

March 2003

FOREIGN
ASSISTANCE

U.S. Democracy
Programs in Six Latin
American Countries
Have Yielded Modest
Results



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Abbreviations

ARI	Andean Regional Initiative
GDP	Gross Domestic Product
ICITAP	International Criminal Investigations Training and Assistance Program (Department of Justice)
IDB	Inter-American Development Bank
INL	Bureau for International Narcotics and Law Enforcement Affairs (Department of State)
OAS	Organization of American States
USAID	U.S. Agency for International Development

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Contents



GAO

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United States General Accounting Office
Washington, D.C. 20548

March 18, 2003

The Honorable Henry Hyde
Chairman
The Honorable Tom Lantos
Ranking Minority Member
Committee on International Relations
House of Representatives

The Honorable Cass Ballenger
Chairman
The Honorable Robert Menendez
Ranking Minority Member
Subcommittee on the Western Hemisphere
Committee on International Relations
House of Representatives

In response to your request, this report discusses the nature, impact, and factors that affect U.S. democracy assistance to Bolivia, Colombia, El Salvador, Guatemala, Nicaragua, and Peru as well as the overarching management issues that have affected program planning and implementation. We include recommendations to the Departments of State and Justice and the U.S. Agency for International Development. We recommend that these agencies develop more comprehensive strategic plans at the regional and country level to address cooperation among agencies and other major donors; develop a strategy to periodically evaluate democracy assistance projects; and develop a mechanism to share information on development approaches, methods, materials, and results among U.S. agencies and implementers.

As agreed with your offices, unless you publicly release its contents earlier, we plan no further distribution of this report until 30 days after its date. At that time, we will provide copies to interested congressional committees, the Secretary of State, the Attorney General, the Administrator of the U.S. Agency for International Development, and the President of the Inter-American Foundation. We will also provide copies to others upon request. In addition, this report will be available at no charge on the GAO Web site at <http://www.gao.gov>.

If you or your staff has any questions on this report, please call me on (202) 512-4128. Other major contributors to this report are listed in appendix VII.

A handwritten signature in black ink that reads "Jess T. Ford". The signature is written in a cursive style with a large, looping initial "J" and a distinct "T" and "F".

Jess T. Ford
Director
International Affairs and Trade

Executive Summary

Purpose

Nearly all countries in Latin America have seen their systems of government shift from dictatorships, military regimes, and other forms of authoritarian rule to democratically elected governments. Supporting this transition has been a formal part of the U.S. foreign aid program since at least 1985. During fiscal years 1992 through 2002, the U.S. government has provided more than \$1 billion to help Latin American and Caribbean nations develop sustainable democratic institutions. This assistance has focused on promoting the rule of law,¹ transparent and accountable government institutions, respect for human rights, and free and fair elections. Assistance activities have been largely implemented by the U.S. Agency for International Development (USAID) and the Departments of State and Justice and have been funded primarily by appropriations authorized under the Foreign Assistance Act of 1961.

Since the early 1990s, GAO has assessed the implementation and effectiveness of democracy-related programs worldwide, particularly in Latin America and the Caribbean and the Former Soviet Union (see Related GAO Products). In these reviews, GAO has found that helping to strengthen democracy can be a difficult and long-term challenge that requires sustained political support from key host country leaders. When this political support wavers, hard-won gains can be quickly lost.

The Chairmen and Ranking Minority Members of the House Committee on International Relations and the Subcommittee on the Western Hemisphere requested that GAO assess the effectiveness of U.S. democracy assistance programs in six Latin American countries—Bolivia, Colombia, El Salvador, Guatemala, Nicaragua, and Peru. These countries, which are located in both Central and South America, have been particularly important to U.S. interests and face persistent social, economic, and political challenges. In response to this request, GAO (1) assessed the impact of the four main elements of U.S. democracy assistance—rule of law, governance, human rights, and elections—and the factors that affected the outcome of these programs and (2) analyzed the overarching management issues that have affected program planning and implementation.

¹According to the U.S. Agency for International Development, the rule of law embodies the basic principles of equal treatment of all people before the law and is founded on a predictable and transparent legal system with fair and effective judicial and law enforcement institutions to protect citizens against the arbitrary use of state authority and lawless acts.

To address these objectives, GAO reviewed documentation on democracy-related assistance projects that were implemented from fiscal years 1992 through 2002 and interviewed knowledgeable officials from USAID and the State and Justice Departments and other agencies that implement this assistance. GAO conducted fieldwork in the six countries previously identified, where it interviewed U.S. and senior host country officials, representatives of many nongovernmental organizations, and project implementers and beneficiaries. Appendix I provides an overview of the U.S. democracy assistance programs by country.

Results in Brief

Overall, U.S. programs and efforts to strengthen democracy in the six Latin American countries GAO reviewed have had a modest impact to date. U.S. assistance programs have supported a variety of reforms and have introduced innovative practices in justice, governance, human rights, and elections. For example, GAO found that these programs have helped five of the six countries reviewed (Bolivia, Colombia, El Salvador, Guatemala, and Nicaragua) adopt and begin implementing new criminal procedures codes that allow justice to be dispensed with more efficiency and openness. In all six countries, U.S. programs have supported improving the capacity of some municipalities to budget and plan public expenditures more effectively and with greater citizen participation, according to USAID data and reports. Host country and U.S. officials stated that U.S. programs also have contributed to some increased government attention to protecting human rights in countries where this assistance has been provided. U.S. assistance has been instrumental in supporting elections that electoral observation groups have considered to be free and fair.

Despite these successes, considerable work remains and U.S. democracy programs often have had a limited impact due to various factors, and in the countries GAO visited, questions remain regarding the sustainability of the gains made with U.S. assistance. In particular, these countries still have work remaining to fully put into practice the roles and responsibilities contained in their new criminal procedures codes. In many cases, the size and scope of U.S.-supported programs have been relatively limited, and countries have not adopted them on a national scale. The inability or unwillingness of host governments to provide the necessary financial, human, and political capital has often negatively affected democracy program outcomes in these countries. GAO found cases in which U.S.-funded training programs, computer systems, and police equipment had languished for lack of resources after U.S. support ended. Political changes in host governments have also undermined U.S.-supported programs. Of

the legislative strengthening programs begun in the 1990s in four of the countries GAO visited (Bolivia, El Salvador, Guatemala, and Nicaragua), only the program in El Salvador appears to have received sufficient host government political support to operate as intended with a positive impact on governance. Consolidating many of the gains that these countries have achieved in building democratic institutions is likely to require increased host country commitment and continued assistance from the United States or other donors.

Since host country resources for sustaining democracy programs are difficult to mobilize, it is crucial that the U.S. government and other donors manage available international resources as efficiently as possible for maximum impact and sustainability. Although promoting democracy abroad is a strategic goal of the U.S. government, USAID and the State and Justice Departments do not take a strategic, coordinated approach to providing democracy assistance, disrupting the long-term planning, implementation, and continuity of U.S. law enforcement programs in some countries. The agencies' strategic plans also do not identify how U.S. agencies and other foreign donors will coordinate program planning and implementation, as required by the Government Performance and Results Act of 1993. USAID and the State and Justice Departments have conducted few formal evaluations on the results of these activities to inform the ongoing debate about how to best provide and manage democracy assistance. Information sharing among U.S.-funded program implementers also has been limited, both within and among countries where these programs exist. These agencies do not always take advantage of the lessons learned from their democracy-related programs to ensure that funds are spent in a cost-effective manner.

The six chapters of this report address background information on U.S. democracy assistance programs; the four elements of democracy assistance, rule of law, governance, human rights, and elections; and the overarching management issues affecting program planning and implementation.

In this report, GAO makes recommendations to the Secretary of State, the Attorney General, and the Administrator of USAID, who together administer nearly all U.S. democracy assistance, to improve program management. Specifically, GAO recommends that these officials (1) develop more comprehensive strategic plans at the regional and country level to address cooperation among agencies and other major donors, (2) establish a strategy for periodically evaluating projects, and (3) establish a

systematic mechanism to share information among U.S. agencies and project implementers.

Background

Under the Foreign Assistance Act of 1961, since 1992, the United States has provided about \$580 million to support democracy programs in the six countries GAO reviewed for this report. Colombia received the largest amount of democracy assistance (\$149 million), followed by El Salvador (\$146 million), Nicaragua (\$88 million), Guatemala (\$70 million), Peru (\$65 million), and Bolivia (\$63 million).

Democracy assistance has four major components: rule of law, governance, human rights, and elections. USAID generally implements governance, human rights, and elections projects and develops rule of law institutions and processes, while the State and Justice Departments focus on the law enforcement component of rule of law efforts. In fiscal years 2000 through 2002 in the six countries GAO reviewed, rule of law and governance programs received 39 and 29 percent, respectively, of the \$221 million total allocated for democracy assistance by the U.S. government. In addition to the United States, other countries and institutions provide this type of foreign aid. The World Bank, the Inter-American Development Bank, and the Organization of American States all provide democracy-related assistance to these six countries, as do several bilateral donors.

GAO's Analysis

U.S. Rule of Law Assistance Has Supported Some Promising Reforms but Many Have Not Yet Been Institutionalized

U.S. rule of law assistance encompasses support for criminal justice reform, greater access to the justice system for poor and marginalized populations, and strengthened capacity of law enforcement agencies to investigate crimes. Although U.S. programs have helped almost all of these countries begin implementing critical justice sector reforms, it remains unclear whether the countries can and will provide the necessary political and financial support to fully implement these reforms.

In supporting criminal justice reforms, the United States has helped introduce fundamental changes and new roles and responsibilities for judicial and law enforcement institutions. U.S. assistance has included training for judges, prosecutors, and others who implement new criminal

codes and has supported computerized case management systems to increase justice system efficiency and transparency. The countries GAO reviewed are in different stages of carrying out reforms. El Salvador has made the most progress in reforming its justice sector, while Nicaragua and Bolivia have only recently enacted and begun implementing new criminal procedures codes. Colombia and Guatemala, which enacted reforms in the early 1990s, have made limited progress in implementing them, according to U.S. officials GAO interviewed. For example, Colombia, which established oral trials in 1991, has only 26 operational courtrooms to serve that nation's 2,000 municipal, circuit, and special jurisdiction judges.

USAID's access-to-justice programs have helped several countries establish public defense services to assist poor criminal defendants. USAID also has supported decentralized justice centers and alternative dispute resolution mechanisms. In Colombia, for example, USAID has helped establish 18 justice houses (*casas de justicia*) that provide dispute resolution and other legal services and help reinforce the presence of the Colombian government in poor, marginalized areas. USAID plans to construct 40 justice houses in Colombia by 2005, but the sustainability of many of the justice houses already built is uncertain due to precarious municipal government finances. Colombian officials also said that, due to severe funding constraints, the government does not currently plan to build additional justice houses.

U.S.-supported police assistance, which the Justice Department primarily provides, has focused on developing criminal investigations capabilities and strengthening police management, accountability, and operations. The results and impact of this assistance have varied across the countries GAO reviewed. Of the six countries GAO reviewed, U.S. police assistance appears to have had the greatest impact in El Salvador, where the Justice Department has helped implement a new policing model characterized by active, visible police patrols in high-crime areas. In other countries, U.S. assistance has provided extensive training and supported the development of training centers for criminal investigators, but impact has been more limited. In Bolivia, Justice Department officials said they have frequently had to repeat training courses due to high turnover in the criminal investigations unit. Bolivian police officials also told GAO that they lack the resources to maintain and use U.S.-donated materials, including forensics equipment and a computerized case-tracking and management system. USAID, State, and Justice officials also stated that section 660 of

the Foreign Assistance Act of 1961² hampers the effectiveness of justice sector assistance because it prohibits some types of police assistance.³ Officials GAO interviewed in Washington, D.C., and overseas said that the section 660 prohibition makes it difficult to plan and implement comprehensive justice sector programs because it often precludes involving the police fully in reform efforts. For example, in Nicaragua, USAID could not invite police force representatives to conferences at which criminal justice reform approaches were being discussed and debated. Police officers were similarly excluded from human rights training that USAID was providing to other host government agencies.

U.S. Governance Assistance Has Had a Modest Impact

U.S. governance assistance seeks to improve the administrative, analytical, and outreach capacity of legislatures; strengthen the administrative capacity and accountability of municipal governments and increase citizen participation; foster greater awareness about corruption; and help governments become more transparent and accountable. In most of the six countries GAO visited, U.S. governance assistance has had an initial impact on making government institutions more effective, responsive, and accountable, according to USAID staff, contractors, and host country officials. However, some programs have not been sustained or replicated and have been hindered by a lack of political support from host country governments. Elsewhere, institutional weaknesses and lack of human and financial resources have made it difficult for government counterparts to implement or expand U.S. programs.

In its legislative-strengthening programs, USAID-supported programs initially increased the outreach capacities of legislatures, according to U.S. and host country officials. For example, in Bolivia, USAID helped create a congressional research center and budget office to assist legislators. With the exception of El Salvador, however, host governments have not generally sustained these programs. Because legislative programs have been perceived to be associated with particular parties, these programs

²22 U.S.C. 2420.

³This provision restricts the use of foreign assistance funds for training and financial support for police or other law enforcement forces of foreign governments. Specifically, the provision states that, with a variety of exceptions, these funds may not be used “to provide training or advice, or provide any financial support, for police, prisons, or other law enforcement forces for any foreign government or any program of internal intelligence or surveillance on behalf of any foreign government.”

have lost credibility when competing parties took control. In Guatemala, for example, newly elected legislators attempted to use USAID-supported legislative institutions for partisan ends, according to U.S. officials working there. Despite the difficulty in sustaining these programs, USAID funding has helped leverage financial support from other donors for legislative-strengthening programs in several countries, according to bilateral and multilateral representatives.

GAO found that USAID's programs to support local governance have had an impact in target municipalities, but the programs have been less successful in influencing and reforming policies and practices at the national level. In target municipalities where USAID has worked, municipal governments have become more effective and responsive, and citizen participation has increased in municipal affairs, according to USAID contract staff, host country officials, and local citizens. For example, according to data that a USAID project implementer provided, more than 4,400 citizens in rural Colombia have participated in the development, implementation, and oversight of 67 municipal-level social infrastructure projects, such as building schools, bridges, and sewers. In Bolivia and El Salvador, where these programs have been operating since 1993 and 1996, respectively, municipalities have begun to adopt USAID-supported practices; however, there has been less success in Guatemala and Nicaragua disseminating these programs outside of target municipalities. Host government and USAID officials attributed difficulties in disseminating innovative practices to limited municipal resources and skills. For example, local government officials in Guatemala said it was difficult to use USAID's participatory planning methods, since limited funds were available to implement projects. Representatives of national municipal associations, such as the National Association of Municipalities in Nicaragua, said that USAID's policy assistance has helped develop national laws and regulations to decentralize government functions, but in some cases, limited government support has hindered these efforts.

USAID has helped to develop and implement anticorruption policies and procedures in five countries GAO reviewed, focusing on developing anticorruption legislation and regulations, helping government institutions become more transparent and accountable, and informing citizens of the need to become more aware of the cost and consequences of corruption. In Colombia, for example, USAID provided support for a presidential decree to establish standards for a national system of internal controls in ministries and other national agencies. Citizen awareness of corruption has increased in several countries, as has citizen oversight at the national and

municipal levels, according to USAID officials, contract staff, and representatives of local governments and nongovernmental organizations. For example, according to a study by a USAID contractor,⁴ Nicaraguans have become better informed about corruption issues as a result of a national campaign supported by USAID. However, the lack of consistent political support in host governments has impeded anticorruption projects. In Nicaragua, according to a former high-ranking government official, in 2001 the Ministry of Finance fired experienced staff who had been working on the USAID-assisted Integrated Financial Management System, resulting in lost institutional memory and expertise. These efforts face long-term challenges because these countries are in the early stages of addressing a widespread and deeply rooted problem, and the public is skeptical about anticorruption efforts.

U.S. Human Rights Assistance in Three Countries Has Helped Increase Public Awareness and Government Accountability

Three of the countries that GAO studied have human rights assistance programs. Host government officials and project implementers stated that this assistance has had a positive but limited impact in the countries GAO visited. In Colombia, Guatemala, and Peru, current U.S. human rights projects have (1) increased citizens' awareness of their rights and have helped governments take on greater responsibility for protecting those rights, (2) protected threatened individuals and prevented future abuses, and (3) helped governments address past abuses. In some instances, political and logistical problems have hindered these projects, and serious problems remain. Furthermore, host government officials said some long-term projects might be difficult to sustain due to budgetary constraints.

USAID's human rights projects have attempted to increase citizen awareness of human rights through education and community participation in information networks. One such network is Colombia's "Early Warning System." This system relies on citizen and nongovernmental organizations to alert authorities to human rights threats (such as massacres and other violent acts against civilians) from the armed groups involved in that country's ongoing conflict. U.S. and Colombian officials told GAO that coordination and communication problems hinder the smooth flow of

⁴Mitchell A. Seligson, *Nicaraguans Talk about Corruption: A Follow-Up Study of Public Opinion* (Arlington, Va.: Casals and Associates for USAID, 1999).

information in this project and compromise the ability of Colombian security forces to prevent violence by insurgent groups.

GAO found that these human rights projects also have enabled host governments to become more responsible and accountable to some degree. In each of the six countries GAO visited, USAID has been instrumental in supporting the creation of a Human Rights Ombudsman Office, which provides a legal channel for complaints and allegations of human rights violations. In some countries, this office ranks high in public opinion polls, while in others, according to the State Department, allegations of corruption and funding problems have eroded the office's credibility.

In addition, USAID assistance has fostered greater justice for victims and their families. USAID support for national reconciliation efforts, including exhumations of clandestine cemeteries in Guatemala and Peru, has helped resolve questions about the fate of victims and bring guilty parties to justice, according to project officials and published reports. Justice Department data indicate that special human rights investigative units created in Colombia have enabled the government to prosecute 167 human rights cases. There are currently not enough of these units to investigate cases throughout the entire country, and the Justice Department plans to help the Colombian government expand the number and the size of these units in fiscal years 2003 and 2004.

Despite the positive impact of U.S. human rights projects in these countries, serious problems remain with some governments' respect for human rights, particularly in Guatemala and Colombia. For example, police and military forces in these countries continue to be implicated in human rights abuses but are rarely prosecuted, according to State Department human rights reports.

U.S. Electoral Assistance Has Been Instrumental in Helping to Ensure Free and Fair Elections

The United States has strived to help governments in Latin America establish a tradition of free and fair elections. U.S. electoral support efforts have been designed to help improve election administration, enhance voter access, and legitimize election results. Since 1990, this assistance has supported host country efforts that have resulted in elections considered generally free and fair by the Organization of American States and other electoral observation groups in the six countries GAO reviewed. USAID has provided about \$66 million in elections assistance. Most of this assistance, about \$60 million, went to three countries: \$27 million to Nicaragua, more than \$20 million to Peru, and about \$13 million to El Salvador. Assistance

projects have strengthened the capacity of electoral authorities, improved voter access through voter registration and education and electoral reforms, and supported electoral observation by domestic and international groups. According to U.S. officials, Nicaragua is the only country GAO visited that is expected to require significant international support before it holds its next major election because it continues to experience problems in election administration and voter registration.

Program Planning and Coordination Are Lacking

The effectiveness of U.S. democracy assistance programs in the six countries GAO reviewed has been limited by the lack of a strategic interagency management approach.

Without a strategic plan that coordinates and leverages U.S. government resources and those of multilateral donors that receive U.S. funds, opportunities to sustain or expand democracy assistance gains may be missed. Furthermore, organizations implementing U.S. assistance projects have not routinely evaluated the results of their efforts or widely shared reports, materials, and other important information.

The State Department and USAID identify the promotion of democracy abroad as a strategic goal for their agencies. The Government Performance and Results Act of 1993 requires U.S. government agencies to develop annual plans for achieving their goals. As GAO has previously reported in its work relating to this act, such plans should identify how similar programs that different U.S. government agencies conduct will be coordinated to achieve their common objectives.⁵ However, neither USAID's or State's plans nor the subordinate regional or country-level planning documents GAO reviewed specifically address the role of other U.S. agencies and donors in ensuring that U.S.-funded democracy programs leverage and coordinate domestic and international resources.

Not addressing the role of other organizations in their strategic plans is a significant oversight, since it represents the risk that the U.S. government is not maximizing the use of available resources. Interagency coordination on rule of law assistance has been a long-standing problem, as GAO noted in a

⁵U.S. General Accounting Office, *The Results Act: An Evaluator's Guide to Assessing Annual Agency Performance Plans*, GGD-10.1.20 (Washington, D.C.: Apr. 1, 1998).

1999 report.⁶ According to U.S. officials, the relationship among implementing agencies has often been characterized more by competition than by cooperation, which has led to fragmented programs that are not always mutually supportive in achieving common goals. For example, in Bolivia, poor communication and disagreement among USAID, State, and Justice on their respective roles disrupted efforts to assist the development of that country's national police. Furthermore, by not addressing and building on potentially complementary programs of other international donors—some of which receive considerable funding from the United States—agencies risk overlooking critical resources that can be used to meet the strategic goal of democracy promotion.

U.S. agencies implementing democracy assistance projects have also not consistently evaluated project results, thus missing opportunities to highlight lessons learned and to share best practices and information. Although USAID has conducted evaluations on an ad hoc basis, the State and Justice Departments have sponsored few formal reviews of their projects. Consequently, GAO found few project reviews that were useful for transferring knowledge about the impact and sustainability of projects in different countries.

USAID also has not taken steps to compile and disseminate detailed information on the results of its various projects. Although U.S. democracy assistance activities across the six countries GAO visited were often very similar, USAID has no centralized documentation on these activities to determine whether some approaches and materials were more effective than others. For example, although USAID missions fund projects to educate local municipal officials in the six countries, the comprehensive set of handbooks and manuals developed in Bolivia are not part of any central repository at USAID or at the USAID intranet site. Lessons learned are a potentially powerful method of sharing ideas for improving work processes, program design and implementation, and cost-effectiveness.

Recommendations for Executive Action

To ensure that key U.S. agencies that implement programs to support and strengthen democracies in Latin America make better use of available resources, GAO recommends that the Secretary of State, the Attorney General, and the Administrator of USAID

⁶U.S. General Accounting Office, *Foreign Assistance: Status of Rule of Law Program Coordination*, NSIAD-00-8R (Washington, D.C.: Oct. 13, 1999).

-
- develop comprehensive strategic plans for democracy assistance at the regional and country level that address how U.S. agencies will cooperate with each other and other major donors to achieve greater impact and sustainability in these programs;
 - establish a strategy for periodically evaluating democracy assistance projects that is consistent across agencies, countries, and types of programs; and
 - establish a systematic mechanism to share information on development approaches, methods, materials, and results from democracy assistance projects among U.S. agencies and implementers.

Agency Comments

GAO received comments on a draft of this report from the State and Justice Departments and USAID, which are reprinted in appendixes II to IV. These appendixes also contain GAO responses to the agencies' comments. Overall, the agencies generally agreed with the thrust of our recommendations for how the management of program assistance could be improved. They also noted that in some cases activities are either planned or under way that would address our recommendations.

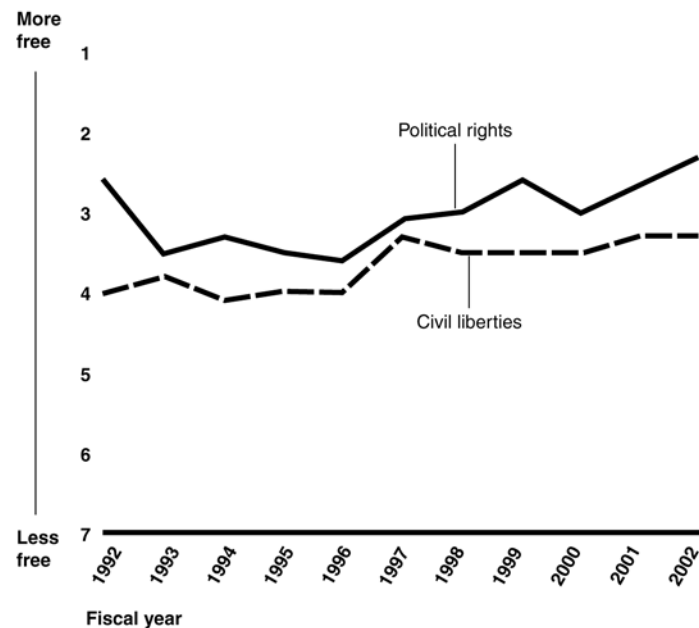
Introduction

Background

The countries of Latin America have a long history of political change, including dictatorships, autocratic rule, military juntas, and various forms of democracy.

According to Freedom House, a U.S. research organization that tracks political developments around the world, these countries have, since the 1980s, gradually progressed toward stronger democracies, as measured by the extent to which the citizens of these countries enjoy political rights and civil liberties (see fig. 1). Of the six countries in our study (Bolivia, Colombia, El Salvador, Guatemala, Nicaragua, and Peru), all but Colombia and Nicaragua experienced a strengthening of democracy by these standards between 1992 and 2002 (see table 1 and app. VI for more information). Appendix V provides further information on the quality of life and selected indicators for the selected countries.

Figure 1: Average Freedom House Democracy Scores for the Six Countries Studied, Fiscal Years 1992 through 2002



Sources: GAO (analysis) and Freedom House (data).

Table 1: Freedom House Ratings for the Six Countries Studied, Fiscal Years 1992 and 2002

Country	1992 Freedom House score	2002 Freedom House score	Change
Bolivia	2.5	2	Better
Colombia	3	4	Worse
El Salvador	3.5	2.5	Better
Guatemala	4	3.5	Better
Nicaragua	3	3	Same
Peru	4	2	Better
Average for all six countries	3.3	2.8	Better

Source: Freedom House.

Note: Freedom House scores are ranked from 1 (more free) to 7 (less free).

In September 2001, the 34 democratic members of the Organization of American States (OAS)¹ unanimously adopted the Inter-American Democratic Charter, declaring that “the peoples of the Americas have a right to democracy and their governments have an obligation to promote and defend it.” This commitment goes beyond preserving elections to ensuring the defense of human rights and fundamental freedoms, popular participation in government, the rule of law,² the separation of powers, and transparent and accountable government institutions. Despite this commitment, many Latin American nations have yet to fully achieve these conditions. According to the OAS charter, the hallmarks of democracy include

¹Active member countries are Antigua and Barbuda, Argentina, The Bahamas, Barbados, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Dominica, the Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, the United States, Uruguay, and Venezuela. Cuba is not active and is the only nondemocratic member.

²The U.S. Agency for International Development defines the rule of law as embodying the basic principles of equal treatment of all people before the law; it is founded on a predictable and transparent legal system with fair and effective judicial and law enforcement institutions to protect citizens against the arbitrary use of state authority and lawless acts.

- respect for the rule of law on the part of all institutions and sectors of society;
- constitutional subordination of all state institutions to the legally constituted civilian authority;
- access to and the exercise of power in accordance with the rule of law;
- transparency in government activities and probity, responsible public administration on the part of governments;
- participation of citizens in decisions relating to their own development;
- separation of powers and independence of the branches of government;
- a pluralistic system of political parties and organizations;
- freedom of expression and of the press;
- respect for human rights and fundamental freedoms; and
- periodic, free, and fair elections based on secret balloting and universal suffrage.

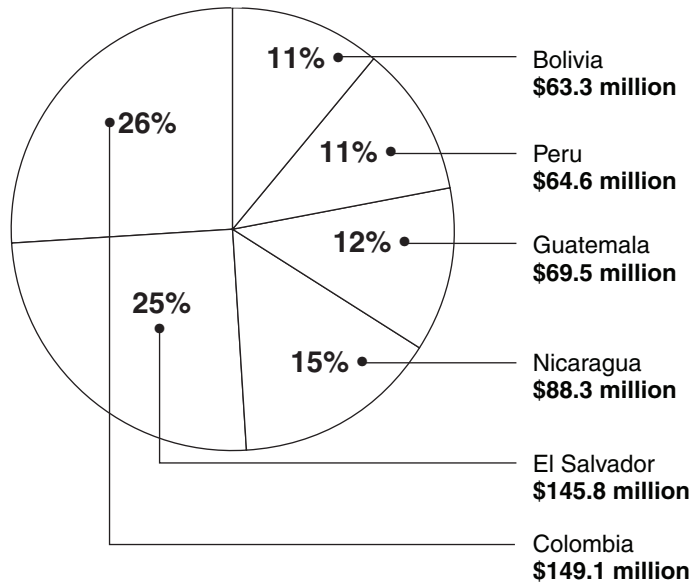
Although the national governments of all six countries we visited have been democratically elected since the 1990s, they face serious social, economic, and political challenges that have made strengthening key democratic institutions a difficult and long-term endeavor.³ In South America, Colombia continues to struggle with the escalation of a nearly 40-year campaign to overthrow the government, with attendant economic and social disruptions that affect thousands of its citizens each year, while Peru is emerging from the shadow of authoritarian rule and the violent actions of insurgent guerillas. Bolivia, which has had a relatively more stable political environment, must now deal with a host of economic challenges and an increasingly disillusioned and vocal indigenous class. In Central America, El Salvador's and Guatemala's Peace Accords were signed in 1992 and 1996, respectively, providing a framework for rebuilding those societies after decades of civil war. Nicaragua, one of the poorest nations in the

³Appendix VI provides a statistical overview of selected social and economic indicators for the six countries we visited and comparative data for Latin America and the United States.

hemisphere, still confronts political polarization and corruption, according to U.S. officials.

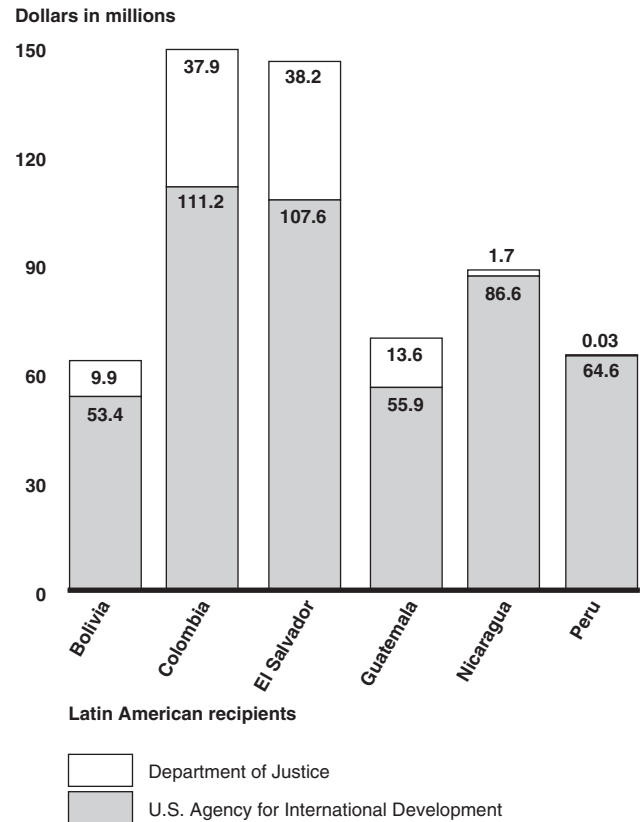
The United States has provided assistance to many of the countries of Latin America and the Caribbean to aid in strengthening democracies. From fiscal years 1992 to 2002, the six countries in our study, Bolivia, Colombia, El Salvador, Guatemala, Nicaragua, and Peru, received about \$580 million in assistance (see fig. 2 for distribution of funding among these six countries). Almost all U.S. funding for democracy assistance, authorized under the Foreign Assistance Act of 1961, is appropriated to the U.S. Agency for International Development (USAID) and the Department of State. A significant amount of assistance has been allocated to the Department of Justice through interagency fund transfers from USAID and State. From fiscal years 1992 through 2002, USAID has administered \$479.3 million of program funding for democracy activities in this region, while the Justice Department has administered \$101.3 million. The State Department also administered democracy-related programs during this time period. However, the department could not readily provide disaggregated data on the bulk of its democracy-related programs, such as funding provided by the Bureau for International Narcotics and Law Enforcement Affairs (INL). Figure 3 shows the distribution among the major implementing agencies of democracy assistance funding to the six countries we reviewed. Other organizations with democracy-related assistance activities funded by the U.S. government include the National Endowment for Democracy, the Inter-American Foundation, and the Department of the Treasury.

Figure 2: Distribution of U.S. Democracy Assistance among Six Countries, Fiscal Years 1992 through 2002



Sources: GAO (analysis) and U.S. Agency for International Development and Department of Justice (data).

Figure 3: Distribution of U.S. Democracy Assistance to Six Countries by Key Agencies, Fiscal Years 1992 through 2002



Sources: GAO (analysis) and U.S. Agency for International Development and Department of Justice (data).

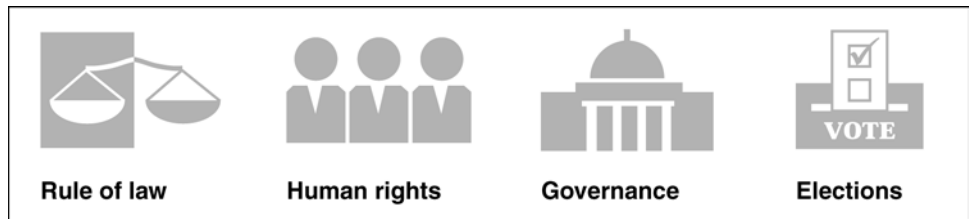
These agencies provide assistance through a variety of means, primarily in the form of goods and services to governmental and nongovernmental organizations and individuals. For some projects, such as law enforcement training, U.S. government agencies provide the assistance directly, or with contract assistance, as needed. For other projects, such as institutional development projects, the agencies distribute aid to beneficiaries primarily through grants, cooperative agreements, and contracts with nongovernmental organizations, private voluntary organizations, and firms located in the United States or overseas. Cash disbursements are generally not provided directly to foreign governments.

Democracy assistance efforts, if successful, can influence political stability and economic growth. Economists have long demonstrated that countries with stronger democratic institutions are more likely to experience sustained economic growth. For example, the positive relationship between the respect for property and contractual rights and the rate of economic growth has been found to be especially strong. Law-respecting, accountable governments tend to provide conditions that encourage long-term investments and innovation. As the standard of living improves, the probability of further democratization of political institutions over time increases substantially.

Many other foreign donors have also provided democracy assistance to the countries covered in our review. Multilateral donors, including the Inter-American Development Bank (IDB), the World Bank, the United Nations, and OAS have been active in funding democracy-related activities. In addition, many Western European countries, the European Union, and private international donors have also financed projects similar to those funded by the United States. We did not attempt to determine the total amounts of funding and the outcomes associated with this assistance, given the difficulty in identifying many different efforts, their costs, and the paucity of studies documenting program outcomes.

The United States has taken a broad approach to providing democracy assistance. The assistance approach generally incorporates four elements: (1) rule of law, (2) governance (3) human rights, and (4) elections. (See fig. 4 for an illustration of these elements.)

Figure 4: Four Elements of the U.S. Democracy Assistance Program



Source: GAO.

Rule of Law: These projects support constitutional and criminal code reforms to make criminal justice more swift, transparent, and participatory; establish new institutions and enhance existing ones to improve management of the justice sector and to help safeguard the legal rights of citizens; provide technical assistance, training, and management information systems for judges, prosecutors, public defenders, and law enforcement agencies to improve their capabilities and increase their efficiency, effectiveness, and fairness; increase access to justice through mediation, alternative dispute resolution, and other mechanisms; and reform law school curricula to reflect modern methods and necessary skills for practicing law.

Governance: These projects seek to improve the administrative, analytical, and outreach capacity of legislatures; strengthen the administrative capacity and accountability of municipalities and increase citizen participation in local government; and foster a greater public awareness about corruption and implement strategies to enable government institutions to become more transparent and accountable.

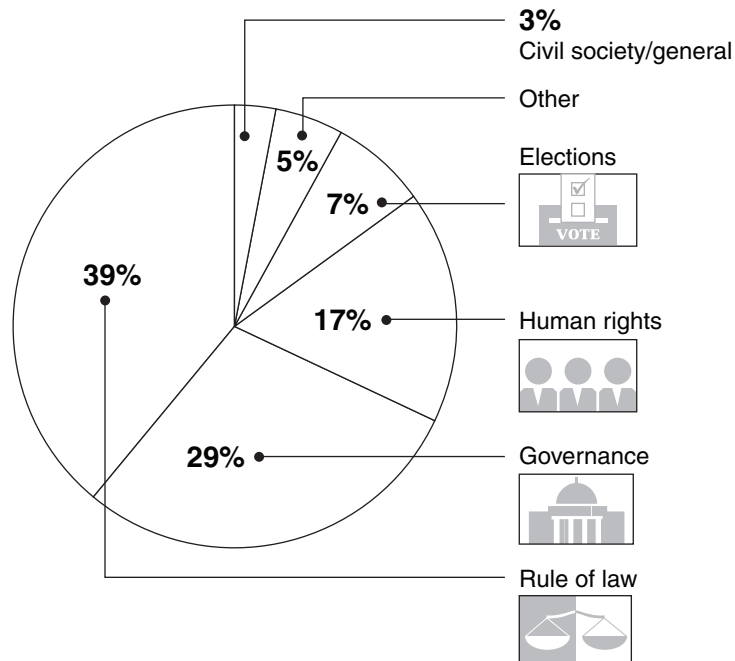
Human Rights: These projects are intended to prevent human rights abuses through greater public awareness, protect citizens against abuses, and respond to past violations through legal action and public reconciliation processes.

Elections: These projects are designed to improve election administration, enhance voter access, and legitimize election results by supporting domestic and international observers.

USAID and the State and Justice Departments have not traditionally accounted for funding data according to the four elements previously described but have provided this information for fiscal years 2000 through 2002, as shown in figure 5. While assistance to civil society appears to be relatively small in figure 5, important civil society support is also included through the four programmatic areas we focus on in this report.⁴

⁴Civil society includes the general population and nongovernmental organizations, such as associations, trade unions, and interest groups.

Figure 5: Distribution of U.S. Democracy Assistance to the Six Countries Studied, for Fiscal Years 2000 through 2002, by Element



Sources: GAO (analysis) and U.S. Agency for International Development and Department of Justice (data).

While USAID funds and implements assistance projects in all areas covered by this report, the State Department provides funding to the Justice Department for law enforcement assistance. The State Department’s Bureau of Democracy, Human Rights, and Labor also provided a relatively small amount of democracy-related assistance to some of the six countries covered in our review, as did the department’s Western Hemisphere public diplomacy program.

Objectives, Scope, and Methodology

To assess the nature, impact, and sustainability of U.S. assistance programs to strengthen democratic institutions in Bolivia, Colombia, El Salvador, Guatemala, Nicaragua, and Peru, we first interviewed headquarters officials in Washington, D.C., at the departments and agencies providing rule of law, governance, human rights, and election assistance, including USAID, the State and Justice Departments, the National Endowment for Democracy, and the Inter-American Foundation. We also interviewed

experts at nongovernmental organizations, including the National Democratic Institute, the International Republican Institute, the Washington Office on Latin America, and Human Rights Watch. For all six countries, we reviewed Mission Performance Plans, USAID country and regional strategic plans and other planning documents, funding agreements, contracts, and project evaluations. We obtained funding information for fiscal years 1992 through 2002 from USAID headquarters and country staff and the Justice Department (the Justice Department administers funding provided by the State Department). The State Department could not readily differentiate most of its democracy-related assistance funding during this period from counternarcotics-related funding, which we did not include in the scope of our review. We also reviewed our prior reports on democracy assistance to Latin America.⁵

We conducted fieldwork in each of the previously identified six countries between March and September 2002. In each of these countries, we met with the U.S. Ambassador; the USAID Chief of Mission; political and economic officers; senior U.S. officials representing agencies with rule of law, governance, human rights, or elections programs; and numerous program staff, including contractors responsible for implementing the projects. We interviewed host country officials at supreme courts; law enforcement organizations; legislatures; national ombudsmen; and ministries covering justice, police, local governments, government oversight, and elections. We visited training schools for judges, prosecutors, and police; local justice centers; local government pilot projects; and legislative outreach offices, as appropriate. We also met with numerous representatives from nongovernmental organizations and other groups representing a broad spectrum of civil society, including local citizen groups involved with rule of law, governance, human rights, and elections programs.

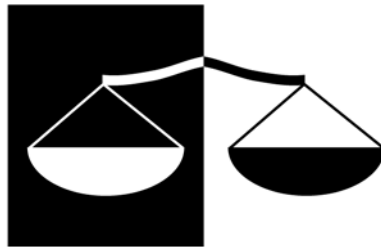
To analyze the overarching management issues that have affected program outcomes, we analyzed project documentation, interviewed knowledgeable officials, and reviewed assistance activities on field visits to the six countries. We then analyzed and synthesized information across the six countries. To look for broader themes, we also interviewed experts in the field, including those from nongovernmental organizations and academia, and attended USAID's annual democracy officers' conference in 2001.

⁵See Related GAO Products at the end of this report.

Chapter 1
Introduction

We performed our work from August 2001 through December 2002 in accordance with generally accepted government auditing standards.

Rule of Law Assistance



Rule of law

Reforming the criminal justice sector has been a critical area of concern in Latin America. Nontransparent legal processes, corruption, and incarceration of prisoners for months or years before trials can undermine confidence that justice is being dispensed fairly. Surveys done in the region have shown that high levels of crime and citizens' lack of trust in justice institutions are positively correlated with reduced public support of democracy. In the six countries we reviewed, USAID and the State and Justice Departments have sought to (1) reform criminal justice systems by helping establish new legal frameworks to make criminal procedures more efficient and transparent and by strengthening the capabilities of justice sector institutions, (2) increase the public's access to the justice system by establishing public defense services for poor defendants and by supporting construction of justice centers in poor communities, and (3) help law enforcement institutions conduct criminal investigations and manage their operations more efficiently and effectively. We found that although the U.S. assistance had contributed to noteworthy progress in these areas in most of the countries we reviewed, concerns remain about whether gains will be sustained. Due to resource constraints and other implementation difficulties, judicial and law enforcement institutions in these countries continue to rely to a large degree on U.S. and other international assistance for implementing justice sector reforms. U.S. officials also stated that legislative restrictions on law enforcement assistance restrict their ability to plan and carry out comprehensive justice sector reform programs because they prohibit many types of police assistance.

As seen in table 2, U.S. rule of law assistance has been provided to five of the six countries we visited since the mid-1980s, beginning first with El Salvador in 1984.

Table 2: U.S. Rule of Law Assistance in the Six Countries Studied

Country	Assistance dates
Bolivia	1986 - present
Colombia	1986 - present
El Salvador	1984 - present
Guatemala	1986 - present
Nicaragua	1993 - present
Peru	1986 - present

Sources: USAID and Justice Department.

Criminal Justice Reforms Were Established but Not Fully Implemented; Sustainability Will Require Stronger Host Government Commitment

A key component of U.S. rule of law assistance in five of the six countries we reviewed has been support for criminal justice sector reforms establishing new roles and responsibilities for judicial and law enforcement institutions and introducing oral procedures and public trials.¹ Support for criminal justice reforms has been provided primarily by USAID and the Justice Department and has focused on

- facilitating constitutional and criminal code reforms,
- helping to create and strengthen justice sector institutions, and
- improving legal training for justice sector professionals and reforming law school curricula.

¹While Peru adopted a new criminal procedures code in 1991, it has still not entered into force. Peru has yet to initiate similar reforms of its criminal justice system. Following then President Fujimori's 1992 unconstitutional takeover of political power from the legislature and judiciary, USAID devoted most rule of law assistance to civil society and access-to-justice programs in the mid-1990s.

Constitutional and Criminal Code Reforms Have Been Enacted but Not Fully Implemented

The United States has helped five of the countries we reviewed establish new legal frameworks for their criminal justice systems, supporting the drafting of new criminal codes and developing political consensus for criminal justice reform, both within the government and among civil society. Although the reforms each country has enacted have varied, U.S. assistance has supported the necessary legal frameworks for oral, adversarial criminal procedures and training for justice sector actors to implement these procedures. The United States has assisted Latin American countries' transitions from inquisitorial to adversarial systems to help increase the transparency and efficiency of the judicial process. Benefits of the adversarial system include shortened pretrial detentions, the presumption of innocence, and the right to a defense.

Host country officials commented that U.S. support has been critical to building consensus for the development and enactment of these reforms. USAID has supported constitutional and criminal procedures code reforms that went into effect in Colombia (1991), Guatemala (1994), El Salvador (1998), Bolivia (2001), and Nicaragua (2002).² In Bolivia, for example, USAID's rule of law assistance since 1997 has focused primarily on support for the passage and implementation of a new criminal procedures code. USAID's assistance, provided in close coordination with the German government, has supported reforms that provide the basis for oral, accusatory procedures and public trials, which significantly changed the roles and responsibilities of judges, prosecutors, defense attorneys, and the police. In addition, U.S. and German assistance has supported disseminating information on the code to the public, mainly through nongovernmental organizations.³

Despite achievements in passing criminal justice reforms, these countries have had varying degrees of success in implementing the reforms in practice, and each has work remaining to fully put into practice the new roles and responsibilities contained in the reforms. For example, Nicaragua and Bolivia have only recently begun implementing newly enacted criminal procedures codes, while reforms for criminal sentencing codes have not

²In Nicaragua, the new criminal procedures code went into effect for felonies in December 2002 and will go into effect for misdemeanors in December 2003.

³For cases carrying a sentence of more than 4 years, Bolivian citizens are required to participate in criminal trials, as "citizen judges," in a role similar to that of jurors in the United States. Sentencing courts include a panel of three citizen judges and two professional judges.

yet been enacted. The Nicaraguan legislature also passed an administrative litigation code in 2000, which created a mechanism for citizens to bring legal cases against the government.⁴ This code has not been implemented because, according to a USAID official, the Supreme Court has raised constitutional objections to them.

Colombia and Guatemala enacted criminal justice reforms in the early 1990s but have made limited progress in implementing them. Colombia, for example, has made little progress in establishing an adversarial criminal justice system, including oral trials, despite enacting its constitutional reform in 1991. Colombia's reforms established a legal structure for oral trials and modernized criminal investigation and prosecutorial functions, and the reforms were developed through a coordinated approach that involved key justice sector institutions.⁵ Following this promising start, however, political support for these reforms waned during the 1990s, and oral, adversarial procedures are still rare in Colombia, according to USAID officials.

Although Guatemala's reforms provided the basis for transitioning to an adversarial criminal justice system in 1994, and Guatemala reorganized and created the necessary justice institutions for implementing the reforms, the Guatemalan justice system is still plagued by problems, particularly the courts, prosecutor's office, and the police. During our visit to Guatemala, the prosecutor's office and the police were still trying to resolve profound differences in the roles that their respective institutions would have in carrying out criminal investigations. U.S. assistance provided by the State and Justice Departments and USAID has helped justice institutions introduce important enhancements to their organizations and operations.

⁴Before the passage of this law, the only option for citizens to bring a case against the government was to submit a case directly to the Supreme Court.

⁵In a 1992 report, *Foreign Assistance: Promising Approach to Judicial Reform in Colombia*, [GAO/NSIAD-92-269](#) (Washington, D.C.: Sept. 24, 1992), we commented positively on the commitment of Colombian justice sector officials for reform. An interagency working group, led by the Minister of Justice, agreed to and designed a constitutional revision that included provisions to increase the judiciary's independence and established an independent prosecutor's office to investigate and prosecute criminal cases. In a 1999 report, *Foreign Assistance: U.S. Rule of Law Assistance to Five Latin American Countries*, [GAO/NSIAD-99-195](#) (Washington, D.C.: Aug. 4, 1999), we found that Colombia had not fully implemented many of its criminal justice reforms and, despite the training and assistance provided to justice officials, few of these officials were implementing new procedures for conducting investigations or holding trials.

Despite these improvements, the Guatemalan criminal justice system still faces serious challenges in its efforts to fully implement these reforms.

El Salvador appears to have made the most progress in reforming its justice sector; for example, the Attorney General has instituted sweeping personnel changes in the prosecutor's office to improve the quality and integrity of its workforce. However, the judiciary in El Salvador has yet to institute similar reforms, according to U.S. officials.

According to the State Department's most recent human reports, the judiciaries in each of the six countries we reviewed are continuing to face problems, including inefficiency, corruption, and a climate of impunity. In Bolivia, for example, State reported that judicial corruption and inadequate case-tracking mechanisms are contributing to the incarcerations of persons for months or years before their trials. In Colombia, State reported that Colombia's large backlog of over 3 million cases has overburdened the judicial system, and that prosecutors and judges are struggling to transition from traditional, written procedures, to an oral, adversarial system.

Justice Sector Institutions Were Established and Strengthened, but Pilot Programs Have Not Been Widely Replicated

U.S. assistance also has supported the creation and strengthening of new institutions to implement the new codes and other reforms, such as judicial councils that participate in selecting, training, and disciplining judges and independent prosecutor's offices to manage investigations and bring criminal cases to trial. For example:

- In Bolivia, USAID assistance supported creating a judicial council in 1998 that reviews the qualifications of judicial candidates, evaluates the performance of sitting judges, and manages a training center for judges.
- In Nicaragua, USAID has supported establishing a prosecutor's office that is independent of the executive branch that will implement the new criminal procedures code.

The United States also has provided assistance to strengthen and modernize justice sector institutions' operational capabilities. For example, USAID support helped establish a clerk of courts office in Guatemala City that centralized case intake and management in one location for the city's 11 criminal courts. A USAID study showed that after this office was established in 1999, the annual number of cases that were unaccounted for decreased from more than 1,000 to 2. USAID and the Justice Department also have assisted in the publication of operations manuals for judges,

prosecutors, and other legal operators to help clarify roles and responsibilities and ensure uniform implementation of legal codes.

Judicial and law enforcement institutions that the United States has assisted face resource constraints that make it difficult to sustain or expand U.S.-supported pilot projects. For example, in Bolivia, the government lacked the resources to maintain or replicate a U.S.-funded model prosecutor's office, and the project ended with little impact. Also in Bolivia, USAID supported a pilot case intake and management system for judges. This system was designed to provide information on case assignments and their progress through the judicial system. Originally implemented in 1996, use of this system continues to be uneven due to resource constraints, and the system has not been implemented on a national level.

In Colombia, USAID had funded 13 oral trial courtrooms, in addition to 13 such courtrooms opened by Colombia's judicial council. However, these are the only oral trial courtrooms currently operating in the country, and a major challenge will be to build similar courtrooms for the country's more than 2,000 municipal, circuit, and special jurisdiction judges. In one regional court we visited in Colombia, USAID had built an oral hearing room and equipped it with new recording equipment to facilitate this transition. Although judges were holding regular oral hearings in this room, this equipment was not used because the court could not afford audiotapes (see fig. 6).

Figure 6: Public Hearing Room Constructed with U.S. Government Funding in Manizales, Colombia



Source: GAO.

New Legal Training Was Introduced but Has Not Been Institutionalized

In five of the six countries we visited, USAID and the Justice Department have provided extensive legal training to judges, prosecutors, investigators, and public defenders on new criminal procedures codes, either directly or through support to training centers in host government institutions. For example:

- In Bolivia, these agencies trained more than 5,000 justice operators on the country's new code through a variety of courses, seminars, and "train-the-trainer" activities.
- In Colombia, USAID has assisted a training academy for judges by supporting restructuring the school and its curriculum. The school has trained 600 judges to be trainers, allowing the training to be replicated

throughout the country. The Justice Department also has provided extensive training to prosecutors and law enforcement personnel.

However, training centers for judges, prosecutors, and public defenders have faced severe budgetary constraints, and in most cases do not operate independent of U.S. assistance. For example, in Colombia, the director of the judges training academy told us that its budget has been eliminated, and the future operation of this center is uncertain. Similarly, a USAID-supported training center within Colombia's Public Defender's Office lacks a training budget. In Bolivia, the Attorney General told us that, without international assistance, he could not afford to staff and adequately equip his academy to train prosecutors to implement the country's new criminal procedures code.

USAID also has worked with some law schools in Bolivia, Colombia, El Salvador, and Guatemala to revise their curricula to reflect new reforms and provide more practical training in oral, public trials. For example, USAID helped Guatemala's National University implement a revised curriculum for new law students with greater emphasis on ethics and including courses on constitutional law and human rights.

Nonetheless, U.S. and host country officials in the countries we visited also stated that legal education remains a major concern. Although law schools in these countries have proliferated, officials stated that many schools do not provide adequate legal training. In El Salvador, the validity of the degrees and academic credentials of judges and attorneys has come into question, as the Supreme Court has initiated an extensive review of justice officials' academic backgrounds. Host country officials in El Salvador commented that poor quality legal education requires that lawyers and judges be retrained once they enter the justice sector.

USAID Has Helped Increase Citizen Access to Justice, but Sustainability and Expansion of Services Will Require Greater Host Country Support

USAID has supported efforts to increase citizens' access to justice through programs to provide legal services to poor citizens and communities (see figs. 7 and 8). USAID's access-to-justice assistance has focused on

- establishing and strengthening public defender's offices and
- supporting decentralized justice centers and alternative dispute resolution mechanisms.

Figure 7: Justice House in Manizales, Colombia, Constructed with U.S. Government Funds



Source: GAO.

Figure 8: Free Legal Consultation Provided by Colombian Official at a Justice House Constructed with U.S. Government Funds



Source: GAO.

Public Defenders Established for Poor, but Availability and Quality of Legal Defense Are Still Limited

USAID has assisted in establishing or strengthening professional Public Defender's Offices in five of the six countries we reviewed by helping build political consensus for the creation of these offices and by providing operational support. USAID also has provided training and operation manuals and has supported computerized information systems for Public Defender's Offices. The number of public defenders and the services they provided has also increased, due in part to USAID contributions. For example:

- In El Salvador, the number of public defenders increased from 25 in 1991 to over 300 in 2002, and USAID contributed to this increase by initially paying public defender salaries. El Salvador's Public Defender's Office now also has local and national coordinators, investigators, and legal aids. This office handles an average of 35,000 cases per year, which is approximately 95 percent of El Salvador's criminal cases.
- In Guatemala, USAID supported creating an independent public defender's institute, as called for in the 1996 Peace Accords. In 2001, the institute provided services to approximately 20,000 Guatemalans.

These newly created Public Defender's Offices have faced severe budgetary constraints and in some cases are not able to provide adequate services to poor defendants nationwide. For example:

- In Nicaragua, the Public Defender's Office, created in 1999, had only 13 attorneys when we visited, all of whom were located in the capital, Managua. Since then, according to USAID 23 additional offices have been established throughout Nicaragua, and the total number of public defenders has increased to 47.
- Colombia's public defenders work on a part-time contractual basis. According to USAID's justice contractor, these defenders have large caseloads and are paid a low, fixed salary. Furthermore, Colombia's approximately 1,200 public defenders handle less than 10 percent of the cases involving poor defendants. Private attorneys appointed by the court to work on a pro bono basis handle the rest of the cases.
- In Bolivia, host country officials told us that the USAID-supported Office of Public Defense, established in 1995, has not been adequately funded. The office depends on external financing to fund the relatively low public defender salaries. Bolivian officials stated that they have not been able to adequately replace staff who left for higher salaries, and that in

criminal trials, public defenders are at a substantial disadvantage to prosecutors because they lack resources and support services.

The State Department's most recent reports on human rights cited the Public Defender's Offices in four of the six countries as being overburdened by large caseloads and not always able to provide qualified attorneys for indigent defendants. In Nicaragua, State also cited public defenders' complaints that judges were continuing to sentence poor defendants without the presence of a public defender, despite these defendants' right to legal counsel.

Justice Houses and Centers Bring Legal Services to Poor Communities, but It Is Not Clear How the Centers Will Be Sustained or Expanded

In four of the six countries we reviewed, USAID has provided funds to support the creation of decentralized, community-based houses and centers to provide greater access to the justice system and mediation to resolve domestic disputes.

- In Colombia, "justice houses" (*casas de justicia*) have been built in poor, marginalized areas to provide dispute resolution and other legal services and help reinforce the presence of the Colombian government. Since 1995, 18 justice houses have been built, and USAID plans to expand this number to 40 by 2005. National institutions provide the staff, including prosecutors, public defenders, police inspectors, social workers, and mediators, while municipalities are expected to maintain the facilities.
- In Guatemala, 11 justice centers were built outside the capital along with 16 complementary mediation centers to serve indigenous communities near these centers. U.S. and Guatemalan officials stated that the centers have facilitated coordination of services and have improved local citizens' experiences with the justice system.
- In Peru, the Ministry of Justice has established 32 conciliation centers and 31 legal aid clinics in poor communities.
- In El Salvador, a pilot project plans to open 6 justice houses by the end of 2003. These justice houses will focus on providing mediation services.

Despite the positive impact that the justice houses and centers appear to have had, it is not clear how these projects will be supported by host

governments or whether they will be able to operate without U.S. assistance. Greater host country commitment of resources will be required to make them more sustainable and to have a wider impact. For example:

- While Colombia’s Ministry of Justice and Interior has supported the justice houses, it has not made a commitment to build more or take over existing ones from USAID. Further, many Colombian municipalities face severe resource constraints and may not be able to maintain and support existing justice houses.
- Guatemala has had some success in expanding an aspect of the justice center model from secondary cities to its capitol, Guatemala City, improving officials’ ability to track criminal cases. However, Guatemala’s justice centers are not currently sustainable without U.S. or other donor support, according to USAID and contractor officials, and the Guatemalan government has no plans to fully expand this justice center model to the national level.
- In Peru, USAID funded pilot conciliation and legal aid centers by nongovernmental organizations and municipalities as well as government-operated centers in several major cities. USAID also has helped the Peruvian government build its capacity to train, license, and regulate a growing number of private conciliators. However, most pilot centers that USAID helped create are now closed for lack of funds, according to project officials. The Minister of Justice also told us that the government lacks the resources to expand the number of government-operated conciliation centers or provide meaningful oversight to privately run centers.

U.S. Police Assistance Supporting Criminal Investigations and Management of Police Operations Has Had Mixed Results

U.S. assistance to develop and strengthen the capacities of the police in the six countries we reviewed was provided primarily by the Justice Department’s International Criminal Investigations Training and Assistance

Program (ICITAP).⁶ ICITAP's assistance in these countries has focused primarily on

- developing criminal investigations capabilities by providing training and equipment and
- supporting police management, accountability, and operations (see figs. 9 and 10).

Figure 9: Forensics Equipment Donated by the U.S. Government to Improve Criminal Investigative Capacity of Bolivian National Police in La Paz, Bolivia



Source: GAO.

⁶The State Department's Bureau of International Narcotics and Law Enforcement Affairs has also provided assistance to these six countries, primarily to specialized police units focusing on counternarcotics crimes. We did not focus on counternarcotics assistance in this report.

Figure 10: U.S.-Funded Crime-Scene Management Training for Law Enforcement Officials in San Salvador, El Salvador



Source: GAO.

**Criminal Investigations
Capacities Are Supported
through Training and
Equipment, but
Sustainability Is a Concern**

Five of the countries we reviewed have ICITAP police assistance programs.⁷ A key focus of this assistance has been to strengthen police criminal investigations capabilities by providing direct training to investigators in crime-scene management and coordinating with prosecutors, among other areas, and helping investigator schools prepare to take over these functions. ICITAP also has provided equipment for analyzing forensic evidence and has assisted in developing computerized case management systems. In Guatemala, for example, ICITAP has

⁷ICITAP is not currently operating in Peru.

provided assistance to strengthen the criminal investigations unit within the National Civilian Police, including training in investigative, administrative, and case management skills, and supported an automated case-tracking system.

In Colombia, ICITAP also has focused on providing training in criminal investigations, developing internal training capabilities, and strengthening forensics capabilities. Currently, ICITAP is providing assistance under Plan Colombia and the Andean Regional Initiative, which is a more than \$2 billion effort to assist the Colombian government in fighting illicit crop production and improve its judicial and law enforcement capabilities. ICITAP, with the Justice Department's Office of Overseas Prosecutorial Development, Assistance, and Training, has helped establish and strengthen specialized investigative units that focus on money laundering, human rights, anticorruption, and antinarcotics. In an effort to improve interinstitutional coordination, these units include prosecutors, judicial police, and other investigative personnel. In addition, ICITAP is strengthening Colombia's forensics capabilities in the country's four laboratory systems through standardized procedures, protocols, and new equipment.

In El Salvador, USAID also is working in the criminal investigations area by providing courses on joint crime-scene management as requested by El Salvador's Attorney General and Chief of Police. Prosecutors, police investigators, and forensic specialists have attended this course to improve police-prosecutor coordination in protecting and managing evidence.

U.S. assistance to strengthen criminal investigations capabilities has provided extensive training and supported the development of internal training centers. However, the impact of this assistance has been limited, in some cases, due to the lack of political will for change and resource constraints. In Guatemala, for example, U.S. officials stated that corruption, funding problems, and the lack of political will for reform have limited the impact of U.S. assistance to strengthen criminal investigations. According to U.S. officials, key barriers to improving the police's investigative capabilities have been the lack of continuity of police leadership and coordination problems between prosecutors and police, including an inability of these institutions to agree on their roles. U.S. officials in Guatemala further stated that the police-prosecutor dispute has impeded effective crime-scene management and evidence handling, and

the two institutions developed criminal laboratories with overlapping functions.⁸

In Bolivia, ICITAP has supported training and provided equipment for the criminal investigation unit, but the ICITAP program manager stated that courses had to be repeated multiple times because of a high turnover of officers within the unit. In addition, U.S. and Bolivian officials stated that the Bolivian police are facing significant resource constraints that have impeded their ability to operate and expand an ICITAP-supported case management system that would link police units and records in different cities. Originally designed as a nationwide system when it began in 1997, ICITAP is now supporting implementation in five cities, and even in these locations use of the system has varied. According to ICITAP officials, in some cases, police have not paid telephone bills, causing service to be cut off, which has been a major obstacle. Bolivian police officials told us that resource constraints also have prevented them from purchasing fingerprint powder and toner for printers, thus precluding full use of ICITAP-donated equipment. ICITAP officials stated that Bolivia's centralized administration and management of the police have not been responsive to the resource needs of departmental police units. In August 2002, the State Department's Bureau of Western Hemisphere Affairs defunded ICITAP's police assistance program in Bolivia. A State Department official said that the decision was made on the basis of dissatisfaction with ICITAP headquarters' management of the program. This official also stated that future U.S. police assistance in Bolivia would be taken over by the State Department's INL and USAID. A Justice Department official said that State's decision was a reflection of a continuing disagreement between the State and Justice Departments over the role of each agency in implementing and managing criminal justice programs. The official noted that ICITAP headquarters had provided the same management assistance throughout the region, including to the successful program in El Salvador.

According to the State Department's most recent human rights reports, the police in each of the six countries continue to be involved in illegal activities and were not always investigated for these activities. In Guatemala, for example, State reported that there were credible allegations

⁸The U.S. embassy withheld \$500,000 of assistance until the Attorney General and Director of the Police signed an agreement that the two institutions would develop a single, unified forensics lab. After a year's delay, ICITAP has begun to disperse this assistance following the signing of this agreement in 2002. However, the two institutions have yet to agree on which institution will house and manage this laboratory.

of the involvement of police officers in kidnappings, and that impunity for police who commit criminal offenses remained a problem. In Bolivia, State cited credible allegations that police were involved in abuses, including excessive force, extortion, and improper arrests. State also reported that investigations of these abuses were slow.

Police Management, Accountability, and Operations Were Supported, with the Most Positive Results in El Salvador

In addition to supporting criminal investigations, ICITAP also has provided assistance in police management, accountability, and operations. This assistance has included training in police administration and management and training to strengthen internal oversight. In Bolivia, ICITAP has supported a new disciplinary code and Office of Professional Responsibility. ICITAP also has supported curriculum improvements for Bolivia's 4-year, university-level police academy. In addition, ICITAP has provided technical assistance to draft a new police organizational law that would decentralize operational and administrative decision-making authority and assign resources to operational units, rather than through a centrally controlled budget. To date, this legislation has not been passed into law.

Among the countries we visited, ICITAP's assistance appears to have had the greatest impact in El Salvador. ICITAP has helped El Salvador's National Civilian Police by developing a strategic plan, supporting standardizing and centralizing record keeping and reporting, and providing a management course to command-level officers. ICITAP also has supported development of the Police Academy since its inception in 1993 and has been able to scale back its assistance to the academy because Salvadorans are now managing its operations and teaching most of its courses. In addition, in an effort to address the country's serious crime problem, ICITAP has helped develop a new policing model, characterized by increased use of crime statistics and the deployment of police patrols with greater community visibility. Modeled on U.S. programs, this project seeks to establish a permanent and highly visible police presence in urban areas facing crime and involves greater community outreach. The national police have implemented such patrols in 174 of El Salvador's 262 municipalities, covering approximately 80 percent of the country's population. Police statistics show that certain crimes have been significantly reduced in areas where these patrols have been deployed. For example, these statistics show a 30 percent drop in overall crime, a 32 percent decrease in homicides, and a 25 percent drop in armed robberies. The program also is being coordinated with an ICITAP-supported "9-1-1" system that covers approximately 65 percent of the country's population.

Legislative Restrictions on Law Enforcement Assistance May Inhibit Rule of Law Programs

An additional factor related to implementation of police assistance is section 660 of the Foreign Assistance Act of 1961, which restricts the use of foreign assistance funds for training and financial support for police or other law enforcement forces of foreign governments. Specifically, the provision states that these funds may not be used “to provide training or advice, or provide any financial support, for police, prisons, or other law enforcement forces for any foreign government or any program of internal intelligence or surveillance on behalf of any foreign government.” This prohibition was put in place in 1975⁹ in response to human rights violations committed by nondemocratic regimes receiving USAID public safety assistance. USAID and the State Department have funded police assistance programs in Latin America, implemented by the Justice Department, under a series of exemptions that have subsequently been added to this provision. For example, an exemption allows for U.S. assistance to support police in the areas of investigative and forensic functions, the development of academic instruction, and programs to improve the administrative and management capabilities.¹⁰ The Justice Department’s program supporting community-oriented police patrols in El Salvador has been permitted under an additional exemption allowing assistance to strengthen civilian police authority and capability in postconflict countries.

U.S. officials from the State and Justice Departments and USAID have told us that section 660 is a barrier to developing, or planning effectively, for a comprehensive, coordinated, and integrated justice sector assistance program that includes the police. Under the prohibition on law enforcement assistance, U.S. agencies may not be able to fully incorporate law enforcement organizations into their programs supporting justice sector reform. For example, a USAID official in Nicaragua stated that due to this restriction, the agency could not include the police in its human rights promotion programs or invite police officials to seminars and other forums where their participation was considered to be critical to a productive dialog on implementing justice sector reforms. These officials stated that U.S. assistance providers should be able to plan their rule of law assistance strategies on the basis of local country situations and not on whether an exemption from the law can be justified. For example, the USAID-funded assistance for community-oriented police patrols, implemented by the Justice Department, was scheduled to terminate in

⁹P.L. 93-559, sec. 30 (a).

¹⁰U.S. counternarcotics assistance is also exempted from the section 660 prohibition.

2003 because USAID's General Council determined that the postconflict exemption permitting this program no longer applies in El Salvador.

Conclusions

U.S. rule of law assistance to Latin America supports criminal justice reforms, increased access to justice, and police investigative and management capabilities, and U.S. assistance has had an impact in each area. Due to budgetary constraints and other implementation difficulties, judicial and law enforcement institutions in the six countries we visited continue to rely to a large degree on U.S. and other international assistance to implement judicial reforms and other projects. U.S. and Latin American officials we interviewed stated that criminal justice reform in these countries is likely to be a long-term process, and it will likely take a number of years before these reforms are fully institutionalized. It is thus unclear at this time whether the initial results of U.S. assistance will be sustained or expanded to have greater impact. However, if U.S.-supported reforms are to become sustainable and have a larger impact, it appears that a long-term U.S. commitment and presence in providing rule of law assistance in these countries will be necessary.

The State Department indicated that the Executive Branch should develop and propose to the Congress new legislation on law enforcement assistance that could be used to modify section 660 of the Foreign Assistance Act, to provide a clear statement of authority for providing law enforcement assistance abroad. The Justice Department stated that it would work with the State Department and USAID to consider whether changes to section 660 would be appropriate. This could be an important step in providing the Congress with options when considering how to better provide police assistance abroad.

Governance Assistance: Legislatures, Local Government, and Anticorruption



Governance

Latin American governments have historically been highly centralized, and local governments have lacked authority and resources. In addition, the legislative branch of government has usually been weaker than the executive branch, and public sector corruption remains a serious problem. To address these conditions, U.S. assistance activities, implemented primarily by USAID, have focused on (1) strengthening legislatures by improving their planning, analytical, and citizen outreach capabilities; (2) improving democratic local governance by building the administrative capabilities of municipalities and promoting effective decentralization of government functions; and (3) combating corruption by raising citizen awareness of this problem and establishing laws, regulations, and internal control structures to enhance government accountability. Overall, we found that U.S. governance assistance has enabled all six countries to develop and adopt reforms to make government institutions more effective, accountable, and responsive to the needs of the people. Despite the initially positive results, the sustainability and scope of many of these programs is uncertain because of inconsistent political support and lack of resources.

Legislatures Initially Increased Their Planning, Infrastructure, Analytical, and Outreach Capacities, but Gains Have Eroded over Time

USAID's legislative strengthening programs have aimed to

- improve legislative planning and infrastructure,
- enhance legislative analytical and technical capabilities, and
- increase citizen knowledge of and input into congressional activities.

As shown in table 3, U.S. legislative strengthening assistance has been provided to five of the six countries we visited, starting in the early 1990s and continuing off and on to the present.

Table 3: USAID Legislative Strengthening Assistance

Country	Assistance dates
Bolivia	1992 - 1996, 2001 - present
Colombia	Under discussion
El Salvador	1990 - present
Guatemala	1997 - 2000
Nicaragua	1991 - 2001
Peru	2001 - present

Source: USAID.

Legislative Planning and Infrastructure Strengthened, but Not All Improvements Have Lasted

USAID has provided support to help legislatures function more effectively and professionally by improving their planning and infrastructure in all five countries where there are or have been legislative strengthening programs. USAID has generally done this by supporting the formation of modernization committees, which have developed plans to improve legislative infrastructure and processes, to encourage reform.

- In Nicaragua, modernization committee projects included upgrading the voting system, strengthening the legislature's budget oversight capabilities, and creating a Web site to publicize legislative information. The Web site received 35,000 hits within the first 6 months that it was in operation.

- In El Salvador, the legislature developed a master plan for modernization that has helped to facilitate a consensus across political lines regarding public participation in the legislative process.

In addition, USAID's efforts to upgrade legislative infrastructure helped create more professional and transparent working conditions.

- In El Salvador, semiprivate offices were constructed for all legislators, thereby enabling some members to work more professionally and some to increase the number of constituents they met with.
- In Nicaragua, according to USAID officials, a conference room for the National Assembly was equipped, and an electronic voting board was also provided to display and record individual members' votes.

However, not all of these modernization committees are functioning today, and the infrastructure improvements have not always been well maintained. According to USAID and host government officials, there have been problems in three of the five countries where USAID has had legislative strengthening programs.

- In Nicaragua, former members of the modernization committee reported a decrease in the committee's influence since the 2000 elections and noted that the committee no longer has the administrative or political support of the legislature. Also, the Nicaraguan legislature invested its own funds to upgrade the electronic voting board, the technician responsible for operating it told us that he no longer had adequate funds to maintain or improve the voting board. Lastly, the conference room that USAID had helped to equip in Nicaragua is now being used solely by one party.
- In Bolivia, the modernization committee no longer functions.
- In Guatemala, after the 1999 elections the new majority party cut back staffing of the modernization program, thereby causing the program's offices to decrease their operations.

Legislative Analytical Capabilities Bolstered Initially, but Most Gains Were Not Maintained

USAID has supported efforts to establish and strengthen analytical capabilities in three of the five countries that have legislative strengthening programs, thereby enabling them to develop laws and regulations in a more informed fashion and to improve their oversight of the executive branch.

- In Bolivia, USAID helped establish a congressional research center and a budget office to analyze the executive branch's proposed budget. This office identified approximately \$43 million in errors in 1995.
- In Guatemala, assistance was provided to the Unit for Technical Support, which produced about 150 studies. According to the former manager of this unit, legislators now consider such reports necessary before presenting a proposal to the legislature.
- In El Salvador, a unit was created to provide analytical studies to legislators, staff, and committees.

In two of these countries, USAID's efforts to provide analytical support to legislatures have faced challenges due to changes in political support.

- In Bolivia, despite several years of positive impact, after the 1997 elections legislative branch institutions that USAID had supported, including the congressional research center, lost credibility as neutral entities and became ineffective, according to a 2001 USAID-sponsored evaluation.
- In Guatemala, after the 1999 elections, the new majority party cut 18 of 24 legislative technician positions, drastically curtailing the legislature's analytical capacity.

Citizen Input into Congress Increased, but Outreach Efforts Were Hindered by a Lack of Legislative Support

USAID also has assisted legislatures in increasing their constituent outreach in all five countries with legislative strengthening programs and has worked to provide more opportunities for citizens to have input into congressional activities.

- In Peru, USAID's Office of Transition Initiatives provided assistance for four congressional committees to hold public hearings. To inform people about the congress, USAID supported seminars and a play that was performed in 45 public high schools in Lima, Peru.

- In El Salvador, three legislative outreach offices were built outside the capital. At one center we visited, representatives from three different political parties shared these offices. They stated that the presence of these offices has helped decrease partisanship. According to a USAID official, the legislature has been actively involved in setting program priorities and has paid for the outreach offices' recurring costs.
- In Guatemala, three constituent outreach offices were established that implemented civic education initiatives, organized public hearings, and handled constituent casework.

In two countries, these outreach activities have not been sustained, owing to a lack of consistent political support and in some cases politicization of the project.

- The head of the Nicaraguan Office of Citizen Participation, which USAID helped to create, noted that her office has received little financial or political support from the legislature. In visiting the office, we observed that its location on the 10th floor of an office building in central Managua makes it less accessible and visible to citizens outside the capital (see fig. 11).
- USAID ended its legislative strengthening program in Guatemala after the 1999 elections when the constituent outreach office staff came under undue political pressure. Today the majority party runs the offices, and opposition legislators are not permitted to work there, according to USAID officials.

Figure 11: The Nicaraguan Legislature's Office of Citizen Participation, Established with USAID Assistance



Source: GAO.

Some USAID Legislative Programs Have Leveraged Funding from Other Donors

Some of USAID's programs have helped leverage funding from other major donors for legislative strengthening programs.

- The Salvadoran congressional modernization plan helped the legislature secure a loan from the IDB to support new information systems and infrastructure.
- The current USAID program in Bolivia encouraged investment from the World Bank, the IDB, and two private German foundations.
- In Peru, USAID expects that its project will complement a planned \$10 million IDB technical assistance project.

Local Governance and Citizen Participation Were Enhanced in Target Municipalities, but Broader Impacts Are More Difficult to Achieve

U.S. programs to strengthen local governance, primarily implemented by USAID and to a lesser extent by the Inter-American Foundation, aim to increase the effectiveness, responsiveness, and accountability of municipal governments and to enhance citizen participation in local government.

USAID's local governance assistance has focused on

- strengthening municipal administrative, budgetary, and outreach capabilities and increasing citizen participation in local government and
- supporting national-level policy reform and institutions for strengthening local governments.

As shown in table 4, local governance assistance has been provided in all of the six countries we visited, with starting dates ranging from 1993 in El Salvador to 2001 in Peru and Colombia.

Table 4: USAID Local Governance Assistance

Country	Assistance dates
Bolivia	1996 - present
Colombia	2001 - present
El Salvador	1993 - present
Guatemala	1998 - present
Nicaragua	1994 - 2001
Peru	2001 - present

Source: USAID.

In the late 1980s, Latin American governments began to make efforts to decentralize their countries both fiscally and politically. Countries are undertaking various decentralization activities, including developing a nationwide decentralization program, addressing issues of financial transfers and taxation, and focusing on municipal accountability and citizen oversight.

With limited funding for local government, USAID has focused on a small number of municipalities in each country, with the general aim that the host country government, other donors, and other municipalities would replicate the programs' concepts. For example, in El Salvador, USAID is

currently assisting 28 of 262 municipalities. In Colombia, USAID's democratic local governance program, run by several contractors, is working intensively in 62 of 1,080 municipalities and is also providing training to members of 226 city councils.

**Administrative, Budgetary,
and Outreach Capabilities of
Target Municipalities
Strengthened**

USAID's local governance programs have helped many target municipalities operate more effectively and responsively (see fig. 12).

- In El Salvador, target municipalities increased financial resources by 72 percent between 1996 and 1999 by improving tax records and tax collection.
- Colombia's program aims to help increase local tax resources by improving local land records and also partially funds small-scale social infrastructure projects, such as the installation of water meters designed to generate revenue to make local water systems sustainable. Mayors we met with noted that these projects helped enhance local government planning, budgeting, project design, implementation, and evaluation.
- In Bolivia, according to yearly surveys done by a USAID contractor between 1998 and 2000, citizens in USAID-assisted municipalities rated their local governments more highly on responsiveness than citizens in other municipalities.

Figure 12: Acting Mayor of Leon, Nicaragua, One of the Municipalities That Received USAID Assistance to Strengthen Local Governance



Source: GAO.

In addition, USAID programs have helped to increase citizen participation in, and oversight of, municipal activities in target municipalities. Some of the municipal oversight activities are closely tied in with USAID's anticorruption programs.

- In Guatemala, support was provided for municipalities' efforts to disseminate information and organize public meetings to develop municipal plans and budgets.
- In Colombia, according to USAID data, more than 4,400 citizens have participated in the development, implementation, and oversight of 67 municipal-level social infrastructure projects.

On a smaller scale, the work of the Inter-American Foundation also supports local governance through small-scale, grassroots-driven projects that often increase and strengthen participation by citizens and civil society organizations (see fig. 13). For example, in Peru, one Inter-American Foundation grantee organization described how they helped raise women's awareness of their rights, resulting in increased women's participation in municipal affairs. The Inter-American Foundation also funded a Bolivian foundation that helped increase the involvement of small-scale rural enterprises, cooperatives, and mayors in defining a national poverty-reduction strategy. From 1997 to 2001, the Inter-American Foundation estimates it funded \$34.3 million of projects that had some effect on local governance in the six countries we visited.

Figure 13: A Meeting Organized by USAID's Office of Transition Initiatives to Educate Citizens from Rural Peru about the Country's New Decentralization Program



Source: GAO.

Replication Outside Target Municipalities Was Mainly Limited to Bolivia and El Salvador

According to our observations and discussions with USAID and contractor staff, the impact of USAID local governance programs projects has mainly extended outside target municipalities in Bolivia and El Salvador.

- In Bolivia, where the government has accepted USAID's approach to working with local governments to replicate programs, impact has been broad. According to USAID, 175 of 314 municipalities in Bolivia now employ some of these participatory methods. Subnational associations of municipalities and departmental municipal associations have also been trained to replicate aspects of USAID's programs. An Internet portal has also been funded that would enable municipalities to share best practices, have more transparent procurement, expand their financial base, and pursue advocacy and networking.
- The Salvadoran government has made participatory municipal planning a prerequisite for some government disbursements. The Salvadoran National Municipal Association estimated that in 2001, 160 of 262 municipalities used some form of citizen participation.

In Bolivia and El Salvador, USAID has helped create materials that provide guidelines for municipalities and implementers on strengthening local governance and increasing citizen participation.

- In El Salvador, a manual on the basic criteria for participatory municipal planning was developed, in consultation with other donors. The Salvadoran government has begun to use this manual to measure progress in participation and transparency in all municipalities.
- In Bolivia, the IDB has funded the publication of manuals, originally developed with USAID support, that were made available to all 314 municipalities.

While these manuals have helped increase the scope and sustainability of USAID's programs in individual countries, they have not been widely or systematically shared among USAID missions where there are local governance programs. According to USAID officials in Washington, D.C., there is no central repository for these materials, which are usually produced by contractors. USAID mission staff we spoke with agreed that materials developed by USAID and its contractors are often not shared across missions.

Other donors have also helped replicate USAID's projects and expand their impact beyond target municipalities.

- A municipal-level integrated financial management system implemented in 4 municipalities in El Salvador will be extended a \$2 million IDB project in at least 20 additional municipalities. In addition, the IDB and the Salvadoran government are planning a joint \$2 million project to replicate USAID's methodology of linking participatory development plans to municipal budget support.
- In Bolivia, USAID, a German foundation, and the Dutch Embassy have adopted a common methodology for municipal strengthening.

USAID's Municipal-Level Efforts Were Constrained by Limited Municipal Resources and Skills and by Staff Turnover

USAID's efforts to assist target municipalities have been constrained by limited municipal resources and skills and by staff turnover. Although these conditions exist in other countries, they were most evident in our visits to Nicaragua and Guatemala.

- According to USAID officials, Nicaraguan municipalities do not have the authority to set local taxes, which have been lowered in some cases by the national government to attract foreign investment.
- Representatives from a Nicaraguan institute that works with municipalities expressed concern that local officials may not possess the appropriate skills to handle increased governance responsibilities. USAID officials in Nicaragua and contractor staff in Guatemala said municipal staff turnover has exacerbated this problem, as newly elected mayors have fired existing staff and brought in less experienced personnel.
- Municipal staff in Guatemala also stated that they were frustrated about their lack of resources, noting that it was difficult to put into practice USAID's method of participatory planning since there were few funds to implement projects.

Policy Reforms Adopted
and Institutions
Strengthened at the
National Level, but Results
Affected by Level of
Political Support for
Decentralization

At the national level in all six countries, USAID has helped develop policies and institutions that support municipalities, often by working with national municipal associations.

- In Peru, policy advice has been given to the government for a nationwide decentralization program scheduled to begin in 2003. As part of this support, the Prime Minister's office reviewed local experiences with decentralization and a congressional committee held public hearings to obtain input into its draft decentralization law.
- In Guatemala, USAID supported national-level working groups on municipal indebtedness and tax codes.
- In Colombia, USAID is helping the Colombian Federation of Municipalities organize meetings among mayors and local leaders at the regional level to discuss areas for policy reform.
- In Nicaragua, the National Association of Municipalities, which advises and advocates for municipalities, was established and strengthened.

However, USAID's work in this area has been affected by the level of political support for decentralization, which varies by country.

- In Nicaragua, municipal officials and representatives of the national municipal association noted that the past government had provided little political or financial support to municipalities. Subsequent to our visit, the current government passed three decentralization laws in May 2002, according to a USAID official. The lack of a municipal civil service law, for example, has posed obstacles to efforts to train local officials.
- Although the Bolivian government's support for decentralization decreased after the 1997 elections, USAID continued to work and have an impact at the municipal level because the key decentralization law was already in place.
- In El Salvador, USAID's program has been assisted by the government's commitment to implement a supportive policy agenda.

Anticorruption Policies and Procedures Have Been Implemented in Some Countries, but the Long-term Impact Is Not Yet Evident

USAID anticorruption assistance has focused on

- supporting reforms in anticorruption legislation and regulations,
- introducing programs to make national and municipal government institutions more transparent and accountable, and
- fostering citizen awareness and oversight.

As shown in table 5, U.S. anticorruption assistance has been provided in five of the six countries we visited, beginning with Peru in 1995.

Table 5: USAID Anticorruption Assistance

Country	Assistance dates
Bolivia	N/A
Colombia	2001 - present
El Salvador	2000 - present
Guatemala	2001 - present
Nicaragua	1994 - 2001
Peru	1995 - 2000 2001 - present ^a

Source: USAID.

^aSmall-scale program through USAID's Office of Transition Initiatives.

Anticorruption Legislation Was Developed; Some Institutions Are More Transparent and Accountable; and Citizen Awareness Has Increased

USAID's anticorruption activities have helped countries develop anticorruption legislation and regulations. In Nicaragua, for example, USAID provided recommendations for the 2001 National Budget Law and worked with the National Assembly's Anticorruption Commission to promote civil service reform. In both Colombia and El Salvador, USAID has supported measures to increase the accountability of public servants, including the development of a code of ethics.

USAID also has helped government institutions take steps to become more transparent and accountable.

-
- In Nicaragua, USAID collaborated with other donors to help develop an integrated financial management system. This system, when fully operational, will enable the Ministry of Finance to track the spending of 13 government ministries, the National Assembly, and the courts (see fig. 14).¹
 - In Colombia, the government adopted regulations that will require 3,000 national and subnational entities to follow standardized internal control processes that were recommended by USAID.

Figure 14: Nicaragua’s Integrated Financial Management System Was Developed with Assistance from USAID Funds



Source: GAO.

¹The general model for this type of integrated financial management system in Latin America was developed by the USAID-funded Americas’ Accountability/Anticorruption Project. Similar systems are being developed in other Latin American countries.

Note: When Nicaragua's Integrated Financial Management System is fully implemented, it will enable the Ministry of Finance to track the spending of other ministries.

USAID-supported anticorruption programs have also helped citizens become more aware and active regarding corruption issues.

- In Colombia, an anticorruption campaign reached 23 million people through radio and television spots.
- According to a study by a USAID contractor,² Nicaraguans have become better informed about corruption issues as a result of a USAID-supported national anticorruption awareness campaign.
- Municipal-level public oversight in El Salvador and Colombia has increased as a result of local citizen watchdog groups that have been supported by USAID.

USAID's Programs Are Challenged by a Lack of Consistent Political Support and by the Broad Scope of Corruption

Despite some initial success, the broader impact and sustainability of USAID's anticorruption programs are still unclear. Transparency International, which is an international nongovernmental organization that focuses on combating corruption, concurs that although there have been some positive developments in the region, the results of anticorruption programs have been modest so far. According to our observations and discussions with USAID and host country officials, USAID's projects have been hindered by politicization and a lack of consistent political support.

- In Nicaragua, for example, the Comptroller General's Office, which USAID had been supporting with technical assistance and training, was reorganized. Now, a committee of political appointees runs it, impairing its objectivity. In addition, according to a high-ranking Nicaraguan official, in 2001 the Ministry of Finance fired experienced staff that had been trained as part of the USAID- and World Bank-supported integrated financial management system, resulting in lost institutional memory and expertise.
- In Peru, the Comptroller General's Office has been unable to fully implement its oversight plans owing to a lack of political or financial

²Mitchell A. Seligson, *Nicaraguans Talk about Corruption: A Follow-Up Study of Public Opinion* (Arlington, Va.: Casals and Associates for USAID, 1999).

support from the government, according to USAID and Peruvian officials.

Finally, the systemic nature of corruption in Latin America, combined with public skepticism about anticorruption efforts, poses a major challenge for USAID's programs. Although the political leaders of countries such as Colombia and Nicaragua have stated that combating corruption is a high priority, both USAID and the host countries are in the relatively early stages of addressing a broad and deeply rooted problem in the region. Transparency International notes that despite some progress, corruption remains widespread in the region, and the credibility of institutions is low. According to a 2002 study focusing on four Latin American countries, higher levels of corruption are significantly associated with lower levels of support for the political system.³ This is the case in El Salvador, according to a 1999 study, where Salvadorans who were victims of corruption demonstrated less support for the political system than those who were not.⁴ In Nicaragua, public sector corruption is endemic, according to USAID, and the public has little confidence in many government institutions, in part because of this corruption. According to a 2001 survey by a USAID anticorruption contractor, more than 70 percent of the Colombians surveyed considered corruption to be common in government institutions. A work plan prepared by the same USAID contractor cited a recent World Bank survey indicating that the same percentage of respondents considered the Colombian Congress to be corrupt or very corrupt. According to this USAID contractor, widespread public skepticism exists regarding the national government's effort to combat corruption. USAID has noted that this lack of confidence poses challenges to its work in Colombia.

Conclusions

U.S. governance-related assistance programs have enabled the six countries we visited to take limited steps toward more effective, responsive, and accountable government institutions. In some cases, other donors have taken steps to replicate or expand USAID's programs. At the same time, however, USAID's governance programs have been challenged

³Mitchell A. Seligson, "The Impact of Corruption on Regime Legitimacy: A Comparative Study of Four Latin American Countries," *Journal of Politics* 64 (May 2002), 418, 423, 424.

⁴Mitchell A. Seligson, Ricardo Cordova Macias, and Jose Miguel Cruz, *Democracy Audit: El Salvador 1999* (USAID, 1999), 96.

by inconsistent political will and resource constraints. In light of this modest progress and the continued obstacles to reform, it is unlikely that U.S. governance-related assistance will be able to produce sustainable results without ongoing, long-term involvement.

Human Rights



Human rights

Many Latin American countries have suffered from decades of authoritarian rule and internal conflict. Guatemala, Peru, and Colombia in particular have endured terrorism, massacres, and forced disappearances. While the human rights situation in Peru and Guatemala¹ has slowly improved over the last few years, the situation in Colombia² has deteriorated even further. U.S. human rights assistance to Latin America has supported efforts to foster greater awareness of, and respect for, human rights.

From 1992 to 2002, Guatemala, Peru, and Colombia were among the largest recipients of USAID human rights funding in Latin America. U.S. assistance efforts to improve the human rights situation in these countries have included technical assistance for the creation of government agencies that address human rights problems, training programs, education programs,

¹Guatemala suffered from more than 34 years of a civil war that ended in 1996; during the war, state forces and related paramilitary groups engaged in a brutal campaign of repression against insurgent groups and civilians. In Peru, the period between 1980 and 2000 was one of terrorism and armed conflict, when the Shining Path and Tupac Amaru terrorist groups and the Peruvian military killed an estimated 30,000 civilians and tortured or forcibly “disappeared” thousands more. Under the administration of President Fujimori, civil liberties were severely curbed and thousands of innocent people were wrongfully detained without trial.

²In Colombia, the current conflict between the paramilitaries; guerillas; and, to a lesser extent, the military has continued for almost four decades, and the longevity and the recent escalation of the violence have adversely affected the lives of millions of civilians. More than 1.1 million people have been internally displaced from their homes, and tens of thousands more have been murdered. Colombia also has the highest rate of kidnappings in the world, with the guerilla and paramilitary groups committing 3,706 kidnappings in 2000 alone.

and the provision of protection for threatened individuals. For the most part, the impact of these projects has been positive, but they are limited in scope and hindered by a lack of resources. Often, political and logistical problems must be resolved for these programs to work better. Despite some improvements in governments' respect for human rights in these countries, serious problems persist. In some cases, longer term project results may be difficult for host governments to sustain owing to high recurring costs.

As shown in table 6, the U.S. government has provided human rights assistance over the past decade to Colombia, Guatemala, and Peru.

Table 6: U.S. Human Rights Assistance in Three Countries

Country	Assistance dates
Colombia	1996 - present
Guatemala	1993 - 1994, 2000 - present
Peru	1994 - present

Source: USAID.

U.S. Human Rights Assistance Has Increased Awareness and Government Accountability

U.S. human rights assistance has had a positive impact in the three countries we reviewed that have a current human rights program. In Guatemala, Peru, and Colombia, human rights assistance has addressed past abuses, protected threatened individuals, and prevented future abuses. These efforts have fostered an increased awareness among the citizenry as to what rights the efforts have, and they have increased government accountability. Provided primarily by USAID, human rights assistance in these countries has focused on

- preventing future human rights abuses by promoting greater public awareness and mechanisms to address potential incidents;
- protecting human rights by providing physical, economic, and legal assistance to threatened individuals and communities; and
- responding to past abuses by supporting reconciliation commissions as well as the investigation and prosecution of human rights violations.

Mechanisms Were Put in Place to Prevent Human Rights Abuses

USAID assistance programs have served to foster greater citizen awareness of human rights and have provided mechanisms for government action in support of human rights. For example, in Colombia, USAID has supported the creation of a national information network, called the “Early Warning System,” for citizens, nongovernmental organizations, and local authorities to report signs of impending massacres or other human rights violations in their communities by any of the irregular armed groups involved in that country’s ongoing conflict.³ If a threat is deemed real, the military, police, a national social service organization, or all three, will be alerted to take appropriate action. As of August 2002, USAID had provided \$600,000 of a total planned investment of \$3.1 million to support direct technical assistance and training for the network as well as to establish its central office. USAID also has helped establish 13 regional offices out of a planned 15, although the Early Warning System director said even more offices would be needed. According to its Coordinator, the Early Warning System has been publicized on the Internet and advertised on both television and radio to inform citizens about its existence. This project appears to have facilitated citizens’ ability to recognize and report potential human rights threats as well as allowed them to hold the government directly responsible for taking action. From June 2001 through August 2002, 150 alerts were emitted, of which the military, the police, or both, responded to 107. The Early Warning System director estimates that this response has saved 90,000 people from being victimized, although no actual results indicators have been developed.

Although the Early Warning System is a unique tool for preventing large-scale human rights violations and has great potential for replication, coordination problems could hinder its proper implementation and ultimate impact. The director admitted that smooth communication between the regional and central offices can be problematic on the weekends, particularly Sundays, when the central office is not staffed. The system does not appear to have adequate backup communications methods and at times relies on one cell phone to ensure that alerts are transmitted to the appropriate authorities. Furthermore, government authorities have not

³These groups include the Revolutionary Armed Forces of Colombia (also known as the “FARC”), the National Liberation Army (also known as the “ELN”), and the right-wing paramilitary forces (known by their umbrella organization, the United Self-Defense Groups of Colombia, or “AUC”).

always responded consistently to alerts and have failed to avert major human rights violations.⁴

Increased Protection Provided for Some Threatened Citizens

The U.S. government also has supported the creation of protection programs for threatened citizens in Colombia. The Justice Department supports both a witness and a judicial protection program. Both of these programs place special emphasis on operational security⁵ and seek to ensure safe participation in judicial proceedings for witnesses, judges, investigators, and prosecutors. USAID supports a separate protection program for human rights defenders. As of August 2002, USAID has helped protect 2,776 individuals from irregular armed groups.⁶ In response to lobbying from the human rights community, the Colombian government has expanded the target protected population to include criminal witnesses, union leaders, journalists, leftist party members, mayors (all 1,098 of Colombia's mayors were threatened with kidnapping or death by the Revolutionary Armed Forces of Colombia if they did not resign in 2002), council members, and municipal human rights workers. In the 5-year period between 1997 and 2002, the Colombian government spent approximately \$25 million on the project. Resources, however, are too limited to help all vulnerable groups of people or even to keep pace with the increasing demand for individual protection. Nevertheless, the program demonstrates that the Colombian government is taking some action to protect threatened citizens.

⁴For example, in May 2002, a massacre occurred in the municipality of Bojaya. In this instance, the Early Warning System had issued an alert ahead of time, but the military did not respond. During the ensuing clash with paramilitaries, the Revolutionary Armed Forces of Colombia launched a gas cylinder bomb and hit the roof of a church where citizens had taken refuge—killing 119 people, 40 of them children, and injuring over 100 additional people.

⁵Operational security focuses on the provision of armored vehicles; the architectural design of a “safe site” for witnesses; the purchase of computers, radios, audio-visual equipment, etc.; and the training of protective force personnel.

⁶This assistance includes both “soft” and “hard” protection. Soft protection refers to relocation and economic assistance, and hard protection includes armored vehicles and offices as well as communication devices, such as radios and cellular phones. USAID also has provided office equipment and information systems software to the government of Colombia to manage the protection program.

Official Response Provided for Some Past Abuses

USAID human rights programs also have fostered greater government responsiveness to allegations of past or ongoing human rights abuses. For example, the Human Rights Promoters Network operated by the Colombian government educates citizen leaders about their rights protected by law. These leaders are expected to promote greater human rights awareness by replicating the training in their own communities, particularly for those groups most vulnerable to human rights violations.

USAID also has been instrumental in supporting the creation of Human Rights Ombudsman Offices in five of the six countries by providing technical assistance, office equipment, and salaried professionals. These offices address citizen complaints, investigate officials accused of human rights violations, and propose human rights legislation. The State Department has reported that despite providing a legal channel for citizen complaints, funding problems have undermined sustainability and credibility of the ombudsman offices in Colombia and Nicaragua. Furthermore, the ombudsman has at times temporarily cast the entire office in a negative light, as in the case of Guatemala, where an ombudsmann was accused of corruption. Various government officials, however, stated that, according to public opinion polls in Peru and Bolivia, the ombudsman's office is one of the most highly respected public organizations.

In Guatemala, USAID helped the Attorney General's Office design the first Victims Assistance Office in Latin America in 1997, staffed with full-time doctors, nurses, social workers and lawyers to provide aid to victims of crime and gather evidence for potential prosecution (see fig. 15). Since then, each of Guatemala's 23 departments has established at least one such office.

Figure 15: USAID-supported Victims Assistance Center Managed by the Attorney General's Office, Guatemala City, Guatemala



Source: GAO.

USAID human rights programs have also fostered greater justice and resolution for victims and their families. For example, the Foundation for Anthropological Forensics of Guatemala, with funding from USAID, has been carrying out exhumations of clandestine cemeteries created during Guatemala's 34-year civil war (see fig. 16). These efforts have helped to prove that massacres occurred, put questions about loved ones to rest, and aided in national reconciliation efforts. Peru's Truth and Reconciliation Commission is carrying out exhumation efforts with similar goals and also is investigating culpability for atrocities. One of the commissioners with whom we met stated that U.S. assistance has been critical for the functioning of the commission, keeping it in operation when the Peruvian government was delayed in providing promised funding. The commission's work is expected to culminate in a July 2003 report that will make recommendations for government reparations.

Figure 16: Coffins used by USAID-supported Foundation for Anthropological Forensics to Reinter Remains Exhumed from Mass Graves in Guatemala



Source: GAO.

Finally, the Justice Department has also worked to achieve justice and resolution for victims of human rights violations in Colombia. The department has trained special units of prosecutors and investigators to pursue major human rights cases and high-impact crimes, such as massacres, bombings, and kidnappings, in the criminal justice system. From August 2001 to August 2002, special units operating out of eight cities prosecuted 167 cases against irregular armed groups, including high-profile

cases such as the assassination attempt on then-presidential candidate Alvaro Uribe in 2002 and various massacres across the country (see fig. 17). According to the Justice Department, it has plans to help the Colombian government expand the number and size of these units in fiscal years 2003 and 2004.

Figure 17: Human Rights Units Using Forensics Equipment Provided by the Justice Department to Investigate a Crime Scene in San Jose de Apartado, Colombia



Source: GAO.

Despite Improvements, Serious Human Rights Problems Persist

According to the State Department's most recent human rights reports, although government respect for human rights has improved in some cases, serious problems still remain. In Peru, State reports that in recent years the government has demonstrated greater respect for human rights advocates and had generally improved its relationship with civil society. In Guatemala, State reports that the government generally respects the human rights of its citizens, but its willingness and ability to prosecute and convict human rights violators is seriously limited, and that the police and

military may be involved in illegal executions. In Colombia, the government's human rights record remained poor, according to State; there were continued efforts to improve the legal framework and institutional mechanisms for protecting human rights, but implementation lagged, and serious problems remained in many areas. For example, members of the police and armed forces have committed serious human rights abuses and have collaborated with paramilitary insurgents in doing so, but they have rarely been brought to justice. Government security forces also often failed to take action to prevent paramilitary attacks, according to the State Department report.

Outlook for Human Rights Assistance

The long-term outlook for many U.S. human rights assistance projects differs from most of the other programs we reviewed. Some human rights efforts that the United States is supporting, such as Peru's Truth Commission, are short term and are projected to end on a specific date. Other projects, such as assistance to Colombia's internally displaced persons, are fundamentally humanitarian in nature and may require outside support for as long as there is internal conflict. Funding for some longer term projects, however, is questionable owing to potentially high recurring costs. For example, the Colombian human rights units trained by the Justice Department still have a very limited national presence and depend on U.S. support to update and expand their training and equipment. It is not clear whether the Colombian government will expand these units on a national basis.

Conclusions

The United States has provided Colombia, Guatemala, and Peru with some important tools to help address the human rights problems. Nonetheless, human rights remain a major concern in Colombia and Guatemala. Given the magnitude and political complexity of these problems and the limited scope of U.S. assistance, the tools that the United States has provided are likely to have only a marginal impact on these problems.

Elections



Elections

Over the last two decades, many Latin American countries have transitioned to democracy and most countries in the region have held elections regularly. Although U.S. election-related assistance has supported efforts that have contributed to free and fair elections in the six countries we reviewed, most of this assistance has gone to three of these countries—Nicaragua, Peru, and El Salvador—to help them improve electoral institutions and enhance voter access. U.S. officials noted that of these three countries, only Nicaragua is likely to require significant international support before its next major election.

The United States Has Primarily Targeted Three Countries with Assistance in Election Administration, Voter Access, and Electoral Observation

The United States has been the largest donor of election-related assistance in many of the six countries we visited, and USAID has provided the bulk of this aid, almost \$66 million, during fiscal years 1990 through 2002.¹ Most of this assistance went to Nicaragua (\$27 million), Peru (\$20 million), and El Salvador (\$13 million). The State Department, the National Endowment for Democracy, the National Democratic Institute for International Affairs, and the International Republican Institute provided smaller amounts of additional election assistance to some of these countries. The last two organizations have also used USAID election funds in some of these countries, according to representatives from these institutions.

As shown in table 7, USAID provided electoral assistance to all six of the countries visited, starting in 1990 and continuing off and on to the present.

¹In this chapter, we report USAID assistance from fiscal years 1990 through 2002 because of the substantive amount of assistance provided to support the 1990 Nicaraguan elections.

Table 7: USAID Election Assistance in the Six Countries

Country	Assistance dates
Bolivia	1991 - 1999
Colombia	2002
El Salvador	1991, 1994, 1997, 1999, 2000
Guatemala	1990 - 1992, 1994 - 1997, 1999, 2002
Nicaragua	1990, 1995, 1996, 1998, 2001, 2002
Peru	1993 - 1999, 2000, 2001, 2002

Sources: GAO (analysis) and USAID (data).

Overall, U.S. election assistance activities have focused on

- improving election administration by building the institutional capacity of electoral authorities,
- enhancing voter access by improving voter registration and education and supporting electoral reform, and
- legitimizing election results by supporting electoral observation by domestic and international groups.

USAID also has recently helped improve election administration in Peru and Nicaragua by strengthening the capabilities of electoral authorities. In Peru, USAID supported staff training, technical assistance, election planning, logistics, information systems, and transmission of results by providing almost \$3.3 million in assistance before the 2001 national elections. The agency also provided support at a lower level to help run Peru's 2002 regional and local elections. In Nicaragua, USAID has provided similar types of election administration support since 1990, including more than \$1.8 million to the electoral authority for administrative enhancements in planning, logistics, information technology, and transmission of results before the 2001 national elections.

U.S. assistance also has helped enhance voter access to the electoral system by improving voter registration and education in El Salvador, Nicaragua, Guatemala, and Peru. In El Salvador, according to USAID officials, the agency supported the establishment of civil and voter registries and helped issue 937,000 single identity documents, out of an expected total of 3.2 million documents, which will be used as official voter identification in future elections. On the basis of an electoral reform

enacted with USAID support, the Salvadorian electoral authority plans to use the new voter registry to assign voters to polling stations closer to their residence for the 2004 presidential elections, thereby further improving voter access. In Nicaragua, USAID also provided support for registration efforts before the 2001 elections. This assistance helped about 150,000 citizens obtain voting credentials, according to USAID. To support Guatemala's 2003 elections, USAID, through OAS, is providing \$750,000 in assistance to fund voter registration activities to increase the access of the population to the electoral system. In Peru, USAID funded voter-training activities conducted by nongovernmental groups before the 2001 national elections and the 2002 regional elections.

In Peru, El Salvador, and Guatemala, U.S. election-related assistance also has supported electoral reform efforts to improve voter access, with limited success. This assistance has focused on enhancing the rules and procedures governing the electoral system in order to improve political participation of the population. In Peru, USAID provided support for electoral reforms that were proposed following the 2001 national elections, but these reforms have not yet been enacted. In El Salvador and Guatemala, following the signing of those countries' Peace Accords in 1992 and 1996, respectively, the agency supported efforts to improve electoral rules and procedures and increase political participation of the population, including participation of women, indigenous groups, and rural populations. In El Salvador, USAID supported the drafting of four proposals to reform political parties, the electoral authority, electoral procedures, and proportional representation. In Guatemala, the agency supported efforts to develop an electoral and political parties law and to facilitate public discussion of various other proposals under consideration. These reforms are still being considered in the El Salvadoran and Guatemalan legislatures.

U.S. assistance has recently helped legitimize election results by supporting election observation in Peru, Nicaragua, and Colombia by domestic and international groups. In Peru's 2001 elections, for instance, USAID provided more than \$2.1 million to field election observers from the Peruvian Ombudsman's Office; the Organization of American States; the National Democratic Institute; the Carter Center; and *Transparencia*, which is a local nongovernmental group (see fig. 18). USAID also provided a similar amount to fund international and domestic observers of Nicaragua's 2001 elections and \$325,000 to support OAS observers of Colombia's 2002 elections.

Figure 18: Poll Workers Organizing Voting Materials before Opening a Polling Station in Lima, Peru, during the April 2001 National Elections



Source: GAO.

U.S. Assistance Has Helped Ensure Free and Fair Elections, but Nicaragua May Still Need Additional Assistance

The State Department has noted in its human rights reports, on the basis of reports by domestic and international observation groups, that elections in the six countries have been generally free and fair, with the exception of the seriously flawed and controversial 2000 Peruvian national elections. This pattern of free and fair elections is consistent with the elections held in other countries in the region since many of these countries started their transition to democracy almost two decades ago.

Looking toward the future, USAID officials stated that Peru and El Salvador might require significantly less international assistance to run upcoming elections. USAID officials highlighted that these countries have enhanced their institutional capabilities to run elections, as demonstrated by the widely recognized legitimacy of their recent elections and the decreasing international support required by their electoral authorities for conducting elections. These officials noted that USAID does not plan to fund any electoral activities in Peru and after the 2003 elections in El Salvador (see fig. 19).

Figure 19: Voters Waiting to Enter Polling Station in Lima, Peru, during the April 2001 National Elections



Source: GAO.

On the other hand, Nicaragua, which has received the largest amount of U.S. election assistance, will likely require significant international aid to run its next major election, according to USAID officials. These officials noted that the Nicaraguan electoral authority, despite efforts to improve it, still faces major financial, planning, and organizational problems. For example, this electoral authority is still highly politicized and exhibits serious institutional and managerial weaknesses that compromise its ability to run elections. Also, Nicaragua's civil and voter registries are outdated, and many voter documents used in the 2001 national election were temporary or will expire soon, leaving the challenge of registering a large number of voters before the next election. In their final 2001 election observation reports, the Carter Center and the International Republican Institute noted that, despite having held a free and fair election, Nicaragua still has important shortcomings in its electoral system, particularly in election administration and voter access.²

²The Carter Center, *Observing the 2001 Nicaraguan Elections: Final Report* (Atlanta: 2002); International Republican Institute, *Nicaragua, Election Observation Report, November 4, 2001* (Washington, D.C.: 2002).

Conclusions

U.S. elections assistance has helped all six countries we visited realize a fundamental component of democracy—free and fair elections. While continued improvements will be needed to achieve wider participation and greater efficiency in elections administration, particularly in Nicaragua, basic capabilities are in place in these countries to enable them to continue to hold free and fair elections into the future.

Management Issues Hinder Impact and Sustainability of U.S. Democracy Assistance

Many organizations and entities are involved in providing democracy assistance in the six countries we reviewed, including U.S. government agencies, other multilateral and bilateral donors, and nongovernmental organizations. Effective coordination and cooperation among these players is critical for achieving meaningful, long-term results from assistance efforts. U.S. agencies have not always managed their programs in a way that would leverage the contributions from all of these organizations, particularly other major donors, and maximize the impact and sustainability of U.S. funded programs. Assistance efforts are not always well-coordinated among the agencies, and strategic plans have not defined overarching goals and the roles that key U.S. agencies will play in these efforts or ways to link these efforts with those of other donors to help ensure that results are sustainable. Furthermore, evaluation of program results and sharing lessons learned has been limited among U.S. agencies and implementers across countries where this assistance is provided.

Poorly Coordinated Program Management Limits Effectiveness of U.S. Democracy Assistance

Although a wide variety of U.S. government agencies and international donors provide democracy assistance, coordination of this assistance was inconsistent in the six countries we visited. We found that those organizations supporting democratic institutions did not always cooperate in a way that would maximize the impact and sustainability of their efforts. As a result, the programs they implemented were often fragmented and not mutually supportive and failed to overcome common financial and political obstacles. U.S. government agencies have not outlined a long-term, strategic approach to this assistance that considers all of the major parties and available resources and information.

Poor Coordination and Strategic Planning among U.S. Government Agencies

The Government Performance and Results Act of 1993 (the Results Act) requires U.S. government agencies to identify their strategic goals and develop annual plans for achieving them.¹ Further, as we have previously reported in our work relating to this act, such plans should identify how

¹The Results Act seeks to improve the management of federal programs by shifting the focus of decision-making from staffing and activity levels to the results of federal programs. Under the Results Act, executive agencies are to prepare 5-year strategic plans that set the general direction for their efforts. Agencies then are to prepare annual performance plans that establish the connections between the long-term strategic goals outlined in the strategic plans and the day-to-day activities of program managers and staff. Finally, the act requires that each agency report annually on the extent to which it is meeting its annual performance goals and the actions needed to achieve or modify those goals that have not been met.

similar programs conducted by other agencies will be coordinated to ensure that goals are consistent, and, as appropriate, program efforts are mutually reinforcing.²

The annual performance plans prepared by the State Department and USAID in accordance with the Results Act both identify promoting democracy and human rights abroad as agency strategic goals. However, neither USAID's or State's plans nor the subordinate regional or country-level planning documents we reviewed specifically address the role of other U.S. agencies and donors in ensuring that U.S.-funded democracy projects are well coordinated and leverage domestic and international resources. With few exceptions, these planning documents did not take into account the unique resources that each of the various U.S. agencies has to offer and the role each could play over what will be a long-term effort to help countries achieve and institutionalize democratic reforms. Although some documents mentioned that other agencies would be involved in the assistance effort, the nature or duration of that involvement was not discussed in detail.

The relationship among USAID and the State and Justice Departments has frequently been difficult when it comes to rule of law programs, which has hindered long-term joint planning in that area. As we noted in a 1999 report, interagency coordination on rule of law assistance has been a long-standing problem.³ At that time, the Chairman of the House Committee on International Relations had expressed the concern that, because funds were provided through so many channels, rule of law programs had become inefficient and uncoordinated. Little progress has been made to resolve this problem. According to U.S. officials with whom we spoke, the relationship among implementing agencies is often still characterized more by competition than cooperation and has led to fragmented programs that are not always mutually supportive in achieving common goals. For example, in Bolivia, poor communication and disagreement among these agencies on their respective roles has disrupted efforts to assist the development of that country's national police by casting the program's staffing and funding in uncertainty. Unresolved coordination issues among these agencies have precluded efforts to establish a joint strategy on law

²U.S. General Accounting Office, *Results Act: An Evaluator's Guide to Assessing Annual Performance Plans*, GAO/GGD-10.1.20 (Washington, D.C.: Apr. 1, 1998).

³U.S. General Accounting Office, *Foreign Assistance: Status of Rule of Law Program Coordination*, NSIAD-00-8R (Washington, D.C.: Oct. 13, 1999).

enforcement development on either the regional, or country-specific level. As a result, in the countries we visited, the agencies are often operating on parallel tracks and not developing programs that are closely coordinated and mutually supportive.

Better coordination among these agencies could leverage the critical resources and comparative advantage that each offers to overcome obstacles. For example, while USAID has significant institutional experience designing and implementing development programs, the Justice Department has significant technical expertise in law enforcement and criminal investigations, and the State Department has diplomatic relationships and influence that can be helpful in resolving political impediments to reform.

Limited Cooperation among International Donors

Other international donors have major efforts to promote democracy in the countries we visited, and two of the largest, the World Bank and the IDB, are funded in part by contributions from the U.S. government. However, the strategic plans and other related planning documents prepared by the State and Justice Departments and USAID included very little information on plans to cooperate with other major international donors in the six countries we reviewed. Some plans mentioned a few successful cooperative efforts in the past, but donor cooperation was not consistently discussed as an integral component of the U.S. government's approach in any of the areas of democracy assistance we reviewed.

We observed that donors working in closer coordination, with a common strategy and work plan, can make significant progress. In Bolivia, the U.S. and German governments embarked on a joint program to implement the new criminal code, each providing mutually supporting activities and financing. As a result of this effort, a large number of legal operators were trained on the code's provisions, and the Bolivian government began implementing the code on schedule. Other examples of close coordination include the following:

- In Bolivia, USAID, a German foundation, and the government of the Netherlands have adopted a common methodology for municipal strengthening, expanding the impact of USAID's initial contributions to additional municipalities.
- In El Salvador, the IDB is funding projects to extend a USAID-supported, municipal-level financial management system to additional localities.

- Donors and Latin American countries have been collaborating regionally on anticorruption activities since the early 1990s. For example, the Donors Consultative Group of the USAID-supported Americas' Accountability/Anticorruption Project has helped to increase the number of anticorruption projects in the region, according to USAID. Other multilateral initiatives, such as the Inter-American Convention Against Corruption and ongoing United Nations negotiations for a global anticorruption convention, are also mobilizing states to focus on corruption.

Such donor cooperation was not always the norm in the countries we visited, however, and donors often pursued parallel but not necessarily mutually supporting activities. Donor coordination was generally characterized by organizations keeping one another informed of the nature, progress, and location of their activities. Across the six countries, the U.S. government and other donors generally worked on different agendas in the area of judicial reform. In Bolivia, for example, USAID and the World Bank divided their justice sector reform efforts between host government agencies using different approaches. The two organizations have helped the government develop two information systems—one to track criminal cases and one for civil cases. At the time of our visit in June 2002, neither system was being fully implemented on a national scale, and USAID officials were concerned about the future compatibility of these two systems.

Pooling financial resources and political influence could enable donor organizations to overcome some political and financial obstacles that limit the impact and sustainability of assistance programs. The United States, with its on-the-ground presence and long-standing diplomatic relationships, can offer significant technical expertise and influence to help achieve political support. At the same time, the multilateral development banks, in particular, can offer significant, low-cost, long-term financing for host governments. Better coordinated, these resources could be combined to (1) leverage political support from host governments for mutually agreed-upon reform programs, (2) devise appropriate program designs, and (3) provide long-term financing that could help ensure that the programs are sustainable.

Donor cooperation can be difficult for a number of political and cultural reasons. Donors may have different development priorities or policies that may not allow them to work on the same types of programs in some cases. U.S. government officials have also cited bureaucratic incompatibilities

between the agencies that effectively limited the ability of the agencies to work closely together on certain projects. In one country we visited, the working relationship between USAID and a multilateral development bank has been difficult, according to a USAID mission official with whom we spoke. Overcoming some of these obstacles to closer cooperation may require a high-level commitment and impetus from the senior management of these organizations.

Limited Evaluation and Sharing of Lessons Learned among Program Implementers

U.S. agencies and their implementing contractors and grantees have not extensively compiled and shared information on program results. Many U.S. assistance programs have not been evaluated, and important democracy project information, such as materials, final reports, and evaluations, are not systematically made available to the large body of project implementers.

Inconsistent Program Evaluation by U.S. Agencies

The U.S. agencies implementing democracy assistance programs have not consistently evaluated the results of their activities. Our review of project documentation and our discussions with senior U.S. government officials at the State and Justice Departments and USAID indicate that limited efforts have been made to review project results over time to ensure that impact and sustainability have been achieved. In particular, officials from the State and Justice Departments stated that those agencies have conducted very little formal evaluation of law enforcement assistance. Although USAID has a more extensive process for assessing its activities, its efforts to evaluate democracy assistance have not been consistent. Although governance programs in Latin America, in particular legislative strengthening, have undergone considerable evaluation, we found relatively little formal evaluation of rule of law, human rights, and elections assistance. The level of evaluation has varied geographically as well: While USAID sponsored a comprehensive democracy evaluation for Bolivia, it has not conducted similar studies for the other countries we visited. In 2002, USAID commissioned a private contractor to complete a broad study of the agency's achievements in its rule of law programs around the world, including in many of the countries we visited. This recently completed study provides information on the nature and history of USAID rule of law programs in individual countries but was not meant to be an evaluation of these programs, according to a USAID official.

Furthermore, the agencies have not consistently used available survey data to help evaluate the impact of their activities. In several of the countries we visited, a USAID contractor had been conducting regular “democratic values surveys” to gauge public opinion about recent and ongoing political and government reforms, many of which the United States has assisted. The mission in Bolivia has used the results of this survey as a source of data for monitoring, among other things, the impact of Bolivia’s decentralization activities; however, the other missions or embassies we visited did not consistently use these data as a tool for evaluating or monitoring the impact of U.S. assistance.

Without systematic evaluations identifying lessons learned and best practices, agencies will have difficulty making informed decisions about a strategy to maximize impact and sustainability and planning for future efforts. For example, USAID and the State and Justice Departments are currently debating the U.S. government’s strategy for police assistance. Each agency has participated in police development programs, and officials from each agency stated that they are uniquely qualified to manage such programs in the future. Yet, none of these agencies has conducted a comprehensive evaluation of police assistance program results to inform the debate about how best to provide this assistance. Evaluations or other efforts to systematically compile lessons learned across countries could enable a more objective comparison of agency performance to identify the advantages of one approach over another and to inform a long-term interagency strategy for achieving various democracy assistance goals.

Project Materials and Information on Results Are Not Widely Available

USAID has not taken steps to pool the resources produced by U.S.-funded democracy program implementers, including international development firms, private voluntary organizations, and other nongovernmental organizations to help them achieve common and related goals more effectively and efficiently. USAID-funded contractors often used similar approaches to achieve democratic strengthening and reform in many of the countries we visited. For example, support for local governments often aimed to influence the broad policy framework in a country while directly assisting a relatively small number of target municipalities. However, we found little evidence that the project implementers in these countries had shared with each other the materials they had developed. For example, in several countries, USAID financed the printing of operational guidance for municipal officials, ranging from handbooks on countrywide criteria for governance to detailed, step-by-step manuals on ways to improve local public administration. The contractors and USAID officials stated that to

their knowledge, these handbooks had not been systematically shared among USAID missions or contractors.

Although mission officials and implementers told us they frequently shared information on an informal basis, the agency's attempts to systematically compile information about democracy program implementation and results to establish an agency wide "institutional knowledge base" are incomplete. USAID has a very decentralized organizational structure, and, according to USAID officials, the agency has no central repository of implementation reports and other program documents that can be accessed by the various democracy program implementers to determine, among other things, which activities have been more successful than others. Although USAID maintains some documentation from its democracy programs, such as scopes of work for projects, at its intranet site, the agency does not compile contractors' technical manuals and final reports with information on implementation and results. Such information could be very instrumental in identifying approaches that are most appropriate for replication, while avoiding developing similar materials in different countries at additional expense. As we have previously reported, use of lessons learned is a principal component of an organizational culture committed to continuous improvement. Lessons learned mechanisms serve to communicate acquired knowledge more effectively and to ensure that beneficial information is factored into planning, work processes, and activities. Lessons learned provide a powerful method of sharing good ideas for improving work processes, program design and implementation, and cost-effectiveness.⁴ USAID mission directors and other agency officials stated that future assistance efforts would be more effective if they were designed on the basis of concrete information and lessons learned from similar programs in other countries.

Conclusions

Local resources for sustaining democracy programs are difficult to mobilize given the serious economic problems in the countries we visited, and funding shortages were often cited by program implementers and beneficiaries as major obstacles to long-term program success. Therefore, it is crucial that the U.S. government and other international donors manage available international resources as efficiently as possible. Achieving greater impact and responsibility in democracy assistance

⁴U.S. General Accounting Office, *NASA: Better Mechanisms Needed for Sharing Lessons Learned*, GAO-02-195 (Washington, D.C.: Jan. 30, 2002).

projects may be more likely with a more strategic approach, including closer coordination, and greater information sharing among U.S. agencies, international donors, and other program implementers.

Recommendations for Executive Action

To ensure that U.S. assistance activities designed to support and strengthen democracies in Latin America have the maximum impact and sustainability, we recommend that the Secretary of State, the Attorney General, and the Administrator of USAID

- develop more comprehensive interagency strategic plans at the regional and country level for democracy assistance addressing how U.S. agencies will cooperate with each other and other major donors to achieve greater impact and sustainability in democracy programs;
- establish a strategy for periodically evaluating democracy assistance projects that is consistent across agencies, countries, and types of programs; and
- establish a systematic mechanism to share information on development approaches, methods, materials, and results from all democracy assistance projects among U.S. agencies and implementers.

Agency Comments and Our Evaluation

We provided a draft of this report to the Departments of State and Justice, the U.S. Agency for International Development (USAID), and the Inter-American Foundation for their comment. The Inter-American Foundation did not comment on this report. The comments of the State and Justice Departments and USAID, along with our responses to specific points, are reprinted in appendixes II, III, and IV, respectively.

In general, the State and Justice Departments and USAID acknowledged that democracy assistance is a long-term challenge that requires host country commitment and support for reforms, and that U.S.-supported institutions and programs must ultimately be sustainable, as we discuss in this report. Overall, the agencies basically agreed with the thrust of our recommendations regarding how the management of program assistance could be improved. They also noted that in some cases, activities are either planned or under way that would address our recommendations.

The State Department concurred with our recommendation that it work with other agencies to develop comprehensive strategic plans for democracy assistance at the regional and country levels. State agreed with our recommendation that democracy assistance programs should be evaluated but said that our recommendation was a “broad brush” approach that is not appropriate for the diversity of activities covered in the report. State said that it is taking steps with USAID and the Justice Department to improve evaluation, including recently agreeing to undertake joint evaluations of justice programs. Such actions appear to meet the intent of our recommendation. However, our recommendation is intended to establish a basis for periodic overall assessments of democracy programs as well as regular evaluations of specific components of democracy assistance, such as rule of law, governance, and elections.

While the State Department agreed that it would be desirable to have better access to project information across the board, they noted that the recommendation goes too far in suggesting the need for a centralized record system containing all project materials. State also said that much useful information is currently shared among programs on an informal basis. Our recommendation is designed to address an important problem we identified in this report, namely that much information is currently not being shared among agencies or programs with similar goals, approaches, and methods. The thinking behind this recommendation is the State Department and other agencies that fund and implement democracy assistance programs should maintain key program documents and evaluations along with examples of materials used for core activities (e.g., training manuals so that groups implementing similar programs can benefit from lessons learned). Given the advances in Web-based technology as a way of sharing information, we believe this recommendation is not unreasonable. The State Department also provided technical comments, which we have incorporated in this report, where appropriate.

The Justice Department endorsed our recommendation for better coordination and planning among State, USAID, and Justice; agreed that objective, regularized evaluation of assistance programs is needed to consistently obtain useful information on program outcomes; and supported the recommendation that agencies involved in democracy assistance should establish effective information-sharing mechanisms. The Justice Department also provided technical comments, which we have incorporated in this report, where appropriate.

USAID also agreed with our recommendations. Regarding our recommendation on strategic planning, USAID said that it participates in a number of planning activities but that such planning systems can always be upgraded. It also agreed that periodic evaluations of program outcomes and results are important, noting that evaluating democracy programs is a challenge made difficult by the complexities and subtleties of local political situations that influence democracy program implementation and outcomes. USAID also agreed with our recommendation that agencies need to do a better job of sharing information on development methods, approaches, and materials, noting that a new bureau within the agency should respond to these concerns. USAID also provided technical comments, which we have incorporated throughout this report, where appropriate.

The State and Justice Departments both commented on our discussion of a provision of the Foreign Assistance Act of 1961 that restricts the use of foreign assistance funds for training and financial support for police and other law enforcement forces of foreign governments (section 660). In its comments, State said that the Executive Branch should develop and propose to the Congress new legislation on law enforcement assistance, stating that the Executive Branch needs a clear statement of its authority to provide law enforcement assistance abroad, coupled with whatever specific prohibitions the Congress may wish to consider. The Justice Department stated that it is concerned that section 660 may in some instances adversely impact long-range planning and the development of broad-based, practical police assistance programs. The Justice Department also indicated that it will work with the State Department and USAID to consider whether changes to section 660 would be appropriate. We believe the approach suggested by the State and Justice Departments could be an important and useful step in providing options for the Congress to consider regarding potential amendments to section 660.

U.S. Democracy Assistance to Six Latin American Countries

During fiscal years 1992 through 2002, the United States has provided democracy assistance to Bolivia, Colombia, El Salvador, Guatemala, Nicaragua, and Peru. The U.S. Agency for International Development (USAID) and the Departments of State and Justice have provided the bulk of this assistance in the areas of rule of law, governance, human rights, and elections. Rule of law assistance has supported the modernization of the criminal justice system and increased the access of the local population to justice. Governance assistance has funded efforts to strengthen legislatures and national and local governments and to enact and implement anticorruption measures. Human rights assistance has supported activities to improve public awareness of and government accountability for human rights abuses. Election assistance has helped enhance electoral institutions, increase voter registration and education, and support electoral observation.

Bolivia

USAID rule of law assistance to Bolivia began in earnest in 1991 when USAID sponsored a United Nations diagnostic study of Bolivia's judicial system to determine priorities and build consensus for reform. Since then USAID has been closely involved in a fundamental revamping of Bolivia's criminal justice system. USAID supported a number of justice sector reforms, including drafting and promoting laws establishing new justice sector institutions. These institutions included the Constitutional Tribunal, the Judicial Council, the Ombudsman, and the Office of Public Defense. In 1993, USAID initiated the Bolivian Administration of Justice Program, focusing primarily on the drafting and passage of a new Criminal Procedures Code. This code, which introduced an oral, accusatory trial system to increase the efficiency, transparency, and fairness of the criminal justice system, was enacted in 1999 and went into effect in 2001. Since its enactment, USAID rule of law assistance has primarily focused on providing training and technical assistance to institutions concerning implementation of the code and also on disseminating public education about the new code. During the late 1990s, USAID and the Justice Department also assisted the Bolivian National Police and the Attorney General's Office (Fiscalia) to enhance investigative capabilities. The departments did this primarily through supplementing training and forensics equipment and technology to manage and track criminal cases electronically. From 1992 to 2002, USAID provided \$18.5 million and the Justice Department administered \$9.9 million in rule of law assistance to Bolivia.

U.S. governance assistance to Bolivia started in 1992, when USAID provided funds to establish and strengthen the congressional research center and budget office. After the 1997 elections, the institutions that USAID had supported in the legislature lost credibility as neutral entities and became less effective, according to a USAID-sponsored evaluation. In 2001, USAID began a new program aimed at strengthening the representative function of the Bolivian Congress by helping deputies from single-member districts, who are elected directly by citizens in a given district, increase their outreach to their constituencies. USAID's local governance program in Bolivia began in 1996, soon after the passage of the Popular Participation Law. This law divided Bolivia into self-governing municipalities with popularly elected local leaders for the first time in the country's history. The program has aimed to make local governments more responsive to citizen needs and demands and to strengthen municipalities' administrative and financial capacities. The program's methods are now being implemented in about 175 municipalities. USAID also is using Web-based technology to expand its local governance program. USAID provided at least \$14.6 million on governance assistance to Bolivia between 1992 and 2002.

USAID began providing electoral support to Bolivia in 1988, primarily to institutionalize a politically neutral National Electoral Court. Between 1991 and 1999, USAID provided Bolivia with \$2.4 million in election assistance to increase voter registration and education and ensure that the elections held during this period were free and fair.

Colombia

USAID's rule of law assistance to Colombia began in 1986, primarily focusing on restructuring and improving Colombia's justice sector and providing protection for judicial figures and institutions. This program culminated in the enactment of a new constitution in 1991, which created new justice sector institutions (e.g., the Judicial Council, Constitutional Court, and Prosecutor's Office) and procedures, including oral trials. USAID assistance from 1991 to 1995 focused on implementing the reforms, including support for the development of these new institutions. In 1995, the program expanded to support improved access to justice, including the creation of justice houses to provide legal services in poor and marginalized communities. USAID has continued to support the transition to a more transparent accusatorial system, primarily through training judges, prosecutors, and public defenders. The Justice Department has provided an array of training for prosecutors and law enforcement officials, focusing mainly on specialized criminal investigations units, human rights,

counternarcotics, money laundering, and other specific types of crimes. Between 1992 and 2002, USAID provided \$48.3 million and the Justice Department administered \$37.9 million in rule of law assistance to Colombia.

The U.S. governance assistance program in Colombia, which began in 2001, has aimed to strengthen municipal governments, increase citizen participation, and combat corruption. Local officials and citizens have played a central role in planning and overseeing social infrastructure projects cofinanced by USAID, such as the construction of schools and sewage systems. USAID's anticorruption program in Colombia, also initiated in 2001, has focused on improving internal control systems, strengthening citizen participation, and training local officials on oversight and transparency. USAID reports that it has provided at least \$54.6 million for these programs.

USAID human rights assistance in Colombia began with technical and financial support for the Human Rights Ombudsman Office, which was created by the new constitution in 1991. The Justice Department began training special human rights units within the Attorney General's Office in 1996. Assistance for both of these projects is ongoing. USAID funded the majority of its human rights assistance projects after 2000, including the development of an Early Warning System to alert authorities of potential human rights violations, a protection program for threatened individuals, training for community human rights promoters, and post emergency assistance to people who have been internally displaced by the nearly 40-year-old internal conflict. In addition, USAID has supported efforts to foster reconciliation and provide assistance to victims and excluded groups.

USAID provided \$325,000 in election assistance to Colombia in 2002. This assistance focused on supporting a mission of the Organization of American States to observe the 2002 national elections, which were declared to be generally free and fair.

El Salvador

USAID's rule of law assistance to El Salvador started in 1984 with a focus on enhancing criminal investigative capabilities and modernizing the justice system. Following the 1992 Peace Accords, USAID supported efforts to restructure the justice sector, reduce criminal case backlogs, and draft new criminal codes. El Salvador began implementing the new codes in 1998, and USAID and the Justice Department have supported these implementation efforts. USAID has focused on training judges,

prosecutors, and public defenders to help them transition to an oral, adversarial system. The Justice Department has focused on building and strengthening a new police force—particularly, its criminal investigations capabilities. Most recently, the department has supported a new policing model characterized by active community-oriented patrols. From 1992 to 2002, USAID provided \$27.8 million and the Justice Department administered \$38.2 million to support these efforts.

USAID's governance assistance to El Salvador began in 1990, when it set up a legislative assistance program to help develop a master plan for legislative modernization, establish a mentoring program for which students complete studies of interest to legislators, and open three legislative outreach offices outside the capital. These projects are still ongoing. In 1993, USAID initiated its local governance program in El Salvador, which helped to strengthen municipal management and increase citizen participation in 28 target municipalities and assisted national-level organizations that support municipalities. Together with other donors, USAID helped create a manual on basic criteria for participatory municipal development that is now available to municipalities across the country. USAID anticorruption assistance in El Salvador, which began in 2000, has focused on institutional strengthening, anticorruption reforms, public awareness, and municipal-level anticorruption activities. USAID has provided at least \$23 million for these programs.

Since 1991, USAID has provided about \$13 million to support four national elections in El Salvador. After the Peace Accords were signed in 1992, the agency supported reintegrating former guerrilla groups into the political system. Elections assistance in the 1990s also helped create a new, impartial electoral authority and supported the establishment of a new civil/voter registry. Because El Salvador has significantly improved election administration and voter access and had run free and fair elections during the 1990s, USAID does not intend to provide additional election support to this country after the 2003 elections.

Guatemala

USAID rule of law assistance to Guatemala started in 1986, with an early focus on training judges, prosecutors, and public defenders and promoting legal reforms. USAID supported the enactment and implementation of criminal code reforms in the mid-1990s to improve the functioning of the criminal justice system. Following the enactment of a new criminal procedures code in 1994, USAID's assistance focused on preparing justice sector officials to carry out new roles and responsibilities under the code

for conducting investigations and holding oral trials. Following the signing of the Peace Accords in 1996, this assistance expanded to building the capabilities of justice institutions in the capital and supporting justice centers in other cities to improve the delivery of justice services. These justice centers integrate various justice institutions, modernize case tracking and administration, and increase access to justice. The State and Justice Departments have also provided assistance to law enforcement institutions, focused mainly on improving criminal investigations under the new codes. From 1992 to 2002, USAID has provided \$23.8 million and the Justice Department has administered \$13.6 million in rule of law assistance to Guatemala.

USAID's governance-related assistance to Guatemala began with a legislative strengthening program in 1997. The program focused on improving the legislature's research and analytical capabilities and strengthening constituent outreach. Although USAID's legislative assistance had some initial positive results, the agency ended its support after the 1999 elections when it became clear that the new congressional leadership was not willing to support the program. USAID's local governance program in Guatemala, which began in 1998, has helped increase participatory planning and community outreach in about 40 municipalities. USAID has also provided support and advice to the government of Guatemala on national-level policy affecting municipal indebtedness, reforms to the municipal law, and the municipal tax code. USAID has provided more than \$9.4 million for these programs.

In the early 1990s, USAID provided training and program development support to the Human Rights Ombudsman Office. Recent USAID human rights projects in Guatemala have focused on supporting national reconciliation efforts. Since 2000, USAID has supported the exhumation of clandestine cemeteries to identify victims of human rights atrocities during the 1962 to 1996 civil war and to help family members achieve a measure of closure. USAID began the Human Rights and Reconciliation Program in 2001 to coordinate human rights groups; mobilize citizens to defend their rights; and disseminate information about the civil war for remembrance purposes, among other activities.

USAID has provided \$3.2 million in election assistance to Guatemala since 1990. This assistance has focused on improving voter registration and education and promoting electoral reforms. In 1995, USAID focused on broadening electoral participation throughout the country, especially in rural and indigenous areas. In 1999, USAID supported increased

participation in two electoral events—the constitutional reform referendum and the general elections. USAID is currently providing a small amount of assistance to support electoral reform efforts, with limited success.

Nicaragua

USAID and the State and Justice Departments have provided most of the rule of law assistance to Nicaragua since the 1990s. This assistance has focused on supporting the modernization of the criminal justice system. It has supported the enactment of criminal codes and helped prepare Nicaragua for the implementation of these codes starting in December 2002 by supporting the creation and strengthening of justice institutions, including the courts, Public Prosecutor's Office, and Public Defender's Office, and by building the capabilities and various law enforcement organizations for conducting criminal investigations. From 1992 to 2002, USAID has provided \$11.3 million and the Justice Department has administered \$1.7 million to support these efforts.

USAID has provided the bulk of U.S. governance assistance to Nicaragua since 1991. This assistance has focused on strengthening the legislature and local governments and supporting anticorruption efforts. USAID's legislative strengthening program, which lasted from 1991 to 2001, focused on strengthening infrastructure, improving planning and administration, and increasing outreach to constituents. Although there was initial progress, USAID ended its support in 2001 in part because of a lack of political will in the legislature to cofinance USAID programs. The local governance program organized by USAID worked in 25 municipalities to strengthen municipal administration and increase citizen participation in municipal affairs. USAID also helped establish and strengthen the national association of municipalities, which is now self-sustaining. This program ended in 2001, and USAID has indicated that it will consider once again focus on strengthening local governance as part of its new 5-year strategy. USAID's anticorruption program in Nicaragua, which ran from 1998 to 2001, aimed to make institutions more accountable and transparent and to increase public awareness of corruption. USAID provided about \$6 million for these programs.

USAID has provided about \$27 million in election assistance to Nicaragua since 1990. This assistance has focused on improving the institutional capacity of Nicaragua's electoral authority, improving voter registration and education, and legitimizing election results by supporting domestic and international electoral observation groups. Although this assistance has

helped Nicaragua run three national elections that were determined to be free and fair since 1990, that country still faces major election administration and voter access problems. Nicaragua is likely to require additional international support before holding its next national election.

Peru

USAID rule of law assistance to Peru began in 1986 working with key public sector institutions on justice sector reform. Due to the actions of President Alberto Fujimori to weaken the independence and accountability of the justice sector, USAID discontinued direct assistance to most public institutions in the sector in 1994. Funding was diverted from rule of law to human rights and civil society activities, with the exception of a small amount of funding for free legal and conciliation services. In 2002, USAID initiated a new rule of law program centered on building support and consensus for justice sector reforms through civil society coalitions. The Justice Department has sponsored some small-scale training efforts in the 1990s but has no ongoing assistance effort. From 1992 through 2002, USAID provided \$13.2 million and the Justice Department administered \$27,000 to support these efforts.

USAID has provided the bulk of U.S. governance assistance to Peru. From 2001 to 2003, USAID's Office of Transition Initiatives focused on providing small-scale, governance-related grants in the areas of legislative strengthening, decentralization, anticorruption, and civil-military relations. The office estimates that it will spend \$11 million by the time the program ends. In mid-2002, USAID began providing legislative strengthening assistance to enable a civil society coalition to conduct citizen outreach on legislative issues, and in fall 2002, USAID began a 4-year project to increase congressional transparency, outreach, and oversight. In the area of local governance, USAID has been providing policy advice to the government for a nationwide decentralization program scheduled to begin in 2003. USAID also has begun to provide support to a civil society coalition to share decentralization-related information with civil society, promote citizen participation in governance, communicate citizens' opinions to the government, and promote oversight of regional and local authorities. In 2003, USAID plans to fund an \$18 million, 5-year "Pro-Decentralization" project to strengthen municipal government and increase citizen participation.

From 1992 to 1996, USAID helped the Peruvian Attorney General's Office establish 12 detainee registry centers to document the location and legal status of all people detained by the authorities on charges of terrorism. Using the registry, people have been able to find information on their missing loved ones. Also, since 1997, USAID has supported the activities of a Peruvian nongovernmental organization in its investigations and attempts to release prisoners being held on illegitimate terrorism charges. USAID also has supported the operation of the Truth Commission, which the President of Peru created in 2000 with a mandate to investigate allegations of human rights violations during 1980 to 2000. Finally, USAID has provided continuous technical and financial support to the Human Rights Ombudsman since its inception in 1994.

USAID has provided over \$20 million in election assistance to Peru for supporting national and local elections in 1995, 1998, 2000, 2001, and 2002. This assistance included technical assistance to the electoral institutions and support for voter education and international observations of the elections. Because this assistance, following the departure of President Fujimori, helped the electoral authorities run free and fair elections in 2001 and 2002, USAID does not plan to provide additional election support to Peru.

Comments from the Department of State

Note: GAO comments supplementing those in the report text appear at the end of this appendix.



United States Department of State

Washington, D.C. 20520

MAR -5 2003

Dear Ms. Westin:

We appreciate the opportunity to review your draft report, "FOREIGN ASSISTANCE: U.S. Democracy Programs in Six Latin American Countries Have Yielded Modest Results," GAO-03-358, GAO Job Code 320081.

The enclosed Department of State comments are provided for incorporation with this letter as an appendix to the final report.

If you have any questions concerning this response, please contact Fay Armstrong, Office of Policy, Planning and Coordination, Bureau of Western Hemispheres at (202) 647-5333.

Sincerely,

Christopher B. Burnham
Assistant Secretary and
Chief Financial Officer

Enclosure:

As stated.

cc: GAO/IAT - John Brummet
State/OIG - Luther Atkins
State/WHA/PPC - Linda Jewell

Ms. Susan S. Westin,
Managing Director,
International Affairs and Trade,
U.S. General Accounting Office.

GAO Draft Report: Foreign Assistance: U.S. Democracy Programs in Six Latin American Countries Have Yielded Modest Results (GAO-03-358, GAO Code 320127)

The Department of State is pleased to have the opportunity to comment on the GAO's latest report on democracy assistance to Latin America. It was not until the 1980s, when the pendulum swung definitively away from military dictatorships in the region, that the United States could embark on a program of assistance of this kind. The GAO has issued numerous reports on USAID and DOJ programs since that time, generally finding that such assistance is needed and justified while noting both bureaucratic and political obstacles in administering programs and achieving lasting results. The current report is the broadest review to date, covering ten years of experience with justice, human rights, governance, and elections assistance in six countries with large programs. While the Department agrees with the report's overall conclusion – that notwithstanding the large investments to date, sustainable results are not evident in all cases but that such assistance should continue -- it does not agree with many of the specific characterizations of activities or inter-agency relationships. For the sake of brevity, the Department will respond to the recommendations and clarify some related points in the text.

The first recommendation calls for the three agencies – State, USAID and Justice – to “develop more comprehensive strategic plans at the regional and country levels to address cooperation among agencies and other major donors.” While the Department agrees that, for reasons discussed below, a more strategic approach among the three agencies is desirable in the justice area, and between USAID and State in the governance and human rights areas, it is hard to imagine developing a more strategic approach to elections assistance. Moreover, the diversity of mandates among agencies and subject matter for different kinds of democracy assistance requires that the detailed assistance plans be worked out on the ground, among the recipients and donors involved, subject always to the possibility of substantial changes in plans should there be a fundamental change in circumstances on the ground. The Department and USAID have well-established systems for planning and implementing all foreign assistance programs, which require multi-year projections yet can still react to unexpected events. Nevertheless, the Department acknowledges the need for greater coordination of democracy programs among the different funding sources within State and USAID and is working to achieve this goal.

In the justice area, more specifically the criminal justice area, there is a need to integrate better current planning mechanisms for law enforcement assistance and justice sector development assistance at both the regional and country levels. The GAO's decision to exclude counternarcotics assistance from this review obscures the importance of this issue to its recommendations for how to make U.S. support democracy assistance in Latin America more effective. The Department – both the Bureaus of Western Hemisphere (WHA) and International Narcotics and Law Enforcement Affairs (INL) – is actively working on this issue with colleagues at USAID and the Department of Justice.

The Bureau of Democracy, Human Rights and Labor (DRL) has recently been invited to join these conversations. There is agreement among the three agencies that a more strategic approach is needed at the regional level – to set priorities among countries receiving justice assistance (defined here as including counternarcotics and other assistance through INL). There is also agreement that the views of the Department of Justice will be sought in setting assistance priorities at the country level. Whether this will be achieved through the country team or in Washington remains to be determined on a country-by-country basis. However, as crime is now recognized as a significant threat to the institutionalization of democracy in Latin America, it is clear that U.S. law enforcement and development programs – and INL and USAID, as their primary funders – need to work more closely together, bringing in the Department of Justice and other agencies to implement activities as appropriate. The Department is confident that this will occur as we continue the inter-agency discussions now underway.

In addition, WHA, DRL and USAID have agreed to initiate regular meetings to discuss ongoing democracy and human rights programs, as well as new needs as they arise. While WHA and its regional counterpart at USAID have a very close working relationship on all budget and program issues, the reorganization at USAID and the recent expansion of DRL programming in the region indicate the need to include the global democracy bureaus at both agencies in regular discussions of such issues. The immediate objective will be to share information, avoid duplication and ensure optimal use of available funds from all sources. However, the discussions could well develop a more strategic and/or evaluative focus over time and be further expanded to include other actors, as appropriate.

See comment 1.

The second recommendation calls for development of “a strategy for periodically evaluating democracy assistance projects that is consistent across agencies, countries, and types of programs.” The Department feels that such a broad brush approach is not appropriate for the diversity of activities discussed in the report. In the justice area, WHA, INL, USAID and DOJ have recently discussed how evaluations should be handled for ICITAP and USAID justice projects, and there is no reason that these points of agreement may not be readily extended more generally to law enforcement assistance funded by INL. In brief, the agreement is to undertake regular joint evaluations of justice programs, in which an inter-agency team from Washington would travel to review program objectives, progress in achieving benchmarks, and other implementation issues in the field with those responsible for program implementation. Such an approach would greatly enhance information sharing about specific programs and build inter-agency consensus, where it is now lacking. In addition, formal independent evaluations would be undertaken where the size of the program or other factors so indicated. Contrary to what is implied in the GAO report, independent evaluations have been undertaken of the ICITAP program in the past as part of USAID-sponsored AOJ country-wide evaluations. The idea is to expand on that experience and include related INL-funded activities at the same time.

The third recommendation calls for systematic sharing of information on development approaches for all democracy projects and seems to be addressed primarily

to USAID, the repository of most such information. While the Department agrees that it would be desirable to have better access to project information across the board, the recommendation goes too far in suggesting the need for a centralized record system containing all project materials. The sheer volume of information would make it hard for a user to identify appropriate approaches for replication in a new program context. The Department agrees with USAID that much useful information is currently transmitted among programs on an informal basis, including lessons learned that should be and are being applied elsewhere.

Although not framed as a separate recommendation, the Department would note that the GAO report leads to the clear conclusion that the Executive Branch should develop and propose to the Congress comprehensive new legislation on law enforcement assistance that would entail a repeal of section 660 of the Foreign Assistance Act of 1961, as amended. In the Department's view, section 660 has long since outlived its usefulness as a statement of U.S. policy. In place of a blanket prohibition on assistance to law enforcement followed by a confusing array of exceptions to override the prohibition, the Executive Branch needs a clear statement of its authority to provide law enforcement assistance abroad, coupled with whatever specific prohibitions the Congress may consider appropriate at this time. The Department is prepared to work on an expedited basis with other interested agencies to develop an Administration proposal to amend the Foreign Assistance Act toward this end. The Department agrees with the GAO that such a change would enhance the effectiveness of both law enforcement and democracy programs by facilitating planning of comprehensive programs and enabling the most appropriate agency to work any specific issue with the police, pursuant to a clear articulation of objectives for law enforcement assistance.

Finally, given the report's repeated descriptions of funding data received from the Department as having been incomplete for democracy programs it administered, the Department wishes to clarify that INL had no ready way of separating out democracy and rule of law assistance from other law enforcement assistance in the categories GAO had requested. Similarly, while USIA and later Public Diplomacy programs within WHA have been a consistent part of democracy programming over the ten-year period covered by the report, comprehensive data for such programs was not readily available. In the case of DRL, its support for programs in the Western Hemisphere has become more important since 1998, when the Human Rights and Democracy Fund (HRDF) was established. HRDF funds have been used to support elections in Nicaragua and Peru, as well as a judicial sector relocation program in Colombia, intended to complement judicial protection activities funded under Plan Colombia. The Department stands ready to answer any questions about these other areas of assistance should that be desired.

The following is GAO's comment on the Department of State's letter dated March 5, 2003.

GAO Comment

1. We disagree with the statement that we implied that independent evaluations have not been done on ICITAP programs. On page 83 of our report, we stated that the Departments of State and Justice have done very little formal evaluation of law enforcement assistance. We modified the text on page 84 to indicate that none of the agencies involved in the debate about how to best provide police assistance have done a comprehensive evaluation of police assistance program results. Such an evaluation could inform this debate.

Comments from the Department of Justice



U.S. Department of Justice

Washington, D.C. 20530

MAR 05 2003

Mr. Jess T. Ford
Director
International Affairs and Trade
General Accounting Office
Washington, D.C. 20548

Dear Mr. Ford:

Thank you for the opportunity to review the final draft of the General Accounting Office (GAO) report entitled "Foreign Assistance: U.S. Democracy Programs in Six Latin American Countries Have Yielded Modest Results, GAO-03-358." The draft report was reviewed by representatives of the Department's Criminal Division, Federal Bureau of Investigation, and the Drug Enforcement Administration. This letter constitutes the formal comments of the Department of Justice (DOJ), and I request that it be included in the final report.

The DOJ believes democracy assistance programs in the areas of criminal justice, human rights and anti-corruption are essential to its efforts to combat transnational crime and to develop strong international partners in those efforts. The continuing involvement of the International Criminal Investigation Training Assistance Program (ICITAP) in providing assistance and training for police and investigators, and the Office of Overseas Prosecutorial Development Assistance and Training (OPDAT) in providing assistance and training for prosecutors and judges, as well as support in drafting needed legislation, is critical to the development of democratic institutions and processes in Latin American countries.

The DOJ agrees with the GAO finding that these democratic institutions and processes must ultimately be sustainable without U.S. assistance. Through OPDAT and ICITAP, DOJ, in coordination with the Department of State (DOS) and the U.S. Agency for International Development (USAID), provides assistance and training designed to build and strengthen the criminal justice institutions and processes necessary for countries in Latin America to make the fundamental transition from written, inquisitory systems of justice to oral, accusatory methods, and toward civilian, democratic style policing. While earlier assistance programs may have focused on criminal investigative and prosecutorial capacities, more recent programs have emphasized practical institution building. The development in El Salvador of community-based police patrols, and the establishment in Colombia of specialized joint prosecution/police task force units are just two examples of successful ICITAP/OPDAT programs.

Mr. Jess T. Ford

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The DOJ recognizes the crucial role that political will plays in sustaining any reforms or development efforts. DOJ strongly supports the continuing effort of the DOS Bureau of International Narcotics and Law Enforcement to enter into Letters of Agreement with recipient nations with the purpose of having those countries agree to tangible, long-term commitments of resources for training, equipment maintenance and other indicators of political will. Similarly, host nation agencies must agree to the sustained assignment of personnel, particularly those trained in specialized areas, as another demonstration of their commitment. U.S. Chiefs of Mission play a pivotal role in the articulation to host governments of concerns about the continuing political will needed to support development and reform. OPDAT and ICITAP personnel assigned overseas can play a role by helping to keep the Chiefs of Mission updated on the level of indigenous support.

GAO has correctly identified inadequate legal education to be a major concern in development assistance to the Latin American countries. The experienced attorneys, prosecutors and criminal investigators of the DOJ are uniquely qualified to fashion programs and strategies to address this area. We welcome opportunities to assist in the development of Embassy Mission Performance Plans and USAID Rule of Law Strategies by adding our criminal law expertise to achieve an integrated approach in the planning and implementation of assistance programs in foreign justice sectors as GAO suggests.

The GAO's recommendations for greater interagency strategic planning and cooperation are consistent with the DOJ's endeavors to formulate comprehensive criminal sector development plans that incorporate US interagency objectives and policies. The DOJ endorses GAO's recommendation for better coordination and planning among the DOS, USAID and DOJ, and we are exploring means to achieve this goal. As we explore options, however, we remain concerned about host-country working groups, supported by U.S. agencies, which are developing important legislation pertaining to justice sector reform. Many times, these working groups do not include practitioners or anyone recently experienced in the particular criminal topic area at issue or knowledgeable of international best practices and norms, e.g., the FATF 40 recommendations for an effective anti-money laundering regime. These efforts then often produce inadequate and unworkable results – an embarrassment to the host nation and the U.S. alike. The DOJ has considerable expertise in transnational crimes as well as in drafting statutes and codes. Moreover, there are strong U.S. interests in those aspects of such codes that affect the operation of mutual legal assistance and extradition treaties. DOJ experts (both prosecutors and agents) should participate in and guide such working groups, as appropriate, to produce modern codes and rules.

Comprehensive technical assistance plans are critical to the overall success and sustainability of democracy programs. For example, new codes of criminal procedure cannot be effectively implemented unless all assistance programs to all branches of the criminal justice system are consistent and complementary. At one time, DOS used one implementing agency for the police, another for prosecutors, another for judges, etc., without first undertaking interagency assistance planning and coordination.

Mr. Jess T. Ford

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Now, in certain countries, there is a more collaborative process among OPDAT, ICITAP, DOS, USAID and the US Missions in the development and implementation of criminal justice sector technical assistance. This is a first step that is important now and in the future.

Broader country and region-wide strategic plans for host nation criminal justice sectors must be developed through an inter-agency process in which DOJ is an equal partner. DOJ, DOS and USAID have initiated an inter-agency forum for Latin American and the Caribbean that is intended to develop such a process. We are encouraged by DOS and USAID's support and participation in these discussions, and we seek to replicate this inter-agency process for other regions. For such a forum to be effective, initiatives from US Missions must become part of such a process. This is particularly true for initiatives coming from USAID representatives at missions, which typically are developed at post and often are launched with little or no USAID HQ review.

GAO further recommends that the involved agencies establish a strategy of periodic evaluation of their respective projects. The DOJ agrees that objective, regularized evaluation of assistance programs is the only method to obtain consistently useful information that can be used not only to modify and improve particular programs but also to develop broader lessons learned and best practices. Such regular evaluations are also the most efficacious way to develop and maintain a centralized repository of such information for easy access by all parties, including Congress. Such evaluations must be based primarily upon relevant and appropriate performance indicators that are set forth in the strategy and implementation plans established by all parties for each program at the outset.

The DOJ has adopted the strategy of periodic on-site evaluation in its Latin American programs. Personnel from OPDAT and ICITAP headquarters often travel to Colombia and other countries for the specific purpose of assessing the impact and effectiveness of DOJ programs. Although the DOJ does not prepare formal evaluation reports, it does provide direct feedback to DOS on programmatic assistance in the form of written after-action reports, quarterly reports and oral briefings, which have fostered coordination of shared lessons and strategic planning, as suggested by the GAO.

The DOJ supports GAO's recommendation that the involved agencies establish effective information-sharing mechanisms. We are studying how to achieve regional coordination similar to the Latin America/Caribbean effort described above, as well as how to develop regularized, inter-agency program evaluations. In the interim, we are committed to sharing information from DOJ-administered programs with our funding partners.

The DOJ is concerned that Section 660 may in some instances adversely impact long-range planning and the development of broad-based, practical police assistance programs. For example, criminal gangs are a major law enforcement and society problem throughout Latin American and the Caribbean. There are many approaches to curbing such gangs beyond traditional law enforcement techniques, such as anti-recruitment measures, but some of them are

Mr. Jess T. Ford

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prohibited by Section 660. The DOJ will work with DOS and USAID to consider whether changes to Section 660 would be appropriate in light of these concerns.

The Department looks forward to working with our colleagues at State and USAID to implement the GAO recommendations.

Sincerely,



Paul R. Corts
Assistant Attorney General
for Administration

Comments from the U.S. Agency for International Development

Note: GAO comments supplementing those in the report text appear at the end of this appendix.



U.S. AGENCY FOR
INTERNATIONAL
DEVELOPMENT

March 5, 2003

Mr. Jess Ford
Director
International Affairs and Trade
U.S. General Accounting Office
441 G Street NW
Washington, DC 20548

Dear Mr. Ford:

I am pleased to provide the U.S. Agency for International Development's (USAID's) formal response on the draft GAO report entitled "Foreign Assistance: U.S. Democracy Programs in Six Latin American Countries Have Yielded Modest Results" (February 2003).

Enclosed are our detailed comments on the broad issues that are discussed in the draft report.

Thank you for the opportunity to respond to the draft report and for the courtesies extended by your staff in the conduct of this review.

Sincerely,

A handwritten signature in black ink, appearing to read "John Marshall". The signature is written in a cursive, slightly slanted style.

John Marshall
Assistant Administrator
Bureau for Management

Enclosure: a/s

USAID Comments on the
GAO Draft Report
“Foreign Assistance: U.S. Democracy Programs in Six Latin American Countries Have
Yielded Modest Results” (GAO-03-358)

The U.S. Agency for International Development appreciates the opportunity to review the GAO draft report, “Foreign Assistance: U.S. Democracy Programs in Six Latin American Countries Have Yielded Modest Results” (GAO-03-358).

The Development Challenge:

The GAO auditors recognized the long-term nature of democratic development. In that vein, we believe our impacts have been very important and significant. Realizing that this is an area in which reasonable people can differ in their assessment of the quality or measure of results, we have taken seriously the charge to select appropriate indicators and measures of success. Unfortunately, the democracy sector does not easily lend itself to clear “before and after” measures, and consequently, we accept that it was the GAO’s view that impacts were just “modest.” Still, we would like to put these programs in context.

When USAID began to support democracy promotion and justice reform, this new arena had not yet captured the attention or support of the international community. No other donor was involved and no consensus existed about the importance of democracy as a condition for social and economic development. The USG began its work in response to human rights abuses in Central America, as documented in prior GAO reports. All knew it was a Herculean task. USAID's support to address, end and correct human rights abuses through support for justice reform began to loosen authoritarian practices, previously masked as part of armed internal conflict or justified by post-colonial systems and tradition.

In the 1980s, prior to USAID involvement in the democracy sector, many of the countries in the region were not democracies, including all of the countries included in this audit, with the exception of Colombia. Militaries often ruled with a repressive hand. Three countries in Central America endured long, bloody civil wars. Grave human rights abuses by the state, such as disappearances and confessions forced by torture, were common and citizens had no recourse. Countries had inquisitorial legal systems with no effective right to an attorney where trials were secret with no right to confront the accuser. The detained were presumed guilty, and prosecutors and judges did not operate independently. Space for political participation and dissent was restricted. Under authoritarian governments, elections were extraordinary, infrequent, often illegitimate, and almost fully reliant on donor financing. Civil society and non-governmental organizations were few, weak and often ineffectual; or they were the targets of human rights violations and disappearances. Few, if any, channels existed for citizens to express their needs to elected officials, as many local level functionaries were appointed extensions of elite, entrenched political regimes.

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Success to date:

Despite the tremendous challenges, USAID has had tangible success in its programs. After sustained, committed USAID involvement, and with USAID-supported civil society involvement, militaries today are largely confined to their barracks. New adversarial systems, promoted by USAID, are giving the accused fundamental human rights such as the presumption of innocence, the right to counsel, the right to confront witnesses, and the right to an interpreter or justice in one's own language. The passage and implementation of criminal procedure codes, however imperfect, represents a sea-change. This includes the adoption of a more transparent, accountable and efficient system of justice after hundreds of years under another system. Years of intense USAID policy work with Latin American governments and civil society have borne fruit. As a percent of national budget, funding to support the justice sector for most of Latin America is much higher than in the United States. As a result, this has provided improved salaries for judges, prosecutors, public defenders and police that are all multiples, in real terms, of what they were before.

With USAID help, Latin America has made great progress to advance democracy, human rights and the rule of law. A comprehensive, region-wide, independent evaluation of USAID democracy and justice programs in Latin America (*Achievements in Building and Maintaining the Rule of Law*, November 2002, Management Systems International, Amb. Jim Michel et al.) found:

“A comparison of today's justice systems in Latin America with those described in the early justice sector assessments of 10 to 15 years ago shows that much has changed. Judges and prosecutors are demonstrating greater independence and are more willing to challenge wrongdoing by the powerful. Disadvantaged groups have gained greater access to legal remedies and legal assistance. Within judicial systems, numbers of personnel have increased. Both judges and staff are better qualified, and more are selected pursuant to merit systems and receive specialized training. Procedures are more fair, transparent and efficient. Budgets are larger, productivity is higher, and backlogs are smaller. Corruption and impunity are no longer considered acceptable or inevitable, civil society is increasingly concerned with justice reform efforts and demands, and public awareness overall has increased. USAID has played an important role in focusing attention on these issues, in supporting successful reforms, and in promoting respect for the rule of law.”

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Sustainability:

The GAO correctly identifies sustainability as essential in development. Sustainability and political will for reform come, in large part, from societal demand. In this sense, although not highlighted in the report, USAID commitment to working with civil society over the long term is essential for the sustainability of USG foreign policy in the region. Citizens and citizen groups must advocate for reform, monitor government performance, and work with the international community to maintain pressure for modernization and government accountability. This in turn is a critical element in USAID efforts to encourage broad-based and sustainable democracies. In excluding civil society as a separate sector in the draft GAO report, it is easy to miss how important the impact has been. Approximately 20% of USAID funding in these countries went toward civil society development, including labor programs.

USAID support for civil society has had tangible results. A proliferation of media outlets and newspapers today assert real editorial independence from national governments. Twenty years ago, only four countries allowed their citizens to directly elect their mayors and local officials. Today, every democratic country in the region provides this right. This is a new “quiet revolution” of democracy that allows citizens to have a direct relationship to the people they elect, and a greater voice in local decision-making. At the same time, national governments are directly passing on new budget resources and responsibilities to local governments. New financial management systems promoted by USAID have now been adopted in all countries in Latin America and the Caribbean (with the exception of Cuba). USAID support for civil society has been key to generate the demands for these types of reform. And civil society pressure is also fundamental to making sure that these measures are sustained and not reversed.

The GAO recommendations:

(a) Strategic Planning

We agree with the GAO that the USG and USAID can always upgrade its strategic planning systems. Having said that, we note that USAID takes an average of 18 months of intense effort to prepare five year strategies for each country (copies of these strategic plans were provided to the GAO for all countries reviewed). For their part, U.S. Embassies also draft annual Mission Performance Plans (MPPs) which direct not only USAID activities in country, but those of all other USG entities as well. Further, USAID, through its donor coordination efforts, is well-connected with the strategy design processes of the other donors and banks, and thus designs activities to complement what others are doing.

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(b) Evaluations

We agree with GAO that improved evaluations would be useful. Having said that, leading experts in the field believe that measuring results may be more art than science. Thomas Carothers (*Aiding Democracy Abroad: The Learning Curve*, Carnegie Institute for Peace: 1999, p. 297) noted that:

“Aid providers must start by accepting that definitive evaluations-objective assessments that establish with certainty the democratic value of particular aid programs-are not possible. Subjectivity in evaluations is inevitable. Interpretation is essential. Nuance is necessary...”

Carothers adds (p. 301):

“[Aid] providers and those who stand outside the aid community looking in must accept the limitations of evaluation. Assessing democracy aid, like democratization itself, cannot be turned into a science. And in most cases, pseudoscientific efforts are worse than none at all. There is no easy solution to the challenges of determining the effects and values of particular aid projects. There is no substitute for in-depth qualitative analysis that deals head on with the complexities and subtleties of a recipient country's political situation.”

Nevertheless, we concur with the GAO that evaluations are important. Just because they are difficult does not mean they should not be done.

(c) Communication, Coordination and Information Sharing

We recognize that there is room for improvement. We hope the reorganization of USAID with a new Bureau of Democracy, Conflict Prevention and Humanitarian Assistance will respond to many of the concerns raised.

The New Challenges:

While the GAO report was retrospective in nature, we are anxious to take the lessons learned and apply them to the future. Unfortunately, while the urgency of democracy promotion has never been higher, we do not see USAID's task as getting easier. New challenges include money laundering, alien smuggling, bribing of public officials, organized crime, and gang-related violence. While the countries are only coming to grips with their internal issues, there is the tremendous weight of increased international organized crime. In terms of trade integration, international syndicates are quite savvy on the way they do business with gangs like the *Salvatruchas* having offices and

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representatives in Los Angeles, Chicago, Bogota, Medellin and every major Central American capital. This escalation of narcotics trafficking, organized crime and related problems is affecting democratic consolidation and, in some cases, threatening the legitimacy of democracy itself. The power and sheer size of these illegal forces overwhelms the capacity of nascent democratic institutions.

Bottom Line

One evaluation (*Southwestern Journal of Law and Trade in the Americas*, previously provided to the GAO) comments on donor support for democracy and the rule of law: “(T)he present malaise was not created in a day, and it will take a generational shift... to mature into a more nuanced system of justice. In the meantime, both the (host governments) and donors must keep pushing to ensure... real reform, the prospects for which have never been higher.” (Fall issue, 1998, page 418). The top recommendation should be for USAID to stay the course on democracy for the long term, improving strategy, evaluations and coordination where possible, while keeping its eye on long-term, sustainable institutional change.

Factual Clarifications to the Text

In reading the report, we came across a number of issues that require clarification or correction. These are listed below:

- Pages 4 and 23 note that Guatemala has made “little progress in implementing” the new criminal procedure code. To the contrary, GAO auditors witnessed trials in Guatemala under the new Code. GAO also interviewed Supreme Court justices who confirmed progress, and visited the Clerk of Court for Guatemala City to observe the judicial process. As noted in the Encyclopedia “Legal Systems of the World” entry under “Guatemala” (copy previously provided to GAO), “Most striking (about the new Code) is the advancement of community understanding of and participation in the criminal justice system because of the new oral process. Under the old inquisitorial system, judges supervised prosecution, criminal investigation, and public defense, in addition to performing their functions as judge. The new system separates roles: public defenders defend, prosecutors prosecute, and judges judge, each being independent of the other, as in the U.S. system.” (page 617). This accomplishment would never have been achieved but for USAID assistance.
- On page 6, it states that: “...municipalities have begun to adopt USAID-supported practices but there has been less success in Guatemala and Nicaragua.” It is not clear what practices are being referred to or what “less success” means. The

See comment 1.
Now on pp. 7
and 29-30.

See comment 2.
Now on p. 9.

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Government of Nicaragua adopted the municipal budget model developed under USAID’s municipal strengthening program as the official budgeting system to be used nationwide. Guatemala has also adopted a new Municipal Code, based on USAID technical assistance.

See comment 3.

- On page 9, “For example, in Peru instead of combining resources, USAID and the Inter-American Development Bank pursued different and independent programs for strengthening access to justice for the poor in the mid-1990s. Neither approach could be sustained for lack of resources and political support.” To set the record straight, USAID/Peru decided not to support any judicial reform programs under then President Fujimori because the executive branch was clearly manipulating the appointment and retention of judges to control the outcome of cases of importance to the regime. USAID did not believe Fujimori was committed to genuine reform. As it turns out (and as the video tapes of Montesinos bribing demonstrated), USAID was right. The system was corrupt and it would have been an enormous waste of US taxpayer resources to support an obviously corrupt government. After Fujimori fell, USAID received compliments from civil society and human rights groups for not having provided judicial reform assistance to the GOP during the Fujimori years. In other words, had USAID/Peru worked with the Bank to invest in Fujimori justice, USAID would have lost respect and prestige within the community of Peruvians committed to the return of democracy.
- On page 23, the last paragraph states that Guatemala has made limited progress in implementing criminal justice reforms. Yet an evaluation in the Southwestern Journal of Law and Trade in the Americas (Fall 1998, page 365 – copy provided previously to GAO) notes that Guatemala’s code is “a first of its kind in Latin America.” The Code has been fully implemented on a national level, and the GAO witnessed trials in action in Quetzaltenango, Guatemala. Guatemala’s Code has been used as a model for Honduras, Nicaragua, Venezuela and elsewhere. Also, as noted in the referenced evaluation, Guatemala’s Code is more expansive than many of its neighbors by including plea bargaining and alternative dispute settlement mechanisms.
- Public Defenders Established (p. 28). Regarding the discussion of the public defender’s office in Nicaragua, it is true that at the time of the GAO visit, the office had only 13 public defenders, based in Managua. However, since then, and with USAID support, 23 additional offices have been established throughout Nicaragua and the total number of public defenders has been increased to 47. During the GAO visit, GAO was advised that this activity was in progress, the new offices were about to be established, and new public defenders trained.

See comment 4.
Now on pp. 29-30.

See comment 5.
Now on p. 36.

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Now on pp. 48 and 50.

- Pages 38 and 40 cite cancellation of the USAID Congressional support program in Guatemala as a failed experience. For its part, in final briefings when presenting its draft report, the GAO justified use of the term “modest” noting that some programs were successful, while others were not (and so the overall value judgment of “modest”). Evaluators cited the case of the cancellation of support to the Guatemalan Congress as one example where programs did not work out. In fairness, however, it should be noted that this was an example USAID provided up front to GAO, not something uncovered by the GAO. And when the GAO team was briefed on this in Guatemala, GAO was profuse in its praise to USAID/Guatemala for first, taking a risk, second, for recognizing when the effort was off track, and third, cutting off funding. Too seldom, GAO noted in its Guatemala country debrief, do U.S. government agencies or donors take that courageous action. This is illustrative of sound management and strategic decision-making in the face of a major change in the political climate.

See comment 6.

- On page 65 (and earlier on page 9), the report discusses the IDB and USAID programs for promoting access to justice for the poor in Peru. The report suggests that if USAID combined resources and coordinated better, the Government of Peru would have come through with the needed budgetary resources to keep these activities going. This hypothesis is not backed up with analysis. The IDB program in Peru was focused on building "modulos basicos de justicia". It was a construction project more than a true access to justice program, as most would define it. The problem with the IDB program is that while the buildings have now been constructed, the judiciary does not have the operating resources to provide these “modulos” (or any other part of the justice system for that matter) with enough paper, spare computer parts, etc. to make them truly efficient and functional. The problem is not unique to the “modulos de justicia,” and would not have been overcome if we added USAID/Peru resources to those of the IDB. USAID and other donors still would not have paid the required operating costs. The activities USAID supported were with another part of the justice system (the Ministry of Justice) and were focused on providing legal aid/conciliation services to the poor. USAID did not construct any buildings, but instead focused on technical assistance, training and the provision of some limited equipment. In some cases, Ministry of Justice legal aid and conciliation staff actually were housed in the “modulos” constructed by the IDB.

See comment 7.

Now on p. 83.

- At the top of page 67, the report states, “while USAID sponsored a comprehensive democracy evaluation for Bolivia, it has not conducted similar studies for the other countries we visited.” However, USAID/El Salvador has sponsored several such studies, the last being in 1996 right before our current

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strategy began (copy was provided to the GAO). Similar impact studies have been carried out in Guatemala. USAID also carries out assessments of the democracy sector prior to each five year strategy period. USAID/Peru carried out an evaluation of our democracy program in April 2000 as well as a full democracy assessment. Copies of all these analyses were made available to the GAO review team.

The following are GAO's comments on the U.S. Agency for International Development's letter dated March 5, 2003.

GAO Comments

1. We disagree and believe that despite some success, much work still remains at the national and local levels to implement Guatemala's criminal procedures code. We modified the text on pages 29 and 30 to add additional information on the challenges faced by Guatemala in fully implementing criminal justice reforms.
2. We revised the text on page 9 to indicate that programs in Guatemala and Nicaragua have had less success in disseminating programs outside of target municipalities.
3. On the basis of additional information provided, we removed this reference from the text. However, it should be noted that the draft referred to USAID's support for conciliation and legal aid centers and did not in any way suggest or infer that USAID should have supported Fujimori-era justice institutions. As stated in the draft report on page 64 and on page 95 in this report, we noted that USAID discontinued direct assistance to Peru's public sector institutions in 1994.
4. The 1998 article in the *Southwestern Journal of Law and Trade in the Americas* was written by a USAID employee who was the justice program manager in Guatemala. In our view, this does not constitute an independent program evaluation. Also, see comment 1.
5. We modified the text on page 36.
6. On the basis of additional information provided, we removed this reference from the text.
7. As noted in this report, limited efforts have been made to review project results over time to ensure that impact and sustainability of results has been achieved. We stated that although USAID has a more extensive process for assessing its activities, its efforts to evaluate democracy assistance have not been consistent, and we found relatively little formal evaluation of rule of law, human rights, and elections assistance. As discussed in the Agency Comments and Our Evaluation Section of this report, our recommendation regarding evaluation is intended to establish the basis for periodic overall assessments of democracy programs as well as regular evaluations of

specific components of democracy assistance. Systematic evaluations that identify lessons learned and best practices are crucial in facilitating congressional oversight of democracy programs and providing the basis for informed decisions about how to maximize program impact and plan future efforts.

Quality of Life and Economic Indicators for Selected Countries

U.S. democracy programs are designed to help address serious social, political, and economic problems many of these countries face. Over the years, the World Bank, United Nations, and other organizations have devised indicators to attempt to measure the general quality of life within a country. This appendix provides a statistical overview of selected social and economic indicators for the six countries we visited and comparative data for Latin America and the United States (see table 8).

A few of the social indicators illustrate the challenges some of these countries face. In Bolivia, for example, the infant mortality rate in 2000 was still over 57 deaths per 1,000 births. Even in Colombia, which has the lowest rate among the six countries we reviewed, the infant mortality rate was 275 percent of that in the United States. In addition, life expectancy at birth in 2000 was 14.5 years less in Bolivia than it was in the United States. Furthermore, although adult illiteracy decreased in all six countries between 1990 and 2000, about one-third of Guatemala and Nicaragua's adult population still cannot read.

In terms of economic and political impediments to democracy, the gross national income average for the six countries we reviewed fell from 61 percent of the Latin American average in 1990 to 55 percent in 2000. While the gross national income for five of the six countries increased slightly over the decade, Colombia's decreased. In terms of general government expenditures as a percentage of gross domestic product (GDP), all six countries spend less than 20 percent of their GDP, with the Guatemalan government spending the least, just under 7 percent. Finally, foreign domestic investment as a percentage of gross capital formation varies considerably among the six countries. In the 1990 through 2000 period, it has increased as high as 44.2 percentage points in Bolivia and as little as 2.6 in Guatemala.

Appendix V
Quality of Life and Economic Indicators for
Selected Countries

Table 8: Quality of Life and Economic Indicators for Selected Countries

Indicator	Year	Bolivia	Colombia	El Salvador	Guatemala	Nicaragua	Peru	Six-country average	Latin American average	United States
Gross national income per capita (purchasing power parity in current international dollars)	1990	\$1,740	\$6,820	\$2,920	\$2,770	\$1,680	\$3,150	\$3,180	\$5,190	\$23,440
	1995	\$2,140	\$6,050	\$4,040	\$3,400	\$1,780	\$4,290	\$3,617	\$6,240	\$28,260
	2000	\$2,360	\$6,060	\$4,410	\$3,770	\$2,080	\$4,660	\$3,890	\$7,080	\$34,100
Human Development Index ^b	1990	0.597	0.724	0.644	0.579	0.592	0.704	0.640	0.823 ^a	0.914
	1995	0.630	0.750	0.682	0.609	0.615	0.730	0.669		0.925
	2000	0.653	0.772	0.706	0.631	0.635	0.747	0.691	0.767	0.939
Infant mortality (per 1,000 births)	1990	80.0	30.4	45.6	56.2	51.0	54.0	52.9	41.3	9.4
	1995	67.0	24.4	35.0	45.6	39.5	43.0	42.4	34.1	7.5
	2000	57.2	19.5	29.1	38.8	33.0	31.8	34.9	29.0	7.1
Adult illiteracy (percentage of people age 15 and above)	1990	21.8%	11.5%	27.5%	38.9%	37.2%	14.5%	25.2%	15.2%	
	1995	17.8%	9.8%	24.0%	34.9%	35.3%	12.1%	22.3%	13.3%	
	2000	14.5%	8.3%	21.3%	31.4%	33.5%	10.1%	19.9%	11.6%	
Life expectancy at birth (years)	1990	58.3	68.3	65.6	61.4	64.5	65.8	64.0	67.9	75.2
	1995	60.6	69.8	68.5	63.6	67.3	67.8	66.3	69.2	75.6
	2000	62.6	71.6	70.1	65.2	68.9	69.3	68.0	70.4	77.1
Percentage of population under age 15	1990	41.2%	36.0%	40.8%	46.0%	46.4%	38.3%	41.5%	36.0%	21.9%
	1995	40.6%	34.4%	37.4%	45.1%	45.0%	35.9%	39.7%	33.8%	22.2%
	2000	39.6%	32.8%	35.6%	43.6%	42.7%	33.4%	38.0%	31.5%	21.7%

Appendix V
Quality of Life and Economic Indicators for
Selected Countries

(Continued From Previous Page)

Indicator	Year	Bolivia	Colombia	El Salvador	Guatemala	Nicaragua	Peru	Six-country average	Latin American average	United States
General government expenditures as a percentage of Gross Domestic Product	1990	11.8%	9.4%	9.9%	6.6%	43.5%	7.9%	14.9%	13.3%	17.0%
	1995	13.6%	14.9%	8.6%	5.4%	15.7%	9.8%	11.3%	15.5%	15.3%
	2000	15.7%	19.0%	10.2%	6.6%	18.9%	11.2%	13.6%	15.3%	
Net Foreign Direct Investment as a percentage of Gross Capital Formation	1990	4.4%	6.7%	0.3%	4.6%	0%	0.9%	2.8%	3.8%	4.8%
	1995	38.5%	4.0%	2.0%	3.4%	16.4%	15.4%	13.3%	8.5%	4.3%
	2000	48.6%	23.9%	8.2%	7.2%	30.8%	6.3%	20.8%	19.1%	
Top three exports ^c	2002	soybeans, natural gas, zinc	petroleum, coffee, coal	offshore assembly exports, coffee, sugar	coffee, sugar, bananas	coffee, shrimp and lobster, cotton	fish and fish products, gold, copper	n/a	n/a	n/a
Economic Freedom Index ^d	1998	2.60	3.00	2.40	2.70	3.50	2.85	2.80	2.98	1.80
	2003	2.65	3.00	2.25	2.80	3.00	2.80	2.80	2.94	1.85

Sources: World Bank, United Nations, *CIA World Factbook*, and The Heritage Foundation.

Note: Economic and social data are from the World Bank, *World Development Indicators 2002* CDROM.

^a1992 figure.

^bThe Human Development Index is produced by the United Nations and is compiled from several demographic and economic statistics; it ranges in value from Norway (.939) to Sierra Leone (.258). A higher Human Development Index score means a country with more advanced degree of human development.

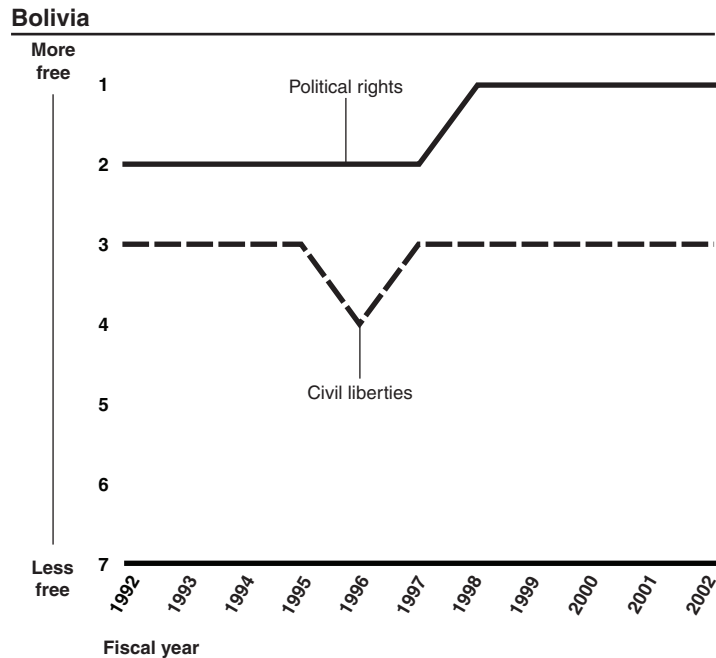
^cThe listing of the top three exports for each country comes from the *CIA World Factbook*. The listing provides a rank ordering of exported products starting with the most important; it sometimes includes the percentage of total dollar value.

^dThese figures come from The Heritage Foundation, which works in conjunction with The Wall Street Journal to produce the Index of Economic Freedom. To measure economic freedom and rate each country, the authors of the index study 50 independent economic variables. These variables (1) fall into 10 broad categories, or factors, of economic freedom and (2) include, trade policy, fiscal burden of government, government intervention in the economy, monetary policy, capital flows and foreign investment, banking and finance, wages and prices, property rights, regulation, and black market activity. Each country receives its overall economic freedom score on the basis of the average of the 10 individual factor scores. Each factor is scored according to a grading scale that is unique for that factor. The scales run from 1 to 5: A score of 1 signifies an institutional or consistent set of policies that are most conducive to economic freedom, while a score of 5 signifies a set of policies that are least conducive.

Freedom House Scores for Individual Countries, Fiscal Years 1992 through 2002

Figures 20 to 25 show the change in the political rights and civil liberties in the six countries examined in this report (Bolivia, Colombia, El Salvador, Guatemala, Nicaragua, and Peru), according to Freedom House, a U.S. research organization that tracks political developments around the world. Note that the trend in these two categories is in a generally positive direction for all of the countries except Colombia.

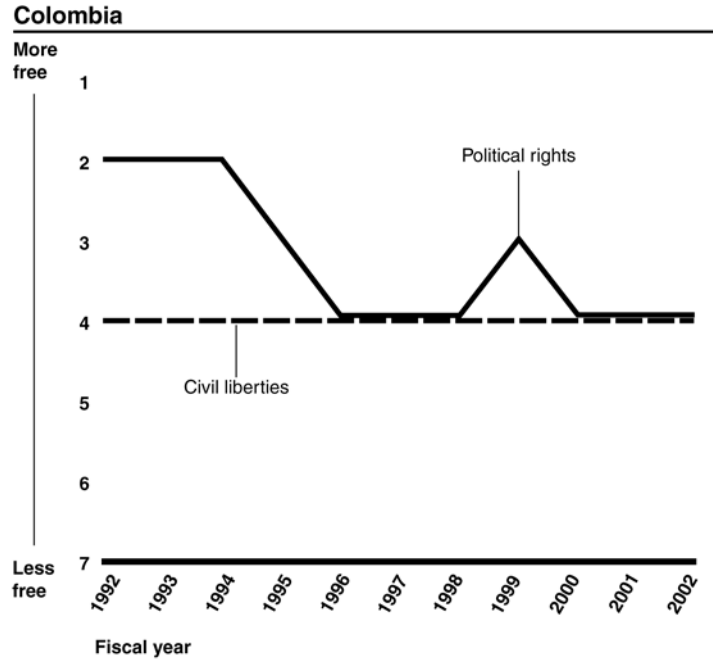
Figure 20: Freedom House Democracy Scores for Bolivia, Fiscal Years 1992 through 2002



Source: Freedom House.

Appendix VI
Freedom House Scores for Individual
Countries, Fiscal Years 1992 through 2002

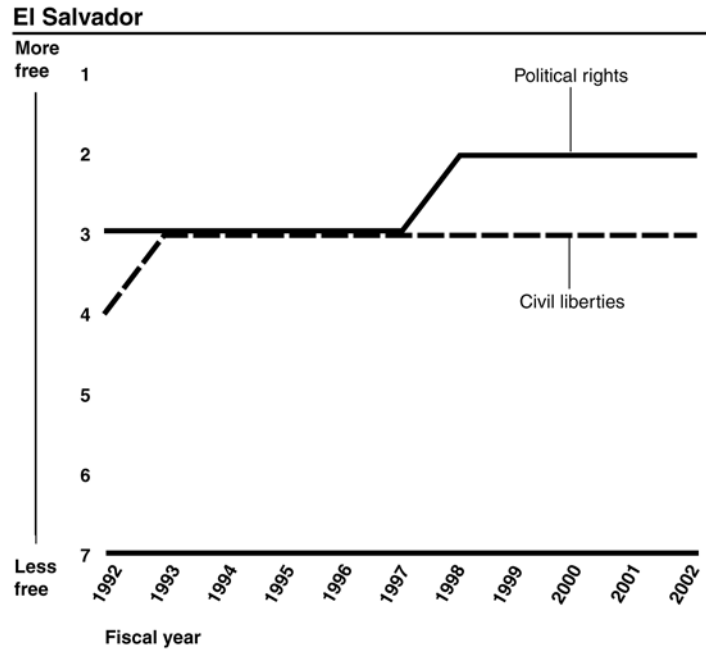
Figure 21: Freedom House Democracy Scores for Colombia, Fiscal Years 1992 through 2002



Source: Freedom House.

Appendix VI
 Freedom House Scores for Individual
 Countries, Fiscal Years 1992 through 2002

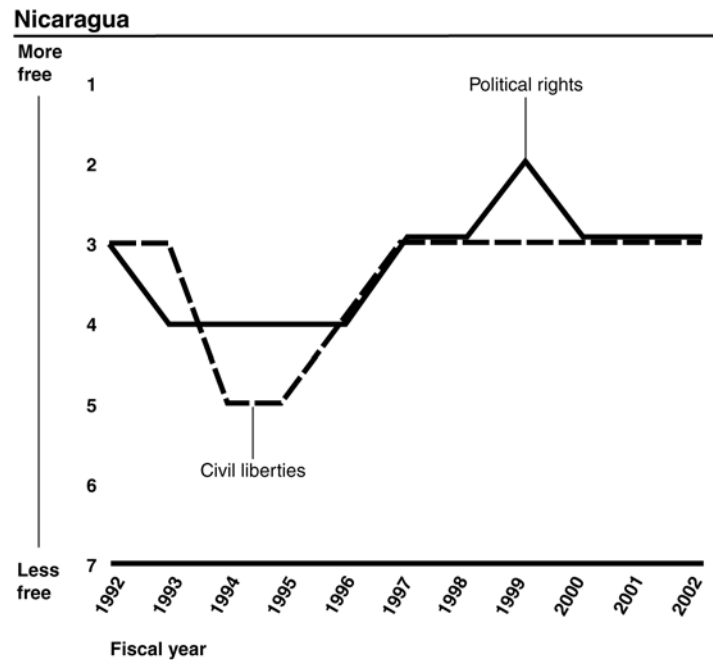
Figure 22: Freedom House Democracy Scores for El Salvador, Fiscal Years 1992 through 2002



Source: Freedom House.

Appendix VI
Freedom House Scores for Individual
Countries, Fiscal Years 1992 through 2002

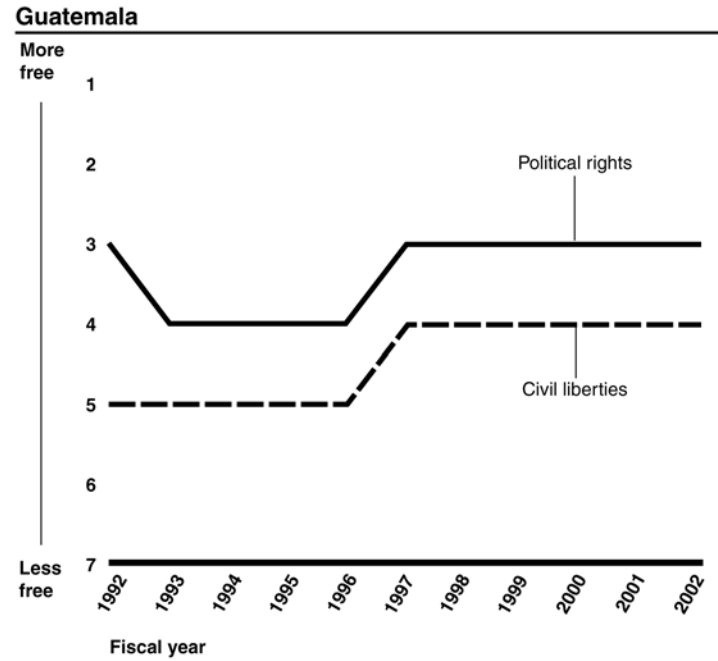
Figure 23: Freedom House Democracy Scores for Guatemala, Fiscal Years 1992 through 2002



Source: Freedom House.

Appendix VI
Freedom House Scores for Individual
Countries, Fiscal Years 1992 through 2002

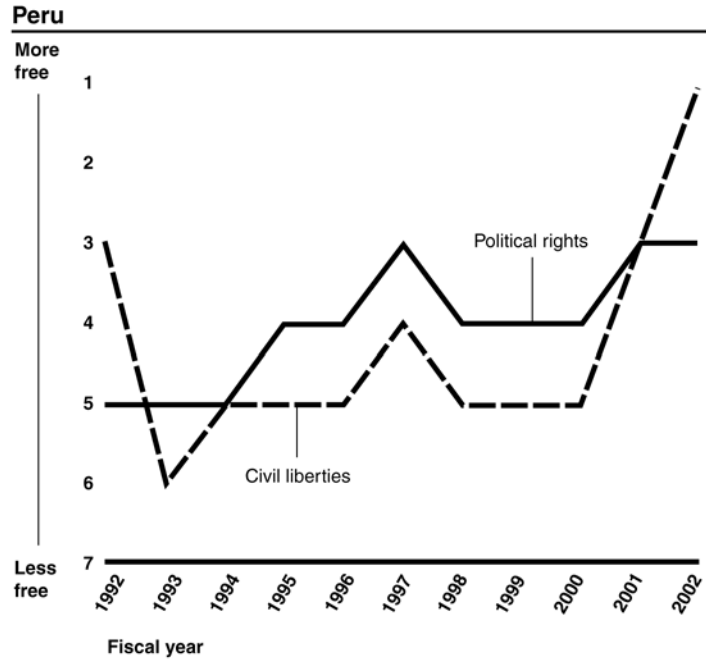
Figure 24: Freedom House Democracy Scores for Nicaragua, Fiscal Years 1992 through 2002



Source: Freedom House.

Appendix VI
 Freedom House Scores for Individual
 Countries, Fiscal Years 1992 through 2002

Figure 25: Freedom House Democracy Scores for Peru, Fiscal Years 1992 through 2002



Source: Freedom House.

GAO Contact and Staff Acknowledgments

GAO Contact

Phillip Herr (202) 512-8509

**Staff
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