



## ANZSOG Case Program

# Fighting an invisible crime: protecting girls in Guatemala

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### Background to the case

The growth of 'governance' institutions in Latin America has been uneven from colonial times. For specific historical and locational reasons, Central American nations have generally lagged those of South America in the development of such institutions. Guatemala – the largest economy in Central America – has had its institutional development made immeasurably harder by 36 years of civil war which ended only in 1996.

The rebuilding is still underway and may yet fail. The healing process which needs to underpin the rebuild is proceeding, albeit with some serious deficiencies. Priority is being given to developing political and economic institutions, although this too is being held back by recent corruption scandals. However, there is a danger that the development of social institutions will be given lesser priority even though this is at least as important as other forms of development for a fractured society.

The main priority for social development is to address the exclusion from mainstream society of the Mayan people who make up forty percent of the population. Decimated by the civil war, this population can be expected to retreat further into themselves in the absence of effective social inclusion. The developing society could easily leave them behind as a marginalised underclass with little hope of accessing the opportunities which could be expected to come from the re-building process.

The high incidence of sexual violence and unwanted pregnancies amongst teenage girls in the Mayan population is both a real and a symbolic threat to the social inclusion of the Mayan people. However, the problems of sexual violence are not confined to the Mayan population and the incidence is particularly high in non-urban areas. This case study invites readers to consider how they would precipitate change as the head of an NGO whose mandate is limited to compiling statistics on sexual violence for reporting to the prosecuting authorities.

This case was written by Sara Hurtarte, a postgraduate student from Guatemala studying Public Policy at Carnegie Mellon University Australia. In writing the case study, she has drawn upon her experiences in working in social policy areas in the Guatemalan Government. The preparation of the case study was guided by Tim O'Loughlin of Carnegie Mellon University of Australia, as a basis for class discussion rather than to illustrate either effective or ineffective handling of a managerial situation.

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## Course audience

- Advanced under-graduate and post-graduate students studying public policy, public management, international development, development economics and international relations.
- Managers in public sector agencies and in NGOs working in areas of community development, social policy and social inclusion

## Teaching objectives

This case draws attention to a number of important concepts.

### 1. *Generating public value*

The first teaching objective is to consider the utility of several of the concepts used by Mark Moore in his book, *Creating Public Value* (1995).

The first of Moore's concepts relevant for this purpose is that of the capital value of institutions and the critical impact of that capital value on the ability of agencies to add public value. How can that capital value be built within Government agencies to give them the capabilities needed to add value by rebuilding the society? In this specific case, can the capital value of the police, prosecuting authorities and the judiciary be built to the point where they can deliver on the intention of the Congress? Alternatively, are the prospects of creating this capital value so remote as to warrant consideration of a new start that does not involve these agencies? This could be done by removing the mandates of the existing agencies by creating new, special-purpose agencies for the enforcement and prosecution of crimes of sexual violence. Which pathway is more likely to add public value?

Factors which might be taken into account in this assessment are the impacts on capital value of the documented failure to prosecute civil war criminals following the end of the war; relative exclusion of Mayan people from being employed in the agencies responsible for reform; the competencies of the agencies for dealing with girls that are the victims of sexual violence; their relationships of the agencies with the NGOs; and their records of corruption and transparency.

A separate consideration is the genealogy of the issue itself. It appears from the case study that the capital value of the NGOs is high and that they are, in large part, responsible for getting sexual violence against girls onto the political agenda. How does genealogy of the issue affect the ability of the state institutions - the President, Executive, Congress, relevant government departments – to add public value? In other words, does the origin of the issue as a public policy from organisations with high capital value outside of government make it easier or more difficult for government agencies with low value to progress?

Another of Moore's concepts which is useful for this case is his dichotomy between the classical managers and the 'alternative manager' combing the landscape looking for new ways to using existing competencies to add more public value. To what extent can Montenegro, as the head of an agency with a mandate limited to collecting statistics for government agencies, pursue a reformist agenda without exceeding her legitimate role in the government policy-making process? Does institutional weakness make it more legitimate to take on this broader role?

### 2. *Selection of policy instruments*

A second set of concepts raised by the case is the selection and use of policy instruments. The APSC (2009) publication *Smarter policy – choosing policy instruments and working with others to influence behaviour* provides a sound, practical methodology which can be applied in this case. The discussion

on the combinations of policy instruments that work for various purposes has particular relevance for this case. Plainly, relying on regulation and its enforcement will achieve little on its own due to the effects of the stigma of reporting violations compounded by the lack of capital value of, and trust in, the police, prosecuting authorities and the judiciary. Indeed, the only sure sign of progress is likely to be an increase in the number of reported incidents and prosecutions. To this end, consideration can be given to extending the use of information and education instruments as described in the APSC publication to include the use of strategic communications designed to create behaviour change within families and communities. This presents considerable challenges for a country with high levels of exclusion, particularly of its indigenous people, low levels of literacy and numerous dialects used in non-urban areas.

### 3. *Strategic planning*

A third teaching concept that this case can be used to explore is strategic planning in the public sector. How might Montenegro and other supporters of stronger protection for girls use the strategic planning process to their advantage?

John Bryson's 2011 book *Strategic Planning for Public and Non-profit Organizations: A Guide to Strengthening and Sustaining Organizational Achievement* provides a useful framework relevant for this case. Chapter 6 of the book is especially important. It deals with techniques for framing issues. The issue in this case is not as clear cut as it first appears. Is it about reducing unwanted pregnancies; reducing the incidence of sexual violence; protecting children; increasing respect for women and women's and girls' self-respect; or some combination of these? Students may find the Bryson methodology helps apply some rigour to the challenge of framing issues correctly.

### 4. *Institutional development*

Guatemala is having to rebuild institutions such as government, civil society, social inclusion and the role of women in society. The low level of development of these institutions at present constrains both the extent of individual reforms that can be attempted and the scope of the overall agenda for reform.

The final teaching objective is to use the case as a vehicle for considering the contested thesis argued by Acemoglu and Robinson in *Why Nations Fail: the Origins of Power, Prosperity and Poverty* (2012). Their emphasis on the criticality of institutional development to the exclusion of several of the more conventional explanations relating to factors such as culture and geography has sparked a lively debate. As well as studying the general thesis in the book, readers would do well to look at Chapter 2 which discusses other theories that 'don't work'.

Consideration can be given to the opposing arguments, such as that put forward by Jeffrey Sachs in his article 'Government, Geography and Growth' (2012). Finally, students wanting to test the evidence can go to Acemoglu and Robinson's more academic publication 'The Colonial Origins of Comparative Development: An Empirical Investigation' (2001) which is cited in their blog response to Sachs, and which sets out the results of their regression analysis of the variables.

A key criticism made by Sachs is that the Acemoglu and Robinson thesis implies that nations are the victims of their history and are stuck with it. While the authors would no doubt reject that charge, it is worth applying that thought to the case of Guatemala, a country identified by Acemoglu and Robinson as a perennial member of the group of failed nations. The case study invites readers to consider these questions as Guatemala seeks to establish new institutions around the role of women in its society and a lack of tolerance of sexual violence.

## Suggested assignments

1. The genealogy of this issue can be related to aspects of public policy theory such as **agenda-setting**, the **issues attention cycle** and **policy entrepreneurship**. Students could be asked to continue on from where the case ends.
  - a. What does Montenegro need to do to continue to add public value? The answer to this question needs to recognize that Montenegro's formal mandate is to collect and disseminate information. However, she has created an advocacy role and is now the country's principal spokesperson on this issue.
  - b. To that end, what tactics might Montenegro employ to prevent these issues from subsiding from the government and public agendas?
  - c. How might the issues evolve as they are addressed?
  - d. What strategies and tactics are likely to be successful in allowing her to continue to add value? This question might be addressed by considering Moore's concept of 'entrepreneurial advocacy'. This sees the public sector manager seeking to add value by building greater commitment within the Government to the manager's own preferred policy objectives. Are Moore's diagnoses and tactics for this role as relevant and effective for Montenegro working in situations of institutional weakness as they are for the examples Moore uses from the United States? What adaptations might need to be made for the public manager to succeed in such an environment?
2. A variation on the above assignment might be to compare this case with one from a developed country such as the ANZSOG case *Child protection in the Northern Territory* (Padula 2011). The particular focus would be on the differing strategies used by public managers to add value in each case. Notwithstanding the common focus on building social capital in indigenous communities, there are substantial variations between the two with a key differentiator being the impact of relative differences in institutional strength between the two countries. What difference does institutional strength make and how do the two cases illustrate the impact of this variable on value adding public sector management? Using Bryson, how would this difference affect the strategic planning process, particularly the first stages dealing with mandates and missions?
3. Are societies condemned by their history, their culture, their geography and natural endowments or lack of them? What is needed for change? Informative comparisons might be drawn between Guatemala and other countries that have faced recovering from upheavals and have attempted to use that recovery as a lever for deep change. Relevant examples would be Argentina, Chile and South Africa. There is a spatial dimension that could be explored here too. What are the impacts on re-building of being bordered by two failed states in El Salvador and Honduras? What about the influence of the United States and the extra-territorial impacts of its laws and policies?
4. Success in reducing sexual violence as well as the unwanted pregnancies that come with it requires not just enforcement but deep cultural change. How does institutional development affect the ability of the State to bring about that change? Is it the primary factor or just the one that leaders can most conveniently address? In this context, students can consider the impact on State capabilities of the failure to prosecute crimes of genocide from the civil war and, more recently, the exposure of corruption at the highest levels of government. What is the impact on reformists of Government's failure of moral authority? What does it mean for the limits to how far they can take their advocacy role while still operating in a democratic society?

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