

An Experience in Local Transparency in Honduras

United Nations Development Program

**An Experience in Local Transparency in
Honduras**

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1.-Administrative Corruption. 2. Transparency.

Prologue

The United Nations Development Program (UNDP) has initiated the publication of a series of documents related to the promotion of the topics of transparency and the fight against corruption in the framework of the project, "Municipal Transparency in Honduras Promotion".

This project, executed by the civil society and the Mayors' offices in nine Municipalities with technical assistance from the National Commission of Human Rights and the UNDP in Honduras, has as its goal to fortify the local government by promoting healthy management, transparency and participation of the public municipal resources. Nine pilot municipalities have been located in the departments of Copán, Ocotepeque, Cortés and the Bay Islands and will constitute the base of this development process for transparent practices at the local level.

With the publications of *A Local Experience of Transparency in Honduras*, of the *Tools for the Civil Commissions of Transparency*, a *Code of Ethics Proposal for Municipal Officers and employees* and of the *United Nations Convention against Corruption*, the United Nations Development Program is trying to provide, to the particularly general public and to the local protagonists of transparency in particular, a series of tools and experiences that are expected to be a support for the realization of their local initiatives.

Numerous studies and our own experience have demonstrated that development cannot be reached without the essential components that are transparency and civil involvement. What is mentioned previously is due to the fact that corruption harms first, those who are most vulnerable, consolidates social inequality and compromises the equal access of all civilians to their rights.

We would like to express our gratitude to the Municipal Mayors of Santa Rosa de Copán, Nueva Arcadia, Florida, Santa Rita de Copán, Copán Ruinas, Ocotepeque, San Marcos de Ocotepeque, Puerto Cortés and Santos Guardiola, and to their Civil Commissions of Transparency and the other institutions and projects who we have accompanied with the "Municipal Transparency in Honduras Promotion" project, and particularly to the Mennonite Commission of Social Action (MCSA), the Local Auto Management Development Project for the Reduction of Poverty in Northern Copán, the Christian Integral Development Organization in Honduras (CIDOH), the Rural Municipal Fortification Project, Second phase (PROMUR II) and the Environmental Management Program in the Bay Islands (EMPBI). We express our special gratitude to the National Commission of Human Rights (NCHR) because we have jointly supported the construction of the local transparency processes in Honduras.

With the present publications we intend to provide a new contribution in support to the local initiatives for the promotion of transparency and for the fight against corruption that will constitute a true hope that the management of public resources to be a base for an equitable and sustainable human development that will favor the same opportunities for everyone.

Kim Bolduc
UNDP Resident Representative
in Honduras

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Introduction

<<We need a school here, but ... the money was stolen by the corrupt>> so says a slogan from a recent campaign of sensibilization on the effects of corruption in Honduras¹. For the protagonists of development, it is more evident each day that transparency and the fight against corruption are two essential conditions needed in order to have a just and equitable world, that gives everyone the same options. In fact, corruption hinders development, consolidates social inequality and violates human rights.

The project that is presented in this document was executed from February to December of 2004 by the United Nations Development Program (UNDP). Its objective was to support nine Transparency Commissions - civilian entities of social accounting - in nine municipalities in Honduras with the purpose of promoting transparent management of resources at a local level and thus permit the fortification of local government and therefore human development.

This experience created two publications. The first publication, titled *Tools for the Transparency Commissions*, whose purpose is to provide a series of tools that will cover the development of the Transparency Commissions from their elections to their first few social audits. This manual is destined as much for the existing Commissions who will find several documents that could be useful for the fulfillment of their duties and as well as those interested in implementing a Municipal Transparency Commission.

The current work constitutes the other publication and it originates in the same experience. This document pretends to promote a promising experience of local transparency. First it retakes the general frame of the experience before presenting the different steps used to implement the project and its first results. The last part proposes to establish a balance sheet of the process and provides some lessons learned. Due to the fact that the tools have been published, the attachments for this book were reduced to the bare essentials.

These two publications share the same goal. It is our intention that they be made available to all the protagonists of development and all the citizens as well as a series of documents and tools that will permit the Hondurans to share experiences and identify good practices for possible reproduction, be it in Honduras or in other countries, these types of initiatives promote citizen participation, improving local government and fortifying democracy.

¹ Campaign Developed by the Federation of Private Organizations for the Development of Honduras (FPRIDEH)

1. General framework of the experience

1.1 Analysis of the Situation

1.1.1 Panorama of the corruption in Honduras

The most recent principal sources that can provide us with a vision of the current state of the situation of the corruption in Honduras are the annual reports of International Transparency (IT), and a diagnosis of the corruption in Honduras in 2001 based on the investigations by Mitchell A Seligson² and a joint diagnosis fulfilled in 2001 by the National Anticorruption Board (NAB) and the World Bank Institute (WBI). These investigations provide us with various types of data.

On the one hand, according to the perception of the Hondurans, the extension of corruption is large. The majority of the population (62,7%) thinks that the corruption is generalized o too generalized (Seligson 2001). The International Transparency reports, that measure the perception of corruption, also show that the Honduran citizens see their country as heavily affected by corruption. The index obtained in the IT report in 2003 represented a significant decrease in comparison to the index of 2002 since Honduras passed from a 2.7 to a 2.3³. According to the last International Transparency report, this places Honduras in the range of 114 (of 146 countries analyzed) in terms of perception of corruption. Although, Honduras registers on the list as one of the countries with an important descent in relation to 2003 (ranked 106 to 114), its score has remained stable at 2.3 and has won a ranking of the Latin American countries, being next to Venezuela the fifth country with the greatest perception of corruption superseded by Bolivia, Guatemala, Paraguay and Haiti.

On the other hand, the Hondurans perceive this elevated level of corruption as a serious problem for them and their country. The CAN-WBI study, stresses that corruption is the third most serious problem for the population and the public servants, exceeded only by delinquency and the high cost of living. This shows a developed conscience among the Honduran population of the high cost of corruption for development as well as the large damage this phenomenon entails.

Regarding the institutions perceived as the most corrupt, the CAN-WBI study shows that the five institutions perceived as most corrupt were the Judicial power, the National Police, the Transit Police, the Supreme Court and the Municipal Governments, the last being particularly interesting due to the municipal focus of the project studied in this document.

² Casals and Associates: Government and Transparency in Honduras after the Hurricane Mitch: A study of Popular opinion, Pittsburg University, Mitchell A. Seligson, 2001

³ The International Transparency index is from 0 to 10, 10 being the highest level of honesty and 0 the highest level of corruption. Finland, with a ranking of 1, obtains a 9.7 score while Haiti, with a 145 rank, obtains a score of 1.5.

Finally, the citizen perception of the relevance of the problem of corruption in Honduras has not changed significantly in recent years. During the last few years, corruption has been considered a very serious problem and both the functionaries as well as the companies do not perceive any significant change toward the improvement of the situation. The CNS-WBI survey shows that the companies in particular perceive deterioration in the level of corruption. The last jobs of the Social Forum for the External Debt of Honduras (SFEDH) presented in December 2004 underline that, instead of advancing, the fight against corruption in Honduras is at a stand still.

In real terms SFEDH considers the loss for Honduras related to corruption at 500 million dollars in 2004.

1.1.2 The fight against corruption at a Municipal level: history

The confrontation between this situation of chronic corruption and the Mitch catastrophe in 1998 produced the appearance of several organizations in charged with fighting against corruption. In effect, the high preoccupation of the Honduran citizens and of the international donors for the probable detour of international help towards particular interests made the international community condition their help to the application of the instruments that would guarantee transparency in the management of the aid⁴.

The first effort to formalize the social auditing directly related to the Municipality through a controlled medium by the civil society was begun in Santa Rosa de Copán in June 1998. The Civil Transparency Commission raised an initiative of the Municipal Corporation of Santa Rosa de Copán, through the elaboration of proposal, promotion and technical assistance by the Decentralization and Municipal Development Project of the United Nations Development Program and the Swedish Agency of International Development (UNDP-SAID). This Civil Municipal Transparency Commission is officialized by the approval of general constitutional regulations on March 16th 2001⁵. In a few months, the action of the Civil Transparency Commission gave its first results as shown in the following examples extracted from their *General Activities/Financial Report of 2003*.

In the verification of the tributary obligations of the members of the Municipal Corporation it was found that eight of them up to November 2001 were in debt which incurred the breaking of article 31 annex 1 of the Municipality Law, quoting that all citizens who have a delinquent account with the State or Mayors Office cannot opt for the position of Municipal Governor. As a product of this investigation the corporate members paid off their debts to the Municipal treasury. Another accomplishment was when the Municipal Corporation gave faculties to the Transparency Commission to open a public competition for the position of Municipal Internal Auditor. As of November 2001 the Commission has carried out the follow up of the use of twenty subsidies that came from the National Congress. These three examples are not exhaustive but do show the levels of efficiency that the Commission has reached in such a short period of time.

⁴ Marlin Ocar Avila Henriquez, VIII International Congress on State Reform and Public Administration, Panama, 2003

⁵ Jorge Cáliz, Civilian Participation: Experience in the Santa Rosa de Copán Municipality, 2003.

This experience is considered to be the most successful and is the most documented but it is not the only one. During the Reina Government, the Mayor of Tegucigalpa, Dr. Castellanos, set up the first Municipal Transparency Committee in the capital, which dilutes after his accidental death at the end of 1998. From these experiences and facing the success of the Santa Rosa Commission, the initiatives of constitution of local Commissions or local Committees of Transparency have multiplied. The creation of Transparency Commissions, have also responded to the will of reinforcing the capacities of the Municipal Commissioners elected since 2001. The Transparency Commissions are viewed as a medium to reinforce the Commissioner figure and to accompany him in his duties. Marlin Oscar Ávila⁶ estimates that in 2002 there existed <<around twenty to thirty developed experiences in the same amount of municipalities around the country, with Municipal Transparency Commissions, plus others that are looking to constitute themselves>> and in 2003 he gives the figure of thirty Transparency Committees in Honduras (10% of the Municipalities in the country)⁷. By January 2004, the study, *Current Situation and Perspectives of Social Auditing in Honduras*⁸ provides the number of forty five Transparency Commissions. At the beginning of 2005, according to data from the National Commission of Human Rights, it can be estimated that around one hundred experiences exist of the Local Transparency Commissions or Committees.

2.2 "Promotion of Municipal Transparency in Honduras" project: general framework

2.2.1 General data about the Project

The project of the United Nations Development Program (UNDP) titled "Promotion of Municipal Transparency in Honduras" (project 34235) proposed to "fortify the local government through the promotion of local transparency mechanisms and civilian participation offered by the current process of decentralization in Honduras"⁹. The project was developed from February to December 2004 and was financed at a value of 90 000 dollars contributed by the Democratic Governance Thematic Trust Fund (DGTTF) in the framework of its line of service of Public Administration and Anti corruption. It was, according to the classification used by the United Nations, a project of direct execution (DEX), the promoting institution UNDP, coordinating and responsible to provide necessary technical and financial support for the implementation of the project.

The initial protagonists of the process were the UNDP; the Governance and Justice Ministry (GJM) for the facilitation of the nine municipalities; the Municipal Mayors Offices with who there was an signed agreement for each municipality for the provision of cooperation funds in the framework of the project; the National Commission of Human Rights (NACODEH), strategic and operative ally that permits the evacuation of complaints that, in their complexity or because they were out of the league of the Commissions, could not be processed by the Commissions; the Municipal Commissioners and the Transparency Commissions; and finally several organizations or projects with which there was a strategic alliance formed. These organisms and projects were the Integral Christian Development Organization in Honduras (ICDOH), the Mennonite Commission of Social Action (MCSA), the local development project of auto administration for

⁶ Social Auditing Conference, II Central American Congreso of Professionals, 2002.

⁷ Marlin Oscar Avila Henríquez, VIII International Congress on Reform of State and Public Administration, Panama, 2003.

⁸ Current Situation and Perspectives of Social Auditing in Honduras, Jorge Irías Mena, November 2004.

⁹ Project Document "Transparency Promotion at a Municipal level in Honduras", 2004.

the reduction of poverty in Northern Copán, Fortifying Rural Municipalities project, second phase (PROMUR) and the Environmental Management Program in the Bay Islands (EMPBI).

2.2.3 Project objective and components

The objective of the project was to <<fortify the local governance through the fomentation of the Municipal Transparency Commissions with the objective of facilitating civilian participation and to reduce the factors that favor corruption at a local level. This tried to avoid that the decentralization would then entail a decentralization of corruption and political boss's (*caudillistas*) attitudes in place of the decentralization of responsibilities and competencies of governance.>>¹⁰.

The project was based on three components:

1. To consolidate and systematize the successful experience of social auditing of the Civilian Transparency Commission of Santa Rosa de Copán for the preparation of guides and materials that can be used to replicate the experience in other pilot Municipalities. To accomplish that, it was taken into account the materials created by the same Commission and others that originated from other national and international organizations with experience in the sector (Transparency International).
2. To develop a series of workshops in nine Municipalities in order to identify key local leaders and protagonists (mayors, local corporations, municipal commissioners of human rights, civil society leaders, associations) that could help in the creation of municipal transparency commissions through strategic alliances with their own municipality.
3. To support the training of the constituted commissions and the formation of the personnel with the help of the experience in Santa Rosa de Copán, by carrying out a case study that systematized the experience at the end of the process.

2.2.2 The Municipalities taken into account for the project

Previous to execution of the project strategic alliances were established with nine municipalities like such as those shown in the following table that take up again strategic alliances with institutions and local projects.

¹⁰ Project Document "Promotion of Municipal Transparency in Honduras", 2004

Table 1

Municipalities	Strategic Alliance with:	Other future attended Municipalities
1. Santa Rosa Copán	Municipal Mayors Office	
2. Copán Ruinas	Northern Copan Project SGJ ¹¹ (Finland - UNDP)	Florida, El Paraíso, San Antonio, La Jigua, San Jerónimo, San Nicolás and Cabañas
3. Florida		
4. Nueva Arcadia		
5. Santa Rita Copán		
6. José Santos Guardiola	Integral Management Program Bay Islands - Tourism Ministry (PMAIB) (IDB-UNDP)	Roatan, Utila and Guanaja
7. Gracias *	Municipal Mayors Office	
8. Ocotepeque	Rural Municipality Project (PROMUR), SGJ, (Holand-UNDP)	Sinuapa, Santa Fé and Concepción
9. Puerto Cortés	Municipal Mayors Office	

**The municipality of Gracias (Department of Lempira) was conceived originally as a participant in the process; however, after several attempts by the project to establish agreements, these were never possible to carry out. The Civil Society of San Marcos de Ocotepeque presented a project to UNDP and this municipality was incorporated into the project.*

The principal characteristic of the nine municipalities reside in their vast diversity. First of all their its geographic location: five are in the department of Copán, two in Ocotepeque, one in Cortés and one in the Bay Islands.

The nine municipalities are also very different in the number of inhabitants and their level of development. Table 2 retakes, for each municipality attended by the project, its Human Development Index (HDI), in the 298 Honduran municipalities and their population (data HDI 2003).

¹¹ ...

Table 2

Municipality	HDI	Ranking HDI	Population
Copan Ruinas	0.503	244	32,441
Florida	0.525	224	26,599
Nueva Arcadia	0.654	78	31,511
Santa Rita Copán	0.489	255	25,741
Santa Rosa Copán	0.662	62	42,545
Ocotepeque	0.690	29	17,742
San Marcos Ocotepeque	0.638	94	16,023
Puerto Cortés	0.726	12	104,566
José Santos Guardiola	0.833	1	9,638

While the municipality of José Santos Guardiola has the highest HDI in Honduras, Santa Rita is located in the 255th rank of 298 municipalities. The population varies from 9,638 inhabitants, as is the case in José Santos Guardiola, to 104,566 in Puerto Cortés.

Some municipalities like for example, Santa Rosa de Copán, Copán Ruinas and Florida had already experimented with the existence of a Transparency Commission while for the others it was the first time such an entity was constituted (see attachment 4). This implies of course, large differences in the implementation of the project.

Finally, it is important to point out that municipalities like Santa Rosa de Copán, due to its particular experience in social auditing at a municipal level, or in Puerto Cortés, due to the fact that it is the most important port in Central America and due to the related revenues for the port activity, constitute particular cases.

It can then be affirmed that the differences in the situations among the attended municipalities by the project are consequent to the geographic level, to human development, to the resources of the municipalities and their experience of social auditing.

2. The Project Running

2.1 The birth of the Transparency Commissions

2.1.1 The creation of the Commissions

a) The election of the Board of Representatives

Previous to the election of the Transparency Commission, is the election of the Board of Representatives of the Civil Society whose members are elected for two years. The Board of Representatives is a key element, probably the most innovative of the promoted methodology by the UNDP in the eight pilot municipalities. This Board works as the Transparency Commission Assembly. It has power over it; it can remove members, elect new members in case of any vacancies, give recommendations to the Commission, etc. The Board is composed according to each case of 15 to 25 representative members of the organized Civil Society and is presided by a Board of Directors composed of three members that have power to convoke the Board. With the exception of Santa Rosa de Copán, the members of the Transparency Commission cannot take part in the Board of Directors. The election of the Board of Representatives begins with an election by each organization of its representative who is then properly accredited to participate in an open town council and a candidate in charge of the Municipal Commission. In the town council, the representatives of the different organizations of the Civil Society present their candidate in charge of the Municipal Commission and they elect the Board of Representatives. In each sector there exists (geographic or social) a defined number of vacancies on the Board of Representatives, this number depends on the size of each sector (for example, the neighborhood assemblies sector, that tends to be very developed, habitually has a lot of representatives). The following step is the election of the Municipal Commissioner and the Transparency Commission.

b) Election of the Commissioner and the Commissions

It is true that the project intended to take advantage of the successful experience of Santa Rosa de Copán, on certain occasions and in particular concerning the mechanism of election of the Transparency Commissions, we moved away from the Santa Rosa de Copán model. It can be said that there are two models of election of the Transparency Commission within the participating municipalities in the UNDP project, one applied in Santa Rosa de Copán and another, with some variations applied in the other eight municipalities.

The election model used in Santa Rosa de Copán is the following: The Civil Society, in a properly gathered Assembly by the Transparency Commission, elects 21 candidates in representation of the different sectors who, in open town council, are presented to the Municipal Corporation who elects five members for the Transparency Commission. The project moved away from the model because it considered that this control of the Municipal Corporation over the final decision of who would be part of the Transparency Commission undertakes too many risks of involvement in the Commission by the Corporation.

In the election system based on the methodology established as a result of the agreement in 2001 by UNDP and CONADEH, the election of the members of the Transparency Commission does not deviate at any moment from the Civil Society. In most cases, the members of the Board of Representatives, that has become a council of electors, choose in a first round, six candidates. In a second round, the Board chooses four of the six candidates for Municipal Commissioner. Of the four, one is elected as Municipal Commissioner while the other three automatically form the Transparency Commission coordinated by the Commissioner. It must be mentioned that in the election the methodology used is from 2001 (now promoted by the Supreme Electoral Court and

used in the primary and general elections at a national level) that consist of one ballot with all six candidates which authorizes the voters to make six marks in the first round and four on the second. The sieve of the first round and the voting methodology are parts that guarantee a highly democratic election.

A variation of this model is used when the Civil Society considers that the Transparency Commission has to be made up of more than four members, for example five members as in Copan Ruinas. In this case, in the election process of the four candidates for Municipal Commissioner, the one who ends up in fifth place will be part of the Transparency Commission along with the other four candidates, but does not have the option to be Commissioner.

The fact that the Municipal Corporation does not elect the Transparency Commission implies a greater degree of independence for them in relation to the municipal authorities. It is observed that when the Municipal Corporation has the last word in the election regarding the Commission, it can feel compromised with the municipal government and sometimes shows little will to take up complaints that are submitted about the Mayors Office. It is also possible that the Municipal Corporation elects the members most apt to befriend a municipal authority or those who have less will to truly control municipal affairs. Another possible scenario is that the Municipal Corporation pressures members of the Commission with threats of no reelection or not to reelect members who are "too" active. With the model presented here where the Civil Society entirely controls the election process of the Commission, the possibilities of attempts to impede independence are severely reduced.

Regardless of the model used for the election, the requirements to become a candidate for Municipal Commissioner and consequently as a member of the Transparency Commission are the following: to a Honduran citizen, 25 years or older, resident of the municipality in which the person will work, have full civilian and political rights, have no blood relatives to a second or third degree with the Municipal Authorities, have a vocation to service and recognized honesty, not a municipal public officer or employee, except those in the teaching field and social assistance in the municipality. In addition to these requirements, the Civil Society defines a profile that completes and tailors the minimal required requirements by the Municipal Law. Several elements of this profile such as not being a militant activist of a political party are retaken by the *Commissioner and Commission Regulations* which will be mentioned later. These additional demands have contributed to, for example, the resignation of two members of the Transparency Commission of San Marcos de Ocotepeque since they were involved in political activities, being candidates to the Mayor and Vice Mayor positions of the Municipality.

Swearing in of the Municipal Commissioner and the Transparency Commission by the Municipal Mayor, Mr. Sergio Mejia Castro

Source: Commission of San Marcos, Ocotepeque

c) Contracting technical Assistants

Once the election of the Commission has taken place, it is not fully formed yet. The contracting of a technical assistant was missing, the only full time employed member and paid for his/her activities in the Transparency Commission. This particular situation ensures the continuance of labors of the Commission and the capacity to immediately respond to population complaints. In the case of San Marcos de Ocotepeque, the technical assistant is the representative of the Commission and the Commissioner has delegated faculties to act in their name.

The following terms of references apply to the technical assistant:

- Organize and maintain the files
- Customer service in regards to claims
- Receive, document and investigate all complaints or claims in order to present for the consideration of the Commission and Commissioner.
- Orient people with their questions
- Receive correspondence and inform the Transparency Commission
- Train the Civil Society organizations on transparency within a training plan of the Transparency Commission
- Look after and maintain office goods
- Draw up any documents requested by the Commission or Commissioner.
- Technically prepare or assist the Commission for the preparation of needed reports.
- Promote, disclose to the Commission and their activities so that the people know about their activities.
- Accompany or assist members of the Commission when they see it necessary
- Attend all open town council meetings or any meetings of his/her competence
- Maintain an actualized census of the organizations of the Board of Directors Assembly
- Maintain an actualized directory of persons or institutions related to the Commission
- Elaborate monthly reports and present them to the Commission
- Execute tasks assigned by the Commission according to his faculties and attributions

Required profile for the technical assistant:

- Medium Education Minimum
- Preferably with studies or experience in the social administration area
- Proven basic computer skills
- Speech ability and able to work in groups
- Honorable
- Excellent human relations
- Own initiative
- Know the work environment and reside in the municipality, preferred
- Previous work experience, preferred
- Availability to travel to receive training

The process of contracting of the technical assistant in each Commission followed several steps. First was to promote through local media the process of selection of the vacant position. The curriculums were received by the Transparency Commissions and three pre selected candidates were called in for an interview. The Commission did the interviews according to a previously received guide for the interview. We must point out that three of the Commissions, by their own initiative, did not follow the recommended procedure for selection of the technical assistant.

After that stage, the Commissions were able to physically be installed in loaned or rented offices by the Municipality and equipped with UNDP funds. In order to keep the independence of the Commissions, none of them function in the municipal palace. The equipment of the offices of the Commissions was not only intended for operational conditions but also in an effort to create a certain sense of identity, confidence and pride among the protagonists of transparency. The receptions of complaints in decent conditions and to have informatics material in working order are elements that increase the motivation of the members of the Commissions and give them incentive to do their jobs.

2.1.2 Legalization of the Commissions

The implementation of the Transparency Commissions had to confront the challenge of weak legal support in this entity of the national legislation. In effect, the figure of the Transparency Commission is not contemplated in any national law and this could harm its acting and make it more vulnerable.

What the Municipal Law in Honduras contemplates is the figure of the Municipal Commissioner in article 59 (see attachment 1). This article establishes that the duties of the Municipal Commissioner are, among others, <<to present all forms of petitions to the municipal authorities and the right to obtain a prompt response>> and <<supervise the execution of the subsidies that are given to the neighborhood associations and organizations of the organized Civil Society>>. The Municipal Commissioners were the legal coverage for the creation and nomination of the Municipal Transparency Commissions. At the same time, the involvement of the Transparency Commissions move around open space of article 80 of the Constitution of the Republic that establishes the right to present petitions to the authorities and obtain a quick answer.

The second step towards the fortification of the legal base of the Commissions was given with the elaboration, negotiation and approval by the Municipal Corporation of the *Regulations of the Municipal Commissioners and the Transparency Commissions* (see attachment 2).

These regulations in particular, characterize a stricter position than the Law of Municipalities so that when the time comes to define the minimum requirements to be the Commissioner or a member of the Transparency Commission all political activism is prohibited. These also regulate the election process, the revocation of the members and the way claims are processed. The negotiation with the Municipal Corporation also takes into account several rectifications but no real substantial change. Once approved by the Municipal Corporation, the regulations of the Commission will enter into the national normative hierarchy and acquire legal force.

In order to be complete, there is a need to underline a particular situation of the Santa Rosa de Copan Commission whose regulation was published in the National Official Gazette and whose legal status is in process. However, the indispensable need of these two steps is still being debated since the Regulations of the Municipal Corporation gives certain legal backing to the Commissions and there are other options, in particular the recognition of the Ministry of Governance and Justice of the Transparency Commission as an entity.

2.1.3 Training of its members

The Transparency Commission member training process and that of the technical assistants was a central component of the project in order to guarantee an efficient and effective Transparency Commission. This process was developed from June to December of 2004 and it covered several subjects that are summarized in the following table. It allowed the particular development of a series of concrete tools in order to carry out the activities of social auditing.

Name of the event	Participants	Coordinated with
Induction Workshop	Commissions and technical assistants	CASM, OCDIH, PROMUR
Progress and challenges of the Transparency Commissions	Mayors, Municipal Commissioners, technical assistants, project representatives and NGO's, representatives of the Superior Court of Accounts	
Regional Forum of transparency and efficiency in local institutions	Mayors, Municipal authorities and officers, Transparency Commissions, Organizations of Civil Society	CSAM, OCDIH, Northern Copan Project
Planning Workshop and execution of social auditing	Transparency Commissions, Technicians Northern Copan Project	Northern Copan Project

It should be noted that the commissions were technically supported permanently by the Project coordinator based in Santa Rosa de Copan.

2.2 The Transparency Commissions in Action

2.2.1 The action strategy of the Transparency Commissions

Corruption is a complex phenomenon that originates through culture and systematic matters. If it is true that corruption has a cultural component, what does it have to do for example with the levels of citizen tolerance toward corruption and the corrupt, this component is sometimes over valued. It can be observed for example that in developed countries as well as in countries in development, the fact that a politician is known to be corrupt does not impede his/her reelection. In many countries there is a permissive culture that exists toward corruption and even with the cultural similarity, the countries have very different levels of corruption. This must urge us to consider as essential the systematic aspect of the phenomenon of corruption (see diagram 1).

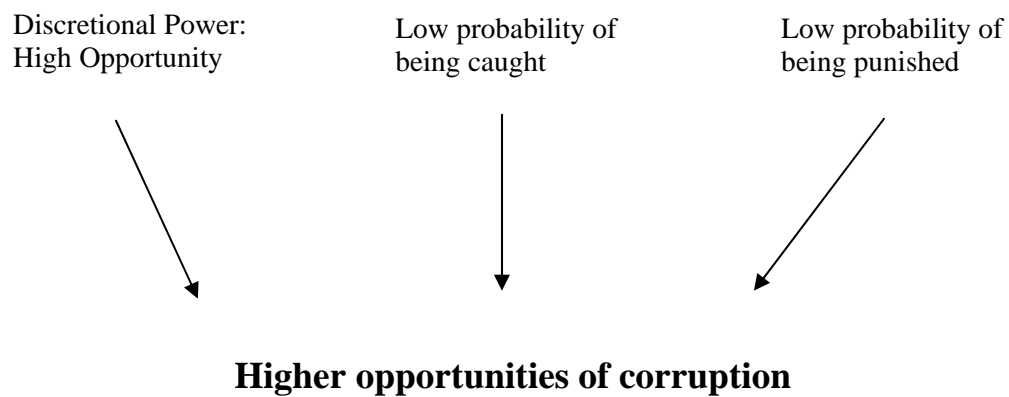
This systematic dimension is very present in the reflection of Robert Klitgaard that defines corruption according to the following formula: $C=M+D-A$ ¹². Corruption is equal to monopoly plus discretionary power minus accountability of accounts. These elements belong to a system that can be changed by introducing transparency, account accountability, control mechanisms,

¹² Robert Klitgaard, *Adjusting to Reality: Beyond <<State vs. Market>>in Economic Development*. San Francisco International Center for Economic Growth and ICS Press, 1991, esp. ch.7

revision and balances, etc. If it is not possible to design incorruptible citizens, then, maybe, we can correct the systems that cause corruption and it is this job that the Transparency Commissions have begun within the framework of the project <<Promotion of Municipal Transparency in Honduras>> (see diagram 2).

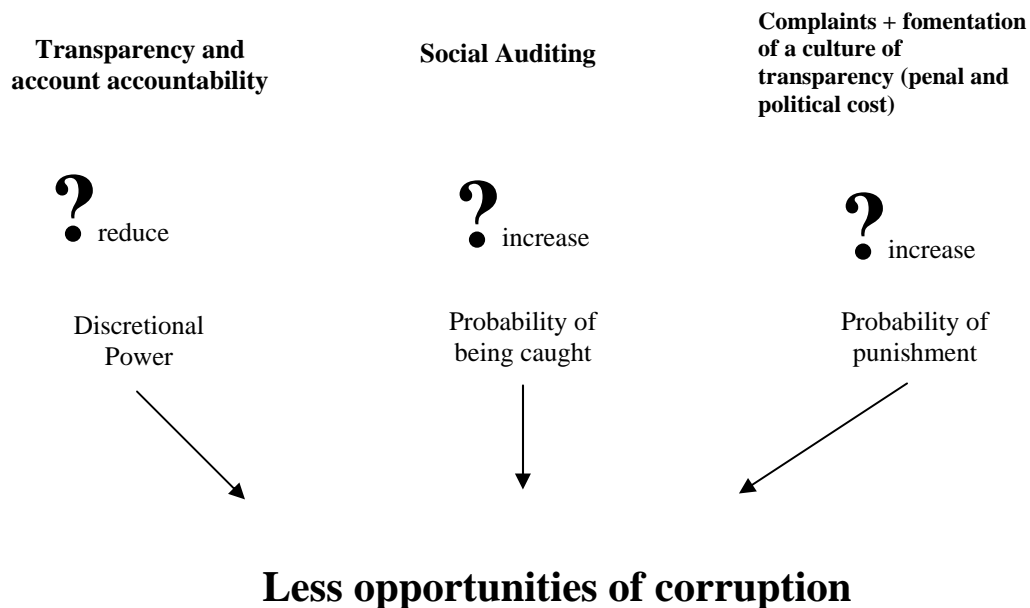
Admitting that corruption has an essential systematic approach can show that corruption can be fought, that it is not a plague against which nothing can be done. In effect most of the time it is easier and faster to change the system, introduce new transparent mechanisms, than to change the culture.

Diagram 1: Characteristics that facilitate corruption in a system



Source: own elaboration

Diagram 2: Work of Transparency Commissions



Source: own elaboration

2.2.2 Type selection of the Transparency Commissions

The need to act on several levels in order to obtain a higher effectiveness in the fight against corruption makes the Commissions carry out a series of diverse activities that are not limited only to social auditing in its restricted definition.

a) Social Auditing

First, it is necessary to clarify that a social audit is not an accountable audit. The social audit goes a lot further than an accounting audit since it is interested in the procedures followed in the management of resources and not only the justification of the use of the same. In order to understand the difference, an example can be taken. A purchase of equipment for Lps. 25,000.00 is documented correctly: it has a receipt, three quotes and record of reception at final destination. Whereas the accounting audit would have concluded the case, the social audit will verify if the person who purchased the equipment was authorized to do so, who authorized the expense, how was the procedure of quotes handled, if all suppliers were given the same information, if there was a Commission responsible for sending, receiving and qualifying the quote, etc. Then the process of the social audit requires a lot of preparation, a high level of knowledge of the medium in which the audit is going to take place and a strong training previous the audit, which explains that the social audits that took place within several activities took longer to implement.

The chosen example to illustrate the first level of action of the Transparency Commissions is the social audit done by the Transparency Commission of Ocotepeque to the department of Tributary Tax Control and Property Goods of the Municipality of Ocotepeque. In this process the

Transparency Commission found several irregularities beginning with the person who elaborated a *report of suggestions* destined to the Municipality for it to take action, this report was socialized through local media (radio and television). The labor of the Commission permitted to place evidence of lack of communication between the department of tributary control and the treasury, mistakes in calculation of collection and in the application of rates, a lack of knowledge of those responsible of certain employees for the decisions taken by the Municipal Corporation, the lack of personnel training and the fact that certain taxes are not collected (for details, see attachment 3).

b) Follow up and consultancy of the job of the Municipal Mayors Office

A lot of times the irregularities that can be observed in the municipal management are not due to bad intentions rather they are related to a lack of knowledge of the norms and obligations that govern the management of municipal matters: it is unknown for example, that the Municipality must have a complete book of records. That is why the Transparency Commissions do follow up and advisement on the job carried out by the Mayors Office. As an example of this duty of the Commissions, the Commission of Santa Rosa received and revised the contents of ten records of meetings of the Municipal Corporation as well as several reports about activities of the managers¹³. The Commission of San Marcos Ocotepeque achieved a complete assistance of the managers to the meetings of the Municipal Corporation and acted in the regulation and control of payments¹⁴. Basically the purpose is that the Municipal Corporation follows the law and the basic requirements of management and of transparency. Sometimes, this consultancy takes form of an informal social auditing. What occurred in Jose Santos Guardiola is a good example of what could qualify as a smooth attendance. In this Municipality, the Commissioner performed an informal evaluation of the use of human resources for the Municipality and formulated several recommendations that lead to the dismissal of an employee and the resignation of several others with a higher grade of efficiency and an optimization of work done by the municipal officers and employees.

c) Reception and investigation of complaints

The Reception and investigation of complaints does not exactly correspond to the social audit since several complaints can lead to an audit while others culminate into a specific solution or a transmission or orientation of the persons who filed the complaint to the appropriate authorities as the following case shows. The Commission of Puerto Cortes, on September 3rd 2004 received a complaint about the alleged illegal collection of contributions and demands of eviction of inhabitants of an invasion that apparently did not contribute to the demanded contributions of an apparent neighborhood association. The Commissioner reached out to the department of Social Development of the Municipality where the person in the complaint was not registered as a neighborhood association in the municipality and had no knowledge of what a committee is; therefore it is not among the faculties to make announcements or prohibition of any type. Therefore the complaining parties were directed towards the Attorney General of the Public Ministry to continue with the complaint¹⁵.

¹³ Santa Rosa de Copan Transparency Commission, advance report, June-September 2004, September 2004, Marcos Ocotepeque, Technical summary, Municipal Commissioner and Transparency Commission, October 2004.

¹⁴ Transparency Commission of San Marcos Ocotepeque, Technical Summary, Municipal Commissioner and Transparency Commission, October 2004.

¹⁵ Transparency Commission of Puerto Cortes, First advance report, October 2004.

d) Action requested by the Organizations of the Civil Society

In other cases such as that in San Marcos of Ocotepeque for example, the Commissions were requested by the organizations of the civil society to undertake a selection process or audits within these organizations, which demonstrates the high grade of honorability that the Commissions have accomplished and the interest that the organizations of civil society have shown their honorability and transparency.

e) Information and Educational activities

The Commissions also work on the educational level of the population regarding the effects of corruption and the level of information about the rights of citizens. This is the way that the Commission of Santa Rita de Copan orientated the elderly on how to obtain the benefits that the law bestowed on the elderly¹⁶. The technical assistant from Florida, along with members of the Commission, carried out a series of sensibilization activities for the students on the ill-fated effects of corruption and the benefits of the promotion of transparency.

2.2.2 Case Studies

In this section we will study in a more detailed manner two Transparency Commissions, Copan Ruinas and San Marcos of Ocotepeque, emphasizing in the strengths and weaknesses.

The Copan Ruinas Transparency Commission represents a very interesting case for being the oldest Commission of the participating Municipalities in the project. The first Transparency Commission of Copan Ruinas was chosen in 2001 within the framework of the agreement between UNDP and CONADEH. Very quickly there were a series of serious problems in operation due to the geographical displacement of the elected people. In effect there was an over representation of the rural area in comparison to the urban are in this first Transparency Commission which implied a lot of difficulties to periodically get the members together. Due to the lack of efficiency of this Commission, anticipated elections in 2002 were developed in order to elect a new Commission. In these elections there was a balance of representation between the rural and urban areas permitting the Commission to be more effective, nevertheless, there was a lack of institutional support until the UNDP started the project that only covered the last months of operation of the Commission. In the 31st of October, 2004, there was a new election for a new Transparency Commission due to the ending period of the previous members.

After this previous situation, there is a notable change in trust of the actively participating citizens that took part in the election process for the Municipal Corporation and Mayor. The current Commission benefited from the previous Commission since they left a solid base for the good management of the recently elected and they began their period with more representative members and with better training so that it is expected that this Commission will have a higher level of effectiveness than the previous ones. After only a few months in possession their first exercise of a social audit took place and was directed towards the Municipal Department of Public Works.

In the case of the San Marcos of Ocotepeque Commission, it is interesting because it represents a very important activity, in particular the reception and handling of the complaints. First we must

¹⁶ Transparency Comisión of Santa Rita de Copan, Activities Report, October 2004.

remember that in the first instance, the Municipality of San Marcos of Ocotepeque was not originally conceived as a participant of the UNDP project. The Civil Society of San Marcos heard about the UNDP project and presented a proposal to replace the Municipality of Gracias whose incorporation had failed. The Transparency Commission that was elected was the second one that the municipality had as the first intent did not render the expected results.

This Commission presents two particularly interesting elements that are interrelated. The first is that the Commission tried a management model that gives an ample capacity for action to the technical assistant of the Transparency Commission. The functionality system is the following. Each weekend, the Transparency Commission meets under the coordination of the Municipal Commissioner.

These weekly meetings permit the definition of large lines of action of the Commission and take special determinations. During the week, the technical assistant, to whom the Commission has delegated responsibilities and power, assumes the labor of the Commission. This model of functionality distinguishes the political level where the decisions are made in the Commission meetings and the operative level that gives ample liberty of action to the technical assistant permits them particularly to obtain an immediate response capacity to the complaints that need it.

This model of organization is probably one of the keys to understanding the great number of complaints received and processed by the Transparency Commission. This shows that the Transparency Commission of San Marcos of Ocotepeque has accomplished the assimilation by the citizens or the processes of corruption complaints and the demand for account accountability. The following table was created by the Transparency Commission summarizes the strong activity reached in the Commission of San Marcos in the short period of existence.

**Complaints received between June and November 2004 by the Transparency
Commission of San Marcos of Ocotepeque**

Type of complaint	Against	No. of Complaints	Resolved	Pending	Passed to CONADEH	Observations
Public Order Disturbance	Municipality/Education	1	1			
Family Violence Interfamily Violence	Several people Several Civil Society	8 7	5 (peace court) 5		3	Follow up with CONADEH In the peace court
Employee Negligence	Hospital	6		6		Auditing process
Employee mistreatment	National Registry	6	4	2		
Health and environment	Several people	3	3			
Abuse of authority Mismanagement of Funds	Municipal Corporation Municipal Corporation	3 2	3 2			Resolved with notification to the Mayor and person receiving the complaint
Failure to fulfill Projects	Municipal Corporation	2		2		
Damaging Health and Environment Against Mental Health in Children	Coffee Benefit Local Cibernet	1 1	1 1			In coordination with UMA/Health Coordination with Municipal Justice
Tax Evasion Mismanagement of Funds	Employees Hospital Area Treasury Association	1 1	 1		1 . .	Follow up with CONADEH . .

Total

42

3. Achievements, Difficulties and Lessons

3.1 Process Balance

3.1.1 Achievements

1. The successful creation of the Transparency Commissions (summarized in attachments 4 and 5) in the nine supported by the project.
2. Ample democratic election process of the Commissioners and the Commissions.
3. High involvement of the Civil Society in the diverse stages of the Project, formalizing the level of the Transparency Commissions by the Board of Representatives.
4. The effective cooperation of several organizations of the Civil Society and projects to support the UNDP project and to promote transparency, in particular the Northern Copan and PROMUR projects and the OCDIH and CASM organizations that contributed towards the training of the Transparency Commissions and the fulfillment of the Regional Anticorruption Forum and whose technicians were involved in the process of installation and training of the Commissions.
5. The extension, thanks to the Commissions of the project and other projects that were implemented in the municipalities not involved in the project, of the Transparency Commissions figure. In the Department of Copan, thanks to the support of the Northern Copan Project, the municipalities of Cabañas, El Paraiso, San Antonio, San Nicolas, La Jigua, all have a Transparency Commissions and in San Jeronimo the election is on stand by. In the Department of Ocotepeque, the creation of the Transparency Commissions was jointly supported by the Commissions of San Marcos of Ocotepeque and of Ocotepeque attended by the UNDP project and the PROMUR project in the municipalities of Dolores Merendon, Fraternidad, Mercedes, La Encarnacion, San Francisco del Valle, Concepción, Sinuapa, Santa Fé and La Labor. In the Department of Santa Barbara with the OCDIH as mediator the creation of Transparency Commissions was supported in the municipalities of Proteccion and Naranjito.
6. Regional promotion of the Transparency Commissions figure and the concepts of transparency and the accountability of accounts.
7. First concrete changes toward better practices at a municipal level.

8. Trust is reinstated in the population of the institutions and hope returns of having an efficient and honest government. Politics has the opportunity to recover its image as more honorable and democracy is fortified.

3.1.2 Difficulties

1. In some cases, the members of the Transparency Commission do not have the will to deal with the complaints of the population, mainly those that deal with the Mayors Office.
2. In certain municipalities there exists a fear of filing complaints in the population.
3. The socialization of the Transparency Commissions has been unequal according to the municipalities in certain cases there is a low flow of complaints by the population.
4. The population presents all types of complaints, including some that are not in the area of the Transparency Commissions.
5. In some cases in the training of the Transparency Commission members and of the technical assistants they have not completed the courses.
6. There is a lack of a well defined framework for the treatment of complaints.
7. In some municipalities, there is no remission of the information requested from the local authorities.
8. Some technical difficulties in the access of communication mediums (phone, fax, internet connection...) in the Commission Offices, in the mobilization of the Commission members to follow up complaints and in the transmitting of funds from the Municipal account to that of the Commission.
9. The institutional cooperation that would permit the coordination of efforts and make work more efficient for each institution, is underdeveloped.

3.2 Perspectives and lessons learned

3.2.1 Lessons Learned

The first lesson learned in the project implementation is that without a doubt the demand and will are very strong that exist at a local level to fight against corruption. This demand is shared by the citizens that desire to heal a system that will harm the development of their municipality and they want to show honesty in a climate of overall mistrust towards the politicians.

This enthusiasm faces a culture of participation of the citizens in the affairs of public interest and a weak culture of account accountability by the municipal authorities. The authoritarianism in the local governments is directly linked to historical backgrounds; to uproot this habit implies a degree of pressure and incidence in them in order to favor these changes.

Another capital lesson of this project is that the relations with the Mayors offices are central for the success of a project of this type. The good disposition, the mayor in particular, towards the initiative permits, facilitates and makes efficient the action of the Transparency Commissions. To obtain credentials for the members of the Commissions is an example of how the Mayor can facilitate or obstruct a process like this. Most of the Mayors have good will to open a social audit, however, its their intermediate commands who a lot of times obstruct the process; other times it is the same Commissions that do not act due to fear. Then the challenge is to find and equilibrium between a confrontation that can only hinder the actions of the Commissions and a "friend" that can calm the trust of the population in the Commission and that can conduct an implementation of the Commission by the Mayor. The key to that equilibrium resides in the joint conscience of the common benefits that the work of the Transparency Commission provides.

The project also showed that the credibility and trust of the members of the Transparency Commissions are indispensable elements in order to have effective work done. A social audit process must be done by an organization that enjoys complete credibility among the population. This credibility is obtained or lost first in the election process of the Commissions. Then at this moment, it must be prepared with special attention. In this case, the democratic way in which the Commissions were selected guarantees that trust. Another key element with which the credibility is played is the Commissions in terms of results. With the same hope and will of the population to change things; the citizens expect quick results and sometimes results that can be out of reach of the Commissions. To prevent disenchantment by the population and the members of the Transparency Commissions, it is important to quickly obtain some concrete results and let everyone know about them in an ample form.

The repressive front of corruption is not enough, aside that it is inefficient in Honduras. The strategy to create a preventive front fomenting values and creating mechanisms that facilitate transparent procedures, where the civil society is vigilant and demanding, permits them to fight against corruption in an effective manner. The Transparency Commissions should not be conceived as punishing institutions, they are after all a tool to prevent corruption and promoters of good practices.

The local fight against corruption needs to have permanent local institutions, with high moral profiled individuals, that know the reality in situ and with a disposition to act. The Transparency Commissions assume this role in this project. The local fight against corruption with the doctrine "el garrote" (the club) since the State is not efficient, due to political engagements with which these institutions are founded. The true reach of the possibilities to act at a national level is very limited due to shortage of staff or budget, elements that always justify their lack of presence in the municipality. This last observation must urge us to reflect on the question of the institutionalization of the Transparency Commissions, which must pass first through a guaranteed sustainability.

3.2.2 Perspectives

At the time of evoking the perspectives of this project, the sustainability of the Transparency Commissions has been converted into the main challenge to overcome. The matter of sustainability has in this case two specific phases, one political and the other financial that are linked to two elements that could threaten the continuance of the work in the Transparency Commissions.

The first element has to do with the general elections in which the Hondurans will elect on November 27, 2005 a president, vice president, 128 Members of Congress, the same amount of

substitutes and 298 Municipal Mayors. This implies a possible change in Mayors Offices and a possible arrival to the elective municipal vacancies of people less favorable to the Transparency Commissions in a process in which the cooperation of the Mayor and governors is essential. To respond to this challenge, the Commissions have been developing and/or will develop sensibilization workshops for the pre-candidates and the candidates. The purpose is to present the work of the Transparency Commissions and the common benefits that this work entails for the citizens and for their representatives that have an opportunity to show their honesty in the period of their post.

The second element has to do with the financial aspect. This situation has several possible answers. The first is the inclusion in the municipal budgets of a line destined to finance the operating expenses of the Transparency Commissions. The municipalities have agreed to participate in the financing of the Commissions but a lot of times the foreseen amounts are scarce. Therefore another possibility is that the UNDP continues supporting the Commissions for one more year to financially and technically consolidate them and define with them sustainable sources of financing. To this effect, the UNDP has presented a proposal for a second phase of the Project "Promotion of Municipal Transparency in Honduras" that particularly contemplates the inclusion of activities related to the electoral subject in the duties and activities of the Commissions and that is accompanied by a financial request. A positive answer to this request guarantees a contribution of 100 000 dollars for 2005 securing the continuity of the project.

Conclusion

The results presented in this document prove how successful the experience was with the support of the UNDP. After only one year of support, the Transparency Commissions already have the capabilities to provide a transparent management of resources at a municipal level.

This success is due to the citizen compromise in several municipalities with the project. The most positive message of this experience is without a doubt this compromise of men and women that, giving their time and competence, they are dedicated to the service of their community so that public resources are not wasted and that these resources contribute to the development of their municipality: to the development of everyone and not the riches of others. At the time of contemplating the challenges that the future will entail, it is in them that we must deposit our trust and hope.

Attachments

Attachment 1: Article 59 of the Municipality Law

Article 59 - (Reformed by Decree 127-2000). All municipalities will have a Municipal Commissioner, elected by the Municipal Corporation, in open town council, announced accordingly, from a list of four (4) suggested people by the organizations of the Civil Society.

The Municipal Commissioner must be 25 years or older and enjoy fully of his/her civil rights. The post will last two (2) years, can be reelected and work gratuitously, but must have right to be reimbursed for office and mobilization expenses in satisfaction of budgetary dispositions.

Municipal Commissioner Duties and attributions:

- 1) To be vigilant that the current municipal Law, its regulations and by-laws are fulfilled.
- 2) Present all types of petitions to the municipal authorities and right to obtain a prompt response.
- 3) To be vigilant that respect for the Human Rights, of the community, the cultural diversity, the biodiversity and environment are being respected.
- 4) Watch over the interests of the communities and the common good.
- 5) Support the rendering of services of endeavor and social assistance to the people and vulnerable sectors, such as: Minors, exposed, the elderly, single mothers, ethnic groups, handicapped and anyone in similar situations.
- 6) Supervise the execution of the subsidies that are given to the neighborhood associations and organizations of the organized civil society; and,
- 7) The rest that determine the regulations of this Law.

The plans, programs and projects executed by the Commissioner must be in agreement with the Municipal Development plan, assigning a line within the General Budget of entry or exit of the republic, for office and mobilization expenses in conformance to the appropriate line of budget.

Attachment 2: Example of the regulations for the Municipal Commissioner and the Transparency Commission

First Chapter General Dispositions

Article 1 - The present regulation regulates the activities, duties and attributions of the Municipal Commissioner and the Transparency Commission of this technical term, as well as the bases for the appointment, suspension and revocation of said charges, having as a legal base that established in Article 59 of the reform 127-2000 of the Municipal Law and article 80 of the Constitution of the Republic.

Article 2 – The Municipal Commissioner is considered, the designated citizen by the Municipal Corporation, a proposal of the Board of Directors of the organized Civil Society sectors, so that he collaborates with the authorities of this municipality, in order to fulfill the duties stated in these Regulations and other applicable dispositions.

Article 3 - The authorities will watch out for the fulfillment of the present Regulations, will be the Municipal Corporation, the Transparency Commission and the Board of Representatives of the Civil Society.

Second Chapter Of Appointment, Suspension, Revocation and Resignation

Article 4 - The Municipal Mayor, before the creation of the proposal of the candidates to the post of Municipal Commissioner and members of the Transparency Commission to the Municipal Corporation, must carry out a consensus between neighboring municipalities through the organized civil society in the Board of Representatives, to select four people who, meeting the legal requirements, are suitable for the occupancy of the posts. Previously and in open town council the Corporation will elect a Municipal Commissioner.

Article 5 - To become Municipal Commissioner the following requirements are indispensable:

- I - Honduran citizen
- II - 25 years or older
- III - Resident in the Municipality for at least 3 years previous to appointment
- IV - Enjoy complete civil rights
- V - No blood relatives to the second or third degree in Municipal Authority
- VI - Cannot be a public officer or employee in the Municipality with an administrative post, except for academic or social assistance of this municipality.

Article 6 - The post of Municipal Commissioner and member of the Transparency Commission is honorary and will have the right to be recognized for office, mobilization and food expenses in activities in the municipality and expenses according to the Management Regulation of the Assigned Resources to the Transparency Commission; the assigned posts last a period of two years, remaining in the post until the moment of being substituted or formally reelected through the same procedure in which they were appointed.

Article 7 - The Municipal Corporation should not name anyone to take over a post of Municipal Commissioner or relative of this public post that compromises the actions of the Municipal Commissioner.

Article 8 - The following are causes of revocation of the post of Municipal Commissioner:

- I. Voluntary resignation or due to major circumstances.
- II. Inure in the commission of any crime that deserves deprivation of liberty;
- III. Fail to fulfill or abandon duties, without justified cause;
- IV. Change of residence to another municipality;
- V. Act with arrogance and arbitrariness;
- VI. Extend constancies of false facts;
- VII. Permanent physical or mental incapacity while appointed;
- VIII. In case of death;
- IX. For participation of political activities while appointed, using the post for political, political party or religious purposes in personal benefit, interest of groups or particulars in harm of the interest of the society and its harmonious coexistence;
- X. Charging for services rendered
- XI. For not fulfilling the requirements in articles 5 and 7 of the present regulation. This article is extensive to the members of the Transparency Commission.

Article 9 - If any of the previous circumstances presents itself it will be the Transparency Commission or a member of the Board of Representatives who presents the complaint to the National Commission of Human Rights who will investigate the situation and if necessary they will make a report with a recommendation for the Municipal Corporation with a copy to the Transparency Commission.

Article 10 - The people designated to occupy the post of Municipal Commissioner, can excuse themselves or ask for a 30 day vacation, or resign the accepted appointment, for which, they should formulate a written request to the Transparency Commission who will communicate to the Municipal Corporation. In the meantime when there is no notification of their request to the resolution, they cannot abandon their responsibilities.

Article 11 - Temporary absences of the Municipal Commissioner will be covered by a designated member by the Municipal Corporation and one of the other three that were proposed as candidates will be named to Municipal Commissioner.

Article 12 - When for any reason the Municipal Commissioner does not assist without a justifiable cause, for more than 30 days, he/she will automatically be removed from the post. Once it is known, any direct neighbor, will notify the Municipal Mayor or a member of the Transparency Commission, applying Article 11, for which no more than 30 days can pass.

Third Chapter **Of the Faculties and Obligations of the Municipal Commissioners**

Article 13 - The Municipal Commissioner will have the following faculties:

- I. Honorably collaborate with the Municipal Corporation and the neighbors, at the same time, represent them, in presence of the Authority that acts in the municipal field;
- II. Be vigilant that there is no threat to the public security and tranquility of the neighbors, the morality and good habits; as well as to watch over the social meetings with aim of entertainment or charitable, keep the appropriate order, communicating to the authorities any irregularities.
- III. Know everything that has to do with the elaboration and management of: Municipal Budget, Plan of Judgment and anything that applies to municipal finances, just as public investment that are of local government, State or Private organisms that have transferred goods to community groups in a collective wealth character;

- IV. Present to the Municipal Authority pertinent recommendations for the solution of problems that deal with the community in its neighborhoods, villages or country hamlets;
- V. In neighborly conflicts, if and only if the interested request it, and only in character of reconciler, will he/she intervene to attempt to fix the differences through dialog and reconciliation, applying common sense and moral principles, with the utmost respect to the involved. When a positive result is not achieved, will advise them to turn to the appropriate authorities;
- VI. Know and investigate omissions, negligence or arbitrary action of authorities or officers who practice in municipality posts and make known the complaint to immediate bosses; in case the complaint is not attended to he/she should send the complaint to the National Commission of Human Rights;
- VII. Create records, about known facts that are related to their duties. The Commissioner has the right to be reserved in the management of the information;
- VIII. Ask for cooperation from the Municipal Authorities or other instances, for the good fulfillment of duties, who have the obligation to attend too;
- IX. Render annual reports to the Municipal Corporation and the Municipality in the open town council and the Board of Representatives twice a year;
- X. The rest that are established by this Regulation and other applicable legal dispositions.

Article 14 - Municipal Commissioner Obligations:

- I. Be informed of necessities, shortages and problems that affect the community in which he resides, providing the necessary data for its solution.
- II. Receive complaints to which must follow the pertinent procedure.
- III. Abstain from acting in other jurisdictions that are not their municipality.
- IV. Inform the Municipal Authority, the deficiencies in public services, such as: potholes, water escapes, electric cables in bad shape, light bulbs not working, etc in order to achieve the restoration of the affected service. In urgent cases it can be directly reported to the proper authority.
- V. Denounce to the appropriate authorities, gangs, loitering, drug addiction and all irregularity observed in his/her jurisdiction, mainly those that affect public order, tranquility, good habits and morals.
- VI. Attend the Corporation meetings when deemed necessary, having these meetings as a purpose, to analyze general interest subjects related with his/her function; render reports and present proposals and claims.
- VII. Carry identification that accredits him/her to be Municipal Commissioner, when fulfilling duties in the municipality;
- VIII. Have a sign that says Municipal Commissioner, in a visible place for appropriate identification;
- IX. Report any contagious sickness present anywhere in the municipality;
- X. Report clandestine animal killings so as to insure that they are apt for human consumption, those that must be sacrificed in the municipal trace or in villages;
- XI. Divulge basic legal dispositions that protect the community;
- XII. Provide requested reports to the Municipal or State Authorities, in regards to Municipal affairs, that are within power and do not compromise the autonomy of the post;
- XIII. Make sure that public areas such as plazas, gardens or natural resources are not built for the public benefit are not destroyed and/or deteriorated;
- XIV. Orient municipal inhabitants about their rights and obligations;

- XV. Do not interfere in affairs of other authorities, unless there is a an infringement of process;
- XVI. Report emanation of smoke and dust, or other contaminations due to contaminated or still water or bad odors that harm the environment;
- XVII. Make sure that the appropriate authority makes sure that neighbors keep the area in front of their houses clean and deposit garbage in the appropriate recipients;
- XVIII. Collaborate in vaccine campaigns promoted by the appropriate authority;
- XIX. Negotiate with the competent authorities the presence of minors in inappropriate centers or that they lean towards corruption and bad habits;
- XX. Promote to the Municipal Authority and other institutions, to dictate the necessary actions for dumb and deaf, blind, abandoned children or old people, to assist to specialized centers of rehabilitation, retirement homes and institutions that provide protection for them.
- XXI. Keep an agenda with names, position and phone numbers of heads of municipal departments in order to fulfill their duty, such as State Organizations linked to the Municipal Authority; also have the names and addresses of the offices that render emergency medical services and rescue units of the jurisdiction or the closest to them, with their respective addresses.
- XXII. The rest established by these Regulations and other applicable legal dispositions.

Fourth Chapter **Process of reports or complaints**

Article 15 - The Municipal Commissioner can act as officer or petitioner on the side of complaint or report in those cases where the people feel affected by arbitrary acts of administration, omission or negligence by authorities or officers of the municipality. In order for people to have access to the Municipal Commissioner, they can do so orally or in written form or any other medium, personally, by phone, fax, mail, telegram, etc. It is the obligation of the Municipal Commissioner to give immediate attention to the cases presented to him/her and do the respective monitoring.

Article 16 - All complaint presented to the Municipal Commissioner, must be carried out no later than a year after the date in which the complaint occurred.

Article 17 - The Municipal Commissioner will determine if the presented complaint is within his/her attributes, if that is not the case he/she will refer the person with the complaint to the respective authority giving respective clarifications. For an effective task, the Municipal Commissioner must keep a register of the received complaints to him/her or those that he/she is aware of and acted upon. The Municipal Commissioner reserves the right to accept or deny any anonymous complaints.

Article 18 - The Municipal Commissioner will investigate complaints using the appropriate resources for the clearing up of the complaint, as for the involved authorities, they must cooperate fully; in every case, the officer, superior or organization will be informed of the case within 10 business days. The time frame can be changed if the Municipal Commissioner so sees fit.

Article 19 - The person who has had charges pressed against him/her has to answer, preferably in writing, contributing opportune arguments to deny or correct the charges, within 10 business days. The Municipal Commissioner will confirm the severity of the charges and if necessary will make pertinent recommendations to whom it is necessary.

Article 20 - Lack of cooperation by the officers who have been solicited can be considered by the Commissioner as a hindrance of his duties; this situation will be the cause for the case to be given over to the jurisdiction of the National Commission of Human Rights for the pertinent actions.

Fifth Chapter

On the Election Process and the Board of Representatives of the Organized Civil Society

Article 21 - The Municipal Corporation through the Mayor will announce an open town council, as described, with two months anticipation of the expiration of the period of the Municipal Commissioner, to the organized Civil Society of the municipality that form the Board of Representatives in presence of the open town council.

Article 22 - The Board of Representatives of the Organized Civil Society is formed by the proposed leaders of the different sectors: _____ of the productive sector, _____ of the guild sector, _____ Representatives of Communal Organizations and _____ other appropriately accredited by the Board of Directors of this board. This is a permanent board and it must ensure the Selection of Candidates for Municipal Commissioner and watch out for the good functionality of the Municipal Commissioner.

Article 23 - Faculties and Obligations of the Board of Representatives:

- I. Select through a procedure a Transparency Commission integrated of 4 members that will be presented to the Municipal Corporation for them to elect a Municipal Commissioner in open town council.
- II. Meet at least twice a year, in ordinary character, to receive reports of the Transparency Commission and the Municipal Commissioner.
- III. Substitute members of the Transparency Commission who are not working properly.
- IV. Propose reforms to these Regulations.
- V. Create their own internal Regulations.

Sixth Chapter

The Transparency Commission

Article 24 - The Transparency Commission will organize internally the Board of Directors that the Municipal Commissioner will preside and will have the following attributions:

- I. Support the Municipal Commissioner to make sure that there is a fulfillment of obligations and fulfillment of duties.
- II. Make decisions in demotion, suspension, resignation and appointment based on the faithful fulfillment of article 8.
- III. Have knowledge of the recommendations presented by the Municipal Commissioner and support them accordingly.
- IV. Carry out, under the coordination of the Municipal Commissioner, activities of control of joint public resources present in the municipality.
- V. Manage the resources appointed to the Municipal Commissioner or Transparency Commission.
- VI. Be vigilant about the correct fulfillment of the present regulations.

Seventh Chapter

Resource Management

Article 25 - The management of assigned resources to the Municipal Commissioner and the Transparency Commission will be regulated by a Management of Resources Regulation.

Article 26 - The resources at the disposal of the Municipal Commissioner and the Commission must be administrated by the Transparency Commission who must keep a financial register. A part of these resources make up the funds assigned according to the law and must be transferred to this account.

The origin of these administrable funds could be:

- a) ____% contribution from the Municipal Corporation.
- b) State Fund transfers
- c) Obtained from resources from specific projects of the Municipal Commissioner and the Transparency Commission
- d) Donations or legacies

Article 27 - The destination of these funds will be to cover the necessities of mobilization, office rent, operative costs and other authorized expenses by the Transparency Commission.

Eighth Chapter Procedure of Revision and Consultation

Article 58 – The present regulations may be modified or updated when the social, political demographic or any other aspects of community law so demand and only at the request of the Council of Representatives of the Civil Society.

Transitory

First Article - Article 59 of the Municipal Law is part of these Regulations and others that have direct relation with the post created by the Municipal Commissioner, such as its regulations.

Second Article - The current regulation of the Municipal Commissioner and the Transparency Commission of the _____ municipality comes into effect on _____

Given in the place of meeting room of the Municipal Corporation of _____, on the _____ day of the _____ month of _____, in open session.

Attachment 3:

Suggestion Report

**EXECUTION PROCESS
OF THE SOCIAL AUDIT
APPLIED TO THE DEPARTMENT
OF TAX CONTROL
FOR REAL ESTATE.**

MUNICIPALITY OF OCOTEPEQUE.

We analyzed and verified the database that does not have the total amount collected and the amount of debt, due to the fact that the information is incomplete.

Suggestion: that the parties involved in the department and the treasuries get together to revise the information of each contributor, as well as the amount collected and amount due.

We verified that taxes are not collected for improvements according to the law what must be collected, construction permits and they are not working in accordance with the law since it can be seen that the same mistakes are being made and now they are serious, this implies loss of time and loss of money.

In the survey that was carried out and we noticed the inconformity of some contributors, in the calculation and for the surcharges or fines.

Suggestion: Display in a visible area and clearly explain to the contributors about the dispositions and how much are the fines and surcharges are when not paid in legal terms indicated in articles 74, 75, 76 of the Municipal Law.

We hope that this first experience of the development of a social audit in the department of tributary control, real estate tax, was to improve and heal this department, it is necessary to fix the mistakes that have been identified in this process in order to prevent problems and that the municipal population is satisfied with the calculation and collection of these taxes.

Without further due, we count on the fact that our suggestions are taken into consideration to benefit our municipality and for the transparency in the development of duties and activities.

Sincerely,

PM Alicia Carías de Pineda
Municipal Commissioner.

Attachment 4: Table of initial situation in municipalities

Municipality	Transparency Commission working Commissioner	Transparency Commission working	Only Elected Commissioner	Only Elected Transparency Commission	With an Office	With Municipal Budget	With Employee	Nothing	Companion Institutions
Santa Rosa de Copan	X	X			X	X	X		UNDP- CONADEH
Copan Ruinas			X	X					OCDIH- North of Copan
Santa Rita de Copan								X	CONADEH- OCDIH
Florida								X	
La Entrada			X	X					CONADEH
Ocotepeque								X	
San Marcos de Ocotepeque			X	X					CONADEH
Puerto Cortes			X	X					
Santos Guardiola								X	

Attachment 5: Table of current situation in municipalities

Municipality	Signed agreement with UNDP	Commissioner working	Transparency Commission working	Created Regulation	Regulation approved	Office	With Municipal Budget	With Employees	UNDP coordinates with
Santa Rosa de Copan	X	X	X	X	X	X	X	X	CONADEH
Copan Ruinas	X	X	X	X	X	X	X	X	CONADEH- OCDIH- North of Copan
Santa Rita de Copan	X	X	X	X	X	X	X	X	CONADEH- CASM-Norte de Copan
Florida	X	X	X	X	X	X	X	X	CONADEH- OCDIH- North of Copan
La Entrada	X	X	X	X	X	X	X	X	OCDIH- North of Copan
Ocotepeque	X	X	X	X	X	X	X	X	CONADEH- PROMUR
San Marcos de Ocotepeque	X	X	X	X	X	X	X	X	CONADEH- PROMUR
Puerto Cortes	X	X	X	X	X	X	X	X	
Santos Guardiola	X	X	X	X	X	X	X	X	