

Local governance: Responsiveness of local administration in Guatemala

Background

In 1996, Guatemala signed the peace accords after 30 years of internal armed conflict. Guatemala then embarked on an ambitious project of development and transformation into a democratic, inclusive and multiethnic society. Traditional conflict lines and root causes for the war such as social exclusion and lack of equal opportunities persist and perpetuate the marginalization of especially the rural, poor and indigenous population. Public institutions are weak and are yet to be reformed conforming to the country's multicultural composition. The fragmented civil society does not effectively use the participation mechanisms available to them in the municipal code and other legislation.

The Programme Municipalities for Local Development (PROMUDEL) is financed by the German Ministry for Economic Cooperation and Development (BMZ) and Swedish International Development Cooperation Agency (SIDA). It is implemented by the German Agency for Technical Cooperation (GTZ).

The Programme started in 2006 and is projected to last to 2013. Its objective is to contribute to tangible improvements in good local governance. PROMUDEL operates in four departments (Baja and Alta Verapaz, Huehuetenango and Quiché) and works mainly in the following areas:

1. capacity-building of municipal administrations,
2. citizens' participation in the civic participation mechanisms, and
3. improved dialogue between the public administration and citizens.

Human rights framework

Guatemala has ratified all major human rights instruments and reports on progress and challenges.

Local governance relates to a variety of human rights standards and principles enshrined in international and regional human rights covenants, such as the rights to participation, non-discrimination, effective remedies, water, education, health and an adequate standard of living.

Out of these, the programme addresses specifically the right to participation, enshrined in Art. 25 of the International Covenant on Civil and Political Rights (ICCPR): "Every citizen shall have the right and the opportunity (...) to take part in the conduct of public affairs (...)". Another human right relevant to the programme is the right to non-discrimination of any kind, as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other such status, which is part of all major human rights treaties.

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Human Rights standards are complemented by cross-cutting human rights principles, which are: participation and empowerment, transparency and accountability, nondiscrimination and equal opportunities.

Towards a human rights-based approach

A human rights-based approach orients development programmes systematically towards human rights standards and principles. It does so by identifying and addressing existing gaps in human rights implementation and in the capacities of both the state as duty-bearer to fulfil and the citizens as rights-holders to claim these rights.

The Guatemalan municipal code embodies several participation mechanisms for organized civil society, most notably a multi-layered system of development councils and a social auditing mechanism. In order for these mechanisms to develop their full potential, public authorities and civil society representatives need to be conscious of their respective roles, rights and responsibilities. Specifically, civil society representatives need to be competent in the matters at hand and in the procedures to participate actively and meaningfully in these mechanisms.



Photo: Andrea Kaempf

Taking this as the starting point, PROMUDEL set out to develop the capacities of both actors through various activities such as workshops, trainings, and advisory work. In addition, the programme worked on improving communication between the municipal administrations as the duty-bearers and civil society as representatives of rights-holders.

Qualitative community assessments carried out by PROMUDEL revealed a widespread dissatisfaction with public services: citizens complained about bad quality and discriminating and disrespectful attitudes of municipal

employees. The Baja Verapaz office of the National Human Rights Institution (Procuraduría de Derechos Humanos) repeatedly received similar complaints from citizens.

Working contacts between PROMUDEL and the Baja Verapaz office of the Procuraduría triggered the idea of a training course for municipal employees, addressing public service from a human rights perspective and its underlying notions of human dignity, non-discrimination and sustainable development.

This first course, developed by the Procuraduría and PROMUDEL in Baja Verapaz in 2007, was followed by a second course for civil society representatives and a third one for members of the development councils at community and municipal level in 2008.

Before the launch of the first course PROMUDEL and the Procuraduría liaised with the mayors to convince them to release their staff from work and compensate for their travel costs.

The course for municipal employees was first launched in Baja Veracruz. The single classes were held in the different municipalities of each department. The training modules for the first course for municipal employees were jointly developed by staff of PROMUDEL and the Procuraduría, reflecting the input by municipality staff with respect to their learning needs and expectations.

Course Contents

Course contents for municipal employees focussed on public service delivery from the perspective of marginalised groups such as the elderly, persons with disabilities, the indigenous population as well as young people. The course offers practical solutions for improving service delivery like alternative dispute resolution mechanisms and public management tools. At the end of the course, municipal employees develop an action plan with scheduled and resourced actions for improving human rights within their municipality.

The second course for civil society organisations was developed with a view to improving demand for human rights and quality public services and the capacity to monitor performance. The course familiarises local civil society organisations with the civic participation mechanisms provided for by the municipal code, such as the local development councils and the social auditing. It also trains participants in

developing public investment proposals and project management. Special attention is paid to indigenous people, youth and gender.

The third course focuses on members of the development councils at community and municipal level, which are deciding about local infrastructure projects.

First Results

Civil society representatives state that the course has enabled them to improve their investment proposals and their performance in the local participatory mechanisms. As a consequence their acceptance by and standing in society has improved.

Public services have improved in terms of social inclusion: Equal access to public services has factually improved: for example, municipalities now use interpreters for indigenous languages and some have built ramps to public buildings. The Procuraduría in Baja Verapaz reportedly receives fewer complaints about discriminatory attitudes of municipal employees.

Challenges

Awareness among employees of human rights has improved, yet inclusion of rights-holders in local planning through consultation and participation outside the formal mechanisms remains a long way to go. A possible way forward could be fostering dialogue and exchange between civil society and municipal employees/mayors. Interlinking participants of different courses may facilitate a common understanding of human rights problems and possible solutions.

Mayors are crucial for the implementation of the action plans which are developed at the end of the course for municipal employees. As not all mayors are participating in the courses themselves, they need to be acquainted with the action plans so that they support their follow-up and funding at municipal level. This is especially true for more complex measures such as home-bound registration, mapping of water supply coverage etc.

Last but not least, the sustainability of the course remains a challenge. A second national institution next to the Procuraduría, is needed to finance and take over the course. This is especially true since local elections usually lead to a replacement of mayors and municipality staff.



Photo: Andrea Kaempf

Lessons learned

Familiarizing duty-bearers such as municipal staff with the perspective of rights-holders and especially those which are in a disadvantaged situation can facilitate behavioral change. Human rights can take on a very practical meaning on the local level, if human rights education is connected to concrete development plans.

Course content is relevant if developed in partnership by pertinent institutions. Consultation with the target group and prior and ex-post assessment of the level of knowledge and relevance of the course are keys for successful training. Human rights standards on specific rights – such as the right to water, education, or food – need to be integrated into the training modules in order to substantiate policies and proposals and not to fall into mere human rights rhetoric.

Civil society representatives should be trained as multipliers (e.g. through training of trainers), so that they are capable to pass on the information and knowledge acquired in the course to their organisations.

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