrats remain accountable to the citizenry" (Supreme Court of Canada, 1997)

Access to information is fundamental to government transparency, accountability and citizen participation—cornerstones of working democracies. In a recent Forum of Hemispheric Experts, the need for the implementation of meaningful access to information laws, with limited exclusions for privacy and national security, and a mechanism for appeal, to empower citizens to demand accountability from government, was highlighted. Although prioritized in the Summit Plan of Action (2001), initiatives in this area remain relatively limited.

Canada's own Access to Information Act (1983) recently came under its 20-year review. It was found that despite some remaining hurdles to overcome, the Act has, over a relatively short time span "proved its ability to overcome the methods of resistance to openness invented by governments." Given Canada's experience in this area, and the urgent need to improve access to information mechanisms in LAC, Canada is well placed to support initiatives in this area.

- 1. The Office of the Information Commissioner of Canada could lead an initiative to share knowledge on the institution itself, implementation of access to information legislation, best practices, access-related issues such as production / dissemination of records, exemptions and publications on government institutions at a high-level workshop. Phase 1 could involve the hosting of a conference to which individuals responsible for access to information from the Americas could be invited. The conference would seek to share information with respect to the legislative basis for***

access to information, the operational structures of the delivery of the program and, finally, a lessons learned component. Phase 2 could involve the provision of technical assistance to assist interested LAC countries to draft implementing legislation and to make operational their own programs.

UNIT FOR THE PROMOTION OF DEMOCRACY (SPECIFIC DELIVERABLES)

Political Database of the Americas. This initiative was implemented in the wake of the Miami Summit and is designed to be a non-governmental Internet-based information resource that provides reference materials, primary documents, comparative studies and statistical data for countries in the Western Hemisphere. The information, which is provided without fees, is organized under the following themes: Constitutions and Constitutional Studies; Electoral Systems and Election Data; Decentralization; Political Parties; Executive Institutions; Legislative Institutions; Judicial Institutions; and, Civil Society.

The initiative was originally funded by grants from USAID, as well as the Tinker Foundation. The database is housed at the Centre for Latin American Studies at Georgetown University. Unfortunately, the database has become a bit dated and outmoded both in terms of substance of the information that is provided as well as the medium of presentation.

- 1. The Institute for Connectivity in the Americas could spearhead a project that would have only modest resource implications. The project should first be directed at a technical analysis with regards to the delivery of information. Second, the project could draft an action plan aimed at re-engineering the delivery platforms. Third, the project could bring together past and possibly new funding institutions with the aim of enabling a sustained program of information management.*

The Democratic Forum. Launched in 1999, the UPD was mandated to strengthen its own institutional linkages with universities, think tanks and other organizations in the region committed to improving and expanding knowledge on democracy and democratic development. In 2002, the UPD participated in, or helped to organize, four activities in this field. Two were held in Washington DC while one event was held in each of Bogotá and Bridgetown.

- 1. Elections Canada could sponsor, and substantively support, an event that might be targeted at enhancing the technical capacities of electoral officials in the Central American region.*
- 2. Status of Women Canada could sponsor, and substantively support, an analytical program aimed at determining current best practices in LAC in relation to the political participation of women. These lessons, from Latin America to Latin America, could be delivered at a major conference that would be held in the region with Bolivia being one possible location. The program should be time-lined to conclude in the first half of 2005.*