

**Evaluation of the Governance Programme**  
**for**  
**Latin America and the Caribbean**

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## **FOREWORD**

The United Nations Development Programme (UNDP) is committed to helping countries attain sustainable human development, one of the essential components of which is good governance. Achieving good governance demands an understanding of the complex process of linkage between society and the State, and a readiness to deal with its various dimensions: political, socio-economic and cultural. The past decade has seen intense cooperation by UNDP in the area of governance in Latin America and the Caribbean, as an accompaniment to the process of democratization in the region. The importance of the themes involved, and in particular the approaches adopted, make this experience a highly interesting one. The evaluation of it has several purposes: to make the work known in detail, to allow its major lessons to be learned and to help improve the programmes of UNDP in the region and, at the same time to act as a guide for cooperation in other regions of the world.

In view of the size of the region, the need to consider the different situations in which the countries find themselves, and the richness and complexity of the topic, it was decided to adopt a thematic approach rather than a technical analysis of each of the 31 projects studied in eight different countries. The intent of this undertaking was to reflect the differing dimensions of governance and the variety of the subjects which it encompasses, and to gather experience in situations of crisis, of transition to democracy and of stable democracy, in order to obtain an overall view of what UNDP has achieved in the region.

The task was performed in three stages. The first was one of information-gathering, with visits on the ground, for which three specialists were engaged: Carlos Blanco, Victor Moreno Catena and Leandro Despouy. The subsequent stages, in the hands of Leandro Despouy, covered the selection and amplification of the information at our Headquarters in New York and the writing of this report.

Given the complexity, extent and volume of the information to be processed, this evaluation would not have been possible without the efforts, dedication and cooperation of many people. I should like to thank all those who made this task possible, and most particularly Leandro Despouy, who undertook a very large part of it, and Kaarina Valtasaari, who had the responsibility of directing it within the UNDP Evaluation Office (EO), for the effective supervision of the tasks and for ensuring that this first thematic evaluation of the democratic governance programme of the Regional Directorate for Latin America and the Caribbean (DRALC) should have come to a successful conclusion. I am convinced that the lessons drawn from this valuable experience are destined to be extremely useful in improving the work of UNDP in the region, and will also be applicable in other parts of the globe.

Khalid Malik  
Director  
Evaluation Office

## **EXECUTIVE SUMMARY**

When a region has lived through a history of such turmoil and violent changes as have Latin American and the Caribbean, the idea of democratic governance is of enormous significance to it. The concept of democratic governance encompasses an entire range of subjects which directly impact the conditions of people's lives and are intimately linked to democracy and the preservation of it, which explains why it is important to carry out an evaluation of the activities of UNDP in this area.

This work is a summary of an evaluation covering the activities of UNDP in the area of governance in the region, carried out during 1997/8. Since the evaluation was to concentrate on that one particular topic, we did not examine the technical aspects of particular projects but instead selected a sample of countries and situations, topics and projects, sufficiently representative to give an adequate picture of what UNDP had achieved. Ultimately, the purpose of this evaluation is that the main lessons should be drawn, and the recommendations made, which the analysis dictates, in order to improve the activities of cooperation in this field and encourage their application in other sets of circumstances.

At the time the projects evaluated were drawn up, UNDP did not yet have a defined set of result indicators for projects in the area of governance, which meant that it was not possible for this evaluation to measure such results. Nevertheless, the evaluation does allow conclusions of a qualitative nature to be drawn and does allow us to state that:

- Sustainable human development (SHD) has truly become the development paradigm in the region. This applies not only to projects of international cooperation, since the governments themselves have begun to make use of it in their national programmes and it is a term which is becoming ever more frequently and widely used.
- SHD necessarily entails the concepts of democracy and governance. This latter idea, which has now become the overall approach, accounts with every passing day for a greater proportion of UNDP's cooperative activities as well as enjoying growing acceptance on the part of governments, contributing to the political debate in the region and spreading through the academic and intellectual centres of the continent.
- The activities of UNDP on the basis of cooperation have gone in tandem with the process of democratization of the region, have driven it forward and have contributed to its consolidation. UNDP's participation has been decisive in the creation of a concept of governance that is most clearly articulated around democracy and each of its components.
- UNDP does not operate in a vacuum, nor is it foreign to the political problems of the region. This can be seen in the fact that a large portion of its efforts in the field of governance have been undertaken in close association with the democratic leaders of the continent.
- The neutral position of UNDP as a United Nations agency and the credibility which it enjoys in the countries mean that it can act effectively while handling sensitive topics and promoting negotiations and consensus. The efforts expended to bring about full observance of human rights and the building of consensus have played an important part in the bringing of peace to Central America, one which they continue to play today during the processes of national

reconstruction and transition to democracy. Even more significantly, in certain cases such as Panama, they have served to contain imminent outbreaks and to head off aggravation of a crisis, thus fulfilling, in fact, the function of a genuine preventive diplomacy.

- The appraisal of the political and social impact of the macroeconomic measures put forward by UNDP during the transition processes, for example in El Salvador and Guatemala, represents significant progress, in that it is now possible to envisage the involvement of the international financial institutions in the strategies of national reconstruction. This would imply recognition of the need for balance in the measures intended to rehabilitate the economies devastated by war and the social investments which inevitably have to be undertaken for the peace processes to be consolidated and democracy to be brought to fruition.
- The processes of bringing peace to Central America and the improvement recorded in the field of human rights in Paraguay, to both of which UNDP contributed, have created favourable conditions for progress in the sub-regional integration currently under way.
- The continual encouragement of popular participation, which figures as one of the central objectives of UNDP's activities, has strengthened the very foundations of democracy, in furthering the inclusion of certain sectors which traditionally have been kept out of civic and political activity, such as women and indigenous populations. In the well-established democracies, participation also shows the boundless contribution that it can make, in producing sound diagnoses of the national situation, establishing mechanisms for assessment by the citizenry in order that its quality may be improved.
- The activities of UNDP in the justice sector are currently in a state of major flux, since the demand from governments and the welcome from the members of the judicial system have exceeded all expectations. On a continent where a considerable number of people live in poverty and in conditions of marginalization, creating conditions favouring their access to justice is of capital importance. The establishment of the valid State of Law is fundamental, since it is a fact of the region that the absence of the rule of law for long periods of its history called into question the very legitimacy of the State itself.
- Taking an overall view of the justice sector, UNDP's projects promote a reduction in the number of prisoners, an improvement in their conditions of detention, resolution of the situation of those held without trial, prioritization of the situation of young offenders and crime prevention and improving public safety.
- Being an impartial entity, UNDP plays a major role in support to electoral system reforms, which help to make elections more transparent, help people have greater trust in them and assist in the building of a culture of democracy in the region.
- For a long time, UNDP has concentrated the major part of its cooperative activities on improving public sector management. The growing complexity of such activities and the volume of the resources which they require demand that they be looked at critically, to ensure that they incorporate the political and social dimensions inherent in these reform processes.
- Decentralization, conceived of as a reform in and of itself, and not merely an administrative

change, was for a long time the cornerstone of the activities of UNDP aimed at institutional and territorial reorganization of the State. The evaluation shows that although the cooperation offered by UNDP in the area of decentralization continues to be fully worthwhile at local and provincial levels, on the national scale it will prosper only if there are favourable political conditions and a genuine will on the part of the federal authorities. This is the lesson to be learned from the differing experience of the cooperation undertaken in Brazil and in Colombia.

- Of the group of 31 projects evaluated, it transpires that the ones that enjoy the greatest political and social support are those relating to consensus building in societies traumatized by violence and those relating to the defence of human rights. These projects have a special advantage, in that the domestic hostility existing from the past conflicts causes the participation of the international bodies to be seen as a guarantee of fairness. The projects related to popular participation also enjoy wide support, to the extent that they involve wide sectors of the population both as actors in the projects and as direct beneficiaries of them.
- From an operational point of view, it cannot be doubted that UNDP is the body in the best position in the field to coordinate the activities of the United Nations system. Its flexibility, its contact with those involved and its ability to engage qualified human resources under contract allow it to respond rapidly and effectively to the needs of governments and of society, including when such needs are urgent.

In addition to the achievements described, the evaluation also detected some difficulties and shortcomings:

- In some national programmes, the projects on governance appear just to be a collection of initiatives that are not always structured around a coherent strategy. They give the impression of a cluster of differing topics which the cooperation process has included in the programme, but which are not adequately internally linked together.
- This lack of cohesion is frequently to be found in the design of the projects themselves, covering as they do an extensive range of activities and lacking clarity and precise stipulations as to concrete objectives to be reached, as well as lacking performance indicators.
- In some projects the contribution of the governments was found to be meagre, both in resources and in institutional support. The result is usually that once such projects have been concluded, their achievements prove impossible to sustain. However, the same can occur in the opposite case, when UNDP participation is offered in support of operations for national execution channelling budgetary resources from the governments or from international loans. Even when the well-founded objective is to avoid the cumbersome official procedures and facilitate the acquisition of inputs, if the sustainability of such operations is to be guaranteed particular attention has to be paid to ensuring that they can in fact be continued by the governments themselves at a later stage.
- Other well-known difficulties have their origins in the relationship of UNDP with the international financial institutions, in particular owing to the disparity in the level of the contributions. Under such conditions it is not easy for UNDP to uphold its own approach and enjoin respect for its

independence of judgement. These are fundamental factors if UNDP is to be able to operate as an independent organization and to maintain its credibility.

## **RECOMMENDATIONS**

Among the most important the following should be highlighted:

- Coherent strategies should be drawn up, with favourable entry points for institutional development in the countries and with the various projects fitting together in a structured manner.
- An appropriate methodology should be drawn up for the design, writing, implementation, monitoring and evaluation of the projects, with performance indicators.
- Resident representatives should be appointed who match the profile and are up to the demands of the task that ensues from the topics of governance in the differing situations presented by the circumstances of the region.

With regard to the subjects:

- The priority accorded to those activities that facilitate the promotion of consensus should be maintained and greater importance should be assigned to the activities in favour of human rights.
- The encouragement of civilian participation should be intensified, with a view to bringing about the incorporation and inclusion of the various sectors currently excluded; in particular, efforts should be redoubled towards building up a leadership of women in the region.
- Priority should continue to be accorded to the programme of judicial reform, with its current approach being maintained. In other words, emphasis should be placed on access to justice and the work should proceed through direct involvement of the various actors concerned.
- The lessons drawn in the four main areas summarized above should be appraised to ascertain whether they can also be applied in other regions of the world.
- Initiatives in the areas of public safety, elections and the prison system should be planned only when there are sufficient resources and prospects that the efforts will continue in the long term. Otherwise, there is a serious risk that cessation of the activities will have negative effects as a result of the expectations initially created.
- The participation of UNDP in major projects of reform in the public sector should be reviewed. The most recent experiences, not wholly favourable, reveal the need to adopt more precise criteria for the role of UNDP in these projects. A global approach should be maintained, one which incorporates the political and social dimensions inherent in the changes in the relationship between the State and society, and at the same time adequate co-ordination should be ensured between the various sources of cooperation, in particular co-ordination with the international financial institutions.

- An overall concept of decentralization should be maintained. It must be ensured that there is a clear political will on the part of national governments to bring this to fruition, but without at the same time jeopardizing the opportunities offered by the provincial and municipal governments when the latter have the decision-making power and the capacity to take the lead in implementing decentralization.
- UNDP's activity should be continued and intensified to support the generation of critical and remodelled thinking in the region on the major challenges of human development and democratic governance.

In conclusion, creating democratic governance basically entails developing institutions: the rules, the mechanisms and the very values of a State of Law. This implies profound changes covering the laws and the organizations, as well as the prevailing culture in society. From this point of view, it can be said that UNDP has directed its work of cooperation towards the achievement of these objectives. Rather than limiting itself to a technical or sectoral role, it took the clear view that any economic and social development policy had inevitably to arise out of the creation of peace, the defence of human rights and the strengthening of democracy. It is in this sense that it can be said that the impact of the work of UNDP in the field of governance in the region has been important, as an integral part of the activities undertaken by the United Nations system and by the mechanisms of international cooperation in general.



## **INTRODUCTION**

The Latin American and Caribbean region confronted a historic dilemma during the Nineties. The governmental, political and intellectual leadership of the countries in the region came to understand at the end of the Eighties that there was a need to introduce fundamental changes in the way in which those countries' economies functioned. This conviction, reinforced by the lack of economic viability and the pressure of an international context becoming ever more globalized, led them to undertake a fundamental change of direction.

The adoption of the new economic orientation took place within the context of a movement towards democratization of the continent, simultaneously with the economic adjustment which was indispensable to bring about the change in course. The region thus faced a double challenge: to develop and deepen democracy and to promote economic transformation. It very rapidly became evident that the widespread and persistent crisis, together with the consequences of the economic adjustments, were having social effects which possessed the potential to jeopardize the success of the democratic system and the institutions embodying it and giving expression to it. Profound changes in the economic and political sphere needed popular support. The difficulties on the political strategy front were compounded by another dimension, resulting from the complexity of the process. Political, economic, institutional, administrative, social and cultural factors added further difficulties originating in the design of the objectives and the need to manage an intricate and fluid situation.

To the economic crisis which the region had been suffering since the Eighties, and from which it had begun to emerge, to uneven degrees, during the Nineties, there was added the international pressure, a product of the integration of the systems of production, markets and financial dynamics. The currents of globalization were running through the region. It was necessary to push forward with the indispensable changes not only within democracy but also by way of strengthening it. Latin America and the Caribbean needed to deepen the reforms which they had started, but within an approach which would not only meet the demands of the citizens - above all those most in need and most vulnerable - but would also integrate those demands into the actual dynamic process of the changes.

This is the intent of democratic governance in the region. It is the way to bring about a situation in which the citizens not only accept the process of economic, political and social reforms but also participate in it, and in which the policies that guide those changes are clearly linked to an improvement in their quality of life. If these issues are not resolved, there will be no durable changes nor lasting democracy.

This view of the situation led UNDP to devote a substantial proportion of its attention, its institutional weight and its resources to this task. A large number of projects and programmes were drawn up in the region, concerned with this complex of topics and the components of it. All the countries of region have projects concerned with governance, distributed over multiple topics, which can be grouped under three main headings:

- a. Reinforcing governance on the regional or national scale.
- b. Reforming policies and institutions, placing emphasis on the modernization of public administration, the judicial and penal systems, public safety and decentralization.

c. Creating processes and institutions fostering a strengthened democratic legitimacy, support to electoral processes, the defence of human rights, the building of consensus and citizen participation.

The work of UNDP has been - and continues to be - intensive and wide-ranging in this field.

Although it is the standard practice of the Regional Bureau for Latin America and the Caribbean to carry out evaluations of its projects, this is the first time that the UNDP Evaluation Office (EO) has carried out a thematic evaluation of the programmes and projects in the area of governance in the region. Over and above this innovative aspect, what makes this evaluation special is the importance of the themes examined, the level of complexity and the procedures used to perform the evaluation.

## **Objectives**

The central theme of the evaluation is democratic governance. Its purpose was to determine to what extent the cooperation provided by UNDP to the countries of the region had contributed to the achievement of concrete results in the field, results which would mean a genuine and tangible advance, one that could be pointed to as a fact.

The second objective of the evaluation was to establish how relevant the activities of UNDP are, bearing in mind the historical context of the countries and the interrelationship which there is between the various components of the programmes.

With a view to the future, the evaluation's final purpose was to provide information on the "best practices," the "lessons learned" and the "recommendations" which arise out of it, with the aim of offering better guidance to UNDP in its work of cooperation in this field.

In summary, the overall objective was to analyze what UNDP is doing in the region in order to draw conclusions, which would allow UNDP to match its performance to the new and growing demands, which are arising in the sphere of democratic governance.

## **Methodology**

Since this is an evaluation of regional scale and strategic nature it was not felt necessary to carry out an examination of every individual project. Nor was a budgetary or efficiency analysis of each project carried out. By contrast, it was decided to review the initial context of the projects and the development problem posed, in other words the needs which it was intended to meet by means of the cooperation activities. Then the results achieved were noted, the successes and difficulties were identified, as were the conditions, which could promote or jeopardize the sustainability of the actions. From there, the main lessons or teachings were drawn, forming the conclusions and recommendations. It was felt that this approach was the only way that was both feasible and adequate to evaluate the role of UNDP in Latin America and the Caribbean in such a complex field as democratic governance.

For reasons of time and budget it was not possible to consider all the projects in all the countries. Consequently, there was a need to undertake a three-fold selection. Initially, the most representative themes of the UNDP's work of cooperation in this field were selected. Then a careful choice of countries was made, with the aim of achieving a sample of the set of particular features which the region has to offer. Finally, the projects were picked out which were to be covered by the evaluation.

Along with each principal project, reference was made to other projects dealing with governance, either as contrasts or as supporting evidence, in order to clarify points of view and criteria for analysis. The objective was to find out to what extent the subjects tackled had been or were still relevant, how the projects had been performed and what was the level of success obtained. It was felt that this approach constituted the most appropriate route to evaluate the role of UNDP in Latin America and the Caribbean in the field of democratic governance.

## **Themes**

The depth, breadth and complexity of the themes of which governance is composed meant that the topic could not be covered in every aspect. Thus there was no examination of the impact of poverty, of inequality or of social exclusion, which are well known to have a significant impact on the conditions of governance in the majority of the countries. Nor was an analysis carried out of the projects covering support to parliaments and the modernization of the armed forces.

The *promotion of governance* and the *building of consensus* among different social actors are among the first themes examined. The latter topic is covered in particular in crisis situations, ones in which negotiations and agreements are essential in order to bring them under control or prevent them from getting worse. Then the analysis turns to activities in favour of *human rights*, which to a growing extent appear linked to the achievement of democratic governance.

*Citizen participation* is treated under its various aspects, both those which have to do with legitimacy and decentralization, and also those relating to efficiency in public sector management, taking into account its complex legal dimension as a fundamental human right. The picture is completed by the efforts aimed at improving the *quality of the democracies* by way of participatory mechanisms of citizen auditing.

The reform of government is another of the major subjects considered in the evaluation, starting with the *justice* sector, which in turn comprises a wide range of topics such as those of the public defenders, the Supreme Courts, the training of judges and magistrates, the prison system, and in general everything which concerns greater access of the population to justice. From this point of view, improving *public safety* and consolidating *electoral justice* are also covered.

The evaluation also includes the *modernization of the public sector* and the territorial *decentralization* of power by means of programmes of support to local government, which marked the beginning of the activities of UNDP in the sphere of cooperation, and which are of interest not only because of their inherent significance but also because of the importance which UNDP attached to them.

## **Countries and situations**

The countries selected were Colombia, Costa Rica, Brazil, El Salvador, Guatemala, Guyana, Panama and Paraguay. As will be seen, this selection covers a variety of sets of circumstances which includes a great diversity of situations, making it possible to assess the impact of the themes in each one of them. On the other hand, the different countries each have specific challenges with regard to governance, which broadens and enriches the field of analysis, allowing one to have a better overall impression of the

region.

Colombia, for example, is a country, which has serious problems of governance owing to the profound political and institutional crisis, which has marked it over recent decades, with powerful destabilizing elements such as the guerrilla forces, the drug trade, and the high levels of violence.

Costa Rica, by contrast, is a small country with a deep-rooted and exemplary tradition of democracy, which has been able to demonstrate to the rest of Latin America its well-known capacity to deal with its conflicts peacefully. For many years it has been an island of peace in a region overwhelmed by war and confrontation.

Brazil is a continental-scale country, which has achieved increasing democratic stability and which is facing up to economic and social challenges of some scale, appropriate to a mature society, although it is so far still a far from equitable one.

El Salvador and Guatemala are two situations that demonstrate the complexity of the transition from war to peace. Both countries have to build up their institutions to meet the needs of a modern democracy and both still have much to do in the areas of human rights and of institutional modernization.

Guyana is a Caribbean country which gained its independence in the Seventies. As a result of the increasing poverty, a significant portion of the population, in particular those most highly trained, emigrated. Those two factors, in conjunction with its relative isolation from the rest of the continent, made its first steps as an independent nation difficult ones, but at the present time it is going through an interesting process of consolidation of democracy.

Panama has gone through intense political trauma owing to its position as a crossroads country, in which the presence of the military forces, both its own and those of the USA, has created a complex and conflict-laden institutional landscape. Despite this fact, the present decade has seen agreements and negotiations of a national scale which augur well for the development of a process of greater stability.

The society of Paraguay has only recently been able to find its way into the patterns of democratic life, after one of the longest dictatorships on the continent. During the beginnings of the process of transition, the international cooperation system played a crucial role in the rapid maturing of its institutions. However, and in the light of its so eventful past, the threat of a return to the old ways has not yet fully disappeared from its political horizon, as is shown by a number of events not very long ago.

These countries, in their diversity, constitute an excellent sample of Latin America and the Caribbean and of the different situations, which are to be found there. This selection includes countries which are already consolidating their hold on democracy (for example, Brazil) together with those which have started down the road of transition only very recently (Paraguay) or where the socio-economic conditions are holding back the enjoyment of its most evident benefits (Guyana). It also includes countries with a long democratic tradition which, nevertheless are still suffering chronic problems of governance (such as Colombia) as well as those which persevere in improving the quality of democracy despite the fact that its institutions are already deep-rooted in the country (here, Costa Rica is the best example). Also included are societies, which have only recently begun to emerge from long periods of armed conflict (El Salvador and Guatemala) and those whose political crises took them to the edge of major confrontations (as was the case of Panama after the invasion).

## **Projects**

Once the themes and the countries had been selected, we then went on to pick out the projects that would act as the central core of the evaluation. (The annex to this report lists the 31 projects selected, including two on a regional scale). In order to give better material for analysis, each project was compared with others related to the same theme. We also had a large amount of documentation provided by Headquarters in New York, which was consulted on an ongoing basis.

On the basis of the variety of themes and situations studied, a geographical and political scan, both horizontal and vertical, was made of the region. The processes taking place in the eight countries of the sample illustrate both the difficulties that arise in the area of governance and the major importance of the various efforts of UNDP in the region.

This publication, the writing of which was in the hands of the Argentine jurist, Ambassador Leandro Despouy, summarizes an effort of evaluation which covered three stages. The first was one of visits on the ground by three specialists: Despouy himself, the Spanish professor Victor Moreno Catena, lecturer at the Carlos III University in Madrid, and the former Minister for Planning and Reform of Venezuela, Carlos Blanco, who was responsible for the coordination of the visits. The most significant result of this stage was an initial mission report of approximately 450 pages. The second stage comprised the selection and verification of the information and data obtained in the first, undertaken by the author, and the expansion of the information by way of a process of consultation with the field offices and with those responsible for projects at Headquarters in New York. The third stage consisted in the writing of this publication ready for its publication in Spanish and in English.

## CHAPTER 1

### **PROMOTION OF DEMOCRATIC GOVERNANCE**

#### **UNDP'S POLICY IN LATIN AMERICA AND THE CARIBBEAN**

At the beginning of the Nineties, UNDP defined its institutional purpose as that of providing assistance to countries in their attempts to achieve sustainable human development. Sustainable human development is a conceptual framework for the development in constant evolution which assigns the highest importance to local and national needs and guides UNDP in its international action to support, in coordination with the bodies of the United Nations system, the programmes of peace and development established by the Secretary-General. Sustainable human development is understood as development centred on people and on expanding their opportunities. Within this concept, economic progress is linked with social participation and human security. One of its objectives is to eliminate poverty and to regenerate environmental resources to meet the needs of future generations, in harmony with the precepts of the United Nations Conference on Environment and Development and with the commitments undertaken under Agenda 21 (Rio de Janeiro, 1992).

In parallel, in 1990 UNDP started the series of annual reports on the human development situation around the world. These reports reject the idea that development consists merely of economic growth, bringing into the debate new indicators of a social nature and on the social level (health, education), which join with the economic indicators to compare the development situations of the various countries.

The notion of sustainable human development incorporates in turn the concept of "good governance," which is based on broad participation. It is recognized that it is not possible to achieve the sustainability of development and the construction of a long-term capacity without resolving the threat of long-standing conflicts and creating societies which are more equitable and therefore more stable, offering conditions conducive to investment and economic growth.

The notion of "good governance" forms part of the operational framework for the achievement of sustainable human development. It undoubtedly implies an effective and efficient public sector management, in other words, an administration equipped with the necessary capacity to draw up and implement development policies and to ensure the provision of essential services for the population. However, that is not enough. This public administration has to be based on the rule of the state of law, on an effective and efficient system of justice, on a broad participation by society in the political, social and economic processes and on the responsibility and transparency of the acts of the government. In total, governance is conceived of as a broad notion, one which covers the field of the relationships between the state and society and whose main concern is the impact of the policies on the well-being of the people and on the environment in which they live.

Essentially, governance refers to the relationships of power, to the way it is structured and to the form in which the sectors, which rule society, have a greater or lesser presence in its institutions. It also addresses the question of how the governments have a greater or lesser capacity to formulate interests when many of them are in a situation of competition, or even outright contradiction. This is not only, nor even fundamentally, a matter of the capacity of the ruling sectors, specifically of governments, to maintain control over society as a whole, but of the readiness of civil society to recognize its place in the social compact and to accept the direction of the State and of its organs, within the context of

constitutional and legal processes. This creates a need for daily reinforcement of the confidence of the governed in the governing, of civil society in the State and its leaders. Thus the notion of democratic governance adds a new dimension to the democratic system: the capacity for ongoing renewal of the trust of the citizenry, via their organized groupings, in the spheres of government and the trust of the latter among themselves.

UNDP formalized its view of governance in a policy document (January 1997), stating that it "can be seen as the exercise of economic, political and administrative authority to manage a country's affairs at all levels. It comprises the mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences."<sup>1</sup> Thus good governance is government exercised in a participatory, transparent and responsible way; it is effective and fair, and it fosters the state of law by ensuring that the policy priorities are based on a broad consensus of society and that the decisions include the views of those most poor and vulnerable. It is a notion of "governance" open to different interpretations and positions. The efforts which are made towards achieving it will logically be closely related to history, culture and national circumstances.

While UNDP was updating the conceptual framework for its international action, in the region of Latin America and the Caribbean there was renewed interest in human development and its political dimensions inherent in the notion of governance. Sustainable human development (SHD) constituted an essential objective of economic, political and social development. This concept transformed the criteria used to evaluate social demands and State and public decisions and took people's view of the nature of development and the conditions for it to higher levels of complexity.

The end of the Cold War and the recovery of the ideal of democracy brought about fundamental changes in the way in which problems were perceived and tackled. It became evident that emerging from the crisis entailed a set of changes that went much further than economic policies and the new institutional arrangements in the economic field. The atmosphere of ideological suspicion was left behind, making possible a frank discussion on the fundamental questions of society and the state, which included sensitive issues such as the "crisis of politics" and political cooperation.

Debate of this kind had remained paralyzed during the Seventies, when the State was the point of origin for the social conflicts which arose when the substitutes for imports ran out and which were exacerbated by the East-West confrontation. Those conflicts had taken the form in many countries of armed struggle and dictatorship. The Eighties were characterized in politics by the revaluation of democracy. The countries which had returned to democracy encountered enormous difficulties owing to long-standing institutional weaknesses and new problems such as those of external debt, adjustment, the difficulties of international rehabilitation in a world undergoing rapid change, as well as the actual consequences of the conflicts themselves.

The economic benefits did not come at the same speed as the social demands, which meant that emphasis had to be placed on the institutional mechanisms which were indispensable to improving the effectiveness and efficiency of the new economic strategy. The State turned into one of the principal concerns, but basically with regard to its economic institutions and policies. What gave rise to anxiety were the institutional arrangements which were necessary to improve economic performance. The economic crisis was accompanied, firstly in isolated occurrences and then as a more evident pattern, by

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<sup>1</sup> Governance for Sustainable Human Development: A UNDP policy document, January 1997

the crisis of governance of the democratic systems. This made it necessary to rethink the nature and direction of the changes which had to be introduced in the region. Various countries began devising their approaches to the subject. The social topic moved to centre stage.

Three fundamental ideas serve to summarize the conception which now moved forward:

1. For economic reforms to be completed, political and institutional changes are necessary, going beyond economics as such but having a decisive impact upon it.
2. The sustainability of economic reforms depends, more than on policies as such, on long-term political and institutional changes.
3. The viability of development, in the sense of sustainable human development, is not essentially an economic question, but one of overall transformation of the course of society, of the action of the State, of the action of organized civil society; in short of the economic and political system as a whole, and of the institutions which embody it.

The need to define national programmes for the transition and deepening of democracy and the new atmosphere of debate from "within the system" after the Cold War created a scenario favourable to the participation of the international cooperation system in the explicit treatment of political themes in the region of Latin America and the Caribbean. It was in this context that UNDP launched a major initiative to promote the concept of governance and debate on the topic.

## **PROJECT ON HUMAN DEVELOPMENT AND GOVERNANCE IN LATIN AMERICA, RLA/92/030**

### **Initial context of the project and problem to be tackled**

The vision which UNDP built and which takes the concepts of democratic governance and sustainable human development as its basic points of reference formed part of a long and complex process, drawing on information from discussions and from a rich practical experience, of which evidence was found throughout the present evaluation. The guiding line of this view is a turn back towards the humanism which had been downgraded as a consequence of the importance attached to economic aspects in the overriding concept of development.

On 3 December 1992, with the support of UNDP, of the Inter-American Development Bank and of the Senate of the Republic of Chile, the principal young political leaders of Latin America met for a seminar in the city of Valparaíso to discuss how governments could contribute to the objective of human development in the final decade of the twentieth century, in the new and more open circumstances following the end of the Cold War. It can be said that this seminar, where the theme of politics was tackled directly, constitutes the starting point for renewed action by UNDP in the region on the specific theme of governance.<sup>2</sup> Up until that time, UNDP's cooperation had been directed fundamentally towards modernization of public sector management, by way of a set of regional and national projects, many of which were supported from central resources from the Management Development Programme. The debate in Valparaíso set out distinct questions, referring to "good governance:" How should we

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<sup>2</sup> According to Eduardo Palma "Outcome and conclusions on the activities of UNDP in the area of democratic governance," document sent to Fernando Zumbado, 17 September 1996.



govern for human development? How should we redefine the practice of politics in a world undergoing rapid transformation? What should we do to ensure that governments are effective in their responses to people's demands and at the same time legitimate in the eyes of the citizenry?

The debate held at the Valparaíso Seminar was published in the 1992 Valparaíso Report, "A Government for Human Development," on 7 June, 1993. The report brings together the thoughts and beliefs of a new generation of political leaders of the region, coming from all sectors: the political arena and the private sector, the trade unions, academic and international institutions, and confronting the enormous challenge of governing in the period following the Cold War. The report reflects the consensus that the consolidation of stable democracies in the post-cold war period will depend on governments and political processes which are responsible, transparent, efficient, decentralized and participatory. Effective government will have to be based on the primacy of consensus, instead of the former practice of confrontation. It is maintained, furthermore, that poverty will be eradicated only by placing people at the centre of the development strategies and policies and that economic growth and equity are essential conditions of governance in the Nineties. Finally, it is affirmed that democracy is not only a matter of holding elections, but that for democracy to exist it is necessary to eliminate corruption and authoritarianism, strengthen the legal systems, modernize the political parties, establish social justice and place strict limits on the role of the armed forces in national life.

### **Description of the project**

A phase of preparatory assistance from UNDP, the activities of which included support for the Valparaíso meeting, was converted into project RLA/92/030: "Human Development and Governance in Latin America" (Desarrollo Humano y Gobernabilidad en América Latina). The development objective of the project was to contribute to the process of democratization of society in the region, by way of participatory mechanisms.

Two immediate objectives were established:

- a) Stimulation of the regional dialogue on governance and human development through analysis of experiences in the countries and sub-regions, as well as by promoting a widening of the debate on the topic and the alternatives for action in order to deepen democracy in the region. The results included: (i) the establishment of a network of people actively involved in the analysis, formulation and implementation of policies and programmes for governance and human development in the region and (ii) the writing of a report on the most recent advances in the area of governance, in order to examine the proposals and activities being discussed in the context of the national and regional efforts in support of human development.
- b) To provide assistance to the countries which require it in order to gather a set of experiences on reforms which will support the objectives of human development.

It should be pointed out that the preparatory phase had additional financing from the Inter-American Development Bank and the Swedish International Development Agency (SIDA) to a total of US\$ 640,902. Once this preparatory phase had been concluded, the project activities began on 1 October 1993. There was an initial budget of US\$ 1,229,057, which was then increased to a total of US\$ 3,167,811 (June 1997). Three-quarters of the amount of the budget was intended to pay for a team of regional experts based in Santiago de Chile and for short-term consultants, while 10% was

assigned to sub-contracts with research institutes and NGOs for the preparation of specific national, regional and comparative studies and the organization of six subregional fora.

## Results

The project gave various results:

a) Promotion. Numerous events were held promoting the theme of democratic governance (seminars, meetings, workshops and dialogues) at national, subregional and regional level, which facilitated the debate on various concepts and experiences and stimulated theoretical thought and interchange among a number of different participants from the government, the political parties and civil society. During the initial phase of the project, up to and including 1994, the main emphasis was on the Central American subregion and the Andean region. In the second phase, the concentration was on the countries in the south of the continent, as well as Brazil, Mexico and the countries of the Caribbean.

b) Support to Presidential summits. On the basis of the Valparaíso Report and the results achieved during the first years, the book "Human Development Policy" was published, and was presented at the Summit of the Americas in Miami, in December 1994. After that, the President of Chile, Eduardo Frei, sought the help of UNDP to prepare the documentation for the Ibero-American Summit of Heads of State and Government which was held in Santiago in November 1996. As is well-known, the theme of governance was selected as the principal topic to be debated at this summit.

In response to the request from the President, as part of project RLA/92/030 various preparatory activities were organized, including national conferences in Argentina, Bolivia, Brazil, Colombia, Mexico and Nicaragua, with the participation of representatives of the governments and of the civil society of those countries, as well as representatives of the Central American countries, Paraguay, Peru and Venezuela. UNDP also provided support during the holding of the summit itself, at which subsequently the Heads of State approved the Declaration of Viña del Mar.

c) Identification of programmes and consensus-building. The debates and dialogues organized made it possible to move forward in the consensual identification of the priority themes for international cooperation in the field of governance, namely:

- Decentralization of government and strengthening of local authorities;
- Strengthening of executive powers;
- Reform of parliaments;
- Reform of the political parties and of the electoral systems;
- Strengthening of the state of law and reform of the justice systems;
- Institutional changes; constitutional reform;
- Promotion of human rights;
- Strengthening of civil society participation and the exercise of citizens' rights;
- Consolidation of peace and widening of consensus;
- Education in the culture of democracy;
- Promotion of a competitive and at the same time a fair economy;

- The fight against poverty;
- The fight against the drug trade;
- The fight against corruption;
- Gender equality;
- Diversity of identities; full integration of the indigenous peoples;
- Full incorporation of the armed forces into democratic life.

The consultations carried out made it possible to define the themes which were incorporated into UNDP's Fourth Regional Programme of UNDP in the sphere of governance;

- Strengthening of the state of law and reform of the legal systems;
- Institutional development and development of political leaderships (basis for reforms of the political parties and the parliaments);
- Civil ethics and a culture of democracy.

d) Support to specific themes of governance (promotion and technical assistance).

Justice: The project supported the Meeting of the Ministers of Justice in Santiago de Chile, where the document "Governance and Reform of the Justice System" was discussed and approved. This document was subsequently endorsed in the Ibero-American Summit of Heads of State and Government in 1996. The document lays the foundations for consensus for international cooperation in this priority theme.

Political parties: Two meetings were organized: "The Challenges of the Political Parties in Latin America and the Caribbean and the Future of the Democratic Order" in Cartagena, Colombia on 5 to 7 July 1995 and "Reform of the Political Parties" in San José, Costa Rica, in March 1996.

Decentralization of Government: An important milestone was the Regional Meeting of Mayors held in Medellín, from 11 to 13 May 1994, attended by 33 mayors from 19 countries in Latin America and the Caribbean, which analysed the relationships among decentralization, local government and democracy. The project also promoted the formation of the Latin American Group for Analysis of the Process of Decentralization in Santiago de Chile on 30 November 1994. Another important meeting organized as part of the project was the Regional Conference on Political Cooperation on the Decentralization of Government, held in Caracas on 1 and 2 August 1996.

Governance at the subregional level: The Central American Meeting on Governance and Human Development was organized in Heredia, Costa Rica, on 14 and 15 July 1994, bringing together 25 representatives from the farming, trade union, business and cooperative sectors of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama. Also, the Meeting on Governance and Human Development in the English Caribbean was held on 21 to 24 July 1994 in Kingston, Jamaica, bringing together representatives of governments, intergovernmental organizations and political parties.

e) Dialogue with the presidencies. In addition to interviews and contacts, this dialogue was formalized by way of the Meeting of Cooperation among the Presidencies of the Republics of Latin America and the Caribbean in the area of Governance and the Management of Government, held in Santiago, attended by delegates from the presidencies, on 12 and 13 September 1995, which allowed a wide-ranging discussion on the theme and on legitimization as well as the expression of support by the governments for the activities which UNDP is

pursuing on this theme in the region.

- f) Formation of a network of institutions and individuals. The project also led to the constitution of networks relating to the theme of democratic governance, made up of governmental, academic and private sector organizations, NGOs and civil society organizations, as well as international bodies.
- g) Information. A system was set up for information on governance-related themes to be distributed to the countries.
- h) Coordination. Joint work was promoted with other international cooperation bodies, both from the United Nations system (in particular ECLAC) and from the inter-American system (basically, the IBD). The project also provided support to the meeting for coordination of cooperation in the sphere of governance, organized in New York by UNDP in January of 1996, which was attended by delegates from the World Bank, the IBD, the OAS and UNESCO.
- i) Creation of a body of specialists. The group of experts and consultants from Latin America and the Caribbean who worked in connection with the project remained available to work in the field of democratic governance in the region.
- j) Publications. As part of the project, various works were published on the occasion of the Ibero-American Summit in 1996:
  - The Political Dimension of Human Development, which gathers together the speeches made at the Cartagena seminar;
  - Political Cooperation for Democratic Governance;
  - Political Cooperation for the Decentralization of Government.

### **Achievements and difficulties**

The project was highly relevant, in that it responded to one of the most important problems of the region, namely that of building a viable democracy in the political, economical and social arenas, in the face of the citizens' scepticism with regard to institutions and politics. This implied the creation of a government capable of settling conflicts peacefully, with an effective and efficient public-sector management, and the construction of a fair and participatory society and an open, competitive and solid economy which would provide jobs and ensure improved levels of well-being for the population in harmony with its natural surroundings. In this sense, the conceptual approach adopted by the project, in which governance is related to human development, is highly relevant.

The project must not be judged as a self-contained operation but as a leading instrument of the policies of UNDP's Regional Bureau for Latin America and the Caribbean on the theme of governance, for which activities were carried out both by Headquarters and by the national offices of the organization. While the scope of the evaluation does not allow us to measure the impact of the project, the consultations carried out do make clear the importance of what was achieved in terms of advocacy. Within a short time, in addition to distributing information on the various national experiences, UNDP created a situation in which the theme of governance and its relation with the targets of human

development would be located at the forefront of the considerations of many governments and political and intellectual sectors in the region. This more clearly-defined presence of the theme is also related with the manner of approaching it. It is a task which requires an overall approach to avoid its actions becoming limited to the merely political or the merely technical. Thus, the aspects of creation of growth economies under conditions of competition and social equity are incorporated, and the legitimacy of tackling directly political and ideological questions explicitly and without restraint is defended.

Thanks to the perception of UNDP's neutrality it proved possible to deal with highly delicate themes such as those of corruption, or to bring together in the same context political leaders of manifestly different and hostile ideological backgrounds. The activities saw participation by a wide range of governmental actors, political leaders, civil society and international bodies, and made possible a mobilization of opinion, thus promoting interchanges both at the national and at the subregional and regional levels.

With respect to UNDP itself, the project contributed to the building of a vision on the theme of governance that was much more comprehensive than that which the organization itself or other international cooperation bodies had had before. Nowadays UNDP has an inventory of themes which form part of a more complete vision of democratic governance, its complexity and the extent of its reach.

However, in relation with other aspects, some weak points need to be pointed out. The generality and broadness of the project, a favourable aspect from the point of view of the objectives of advocacy, constitute a disadvantage when considering the more concrete objectives of formulating and carrying out public policies. While the project did succeed in meeting the specific demands of the governments, it was not able to do so in a systematic and effective or sustainable way.

The lack of a very precise definition of the intended recipients of the project also limited the effectiveness of the activities. The establishment of networks was dictated by the opportunities and restrictions arising out of a multiplicity of political and organizational factors, in the majority of cases for reasons not imputable to UNDP. In consequence, work took place in a closer relationship with certain bodies and sectors, in particular with the interim secretariat of the presidential summits. These circumstances limited the "development of the necessary capacities to permit UNDP to provide immediate assistance to the countries on democratic governance," as had been laid out in the objectives of the project.

## **Sustainability**

The project's strategy of working on the basis of the participation of networks of leaders and institutions of the region, and creating networks in accordance with topics of interest, is a good one from the point of view of the sustainability of the actions. Some of these networks are still functioning, such as the Montevideo Circle, for example, which has become a forum for discussion among government leaders and international organizations, under the leadership of President Sanguinetti of Uruguay. However, given its objectives, which were fundamentally those of promotion of the themes of democratic governance, the project did not envisage tackling a systematic task in order that it should be succeeded by an initiative supported and financed by the institutions of the region.

## **Lessons**

Projects such as the one under analysis here, of a high political content and referring to the exercise of power under a democratic regime, have to face up to the resistance of certain sectors, given that their objective is to bring about reforms. The conditions of neutrality of UNDP, and its refusal to set conditions - other than its commitment to the principles of the United Nations Charter and to sustainable human development - make it possible to create an "intellectual climate" which allows the regional programme to be modified. In this way, there is no need for a direct intervention of UNDP with respect to the governments, which would be seen as interference in the internal affairs of the countries. In this sense, a project like the one analysed here can be an appropriate instrument for the discussion of values and the identification of problems in policies and of alternative solutions to them. Operating at a regional scale sometimes makes it possible to tackle countries' domestic matters which would be too sensitive to approach at a purely national level.

Once the advocacy stage was completed, the experience gained with the projects should be gathered together under a design answering to the specific requirements of the sectors at which they are aimed, a precise definition of the beneficiaries/addressees and actors/participants (individuals and organizations), a strategy for action in order to increase their effectiveness and a consideration of the conditions necessary to ensure the sustainability of the activities.

Experience shows that a communications strategy has to be incorporated, not only in order to make the activity of UNDP more widely known but also in order to reinforce the impact of the theme of governance on the public programme of Latin America and the Caribbean and to extend the range of action of the networks of concerned individuals and organizations.

## CHAPTER 2

### **CONSENSUS-BUILDING**

#### **UNDP'S ACTIVITIES IN THE BUILDING OF CONSENSUS**

Consensus is the basis and foundation of democratic governance. Not only does it render the efficient and proper performance of the action of government possible and viable, it is also the substantive element which confers legitimacy upon it. However, in the practice of the United Nations and of UNDP in particular, the building of consensus may fulfil multiple functions and may take place in a variety of scenarios ranging from situations of institutional stability, typical of mature democracies, to situations of extreme crisis in which societies are living through open confrontations which may go so far as to become armed conflicts of extreme intensity, as in the cases of El Salvador and Guatemala.

Additionally, this variegated range of scenarios includes those crisis situations where the country finds itself split by long-standing political conflicts and where its most explosive and dangerous elements are on the point of going out of control, and can be deactivated only by means of an intensive and targeted effort of dialogue and discussion. This was the case of Panama after the United States invasion in 1989, where UNDP successfully promoted a series of meetings which took on the character of national consolidation, usually known as Bambito I, II and III and Panama 2000.

#### **Consensus as a mechanism to achieve and consolidate peace: the cases of El Salvador and Guatemala.**

The United Nations has been part of the resolution of the armed conflicts in the two countries right from the beginning of the peace negotiations. The UN was the linchpin to which were attached a whole series of mechanisms of conciliation and dialogue which led to the twin processes of pacification and of transition to democracy.

In both cases the beginning of this dynamic process towards conciliation and dialogue must be placed within the context of the two programmes, PRODERE and CIREFCA<sup>3</sup>, which came about as a consequence of the pacifying impulse that resulted for the region from the Accords of Esquipulas II in 1987. In the two cases, the stress was placed on inter-institutional coordination, both with the missions of the United Nations and with other bodies of the system, governments and donors, in which the participation of the citizenry played a major role. This made it possible for civil society itself to play a decisive role in the support given to the reconstruction of communities impacted by the civil war.

This new profile of the United Nations was made clearly explicit and reinforced in “An Agenda for Peace” which the Secretary-General established in 1992 and in “An Agenda for Peace 1995.”<sup>4</sup> The prestige and neutrality which the United Nations enjoys gave UNDP greater opportunities for action in delicate and sensitive areas such as those related to peace and the peaceful solution of internal conflicts. In this way, in the building of consensus, whether as a facilitator, counselor, promotor of dialogue, ally of the national actors in the search for negotiated political solutions, or as a moderator, provider of good offices, neutral third party and in other roles, the traditional image of UNDP was taking on a new shape,

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<sup>3</sup> Development Programme for Displaced Persons, Refugees and Returnees in Central America, and International Conference on Central American Refugees.

<sup>4</sup> See in particular the second edition published by the Department of Public Information.

confirmed by the vigorous activism displayed in extremely complex and difficult solutions not typical of its traditional function of international technical cooperation.

## **El Salvador**

The original, earlier, case of El Salvador is perhaps the more complete paradigm, in that the United Nations played a decisive role, both in the building of peace, by means of its active participation in the negotiations which ended with the cessation of hostilities, as well as in the verification of the observance of the accords which were later put in place under its auspices. Consequently, a large part of the effort of external cooperation is currently directed towards the reconstruction of the country, which is still living through the consequences of ten years of civil war, with more than 75,000 dead, enormous losses on the economic front and a major institutional deficit. A large portion of the help from the external cooperation has been directed towards this last sector, where in this country, it should be noted,<sup>5</sup> UNDP had to support the creation of new national democratic institutions and the return of the former combatants to civilian life, as well as facilitating policies and consensus directed towards the creation of a lasting peace.

Additionally, the peace agreements themselves explicitly refer to the need for assistance from UNDP. Its action was directed toward such important areas as the reform of the justice system, the training of the new National Civilian Police and the creation of the National Academy for Public Safety, the strengthening of the Legal Office for Human Rights, the Modernization of the National Electoral Tribunal, the reform and modernization of the machinery of government and other areas which are discussed in other chapters relating to the specific projects of cooperation with El Salvador.

Peace is not only the absence of war. Consolidation of peace requires a major effort of conciliation and dialogue among the various participants in a society. To that end, UNDP supported and promoted dialogue between sectors which had historically been at odds, with the objective of creating a climate of understanding. One example is the beneficial meeting organized by UNDP between the main leaders of the private and business sector and the former combatants of the Frente Farabundo Martí de Liberación Nacional (FMLN) a few days after the rebels' return to the country following the signing of the agreements in Mexico at the beginning of 1992.

It may readily be imagined that in circumstances of this kind it is as difficult to achieve peace as it is to consolidate it, which requires knowing how to administer wisely each of its hard-won gains. In this connection, UNDP succeeded in reducing antagonism and promoting dialogue around themes of various kinds, creating or supporting pluralist fora, as for example the Foundation for Peace (FUNDAPAZ), comprising representatives of the various political forces of El Salvador, and going as far as the organization of training seminars for the President of the Republic and his cabinet with the objective of encouraging the creation of policies and programmes on sustainable human development, as had been stipulated in the peace agreements themselves.

## **Guatemala**

While the situation of Guatemala is not identical to that of El Salvador, the United Nations once again participated actively, both in the stage of the peace negotiations and in the current phase of

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<sup>5</sup> As does James LeMoyne in "UNDP and the Promotion of Democratic Governance in Central America," in the publication "Governance and Democratic Development in Latin America and the Caribbean," UNDP, New York, 1997.



reconstruction of the country. Prior to the final peace agreements of 1996, UNDP formed a working group with the first verification mission sent by the United Nations Secretary-General to Guatemala (MINUGUA) to support the organizations defending human rights and the Legal Office for Human Rights and to carry out urgently needed reforms in the area of justice.

The sixteen peace agreements signed in the course of five years of intense negotiations extend from the Agreement of Querétaro of 25 July 1991 to the Agreement on a Firm and Lasting Peace with which President Arzú and the guerillas (UNRG) put an end to the continent's longest-running armed conflict. In the 34 years it had lasted, this conflict cost more than 100,000 lives and left a country decimated by poverty and misery, with profound gashes in its social fabric and with more than 60% of its population living in conditions of destitution.

These agreements are the most complete of those reached in the region, since they set out to eliminate the structural causes which had led to the prolonged conflict. Thus, the agreements in Guatemala, unlike those of El Salvador, pay particular attention to social and economic reforms, such as those related to the machinery of government, taxation, land use and the reform of justice, over and above the historic agreement on the rights and culture of the indigenous peoples.

Verifying the observance of the peace agreements and assisting with the progress of this rich and complex process of national reconstruction is one of the most important challenges for the United Nations at the present time, since it involves not only the implementation of agreements aimed at bringing about a cessation of hostilities, but also a genuine political and social programme, directed towards making changes in the very structure of power and the way it is exercised. Thus it also covers the role of the democratic institutions, citizen participation and the respect for the cultural heritage and identity of the indigenous peoples, which, as is known, make up the majority of the population. In short, it involves an attempt to promote democratic governance in a country and a region with a long and deep-rooted tradition of authoritarianism.

### **Economy and democratic governance**

The terrible effects which the armed conflicts had on the national economies are well known, but the key role played by economic questions during the processes of transition is much less clearly understood. One problem is the fact that, with rare exceptions, the economy is not covered in the theoretical and political literature on governance, which concentrates instead on the analysis of the institutional aspects. For this reason, we will review here some of the unusual and innovative aspects of the two peace processes, which recognise the crucial importance which the economy undoubtedly has in processes of this kind.

The first major realization began in El Salvador by way of the study put forward by UNDP entitled "Economic Policy for the Creation of Peace: The Lessons of El Salvador," which stressed the differing and incompatible time-scales which often exist between the implementation of certain macroeconomic steps and the reforms required to reach the objectives laid down in the peace agreements. In turn, the failure to complete the latter were said to create conditions of instability which then also migrated into the macroeconomic sphere. In the case of Guatemala, the agreements themselves provide for economic reforms, relating both to the right of property and land-ownership and to questions of taxation.<sup>6</sup>

The consultative meetings among UNDP, the World Bank and the Inter-American Development Bank, which

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<sup>6</sup> Perhaps the most revolutionary is the clause which stipulates that "The taxation policy must be established in a form which will permit the collection of the resources necessary for the performance of the tasks of the State, including the funds required for consolidation of peace, by means of a taxation system which shall operate within the following basic principles: (a) to be a fair, just and universally progressive system in conformity with the constitutional principle of ability to pay; (b) to be universal and obligatory; and (c) to stimulate savings and investments;" and in the next line goes on: "Likewise, the government must ensure efficiency and transparency in the gathering of taxes and fiscal administration, with the aims of fostering the trust of the taxpayers in the management of the government and of eliminating tax evasion and fraud." (Agreement on socio-economic aspects and the agrarian situation). It is not difficult to imagine the impact of this provision if it is remembered that Guatemala has one of the most unequal distributions of land and income on the continent and also has one of the lowest rates of payment of taxation (8%) in the world, which directly aggravates the scarcity of resources of the government.

took place while the peace dialogue was unfolding (with the IMF also being kept informed of the content of these consultations), should be highlighted. As a result of these meetings, experts from the financial bodies provided advice to both sides of the negotiations on key questions such as those relating to obtaining and allocating resources in order to give viability to the process of national reconstruction and transition to democracy. This was the first time that bodies traditionally associated with the promotion of severe budgetary and structural adjustments made their contribution in the form of advice relating to the material bases which were indispensable if the peace process which had only recently begun to take form was to last. The programme which arose from this exercise establishes the essential nature of key questions for sustainable human development such as support to education, health and housing, in addition to human rights and the reform of justice, thus producing a genuine merging of macroeconomic policies with the sustainability of the objectives laid down in the peace agreements.

It had never before been the case that those bodies had promoted such drastic lists of actions. For example, raising taxes, compelling progressive payment of them, punishing tax-evaders, reforming land ownership and others. This makes clear, once and for all, that democratic governance does not depend only on the efforts and the sacrifice of the sectors which are in the majority, who are generally those who have the greatest shortages, but also on the contribution and change in attitude of the more well-to-do sectors of a society.

### **Consensus-building as a mechanism for overcoming crisis: the case of Panama**

The cooperation of UNDP in Panama during the process of transition to democracy which began in 1990 constitutes such a full and original experience that its more innovative aspects should be described. The efforts to build consensus which were undertaken during the most critical period of the crisis of governance, following the invasion by the United States, are still going on at the present time, with institutional stability already being assured and the process of democratization being highly advanced.

## THE PROJECTS IN PANAMA

### **Project PAN/93/853**

Panama is a country which has lived through an institutional history marked by numerous sharp changes of fortune, extending from its birth as a nation to much more recent times. More than 20 years of military government (1968-1989) had already left profound political, economic and social divisions, when the situation was worsened by the armed invasion by the United States on 20 December 1989. This deepened even further the political and ideological wounds existing in the country owing to the long-standing disagreements over the Canal and the fight to regain the country's sovereignty.

While the granting of power to the coalition of political forces headed by Guillermo Endara, which had won the 1990 elections, signified a major step forward in the sphere of democracy, the internal crisis which occurred, the recovery of the Democratic Revolutionary Party<sup>7</sup> and the prevalent instability gave rise to fears of a possible interruption in the forward movement of the democratic process.

It was in that context of growing chaos and uncertainty that an institution of enormous prestige in Panama, the Justice and Peace Commission, after a careful procedure of consultations with all the political parties, brought about the signing of a document known as the "Commitment of Santa María la Antigua" which clearly expresses the will of the political parties of Panama to set up a system of national conciliation with the aim of seeking joint solutions.

This effort of conciliation was the immediate predecessor to a major and sustained effort of dialogue which took place later under the guidance of UNDP, which played an extremely active and risky role as the articulator or facilitator of the process. This conciliation covered both the pre-electoral period, with the

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<sup>7</sup> At the relevant time it supported Omar Torrijos, and later Manuel Noriega.

meetings of Bambito I and II (the holding of which were assisted by project PAN/93/853) and the post-electoral period in Bambito III and in Panama 2000 (Project PAN/94/007).

### **The Bambito I, II and III meetings**

The first meeting, held in the Hotel Bambito, took place on 2 and 3 August 1993 and brought together representatives of the political parties, of labour, of the business sector, of the Catholic Church and of the university sector. Everyone recognized as the background a common concern to achieve a climate favourable to the holding of the electoral contest which would have to take place later, and the meeting pursued two basic objectives. One, formal in nature, had the aim of encouraging a meeting of the national political leadership covering the major problems of the country; and the other, informal, consisted essentially of serving as a space for meeting and dialogue which could facilitate the bringing together of a political class which by then had become inconceivably divided and hostile.

The formal debate was based fundamentally on the discussion of the national problems which would have to be incorporated into the programme of the future government. In summary, the objectives of the meeting were:

- a) To permit direct contact, in an informal atmosphere, between the political leaders of the opposition and of the government;
- b) To establish levels of trust in the management of the electoral process, as the central objective;
- c) To send a message of confidence to the national and international community, on the basis of a serious and representative dialogue of the highest levels of leadership in the country;
- d) To establish a national programme which would be useful to whichever political force emerged successful from the elections.

To this end, UNDP, together with the participants, prepared various documents which sought to place in order the challenges that the future government would have to face and which acted as a basis for the discussion in working groups led by professional officers from UNDP under the direction of the current President of Uruguay, Julio María Sanguinetti, and of the former President of Colombia, Belisario Betancur.

The areas identified as priorities were:

- a) Strengthening of national independence and of democracy;
- b) Agreement to form the legal and administrative structures which Panama had to create in order to take over the administration of the Panama Canal;
- c) The search for economic and social development;
- d) The modernization of the education and health services;
- e) Agreement to achieve integration of the areas adjacent to the Canal, which had been returned or would be returned to Panama.

Beyond the short-term preoccupation imposed by the electoral calendar, the priorities established in the agreement refer to questions directly related to the national interest, governance and sustainable human development, which the points listed pick up extremely clearly.

Subsequently there was a second meeting, on 4 April 1994.<sup>8</sup> While it was not of the same level of importance as the first, this meeting did make it possible at a key moment for the agreements signed in Bambito I to be

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<sup>8</sup> The second meeting was held in Panama City on 4 April 1994 and was attended by five candidates for the Presidency of the Republic: Rubén Darío Carlés, of the Alianza Cambio 94; Samuel Lewis Galindo, of Concertación Nacional; José Salvador Muñoz, of the Partido Panamista Doctrinario; Ernesto Pérez Balladares, of the Alianza Pueblo Unido and Eduardo Vallarón, of the Partido Demócrata Cristiano.

One important fact was the participation of the Fundación del Trabajo, which brings together labour and business, the Catholic Church, special invited national and foreign guests and also officials of the United Nations in Panama. Among those who did not participate were Merina Moscos, the candidate of the Partido Amulista and Rubén Blades of the Partido Papa Egoró, who took second and third place in the elections of 8 May of that year.

confirmed, this time by the presidential candidates themselves.

The meeting known as Bambito III took place on 4, 5 and 6 December 1994, in other words after the elections of May 1994 at which Ernesto Pérez Balladares had been elected President of the Republic. The two central objectives of this meeting were on the one hand to institutionalize the political dialogue to make it a permanent process, “managed” by the political and social forces in Panama, and on the other to reach bipartite agreements (between the government and civil society) relating to a number of social policies.

### **Achievements of the three Bambito meetings**

The approach adopted in this evaluation is essentially to evaluate the work undertaken by UNDP in politically sensitive areas such as those of conciliation and consensus-building, in critical situations<sup>9</sup>.

The first success achieved by Bambito I was to reduce the political tensions and to reestablish conditions for governance during the course of an electoral process which had been going forward in a climate of tension, distressing interpretations and growing political confrontations.

Those concerns appear justified, beyond the intentions and the urge towards democracy of the elected government, if it is considered that Panama is a country which had gone through innumerable traumatic experiences: elections questioned as to their legality and legitimacy, numerous *coups d'état*, presidents relinquishing the exercise of their powers and the invasion from outside. It is this context that gives the true importance to the second meeting, which finally created the atmosphere of calmness and trust in which the elections did in fact take place.

The most important result of the two meetings was undoubtedly the implementation of an exemplary electoral process, such as had never existed before, which conferred legitimacy on the authorities who were ultimately elected and helped to consolidate the process of transition to democracy. In this case, what was demonstrated was the importance of the mechanisms of consensus-building to overcome crisis situations and make progress in the field of democratic governance.

### **Project PAN/94/007 “Encounter Panama 2000”**

As a consequence of the commitments undertaken at the third National Meeting, for Unity and Human Development (Bambito III), to carry out a series of consultations among the participants in the previous meetings, UNDP, before undertaking any initiative in this area, performed an objective evaluation of the various meetings already held. Since the result of this survey was highly positive, and the majority of those interviewed expressed their interest in a further meeting, similar to the previous ones, being called by the United Nations, UNDP supported the process of dialogue and conciliation known as Encounter Panama 2000, relating to the culture of democracy in Panama as a fundamental means of promoting sustainable human development.

### **Achievements of the project Panama 2000**

According to the organizers of the various events which it generated, this experience should be evaluated both for its concrete results and for the highly advanced techniques of negotiation which were used. In all, the three meetings<sup>10</sup> made it possible:

#### **A. *With regard to the negotiation processes***

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<sup>9</sup> The evaluation undertaken by the mission which visited the country does not differ substantially from those undertaken by the Uruguayan consultant Diego Achard and the Guatemalan consultant Mario Solórzano Martínez, except with regard to certain questions relating to the Bambito III meeting in particular.

<sup>10</sup> These were held in the Coronado Resort hotel, located 90 minutes from Panama City, and took place on 26 May, 25, 26 and 27 August and 22, 23 and 24 September 1994, respectively.

- To have established a sustained model of dialogue and negotiation in the conditions of the political moment which the country was going through. Specifically, a political environment very different from the one before the elections, much more stable, with a government legally elected and united by a legislative majority;
- To have established a clear differentiation between the programme of the state and the programme of its government in order to be able to distinguish the ancillary problems, of a political or ideological nature or impacting personal or sectoral interests, from those which contained a genuine historical dimension and concerned the nation as a whole, including, certainly, the questions relating to the Canal;
- The active participation of the media as a profession and as providers of information. In fact, the experience of Panama 2000 had demonstrated the error of the traditional view of the media. The decision taken right from the start to include the representatives of the press as part of civil society and the participation of the press in its role as a former of public opinion, in the preliminary discussions, the workshops, seminars and meetings, made it possible to create a highly beneficial political debate.

**B. *With regard to concrete results***

- One of the most important results of the Coronado meetings I and II was to have formulated the Preliminary Draft Law on the Canal Authority which regulates the overall legal framework of what will be the Panamanian administration of the Canal starting from the year 2000, which subsequently was approved by Parliament, without change. In turn, the best-known success of the Coronado III meeting was the approval of the General Plan of Land Use and the Regional Plan for the Inter-Ocean Region Authority;
- From the point of view of democratic governance, these meetings constituted a space for discussion and interchange among the participants, the institutions represented, and in general, among the social, political and governmental leaders who were the most representative of the country, to cover key problems, very difficult to resolve;
- While it is not easy to predict the course of the activities which will take place in the context of this project, it is evident that those related to the controversial topic of the conversion and re-utilization of the US military bases will not have to be held at the present time and that it is not possible to anticipate the success or failure of the other initiatives.<sup>11</sup>

**Joint successes and difficulties**

It can be said that the projects achieved their set objectives, in that dialogue has become a fundamental element of the peace process and the advance of the democratic processes. It should be noted, however, that the effectiveness of the latter occurs within the framework of a wider process of cooperation, which goes beyond the specific project and the activity of UNDP alone, becoming part of a joint operation with other international bodies. The correct linkage between the various projects of any given national and/or regional programme of UNDP and the harmonization of these with the other components of international cooperation make the projects perform better and provide greater possibilities of success for each of the initiatives.

With relation to the appropriateness, in the Panamanian case alone, of the project Bambito III, some sectors consider that certain mistakes were made, particularly with respect to:

- The political situation, which was unfavourable, since the conditions conducive to conciliation which had arisen out of the pre-electoral climate (in which the Bambito I and II meetings were held), namely conditions in which all of the political parties were encouraging expectations of success and thus had

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<sup>11</sup> The only thing that is certain is that to summarize the most significant aspects of a project, which, like this one, is still being implemented, does make sense in that it allows a demonstration of the well-known capacity and skill of UNDP to undertake projects in political contexts which are as fluid as they are complex.

- a direct interest in the correct handling of the elections, no longer obtained;
- The event's unpreparedness for and lack of adaptation to the political changes which had occurred as a result of the election of a new government, following clear and transparent elections, which was already beginning to take decisions on the basis of its own party-based programme and in its own style of governing;
- The lack of clarity in the proposal and the lack of an appropriate strategy, in that themes of the government's programme were intermingled with the call for a national dialogue which would have been a more appropriate forum for discussion of themes of a programme of the State;
- Finally, the contradiction of calling together a national meeting in order to carry out tripartite discussions among businesses, labour and government, which could have been done in a different forum without creating a national expectation.

However, if the whole set of the interviews carried out during the evaluation mission is analysed, it is clear that this is the perception of the political sectors in general. By contrast, the idea which still holds in the business and trade unions sectors is different. The majority of the latter understand that this was the first "social compact" in the history of Panama subscribed to by the government, by business, and by labour. Even if the political parties did not participate, it was an extremely positive step and the cornerstone of a constructive and fertile dialogue which has consolidated over time.

The target group for this effort of consensus comprised society as a whole. No labour, no effort will make it possible to avoid the huge costs which result when a society is fundamentally split. Thus, work towards consensus is generally to the benefit of all sectors of society.

However, the direct beneficiaries are the persons and organized groups who constitute the fundamental leadership of societies. It is they who receive stimulus and training in activities of negotiation and dialogue, activities which, in situations like those analysed here, had been worn out as a consequence of long years of confrontation and hostility.

### **Lessons**

The events summarized above make it clear that consensus is an essential component of governance, not only to achieve it (as occurred in Guatemala and El Salvador) or to make it possible and to defend it (as in the case of Panama) but also to confer legitimacy on it and thus to transform it into democracy which is, finally, the only way to guarantee that it will last.

As has been seen, consensus is one of the primary objectives of the activities of cooperation undertaken by UNDP and, in particular, all those which refer to governance. This is doubly valid in situations of open confrontation, in which the countries, and even the entire region, are engulfed owing to the occurrence of internal armed conflicts. The projects analysed, and, even more so, all of the efforts undertaken, make it clear that in El Salvador and Guatemala the United Nations and UNDP played a decisive role both in peace-building, in other words in the phase before the cessation of hostilities, and in the stage of national reconstruction, in which the activities tending to achieve national reconciliation and the consolidation of peace become predominant.

In those situations of instability in which internal convulsions are on the point of spinning out of control, or the crisis is threatening to propagate itself, the setting up of mechanisms of consensus also constitutes an effective means of preventing this from happening. From this point of view, the activities undertaken by UNDP in Panama constitute a highly encouraging example which can act as a guide to be applied in other regions of the globe where similar situations are to be found. This novel dimension of consensus deserves to be incorporated as a priority theme in the programme known as preventive diplomacy.

The activities examined stress the talent and skill of UNDP in promoting consensus, encouraging democratic practices for the resolution of conflicts and successfully bringing together sectors which have historically

been in conflict to discuss and agree on joint solutions to deal with the nation's major challenges.

With regard to the operation of the United Nations on the ground, this situation has also shown the appropriateness of UNDP to fulfil the task of coordinator of all of the activities of the UN system and to serve as a linking mechanism among the United Nations, the NGOs, the donors and the international financial bodies.

## **CHAPTER 3**

### **GOVERNANCE AND HUMAN RIGHTS**

#### **UNDP'S APPROACH**

The cooperation of UNDP in this field is both promising and recent. The delay in entering the field results from the political conditions which obtained in the region until very recently. Inclusion of this sphere in the programmes of UNDP coincides with a reevaluation of the theme, which has very rapidly turned into one of the fundamental pillars on which governance is based.

Throughout the Seventies and for part of the Eighties, Latin America was the dismal scene of the most serious and aberrant violations of human rights recorded in this century. Various countries experienced what the international bodies for the protection of human rights identified as genuine state terrorism. Both the United Nations and the Organization of American States (OAS) were the recipients of numerous complaints and appeals concerning such outrages.

In this context it may be understandable that the governments of the region were openly hostile to any form of cooperation in the field of human rights and that international monitoring was perceived as a genuine infringement of national sovereignty, an interference in the internal affairs of the countries. In those days, international assistance was concentrated on the essentially technical and/or economical spheres. The UNDP field offices had to wait for better times and had to be able to choose the appropriate moment to enter, with caution and wisdom, into the thorny and delicate universe of human rights.

However, the gradual process of democratization of the continent and the various changes which were taking place as a consequence of the recognition of the international dimension of human rights opened up new spaces for external cooperation, in which institutional reform, the modernization of the justice sector and the promotion and protection of human rights take a very important place.

Over and above the democratic advances in the region, two other factors assisted in this encouraging trend. The first, theoretical in nature, arose out of the creation of the concept of sustainable human development, which fostered a greater diversification of external cooperation and incorporated human rights (both civil and political, as well as economical, social and cultural) into its essential components. The other was practical in nature, and arose out of the actual experience of the field offices, who on more than one occasion pushed forward into these areas and did so with such success and such a sense of timing that they encouraged other field offices to continue in the same direction.

The experiences which are analysed in this chapter are an illustration of this important trend. In the case of Paraguay, the most significant lessons are drawn from an innovative, cooperative experience in the field of human rights during the process of transition from a dictatorship to democracy. In the case of El Salvador, what is stressed is the decisive role taken by the promotion and protection of human rights to cement the processes of national reconciliation in countries emerging from an internal armed conflict. (The preceding chapter, on consensus-building, also reviewed the role played by human rights in the achievement of peace, namely as a component of the peace agreements in the negotiations which were carried out with the involvement of the United Nations both in El Salvador and in Guatemala.)

#### **THE ROLE OF HUMAN RIGHTS DURING THE PROCESSES OF TRANSITION TO DEMOCRACY**

##### **THE PARAGUAY PROJECT**

###### **Initial context of the project and problem to be tackled**

One characteristic common to the majority of the dictatorships under which the region suffered in recent decades was the growing international isolation caused by their repressive policies. However, in the specific



case of Paraguay, the ostracism and isolation from the major problems of the world were seized on by the dictatorial regime as a sort of national fortification or protective shield against the multiple complaints which were raised, both from within the country and from outside, of serious violations of human rights. Thus, from the Fifties to 1980, the country lived under one of the longest and most severe dictatorships in Latin America. Under the regime of General Stroessner, which lasted 34 years, the totality of public and private liberties was gravely restricted and almost none of the international instruments for the protection of human rights was ratified.

By contrast, right from the very beginning of the process of transition to democracy, the circumstances of Paraguay started to undergo fundamental changes. In the early hours of 2 and 3 February 1989, the new authorities actually committed to the country and to the international community that they would respect human rights and reestablish the democratic system of government. Shortly after that, General Andrés Rodríguez was elected constitutional president, in the first free and democratic elections in the entire history of Paraguay. At the same time, the rule of law was reestablished, political pluralism became a part of national life and the exiles were allowed to return.

The needs which arose with the transition were enormous, and, given the historical context of Paraguay, covering the deficit in the area of human rights became one of the determining factors in the advance and consolidation of democracy.

Thus in April 1990, the government of Paraguay, the United Nations Centre for Human Rights (now the United Nations High Commission for Human Rights) and UNDP signed a first agreement of technical cooperation in the sphere of human rights (PAR/90/003) the principal objective of which was to identify the needs for international assistance in this field and to define the procedures for implementing it.

Among the most important results of this preliminary phase of collaboration, which covered only a few months of 1990, were the creation of the Directorate-General for Human Rights as part of the Ministry of Justice and Labour, the training of personnel who had potential for working successfully in it, and above all, the preparation of the cooperation project under evaluation here, which built on the previous one and kept the same symbol, PAR/90/003, and which acted as a frame of reference for all of the activities which took place between 15 August 1991 and 15 August 1993, the date on which it was concluded.

### **Description of the project**

The principal objectives of project PAR/90/003 included:

Judicial reform: promotion of the ratification of the various international instruments for protection of human rights; provision of technical assistance to achieve correct matching of domestic legislation to international law.

Institutional reform: provision of counselling for the establishment and operation of the Directorate-General for Human Rights under the Ministry of Justice and Labour, as the centralizing body for the activities of the government being carried out in this field; offering the basic infrastructure necessary for the functioning of this body.

Constitutional reform: cooperation in the reform of the national constitution, promoting the incorporation of rules which would guarantee adequate protection of human rights and fundamental liberties; promotion of knowledge of and teaching and training in human rights, through courses, scholarships, seminars and other related activities; undertaking activities in favour of the various vulnerable groups in society: women, children, the disabled and the indigenous populations; supporting and stimulating the contribution of the non-governmental organizations defending human rights.

### **Results**

As a consequence of the incorporation of other cooperative bodies and of the harmonious work together with them, the number of activities and undertakings which were carried out far exceeded what had been envisaged in the project. Thus, for example, in the short period of two years, eight major-scale seminars were held, arousing enormous interest not only in the participants but also in the population in general, owing to the high level of publicity they received in the press and also to the presence in the country of important political personalities (such as the former presidents José Sarney of Brazil and Raúl Alfonsín of Argentina), prestigious NGO representatives, international experts on human rights, well-known lecturers and other speakers from the academic world.

One of the events which had enormous impact was the International Seminar on Comparative Bases for a Constitutional Reform, which was held in Asunción from 5 to 8 November 1992. The primary objective of this seminar was to stimulate internal discussion, offering future constituent members and public opinion in general a frame of reference for comparison of other recent constitutional reforms, particularly in Latin America, which could guide and enrich the productive national debate.

Additionally, a number of actions and activities in favour of certain specific groups of the population were undertaken, groups whose various circumstances gave them the right to benefit from "affirmative actions," as was the case for children, women, indigenous populations and the disabled.

Notable among the activities relating to children were the "First Children's Elections," organized by the Directorate for Human Rights in October 1992 in fourteen provinces of the country, including Asunción.<sup>12</sup> The primary objective of this election was to make children, parents and teachers aware of the content of the international Convention on the Rights of the Child.<sup>13</sup>

With regard to persons with disabilities, in 1991 UNDP, in close collaboration with the Centre for Social Development and Humanitarian Affairs in Vienna, drew up a "Proposal for an Action Plan concerning Disabled Persons."

In the area of institutional reform, the creation of the Directorate for Human Rights as a part of the Ministry of Justice and Labour was the first step and perhaps the most important in this direction. In addition to supplying materials and computer equipment to strengthen its infrastructure, and publications and documents for its library, arrangements were made through the Centre for Human Rights for periodic counselling by an international expert in human rights.

### **Achievements and difficulties**

It is important to remember that the dynamic caused by the process of transition awoke the interest of many other bodies involved in international cooperation, and the multiplicity of activities which were carried out make it extremely difficult to evaluate in isolation the impact and the successes of the project without taking into account its links with the various initiatives generated by or related to it.

Viewed from this angle, the most important achievements of the project, in the immediate term, are to be found above all in the sphere of institutional and judicial reform.

In a very short space of time Paraguay ratified almost all the international agreements on the protection of human rights and recognized the authority of the bodies responsible for supervising them. The first treaty to

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<sup>12</sup> The situation of children is one of the most serious problems facing Paraguay, since out of a population of 4,123,000 inhabitants, more than a third comprises children under 13. In education, it is estimated that about 40% of children in rural areas do not complete basic schooling.

<sup>13</sup> As part of the impact which this event had on those directly involved and on public opinion in general, 53 primary education supervisors, 1753 directors of public and private institutions and 7520 teachers of the upper primary level were trained.

enter into force was the American Convention on Human Rights.<sup>14</sup> This was then followed by the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Inter-American Convention to Prevent and Punish Torture. Later, the country adopted the Convention on the Rights of the Child, and, in 1992, Paraguay became a signatory to the International Covenant on Civil and Political Rights and to the International Covenant on Economic, Social and Cultural Rights. At the same time, it withdrew the reservations which limited the right of asylum and completed the ratification of the agreements on humanitarian law; all of this within a framework of a gradual effort to align its domestic legislation with the new rules of international law.

The establishment of an office responsible for leading forward and centralizing all government activities in the area of human rights was, right from the start, one of the cornerstones of the cooperative project.

Other areas in which the cooperation had a positive influence were the new importance attached to the activities of the Attorney-General's Office after the widening of its authority and the later proposals for reform of the prison system, which took as a reference the Standard Minimum Rules for the Treatment of Prisoners and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice.

Constitutional reform, an area of cooperation in which UNDP also had a marked role, represented one of the most important steps of the transition, in reestablishing, from a legal point of view, the identity between the state of law and democracy in a country with a long authoritarian history.

While the target group of this project consisted primarily of the national authorities responsible for drawing up and implementing public policies in the area of human rights, benefits also accrued to the judicial authorities, the lawyers, the members of the institutions with the role of providing defence of human rights, and so on.

The principal beneficiaries of the project also include those sectors of the population on behalf of which specific actions were carried out. Thus, for example, the indigenous populations, which in Paraguay as in most Latin American countries have been victims of long-standing processes of discrimination and marginalization, succeeded in having the national constitution which was approved in 1992 recognize the right of the indigenous peoples to preserve and develop their ethnic identity in their natural surroundings, as well as many other specific rights. The support given during this period to the NGOs led by persons with disabilities promoted the growing activism of the latter. Additionally, the proposal to include a specific article on this question in the new national constitution came from those directly concerned.

One interesting aspect of this project was its notable efficiency, taking into account the low amount of funds consumed by all the activities undertaken. In total, the contributions made by UNDP, the Centre for Human Rights, the government of Paraguay and other cooperative bodies did not exceed US\$ 500,000.

Being an innovative project, in that it was one of the first in this field which UNDP carried out on the continent, perhaps its main difficulty consisted in not having models or prior experience which could have acted as a guide or a reference for the activities undertaken in a country as closed in on itself as Paraguay used to be. Nevertheless, this latter particularity is what gives the greater interest and originality to the experience under evaluation, as well as to its individual lessons.

Analysing its long-term impact, it will be seen that as advances took place at the national level in the sphere of human rights, public liberties and political pluralism, the internal shape of the country was gradually changing, as was the view held of it in the outside world. Little by little, Paraguay was recovering its credibility, and interest in the country increased. In turn, this took the form of a degree of increase in external cooperation and greater possibilities for the nation. The inclusion of Paraguay, together with Argentina, Brazil and Uruguay, as a full member of the South American common market (MERCOSUR) would have been

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<sup>14</sup> In a symbolic gesture, the law which approved the ratification of this carries the number 1 and was passed on 14 July 1989. At the end of 1992, the executive branch of government accepted the request of Parliament and recognized the authority of the Inter-American Court of Human Rights.

unthinkable barely a decade before.

This final example constitutes the best proof of the assertion that human rights are not only an essential pillar at the beginning of the process of transition to democracy on the domestic scale, but they also play a decisive role in the recovery of external credibility and the international rehabilitation of the country.

### **Sustainability**

The conversion of the Directorate for Human Rights into a permanent division of the Ministry of Justice and Labour gives evidence of the sustainability of the project, taking into account the enormous impact on domestic legislation of the entry into force of the many international instruments which were ratified by Paraguay. Nevertheless, the factors which lessened the vigorous effect of the project began to take effect after its completion and are intimately linked with the changes which took place with the appointment of a new Resident Representative, who placed the priorities of the office on other subjects. During the four years which this person spent as the head of the office, support was given to implementation of only a very low number of activities in this field. As may be supposed, this was disconcerting to the population and the media, who had been accustomed to associating the image of the United Nations with human rights during the early years of the transition.

It is also certain that subsequent events, and in particular the present phase of the transition, have compromised some of the main achievements which happened at the beginning, and have raised questions about the future course of the country.

### **Lessons**

The experience in Paraguay during the early years of the transition shows that it is possible to penetrate successfully into areas which are as sensitive or delicate as human rights without this necessarily entailing tensions with the governments and without other projects which are in progress being affected thereby. On the contrary, experience shows that projects of this type, like those which are being carried out in El Salvador and Guatemala, can contribute to consolidating mature and constructive relationships among the United Nations, the authorities of the country and the other national actors, such as the NGOs defending human rights.

Another lesson which should be emphasized is the importance for emergent democracies which attaches to technical cooperation in this sphere. In such democracies, human rights play a decisive role in advancing the processes of transition, and make a decisive contribution to the opening up and the international rehabilitation of the countries.

Finally, the complementarity and harmonization of the activities of the various programmes of the system around this theme and in particular the joint activities of UNDP and the Centre for Human Rights (now the United Nations High Commission for Human Rights) make it advisable for this type of action to be performed jointly in the future, as is proposed in the agreement between the Administrator of UNDP, Mr. James Gustav Speth and the United Nations High Commissioner, Mrs. Mary Robinson.<sup>15</sup>

This type of activity is highly efficient, because with only small expenditures a major impact on the country can be achieved.

## **THE ROLE OF HUMAN RIGHTS IN THE PROCESSES OF NATIONAL RECONCILIATION**

### **THE PROJECTS SUPPORTING THE LEGAL OFFICE FOR HUMAN RIGHTS IN EL SALVADOR**

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<sup>15</sup> "Integrating Human Rights with Sustainable Human Development: A UNDP Policy Document," January 1998.

## **Initial context and problem to be tackled**

Drawing its inspiration from the positive performance of the Legal Office for Human Rights of Guatemala, its counterpart in El Salvador recognizes as one of the most important factors in its creation the agreements reached in Mexico on 27 April 1991, in which the government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional agreed, among other measures, to carry out specific constitutional reforms aimed at improving the legal system and establishing guarantee mechanisms for human rights. One of those reforms was the creation of the Legal Office for the Defence of Human Rights.

The constitutional reform which was subsequently carried out incorporated and amplified the spirit of those agreements by establishing, in its articles 192 and 194, the figure of the public defender or *ombudsman* and his election by two thirds of the deputies in the Legislative Assembly, to guarantee his impartiality and proper performance. Those articles provide for a very wide range of functions, both in promoting and in protecting human rights. In conformity with the Agreement of Chapultepec, signed in that Mexican city on 16 January 1992, the National Commission for the Consolidation of Peace (COPAZ) had the responsibility of drawing up the preliminary draft law establishing the Legal Office. Thus on 20 February of the same year, Act No. 183 was published in the Official Gazette, regulating the organization and functioning of the Legal Office.

In accordance with that law the Legal Office is “an integral institution of the Attorney-General’s Office, permanent and independent, with its own legal personality and administrative autonomy.” Its mandate is very broad. Among other duties, it has to monitor observance of human rights and investigate complaints of violations of them, as well as watching over the situation of prisoners.

With the role assigned to the Legal Office in the national constitution, the Agreement of Chapultepec and Act 183, and also because of the urgent need to make it operational, in May 1992 the appointed Public Defender requested the international community and UNDP in particular to provide immediate support to allow him to take up his functions at once. In response, UNDP put together, under the symbol ELS/92/013, a mechanism of preparatory assistance, by means of which the Legal Office was given a minimum infrastructure, the essential requirements to start operation, which made it possible to open the Office on 27 July 1992.

With the aim of giving the Office suitable personnel with regard to planning and institutional administration, and of establishing mechanisms and instruments to inform the population of the creation of the institution and of its functions, UNDP both offered such technical advice and also strengthened the infrastructure of the Office under Project ELS/92/014, “Support to the Legal Office for the Defence of Human Rights, Phase II” (Apoyo a la Procuraduría para la Defensa de los Derechos Humanos, Fase II).

One further proof of the initial rapid advance of the Legal Office was the agreement which it signed in August 1993 with the UNDP’s Development Programme for Displaced Persons, Refugees and Returnees in Central America (PRODERE) to draft a Popular Legal Guide and implement training plans in human rights.

Despite the intense range of activities carried out by the Legal Office and the progress made in the peace negotiations, in those days the situation of human rights remained one of concern. Thus, for example, in the short period between 27 July 1992 and 30 June 1993, the institution opened 2177 protective investigations.

In the light of these circumstances and given the certainty that the United Nations Observer Mission In El Salvador (ONUSAL), was to be withdrawn quite soon (planned at that time for the middle of 1994), it was essential that the Legal Office should be strengthened even further, above all in the analysis and the investigation of violations of human rights. In order to respond to this need, project ELS/94/001 was signed, under the title “Strengthening of the Techniques of Observation, Monitoring, Analysis and Investigation of the Legal Office for the Defence of Human Rights”<sup>16</sup> (Fortalecimiento de las Técnicas de Observación,

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<sup>16</sup> Beyond consolidating the ground gained by the institution, this project sought to make progress in the field of monitoring and was intended to work in harmony with the “Draft Project on Cooperation and Transfer” signed by the Division of Human Rights of ONUSAL and the Legal Office in July 1993, under which the former undertook to transfer knowledge, methods and techniques of investigation, information processing and computer support to

Monitoreo, Análisis e Investigación de la Procuraduría para la Defensa de los Derechos Humanos).

It is important to note that the participation of UNDP in this project was based essentially on the Agreement of Chapultepec, which had explicitly established it. The implementation of it, which began in June 1993, was part of the implementation of the Fifth National Programme of Technical Cooperation with El Salvador 1992-1996 and was based on this, taking into account that in this particular country the Resident Representative is also the coordinator of all the activities of the system. Additionally, UNDP, which does have access to co-financing mechanisms, was able to capture the necessary funds and channel them into implementation of the project, to an amount totaling US\$ 577,729. Since it had a support unit for procurement of goods and contracting for services, it was able at the same time to facilitate many of the other activities provided for under the project.

Despite the advances made, some facts related to citizen safety delayed and even jeopardized the fruits of the peace process owing to an alarming increase in common crime and the appearance of secret armed groups who sought to replace the Justice Administration in the battle against crime, threatening judges and magistrates. Under these circumstances, all recommendations concurred on the need to give continuity to the project by means of a new phase and to extend the process of reforms and modernization to the thirteen provincial delegations, as well as to the Subsidiary Legal Offices for Women, Children, the Environment and the Elderly.

To this end, and with the objective of dispersing the safeguarding work by better linkages with the NGOs and other bodies of civil society, UNDP and the Legal Office signed the project ELS/95/013, Phase II, for an amount of US\$ 1,236,575, which received financing from the governments of Norway, Sweden, the Netherlands and Denmark.<sup>17</sup>

## **Results**

These occurred successively, in accordance with the differing phases of the cooperation.

Initially, the Legal Office was provided with a minimum infrastructure, and with the essential requirements for it to start functioning, thus making it possible for the offices to be opened in mid-1992. Later, this infrastructure was strengthened and a contribution was made to the training of the personnel of the Office in the areas of planning and institutional administration.

The law which regulates the organization and functioning of the Legal Office was amplified later by the Rules on Procedures and Functions of the System for Protection of Human Rights.

In the second phase, which included the appointment of the new Public Defender for Human Rights, in April 1995, various activities were carried out, to achieve a significant improvement in the institution's management capacity, and in the computer field, and its functional organization was restructured.

Among the most important results we should include the growing territorial extent of the activities of the Legal Office, accompanied by a process of modernization in the thirteen provincial delegations. This gave the population easier access to the Legal Office, leading to an increase in the number of complaints and reports.

The Subsidiary Legal Offices for Women, Children, the Environment and the Elderly were also put into operation.

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the latter, as well as those cases which were being verified at the time of the finalization of the mandate of ONUSAL.

<sup>17</sup> Amongst the most important objectives, the project intended to link the protection of civil, economic, social and cultural rights with the protection of the most vulnerable sectors, to extend its activities to non-judicial control of the legality of the acts of the public administration, but above all in all cases to guarantee the sustainability of the results achieved by the institution, already transformed at that time into the sole institution responsible for guaranteeing the non-judicial protection of human rights in the country.

The numerous publications issued by the Legal Office contributed to an improved awareness of the protection activities it organizes, of its functions and of the various situations with which it deals.

Another result of the project was the solidarity and legitimacy acquired by what came to be known as the “International Standards of Protection,” which act as a legal framework for reference on the actions of the Legal Office and which, by their scale, go beyond those of the ordinary justice system. Consequently, once an investigation has been concluded, the incumbent of the office is authorized to establish, in accordance with a “conscience-based criterion” whether or not there was a violation, and to the extent possible, to identify those responsible.

### **Achievements and difficulties**

The most visible achievements of the project were, among others, the following:

The completion of the process of institutional consolidation of the Legal Office, of the professional training of its personnel and of the deployment of an advanced and efficient system of quasi-judicial protection of human rights.

The processing and resolution of a large number of complaints of violations of human rights. The numbers of reports received, of investigations carried out and of resolutions approved are the highest in the history of the institution and also the highest in all of Central America.

The safeguard system was improved by means of utilization of appeals to the constitutional justice system and through the activation of the jurisdictional justice system.

The Department of Economic and Social Rights also went fully into operation as concerns management, procedures and methods to protect economic, social and cultural rights, both individual and collective.

There was a greater level of coordination with the NGOs, with joint activities being carried out in the areas of teaching and publication.

A conceptual and legal design for the management sub-system was set up, for the non-judicial monitoring of the legality of the acts of the public administration.

An important achievement of the project was the preparation of a theory of non-judicial protection of human rights, accompanied by the setting up of a typology of rights protected and of acts which violate them, which proved highly useful in practice for the work for the institution.

The recipients of the project, both in its first and its second phase, were the officials of the Legal Office, who obtained through it a higher level of training and specialization, which made it possible for the institution to improve its performance every day. The beneficiaries, however, were the citizens in general, who were able to enjoy better levels of protection of their rights, and the NGOs who were associated with the safeguarding work and participated in the training programmes promoted by the external cooperation. Notably, those citizens with relatively low incomes, those belonging to vulnerable groups and those carrying out political activities as part of the opposition benefitted in particular.

There can be no doubt that the principal success of these projects was given by the form in which the work on safeguarding human rights penetrated into the social fabric of El Salvador and at the same time cemented the development of an institution whose function and work has gone on increasing under the impetus of its own successes.

In addition, this protective role of the Legal Office has been reinforced by the gradual broadening of the typology of rights which it is responsible for protecting and the drawing up of an extensive list of the acts

which constitute the various violations. The novel aspect of this typology is that it incorporates into the quasi-judicial investigative procedure, in addition to the civil and political rights, a major set of economic and social rights, including the rights to property, health, education, work, to belong to a trade union, the right to social security and to the protection and establishment of a family and many other rights of a collective nature. Thus, the protection procedure based on individual complaints has incorporated the specific rights of women, children and the elderly, regardless of whether the directly responsible body should be the state, agents of the state or private persons.

While the resolutions of the Legal Office do not have the binding and mandatory force of legal decisions, in practice they acquire an immense power of persuasion and credibility, owing to the great ethical prestige and authority of the institution.

The factor which shows with the greatest accuracy the authority achieved by the Legal Office and the broad success of the projects which have supported its work is the level of compliance which its recommendations encounter. The clearest example supporting this assertion is their degree of acceptance, including in the bodies which have judicial functions such as the National Supreme Court of Justice, which recognizes the validity of more than 80% of these recommendations.

With regard to the difficulties encountered, there is the understandable tendency to approach the protection of human rights exclusively from a jurisdictional standpoint. This is why stress had to be laid so much on the training of the personnel of the Legal Office in the handling of this novel mechanism of quasi-judicial protection, in order that they should be in a position to carry out their tasks correctly.

Another obstacle, which has been circumvented over time, was the relationship with some government bodies, in particular those having to do with security, which took some time to understand and accept the monitoring functions which the Legal Office fulfils.

### **Sustainability**

The principal obstacle to sustainability, which still exists and appears to have become worse, is financial in nature and relates to the meagre allocation of resources in the national budget to the adequate functioning of the institution. This latter fact raises serious questions as to the sustainability of its activities in the future, given the fact that a large portion of them continue to be financed by external cooperation.

It is to be hoped that the authorities in El Salvador will learn to value the fruits of this effort and will give the institution the national support which it requires, above all at a time when the lack of trust in the government is reaching critical levels in some sectors of society. The Legal Office for the Defence of Human Rights, is, precisely, the government body which enjoys the greatest prestige within the population and therefore it is the one which could best contribute to recovering this trust.<sup>18</sup>

### **Lessons**

The first of these refers to the important role which human rights have in those countries which are emerging from an armed conflict and are in the middle of the process of reconstruction. In the context of the region, the Central American experience shows us the extent to which human rights are an essential component not only to achieve peace but also to consolidate it.

The second lesson refers to the importance which attaches to the support of the cooperation system to institutions such as the Legal Office for Human Rights in El Salvador, which has become one of the principal foundations on which the process of national reconciliation is based.

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<sup>18</sup> According to an inquiry carried out in the context of the project "Assistance and Information-based Training for the Government Departments Protecting Human Rights in Central America," financed by the European Union.



The level of trust by the population achieved by the Legal Office, in addition to conferring legitimacy on the institution, has contributed to developing a greater democratic awareness in the population which, after so many years of confrontation and violence, is beginning to detect the fruitful synergy which there is among peace, democracy and human rights. This genuine realization transcends national frontiers in the area of democratic governance, extending to the region as a whole the corollary of this valuable lesson.

## **CHAPTER 4**

### **DEMOCRACY AND CITIZEN PARTICIPATION**

#### **UNDP'S APPROACH TO CITIZEN PARTICIPATION**

It is today an incontestable fact that democracy is the outcome of the free expression of citizen will, made evident by way of real and effective mechanisms of participation. However, up until not very long ago, both despotism and populism, two evils which the Latin American and Caribbean region suffered constantly, created a culture which not only did not encourage participation but in fact aimed to render it superfluous. The populist state was a "collective educator" in negating any cultural inclination towards participation, by generating the idea that the (falsely) generous State could supply all of the needs which human beings could possibly have. The idea of participation was, in this context, absolutely unnecessary, if not harmful. In some countries, the dictatorial government and, further, the situation of conflict directly prevented the exercise of participation.

Despite the legitimacy which participation has acquired today as a component of democracy, in the modern era both the process of massification which has taken place in the majority of the highly technology-based societies and also other transformations of the state and of political activities, in particular the deterioration of the parties, have had as a corollary a degree of alienation of the citizenry from those who govern. In turn, political and socio-cultural factors, and above all economic factors, have given rise to a process of marginalization or exclusion of important sectors of the population who see themselves deprived of any real possibility of participating fully in the taking of decisions at the level of their own community. This is actually one of the central groups of problems of the era, since participation is the means by which societies advance, become integrated and renew themselves and by which the population enriches itself and projects itself into the future. By contrast, the absence of participation not only harms the richest and most vital aspects of democracy but also gives rise to the cultural phenomena of intolerance, xenophobia and in general, social breakdown.

These considerations throw into relief the phenomenon's enormous implications and provide the basis for the ongoing interest of UNDP in encouraging citizen participation. In addition, this theme has acquired a significant presence in the debate on the reforms of government and society which are going on in the region.

The essential element to define the appropriateness and advisability of a policy is generally the degree of participation which it can generate. The ethical and political foundation of this view is that when the citizens participate they are in a better position to decide and to ensure that what is decided is in harmony with their interests and needs. It is held that citizen participation is a guarantee that public and common resources are allocated to the objectives which have been socially agreed, by way of the mechanisms and institutions which the state of law establishes.

From the point of view of UNDP, participation becomes a fundamental element of democratic governance within the framework of sustainable human development. Citizen participation is the element on which depends the possibility of constructing a genuinely democratic political and social system. Those who are governed do not restrict themselves to the occasional act of voting, but intervene every day in the building of public decisions. The basic assumption is that by means of this participation the decisions adopted will be shared by majority sectors of society and will not, as frequently occurs, be subject to a dynamic of de-legitimization after the fact.

It is not only a question of participation generating higher and growing levels of democratic governance, but also it is assumed that this social intervention is performed as a function of the collective interests, which in turn entails a safeguarding of the matters pertaining to the quality of life.

There are new problems which have arisen because of the diffusion of the values of participation. While this is a very complex set of problems, where the issue arises with greater immediacy is in the crisis of representativity suffered by the political parties in some countries. These are and should continue to be the

main channels for political participation in the representative democracies. It is for this reason that UNDP has recently entered this key sphere of governance despite its being a notoriously sensitive area from the political point of view.

Finally, participation gives rise to transformations in the behaviour of the agents of government. The public officials and organizations, trained to dedicate themselves to their own social reproduction, find themselves compelled instead to develop unfamiliar mechanisms for relating to the citizenry, as well as abilities to listen to complaints, to facilitate responses and to solve problems. This social pressure becomes a restructuring force both of the machinery of government and of civil society.

To a large extent, it is the organizations of civil society (private sector organizations, NGOs, cooperatives, promotion organizations) which act as a channel for citizen participation. This condition transforms them into pressure forces to render the democratic process more dynamic, through the impact of changes in which the organized presence of the citizens is an essential component and not something optional.

### **The action of UNDP in encouraging participation**

A constant feature, which is to be found in all the projects and also in the material consulted for this evaluation, is the presence of the participatory component. Further, UNDP has stressed this aspect because its concept of democratic governance essentially implies this dimension. In consequence, there is participation in decentralization, in the economic and collective management of the informal sector, the programmes to combat poverty, the protection of the environment, the organized action of the indigenous groups, of women and of other vulnerable sectors, and so on.

It is important to remember also that for UNDP, as for other bodies of the United Nations system, the participation of the population in the taking of decisions is one of the essential ingredients or motors of development. This implies that, in conformity with the concept of sustainable human development, development must be of people, by people and for people. In other words, it must shape itself around people.

In this way and as will be seen later, the promotion of participation has differing foundations. On the one hand, as an ethical imperative, founded in the principle of equality and equity, as modern law prescribes. On the other hand, as an essential ingredient of democratic political life, the absence of which entails grave cultural and social consequences. Finally, it also emanates from a constructive and pragmatic activity, such as that of UNDP, in which citizen participation has become one of the essential components of sustainable human development, acting as a guide and giving unity to the organization's activities of cooperation.

Furthermore, a high percentage of projects carried out or promoted by UNDP tend to encourage the participation of certain sectors of the population which for economic, social, cultural or other types of reason have been prevented from participating, or at least restricted in their participation, under conditions of equality with the rest of the population. This is the case, for example, of women, who despite the formal legal equality achieved in the majority of countries encounter serious obstacles to their taking leading roles in the arena of political decisions. It should be pointed out that the concept of sustainable human development includes among its components the dimension of gender, from the point of view both of equity and of efficiency.

It is only recently that UNDP has ventured into the gender questions, doing so essentially by way of support to certain measures of positive action tending to promote a greater access for women to political life. Another particularly fruitful field for the activities of UNDP in this area is that of certain participatory development projects carried out in favour of the indigenous populations or of other poor or marginalized sectors of the population.

At this point we shall examine two different experiences, the first relating to the promotion of political participation by women, on the local scale in Brazil and the other relating to the indigenous populations in

Guatemala.

## **REDUCTION OF GENDER INEQUALITIES**

### **THE BRAZIL PROJECT ON PROMOTION OF THE POLITICAL PARTICIPATION OF WOMEN**

#### **Initial context of the project and problem to be tackled**

In Brazil, as in the rest of the countries of the region, factors of a structural and cultural nature have enormously hampered the participation of women in access to representative positions in the political structures, creating a troubling disparity. The municipal elections of 1996 gave a new character to the democratic process in Brazil. For the first time in the history of the country there was a strategy and an instrument of "affirmative action" to reduce the inequalities between men and women in the political field. The adoption of Law 9.100 (of 29 September 1995) under which all of the political parties participating in the municipal elections of 1996 had to reserve, as a minimum, a quota equivalent to 20% of its candidacies for women, had an unexpected impact in the political and social spheres of the country, to the extent that even today it is difficult to evaluate its shape and scale.

As a supporting measure to this process of transformation and in order to make it possible for the content of the law to be implemented, UNDP and UNIFEM, together with the Brazilian Institute for Municipal Administration (IBAM), and other national and local bodies, drew up the project BRA/96/015 "Decentralized Training for Women Candidates to Council Elections," (Capacitación Descentralizada para Candidatas a Concejales) under the slogan "Egalitarian Participation of Women in the Decision-making Bodies of the Towns of Brazil."<sup>19</sup>

#### **Description of the project**

On the basis of the legal introduction of an "affirmative action" in favour of women, the general objectives of the project were:

- To widen the participation of women in situations or positions of power and leadership, thus increasing the possibilities for consideration of the gender perspective in the municipal public policies;
- To contribute to the reduction in gender and social inequalities by eliminating the structural obstacles which hamper the participation of women in the taking of decisions and to act as a stimulus for them to participate in the various spheres of power;
- To contribute and promote a more balanced division of responsibilities between the sexes, in the public and private spheres, as a guarantee that both men and women would be able to participate in the definition of economic and social policies, within a vision of sustainable development, with social justice, gender equality and democratization of public sector management.

The immediate objectives consisted essentially in the holding of 15 training seminars in different states of Brazil, to which were added the further seven financed by the Canadian Embassy. These seminars had as their objectives:

- To contribute to an increase in the number of women elected to the executive branch and to the municipal legislatures by way of distribution of information for the female candidates;
- To offer the female candidates information (technical, legal and administrative) which would act as a support to political action and to the female candidates' campaign speeches so as to increase their chances in the electoral contest;
- To stimulate discussions on the social importance of the political participation of women.

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<sup>19</sup> UNDP was active right from the start in the drawing up of the proposal and provided the minimum funds needed to carry it out. Other bodies took part in the implementation of the project in the local context. The Canadian International Development Agency (CIDA), through the Canadian Embassy, organized seven training seminars, inspired by the project and linked with it.

## **Results**

Mention should be made of three concrete results achieved by the project:

The actual holding of the 15 seminars planned, plus the seven financed by Canada, with participation by 820 female candidates from different political parties in localities distributed throughout the territory of Brazil.

A major campaign of information on the seminars and awareness-raising in the population on gender questions;

Preparation of an implementation methodology, designed to give a response to four clearly identifiable imperatives:

*Decentralization.* The training seminars had to take place in different parts of the country. At all times contact was maintained with the female federal deputies and senators of each of those places, in order to obtain local support and thus to achieve better performance and maximum impact for the seminars.

*Flexibility* in order to deal with the well-known regional diversity and to respect the differing local circumstances. For this purpose, in each location in which the seminars were held, contact was established with universities, centres for study of gender questions, non-governmental organizations, student councils, special advisers and municipal councillors.

*Swiftness and functionality* in order to respond to the need for speed imposed by the closeness of the elections. The rapidity with which the law establishing the 20% quota was approved was such that there was very little time to prepare the project and put it immediately into operation.

*Participation and characteristics of the experience.* A "constructivist" methodology, which for the trainers could be described using the label "learning by doing," and for the recipients of the training using the idea that awareness of gender inequalities becomes more clear when women, as a result of common experiences, feel and articulate an identity of their interests and of the rights which are denied to them. On this basis, from the thematic point of view, four modules were determined.

## **Achievements and difficulties**

The target sectors for the project comprised the women most closely linked with political action, who were candidates to elected office in the elections. The impact on their activity was clear, and was reflected in the effective form of an increase in the proportion of female councillors and mayors elected. Thus, for example, it is estimated that while the number of female mayors elected for the period 1993-1996 totalled no more than 171, now there are more than 300, representing 6% of all of the mayors in the country. As for female councillors, who had totalled 3085 in the whole of Brazil, representing barely 8%, this figure went up to 6536.

As for the indirect beneficiaries, mention should be made of the Brazilian feminist movement, for the way in which women's immediate capacity for response to the themes of gender and participation was highlighted. The project made its way into the perception of the feminist sectors, into the base or community organizations and in general into the groups who are concerned with the problems of gender, as a highly valuable, useful and effective activity.

One important aspect to be pointed out, which has to do as much with the relevance as with the effects of the project is the linkage which it establishes between two major aspects of democratic governance: the questions of gender and of decentralization. The project faced the municipalities with the task of adopting a new view of the exercise of communal power, coming much closer to the idea of encountering forms of political representation which incorporate the vital interests of all of the community, without exclusions or

discrimination.

The benefits of the project tend to be greater where they occur in decentralized areas of power, since the municipalities are politically strategic in every aspect of the drawing up of public policies which have an impact on the daily lives of men and women, with multiple implications for people's quality of life and the democratization of the local decision-making process. For this reason, supporting the process of women's participation in the municipalities, like increasing the number of women elected to the legislature branch or the communal executive branch, makes it possible for the municipalities themselves to intervene in favour of a reduction in gender inequalities, to improve the efficiency and effectiveness of the municipal administration and forge a new concept of citizenry in which gender differences will cease to be one more reason for exclusion, which in turn implies increasing the scope of full citizenship, including for women.

From the testimonies of those interviewed and the documentation of the project it is evident that the most visible consequences of the seminars held were:

- A greater attention paid to the theme of women in politics and gender inequalities, both in the local programme (political parties, social movements, the media) and in that of the entities associated with the training events (universities and NGOs);
- Broadening of the process of awareness-raising of the female candidates in all areas referring to gender, social problems, legislation and public policies. In particular, broadening the knowledge about municipal authority: its powers, its responsibilities and the way in which it operates;
- Convergence of women from different regions or municipalities of a given state around shared objectives;
- The revelation of the fragility of the political parties in relation to the programmatic and ideological definitions concerning gender questions;
- Training of individual women and of organizations in techniques of working in groups in the areas of political participation;
- Reevaluation of the importance of the role of the municipal legislative authority in order to make viable and guarantee an effective and efficient municipal administration;
- Collective construction of an appropriate and innovative methodology for the training of women in politics.

According to the results of a series of surveys carried out, it may be considered that the methodology used was effective and efficient. The evaluation questionnaire used by IBAM in the training programmes had the objective of determining the degree of satisfaction of the participants and also sought to obtain a better awareness of their requirements. The responses were very encouraging, because with regard both to objectives and to content, the methodology, the teaching material, the acquisition of knowledge, the performance of the teachers, the organization and the location of the event were all considered excellent.

Praise was given for the non-partisan character of the events, and the responses to the questionnaire made it very evident that the training programmes awoke the greater interest among the women who were standing for the first time and that the courses were more appropriate to their requirements. These responses also made it evident that the greater part of the participants were related to public bodies or to women's groups, political parties, trade unions, base communities, NGOs, universities and religious organizations: in other words, people, in general, with a certain grounding in social problems. It was also observed that a large proportion of the participants were candidates for the municipalities outside the state capitals and that in general they were standing for the first time.

Since this was an "affirmative action" in favour of the participation of women in the electoral contests, the "constructivist" methodology implemented during the seminars also aimed at increasing the women's chances of success in those contests. In order to achieve this result it was of decisive importance to achieve a gender awareness in the women candidates.

One of the most interesting aspects of this method is that it made possible to demonstrate the readiness of women to work as a group while respecting one another's differences as to political party, social origins,

levels of education, culture or political militancy. This ability to respect differences is one of the most important contributions which may be hoped for in the future when the participation of the two sexes will be balanced.

The minimum quota of 20% for women candidates for election as councillors fulfilled an important role, mainly with respect to the creation of new spaces for women to compete at the level of the parties, thus facilitating the implication of women in party practices on the basis of electoral contest and stimulating women to participate. The application of Law 9.100 gave political relevance to the theme of women, which in turn showed the emergence of other themes in the campaign much more closely related with the daily experience of the woman and of her family.

With reference to the Brazilian electoral process it could be demonstrated that the seminars were extraordinarily useful for the entry of women into politics, above all for them to deal with the wave of hostility, uncertainty and perplexity which the mandatory nature of the quotas unleashed in the male politicians. In addition, they played an extremely important role for those women who were actually making their entry into politics in the elections, since the structural and cultural obstacles of the Brazilian political environment were compounded by their lack of knowledge and their lack of experience in this process.<sup>20</sup>

The adoption of the law which established the quota of 20% for women in the municipal elections of 1996 was not in response to a qualitative change in the behaviour of the political agents of the country nor or did it come about by itself. The political parties in general did not modify the way that they treated women nor did they make the provision of any more democratic. The regional electoral tribunals recorded the candidacies without requiring that the quota be met, nor did they have lists of the female candidates, making it enormously difficult to identify and send invitations to the potential beneficiaries of the events. The Superior Electoral Tribunal did not meet the commitment made to the women federal parliamentarians to distribute and clarify through the media, particularly television, all of the information relating to the quotas. The closeness of the training seminars to the actual performance of the campaign meant that they took place right in the heart of the electoral process and the candidates had to choose between the two claims on their time.

Nevertheless, the evaluation made it possible to demonstrate that some of the questions which at the time had been considered as negative, such as the concomitance between the seminars and the publicity campaign were finally not negative after all. In reality, this circumstance also had an effect that was both positive and unexpected, in that the press coverage given to the seminars and the mobilization of public opinion which they brought about caused the topic of the women candidates to appear in all of the media of the country, which in many cases constituted a highly sophisticated mechanism for promotion of the candidates and furthering of the campaign.

It is important to stress the multiplier effect that the seminars achieved from the fact that in the great majority of cases, both the women candidates and the rest of the participants who were not candidates had a pattern of social militancy or belonged to base associations deeply involved in local work, which meant that the knowledge acquired could be transferred easily to the whole of the community.

It was also found that in addition to the achievements already recorded as a consequence of the approval of the Law on Quotas in particular and of the training seminars, as also of the campaigns carried out under the slogan "Women not afraid of Power," and other complementary activities undertaken by the members of the feminist caucus in the Congress, the number of women elected increased considerably in the most recent municipal elections in Brazil.

### **Sustainability**

In addition to the benefits for the direct target population, the project also contributed knowledge and

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<sup>20</sup> It should be remembered that more than 75% of the candidates were standing for the first time, and only 17% for the second time.

experience, above all in the initial and further training of the instructors and the various bodies associated with the organization of the events. Now the latter have valuable experience in working as a group and on gender problems. However, these aspects will not prove very durable unless they are practiced regularly or encouraged fairly frequently and with a degree of rigour.

This is precisely the major challenge and at the same time the major risk of this project, in that a large part of the impact achieved could have been impaired if the second phase of it had not been put into operation recently, which consisted in the training of the female councillors and mayors, to offer them greater possibilities of achieving good results in the performance of their new functions.

### **Lessons**

The following are the principal lessons to be drawn from this experience:

The quota system as an “affirmative action” mechanism to promote the participation of women in politics and their access to elected positions has been shown to be efficient and conducive to the achievement of these objectives. It has been demonstrated that the quota had an impact on the building of a new profile of women entering politics, not necessarily connected with economic, political or oligarchic groups. And even those who have little training and support are perceived to be more open and to have a more progressive and advanced view, in particular in questions relating to social problems.

Gender activities are highly fruitful and the international cooperation system should give them priority in the allocation of resources. In addition, such activities have an enormous multiplier effect since they penetrate and expand throughout the entire social fabric.

The method used during the seminars made it possible to demonstrate the enormous capacity of women to work while respecting their differences as to political party, social origin, level of education, culture or political militancy, which opens up very encouraging prospects for the democratic process.

Another particular feature of this type of activity is that with low levels of resources, if these are used correctly and in suitable spheres, UNDP can make a very valuable and useful contribution for those countries with which it is cooperating and can at the same time give to external cooperation the content and profile in society which, in countries like Brazil, it appears to be lacking.

It is noted that there are concrete advantages deriving from the direct contact of UNDP with the NGOs and with the other dynamic sectors of civil society.

As for UNDP, the principal reward came from its openness and readiness and its decision to act promptly to respond to an unexpected and urgent need which was not part of its ongoing activities and for which, in addition, it was not prepared. This demonstrates an acute sense on the part of the field office for the right steps to take, based on a genuine familiarity with the local political scene and its actors. In this case, there was a relationship of trust with the feminist caucus in the National Congress and with the non-governmental organizations and bodies which were involved in bringing the initiative to fruition.

## **HUMAN DEVELOPMENT OF THE INDIGENOUS POPULATIONS IN GUATEMALA**

### **Initial context of the project and problem to be tackled**

After the signing of the Agreement on a Firm and Lasting Peace in December 1996 between the government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG), the country started a new political, economic and institutional process of profound changes in the legal system, as well as in the cultural area. While in the preceding chapter we briefly reviewed the main accords which brought peace back to the region, here it is important to point out that those relating to Guatemala are those which had the greatest reach, in that they paid considerable attention to social and economic reforms (the reform of the machinery of



government, of the taxation system, of land use, of justice and in general of the values which govern public life). One of these, which was something new and was the basis for multiple initiatives, has the objective of promoting the rights and culture of the indigenous peoples, who constitute the majority of the population of Guatemala.

60% of Guatemalans live in poverty. These characteristics of impoverishment and exclusion are accentuated to extreme degrees in the case of the indigenous population which, according to highly disputed figures, are also said to constitute about 60% of the population. The situation of exclusion and discrimination which the indigenous population has suffered in Guatemala goes right back to the origins of the colonial system, has marked the history of the country and is one of the roots of the conflicts which it has suffered. The theme is of extreme complexity since it implies the transformation of the Guatemalan nation in order to accommodate fairly its 23 ethnic groups with their different languages and traditions.

These are very grave social problems, difficult to solve, with a direct impact on the theme of governance. That is why there is a conviction that the consolidation of peace in Guatemala is intimately linked to the solution of the question of the indigenous peoples. This explains, on the one hand, the importance which attaches to this theme, both in the peace agreements and in the priorities of international cooperation and, on the other, the merging and linking of the different cooperation projects which, directly or indirectly, affect this sector of the population.

The project has to be analysed as a part of the set of programmes which UNDP is carrying out in Guatemala in support of the implementation of the peace agreements:

- Support to the design and formulation of peace plans and proposals;
- Strengthening of the institutions responsible for human rights (in coordination with MINUGUA);
- Support for the return and reincorporation of the uprooted population and for the Technical Commission of the Agreement in question;
- Support to the areas of governance and modernization of the machinery of government, in particular of the executive branch.

As can be seen, the assistance which UNDP provides to the process of governance in Guatemala has been and continues to be very broad, in line with the attitude taken by other parts of the United Nations system and other players in the international cooperation system.

### **Project Q'Anil "A" in Guatemala**

The project which was taken as a reference for the evaluation was GUA/96/001 (Q'Anil "A")<sup>21</sup> which took the form of preparatory assistance with the objective of formulating "a project of support to the Government of Guatemala in the drawing up of strategic and priority policies and projects for the human development of the indigenous people of the country." In addition, some other projects were examined: GUA/97/014, aimed at strengthening the peace process; GUA/94/015, which was concerned with supporting the partial agreements and the overall peace agreement and GUA/97/015 (Q'Anil "B") which is the "Project of Interculturality, Public Policies and Sustainable Human Development," (Proyecto de Interculturalidad, Políticas Públicas y Desarrollo Humano Sostenible) which arose out of the preparatory assistance of Q'Anil "A."

The Peace Agreements include the one known as the Agreement on the Identity and Rights of the Indigenous Peoples (AIDPI) and the Agreement on Socio-economic aspects and the Agrarian Situation. The importance of the first arises out of the fact that it provided "for the first time, to the people of Guatemala an instrument which recognizes the multi-ethnic, pluricultural and multilingual character of the Guatemalan nation. Thus, the Agreement is based on the acknowledgement of and respect for the identity and the political, economic, social and cultural rights of the Maya, Garifuna and Inca peoples and lays the methodological foundations for

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<sup>21</sup> "Seed" in the Quiché language.

initiating this process, such as defenders, joint commissions, and constitutional and legislative reforms."<sup>22</sup>

The implementation of the agreement gave rise to a debate in Guatemalan society. Two alternatives were considered: the first was to create a specific Ministry or Office in the government, with the mandate of dealing with the questions of the indigenous peoples; the second proposed a horizontal treatment of the problems so that the theme should be incorporated into the programmes of all the areas of government and of the other actors in society. The latter took precedence, and this gave rise to project Q'Anil "A." This project began as a preparatory assistance to gather and analyse proposals through which the commitments undertaken by the parties to the Agreement were to be implemented, including the spaces for communication and for interaction, as well as the form in which the international community was to be made aware of these themes. In summary, Q'Anil "A" had two central objectives:

- To structure a proposal to support the preparation of priority and strategic projects on the questions and problems of the indigenous peoples by way of a broad process of consultation which would include the indigenous communities, which in turn gave rise to the project Q'Anil "B."
- To publicize the Agreement on the Identity and Rights of the Indigenous Peoples (AIDPI), in a process of participation, consensus-building and organizational strengthening. This implies a broad effort of publicity which includes the diffusion of the content of the agreements in the multiple indigenous languages.

Project Q'Anil "A" started in February 1996 and was intended to be concluded in October 1997,<sup>23</sup> but was in fact concluded in 1996 and was converted into Q'Anil "B," GUA/97/015, with a budget of 3 million dollars, contributed primarily by Sweden.

## **Results**

Even though this was a project of preparatory assistance, it had many and highly important results:

The Consultative Council was created, made up of 17 personalities from the indigenous and Spanish-speaking Indian populations who were active in the indigenous and social movements in the country.

An unprecedented consultation at the base level and of the indigenous political leadership was carried out, which made possible a very wide distribution of the information for the development of public policies.

There was an intensive campaign of publicity which reached levels of society which were not organized, in collaboration with the coffee-growers - because of the scale of the production of this crop in the country<sup>24</sup> - and special attention was paid to the Mayan people and their almost two dozen ethnic dialects and 22 linguistic embodiments. The campaign was directed towards the civil society with a dynamic of base-level preliminary meetings and then municipal meetings (with representatives elected at the preceding level), inter-municipal meetings and a National Meeting held on 26 April 1997. This work, together with the dissemination through the media, made it possible to reach around one million people over the age of 18. The process made use both of television and radio, as well as the face-to-face communication which is traditional among the Maya. It directly reached 19,000 people who came to know and to discuss the AIDPI in 137 of the 330 municipalities of the country.<sup>25</sup>

The work at the municipal level gave rise to an inventory of needs, although not to any proposals. But at the

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<sup>22</sup> Q'Anil "B" project document, p. 4.

<sup>23</sup> Its total budget was US\$ 1,297,880, of which one million dollars were provided by Norway and Sweden. The Netherlands contributed US \$125,000 and Prodeca of Denmark US \$150,000. UNDP made a contribution of US\$ 56,208 and, after discounting of the overhead of 3.5%, contributed a net amount of a little over US \$12,000.

<sup>24</sup> Guatemala has 44 thousand coffee-growers, all associated with ANACAFE. It must be remembered that the small producers are Mayan and the directives of this association defend the idea that it is there that production is increasing.

<sup>25</sup> The target was 100 municipalities, but this was exceeded and the final figure was 137.

inter-municipal level there was greater reflection and at the National Meeting an intense and constructive discussion occurred: for the first time 23 of the 24 cultural groups making up the four ethnic divisions of the country (Maya, Garifuna, Inca and Spanish-speaking Indians) met together. The implementation of this work was assigned to the Fundación Rigoberta Menchú from 1 October 1996 to 15 May 1997.

### **Achievements and difficulties**

The importance of the project is given by its suitability as an instrument to promote the Agreement on the Identity and Rights of the Indigenous Peoples of Guatemala in a participatory manner and with the fundamental goal of reorganizing the nation as a whole from a multi-ethnic, pluri-cultural and multilingual point of view.

This was the reason that the publicity for the agreements became an essential aspect of the recreation of the bases of governance in Guatemala. For the first time the topic of interculturality and intercultural mediation was covered, which required a greater sensitization of the Guatemalan population to its cultural and ethnic diversity. The project thus made it possible for the Guatemalan population to become acquainted with the content of the Agreement.

However, the most important aspect of the project was to have facilitated the dialogue between the governmental authorities and the sectors of the indigenous population, a dialogue which traditionally encountered enormous obstacles. The truth is that nowadays the society has a more favourable view than before with respect to the building and maintaining of peace. In this area, the Government and the URNG take the same position.

Another very important achievement of the project was to have facilitated the dialogue at the level of the indigenous populations themselves and between the different ethnic groups.

One of the main achievements of the project is to have respected the spirit of the AIDPI and not to have fallen into a culturalist view of the situation which would only appreciate the differences between the peoples, whereas in reality the agreements on identity are for all sectors of the population and not only for the indigenous peoples.

But above all, the project supported the participation of the indigenous population, which as has already been said represents 60% of the population of the country. Its representatives head the Consultative Council of the project, and numerous NGOs which are made up of indigenous peoples or are working on behalf of that sector of society participate actively. Other direct beneficiaries of the project are the local bodies of the government which work in the area of providing support to the indigenous population.

In addition to its evident purpose of focussing on the peace process, the principal element which reaffirms the relevance of the project is given by its linkage with sustainable human development. A feature of this is that it is directed towards a poor population, made up of a social group which traditionally has been excluded, in which a strong female presence is evident, distributed over the entire territory of the nation and having a strong impact on the ecosystems. It is therefore obvious that everything which is done in favour of the indigenous populations in Guatemala has a direct impact on the human development of those social sectors and of society as a whole.

One of the difficulties which the project had to face was that of the indigenous representation which, as may be imagined, is highly complex. This manifested itself in the delays or changes of direction of the bodies entrusted with the implementation of its components. Thus, for example, the Fundación Rigoberta Menchú which was placed under contract for aspects of the consultation in Q'Anil "A" will not be involved in Q'Anil "B" and instead COPMAGUA (Coordinator of the Mayan Peoples of Guatemala) will be taking over, not having been involved in the first part.

Other difficulties may be attributed to the fact that the signing of the peace opened up the new challenge to pay attention to the question of the indigenous population, which had not been typical of earlier Guatemalan governments. And this occurred jointly with an accelerated growth in the demands to be covered by the government and the international cooperation system. It led to an administrative burden on all the programmes, including UNDP.

Everything indicates that the moment has been reached to undertake a major decentralization of the handling of these questions at the government level, currently the Secretaryship of the Presidency, and for a large part of the efforts to be channelled also to the local level, through the mayors' offices and other community organizations.

Without exception, all of the sectors consulted during the evaluation agree in pointing out that the project contributed to greater attention being paid to the indigenous population and above all to promoting a greater incorporation of the peace process.

The success achieved in undertakings of this type, together with the meritorious and recognized effort deployed by MINUGUA, mean that at the present time the international cooperation, and UNDP in particular, is recognized as being of an immense importance not only as a source of resources but also as guarantors of the ongoing peace process, which is the strategic element for the achievement of the transformations which have to be made and the deepening of the bases of democratic governance.

### **Sustainability**

It is evident that in a project with these characteristics, the measure to which the indigenous populations adopt it and make it the expression of their needs and claims has an impact on its sustainability. The speed with which the implementation of Q'Anil "B" was started could be an indication of the viability of the preparatory project and at the same time a guarantee of the continuity of the activities in favour of the indigenous population. However, the problem as a whole constitutes a genuine challenge which raises enormous questions for Guatemalan society and for international cooperation.

To this must be added the difficulties observed in the absence of an established national capacity to achieve the reconstruction which is needed. In this context, and arising out of international cooperation, another danger is that the authorities may not assign the resources necessary to the sectors which have historically been held back, such as the indigenous population.

### **Lessons**

The evaluation carried out makes it possible to determine that the projects where the beneficiaries or actors are well defined have the greater chance of having significant impacts. This assertion applies beyond the complexity of the material and of the diversity of the sectors which it covers. Democratic governance, sustainable human development, decentralization, citizen participation and the fight against poverty are aspects which are complementary and are interrelated very closely in a project of the characteristics of Q'Anil.

## **CHAPTER 5**

### **CITIZEN AUDITING OF THE QUALITY OF DEMOCRACY**

#### **UNDP AND THE HUMAN DEVELOPMENT REPORTS**

UNDP's practice of preparing reports on human development at the world level started at the beginning of the Nineties and has had a great impact. It has provided access to a diagnosis of the world situation in terms of differing themes and to create new indicators to evaluate the relative situation of the countries, beyond the simple criterion of income per head. The world report inspired the preparation of national human development reports which have made it possible to provide up-to-date information on the internal situation of the countries with regard to the human development achieved, both at sectoral level and geographically.

As important as the statistical results, in the specific case of Costa Rica, are the processes of participation and debate by which the indicators are selected and analysed, creating an awareness of the state of development in the different levels of society, government, political parties, academic institutions, social organizations, and so on.

#### **THE PROJECT "STATE OF THE NATION IN SUSTAINABLE HUMAN DEVELOPMENT" IN COSTA RICA**

##### **Initial context of the project and problem to be tackled.**

The projects promoted by international cooperation are not only implemented in critical scenarios, as we have seen in the preceding chapter, but they also cover countries which are living under conditions of normality and in which the institutions function regularly. In this type of situation it is legitimate to ask what is the need or usefulness of recourse to external cooperation in the area of governance when there is institutional stability and democracy is already consolidated. What is the space for external cooperation in this sphere and what is the purpose of it?

The project State of the Nation in Sustainable Human Development (COS/94/003) (Estado de la Nación en Desarrollo Humano Sostenible) responds with clarity and rigour to these questions, in that its primary objective is to offer a complete panorama of the state of the nation. This latter objective gives it at the same time a double purpose: on the one hand to serve as an early warning or diagnosis to prevent crises of governance, and on the other hand to constitute a powerful scientific instrument to audit the quality of the democracy and to perfect the operation of it.

Costa Rica is a country with a unique development in the whole of the Central American region. Its economic growth, one of the highest in Latin America during the past 50 years, has been accompanied by stability of the political system and by significant progress on the social level, as a result of a prolonged campaign of investment in the development of the capacities of the nation. In addition to offering the attraction of being a country which has been able to defend its institutional stability by means of an advanced degree of alternation in the holding of political power, it has at the same time been able to improve the quality of life of its inhabitants.

Despite these achievements, the crisis at the beginning of the Eighties revealed a series of deficiencies in the style of national development. Disturbing symptoms were appearing of a degree of dissatisfaction, in some cases going as far as apathy, of the population with regard to the performance of its democracy. The impact of the conflicts of the region put its long-standing stability to the test, a stability which had already been shaken by outside influences from a world subject to constant change.

Aware of these challenges, the public universities organized in the National Council of Rectors, as well as the Defender of the Inhabitants, UNDP and the European Union's Programme for Human Rights and Democratization, came together to promote sustainable human development by means of the preparation and

distribution of a report on the development of the country, known as the Report on the State of the Nation.

### **Description of the project**

The project has the primary objective of offering a complete panorama of the state of the nation. The central objective of this evaluation is to measure the performance of the country in the area of human development, promoting citizen participation in the matters of public interest and contributing to the encouragement of a social dialogue on the principal problems of the country.<sup>26</sup> This latter objective gives it at the same time a double purpose: on the one hand to serve as an early warning or diagnosis to prevent crises of governance, and on the other hand to constitute a powerful scientific instrument to audit the quality of democracy and to perfect the operation of it.

### **Results**

The fruits of this effort have been the set of annual reports on the State of the Nation in Sustainable Human Development which have been written since 1994 and which contain a wide-ranging and objective analysis of the aspects which are most relevant to securing it. But even more important is the process of actually writing each report, which constitutes a genuine national dialogue on human development and promotes the creation and strengthening of spaces for participation and social conciliation.

On the basis of an exhaustive and extensive analysis of the information available relating to the prospects for the country, and also of documents from the political systems (government programmes and national development plans), of international commitments undertaken by Costa Rica and of the conceptualization of sustainable human development, implemented by UNDP, the project promoted the identification of themes, approaches, variables and major indicators for the drawing up of the reports.

The themes defined at the time of the first report and only slightly modified for the third are, *inter alia*:

*Equity and social integration.* In this area, the minimum aspirations reflect a situation in which neither poverty nor social exclusion is increasing, through the fostering of integration of geographical areas, sectors or groups of the population traditionally excluded. This is achieved by means of activities to combat poverty, by an increase in participation and by access to opportunities. The maximum aspirations reveal an environment of growing equity and better distribution of wealth, thanks to the generalization of access to opportunities for all the population, without distinction as to gender, religion, ethnic origin, age or beliefs.

*Economic opportunities, stability and solvency.* The minimum is constituted by the achievement of macroeconomic stability, without the opportunities of future generations being compromised and without the social and environmental costs arising out of economic activity being ignored. The maximum aspirations aim towards the creation of new opportunities for the provision of goods and services to the population by means of an adequate degree of involvement in the world market, the generation of productive work and income and the utilization of the conditions of competition.

*Strengthening of democracy and good governance.* In this theme, the minimum relates to the consolidation of a harmonizing state which is both strategically and financially viable, and a good governance which involves civil society in the decision-making process relating to the various spheres of national interest. The maximum aspiration requires the widening and deepening of liberties and the consolidation of economic and political democracy as conditions for the achievement of full participation by individuals and by civil society, and for the consolidation of governance in the country.

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<sup>26</sup> The preparation of the reports involves the linking up of networks of researchers and academic centres, and, by way of periodic consultations with representatives of professional and political organizations, and of government institutions, the indicators are finalized and the results are discussed. This succeeds in combining academic rigour, the search for broad social legitimacy and a considerable distribution of information. The purpose of providing clear indicators and appropriate information to all of the agents of society has the objective of setting off actions which will lead to the achievement of sustainable human development, identified in this case as the equivalent of a fostering of greater citizen participation and democratic governance.

*Primary relationships, social relationships and values.* The minimum laid down under this theme refers to the strengthening of an appropriate environment for the primary and social relationships, generated by a coming together of the state of law, citizen safety, the satisfaction of minimum human needs, appropriate attention being paid to risks and disturbances of whatever kind and the enjoyment of free time for family and non-work activities. The maximum responds to the aspiration that social life should be based on primary relationships imbued with affection and a sense of belonging, which make it possible to create conditions for the development of values and thus to promote a fully human way of living together and the bequeathing of it to future generations.

#### *Criteria and approaches for the study of the themes*

Within the context of the conceptualization of sustainable human development, the definition of criteria which make up and enrich each and every one of the themes selected, as well as their components, is of particular importance. These criteria and approaches are centred in particular on:

- Gender questions, to avoid sex-based discrimination;
- The creation of opportunities and rights, and equity in the access to them, for specific groups of the population (children, adolescents, the elderly and ethnic groups);
- Human safety which seeks the protection of every individual, group or community;
- The preservation and improvement of the conditions of life on the planet so that present generations may guarantee to future generations better opportunities and possibilities than those that they have enjoyed themselves.

#### **Achievements and difficulties**

The drawing up of a report on the State of the Nation, as formulated in the project under consideration, implies the development of an innovative methodology which not only aims at a multi-faceted evaluation of society but does so by means of the broad participation of differing sectors of that society which thereby have the possibility of contributing to the diagnosis and to the proposals.

The project makes it possible to become thoroughly acquainted with the situation of the nation and, through the same process, for those who participate in the evaluation to undertake to resolve shortcomings and omissions. The target groups are the institutions and individuals who have the mandate of cooperating in the drawing up of the report and who can obtain thereby a deeper and more solidly-based understanding of the circumstances in which they live and which they can also help to change. The beneficiaries are the citizens of the country, more especially the political groups and the institutions which, with the content of the report at their disposal, can draw up electoral platforms, proposals for public policies and approaches on a more solid foundation and, in the final analysis, with a greater degree of commitment.

Among the other most important achievements which can be ascribed to this project are:

- *Impetus towards greater academic rigour.* From the scientific point of view, the best-known impact of the drawing up of the reports has been the greater investigative capacity of the public state universities, resulting from a greater amount of information and a better ability for analysis and above all by the incorporation of a view of sustainable human development into the policies of research.
- *Social legitimacy.* Owing to the fact that the Steering Committee of the project is composed of persons with a considerable experience and interest in the matters of national development, plural representatives of Costa Rican society, the reports on the State of the Nation enjoy a very high degree of social legitimacy.<sup>27</sup>

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<sup>27</sup> The Committee is made up of personalities from distinct sectors, different academic specialities and interests, from the business sector, from the

- *Citizen awareness.* In addition, this social validation has to be studied in the light of the scale and the enormous distribution of the reports. For example, the distribution of the 1995 report began in December and was preceded by the revelation of its principal contents in the form of articles published on five successive Sundays in the Sunday newspaper *La Nación*.<sup>28</sup>
- *Multiplier effect.* The project may have other important effects on the basis of the activities performed by the various participating institutions, given that each of them has a mandate which includes promotion of development and/or of human rights. Thus, for example, the Defender of the Inhabitants finds in the results and actions of the State of the Nation a source for the defence of their interests and rights. One positive aspect has been the link of cooperation established on the basis of the project with the government and some members of the private sector.
- *National conciliation.* On various occasions the project facilitated actions of conciliation on the national scale, as was the case of the cooperation provided to the Costa Rican Coalition for Initiatives for Development (a private organization which operates with external funds) to design a strategy for a Framework Programme on the basis of conciliation with other social sectors.

Finally, it should be stressed that in this project *the process is what matters*, not the item which might be seen as the final product, the report. The participation over time of an ever-increasing number of persons from civil society: intellectuals, professionals, politicians, trade union officials, businessmen, farmers and journalists; and also the public's perception of the themes being discussed, have made a permanent contribution to creating an environment of participation, one which can unreservedly be called democratic.

It would have been possible to prepare a conventional record on human development, from an ivory tower. However, a more complicated and ambitious route was followed, which sought broad participation from different components of society in an analysis of the strengths and weaknesses of the country to achieve a more living product, one more representative of the moment being lived through. There is room for thought on whether this type of exercise can be undertaken only in the favourable environment of a democratically mature society.

Why? Firstly, there has to be a government prepared to run the risks of having an informed citizenry for which spaces for discussion and participation open up. Secondly, an academic world prepared to discuss ideas and bring solutions, distinct from an attitude of simple hostility to the status quo. And thirdly, it requires a healthy relationship between the state and civil society, one in which the spheres of action, the roles to be performed, are respected, in short one in which there is no fear of liberty.

With that having been said, the interest aroused in the other Central American countries in carrying out similar processes and also in producing a report on the state of the Central American region demonstrates its potential to be reproduced in other circumstances. And it is precisely there that there is a major challenge for UNDP to determine how in each of those cultures, making allowance for the specific circumstances of each society, processes can be promoted which take further the search for sustainable human development.

The generalization of this experience, taking into account the experiences of each country, will make it easier to carry out comparative studies on something which so far has been elusive, namely the quality of democracy. This is particularly relevant in Latin America, where beyond the discussion on the formal aspects of democracy, for example the soundness of the electoral processes, where so much progress has been made, the discussion concentrates, within the very spirit of sustainable human development, on how people

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trade union movement, the communal movement, the farmers and the cooperatives, and political journalists both from the opposition and from the government side.

<sup>28</sup> In parallel, the theme of the project was widely distributed through other media, and also through various groups of Costa Rican society, by way of meetings, discussions and workshops. What increased considerably the project's potential for impact to open up the national mentality to the criteria of sustainable human development is that the project's target public for the reports and their disseminating effects amounts to almost a quarter of the population of the country.



live in a democracy, in other words one what is the quality of the democracy.

The actual reports under the project also demonstrate the related limitations and, in particular, the problems inherent in the lack of sources of information on key topics of human development or the treatment of certain themes at the individual level, such as, for example, the identification of breaches of equity, which require the assistance of different investigating bodies and national specialist agencies to carry out this complex and urgent task.

### **Sustainability**

One fact which expresses how far the sustainability of the project goes was the interest aroused by the successive reports and the echo which they created in the various international institutions which actively supported the project, to such an extent that since 1995 the intention has existed to reproduce national reports in other Central American countries (with the special characteristics appropriate to each country) and a report on the state of the Central American region, for which there will be assistance from UNDP's Regional Bureau for Central America and the Caribbean and from the European Union's Programme for Democratization and Human Rights, which have approved both projects. To this end and to act as a guide, two publications have been written, in which the methodological steps followed in Costa Rica are described in detail and the lessons of the process are summarized.<sup>29</sup>

Further to the success reported, it should be made clear that the project was financed to a large extent with support from the international cooperation system.

### **Lessons**

The preparation of projects such as the one which is analysed here, with a participatory methodology, contributes to deepening democracy and advancing towards the target which acts as the motto for the project "to know the country we have and to dream of the Costa Rica we desire."

Another important lesson of the Costa Rican experience is to have opened the route to the performance of comparative studies between countries on the quality and the performance of their relative democracies and to have proved the usefulness and viability of producing annual reports on the Central American region.

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<sup>29</sup> It is not difficult to imagine the complexity of the links which would have to be established to prepare this type of report, in which there would be an evaluation of the relationship between sustainable human development and the follow-up and support for the peace agreements, in the cases of Guatemala, El Salvador and other countries. Over and above its importance, this exercise makes clear the point to which human development is a methodological instrument which is flexibly applicable to situations as dissimilar as are those which are found in the social and political context of Central America.

## **CHAPTER 6**

### **REFORM OF THE JUSTICE SYSTEM**

#### **UNDP'S APPROACH TO THE REFORM OF THE JUSTICE SYSTEM**

One of the great pillars on which the concept of democratic governance rests is the validity of the state of law and the strengthening of it. At the present time, democracy is the only model of political organization which appears in the eyes of the international community to be a suitable instrument or vehicle for travelling the route towards greater degrees of development of the human person and, thereby, to better levels of economic and social development.

From this point of view, to speak of governance means essentially for UNDP that the actual political organization and the various social organizations have to be ruled by clear, precise and sure legal rules and that the government must establish an adequate system of protection of rights, which is effective enough to generate the necessary confidence of the people in the institutions of the democratic state.

This is the reason that the state of law provides for and sets up certain bodies which have the mandate of finding solutions to the conflicts which will inevitably occur within a society, whether between the citizens or between the public authorities, in all those cases where there is disagreement or ignorance or violation of rights. The organs of the judiciary are the bodies responsible for finally and irrevocably solving the disputes of all types which may occur, fulfilling the requirements for protection of rights and making their own institutional circumstances effective and credible and providing the very justification for the State itself.

The activity of UNDP in this sphere is doubly important because, on the one hand, social conflicts have increased in the Latin American and Caribbean region, demanding increased efficiency on the part of justice system, and on the other, the region is well known for its shortcomings in the administration of justice. The programme of UNDP in this field at the regional level was formulated on the basis of the guidelines set down by the Heads of State and Government at the Ibero-American Summit held in Santiago in 1996, as described in Chapter 1, when they endorsed the document "Governance and Reform of the Justice System." The document, which had previously been discussed by the Ministers of Justice, distinguishes as being essential three different types of demands for justice: the protection of people from harm caused by their fellow-citizens or deriving from abuses of power; the demand for certainty where there is uncertainty as to how powers are exercised, particularly powers of a social and economic nature, on the part of the citizens on the one hand and the international community and the investing companies, which require greater legal clarity and transparency to carry out their work, on the other; and finally a request for a leading role to be taken by the justice system in resolving the problems arising from the growing social complexity (corruption, damage of the environment, discrimination against minorities).

In Latin America and the Caribbean, various international bodies have been cooperating with the national governments over the past ten years to reform the justice system. UNDP has concentrated principally on promoting access to justice for the inhabitants of a country, although without ignoring institutional strengthening, but above seeking to improve service to the user. It is certain that the initiatives directed towards improving access to justice and those aimed at institutional strengthening are necessarily complementary and have a single objective: the establishment of the state of law for all time in the region.

Institutional strengthening, which is a priority for other cooperation organizations, covers the systems for tracking cases, improvements in management methods, infrastructure creation, the reorganization of trials, the improvement of budgets and the training of the authorities so as to have better trained judges, public prosecutors, and public defenders; in other words, in general, an improvement in the effectiveness of justice.

UNDP, on the other hand, not only works in this sphere, but considers access to justice a priority. This includes an improvement in people's knowledge of their rights and of how to exercise them, simplification of procedures, creation of responsibility in the authorities if there is a judicial delay, the participation of society in

the reform of its justice system, the training of the officials of the judiciary to become better public servants, and thus, in general, the democratization, speed and impartiality of justice.

The principles which guide the activities of UNDP in the area of justice recognize three distinct dimensions in it. Firstly, its quality as a public service, given that the judge, as the official actually operating the justice system, is the person responsible for safeguarding the fundamental rights of the parties in conflict and actually resolves the disputes which are brought before the courts. This means that the service, in addition to being public, has the objective of guaranteeing justice.

For UNDP, a good public justice system requires that three elements should come together: independence of the judges, adequacy of resources and acknowledgement by society. To a large extent, the credibility of the courts which administer justice depends on the respect for and rule of law. A public service which does not enjoy the trust of the user runs the danger of ceasing to be a public service.

A further dimension is the safeguarding and the legal security which the justice systems must guarantee to the citizens in the face of attacks coming from other people or from the machinery of government.

Finally, the access to justice consists in the reduction of barriers, both objective and societal, so that the citizen can approach a properly administered democratic justice system. The concept of access to justice also covers those obstacles in the rules, institutions and cultures which prevent the users of a justice system from approaching the services established by constitution to procure, administer and implement justice.

#### **SITUATION OF JUSTICE IN THE REGION AT THE BEGINNING OF THE PROGRAMMES**

At the end of the Eighties and the beginning of the Nineties, inefficiency, corruption and institutional instability reappeared as grave threats to the democracies in the region. The conditions necessary to guarantee governance were very fragile. The problem was not limited to the efficiency, honesty and responsibility of the governments to render account of their acts, but arose out of the inadequacies of the entire cluster of relationships between the state and civil society. From the point of view of the citizens, the problem appeared in three different spheres: the inefficiency, unpredictability and absence of responsibility of the economic sector; the absence of a state of law, of a legal dimension to public actions, to the judiciary and to the electoral systems, an inefficient legal administration and the resultant insecurity among the people; and relations between the state and civil society which did not foster the consensus which was necessary if the essential functions making up human development were to be performed in a legitimate, stable and efficient manner. Thus, it became evident that the organization of free elections or the strengthening of markets was not sufficient, but that there was a need for full access to justice.

Under the effect of the increase in conflicts and threatening phenomena such as violence, citizen insecurity and the impact of the drug trade, which increased the demands from society on the justice systems, the inability and inadequacy of these systems to meet the challenges became evident. In most of the countries of the region, fewer than 25% of people had any confidence in the justice system. Thus, the justice systems began, themselves, to be the cause of the problem. In the criminal mind, since they were not giving satisfactory responses, they promoted the growth of a feeling of impunity, corruption and private revenge.

Some figures describe the situation of the justice sector in the region:

- The proportion of those held without trial in the prison population varied between 70% and 90% and the majority of those imprisoned were subjected to inhumane treatment, with continuous crises in the prison centres;
- The legal backlog (failure to meet trial deadlines) grew by 300% a year. However, only approximately 20% of the disputes reached the judiciary and of that portion, barely 20% were resolved in the court of first instance;
- Trials were all written down, were expensive, complex and of interminable length. The life of a civil

- trial could be ten years, causing the parties to give up involuntarily, owing to a loss of interest in the results of the trial;
- There was no scientific handling of evidence and the chief “proof” was the statement made outside the court, contaminating the whole process;
  - The victim was not heard in the trials, which had been transformed into mechanisms for the vengeance of the organs of the state against the presumed criminals;
  - There were no alternative systems for resolving disputes (except private justice);
  - The number of minor infractions of the criminal code went up five-fold every year;
  - The judges investigated the crimes and at the same time pronounced the judgements;
  - The most important decisions taken by a judicial authority had to be discussed with a superior official, which meant that the judges themselves had only a very slim margin of independence;
  - The budget for the legal systems was less than 3% of the national budget;
  - There were no law colleges nor organized systems of free public defence;
  - The institutions operated in isolation, without any mechanism of coordination within the sector;
  - The executive branch or the judiciary appointed and controlled the judges, reducing judicial independence to its absolute minimum.

For the purposes of evaluating the programme in the justice area, five types of intervention by UNDP were selected: with reference to access to justice in the strict sense, the projects of assistance to the Public Defender’s Office in El Salvador and Guatemala and of assistance to the prison system in Panama; in the area of training of human resources, the project for ongoing judicial training of the UNDP-Spain Trust Fund; and with reference to institutional strengthening, consideration was given to the project concerning the Supreme Court of Justice of Paraguay.

#### **ACCESS TO JUSTICE IN TWO COUNTRIES EMERGING FROM CRISIS SITUATIONS**

In the countries of Latin America and the Caribbean in recent years, instruments have been established with the objective of providing those most in need with legal aid appropriate to the trial. The best-known systems include the approaches of leaving the aid in the hands of independent professionals, or creating a public organization, or a combination of the two. In a large number of countries in the region - from Argentina to Central America, but above all on the basis of the successful experience in Costa Rica - the decision was for the public model, based on civil servants, thus creating the figure of the public defender.

The establishment of a system of legal aid to compensate for a lack of resources or knowledge in those attempting to address the courts to obtain protection also relates to another fundamental right, the right to equality, given that the differences in the legal preparation and in the resources to which the more powerful may have access place the uninformed or impoverished applicant in an untenable position of inequality before the law.

The evaluation included two projects of special importance in that both were aimed at countries with similar social and political circumstances, since both had recently emerged from an armed conflict by means of a peace process: in El Salvador, project ELS/96/L01 “Assistance to the Public Criminal Defence System” (Asistencia a la Defensa Pública Penal) and in Guatemala, project GUA/96/L05 “Strengthening of the Public Criminal Defence Service” (Fortalecimiento del Servicio Público de Defensa Penal). While the two are very different approaches to the problem of access to justice, as a consequence of the difference in the role played by the public defender’s office in the two countries (much more extensive in El Salvador than in Guatemala) and of the specific legislative circumstances (recent entry into force of a Criminal Procedural Code in El Salvador, not so recent in Guatemala) it is certain that in both cases the strengthening of the public defender’s offices appears as a need which could not possibly be delayed. In other words, both projects were very well planned, at just the right time.

In El Salvador, the institution is limited to 150 defenders to meet the needs of 121 jurisdictions in the penal system and 319 jurisdictions of justices of the peace over the entire territory of the republic; in Guatemala, the

situation is much more precarious, since no more than 39 defenders have to cover the entire country, and in addition are short of equipment.

**a. The project in El Salvador**

The project was signed in 1996, under the title “Support to the Public Service of Criminal Defence” (Apoyo al Servicio Público de Defensa Penal). It was assigned a budget of US\$ 488, 260 and a principal international technical consultant and a national coordinator were appointed. The objectives of the project were as follows:

- a) To offer coverage to meet the demand by means of a new system which would facilitate access for the user to the public defender system and of the defenders themselves to the legislation and basic legal doctrines in a library established for them.
- b) The training of 50 public defenders in El Salvador and of 26 in Spain.
- c) The preparation of a strategic plan to improve the public service and an operational plan to improve the system of personnel selection and personnel management of the defenders and the administrative personnel and to implement a new automated system for allocation and tracking of cases.

At the time of the evaluation, the El Salvador project showed uneven results, only some of them being satisfactory. With regard to training, it is estimated that the achievements represented 90% of what had been set down in the formulation of the project, and it is considered that the defenders have achieved a satisfactory technical level. This is a positive finding. The process of inclusion in the university programmes for former students to specialize in the specific requirements of the public defence system was not a success and only one third of what had been planned was actually carried out.

With regard to the improvement in the organization of the Department of the Public Defender, the uncertainty generated by the application of the new penal rules had prevented the institution, up to the time of the visit, from producing strategic plans. In the area of the personnel system, there is also little progress, for the reason that nothing has yet been decided about the system of working in teams, nor can the personnel administration system of the Treasury yet be implemented, since it does not have sufficient human resources. In the area of automation of cases and of decision-making, the objective was not achieved. The objective of increasing the coverage of the Public Defender’s Office is still in the definition phase and only the implementation of an electronic library for the use of the defenders has been started.

Other results were as follows:

Training. 50 public defenders received intensive training in the new institutes, including that covering the Criminal Procedural Code. 26 defenders attended the course in Criminal Law at the University of Salamanca.

Institutional strengthening. Two plans were drawn up, a short-term and a long-term one. These plans allowed for the strengthening not only of the central institution but also of the auxiliary defenders’ offices. A manual covering administration and the automatic tracking of cases was written, covering the system of sittings. The institution was provided with two vehicles for the transportation of the defenders to the prison centres. The central office was equipped with computers in order to implement the system of tracking of judicial matters.

**b. The project in Guatemala**

The project was signed in 1996, a budget of US\$ 1,380,000 was assigned to it and a principal international technical consultant was appointed. The objectives of the project were:

- a) Improvement in the public service, with an increase in the number of defenders from 25 to 64 and the engaging of the corresponding number of assistants. Installation of a case-tracking system and the specialization of the defenders. The latter are paid by the project for the first year and the government of Guatemala has undertaken to place them under contract after that, with the cost to be

- charged to the national budget.
- b) Improvement in the functional capacity of the defenders by means of creation of an on-the-job Training Unit.
  - c) The creation and equipping of an administrative support unit which will make it possible to select and evaluate the personnel, to place assistants under contract and to procure equipment, as well as promoting knowledge among the population of the type of service which the defender's office provides.

At the time of the visit, the Guatemala project was showing very varied preliminary results. The project was very well formulated, the need for the cooperation was clear, the development problem was well defined and was consistent with UNDP's strategy on access to justice. As a result of the execution of the project, progress was made in the selection and appointment of new defenders; in their training by way of the scholarships for study in Spain; in the procurement of materials and in the setting-up of a campaign to publicise the service which is offered to Guatemalan society.

In other areas, progress was only relative. Only 16 defenders went to Spain, where for three weeks they received teaching on legal theory, mainly on the theory of legal guarantees, and were exposed to the operation of the courts and to the training of the Spanish police. These scholarships made it possible for the beneficiaries to widen their knowledge, to improve their attitudes and practices, to incorporate new criteria and to tackle their mission with a higher level of ability. This achievement was reflected in the impact of the institution on society and on the opening up of the institution, as well as in real access to justice (especially for persons of modest means).

Other results were as follows:

Selection of public defenders. In March 1997 there was a public announcement to fill 25 public defender posts. There were 40 applicants. Following the examinations, 15 of them were selected. These 15 individuals, appointed as public defenders, began to receive their salaries from the project funds on 16 June 1997. There was a second announcement in July 1997, there were 35 applicants and 10 of them were selected. Thus, the project created 25 public defenders in total.

Selection of assistant defenders. This selection was carried out on the basis of a list of interested candidates selected by the deans of the faculties of law, plus persons who were already carrying out functions on a voluntary basis in the National Public Defence System. 14 assistant defenders were selected, following criteria which were relatively less strict than those applied in the selection of the defenders.

Training of defenders. The 25 new defenders took part in three courses. The first was introductory and simple. The second was intensive, carried out in the Ibero-American Training Centre, sponsored by the Cooperación Española, in which relatively advanced teaching of law was given. The instructors were Spanish judges, technicians and professors. The third course combined theoretical and practical elements and took two weeks, including legal theory of crime and criminology.

Training of assistant defenders. The assistant defenders were given a course of one week with the assistance of experienced defenders and consultants from the United Nations Mission In Guatemala (MINUGUA).

Legal reforms. As a product of the activities of a group of institutions and individuals, including the principal consultant to the project, on 5 December 1997 the Law on the Public Criminal Defence Service was approved. The law granted independence to the service and a platform which would provide it with much greater visibility in society.

Communication. A publicity campaign (television, radio and press) was drawn up and implemented, with the purpose of ensuring that the Guatemalan population was better informed about the public criminal defence system.

### **c) Conclusions**

Beyond these results, the efficiency of the projects was impaired by difficulties of coordination between UNDP and the Cooperación Española, which provided the financing and took part in aspects of the implementation. With regard to some of the coordinators and instructors, either they lacked adequate knowledge of the circumstances of Central America or they did not have the management capacity required for the projects. In other cases, in addition to their lack of technical knowledge, they demonstrated a lack of desire to coordinate their activities with UNDP, which was unable to achieve the degree of working closely together which effective implementation requires.

The permeation of the projects into the institutional and social circumstances of El Salvador and Guatemala, by the time of the visit, had had only partial impacts and results. The sustainability of both projects appears doubtful. Both countries have very few public defenders with sufficient experience and training to provide effective assistance in a criminal trial to persons of limited economic means. It may be that in El Salvador the right number of defenders should be 300, rather than 150. Of the total, 80% still demonstrate very low levels of training and are paid less than the judges and public prosecutors. Guatemala probably needs 400 public defenders to meet the needs of a society of twelve million inhabitants with a high level of poverty.

The principal conclusion is that it will not be possible to offer adequate access to justice to the people of limited means in Guatemala and El Salvador if there is not a sufficient number of public defenders, if they are not paid an adequate salary, if they are not trained on an ongoing basis and if methods for strengthening both institutions are not established. In consequence, it is very important that the cooperation should be maintained and its implementation should be improved, and that the work begun by the UNDP-Spain Trust Fund should be taken over by the national governments.

### **ACCESS TO JUSTICE FOR PERSONS DEPRIVED OF LIBERTY**

Panama was the country with the second-highest number of prisoners held without trial in Latin America. The main problems of the prison system of Panama which had been uncovered by the project "Assistance to the Prison System and Rehabilitation of the Prisoner" (Asistencia al Sistema de Ejecución de Penas y Rehabilitación del Recluso) PAN/96/L08 were as follows:

- Lack of physical space for the prisoners. Overcrowding reduces the overall health level and also triggers acts of violence;
- Lack of coordination among the institutions responsible for the prison systems (Ministry of Justice, Legal Office, Attorney General's Office);
- Very limited resources in the institutions directly responsible for the prison centres.
- Prison services (health, training, food, rehabilitation) very limited;
- Absence of classification and therefore of proper processing (mixing up of healthy and sick prisoners, older prisoners and minors, those sentenced and those still undergoing trial);
- Abuse of the imprisonment option compared to the application of other punishments.

The project had three immediate objectives:

- a) To improve the situation of the minors held in the observation and investigation centres to guarantee their effective rehabilitation into society;
- b) To make the authorities and public opinion aware of the need to understand and accept the national prison problem, to give a second chance to the prisoners and to reduce the number of prisoners held without trial. They could also receive lines of credit in order to undertake small-scale economic activities.
- c) To improve the institutional capacity of the National Prison Service of the Ministry of the Interior and Justice for the design and implementation of an overall plan of prison reform.

## **Results**

- Computerization and strengthening of the central services of the National Prison Service by the use of a computer system which records the entire prison population and sets up a tracking plan for each individual history. In addition, a plan for the overall development of the institution was presented. This second activity suffered delays as a result of internal situations of the Prison Service;
- Separation of the prisoners being held by administrative order (in police custody) from those held as a result of a judicial decision;
- Installation, on a trial basis, of a system of jurisdictional control of prison activity. This makes the system subject to standards of legality and protection of human rights within each prison centre of the country. The greatest shortcoming in taking this arrangement any further is not to have attained the legal mandate for the figure of the sentencing judge or sentence-monitor to be created. The matter is currently, on a provisional basis, in the hands of a commission which includes members of the Ministry of Justice, the Ministry of Public Affairs and the Legal Office;
- Basic diagnostics of the social and health situation, leading to the permanent establishment of a prison health plan. The first phase included provision of basic health equipment;
- Physical protection of the prisoners when they are transferred to the legal centres for any procedure or hearing. For this purpose, a bus and communication equipment were acquired;
- Drawing up of internal regulations or rules covering the procedures inside the prison centres. The final work will be concluded during 1999;
- Reduction by 7% in the prison population by use of alternative measures;
- Drawing up of an overall reform plan for the prison system.

## **Conclusions**

By means of this project, UNDP succeeded in getting closer to the securing of a culture of the state of law and of democratic governance in Panama. The project demonstrates that with small investments it is possible to make major changes if clear priorities and simple and feasible work plans are established. The project was very well formulated and the implementation phase was matched to the work plan. Probably the two greatest successes consisted in the establishment of a social awareness of the prison problem and the setting-up of a system of institutional coordination as a response to demand from society. All in all, this is a project which fully meets what UNDP intended and has had a clear impact on the situations in the prisons. However, it should be clarified that the question of the prison system, in all of its dimensions (infrastructure, training of prison personnel, rehabilitation of prisoners into society, etc.) demands huge resources which a technical cooperation organization generally does not have.

## **ACCESS TO JUSTICE BY PROMOTING THE TRAINING OF HUMAN RESOURCES**

An adequate democratic and judicial training of the judges is an indispensable requirement for society to recover its trust in the institutions and to start once again having recourse to the justice system for the resolution of disagreements. One of the areas to UNDP's credit is to have been able to ascertain that the lack of adequate training in the operators of the system has a direct and a negative impact on the trust of the citizens and on the inhabitants' access to justice. Thus it was that the project of "Ongoing Judicial Training" (Capacitación Judicial Continuada) (RLA/97/L01), sponsored by the UNDP-Spain Trust Fund, on a sub-regional scale and with a budget of one million dollars, became a very important initiative to respond to this need.

## **Description of the project**

The project establishes in Central America and Panama a system of training of judges and magistrates, using the law colleges of each of the countries. This is a sub-regional project based on a shared methodology, with a single directing and administrative unit. All of the instructors have been Spanish.



The project had the following objectives:

- a) To improve the professional training of the members of the judicial system to guarantee an effective safeguarding of rights by means of the establishment of a joint system of training for judges and magistrates in each of the countries, with the overall control of the project also calling on the members of the Supreme Courts of Justice and on the Directors of the law colleges and the training units in the Attorney General's Office.
- b) To equip the legal libraries of the Supreme Courts of Justice or of the legal colleges with sufficient copies to cover the needs for consultation.

## **Results**

- A regional seminar was held in Antigua, Guatemala, to present the project, establish coordination mechanisms and approve the action plans and the working teams. The seminar brought together those responsible for the working teams from each country, and the methodology, the implementation phases of the project and the general timetable were analysed in detail;
- The first task consisted of defining the profile of a judge in each country of the region, and then the areas of training were selected by country, as follows: Costa Rica, criminal procedural; El Salvador, civil and business; Guatemala: civil, commercial and criminal procedural; Honduras and Panama: criminal and criminal procedural; Nicaragua, labour and civil;
- Progress was made in drawing up the instruction modules, with the objective of guaranteeing the sustainability of the training being undertaken;
- The members of the judiciary and of the Attorney General's Office were provided with training in the thematic areas selected. The principal actions carried out also include the formation of national teaching teams, methodological training and a functional analysis of the jurisdiction in question;
- For each Supreme Court, one magistrate was nominated to act as the contact person and the Director of the law college was nominated as being responsible for the national direction of the management of the project;
- The "base library" was established, with each school selecting the titles of interest to it; this turned out to be of considerable practical use.

The lack of overall training plans in the law colleges was one of the principal limitations, as were the changes in leadership of them, or the changes in their counterpart bodies, the Supreme Courts of Justice. The majority of the colleges lacked the space in which to install the library. The lack of coordination between the Supreme Courts of Justice and the Prosecutor's Offices meant that a large part of the cooperation did not survive the first hurdle.

The lack of staff personnel in the law colleges was an obstacle to the sustainability of the project. In addition, the process of training encountered difficulties from the fact that the national teams did not have substitute staff in order to replace them. In the direct training it became evident that the countries do not include the evaluation of what has been learnt as an integral part of training.

## **Conclusions**

The principal achievement of the project was to have left in each law college personnel prepared to handle this type of project, to have promoted in the countries the concept of participation of the operators of the justice system and to have given the planned courses. Even if there is a lack of financing for cooperation in the future, the methodology used and taught will have surely made it possible to maintain the training already given in the areas considered as priorities, and to extend it to other branches of the law which need to be studied in greater detail or brought up to date.

In this project, there was not adequate coordination with the rest of the international cooperation system, in particular between UNDP and the international body which was financing it.

## **ACCESS TO JUSTICE BY MEANS OF INSTITUTIONAL STRENGTHENING**

For this section, the project “Strengthening Management Capacity in the Jurisdictional and Administrative Function of the Members of the Supreme Court” (Fortalecimiento de la Capacidad de Gestión de la Función Jurisdiccional y Administrativa de los Miembros de la Corte Suprema de Justicia) of Paraguay was selected (PAR/96/005). The national constitution of Paraguay of 1992 established the bases for the reforms intended to give a greater independence to the judiciary. In 1995, the nine members of the Supreme Court of Justice were appointed and in 1996 they requested the cooperation of UNDP to improve aspects of the management of the functions of the Supreme Court. The budget for the one-year project was US\$ 340,000.

The objectives of the project included the strengthening of the analytical and operational ability of the Office of the President of the Supreme Court, the offices of the Ministers of the Supreme Court, the Supervisory Council and the divisions and commissions which form part of the Supreme Court of Justice. This type of strengthening has to be oriented towards the spheres relating to the jurisdictional function, the administrative function and the function of general government of the Supreme Court of Justice.

When the project was drawn up it was found that there were no modern information and management systems to support the jurisdictional and administrative work of the judges and officials. The principal consequence of these shortcomings was an extraordinary judicial backlog which at the time placed Paraguay in the first place, among the countries of the region, in the number of prisoners held without trial. The country turned to the international bodies, in particular the development banks. The latter did, in fact, give a positive response but the time-frames for approval of a loan could be more than two years. The Supreme Court of Justice then asked UNDP for a project intended to strengthen urgently the analytical and operational capacity of the Presidency of this body and of the other offices referred to. As it was presented, the project had a number of shortcomings, such as the absence of progress or impact indicators and the lack of a situational study on the level of efficiency and effectiveness of the operation of the Supreme Court of Justice at the moment that the programme started. If the initial situation is not known, the potential effect of the project cannot be evaluated.

The project was designed on the basis of two basic modules, one on information and the other on management. The basic information module is composed of sub-modules on data and background of the members of the judiciary, the legal assistants, the decisions of the Supreme Court of Justice (database of administrative resolutions, agreements and rulings, etc.), premises and jurisprudence and legal information. In addition, there are sub-modules on the relationships between the judiciary and civil society and the gathering of information on the national circumstances.

The second module of the project is made up of five sub-modules which include: management of correspondence proceedings and files, plenary sessions of the Supreme Court of Justice, sessions of the Supervisory Council, internal working programmes and case programmes.

### **Conclusions**

Apparently, these computer-based programmes have already been applied extensively in other countries of the region with very satisfactory results. This might mean that it would be possible to support the efforts being undertaken in Paraguay, by means of technology transfer. One limitation which the project does have is that it concentrates on the Supreme Court of Justice and does not extend to other bodies, where there is also a legal backlog, such as the courts of first and second instance. The strategic character of the activity of UNDP arises from its acting as a bridge with respect to a longer-term project financed by the IBD.

However, the most innovative characteristic of this project comprised the differing patterns which were drawn up for the inter-institutional relationships of the Court, representing the working universe of the future Directorate for Inter-Institutional Relationships. This will be responsible for information, analysis and strategic

planning. The original feature of these patterns is that they are constructed for the relationships of a body which traditionally has been closed in on itself, centred on legal problems, but completely distanced from the reality of society, and are designed to capture the perceptions, concerns and conflicts of the various actors (other authorities, NGOs, civil society) in their relationship with the Court, so that the latter shall be in a position to interpret the demands of society and thus to match its functioning and better respond to the claims and needs of society.

## **LESSONS**

### **General Lesson**

The evaluation shows that UNDP's strategic position in Latin American and Caribbean society, and its presence through its offices in the whole of the region, put it in a very good position to give strong impetus to the activities in this field, since it has the capacity to identify the shortcomings from which justice suffers and to establish priorities on that basis.

### **Access to justice as a specialist field**

The field of judicial reform represents for UNDP an important opportunity for it to act on the basis of an approach which makes it possible to obtain concrete results on the ground. This approach puts the stress not only on institutional strengthening, but above all on the promotion of access to justice.

In order to achieve this, its actions have to cover essentially the following areas:

- Installation or improvement of the public defence systems and of the prosecutors-general;
- Preparation of campaigns of legal education for the people in order to facilitate the population's knowledge of its rights;
- Reform of the laws, simplifying them and creating legal certainty;
- Training of judges to have an adequate knowledge of the law and an understanding of democratic values;
- Promotion of alternative systems for resolution of conflicts;
- Promotion of investigation into techniques of rehabilitation of children and adolescents who have broken the criminal law;
- Improvement in the techniques of criminal investigation and the training of police and judges in this area, to give greater citizen safety;
- Finally, strengthening of the NGOs and the networks of institutions and individuals at regional and sub-regional level.

Another lesson which comes out of the evaluation is that from the point of view of governance, it is important that the training of judges, prosecutors and defenders, as public servants, should be framed in terms of democratic ideas. The training activities should concentrate on the judicial process, giving particular attention to equality before the law, the presumption of innocence and other guarantees of due process. Similarly, this training should draw its inspiration from an adequate knowledge of the international instruments for the protection of human rights and should promote their application at the national level.

Another important aspect is UNDP's power of initiative to draw up the proposals to be presented to the donors in relation to spheres requiring cooperative efforts, rather than leaving the drafting of the proposals to the donors themselves.

This last thought is as applicable to bilateral cooperation as it is to the cooperation provided by the development banks, and in any event, is indicative of the need for a genuine harmonization and coordination among all the actors of the cooperation system.

Finally, in the drawing up of projects on the reform of the justice system it is very important to take account of people's opinion, since the users know in greater detail the problems of the justice system than do the judicial authorities themselves.

## CHAPTER 7

### PUBLIC SAFETY

#### UNDP'S POLICY IN THE AREA OF CITIZEN SAFETY

The very existence of the State as a political organization is inconceivable if it does not effectively provide appropriate protection to persons and property. However, the serious lack of citizen safety has become one of the main topics of social, political and institutional concern in the Latin American and Caribbean region. The situation is particularly grave in those countries which have emerged from a situation of conflict, which entails the demobilization of a very large number of combatants, both from the army and from the guerrillas. The peace accords in Central America took account of the urgent need to give attention to public safety together with the reestablishment of the state of law and national reconstruction. This meant the creation of new civilian police forces, technically trained and holding democratic views. During the time of the conflicts, the police forces had to fulfil a repressive role, one that was dependent on the structure and organization of the army. They were obliged to guarantee the safety of the citizens in accordance with the principles of the military forces and under the orders of military commanders, which caused anomalous situations, with an inadequate and unprofessional policing function and excessive powers being conferred on the army.

UNDP considers the sphere of citizen safety to be an integral part of an overall view of justice, given that one of the essential functions of the police is to guarantee the exercise of fundamental rights and liberties.

The concepts of "public safety," "citizen safety" or "safety of the inhabitants" have to do not only with safety in the sense of not being a victim of crime, but also with the quality of life, understood as the right to enjoy a minimum level of well-being in the areas of health, education, housing, income and work, within the framework of the constitutional state of law. There is thus a direct relationship between citizen safety and the concept of sustainable human development.

The huge increase in crime, in particular crimes against legal property, life, liberty, personal safety and property, results in a deterioration in the quality of life and hampers the processes of political and socio-economic development. In this context, a wide range of human actions which harm other human beings have to be understood as violence. These actions include unjust imprisonment, homicide in the course of robbery or rape, discriminatory rules which identify the poor as the criminals, torture, sexism, the destruction of the environment, the lack of opportunities for education or for work, religious and political intolerance, racism, discrimination against indigenous peoples and acts of common crime. In accordance with current studies sponsored by the World Bank, despite the fact that Latin America and the Caribbean is a region which is not at war, the level of violence is extremely high, exceeding, in fact, that of the other continents.

#### **The action of UNDP**

Although actions in the area of safety cover a wide range, the police force is the institution in which the policy of citizen safety is focused and it is the body with the mandate to implement important aspects of the policy on crime. The evaluation concentrated on the actions carried out in El Salvador, where UNDP took on the responsibility of cooperating in the creation of the new national police force, which had been agreed to by the parties to the peace accords. However, UNDP also assumed important responsibilities in other countries. Under the impetus of projects in such a difficult and delicate area as public safety, at the present time UNDP is considered one of the bodies with the most established level of experience and the greatest competence in its interventions.

In Guatemala, UNDP's cooperation took place within the framework of the peace agreements. The new model of protection of persons and property, defined in the agreements, lays down that the Constitution must be rewritten to express the following: "The National Civilian Police Force is a professional institution with a hierarchic structure. It is the only armed police body with national authority whose function is to protect and

guarantee the exercise of the rights and the liberties of persons, to prevent, investigate and combat crime and maintain public order and internal safety. It carries out its actions with strict commitment to the respect for human rights and under the direction of civilian authorities.”

This is a context similar to that of El Salvador, since in both cases the attempt is being made to create a new police body subordinate to the civilian authorities and not linked to the army, as a replacement for the bodies which had looked after public safety in the past.

The project promoted by UNDP (GUA/96/L16) took place within the framework of the projects financed from the UNDP-Spain Trust Fund. It consisted of preparatory assistance, with a budget of US\$ 900,000, which had the objective of laying the foundations for a new model of Police College, training the Special Police Units, improving the techniques of criminal investigation and putting forward a restructuring of the national police force with the objective of creating the new National Civilian Police force stipulated by the peace agreements.

UNDP cooperation was also applied to the police problem in Brazil, where the preparatory assistance project BRA/97/005 was drawn up, aimed at the modernization of the Federal Police Department, in the Ministry of Justice. This preliminary assistance provided for regular support to the Federal Police Department in the evaluation of programmes and projects already in existence, in the design of future projects and strategies and the definition of priorities and implementation plans, and was the first international cooperation project with the police force in that country. Another example is that of Panama, in the framework of the group of projects which were promoted by means of the UNDP-Spain Trust Fund. The project provides support to the Centre for Police Training (CE.CA.POL) and seeks to contribute to increasing the level of professionalism of the police force by way of training, updating of technical skills and specialization.

## **THE PROJECT IN EL SALVADOR**

### **Initial context of the project and problem to be tackled**

The peace accords in El Salvador stipulated that the National Civilian Police Force should be created, eliminating the former Policía Nacional and the Policía de Hacienda (Treasury Police) as bodies responsible for public safety. The Peace Agreement of 16 January 1992 (Agreement of Chapultepec) defined the powers and the structure of the National Civilian Police of El Salvador, which were subsequently expressed in a preliminary draft law drawn up with the technical assistance of experts sponsored by the Secretary-General of the United Nations.

The peace process in El Salvador and the new institutional structure which resulted from the peace accords also came together in the creation of a National Academy of Public Safety (ANSP) as a condition for the existence of the National Civilian Police (PNC). In conformity with the Accord of 1992, the ANSP was to be an autonomous body, answering directly to the Ministry of the Interior and Public Safety (now the Ministry of Public Safety) and was to have as its mission the basic training, the training of the intermediate and superior officers and the specialized training of the PNC; the selection of the personnel of the PNC; research into, study of and teaching of topics relating to the PNC and public safety; and the annual evaluation of all of the personnel of the PNC. The ANSP is directed by a Director-General and an Academic Council.

The Secretary-General of the UN requested UNDP to take on the task of technical assistance necessary to train the new PNC in El Salvador and, as a first step, to set up the National Academy of Public Safety. In the negotiation process, the Government of El Salvador had undertaken to replace within a period of two years 5,700 police officers and 240 commanders of the former Policía Nacional with personnel having a new mentality and a separate professional training, which represented a major opportunity to strengthen the democratic process in the country. In this context, and in the light of the lack of experience in training of civilian police forces in El Salvador and the support which was needed from the international community to create the Academy, UNDP appealed to the governments of Spain and the United States of America, which

had experience in this area, and which responded very favorably, forming a joint mission which began its work on 2 March 1992, with the result that the ANSP was able to start its activities on 1 May 1992.

### **Description of the project**

Project ELS/92/007, "Creation and Initial Operation of the National Academy of Public Safety," (Creación y puesta en marcha de la Academia Nacional de Seguridad Pública) started in 1992 with a preparatory assistance of US\$ 97,200 provided by UNDP. Its twofold objective was firstly to carry out in one week the activities of the joint mission of Spanish and US professionals and to make it possible for the first 330 students to enter the Academy on 1 May, and secondly to draw up, over the following month, a project document for the running of the Academy for the subsequent two years.

The first initiative of UNDP grew gradually, and ultimately a whole range of measures of assistance to the National Civilian Police and to the National Academy of Public Safety was completed, with contributions from different donors. The first assistance turned into sixteen "results" and a series of "activities," which were to be rewritten during the following stages.

In this context, project ELS/93/L07, "Strengthening of the National Academy of Public Safety," (Fortalecimiento de la Academia Nacional de Seguridad Pública) was drawn up, with a planned duration of six months. It was financed exclusively by a contribution from the Trust Funds of the Government of Sweden for "Support to the Peace Activities in El Salvador" for an initial amount of US\$ 562,500. The objectives of this project were:

- a) To provide specialization for the teaching staff and the students on police matters and to the administrative personnel on the administration of police academies;
- b) To provide part of the basic equipment for the forensic and photographic laboratories;
- c) To provide a radio communication system;
- d) To equip two libraries for the Academy with a total of 6,000 books.

Subsequently, the project was extended to four years in a second phase, in which the further objective was included of training students and national instructors in specialized areas of police work, working with officers on secondment. Also a modular training system was added, making it possible to provide on-the-job training to police officers, using reinforcing materials.

### **Results**

The project made a contribution to the implementation of the Peace Accords, specifically the creation of the National Civilian Police, by means of support to the National Academy of Public Safety, with its own management team and full autonomy from the police commanders, given that its mandate was exclusively to train the future members of the PNC and to give them specialization once they had entered the force.

At the end of 1993, 4,496 students had enrolled at the basic level, plus 85 officers and 35 senior officers. 1,662 had graduated at the basic level, as had 30 officers and 14 senior officers. But the ANSP needed a physical infrastructure suitable to house 2,100 students at the basic level and 120 officers and senior officers, as well as furniture and equipment, sleeping accommodation, lecture rooms, teaching materials and national and foreign professors and instructors.

The projects, with their redesign, achieved important results. The Academy has trained some 15,000 police officers at the basic level, in the 43 graduating classes which have left it, and there have been three graduating classes covering about 230 senior officers and a further three comprising some 90 commanders.

### **Achievements and difficulties**

The institutional design of public safety which arose from the Peace Accords was complicated, as the National Civilian Police was created, with its director and its management team, with the mandate to preserve public safety, under the orders of the civilian authorities. The Academy had its own management team and full autonomy from the police commanders. This autonomy may have caused discrepancies between the needs of the police force and the way in which the Academy was run, and it is possible that such discrepancies may have been a part of some of the difficulties which arose in the course of time.

Public safety continues to be a constant and serious concern in El Salvador, since the lack of citizen safety is reaching barely tolerable levels, owing to acts of common criminality which reflect a highly worrying climate of citizen violence.<sup>30</sup> According to the Office of the Attorney General of the Republic, during the years 1994 and 1995 there was an average annual total of 8,506 violent deaths;<sup>31</sup> representing an increase, in peacetime, of more than 2,000 victims per year over the figures from the periods of war;<sup>32</sup> this of course affects the social stability and makes the fight against crime and violence one of the major concerns of the political leaders.

The situation causes enormous difficulties within the PNC, which is faced with a double problem: on the one hand, the increase in crime and the growing demand for greater effectiveness and police presence; on the other hand, the shortcomings in training which hinder a professional performance of police duties, combining the safety of the citizens with the preservation of the personal safety of the police. At the same time, the mechanisms of internal inspection and supervision of the PNC – it is said to be one of the police forces with the greatest number of safeguard procedures – from the Supervisory Unit, the Disciplinary Investigation Unit, the Disciplinary Tribunal or the Inspector-General of the PNC have not succeeded in establishing sufficient transparency in the policing function nor in setting up an adequate disciplinary system which will make it possible to correct any improprieties by the members of the police force in the performance of their professional duties.

Finally, it should be stressed that the President of the Republic undertook the creation of the National Council on Public Safety in 1996 to monitor the progress of the situation in the security sector and to be a recipient for counselling on the design of the general policy and of the institutional framework in this field.<sup>33</sup> This may be converted, in the hands of the President of the Republic, into a mechanism to watch over the transparency and respect for the law of a sector which is an extremely sensitive part of the relationship between the state and society.

In the medium term, it is the citizens who are the beneficiaries of the projects which affect public safety, since these guarantee the conditions for such safety to exist and make a contribution to generating the environment necessary to render the economic, social and institutional life of the country more dynamic, an essential step in human development. The direct beneficiaries of the projects are the police officers, both those who update their behaviour and skills through the training and those who enter the institutions and projects for provision of initial or further training, within the National Academy of Public Safety.

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<sup>30</sup> In 1994, El Salvador had a crime rate of 176 for every 100,000 inhabitants, one of the highest in Latin America and in the world. See Zablah Touché, “Citizen Safety,” *Prensa Gráfica*, 28 July 1996, p. 8-A.

<sup>31</sup> Cf. “*El Salvador Proceso*”, a weekly information publication of the Centro Universitario de Documentación e Información de la Universidad Centroamericana “José Simeón Cañas” –UCA– Volume 16, No. 699, 28 February 1996, p. 13.

<sup>32</sup> If it is calculated that during the whole of the war 75,000 persons were killed, this would give 6,250 deaths per year.

<sup>33</sup> This Council was supported by a project financed by Spain (ELS/96/L05), “Support for the Operation of the National Council on Public Safety,” (Apoyo para el funcionamiento de la Academia Nacional de Seguridad Pública) with a budget of US\$ 223,000, which started in July 1996.



There were numerous activities undertaken in the different projects promoted by UNDP and other bodies – such as the ICITAP in the case of the United States, or the European Commission – in the whole area of international cooperation in the field of public safety, but it is particularly noteworthy that it was the effort of the international community which really succeeded in setting up and making operational a training centre, the ANSP, specifically designed for those responsible for maintaining public safety, which had neither installations, nor personnel, nor any public budget whatsoever.

From a quantitative point of view, the results of the ANSP are encouraging, even if it is essential that improvements be introduced in the training and in the performance of police work in the country. In this sense it can be stated that the project was effective. Nevertheless, although the evidence is not available to go into the subject in detail, there is an impression that either it did not have the indispensable resources, or that they were not provided in a proper manner.

Without doubt, the amount of progress which has been achieved in the operation of the National Academy of Public Safety has been the result of the various ups and downs through which the society of El Salvador has passed in a new period of political transition.<sup>34</sup>

In conclusion, this is a process still going on, in which the most important thing is to identify the criteria for facilitating its development and making it more dynamic. That is the position adopted by the Secretary-General of the United Nations, who in his report of July 1997 formulated as one of the recommendations on the peace process in El Salvador that the new National Council on Public Safety should promote a closer coordination between the National Academy of Public Safety and the National Civilian Police.<sup>35</sup> This lack of coordination was observed by the mission in various interviews; the senior management of the two institutions adopt criteria and lines of action which on occasion are contradictory; there are frequent confrontations and the bodies which in one way or another have been set up – either as new creations, such as the National Council on Public Safety, or else have been revitalized, such as the Inspector-General of the PNC, recently appointed – have not succeeded in overcoming the differences nor in redefining and presenting the new PNC to the Salvadorean public opinion as a democratic police force, respectful above all of human rights and fundamental liberties.

### **Sustainability**

Owing to the large scale of the resources contributed by the international community, the Academy has become an institution dependent on external assistance – like some other institutions of the country – since its very existence and operation have remained subject to the will of the donor countries.

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<sup>34</sup> Perhaps this took the form of an accumulation of efforts in the same area without a successful grasp on the problem as a whole. This is the conclusion to be drawn from the report submitted to headquarters by the national field office in El Salvador on 7 May 1997. Reference is made to eight projects on public safety and within them, to five on the Academy: ELS/93/007 “Strengthening of the ANSP” (Fortalecimiento de la ANSP); ELS/95/007 “Preparatory assistance for improving the management of the PNC and ANSP” (Asistencia preparatoria par el mejoramiento de la gestión de la PNC y ANSP); ELS/92/007 “Assistance for starting up the activities of the ANSP - Noruega” (Asistencia para el inicio de actividades de la ANSP-Noruega); ELS/92/008 “Assistance for Starting Up the Activities of the ANSP - Spain” (Asistencia para el inicio de actividades de la ANSP-España); and ELS/95/L10 “Technical assistance for the ANSP” (Asistencia Técnica para la ANSP).

<sup>35</sup> Document A/51/917 of the Secretary-General of the United Nations on “The Situation in Central America: Proceedings to establish a firm and lasting peace...”, p. 18.

Under these circumstances, the sustainability of the projects and the future of the institutions are significantly reduced, taking into account also that to date the public budgets have not completely assumed the responsibility for maintaining the levels of efficiency of the ANSP and apparently the prospects for the future are not very promising.

In consequence, a greater effort should be requested from the national authorities, both political – this is the inevitable starting point – and budgetary, to manage to fit out the police force with the correct equipment needed to guarantee the free exercise of the rights and the citizen safety.

More particularly, there is a need to take care of trainer training, requested by those responsible for the ANSP as one of the basic components of the sustainability of the Academy itself. If the trainers continue to be foreigners and if there is no success in forming a nucleus of Salvadorean instructors who can impart the basic and specialized lessons, the dependency may worsen.

### **Lessons**

a) Linkage of the themes of citizen safety and justice.

UNDP should develop contemporaneous experience which includes justice and citizen safety. The approach should take into account the fact that citizen safety is a condition of the quality of life of the citizenry, that a professional police force has to be capable of respecting fundamental rights at the same time as being effective in the fight against crime, and that the major problem is violence, not necessarily the criminal acts. Flexible means of communication between the police and the judges must be established, including preparing joint training activities (particularly those concerned with the reform of the judicial and penal system).

b) Development of studies into the culture of the police forces of Latin America and the Caribbean.

One of the bodies which is least studied is, in fact, the police force. Through the establishment of functions of protection of information on organized crime, the police force tends not to provide data on itself. In many cases this has separated it from civil society, making it in some cases “ungovernable.” It is suggested that there should be a negotiation with the governments of Latin America and the Caribbean so that its operation, its legal framework and the perception of it in society can be studied.

c) Concentration on the training of future police officers and on the formulation of a doctrine which is respectful of human rights.

The interventions of UNDP tending to foster governance and access to justice must cover the training of human resources in the police force and facilitate the definition of permanent and democratic policies of citizen safety. This training and these policies must effectively equip society with flexible, intelligent and rapid instruments for protection of rights. Such a public service should take place within the framework of the state of law.

## **CHAPTER 8**

### **REFORM OF THE ELECTORAL SYSTEM**

#### **UNDP AND THE REFORM OF THE ELECTORAL SYSTEM**

As far as UNDP is concerned, democracy is a political and institutional system the legitimacy of which is based on genuine citizen participation. This participation is revealed in various ways within the framework of representative democracy. In particular, by means of the manifestation of the points of view in the citizens in the taking of decisions of a collective nature. And above all, in the act of electing, by means of universal suffrage, candidates proposed by the political parties.

The promotion of the state of law and the development of free and democratic electoral processes consequently constitute one of the most effective mechanisms for the defence of fundamental human rights, notable among which are freedom of expression and of association. This is the reason that one of the principal axes of institutional development in Latin America and the Caribbean comprises, in fact, the electoral system.

Institutional development includes the concept of sustainable human development at the same time as it promotes collective and individual liberties. These liberties include the liberty to elect and to be elected in public, free and periodic elections, based on the principles of transparency, equality and respect for the law.

UNDP has acquired some experience in electoral matters in recent years and is a body which enjoys political trust for the transfer of that experience. This experience extends as far as the training and tutoring of young political leaders and of representatives of those groups which traditionally have been marginalized from the political processes, such as women and indigenous peoples. It allows UNDP to promote the deepening of electoral democracy, strengthening the culture of democracy and thus creating a greater degree of citizen confidence.

The evaluation considered two countries which had benefited from UNDP projects in the electoral area: Guyana and Brazil. It is certainly true that these are two very different countries, not only in their size, culture and level of development, but above all also essentially because of the difference in the problems which their electoral systems presented.

#### **THE PROJECTS IN GUYANA**

##### **Initial context of the projects and problem to be tackled**

Guyana is a young country, with serious problems of democratic governance and poverty, which is in the middle of a very complex process of modernization, both economic (1989) and political (1992). The basic problem is that the situation in Guyana is highly sensitive, not only because of the scarcity of the resources which are available to the government but also and fundamentally because of the shortcomings of an institutional nature and the lack of a deep-rooted culture of democracy.

The theme of democratic governance became of intense importance in Guyana in connection with the electoral processes. The objective of achieving a democratic and modern system led to the mobilization of sectors of national and international opinion for the elections of October 1992 to be able to take place in conditions of transparency. There was a problem of a lack of trust on the part of the citizens and the political parties arising from the fact that the National Recording Centre, responsible for the electoral rolls, was under the control of the Ministry of Home Affairs. This created suspicions that the government might be able to control the elections. This was the framework for the intervention by the former United States President Jimmy Carter who negotiated with the President of Guyana the creation of a new and impartial Elections Commission. The governing party accepted the proposal and thus the elections of 1992 were able to take place under conditions which the various main participants considered to be correct and which produced a

degree of trust in society.

The process gave rise to a cooperation by the international community which fulfilled an important role and which the Guyanese authorities appreciated to a high degree. The following elections produced new advances. For the elections in December 1997, the controversy and accusations on the validity of the 1992 voter list caused the new Commission, set up in 1996, to decide to register once again all the citizens of 16 years and over so that they could have new voter lists, which would be trusted by all the parties. On the other hand the lack of confidence in the national identity card and the controversy around its use in 1992 caused the Commission to introduce a new Voting Card.

The UNDP office in Guyana was selected by the Commission as the main point of contact and coordinator of all the international aid in this area. UNDP was directly supported by the Secretariat of the United Nations, via the latter's Electoral Assistance Unit.

### **Description of the projects**

The evaluation examined three projects, GUY/91/009 "Elections Information Management System," GUY/93/004 "Assistance to the Guyana Elections Commission" and GUY/96/001 "Strengthening of the Guyanan Elections Commission."

The objective of project GUY/91/001 was to assist the Guyana Elections Commission so that it could carry out the monitoring, supervision and efficient and effective management of the processes leading to free and fair general elections in October 1992, and also the events immediately following. The budget was US\$ 666,949.

Project GUY/93/004 was drawn up on the basis of the experience with the preceding one. Its immediate objective was to strengthen the Guyana Elections Commission so that it should be in a position to design and implement the administrative structures and operational systems which would ensure that all the elections were transparent, free and fair. It had a budget of US\$ 70,000 from UNDP plus US\$ 40,000 contributed by the Carter Center.

Project GUY/96/001 had the objective of contributing to the institutional strengthening of the Elections Commission, which began its work at the beginning of 1996 in order to carry out free and fair elections in 1997, with the aim of consolidating democracy in Guyana. The project included support for the merging of the Guyana Elections Commission and the National Recording Centre into a single institution with the mandate of processing the electoral rolls and the voting, and of assistance to the relationships between the Commission and the international community. The budget was US\$ 300,000. A shared-costs contribution from the IBD amounting to US\$ 500,000 was channelled through a separate project (GUY/97/004) for administrative reasons. This project provided a long-term prospect for the strengthening of the Elections Commission in order to ensure the sustainability of its actions.

### **Results**

Project GUY/91/009 supplied technical support to prepare the voter register, provided communications equipment and supported the training of the volunteers who were participating in the electoral process. It also replaced the manual information systems of the Elections Commission by a system of computerized geographical information, which for the first time in the history of Guyana covered ten electoral districts, 822 voting locations and all the voters. The project also supported the development and implementation of a programme of electoral education.

Project GUY/93/004 continued the task of the preceding one, contributing to the institutionalization of local procedures and structures to carry out free elections, for which purpose the drawing up of the voter list, the campaign of popular information and the taking over of the Identification Register by the Elections

Commission were crucial steps.

Finally, project GUY/96/001 assisted in the location of the Registration Office under the temporary control of the Elections Commission in 1997 as a consequence of a national political decision, by bringing in a legal expert who provided assistance in the preparation of the necessary legal reforms. The project was a valuable instrument for the holding of the elections of December 1997 and assisted in the relationship of the Commission with the international community.

### **Achievements and difficulties**

The most important success of the projects is to have contributed to free and unchallengeable electoral processes in Guyana. The intervention of UNDP and of personalities such as former President Carter made it possible to take those processes further and to obtain the support of the international community.

By a decision of the government of Guyana the new Elections Commission which presided over the electoral process of 1992 was made up of three members appointed by the governing party, three from the opposition parties and a seventh member who acted as the independent President of the Commission, appointed by the President of the Republic on the basis of a list presented by the other parties.

UNDP is a body which the government of Guyana highly respects and admires. Its role is recognized by important personalities in the life of Guyana, by the political parties and by the media. Some people think that without its participation the list of voters would not have been created in 1992 and as a result there would not have been elections which the people trusted. It is considered a neutral and non-partisan body. Members of the party of the former government (People's National Congress) who had accused UNDP of interfering in those elections now recognize that it provides a guarantee of neutrality and searches for consensus among the national parties and views.

On the occasion of the elections of 1997 the Elections Commission also asked UNDP to coordinate the participation of the international observers from the Organization of American States and from the Commonwealth who had been invited. The UNDP office in Guyana was given the task of generating the support of those organizations, eliminating doubts and mistrust. The international observation was a success.

These elections were performed with efficiency, in a climate of calm and with a high voter turnout. The questions which arose later - the elections were challenged by the opposition - are of a highly political nature and have their origins in questions of the balance of power in the country. During and after the period of confrontation between the two major Guyanese political parties (PPP and PNC) the UNDP supported the initiative of mediation of the Secretariat of the Caribbean Community (CARICOM) as a valid option of impartiality. UNDP mobilized its own resources and those from various donor countries to support the process of verification of the electoral results by CARICOM, as had been agreed by the parties.

The post-electoral controversy in Guyana revealed the need for electoral and constitutional reforms, which will be supported by UNDP and by various donor countries through UNDP.

### **Sustainability**

Even if the opinion is fully shared that the activities of the Guyana Elections Commission should be sustainable in the medium and long term, the low levels of remuneration of the public sector officials make it impossible to assign permanent and high-quality personnel to the tasks of management of the electoral processes. There is a high staff turnover and a high rate of departure from the public sector on the part of people who have received training and qualifications, which makes it difficult to structure an "administrative career."

## **INSTITUTIONAL DEVELOPMENT OF ELECTORAL JUSTICE IN BRAZIL**

### **Initial context of the project and problem to be tackled**

From 1964 to 1985 Brazil was ruled by a military regime which suspended democratic liberties, including electoral processes. It was only in the Seventies that elements of democratization were gradually introduced, such as, for example, the return of exiles. The “New Republic” did not begin until March 1985, with a civilian as the president, and in 1989 the first direct presidential elections for 30 years were held. One year before, on 5 October 1988, a new constitution had been approved, and from that date forward, the process of consolidation of democracy has continued.

The military dictatorship left behind a machinery of electoral justice which needed modernization, not only from the point of view of its infrastructure and the handling of computerized technologies, but also with regard to the reorganization of tasks, the training of personnel and the improvement of administrative methods. The elections of 1994 became a very important opportunity to modernize the electoral process.

The organization of electoral justice in Brazil was established by the law of 1964 and the Electoral Code of 1965, which were confirmed by the Constitution of 1988. The system includes the Superior Electoral Tribunal (TSE), 27 Regional Electoral Tribunals (TREs), the electoral judges and the local elections commissions. Each of the latter is composed of a judge who acts as its President and two to four citizens of proven moral rectitude, appointed by an electoral judge.

### **Description of the project**

The project analysed is BRA/93/035 “Institutional Strengthening of Electoral Justice in Brazil” (Fortalecimiento Institucional de la Justicia Electoral en el Brasil). The project comes within the framework of the set of projects of the National Programme of 1992-1996, which identified “modernization of the machinery of government” as one of the priorities of the government for sustainable development during the 5-year period and which is aimed at restructuring the public sector and at institutional strengthening.

The objective of the project is to hold transparent, sure and rapid elections via automation of the electoral system and the training of the personnel of the TSE and of the TREs. The budget for the project totaled US\$ 32,946,350, almost all on the basis of cost-sharing by the government of Brazil.

### **Results**

The project produced the following results:

- a) Drawing up and implementation of a general plan for training of the personnel of all the bodies of the electoral justice system with regard to the voting register, rules and procedures, including computer-based techniques and systems to provide electoral information for the users. The project covered the provision of training to around 2,500,000 people, both permanent personnel of the electoral justice system and those engaged only for the election period. More than 400 technicians were trained in the handling of the electoral information systems.
- b) Installation of an automated system for registration of voters and for vote-counting, using the Electoral Justice Information-Processing System (SINJE), including administrative procedures, a jurisprudence system and a library. Computing equipment, both software and hardware, in all of the bodies of the electoral justice system (TSE, the 27 TREs, the 260 Electoral Centres and 2700 electoral zones).

During the years 1995 and 1996 the project continued its activities in the development and incorporation of the electoral recording system, the implementation of a quality control programme and an automatic voting programme in the municipal districts. The work was undertaken with the rapidity which was needed to make the necessary procurements within a short period of time so that the municipal elections of 1996 could take place using the automated voting system in the 26 state capitals of Brazil and in those locations with more than 200,000 inhabitants.

### **Achievements and difficulties**

The project had an enormous impact on all of the Brazilian electoral system. The latter succeeded in replacing its obsolete infrastructure and modernizing itself, gaining its independence thereby, which made it possible to carry out the double elections on 3 October and 15 November 1994 which were free, sure and legitimate. The political will of the government was demonstrated by financial support from the Ministry of the Economy and Finance of US\$ 160 million in extra-budgetary resources for the purposes of the elections (August 1994). A part of those funds made it possible to go forward with those activities of the project which had been reduced or had even come to a stop (processes for purchasing equipment and services, training activities).

The project made it possible to amplify and consolidate the electoral computer networks and develop the so-called "voting machine" or "electronic ballot box," designed and produced in Brazil, which, while not financed from project funds, did receive support from the project.

For the first time, the Supreme Electoral Tribunal had complete autonomy to decide on all of the aspects of the Brazilian general elections.

The TSE gained credibility in Brazilian society<sup>36</sup> and this represents a fundamental factor in the consolidation of the democratic regime in the country.

### **Sustainability**

The project achieved a high level of sustainability in its various aspects, among which we should highlight the installed capacity of the systems and their operators. The visits to three different locations of the TREs<sup>37</sup> allowed us to experience the high degree of preparation of the operators of the SINJE as well as their commitment and personal participation in the functioning of it. Training courses were held at the tribunals for their personnel, using the tribunals' own resources and computer systems.

### **Lessons**

The projects evaluated leave the clear lesson of the important function which UNDP can fulfil in certain situations in the area of electoral reform, both on the basis of the trust which it inspires as a neutral body belonging to the United Nations and by its experience in the technical aspects. In all events, the intervention of UNDP should be closely coordinated with that of the Electoral Assistance Unit of the United Nations Secretariat and should be decided on in accordance with the availability of resources and the possibilities of being involved in the task for the long term.

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<sup>36</sup>The numerous challenges to the electoral results which had been raised earlier disappeared when the so-called "electronic ballot box" was installed.

<sup>37</sup>Florianópolis, San Pablo and Salvador de Bahía

## **CHAPTER 9**

### **MODERNIZATION OF PUBLIC ADMINISTRATION**

#### **UNDP AND PUBLIC SECTOR MANAGEMENT**

Administrative reform has been an issue of concern in the region of Latin America and the Caribbean since the Sixties and received a major boost within the framework of the Alliance for Progress, which to a large extent made it the determining factor for international support. Even as far back as that, countries were adopting policies to bring about changes in their administrative machinery, creating planning secretariats, for example, and to organize themselves in order to implement infrastructure programmes and programmes in agricultural development, health and education.

During the Eighties, many countries found themselves compelled to adopt economic policies laid down by the international financial bodies. The latter's predominant thrust was towards a change in economic policies and, as a result, the reform of the public bodies with the mandate to apply them. These reforms aimed at reducing the fiscal deficit, opening up the economy, liberalizing trade, finance and the markets in general and a drastic reduction in the public sector. This explains why the reforms in public administration were dominated by economic reform and other political and institutional reforms were left aside.

As has been pointed out in earlier chapters, in recent years UNDP has been changing its view of governance. One of the areas in which its attention was focused during the Eighties was the reform of government, particularly with reference to an improvement in the administrative machinery and public sector management. In 1998, using central resources, UNDP instituted its "Management Development Programme" (MDP) which was particularly aimed at assisting the developing countries to introduce sustainable reforms in their public sectors through the design and implementation of strategic programmes of improvements in management. The promotion of strategic approaches for public-sector management was considered to be one of the six priority areas of UNDP for its fifth planning cycle, covering 1992 to 1996. The objective was to support governments in their building of public sectors with the necessary capacity to implement economic and social reforms. MDP was one of the instruments to promote the topic of effective and efficient public management as a priority theme of UNDP, on the basis of support from specific resources. The latter, in turn, could be amplified by resources from national or regional programmes or from other resources of UNDP itself, from the governments or from third sources.

Using MDP resources it was possible to finance missions to investigate the situation of the public sector in countries, to determine the political will of the government with regard to reform, to identify the context for reform and subsequently to draw up and implement strategic programmes. The activities of the programme had to relate to the general policies. These covered a wide range of themes:

- Overall modernization of government, restructuring and redesign of the machinery of government;
- Reform of public administration and management of human resources;
- Sectoral reforms and strengthening of certain departments such as the Presidencies of the republic and the ministries;
- Economic and financial management;
- Strengthening of the capacity for policy analysis;
- Social policies;
- Management of public companies and autonomous bodies, transfer and privatization;
- Administrative decentralization and strengthening of local governments.

The programmes were able to include studies of needs and evaluations and the management of the public policies and also presupposed that capacity-building, including training of human resources, and institutional strengthening in general, would be necessary.

One of the problems which the experience of the programme brought out was that in some cases, in practice,



the projects used the concept of reform of government as a synonym for reform of public administration. This ignored or diminished the political and social dimension of the reform, which may be expressed as a new definition of the relationships between the state and civil society. There was a danger that, instead of government being viewed as a consequence which arose from the relationships in history, it would be seen only as an administrative apparatus or body and that the changes would be limited to modifications in functions, organizational charts or procedures. Such cases were governed by a technocratic approach, concentrated basically in the techniques of Organization and Methods. In addition this reduction to the merely technical proved to be not very practical, since it was difficult to implement the measures proposed owing to the political resistance, even leading to paralysis, which they caused. This, without doubt, was not the original idea behind MDP, since "creation of capacity" was thought of as an institutional change for the long term, which implied that organizational and procedural transformation should be considered "in the widest context of the systemic changes which would be necessary so that the specific improvements should have significant results" in a scenario of participation and application of consultative process methodologies.

UNDP cooperation in this field must be seen as a part of its programmes of governance in general, which were changing, more particularly from the beginning of the present decade. The access to governments, but also contacts with various sectors of civil society, made it possible for UNDP to develop a broader activity in which the concept of reform of government became part of the concept of governance and of the strengthening of the democratic institutions directed towards sustainable human development. However, it must be considered that UNDP is not an actor on its own but that the situations involve a complex group of actors amongst whom the international financial institutions stand out owing to their greater level of resources. As will be seen in the analysis which follows, the concrete cooperation of UNDP in this theme suffered from the vicissitudes resulting from the changes in the political situation of the countries, the power struggles within the public sector itself, the changing priorities of the governments, the changes in the points of contact with the public administration and the role taken by other players on the international stage, such as the bilateral institutions or the international financial institutions.

### **Some specific themes**

Among the themes which formed a part of UNDP's programme, some which received particular attention should be highlighted. First of all, and sometimes as a fundamental component of a wide-ranging programme of reforms, the programmes supported changes in the Presidencies of the Republic. In Latin America this theme was particularly important, since the countries are under a presidential regime. The Presidents find themselves limited in the fulfillment of their functions by a lack of appropriate and high-quality operational bodies, inadequate information systems, limited functions for drawing up and monitoring policies, duplication and overlapping of functions of Ministries, difficult mechanisms of coordination within the executive branch and with other arms of the government. The problems extend to the sectoral ministries themselves, which have deficiencies in the area of formulation of public policies within the framework of societies with a high level of demand. This situation creates a need for changes in organization, clarification of command structures, simplification of cumbersome procedures, increase in the policy analysis capacity and transfer of implementing authority to bodies of a lower hierarchical level and to decentralized units.

Another important theme was the reform of public administration. The objective is to establish a body of professional public officials which has a hierarchical structure and is capable, efficient and stable. The programmes are directed towards initial and advanced training, remuneration, social security and other processes which help to raise professional and ethical levels and to create the professional career, the entry to which and the promotions within which are determined by the suitability of the candidate and not by political favouritism.

Out of the wide range of projects on reforms of government undertaken by UNDP in the region, two have been selected for analysis, one in El Salvador and the other in Guyana. This analysis also takes account of the fact that these projects were undertaken in conjunction with other initiatives supported within the various national programmes of UNDP.

## **THE PROJECT IN EL SALVADOR: SUPPORT FOR THE COORDINATION OF THE PROGRAMME OF MODERNIZATION OF THE PUBLIC SECTOR**

### **Initial context of the project and problem to be tackled**

As has been shown in earlier chapters, El Salvador has suffered in recent years one of the most violent armed conflicts in the region, which cost many lives and rendered even more fragile its weak institutional apparatus. It is for that reason that in the recent history of the country, the signing of the Peace Agreement of Chapultepec in January 1992, between the government, the armed forces and FMLN, constitutes such a fundamental landmark. The agreements established the basis for a new form of coexistence: social, democratic and based on respect for the state of law. This was the commitment undertaken by the various political and economic sectors of Salvadorean society with solid underpinning from the United Nations and the international community in general.

From that point on, El Salvador began to pass through a double and complex transition from war to peace and from authoritarianism to democracy. At the same time as it was building peace, society had to consolidate its democratic institutions, which implied the rebuilding of its machinery of government.

UNDP participated right from the start in the peace process, in the form of support to the actions of the Secretary-General of the United Nations. It was specifically referred to in the agreements, and was made responsible for the provision of technical cooperation support to implement the programmes committed to by the parties. UNDP responded to this challenge by turning its national programme towards strengthening of the peace process. It provided assistance to facilitate political dialogue, supported the process of mobilization of financial resources, assisted in the drawing up and implementation of specific projects related to the peace agreements and improved the coordination of international cooperation, particularly of the United Nations system. In this phase of implementation of the agreements, the work of UNDP was coordinated with the activities of ONUSAL, the United Nations Observer Mission In El Salvador.

One of the most important areas in the peace agreements was the creation and/or strengthening of the democratic institutions, so as to create the bases for the transition to a democratic society. UNDP set in motion various projects which included:

- The creation of the new National Civil Police (PNC) and the training body related to it, the Academy of Public Safety, which has been described in an earlier chapter. This made it possible for the new police force to be deployed over the entire national territory, which helped to increase the trust of the population in relation to its individual political and social rights.
- Strengthening of the Legal Office for Human Rights (PDH), an essential instrument to promote and verify the respect for human rights, which has also already been described.
- Strengthening of the Supreme Electoral Tribunal, despite the major difficulties encountered, which laid the foundations for the first democratic presidential, legislative and municipal elections in peace time, which were held in 1994.<sup>38</sup>
- Support to the National Reconstruction Secretariat (SRN), a new government institution which had been created to implement the National Reconstruction Plan.
- Support to the National Commission for the Consolidation of Peace (COPAZ).

In addition, UNDP supported the demobilization of the FMNL and the social integration of the ex-combatants and persons demobilized from the country's armed forces, to whom opportunities had to be offered for their

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<sup>38</sup> The electoral processes was observed by ONUSAL while the international and national NGOs supported the promotion of the election and the processes of issuance of identity cards and voter listing. UNDP and UNHCR provided technical assistance to facilitate the legal and technical conditions through the issue of identity documents.

return to civilian life, as well as the strengthening of local government activity and its organizations, in an effort of decentralization.<sup>39</sup>

The efforts of modernization of the public sector in El Salvador must be evaluated in the context of UNDP's national programme, related to the peace process and other programmes of international cooperation. The government of El Salvador (the Cristiani administration) had set in motion an economic and social policy of structural adjustment for the period 1989 - 1994 intended to deal with a severe economic crisis. The government was aware that the economic process had to be amplified with profound reforms, among which modernization of the government was identified as an important one. The intention was to create a modern, efficient, effective and significantly smaller government, by means of an appropriate and rapid process of privatization and reduction in redundant government jobs.

The government requested support from the international cooperation system for the modernization of the public sector and this led to the intervention of UNDP and the international financing and bilateral cooperation institutions, the latter principally involving USAID. In this connection, it is important to stress that there was no coordination, and that some of the international actors even had opposing positions. The situation of El Salvador has been described as a patient being operated on by two separate teams of surgeons, separated by a curtain between them along the whole length of the patient's body. On the one side, the United Nations supporting the activities committed to under the peace accords. On the other, the IMF and the development banks, supporting the adjustment programme.

#### **Description of the project**

The main project under evaluation was ELS/92/508, "Support to the Coordination of the Programme of Modernization of the Public Sector" (Apoyo a la Coordinación del Programa de Modernización del Sector Público). The project arose out of preparatory assistance of support to the government of El Salvador for its policy to reform the machinery of government.

In December 1991, a UNDP/MDP mission, in consultation with the government and in cooperation with a government technical team and the UNDP local office, produced a document containing a coherent and all-in programme for the modernization of government in El Salvador. The mission considered three areas of action:

- a) Topics related to the structure of the public administration and the functions of the executive arm, including policies of liberalization, de-institutionalization, and decentralization;
- b) Topics related to modernization of the administration of human resources, considered to be a cornerstone of the process; and
- c) Topics related to the management of financial and material resources (financial management, purchasing and contracts, monitoring). The programme contained seven projects directed towards those areas, with a total budget of US\$ 26 million. The programme received the endorsement of the government in February 1992.

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<sup>39</sup> Through the projects, training and technical assistance were given for agriculture and stock-breeding activities and support was also provided for access to credit, the economic rehabilitation of leaders and mid-range commanders of the FMLN and for emergency housing. Other important projects were also promoted under the CIREFCA and PRODERE programmes, directed towards strengthening the economic recovery, reducing poverty in the areas worst hit by the conflict, integrating the displaced persons and returnees, including the ex-combatants and demobilized persons, and increasing the capacity of the local organizations in an effort towards decentralization. The various projects emphasized the increase in education and health services, the rehabilitation of the infrastructure and agricultural development.

Project ELS/92/508 is the instrument for support to the coordination of the programme. Its objectives are:

- a) To strengthen the capacity of the Ministry of Planning (MIPLAN) to coordinate, implement and evaluate the Programme of Modernization of Government; and
- b) To support the drawing up and implementation of the specific action plans of institutional restructuring, administrative reform and decentralization (involving ministries from the social sectors, municipalities and NGOs) and the management of the technical cooperation necessary to put them into practice, as well as the organization of mobilization of additional resources.<sup>40</sup>

The implementation of the project was affected by the political changes in the country, the advance in the peace process and the impact of international cooperation. It had been intended that the project would end in 1994, but it was first extended to April 1997 and then continued into 1998. For a first stage (5 years) five ministries and three autonomous bodies were defined as the priorities and these started the processes of reform. The contribution of the project in January 1993 was concentrated on support to the process of institutional reform of the MIPLAN as the coordinating body, on the basis of the experience of the "pilot reform" supported by the World Bank in the Ministry of Agriculture and Ranching (MAG). The second central aspect of UNDP's action was the beginning of the process of strengthening of the Human Resources Administration, by means of actions which commenced in the Ministry of the Treasury in coordination with what was to be implemented in the MIPLAN and the MAG.

In June 1993 coordination meetings were held between UNDP and the IBRD, since the latter was preparing a technical assistance loan<sup>41</sup> to finance a programme of modernization of the public sector (PMSP), which in many aspects overlapped the UNDP project. The process of coordination was complex, but finally the respective responsibilities were agreed. UNDP would work in the areas of decentralization, institutional reorganization and human resources, while the Bank would concentrate on privatization, liberalization, reform of the civil service and pilot projects in the Ministries of Agriculture, Finance and Public Works. The short-term objective of the component financed by the World Bank funds was to prepare the basis for the PMSP for the next government, which was supposed to take up its functions in June of 1994. The implementation of these activities came up against the uncertainties typical of an election year.

The initial budget for the project was US\$ 700,000 from UNDP. This was then increased with additional contributions in the form of loans from the World Bank, pursuant to changes in the government policy which established new tasks for the project or in some cases reduced them.<sup>42</sup>

There were also changes in the points of contact. In 1994, the technicians of the MIPLAN had prepared the programme known as the Action Plan for the Modernization of the Public Sector (PAMSP) and the experts and consultants of UNDP took part in intensive discussions around the project, together with professionals from the development banks. The discussion dealt with the three main components of the PAMSP: (i) liberalization and privatization; (ii) human resources management and (iii) financial management and purchasing. There was a moment of paralysis in the situation of the programme and the commitment of the

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<sup>40</sup> It is important to point out that the programme was already receiving support from the international community. USAID had drawn up a programme of needs for the reform of the public sector. The sector of the programme on financial management (customs duties, public investment, pre-investment, management of external debt and public administration) was supported by USAID, the IMF, the IBD and UNDP. USAID supported the privatization programme, as well as the sector on institutional reorganization and administrative procedures. The World Bank (with a loan of 25 million dollars) and UNDP supported the aspects of management of the social sectors. The programme of regulation of the productive and promotional activities received support from the IBD, the World Bank, ECLAC and UNDP (support to the Ministry of Agriculture and Ranching for the agricultural sector and support to the Ministry of the Economy for industrial transformation, in the context of the programme of structural adjustment). The programme did not include the strengthening of other arms of the government. It should be pointed out that the cooperation of USAID gave priority to the legal system.

<sup>41</sup> US\$ 2,500,000 in support to the structural adjustment loan, SAL II, for US\$ 75,000,000.

<sup>42</sup> For example, in December 1993 the budget was increased to US\$ 1,890,000 and resources from the World Bank were incorporated, to cover: (a) studies on privatization and liberalization, (b) management studies in some central institutions, (c) amplification of the design of policies and putting into practice of the human resources information system and (d) formulation of an integrated plan to implement the PMSP in the long term. In October 1996, the budget went up to US\$ 2,185,000 and different tasks were included: support to the Automated Customs Duty System, collaboration with the Economic and Social Counselling Group to draw up a strategy for poverty relief and support to the Competition Programme and to privatizations. In March 1998, the budget went down to US\$ 1,585,000, through deduction of the co-financing from the IBRD.

new government which took office in June 1994, although there was no change in general direction as to the modernization of government. From the beginning of 1996, the project was handled under the supervision of the new Presidential Commissioner for the Modernization of Government and this situation was maintained up to the end of that year when the executive arm's Ministry for Planning was eliminated and the programme was assigned to the Office of the President of the Republic.

## **Results**

The most important results of the project include:

- Formulation of a general, coherent and integrated programme for the modernization of the public sector;
- Strengthening of the MIPLAN by way of studies, proposals and training;
- Proposal for a Presidential Commission for the Modernization of Government;
- Generation of proposals on human resources and draft law on the public function;
- Proposal to create the National Statistical Institute as an autonomous body (replacing the Statistical Directorate-General which had been subordinate to the Ministry of the Economy);
- Proposal to reorganize government contracts and purchases;
- Analysis, diagnostics and proposals for a National Decentralization Policy;
- Support for the establishment of a human resources information system in the Ministry of the Treasury;
- Management studies in managerial ministries and implementation of processes of reform: Ministries of Economy, Public Works, Health and Education, the latter in coordination with the World Bank;
- Identification (by means of surveys) and implementation of processes of reduction of bureaucracy in some areas;
- Processes of modernization of the customs system;
- Study of privatization of the Pension Services.

In addition to giving direct results, the project was coordinated with other activities of the programme, assisted by different cooperation bodies. The process in the public sector entailed the elimination of the Ministry for Planning. The Ministry of Foreign Affairs was made the point of contact for the technical cooperation, including the programmes of UNDP itself. In addition, the two budgets which had operated in parallel in El Salvador were merged, one having been the responsibility of the Ministry of the Treasury and the other having been under the Ministry for Planning, this latter one being financed by international cooperation, particularly from USAID. This rationalization had been proposed by technical specialists, both from the World Bank and from UNDP.

Another important process was the privatization of the telecommunications and energy sectors and of the pension fund, which in turn entailed the creation of the respective independent regulatory bodies which were subordinate to the executive branch: the Telecommunications, Energy and Pensions Authorities. By means of support from USAID and the IBD it was proposed that an Integrated Financial Administration System should be set up.

## **Achievements and difficulties**

Examined from the point of view of sustainable human development, and of a broad concept of governance, going beyond the volume of results and changes in the public sector, everything indicates that the process of modernization of the government of El Salvador, as conceived of in the project, was not achieved. In place of a significant and sustained advance in the transformation of government with respect to the requirements of the democratic process, a concept based principally on the modernization of public administration had prevailed, basically oriented by fiscal considerations. Many of those interviewed agree that the process was based on a resizing of the public sector, by means of privatization and reduction in staffing levels.

It is certainly true that there were partial advances and many sectors of the public administration incorporated changes in their structures and procedures. One success which could be ascribed to the project is to have acted as a global reference framework for the development of other projects from the standpoint of a shared view, namely an overall view of a process with priorities, stages and anticipated results in the modernization of the public sector. It is certain that it was extremely difficult for the project to achieve the parallel task which was assigned to it, the coordination of a further 28 projects either implemented or planned, which in the majority of cases were supported by other donors.

It is important to stress that UNDP always contributed with its advice, aimed at putting into practice the vision of the government in a concrete strategy of modernization of the machinery of government, in the identification of priorities and in sequences of actions. But in addition, it aimed for an overall reform of the government for which one essential question was as follows: To what extent has the government of El Salvador harmonized the objectives of a liberalized and market-oriented economy with the needs of a more democratic and more equitable society? UNDP maintained that a sustainable change could not be obtained without a genuine political commitment and an appropriate process of identification between the government and the society of El Salvador with respect to the programme. Consequently, privatization had to be considered as a means and not an end, since on its own it could not guarantee economic and social efficiency.

With respect to the public administration, UNDP recommended at all times that incentives should be introduced to create an open and competitive contracts and purchasing system, a system of adequate remunerations objective criteria for the evaluation and promotion of the personnel, with an approach that would take into account the human dimension of the organizations, which was essential to create a dignified, competitive and motivating environment.

The project contributed to the institutional reform of the MIPLAN which was the coordinating body. However, the process of restructuring the administration was taken deeper and the Ministry was eliminated from the organization of the government in 1996.

Many projects for public administration followed the guidelines which had been initially set out in ELS/92/508. One important example is the project developed jointly with the World Bank, which made possible the creation of the Presidential Commission for the Modernization of the Public Sector and the individual figure of the Presidential Commissioner. The Commission was made up of the Commissioner, the Minister of the Treasury and the Minister for the Economy. Under this body was a Technical Unit with some 50 officials.<sup>43</sup> The cooperation was basically financed by the World Bank and the IBD.<sup>44</sup>

Other related projects were supported by UNDP itself, including ELS/96/008 "Support to the Presidential Commission for the Modernization of the Public Sector" (Apoyo a la Comisión Presidencial para la Modernización del Sector Público), as well as the PMSP communications strategy, the design of legal and technical instruments for the institutional restructuring of the Salvadorean Institute of Municipal Development (ISDEM) and the National Sports Institute (INDES).

Progress was also made in the area of decentralization, which continued to strengthen the subsidiary role of the government, as a standardizing and facilitating body, to increase the management capacity of the public sector, to strengthen the participation of the organizations of civil society and to contribute to the administrative excellence of the public institutions. A pilot plan was designed and applied in two provinces of the country with the aim of decentralizing the delivery of services provided by the Ministries of Education, Health and Public Works and by the National Administration of Aqueducts and Drains (ANDA). The initiatives were directed towards improving the coverage and efficiency of the services in 78 municipalities.

With regard to modernization at the sectoral level, important advances were made in the Ministries of

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<sup>43</sup> About 30 financed by the Commission and a further 20 from various public bodies.

<sup>44</sup> The World Bank contributed US\$ 27,000,000 and the IBD US\$ 27,670,000.

Education and Health on the basis of the project "Rehabilitation in the Social Sectors," directed towards achieving better operation and provision of services and in the agricultural and stock-breeding sector through the PRISA programme, which was channelled through UNDP project ELS/93/011, "Redesign of the National Centre for Agricultural, Livestock and Industrial Technology, CENTA," (Reconversión del Centro Nacional de Tecnología Agropecuaria e Industrial, CENTA), the latter being a body for generating and distributing agricultural and livestock technology and a new agricultural extension programme.

### **Sustainability**

The aspect which most firmly ensures the sustainability of the actions is that the project is positioned in a direct relationship with the responsible structures of the Salvadorean government. However, this judgement ceases to be valid if what is envisaged is a process of overall reform of the government, beyond the changes in the national public administration. To ensure that, there would be a need for leadership, for awareness in the government and in the political parties and the necessary will and consensus to drive forward a process of profound change which would be sustained beyond all the fluctuations and steps forward and backward arising out of the immediate political situations and the pressures from those taking part in it.

### **Lessons**

The obstacles to the coordination in the international cooperation in El Salvador, both within the United Nations system (for example between UNDP and ONUSAL) and also between the United Nations system and the international financing institutions, left behind a number of important lessons which were gathered and applied in the peace process in Guatemala. There, right from the start, coordination was assured between MINUGUA and UNDP, and the development banks (the World Bank and the IBD) sought to coordinate their actions with those of the Resident Coordinator, so as to integrate the actions in the economic sphere with the policies.

A further lesson which arises from this experience is the attention which must be paid to undertakings as very complex as are those related to reform of the government, in which a multiplicity of financial sources are involved, each of them with its own programmes and orientations. Similarly, as a result of an excessive workload - coordination of 28 projects - control may be lost over the essential qualities of the results.

## **GUYANA: SUPPORT TO THE MACROECONOMIC PROGRAMME**

### **Initial context of the project and problem to be tackled**

The evaluation was focused on the project GUY/91/004, "Macroeconomic Management Programme Coordination."<sup>45</sup> Guyana is a young country, with problems of democratic governance and poverty. One essential problem is that the Guyanese government is fragile, not only because of the level of resources available, but basically because it lacks solid institutions, modern laws and a well-rooted culture of democracy.

The country recently started a difficult process of economic and political modernization (1989 and 1992, respectively). International cooperation played an essential role in this process. The theme in the macroeconomic area formed part of the economic reform, which went very deep. It was conceived of in conjunction with the political reforms in the light of the conviction that they would mutually reinforce one another and should not distort their respective developments.

During the Eighties, Guyana experienced serious economic difficulties. GDP dropped from \$660 per capita in 1975 to \$310 in 1989. It is a very small economy, dependent on exports, the difficulties of which contributed to the fact that its reserves of foreign exchange became negative and external debt increased to US\$ 1770

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<sup>45</sup> The evaluation mission also analysed the cooperation with the Elections Commission, covered in an earlier chapter.

million in 1988.

In March 1989 the government of Guyana started the Programme of Economic Recovery, aimed at reducing the public deficit and the deficit in the external sector, improving the infrastructure through a sectoral programme of public investment, reducing external debt and improving the management capacity of the organizations and entities of the public sector. Between June and August 1990, Guyana signed agreements with the International Monetary Fund and the World Bank. Then the country was declared to be ready to receive help from the programmes of financial assistance.

The government recognized that the process of economic transformation required an improvement in the capacities and functioning of the government bodies related with the management of the programme of structural adjustment. It requested UNDP to support the creation of an inventory of necessities in the area of technical assistance, which acted as the basis to mobilize resources for the programme.<sup>46</sup>

### **Description of the project**

Project GUY/91/004 was planned to support Guyana in the administration of the Macroeconomic Management Programme adopted in 1990. This programme is a set of projects aimed at strengthening the basic government programmes for the management, coordination and monitoring of the implementation of the Programme of Economic Recovery.<sup>47</sup> The programme includes the coordination of programmes in the macroeconomic area and the modernization of the bodies with the mandates for taxation, customs duties, public auditing, the budget and accounting, by means of support to the information infrastructure and personnel training.

The coordination project has the following objectives:

- a) Strengthening of the management and coordination of the Macroeconomic Management Programme.
- b) Establishment of a coordination office for the programme.

### **Results**

The results are to be found in different areas:

- a) Implementation of the programme of structural adjustment at the macroeconomic level;
- b) Transformation of the management of the Internal Revenue directorate in the Ministry of the Treasury. Introduction of computerized systems and a mechanism to maintain a record of all tax-payers and to increase the level of tax collection;
- c) Customs duties. Introduction of a system of computerized customs information on the basis of a contract with UNCTAD, plus computerization and training; improvement in the system of control of entries, which was essential to combat corruption and to increase the level of collection of duties;
- d) Support to the Accounting Directorate. Introduction of a new computerized system which functions perfectly;
- e) Support to the Auditor-General, who is subordinate to the Ministry of the Treasury. Training of human resources, overseas study scholarships.

Other results were achieved by other projects under the programme.

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<sup>46</sup> US\$ 2,000,000 from the Caribbean Development Bank; US\$ 3,000,000 from the World Bank; US\$ 4,200,000 from the Inter-American Development Bank and US\$ 1,500,000 from UNDP.

<sup>47</sup> Ten projects from UNDP for Strengthening of the Management of the Public Companies and Monitoring Systems; Macroeconomic Information and Management Systems; Public Sector Investment Programme; Design of Social Indicators; Statistical Office; Administration of Taxes and Customs Duties; Budgetary and Accounting Systems; Taxation Administration; Guyanese Agency for Education in Health Sciences, the Environment and Food Policy and the Programme of Coordination with the IBD.



### **Achievements and difficulties**

The progress of the project was not uniform. On the one hand, the public machinery did not have sufficient capacity to absorb the international cooperation and on the other, the programme was of such a scale that it covered a number of projects which could not be adequately administered, both because of their institutional diversity and because of the level of detailed attention which each of them required. The direct beneficiaries considered that the process is still incomplete and that in some cases the capacity for adaptation of the computer systems installed was in fact reduced.

Other problems related to the initial difficulties of the project in the procurement of supplies, particularly computer equipment, owing to the slowness of UNOPS. After 1996, the situation changed, with the decentralization of the function into the UNDP field office in Georgetown.

Owing to shortcomings in the national capacity in some cases, in practice the international bodies had to make up for and even replace government functions through implementing units with their own technicians, equipment and methodologies.

The project also encountered the chronic problem of the brain-drain from the country, since the government, owing to the low level of salaries, is not able to retain qualified public officials. The situation is worse in the case of certain specific functions, such as computer skills. As a result, the personnel seek other alternatives in the private sector or emigrate to other countries.

### **Sustainability**

The absence of a solid and structured government constitutes the principal obstacle to the sustainability of projects such as the one under analysis here, together with the tendency of the professional and technical segments of the population to emigrate from the country.

### **Lessons**

In the case of Guyana, where one of the key questions is the construction of the government, the programmes should be designed on the basis of this set of circumstances, seeking those areas and entry points which are most accessible and strategic to produce gradual changes in the institutional system and in human development.

## CHAPTER 10

### **THE PROCESSES OF DECENTRALIZATION**

#### **UNDP AND DECENTRALIZATION**

Decentralization is a priority in the activities of UNDP in the Nineties. Thus, for example, the Regional Director for Latin America and the Caribbean, Fernando Zumbado, states that “the theme of decentralization of the machinery of government is crucial at the present time for the effectiveness of governments and the deepening of democracy.”<sup>48</sup>

The interest of UNDP in the decentralization of government, conceived of as a process of territorial distribution of power intended to bring the exercise of it closer to the expectations of the people, forms part of its intention of providing support to the strengthening of democracy in the region.

In accordance with this concept, decentralization is an ideal instrument to respond to the new democratic intent of the citizens to reach higher levels of participation and a greater degree of authenticity in popular representation and to obtain transparency, responsibility and honesty in the management of public resources. Decentralization makes it possible to gather the demands from citizens and to push through transformations which increase the efficiency of governments. It makes it possible for the institutions to be closer to the people, creates the bases for a greater degree of supervision and control over their representatives, generates pressure for the popular election of the latter, and obliges the institutions of the government to adapt themselves to a more intensive exposure to scrutiny by the citizens, their organizations and the media for social communication. There is thus, in consequence, a direct contribution to the creation of conditions of governance.

The concept of decentralization is not to be understood as an action of a purely administrative nature, but as a profound rearrangement of government, from the point of view both of its structure and of its functions. During the process of decentralization, the state finds itself subjected to a dynamic of creation of institutions linked to the sub-national levels or belonging to them and also to a process of elimination or modification of other organizations which had historically been the basis for the centralism which now it is hoped to remove.

The process implies modification of the central functions, which now must be concentrated on the formulation of policies and must give up executive functions traditionally linked, for example, with the administrative management of public services. But it also means, however, the strengthening and rehabilitation of institutions which formerly were wasting away in idleness, such as regional parliaments and municipal councils. It also opens up opportunities for entirely new institutions to be created for the management of services, the training of civil servants and the achievement of novel forms of relationships with the citizens.

Furthermore, it must be remembered that this restructuring takes place in a national space which in many cases becomes fully occupied by the government and its institutions. Thus, decentralization may be the instrument through which the occupation of the territory takes place.

The process causes political changes of major importance. It opens up the opportunity to create institutions and leaders with a specific political interest in watching over their regions or municipalities. This fosters greater competition and complementarity between the various centres. The impact on the political parties can be significant, in that it promotes regional representation. In addition, decentralization opens up opportunities for a wider participation of civil society in the monitoring of public sector management and, in particular, of the services directly linked with the necessities of community life.

Decentralization must not be understood as an isolated phenomenon, as a simple scattering of activities or of

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<sup>48</sup> Fernando Zumbado, “Foreword,” Political Cooperation for the Decentralization of Government, UNDP, 1996.

transfer of responsibilities of the state. It is a process, which, being a part of the deepening of democracy, covers all sectors, tends to bring the country together, favours a more equitable situation with respect to power and strengthens the sense of being a nation.

In the Latin American context, decentralization is a major axis of the reform of government and must not be understood as a means of weakening it. By contrast, what it seeks is to strengthen it. Its present weakness arises from the failure of the populist model, the fragility of its institutions and its strategic inabilities, to which must be added in recent years policies directly aimed at dismantling and dismembering it.

For that reason, it is a serious error to think of decentralization as an isolated process which does not form part of an overall strategic design of reform of the machinery of government. This would mean that the process would already start with disadvantages and decentralization would not be used to create incentives nor to promote better performance by the state. On the contrary, it would favour local authorities of an authoritarian or “strong-man” type, which would be as retrograde as those which might have been created on the central level.

In this way, the virtues of decentralization, which are usually immediate and perceptible, would be jeopardized by a loss of legitimacy in the eyes of the citizens and through venturing on to territory which was opposed to it, whether for political or cultural reasons.

Another risk which occurs when decentralization is understood as an operation of a purely administrative kind, completely divorced from its political, social or cultural content, is that the central government will shed decisive areas of authority, such as education, health or the environment, and assign them to the provinces or to sub-national entities without transferring the resources which will enable the latter to take care of them. Decentralization thus becomes a means of voiding the government’s main responsibilities. The result, then, is a weak government, one remote from the problems of its population.

### **The action of UNDP in the field of decentralization**

Like citizen participation, decentralization is a theme which plays a major role in the activities of UNDP in the region. One proof of this is that major projects have been implemented with proven success, for a considerable time. Among these, we may quote, for example, the Development Programme for Displaced Persons, Refugees and Returnees in Central America (PRODERE), the Programme of Support to Regional Decentralization (PADERE) in Chile, the successful and important effort of decentralization in Venezuela by way of the support to six state governments, and many other important undertakings related to the strengthening of communities, provincial and municipal entities, as well as the efforts of productive rural development (such as those directed towards the indigenous populations in Bolivia and Peru).

Aware of the importance of the theme of decentralization, UNDP’s Regional Bureau for Latin America and the Caribbean in 1995 proposed the formation of a group of personalities with a mandate of preparing a programme in this area. Coordinated by Enrique Krauss, the former Minister of the Interior of Chile, the group included people from different Latin American countries, with experience in this theme. In Chapter 1, reference was made to the efforts of advocacy, carried out within the framework of the project on Democratic Governance and Human Development, including the series of national seminars which served to exchange experiences and ideas of a wide range of experts and people involved in the processes of decentralization.

In the present evaluation two specific projects have been taken as the reference, one in Brazil and the other in Colombia, which bring together representative elements of the activities of UNDP in this field.

### **BRAZIL: STRATEGIC ACTIONS TO SUPPORT URBAN DEVELOPMENT**

#### **Initial context of the project and problem to be tackled**

The project analysed is BRA/95/005. Since the Eighties, the government of the State of Paraná has made use of urban development as a political instrument to encourage the establishment of networks of cities of small and medium size, with good results for the development at the government level. During this period, the Programme of Municipal Action (PRAM) was carried out in 1983-1989 and the State Programme of Urban Development (PEDU) in 1990-1995. Both programmes, financed by the World Bank to a total of US\$ 36,000,000, expanded the infrastructure, created jobs and provided institutional strengthening to the municipalities.

For the period 1985-1998 the state government drew up the programme Urban Paraná, which provided an innovative strategy for the development of the state and was based on a territorial approach, on the dynamism of productive activities and on the network of urban centres with the aim of generating opportunities for businesses and jobs and of improving the quality of life of the population. The strategy envisaged a hierarchy of priorities of areas for intervention in the various sub-areas of the government.

The problem to be tackled was the disparity between the needs of the process of urban and regional development of the state and the resources and capacities available in the government organizations. Thus the possibility was investigated of organizing a new system, in which the public bodies, both those of the state government and those of the municipalities, would be joined by the private sector and by other agents of society to meet the needs of urban development and to arrange the provision of services. Such a system implied redefining the functions of the public institutions, promoting associations of municipalities and strengthening the municipal administrations and their relationships with the participating agents of civil society. Thus a new system would be created for taking decisions, in which all actors would be equally responsible for the actions on the basis of a joint and agreed plan.

### **Description of the project**

The project BRA/95/008 was planned as an instrument to support the project Urban Paraná; this entailed the creation of a new system to promote urban development and to ensure the provision of social services in the state of Paraná.

The immediate objectives of the projects were as follows:

- To consolidate the participatory process of definition, planning and implementation of policies, directives and priorities for the urban development in the state;
- To improve the actions of the agents of urban development through the establishment of a political forum for coordination, the improvement of the state administration and the planning of institutional strengthening;
- To promote municipal development by means of actions carried out with the purpose of increasing urban administrative efficiency;
- To support social development in the state of Paraná by means of definition and execution of an overall programme of well-being.

The budget amounted to approximately two million dollars. In January 1996, under the impact of approval by the IBD of a loan of US\$ 415,000,000 for the Urban Paraná project, BRA/95/008 was extended to the end of 1998 and included as its new immediate objective the planning and negotiation of an Integrated Programme of Social Actions.

### **Results**

Since the start of the project in June 1995, much has been achieved:

- The drawing up and approval of the Urban Paraná Development Programme and its financing by means of a loan from the IBD of US\$ 415,000,000 obtained in only six months (the normal process

- takes between one and two years);
- The strengthening of eighteen associations of municipalities (as the link between the state government and the towns and cities);
- The change in the legal status of FAMEPAR (Institute for Assistance to the Municipalities of Paraná) which became a non-profit organization (PARANACIDADE) and took on the obligations relating to the urban and regional development of the state;
- The establishment of a computerized system for monitoring the implementation of the programme.

Since 1996, additional progress has been made towards a new objective, namely the broadening of the programme of urban development led by the Secretariat for Urban Development (SEVU) by means of the Integrated Programme of Social Action, under the responsibility of the Secretariat for Children and the Family.

The legal status adopted implies a change in the traditional concept, through the creation of an entity of cooperation with the executive branch, known as PARANACIDADE, which is supervised by the SEVU and has the capacity and the authority to conclude management contracts with the government in order to fulfil its institutional mission.

In conformity with its terms of reference, the objectives of PARANACIDADE include:

- To promote actions aimed at urban, regional and institutional development of the municipalities in general and to become an administrative and financial intermediary, seeking to achieve compatibility between the requirements of the internal and external financing bodies and the socio-economic characteristics and financial capacities of the towns and cities;
- To contribute to an efficient application of public resources;
- To sign management contracts with the public authorities.

PARANACIDADE has been in operation since January 1997 and is thought of as a “mini-development bank,” with two specific areas: one for the implementation of projects and the other for the strategic planning of companies. Its activities cover both institutional development and urban infrastructure.

### **Achievements and difficulties**

The theme of institutional reorganization of the machinery of government takes an important place in the concerns of the Government of Brazil. The fact that there is a ministry dedicated to the reform of public administration and the reform of the central government is a demonstration of this concern. The political dynamic of a country which is so large and has a federal structure means that a substantial portion of political life takes place locally, with high levels of autonomy. In Brazil, the project finds institutional stability, continuity and coherence in the policies of the state of Paraná and a high degree of commitment on the part of those responsible for them.

The project has contributed effectively to decentralization as a useful means of reorganizing, institutionally and territorially, the state of Paraná and of promoting citizen participation. The state and municipal levels receive assistance directly, in resources, equipment, training and advice, which puts them in a position to provide the population with a wider range of public services and in general, to promote development.

The project makes use of the existence of an already-extant institution, basically used as the mechanism of linkage between the mayors (prefects): the municipal association, which brings together the mayors of the various neighbouring towns. The originality of the project has been to make use of this association to channel financial support to the towns and to promote thereby an approach which provides greater conditions of coordination.

The principal advantages of this mechanism of management on the part of PARANACIDADE are its rapidity

and low cost. There is closer and more direct supervision of the use of resources, owing to the fact that the body audits not only the management but also the budget. Some of the associations have developed notably in the area of promotional activity.<sup>49</sup>

The prefects of the small towns<sup>50</sup> consider that the association offers the advantage of allowing the creation of discussions between the authorities of different towns, in which it is truly possible to establish the scale of the needs of each of them. From this point of view, it may be said that there is a process of decentralization within the states themselves. The municipal strength is revealed in cases such as that of AMUSEP,<sup>51</sup> in whose meetings the federal and state deputies also participate.

The state of Paraná has 399 municipalities. There is a Federation of Associations of Municipalities which has a President selected from the presidents of the associations. The latter, in turn, is on the board of PARANACIDADE. At the same time there are partial coordinations between groups of associations to form a kind of "micro-region" to tackle joint problems.<sup>52</sup>

The financing for the programme of credit to the municipalities was achieved by means of the Urban Development Fund and the resources come from the international financial loan, from the state of Paraná and from the towns themselves. The Urban Development Fund is responsible for paying the loans, but the towns are obliged to pay back to the Fund the loans which they receive, which has created a growing sense of fiscal responsibility.

In total, this is a high-impact project, which has created capacities on the municipal, inter-municipal and state levels. A solid institution, PARANACIDADE, has been created and others have been strengthened, such as the municipal associations which have their own dynamic and which have made it possible for the project - which has a supporting function - to make adequate use of the inputs, and also to obtain concrete results in the area of investments in urban infrastructure. According to the government of the state of Paraná, the federal government in Brasilia has begun to consider the experiment as a model. The authorities also feel that the perception of the population is favourable, in particular since there is rapid performance of the various works. Through pushing forward local development, the programme is said to be helping to retain citizens in the rural zones, slowing down migratory tendencies.

### **Sustainability**

The major activity of the project is sustained by the high level of financing from the IBD, for which UNDP acted as an efficient promoter. It is not possible to say that without these resources and the international assistance, the government of Brazil would have been in a position to assist the state of Paraná to an equivalent degree. But even aside from the question of this level of resources, given the network of municipal associations which has been established, conditions have been created for the continuity of the activities of PARANACIDADE within the framework of the Urban Paraná programme. In fact, the project has made it possible to generate new institutional levels and an awareness that the towns are capable of acting for the benefit of the community, around an institutional link with the leadership of the state authorities. The horizontal linkage between the towns through the associations permits an exchange of experiences, resources and leadership which render the sustainability of the initiative much more viable.

### **Lessons**

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<sup>49</sup> One of them, for example, has decided to open a technical office in Italy to promote investment in its region.

<sup>50</sup> As, for example, Angulo and Iguaraçu, with whom interviews were held. The population of these towns is approximately 2000 and 4000 respectively.

<sup>51</sup> The association of municipalities, the President of which is the prefect of Maringá.

<sup>52</sup> On 17 and 19 June 1997, the eighteen presidents of the municipal associations of Paraná came together in a Meeting and at the same time the technical teams also met. The former discussed political and institutional questions, the latter the specifically technical problems of the municipalities.

The project analysed contributes an innovative solution in the area of organization and management for decentralization, within the context of an ongoing experience acquired over years of work. It demonstrates the utilization of a territorial approach which gives importance to the linkages between the national, state and municipal administrative levels. In concrete terms, in the state of Paraná, networks of centres of differing levels have been strengthened and these operate in a participatory manner, both amongst themselves and with civil society. This process of horizontal linkage between the towns and associations makes it much more viable to achieve concrete results for the benefit of the community.

## **COLOMBIA - FORMULATION OF THE PROGRAMME OF TECHNICAL MODERNIZATION OF THE TERRITORIAL ENTITIES**

### **Initial context of the project and problem to be tackled**

At the beginning of the Nineties, Colombia was going through a serious problem of governance. A substantial portion of its territory was in the hands of guerilla forces, paramilitary forces and the drug trade. The presence of the government of Colombia throughout its national territory was tenuous and in any event, insufficient. Violence had been characteristic of the country for half a century before. This explains why the politicians and the governing classes of Colombia gave themselves the fundamental tasks of: (1) recapturing peace, which in turn required the creation of spaces for conciliation and consensus; (2) (re)constructing the machinery of government.

These two objectives are essential to reestablish democratic governance in the country. Nevertheless, despite the circumstances described, it can be said that a large part of the institutional life and the aspirations of society have “fled” to the provincial and municipal levels in certain parts of the country. As will be seen, it is in the context of the decentralized bodies that a dynamic of transformation may be detected, despite the fact that these bodies continue to be dependent on the decisions made at the national level.

The process of decentralization in Colombia is part of a wide, complex and innovative model of reform of government and of citizen participation, which was established in the new Carta Magna of 1991. This document established a new structure for the government of Colombia, one which substantially modified the centralizing spirit which had governed the territorial and administrative pattern of the country since the Constitution of 1886. The new Constitution created four levels of jurisdiction: provinces, municipalities, districts and indigenous territories. It granted them autonomy and gave them the right to have democratically elected authorities, to exercise their own responsibilities, to administer resources, to levy taxes and also to share in the national revenue.

In accordance with the above, numerous responsibilities, formerly within the remit of the national level, have been transferred to the decentralized areas. Perhaps the most significant aspect of this process has been the gradual transfer of power to the local communities, which has had a favourable impact on citizen participation.

In this context, UNDP has been supporting the country in its national efforts, seeking to strengthen democratic management through a greater degree of citizen participation and strengthening the institutional capacity of the decentralized bodies.

The cooperation of UNDP took place in different spheres, extending from the local to the national level. The activities are linked with projects of community development and participatory management, the development of institutional capacities in the municipalities, the strengthening of provincial capacities for coordination and provision of services (for example in the provinces of Antioquia, Cauca and Bolívar), the relationships between the provinces, the improvement of urban management in cities such as Cali, Medellín, Cartagena and Santafé de Bogotá, and also the transformation of the entities at the national level to take care of their responsibilities within a new context of inter-governmental relationships.

In this context, project COL/91/023 took place, following the project of “Development of the Management

Capacity in the Public Sector - MDP” (Desarrollo de la Capacidad de Gestión del Sector Público) (COL/89/501) executed by the Presidential Council of the State and arising out of preparatory assistance implemented by that Presidential Council. In parallel, two other projects were implemented: “Reform of the Public Administration of the State of Colombia” (Reforma de la Administración Pública del Estado Colombiano) (COL/91/021) which supported sectoral activities of modernization, and COL/91/002 “Programme of Support to the Institutional Development of the Municipalities,” (Programa de Apoyo al Desarrollo Institucional de los Municipios) which provided assistance to the towns of fewer than 100,000 inhabitants, which was co-financed by the World Bank.

### **Description of the project**

The immediate objectives of project Colombia/91/023 were:

- To support the development of a specific unit in the Ministry of the Interior, with the remit of management and coordination of decentralization.
- To support the establishment of a National Programme for the Modernization and Institutional Development of the provinces and the towns and cities of more than 100,000 inhabitants with emphasis on the areas of planning and public administration.

The two components, planning and public administration, were considered essential to facilitate the economic and social development, the adequate provision of public services, the strengthening of the territorial exchequers, and the improvement of the quality of life of the population.

Among the results which were to be obtained we may mention:

- A better development of human resources, especially through training;
- Definitions of a regulatory nature (laws, degrees, regulations);
- Promotion of citizen participation;
- Publications to stimulate citizen participation;
- Establishment of information systems.

The budget for the project amounted to US\$ 383,000 from UNDP, plus co-financing from the government for a total of US\$ 373,187.

### **Results**

- The project provided technical and operational training to the unit responsible for coordinating the political direction of the decentralization within the Ministry of the Interior.
- The Ministry of the Interior was equipped with channels for communication with the territorial entities.
- A national programme was implemented for the modernization and institutional development of the towns and cities of more than 100,000 inhabitants in the provinces, with the emphasis on the areas of planning and public administration. For this purpose, various activities of cooperation with six provinces were carried out (Risaralda, Tolima, Caldas, Cauca, Nariño and Chocó), with one mayoralty (Valledúpar) and one territorial entity (Corpes de Occidente).
- A mechanism was designed for coordination among the international cooperation projects supported by UNDP for the modernization of provinces and cities.

The principal achievement of the project is to have supported the Ministry of the Interior in the establishment of a structure responsible for the policies of decentralization. Despite the fact that UNDP made every effort to formulate an overall project, with the aim of avoiding a proliferation of agreements with individual mayoralties and provinces, the principal obstacle arose out of the delay in the creation of the specific decentralization unit in the Ministry. The law which established it was not adopted until 1995, going into effect only at the end of



1996. It was only then that the Special Administrative Unit for the Institutional Development of the territorial bodies was actually set up and only then that the work began in the provinces of Tolima and Risaralda, as well as Corpes de Occidente and the mayoralty of Valledúpar.

The Ministry of the Interior did not give much support to the Special Administrative Unit for Institutional Development and there was a lack of coordination both at the central level and between the latter and the sub-national levels.

A further difficulty which the project encountered was the shortage of resources for the activities which were started in the region, which, once put into operation, were then suspended for months. Activities such as training for emergencies, community education and planning at decentralized levels did not have sufficient resources for the scale of the task facing them.

The changes in local governments meant that some activities occurred more satisfactorily in some regions of the country than in others. The institutional strengthening of the provincial and municipal levels was irregular and inconsistent. What happened was that the actual objectives of the project were overtaken by the political crisis which slowed down and distorted the process of decentralization.

This last fact, however, does not mean that there were no positive experiences. Of particular note was the importance that the local officials attached to the task of equipping themselves with professional tools to manage the problems which they were responsible for solving. In Valledúpar, the mayor and his colleagues adopted the approach of Strategic Situation Planning, which allowed them a new relationship with the community for the creation of solutions in a participatory manner.

Training appears to be the most important product of the project and the various publications did have a certain cultural impact. Also noteworthy were the attempts to integrate productive management with decentralization. The creation of companies and the understanding that decentralization could create conditions to increase production and productivity gives a sense of usefulness to the process and connects it with the immediate interests of the citizens.<sup>53</sup>

Despite external factors such as violence and the drug trade, which destabilized the efforts of the local authorities to accelerate the process of granting autonomy to the towns, the process of decentralization which started in the country in 1988 and had its legal basis in the Constitution of 1951 did create a favourable environment for greater efficiency in local management. According to figures from the National Planning Department, the transfers from the national level to the towns increased from 0.6% to 2% of GDP<sup>54</sup> in ten years, and a study by the World Bank indicates that an improvement in local management was noted in the provision of drinking water, education, and road networks.

The process of decentralization set in motion, however, is still very fragile and consolidation of it will require real improvement of the machinery of government of Colombia in terms of its organizational structure, the establishment of new relationships between the government and society and the creation of a new way of living together within a framework of peace and deepening of democracy.

Taking a broad approach, UNDP supports the process of decentralization through a set of projects which cover the various levels of jurisdiction: national, provincial, the metropolitan areas and the towns and cities. One important project is directed towards institutional development and improvement of the management capacities for planning, implementation and evaluation of the various territorial bodies (COL/96/015) "Programme of Improved Management of the Provinces" (Programa de Mejor Gestión de los

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<sup>53</sup> In Cali, there is an economic management unit working together with micro-companies. In Valledúpar, a Community Cooperative Company has been set up with the former employees of the mayoralty, with whom work is contracted. This experience stopped with the change in the authorities, which demonstrates the major problem represented by the lack of continuity in the processes.

<sup>54</sup> Gross Domestic Product

Departamentos).

In total, the assistance provided to the process of decentralization in Colombia by UNDP covers a complex pattern of related actions, which involve support for a profound redefinition of the mechanisms for putting democracy into action, of the functions of the various levels of public administration and of the relationships among them. Decentralization is not a simple transfer of responsibilities, tasks and resources, but much more a profound restructuring of the entire apparatus of the machinery of government.

### **Sustainability**

The situation in Colombia caused the theme of decentralization to lose its focus and its view of the way forward, in the complexity of politics. Although decentralization has a constitutional and legal basis (Law 199 of July 1995), the establishment of the entire legalistic structure to sustain it over the long term was not concluded. Nor is there a financial mechanism to sustain the projects beyond the interest of those who are managing them. Despite this fact, it will be difficult for decentralization in Colombia to give way to a new centralism, given that it has taken root in the outlying parts of the country. This is the way in which we must consider two separate and distinct references to evaluate the possibilities for sustainability of the actions: the national level, centred around crisis management, and the local level, where the goal is to promote activities in the communities. Viewed from this angle, we can detect advances in certain local governments related to the projects of UNDP, in particular in the area of activities of modernization such as the changes in management systems and training. As the pacification process advances, these initial steps can be used as important platforms to develop the process of decentralization and governance in the country.

### **Lessons**

The evaluation demonstrates that for decentralization to be effective various conditions are required: there must not be a transfer of authority unless at the same time the resources and tools are provided for the decentralized functions genuinely to fulfil their task. This implies that there has to be a clear political will on the part of the national government to advance decentralization and to deal with the consequences which ensue. It is also necessary that the political conditions should exist for decentralization, given that the institutional crisis, the guerilla situation and the drug trade may impede it.

However, the activity of UNDP was most clear and visible at the local level, where it demonstrated the greatest levels of effectiveness.

**ANNEX**  
**Projects evaluated**

BRA/93/035: Institutional Strengthening of Electoral Justice in Brazil (Fortalecimiento Institucional de la Justicia Electoral en Brasil)

BRA/95/005: Strategic Actions to Support Urban Development (Acciones Estratégicas para Apoyo al Desarrollo Urbano)

BRA/96/015: Decentralized Training for Women Candidates to Council Elections - Egalitarian Participation of Women in the Decision-making Bodies of the Towns of Brazil (Capacitación Descentralizada de Candidatas a Concejales: Participación Igualitaria de la Mujer en las Instancias de Decisión de los Municipios Brasileños)

COL/91/023: Modernization of the Territorial Entities (Modernización de las Entidades Territoriales)

COS/94/003: State of the Nation in Sustainable Human Development (Estado de la Nación en Desarrollo Humano Sostenible)

ELS/92/007: Creation and Initial Operation of the National Academy of Public Safety (Creación y Puesta en Marcha de la Academia Nacional de Seguridad Pública)

ELS/92/013: Support to the Legal Office for the Defence of Human Rights in El Salvador (Apoyo a la Procuraduría para la Defensa de los Derechos Humanos de El Salvador)

ELS/92/014: Support to the Legal Office for the Defence of Human Rights in El Salvador, Phase II (Apoyo a la Procuraduría para la Defensa de los Derechos Humanos de El Salvador (Fase II))

ELS/92/508: Support to the Coordination of the Programme of Modernization of the Public Sector (Coordinación del Programa de Modernización del Sector Público)

ELS/93/L07: Strengthening of the National Academy of Public Safety (Fortalecimiento de la Academia Nacional de Seguridad Pública)

ELS/94/001: Strengthening of the Techniques of Observation, Monitoring, Analysis and Investigation of the Legal Office for the Defence of Human Rights (Fortalecimiento de las Técnicas de Observación, Monitoreo, Análisis e Investigación de la Procuraduría para la Defensa de los Derechos Humanos (PDDH))

ELS/95/008: Support for the Initial Operation of the Prison System College (Apoyo a la Puesta en Marcha de la Escuela Penitenciaria)

ELS/95/013: Strengthening of the Techniques of Observation, Monitoring, Analysis and Investigation of the Legal Office for the Defence of Human Rights, Phase II (Fortalecimiento de la Técnicas de Observación, Monitoreo, Análisis e Investigación de la Procuraduría para la Defensa de los Derechos Humanos (PDDH, Fase II))

ELS/96/008: Support to the Process of Modernization of the Public Sector (Apoyo al Proceso de Modernización del Sector Público)

ELS/96/L01: Assistance to the Public Criminal Defence System (Asistencia a la Defensa Pública Penal)

GUA/94/015: Support to the Fulfillment of the Peace Agreements (Apoyo al Cumplimiento de los Acuerdos de Paz)

GUA/96/001: Strategic and Priority Policies and Projects for the Human Development of the Indigenous Population (Políticas y Proyectos Estratégicos Prioritarios de Desarrollo Humano Sostenible para la Población Indígena)

GUA/96/L05: Strengthening of the Public Criminal Defence Service (Fortalecimiento del Servicio Público de Defensa Penal)

GUA/97/014: Support to the Fulfillment of the Agreement on a Firm and Lasting Peace) (Apoyo al Cumplimiento del Acuerdo de Paz Firme y Duradera)

GUA/97/L10: Strengthening of the Civilian Authority and Function of the Army in a Democratic Society (Fortalecimiento del Poder Civil y Función del Ejército en una Sociedad Democrática)

GUY/91/004: Macroeconomic Management Programme Coordination

GUY/91/009: Elections Information Management System

GUY/93/004: Assistance to the Guyana Elections Commission

GUY/96/001: Strengthening of the Guyana Elections Commission

PAN/93/853: Formation of Basic Consensuses on Social Policies (Formación de Consensos Básicos en

Materia de Política Social)

PAN/94/007: Culture of Democracy in Panama as a Fundamental Means for Promoting Sustainable Human Development (Cultura Democrática de Panamá como Medio Fundamental para Promover el Desarrollo Humano Sostenible)

PAN/96/L08: Assistance to the Prison System and Rehabilitation of the Prisoner (Asistencia al Sistema de Ejecución de Penas y Rehabilitación del Recluso)

PAR/90/003: Technical Cooperation with the Government of Paraguay in the Promotion of Human Rights (Cooperación Técnica con el Gobierno del Paraguay en la Promoción de los Derechos Humanos)

PAR/96/005: Strengthening Management Capacity in the Jurisdictional and Administrative Function of the Members of the Supreme Court (Fortalecimiento de la Capacidad de Gestión de la Función Jurisdiccional y Administrativa de los Miembros de la Corte Suprema de Justicia)

RLA/97/L01: Project of Judicial Training for Judges, Magistrates and Public Prosecutors in Central America (Proyecto de Capacitación de Jueces, Magistrados y Fiscales en Centroamérica)

RLA/92/030: Human Development and Governance in Latin America (Desarrollo Humano y Gobernabilidad en América Latina)

## Abbreviations and Acronyms

AIDPI	Agreement on the Identity and Rights of the Indigenous Peoples
AMUSEP	Association of Municipalities of Northern Paraná (Brazil)
ANDA	National Administration of Aqueducts and Drains (El Salvador)
ANSP	National Academy of Public Safety (El Salvador)
CARICOM	Caribbean Community
CE.CA.POL	Centre for Police Training (Guatemala)
CENTA	National Centre for Agricultural, Livestock and Industrial Technology (El Salvador)
CIDA	Canadian International Development Agency
CIREFCA	International Conference on Central American Refugees
COPAZ	Commission for the Consolidation of Peace (El Salvador)
COPMAGUA	Coordinator of the Mayan Peoples of Guatemala
ECLAC	Economic Commission for Latin America and the Caribbean
FAES	Armed Forces of El Salvador
FAMEPAR	Institute for Assistance to the Municipalities of Paraná
FMLN	Frente Farabundo Martí de Liberación Nacional
FUNDAPAZ	Foundation for Peace (El Salvador)
GDP	gross domestic product
IBAM	Brazilian Institute for Municipal Administration
IBRD	International Bank for Reconstruction and Development
ICITAP	International Criminal Investigative Training Assistance Program
IDB	Inter-American Development Bank
IMF	International Monetary Fund
INDES	National Sports Institute (El Salvador)
ISDEM	Salvadorean Institute of Municipal Development
MAG	Ministry of Agriculture and Ranching (El Salvador)
MDP	Management Development Programme
MERCOSUR	South American Common Market
MINUGUA	United Nations Mission In Guatemala
MIPLAN	Ministry of Planning (El Salvador)
NGO	non-governmental organization
OAS	Organization of American States
ODA	Official Development Assistance
ONUSAL	United Nations Observer Mission In El Salvador
PADERE	Programme of Support to Regional Decentralization (Chile)
PARANACIDADE	Paraná Cooperation Entity
PEDU	State Programme of Urban Development (Paraná, Brazil)
SHD	sustainable human development
SIDA	Swedish International Development Agency
UN	United Nations
UNHCR	United Nations High Commissioner's Office for Refugees