INTERNATIONAL SOCIETY FOR THIRD-SECTOR RESEARCH
Voluntas
DOI 10.1007/s11266-015-9666-z
ORIGINAL PAPER

Policy Windows for CSOs in Latin America: Looking Outside Legal and Regulatory Frameworks

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Abstract This paper presents a comparison of the legal and regulatory frameworks for civil society organizations (CSOs) in the Andean countries. Given the restrictive policies, CSOs are becoming policy entrepreneurs and identifying policy windows, that is, opportunities in public policies that are not inherently related to their sector. It focuses on the case of Ecuador and its 2010 higher education reform that requires universities to generate more research and to establish community outreach. The paper argues that while collaborations with universities might not bring substantial financial resources to CSOs, and that the roles and responsibilities in collaborative projects are constructed through a learning process, the higher education reform might have the potential to create win–win relationships among universities and CSOs. Opportunities like this, allow CSOs to demonstrate their expertise and experience in social development, and in doing so, gain, and in some cases regain, their legitimacy. In the process, CSOs might stave off further restrictive public policy.

Résumé Cet article présente une comparaison entre les cadres juridiques et règlementaires des organisations de la société civile (OSC) dans les pays andins. Étant donné les politiques restrictives, les OSC deviennent des entrepreneurs politiques et définissent des fenêtres de politiques, c'est-à-dire des possibilités dans les

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Published online: 19 November 2015

politiques publiques qui ne sont pas intrinsèquement liées à leur secteur. Il se concentre sur le cas de l'Équateur et sa réforme de l'enseignement supérieur en 2010, qui exige des universités qu'elles suscitent davantage de recherches et qu'elles organisent la participation de la collectivité. L'article avance que même si les collaborations avec les universités peuvent ne pas apporter d'importantes ressources financières aux OSC et que les rôles et les responsabilités dans les projets collaboratifs sont établis à travers un processus d'apprentissage, la réforme de l'enseignement supérieur pourrait avoir le potentiel pour créer des relations mutuellement bénéfiques entre les universités et les OSC. Des occasions comme celle-ci permettent aux OSC de démontrer leur expertise et leur expérience en matière de développement social et ainsi de gagner, et dans certains cas de regagner, leur légitimité. Par là même, les OSC peuvent contrer les politiques publiques les plus restrictives.

Zusammenfassung Dieser Beitrag vergleicht die rechtlichen und regulatorischen Rahmenwerke für Bürgergesellschaftsorganisationen in den Andenländern. Angesichts der einschränkenden Richtlinien entwickeln sich die Bürgergesellschaftsorganisationen zu politischen Unternehmern und identifizieren Politikfenster, d. h. Möglichkeiten in der öffentlichen Politik, die an sich nicht mit ihrem Sektor in Verbindung stehen. Man konzentriert sich in dem Beitrag auf das Beispiel Ecuador und seine Hochschulreform von 2010, die vorsieht, dass Universitäten ihre Forschungsarbeit ausweiten und Bürgerkontakt herstellen. Es wird behauptet, dass die Bürgergesellschaftsorganisationen durch eine Zusammenarbeit mit den Universitäten zwar nicht unbedingt bedeutende finanzielle Ressourcen erhalten und dass die Funktionen und Verantwortlichkeiten in Gemeinschaftsprojekten in einem Lernprozess entstehen, durch die Hochschulreform jedoch für alle Seiten nützliche Beziehungen zwischen den Universitäten und den Bürgergesellschaftsorganisationen entstehen können. Möglichkeiten wie diese erlauben es den Bürgergesellschaftsorganisationen, ihre Expertise und Erfahrung in der sozialen Entwicklung zu demonstrieren und so Legitimität zu erlangen bzw. in einigen Fällen wiederzuerlangen. In dem Prozess können die Bürgergesellschaftsorganisationen unter Umständen weitere restriktive Richtlinien abwehren.

Resumen El presente documento presenta una comparación de los marcos legal y regulatorio para las organizaciones de la sociedad civil (civil society organization, CSO) en los países andinos. Dadas las políticas restrictivas, las CSO se están convirtiendo en emprendedores políticos y están identificando ventanas políticas, oportunidades en políticas públicas que no están relacionadas inherentemente con este sector. Se centra en el caso de Ecuador y en su reforma de la educación superior de 2010 que requiere universidades para generar más investigación y establecer un alcance comunitario. El documento argumenta que, mientras que las colaboraciones con universidades podrían no traer recursos financieros sustanciales a las CSO, y que los papeles y responsabilidades en proyectos de colaboración se construyen mediante un proceso de aprendizaje, la reforma de la educación superior podría tener el potencial de crear relaciones win–win (todos ganan) entre las universidades y las CSO. Oportunidades como ésta, permiten a las CSO demostrar su experiencia

técnica y su experiencia en desarrollo social, y al hacerlo, ganar, y en algunos casos, volver a ganar, su legitimidad. En el proceso, las CSO podrían mantener a raya políticas públicas restrictivas adicionales.

Keywords Civil society organizations · Regulatory policy · Andean Region · Ecuador · Higher education reform · Collaborative partnerships

Introduction

Civil society organizations (CSOs) represent diverse efforts of collective action, political intervention, social service delivery, and watchdog activity over government and business sectors across developed and developing countries. With this broad range of action, a legal framework for CSOs must be rooted in the freedoms of association and expression as laid out in the Universal Declaration of Human Rights (author citations). However, there are several examples, in Latin America specifically, of public policy changes that have produced more restrictive regulation of CSOs and threaten these freedoms. This research compares these policy changes and explores new opportunities within public policies for CSOs in the Andean region of South America.

The article presents a brief comparison of the legal and regulatory frameworks in Andean countries (Bolivia, Peru, Colombia, and Ecuador) and then focuses on the case of Ecuador. The methodology includes the analysis of policy content, government discourse, information collected from the media and civil society as well as interviews with CSO leaders. We provide evidence that CSOs are looking for opportunities in public policies that are not inherently related to their own sector.

Public Policy Targeting Civil Society Organizations

Indeed, the most basic legal framework for CSOs is based in the freedom to associate and freedom of expression (Brody 2006; Open Society Institute 2004; Salamon and Toepler 2000). However, policy shifts in many contexts indicate a strong stance against civil society and threaten these freedoms (ICNL 2009a, b, 2010). Some governments insist that restrictive laws toward civil society are necessary to ensure national security as well as civil society transparency and accountability (ICNL 2006, 2009a). Restrictions might include complicated procedures for the legal formation of organizations and scrutiny of funding sources (Brysk 2000; Rutzen and Shea 2006). Many governments implement restrictive civil society legislation to suppress opposition and centralize political power (ICNL 2006, 2009a). In contrast, an enabling environment can permit and protect CSOs and their work (Hadenius and Uggla 1998; Open Society Institute 2004; Salamon and Toepler 2000).

Given the policy shifts related to CSOs, we are interested in how CSOs respond to the shifts and if CSOs are able to find opportunities in spite of the increasingly restrictive legal and regulatory frameworks. Kingdon's (1984) work on policy

windows is therefore relevant. Kingdon (1984) articulates three streams (problems, politics, and policy), that when aligned create a policy window, or the "the opportunities for action on given initiatives" (p. 166). The problems stream might include focusing events and changes in the indicators of a condition that convert the condition into a public problem. The politics stream can be an administration change or a shift in what Kingdon (1984) calls the national mood. The policy stream includes the policy alternatives that can be under review at any one time. The 'policy primeval soup' conceptually describes ideas compiled by government officials, policymakers and civil society that, metaphorically, come to surface, float about, or perhaps sink. When the three streams come to surface, a policy entrepreneur can then take advantage of the policy window (Kingdon 1984; see also Baumgartner and Jones 1993).

Policy entrepreneurs therefore are the catalysts for change. In the logic of institutional theory, institutional entrepreneurship emphasizes the role of "actors who have an interest in particular institutional arrangements and who leverage resources to create new institutions or to transform existing ones" (Maguire et al. 2004, p. 657). Institutional entrepreneurs are politically engaged to influence the distribution of power between organizations and actors (Levy and Scully 2007). Key characteristics of institutional entrepreneurs are related to their legitimacy and ability to mobilize stakeholders, using argumentative stances and the development of networks among actors (Maguire et al. 2004). We find that CSOs are becoming both policy and institutional entrepreneurs given emerging policy windows in contexts where their legitimacy and work is threatened by restrictive legal and regulatory frameworks.

Methodological Approach

We are interested in how CSOs respond to restrictive legal and regulatory frameworks. Our analysis is two-pronged. First, we give a brief overview of the present legal and regulatory environments in the Andean region (Bolivia, Peru, Colombia, Ecuador). This includes policies that regulate CSOs, most often considered policies that influence barriers to entry, limitations in political engagement, and restrictions related to economic activities (Bloodgood et al. 2013). Second, highlighting the case of Ecuador, we explore how CSOs cope with their legal and regulatory environments by taking advantage of opportunities available through other policies. We present two purposefully sampled empirical examples to illuminate our argument. Our methodology includes content analysis of policy documents and government discourses, media coverage, and civil society documents as well as interviews with CSOs leaders.

Public Policy Toward CSOs in the Andean Region

The Andean countries of Bolivia, Peru, Colombia, and Ecuador present distinctions but also several similarities related to the development of civil society. In the 19th century, CSOs in the region were very connected to the Catholic Church. New civil

society actors emerged in the mid century such as labor unions and charity organizations. CSOs in the 1960s and 1970s, began to transform into development NGOs tackling issues such as rural technical assistance, aiding persons with disabilities, family planning and education programs (World Bank 2007). In addition, peasant mobilizations, union organizations, and social movements, in particular the indigenous movement, emerged to play significant roles in the region. Many of these new civil society actors would be fierce opponents of military dictatorships and more recently have been critics of neoliberal polices that took shape in the 1980s into the present. Given this context, the following section outlines the legal and regulatory environments—often intertwined with the political environments—for CSOs in the four Andean countries.

Bolivia

In Bolivia, CSOs are governed by the Civil Code and subsequent executive decrees, specifically the 1990 Decree No. 22409, which created a national NGO registry (Orias 2011). In addition, the latest Constitution of 2009 recognizes the work of CSOs as part of citizens' right to the freedom of association (Orias 2011).

In recent decades, CSOs have played important roles in indigenous and peasant movements related to land reform issues, debates about the mining industry, and the discussions about the contested coca economy. From these issues, the Movement of Socialism (*Movimiento al Socialismo;* hereafter referred to by its Spanish acronym: MAS) was born and is at the forefront of Bolivian politics today, playing a large role in reshaping civil society-state relations. In 2005, MAS' Evo Morales, Bolivia's first indigenous president was elected. He won again in 2009 by a landslide (with 64 % of the vote), and won an unprecedented third term in 2014.[1] Morales has renationalized gas and oil industries which has allowed public investment in social services and poverty reduction. Poverty has reduced by 25 % during his government and extreme poverty has dropped by 43 % (BBC News 2014).

Observers note that CSOs in Bolivia experience barriers, particularly related to their roles in advocacy and with funding sources. There are no specific restrictions to engage in advocacy but CSOs face de facto limitations, particularly CSOs working on environmental issues (Orias 2011). For example, environmental CSOs which received United States Agency of International Development (USAID) funding were prohibited from working in the Amazonian region. In 2013 President Morales gained international attention by then expelling USAID. Morales viewed USAID's support for CSOs, including the indigenous groups who opposed Morales' use of indigenous land, as undermining his government (Castillo 2013; Ellerbeck and Soloway 2015).

While there is no formal umbrella organization of CSOs in Bolivia, since 1976, the National Union of Institutions that Work in Social Action (*Unión Nacional de Instituciones para el Trabajo de Acción Social;* hereafter referred to by its Spanish

[1] In 2015, Bolivia's legislature changed the country's constitution to allow Evo Morales the possible to run for reelection and the ability to remain president until 2025 (Dube, 2015).

acronym: UNITAS) has served as a quasi leader of a national-level Platform of Networks. UNITAS observes the tension between the government and CSOs as the president has accused CSOs of using the poor, the indigenous, and the environment to construct "big business" (Público.es 2009) and the vice president has been quoted as referring to CSOs not as "Non-Governmental Organizations" but calling them "Organizations of Other Governments on Bolivian Territory" (Ellerbeck and Soloway 2015).

In 2013, the Legal Personality Law, Law No. 351 (*Ley de Otorgación de Personalidades Jurídicas*) was released. It seeks to better regulate whether or not CSOs are completing their intended objectives (Maldonado 2013). It has been criticized by the U.N. High Commission on Human Rights and Human Rights Watch for being vague and allowing significant discretion for organizational closures (Ellerbeck and Soloway 2015; Vivanco 2014). In 2013, Evo Morales kicked out of Bolivia the organization IBIS, a Copenhagen-based CSO which works in rural areas with indigenous communities and unions (Gustafson 2013). IBIS was accused of "doing political work against the government" (Agence France-Presse 2013), a claim that IBIS denied (http://ibis-global.org/press-release/ibis-asked-leave-bolivia/).

It is in this context that UNITAS, as the sector's quasi leader, has responded by setting out to better educate the public about CSOs in Bolivia. It has outlined the international framework of development since World War II and the role CSOs have played. Through publications and media appearances, it highlights the sector's participation in the Declaration of Paris in 2005; Accra Agenda for Action in 2008, the eight Principles of Istanbul in 2010 and the Busan Partnership for Effective Development Cooperation in 2011. These international forums help UNITAS frame CSOs as important, legitimate actors in social development in Bolivia and globally.

Peru

Like Bolivia, CSOs are regulated by the Civil Code in Peru and it does not have an overarching law to regulate organized civil society. The 1993 Peruvian Constitution recognizes the right of individuals to join and establish CSOs (http://www.icnl.org/research/monitor/peru.html).

However, government officials have argued that CSOs in Peru need more supervision. This has resulted in several barriers to CSO activities. Some CSOs face heavy government hostility and disproportionate force has been used by government in the crackdown of public protests (http://www.icnl.org/research/monitor/peru.html). Proposed legislation in 2009 sought to give more authority to the Peruvian Agency for International Cooperation (*Agencia Peruana de Cooperación Internacional*; hereafter referred to by its Spanish acronym: APCI) to supervise CSOs (http://www.icnl.org/research/monitor/peru.html). The proposed bill would have allowed government to intervene between local CSOs and foreign funders if the activity is deemed of a "partisan ideological nature" (ICNL 2009b, p. 3; see also Human Rights Watch, 2006).

As in Bolivia, specific CSOs have been targeted, especially those that protest against the government (Theriault 2008). The Interethnic Association for the Development of Peru's Jungle (*La Asociación Interétnica de Desarrollo de la Selva Peruana;* hereafter referred to by its Spanish acronym: AIDESEP) protested presidential decrees that promoted unrestricted oil exploration despite rights that give indigenous communities control over the communal land. In response, the APCI audited AIDESEP, charging that was irresponsible, unaccountable, and lacking transparency (Theriault 2008).

In 2015, the Peruvian government released a new rule related to the regulation of CSOs. The Executive Resolution No. 085 modifies the registration progress through the Registry of Development Non-Governmental Organizations *(Registro de Organizaciones No Gubernamentales de Desarrollo;* hereafter referred to by its Spanish acronym: ONGD) and the National Register of Foreign Entities and Institutions of Technical International Cooperation (*Registro Nacional de Entidades e Instituciones Extranjeras de Cooperación Técnica Internacional;* hereafter referred to by its Spanish acronym: ENIEX) (Peru Support Group 2014). The new rule is explained by government as a new process to renew registration for those in the ONGD and ENIEX registries and those which receive funds from international organizations (RRP 2015).

As the APCI rolled out the new regulations, it also publicly shared that it is making visits to CSOs' projects in areas that have recently experienced protests related to mining (Gestion, 2015). The National Association of Research Centers of Social and Development Promotion (*Asociacion Nacional de Centros de Investigacion Promoccion Social y Desarrollo;* hereafter referred to by its Spanish acronym: ANC) and the Foreign Entities of International Cooperation (*Entidades Extranjeras de Cooperacion International*—COECCI) in Peru have called to international actors to criticize the new regulations and the visits by the APCI. ANC is an umbrella organization that seeks to "promote development and poverty alleviation in various regions of the country" (www.anc.org.pe/). The umbrella organization has responded to the APCI via an open letter asking that the new regulations in the Executive Resolution No. 085 be repealed and has requested a meeting with government officials.

Colombia

The role of CSOs in Colombia is recognized by its 1991 Constitution. The Constitution states that government is obligated to support CSOs and acknowledge them as valid actors in the policy process (http://www.icnl.org/research/monitor/colombia.html).

In Colombia, CSOs have been affected by political conflict and violence present in the country for over a half century. Political conflict first emerged between Liberal and Conservative parties in the 19th century and led to major political violence in the late 1940s into the 1950s. This violence, which limited civil society participation in protests and organizing (Murillo 2004), ended in 1958 but also resulted in the loss of state legitimacy which gave birth to new types of violence that

still today plague the country (Murillo 2004; Villar 1998). In the 1960s and 1970s, government was limited in its ability to provide for citizens, resulting in a surge of self-help initiatives by civil society but also created a "paradigm of conflict" between the state and civil society (Villar 1998, p. 8). Following this, initiatives were implemented in the 1980s and early 1990s, which launched organized civil society into public space. In addition, in the late 1980s the Colombian Confederation of Non-governmental Organizations (*Confederación Colombiana de Organizaciones No Gubernamental*; hereafter referred to by its Spanish acronym: CCONG) was created and has led the sector through several policy initiatives through dialogue with government, influencing government decisions in social policy (Villar 1998).

In the 1990s, the government developed registration procedures for CSOs. Since the 1995 Decree No. 2150 was released, chambers of commerce across cities and communities have been charged with the maintenance of organizational information and making it available to the public (CCONG 2004). This procedure was updated in 2012, through a new decree, Decree No. 019, which introduced the Registry of Enterprise and Social (*Registro Único Empresarial y Social*—RUES). It is intended to be an efficient way to give government and the public a tool with reliable information on various types of organizations (http://www.rues.org.co/RUES_WEB/Home/About).

Like in Bolivia and Peru, certain CSOs in Colombia have been criticized by the government, particularly during the conservative right of center administration under Alvaro Uribe (2002 to 2010) which focused its energies on fighting Colombia's armed guerrilla movement. President Uribe publicly discredited human rights CSOs and likened them to terrorists (Ruiz-Restrepo 2005). The contentious environment among government and CSOs calmed after the 2010 election of President Juan Manuel Santos and centered around a national conversation about "constructive and effective public policy" for CSOs (National NGO Meeting 2011). However, despite better relations, several barriers have been identified related to the regulatory framework in Colombia. These include excessive discretion in the process of registration, subjective application of regulations by government officials, and financial burdens of fees. And still, human rights organizations are disproportionately scrutinized in Colombia (http://www.icnl.org/research/monitor/colombia.html).

One of the major policy shifts that will affect the work of CSOs in Colombia is the peace negotiations between the Colombian government and the Revolutionary Armed Forces of Colombia (*Fuerzas Armadas Revolucionarias de Colombia*—FARC) which started in Santos' first presidential term in 2012 (Isacson 2014). Colombian CSOs see opportunity in this political and social shift but the challenge for civil society in Colombia is carving its role out in a post-agreement period. Several key civil society players in Colombia have joined together to create the National Pact for Peace (Pacto Nacional por La Paz) which is an agreement among civil society participants including CCONG, other social organizations and universities. The National Pact has called on civil society to take responsibility around the peace process and prepare the sector for the implementation of an

accord. The position of the National Pact is that the transition to peace will require the expertise and experience of civil society.

Ecuador

Like the other Andean countries, Ecuador has no overarching law regarding CSOs (http://www.icnl.org/research/monitor/ecuador.html). The sector's legal treatment is based on the Civil Code in effect since 1861. As there are no organic or special laws that specifically address CSOs, guidelines and rules have been enacted most often through executive decrees (Estupiñán, 2008). Ecuador's 1998 Constitution was its first to explicitly give civil society a space in the public arena (World Bank 2007). Ecuador's 2008 Constitution continues and expands participation by providing rights to nature and further space for citizen participation. It recognizes CSOs as a means of expression and modes to strengthen citizenship (Articles 96 and 97).

Since the 2000s, civil society-state relations have intensified and have resulted in key shifts in the regulatory and political environments for CSOs. From 2007, with the change of government to the Correa Administration, there have been progressive reforms in which the state is positioned as the central actor in development and has absorbed many of the goods and services that were provided by CSOs, and in some cases, by private sector companies.

Coupled with this, President Correa has denounced the fact that there are more than 50,000 CSOs with legal status in Ecuador, asserting that CSOs have avoided paying taxes, have meddled in political activities, and represent international interests (La Prensa Latina 2010). In 2008, the Correa Administration released the its first regulatory measure toward civil society, the Presidential Executive Decree No. 982 (Presidencia de la República del Ecuador 2008) which sought to (1) establish clear definitions of and fiscal requirements for CSOs; and (2) implement a centralized, national registry of CSOs. In 2013 Decree No. 16 replaced the Decree of No. 982, adding several new requirements for CSOs' legal status (Presidencia de la República del Ecuador 2013). Decree No. 16 also created a new registry called Unified Information System of Social Organizations (*Sistema Unificado de Información de las Organizaciones Sociales*—SUIOS) which seeks to make the activities of CSOs more transparency. More recently, in August 2015, President Correa's administration released Decree 739 which seeks to also regulate CSOs in addition to Decree 16.

The threatening discourse and regulatory changes generated an environment for the formation and consolidation of the Ecuadorian Confederation of Civil Society Organizations (*Confederación Ecuatoriana de Organizaciones de la Sociedad Civil*) in 2013. The Confederation maintains that it seeks a dialogue with the government in order to formulate an overarching law for organized civil society in Ecuador.

With the new regulations, several barriers have been observed, such as information requests that can be burdensome for CSOs. Like in the other countries, there are concerns about limiting CSOs' political activity and the wide discretion available to government officials to dissolve organizations in Ecuador. Disproportionate financial penalties are placed upon CSOs and media outlets that are critical

of the government. Along with penalties, unfair court proceedings are evident and unclear administrative procedures have resulted in the closure of organizations (http://www.icnl.org/research/monitor/ecuador.html). The Ecuadorian government has revoked the legal status of active environmental CSOs in particular. In 2009, *Acción Ecológica* was closed for almost two weeks after the release of Decree No. 982 and *Fundación Pachamama* in 2013 after Decree No. 16 was put into effect was shutdown by government and continues to be shutdown into 2015. Tensions arose around another CSO, *Fundamedios*, which promotes the freedom of expression in 2012 and again in 2015. Government has threatened the organization's closure if it does not stop issuing alerts about abuses of freedom of expression in Ecuador. Government has argued that the alerts are evidence of meddling in politics and that the organization has derailed from its objectives. *Fundamedios* has rejected the accusations and commits itself to continue its work (http://www.fundamedios.org/quienes-somos/). In addition, the for the implementation and application of both Decree 16 and Decree 739 has generated confusion for CSOs and the sector's regulation.

In the context of restrictive policies and organizational closures and threats, CSOs have had to seek new avenues to advance their work and legitimize their role social development in Ecuador. In particular, the 2010 Organic Law of Higher Education (*Ley Orgánica de Educación Superior;* hereafter referred to by its Spanish acronym: LOES) has drawn the attention of CSOs. LOES seeks to improve the level of quality and academic excellence in higher education in Ecuador through standards related to teaching, research and service (Consejo de Educacion Superior 2010). The LOES establishes the promotion of research, including indexed publications and fellowships for university professors, and requires the establishment of university programs and courses related to community outreach.[2]

In sum, it is important to observe that the Andean countries have similar tendencies in relation to restrictive policies targeting CSOs. Despite that all four countries recognize in their constitutions the roles CSOs have in social development, in participation and/or in policy influence, more restrictive regulations have been implemented or are being threatened that target CSOs—targeting their funding sources, political activities and their overall existence. In recent years, governments have publicly targeted specific CSOs, often working on environmental issues, human rights, indigenous rights and/or rights to freedom of expression. Given the context, it is not surprising that CSOs are looking beyond legal and regulatory frameworks for opportunities to advance their objectives and contribute to social development. In Bolivia and Peru, CSOs are collectively and publicly responding to new and pending laws and asking for dialogue with government. In Colombia, the peace process is providing a renewed sense of opportunity for CSOs in social development and might provide key opportunities for the sector to share its expertise in the coming years. The next section will focus on the Ecuadorian case

[2] 'Community outreach' is a translation in English from terms used in Spanish used in the higher education reform in Ecuador, which include, *vinculación con la colectividad; vinculación con la comunidad;* and *vinculación con la sociedad.*

and its window of opportunity for CSOs that has emerged through the 2010 higher education reform.

The Case of Ecuador: A Policy Window for CSOs

As mentioned, CSOs in Ecuador are operating in a new context given the ongoing process of policy reforms and the regulations that govern them; the changes modify relations between the state and CSOs, and result in a tighter controlled regulatory framework for CSOs (Chiriboga 2014).

The new regulations in Ecuador are seen as restrictive and indeed threaten an enabling environment for the operations of CSOs. Therefore, CSOs are considering other public policies and opportunities. One of the potential windows of opportunity stems from the 2010 LOES. As mentioned, the LOES seeks to build university capacity and quality by implementing several new requirements. Many universities and higher education centers are facing great challenges to adjusting to new requirements, particularly research generation and defining, and implementing community outreach within the parameters established by law. As such, an opportunity emerges for collaboration between universities and CSOs. Universities in Ecuador, with a few exceptions, have little experience in generating research and establishing community outreach programs, which is experience CSOs have been developing for decades. This reality provides spaces for collaborative partnerships.

According to Orazio Belletini, the president of the Ecuadorian Confederation of Civil Society Organizations, university-CSO collaboration would be a win–win relationship: “We [CSOs] know how to do [research and community outreach], but we do not have resources. The universities do not know how to do it, but they have more resources. It is a good match” (author citations). To demonstrate the potential of the of the LOES in building collaboration between the universities and CSOs and as a means in which CSOs in Ecuador can continue to contribute to social development, we present two empirical examples.

University-CSO Collaborations in Rural Environmental Projects

The University of the Americas (*Universidad de las Americas*; hereafter referred to by its Spanish acronym: UDLA) is a private university in the capital city of Quito with mostly undergraduate degrees. The UDLA has collaborated with the Ecuadorian Foundation of Appropriate Technology (*Fundación Ecuatoriana de Tecnología Apropiada;* hereafter referred to by its Spanish acronym: FEDETA), a nonprofit foundation working on projects related to technology, society and the environment in Ecuador since 1984. FEDETA’s mission states that, “through the generation, development and application of scientific, technological and humanistic knowledge [FEDETA] is geared to achieving a more socially just, ecologically sound and technological humanity” (http://www.fedeta.org/index.php/institucional/mision).

UDLA and FEDETA have completed two small-scale projects together. The first, in 2012 included the design and implementation of wood stoves in communities in

Santo Domingo, Ecuador and a second project in 2013 produced a better drinking water system in the rural areas of Esmeraldas, Ecuador. The 2012 project built 30 wood stoves with the objectives to address the high consumption of wood for cooking in rural areas, which has deforestation implications, and to reduce the air contamination from traditional wood stoves which brings about respiratory problems in communities. This project also included a gender mainstreaming component through workshops and other capacity building strategies for community members. The project in 2013 focused on water use and basic sanitation in order to improve public health through the installation of a drinking water pipeline and wastewater treatment for the community which served a dozen homes in the center of town, the local school and the community center.

FEDETA considers the start to the collaboration with UDLA a bit circumstantial. FEDETA has regular contact with the local United Nations Educational, Scientific and Cultural Organization (UNESCO) office in Quito. UNESCO staff had contacted FEDETA because UDLA was looking for a lecturer to participate in Earth Day activities at the university. FEDETA's president accepted the invitation and gave a talk about renewable energy, one of FEDETA's areas of expertise. At the event, UDLA further inquired about FEDETA's projects, suggesting an interest to collaborate. FEDETA came back with the first project of implementing the wood stoves in Santo Domingo.

UDLA situates its the projects with FEDETA under the framework of 'university social responsibility', focusing on community outreach that relates to sustainable development. Its official Office of Outreach (*Dirección de Vinculación*) seeks to "train people committed to society, and create projects that benefit the community through … knowledge" in order to improve the quality of life in Ecuador (http://www.udla.edu.ec/vida-universitaria/vinculacion-con-la-comunidad/). It considers its community outreach as promoting solutions to social and economic problems, generating innovations and scientific knowledge, and improving the overall well-being of communities.

In addition to the small-scale specific projects between UDLA and FEDETA, there is an overarching institutional agreement. The agreement articulates the goals of developing collaborative projects, connecting students and faculty to research, and developing training and applied-research projects, while also outlining the roles and responsibilities of UDLA and FEDETA. UDLA's responsibilities are focused on contact with the students and faculty. For example, this includes explaining the projects to students and faculty, organizing the group of volunteers who participate in the project, and providing information about volunteer opportunities in the field of environmental studies to the entire university community. FEDETA's objectives are to create the projects (in coordination with UDLA), to support students and faculty in the projects, to collaborate in other activities in the university related to environmental studies, and to be a liaison between the university and other associated organizations and communities. There are no roles or responsibilities related to securing and monitoring funding for the collaborative projects.[3] For the

[3] There is a clause that affirms that there are no labor or economic responsibilities for either party in the agreement.

two projects between UDLA and FEDETA, the funding was secured by FEDETA through an international nongovernmental organization (INGO), Meal A Day. FEDETA has worked with this INGO for about ten years on several small-scale projects.

FEDETA considers the relationship between UDLA and FEDETA about "mutual experiences" (FEDETA president, personal communication, 1 July 2015). Like the president of the Ecuadorian Confederation of CSOs, the president of FEDETA calls it "a win–win" (FEDETA president, personal communication, 1 July 2015). The university gets access to projects for its students, as the FEDETA president explains: "the university's students need practical experiences" (FEDETA president, personal communication, 1 July 2015). In addition, the university benefits from FEDETA's technical experience and, at least with the first two projects, FEDETA was able to secure the funding. On the other hand, FEDETA benefits from the collaboration as UDLA provides in-kind resources such as the use of the university's laboratories for scientific testing; for air quality testing in the case of the wood stoves project, for example. In addition, FEDETA sees the collaborative projects as a way to diffuse information about renewable energy and this is consistent with the organization's mission.

The first two projects, however, have illuminated several lessons learned. FEDETA identifies that the university should be more involved in drafting the project design from the beginning, even though this is an expectation outlined in the institutional agreement, it did not occur in practice. This might relieve some of the burden placed on FEDETA to find the funding for the projects. In addition, FEDETA wants to include in the agreement clearer expectation about the responsibilities of providing or securing funding by both UDLA and FEDETA.

Even with these suggested improvements for the future, FEDETA considers the two realized projects successes, partly because the university is proposing a renewed agreement to continue collaborative projects. As such, moving forward FEDETA will seek additional projects that further its mission and also the possibility of replicating the already completed projects in new communities. FEDETA observes that this has not been done yet and argues that replication of successful projects is important to social development more broadly in the country.

University-CSO Collaboration in Education and Culture

In the south of Ecuador, in the city of Cuenca, there is an example of collaboration among CSOs, citizens and universities. It started in 2010 with the Cuenca Collective, City to Live (*Colectivo Cuenca Ciudad para Vivir;* hereafter referred to as: the Collective). The Collective's mission is "to contribute to the construction of Cuenca as a public good and an ethical project, encouraging responsibility and the development of new forms of cooperation between citizens, local government and various actors in the public and private sectors" (http://cuencaciudadparavivir.blogspot.com/). In 2012 it held a series of forums for citizens around several themes including education and culture, where the Presidents of the three most predominant universities in Cuenca participated: University of Cuenca, Politécnica Salesiana University and University of Azuay. From this forum, the idea to launch a *Cátedra*

Ciudadana[4] related to citizenship, education and a culture of coexistence (*Cátedra Abierta de Educación Ciudadana y Cultura de Convivencia*) emerged and received the support from the three universities.

In 2013, the *Cátedra Ciudadana* was launched by the signing of a commitment letter by the three universities, the Collective, and other community partners. Cuenca's Mayor, Paúl Granda, was witness to the signing of the letter which outlines the charge for universities in particular to establish community outreach and the objective to create learning opportunities for active citizenship in Cuenca.

There have been several stages to the collaboration. The collaboration's first phase developed a curriculum for a pilot project called "Discovering Cuenca". The program included 40 h over 5 days with 60 participants who comprised representatives from civil society, students and professors. The program used several methodologies to explore public goods in Cuenca, the concepts of the individual versus the collective, and other topics related to citizenship. Thereafter, at each university there was a public presentation of the results with the universities' Presidents present, deans and other academic faculty, and participating citizens. This first phase had funding that the Collective was able to secure through a small grant from the Active Citizenry (*Ciudadanía Activa*) project funded by USAID. The process was deemed a success and one of the lessons learned was "that the next actions of the *Cátedra Ciudadana* can include more people from the civil society to create a real interaction between universities and society" (Vintimilla 2013, p. 23).

A second phase in 2014 included an investigation by professors and students in collaboration with the Collective of cultural expressions existing in Cuenca. This project found various cultural influences in Cuenca, emergent communities such as the LGBTIQ community and vegetarianism/veganism, and spiritual identities such as yoga and diverse religious institutions. In this phase, there were no external funds available, thus the universities themselves put forth the location, covered materials and publishing costs and donated the time of the professors. In 2015, the collaboration was in continued conversations about a third phase of the *Cátedra Ciudadana.*

When reflecting back on how the collaboration started, a Collective participant explained that anything having to do with education and culture would invariably include these three universities in Cuenca. They are the three universities with the most prestige in the region. In addition, the Collective included participants that are associated to the universities, in particular, several professors. One of the Collective participants explained: "In practice, you saw a healthy competition between the three universities; none of the universities wanted to be seen as outside of the activity" (Collective participant, personal communication, 3 July 2015). The University of Cuenca has, like UDLA, an official Office of Community Outreach (*Dirección de Vinculación con la Sociedad*) which has informed its participation in the *Cátedra Ciudadana*. The University of Cuenca's Office of Community Outreach seeks "to have direct benefits for the students, teachers, workers, citizens in general,

[4] We have chosen to leave the phrase, *Cátedra Ciudadana,* in Spanish. A direct translation into English would be something along the lines of "Citizen Chair" which does not have much meaning in English. We would describe *Cátedra Ciudadana* as a process which includes citizen and collective reflection.

[and] public and private sectors, [while] maintaining always a vision of the social, solidarity and nonprofit" (http://www.ucuenca.edu.ec/vinculacion/direccion-vinculacion). University of Politécnica Salesiana and University of Azuay do not have formal offices of community outreach involved but include the processes of the *Cátedra Ciudadana* in their reporting on community outreach activities.

According the Collective participants, the university has benefited from the collaborative projects in several ways. In the final report of the first phase, a lesson articulated was: "Working together with the three universities strengthens links and academic networks, and multiplies the resources and expertise" among all of the actors (Vintimilla 2013, p. 22). Collective participants observe that the universities receive positive visibility in the community, and that the collaborations demonstrate the universities as spaces critical for the socialization and training of students. One participant explained that "The president of the Politécnica Salesiana University always says that first [the university] has to train citizens, and then professionals" (Collective participant, personal communication, 3 July 2015).

The Collective has benefit as well from the collaboration and will seek further opportunities. Working with the universities has given the Collective and the process more credibility, as universities are recognized institutions in the community. It also has allowed the Collective to work with young people and create spaces for young people, which is important to the Collective's mission. And while in the first phase, universities did not provide resources, in the second phase universities did come to the table with several in-kind resources available.

The commitment letter signed in 2013 also included the roles and responsibilities of the signatories. However, despite the organizational framework, there have been lessons learned on the roles and responsibilities. Some of the challenges noted by the participants of the collaboration were related to follow up from the professors, particularly those working with students in the second phase of the *Cátedra Ciudadana*. In the end, the professors had limited time they were able to dedicate to the project, despite their best intentions. It was observed that with the higher education reform, professors in particular have several more responsibilities and further reporting. Some of the considerations being discussed among Collective participants are that the professors' time spent working in the *Cátedra Ciudadana* is formally recognized and further encouraged by university leadership.

However, still the Collective sees the collaboration as a success and an example of concrete potential for organized civil society in Ecuador. As one participant explained for CSOs in Ecuador: "This is the time to make interesting proposals to universities, in general, because I see that … there is need, [and] there is receptiveness. Also for citizens and organizations it is important to have links [with the universities] like this… " (Collective participant, personal communication, 3 July 2015).

Discussion

In the Andean Region, we see a trend of restrictive policies and CSOs responding using several strategies: creating and maintaining networks among organizations, making public statements, attempting to negotiate with government institutions, and

also seeking policy opportunities outside the standard CSO legal and regulatory frameworks. In Ecuador in particular, CSOs have turned to the recent higher education reform (LOES) for collaborative partnerships with universities in order to use their expertise and contribute to social development. Our findings demonstrate that the Ecuadorian CSOs are taking advantage of an emerging policy window. This help shed light on how CSOs are responding to the difficult contexts in Latin America and beyond. In this section, we first we explain CSOs in Ecuador as policy entrepreneurs. Then we present three further findings from the Ecuadorian case which provide lessons learned about CSOs in difficult contexts and the potential for new opportunities: (1) collaborative partnerships do not provide clear financial resources for the sector (at least not yet), (2) collaborative partnerships are new institutional relationships in Ecuador which require a learning process, and (3) CSOs observe that new partnerships present needed opportunities for organized civil society in Ecuador.

Indeed, the LOES has provided a window of opportunity for CSOs as defined by Kingdon (1984) which has enabled CSOs to respond as policy entrepreneurs. The LOES was put forth to address the problems associated with the quality of higher education in Ecuador, presenting the problems stream. The recent progressive reforms in public policy in Ecuador represent a national shift; and as such the politics stream has taken shape. The policy stream is provided by the CSOs who have been arguing for some time that they have expertise and experience in social development to contribute to Ecuador's development. It is the CSOs as policy entrepreneurs that allow this window of opportunity to come to fruition as CSOs are prepared to argue their value in social development. In both examples presented in Ecuador, CSOs have established themselves as entrepreneurs presenting their knowledge, experience and expertise in the collaborations with universities. While traditionally CSOs in Ecuador have collaborated little with each other, and even less so have they engaged in inter-sectoral coalitions (Bustamante et al. 2006), given the changing context, it is necessary that CSOs rethink both their operations and institutional alliances. The supply of CSOs' expertise and the demand for universities to demonstrate research and community outreach produce opportunities for collaborative partnerships.

There are key findings that result from the analysis of the two examples of university- CSO collaboration in Ecuador. First, the community outreach required by the LOES and the opportunities it provides to CSOs might not provide clear sources to financial resources, despite the perception by CSOs, like the president of the national confederation mentioned above, that universities have available resources (author citations). In both examples of collaboration, CSOs were the first to secure funding for projects, whereas universities were more available to provide in-kind resources. Thus, CSOs must understand that the mobilization of resources does not necessarily mean only financial resources, but other resources such as in-kind goods and services and volunteer time can support the actions of the organizations. In essence, CSOs should not assume that the opportunities provided by LOES requirements will produce a flood of financing for the sector.

A second finding is related to the learning process of collaboration and alliance management, as these are new forms of cooperation and responsibility between

various actors in the public and private sectors (Estrella 2015). In both examples, the processes developed rather spontaneously and the creation of roles and responsibilities have been constructed through a learning process. The learning process produced positive experiences which allowed subsequent projects or phases to ensue in the collaborations. In this sense, it is necessary to evaluate and modify as needed. An example of this is FEDETA's intention to include in the formal agreement greater participation from UDLA in the drafting of project designs and in securing the funding. It also seeks to explore the replication of projects. The Collective wants to continue to work with university professors but challenges to this might need to be considered in subsequent phases.

Finally, a third finding is that even with the uncertainty of funding for collaborative projects and continued learning and adjustments to the roles and responsibilities of each actor, CSOs in particular perceive collaborations with universities as a 'win–win' and as having great potential for organized civil society. In both examples, the CSOs explained the collaborative projects with university as furthering the organizational missions. Indeed, the LOES proposes a joint effort between universities and CSOs so that communities can benefit from the "know-how" of each actor. In addition, collaborative projects with universities allow CSOs to better mobilize knowledge and experience. Chiriboga (2014) observes CSOs' the wealth of knowledge and practices can promote social development. Indeed, collaborative projects among universities and CSOs allow for new interventions to reach communities, and can foster further social innovation through shared expertise. Indeed, this can be value added for both the research agendas and community outreach programming in Ecuadorian universities.

Conclusion

In changing regulatory and political environments, the operations and effectiveness of CSOs are threatened in the Andean region. The changing context has not yet been understood by most CSOs, and the need to rethink organized civil society might result in a refocus and include creating relationships with other public and private actors.

We outline the restrictive and challenging contexts in the Andean Region for CSOs and highlight the case of how Ecuadorian CSOs are policy entrepreneurs by seeking opportunities through policies which are not inherently targeting CSOs. We find that while collaborations with universities might not bring substantial financial resources to CSOs, and that the roles and responsibilities in collaborative projects are constructed through a learning process, the higher education reform might have the potential to create win–win relationships among universities and CSOs for social development in Ecuador.

Additionally, we identify two avenues for further research. First, in Latin America and beyond, given restrictive policies and threats from governments and with the objective to forestall further regulation, CSOs will need to be policy entrepreneurs and seek further opportunities outside of legal and regulatory frameworks. Further research can complement and compare the Ecuadorian

experience with other experiences. In particular, in Colombia, if a peace accord is signed and then implemented, how CSOs continue to frame their role and take advantage of the window of opportunity will deserve attention and could garner interesting comparisons to the Ecuadorian case.

Second, in the case of Ecuador, more attention should be given to how universities are seeking to build their research agendas and establish community outreach. In the two examples presented, it was the CSOs and citizens that took initial action in getting the projects and processes in place. Given that many universities in Ecuador now have official offices dedicated to community outreach, more attention to how they are defining community outreach and implementing projects is deserved and findings could help produce promising practices for university-CSO collaboration in the region. Research on this will also help better understand the current reshaping of the university in Ecuadorian society.

By looking at policy outside of the standard legal and regulatory frameworks, we find that CSOs as policy entrepreneurs are identifying new opportunities. This is not to say we should not be demanding better enabling environments for CSOs; we should. However, in the meantime, new opportunities like in the examples shown in Ecuador allow CSOs to demonstrate their expertise and experience working with communities and vulnerable populations, and in doing so, gain, and in some cases regain, their legitimacy in social development. In the process, perhaps, CSOs are able stave off further restrictive public policy and call for better enabling environments for the sector.

Compliance with Ethical Standards

Conflict of interest The authors declare that they have no conflict of interest.

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