



LAC-IEE-04-31

ENVIRONMENTAL THRESHOLD DECISION

Activity Location:	Guatemala
Activity Title:	SO1, "More Responsive, Transparent Governance"
Activity Number:	520-021
Funding Source:	\$24 million (\$10 million DA, \$10 million ESF, and up to 4 million (DA/VOT)
Life of Project:	FY 2004 – FY 2008
IEE Prepared by:	Lucia Salazar, USAID/G-CAP
Recommended Threshold Decision:	Categorical Exclusion/Negative Determination with conditions:
Bureau Threshold Decision:	Concur with Recommendation

Comments:

For Strategic Objective (SO) No. 1 " More Responsive, Transparent Governance" under the recently approved Country Plan for Guatemala covering the period of 2004-2008 the following decisions apply.

Pursuant to 22 CFR 216.2 (c) (2) (i), (iii), and (v) a **Categorical Exclusion** is recommended for activities involving technical assistance, training, and others, under IR1 and IR2, that will not have an impact on the environment. A **Conditional Negative Determination** is recommended for activities related to exhumation of cemeteries. The Guatemalan Forensic Anthropological Foundation is internationally recognized for the work it does with exhumations. In general, bodies are located in shallow graves (mostly no more than 2 meters deep) or in wells. In some cases, schools were constructed over mass graves. Most of these graves sites are between 20 and 30 years old. Conditions: The first conditions is that the Forensic Anthropological Foundation makes sure sites are restored to their original condition upon completing an exhumation. The second condition is that if farmers are economically

damaged because the site is in a corn field, farmers are reimbursed for the loss of corn crop that year due to the activity. This activity is not expected to cause significant environmental impact.

CTOs are responsible for making sure environmental requirements are met. It is the responsibility of the SO Team to ensure that the SOAG and MAARDs contain specific instructions to this effect.

_____ Date _____
George R. Thompson, P.E.
Bureau Environmental Officer
Bureau for Latin America & the Caribbean

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Acting Mission Director, USAID/G-CAP
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- Copy to : IEE File

Attachment: IEE

INITIAL ENVIRONMENTAL EXAMINATION (IEE)

Activity Location:	Guatemala
Activity Title:	SO1, “More Responsive, Transparent Governance”
Activity Number:	520-021
Funding Source:	\$24 million (\$10 million DA, \$10 million ESF, and up to 4 million (DA/VOT)
Life of Project:	FY 2004 – FY 2008
IEE Prepared by:	Lucia Salazar, USAID/G-CAP
Recommended Threshold Decision	Categorical Exclusion/Negative Determination:
Date Prepared:	June 10, 2004

I. SUMMARY OF RECOMMENDED THRESHOLD DECISION

Pursuant to 22 CFR 216.2 (a), A.I.D. environmental procedures are applicable to all new projects, programs or activities authorized or approved by A.I.D. Section II presents an overview of activities currently planned for Strategic Objective (SO) No. 1 “ More Responsive, Transparent Governance” under the recently approved Country Plan for Guatemala covering the period of 2004-2008.

Pursuant to 22 CFR 216.2 (c) (1) (i) and (c) (2) (i), (iii), and (v) a **Categorical Exclusion** is recommended for activities involving technical assistance, training, and others, under IR1 and IR2, that will not have an impact on the environment. A **Conditional Negative Determination** is recommended for activities related to exhumation of clandestine cemeteries.

II Program Description

Activities to achieve more transparent, responsive governance in Guatemala will address key factors undermining the ability of the State to respond effectively to the needs of all Guatemalans, but especially of the poor and he rural, largely indigenous inhabitants who do not yet receive local services. Activities will contribute to achievement of the two key intermediate results identified in the CAM (Central America and Mexico) strategy: 1) strengthening rule of law, and 2) greater transparency and accountability of governments. USAID contributions will achieve improved judicial performance (e.g., % cases filed in first instance courts that reach final disposition); and improved government effectiveness (e.g.,

World Bank rating based on quality of public service provision, competence and independence, and credibility of government commitment to policies).

Intermediate Result 1: Strengthened Rule of Law

Activities designed to **strengthen the rule of law** will be focused on the transparency and efficiency of criminal judicial processes, crime prevention programs, prosecution of corruption cases, alternative dispute resolution, and exhumations and mental health activities that promote healing and reconciliation. Support for expansion of oral procedures, improved management systems in the Public Ministry, continued support for Justice Centers and increased use of ADR, will help improve justice system efficiency, transparency and effectiveness. Greater support and advocacy for justice reform on the part of the justice sector officials, private sector, and NGOs, will also be a critical focus as it will build greater accountability and leadership for successful justice reforms. Special attention will also be placed on land conflicts and how the formal justice sector, along with civil society and other actors can foster or generate greater leadership and support for resolving land conflicts, particularly through mediation. Local level community efforts to deal with land conflicts will also be included. Crime prevention efforts will focus on joint public-private community-based efforts to analyze crime and develop appropriate responses in coordination with local police. This will be complemented by efforts to support the commission to investigate illegal groups and clandestine security apparatuses (CICIACS) and targeted support to strengthen the Human Rights Ombudsman's ability to improve due process and influence justice sector reform efforts. Finally, as a continuation of past support to address the impact of the internal conflict and address past injustices, USAID is prepared to provide continued assistance for the exhumation of clandestine cemeteries and mental health assistance to the victims of the internal conflict.

Recommendations for Environmental Action

Pursuant to 22 CFR 216.2 (c) (2) (i), (iii), (v), and (xiv) a **Categorical Exclusion** is applicable for activities involving technical assistance, training programs, analyses, studies, academic or research workshops and meetings, document and information transfers, and other activities that will not have an impact on the environment. All the abovementioned activities contemplated under IR meet the above criteria except for activities related to exhumation of clandestine cemeteries. A **Conditional Negative Determination** is recommended for activities related to exhumation of cemeteries. The Guatemalan Forensic Anthropological Foundation is internationally recognized for the work it does with exhumations. In general, bodies are located in shallow graves (mostly no more than 2 meters deep) or in wells. In some cases, schools were constructed over mass graves. Most of these graves sites are between 20 and 30 years old. **Mitigation Measures:** As general policy, the Forensic Anthropological Foundation makes sure sites are restored to their original condition upon completing an exhumation. If farmers are economically damaged because the site is in a corn field, farmers are reimbursed for the loss of corn crop that year due to the activity. This activity is not expected to cause major environmental damage as long as the Guatemalan Forensic Anthropological Foundation adheres to the policy of restoring sites to their original condition once they are finished.

Intermediate Result 2: Greater Transparency and Accountability of Governments

Activities designed to **increase the transparency and accountability of governments** will be focused on improvement of transparent systems, devolution of responsibilities and resources to the local level, citizen participation in and oversight of government decision-making, and accountability of elected and appointed officials. Anti-corruption efforts will concentrate on building a policy framework to fight corruption and meet the requirements of the Inter-American Convention Against Corruption (IACC), strengthening key oversight institutions, improving internal controls, deterring petty corruption, improving access to information, addressing political party transparency, and supporting civil society advocacy and oversight efforts. USAID will join neighboring countries to achieve outcomes such as greater budget transparency, more transparent government systems, increased access to information on government expenditures, better financial disclosure procedures and fewer victims of corruption. Similar anti-corruption and transparency measures at the local level will be part of support for decentralization and local governance, along with support for policies and systems to improve efficiency, services and efforts to expand revenue authorities and implement them effectively. Implementation of existing reforms to improve citizen participation and the access of citizens to information, along with support for local dispute resolution and conflict mediation, will also help achieve concrete results. Limited programs in support of electoral legislation reform, improved efficiency and transparency of Congress, plus electoral support activities for the 2007 election will also help improve accountability of elected officials.

Recommendations for Environmental Action

Pursuant to 22 CFR 216.2 (c) (2) (i), (iii), (v), and (xiv) a **Categorical Exclusion** is applicable for activities involving technical assistance, training programs, analyses, studies, academic or research workshops and meetings, document and information transfers, and other activities that will not have an impact on the environment. All the abovementioned activities contemplated under IR meet the above criteria.

Concurrence:

Deborah Kennedy-Iraheta
Acting Mission Director, USAID/G-CAP

Date:

Clearances:

TAmani, ODI _____ Date _____

LTazewell, RLA _____ Date _____

Anne Dix, MEO _____ Date _____

Michael Donald, REA _____ Date _____

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