

***International Association of Economic and Social Councils***

***and Similar Institutions***

**(AICESIS)**

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**The Economic and Social Council of the Dominican Republic, towards 2030**

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The **Economic and Social Council (ESC) of the Dominican Republic**[[1]](#footnote-1) is about to turn ten years old which is a good moment to look back and see how far it has come, analyse the present and where we stand, and try to foresee how and where we can be a part of the country’s future.

The title of this paper refers to the year 2030, as Law 01-12 on the *National Development Strategy 2030* makes the ESC responsible for monitoring, through social oversight, the various stages of compliance with the general and specific objectives and the lines of action included in the four strategic areas comprising the vision of the country we wish to build in the long-term. This is summarised in the Law as follows:

*“The Dominican Republic is a prosperous country, where people live decently, attached to ethical values and within a participatory democracy guaranteeing a social State and democratic rule of law that promotes equity, social justice and a more egalitarian society, that manages and promotes its resources in order to develop in an innovative, sustainable and territorially integrated manner, competitively incorporated in the global economy”.[[2]](#footnote-2)*

On several occasions I have had to explain to a new member what an ESC is and how ours works. I cannot deny I have always been helped by a few lectures on administrative law that I have had the chance to attend.

The following notes include four aspects of its institutional life:

**I.** Origin, sources and administrative structure; **II.** Agreement and participation processes of the ESC; **III.** Best practices in light of the results obtained; **IV.** Role of social oversight of the ESC. Finally, the conclusion covers the topic of representativity and how certain issues the ESC has faced are to be resolved through the Organic Law approved by the Chamber of Deputies, which is expected to be passed by the Senate of the Dominican Republic.

**I. Origin, Sources and Administrative Structure**

Originally, the **Economic, Social and Institutional Council** was set up in 2005 by Presidential Decree 13-05 of 25th January of that year. Its structure comprises a Plenary Assembly of 43 members - 9 from the social sector, 7 from the trade union sector and 25 from the business sector, an Executive Commission of 6 members, with two representatives from each sector, a President and an Executive Directorate functioning as a General Secretariat. The decree established that the Plenary would have 7 working committees to deal with matters related to the economy, tourism, farming, health, urban development, and electricity[[3]](#footnote-3). With a limited budget and monthly meetings with few attendees, the ESC took its first steps.

In 2010, two years after a territorial consultation on the constitutional reform conducted by the Committee of Jurists designated by Presidential Decree and coordinated by **Monsignor Agripino Núñez Collado** as **President of the Economic, Social and Institutional Council**, a Constitution was proclaimed for the Dominican Republic, in which the Economic and Social Council attained constitutional rank.

That is, at the start of the 21st century, through Decree 13-05 and the Constitution of 2010, a single institution gathered people who, due to their competence or authority, their place in society, or their business, professional or union leadership, formed part of the social dialogue, not only to deal with salary or other labour topics, but with the aim of establishing a permanent dialogue whose “*conversation topic*” were the priorities for the country’s economic, social and employment development.

In a unique space, the **Economic and Social Council** gathers employers, trade unionists and civil society organisations with a clear social oversight profile around a single table, to express their view on topics programmed by the **Executive Committee.** Their participation is formalised in the drafting of public policies to be implemented by the central Government, based on the opinions and suggestions reported in the minutes of each meeting.

The Economic and Social Council trusts that, upon reaching the 10th anniversary of its institutional existence, it will have a legal standing whereby, in accordance with the responsibilities resulting from successful fulfilment of its duties and functions, will allow it to continue progressing steadily towards 2030.

**Consultative Role linked to the Administrative Structure**

Although, in practice, the Dominican ESC is strongly influenced by the administrative structure of the law establishing the ESC of Spain in 1991, whose source is the Spanish Constitution of 1978, the legal source of the ESC of the Dominican Republic was inspired more by the administrative organisation of the 5th French Republic. For this reason and with no academic intention, I beg the reader’s consent to quote some of the basic authors of general administrative law to help support this assertion.

For René CHAPUS[[4]](#footnote-4), Economic and Social Councils are part of the *“institutions accompanying active administration”*, the latter being understood as the administrtaion that decides, that is, is invested by the State with the power to make decisions. The author explains that *“the active administration”* not only needs to be controlled, but also assisted in the exercise of its power to decide. To fulfil this mission, consultative bodies are created for the central administration, which he calls “the consultative administration”.

Professor CHAPUS notes that the existence of two of these bodies is guaranteed by the Constitution of the French Republic: the State Council and the Economic and Social Council, currently the Economic, Social and Environmental Council.[[5]](#footnote-5)

On the other hand, Jean RIVERO and Jean WALINE[[6]](#footnote-6) refer to these consultative bodies of the central administration, characterised by their constitutional status, composition and attributions as bodies called upon to provide an opinion or report to the administration generally through a Minister, on certain types of projects prepared by the central administration. They amount, therefore, to a means of participation for the stakeholders affected by projects.

This refers to an administrative structure which, since 4th October 1958, has been applied to the ESEC of France, with only slight changes, the latest one in 2010, to include the environmental aspect.

In spite of having adopted the French administrative model, with a strong consultative component, the Dominican Republic Decree 13-05 and the constitutional reform of 2010, give priority to the consensuses to be reached by the ESC, as explained below.

The first motivation of the Decree in force establishes:

*“****WHEREAS:*** *It is essential to foster operating spaces for permanent consultation, with broad representation, to promote debate and adopt economic, social and institutional policy measures that are acceptable for the citizens, overcoming immediatism and improvisation.”*

However, Article One of Decree 13-05 reversed the order of the roles by stating:

*“****ARTICLE 1.-*** *The Economic, Social and Institutional Council is created as a consultative body of the Executive Power on economic, social and institutional matters, with the general attribution of examining and issuing an opinion on issues of any nature that are of national interest, creating a permanent institutional space for discussion and deliberation aimed at achieving a social consensus.”*

Of interest is the following article in the same Decree for understanding this consultative role:

***“ARTICLE 3.-*** *The National Dialogue is recognised as a valid authority for consultation and organisation of efforts, comprising the various sectors of civil society, the Government and the Political Parties. The Economic, Social and Institutional Council will strive to complement and strengthen the National Dialogue.*

***PARAGRAPH:*** *The National Dialogue, as the joint authority comprising parties, Government and civil society, will form its own structure and determine the levels of organisation it will have with the Economic, Social and Institutional Council.”*

In the Constitutional Reform of 2010, consultation is once again the main focus in accordance with the constitutional text:

***“Article 251.- Economic and Social Council.*** *Social consensus is an essential instrument to ensure the organised participation of employers, workers and other society organisations in the continuous building and strengthening of social peace. To promote this there will be an Economic and Social Council, a consultative body of the Executive Power on economic, social and labour matters, whose composition and operation will be established by law[[7]](#footnote-7).*

**Regarding the “consultative body” linked to the National Development Agenda.**

Former President **Dr. Leonel Fernández Reyna**, during his first term of office (1994-2000) conducted a national survey entitled **National Dialogue**, organised under Decree 489 of 18th November 1997 with the objective of: *“Favouring a national agreement to determine management and solution of the country’s major problems in the short, medium and long-term[[8]](#footnote-8)”,* which was broadly supported by the population.

It is interesting to note that among the members of the Organising Committee of the **National Dialogue**, chaired by President Fernández, was the current President of the Dominican Republic, **Mr. Danilo Medina Sánchez**, acting as Minister of the Presidency, and the current President of the Economic and Social Council, **Monsignor Agripino Núñez Collado**, as Rector of the *Pontificia Universidad Católica Madre y Maestra* (PUCMM) and Official Spokesperson of the Organising Committee. Once the initial work of the **National Dialogue** was completed, work continued at the PUCMM on the priorities for a national development agenda[[9]](#footnote-9).

These tasks were not new for the *Pontificia Universidad Católica Madre y Maestra* where various studies and surveys had been carried out. Through the University Centre for Political and Social Studies (CUEPS), directed by sociologist Dr. Ramonina Brea, an initial group of proposals regarding priorities for national development was compiled in 1993 entitled *“Institutional Reforms in the Dominican Republic: A Summary of Proposals”.*

Another similar exercise to identify priorities through consultation and agreement was conducted in 1996, again through the *Pontificia Universidad Católica Madre y Maestra*.

In 1999, another exercise of this type was conducted with financing from the World Bank, and administered by the PUCMM, which led to submission to the presidential candidates on 20th December 1999 of a publication entitled*: “Results of the Agreement on National Development Priorities”.* This wasfollowed in December 2000 by a second publication containing the executive summaries of the Work Groups on: **I-**Social policies aiming to fight poverty; **II-**Economic policies for farming development and a Free Trade Agreement; **III-**Environmental Policy and Management; **IV-**State Reform; **V-**Border Development and Relations with Haiti.

There is evidently a need to separate the consultative role of the “consultative body” referred to by the French administrative law texts.

It is also evident that the European Economic and Social Councils fulfil a consultative role that is generally more similar to the general characteristics of the “consultative body” under administrative law. In the case of the ESC of the Dominican Republic, the interpretation made of “*consultative body*”, so far, has been as a coordinator of consultations, both national and regional, which obviously describes a different situation.

Moreover, in the Dominican Republic, consultation has generally resulted in work groups which start the coordination rounds, to achieve consensus agreements.

**Regarding the role of the “consultation body”.**

The *Pontificia Universidad Católica Madre y Maestra*, known by its acronym PUCMM, had already had very significant participation in 1989 through the reconciliation role of its **Rector Monsignor Agripino Núñez Collado[[10]](#footnote-10)**, who had coordinated and led the legal committee, initiating discussions among employers, trade unions and the Government, and who, through efforts for social dialogue, mediation and coordination, managed to achieve agreements to improve the living conditions of workers and the competitiveness required by corporations, under labour relations that at the time were still governed by the Trujillo Labour Code of 1952.

That ***“tripartite dialogue”*** [[11]](#footnote-11) culminated in the reform of the Labour Code in 1992, and the passing of Law 16-92 covering significant achievements regarding social claims for workers and improved working environments leading to the social peace necessary to increase competitiveness.

Indeed, it is the role of consultation[[12]](#footnote-12) that characterises the **ESC of the Dominican Republic** inspired along the “tripartite” lines expressed by Dr. Emilio Morgado Valenzuela, and cited by Monsignor Núñez in his work *“The Culture of Dialogue and Agreement in the Dominican Republic 1985-1997”.*

There can be no doubt that the decrees that formed the Economic and Social Council were based on the academic leadership, moral authority, prestige and experience as a mediator and coordinator, of **Monsignor Agripino Núñez Collado,** as demonstrated in his efforts in the ***Tripartite Dialogue,***his experience at the *Pontificia Universidad Católica Madre y Maestra*regarding specific consultations on “*priorities for a national development* *agenda”* and also the experience of conducting national consultations to understand the opinion of the population regarding the priorities for national development in 1998. This survey was carried out by the ***National Dialogue***.

**II. Processes for consultation and participation by the ESC**

**Fiscal Reform of 2005**. When the **Dominican Republic-Central America-United States Free Trade Agreement** (known as **CAFTA-DR**) entered into force, the amount of revenue estimated from taxes and duties for the central Government diminished, making it necessary to increase the tax base to achieve the estimated amounts of revenue required by the Government to continue its development projects and maintain the public payroll or public expenditure. There were differing opinions between the private and the public sector regarding the estimated actual amount of revenue required by the Treasury.

On the 5th August 2005, the Technical Committee for the National Dialogue submitted a **“Report on Fiscal Reform in the light of the Free Trade Agreement between the United States, Central America and the Dominican Republic”**. In brief, the intention was to identify the amount of fiscal loss estimated after the coming into effect of the agreement and the requirements of the business sector to guarantee competitiveness, as well as the amount required by the social and trade union sectors to continue improving the living conditions of the Dominican people, increasing expenditure on healthcare, education and social security. The report was endorsed by the government authorities, the business sector, the trade unions and the social sector which had participated in the conversations.

The **agreements entered into** allowed the passing on 13th December 2005 of **Law 557-05** with the main tax changes necessary for the country’s development.

**Entry into force of Family Health Insurance in 2006**. A process to bring together the positions of the various actors in the health system of the Dominican Republic, triggered by the full entry into force of the Law of Social Security 87-01 regarding Family Health Insurance, was initiated on 19th April 2006.

Four committees arose from the Plenary Assembly held that day, one of which was created to **update the cost of the Basic Health Plan (PBS)**,anessentialcomponent of the Family Health Insurance (SFS) of the Dominican Social Security System.

This consultation procedure began in April and was completed in December 2006. The aim was for the parties to agree on how much the public sector would pay to the health service providers through the insurance companies for the services covered by the Basic Health Plan. The work was completed with the **“Agreement to Start the Family Health Insurance under the Contributory System”** signed first by the President of the Republic, Dr. Leonel Fernández Reyna, and the Minister of Labour, Dr. José Ramón Fadul, the agents from the health system, the business sector, trade unions, and honorary witnesses, the Vice President of the Republic, Dr. Rafael Alburquerque, and Monsignor Agripino Núñez Collado, Coordinator of the National Dialogue.

The **agreements signed** allowed the **Family Health Insurance** under the contributory system to come into force on the 1st September 2007.

**The Committee of Jurists for the Constitutional Reform of 2006.** Under Presidential Decree 323-06, a Committee of Jurists was designated “*with* *the purpose of preparing, through consultation, a document including the proposals identified on aspects to be changed in the Constitution of the Dominican Republic”[[13]](#footnote-13)*.

Article 4 of the Decree designated the Economic, Social and Institutional Council (CESI) as one of the organisations appointed to provide logistic and administrative support to the procedure in the fulfilment of its duties.

For 2 years, the Committee of Jurists met week after week and travelled practically across the whole country, collecting the various opinions of the population regarding the Constitution they wanted for the future.

The **agreements reached** allowed the Constitution to be proclaimed on 26th January 2010.

**Workshop on Transparency and Probity in the Public Sector, Learning about the Chilean Experience for the Dominican Republic in 2008.** Law 498-06 on the System for Public Planning and Investment and implementing Regulation 493-07 contemplated planning of public budget and expenditure based on the objectives to be met in the short, medium and long-term.

The Economic, Social and Institutional Council, in coordination with the former Minister of Finance of Chile and at that time a consultant on public policy, Dr. Alvaro García, held a workshop to learn about the Chilean experience related to the Convergence Agreements in Chile.

This workshop was the precursor of the start of work on the Country-Vision that would later be a part of the National Development Strategy. It was monitored by the “Committee for Implementation of the Conclusions from the Jarabacoa Meeting” and the “Committee for Institutional Strengthening of the CESI”, which continued the monitoring work until well into 2008.

**Summit for National Unity before the World Economic Crisis 2009.** The first stage of this procedure had the following objective: “*To find solutions to short-term problems that require urgent attention to be implemented in 2009 in fundamental areas of the economy, social services, public administration and institutional consolidation, in order to face the challenges of the world economic crisis and its economic, social and political consequences”[[14]](#footnote-14).*

Once again, consultations were conducted and work groups set up and agreements entered into which included a Committee to Monitor Agreements established by Presidential Decree No. 175-09 dated 10th March 2009.

The second stage was as important as the first one, for whereas the first had intended to reach an agreement on how to manage the crisis in the best way possible, the second aimed to focus on the future through “**A Journey of Transformation TOWARDS A BETTER COUNTRY**”.[[15]](#footnote-15)

**National Development Strategy for 2030 in 2012**. In March 2010, the task was completed and in January 2012 Law 01-12 of the National Development Strategy 2030 was passed, in which the Economic and Social Council had major responsibilities:

To organise the space for the three national pacts, corresponding to **education reform, fiscal reform and electrical industry reform** and any other national pacts which the country would be required to enter into.

To follow-up compliance with the National Development Strategy.

**The EUROsociAL Workshop Meeting prior to the start of work on the Education Pact 2013.** Sincethe creation of the ESC of the Dominican Republic, international relations have been one of its most important pillars as sharing with other Economic and Social Councils is an extraordinary source of experience that can contribute to the internal strengthening of a council’s daily work. The experience with **EUROsociAL** is an excellent example of this.

As mandated by Law 01-12 of the National Development Strategy, it is the responsibility of the ESC to provide space for undertaking the Education Pact. However, it was necessary to gather the various players of the education system and make progress in the ESC methodology in order to achieve agreements through consensus.

In **October 2012,** in Madrid, at the end of the meeting between the Latin American ESCs and the Spanish ESC, we were given the chance to receive collaboration from **EUROsociAL.** We wasted no time or opportunity and immediately requested cooperation from their representative, Mr. Ignacio Soleto, which consisted of assistance from experts on building consensus in the area of education.

The workshop organised under the auspices of **EUROsociAL** took place on the **21st and 22nd February 2013,** with the presence of consultant **Consuelo Velaz de Medrano**, who left everyone fully satisfied by the clarity of her presentation, the depth of her knowledge and above all, her realism. The players of the Dominican education system, led by the Minister of Higher Education, Science and Technology, Ms. Ligia Amada Melo de Cardona, were pleasantly impressed.

The presentation by **Pavel Trantina** from the **European Union ESC** was equally satisfactory, as it focused on one of the topics favoured by the Dominican ESC, namely, participation by young people in economic and social councils.

The presence and support of the **Economic and Social Council from Spain** was very evident. Its members Javier Ferrer Dufol, Dionis Oña Martín and Eduardo Navarro Villarreal delivered presentations, and from the international unit team we were accompanied at all times by Ms. Margarita Bravo.

This workshop on building consensus sparked conversations on how to carry out consultation, discussion and implementation of the National Pact for Education Reform.

**National Pact for Education Reform 2013**. Convened by His Excellency the President of the Republic, Mr. Danilo Medina Sánchez, through **Decree 228-13**, we took on an arduous task that lasted approximately 6 months, divided into six phases:

**Phase I –** Methodology; **Phase II** – Consultation; **Phase III –** Discussion; **Phase IV –** Implementation; **Phase V –** Signing of Education Pact; **Phase VI-** Follow-up of Compliance with the Education Pact. Having started in August 2013, it concluded with the signature on 1st April 2014, and had significant national repercussion.

**III. Best Practices stemming from Results Achieved**

Best practices, as their name implies, arise from positive experiences which repeatedly give the results expected.

The role of the ESC in the above processes has been to a) promote organised participation through inclusion mechanisms; b) ensure the integrity of the process, which to a certain extent means that the opinions derived from citizen surveys must not be lost in the results of digitisers and coders who convert them into statistical data; c) maintain the neutrality of the consensus exercises, subject to the ethical principles of respect, integrity, truthfulness and responsibility.

Furthermore, in our view, the process to generate best practices for the ESC of the Dominican Republic would have been impossible without the following components:

**I. Political Will:** that is, from the Central Government, a manifest interest in including participatory democracy methods in public policy decision-making.

**II. The figure of the President of the ESC** with moral authority, exceptional competence, proven commitment to the highest and best interests of the nation which, in turn, are virtues that generate trust in political, economic and social settings.

**III. An operating team** compliant with the law, and ethical principles of respect, integrity, truthfulness and responsibility, providing constant technical support, which are qualities that generate trust in interinstitutional settings, among the members and the general public.

This was the basis for the procedures that can be considered best practices in the consultation and consensus processes carried out by the ESC of the Dominican Republic.

**1. Methodology**

A component that works is to develop the process, whatever it may be, based on an **agreed methodology.** This allows for the planning of steps, viewing different scenarios, forecasting and providing for various situations, and projecting expected results.

There must be a body that allows for **validation** of each phase of the methodology and for any necessary adjustments. A **methodology** works when members and participants feel at ease and are willing to follow what has been established. That is, somebody willing to **remind** others of the contents of the methodology when there are attempts to deviate from what has been agreed.

**2. Appropriate distribution of responsibilities.** Another important factor in the process is the appropriate allocation of responsibilities among the various levels linked to the “decision-making power” as conceived both within administrative law and outside it.

**3. Validation of results in every phase.** To keep all partners or actors duly informed of the process and conduct any adjustments, as necessary.

4. **Collective understanding of terms to be used.** To agree is *“several people decide something by consensus”,* *“to coordinate or harmonise (two or more) things for a common purpose”,* “*two or more people settling on something*”, *“to accord or pact something*”.[[16]](#footnote-16) To be able to agree it is essential to establish game rules. At the Economic and Social Council of the Dominican Republic, decisions are made by consensus and not by vote. Therefore, it is necessary to agree on what it means to find common ground, identify what connects the actors and note down what separates or divides them. When striving to reach agreement by consensus, voting no longer makes sense.

5. **Efficient communication.** Based on facts, constructive statements and the **ethical values of respect, integrity, truthfulness, responsibility,** communication among those who are stakeholders or actors of the institutional dialogue is essential. Fluid communications founded on respectful and precise language, where there is no doubt about the wish to reach an agreement or pact, keeps the doors of discussion open.

**6. The ESC is its members.** The Economic and Social Council’s leadership exists because its members represent the economic and social powers of the country. Its members are empowered to negotiate and agree on behalf of the sector they are linked to and represent. If these sectors are strong, the ESC is reinforced in its institutional functions and social participation becomes efficient.

**7. Follow-up Committees or Authorities**. It is usually the case that after important work striving for agreement by consensus, the actors disperse and return to their everyday work and institutional routines. Therefore it is necessary for the same original methodology to include ways to ensure follow-up, either of the process, or of what has been agreed, through the commitments assumed by the various players.

**IV. Role of Social Oversight**

In the 21st Century there has been increased expression by civil society through the organised social participation that is promoted by economic and social councils. It is evident that society, for which public policies are targeted, is ever more interested in being a part of decision-making, design, creation and implementation of these policies.

Additionally, it is also beneficial for the State Administration, in terms of governability, for there to be active and empowered social participation by citizens. These are the traits of contemporary democracy, where voters are not satisfied only with expressing their views every once in a while by voting, but rather they demand from their elected authorities space for expression that will led to proposals and more humane, supportive and ethical solutions.

These concerns were included in the new responsibilities of the ESC set by the Law of the National Development Strategy in which the **National System for Monitoring and Evaluation** contemplates social participation being coordinated and conducted through the Economic and Social Council.[[17]](#footnote-17)

**CONCLUSION: Relevant Aspects of Draft Organic Law 2015**

Looking towards the future, we began 2008 by presenting a draft organic law for the Economic and Social Council. Although incorporation into the Constitution preceded this step, it nonetheless required time.

Two topics caught the attention of the members: composition of the Plenary Assembly and the Working Committees. As indicated in the section on best practices, the ESC is its members. This is why the composition of the plenary assembly was debated in the current Plenary Assembly and in the Executive Committee when discussing the draft organic law that was to determine the legal and regulating statute of ESC activities, according to the concepts of representation and legitimacy of representation.

The text of the draft in process at the National Congress states:

**Article 8.-** Composition of the Economic and Social Council Plenary Assembly. The Economic and Social Council will comprise: 1) A President; 2) A Secretary General; 3) Fifteen representatives from labour organisations, including three representatives from trade unions; 4) Fifteen representatives from business organisations, including the chambers of commerce and of production and micro-enterprise organisations; 5) Fifteen representatives from social organisations, including the church, academic institutions and community organisations, among other social organisations. **PARAGRAPH I:** The members of the ESC will be selected by their own sectors every four years, through election assemblies with the participation of the organisations in each sector.

This distribution balances the weight of trade union organisations and civil society associations which had been at a disadvantage compared to business organisations.

Furthermore, the working committees were readapted to the country’s economic and social reality, and the responsibilities arising from the national pacts have required greater integration of ESC members in the social oversight tasks.

This is why standing committees will include active participation by members as noted below:

***“ARTICLE 23.-*** *Standing and Special Working Committees.- The Economic and Social Council will create the necessary committees to achieve its mission, and for the same purpose, may consult with experts. The committees will be standing or special and will comprise at least three (3) representatives from each sector represented in the ESC, and shall not meet without the attendance of at least one member from every sector”.*

***“ARTICLE 24.-*** *Committees. The Council’s Standing Committees are the following:*

1. *Institutionality, Transparency and Rule of Law.*
2. *Education, Health and Social Protection.*
3. *Economy, Productivity and Employment.*
4. *Environment and Sustainable Development.*
5. *Emerging and Current Affairs related to socioeconomic and labour matters”.*

In my view, although many other conclusions may be drawn from the above, the first of my considerations is that every Economic and Social Council corresponds to the social, economic, labour, legal, historical and cultural context of its country. It interprets the political will of civil society and the Government to incorporate participatory democracy instruments in representative democracy as a form of social participation in the decision-making power of the Administration.

A new administrative architecture that tends to allow greater social participation in public policy appears to be permeating governability in this century. After all, public policies should be designed not only for the development and growth of our countries, but ultimately for the human beings they address.

1. The Dominican Republic covers 48,670 km2 of the east of the island of Hispaniola located in the Caribbean Sea, and has a population of 11 million. Its capital, founded in 1496, is Santo Domingo de Guzmán. It is a democratic republic with a President and a Vice President elected by the people for a period of four years; a Bicameral National Congress with a Senate (32 seats), Chamber of Deputies (183 seats), whose members are elected by the people every four years. The Courts are made up of the Constitutional Court, the Superior Electoral Court, and the Supreme Court of Justice. There is an Accounts Chamber which, together with the above bodies, has constitutional rank. [↑](#footnote-ref-1)
2. Law 01-12, Art. 5 on the National Development Strategy of the Dominican Republic 2030. [↑](#footnote-ref-2)
3. Decree 13-05 issued by His Excellency, the President of the Republic Mr. Leonel Fernández Reyna on 25th January 2005. [↑](#footnote-ref-3)
4. CHAPUS, René. *“Droit administratif général”.* Tome 1, 15e édition Montchrestien, Paris, 2001. Page 444. [↑](#footnote-ref-4)
5. CHAPUS, René. Ibid. See Constitution of the French Republic of 4 October 1958, Arts. 37, 38 and 39 related to the State Council and Arts. 69-71 and Ordinance of 29 December 1958 of the Economic and Social Council. Pages 445-446. (The most recent change by constitutional law of 2010 changed the name to the Economic, Social and Environmental Council). [↑](#footnote-ref-5)
6. RIVERO, Jean; WALINE, Jean. “*Droit administratif*”. 18e edition. Précis DALLOZ, Paris, 2000. Pages 347-348. [↑](#footnote-ref-6)
7. Article 251 of the Constitution of the Dominican Republic proclaimed on 26th January 2010. [↑](#footnote-ref-7)
8. Carlos Dore Cabral, Esther Hernández Medina, coordinators. “*La voluntad de la Nación, propuestas aprobadas en la primera etapa del Diálogo Nacional*” [“The Will of the Nation, Proposals Approved During the First Stage of the National Dialogue”] Publisher Alfa and Omega, Santo Domingo, 1998. [↑](#footnote-ref-8)
9. In 1996 the *Grupo Acción por la Democracia* coordinated by the University Centre for Political and Social Studies (CUEPS) of the *Pontificia Universidad Católica Madre y Maestra* (PUCMM), published volumes I *“National Development Agenda”* and II *“Plans of Action for the Ten Top Priorities of the National Development Agenda”* , published by Taller and Centenario respectively, Santo Domingo, 1996.

   The Dominican employers’ organisations also prepared a similar publication with the results of the 2nd Large National Business Convention; see publication *“Business Agenda for Integrated Development”,* published by the National Council of Private Corporations (CONEP), Santo Domingo, 1995. [↑](#footnote-ref-9)
10. The Dominican Episcopate Conference asked Monsignor Agripino Núñez to be the mediator in the “Tripartite Dialogue” conversations. [↑](#footnote-ref-10)
11. These meetings took the name *“Tripartite Dialogue”* from 1989, when they began, until 1992, when they ended. [↑](#footnote-ref-11)
12. NUÑEZ COLLADO, Agripino. “*La cultura del diálogo y la concertación en la Republic Dominicana 1985-1997*”. Published by Taller, Santo Domingo, 1997. Page 47 [↑](#footnote-ref-12)
13. Decree No. 323-06 of 3rd August 2006 passed by His Excellency, the President of the Republic, Dr. Leonel Fernández Reyna. [↑](#footnote-ref-13)
14. According to the methodology sheet designed for this process which concluded with the following sentence: *“In order for these proposals to be executable in a context marked by recessive trends and the risk of imbalance, they must provide solutions that are fiscally sustainable, socially necessary, financially feasible, politically viable*”. [↑](#footnote-ref-14)
15. This was the name of the government proposal document based on consensus agreements for the National Development Strategy 2030. [↑](#footnote-ref-15)
16. Meanings of the Spanish word “*concertar*”(agree), according to the dictionaries of the Royal Spanish Academy, Editorial Santillana, Editora Larousse. [↑](#footnote-ref-16)
17. Law 01-12 Art. 39 concluding “These Authorities will facilitate the necessary social oversight, accountability and compliance with public-private co-responsibility to achieve the national development objectives”. [↑](#footnote-ref-17)