



LAC-IEE-05-01

ENVIRONMENTAL THRESHOLD DECISION

Country: Guatemala

Activity Title: SO1, “More Responsive, Transparent Governance”

Activity Number: 520-021

Related IEE Reference Number: LAC-IEE-04-31

Duration: FY 2004 – FY 2008

Amount: \$24 million

IEE Prepared by: Anne Dix, MEO

Date Prepared: June 24, 2004

Recommended Threshold Decision: Categorical Exclusion/Negative Determination with Conditions

Bureau Threshold Decision: Concur with Recommendation

Comments:

This IEE amends LAC-IEE-04-31 (SO1, More Responsive, Transparent Governance) to include (1) activities related to the renovation and furnishing of office space occupied by criminal courts in Guatemala City and Quetzaltenango as explained in Annex I, and, (2) exhumation of clandestine cemeteries.

A **Negative Determination with Conditions** is issued for these activities. Criminal court renovations will follow the environmental guidelines in the “Plan of Remodeling of the Courts of First Instance” (Annex 1 of the IEE). These guidelines will also include an additional precaution stating “All construction debris will be properly disposed of in a sanitary landfill approved by the local government or other responsible authority.” Exhumation of clandestine cemeteries will include the recommendation of controlling erosion and restoring sites to their original conditions..

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

All other activities under SO1 will continue to have a categorical exclusion as per LAC-IEE-04-31: “Perusant 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.”

Date
Victor H. Bullen
Bureau Environmental Officer
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Attachment: IEE

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AMENDED INITIAL ENVIRONMENTAL EXAMINATION (IEE)
Amendment No. 1

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
Date Prepared:	January 13, 2005

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 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** has been recommended and approved for activities involving technical assistance, training, and others, under IR1 and IR2, that will not have an impact on the environment through IEE LAC-04-31. A **Conditional Negative Determination** is recommended for: (1) activities related to the renovation and furnishing of the office space occupied by criminal courts in Guatemala City and Quetzaltenango as explained in Annex I, and, (2) exhumation of clandestine cemeteries.

II. BACKGROUND

In June, 2004 the Bureau Environmental Officer issued LAC-IEE-04-31 for USAID/Guatemala SO 1. However, as the program began implementation, the need to renovate the office space occupied by criminal courts arose and USAID/Guatemala plans to provide funds for this purpose. Therefore, an IEE amendment is hereby being processed.

III. PROGRAM DESCRIPTION AND RECOMMENATIONS FOR THRESHOLD DECISION

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 the 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 (ADR), 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. Technical assistance and training will be given to develop and implement community crime prevention plans, promote improved coordination between the police and local community organizations, and improve the ability of local police to respond to emergencies and analyze information to improve patrols and overall performance. USAID will also support community policing and crime prevention through street law programs focused on youth, particularly youth-at-risk that provide alternatives to involvement with gangs. 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.

The Supreme Court, that took office in October 2004, requested that USAID supported the renovation and furnishing of the office space occupied by several criminal courts in order to facilitate the process of oral hearings, with a cost of approximately \$15,000. An

amendment to IEE No. LAC-IEE-04-31 is necessary because the original IEE did not contemplate office renovation.

Recommendation for Threshold Decision

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 renovation and furnishing of the Courts and exhumation of clandestine cemeteries, as described below:

Renovation of Courts

USAID intends to renovate and furnish eight First Instance Criminal Courts, seven in Guatemala City (one site) and one in Coatepeque, Quetzaltenango. Minor renovations and alterations/adjustments will be made to condition hearing rooms and improve the access to and from the Judge Chambers. Partitions and windows will be installed and doors and electrical outlets will be relocated. The renovations are not expected to generate pollution to the environment and no hazardous material will be utilized. However, workers will be provided with masks, gloves and protective glasses. The work will be carried out during non-business hours or when the court personnel are not present to avoid nuisances. Spare materials will be properly stored in the Courts warehouse. Additional details in Annex I. The Cognizant Technical Officer (CTO) will fill-out the environmental verification form (attached) for each site where renovations are undertaken.

Exhumations

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. 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.

Recommendation for Threshold Decision

Pursuant to 22 CFR a **Negative Determination with conditions** as indicated above is recommended for activities related to renovation and furnishing of the Courts and exhumation of cemeteries.

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.

Recommendation for Threshold Decision

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:

Todd Amani
Acting Mission Director, USAID/G-CAP

Date:
