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Zelaya to reject election results

Ousted Honduran President Manuel Zelaya declared on Nov. 14 that he would refuse any deal restoring him to power if it implied accepting the results of the Nov. 29 election.

Zelaya said the U.S. reversed its stance on the necessity of his return to power for the election to be considered legitimate. He had said earlier that a U.S. accord negotiated in late October with interim leader Roberto Micheletti was dead when a national unity government was formed without his representatives.

The pact stated the Honduran Congress would decide on Zelaya's reinstatement but established no deadline. Zelaya believed the terms of the deal—to install a government—meant that Congress would vote on his reinstatement on this day.

Anti-Union Violence Drops in Colombia

Daniel Mejía

Colombian free trade agreements (FTAs) with Canada and the U.S. are blocked. One of the main arguments put forward by Canadian and U.S. legislators to support these barriers is the lack of progress by the current Colombian government in reducing violence against unions. However, this article reveals that the country's homicide rate for union members has fallen consistently.

On the one hand, union leaders in Colombia and other countries say that the number of murdered union members has been escalating under the current Colombian government. Some NGOs, such as Escuela Nacional Sindical (ENS) or the U.S. Labor Education in the Americas Project (USLEAP), have said most of the violence against unions in Colombia is motivated by completely normal union activities by members. On the other hand, the government defends itself by arguing that it has made enormous efforts to protect union members.

In a 2008 speech, Colombian President Álvaro Uribe responded to a communiqué from a group of U.S. congressmen by pointing out that 6,000 Colombians receive individual protection, of which 1,500 are union leaders. These leaders have access to bulletproof cars, bodyguards and permanent protection measures from the authorities.

The debate continues and FTAs remain blocked. Arguments, however, have not been based on concrete results and figures, but rather on demagoguery and lobbying to block FTAs and protect specific interests. This article seeks to evaluate, in an independent and academic manner, the evolution and determinants of violence against unions in Colombia.

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Note from the Editor - The Political Divide in Uruguay, Bolivia and Honduras

As tensions rise between Venezuela and Colombia, the ideological split in South America is being brought back to the fore. In the coming weeks, the citizens of Uruguay and Bolivia are expected to re-elect left-of-centre governments. Beyond the left-right debate illustrated in both electoral campaigns, these elections, along with the lingering crisis in Honduras, raise important governance issues for the Americas.

In Uruguay, the ruling socialist Broad Front coalition won a second mandate in parliamentary elections on Oct. 25, 2009 but its presidential candidate, former guerrilla member José Mujica, came short of securing enough votes to avoid runoff. On Nov. 29, he will face his conservative opponent, former president Luis Lacalle, who has been campaigning on smaller government and the fight against crime. It appears though that Mujica will be the one to replace outgoing socialist President Tabaré Vázquez.


In 2004, when Uruguay voted for Vázquez, its first left-of-centre head of state, it participated in a regional movement that brought left-wing governments to power in countries like Brazil, Venezuela, Chile and Argentina. Soon after taking power, Vázquez restored diplomatic ties with Cuba, brokered an energy deal with Venezuela and implemented poverty alleviation programs. Mujica has pledged to follow this same path; during the electoral campaign, he promised to create jobs and fight poverty, as well as carry on with his predecessor's market-friendly policies.

Since 2006 in Bolivia, wide-ranging and controversial reforms implemented by President Evo Morales have sought to expand the role of the state in the economy mainly through nationalizing strategic natural resources as well as to overturn the historical marginalization of Bolivia's indigenous population. Voters will likely renew Morales' mandate on Dec. 6. However, the results will be far from reflecting a consensus in Bolivian society.

Regional divisions between provinces, mainly indigenous highlands, richer mestizo and white eastern lowlands, appear to be worsening. The ethnic cleavage was illustrated in the January 2009 referendum, when the country's majority voted in favour of the new constitution that granted its 36 Indigenous Peoples the right to self-rule, while four departments of the eastern lowlands overwhelmingly rejected it.

If Morales wants to build an inclusive Bolivia, he likely will have to ensure that strategic objectives underlying economic and political reforms serve the country as a whole, and not only specific regions or interests. Democracy needs space for constructive opposition and dialogue. Hopefully such spaces will be opened up during his second mandate.

In Honduras, an already dire situation for large segments of the impoverished population is compounded by a continuing political crisis. Hondurans are held hostage to the obstinacy and political partisanship of two political leaders, ousted President Manuel Zelaya and interim leader Roberto Micheletti. There is no compromise in sight as Micheletti believes the Nov. 29 elections will end the crisis. However, some regional heads of state said they will not recognize the results of this election, furthering a climate of uncertainty.

In this edition of *FOCALPoint*, authors touch upon many of the governance challenges exemplified in the debates taking place in Uruguay, Bolivia and Honduras, recasting them in different national contexts or on local and regional levels. They address justice and human rights concerns, participation of civil society in decision-making and interlinkages between environment, security and development. 

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Anti-Union Violence Drops in Colombia

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Following the evolution of indicators of violence against unions in Colombia, the statistics reported by ENS and the Colombian vice-presidency are in stark contrast with the recent assertions of congressmen, journalists, union members and NGOs in Colombia and other countries.

According to ENS data, the number of murdered union members increased between 1986 and the first half of the 1990s, and peaked with 274 murders in 1996. However, the number of murdered union members has been falling consistently between 2002 and the last available measurement in May 2009 (See Figure 1).

When one compares the number of union members murdered with the total number of murders, it is clear that the former has decreased more than the latter. The total number of murders fell 44 per cent between 2002 and 2008, whereas the number of murdered union members fell 74 per cent in the same period. This signifies the number of murders of union members fell 1.7 times faster than the total number of murders between 2002 and 2008.

Another method of interpreting crime statistics is to focus on homicide rates: the number of homicides per 100,000 people, and the number of homicides of union members per 100,000 members. Again, both rates have decreased noticeably, but the latter has fallen much faster than the former. Even though the number of

Colombians who are members of a union has been decreasing by one or two per cent annually in recent years, the number of homicides of union members has still been falling

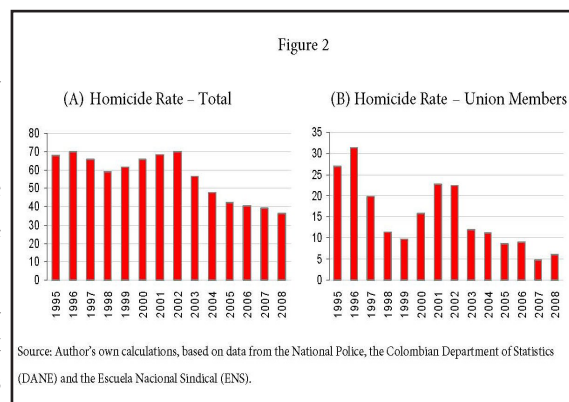
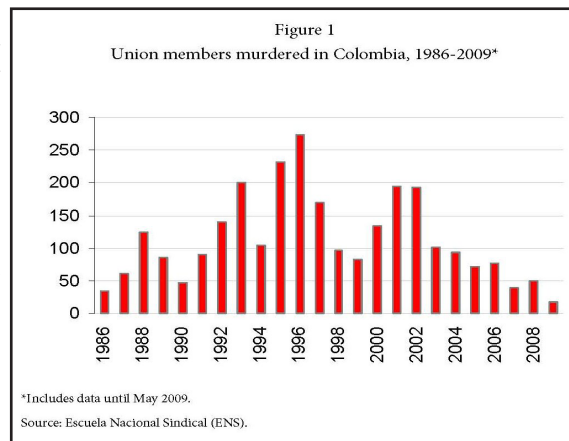
president not only confirm this sustained decrease in the number of murdered union members between 2002 and May 2009 (a decrease that is, surprisingly enough, even greater according to ENS data), but they also indicate that the number of murders is decreasing faster than in the case of other vulnerable groups, such as journalists, teachers, town councillors, etc. This means that the advances achieved for the protection of union members are even greater than those achieved for the protection of other vulnerable groups.

Regarding the determinants of violence against unions, the study puts forward empirical evidence in the form of panel data from 2000 to 2008, disaggregated by Colombian department. The panel contains information about different measures of union activity (salary negotiations, work stoppages, strikes, protests, etc.) and of violence against unions, among others.

Using different data sources, time periods, indicators of violence

against unions and union activity, and empirical estimation methods, there is no statistical evidence to support the hypothesis that more union activity in Colombia leads to more violence against union members. One cannot argue, with existing data in hand, that the intensity of union activity in the country leads to greater anti-union violence.

Any murder is a grave crime, even more so when the motive is



at an even faster rate than those of the general population. This is reflected in a sustained decrease in the homicide rate of union members. In 2002, the Colombian homicide rate per 100,000 people was approximately 70, and the homicide rate of union members per 100,000 union members was roughly 22. By 2008, these figures had fallen to 36 and 6 respectively (See Figure 2).

Data from the office of the vice-

in relation to the victim's political or ideological position. However, when evaluating the advances in the battle against a problem as serious as violence against union members, it is crucial to refer to specific figures and indicators, especially when they are being used to prevent Colombia from signing FTAs with other countries. 🌐

Daniel Mejía is a professor in the Faculty of Economics of the Universidad de los Andes. This article summarizes the main findings of a study entitled "Is Violence against Unions in Colombia Systematic and Targeted?" which was published in the series Documentos CEDE, no.28, Universidad de los Andes, November 2009. The author can be contacted at dmejia@uniandes.edu.co and the original study can be found at <http://economia.uniandes.edu.co/publicaciones/dcede2009-28.pdf>.

Disminución de la violencia antisindical en Colombia

Daniel Mejía

Los tratados de libre comercio (TLC) con EE.UU. y Canadá están bloqueados. Uno de los principales argumentos que los legisladores estadounidenses y canadienses han utilizado para sostener este bloqueo es la falta de resultados del actual gobierno colombiano en disminuir la violencia antisindical. Sin embargo, en realidad, esta investigación revela una disminución sostenida de los homicidios de sindicalistas en Colombia.

Por un lado, los líderes sindicales de Colombia y de otros países argumentan que bajo el actual gobierno colombiano han aumentado los homicidios de sindicalistas. Adicionalmente, algunas ONGs como la Escuela Nacional Sindical (ENS) y el Proyecto de Solidaridad Laboral en Las Américas (USLEAP) argumentan que gran parte de la violencia antisindical en Colombia es consecuencia de las actividades normales que caracterizan a los sindicalistas. Por otro lado, el gobierno se defiende y argumenta que se han hecho esfuerzos enormes para proteger a los sindicalistas.

En 2008, en un discurso en respuesta a un comunicado de un sector de congresistas de EE.UU., el presidente Álvaro Uribe argumentaba que en Colombia había 6,000 personas con protección individual. De éstos, una cuarta parte (1,500 individuos) eran líderes sindicales, los cuales cuentan con sistemas de pro-

tección con carros blindados, escoltas y protección permanente de las autoridades.

El debate continúa con argumentos de un lado y del otro, y los tratados de libre comercio siguen bloqueados. Los argumentos, sin embargo, se han basado muy poco en resultados y cifras concretas y mucho en demagogia y lobby para bloquear el TLC con el fin de proteger intereses particulares. Este estudio busca evaluar la evolución y los factores determinantes de la violencia antisindical en Colombia de manera académica e independiente.

En lo que tiene que ver con la evolución en el tiempo de los indicadores de violencia antisindical en Colombia, las estadísticas reportadas por la ENS y por la Vicepresidencia de la República contrastan con las aseveraciones recientes de algunos congresistas, periodistas y miembros pertenecientes a sindicatos y ONGs en Colombia y otros países.

En particular, según los datos de la ENS, los asesinatos de sindicalistas aumentaron entre 1986 y la primera mitad de los 90s, alcanzando un pico máximo de 274 sindicalistas asesinados en 1996. Desde 2002, el número de sindicalistas asesinados ha caído de manera sostenida hasta mayo de 2009 (ver Gráfico 1).

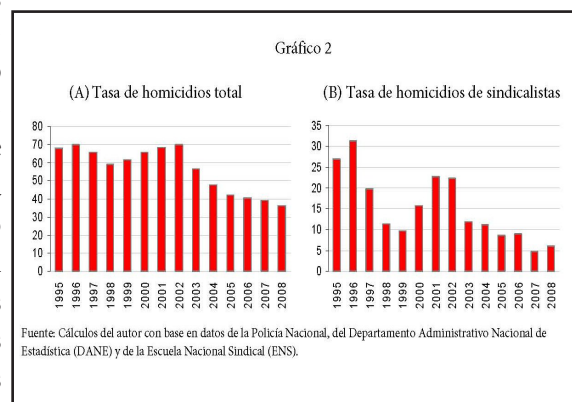
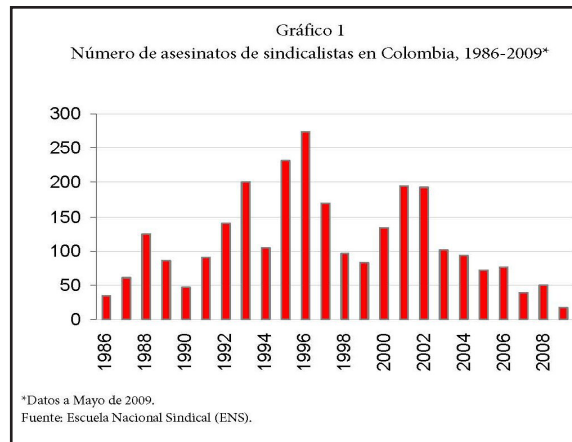
Cuando se comparan los asesinatos de sindicalistas con los homicidios totales en Colombia se puede

apreciar que los primeros han disminuido aún más rápido que los segundos. En particular, mientras que el número de homicidios totales en Colombia cayó 44 por ciento entre 2002 y 2008, el número de asesinatos de sindicalistas disminuyó 74 por ciento durante el mismo periodo; es decir, los asesinatos de sindicalistas disminuyeron 1.7 veces más rápido que los homicidios totales en Colombia entre 2002 y 2008.

La otra forma de ver las estadísticas sobre criminalidad es enfocándose en las tasas de homicidios. Es decir, en el número de homicidios por cada 100,000 habitantes, o el número de homicidios de sindicalistas por cada 100,000 sindicalistas. De nuevo, las dos tasas han bajado notablemente, pero la segunda ha bajado mucho más rápido que la primera. Si es cierto que el número de personas afiliadas a sindicatos ha caído a tasas que oscilan entre uno y dos por ciento anualmente en los últimos años, los homicidios de sindicalistas de todos modos han caído a tasas más elevadas que en la población general. Esto se ve reflejado en una disminución sostenida de la tasa de homicidios de sindicalistas. Mientras que en 2002 la tasa de homicidios por cada 100,000 habitantes en Colombia era aproximadamente 70, la tasa de homicidios de sindicalistas (por cada 100,000 sindicalistas) era de aproximadamente 22. Para 2008 estas dos tasas eran 36 y 6 respectivamente (ver Gráfico 2 A y B).

Por otro lado, los datos de la Vicepresidencia de la República no sólo confirman una caída sostenida en los homicidios de sindicalistas entre 2002 y últimos datos disponibles para 2009 (caída que, sorpresi-

vamente, es mayor cuando se utilizan los datos de la ENS), sino también que los homicidios de sindicalistas caen más rápido que los homicidios de otros grupos vulnerables, tales como periodistas, maestros, concejales, etcétera. En otras



palabras, los avances en materia de protección a sindicalistas son aún mayores que los avances alcanzados en materia de protección de otros grupos vulnerables de la población.

En cuanto a los factores determinantes de la violencia antisindical, el estudio lleva a cabo un ejercicio empírico usando una base de datos tipo panel por departamentos en Colombia entre 2000 y 2008 que contiene información sobre diferentes medidas de actividad sindical (negociaciones salariales, paros, huelgas, protestas, etc.) y diferentes medidas sobre violencia antisindical, entre otros.

Utilizando diferentes fuentes de datos, periodos de tiempo, indicadores de violencia antisindical, medidas de actividad sindical y estrategias de estimación empírica, no encontramos ninguna evidencia estadística en favor de la hipótesis según la cual mayor actividad sindical causa mayor violencia contra sindicalistas en Colombia. En otras palabras, no se puede argumentar, con base en las estadísticas disponibles, que una mayor intensidad de la actividad sindical en Colombia conlleva a un mayor nivel de violencia antisindical.

Cualquier asesinato es un hecho muy grave, más aún cuando el móvil de éste es la posición ideológica o política de la persona asesinada. Sin embargo, a la hora de evaluar los avances hechos para enfrentar un problema tan grave como lo es la violencia contra sindicalistas, es muy importante mirar las cifras y estudiar los indicadores concretos de resultados; especialmente si se pretende usarlos para bloquear los TLC que Colombia quiere suscribir con otros países. 🌐

Daniel Mejía es profesor en la Facultad de Economía de la Universidad de los Andes. Este artículo resume los principales resultados del estudio “¿Es la violencia anti-sindical en Colombia sistemática y dirigida?”, publicado en Documentos CEDE no.28, Universidad de los Andes, noviembre de 2009, disponible en <http://economia.uniandes.edu.co/publicaciones/dcede2009-28.pdf>. El autor puede ser contactado en dmejia@uniandes.edu.co.

Fighting Impunity in Guatemala: What is the International Commission's Role?

Marc-André Anzueto

United Nations (UN) Secretary-General Ban Ki-moon released a report on Oct. 15 in which he denounced threats to the safety of members of the International Commission against Impunity in Guatemala (CICIG), as well as the endemic corruption within the Guatemalan judicial system. More than 13 years after the signing of the Peace Accords that ended the civil war, the post-conflict period in the country is marked by a lack of consensus and confidence in the political and judicial institutions. Given the scale of these problems, the task of the Commission seems immense.

The last six months have been filled with events in which the Commission has been closely involved. In particular, on Sept. 11 the Head of the Commission, Carlos Castersana, announced the arrest of nine people, mostly current and former police officers, alleged to have murdered the lawyer Rodrigo Rosen-

berg, and who were involved in "drug trafficking, extortion, money laundering and contract killing." This murder, which was committed in May, had galvanized the country following the release of a video over the Internet. In this video shot four days before his death, Rosenberg accused the Guatemalan President Álvaro Colom and his circle of having ordered his imminent assassination. He also denounced efforts to cover up cases dealing with the misappropriation of public funds and the laundering of narcodollars.

In its editorial on May 12, the national daily *Prensa Libre* stated that this was "the most serious political crisis facing the country, because never before had a democratically-elected President been implicated, directly or indirectly, in an assassination." The posthumous accusations from Rosenberg quickly polarized public opinion and deepened the distrust toward the political class and government institutions. Co-

lom, the first leftist president since 1954, has continued to claim his innocence, calling this accusation a "conspiracy" designed to overthrow him, and wasted no time in asking the Commission to join the investigation to identify "those who are truly responsible for this crime."

The Commission was established under an agreement signed between the Government of Guatemala and the UN in 2006 to help the country identify and dismantle the clandestine networks linked to organized crime that are paralyzing the judicial system. Even today, civil society actors seeking to bring to trial those who violated fundamental human rights during the civil war are repeatedly intimidated and assaulted by illegal and clandestine security apparatuses. The existence of these groups has been documented by civil society actors and recognized by the Government. In fact, in January 2004, Guatemala and the UN signed an agreement to create the Commis-

Colombian opposition unhappy with U.S. military accord

Opposition groups in Colombia are speaking out against newly public details of the Colombia-U.S. military accord. The accord, which outlines that the U.S. military will have access to military bases for 10 years, will also allow the military to use international airports. Additionally, diplomatic immunity will be granted to U.S. personnel and defence contractors.

Gustavo Petro, the leading opposition senator of the left-leaning PDA party, stated the agreement signified a U.S. occupation of Colombia.

Colombian President Álvaro Uribe has said the accord will aid the country to "rid" it of left-wing rebel groups and drug gangs, but the agreement has also resulted in tense relations with Venezuela. Brazil and Chile are wary of the deal as well.

sion for the Investigation of Illegal Groups and Clandestine Security Organizations in Guatemala (CI-CIACS). However, this agreement was rejected by Congress following a decision by the Constitutional Court based on certain provisions. Guatemala is now caught in a fictitious debate on its constitutionality, ignoring the stakes in this climate of increased insecurity since the civil war ended in 1996.

In the post-conflict period, Guatemala has seen notably the rise of political-cum-criminal networks better able to exploit the weaknesses in the political institutions and judicial system to engage, among others, in drug trafficking. In 2002, Amnesty International reported that “Guatemala has rapidly evolved into a corporatist mafia State led by an unholy alliance of corrupt soldiers and policemen, members of the traditional oligarchy and new entrepreneurs.” According to Patrick Gavigan, the former Chief Advisor for Human Rights to the UN Verification Mission in Guatemala (MINUGUA), “Guatemala is a unique case in that political-cum-criminal groups have emerged in the midst of a process in which the UN and other international actors have played an important role in bringing the conflict to an end and rebuild the State.” It is in this context that the Commission has to investigate the existence of illegal armed groups and clandestine security apparatuses, help Guatemala’s Attorney General to bring to jus-

tice those who have been involved in these groups and provide technical support to the judiciary.


The independence of judges is a new battlefield for the Commission.

Indeed, it seems that the Commission may have succeeded in undermining the very foundations of a system that supports impunity.

Recently, it challenged six of the 13 Supreme Court judges elected by the Congress. This move, which attracted the attention of the UN early in October, led Secretary-General Ban Ki-moon to urge the Congress to ensure that “competent, independent and impartial” judges be named to the highest courts in Guatemala. Contrary to all expectations, on Oct. 8 the Congress replaced three of the six candidates challenged by the Commission. The next day, more than 20 candidates whose reputation was judged questionable by the Commission were set aside by Congress when choosing 90 appeal court judges from a list of 180 applicants.

No doubt, there are yet many obstacles to overcome before the culture of impunity can be eradicated. As Ban Ki-moon stated in October,

“though well-known in Guatemala, the Commission is facing increasing security risks.” Notwithstanding, the Commission’s work seems to have enthused Guatemalans and the press as reflected in an editorial of the daily *El Periódico*: “you have not disappointed us, Mr. Castesana. You and your team are undermining the foundations of crime syndicates and impunity. We are grateful to you for it.”

Indeed, it seems that the Commission may have succeeded in undermining the very foundations of a system that supports impunity. All the same, much remains to be done before the Commission’s mandate ends in September 2011. 

Marc-André Anzueto is a researcher at the Réseau francophone de recherche sur les opérations de paix (ROP), a unit of the Centre d’études et de recherches internationales de l’Université de Montréal (CÉRIUM).

Contre l'impunité au Guatemala : Quel rôle pour la Commission internationale?

Marc-André Anzueto

Le Secrétaire général de l'Organisation des Nations Unies (ONU), Ban Ki-moon, publiait le 15 octobre dernier un rapport dénonçant les menaces à la sécurité du personnel de la Commission internationale contre l'impunité au Guatemala (CICIG) ainsi que la corruption endémique au sein du système judiciaire guatémaltèque. Plus de 13 ans après la signature des Accords de paix qui ont mis fin à la guerre civile, la période post-conflit au Guatemala est toujours caractérisée par l'absence de consensus et de confiance envers les institutions politiques et judiciaires. Devant l'ampleur de ces problèmes, la tâche de la CICIG paraît immense.

Les six derniers mois ont été remplis d'événements impliquant de près la CICIG. Notamment, le 11 septembre dernier Carlos Castersana, chef de la CICIG, annonçait l'arrestation de neuf auteurs présumés de l'assassinat de l'avocat Rodrigo Rosenberg, dont la plupart étaient des policiers ou anciens policiers

qui se livraient «au narcotrafic, à l'extorsion, au blanchiment d'argent et à l'assassinat sur commande». Ce crime perpétré en mai avait mobilisé la société guatémaltèque suite à la diffusion sur Internet d'une vidéo posthume. Dans cette vidéo filmée quatre jours avant son assassinat, Rosenberg accusait le président guatémaltèque Álvaro Colom et son entourage d'être commanditaires de son assassinat imminent. Il dénonçait aussi l'étouffement d'affaires de détournements de fonds publics et de blanchiment d'argent lié au narcotrafic. Un éditorialiste du quotidien guatémaltèque *Prensa Libre* écrivait le 12 mai qu'il s'agissait de «la crise politique la plus grave de l'actuelle démocratie, car jamais auparavant un président élu librement n'avait été désigné comme étant impliqué de façon directe ou indirecte dans un assassinat». Les accusations posthumes de Rosenberg ont rapidement polarisé l'opinion publique et amplifié la méfiance envers la classe politique et les institutions gouver-

nementales. Álvaro Colom, premier président de gauche depuis 1954, n'a cessé de clamer son innocence et de dénoncer «un complot» visant à le renverser. Il a immédiatement sollicité la participation à l'enquête de la CICIG afin d'identifier «les véritables responsables de ce crime.»

Conformément à un accord conclu entre l'ONU et le gouvernement du Guatemala, la CICIG a été créée en 2006 pour aider le pays à identifier et à démanteler les réseaux clandestins liés au crime organisé qui paralysent le système judiciaire. Encore aujourd'hui, les acteurs de la société civile qui cherchent à traîner en justice les auteurs de violations de droits fondamentaux commises durant la guerre civile sont victimes de menaces et d'agressions de la part des corps illégaux et des appareils clandestins de sécurité. L'existence de ces groupes a été documentée par la société civile et reconnue par le gouvernement guatémaltèque. De fait, le Guatemala et l'ONU ont signé en janvier 2004 l'accord sur

President Ortega alters Nicaraguan constitution to allow re-election


Following a ruling on Oct. 16, the path is clear for Nicaraguan President Daniel Ortega to run for re-election when his term expires in 2011. The ruling was delivered by six Supreme Court judges without the support of the National Assembly, and is considered unconstitutional by opposition magistrates. The legislative change without due democratic process has been met with disapproval from the United States government.

The American Ambassador to Nicaragua, Robert Callahan, has come under attack by pro-Ortega protestors after criticizing the president for changing electoral laws without sufficient "public debate or discussion." This is not Ortega's first attempt to establish long-term control over politics in Nicaragua. Ortega has been a leader in the Sandinista party since 1979, when the movement expelled dictator Anastasio Somoza. Having led Nicaragua from 1984 to 1990, Ortega returned to power after winning the 2006 election.

la Commission d'enquête sur les groupes illégaux et les organisations clandestines de sécurité (CICIACS). Toutefois, cet accord a été rejeté par le Congrès suite à un jugement de la Cour constitutionnelle basé sur certains éléments de l'accord. Le Guatemala s'est alors engagé dans un faux débat sur sa constitutionnalité, faisant abstraction des enjeux liés à l'insécurité généralisée depuis la fin de la guerre civile en 1996.

La période post-conflit au Guatemala se caractérise par l'émergence d'un réseau politico-criminel qui a profité de la faiblesse des institutions politiques et judiciaires pour se lancer, entre autres, dans le narcotrafic. Amnesty International avait déjà souligné en 2002 que «le Guatemala a rapidement évolué sous forme d'un État mafieux corporatiste dirigé par une alliance malsaine de militaires et policiers corrompus, de membres de l'oligarchie traditionnelle et des nouveaux entrepreneurs». Selon l'ancien conseiller en chef des droits humains de la Mission de vérification des Nations Unies au Guatemala (MINUGUA), Patrick Gavigan, «le cas du Guatemala est très particulier, car des groupes politico-criminels ont émergé au milieu d'un processus duquel l'ONU et d'autres acteurs internationaux ont joué un rôle important pour mettre fin au conflit et reconstruire l'État». C'est donc dans ce contexte que la CICIG doit faire des recherches sur l'existence des corps illégaux et des appareils clandestins de sécurité, aider le Procureur général du Guatemala à poursuivre en justice des individus impliqués dans ces groupes et fournir une aide technique au secteur judiciaire.

L'indépendance des magistrats est un nouveau champ de bataille pour la CICIG. Récemment, la Commission récusait six des 13 juges de la Cour suprême, élus par le Congrès. Ceci a retenu l'attention de l'ONU au début du mois d'octobre et le Secrétaire général Ban Ki-moon a demandé au Congrès de garantir que des juges d'une «compétence irréprochable, indépendants et intègres» soient nommés au sein des plus hautes instances juridiques guatémaltèques. Contre toute attente, le 8 octobre les députés du Congrès ont écarté et remplacé trois des six candidats récusés par la CICIG. Le lendemain, c'est plus de 20 candidats dont la CICIG jugeait la réputation douteuse qui ont été écartés par le Congrès dans leur choix de 90 magistrats des cours d'appel parmi 180 postulants.

Certes, de nombreux obstacles demeurent pour arriver à vaincre la culture d'impunité. Tel que le soulignait Ban Ki-moon en octobre, «la Commission ayant gagné en notoriété au Guatemala, elle fait face à des risques croissants en matière de sécurité». Néanmoins, le travail de la CICIG semble enthousiasmer la société civile et la presse guatémaltèques. À ce sujet, l'éditorialiste du quotidien *El Periodico* écrivait : «vous ne nous avez pas déçus M. Castesana. Vous et votre équipe faites trembler les structures du crime et de l'impunité. Nous vous en remercions». En effet, il semble que la CICIG ait réussi à ébranler les fondations d'un système qui permet à l'impunité de se pérenniser. Tout de même, d'ici la fin du mandat de la CICIG en septembre 2011, beaucoup reste à accomplir. 

Marc-André Anzueto est agent de recherche au Réseau francophone de recherche sur les opérations de paix (ROP), une unité du Centre d'études et de recherches internationales de l'Université de Montréal (CÉRIUM).

UNDP report stresses Central America insecurity

The United Nations Development Programme (UNDP) released its "Central America Human Development Report 2009-2010" in late October.

The report focused on insecurity and violence in relation to human development. The findings outlined that the region has the largest degree of gender and economic inequality, along with discrimination and segregation of ethnic minorities. It also highlighted that Central America has the greatest levels of non-political crime worldwide.

Central America must work toward a new "smart" strategy to ensure its citizens are secure, the report argues. It also states these measures must include preventive as well as coercive actions from the State, and that citizens must comply with the justice system, while emphasizing the importance of clear leadership. It further recommended that the region design specific strategies to discourage youth from partaking in organized crime and build opportunities for access to education and jobs.

The UNDP launched its presentation series of the report to security and justice authorities in San Salvador on Oct. 20, 2009.

From Colombia: Ideas to Save the Summit of the Americas

Lesley Burns

Although the Fifth Summit of the Americas held in Trinidad and Tobago last April largely failed to meet its set goals, it successfully went beyond its official mandates to reduce hemispheric tensions just when relations in the region were swirling downward. However, this achievement was quickly forgotten and the future of the Summit of the Americas remains unclear. Hemispheric think tanks met on Oct. 15 in Bogotá, Colombia to discuss and develop fresh ideas for reform to save the Summit.

The diagnostic was nearly unanimous. Despite sustained efforts by the Trinidadians to enhance the relevance and legitimacy of the Summit, they failed on both accounts. They were unable to secure an agreement between governments on the Summit declaration and civil society organizations (CSOs) felt the process did not allow them to contribute in a meaningful way despite the significant resources spent on regional consultations.

These are pitfalls that the Colombian organizers of the 2012 Sixth Summit, to be held in Cartagena, Colombia, will seek to avoid. To address some of the challenges, the Canadian Foundation for the Americas (FOCAL) and the Inter-American Dialogue in partnership with a leading Colombian think tank, Fedesarrollo, organized the hemispheric meeting in Bogotá. It brought together representatives from think tanks, the Organization of American

States (OAS), academics and government officials.

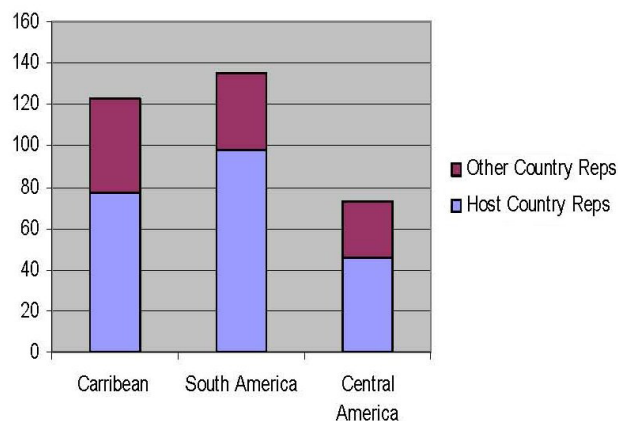
The Bogotá meeting produced three key recommendations to increase the relevance, effectiveness and the efficiency of future summits: 1) use public opinion surveys to inform and validate the choice of a reduced number of Summit themes; 2) invite CSOs with expertise in selected themes to contribute to the development of the Summit agenda; and 3) replace sub-regional consultations with country consultations open to all CSOs, perhaps including political parties, to be overseen by OAS resident representatives.

Taken together, these measures would improve the Summit process by allowing public opinion and civil society to have greater influence over setting the relevant themes, increasing cost efficiency and contributing to the Summit's long-term sustainability.

On the one hand, public opinion surveys could ensure that the Summit themes respond to public concerns. This would make the process more relevant to people. On the other hand, reorienting civil society participation to focus on technical competence and expertise on specific themes would reinforce the consultations' *raison d'être* and depoliticize the CSOs' selection process. This is consistent with the Colombian government's dedication to better reflect the interests of civil society while ensuring that the consultation process implemented is sustainable.

Further, this approach could reverse the trend of over-representation of host country CSOs in sub-regional meetings as illustrated in Figure 1. Regrettably, this asymmetric participation distorts the representation of interests in the hemisphere

Figure 1: CSO Representation at Regional Meetings, 2009



Sources: Organization of American States, *Recommendations of Civil Society on the Draft Declaration - Fifth Summit of the Americas* issued after Civil Society Sub-Regional Forums: the South American (Feb. 6-7, 2009), Caribbean (Oct. 30-31, 2009) and Central America, Mexico and Dominican Republic (Dec. 7-9, 2008).

and raises unsustainable expectations among host country CSOs who cannot possibly be included in all consultations.

In addition, involving OAS country offices in a national consultation process could strengthen civil society participation by enabling larger consultations involving the full range of political actors. This could improve follow-up as well. Moreover, the resulting decentralization of the dialogue process would reduce the cost of consultation meetings. Indeed, sub-regional meetings organized in the lead-up to the Fifth Summit were costly enough. For example, on the Caribbean sub-regional civil society forum alone, US\$82,050 was budgeted for travel-related costs.

Colombia assumes the role of Summit organizer at a unique geopolitical time in the hemisphere. Countries affiliated with the Bolivarian Alliance for the Peoples of Our America (Alianza Bolivariana para los Pueblos de Nuestra América, ALBA) have openly expressed their trepidation with Colombia's leadership. Although much of this is based on political differences unrelated to the Summit, more than ever, Colombia must show that the consultation process is open, inclusive and democratic to offset these worries.

The three reform ideas in this article could help Colombia make the Sixth Summit and its consultation process more transparent and set in place a more robust precedent for future summits. The inclusion of a wide range of political actors will be crucial considering that there are 25 elections for state leaders scheduled to take place between the Fifth and Sixth Summits of the Americas. The

Desde Colombia: ideas para salvar la Cumbre de las Américas

Lesley Burns

Aunque la quinta Cumbre de las Américas que se celebró en Trinidad y Tobago el pasado mes de abril no alcanzó los objetivos fijados, sí fue más allá de sus mandatos originales; la Cumbre sirvió para reducir tensiones en el hemisferio en un momento en que las relaciones interamericanas se estaban deteriorando significativamente. Sin embargo, este logro fue rápidamente olvidado, y el futuro de la Cumbre de las Américas continúa sin estar claro. Representantes de *think tanks* de todo el continente se reunieron el 15 de octubre en Bogotá, Colombia, para analizar la Cumbre y desarrollar nuevas propuestas de reformas para salvarla.

El diagnóstico fue casi unánime: a pesar de los esfuerzos de los trinitenses por fortalecer la relevancia y la legitimidad de la Cumbre, fracasaron en ambos aspectos. Los anfitriones no pudieron forjar un acuerdo intergubernamental para la declaración de la cumbre. Además, las organizaciones de la sociedad civil (OSC) creen que el proceso no les permitió realizar ninguna contribución significativa, a pesar de la importante cantidad de recursos

empleada en procesos regionales de consulta.

Los organizadores de la Sexta Cumbre, que se celebrará en Cartagena, Colombia, en 2012, tendrán que salvar estos escollos. Para abordar estos problemas, la Fundación Canadiense para las Américas (FOCAL) y el Diálogo Interamericano, en conjunto con un centro de investigación colombiano, Fedesarrollo, organizaron una reunión de *think tanks* de todo el continente en Bogotá el mes pasado. A la reunión acudieron también académicos, representantes de la Organización de Estados Americanos (OEA) y de gobiernos nacionales.

En la reunión de Bogotá se acordaron tres recomendaciones clave para incrementar la relevancia, la efectividad y la eficiencia de las futuras cumbres: 1) usar encuestas de opinión pública para guiar y respaldar la elección de un número reducido de temas a tratar en cada cumbre; 2) invitar a OSC especializadas en temas específicos para que contribuyan al desarrollo de la agenda de las cumbres; 3) sustituir los procesos de consulta subregionales por procesos de consulta na-

(Continued on page 12)

Colombian organizational team's commitment to early planning and to mastering best practices is a step in the direction of solidifying a productive, effective and efficient Summit of the Americas. 🌍

Lesley Burns is the project manager for FOCAL's Governance and Civil Society project. This article presents ideas that will be further developed in a forthcoming FOCAL policy paper.

cionales abiertos a la participación de cualquier OSC, posiblemente incluyendo a partidos políticos. Estos procesos nacionales estarían supervisados por representantes de la OEA en cada país.

Si estas recomendaciones se adoptan de forma conjunta mejorarían el proceso de Cumbres, ya que permitirían a la opinión pública y a la sociedad civil tener una mayor influencia sobre la agenda. Se favorecerían, asimismo, la rentabilidad y sostenibilidad a largo plazo de las Cumbres.

En primer lugar, las encuestas de opinión servirían para asegurarse de que los temas específicos de cada Cumbre respondieran a las preocupaciones de la ciudadanía, incrementando así el interés del proceso entre la gente. Además, el basar la reorientación de la participación de la sociedad civil en criterios de competencia y especialización técnica en dichos temas reforzaría los procesos de consulta y despolitizaría la selección de OSC participantes. Estos cambios se alinean con los esfuerzos del gobierno colombiano por reflejar mejor los intereses de la sociedad civil, y mantener al mismo tiempo la sostenibilidad de los procesos de consulta.

Este nuevo enfoque revertiría, además, la sobrerrepresentación de OSC del país anfitrión en las reuniones subregionales ilustrada en la Figura 1. Por desgracia, esta participación tan asimétrica distorsiona la representación de los intereses conjuntos del continente, y eleva las expectativas de las OSC del país anfitrión a niveles poco razonables, ya que no podrán ser incluidas en todas las consultas.

Por otro lado, involucrar a las oficinas nacionales de la OEA en

los procesos de consulta permitiría realizar consultas más amplias que incluyeran a un mayor número de actores políticos, fortaleciendo así la participación de la sociedad civil. También mejoraría el seguimiento de las decisiones adoptadas en las Cumbres. Además, la descentralización resultante del proceso de diálogo reduciría el costo de las reuniones de consulta. Las reuniones subregionales organizadas antes de la Quinta Cumbre costaron bastante; por ejemplo, el foro de la sociedad civil que tuvo lugar en el Caribe tuvo un presupuesto de \$82,050 estadounidenses sólo para gastos de viaje.

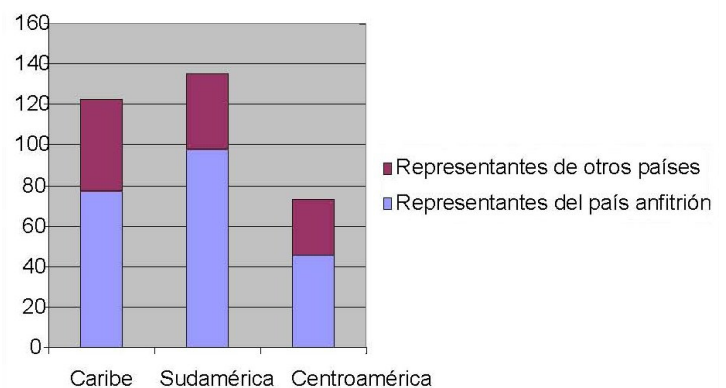
Colombia asume el papel de organizador en una coyuntura geopolítica sin precedentes en el continente americano. Los países miembros de la Alianza Bolivariana para los Pueblos de Nuestra América (ALBA) se están posicionando abiertamente en contra del liderazgo colombiano. Las causas de este enfrentamiento son posturas políticas que no tienen nada que ver con la Cumbre de las Américas. Aún así, si Colombia quiere superar este problema, ten-

drá que demostrar, ahora más que nunca, que los procesos de consulta son abiertos, incluyentes y democráticos.

Las tres ideas de reforma contenidas en este artículo ayudarían a Colombia a conseguir que la Sexta Cumbre de las Américas y sus correspondientes procesos de consultas fuesen más transparentes, fijando así un precedente para cumbres futuras. La inclusión de una serie más amplia de actores políticos será de crucial importancia, puesto que hay 25 elecciones de líderes de estado previstas entre la Quinta y la Sexta Cumbre de las Américas. El compromiso del equipo organizador colombiano de planificar con tiempo y hacer uso de mejores prácticas es un primer paso para consolidar una Cumbre de las Américas productiva, efectiva y eficiente. 🌐

Lesley Burns es gerente del proyecto Gobernabilidad y Sociedad Civil de FOCAL. Este artículo presenta ideas que serán desarrolladas más extensamente en un documento de FOCAL que será publicado próximamente.

Figura 1: Representación de OSC en reuniones regionales, 2009



Fuente: Organización de los Estados Americanos, Recomendaciones de la Sociedad Civil en el Proceso de Cumbres de las Américas, Foros Subregionales de la Sociedad Civil de América del Sur (Feb. 6-7, 2009), del Caribe (Oct. 30-31, 2009) y de Centroamérica, México y República Dominicana (Dec. 7-9, 2008).

Environment Key to Rebuild Haiti

Amiel Blajchman

The degradation of Haiti's environment combined with its lack of governance structures, underinvestment in social capital, obstacles to private investment and "poverty trap," keeping 80 per cent of the population under poverty line, have all contributed to its status as the poorest nation in the Western Hemisphere. This article provides an overview as to why environmental degradation is so fundamentally related to Haiti's near-overwhelming governance, social and institutional challenges.

The primary cause of Haiti's environmental degradation is Haitians' need for energy. Since only 10 per cent of the population is serviced by its electricity sector, chronic energy shortages have pushed Haitians to seek out alternative sources of energy. Unfortunately for the environment, wood is the principal energy source in Haiti, accounting for 70 per cent of energy consumption in 2006. Demand for wood has resulted in the steady deforestation of Haiti: 1.5 per cent of its original tree cover remains intact, resulting in an estimated 6,000 hectares of soil lost each year to erosion.

The loss of Haiti's natural tree cover has degraded its environment's ability to withstand natural disasters. When Hurricane Jeanne tore through the island nation in 2004, leaving more than 3,000 dead in its wake, observers noted that many had been killed in massive landslides. In the absence of a tree cover, the vast amounts of water

falling washed away soil cover and swept through communities leaving a trail of destruction behind.

Haiti's water supply is also at risk as its tree cover and soil base degrade. With compacted soils, poor natural filtration systems and weak topsoil, water is no longer absorbed by the ground, but rather runs into streams and rivers to empty into the Caribbean Sea. Without these natural systems in place, it is much more difficult to replenish water reserves, which then run dry, resulting in shortages in the nascent hydro-electric supply, as well as significant shortfalls in agricultural production and, consequently, food supply.

The precarious state of the environment contributes to the vulnerabilities that poor communities face. Researchers such as Jon Barnett and Thomas Homer-Dixon have demonstrated that environmental degradation poses a greater threat to peace at the intra-state rather than international level. In this context, environmental reconstruction, improvements to related governance structures and security and stability systems should focus on the local level. Destructive environmental change not only impairs the environment, but also contributes to weakness in social infrastructure. As governance institutions and social bonds begin to fail to provide the expected services and goods, the resulting social instabilities grow.


Unstable basic living conditions and communities' increased vulnerability to disasters (both natural and

man-made) mean that local community security and stability suffer, according to a 2008 U.S.-Haiti Stabilisation Initiative Evaluation Assessment for Cité Soleil. Already serious problems in rural regions are significantly compounded in Haiti's urban centres. Facing unreliable energy supplies, dwindling water sources, the loss of fertile farmland and food insecurity, migrants from rural regions are streaming into Haiti's cities, spreading already stretched resources even thinner. Today, more than a quarter of Haiti's population lives in the capital city of Port-au-Prince alone. These rural migrants, escaping environmental scarcities in the countryside, end up in shantytowns, such as the capital city's infamous Cité de Dieu, which have been historical sources of social volatility. Underserved and lacking proper infrastructure, these shantytowns are characterized by inadequate sanitation, increased risk of disease, poor or absent power and water supplies for residents.

As slums proliferated in and around Haitian urban centres, traditional community structures were destabilized and rural youth were faced with a loss of traditional lifestyles and their accompanying values. With weak social systems and little government support, rural youth are drawn to armed gangs, according to the International Crisis Group. While the police and the United Nations have made progress by removing gang leaders and dispersing their members, gang vio-

lence continues to be a problem, especially in Port-au-Prince.

Haiti's environmental degradation and its resultant poverty have created a vicious circle. This Catch-22 contributes to the idea that institutional resilience (e.g., security services, governance structures, tax collection) can have a significant impact on the stability of fragile states, leading to the Oxford Research Group's call in 2006 for governments to address environmental issues in the context of security as well as development.

Haiti's poor environmental management systems are symptomatic of the country's overall institutional malaise. Both fragile institutions and governance structures reduce Haiti's ability to respond effectively to disasters and increase the population's vulnerabilities. Governance failures and poor planning are not exclusive to Haiti nor is environmental loss. Rather, it is the specific combination of failures that needs analysis and a coordinated response. In the short term, Haiti's population needs social services, food and human security. However, until Haiti and its partners in the international community address the underlying governance and infrastructure needs along with remediating its environment, it will not break this cycle. 

Amiel Blajchman is the founder of the Globalis Group, a think tank investigating the linkages between natural resources and social stability. He can be reached at amielb@globalisgroup.org.

Toward a Bolivian National Policy for Child Friendly Municipalities

Claudio Santibáñez

The Bolivian government is seeking to improve the social and economic conditions of its most vulnerable populations through greater inclusiveness and focus on human rights. To turn its vision into a reality at local and community levels, it has implemented development plans for municipalities, focusing on institution-building for local economic development and promotion of inclusive social policies. To achieve the latter goal, it notably put forward the promising Child and Adolescent Friendly Municipality (CAFM) initiative to make children's rights an integral part of local governance, which could announce an innovative shift in social policymaking.

The CAFM puts a municipal participatory model in place that involves the whole community in advancing measures to improve the quality of life and establish citizenship rights for children and youth. This initiative acknowledges that well-structured municipalities that show solidarity with and concern for their children and for the social dimensions affecting their human development have greater chances of delivering an effective human-centered development strategy. The CAFM sets social guidelines for dignified human life in society and creates pressure to adopt policies that protect and promote human rights that are essential to achieve an adequate standard of living.

In recent years, approximately 50 municipalities selected on the basis of poverty criteria have developed integrated social action plans promoting children's rights with the help of the United Nations Children's Fund (UNICEF). With an all-encompassing goal of social development, these plans organize the delivery of public services in the fields of education, health, sanitation, protection and capacity-building, among others. In some of these municipalities, UNICEF has also promoted a project to certify municipalities as "child and adolescent friendly." Overall, these experiences have helped establish the conceptual cornerstone and socioeconomic justification for the CAFM policy.

CAFM reflects a new development paradigm that recognizes that protecting and promoting children's rights is essential to creating the conditions for enhanced human development for future generations. It follows a bottom-up and participatory approach that gives community members—including children and youth—a key role in prioritizing the dimensions of well-being they want to integrate in the local development plan.

The rationale behind CAFM emerged from the acknowledgment of: (1) the role of the State in guaranteeing citizens' rights and implementing comprehensive policies to protect them; (2) the need for public policies that take children and

youth into account as a condition for any sustainable development plan; (3) the lack of prioritization of children's rights in the past 15 years of municipal decentralization in a country where 47.2 per cent of the population is under 18 years old; (4) the absence of coordination between sectors on policies and actions in favour of children; (5) the poor coordination of international cooperation efforts; and (6) the fact that the newly created Ministry of Autonomy is mandated to promote, develop and implement decentralization policies, which will accelerate and deepen the existing process and establish new institutional guidelines for the future autonomous territories.

Thanks to its human rights-based approach, CAFM will be able to establish goals and indicators that cover six constitutive dimensions of children's well-being, including education, health, basic services, social protection, participation and communication, and institutional municipal development. Specific results and procedures indicators will be used to monitor municipal performance on each dimension. The overall achievements will determine whether a municipality can be certified as child friendly, as measured by the composite Child Friendly Municipal Index (CFMI) that integrates indicators linked to access and quality of services on all six dimensions. This index will capture the multidimensionality of children's well-being and their development opportunities, with a particular emphasis on the social determinants of poverty that characterize the human rights-based approach.


More specifically, the CFMI will build upon literature on the social

determinants of health because it can provide a holistic approach to tackle poverty and vulnerability conditions. Indeed, there is strong evidence of the link between a population's socioeconomic situation and its health. To create a CFMI that provides the necessary information to address social gaps, research will have to focus on health inequalities. If it can foster a better understanding of the relationship between health and social conditions, this can be a huge step forward in the fight against poverty and inequality in Bolivia. It would also allow the country to implement more efficient social programs that better target vulnerable groups.

In sum, there is a need to start addressing the social determinants of poverty instead of their symptoms if Bolivia is to have a sustainable development strategy. Accordingly, the CAFM initiative will monitor indicators such as open-air garbage and dirt prevalence, delinquency and citizen security rates, or intra-household dynamics in order to explain child mortality for example, instead of only recording child mortality rates.

Hence, municipal certification will be based on a CFMI that looks at joint advances and accomplishments on the social minimum for various indicators. This is in line with a human rights-based approach, which states that all human rights are equal and interdependent and should therefore all be taken into account when assessing children's well-being.

It remains to be seen if CAFM will succeed as a national policy. But whatever the end result, the planning and implementation process of such a public policy represents a

huge leap forward in terms of understanding social problems and finding ways to address them in a systemic manner by promoting social participation and focusing on human rights. Through this initiative, the Bolivian government is, deliberately or not, changing the paradigm of social policymaking and delivery. 

Claudio Santibáñez is Chief of Public Policy at UNICEF Bolivia. The author writes in a personal capacity and the views expressed in the article do not necessarily represent those of UNICEF.

Letter to the Editor

I read the October edition of *FOCALPoint* that focused on health issues and write to point out two huge gaps. Last month the United Nations Development Report (measuring life expectancy, access to education, healthcare and income) was released. Within the Americas, two countries stood out: Venezuela and Cuba —neither of which was studied in *FOCALPoint*. Venezuela has seen an increase of 5.2 per cent in its Human Development Index between 2000 and 2007 (compared to a growth of 4.8 per cent for the previous 20 years). Indeed, Venezuela and Cuba were two of the three countries in the world which saw their HDI improve more than any other. In Venezuela access to healthcare has increased more than fourfold since Hugo Chávez was elected in 1999, largely the result of the “Barrio Adentro” program, and the health profile has improved dramatically. In terms of Cuba, a quick glance at the UNESCO website illustrates Cuba's exceptional health profile: life expectancy of 78 (same as the United States), and better infant and under-5 mortality rates than the U.S. It is no wonder that Dr. Margaret Chan, Director General of the World Health Organization should be so generous in her praise of the Cuban health system. Perhaps in a future issue you could examine the two flagships of medical reform in the Americas? Surely they deserve to be examined in light of their achievements.

— John Kirk, Professor of Latin American Studies, Dalhousie University

ANNOUNCEMENTS

“Engaging Cuba: Policy Options for the United States, Europe, and the Western Hemisphere”

Nov. 16, 2009

Washington, D.C., United States

FOCAL Executive Director Carlo Dade will be speaking at the Woodrow Wilson International Center for Scholars in Washington, D.C. He will be discussing Canada and the changing context in Cuba. Policy organizations, embassies, NGOs and members of the private sector will be in attendance.

Forgotten Peace: Book Launch with Michael Small

Nov. 25, 2009, 5:30 - 7:00 p.m.

Ottawa, Canada

FOCAL is co-sponsoring the launch of *The Forgotten Peace: Mediation at Niagara Falls, 1914*, by Michael Small, Assistant Deputy Minister, Human Resources (DFAIT). He will present his research on the third party mediation attempted in 1914 at Niagara Falls by Argentina, Brazil and Chile with the hope of ending the civil conflict in Mexico and diffusing tensions with the United States following their occupation of the Port of Veracruz. Peter Kent, Minister of State of Foreign Affairs, will join him for a panel discussion. The event will take place at DFAIT, 125 Sussex Dr. (Robertson Room). Please RSVP to crista.mcinnis@international.gc.ca.

Civil Society Discussions: the Global Forum on Migration and Development (GFMD)

FOCAL participated in the 2009 Civil Society Days of GFMD in Athens, Greece, Nov. 1-3. During roundtable discussions, delegates from civil society organizations debated questions for policymakers, such as how the private sector can become more involved in migrants' development activities. Civil society conference materials will be available shortly at www.gfmd2009.org.

The views expressed in FOCALPoint are those of the authors and do not necessarily reflect the opinions of FOCAL, its Board or staff.

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