

THE CHAPTER V

MECHANISMS OF DEMOCRATIC PARTICIPATION AND THE POLITICAL PARTIES



Kabier

I. THE DIALOGUE CONSTITUTIONAL: THE ELECTORAL DAY IN COLOMBIA

LUCIO: Today you leave a lot of people, I never as before, electing by means of the vote to their Mayors, Governors, Councilmen and Deputies. That is direct consequence of the change that introduced the Constitution of 1991, when establishing the importance and the exercise of the mechanisms of democratic participation in all the citizens' favor. That says the folding one that they gave us in the College last Friday when informing us of the occurrence of the elections of this day Sunday of the month of October. To elect and to be able to be elected me finds a very important political right for the Colombian democracy that I will be able to exercise for fortune it next year.

ARMANDO: I find that these electoral days are more calm, organized and exemplary, because as our father comments us, before 1991, he was organized kind of an electoral carnival with musical, propagandist groups, people not inviting but inciting people to vote for certain candidate, party or political movement; they surrendered T-shirt, caps, adhesives, etc., was even distributed, liquor "*canelazos*" and coffee with that purpose. The vote was a voting paper bent in several parts that each candidate surrendered through his publicists and "*public shouters*" for heaps to the citizen electors or theirs voter who gave the

vote when making it, indicated his citizenship identification (or *DIP*) and they introduced his finger in an indelible ink as evidence of his voting. Today for fortune you no longer leave this and the vote is materialized in the electoral card graphic and numeric (or "*tarjetón electoral*") that very soon will be the vote electronic, as it finished us counting our father, although it is continued using the indelible ink with the evidence before fixed.

VICTORIA: How good that finished. Today it is electing our President and Vice-president of the Republic and Congressmen by means the popular vote in one day different to which today is witnessing, just as the teacher told it Marina. Is dad, dad, certain what an one besides the vote, does the town participate in the exercise of its sovereignty, with the plebiscite, the referendum, the popular consultation, the open town council meeting and the legislative initiative?. I ask you this, because some representatives of a Non Government Organization (or *NGO*), that went to the College, told us that all the children should know the mechanisms of democratic participation so that when we reach the condition of citizens we can exercise them.

MARÍA PAZ: Victoria, always making honor to your name and Armando referring to my second name: Paz. Today's citizens and you will be who write the tomorrow's electoral history, because the mechanisms the one voted it will be electronic, as electronic they will be the mechanisms to scrutinize them, to inform on those who win the electoral war and even the form of issuing the credentials that it credits them as Mayors, Governors, Councilmen or elect Deputies. Equally in electronic form or for computer they will surrender the results of the popular Consultations, the referendum, the plebiscite; and in short, of all the mechanisms of citizenship participation that today in day is made in form manual and for exception some passages in electronic form. It is good to know children that today in day, to part of ending the "*electoral carnival*" of other times, the State finances the operation and the electoral campaigns of The parties and political movements that have juridical personality. This state financing finished with the political corruption that originated some "*the candidates' economic godfathers*" that after leaving elect they should pay the favors with public positions, state contracts and expressed recommendations in entrance competitions to public positions.

LIBORIO: Permission, I will exercise my right to the vote. Oh, Victoria excuses, she is certain what you ask me, but she is necessary you among those mechanisms the Abrogative of the mandate of the Mayors and Governors that was instituted from 1991 to demand the elect candidate the fulfillment and responsibility of her government program in the position of popular election. The abrogative one was instituted jointly in our country with "*the vote programmatic*", the citizenship surprise and the surveillance of the parties and political movements that don't participate in the Government, which can exercise their critical function freely, of position and development of political alternatives. Equally I am glad Armando to remind what I commented them in another occasion on the old political customs that I lived of boy next to my father, *Don Pablo Elías*, a faithful democrat to the ideas of his political party.

II. THE CONSTITUTIONAL LESSON: THE DEMOCRATIC AND PARTICIPATIVO STATE

THE DEMOCRACY PARTICIPATIVA IN THE CONSTITUTION OF 1991

The democracy is the Government of the people, for the people and for the people.

The democracy can be direct, indirect or representative and participative.

In the direct democracy the Government the State is conjugated with the democratic Government, without making distinction of one and another. In the indirect democracy or representative, this is distinguished the Government's State, but the first one is represented formally for the second, the one which this in hands of a group, movement or political party that it represents to the great majority, to the town that has legitimated them when authorizing them so that it represents them in some position of election popular singular or collegian or collective. This last one is the one that was instituted and practiced in Colombia until before the Constitution of 1991. Starting from that date, the representative democracy entered in crisis, because it no longer fulfilled the yearnings and expectations of the town that it was represented in its governments national (for example, The President of the Republic), you increased the distrust of the representatives and institutions that the town legitimated with the vote, the political centralization was a consequence of the representative democracy that moved away voters (or to *the people*) of the elects (or *governing*), and finally the people in the municipalities and the departmental regions observed that its representatives in the National Government every time had less power of decision in the affairs of the Nation and in other cases it disappeared completely, in such a way that the minority representation of these and those alone one was good to elect, but it doesn't stop to share or to participate of the access, composition and exercise of the Government and the public power.

In the democracy participative established in the Constitution of 1991, the Colombian citizen, the servants of the elect State for the popular vote and the authorities in general are intimately committed with the composition and exercise of the public power. The people doesn't only conform its parties and political movements of conformity with the Effective Ordinance juridical, but rather it is subject activates of the election and the possibility of being elected and mainly, elevate incorporated the governments national, departmental, district and municipal it participates indeed in the administration, administration and government decision, through mechanisms juridical and political, such ace: ***the plebiscite, the referendum, the open town council meeting, the popular consultation, the legislative and normative initiative and the abrogative of the mandate*** of Mayors and Governors as consequence of "*The votes programmatic.*" Today per today, in the democracy participative, the citizen is no longer represented only in the elects by him by means of the popular vote, but rather he has the capacity to demand responsibility and execution for his legitimating in the power to the elect; and stiller, he has capacity for the control and citizenship surprise of the government administrations and it participates indeed in the planning, budgeting, decision, administration and development of the community works, public services, development o cultural, scientific, economic, social and juridical activities and in the integral development of the community so much in activities of health, education, housing and recreation and sport, as in prospective actions and transformers of the social reality and politics of the municipality, the department and the Nation.

III. THE CONSTITUTIONAL GLOSSARY

ABROGATIVE OF THE MANDATE: The abrogative of the Mandate is a political right, by means of which the citizens give for ended the Mandate that they have conferred a Governor or a Mayor.

APPROBATORY REFERENDUM: An approbatory referendum is the subjection of a project of legislative act, of a law, of an ordinance, of agreement or of a local resolution, of popular initiative that has not been adopted by the corresponding public corporation, to consideration of the people so that this decides if it approves it or it rejects it, total or partially.

ASSOCIATIONS: People's Group united by an end or purpose, in the main, nonprofit. The Colombian State *"it will contribute to the organization, promotion and training of the professional, civic, union, community, juvenile, beneficent associations or of common utility non governmental"*

CONSULTS POPULAR: The popular consultation is the institution by means of the one which, a question of general character on a matter of national, departmental, municipal transcendent, district or local, it is subjected by the President of the Republic, the governor or the mayor, according to the case, to consideration of the people so that this is pronounced formally in this respect. In all the cases, the decision of the people is obligatory. When the consultation refers to the convenience of convoking a constituent assembly, the questions will be subjected to popular consideration by means of law approved by the Congress of the Republic.

DEROGATORY REFERENDUM: A derogatory referendum is the subjection of a legislative act, of a law, of an ordinance, of an agreement or of a local resolution in some on its behaves or in its integrity, to consideration of the people so that this decides if the to repeal or nom.

INITIATIVE LEGISLATIVE AND NORMATIVE: it is the mechanism of democratic participation and political law, for which a group of citizens can present before the Congress, the departmental Assemblies, the municipal councils, the Local administrative Assembly, and the Corporations of Territorial Entities, projects of Legislative Acts and of laws and of administrative acts (Ordinance, Agreements and Decrees administrative and Resolutions), respectively so that they are debated and later on approved, modified or denied by the corresponding public corporation.

POLITICAL MOVEMENTS: Freely united people's groupings finally eminently political, social and juridical. In Colombia, the Electoral National Council recognizes juridical personality for the same purposes and goals that the political parties.

POLITICAL PARTY: freely united people's Grouping for an end or eminently political, social and juridical purpose and some principles and programmatic postulates, leaders and general articles of association and of ethics. In Colombia, the Electoral National Council recognizes juridical personality to the parties so that

they participate of the domestic democratic life, demonstrate its existence, candidates can present to the national, departmental elections, districts, municipal and local and so that they can subsist, to remain or to disappear or to extinguish. A Statutory Law will effective on the political parties.

PLEBISCITE: Form of citizenship participation, for which is convoked to the people on the part of the President of the Republic so that this freely chooses and resolute the direction, support or rejection of the Executive's decision.

REFERENDUM OR “REFERENDO”: Form of citizenship participation that can be to initiative of the National Government in Colombia or of the same people. In the Referendum it is convoked to the people so that it approves or reject a project of juridical norm or it repealed or don't already unite norm effective. The Referendum can be national, departmental, district, municipal and local. In turn these they can be approbatory or derogatory.

THE OPEN TOWN COUNCIL MEETING: The open town council meeting is the public reunion of the Municipal Council or districts or of the Local administrative Assemblies, in which the inhabitants can participate directly with the purpose of discussing individuals of interest for the community. The Municipality of *Pasto*, executes and with recognized success at national and international level, the one that the Mayor called in its “*Program of Government*”, “*Plan and Budget with Community participation.*” The official make the open town councils meeting so that the community corregimental and urban it participates and prioritize the community projects in health, education, public works that he wants are included in the Budget of the corresponding annual validity.

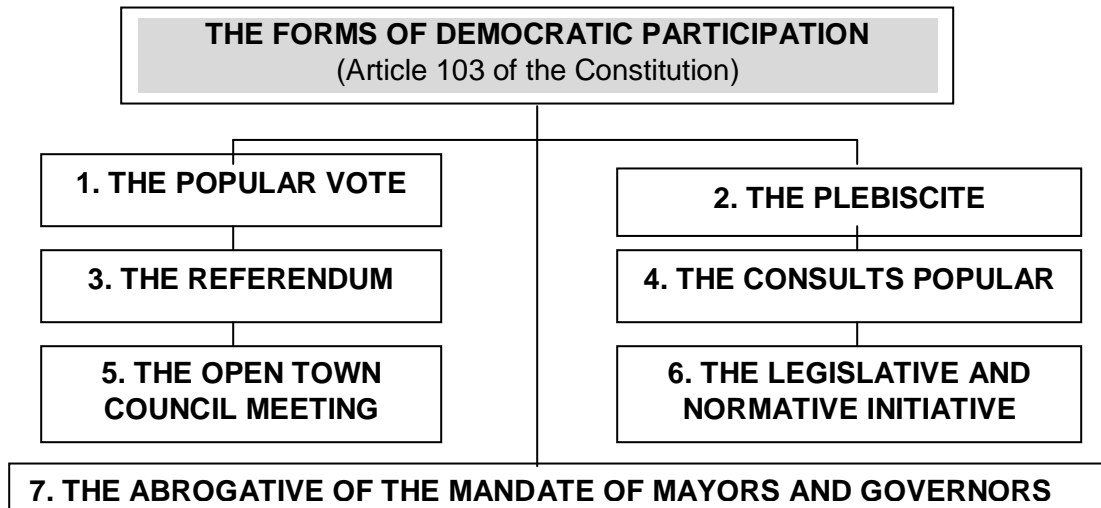
VOTE, VOTING OR “UNIVERSAL SUFFRAGE”: Form of citizenship participation, right and political duty at the same time, for which a citizen electing a public servant of conformity with the effective Ordinance juridical. In Colombia they are elected by the popular vote: The President and Vice-president, The Congress members, The Governor, the Deputies, the Mayor, the Councilmen and the members of the local administrative assemblies.

IV. THE CONSTITUTIONAL PRECISION: THE DEMOCRACY PARTICIPATIVA AND THE POLITICAL PARTIES

TITLE IV THE DEMOCRATIC PARTICIPATION AND OF THE POLITICAL PARTIES

In Title IV of the Constitution of 1991, this forming for ten articles (103 at 112) and three (3) Chapters that is:

First: Of the mechanism of democratic participation; **Second:** Of the parties and of the Movements Political; and, **Third:** Of the Statute of the opposition.



THE FORMS OF DEMOCRATIC PARTICIPATION
(Articles 104 at 106 of the Constitution, modified by Act Legislative 01 of 2003)

- 1) **The consults popular to instances of the President of the Republic.** The President of the Republic, with the signature of all the minister and it foresaw favorable concept of the Senate of the Republic, may consult to the people decisions of national transcendence. The decision of the people will be obligatory. The consultation won't be able to be carried out in concurrence with another election.
- 2) **The consults popular to instances of the Governors and Mayors.** It foresaw fulfillment of the requirements and formalities stipulated by the general statute of the territorial organization and in the cases that this determines, the Governors and Mayors according to the case, may carry out popular consultations to decide on matters of competition of the respective department or municipality.
- 3) **Initiative legislative and normative of the people.** Previous the fulfillment of the requirements that the law stipulated and in the cases that this determines, the inhabitants of the territorial entities may present projects it has more than enough matters that are of competition of the respective public corporation, which is obliged to process them; to decide on the dispositions of interest from the community to initiative of the authority or corresponding corporation or for not less than 10% of the citizens inscribed in the respective electoral census; and to choose representatives in the meetings of the enterprises that provide public services within the respective territorial entity.

THE PARTIES AND THE POLITICAL MOVEMENTS
(Articles 107 at 111 of the Constitution, modified by Act Legislative 01 of 2003)

- 4) **Formation right, affiliation and political participation.** It is guaranteed all the citizens the right to be founded, to organize and to develop parties and political movements, and the freedom of affiliating to them or of retiring. In any case it will be allowed the citizens to belong simultaneously to more than a party or movement policies with personality juridical.

The parties and political movements will be organized democratically. For the taking of their decisions or the chosen of their candidates may celebrate popular consultations or you intern that coincide or not with the elections to public corporations, in accordance with that provided in their articles of association. In the case of the popular consultations the norms will be applied it has more than enough financing and publicity of campaigns and access to the mass communications of the State that govern for the regular elections. Who it participates in the consultations of a party or political movement won't be able to register for another in the same electoral process it is also guaranteed to the social organizations the right to show and to participate in political events.

5) Recognition Juridical, political and social of the Party and political Movements. The Electoral National Council will recognize personality juridical to the parties, political movements and citizens' significant groups.

6) Financing of the electoral operation and the campaigns of the parties and political movements. The State will converge to the financing of the parties and political movements with personality juridical, of conformity with the law.

The campaigns that advance the parties and movements with personality juridical and the significant groups of citizens that candidates postulate will be financed with state resources through the reinstatement system for deposited votes.

The law will determine the necessary voting percentage to be entitled to this financing.

7) Prohibitions to making contribution to the parties, movements or electoral candidates. Public employees are prohibited from making any contribution whatever to the parties, movements, or candidates or to induce others to do so, with the exceptions established by law.

Noncompliance with any of these prohibitions will be cause for dismissal from office or loss of investiture.

8) Use of Media to the parties and political movements. The parties and political movements with personality juridical are entitled to use the mass communications that make use of the electromagnetic spectrum, in all time, according to the law. She will establish, likewise the cases and the form as the parties, the political movements and the properly entered candidates, they will have access to this means.

THE STATUTE OF THE OPPOSITION AND THEIR GUARANTIES

(Article 111 of the Constitution, modified by Act Legislative Number 1 of 2003)

9) Statute of the Opposition. The parties and political movements with personality juridical that are declared in opposition to the Government may exercise the critical function freely in front of this, and to outline and to develop political alternatives. For these property, they will be guaranteed the following rights: the access to the information and the official documentation, with the constitutional and legal restrictions; the use of the social mass communications of the State or in those they make use of the electromagnetic spectrum of agreement with the representation obtained in the elections for immediately previous Congress; the replica in the same mass communications.

The parties and minority movements with personality juridical will be entitled to participate in the directive tables of the collegiate bodies, according to their representation in them.

A statutory law will regulate the matter entirely.

V. THE CONSTITUTIONAL READING: THE POLITICAL PARTIES IN COLOMBIA

THE POLITICAL PARTIES BEFORE OF THE CONSTITUTION OF 1991

The ex-president of the Republic, *Cesar Gaviria*, before the Preparatory Commissions of the Installation of the National Constituent Assembly of 1990, on the topic of the political parties manifested: "In Colombia, during one century, all the constitutions have consecrated forms of representative, elective and alternative government, and they have dictated abundant norms related of the elections of the rulers. To the help of those dispositions the Colombians were divided in two parties (*The Liberal and the Conservative*) that were securing their presence in the national scenario bit by bit, without any representation type. This took to that the essential function of the parties as it is the one of harmonizing the diverse individual opinions around government programs and of political strategies, forming a true conscience in the masses, becomes more and more difficult.

As a result, today in day, the parties are not responsible for the good or bad selection of the candidates, neither they offer to the town that deposits their trust, guarantee some in them that their aspirations are respected through a democratic internal procedure. Instead of strengthening their paper like true opinion organisms, they are perceived more as leaders' autonomous circles that they request the support periodically without obligation neither obligation some on their behalf. The Colombian parties are not completing to fullness the functions that justify them in a modern State, which are:

- a) The political education of the people or the cooperation civic or citizenship.
- b) The construction of the foundations for the construction of the National State that allows to overcome the disintegrating regionalisms; and,
- c) The activity mediator among the citizens and the Government that he/she makes of the parties true communication channels and instruments of real democracy.

In the same way, another of their essential functions, as it has been it the institutionalization of the conflict and of the latent non conformism in the society, it has been hindered. This way the society has lost or wasted, one of its more effective instruments for the preservation of the peace."

Starting from the Constitution of 1991, it is instituted, it protects, it guarantees and it defends the plurality of the political parties and the fan opens up from the mechanisms of democratic participation when recognizing them political protagonism to the movements and qualified groupings that has purposes, goals and political ends, whenever they have juridical personality and a provided voting percentage in the law to subsist and to stay.

VI. THE ACTIVITIES OF THE STUDENT
--

I. Complete the following propositions:

1. The vote is _____

2. The referendum is _____

3. The plebiscite is _____

4. The consultation popular is _____

5. The open town council meeting, is _____

6. The Abrogative of the Mandate is _____

7. The Democracy is _____

II. Mark with an X, The correct answer that corresponds to the propositions**1. The Colombians in exercise of the democracy, can:**

- a) To have estates and to enjoy them
- b) To Be founded, to affiliate, to remain or to retire of the parties and political movements
- c) To study in the Colleges and the Universities of the State
- d) To request visits to the environmental health authorities
- e) To regulate the distribution of the municipal wealth

2. in Colombia, they are entitled to popular vote:

- a) Those smaller than 18 years
- b) Those bigger than 18 years
- c) starting from the 18 years
- d) Between the 16 and 18 years
- e) Between the 17 and 18 years

3. **They popular Consultation in matters that interest to the community has covering at level:**
- a) National
 - b) Departmental
 - c) Municipal
 - d) National, Departmental, District, Municipal and Local
 - e) District
4. **They referendum in Colombia, it can be:**
- a) Approbatory and Derogatory
 - b) Approbatory, negative and Derogatory
 - c) Approbatory, positive and Derogatory
 - d) Approbatory, limitative and Derogatory
 - e) Approbatory, Restrictive and Derogatory
5. **The open town council meeting in the municipal level is a mechanism:**
- a) cultural and theatrical
 - b) economic and financial
 - c) sport and recreational
 - d) historical and political
 - e) of democratic participation
6. **in our country, the political parties, starting from the Constitution of 1991, is:**
- a) Those that people can form
 - b) The recognized ones for the Electoral National Council and that they obtain juridical personality
 - c) The two traditional parties
 - d) Those that it forms the President of the Republic, the Governor and the respective Mayor
 - e) Those that it forms the Congress, the Assemblies and the Mayor
7. **The Statute of the Opposition recognizes and it guarantees to:**
- a) The parties and political movements that don't participate in the Government
 - b) The parties and traditional political movements
 - c) The parties and national political movements and foreigners
 - d) The political parties not to the political movements
 - e) The political movements not to the political parties
8. **They democracy participative, highlights as essential characteristic, the following:**
- a) The people this represented one in the Corporations and public authorities
 - b) The people participates in the creation, administration, control and decisions of the national, regional and local government activities

- c) The people only participates in the national, regional and local elections
- d) The people doesn't need representation neither participation, it is been enough likewise
- e) The people participates and it finances the electoral campaigns

VII. THE ACTIVITIES OF THE STUDENT AND THE PROFESSOR

I. In study symposium examine and express their opinions on the following themes:

1. The Referendum as mechanism of democratic participation can be an employee at level national, departmental, district, municipal and local. What reasons do they exist so that it has only been used at national level?
2. To the eighteen years and with the document of Identity the citizenship (DIP) is acquired. We ask: do you Hope to reach that artificial condition to exercise very to pleasure the right to the vote? Yes or Not, why?
3. Starting from the Constitution of 1991, we have the possibility to make part and to exercise all the annexed rights of the political parties. We ask: did I Create you that the system is better of the current plurality of parties to the old dual system or two-party system? Yes or Not, why?
4. The political parties that don't participate in the Government or "*parties of the opposition*" to the political party in the power, in our country it is almost nonexistent. Which did I create that they are the reasons for this special situation in Colombia?
5. To exception of the vote and the referendum, the other mechanisms of democratic participation have not been used by the Colombian people. Which did I create that they are the reasons of this to come from our countrymen?