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UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY
AGENCY FOR INTERNATIONAL DEVELOPMENT
Washington, D. C. 20523

GUATEMALA
PROJECT PAPER
DEMOCRATIC INSTITUTIONS

AID/LAC/P-680

PROJECT NUMBER: 520-0398

UNCLASSIFIED

AGENCY FOR INTERNATIONAL DEVELOPMENT
PROJECT DATA SHEET

1. TRANSACTION CODE **A** A = Add
C = Change
D = Delete
Amendment Number _____
DOCUMENT CODE **3**

2. COUNTRY/ENTITY
Guatemala

3. PROJECT NUMBER
520-0398

4. BUREAU/OFFICE
Latin American and Caribbean **Democratic Institutions**

5. PROJECT TITLE (maximum 40 characters)

6. PROJECT ASSISTANCE COMPLETION DATE (PACD)
MM DD YY
09 30 95

7. ESTIMATED DATE OF OBLIGATION
(Under 'B.' below, enter 1, 2, 3, or 4)
A. Initial FY **90** B. Quarter **4** C. Final FY **93**

8. COSTS (\$000 OR EQUIVALENT \$1 =)

A. FUNDING SOURCE	FIRST FY			LIFE OF PROJECT		
	B. FX	C. L/C	D. Total	E. FX	F. L/C	G. Total
AID Appropriated Total	209	391	600			
(Grant)	(209)	(391)	(600)	(3,611)	(2,389)	(6,000)
(Loan)	()	()	()	()	()	()
Other U.S. 1.						
Other U.S. 2.						
Host Country					3,434	3,434
Other Donor(s)					763	763
TOTALS	209	391	600	3,611	6,586	10,197

9. SCHEDULE OF AID FUNDING (\$000)

A. APPROPRIATION	B. PRIMARY PURPOSE CODE	C. PRIMARY TECH CODE		D. OBLIGATIONS TO DATE		E. AMOUNT APPROVED THIS ACTION		F. LIFE OF PROJECT	
		1. Grant	2. Loan	1. Grant	2. Loan	1. Grant	2. Loan	1. Grant	2. Loan
(1) EHR				850		500		500	
(2) ESF						2,810		5,500	
(3)									
(4)									
TOTALS				850		3,310		6,000	

10. SECONDARY TECHNICAL CODES (maximum 6 codes of 3 positions each)

11. SECONDARY PURPOSE CODE

12. SPECIAL CONCERNS CODES (maximum 7 codes of 4 positions each)

A. Code

B. Amount

13. PROJECT PURPOSE (maximum 480 characters)

To institutionalize specific democratic processes in Guatemala by strengthening key democratic institutions and supporting programs oriented to improving public knowledge and attitudes about human rights and democratic practices.

14. SCHEDULED EVALUATIONS

Interim MM YY MM YY Final MM YY
03 93 05 95

15. SOURCE/ORIGIN OF GOODS AND SERVICES
 000 941 Local Other (Specify)

16. AMENDMENTS/NATURE OF CHANGE PROPOSED (This is page 1 of a _____ page PP Amendment.)

I certify that the methods of payment and audit plans are in compliance with the payment verification policy.

Richard Harger
Richard Harger
Acting Controller

17. APPROVED BY
Signature: **Terrence J. Brown**
Title: **Mission Director**
Date Signed: **MM DD YY**
08 20 91

18. DATE DOCUMENT RECEIVED IN AID/W, OR FOR AID/W DOCUMENTS, DATE OF DISTRIBUTION
MM DD YY

Project Authorization Amendment No. 2

Name of Country/Entity: Guatemala
Name of Project: Democratic Institutions
Number of Project: 520-0398

Pursuant to Section 531 of the Foreign Assistance Act of 1961, as amended, the Democratic Institutions Project was authorized on September 28, 1990. That Authorization is hereby amended, as described below.

1. Section 1 is amended, as follows:

- a. the Project is authorized pursuant to Sections 105 and 531 of the Foreign Assistance Act of 1961, as amended;
- b. planned obligations are increased by \$3,310,000 for a new total of planned obligations not to exceed \$4,160,000 in grant funds over a five year period from date of authorization;
- c. the planned life of the Project is increased to five years from the date of initial obligation.

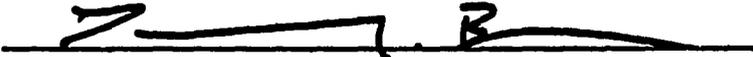
2. Section 2 is amended to read as follows:

The purpose of the Project is to help institutionalize specific democratic processes in Guatemala. This will be accomplished by strengthening key democratic institutions and supporting programs oriented to improving public knowledge and attitudes about human rights and democratic practices.

3. Section 4 of the Authorization, Waivers, to include the following:

I hereby approve a Buy America Initiative Waiver, as described in a separate Action Memorandum approved by me, in the amount of approximately \$471,388.

Except as hereby amended, the Authorization remains in full force and effect.


Terrence J. Brown
Director, USAID/Guatemala

August 20, 1991
Date

< 2'

Authorization Amendment 2
Democratic Institutions
520-0398

Drafter: PDSO: CABalsis CABalsis Date 7/16/91

Clearances:

RLA: MWilliams	BY FAX (ATTACHED)	Date	7-23-91
PDSO: JLombardo	- GJR TO ACTION (memo)	Date	7-19-91
ADDIR: DBoyd		Date	7/23/91
PRM: SDosh <i>JS</i>	<i>CDH</i>	Date	7/19/91
ODDT: BArrellano	<i>BA</i>	Date	7/23/91
ODDT: RWitherell	<i>BA</i>	Date	7/18/91
<i>JK</i> CONT: GByllesby	<i>BA</i>	Date	7/23/91

Doc 7898C

DEMOCRATIC INSTITUTIONS PROJECT
(520-0398)

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Project Authorization
Action Memorandum

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ANNEXES

Attached

- A. Requests for Assistance
- B. Logical Framework
- C. Project Authorization (Executed 9/27/90) and Action Memorandum
- D. Institutional Analyses
 - 1. National Congress
 - 2. Office of the Human Rights Ombudsman
 - 3. Institutional Analysis Centro ESTNA
 - 4. Private Sector Institutions
- E. External Assistance to Date for Strengthening Democracy in Guatemala
- F. Project Budgets
- G. ICITAP Multi-Institutional Agreement
- H. Initial Environmental Examination
- J. Response to Issues from PID Review
- K. Statutory Checklist

On File at USAID

- USAID Strategy for Democratic Development in Guatemala
- Four diagnostic studies on the National Congress covering: staff structure and training needs; the committee system; deputy-constituent relations; and the library

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0398
Package 001

**AGENCY FOR INTERNATIONAL DEVELOPMENT
USAID/HONDURAS**



Telephone 011-504-32-3120
Telefax (504) 31-2776
Telex 1593 USAID HO



TELEFAX CONTROL NUMBER _____

TO: Catherine Balsis
OFFICE: PDSO - AID
COUNTRY: Guatemala

FAX No. 502-2-311151
DATE: July 23, 1991
No. OF PAGES 1
(Include cover sheet)

FROM: Michael J. Williams

OFFICE: RLA

TEXT:

This confirms that RLA has reviewed and cleared the following documents:

1. Authorization Amendment No. 2 for Democratic Institutions Project, No. 520-0398.
2. Action Memorandum accompanying Authorization Amendment No. 2 for the DI Project.
3. Action Memorandum proposing waiver under Buy America Initiative to authorize local cost financing and procurement for the DI Project.
4. Action Memorandum proposing one year PACD extension for PEBI Project, No. 520-0364.

Copies of the foregoing documents were contained in your FAX of July 19, 1991.

Michael J. Williams
Regional Legal Advisor

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ACTION MEMORANDUM FOR THE MISSION DIRECTOR

WAIVER NO. 520-90-012

THROUGH: Donald W. Boyd, Acting Deputy Director
FROM: Bambi Arredondo, Chief/ODDT
SUBJECT: Democratic Institutions Project (520-0398):
Request for a Buy America Initiative Waiver
Date: July 18, 1991

PROBLEM: The Democratic Institutions Project (520-0398) requires the procurement of local services for the effective promotion of the objectives of the foreign assistance program. You are requested to authorize such procurement by approving a Buy America Initiative Waiver in the amount of \$471,388, as described below.

FACTS:

- a) Cooperating Country: Guatemala
- b) Project: Democratic Institutions
- c) Nature of Funding: Grant
- d) Source of Funding: ESF and EHR
- e) Description of Goods and Services:
 - SUPPORT TO HUMAN RIGHTS EDUCATION PROGRAMS: A competitively-let contract to provide technical assistance and trainers; program development; materials design and reproduction; teacher training; radio program equipment; translation, adaptation and testing services; training site and supplies costs; other miscellaneous expenses for program implementation.
- f) Approximate Value: \$471,388
- g) Probable Source/Nationality: Guatemala and CACM countries
- h) Probable Origin: U.S., Guatemala and other CACM countries

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DISCUSSION: You are amending the Democratic Institutions Project to increase the authorized funding level by \$3,310,000 to a new total of \$4,160,000. The purpose of the Project is to help institutionalize specific democratic processes in Guatemala. This will be accomplished by strengthening key democratic institutions and supporting programs oriented to improving public knowledge and attitudes about human rights and democratic practices.

Among other things, the Project will support formal and non-formal human rights education programs, which will be implemented through a competitively-let contract. Because of the size of the contract, the RFP will be advertised in the United States. However, democratic development projects operate in very complex and dynamic environments. In order to ensure the political acceptability of human rights education in Guatemala, it is essential to permit the participation of local organizations in this procurement process. Therefore, the purpose of requesting this waiver is to enable the USAID to also advertise this RFP locally, thereby allowing local groups to compete in the bidding.

In accordance with Paragraphs 5B.4a and 5D.10 of Handbook 1, Supplement B, a waiver of the authorized geographic code may be based on, among others, the following criteria:

- persuasive political considerations;
- procurement of locally available goods and services would best promote the objectives of the foreign assistance program; and
- such other circumstances as are determined to be critical to the success of project objectives.

Further, State 410442, which provides final implementation guidance on the Buy America Initiative, suggests that Mission Directors apply common sense to "Buy America" as outlined by the Administrator in State 265071 as well as the specific objectives of the project or activity.

CONCLUSION: The request for a Buy America Initiative Waiver, in this instance, is justified because it takes into account the political sensitivities of the Project environment, and would best promote the objectives of the foreign assistance program and the achievement of Project objectives.

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Action Memo for the Mission Director
Democratic Institutions Project
Amendment to Waiver No. 520-90-014
Page 3 of 3

AUTHORITY: Delegation of Authority No. 752 authorizes you to waive the source, origin and nationality requirements for transactions up to \$5.0 million, subject to consultation with the RLA and relevant support offices.

RECOMMENDATION: That you approve a Buy America Initiative Waiver in the approximate value of \$471,388 to permit the local procurement of the commodities and services outlined in Attachment I.

APPROVED:

Terrence J. Brown

Terrence J. Brown
Director, USAID/Guatemala

DATE: August 20, 1991

Attachment: Illustrative Budget for Human Rights Education Programs

Drafted by: PDSO, CABalsis

CABalsis

Date

7/18/91

Clearances:

ODDT, RWitherell

PDSO, JLombardo

RCO, JMcAvoy

RLA, MWilliams

RW
JL
JM
BT/FRY

Date

7/18/91

Date

7/22/91

Date

7/22/91

Date

7/23/91

Doc 8478C

ILLUSTRATIVE BUDGET

Human Rights Education Programs

<u>Categories</u>	<u>Amount</u>
Technical assistance for program development, translation/ adaptation and testing	83,150
Trainers	17,438
Radio program equipment	23,300
Materials reproduction/ distribution	153,750
Teacher training	193,750
Total	\$471,388

DOC 8526C

11-

UNCLASSIFIED STATE DEPT
ACTION AID/1 INFO AMB DCM ECON AGAT/5

25-DEC-90

TOR: 18:35
CN: 39280
CRG: AID
LST: AID
ADD:

VZCZC3T0368
PP RUEHGT
DE RUSHC #0442/01 3391838
ZNR UUUUU ZZZ ZZZ
P 251327Z DEC 90
FM SECSTATE WASHDC
TO AID WORLDWIDE PRIORITY
BT MCN NOT UPDATED
UNCLAS SECTION 21 OF 25 STATE 417442

11065 / 66

AIDAC

E.O. 12356: N/A

TAGS:

SUBJECT: FINAL IMPLEMENTATION GUIDANCE -- BUY AMERICA INITIATIVE

REF (A) STATE 275451
(B) STATE 265371

ACT TO
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12/10/90
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(Date, initials)

PD50

1) SUMMARY. THIS MESSAGE, FROM AA/PPC AND THE AGENCY PROCUREMENT EXECUTIVE, CONTAINS FINAL GUIDANCE ON IMPLEMENTATION OF REVISED BUY AMERICA POLICY OUTLINED BY THE ADMINISTRATOR IN REF (B) LAST AUGUST, CONFIRMS AND ELABORATES REF(A) PRELIMINARY GUIDANCE IN LIGHT OF MISSION COMMENTS AND SUGGESTIONS, AND REFLECTS FURTHER REVIEW IN AID/W, WITH REGIONAL BUREAUS PARTICIPATING. EXCEPT AS STATED HEREIN, EXISTING SOURCE/ORIGIN POLICY REMAINS IN EFFECT. THIS GUIDANCE WILL BE RECORDED IN A REVISION OF HB 19 ON PROCUREMENT POLICY, AND OTHER HBS, AS APPROPRIATE. END SUMMARY.

2) BACKGROUND.

ADMINISTRATOR TOOK REF(B) ACTION IN CONTEXT OF FAA SECTION 604(A) TO EMPHASIZE THE IMPORTANCE OF U.S. PROCUREMENT IN AID PROGRAMS AND ACTIVITIES IN VIEW OF THE U.S. TRADE AND

BUDGET DEFICITS, THE CONGRESSIONAL INTEREST IN RETURNS TO THE U.S. ECONOMY FROM THE AID APPROPRIATION, AND THE COMMITMENT OF THE ADMINISTRATOR AND DEPUTY ADMINISTRATOR TO GIVE CONGRESS CURRENT AND ACCURATE INFORMATION ON U.S. PROCUREMENT. ADMINISTRATOR URGED AGENCY PERSONNEL TO ADOPT THE QUOTE COMMON SENSE UNQUOTE VIEW OF U.S. TAXPAYER TO PROCUREMENT ISSUES, SO THAT IMPACT OF AID PROGRAM ON THE U.S. ECONOMY WOULD BE CAREFULLY CONSIDERED IN THE DELIVERY OF ASSISTANCE TO MEET DEVELOPMENT OBJECTIVES IN RECIPIENT COUNTRIES. AID/W PLEASED TO NOTE THAT VAST MAJORITY OF MISSION RESPONSES TO THE BUY AMERICA INITIATIVE RECOGNIZED THE NEED FOR RENEWED ATTENTION TO THE IMPORTANCE OF U.S. PROCUREMENT. AID/W RESPONSE TO MISSION REQUESTS FOR CLARIFICATION AND GUIDANCE ON PARTICULAR IMPLEMENTATION ISSUES WILL BE ELABORATED BELOW.

3) DELEGATIONS OF AUTHORITY

— REFERENCE from McNoy's Office —

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MAIL ROOM
USAID/QUA/EMALA

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AID/W INTENDS TO REVISE EXISTING DELEGATIONS OF SOURCE/ORIGIN WAIVER AUTHORITY TO FIELD POSTS WITH NEW BUY AMERICA POLICY RESPONSIBILITIES IN MIND AND TO MAKE APPROPRIATE REVISIONS TO PLACE ALL BUY AMERICA DECISIONS WITH MISSION DIRECTORS. MEANTIME, MISSIONS ARE INVITED TO MAKE SPECIFIC REQUESTS FOR MODIFICATIONS IN THESE DELEGATIONS TO REGIONAL BUREAUS OR PPC.

4) ACCOUNTABILITY

A MAJOR PURPOSE OF THE BUY AMERICA INITIATIVE HAS BEEN ACCOUNTABILITY -- THE AGENCY'S DESIRE TO PROVIDE WITH CONFIDENCE AND DETAIL TO THE CONGRESS AND THE TAXPAYERS INFORMATION ON THE FLOWBACK OF AID FUNDS TO THE U.S. THE REF (3) PARA 3B DECISION TO END THE BLANKET AUTHORIZATION OF LOCAL SOURCE PROCUREMENT FOR PROJECTS WAS TAKEN TO ASSURE THAT LOCAL SOURCE PROCUREMENT WILL BE PROPERLY REVIEWED AND JUSTIFIED. TO FURTHER ENHANCE PROCUREMENT SOURCE/ORIGIN ACCOUNTABILITY, PPC HAS INITIATED A MAJOR EFFORT, WITH THE HELP OF A CONSULTANT PRESENTLY ENGAGED (LOGISTICS MANAGEMENT INSTITUTE), TO DEVELOP A NEW DATA COLLECTION AND REPORTING SYSTEM ON SOURCE AND ORIGIN. WE EXPECT TO HAVE THE LMI RECOMMENDATIONS BY EARLY SPRING, 1991, AND THE REPORTING SYSTEM IN PLACE SOON THEREAFTER.

5) PROJECT DESIGN

MISSIONS REQUESTED ELABORATION OF THE EXTENT TO WHICH THE BUY AMERICA INITIATIVE IS INTENDED TO INFLUENCE THE DESIGN OF AID PROJECTS BY FIELD POSTS SO AS TO MAXIMIZE U.S. PROCUREMENT. THERE IS NO INTENTION TO CHANGE THE MIX OF AID PROGRAMS AND ACTIVITIES AND NO TARGET LEVELS FOR U.S. PROCUREMENT HAVE BEEN SET. AID/W EXPECTS MISSIONS TO MAKE THOUGHTFUL JUDGMENTS ABOUT DEVELOPMENT PRIORITIES IN RECIPIENT COUNTRIES AND AID/W WILL SUPPORT DECISIONS TO FINANCE SPECIFIED LOCAL SOURCE PROCUREMENT IN THIS CONTEXT. PROCUREMENT PLANNING IN PROJECT DESIGN STAGE SHOULD INCLUDE ATTENTION TO U.S. AND LOCAL SOURCE PROCUREMENT ISSUES. AID/W ALSO EXPECTS THAT RENEWED EMPHASIS ON ACCOUNTABILITY THROUGH APPLICATION OF WAIVER STANDARDS TO LOCAL SOURCE PROCUREMENT WILL RESULT IN GREATER U.S. PROCUREMENT IN SOME CASES.

6) DEVELOPMENT FUND FOR AFRICA (DFA) AND RLDCS

TO RESTATE REF (A) PRELIMINARY GUIDANCE, NEW BUY AMERICA POLICY TO END BLANKET AUTHORIZATION OF LOCAL SOURCE PROCUREMENT IS NOT APPLICABLE TO PROCUREMENT FINANCED BY

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THE DFA OR BY ASSISTANCE TO THE RELATIVELY-LEAST DEVELOPED COUNTRIES. MISSION DIRECTORS IN DFA AND POOREST DEVELOPING COUNTRIES WILL NEVERTHELESS BE RESPONSIBLE FOR COLLECTING AND COMPILING DATA ON THE LEVEL OF U.S. PROCUREMENT. SEE PARA 4 REF (A) FOR SPECIFIC AA/AFR GUIDANCE CONCERNING THE MAXIMIZATION OF U.S. PROCUREMENT WHENEVER PRACTICAL TO THE EXTENT CONSISTENT WITH PROGRAM OBJECTIVES.

7) RETROACTIVE APPLICATION

PRELIMINARY GUIDANCE REF (A) STATED THAT BUY AMERICA INITIATIVE HAD PROSPECTIVE APPLICATION ONLY BUT THAT RETROACTIVE APPLICATION WOULD BE CONSIDERED. MANY MISSIONS COMMENTED TO THE EFFECT THAT IT WOULD BE DISRUPTIVE TO RENEGOTIATE PROJECT AGREEMENTS ALREADY IN PLACE, EVEN IF NOT FULLY FUNDED. IN VIEW OF THIS, AID/W WILL MAINTAIN THE PROSPECTIVE APPLICATION OF THE NEW BUY AMERICA POLICY, DIRECTING MISSIONS TO APPLY IT TO THE AUTHORIZATION OF ALL NEW PROJECTS OR IN AMENDING AN AUTHORIZATION TO INCREASE LIFE/PROJECT FUNDING FOR AN ONGOING PROJECT. MISSION DIRECTORS SHOULD NONETHELESS EXAMINE THEIR EXISTING PORTFOLIOS AND CONSIDER PROJECT MODIFICATIONS TO APPLY BUY AMERICA POLICY WHERE FEASIBLE.

8) WAIVERS OR AUTHORIZATION BY CATEGORY

REF (A) ADVISED THAT PROSPECTIVE PROJECT OR PROGRAM AUTHORIZATIONS OR AMENDMENTS WHICH ADD FUNDING MAY PERMIT LOCAL SOURCE PROCUREMENT OR REGIONAL COMMON MARKET PROCUREMENT ONLY WHEN EXISTING WAIVER CRITERIA ARE MET AND FULLY SUPPORTED IN PROJECT OR PROGRAM APPROVAL DOCUMENTATION FOR INDIVIDUAL TRANSACTIONS OR CATEGORIES OF TRANSACTIONS. MISSIONS SOUGHT ELABORATION OF SPECIFICITY REQUIRED IN THE LOCAL SOURCE PROCUREMENT AUTHORIZATION OR WAIVER AND WHETHER A SEPARATE DOCUMENT WAS REQUIRED. CLARIFICATION FOLLOWS: 1) THE LOCAL SOURCE PROCUREMENT MUST BE DESCRIBED WITH SOME SPECIFICITY, I.E., WITH SOME REASONABLE ESTIMATE OF THE LOCAL PROCUREMENT ANTICIPATED, INCLUDING DOLLAR LEVEL AND TYPE OF PROCUREMENT; 2) THE ANTICIPATED LOCAL SOURCE PROCUREMENT COULD INCLUDE ANY REASONABLE AGGREGATE OF PURCHASES OF LIKE OR UNRELATED ITEMS, AT ONE TIME OR OVER A PERIOD OF TIME, COVERING ALL OR A PORTION OF THE PROJECT OR PROGRAM; AND 3) THE DOCUMENTATION COULD BE INTEGRATED INTO THE PROJECT OR PROGRAM AUTHORIZATION (IN THE TEXT OR IN AN ANNEX) OR DEVELOPED SUBSEQUENTLY INTO A POST-AUTHORIZATION WAIVER DOCUMENT. WHEN INCLUDED IN THE AUTHORIZATION DOCUMENT IT MAY BE ASSOCIATED WITH THE DETERMINATION OF REASONABLENESS OF LOCAL PRICES, AS REQUIRED UNDER HB 13, CHAPTER 18A.

9) PROFESSIONAL AND CONSTRUCTION SERVICE CONTRACTS

APPLYING BUY AMERICA INITIATIVE TO SERVICE CONTRACTING REQUIRES RECOGNITION OF SPECIAL CIRCUMSTANCES SUCH AS THE LIMITED AVAILABILITY AND INTEREST OF U.S. CONTRACTORS FOR LOW-VALUE CONTRACTS, THE DEVELOPMENT OBJECTIVE IN MANY CASES OF EMPLOYING LOCAL CONTRACTORS OR SUBCONTRACTORS.

PRESENT NATIONALITY STANDARDS FOR FIRMS AND EMPLOYEES IN
HB 15, CH. 5.

12) LOCAL SOURCE, U.S. ORIGIN GOODS

AID/W RECOGNIZES THE POSITIVE IMPACT ON U.S. EXPORT INTERESTS IN MANY CASES OF ALLOWING A.I.D. FINANCING OF U.S. ORIGIN GOODS AVAILABLE ON THE LOCAL MARKET, PARTICULARLY IN COUNTRIES WHERE SUCH A PRACTICE MAY ENCOURAGE THE ESTABLISHMENT OF LOCAL DEALERS FOR U.S. PRODUCTS. AS MISSIONS HAVE POINTED OUT, ALLOWING SUCH PURCHASES WITHOUT WAIVER PROVIDES A PRACTICAL BLEND BETWEEN U.S. PROCUREMENT AND DEVELOPMENT OBJECTIVES, AS WELL AS ADVANTAGES OF QUICK DELIVERY TIME FOR URGENT REQUIREMENTS. HOWEVER, AID/W WANTS TO ASSURE THE PARTICIPATION IN AID PROGRAMS OF U.S. CONTRACTORS WHETHER OR NOT THEY HAVE LOCAL DEALERS, PARTICULARLY FOR ITS LARGER PROCUREMENTS. ACCORDINGLY, AID/W HAS DETERMINED TO ALLOW THE PROCUREMENT LOCALLY OF ITEMS OF U.S. ORIGIN WITHOUT A WAIVER UP TO A PER TRANSACTION LIMIT OF DOLS. 100,000. MISSIONS WILL STILL BE RESPONSIBLE FOR TRACKING AND REPORTING THIS PROCUREMENT UNDER THE SYSTEM WHICH PPC IS DEVELOPING WITH CONSULTANT HELP (SEE PARA 4 ABOVE).

11) MINIMUM TRANSACTION APPROVAL LEVEL FOR GOODS PROCUREMENT

AID/W RECOGNIZES THAT EFFECTIVE BUY AMERICA POLICY DOES NOT REQUIRE THAT INSIGNIFICANT LOCAL SOURCE PROCUREMENT ACTIONS BE SUBJECT TO SPECIFIC AUTHORIZATION OR WAIVER REQUIREMENT. AID/W ANTICIPATES THAT PPC CONSULTANT WILL PROVIDE ADVICE IN ESTABLISHING APPROPRIATE MINIMUM TRANSACTION APPROVAL LEVEL TO CARRY OUT BUY AMERICA POLICY. PENDING RESULTS OF THAT STUDY, TRANSACTIONS BELOW DOLS. 5000 MAY BE AUTHORIZED WITHOUT WAIVERS (SEE HB 15, CH. 5E4C(2)). SUCH PROCUREMENT SHOULD BE TRACKED SO THAT ACCURATE OFFSHORE PROCUREMENT INFORMATION CAN BE OBTAINED. EXCEPT AS PROVIDED IN PARA 9 ABOVE, HB 15, CH. 19, IS SUPERSEDED BY THE GUIDANCE IN THIS CABLE AND WILL BE REVISED ACCORDINGLY, ONCE THE PPC CONSULTANT RECOMMENDATIONS HAVE BEEN SUBMITTED AND REVIEWED.

12) HANDBOOK 13 GRANTS

HB 13 ALREADY CONTAINS PROCUREMENT SOURCE/ORIGIN WAIVER REQUIREMENTS WHICH APPLY TO GRANTS WITH A PROCUREMENT ELEMENT EXCEEDING DOLS. 250,000. FOR GRANTS WITH A PROCUREMENT ELEMENT BELOW THAT AMOUNT, A PROCUREMENT ORDER OF PREFERENCE IS APPLICABLE; WHEN PROCUREMENT IS FROM A SOURCE OTHER THAN THE U.S., A WRITTEN JUSTIFICATION FOR THE PROCUREMENT SOURCE IS TO BE RECORDED IN THE GRANTEE'S FILES. MISSIONS ARE REQUESTED TO COLLECT NON-U.S. SOURCE DATA PENDING FINAL RECOMMENDATIONS ON DATA COLLECTION BY LMI. WHEN LOCAL SOURCE PROCUREMENT IS AUTHORIZED UNDER THIS SYSTEM THE STANDARD LOCAL COST FINANCING GRANT PROVISION IS INCLUDED. AID/W BELIEVES THIS FRAMEWORK PROVIDES PROPER CONTEXT FOR GRANTEES TO EXERCISE JUDGMENT ON U.S. AND LOCAL SOURCE PROCUREMENT QUESTIONS WITHOUT

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IMPOSITION OF ADDITIONAL BUY AMERICA WAIVER REQUIREMENTS.

13) FIXED AMOUNT REIMBURSEMENT (FAR)

THE BUY AMERICA POLICY REQUIRING SPECIFIC WAIVERS FOR LOCAL SOURCE PROCUREMENT DOES NOT APPLY TO SUCH PROCUREMENT UNDERTAKEN FOR FAR PROJECTS IN WHICH AID REIMBURSES ALL OR A PORTION OF TOTAL COSTS (SEE HB 1B, CH. 19). UNDER FAR PROCEDURES AID IS EXPENDING LOCAL CURRENCY FOR THE END PRODUCT AND NOT CONTROLLING THE PROCUREMENT DECISIONS OF THE RECIPIENT. WHERE FAR PROCEDURES ARE MODIFIED SO THAT AID IS REIMBURSING COSTS RELATED TO PARTICULAR PROCUREMENT ACTIONS THE BUY AMERICA POLICY SHOULD BE APPLIED.

14) OPERATING EXPENSES (APPROPRIATIONS OR TRUST FUNDS)

THE BUY AMERICA POLICY IS FOCUSED ON THE DECISION TO OBLIGATE PROJECT OR PROGRAM FUNDS IN A PROJECT AUTHORIZATION AND IN RELATED PROJECT IMPLEMENTATION. CURRENT POLICIES ON THE USE OF OPERATING FUNDS REMAINS UNAFFECTED BY THE BUY AMERICA POLICY. HOWEVER, IT SHOULD BE NOTED THAT EXPENDITURES OF PROJECT, DEVELOPMENT AND SUPPORT (PISS) FUNDS ARE PROGRAM-RELATED AND THE BUY AMERICA POLICY WOULD APPLY TO THEM. THE SOURCE POLICY FOR JOB PROCUREMENT IS INCLUDED IN HANDBOOK 1B, CHAPTER 25.

15) DISASTER RELIEF

THE BUY AMERICA POLICY, WHICH FOCUSES ON LOCAL SOURCE PROCUREMENT, IS NOT APPLICABLE TO DISASTER RELIEF ACTIVITIES WHICH ARE ALREADY EXEMPT FROM STANDARD SOURCE/ORIGIN POLICIES AS A MATTER OF LAW.

BT
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UNCLASSIFIED

STATE 417442/73

16) PUBLIC INTERNATIONAL ORGANIZATIONS (PIOS)

WHERE OTHER DONORS ARE CONTRIBUTING TO THE ACTIVITY, AND THE FUNDS OF MULTIPLE DONORS ARE COMMINLED, AID NORMALLY RELIES ON THE PROCUREMENT POLICIES AND PROCEDURES (INCLUDING SOURCE/ORIGIN POLICIES) OF THE PIO. THIS POLICY REMAINS IN EFFECT, ALTHOUGH MS/PPE WILL BE REVIEWING IT TO SEE IF ANY CHANGES ARE APPROPRIATE IN VIEW OF THE BUY AMERICA INITIATIVE. IN THE MEANTIME, WHERE LARGE PROCUREMENTS BY THE PIO ARE ANTICIPATED, CONSIDERATION SHOULD BE GIVEN TO A SEPARATE U.S. PROCUREMENT AND THEN A DONATION IN-KIND TO THE PIO OF THE ITEMS IN QUESTION. SEE PARA 22 BELOW CONCERNING VEHICLES. WITH REGARD TO GRANTS TO PIOS WHERE AID IS THE SOLE CONTRIBUTOR, AID POLICIES AND PROCEDURES, INCLUDING THOSE APPLICABLE TO LOCAL SOURCE PROCUREMENT UNDER THE BUY AMERICA INITIATIVE, ARE APPLICABLE.

17) INTERMEDIATE CREDIT INSTITUTIONS (ICIS)

HS 15, CE. 23, PROCUREMENT SOURCE/ORIGIN WAIVER STANDARDS ARE NOT SUBJECT TO THE BUY AMERICA INITIATIVE. AS FOR HS 13 GRANTS (SEE PARA 12 ABOVE) THE EXISTING SOURCE/ORIGIN WAIVER STANDARDS ARE CONSIDERED TO BE SUFFICIENT IN THE CONTEXT OF ICIS.

18) COMMODITIES AND SERVICES AVAILABLE ONLY LOCALLY

NO SPECIFIC LOCAL SOURCE PROCUREMENT WAIVER IS REQUIRED FOR THE FOLLOWING ITEMS AVAILABLE ONLY IN THE LOCAL ECONOMY:

- A) UTILITIES INCLUDING FUEL FOR HEATING AND COOKING, WASTE DISPOSAL AND TRASH COLLECTION;
- B) COMMUNICATIONS -- TELEPHONE, TELE, FAX, POSTAL AND COURIER SERVICES;
- C) RENTAL COSTS FOR HOUSING AND OFFICE SPACE;
- D) PETROLEUM, OILS AND LUBRICANTS FOR OPERATING VEHICLES AND EQUIPMENT;
- E) NEWSPAPERS, PERIODICALS AND BOOKS PUBLISHED IN THE COOPERATING COUNTRY; AND
- F) OTHER COMMODITIES AND SERVICES (AND RELATED EXPENSES) THAT, BY THEIR NATURE OR AS A PRACTICAL MATTER, CAN ONLY BE ACQUIRED, PERFORMED, OR INCURRED IN THE COOPERATING COUNTRY.

WHETHER THESE COSTS SHOULD BE TRACED AND REPORTED WILL BE DETERMINED AFTER THE LMI RECOMMENDATIONS ARE RECEIVED.

19) PARTICIPANT TRAINING

THE SOURCE POLICY ON PARTICIPANT TRAINING SET FORTH IN HS 12 REMAINS UNCHANGED BY THE BUY AMERICA INITIATIVE.

20) VEHICLES

TO MEET PROJECT REQUIREMENTS FOR VEHICLES NOT MANUFACTURED IN THE U.S., AID/W HAS BEEN APPROVING ON AN ANNUAL BASIS UNDER FAA SECTION 535(1) AUTHORITY A BLANKET WAIVER TO

AUTHORIZE THE FUNDING OF CERTAIN NON-U.S. LIGHTWEIGHT, RIGHTHAND DRIVE VEHICLES AND LIGHT-WEIGHT MOTORCYCLES, AS WELL AS SPARE PARTS PURCHASED WITH THE VEHICLES. - THE CURRENT WAIVER EXPIRES ON MARCH 6, 1991 AND IS NOT AFFECTED BY THE BUY AMERICA GUIDANCE. - HOWEVER, PLEASE NOTE THAT ANY WAIVER PROPOSED FOR THE FOLLOWING YEAR WILL BE CAREFULLY REVIEWED IN RELATION TO THE BUY AMERICA INITIATIVE. WITH REGARD TO THE FINANCING OF NON-U.S. VEHICLES NOT COVERED BY THE BLANKET WAIVER, MISSIONS ARE REMINDED THAT THE MAXIMUM AUTHORITY DELEGATED TO THE FIELD FOR APPROVING SUCH WAIVERS IS DOLS. 57,333 (EXCLUSIVE OF TRANSPORTATION COSTS). IT IS RECOGNIZED THAT THERE WILL BE SITUATIONS WHERE NON-U.S. VEHICLES ARE REQUIRED TO MEET ESTABLISHED PROJECT OBJECTIVES, AND RESOURCES FOR FINANCING THE UNITS ARE NOT AVAILABLE FROM THE COOPERATING COUNTRY; HOWEVER, MISSIONS ARE ENCOURAGED TO BE SENSITIVE TO THE BUY AMERICA INITIATIVE WHEN CONSIDERING WAIVERS FOR SUCH PROCUREMENTS AND TO CONSIDER ALTERNATIVE SOURCES OF FINANCING, WHEN APPROPRIATE.

21) PARTICIPATING AGENCY SERVICE AGREEMENTS (PASAS) AND OTHER INTER-AGENCY AGREEMENTS

TO THE EXTENT THAT STANDARD AID SOURCE/ORIGIN RULES ARE APPLIED TO THE PARTICIPATING AGENCY IN THE PASA, THE BUY AMERICA POLICY SHOULD ALSO BE APPLIED.

22) HOST COUNTRY CONTRIBUTIONS

THE BUY AMERICA POLICY DOES NOT APPLY TO THE HOST COUNTRY CONTRIBUTION TO THE PROJECT.

23) EXCEPTIONAL CASES

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FOR EXCEPTIONAL CASES NOT COVERED BY THIS GUIDANCE, MISSION DIRECTORS ARE URGED, AS IN PARA 7 OF REF (A), TO APPLY COMMON SENSE APPROACH TO QUOTE BUY AMERICA UNQUOTE OUTLINED IN REF (E) BY THE ADMINISTRATOR AS WELL AS THE SPECIFIC OBJECTIVES OF THE PROJECT OR ACTIVITY. REQUESTS FOR CONSIDERATION OF CATEGORICAL EXCEPTIONS BASED ON SPECIAL FOREIGN POLICY REASONS SHOULD BE ADDRESSED TO REGIONAL ASSISTANT ADMINISTRATORS, FOR DISCUSSION WITH AA/PFC. PAKER

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AND THE DESIRABILITY OF ALLOWING U.S. CONTRACTORS TO MAKE BUSINESS DECISIONS ABOUT THE EXTENT OF LOCAL SUBCONTRACTING FOR GOODS AND SERVICES. IN VIEW OF THESE FACTORS, AID/A HAS DETERMINED TO APPLY THE BUY AMERICA POLICY ONLY TO PROFESSIONAL SERVICE CONTRACTING ABOVE DOLS. 250,000 AND TO CONSTRUCTION SERVICE CONTRACTING ABOVE DOLS. 5 MILLION.

WITH REGARD TO CONSTRUCTION SERVICE CONTRACTING, ADDITIONAL CLARIFICATIONS ARE IN ORDER. FOR A FIXED-PRICE CONSTRUCTION CONTRACT OF ANY VALUE THE U.S. PRIME CONTRACTOR WOULD NOT BE REQUIRED TO OBTAIN A SPECIAL WAIVER TO PERMIT THE PROCUREMENT OF LOCAL GOODS OR SERVICES UNDER SUBCONTRACT. THE FIXED PRICE U.S. CONSTRUCTION CONTRACTOR NEEDS TO HAVE FLEXIBILITY IN THE DEVELOPMENT OF ITS BID SUBMISSION TO MAKE THE JUDGMENT CONCERNING THE USE OF LOCAL MATERIALS AND SERVICES; PRESCRIBING AN AID AUTHORIZATION IN ADVANCE WOULD COMPLICATE THE PROCUREMENT PROCESS UNNECESSARILY. UNDER A COST REIMBURSEMENT CONSTRUCTION CONTRACT OVER DOLS. 5 MILLION, HOWEVER, THE U.S. PRIME CONTRACTOR WOULD BE SUBJECT TO THE SPECIFIC WAIVER REQUIREMENT WITH REGARD TO SUBCONTRACTS FOR LOCAL GOODS OR SERVICES. WHERE A SPECIFIC WAIVER IS REQUIRED, A NEW CRITERION IS ESTABLISHED: LOCALLY PRODUCED MATERIALS CAN BE PROCURED WHEN THE ESTIMATED COST OF U.S. CONSTRUCTION MATERIALS (INCLUDING TRANSPORTATION AND HANDLING CHARGES) IS AT LEAST 5% ABOVE THE COST OF LOCALLY PRODUCED MATERIALS.

THE BUY AMERICA POLICY IS APPLICABLE TO A PROCUREMENT OF LOCAL SOURCE COMMODITIES EVEN IF A PROCUREMENT SERVICES AGENT IS USED.

MS/PPE IS CURRENTLY ENGAGED IN A SEPARATE REVIEW OF THE
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I. SUMMARY AND RECOMMENDATIONS

A. Recommendations

It is recommended that \$6,000,000 in grant funds (\$5,500,000 from the ESF account and \$500,000 from the EHR account) be authorized for the Democratic Institutions Project over a five-year period, with a Project Assistance Completion Date (PACD) of September 30, 1995.

In September 1990, based on proposals from implementing organizations, \$600,000 was authorized for specific activities in support of the purposes of the Project, including financing for events related to the national elections held in November 1990 and January 1991. It is now recommended that an additional \$3,560,000 be authorized for the purposes of this Project, with \$1,500,000 of those funds obligated in FY 1991. The remaining \$1,840,000 budgetted for this program will be authorized at a later date, pending the results of USAID's initial activities with the National Congress and feasibility studies conducted under component five.

The grantees for the Project will be: the Guatemalan National Congress, the Office of the Ombudsman for Human Rights (OHRO), the Center of Strategic Studies for National Stabilization (Centro ESTNA), and other organizations working in non-formal civic education and democratic development. It is anticipated that the contributions of the Guatemalan organizations participating in the Project will total the equivalent of \$4,197,000, bringing the total cost of the Project to \$10,197,000.

B. Summary Project Description

The goal of the Project is to strengthen the commitment by the GOG and the general population to democratic government. The purpose of the Project is to institutionalize specific democratic processes in Guatemala. In general, this will be accomplished by strengthening key democratic institutions and supporting programs oriented to improving public knowledge and attitudes about democracy. Activities will be undertaken to: (a) help the Guatemalan Congress strengthen its legislative capacity; (b) enhance the ability of the OHRO to track and publicize GOG actions related to human rights abuses; (c) support educational programs intended to improve public knowledge and attitudes regarding human rights and democratic values and practices; (d) design and implement a system to monitor indicators of democratic development in Guatemala, through the life of the Project; and (e) provide a small amount

of funds for related studies and activities in democratic initiatives, particularly at the local level.

Past and present experience in strengthening democracy in Guatemala is amply described in this Paper. The intention of this new Project is to build on the activities of the past and move the process of democratization into a new phase of development. Whereas past efforts financed many of the physical elements of the system, this Project will focus on helping specific organizations move into an action mode so that they may more fully implement their organizational mandates. The Project design team anticipates that a third phase of democratic development will emerge, requiring support for increased popular participation in democratic processes, particularly at the local level.

C. Summary Findings

All aspects of the proposed \$6,000,000 grant have been reviewed. Due to the complex environment in which democratic institutions operate, the Project design team developed an evolving approach to Project planning and implementation. Therefore, in some cases, the team deviated from the typical Project Paper (PP) product. It is useful to view and use this PP as a detailed strategy document, rather than a traditional Project Paper. The more precise details required for Project implementation will be defined in appropriate documentation, such as Action Memoranda, obligating documents and official correspondence.

The Project described herein is financially and technically sound, and is consistent with the development objectives of the Mission and the participating organizations. The phased implementation approach described in Implementation Arrangements, Section V, accurately reflects the varying levels of readiness in each of the implementing agencies. Therefore, it has been determined that the Project is administratively sound, and the participating organizations are institutionally capable of carrying out the Project as designed and as explained in this Project Paper.

D. Project Beneficiaries

The Project will benefit two groups--the personnel of the participating organizations and the public at large. The first group covers the Deputies, the professional and administrative staff of the Congress, and the professional and support staff of the OHRO and the participating NGOs. The second group covers those persons receiving information and training from the educational programs supported by this Project, the individuals whose human rights are protected by

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reason of the activities of the OHRO, and these citizens who need and are provided more effective access to the work of the Congress. In a real, but not measurable, way the second group also includes the whole population which will benefit from a more effective Congress.

E. Summary Project Budget

PROJECT BUDGET BY COMPONENTS

<u>ITEM</u>	<u>US\$ (000)</u>		
	<u>USAID</u>	<u>Counter-</u> <u>part</u>	<u>TOTAL</u>
1. National Congress*	1,512	954	2,466
2. Human Rights	662	740	1,402
3. Public Education	1,341	2,461	3,802
4. Monitoring Indicators	394		394
5. Related Activities	474	42	516
6. Administrative Support (USAID)	783		783
7. Evaluation and Audits	354		354
8. Contingencies	480		480
Total	6,000	4,197	10,197
	*****	*****	*****

* Present figures for this component are estimates. Definition of A.I.D. assistance and counterpart levels will be negotiated as part of the expanded Congressional component. A 1:1 ratio in contribution levels will be sought.

F. Project Issues

All the issues identified in the Action Memorandum approving the Project Identification Document (PID) have been addressed during the course of preparing the Project Paper, as outlined in Annex J.

G. Project Design Committee

Joseph Lombardo, PDSO, Chairperson
Bambi Arellano, ODDT Chief
Catherine Balsis, PDSO
Ronald Witherell, ODDT
David Hoelscher, OPED
Thomas Kellermann/Steve Dosh, PRM
Gary Smith, PRM
Alejandro Pontaza, CONT
John McAvoy, RCO
Susan Clay, OHE

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II. PROJECT BACKGROUND AND RATIONALE

A. The Country Situation

Guatemala has a small, open economy dominated by agriculture. During the 1980's, the agriculture sector employed more than half of the country's working population, generated more than 25 percent of GDP and about 75 percent of the country's export revenues. The adoption of real exchange rate levels in the second half of the decade permitted relatively rapid economic growth largely based on traditional and non-traditional agriculture exports. However, the country's uneven distribution of land and income limited the impact of such growth on poverty. Guatemala's income distribution continues to be heavily weighted toward the wealthy. CEPAL (the Economic Commission for Latin America) in 1984 estimated that the richest 20% of the population received 54% of the national income while the poorest 20% received only 5.3% of the national income. The Ministry of Labor in 1987 estimated that 72% of the people had incomes below the level necessary to purchase food meeting minimum nutritional requirements.

In terms of its political structure, Guatemala follows a traditional tripartite model of government (executive, legislative and judicial). It also has several autonomous organizations pertinent to the development of democracy, such as the Constitutional Court and the Supreme Electoral Tribunal (SET). The Human Rights Ombudsman Office was created by the 1985 Constitution and is a dependency of Congress. Presidential and legislative elections take place every five years. Like most Latin American systems, constitutional equality among the three branches of government is not achieved in practice. Rather, the government is characterized by a strong executive and weak legislative and judicial branches.

The 1980's saw something of a turnaround in Guatemala's political arena. After 30 years of military or military-controlled rule, a civilian government under a Christian Democratic administration took office in 1986. The transition to a civilian government did bring a political opening. Grassroots organizations developed, and began to speak out more openly. However, a degree of political repression returned in 1988 and 1989 as the government failed to control the military and extremist political groups.

Despite the fact that the military continues as a dominant political force in the country, Guatemala has completed an essential step in its democratic development. For the first time in its history there was a peaceful transfer of power between two freely-elected civilian presidents, in

January 1991. By all accounts this election was viewed as free and fair, and indeed is testimony to the capability of the Supreme Election Tribunal to plan and implement democratic elections. Additionally, Rios Montt's constitutional challenge for candidacy in this election, a potentially explosive issue in the Guatemalan context, was handled by the due process of the court system and the outcome was accepted peacefully.

B. Overview of Democratic Development in Guatemala

1. Historical Understanding

The process of developing democratic institutions in Guatemala has meant overcoming nearly five centuries of authoritarian culture and rule. Beginning with the Spanish conquest in 1523, through independence in 1821 and into the middle of the twentieth century, the Guatemalan experience has been dominated by an aristocratic and rigid class society, where participation has been restricted to those few of wealth and power. The socio-political heritage of the country is fraught with autocratic models, including the Church, the Military, the Caudillo and the pater familias, each of which have promoted passivity toward power and political fatalism.

Independence from Spain, as well as the Enlightenment, brought new political models to the former colonies of Latin America. However, little changed in Guatemala, except the demise of power of the Catholic Church. Elected presidents remained in office only briefly, and always were followed by long periods of dictators wielding the force and control of seventeenth century monarchs. A more significant moment in this country's history is 1945, when hitherto unrepresented segments of Guatemalan society were motivated by the defeat of authoritarian governments in the Second World War. For a brief period, 1945 - 1954, serious socio-economic reformers were brought to power. Although three decades of conservative dictatorships then followed, the old imposed social tranquility was never reestablished. The seeds for economic and political change were planted, and would begin sprouting thirty years later.

In 1985 Guatemala adopted a new constitution and held the first of four open and honest elections. After five years of democratic government and the smooth transfer of power which occurred in January 1991, it is clear that the basic framework for a democratic system is in place. Nevertheless, the full participation of the citizenry, and the accountability of the system to them, remain weak. The autocratic practices of the past continue to pervade the Guatemalan society. Access to power, justice and the holding of wealth is still in the hands of a relatively small percentage of the population. The

only strong state institutions are the military and, to a lesser extent, the Executive Branch. The National Congress, the Court system and local government are fragile and to very significant degrees ineffective. Some members of the power elite, while criticizing the inefficiency of civilian institutions, in actuality see such weak organizations as helping to maintain the status quo. They justify not strengthening these institutions by pointing out that such efforts and resources would just be wasted or misused.

2. Current Constraints to Democratic Development in Guatemala

The principal challenges presently facing Guatemala in its political development include strengthening those institutions and processes so needed for increased popular participation and improved public sector responsiveness and accountability to the electorate. The National Congress is the main representative body in the Government, and yet it lacks internal efficiency, is ineffective in carrying out its legislative and oversight functions and is less than independent from the power of the executive branch. The types of checks and balances normally found in a democratic system are not evident between the three branches of the Guatemalan Government.

The culture of violence and lack of respect for human rights remains a serious problem. The level of protection afforded the human rights of the average Guatemalan citizen is among the two or three lowest in the western hemisphere. The Office of the Human Rights Ombudsman, constituted in 1985, began operations four years ago. Because of its expansive organizational objectives, the Ombudsman's Office has experienced difficulty in maintaining a focus on critical elements of human rights violations (e.g. murder and abduction). Its attention is often diluted by popular complaints about governmental decisions and policies which are considered marginal to the core human rights concerns in this country. Additionally, the OHRO has faced difficulty in obtaining the collaboration of other governmental entities (such as the police and the judiciary), and thus, has not been able to play a strong role in dealing with human rights violations.

After years of military and de facto military governments, the Guatemalan people are only beginning to experiment in a serious way with democratic processes. Most of the Guatemalan population has never lived under a civilian government, except during the last five years. Institutions at both the national and local level are weak in their educational functions. Civic and human rights education is virtually

non-existent in the public school curriculum and in non-formal programs reaching the out-of-school population. Leaders at the local, sectoral and national levels have had little opportunity to learn and demonstrate democratic values and practices. Related to this educational problem is the lack of local democratic organizations to mobilize citizens to participate more fully in their government.

3. A.I.D. Assistance to the Sector

A.I.D.'s systematic involvement with democracy programs began with the founding of the Alliance for Progress, which established democratic institution building as one of its goals. Four areas of activity in support of democratic development were emphasized during the 1960's and 1970's: legislative capacity, local government, civic education and leadership training. In Guatemala specific projects were authorized to promote democratically-controlled cooperatives, AIFLD training programs and participant training programs in the United States. Equally important, however, has been the cumulative effect of three decades of U.S. economic aid on Guatemala's urban and rural poor. Major interventions in education, health and agriculture have contributed to the growing demand for increased access to the economic and political power structure of the country.

Since 1980, A.I.D. has responded to the political reforms initiated by the Guatemalans. Fueled by the Central American Initiative (CAI), which placed democratic development at the core of U.S. policy in the region, USAID began to directly assist the "infrastructure of democracy" in Guatemala through a series of projects, which are listed and described in Annex E of this paper. These activities have included such programming areas as the: Election System; National Congress (diagnostic studies and basic commodities); Human Rights; Administration of Justice (AOJ); and Journalism. The USAID also has continued to support activities complementary to democratic development such as strengthening the private sector, including cooperatives; funding for AIFLD; GOG local currency resource transfers to the municipalities; and short and long-term participant training in the United States under CAPS I and II.

USAID's efforts in the democratic initiatives sector have met with varying levels of success. The Supreme Electoral Tribunal (SET) received some \$1,400,000 in A.I.D. money to finance the hardware, software, commodities and training needed for the effective administration of elections. The project was an unqualified success and funding terminated at the end of March 1991.

USAID assistance to the National Congress over the last three years has served to sensitize the Congress to the need for institutional strengthening. In addition to the various diagnostic studies conducted during this period, a MIS system has been designed and installed and a procedural manual for use by the deputies has been drafted. This assistance has been piecemeal, and focussed heavily on the procurement of equipment. The Congress remains a weak institution. Therefore, the project described herein proposes a coherent approach to improving the human and organizational resources needed for effective legislative operations.

In the area of Human Rights the USAID Mission successfully completed a \$300,000 Project during FY 1990. Those funds were used to equip the central office and ten of the planned 22 regional offices of the Human Rights Ombudsman (OHRO). Moreover, new activities with the OHRO have been designed and a new agreement signed in September, 1990 for \$341,500, as part of the initial Authorization under this Project (520-0398). This assistance is helping the OHRO to focus more substantively on the performance of human rights throughout the country. It provides for the preparation of a case tracking system, public education in human rights, training for OHRO personnel and commodities for the remaining regional offices.

Since 1987 USAID has authorized over \$7,000,000 for improving the Administration of Justice in Guatemala. The initial Project (520-0376), administered by Harvard Law School's Center for Criminal Justice, completed its field activities during the first quarter of FY 1991. It was particularly successful at identifying operational problems in the system, and then designing and testing improvements through a Pilot Courts Program. Progress under the second bilateral Project (520-0369) has been slower. Whereas the development and strengthening of the Judicial Branch's legal information system is proceeding satisfactorily, problems have been encountered in trying to institutionalize an improved Justice training system and to pursue planned administrative reforms. The Mission intends to close out the Administration of Justice Project (520-0369) at the end of December 1991. A new Judicial Sector Human Resource Development Project (520-0407) is planned for FY 92. Therefore, this Project (520-0398) will not include any specific activities for the judicial sector.

4. Other Donor Assistance

Since a democratically elected government came to power in 1986, a number of international agencies have expanded their support for democratic initiative activities in Guatemala. With few exceptions, that support has been geared

toward the promotion of human rights. German assistance has provided funds for the purchase of the office building of the OHRO. They also have made substantial contributions to the development of formal and non-formal educational materials, as have the Canadians, Dutch and British. Canada is supporting construction of a new library and auditorium, providing the OHRO a place to conduct seminars and public programs. Spain has provided reference materials for the OHRO library, while Australia has donated funds for administrative equipment. The Scandinavian countries have actively pursued human rights concerns through programs of interchange between the Guatemalan Congress and their counterparts in Sweden and Norway. The OAS has conducted investigations and prepared reports for its General Assembly on human rights in Guatemala. Lastly, the United Nations has organized public programs on human rights and has actively promoted the rights of refugees and children in Guatemala.

In response to local development problems, the Interamerican Development Bank has contributed some US \$18 million toward the strengthening of local government in Guatemala. Canada has also provided US \$7.6 million in support of local initiatives in community and municipal development, while the World Bank has financed community development and other participatory-type projects in the urban slums of Guatemala City. The UNDP has provided assistance for the implementation of the constitutionally-mandated decentralization plan which establishes local development councils to oversee the use of the 6% budget allocation to Guatemala's 370 municipalities.

C. Rationale and Strategy for Strengthening Democracy in Guatemala

1. A.I.D.'s Democracy Initiative and USAID's Sector Strategy

There is a resurgence of democracy in many regions of the world, and the Central American Isthmus is no exception. Democracy has been restored to Panama, and the transition of power to a new government in Nicaragua took place in April 1990 after free and fair elections. However, A.I.D. knows that democratically-elected governments are not an end in and of themselves. Rather, they are complementary to, and supportive of, the transition to market-oriented economies and broad-based, equitable and sustainable economic development. For this reason, the Agency has identified the support of democracy as one of four major initiatives to be pursued in A.I.D. programming.

USAID Guatemala's understanding of the interrelationship between democratic strengthening and economic growth is clearly reflected in its Program Goals and Strategic Objectives. It is widely accepted that many of the root causes of political unrest in Guatemala have been the basic economic and social inequities identified in USAID programming documents over the years. The Mission believes that it must continue to address these inequities if a durable social contract and peace are to be achieved, and the country's nascent democracy is to survive. Concomitantly, the Mission views a stronger democratic system, including a reduction in Guatemala's continuing high level of human rights violations, as an essential ingredient in the creation of an economy which more equitably distributes the benefits of development.

The USAID Mission's Strategy for Democratic Development in Guatemala FY 1990 - 1994 (on file at USAID Offices) suggests that several areas of concern must change in order to consolidate democratic practices in Guatemala. First, the organs of the State need to demonstrate both adherence to the rule of law and increased effectiveness in protecting the safety and civil rights of the people. Second, improvements must be realized in how decisions are made in the functioning of democracy and the furtherance of economic and social development. Third, government institutions must become more capable and efficient in their ability to carry out and monitor constitutionally mandated democratic processes. Fourth, the Guatemalan people - a key element in the democratic equation - must become more aware of their role and responsibilities in the system.

In addressing these concerns, the USAID Mission Strategy foresees a long-term commitment, possibly exceeding ten years, to institution building in the democratic initiatives sector. The first five-year blueprint, as outlined in the aforementioned document, recommends a focus in five major areas:

- * improvement in the quality of the judicial system
- * consolidation of the electoral system
- * strengthening of the capacity of the legislature
- * support for human rights
- * expansion of public education for democracy.

As noted earlier, consolidation of the electoral system has reached successful completion, while substantial resources are already programmed or planned under other projects for qualitative improvements in the administration of justice. This new Project in Democratic Institutions will focus on the latter three components: legislative activity, human rights and public education.

2. Democratic Institutions Project Strategy

Past and present experience in strengthening democracy in Guatemala is highlighted in sections B.2 and B.3 of this paper. The intention of this new Project is to build on these successes and move the process of democratization into a new stage of development. In a sense, the first set of A.I.D.-financed projects in democratic strengthening installed the basic elements of the system. USAID has assisted key organizations with such inputs as commodities, field offices, diagnostic studies, MIS computer capacity and basic training. Now, the Mission finds it increasingly important to help these institutions move into an "action mode" and successfully fulfill their organizational mandates. The underlying belief of this strategy is that a project focus on action, although much harder to implement, is critical in assisting the GOG to institutionalize its democratic processes.

Following the approach outlined in the Mission's Strategy document, the Democratic Institutions Project will seek to: (a) strengthen the legislative capacity of the Guatemalan Congress; (b) enhance the ability of the OHRO to monitor and publicize GOG actions relative to human rights abuses; and (c) improve public knowledge and attitudes regarding human rights and democratic practices. Whereas these objectives represent distinctly different target groups and will be treated as separate Project components, they are, on a programmatic level, highly interrelated. Together they contribute to the creation of a "cultural and institutional milieu" where the systematic exercise of democracy can be consolidated into a way of life.

Two other related activity areas have been identified for Project financing. They represent proportionately smaller financial efforts, but remain significant to the purpose of the Project. They are: monitoring indicators of democratic development; and responding to discrete opportunities in democratic development through related studies and small activities.

The rationale and strategy for each of the five Project components are further explained below. Due to the complex environment in which democratic institutions operate in Guatemala, as well as the varying levels of readiness in the implementing organizations, distinctly different approaches have been devised for each of the five components. Where necessary, a phased approach to planning and implementing activities has been designed.

a. Strengthening the Legislative Capacity of the Guatemalan Congress

Current thinking in the democratic institutions area suggests that strong legislatures serve a number of important functions in the promotion of economic and social development, including: the allocation of resources; articulation of diverse constituent needs; legitimization of government policies and programs; and training of future leaders. With these institutional purposes in mind, the Project proposes to focus on helping the Guatemalan Congress improve its legislative functioning. This component is designed to address, over the next four years, basic weaknesses of the legislature in managing its responsibilities: ill-prepared Deputies; lack of trained staff; insufficient access to technical information; and poor organizational development and continuity.

Because of the overwhelming number of organizational and political problems existing in the Guatemalan Congress, the project design team has developed a two-step approach to implementing this component. The basic strategy is to work closely and cautiously with this institution on a short series of discrete activities for the remainder of CY 1991, while simultaneously demonstrating a continuing commitment to the legislature's institutional strengthening. Introducing a slow start-up stage in this component enables the USAID technical office to test specific implementation mechanisms, as well as to continue discussions and negotiations over the terms and conditions of a more in-depth program.

b. Enhancing the Ability of the OHRO to Monitor Human Rights Abuses

The Serrano government has established human rights and the proper functioning of the Judicial System as important agenda items for this new administration, and the international community continues to seek ways to assist this objective. Whereas many of the other donors have plans to assist in physical infrastructure activities, USAID will help the OHRO carry out its organizational mandate: the identification, tracking and public denunciation of cases of human rights violations, and the pressuring of other branches of government to deal appropriately with these cases. The Project will support improved oversight of human rights investigations and further development of core OHRO institutional elements, including expansion of its field office operations.

c. Improving Public Knowledge and Attitudes

Simply developing the institutions that form the infrastructure of democracy will not cause that infrastructure to perform well or to survive. Basic attitudinal changes in the general public are required, based on a sustained experience with good government and meaningful participation. Guatemala's experience with democracy is still very new and, in reality, the only place its citizens have exercised their civic responsibilities with any force is at the voting polls. For these reasons, public awareness and education is being emphasized in this Project. First, the Project will support the efforts of the OHRO in promoting human rights education at the primary school level and in non-formal educational activities. Second, based on the results of the human rights education programs, the Project will explore and analyze opportunities for introducing civic education into primary school curriculum and for reaching out-of-school populations through non-formal civic education mechanisms. Third, the opinion leaders and decision makers from both the public and private sector will be engaged in seminars regarding Guatemala's political, economic and social development.

d. Monitoring the Indicators of Democratic Development

While not defined as a component in the Mission Sector Strategy document, this Project is proposing the establishment of a "democratic practices monitoring system". The purpose of the system is to track the progress of the institutions and the impact of educational programs being supported by this and other A.I.D.-financed Projects in democratic development. This will be an innovative effort, since the nature of the activity will demand a blend of quantitative data gathering with qualitative information gleaned from carefully tailored opinion surveys. In many cases these will be first-time activities for Guatemala, but they are considered of vital importance if the Mission is to establish the relationship between its support and improvements in the functioning of democracy in Guatemala.

e. Related Studies and Activities

Most of the AID/Washington guidance on democratic development acknowledges the dynamic aspect of working in this sector. It further suggests the importance of flexible programming and the need to develop a capability in projects to respond quickly to new needs and initiatives. The initial authorization of funds under this Project to provide some of the international observers for the most recent Presidential election, is an example of this type of quick

program responsiveness. It is proposed that this Project set aside a modest amount of funds for similar opportunities, as well as to explore ways to further support citizen participation and public accountability concerns. The types of activities that might be funded, as well as criteria for determining eligibility, are explained in the project description of this paper.

3. Project Design Principles

The LAC Bureau recently captured its "lessons learned" in democratic initiatives in a document entitled Strengthening Democracy in Latin America and the Caribbean: U.S.A.I.D.'s Experience To Date And Plans For The Future. This document, other A.I.D. Washington guidance, and the Mission experience with democratic development in Guatemala, have rendered a series of strategic principles used in the negotiation and design of this Project.

a. Collaborative Design and Implementation - democratic development is a sensitive program area in Latin America. The most successful projects have been those where AID has worked closely with counterparts in the initial discussions and design, and have continued that relationship through the life of the Project. The "old way" of doing A.I.D. business through a major U. S. institutional contract does not always work well in the process of strengthening democratic institutions. The principle of close collaboration was used during the latter stages of preparing this Project and will continue during implementation. As noted in the implementation arrangements, section V., USAID is planning a "management intensive" approach to implementing Project activities, while using a variety of mechanisms for technical assistance and training.

b. Flexible Programming - is key to effective assistance and must be built into the design of democratic development projects. Experience has shown that it is important to take advantage of opportunities as they arise, and to change direction or emphasis as circumstances dictate. This Project has adopted a "rolling design" approach in defining activities, but always in the context of specific goals, objectives and clear criteria for financing. For that reason, it is useful to view and use this Project Paper as a detailed strategy document, rather than a traditional PP. The Project Description, Financial Plan, and Implementation Arrangements Sections describe the purposes for each component, as well as suggested activities, parameters for A.I.D. and counterpart involvement, the next steps to be accomplished, and illustrative inputs over the life of the Project. The more precise details required for Project implementation will be defined in appropriate documentation, such as Action Memoranda, obligating documents and official correspondence.

c. Inter-Institutional Networking - fostering pluralism, an important democratic value, can be difficult in environments accustomed to autocratic rule. However, experience suggests that there are a number of approaches to developing tolerance for opposing viewpoints and facilitating an exchange of ideas in non-threatening ways. The Project will encourage inter-institutional networking nationally and within the Central American Region. In addition to fostering relationships between institutions of similar types in other countries, emphasis also will be put on exchanges within Guatemala between those institutions receiving assistance and the private sector, NGO's, academia and municipalities.

d. Regional Collaboration - for financial, administrative and substantive reasons this Project will seek to "connect up" with other A.I.D.-financed projects and mechanisms. Because it has been decided not to employ a major U.S. institutional contractor, Project management will be looking for a variety of mechanisms to easily access short-term international technical assistance. Also, Project analyses have suggested that there are benefits to fostering inter-institutional dialogue on a regional level. As appropriate, the Project will use regional funding sources and program mechanisms for discrete activities.

e. Coordinated U.S. Approach - because of the political sensitivity and high visibility of U.S.-funded programs in this area, it also is important for A.I.D. to coordinate with all interested U.S. agencies. An inter-agency committee has been formed here at Post, under the chairmanship of the DCM, and will be used to advance policy dialogue concerns and to share information which will guide USAID activities.

f. Long-Term Commitment - democratic institution-building objectives will not be achieved in a 4-5 year time frame. It is important that both A.I.D. and the GOG think of this Project as one of several stages in the evolution of democracy in Guatemala, and understand that follow-on activities may be proposed. The focus of the present Project is on helping key institutions move into an action mode to carry out their organizational mandates, as well as to educate the public about democracy. It is expected that activities in this Project will stimulate increased interest in local organization and popular participation in democratic processes. Insofar as is feasible, the Project will respond to those needs through related studies and activities (see component five), however, at some point, additional funding may be required to continue to support democratic development initiatives in Guatemala.

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D. Relationship to GOG Policies and Proposed Agenda

The framers of the 1985 Constitution clearly wanted to establish the infrastructure for democracy in Guatemala. The Constitution creates the Office of the Human Rights Ombudsman, and grants autonomy to the Judiciary and Supreme Electoral Tribunal. These latter two organizations also have earmarked resources. During the first five years of democratic government, the former President directed his efforts at keeping the basic infrastructure in place. The attitude of the new government appears to be one of wanting democratic institutions to work more effectively. Statements have been made regarding the importance of respecting the independence of the three Powers of the State, with particular emphasis on strengthening the Judicial Branch of Government.

Over the life of this Project there are a series of policy developments which will be critical to the achievement of stated goals and objectives. The following Policy Agenda is recommended for discussions between USAID Mission leadership and the GOG:

1. The Congress must provide for additional resources to increase its permanent technical staff and deal with space requirements for its working committees.

2. The Office of the Human Rights Ombudsman (OHRO) must have information about the status of court system cases dealing with human rights violations, in order to implement its tracking system.

3. The agreement between the Police, the OHRO, and the Public Ministry for tracking violent crime must be put into effect.

Left unattended, the above items represent real operational roadblocks to the institutions receiving A.I.D. financing under this Project. It is proposed that these items also be established as covenants in the appropriate Project Agreements.

III. PROJECT DESCRIPTION

A. Project Goal, Purpose and Expected Accomplishments

The goal of the Project is to strengthen the commitment by the GOG and the general population to democratic government.

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Indications that this goal is being achieved will include the following:

- the GOG allocates sufficient resources and political support to those institutions overseeing democratic practices;
- the 1993 municipal elections are internationally recognized as free of fraud;
- the three branches of government are generally recognized as operating effectively, each respecting the power and responsibilities of the others;
- public institutions consult with their constituencies;
- perceived and actual charges of government corruption are reduced;
- the country's human rights record improves;
- the public reduces its acceptance of violence as a means to resolve conflicts.

The purpose of the Project is to institutionalize specific democratic processes in Guatemala. This will be accomplished by strengthening key democratic institutions and processes, and supporting programs oriented to improving public knowledge and attitudes about human rights and democratic practices. By the end of the Project, the following achievements are anticipated:

a. Based on a strengthened committee system, the National Congress will be passing more timely, well considered and procedurally correct legislation. A major indication of this accomplishment will be an increase in the number of bills reported out of congressional committees.

b. The Human Rights Omsbudman Office will be monitoring and tracking all cases of violent crime and doing a more thorough job of denouncing irregularities. A major indication of this accomplishment will be increases in the number and percentage of human rights violations successfully prosecuted.

c. The Guatemalan people will be more fully aware of what their national institutions do, how they do it and how the public can participate in the process. Important indications of this accomplishment will include an increase in the percentage of eligible voters registered and voting; increased participation in local organizations; and greater demand for effective governmental action.

d. The private entities contracted will regularly monitor the indicators of democratic development in Guatemala and make that information available to the general public. An indication of this accomplishment will be the actual dissemination and discussion of the information results of such monitoring.

At present, very little hard data exists regarding democratic development indicators in Guatemala, except in the area of election statistics. A major effort to monitor democratic practices and assess the impact of Project activities is proposed as component four. That activity will design baseline indicators and collect future data for Project evaluation exercises. Further details on anticipated outputs of the Project and indicators of progress are contained in the Logical Framework attached as Annex B, as well as in the activity descriptions for each Project component.

The beneficiaries of the Democratic Institutions Project are best understood in terms of the activities proposed under each of the components. The first target group covers the Deputies and the technical and support staff of the Congress. The second is the professional and support staff of the OHRO. The third group of beneficiaries is further subdivided into opinion leaders at the sectoral and national levels; primary school children; and children and adults reached by non-formal human rights education programs. These latter programs put a major emphasis on rural and marginal urban populations. As appropriate, educational interventions will be designed toward increasing the participation of women in democratic processes. Ultimately, the Project will have an impact on the whole population, which will benefit from strengthened democratic institutions and processes.

B. Project Components

1. Component One: The National Congress

A.I.D. financed a series of diagnostic studies of the National Congress under Project 520-0386 (Strengthening of Democracy). These assessments covered the Congress' committee system, library, staff structure and deputy-constituent relations. From these analyses, as well as discussions with Congressional leadership, a clearer picture emerged of the Congress' operations and the many problems it faces. The result of this work is contained in Annex D.1, Institutional Analysis of the Guatemalan National Congress. In summary, the Congress is seen as a weak institution. It suffers from a tradition of dependence on the Executive Branch, a lack of

political will on the part of the Deputies themselves to exercise the power they have, and inadequate human, informational and physical resources so necessary for the job of legislating.

Four activity areas are proposed for attention, over the next four years: (a) strengthening the role and functions of the Deputies; (b) increasing the level of trained staff working permanently at the Legislature; (c) augmenting access to technical information; and (d) analyzing organizational development issues. Central to these efforts will be the reinforcement of the Congressional committee structure as the basic operational unit for the legislative process. Although these four emphases do not respond to all of the problems faced by this institution, they have been chosen because they are pivotal to the purpose of helping the Guatemalan Congress strengthen its legislative capability.

Because of the highly political nature of working with the National Congress (see Analysis of Constraints, Section VII), a rolling design approach has been heavily employed in this component. As described under Implementation Arrangements, Section V, a long start-up stage is anticipated for this component. The 1991 leadership at the Congress has proven to be ineffective building workable inter-party coalitions. During the remainder of this calendar year, USAID only will finance a short series of activities which address the most critical technical needs faced by the deputies in enacting legislation (e.g. review and approval of the national budget).

It is expected that the internal political dynamics at the Congress will settle, once new leadership is elected at the beginning of 1992. At that juncture, USAID will assess the feasibility of entering into a written agreement with the Guatemalan Congress (possibly a Memorandum of Understanding) for the remainder of the proposed program. Because of this phased implementation approach, the following description should be viewed as setting the direction and parameters of USAID assistance to the national legislature, while more specific arrangements and items to be financed will be defined in future agreements and work plans.

a. Strengthened Role and Functions of Deputies

i. Problem Setting

The Guatemalan civic and political reality poses a contradiction for the National Congress. Local candidates, although having broad popular support, often do not bring adequate educational levels for political work on a

national scale. To counteract these circumstances, the National List system was created to ensure that the Congress would be composed of members with above average educational and professional experience as well as members with broad local support. The 1991 Congress is composed of 116 Deputies. Of the total, seventy-five percent are elected directly from the twenty-three electoral districts in the country and twenty-five percent are elected from the National List. Eighty-five percent of those presently serving are first-time Congressman. They have not been prepared for the job of legislating, nor is the institution providing much guidance or support for this responsibility.

Collectively, the Deputies lack a sense of "mission," nor do they appear to have the will to develop and pursue one. Past Congress' have operated like a "rubber stamp" for the programs and policies promoted by the nation's Presidency, as evidenced by the paucity of bills initiated by the Deputies themselves, as well as their reluctance to actively use the "oversight and inquiry" role granted in the Constitution. The 1991 Congress is facing a slightly different set of problems, where the party of the new National President holds only 16% of the seats in the Congress, and no party holds a clear majority. Rather than turning these circumstances into an opportunity for the Congress to assert its independence from the Executive, the Deputies' attention so far has been diverted by the strain of building cross-party alliances and coalitions.

ii. Activity Response

The purpose of this sub-component, as presently envisioned, is to help the Deputies place their time, attention and abilities on the job of legislating. Whereas all the activity areas proposed under the National Congress component will serve to support the Deputies in their congressional positions, this area works directly with the Congressmen through a series of training events, assessments, seminars, regional visits and conferences. The focus of all grant-financed events will be to assist the Deputies to better utilize the committee system structure and in turn, to improve the performance of the Legislature. The types of activities that would be considered for financing under this area are highlighted below.

* Training programs and specialized TA designed to focus on the mandate of the National Congress, the institution's role in the democratic development of Guatemala, and the Deputies' roles as Congressional representatives and legislators.

* Planning events to help the Deputies set an annual national legislation agenda and to become major contributors to the Nation's policy agenda.

* In-house educational programs and TA about the legislative process and mechanisms for performing this function. Emphasis will be placed on a better utilization of the committee system, ways to use the party caucus system more effectively, and mechanisms for accessing technical information.

* Written guidance and discussions on how to stimulate public participation and accountability. Particular attention will be given to inter-institutional networking and the process of engaging local organizations and universities in the exploration of issues (e.g. their sponsoring topic-oriented conferences, a call for papers, etc.).

* In-country visits to all of the departments to hold round-table discussions with municipal, community and private sector leaders. These visits would be followed up with facilitated planning sessions on what was learned and how to best use that information for legislative purposes.

* Guatemalan participation in regional seminars on key issues impacting the effectiveness of legislatures in Central America. The types of concerns that would be covered in such a forum might include: civilian control of the military; national budgetary review role; governmental accountability and the oversight role of Congress; and the role of political parties in the legislative process. As appropriate, this category of activities would be coordinated with regional activities projects.

* Interchanges and visits with legislative bodies in the U.S. and National Congresses in Central America.

* Workshops on how to work more effectively with the press and, in general, improve public relations.

iii. Outputs

Several outputs are anticipated as a result of this sub-component. The deputies will be better trained in modern legislative processes and practices, be more knowledgeable regarding the country, and more proactive in setting their legislative agenda. They will possess a stronger image of themselves as legislators and of their institution as a whole, and the relative status of the Congress as a democratic institution will be stronger in the eye of the public.

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iv. Illustrative Inputs

Over the life of the Project, a variety of inputs are expected for strengthening the role and functions of the Deputies. Specific estimates are shown in Annex F. Generally, the following is planned: a substantial amount of short-term TA on functional issues (up to 36 person months); large group and in-house training for Deputies on mandate and role concerns, legislative processes and strategic planning; local TA for workshops and guidelines on increasing public participation and improving public relations; intra-regional training and networking; and interchange visits with U.S. Legislatures.

b. Better Staff Support Services

i. Problem Definition

The staff support services necessary for the efficient and effective functioning of the legislature are barely available. The number of substantive staff jobs existing is very low. Of the 137 positions budgeted for in 1990, only ten of them were at the professional level: six members of the Technical Legislative Department and four persons under the Treasurer. Virtually all staff are employed through political patronage, without any consideration of their qualifications for the job or the parameters that would be established by their inclusion in a civil service system.

There are 23 standing committees at the Congress and none of them (except the Steering Committee) have permanent professional staff assigned to them. Analysis of the national budget by trained professionals is not performed. The fiscal impact or cost of bills that have been introduced is not assessed. Analysis of the content of bills under consideration is weak. Legal review of proposed and existing legislation is sporadic at best.

Administrative staff, particularly, suffer from frequent transfers between offices and functions, and thus are unable to develop the expertise gained from sustained performance of the same tasks. Any semblance of a personnel system, based on merit, is absent. There are no in-house training programs available to orient new staff and integrate them into the operations of the Congress and its committees.

ii. Activity Response

Critical to any sustained improvement with staff support is the commitment of the Congress and GOG to allocate sufficient resources for a personnel system that truly

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serves the legislative needs of the institution. The activities to be executed under this sub-component include: promoting an increase in professional staff members; conducting a training needs assessment for professional and administrative staff; planning and implementing training events; and designing and testing an in-service training program for future years. These activities, as described below, are designed to help the Congress focus on staff support concerns, develop options for resolving these problems and to take action toward their resolution.

The first activity seeks an expansion in the number and types of professional staff serving Congress and its committees, with this increase being supported by Congressional budgetary funds. The exact numbers and types of positions to be created will be established on an annual basis, however, it is USAID's objective to pursue these discussions in terms of the staffing needs of the committee system structure and the institution's annual legislative agenda. Both technical and administrative concerns will be considered in planning staff increases. First, the Congress needs to determine the right blend of staff required, both in terms of general legislative functioning (e.g. financial analysts for bill fiscal note preparation, or legislative attorneys for bill drafting) and technical subject expertise needed on specific committees (e.g. justice, fiscal, health, etc.). The final outcome of this question also will take into account judgements being made under the information sub-component regarding the development of mechanisms for acquiring expert technical assistance on a short-term basis. The second concern is deciding the best organizational location for these new staff. Thus far, the Guatemalan Congress has experience centralizing staff and delegating tasks on a case-by-case basis to specific individuals. Previous studies have suggested that permanently assigning professional personnel to specific committees could substantially increase the efficiency and quality of legislative work.

The next activity for improving staff support will be pursued early in the Project. As soon as is feasible, arrangements will be made to conduct a training needs assessment and formulate a three-year plan for professional and administrative staff training. If appropriate, the LAC Regional Project or an AID/W IQC will be used for this activity. Once the plan is approved, scopes of work for the training program(s) will be developed and potential service providers will be identified. It is anticipated that a majority of the required resources for staff training exist locally.

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The third activity will be the implementation of training events. Although these events will be based on the specific findings of the needs assessment, several types of training are anticipated:

- orientation classes for administrative and professional staff to the legislative process, use of the procedures manual, MIS system and information sources;

- periodic issue-oriented workshops for professional staff;

- periodic skill building workshops for administrative staff; and

- participation in regional seminars for the highest ranking staffers, such as the Chief Clerk and Treasurer.

The data from the needs assessment and the evaluations of actual training events will lay the groundwork for the next undertaking: design and testing of a permanent in-service training program. This activity will not only create the training curriculum, but also develop and examine options for the administration of the program. Costs and budget realities will be important elements in this analysis.

iii. Outputs

A series of outputs are anticipated. First, the Congress will have a better understanding of staff support concerns, and will have taken steps to ameliorate them, including increasing the number of permanent professional personnel working at the Congress. All professional staff will be trained in the processes of the institution and be more knowledgeable of the substantive issues of major pieces of legislation. The administrative staff will be better trained in techniques and processes and will demonstrate their new skills on the job. Lastly, an in-service training program will be designed and tested.

iv. Illustrative Inputs

All additions to the professional staff at the Congress will be covered by counterpart funds. The A.I.D. Grant will finance short-term external TA (up to 15 months) for training needs assessment, specialty training and advisory assistance; substantial local training for congressional staff in procedures, computers, information systems and administrative skill-building; topic-oriented workshops for

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professional staff; attendance to regional seminars and conferences; and some inter-institutional visits regionally and in the U.S. for professional staff. Specific input estimates for this sub-component are contained in Annex F.

c. Increased Access to Technical Information

i. Problem Setting

The Congress and its committees face serious problems in accessing solid information for the formulation and evaluation of legislation. Except for some meager assistance in the general areas of law and economics, the Congress operates without the benefit of technical experts. Although various mechanisms have been tried in the past to alleviate this problem (e.g. ad hoc committees, on-call consulting groups, see Institutional Analysis, Annex D.1), no system has been sustained or institutionalized. Additionally, the Guatemalan Congress has no consistent support in the form of organizational networks with members in other legislative bodies or with the faculty of academic institutions, research institutions and think tanks.

Last, but certainly not least, is the gravity of the problem with the Congress' library. The lack of an adequate library and research facility is devastating to any attempts to improve the functioning of staffers or the legislative process in general. Poor library services severely limit retrieval and use of the institution's memory, as well as the access of needed technical information in other libraries and information networks (manual and computerized).

ii. Activity Response

The problem of poor and inadequate technical information at the Congress will be approached from several perspectives: improved library operations; inter-institutional information exchange; enhanced computer research capability; and established mechanisms for acquiring expert technical assistance. An important aspect to the first three activities is developing the library to a point where it can be a central link in the creation of a workable information network for legislators and staff.

The first and most important step to improving the library is for the Congress to hire a library science professional, with a significant user orientation, in the position of Library Director. This step is of such vital importance that it will be posed as a CP to any disbursements for library improvements, after year two of the Project. The

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delay of one more year on this CP is to give the Congress sufficient time to create and budget this position. Once the Director is in place, that person can formulate a collection development policy and organize the Congressional collection. After the basic organization has been achieved, the Project will fund facility improvements and additional acquisitions for the collection, including publication of hard-bound copies of both the law indices and law texts being prepared in the CENALEX activity of the Administration of Justice Project (520-0369).

The Library Director will play a key role in contacting all significant institutions in Guatemala, as well as other national legislatures in the Central American Region, for the purpose of establishing information exchange agreements. Such documents will include policies and mechanisms for the ongoing interchange and sharing of technical information, including the development of inter-library loan services. If not covered by regional funding, the Project will cover the costs related to developing and executing these agreements, including the head librarian's travel and per diem, and for initial implementation of the exchange system.

The information activity area also will look into the possibility of integrating the library into the organization's MIS system, and enhancing the library's computer research capability. All expansions proposed for Project financing will be based on a coherent work plan which reflects the legislative agenda and the information needs of the staff and committees. It will be the responsibility of the Library Director to assess needs and develop the plan for expanded computer research capability. This work plan will explore the feasibility of making connections with the CENALEX database being developed under the AOJ Project, and with a variety of commercial databases significant to the work of the Congress. The Project will fund the necessary equipment, technical services and initial subscriber fees to make these connections.

Mid-way through the Project, a review of the Management Information System (MIS) at the Congress will be conducted to determine the level of use and pressure on the system, degree of system effectiveness, helpfulness of maintenance provided and level of future need. Based on the results of that review, further automation may be proposed for Project funding. The criteria to be used in deciding on such a proposal would be based on system efficiency and effectiveness in servicing the committees and improving the legislative process. The implementation of any further expansion of the management information system would be undertaken only after an agreement is reached with the Congress for ongoing support of the recurring costs associated with the maintenance of the system, including needed technical assistance and in-house technical support.

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Separate from the improvements in the library and MIS system is the need to establish an ongoing mechanism for acquiring expert technical assistance for specific pieces of legislation. The Project proposes a two-pronged approach to addressing this problem. First, Project monies will be used to purchase specific technical services, on a case-by-case basis, during the first two years of the Project. USAID will contract this expertise directly if it is international TA. The technical services provided by this mechanism will be responsive to the legislative priorities of the Congress.

Second, while the above-mentioned mechanism assists the Congress with its most immediate technical information needs, USAID and the Congressional leadership will explore options for establishing a more permanent local technical assistance and training conduit for the Legislature. Several ideas have been discussed during Project design, including the Chilean model, where the Catholic University of Chile has entered into a cooperative agreement with the Chilean Congress and the University of New York (SUNY/Albany) to provide needed technical assistance and training to the National Congress of Chile.

iii. Outputs

As a result of this sub-component, the Congress will have an expanded access to technical information and expertise. It is anticipated that the library at the Congress will be reorganized to be more efficient and to perform computer-based research for staff, Deputies and committees. The MIS of the Congress will be operating smoothly and up-graded as needed. The Deputies and committees of the Congress will access technical expertise through a defined mechanism, for specific pieces of legislation.

iv. Illustrative Inputs

Specific details on the inputs anticipated for this sub-component are contained in Annex F. Generally, for library improvements, A.I.D. funds will cover the costs of basic furniture and equipment up-grade, new acquisitions, and the librarian's regional travel. The Congress will finance the librarian director position. Project funds have also been allocated for a small amount of TA and computer enhancements to cover the MIS review. Additional funds have been earmarked for the short-term technical assistance and contract costs in acquiring short-term subject expertise for formulating and evaluating specific pieces of legislation.

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d. Organizational Development Studies

i. Problem Setting

The Guatemalan National Congress possesses no institutional capability for continuity and follow-through. The Ley Organica covering the organization and administration of the Congress calls for an annual change in the Body's leadership (the President and Steering Committee), which in turn affects the membership and leadership of the other 22 committees. Political, legislative and administrative agendas are easily altered with each new President of the Congress. Neither Deputies nor staff have the opportunity to achieve coherence or expertise in a particular area. In addition to annual leadership changes, there are also issues of continuity between Congresses. Every five years all seats of the Congress are up for election and as a result, the new 1991 Congress has experienced an 85% turnover in Deputies. Although experience with this phenomenon is still relatively little, there is no reason to believe it will be any different in 1996.

ii. Activity Response

The problems of continuity, follow through and efficiency make a strong argument for many of the activities proposed under the National Congress component. Specifically, increasing the level of permanent professional staff, strengthening the maintenance and use of the institutional memory, and training people in the use of legislative and MIS procedure manuals, all serve to improve continuity in what otherwise is a very fluid organization. The intention of this activity area is to maintain an acute awareness of this and other organizational problems and to seek, throughout the life of the Project, mechanisms for ameliorating them. It will be important that any activities supported here not compromise the value placed on widely representative and changing leadership.

This activity area will help to create an institutional modus operandi focussed on the objectives of continuity, follow through and efficiency. It will support (a) studies on discrete organizational issues, (b) development and publication of new operational procedures, and (c) review of old manuals for improvement. The specific activities to be financed will be identified annually in a work plan. Examples of the types of studies that might be proposed are listed below.

- Research and design work for a revamped personnel system based on non-partisan criteria, covering such items as personnel planning, recruitment, advancement and staff assignments.

- Identification and assessment of operational ways Deputies can rapidly acquire subject expertise.

- Assessment of impact of present tradition to change committee leadership every year.

- Analysis on how to improve space utilization.

- Review of existing manuals (i.e. legislative procedures, MIS, etc.) for accuracy and usefulness, including recommendations for improvement.

- Development of a guide to information resources for professional staff and committees.

iii. Outputs

The major output anticipated from this activity area is a more organized and systematic approach to resolving issues hampering the development of the Congress, as an organization.

iv. Illustrative Inputs

During the life of the Project it is anticipated that the Project will finance the technical assistance and operational costs of a variety of organizational studies and several manual reviews.

2. Component Two: Human Rights

The level of protection afforded the human rights of the average Guatemalan citizen is among the two or three lowest in the western hemisphere. An exception to this record is the right of suffrage. Elections in Guatemala are well run, open and free of at least wide-spread fraud. However, the situation is poor with respect to the most basic of human rights - i.e. enjoyment of life and liberty, protection against physical abuse and freedom of association. Not only are these rights not fully protected by the organs of government, but by most accounts some of those organs are participants in their violation.

The 1985 Constitution specifically incorporates and makes law the numerous conventions on human rights adopted by international organizations. It also provides for a multi-party Congressional Committee on human rights and a human rights "watchdog" in the form of the Human Rights Ombudsman Office (OHRO). As noted earlier, the OHRO has received substantial international assistance during the first four years of its operation, mainly for its physical infrastructure and public education programs.

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The purpose of this Project component is to more directly assist the OHRO to carry-out its organizational mandate: the identification, tracking and public denunciation of cases of human rights violations; and the pressuring of other branches of government to deal appropriately with these cases. Two basic activity areas will be supported: improved oversight of human rights investigations, and development of core institutional elements, including the installation of the remaining field offices of the OHRO. These activity areas are explained below in the context of the problems being addressed.

a. Improved Oversight of Investigations

i. Problem Setting

For the purposes of this Project component, greatest concern is with tracking those crimes that violate the integrity and safety of the individual person, as delineated below.

Political and Other Extrajudicial Killing - Over a several year period, annual police statistics show about 2,000 murders countrywide, although critics charge that these figures understate killings in those areas with minimal police presence or where residents refuse to report incidents. It is impossible to determine how many of these killings are related to personal vendettas, other criminal acts or political motivations. Even though there is no evidence that such killings are sustained by Government policy, both the Defense and Interior Ministers under the Cerezo administration claimed that persons in the security forces as well as extremist political groups engaged in extrajudicial killings. What is troubling is the failure to investigate effectively and bring to trial the perpetrators of these crimes, particularly if it is believed that the perpetrators are connected with security forces.

Disappearance - Perhaps one of the most controversial human rights issues in Guatemala are disappearances, many of which end in death. Despite promises of action by government officials, authorities do not solve many disappearance cases, especially those considered to be politically motivated. In turn, this reluctance fuels fear about the State's ability and/or willingness to maintain public safety. After intensive interest with this issue was shown by human rights groups, including Amnesty International, some action has been taken. The Supreme Court of Justice now passes daily lists of police arrests and writs of habeas corpus to the Congressional Human Rights Commission, a practice intended to facilitate the search for missing persons.

Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment - Credible, verifiable reports of inhuman or cruel treatment of detainees in official custody remain rare, although the OHRO has charged that prison conditions themselves constitute cruel and inhuman treatment. Reports of brutality by the military are more frequent, but generally uncorroborated.

Arbitrary Arrest, Detention or Exile - There are no known recent instances where critics of the Government have been arrested for political reasons. The Human Rights Ombudsman, however, has charged that there are "secret" jails, off-limits to the Ombudsman and other investigators. Whereas military and police officials have denied these accusations, there are other credible reports that the security forces do have "safehouses" where they conduct illegal interrogations of persons not formally arrested and where sometimes they torture and/or kill detainees.

Denial of Fair Public Trial - Historically, the court system of Guatemala has had problems of corruption, favoritism, understaffing and a lack of training. However, the real issue is seen by competent observers not as one in which the innocent are convicted, but rather as where the guilty walk. With the help of A.I.D. assistance new techniques and procedures (e.g. prioritization of cases, bilingual capacity in indigenous areas, model courts, etc.) have been developed, but not yet generalized, to try to overcome some of those factors which hinder the effective administration of justice.

Arbitrary Interference with Privacy, Family, Home or Correspondence - Critics have charged that the "Civil Defense Patrols" used in the rural areas are a form of forced membership in an organization. Whereas in some parts of the country participation appears voluntary, this is not the case in the conflictive areas of Quiche and Huehuetenango where the degree of volunteerism is open to serious question. While the military has denied allegations that it threatens or persecutes rural villagers that actively campaign against the patrols, a number of such activists have disappeared or been subject to other abuses. Simultaneously, there are reports of civilian patrols forming voluntarily, and being threatened or shot by the guerrilla forces.

Violations of Humanitarian Law in Internal Conflicts - A 30-year low level guerrilla conflict continues in Guatemala. Unconfirmed reports say that captured guerrillas suffer physical abuse and even death at the hands of their military captors. Similar reports indicate that guerrillas also engage in such practices with captured soldiers.

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Even if some of the accounts referred to above are exaggerated or based only on suspicion or supposition, they give rise to a pervading sense of fear among the general population. This chilling effect on the full exercise of political rights applies to the Ladino population of the coastal areas and the larger cities. However, on the Altiplano the situation is much worse, particularly in the areas under military control, where there are no other forces of public order or much other government representation of any kind.

One of the greatest problems faced by the OHRO in its oversight role is the absence of reliable statistics in Guatemala on crime or the handling of criminal cases, much less violations of human rights. Present reporting on human rights violations is fragmentary, anecdotal and subject to the impressions and propensities of those who volunteer the facts and those who collect and report them. While useful as consciousness-raising efforts, these reports in themselves are not admissible or used by the Guatemalan Justice System.

ii. Activity Response

The first step in improving the investigation of violations of core human rights is to obtain reliable and timely reports of the potential violations which should be investigated further. Since it is almost impossible to delineate at the outset which crimes are "committed or acquiesced in by the State," the Project will establish a violent crimes tracking system for the purpose of following all crimes which amount to potential violations of core human rights. The proposed system will cover all cases of homicide (including death from unknown causes), abduction (including unexplained disappearances) and threats of physical violence emanating from any government official or from unknown sources. Cases will be followed from the time at which the police first become aware of such an occurrence to the final disposition of the case, including any appeal. It will provide information on where each case is in the criminal justice system, how long it has been there, and who is responsible for taking the next step.

The installation and use of the violent crimes tracking system will assist the OHRO to strengthen its reporting system to produce: (a) accurate data on the frequency and handling of the most important categories of violent crimes in Guatemala; (b) timely and detailed status reports on the handling of cases of any suspected human rights violations; and (c) specific, current information on who is responsible for the next action to be taken in the handling of any given case. This system will allow the OHRO to put public pressure on

institutional and individual actors in the criminal justice system for the proper performance of their responsibilities and, by doing this, provide a countervailing force to the existing incentives in the Justice System for not getting too deeply involved in investigations of core human rights violations. The tracking system also will provide a statistical database for the OHRO's annual report to the Congress and for other reports to Congress on individual, egregious cases of human rights violations, thereby enabling the Congress to play a more active and focussed role in the protection of human rights.

The tracking system will be automated by using commercially available software such as Lotus 1-2-3 or Dbase. At this juncture it has been determined that the existing facilities and personnel of the OHRO are adequate to run the system. The design of the proposed system will be made compatible with the Supreme Court's case tracking system presently being installed under a separate A.I.D.-financed project. In so doing, the two systems will be mutually supportive of each other.

The technical assistance and training necessary to install and use the tracking system will be provided by the Project, however participation and coordination will be needed by various GOG entities to successfully implement the system. For instance, the police forces will be required to report immediately to the OHRO all cases coming to their attention of homicide or unexplained death, disappearance, kidnapping and threats of physical violence emanating from either anonymous sources or government officials. They also will be required to report to which judicial officer the presumed crime has been officially reported and when. In turn, the investigating judge will be required to report to the OHRO his recommendation to the sentencing judge. Similarly, the sentencing judge will be required to report his receipt of a case and, in a second report, his disposition of it.

The original idea of information sharing to produce the tracking system emerged from a seminar sponsored by ICITAP, including personnel from the OHRO, police force, judicial court system and Public Ministry. A copy of the multi-institutional agreement is attached as Annex G. Continued inter-institutional cooperation is an important aspect of activities under this component and funds will be provided for workshops and meetings between the participating GOG entities. Additionally, effective implementation of operational agreements between the Police, the Public Ministry and the Human Rights Ombudsman will be pursued by USAID on a policy dialogue level.

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As a necessary complement to the creation of a violent crimes tracking system the OHRO will have to develop its ability to do follow-up investigations. It will have to look into the ways in which particular cases, which it believes may be violations of core human rights, are being handled. At a minimum this will require that the OHRO be provided access to information contained in the case files of the police forces, the Public Ministry and the courts. At present, it is understood that court files are already open to the Public Ministry and that they can track cases on behalf of the OHRO. Throughout the life of the Project, USAID will follow this need operationally and in policy dialogue to help ensure OHRO receives the information and cooperation they require to properly implement their oversight function. Additionally, through the Project Agreement process, the OHRO will covenant to provide evidence of information access and to inform USAID of any problems with this concern.

On a more operational level the OHRO will need to develop a systematic approach to investigating cases suspected of a human rights violation. It will need to establish criteria to decide which cases are to be given particular attention, standards and procedures for conducting oversight reviews, and training programs for its personnel. As may be required the Project will provide technical assistance and training for the follow-up program, and periodic seminars for entities involved in human rights investigations. From time to time, OHRO may invite key members from participating public agencies (e.g. Public Ministry, the Police, the Judicial System) and private sector human rights organizations to discuss problems in the examination and follow-up of human rights violations. As appropriate, skill training also will be provided to cover specific concerns such as witness interviewing, data compilation, and steps to take in a fact-finding process.

iii. Anticipated Outputs

The proposed approach to tracking human rights violations represents an innovative element in A.I.D.'s assistance to this area of concern. Improving the OHRO's oversight capacity will result in the following outputs:

- a violent crimes tracking system in place and functioning at the OHRO;
- periodic compiling and reporting of the number and types of violent crimes being handled by the criminal justice system;

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- an organized approach to the conduct of follow-up activities by the OHRO on problems identified by the violent crimes tracking system;

- trained personnel in the techniques of identifying responsibilities for the failure of the criminal justice system to handle expeditiously and effectively violations of core human rights; and

- Yearly reports concerning the observance of core human rights and recommendations on steps to be taken by the criminal justice system to improve its handling of cases concerning the violations of those human rights.

iv. Inputs

The anticipated grant-financed inputs for improving OHRO oversight of investigations include: up to 6 months of short-term external TA; computer software and limited equipment; in-country training and workshops for those GOG agencies participating in the implementation of the tracking system, and seminars for private sector human rights groups on investigative problems, issues and techniques.

b. Development of Core Institutional Elements

i. Problem Setting

The central office of the Human Rights Ombudsman is well equipped and staffed, but lacking in some of the basic procedures, systems and skills needed for the smooth running of its operations. A major problem is the under utilization of the excellent computer equipment it has received for three central departments: registration, processing and administration. Whereas this equipment will be enhanced by the development of the tracking system described under activity a, above, the problem to be addressed here is more basic and relates to rudimentary word processing skills and simple office procedures and systems.

Related to central office operations is the need to expand and improve the presence of the OHRO outside of the Capital. In order to do its job throughout the country, the OHRO must provide the general population greater access to its services. In turn, the institution needs the outreach capacity to identify and investigate potential human rights violations in the rural areas and towns of Guatemala. Ten offices presently exist and are operating at varying levels of activity. In addition, these field offices provide an important mechanism for disseminating information and educational programs to the populace, a significant factor for implementing some of the activities proposed under component three of this Project.

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ii. Activity Response

This sub-component will support the institutional strengthening of the OHRO by helping its personnel better utilize the computer equipment in its possession, and expanding and improving departmental offices. Based on the Limited Scope Grant Agreement signed in September 1990, the OHRO and USAID Project Management have been working closely together in the development of work plans for the activities contained in this part of the human rights component.

The training plan for improving staff utilization of computer equipment is complete and well done. A total of 64 people will receive basic training in MS-DOS operating system, SYMPHONY, and two word processing packages (WORDPERFECT and Microsoft). Simultaneously, seven technical personnel from the computer department will receive more sophisticated training on computer operations and maintenance, including instruction in system management principles, and introductions to LAN and data communications. All necessary training resources exist in-country, and the procurement process is underway. USAID will contract directly with the firm(s) providing the training services. As required, modest computer enhancements may be purchased to augment the utility of the OHRO system.

A work plan for the opening of an additional 12 field offices is being prepared by the Office of the Human Rights Omsbudman. The plan will include the increased transportation and communication support required for the offices, necessary equipment, and the training needs of the personnel of the departmental offices. Expansion of the OHRO's field operations will be implemented on a phased schedule so that the regular budget of the OHRO can meet the ordinary operating expenses of this activity. Once the plan is completed and approved, the Project will facilitate its implementation and finance equipment, furniture, vehicles and training for departmental office operations.

iii. Anticipated Outputs

As a result of this sub-component, the OHRO will be a stronger institution internally, and it will have increased access to information about human rights violations outside the Capital. More specifically:

- 71 central office personnel will be trained in the various techniques required for utilizing computer equipment; and

- Office staff will integrate the use of existing computer equipment into the routine office tasks and administration of the OHRO.

- Twelve additional OHRO departmental offices will be established and equipped.

- All departmental office personnel will be trained in the functions performed at the field level: investigation, reporting, education and administration.

iv. Inputs for Developing Core Institutional Elements

The inputs for this activity area include staff training at the local level on improved computer utilization; modest external TA and computer enhancements for establishing a local area network at the OHRO; furniture, equipment, training and vehicles for the OHRO field operations. Details on these inputs are contained in Annex F.

3. Component Three: Public Awareness and Education

As noted in the first two components of this Project, public understanding and participation are critical variables in successfully strengthening democratic institutions. They are essential in giving stronger support to the observance of human rights and to achieving greater accountability of government. The purpose of this third component is to improve public attitudes and knowledge regarding democracy in Guatemala. The activities described herein will reach the country's populace with information and programs about democratic values and processes, and undoubtedly, will create a focus on the issues of local organization and citizen participation. Overtime, these programs may stimulate a demand for follow-up activities. Small opportunities which may arise in the area of local democratic development will be addressed, insofar as is possible, by the fifth component of this Project, Related Studies and Activities (see Section III.C.5).

The public awareness and education component contains three major activity areas: (a) support to the OHRO's efforts in human rights education; (b) development and implementation of civic education programs at the primary school level and in non-formal programs for the out-of-school population; and (c) involvement of public and private sector opinion leaders in seminars, interchange and debate on democracy and development in Guatemala. Every effort will be made to reach the urban and rural poor. As appropriate, specific programs will be developed to cover issues significant to the participation of women in democratic institutions and processes.

The design of this component proposes a phased approach to implementing activities. Support will begin with testing and expanding the human rights education programs, while research is conducted for the future development of programs and activities in civic awareness and education. USAID anticipates that a year-end assessment of the human rights educational program also will provide valuable information on how to best promulgate civic values and practices. Training for opinion leaders will begin immediately through the 8-month ESTNA program.

a. Support to the OHRO for Human Rights Education

i. Background and Proposed Activities

At the primary school level, the Human Rights Ombudsman Office is working with ASIIES (the Association for Social Research and Studies) and the Ministry of Education (through SIMAC, its curriculum improvement unit) in the design and testing of curriculum, materials, and lesson plans for the teaching of human rights in the public school system. This effort began in October 1990 with funding from several international donors, including Holland, Germany and Canada. Work is proceeding well and USAID has been involved in discussions with the group implementing this effort.

The planned curriculum is comprehensive, covering a broad range of human rights concerns, including the right to education, health and nutrition, peace and freedom, information, personal security, and civic and political participation. Every effort is being made during the design stage to describe methodologies and activities which will promote the attitudes, values and actions of young citizens in a democratic society. There also are plans to include guidelines for school and community involvement in human rights education activities.

ASIIES is taking the lead in developing the teaching materials, while the OHRO and SIMAC will coordinate the diffusion of the new curriculum into the public school system, including the training of teachers in how to use these new materials. Other donor financing will terminate at the end of the design stage and A.I.D. has been requested to assist in the testing, evaluation and diffusion steps. Work plans have been developed by the OHRO, including budget estimates and time tables. It is expected that the A.I.D.-financed portion of this activity will begin in mid-to-late 1991.

The public education strategy of the Human Rights Ombudsman Office also includes non-formal mechanisms for reaching the out-of-school population. While the central



office expands its mass media campaign, educational promoters in each of the field offices will implement non-formal activities for the general public. Within this context, the OHRO will develop new materials, and radio and television spots promoting human rights values. It also will continue to develop periodic press releases on the status of human rights in Guatemala. In so far as is possible, the OHRO will take advantage of direct media contributions which donate time for human interest concerns. To assist its mass media campaign, the Ombudsman office has already contacted the U. N. Human Rights Office in Costa Rica for technical advice and planning.

The OHRO is proposing a major use of radio for reaching marginal rural and urban groups. This Project will assist that effort by financing the costs of program production, translation of radio materials into four Indian languages and production of cassettes in both Spanish and the Indian languages for distribution to radio stations throughout the country. These radio programs are intended to increase the public's awareness of the nature of human rights and of the functions of the OHRO.

Educational promoters, attached to the OHRO field offices, will be managing the grassroots education programs, including activities targetted at different interest groups (e.g. out-of-school children, young women, mothers, workers, etc.). The essential message for this outreach will be to educate individual groups about human rights specific to their interests and how they can work to protect those rights. To support these efforts, the Project will provide periodic short-term technical assistance for the design of specialized programs and materials, as well as initial costs of reproducing these materials. Assistance also will support annual workshops for the promoters to assess the impact of their programs, exchange ideas, and develop new skills.

ii. Outputs

The major outputs of this sub-component will be that children attending primary school in the public education system will be exposed to human rights values and principles; and the out-of-school population will receive information on their rights and how to use the OHRO and other public systems in pursuit of those rights.

iii. Inputs

Inputs for this sub-component are detailed in Annex F. Generally, the Project will finance all costs for materials reproduction, teacher training, equipment and supplies for the OHRO radio program, limited technical assistance for program development and evaluation, and workshops for educational promoters.

b. Development and Implementation of Civic Education Programs

i. Background and Proposed Activities

The need and rationale for supporting work in civic education has been established, however the content, nature and feasibility of activities are not clearly defined. In the area of formal education the Ministry of Education is viewed as weak and present experience shows the teachers, and their Union, resistant to efforts to modify or reform curriculum. In general, civic education implies that a set of "political" values and practices will be taught, as well as specific information on government organization. Since the subject is not value-free, the Project Design Team has had to question the long-run social soundness of promoting and subsidizing work in civic awareness and education. The team is less concerned with these problems in human rights education (Section a, above) since the OHRO is so vocal and visible, and its education programs have received support from a variety of international donors.

Within this context, the Project proposes to further assess the feasibility of implementing civic education activities for primary school children and for segments of the out-of-school population. If the results of these analyses are positive, the Project will support the design of a follow-on activity in civic education. Activities during the remainder of FY 91 and most of FY 92 will be oriented toward research and the exploration of program options. The areas and questions to be considered during the next year will include: a) learning what works and what does not work from A.I.D.-supported civic education programs in other developing countries; b) assessing the feasibility of introducing civic education concepts and practices into the public school curriculum; c) defining audience targets more precisely; d) determining the values to be taught and who will make those curriculum/teaching decisions; e) identifying various implementation options for civic education activities; and f) establishing the social soundness (or limitations) of supporting grassroots civic education in Guatemala.

The results of this research, combined with initial evaluations of the human rights education activities, will lay the groundwork for decision-making and possible design of a civic education program proposed for A.I.D. financing. Every effort will be made to coordinate design efforts with other A.I.D.-financed activities in public education so as to proceed in a mutually supportive manner, while avoiding unnecessary duplication of effort. As appropriate, the Democratic Institutions Project will work with the Basic

Education Strengthening Project (BEST, 520-0374) in helping teachers incorporate civic and human rights values into their curriculum and to effectively use the new materials being produced. Possible points of coordination with the BEST Project might include using outreach mechanisms that exist or are being developed by BEST, such as the Teacher's Magazine and other distance education activities. Various mechanisms will be evaluated for reaching the out-of-school population with non-formal programs, including the use of direct media contributions of time and programming assistance for civic education.

ii. Outputs

The specific output of the civic education activity area at this time is information on the feasibility of USAID financing a program in formal and non-formal civic education. If the results of this analytical work are positive, a follow-on civic education activity will be proposed for Mission consideration.

iii. Inputs

At present, funds have been budgetted for the proposed analyses under component five of the Project.

c. Training for Opinion Leaders

i. Background and Proposed Activities

A necessary complement to a firmer public understanding of its constitutionally-guaranteed rights and responsibilities is an increased commitment from Guatemala's leaders to the effective functioning of the democratic system. The country's leadership, at many levels, lacks the basic values underpinning democratic rule. Moreover, the present generation of leaders are not accustomed to democratic processes and practices. Rather, they are only now learning about and experimenting with the types of behaviors normally found in a constitutional democracy.

This sub-component will contribute to the establishment of a tradition of democratic leadership and values among the different sectors of society by supporting the eight-month seminar carried out by Centro ESTNA (Center of Strategic Studies for National Stabilization). This course provides an intensive, comprehensive educational experience to a cross-section of the country's leadership on an annual basis. The program is designed to be highly participatory, interactive and challenging. Participants are leaders from every segment of society, including the private sector,

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academia, campesinos, labor unions, military and government. The purpose of the course is to improve communications and understanding among these sectors and, thereby, to reduce Guatemala's historical inter-sectoral conflicts, which in turn, have institutionalized violence over the past three decades.

The first course ran from October 1989 to June 1990 with 55 participants. The program is divided into three modules: a) the international and national context for Guatemala's development, b) specific problems which face Guatemala and her leaders, and c) strategic planning for resolutions of these problems. The first course was observed by Department of State, U.S. Congressional and A.I.D. personnel and received very high marks. Most impressive was the ability of the 55 participants to set aside sectarian interests and develop a conciliatory attitude toward participants of totally different views. Also noteworthy was ESTNA's determination to not be "identified" politically with a specific tendency but to carefully tailor its image as being dedicated exclusively to its objectives and methodology.

Centro ESTNA has requested A.I.D. assistance with its annual course each year during the life of the Project. USAID has agreed in principle to provide up to \$250,000 or 49% of the costs of this program in 1991 and will budget funds, on a declining basis, for the following three years. However, because of the relative newness of Centro ESTNA, as well as the continuing efforts it must make toward institutional sustainability, the Mission will only obligate funds for the 1991 course. Since the issue of sustainability is so critical to the USAID Mission, a modest amount of funds have been included to assist ESTNA with its financial planning, if it is needed.

ii. Outputs

Participants in the activities of this sub-component will become more aware of their role and power as opinion leaders and how to use that power in a democratic system. Leaders in all sectors of the Guatemalan society will be more aware of public policy issues, and sectoral leaders will be more predisposed to peaceful conflict resolution.

iii. Inputs

Details for support of the ESTNA eight-month course, over a four-year period, are shown in Annex F. Also included are up to 2 months of external technical assistance for ESTNA's financial development planning.

4. Component 4: Monitoring Indicators of Democratic Development

a. Problem Definition

Analyses of A.I.D. democratic initiative programs conclude that the impact of project activities in this area is very difficult to measure. In Guatemala, smooth, clean elections have been the single easiest form of measurement, yet given the deeper structural concerns which impact on the successful functioning of democracy, it appears that elections are a necessary, but not sufficient, indicator of real change.

b. Activity Response

The Mission has determined that a systematic tracking of GOG democratic initiatives and A.I.D. assistance to this sector is required in order to assess their impact and level of success. The objective of this component is to generate useful information for assessing Guatemala's progress in consolidating democracy. The Project will support the development and implementation of a democratic practices monitoring system for use by USAID during the life of the Project. USAID's interest in this system is to acquire information on democratic trends which will help the Mission make strategic decisions about this Project, as well as the democratic initiatives area generally, and measure the impact of A.I.D.-financed activities in democratic initiatives.

To implement the monitoring system, USAID will contract a U.S.-based firm, who will provide the overall design for the system, as well as the expert technical assistance needed to establish, evaluate and adjust the system. In turn, the contracted U.S. firm will subcontract a local organization(s) to maintain the system in-country and conduct relevant research (i.e. opinion polls, surveys, tracking public statements and governmental actions, etc.). It is expected that the system will be based on a series of monitoring devices and surveys which document progress against agreed-upon indicators of democratic development.

An example of the types of areas to be identified in and tracked by the monitoring system will include (i) the political will of key decision-makers to deal with controversial, critical and dangerous changes; and (ii) public support for democratic institutions and processes. USAID will contract for short-term TA to assist in the design of the RFP for this component. Some of the possible measures that could be used are listed below, for illustrative purposes.

i. The Political Will to Change:

- decisions on the part of the three branches of government which reflect the intent to enforce and strengthen the functioning of democracy;
- public statements by high level and influential leaders of the military, public and private sectors which represent definitive support on controversial issues involving constitutional and human rights issues;
- public statements and actions on the part of key members of the military which reflect a change from past behavior and a clear intent to fulfill the institutional role of the military within its constitutional mandate;
- public activities and events sponsored by the three branches of government, the military, and other important public and private sector organizations and leaders which clearly espouse democratic principals and processes; and
- results of surveys of opinion leaders on issues such as human rights, political pluralism, freedom of expression, etc. which, over time, measure a change in attitudes and behaviors in the context of a functioning democracy.

ii. Public Support for Democratic Institutions and Processes:

- an analysis of voter behavior by sex, geographic area, race, etc. as reflected in recent national and municipal elections, and compared to the results of the 1993 municipal elections;
- participation in political organizations at different levels, including political parties and other grassroots organizations, municipal assemblies and municipal issues;
- increase in the frequency and willingness of individual citizens and groups to lobby public institutions at the local and national levels to request support for activities which benefit the population; and
- opinion polls which question citizens - over time - on their confidence in, and their view of, the responsiveness of specific institutions and practices.

Once the system is up and running, the local contractor will periodically publish the results of its monitoring. These reporting requirements will be finalized through the bidding and contracting process.

c. Outputs

As a result of this component a system for monitoring democratic development in Guatemala will be functioning. Statistical information will be available periodically and selectively shared. The USAID will be making strategic decisions based on this information, and acquiring data for a summative evaluation of Project activities.

d. Inputs

A competitively-let contract will be signed to cover the costs of designing and implementing the monitoring system, including all external TA required for system design and intermittent review and adjustments, support for field researchers and poll-takers, periodic statistical analyses, modest computer enhancements, report design, formatting and printing, and basic operational costs to run the program.

5. Component 5: Related Studies and Activities

a. Background and Proposed Activities

The Democracy Initiative, published by AID/Washington in December 1990, suggested several ways to focus A.I.D. experience, skills and resources to furthering democracy. In addition to strengthening democratic institutions, it recommends integrating the promotion of democratic institutions and processes into all A.I.D. programs; and establishing rapid response mechanisms in order to react quickly to local democratic breakthroughs and initiatives, and unanticipated program needs. The USAID Mission would add to that list the need to explore ways to more closely relate in future programming the strategic objective of democratic strengthening with the overall program strategy of fostering broad-based, sustainable economic growth.

The objective of this last component is to provide a modest amount of funds for assessments, exploratory studies and small target of opportunity activities in democratic initiatives. Activities approved for funding under this component would fall under one of several categories: promotion of democracy under an existing A.I.D. project; exploration for future funding in democratic strengthening; and unexpected GOG initiatives which clearly further the cause of

Democracy in Guatemala. Some of the substantive areas of greatest interest to the Mission include decentralization, municipal development and local organization, and government financial management and accountability.

As noted under component 3.b., this activity will fund the analytical work needed to assess the feasibility of USAID supporting formal and non-formal civic education programs under this Project. Examples of other types of things that would be considered for financing under this component include:

- improving public sector financial management practices;
- assessing national government accountability;
- strengthening political participation and decision-making at the municipal level;
- testing alternative ways local governments can mobilize resources and deliver services more effectively;
- analyzing the feasibility of decentralizing public services to the municipal level;
- studying the role of local socio-political organizations in strengthening democracy in Guatemala.

b. Outputs

As a result of these studies and assessments the USAID Mission will be more knowledgeable about issues and alternatives in democratic initiatives, particularly in relationship to civic education, decentralization and municipal development, organization and participation at the local level, and government corruption and accountability.

c. Inputs

The periodic technical assistance which will be required to conduct these studies and activities will be acquired through the same contract used for component four. See Section V for details.

IV. PROJECT BUDGET AND FINANCIAL PLAN

A. Project Budget

The proposed total cost of the Democratic Institutions Project is \$10,197,000. A.I.D.'s contribution will comprise 58.8% of the total budget or \$6,000,000. The counterpart contribution is estimated at about \$4,197,000, or 41.2% of the total. A summary of the Project budget is shown by components in Table 1 and by inputs in Table 2, below. The back-up cost estimates for these summaries are shown as Annex F to this Paper.

The inputs of this Project consist of substantial short-term technical assistance; a sizable amount of in-country training; local salaries for periodic short-term needs; travel; some commodities; vehicles related to the OHRO's field operations; special studies; materials and other expenses related to the special programs and activities proposed by the Project. Implementation Arrangements, Section V, describes the various obligating and disbursing mechanisms to be used.

Project design efforts have pointed to the need for a "management intensive" approach on the part of the Mission. For this reason, funds have been allocated for USAID program management, including a U.S. PSC and a FSN staff composed of 1 project specialist, 1 program assistant, and 1 bilingual secretary. The entire program management staff is budgetted for a four year period.

B. Audits and Financial Reviews

All organizations handling AID funds under this Project will covenant to execute a contract with a firm of independent auditors acceptable to AID for the annual audit of the financial statements of participating organizations. These audits will be conducted in accordance with generally accepted government audit standards issued by the Comptroller General of the United States as revised in 1988, which incorporate the field work and reporting standards included in the "Statements on Auditing Standards" (SAS) issued by the American Institute of Certified Public Accountants.

All audit contracts will provide that (1) interim field work be performed by the auditing firm during the course of the year with interim reports in case of any significant findings to be submitted with copies directly sent to AID, and (2) the final audit report, including the auditors' comments and recommendations regarding the internal control structure and other management matters, together with their opinion on the financial statement presentation and on legal and

contractual compliance. These audits will be completed within three months after the end of the year, with a copy sent directly to AID. For the funds provided under all A.I.D. Agreements, the auditors report should contain (1) a Fund Accountability Statement and the auditors' report thereon; (2) the auditors' report on Internal Controls; (3) the auditors' report on Compliance with the agreement terms, applicable laws and regulations and Host Country Government applicable policies; and (4) the auditors' comments on the status of the prior year's audit recommendations.

C. Counterpart Contributions and Recurrent Costs

The counterpart contribution is, in most part, in those activities planned with the National Congress, the Office of the Human Rights Ombudsman, and Centro ESTNA. Because very different situations exist in each of these implementing organizations, the USAID Mission has formulated separate strategies in the negotiation of counterpart contributions to Project activities.

1. National Congress

The Project design team has recommended a long start-up to implementing the Congressional component. One reason for this phased approach is to give the Congress the opportunity to include funds for this Project in their 1992 budget. USAID's objective in negotiating this counterpart funding is for the Congress to resolve their serious space problem, hire additional technical staff on a permanent basis, budget sufficient funds for the proper maintenance of equipment procured under an earlier A.I.D. Project (520-0386), and allocate sufficient operating funds to implementing component activities. Although the objectives for the counterpart contribution to the Congressional component appear stringent, they are also deemed extremely important to the purpose of strengthening the functioning of the legislature.

2. The OHRO

The Office of the Human Rights Ombudsman already possesses the staff and most of the equipment it requires to implement those portions of the Project for which it is responsible. The recurring costs for the OHRO are mainly in connection with maintaining the field operations which will be expanded by this Project: field office furniture and equipment, vehicles, formal and non-formal educational programs. Every effort has been made in the design of the Project to not incur costs which are, in reality, operational expenditures for the OHRO. From the beginning, the OHRO will bear the administrative costs related to implementing activities. The

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counterpart contribution from the OHRO is based on an analysis of their 1991 budget, identifying only those budget line items related to activities under this Project. The results of this analysis are shown in Annex F. Summary budget tables apply half of the OHRO contribution (\$740,000) to component two, and the other half to the human rights education activities under component three.

3. Centro ESTNA

The USAID Mission has been meeting regularly with Centro ESTNA regarding the institution's financial viability problems and the implementation of the next eight-month course. At present, the Project budget reflects an A.I.D. contribution of about \$723,000 to the course, to be disbursed on a declining basis over four years. However, USAID has stipulated that it will grant funds only if ESTNA is able to find sufficient funding for the remaining costs of the course. In no case is the A.I.D. Grant allocation to exceed 49% of the costs of the course, annually. In response, ESTNA has acquired counterpart contributions for its 1991 course totalling the equivalent of \$397,000, or 61% of the course's budget. A similar counterpart contribution level, with small increments to cover A.I.D.'s declining involvement, has been projected for the remaining three years of the Project. However, because the issue of sustainability is so critical, USAID will only obligate funds for the 1991 course at this time. Proof of counterpart will be needed for each year that ESTNA requests assistance before the Mission will obligate funds.

D. Obligations and Expenditures

As noted earlier, this Project was authorized in September 1990, at a funding level of \$600,000. Once this Project Paper is approved, Amendment No. 1 will be executed to authorize \$250,000 for immediate obligation with ESTNA. Amendment No. 2 will authorize approximately \$3,310,000 for the purposes of the Project. The remaining \$1,840,000 budgetted for this program will be authorized at a later date, pending the results of USAID's initial activities with the National Congress and feasibility studies conducted under component five.

The schedule for obligating funds under this Project is shown in Table 3, below. An explanation of obligating mechanisms to be used for the different components of the Project is contained in Implementation Arrangements, Section V. A projection of expenditures, by Project year, are listed in Table 4, while the methods of implementation and financing to be employed are detailed in Table 5.

TABLE 1

Budget Summary and Financial Plan
by Component Activity
(\$000's)

<u>Activity</u>	<u>USAID</u>			<u>C/Part</u>	
	<u>FX</u>	<u>LC</u>	<u>Total</u>	<u>LC</u>	<u>Total</u>
1. National Congress*	1,178	334	1,512	954	2,466
2. Human Rights	467	195	662	740	1,402
3. Public Education	66	1,275	1,341	2,461	3,802
4. Monitoring Indicators	394	-	394	-	394
5. Related Activities	<u>332</u>	<u>142</u>	<u>474</u>	<u>42</u>	<u>516</u>
Component Sub-Total	2,437	1,946	4,383	4,197	8,580
6. Administrative Support (USAID)	623	160	783	-	783
7. Evaluation and Audits	250	104	354	-	354
8. Contingencies	<u>301</u>	<u>179</u>	<u>480</u>	<u>-</u>	<u>480</u>
Total	3,611	2,389	6,000	4,197	10,197
	=====	=====	=====	=====	=====

* Present figures for this component are estimates. Definition of A.I.D. assistance and counterpart levels will be negotiated as part of the expanded Congressional component. A 1:1 ratio in contribution levels will be sought.

TABLE 2

Budget Summary and Financial Plan
by Inputs
(\$000's)

<u>Input</u>	<u>USAID</u>			<u>Percentage</u>
	<u>FX</u>	<u>LC</u>	<u>Total</u>	
1. Technical Assistance	1,480	88	1,568	26%
2. Training, Seminars & Workshops	62	1,228	1,290	21%
3. Travel & Per diem	88	-	88	1%
4. Equipment & Materials	475	333	813	14%
5. Opportunities & Studies	332	292	624	10%
6. Project Management	623	160	783	13%
7. Evaluations & Audits	250	104	354	6%
8. Contingencies	<u>301</u>	<u>179</u>	<u>480</u>	<u>8%</u>
Total	3,611	2,389	6,000	100%
	=====	=====	=====	=====

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TABLE 3

Projected Obligation Schedule
(\$000's)

	<u>FY'90</u>	<u>FY'91</u>	<u>FY'92</u>	<u>FY'93</u>	<u>Totals</u>
Congress	-	152	1,060	300	1,512
OHRO	341	792	-	-	1,133
ESTNA	117	250	200	303	870
U.S. PSC	-	233	300	90	623
ODDT/FSN Staff	-	73	60	27	160
Monitoring & Related Studies/Activities	-	-	726	-	726
Audits/Evaluations	-	-	154	200	354
<u>Others</u>					
- CFD	75	-	-	-	75
- FUNDESA	67	-	-	-	67
- Contingencies	-	-	200	280	480
Totals	600	1,500	2,700	1,200	6,000
	=====	=====	=====	=====	=====

TABLE 4

Projection of Expenditures by Project Year

(\$000's)

<u>Project Year</u>	<u>A.I.D.</u>	<u>GOG</u>	<u>Total</u>
1	600	48	648
2	1,327	767	2,094
3	1,627	1,119	2,746
4	1,279	1,132	2,411
5	<u>1,167</u>	<u>1,131</u>	<u>2,298</u>
Total	6,000	4,197	10,197
	=====	=====	=====

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TABLE 5

Methods of Implementation and Financing

(\$000's)

<u>Line Item</u>	<u>Implementation Method</u>	<u>Financing Method</u>	<u>Amount</u>
NATIONAL CONGRESS	USAID Procurement Agent/ Buy-in or Competitively- Let Contracts	Direct Pay	1,512
HUMAN RIGHTS	USAID Procurement Agent/ Profit or Non-Profit Contractors	Direct Pay	662
PUBLIC EDUCATION			
Human Rights	USAID Procurement Agent/ Profit or Non-Profit Contractors	Direct Pay	471
ESTNA	Cooperative Agreement, PVO	Reimbursement	117
	Cooperative Agreement, PVO	Advances	723
	USAID Procurement Agent/IQC	Direct Pay	30
MONITORING DEM DEV INDICATORS & RELATED STUDIES/ACTIVITIES	USAID Procurement Agent/ RFP	Direct Pay	726
	Cooperative Agreement, PVOs	Adv/Reim	142
PROJECT ADMINISTRATIVE SUPPORT	USAID Procurement Agent/PSC's	Direct Pay	783
PROJECT EVALUATIONS and AUDITS	USAID Procurement Agent/ Profit or Non-Profit Contractors	Direct Pay	354
Contingencies	---	---	480
		Total	\$ 6,000

* Advances will be made to the project implementing institution, which in turn will contract and reimburse for the services rendered.

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V. IMPLEMENTATION ARRANGEMENTS

A. Introduction to Project Implementation

Relative to many other A.I.D. projects, the Democratic Institutions Project represents a small amount of money, yet it is complex in its design and execution. Each of the five components proposed for A.I.D. grant financing is separate and distinct. Within the first three components, eleven discrete activity areas are described.

As presently crafted, the Project responds to different levels of readiness in the major implementing agencies, and in two cases, the Project is fostering activities which are quite new to the Guatemalan environment (civic education and monitoring democratic indicators). Despite these complications, the Project Design Committee has judged that it is in USAID's best interests to manage this Project intensively and directly, and to devise a variety of implementation mechanisms which reflect the different objectives of component activities and the varying realities and changing circumstances of the implementing environments.

The following section represents the Project committee's best estimates of what will be needed and what is feasible for implementing Project activities. The more traditional training and procurement plans usually found in project papers have not been included at this time, because of the evolving nature of Project planning and implementation.

B. Proposed Arrangements

1. National Congress

Because of recent disclosures which have weakened the leadership at the National Congress, combined with the complicated party politics involved in the coalition building presently taking place there, USAID Project Management anticipates a long start-up phase for this component. Initially, the A.I.D. Project will finance a short series of activities focussed on the most critical needs faced by the legislature, such as training for the national budget review process. During that period, USAID will continue discussions regarding the conditions of a longer-term commitment to the objectives of this component, including the level and type of counterpart contribution required. Assuming success in these negotiations, Congress and USAID will sign a Memorandum of Understanding (MOU) during the second half of FY 1992. The Mission will act as the procurement agent for the Congress in acquiring necessary technical and commodity resources.

Determining the best implementation mechanism for the Congressional component has been difficult. Two major factors have guided the design team's thinking. First, the institution's inadequate financial and control procedures for handling A.I.D. funds has precluded the possibility of disbursing money directly to the Congress. Second, because of past history, USAID is reluctant to have a long-term, in-country U.S. institutional contractor. Within these parameters, two options have emerged and are being explored for implementing activities under the Congressional component.

a. Option One: USAID designs a "conditioned buy-in" into the LAC Regional Contract for Legislative Improvement for all TA and travel needs, and explores the possibility of having that mechanism establish a sub-contract with a local organization for in-country activities and expenses.

b. Option Two: Through the competitive process, USAID enters into a U.S.-based institutional-type contract which would provide all the required TA and travel, as well as sub-contract with one or more local organizations to conduct in-country training and other local-cost activities.

The implementation procedures to be used for this component will be finalized during the next six months, in conjunction with Congressional leadership. The LAC Regional Contract will, most likely, be the source for needed technical resources during the start-up stage. If that occurs, USAID and the Congress can assess, first hand, whether that contract mechanism can adequately respond to the various institutional strengthening problems being addressed during the remaining years of the Project.

2. Human Rights

USAID entered into a Limited Scope Grant Project Agreement (LSGPA) with the Office of the Human Rights Ombudsman Office in September 1990. All of the activity areas identified in this Project Paper have been listed in that document. Based on the advice of the A.I.D. Regional Legal Advisor, the Mission will execute a Project Agreement with OHRO. The Agreement will incorporate the activities and funding of the LSGPA as well as the additional amount of funds now being authorized for the OHRO. The Agreement also will stipulate any relevant covenants that have been identified during Project design. Communication with the OHRO has been excellent, and no problems are anticipated for signing an Agreement as soon as the Project Authorization is amended. USAID will act as the procurement agent for the OHRO.

3. Public Awareness and Education

a. Human Rights Education

At present, the Human Rights Ombudsman Office has a contractual agreement with ASIES and SIMAC to design human rights curriculum and materials for the primary education school system. As described in Section III.B.3 of the Project Description, A.I.D. Grant assistance will start in this activity area for the testing and dissemination stages by mid-to-late 1991.

All of the Grant-financed inputs for the OHRO non-formal education program are budgetted as local costs. A competitively let contract will serve as the implementation and disbursement mechanism for both the formal and non-formal OHRO education activities supported by this Project. USAID will execute a Buy America waiver to enable local groups to participate in the bidding process.

b. Civic Education Programs

As described in the Project description, USAID will conduct further research and program development under this sub-component. Based on the results of that research, a proposal may be submitted for follow-on funding for the civic education area. The initial analytical work to be conducted will be supported under component five.

c. Opinion Leaders

Since ESTNA has acquired the stipulated counterpart contribution for its 1991 course, USAID will execute a Handbook 13 Agreement with that organization as soon as funds are authorized. However, because Centro ESTNA must continue to make efforts toward its institutional sustainability, USAID will only obligate, during this fiscal year, those funds agreed upon for the 1991 course.

4. Monitoring Democratic Development Indicators

USAID will combine the requirements of the monitoring system with the technical needs of component five into one competitively-let contract. At present it is envisioned that a U.S.-based firm will operate much like an "IQC-type" mechanism, providing expert, short-term assistance to the monitoring system and for related studies defined under component five.

Under other financing (PD&S), assistance will be acquired to help design this RFP during the latter part of FY '91. Advertising and award of the contract is scheduled for the first half of FY '92.

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5. Related Studies and Activities

Periodically, through the life of the Project, USAID will tap the resources allocated to this component. Since funds are limited, it is recommended that all proposals related to the use of this money be reviewed by the Mission's Project Implementation Committee (PIC) for Democratic Institutions (see section C.2 below), with their recommendation sent to the ODDT Office Chief for final approval. As noted in the project description, activities approved for financing under this component would have to fall into one of three categories. The proposal would have to:

- (1) promote democracy under an existing A.I.D. project; or
- (2) explore a new area of democratic strengthening for possible future funding; or
- (3) support an unplanned initiative which clearly furthers the cause of Democracy in Guatemala.

Once the required internal approvals have been received, USAID Project Management would proceed to procure the required technical services through the contractual mechanism described under component four above.

C. USAID Needs and Responsibilities

1. Staffing

Without question, implementation of the Democratic Institutions Project will be very demanding on the staff of the ODDT technical office. For this reason, the Project budget reflects substantial funds for a U.S. PSC project manager and three FSN staff, comprised of one project specialist, one program assistant and one bilingual secretary. The cost of this personnel is budgetted for four years. It is planned to sign all these contracts by September.

It is the intention of the ODDT Chief to procure the PSC staff member as soon as possible. The plan is to advertise the position world-wide, no later than May 1991, with the hope of bringing that person on board by Fall 1991. Several essential qualifications will be sought in this search, the most important being: international development experience in public administration; a demonstrated ability to work effectively with counterpart organizations under stressful (and delicate) circumstances; Spanish speaking ability at the FSI-4 level; and experience with grassroots education projects.

2. In-House Coordination

The Office of Democratic Development and Training has responsibility for implementing all aspects of the proposed Project. Once hired, the U.S. PSC will take primary management responsibility for Project activities, and will be assisted by the aforementioned FSN staff who will divide their time between this and other projects in the democratic initiatives sector.

To assist the ODDT Office, a Project Implementation Committee (PIC) will be formed within the Mission. This committee will be chaired by the ODDT project manager and will have representatives from PDSO, Program, OH&E, Controller and Contracts Office. Because there are a number of procurement arrangements being done by USAID directly it is recommended that a sub-committee be formed by ODDT, PDSO, Contracts and Controller's to review the status of procurement actions on a monthly basis. The large committee can meet on a quarterly basis to review more substantive progress and issues.

Due to the "rolling design" nature of the Project, the PSC Project Manager will provide a semi-annual project implementation plan for review by the Mission Director. This plan should reflect all new design decisions made during the previous semester, as well as those activities and procurement actions expected during the next six months. It is recommended that this "management work plan" be submitted and reviewed in conjunction with the Semi-Annual Reports (SARs).

D. Implementation Steps

As noted in the first section of this Paper, a Project Authorization was executed in September 1990 which enabled (a) the Mission to support small discrete activities related to the national elections; and (b) the OHRO to proceed with planning and further development of its organization and program. A copy of this Authorization, along with the Action Memorandum accompanying it, is included as Annex C.

Since January 1991 the ODDT and PDSO Offices have been involved in an intensive project design effort. They have entered into discussions with the new leadership of the Congress, and verbal agreement has been reached on the problem areas at the Congress to be addressed by this Project. . Meanwhile, the OHRO has proceeded and compiled a series of work plans for: computer training; primary education curriculum; field office expansion; and development of the violent crimes tracking system. The first two plans were thoroughly done, and ODDT will initiate the documentation to cover the training. The latter two plans require more work and ODDT is holding working sessions with the appropriate offices at the OHRO. The

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new Coordinator of International Assistance at the Human Rights Office will be an important coordination point during project implementation. Although she has been in the job only since February 1991, she has been accessible and helpful in working with USAID Project Management.

Several major implementation steps will be taken during the remainder of CY 1991. First, ODDT will move quickly to begin and complete the search for the U.S. PSC. Second, USAID will contract for limited technical services to assist the Congress during the next six months while program development discussions continue. A Memorandum of Understanding is anticipated for the second-half of FY 1992. Third, USAID will authorize and obligate funds for ESTNA's 1991 course. Fourth, the Project Agreement with the OHRO will be negotiated and signed. Fifth, USAID will initiate and complete all actions related to advertising an RFP for the democratic development monitoring system and related studies contract (components 4 and 5).

1991 Implementation Steps

April

- Submit draft Project Paper (PP) for Mission review and approval
- Review with Regional Legal Advisor appropriateness of all proposed obligation mechanisms
- Prepare US PSC position description

May

- Finalize PP based on Mission Review
- Review ESTNA counterpart proposal
- Finalize documentation on US PSC position

June

- Advertise PSC position
- Prepare and sign Authorization Amendment #1 (covering ESTNA's 1991 course)
- Continue discussions/negotiations with Congress
- Execute PIO/T and HB 13 Agreement for ESTNA

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July

- Prepare Authorization Amendment #2 and any necessary Buy America Waiver(s)
- Review and sign above documentation
- Draft OHRO Project Agreement
- Outline six month work plan with the Congress

August

- Negotiate and sign OHRO Project Agreement
- Initiate documentation to access resources through the LAC Regional Buy-in Contract for Legislative Improvement
- Review candidates for PSC position and select

September

- Access TA needed to compile specifications for monitoring system and related studies RFP
- Negotiate and sign PSC contract
- Negotiate and sign FSN contracts

October

- PSC arrives
- Finalize work plans with OHRO on field office expansion and tracking system
- Implement first training activity with Congress

November

- USAID finalize RFP for monitoring system and related studies
- External TA visit to OHRO on design of violent crimes tracking system

December

- Advertise monitoring and studies RFP.

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VI. EVALUATION PLAN

A. Introduction

This Project is designed in full compliance with the AID evaluation system. It encompasses an integral part of the USAID/Guatemala strategy for democratic development in Guatemala. It seeks to strengthen institutions and procedures instrumental in providing Guatemalan citizens with responsible, representative government within an environment of respect for human rights and equal treatment under the law.

Fundamental to the achievement of these broad gauged goals is changing attitudes on the part of decision makers in all sectors regarding the nature of democracy and its centrality in the attainment of sustained, broad-based growth for Guatemala. Equally important are changed perceptions by Guatemalan citizens regarding their rights, how to obtain them, and the need for a personal commitment to maintaining them.

The issues and changes to be evaluated during the life of the Project are both politically sensitive and highly qualitative. The challenge facing the evaluator is to seek an appropriate blend of qualitative criteria and quantitative indicators which accurately reflect (a) achievement of Project purposes, and (b) movement towards Project goals.

Component 4 of the Project - Monitoring Indicators of Democratic Development - contemplates establishing a "democratic practices monitoring system" to assist the Mission in tracking activities and impacts during the life of the Project. Qualitative information and quantitative indicators will be tested and refined during the early phases of implementation and assessed during the mid-term evaluation. They will then be employed to monitor changes during the remainder of the Project and to estimate final project impacts.

Because monitoring and evaluation parameters will be evolving during Project implementation, those indicators listed here and in the logframe should be seen as provisional and subject to modification.

B. Users of Information

The primary users of the information generated by measurement of the indicators and by technical and institutional analyses conducted during the project design will consist of USAID Project managers, personnel of the Guatemalan Congress and the Human Rights Office staff, and Project evaluators. As appropriate, key criteria, indicators, and data will be incorporated into the USAID/Guatemala program performance information system for future use.

C. Priority Needs

Information is central to this Project. The immediate beneficiaries - the Office of the Human Rights Ombudsman, the Guatemalan Congressional staff, Guatemalan legislators - require accurate, timely information, together with the ability to analyze and interpret it correctly, in order to be able to function well. Beyond that, the dissemination of information openly is a hallmark of representative democracy. One purpose of the Project is to enable the beneficiaries to obtain and utilize information on an on-going basis in the future.

Information about the Project is especially important, inasmuch as this is a new area for the Mission and given the political and bureaucratic sensitivity of the changes promoted. In a real sense, Project managers will be "learning on the job" as means for acquiring both objective and subjective information evolve. A balance will be struck between "monitoring from afar" to avoid undue USAID intrusion into a developing process versus excessive attention to the mechanics of data gathering and reporting. Project evaluators will make use of existing information accumulated during the Project, together with specific kinds of information obtained during the evaluations themselves. This is detailed further below.

D. The Logframe

The term "program" might well be used to characterize this Project. Any one of the three principal components could be a project in its own right in view of the challenging obstacles to be overcome. This is reflected in the unusually detailed "goal" and "purpose" sections of the logframe.

As mentioned above, much of the Project is concerned with changing attitudes; material and technical assistance must be accompanied by the will to act if durable improvements in democracy are to emerge. Monitoring and evaluation, then, should be oriented towards detecting this, both directly and indirectly.

To the extent possible, the "objectively verifiable indicators", together with their appropriate "means of verification", are listed in the logframe. Beyond these are listed categories, or criteria for detecting change. More specific means for assessing change objectively in these areas will evolve during the life of the Project. Some of the indicators and "criteria", together with ways of assessing them, are discussed in the follow-up to the Logical Framework, Annex B.2.

E. Methods of Evaluation

As can be seen in Annex B.1 and B.2, many of the criteria for assessing successful achievement of Project goals and purposes are highly subjective and difficult to measure easily and unambiguously. In these circumstances, the following guidelines will be followed for assessing Project progress:

- Use a series of indicators rather than a single indicator for specific activities: if more than one indicator shows change in the expected direction, the evaluator can have greater confidence in inferring effective change via the project;

- Use rapid appraisal methods; sophisticated surveys are costly and rarely feasible for obtaining information in sensitive areas. Short, focused surveys, key informant interviews, and group interviewing often yield information which, interpreted by knowledgeable and experienced analysts, is as accurate or more so than expensive statistical surveying methods.

F. Scheduled Evaluations of the Project

There will be two formal independent evaluations conducted during this Project. The first will be a mid-term evaluation conducted during the second quarter of year three; the second will be an impact evaluation at the close of the Project. The evaluations will be based on the sector goal, Project purpose, and outputs as listed above and in the logframe.

In addition to the formal evaluations, the Mission will conduct two in-house Project assessments between the formal evaluations, supported as appropriate by contract personnel. These will be structured to determine progress, validate project strategies and evaluation criteria, determine continued appropriateness of logframe assumptions, and assess impact. The Project monitoring system, together with quarterly and annual consultant reports and other documentation, will be employed.

The second and final formal evaluation of the Project will determine the results/effects of the Project after five years of operation (Impact Evaluation). An international firm, experienced in carrying out AID evaluations, will organize an international team (US, Guatemala, Third country, as appropriate) to implement this task. The evaluation will undertake an assessment of performance at each level of the logical framework towards achievement of the goals, purposes, and targets of the Project. It will have the same focus as the

first evaluation. Greater emphasis, however, will be given to (1) substantive impacts stemming from activities undertaken since the midterm evaluation, (2) assessment of the Project monitoring/tracking system and the validity and usefulness of the information it generates, (3) lessons learned in design, implementation, monitoring, and periodic assessment of this kind of project. Attention during interviews will be directed toward follow-up with those interviewed during the first evaluation.

VII. PROJECT ANALYSES

A. Analysis of Constraints to Project Feasibility

The socio-political and institutional constraints to democratic development in Guatemala are amply described in various parts of this Project Paper (see Project Background, Section II; the problem-setting sections for each major activity described under Project Description, Section III; and the analyses contained in Annex D.) Nevertheless, given the political nature of the Project, and its reliance on local organizations and institutions, there are a series of additional factors which run the risk of impacting negatively on Project progress and eventually causing serious setbacks in Project implementation. The following is a discussion of those constraints to the feasibility of proposed Project activities, by component.

1. National Congress:

The fact that no one political party will have hegemony in Congress during the life of the Project impacts significantly on the ability of the Congress to do its work. There is a collective leadership, of sorts, composed of the minority parties which are currently represented in the Congress. The party with the most representatives did not accept participation in this leadership. The Mission has been informed on several occasions that coalitions will be formed around each individual piece of legislation presented to the Congress and that there is no assurance of consistent loyalty to either the official GOG position or that of the opposition.

This situation implies that the Congress could, in the not too distant future, enter gridlock. The result of these factors may be that the current leadership, which represents one of the minority factions, could lose all ability to gather the forces of Congress around any agenda item, be it institution building or a proposed bill. The Mission must, necessarily, deal with the Congress through its leadership, but

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if this leadership is rendered powerless, it will be difficult to implement critical aspects of the project which require that the Congress work together to improve its institutional performance.

An important corollary to this situation is that the relationship between the Executive and the Congress remains unclear. Under the previous administration the Christian Democrats held sway in the Congress and so there was little tension with the Executive. Now the situation is totally different. How this plays out will be another factor to consider in Project implementation, particularly in the event that the Congress establishes itself as a roadblock to important packages of legislation proposed by the Executive. In this case, the Mission would have to establish certain ground rules for its cooperation, particularly as these packages impact on the Mission's overall policy agenda.

2. Office of the Human Rights Ombudsman

The fact that the OHRO is three years behind in its tracking of cases of violations is indicative that the organization is overwhelmed and not efficient in its operations. This will definitely impact on the Project. USAID can push the OHRO just so fast toward Project priorities. In the face of a weak and dysfunctional court system, the OHRO has become the "people's court" where all claims are presented by those who no longer see the judicial system as a recourse. Thus, USAID is dealing with an over-taxed and over-extended organization. Throughout the life of the Project the Mission, will have to be extremely sensitive to the relationship between the demands put on the OHRO and its ability to comply with its important mandate. AID rules must be abided by, but there may be a time when USAID will have to adjust its demands to the reality of the OHRO to fulfill Project timeframes.

Another critical consideration in this component will be the ability of the agencies involved in the Justice Sector to work together. At present, the Supreme Court President is a real roadblock to progress and coordination in the sector. Hopefully personality issues will diminish with his replacement in 1992.

3. Public Awareness and Education

The weakness of the Ministry of Education is a real concern in the implementation of formal education activities. SIMAC, the entity with which the OHRO and ASIES are working to establish the pilot program in human rights education has had serious difficulties with the Teachers' Union which is

resistent to curriculum modification. The teachers tend to resist all efforts at modification or reform of their specific functions. In addition, the Ministry is currently overloaded with (and under-budgeted for) ambitious projects. For this reason, the Mission is proposing a step-at-a-time approach in the area of formal civic education.

ESTNA's ability to produce additional sources of financing merits mention. If this does not occur, this sub-component could be eliminated.

B. Gender Considerations

The Democratic Institutions Project will address gender concerns in three main areas:

- by working with female leaders in positions of authority on the specific requirements of their offices;
- by training for women working in democratic processes and institutions; and
- by collecting gender disaggregated data throughout the project process.

The following is an analysis, by major component, of the way gender considerations will be integrated:

1. The Congress: The current leadership of the Congress is a woman and, based on her concern for the situation of women in Guatemala, has established a special commission on Women's Affairs. Activities with the Congress will offer opportunities for training of female Congressional leaders as well as targetted advisory assistance on specific legislation which impacts on women. All information gathering and monitoring will provide gender sensitive perspectives to the Mission.

2. The OHRO: All information gathered under the case tracking sub-component with the OHRO, as well data on participants in training activities, will be gender disaggregated. Staff training and institutional development efforts will also be sensitive to the fact that several major positions at the OHRO are occupied by highly competent females. In addition, the non-formal human rights education materials already being developed for rural areas take into account that the majority of indigenous females are not Spanish-speaking and that the number of female-headed households is high.

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3. Education Component: Sensitivity to the language issue mentioned above will ensure that women can be beneficiaries of the non-formal education efforts to be implemented by the OHRO. In addition, the human rights education curriculum currently being developed in coordination with the Ministry of Education follows a gender-sensitive model developed by the Interamerican Human Rights Office in Costa Rica. All monitoring and evaluation data under this component will be gender-disaggregated.

4. Project Monitoring Indicators System: Specific guidance will be given to the contractor under this component that all data collected and indicators tracked must reflect participation by gender. One of the objectives of this component is to differentiate between the attitudes of men and the attitudes of women toward democracy and the possible reasons for these differences. Election data already available from this year's presidential election and the 1987 municipal elections lead us to believe that gender is an important consideration. This monitoring system should also permit an analysis of potential factors which create these differentiated attitudes toward the efficacy of democratic institutions and processes.

VIII. CONDITIONS AND COVENANTS

Due to the evolving nature of project development and implementation, as well as the types of concerns identified for policy dialogue, the Project design team recommends the use of covenants, rather than a priori conditionality to disbursements. The one exception to this approach is the CP recommended in regard to the hiring of the Library Director at the Congress.

Therefore, in addition to all standard conditions and covenants, the following are recommended for inclusion into the appropriate obligating documents.

A. Conditions Precedent to Disbursement for Specific Activities.

1. Prior to the disbursement of funds for activities related to the library at the National Congress, that institution will have hired an appropriately qualified Library Director to assure the proper development and functioning of the Congressional Library in support of the legislative operations of the Congress and its Committees. The terminal date for meeting this CP will be eighteen months from the signing of the Memorandum of Understanding.

B. Covenants for Specific Activities

1. The National Congress will covenant to allocate sufficient resources for the effective functioning of the legislative committee structure, including: (a) an increase in the number of professional staff permanently working at the Congress; and (b) provision of adequate space, furniture and equipment so that the committees can operate.

2. The Office of the Human Rights Ombudsman will covenant to report to AID any problems it may have in maintaining continuing access to information for the effective implementation of the violent crimes tracking system.

C. Additional General Covenant

All organizations handling AID funds under this Project will covenant to contract a firm of independent auditors acceptable to AID for the annual audit of financial statements related to the use of AID funds. All audits will be conducted in accordance with AID regulations and guidelines.

8480C/8481C



Presidencia del Congreso de la Republica
Guatemala, C. A.

Guatemala, 8 de mayo de 1991

Señora
Hilda Arellano
Directora de Proyectos de Apoyo Legislativo
Agencia Internacional para el Desarrollo -AID-
Ciudad de Guatemala

Distinguida Señora Arellano:

Atentamente me dirijo a Usted, para referirme al proyecto denominado "Opciones para la futura cooperación entre A:I:D: Guatemala y el Congreso de la República", que contiene básicamente cuatro áreas de acción, como son a) Fortalecimiento de la Función Legislativa; b) Capacitación del Personal; c) Mayor Acceso a la Información; y, e) Estudios de Sistema de Organización, el cual planteado, contiene su definición, lo que se espera de la actividad y los logros que de la misma pudieran obtenerse.

Es deseo de la Presidencia de este Organismo, manifestarle mi total apoyo a la iniciativa de apoyo a este Organismo, ya que todos los que actualmente lo conformamos, estamos conscientes de la necesidad de la tecnificación y asesorías adecuadas, para cumplir a cabalidad el mandato y la responsabilidad que recibimos del pueblo.

Sin otro particular, me es grato suscribirme con las muestras de mi consideración,

Ana Catalina Soberanis Reyes
PRESIDENTE



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*Presidencia del Congreso de la
República de Guatemala*

MEMORANDUM

PARA: Señora Bambi Arellano
Jefe de la Oficina Desarrollo Democrático y
Capacitación
Agencia para el Desarrollo Internacional.

DE: Presidenta del Congreso de la República de Guatemala
Diputada Ana Catalina Soberanis Reyes.

FECHA: 9 de julio de 1991.

ASUNTO: LINEAMIENTOS GENERALES PARA COOPERACION U.S. A.I.D.-
CONGRESO DE LA REPUBLICA.

1. Período a cubrir:
1 año: agosto 1991 a julio 1992.

2. Areas:
 - a- Administración legislativa
 - b- Asesoría profesional
 - c- Legislación
 - d- Programación presupuestaria

3. Actividades:
 - a- Seminarios
 - b- Consultorías de corto plazo
 - c- Visitas de observación
 - d- Cursos de capacitación

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*Presidencia del Congreso de la
República de Guatemala*

No.2

4. Contenidos:

- Análisis presupuestario y programación presupuestaria
- Análisis administrativo y de organización del Congreso de la República
- Sistemas de asesoría y consultoría:
 - a. General
 - b. De Comisiones
 - c. De fracciones parlamentarias
- Programación legislativa: temas prioritarios en función de objetivos nacionales.

5. Programación sugerida:

- Agosto 1991: Diseño y aprobación del programa.
- Septiembre 1991: - Seminario sobre análisis y programación del Presupuesto Nacional.
- Consultoría de un mes para presupuesto del Organismo Legislativo. (16 de septiembre a 16 de octubre).
- Octubre 1991: Visita al Congreso de los Estados Unidos de América. (Delegación de Asesoría actual del Congreso de la República).
- Noviembre 1991: Seminario sobre Sistemas de Apoyo a la función legislativa (Informática, Consultoría y Asesoría).
- Diciembre 1991: (Receso parlamentario).
- Enero 1992: - Seminario de administración y programación legislativa Junta Directiva 1991
 y



*Presidencia del Congreso de la
República de Guatemala*

No.3

Junta Directiva 1992 (Segunda quince-
na de enero)

- Febrero 1992: - Seminario sobre técnica legislativa
(para diputados).
- Marzo 1992: - Seminario para asesores parlamentarios.
- Junio 1992: - Jornada sobre sistemas de apoyo legis-
lativo. (Informática) (1 día).

Otras actividades:

- Consultorías nacionales de 3 meses para Comisiones de:
 - Gobernación
 - Medio Ambiente
 - Finanzas
 - Población y Desarrollo
- Posible consultoría inmediata sobre reforma fiscal.



ACSR/edl-

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Lic. Ramiro De León Carpio
Procurador de los Derechos Humanos

Guatemala,
18 de mayo de 1990

REF.DRI-109-90

Señor
Anthony Couterucci
Director
Misión AID
Ciudad de Guatemala

Estimado Señor Couterucci:

De la manera más atenta me dirijo a usted, en relación a la solicitud de cooperación que esta Procuraduría presentara a usted, en días recién pasados.

Conforme conversaciones realizadas entre funcionarios de la Agencia a su digno cargo y funcionarios de esta Procuraduría, traslado a usted el documento de proyecto "Apoyo Institucional a la Procuraduría de los Derechos Humanos", el cual ha sido elaborado atendiendo los comentarios brindados por dichos funcionarios.

El proyecto presentado a su consideración, constituye un apoyo indispensable para que puedan concretarse las actividades contenidas en el Plan de Trabajo del Procurador de los Derechos Humanos, tanto de corto como de mediano plazo. Las áreas a ser atendidas con este proyecto son:

- a. Educación en y para los Derechos Humanos, orientado a reforzar el nuevo curriculum a nivel primario, incorporando el tema de los Derechos Humanos y otros aspectos constitucionales en el mismo.
- b. Capacitación y Apoyo Logístico al Departamento de Investigaciones, destinado a lograr un adecuado nivel en técnicas de investigación científica, a través de la capacitación a los investigadores del Departamento de Investigaciones así como el equipamiento de laboratorios básicos para su funcionamiento.

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Lic. Ramiro De León Carpio
Procurador de los Derechos Humanos

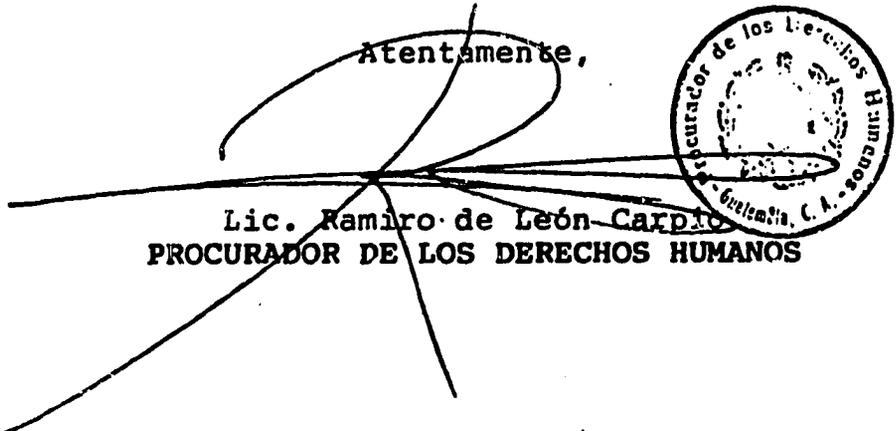
-2-

- c. Apoyo a las Auxiliaturas Departamentales, orientado a la realización de un programa de capacitación a efecto de lograr un efectivo desempeño de las funciones de los auxiliares departamentales, así como la dotación de equipo que apoye el desarrollo de sus actividades; y,
- d. Implementación del Sistema de Cómputo de la Procuraduría de los Derechos Humanos, destinado a lograr el funcionamiento de un sistema computarizado que permita facilitar y agilizar el manejo de la información para toma de decisiones y efectiva atención a la población en general, por parte de la Oficina Central y Auxiliaturas Departamentales.

Esta Procuraduría queda a la disposición de realizar las reuniones técnicas necesarias a efecto de poder concretar el respectivo convenio de cooperación, con el objeto de apoyar lo más pronto posible, las actividades contenidas en el proyecto.

Sin otro particular, aprovecho la oportunidad para reiterarle las muestras distinguidas de mi consideración y estima.

Atentamente,


Lic. Ramiro de León Carpio
PROCURADOR DE LOS DERECHOS HUMANOS



/ha

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MIEMBROS FUNDADORES

Doctor
Juan José Arévalo Berrío
General de Brigada
Carlos Manuel Arana Osorio
Licenciado
Marco Vinicio Cerezo Arévalo
General de División
Héctor Alejandro Gramajo Morales
Licenciado
Carlos Humberto Porras González
Licenciado
María Elizabeth Gálvez Salazar
Licenciada
María Luisa Beltrán de Pineda
Coronel
Julio René Prado
Licenciado
José María Argueta Cárdenas
Industrial
Juan Luis Bosch Gutiérrez
Ingeniero
César Augusto Lechuga Chicas
Doctor
Flavio Rojas Lima
Licenciado
Pedro Leonel Brolo Campos
Doctor
Hugo Argueta Figueroa
Ingeniero
Joaquín Ramiro Castillo Love
General de Brigada
Ricardo Peraza Méndez
Doctor
Francisco Beltrán de Falla

Guatemala, 10 de diciembre de 1990

Señores
**AGENCIA INTERNACIONAL
PARA EL DESARROLLO**
Misión Guatemala
Presente

Apreciables Señores:

En nombre y representación del Comité Ejecutivo del Centro de Estudios Estratégicos para la Estabilidad Nacional, "Centro ESTNA", y de la Junta Directiva de la Fundación para el Desarrollo Institucional de Guatemala, "Fundación DIG", que me honro en presidir, someto a la consideración de ustedes el presente Proyecto, como un mecanismo para consolidar el proceso democrático de Guatemala, a través de propiciar el desarrollo institucional del país.

Creemos firmemente que la metodología utilizada, descrita posteriormente, habrá de dotar a nuestros cursantes, líderes de los distintos sectores de la sociedad guatemalteca, de una perspectiva nacional que les permitirá aportar soluciones integradas a los problemas específicos de nuestra sociedad.

El costo del proyecto es de US\$762,202.00 anuales, por lo que me permito solicitar a ustedes el apoyo financiero equivalente al 35% del requerimiento total, es decir US\$266,771.00.

Sin otro particular, en espera de una resolución favorable a la solicitud presentada, me suscribo de ustedes con la consideración de siempre,

Fundación "DIG"



[Handwritten Signature]
LIC. JOSE MARIA ARGUETA
Director Ejecutivo
Fundación "DIG"

Fundación para el Desarrollo Institucional de Guatemala
Avenida La Reforma, Antiguo Edificio de la Escuela Politécnica - zona 10
Guatemala, Guatemala, Centro América 01010
Teléfonos: 322425 Fax: 365755

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Logical Framework for Democratic Institutions Project (520-0398)

Narrative	Objectively Verifiable Indicators	Means of Verification	Assumptions
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1. Goal			
Strengthened Commitment by the GOG and the General Population to Democratic Government	Media supports the democratic process	Periodical, T.V., and radio editorial commentary supportive of democratic processes	Public perception that GOG is doing its job well
	Congress operates more efficiently	Better quality and greater number of bills passed	While in session, Congress can agree to pass bills
	Guatemala's human rights record improves	Local and international news reports	Judicial system becomes more effective and perceived as such by the general population
		Human rights organizations' reports	Genuine civil/military commitment to human rights
	Absence of coup attempts	Local and international news reports	Military continues to support democratic process and civilian government rule by law.

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Narrative	Objectively Verifiable Indicators	Means of Verification	Assumptions
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II. Purpose			
Institutionalize key democratic processes in Guatemala, i.e.:			
1) strengthen the legislative capacity of the Guatemalan Congress,	Improved staff capability to advise deputies	More and better staff hired. Selection based on merit - not merely political contacts	Deputies want more qualified staff.
	Independent analysis and decision making		Independent analysis and decision making is seen as a virtue.
	Improved quality of legislation	Review of legislative record	Legislation is seen as a means to achieve an end and not an end in itself.
	Improved public opinion concerning the quality of Congress	Newspaper and media reports	Public is made aware of changes in Congress
2) enhance the ability of the OHRO to track and publicize GOG actions related to human rights abuses,	Effective collaboration between the judiciary, the Public Ministry and the OHRO	Attitudinal surveys Increase in number of contacts and quality of communication between the units.	Units want to work closer together
	Increase the number and percentage of human rights violations that are successfully prosecuted.	Court records	Genuine civil/military commitment to human rights

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Narrative	Objectively Verifiable Indicators	Means of Verification	Assumptions
	Improved staff capability to investigate and document rights violations complaints.	Project evaluations, consultant reports and project monitoring system reports.	Qualified staff members available and willing to work (free of threats).
3) improve public knowledge and attitudes regarding human rights and democratic values and practices,	Greater awareness by the public of what their national democratic institutions do, how they do it, and how the public can participate in the process.	Attitudinal surveys	The general public believes that the future of democratic institutions is in their own hands.
	Increased consultation by public institutions with their constituencies.		Public institutions will feel a need to be more responsive to their constituencies.
	Reduction in perceived and actual charges of corruption in National Government institutions, and a demand for sanctions when serious breaches of public trust occur.	Newspaper and media reports	
	Improved public awareness and approval of how institutions are performing their functions, particularly the National Congress and the Human Rights Ombudsman.	Attitudinal surveys	The general public is willing to give the GOG time to change.
4) establish a capability to monitor indicators of democratic development in Guatemala, and	The local NGO sector will regularly monitor the indicators of democratic development and make that information available to the general public.	Actual dissemination and discussion of the information results of such monitoring.	The local NGO sector will want to get into this line of work.
5) provide a small amount of funds to enable the USAID to initiate related activities and studies in the democratic initiatives areas as they emerge.		Results of actual studies and related activities.	Government open to giving USAID "free hand" in this sensitive area.

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Narrative	Objectively Verifiable Indicators	Means of Verification	Assumptions
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III. Outputs			
1. Improved quality and effectiveness of the staff of the National Congress through:			
a. Strengthening role and functions of Deputies,	The deputies will possess a stronger image of themselves as legislators and of their institution as a whole.	Media reports will document the improved quality of legislative work being performed.	Continued Congressional support for project goals & purposes.
	The Deputies will be better trained in modern legislative processes and practices.		
	The Deputies will be more knowledgeable regarding the country.		
	The Deputies will be more proactive in setting their legislative agenda.		
	The relative status of the Congress as a democratic institution will be stronger in the eye of the public.		
b. Better staff support services,	New professional staff at the Congress and its committees.	Numbers of new staff positions authorized will be noted.	
	All professional staff at the Congress will be trained in the processes of the institution and be more knowledgeable of the substantive issues of major pieces of legislation.	Number of training courses completed and number of participants recruited from pool of new staff.	
	The administrative staff will be better trained in techniques and processes and will demonstrate their new skills on the job.		

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Narrative	Objectively Verifiable Indicators	Means of Verification	Assumptions
	An in-service training program will be designed, tested and in place.		
c. Increased access to technical information, and	The Library at the Congress will be organized more efficient and performing computer-based research for staff, Deputies and committees.	The MIS of the Congress will be operating smoothly; upgraded as needed.	Timely procurement and installation of needed hardware and software.
	The Deputies and committees of the Congress will locally access technical expertise through a defined mechanism.	New procedures implemented.	Felt need must be expressed.
d. Organization development studies.	A more organized and systematic approach to resolving issues hampering the development and continuity of the Congress, as an organization, will emerge.		Project will foster a sense among all Deputies that fundamental change is needed.
2. Directly assist the OHRO in carrying out its organizational mandate through:			
improved oversight of investigations, and	A violent crimes tracking system will be in place and functioning at the OHRO.		Increase in number of contacts and quality of communication between the judiciary, the Public Ministry and OHRO.
	Periodic compiling and reporting of the number and types of violent crimes being handled by the criminal justice system.	Court records	
	An organized approach to the conduct of follow-up activities by the OHRO on problems identified by the violent crimes tracking system.		

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Narrative	Objectively Verifiable Indicators	Means of Verification	Assumptions
	Trained personnel in the techniques of identifying responsibilities for the failure of the criminal justice system to handle expeditiously and effectively violations of core human rights	Project evaluations, consultant reports and project monitoring system reports.	Qualified staff members available and willing to take this task on.
	Yearly reports concerning the observance of core human rights and recommendations on steps to be taken by the criminal justice system to improve its handling of cases concerning the violation of human rights.	Human rights organizations' reports	Genuine civil/military commitment to human rights
development of core institutional elements.	Central office personnel will be trained in the various techniques required for utilizing computer equipment.	Number of training courses completed and number of participants trained.	
	Office staff will integrate the use of existing computer equipment into the routine office tasks and administration of the OHRO.	Site visits	Existing computer equipment can be easily used in routine office and administrative tasks.
	Institutional financial management control procedures will be in place and used effectively.	Independent audit reports	OHRO will open books to outsiders.
	Twelve additional OHRO departmental offices will be established and equipped.	Site visits	Logistical problems easily solved.
	All departmental office personnel will be trained in the functions performed at the field level, i.e.: investigation, reporting, education and administration.	Increase in number and quality of reporting documents emanating from OHRO field offices.	Basic skills are present in personnel.

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Narrative	Objectively Verifiable Indicators	Means of Verification	Assumptions
3. Initiate a public education campaign focussing on:			
a. Including human rights education in the primary school curriculum,	All children attending primary and basic school in the public education system will be exposed to, 1) their human rights, 2) values and attitudes supporting human rights.	Review of materials developed and distributed.	Cooperation w/MOB
b. Fostering a non-formal education program for out-of-school children and adults about their human rights, and	Citizens utilize OHRO auspices appropriately; citizens organized at the local level to practice their rights.	Activity level / reports for OHRO field offices.	No substantial impediments to organizing initiated.
c. Providing public awareness and training for opinion leaders.	ESTNA participants will become more aware of their role and power as opinion leaders and how to use that power responsibly in a democratic system.	Review of course materials to insure that it meets course objectives.	ESTNA participants willing to change their attitudes and ideas
	Leaders in all sectors of the Guatemalan society will be more aware of public policy issues.		Leaders in all sectors of the Guatemalan society interested in public policy issues.
	Sectoral leaders will be more predisposed to peaceful conflict resolution.	Less violence	
4. Develop capacity to monitor indicators of democratic development, at minimum during the life of the project.	A system for monitoring democratic development in Guatemala will be functioning.	Project evaluations, consultant reports and project monitoring system reports.	
	Statistical information will be available periodically and selectively shared.		
	The USAID will be making strategic decisions based on this information and acquiring data for a summary evaluation of project activities.	Regular project reviews	

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Narrative	Objectively Verifiable Indicators	Means of Verification	Assumptions
5. Related activities and studies	As a result of these studies USAID will be more knowledgeable about issues and alternatives in democratic initiatives particularly in relation to civic education, decentralization and municipal development, organization and participation at the local level, and government corruption and accountability.	Regular project reviews Semi-annual "management work plans" prepared for the Mission Director.	USAID will have resources, time and interest in developing such an institutional memory.
4. Inputs	(see Annex F in Project Paper)		

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LOGFRAME FOLLOW-UP

KEY INDICATORS AND METHODS OF EVALUATION

1. Project GOAL Indicators/Criteria

These assess the evolving impact of the Project components on the immediate beneficiaries and on Guatemala's democratic process in general. Although such changes--and their sustainability--may not become obvious during the relatively short life of the project, means of measurement and monitoring can be established and valuable experience gained by beneficiaries for use downstream. Both midterm and final project evaluations will assess progress towards establishment of a monitoring system and the quality of the information obtained.

The following comprise preliminary goal level indicators and their means of verification:

a. Strengthened media support for the democratic process. Means of verification: Significant, sustained increase in press, T.V. and radio coverage of matters dealing with civil and military activities affecting human rights, civil and politically-inspired violence, activities of the Guatemalan Congress, the executive and judicial branches, including follow up in specific cases, and growth of advocacy reporting.

Note: The public media in Guatemala comprise a major means of disseminating information throughout the country and can be both a powerful moulder of public opinion and a sensitive reflection of it.

b. Sustained increase in the proportion of eligible voters who register to vote. Means of verification: Voter registration records.

c. Sustained increase in the proportion of registered voters who actually vote in local and national elections. Means of verification: Electoral records.

Note: These indicators are complementary. Voter registration is an indicator of outreach: how many eligible persons receive access to the voting process? Actual voting, no longer compulsory in Guatemala, represents a commitment, and, barring graft, is an indicator of civic awareness.

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d. Regular and fraud-free local and national elections. Means of verification: Election statistics, observer reports, Supreme Electoral Tribunal records.

Note: This long-term indicator, or "criterion" represents a necessary, though not sufficient, condition for an orderly democratic process.

e. Sustained reduction in known cases of human rights violations of all kinds. Means of verification: Public media, Human Rights Ombudsman reports, reports of other national and international rights monitoring organizations.

f. Absence of coup attempts and other efforts to obtain political power illegitimately at national and local levels. Means of verification: Public media, police and security reports, reports of human rights monitoring organizations.

Note: Orderly transfer of legitimate political power at all levels according to constitutionally mandated criteria is the sine qua non of sustainable democracy. While much attention is given to the process at the national level, the average Guatemalan citizen sees democracy most intimately at local levels, where he/she knows the candidates and the issues directly. Orderly governance at this level is a strong indicator of acceptance of democracy generally.

g. Sustained reduction in perceived and validated government corruption. Means of verification: public media, police and judicial records.

Note: Corruption is pervasive at all levels of Guatemala society. Real reduction in both perceived and actual corruption would be a strong indication of commitment to principal and willingness to sacrifice for the "general good" on the part of public officials, both professional and elected.

h. Reduction in public acceptance of violence as a means to resolve conflicts. Means of verification: Increase in number of peaceful demonstrations following incidents of violence, greater activism by communities in preparation and presentation of official protests, followed by prompt government adjudication as evidenced in public media, reports from the Human Rights Ombudsman Office.

2. Project PURPOSE Indicators/Criteria

These assess the extent to which the project has succeeded in strengthening the targeted beneficiaries--the Guatemalan Congress, the Office of the Human Rights Ombudsman, and private

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organizations responsible for promoting democratic government, human rights, and civic education--to undertake their responsibilities more effectively, i.e., moving Guatemala more forcefully towards the project goals.

The following comprise preliminary purpose level indicators and their means of verification:

a. Indicators relating to the Guatemalan Congress:

(i) A sustained increase in the number of bills reported out of congressional committees. Means of verification: Project evaluations, consultant reports, and project monitoring system reports.

Note: The pace of legislation, especially in matters of significant importance, is an indication of a legislature's ability to research, frame, debate, modify, and pass important bills. Of all possible quantitative means, this indicator should be relatively easy to monitor.

(ii) Improved staff capability for analysis and support for legislators. Means of verification: Improved quality and increased quantity of staff reports undergirding legislative proposals and completed bills: consultant reports, evaluators' assessment.

Note: This is a qualitative indicator or criterion requiring judgement on the part of monitors and evaluators who will have their own parameters for evaluation. These would be reviewed by Mission management and appropriate counterparts.

(iii) More informed public opinion concerning the performance of Congress, both internally and in relation to the executive and judicial branches. Means of Verification: Project evaluations, consultant reports, public media, attitudinal surveys.

b. Indicators relating to the Human Rights Ombudsman Office

(i) Effective collaboration between the OHRO and the Judiciary

(ii) Increase in the number and proportion of human rights violations successfully prosecuted. Means of verification: Project evaluation, consultant reports, public news media.

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Note: These two items are complementary. Collaboration with the judiciary is a requisite for more timely and impartial prosecution of alleged human rights violators. "Successful" implies, among other things, that the indictment and trial procedures are correct, sentences imposed are appropriate, and post-trial procedures--including full carrying out of sentence--are followed.

(iii) Increase in the number of human rights violations brought to the attention of the OHRO and receiving full investigatory attention. Means of verification: OHRO reports, other rights organizations' reports, public news media.

Note: This indicator assesses the success of the OHRO's overall national outreach and the extent to which people are willing to risk reporting violations promptly and accurately to OHRO field personnel.

c. Indicators relating to Public Awareness and Education

(i) Increase in the percentage of eligible and registered voters who actually vote in local and national elections. Means of verification: Registration and voting records

NOTE: This indicator reflects change in citizen's perceptions of the effectiveness of the democratic process in solving problems familiar to them; in particular, growth in the voting rate in national elections, especially presidential elections, suggests greater awareness of issues outside the local community, that is, a greater politicization of the population.

(ii) Increased consultation by elected officials with their constituencies via meetings with community groups, formal organizations, and local officials. Means of verification: Key informant interviews, small opinion surveys, public news media.

NOTE: This indicator not only estimates change in constituents' perception of representative democracy, but the degree to which elected officials understand that constituencies are their most important and appropriate bases of power and influence, as opposed to traditional alliances among Guatemala's political, social, and economic elites.

(iii) Greater understanding among constituency groups of how the Congress functions and the roles played by their elected officials. Means of verification: Key informant interviews, periodic small opinion surveys.

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PROJECT AUTHORIZATION

Name of Country/Entity: Guatemala
Name of Project: Democratic Institutions
Number of Project: 520-0398

1. Pursuant to Section 531 of the Foreign Assistance Act of 1961, as amended, I hereby authorize the Democratic Institutions Project for Guatemala involving initial planned obligations of not to exceed \$600,000 in grant funds over a four (4) year period from the date of this authorization, subject to the availability of funds in accordance with the A.I.D. OYB/allotment process, to help in financing foreign exchange and, if A.I.D. should otherwise agree in writing, local currency costs for the project. The planned life of the project is four (4) years from the date of initial obligation.
2. The project consists of support to strengthen the Guatemalan Congress, the Office of the Human Rights Ombudsman, the Supreme Electoral Tribunal and private sector groups dedicated to responsible democratic government, human rights and civic education.
3. The obligating instrument(s) which may be negotiated and executed by the officer(s) to whom such authority is delegated in accordance with A.I.D. regulations and Delegations of Authority shall be subject to the following essential terms and covenants and major conditions, together with such other terms and conditions as A.I.D. may deem appropriate.

Source and Origin of Commodities, Nationality of Services

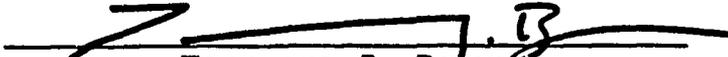
Commodities financed by A.I.D. under the project shall have their source and origin in the United States, except as A.I.D. may otherwise agree in writing. Except for ocean shipping, the suppliers of commodities or services shall have the United States as their place of nationality, except as A.I.D. may otherwise agree in writing.

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Ocean shipping financed by A.I.D. under the project shall, except as A.I.D. may otherwise agree in writing, be financed only on flag vessels of the United States.

4. Waivers

I hereby approve a source, origin and nationality waiver from A.I.D. Geographic Code 000 to the Cooperating Country and countries included in the Central American Common Market to permit the procurement of essential commodities and services, as itemized in a separate Action Memorandum approved by me, in an amount up to approximately \$251,185.


Terrence J. Brown
Director, USAID/Guatemala

9/28/90
Date

Drafter: OHRD:ATuebner ATuebner Date 9/24/90

Clearances:

RLA:MWilliams	<u>CABLE 9-26-90</u>	Date	_____
OHRD:RWitherell	<u>[Signature]</u>	Date	<u>9/25/90</u>
OHRD:RMartin	<u>[Signature]</u>	Date	<u>9/26/90</u>
PDSO:JLombardo	<u>[Signature]</u>	Date	<u>9-25-90</u>
CONT:GByllesby	<u>[Signature]</u>	Date	<u>9-24-90</u>
DDIR:SWingert	<u>[Signature]</u>	Date	<u>9/27/90</u>

(6570C)

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ACTION MEMO FOR THE MISSION DIRECTOR

THROUGH: Deputy Director, Stephen Wingert ^{SW}
FROM: C/OHRD, Richard Martin *Richard Martin*
SUBJECT: Authorization for the Democratic Institutions
Project (520-0398)

Problem: Your approval is needed to authorize the Democratic Institutions Project, (520-0398) to provide funding for specific, fully designed activities in support of the 1990 General Elections, the newly-elected Congress and initial activities with the Office of the Human Rights Ombudsman.

Background: A draft Project Paper has been prepared of the Democratic Institutions Project (520-0398), with final review and approval scheduled for FY 1991. The Project purpose is to strengthen the Guatemalan Congress, the Office of the Human Rights Ombudsman, the Supreme Electoral Tribunal (SET) and private sector groups dedicated to responsible democratic government, human rights and civic education. To this end, the Project will fund activities to 1.) strengthen the institutional base of Guatemala's National Congress; 2.) support activities proposed by the Office of the Human Rights Ombudsman; 3.) provide training opportunities for SET staff; 4.) support the SET's operational expenses of elections held during the life of the Project, if such support is crucial for those elections to be held on schedule and in a fair manner; and, 5.) increase the public's understanding of the operations and utility -- real and potential -- of key democratic institutions. The estimated Project Assistance Completion Date (PACD) is September 30, 1994.

Discussion: The Mission has received unsolicited proposals (refer to the annexes attached to this memorandum) from the Center for Democracy and the Guatemala Development Foundation to provide election observer activities; from the Guatemalan Institutional Development Foundation (DIG) to provide an orientation/training program for the newly elected Congress; and from the Office of the Human Rights Ombudsman to assist in

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ACTION MEMO FOR THE MISSION DIRECTOR
Democratic Institutions Project
Page 2 of 6

strengthening its institutional base. The activities proposed by these institutions form an integral part of the planned Democratic Institutions Project Paper (520-0398). However, the timing of the Project Paper review and the expected availability of FY 1991 funds would preclude the Mission from providing needed support to Guatemala during the 1990 General Elections, and to maintain continuity in the areas of support to the Congress and the Human Rights Ombudsman's Office.

The authorization for these important U.S. Government initiatives in support of Guatemala's democratic process is based upon the Mission's review of the proposals and subsequent negotiations with the respective institutions. As a result of this process, the Mission is confident that authorization and obligation of FY 1990 Economic Support Funds is justified on the merits of the activities themselves. The separate proposals constitute the PP-like documents, meeting the requirements of A.I.D. policy and regulations. Summaries of the proposed activities by category and institution are provided below.

ELECTION OBSERVER ACTIVITIES

As a result of conversations with the President and Magistrates of the SET, the U.S. Embassy, CFD and FUNDESA, the Mission has determined that a need exists for Guatemala to invite and fund other international observer groups, above and beyond the "Tikal Group," which the SET is funding using its own resources. Therefore, under the initial project authorization, the Democratic Institutions Project will fund two distinct International Observers Groups for the purpose of strengthening the electoral process in Guatemala. The presence of increased numbers of observers will enhance both the domestic and international credibility of the electoral process. Greater confidence in the electoral process is expected to result in higher voter turnout and greater acceptance and support of the election results by the Guatemalan population and the international community. Funding for these activities will be obligated through separate Cooperative Agreements with the Center for Democracy and FUNDESA.

a) **Center for Democracy (\$75,000):** The CFD received assurances from the SET on August 29, 1990, that it will accredit the CFD as an international observer mission. The magistrates approved the CFD's plan to bring an international observer mission to Guatemala for the general election scheduled for November 11, 1990 and for the scheduled run-off election of January 6, 1991.

ACTION MEMO FOR THE MISSION DIRECTOR
Democratic Institutions Project
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The CFD will bring a team of up to fifteen (15) observers to Guatemala from the United States, Latin America and Europe to be placed in locations where the SET has determined observation to be most necessary. The observers will arrive two days prior to the election and will remain in Guatemala at least one day following the election. In this way, the entire electoral process will be observed, including the final vote count and official tabulation.

The CFD, in collaboration with the political parties having candidates in the election, will also establish an "Election Information Center" at the official headquarters for all national election activities. The purpose of the Information Center will be to disseminate information relevant to the elections and the platforms of the parties to all international and national election observers, the members of the foreign and national press and others interested in the electoral process. This information center will be operational 10 working days prior to the November elections.

b) **Guatemala Development Foundation (FUNDESA)**
(\$66,950): On September 11, 1990 the Mission received a proposal from FUNDESA to provide assistance with its Election Observer Program. In coordination with the SET and other accredited observer groups, FUNDESA will invite forty (40) election observers to Guatemala from November 8, 1990 through November 13, 1990. USAID/Guatemala funding for this activity will provide travel and hotel accomodation for the 40 observers. FUNDESA will provide local transportation, meals and information on the electoral process, which amounts to fifty percent of the costs of this activity.

In order to provide a contingency fund for election activities, \$25,000 will be put aside under this agreement in order to cover any emergency requirements generated during the electoral process. These funds will be available for use only with the prior written approval of the USAID.

SUPPORT TO THE CONGRESS

THE GUATEMALAN INSTITUTIONAL DEVELOPMENT FOUNDATION (DIG)
(\$117,000): The DIG presented the Mission with an unsolicited proposal on June 28, 1990, for El Centro de Estudios Estrategicos para la Estabilidad Nacional (ESTNA), a dependency of DIG, to carry out a two-part orientation/training program for the newly-elected members of Congress and for basic commodities to provide strengthening of ESTNA's ongoing administrative and educational operations. Through a Cooperative Agreement with DIG, this orientation/training program will be provided to

ACTION MEMO FOR THE MISSION DIRECTOR
Democratic Institutions Project
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members of the National Congress. The purposes of the program are to assist with strengthening ESTNA's institutional base and to help ensure that the members of Congress are aware of Congressional procedures, roles and responsibilities.

The timing of this activity is important for several reasons. First, based on past experience and interviews with current congressional deputies, it is estimated that only about one-third of the current deputies are expected to return to the Congress. Second, past experience has shown a great need to orient the newly elected deputies to the national issues facing them and to enhance their confidence in their ability to professionally face the challenges of their new position. Third, this pilot effort with ESTNA will permit the Mission to assess the potential for working more with local institutions in building the type of support networks that can strengthen the institutional capability of the Congress over the longer term. Finally, this activity will provide an opportunity for the Mission to identify and assess the political climate that can be expected once the new Congress takes office.

HUMAN RIGHTS

ASSISTANCE TO THE OFFICE OF THE HUMAN RIGHTS OMBUDSMAN (\$341,950): In May, 1990, the OHRO submitted a proposal to the Mission to fund educational and various logistical support activities. Based on that proposal and recommendations of the Project Design Committee in consultation with the OHRO, the Mission has concluded that the following activities should be supported: (a) non-formal as well as formal education activities; (b) a violent crime case tracking information system; (c) various training activities for OHRO staff; and (d) logistical support for the departmental offices.

Based on the desirability of the OHRO beginning certain activities immediately, the Mission will enter into a Limited Scope Grant Project Agreement (LSGPA) with the OHRO to fund a non-formal education radio program, which includes providing technical assistance and equipment; formal primary education activities; a seminar on the fact-finding process in the investigation of possible or obvious human rights violations, especially witness interviewing, and a session on coordinating the efforts of the Organismo Judicial, Ministerio Publico, Police, the Office of the Human Rights Ombudsman and Human Rights Groups; computer utilization training, the development of a violent crimes reporting system; and, the provision of approximately eight (8) utility vehicles for distribution to the departmental Offices already in operation.

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Democratic Institutions Project
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Congressional Notification: A CN for \$500,000 for the Democratic Institutions Project expired on August 6, 1990. A TN for an additional \$100,000 reapportionment from the Improved Administration of Justice (520-0369) to the Democratic Institutions Project expired on September 21, 1990.

METHODS OF OBLIGATION OF FY 1990 FUNDS

The Mission will obligate funds with the Center for Democracy (CFD), the Guatemala Development Foundation (FUNDESA), and the Guatemalan Institutional Development Foundation (DIG) through HB 13 Cooperative Agreements. Funds for support to the Office of the Human Rights Ombudsman (OHRO) will be obligated through a HB 3 Project Agreement.

A summary breakdown of amounts to be obligated by institution are provided below:

a) Election Activities	
CFD	\$ 75,000
FUNDESA	66,950
Sub-total	141,950
b) Congressional Activities	117,000
c) Human Rights Activities	341,050
T O T A L	\$600,000

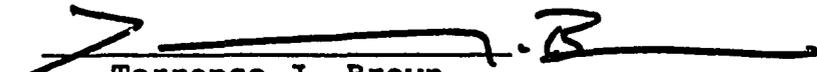
Budget Allotment: An \$600,000 ESF apportionment for this Project was received through STATE 318729.

Delegation of Authority: Delegation of Authority (DOA) No. 752, dated December 16, 1988, permits the Mission Director to authorize a project for up to \$20 million, provided it does not represent significant policy issues, and does not require issuance of waivers by the A/AID or AA/LAC. STATE 265071 establishes A.I.D.'s revised policy with respect to eligible source and origin for commodities and services. This new policy restricts procurement to the United States, except where waivers are provided under the authorization. The appropriate waiver is provided for in the authorization and supported by a separate Action Memorandum specifying the line items and amounts for which local procurement is authorized.

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ACTION MEMO FOR THE MISSION DIRECTOR
Democratic Institutions Project
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Recommendation: That you authorize the Democratic Institutions Project for \$600,000 in ESF funds by signing (1) this Action Memorandum, (2) the attached procurement waiver, and (3) the attached Project Authorization.


Terrence J. Brown
Director, USAID/Guatemala

9/27/90
Date

- Attachments:
- Source/Origin and Nationality Waiver
 - Project Authorization
 - Proposed Election Activities of the Center for Democracy (Annex I)
 - FUNDESA "Elections 90" Proposal (Annex II)
 - Propuesta de Asistencia Financiera para el Proyecto: "Seminario para Diputados Electos Periodo 1991-1996" (Annex III)
 - Proyecto de Apoyo Institucional al Procurador de los Derechos Humanos (Annex IV)

drafted by:
OHRD:ATuebner ATuebner DATE 9/24/90

cleared by:

RLA:MWilliams	<u>CMLE</u>	DATE	<u>9-26-90</u>
OHRD:RWitherell	<u>AMU</u>	DATE	<u>9-25-90</u>
PDSO:JLombardo	<u>JLombardo</u>	DATE	<u>9-24-90</u>
JM <u>JB</u> CONT:GByllesby	<u>GByllesby</u>	DATE	<u>9-25-90</u>

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INSTITUTIONAL ANALYSIS - GUATEMALAN NATIONAL CONGRESS

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I. LEGAL AUTHORITY

A. The 1985 Constitution

The current National Congress was formed by the Constitution enacted in 1985. Chapter II of the Constitution describes the powers, privileges and other attributes of the body and its members. The Congress is, in theory, granted equal status with the executive and judicial branches and possesses the functions and powers considered usual for legislative bodies in democratic societies. The Congress is a unicameral body currently composed of one-hundred sixteen members called Deputies. Each Congress is divided into five regular sessions, each of which corresponds to the calendar year.

B. Law 37-86: Ley Organica y de Regimen Interior del Organismo Legislativo

The Ley Organica, passed by Congress in June 1986, supplements the 1985 Constitution by describing and specifying the authority and responsibilities of the Guatemalan Congress. The law, among other provisions, creates twenty-three permanent committees, allows for the creation of other committees, and specifies the internal organizational structure of the Congress. These items are further described below.

II. POLITICAL REPRESENTATION and ACCOUNTABILITY

A. Membership

The 1991 Congress is composed of 116 Deputies. Of the total, seventy-five percent are elected directly from the twenty-three electoral districts and twenty-five percent are elected from the National List. All candidates for Congressional seats must be members of a legally recognized political party. However, after election a Deputy may leave the party or change parties without losing his Congressional seat. This provision has exacerbated an already extremely fluid national political environment.

The National List system was created in order to ensure that the Congress would be composed of members with above-average educational and professional experience as well as members with broad local support. The Guatemalan civic and political reality poses a contradiction for the parties. Local candidates, although having broad popular support, often do not bring adequate educational levels and the intellectual capacity for political work on a national scale. The National List process was created to insure both local representation (through

District Candidates) and representation by the party's best and brightest (the National List). National List candidates are determined by the percentage of the vote received by a Presidential candidate. Approximately four percent in the Presidential tally garners one National List seat. In the new Congress, it is estimated that only some 21 Deputies have the equivalent of a college education.

B. Political Parties

The political parties in Guatemala are very fluid and abundant. Many are composed of only one or two Deputies, and often are political vehicles for individual candidates. Similarly, many are virtually impossible to distinguish by ideology and/or philosophy. To add to the confusion, even the major parties with numerous members (such as the Christian Democrats) are often subject to internal splits and divisions.

The following parties are represented in the new Congress. The number following each name gives the number of Deputies associated with that party: Christian Democrats (DCG) - 27; Union of National Center (UCN) - 41; National Liberation Movement (MLN)/Advance National Front (FAN) - 4; Revolutionary Party (PR) - 1; Democratic Institutional Party (PID)/United National Front (FUN)/Revolutionary Guatemalan Front (FRG) - 12; Solidary Action Movement (MAS) - 18; Social Democratic Party (PSD) - 1; National Advance Party (PAN) - 12.

Parties are represented in the Congress by caucuses. Each party, in turn, elects a caucus chairman. The caucuses attempt to instill discipline among party members, provide a mechanism for unified action, as well as a forum for inter-party debate and decision-making. The caucus chairmen are considered the official spokespersons for the parties in the Congress, and also provide a liaison function between the legislative leadership and other party leaders.

Unlike the last Congress, the party of the new National President does not hold a majority of the seats in Congress, in fact it only holds 16% of the seats. Thus, President Serrano is working very hard to build coalitions of support for his proposed programs. Some analysts see this as a window of opportunity for dispelling the "rubber stamp" nature of the Congress, and strengthening pluralistic practices. Others view the situation as a prescription for failure.

C. The Public

1. Lobbyists and Other Pressure Groups

Professional lobbying to the extent and variety as it exists in the United States is virtually non-existent in Guatemala. Some pressure groups (such as labor unions or

chambers of commerce) do occasionally send representatives to the Congress. Other public interest groups rarely engage in lobbying activities and, of those that do, most are from Guatemala City.

2. Individual Citizens

Although individual citizens do come to visit the Deputies, they are usually concerned with seeking a letter of recommendation for a job or a similar personal matter rather than in commenting on legislation. This is directly due to the lack of understanding on the part of the public on the role and function of both the legislature and legislators. Despite the misunderstanding of role and function, plenary sessions do usually have members of the public in attendance. However, the space provided is often inadequate for the number of people present.

3. News Media

The Congress is covered by television, radio and newspaper reporters. Deputies are interviewed and the work of the Congress is reported in the media on a regular basis. The coverage is often critical and often demonstrates a lack of understanding not unlike that of the general public as to the role of the legislature.

III. CONGRESSIONAL LEADERSHIP

A. The Steering Committee

The Steering Committee (Comision de Regimen Interior) is created in the Ley Organica. It is composed of the President, three Vice-Presidents and eight Secretaries. The members are elected at the beginning of each year's legislative session for one-year terms. This Junta Directiva (or Steering Committee), chaired by the President, is given the authority for the administrative management of the Congress. It is also intended to serve as the forum for setting legislative priorities and, in general, to serve as the substantive policy-making body for the Congress. The Junta Directiva also functions like other committees by handling bills requiring urgent action. The Junta Directiva has a sub-committee called the Permanent Committee which is composed of the President and two of the Secretaries chosen by the President. This sub-committee has the authority to act for the Congress when it is not in session.

B. The President

The powers of the President of the Congress are also specified in the Ley Organica. The President is elected every year and cannot be re-elected. In addition to chairing the Junta Directiva, the President is given broad powers of control. For example, in cases of urgency the President can prepare the daily agenda after consulting only two other members of the Steering Committee. The President also directs the Chief Clerk, and thus indirectly controls the majority of the administrative and technical staff. The President can also create special committees and designate special functions to other Members.

C. Party Caucus Chairman

The Jefes de Bancadas, or party caucus chairmen, constitute an important decision-making force in the Congress. Although not stated in the Ley Organica, or any other written procedures, the President of the Congress meets regularly with party leaders to discuss legislation and priorities. Although informal, these meetings are a significant negotiating mechanism.

IV. THE LEGISLATIVE FUNCTION

A. Role of Committees

The Ley Organica (Article 36, Chapter VI) designates the Congressional committees as "...the technical organs for the study and knowledge of the diverse matters which the Congress assigns for their consideration or which they promote on their own initiative."

The permanent or standing committees currently in existence are: Human Rights, Indian Communities, Environment, Tourism, Science and Technology, Municipal Affairs, Health, Assistance and Social Security, National Defense, Foreign Relations, Labor, Agriculture, Ethics, Economy, Interior, Energy & Natural Resources, Culture and Sports, Protection of Minors, Social Reforms, Central American Integration, Planning, Administrative Reforms, Legislation and Constitutionality, Development Education, Communications, Housing and Finance. An overview of each of the Committees, including a brief description of their agendas during the past five years, is contained in the report: The Committee System of the Guatemalan Congress, on file at the USAID PDSO and DDT Offices. In general, the two groups with the greatest amount of work are Finance and Interior (including legal affairs and police work). Other active committees include Environment, Health, Labor, Protection of Minors and Education.

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In reality, the committee system of the Guatemalan Congress is grossly underutilized; there is little experience in its proper use. Rather than viewing the committees as a place for deliberation, they are viewed as a place to "kill" legislation. As noted earlier, decisions are frequently negotiated along party lines, in fora other than the committee system. Some of the reasons for the poor use of the committee structure are explained below.

First, the system lacks continuity. Each year, the composition of the committees changes with the annual change in the President of the Congress. While there has been some experience with the reelection of committee presidents, the norm has been for both the president and secretary to change. If the new committee president did not participate on that particular committee during the previous year, and if the secretary is also new, the committee can expect to have a rocky beginning. The continual change in committee leadership prevents the build-up of individual technical expertise and institutional memory.

The second reason for underutilization is the competition for Deputies' time. Plenary sessions are scheduled for Tuesday, Wednesday and Thursday throughout the year. Additionally, most Deputies continue working at their professions while serving in Congress. These two demands, one internal to the Congressional structure and one external to it, leave little open time for the ongoing, deliberate work of the committees.

The third constraint to effective utilization of the committee system is the lack of permanently assigned, qualified staff. The few technically competent staffers that do exist are assigned to the Technical Legislative Office under the Official Mayor, where they work on a variety of bills from different committees. Their expertise is more in the area of proper legislative form and process, rather than in any of the technical areas of the committees.

A fourth problem faced by the committees is the tremendous difficulty in accessing technical information for the formulation and evaluation of specific pieces of legislation. This is such a serious issue for the Congress, that it is further discussed in section D. below. A fifth problem is the lack of space for meetings. Few committees have their own rooms for meetings and work.

B. Passage of Legislation

Approximately three-hundred and fifty bills are introduced each year. Of this number, about twenty-five percent are eventually passed. Very few of these bills are initiated by the Deputies, but rather are the result of the priorities of the Executive.

Each bill is introduced and receives a First Reading on the Floor. It is then referred to a committee for consideration. The committee process is, on average, very slow. Sometimes bills remain in committee for years. After receiving the committee recommendation the bill is sent to the Floor with amendments suggested by the committee. The amendments are voted separately, and the bill with the approved amendments (both those originating in committee and on the floor) is voted on. Each bill receives three readings, after committee consideration. Passage is by a simple majority vote. Bills can be passed from one annual session to the next, but not from one Congress to the next.

How well the legislative function works is seriously in question. The committees are not used properly, and in fact the Deputies themselves lack a clear understanding of the legislative process and of their role in that system. A procedural manual for legislating is being drafted under the A.I.D.-financed Strengthening of Democracy Project (520-0386), and is scheduled to be introduced to the Congress in April 1991. Assuming adequacy of the manual, it is strongly recommended that the proposed Project reinforce the use of the manual through training and follow-up activities.

C. Review of the National Budget

A primary responsibility of the Legislature is to review and approve the nation's budget. Guatemala's Finance Ministry prepares the budget at the beginning of the year based on the needs and information submitted to it by the other ministries. The Constitution specifies the time frames involved in the overall process. The budget must be presented to the Congress by the first of September. The Congress is then allowed three months (a fourth month can be added if necessary) for its consideration. In the Guatemalan Congress, the Finance Committee is charged with studying and approving the government's yearly budget. The other committees typically meet with and review the budgetary sections related to their areas of work.

The Constitution allows the Executive Branch two provisions that create problems in regard to approval and implementation of the national budget. First, it can carry-over the previous year's budget if the Congress does not approve the proposed budget in the stipulated time frame. This occurred in 1989, when the 1990 budget ended up the same as the 1989 budget. Second, the Executive Branch is allowed to perform line item budgetary transfers without Congressional consent. This provision directly undermines the power of the Congress by enabling the Executive to change funding mixes, and thus policy priorities. It is a good example of how the Legislature is limited in its exercise of power over the Executive.

D. Accessing Technical Information

The Guatemalan Congress operates without the benefit of technical experts. According to the new President of Congress, Catalina Soberanis, they do employ a few consultants, but only in the general areas of law and economics. Neither has the Congress, as an organization, created the inter-institutional linkages (e.g. with Universities, private think tanks, or non-governmental foundations) that might assist substantive information flow. The library of the National Congress is almost non-existent as a facility. What collection it does have is poorly organized and it offers none of the interlibrary loan or basic research services commonly found in other libraries of this type.

From time to time, during the last Congress, mechanisms were established, albeit temporarily, to assist the Deputies and the Committees with technical information problems. The Health Committee in 1989, established an adjunct committee of experts in the health field to provide advice and aid in the development of projects and policy. This committee operated without payment of any kind. Although not suited to the business of all the Congressional committees, the "adjunct committee" concept could be useful to the work of some, such as: culture, environment, energy and natural resources, communications, health, labor, education and agriculture.

Another mechanism of particular interest was the legislative consultation system developed and used during 1987-88. This system (Sistema de Asesoría y Consultoría del Organismo Legislativo) established a group of 45 consultants to be on call for consultations on specific topics, and a smaller group of five full-time professional working on specific Congressional bills. The Memorias de Labores from 1987 and 1988 indicate the success of the program. The 1987 consultant groups wrote 20 opinion/resolutions regarding pending bills and carried out 33 studies involving other bills. In 1988 there were 70 opinion/resolutions and 63 studies. In 1989 the consultation system was disbanded for political and economic reasons by the President, Fernando Lobo. Serious consideration should be given to the plausibility of renewing the consultation system, or in creating a new kind of mechanism which would fulfill the same purpose.

Significant to the information access problem are the present efforts to install the first stage of a MIS system in the Congress, under Project 520-0386. In addition to its administrative function, this system will provide the capability for tracking legislation and performing basic research. The reader is referred to section V.D of this analysis for a further discussion of the information management system.

V. ORGANIZATIONAL STRUCTURE, STAFFING AND SUPPORT

A. Organizational Overview

The Guatemalan Congress is not developed as an organization. The basic management tools necessary for the efficient administration of any organization--public or private-- are not in place. There is no officially approved organizational chart. There is no clear, written definition of responsibilities at either the department or individual level. Standard processes for information management, financial management and strategic planning are either incomplete or non-existent. A comprehensive personnel classification system and related performance evaluation system are missing.

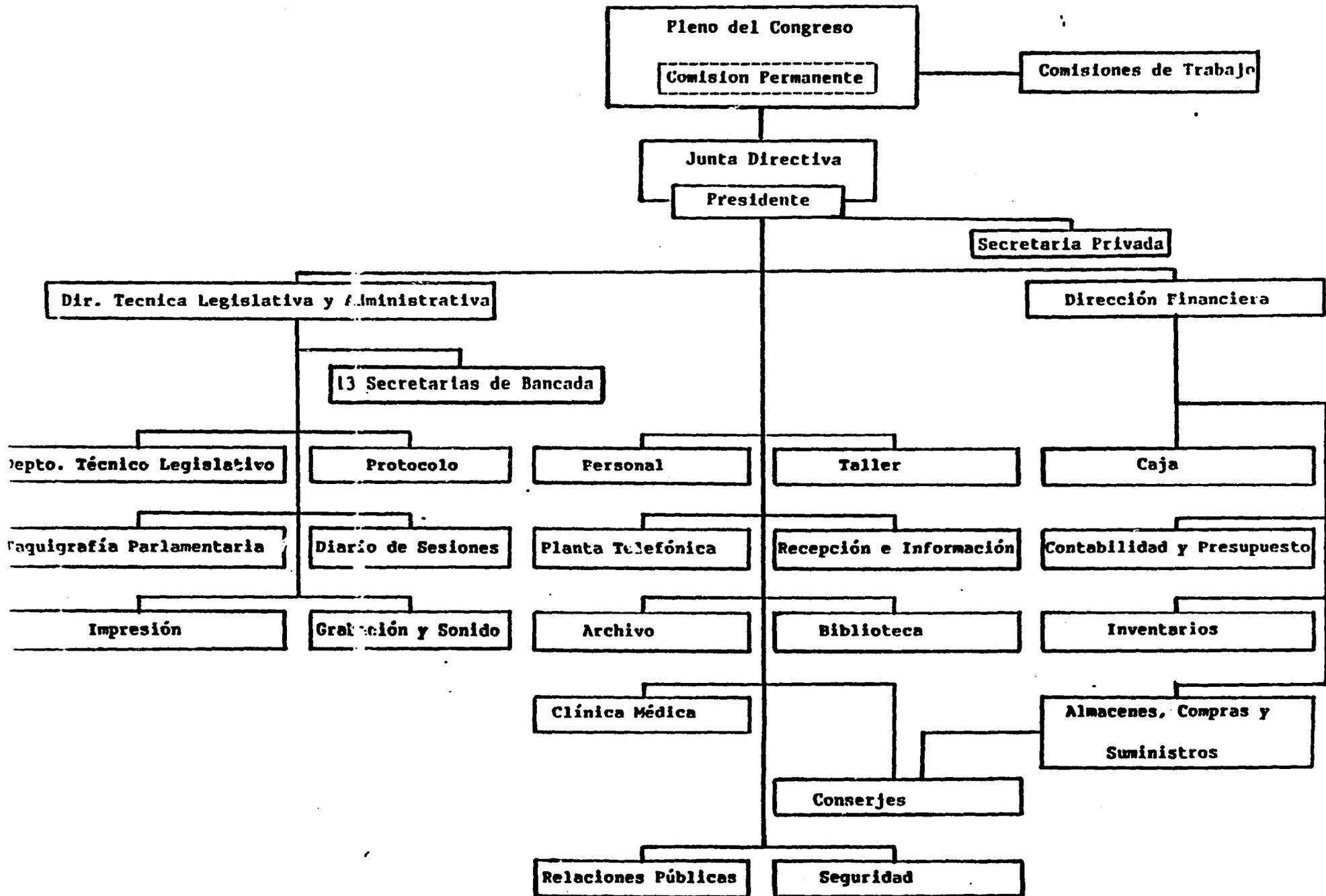
In the absence of an official organogram of the Congress, an approximation has been compiled, and is shown on the following page. It is generally recognized that at the staff level the Chief Clerk and the Treasurer serve as division heads. The Chief Clerk directs the personnel involved in the legislative process directly. The Treasurer directs the general administrative support services. Other offices, such as the library and public relations, respond directly to the President.

Generally, the level of education and work experience which staff members bring to the Congress is very low. Only the six members of the Technical Legislative Department and the four persons under the Treasurer are at a professional level. Virtually all staff are chosen for political reasons. As of January 1990 there were one-hundred and thirty-seven budgeted positions. The Congress also typically has approximately one hundred low level (security personnel, etc.) planilla staff which may change yearly with the change in the Steering Committee. Additionally, the Congress occasionally contracts persons for a specified period of time. In January of 1990 there were twenty-five contract positions.

Plenary level staff is essentially secretarial in nature. However, the President of the Congress has a politically appointed private secretary who serves as an executive or administrative assistant. This private secretary has his own secretary. Additionally, the President's office has two other secretaries. Steering Committee members also have at least one secretary. Finally, the twenty-eight Congressional committees each have at least one secretary with some having two.

Each political party has a designated space in the Congress although only the larger parties have their own office and secretaries. The smaller parties use the services of a Steering Committee or Congressional Committee secretary.

ESTRUCTURA DE LA ORGANIZACION DEL CONGRESO NACIONAL



B. The Official Mayor and Related Offices

The Chief Clerk (Official Mayor) is the chief administrative officer for the Congress and has substantial powers. He is managed directly by the President of the Congress and oversees the work of the technical and administrative personnel. The Chief Clerk has two secretaries.

The Protocol Department is responsible for all matters related to receiving visitors such as preparing for official visits from members of the diplomatic corp. It has one staff person.

The Technical Legislative Department is the clearing-house for Congressional paperwork. It files bills, tracks their progress through the system and performs other duties normally associated with a Clerks's office. Additionally, the Technical Legislative Department directs the publication of the Diario Oficial which is similar to the US Congressional Record. The six members of this department are, on average, the best educated of all the Congressional personnel. One staff member serves as the unofficial parliamentarian.

The Stenographer Pool is comprised of eight shorthand experts. Their function is to record verbatim everything spoken during the plenary sessions. They are also sometimes used in committee meetings.

The Congressional Record Department is composed of proof readers and six typists. They take the work of the stenographers and prepare it for the Publications Department.

The Publications Department has four staff members. They are responsible for the printing of all official documents. Their primary responsibility is printing of the Congressional Record. The Public Relations Department prepares documents used by the press in describing the work of the Congress. These documents include a daily bulletin, a bi-monthly review and an annual report. It is staffed by three persons.

Other administrative offices of the Congress include: Personnel (3 persons), Reception and Information (2 persons), Telephone Switchboard (2 persons), Archives (2 persons), Library (2 persons), Medical Clinic (1 doctor and 1 part-time nurse), Security (16 policemen provided by National Police), Maintenance/Pages/Messengers (17 persons), Treasurer (1 person), Accounting (4 persons), Storeroom (1 person), and the Auto Shop (4 persons).

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C. Financial Management and Budgeting

The Treasurer of the Congress prepares a budget proposal for the next fiscal year. This proposal is submitted to the President of the Congress who makes revisions as deemed appropriate. The proposed budget is then submitted to the Junta Directiva for final approval. The Congressional Budget for 1990 was Q13,078,862 (equivalent to approximately \$2.6 million). Approximately two-thirds of the budget is devoted to administration and technical services and one-third to the salaries and related benefits of the Deputies. Once approved, the budget is divided into twelve (monthly) parts and those parts are made available as lump sums to the Congress by the Ministry of Finance.

The Treasurer is assisted in his work by four accountants. He controls the budget by using cost categories (with divisions and subdivisions) and monthly expenditures. A monthly report accompanied by all the accounting documents, payroll expenses, and invoices is submitted to the President of the Congress for his approval. The Treasurer's office also maintains the accounting files, prepares the payroll, and accounts payable. Currently, all of the financial management is done manually. However, with the installation of the Local Area Network (LAN) computer system planned for late 1990, the Treasurer plans to automate the accounting system.

The Contraloría General de Cuentas audits the Congress's budget. The Congress occasionally calls for audits, and the Contraloría also makes unannounced audits. The Congress has requested that the Contraloría assign auditors on a permanent basis for use by the Congress. However, to date, this has not occurred.

The financial controls of the Congress appear adequate for its existing budgetary levels. However, if USAID chooses to implement the Legislative Project component directly through the Congress, the USAID/ROCAP Controller's Office will have to conduct an evaluation of the Congress' financial controls. Unquestionably, significant improvements could be achieved in the accounting and financial management processes presently being used. (1) In general, the accounting system is obsolete. For example, budget line items are only identified by a number and not by an accompanying descriptive phrase. Therefore, someone reviewing the budget cannot tell if an item is a fixed asset as opposed to an on-going expense. (2) Financial planning and reporting are also weak. Revenues are received on a monthly basis, however expenditures are not so evenly spaced throughout the year. Surpluses are carried-over from one month to the next, but no formal expenditure projections are made for

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planning purposes. Although the Treasurer may informally know that a certain month's payroll is higher, expenditures are treated as if they occurred in a flat-line like revenues. (3) Neither executive summaries of the financial status nor analyses of the budget are prepared for the President or Junta Directiva. They only receive a listing of expenditures and the accompanying stack of documentation.

In summary, the existing management operations of the Congress leave considerable room for improvement. The addition of the new LAN, as described below, will give the Treasurer a tool needed to improve operations. To complement this equipment, substantial refinements in the financial management system should be made.

D. Information Management

The information management system of the Congress is weak. Currently, the Congress has a handful of personal computers placed in a few Deputy and staff offices. These are primarily used for word processing. After extensive study by the Center for Democracy, in collaboration with legislative technicians from five U.S. state legislatures, it was recommended that the Congress be equipped with a Local Area Network (LAN). The newly installed LAN now serves the: chief-of-staff; technical legislative department; President's office; congressional records; treasurer's office; and stenographer's pool (Diario de Sesiones).

Training needs and follow-up to the initial MIS installation should be included in the design of the new Project. After the implementation of the first LAN system a complete needs analysis and a five year plan for the Congress should be prepared. This plan should include an analysis of the substantive needs of the committees, the potential of the library, and the feasibility of accessing external databases, as well as assessment of the organization's information storage and retrieval needs. The plan must contain a strategic understanding of the responsibilities of the Congress and be reflected in clear goals and objectives for the expansion and integration of the MIS system.

VI. SUMMARY OF PROBLEMS AND WEAKNESSES

The problems and weaknesses of the Guatemalan National Congress are many and have been highlighted throughout this analysis. Whereas the Congress' problems can be identified in many different ways, it is convenient to group them into several major categories: weak institutional image; lack of trained

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staff; insufficient access to technical information; absence of continuity and follow-up; and related impediments to institutional strengthening. At the core of all of these issues is the Congress' inability to function effectively as a legislative body. Concomitantly, the resolution of many of the problems outlined below would strengthen the Congress as a whole, and dramatically improve the functioning of the Body's committee structure, the backbone of the legislative process.

A. Weak Institutional Image

The Guatemalan Congress does not have a consistent history of active and responsible participation in governing the nation. Rather than projecting a strong symbol of democracy, the institution and its Deputies suffer from a poor public image. Many of those serving in Congress arrive ill-prepared for the job of legislating and receive little guidance or support for this responsibility once there. Collectively, the Deputies lack a sense of "Mission," as well as the will to develop and pursue one.

It is a widely held belief that the Congress operates as a "rubber stamp" for the programs and policies promoted by the nation's Presidency. This is evidenced by the paucity of bills initiated by the Deputies themselves, as well as their reluctance to actively use the "oversight and inquiry" role granted in the Constitution. Further, any past efforts made by Congressional leaders to strengthen the work of the institution were abandoned by succeeding leaders with only a whimper of dissent by the other Deputies.

As a representative body, the Guatemalan Congress lacks experience and knowledge. Neither the general public nor the Press sufficiently understand the role and function of a Congress, and therefore do not hold the institution accountable for its actions. This situation is due to, or complicated by, such factors as Guatemala's history, ethnic and linguistic diversity, high illiteracy rate, high poverty levels and lack of civic education programs. Consequently, old socio-cultural patterns kick-in and a Deputy's constituents often believe him to be a little president with powers related more to executive and/or judicial branch functions. The idea that the Deputies of Congress should represent their individual and community interests at the national level is virtually nonexistent. Pluralism, as a democratic value and practice, is not demonstrated.

B. Lack of Trained Staff

The staff support services necessary for the efficient and effective functioning of the legislature are available in only the most minimal sense. Analysis of the national budget by trained professionals is not performed. The fiscal impact or cost of bills that have been introduced is not assessed. An analysis of the content of bills under consideration is not done. Legal review of proposed and existing legislation is sporadic at best. The number of substantive positions available at the Congress is very low. Of the 137 positions budgeted for in 1990, only ten of them were at the professional level: six members of the Technical Legislative Department and four persons under the Treasurer.

Any semblance of a personnel system based on merit is absent. Most employees are hired through political appointments and there is little congruence between jobs listed and jobs performed. There are no written job descriptions, and consequently, no performance evaluations are conducted. Expertise which could be gained due to sustained performance of the same tasks is lost due to frequent transfers between offices and functions. There are no in-house training programs available to orient new staff and integrate them into the operations of the Congress and its committees. Secretaries, the institutional memory of the Congress, feel forgotten. The computer training recently offered for the installation of the MIS, was according to some, the first on-the-job training they had ever received at the Congress.

C. Insufficient Access to Technical Information

As described in section IV.D above, the Congress and its committees face serious problems in accessing solid information for the formulation and evaluation of legislation. Except for some meager assistance in the general areas of law and economics, the Congress operates without the benefit of technical experts. Although various mechanisms have been tried in the past (e.g. ad hoc committees, on-call consulting groups) to alleviate this problem, no system has been institutionalized.

Additionally, the Guatemalan Congress has no conventional support mechanisms in the form of organizational ties, such as those derived from interaction with members in other legislative bodies or with the faculty of academic institutions, research institutions and think tanks. Networking of this type, both formally and informally, could provide significant channels for the exchange of information, ideas and expertise.

Last, but certainly not least, is the gravity of the problem with the Congress' library. The lack of an adequate library and research facility is devastating to any attempts to improve the functioning of staffers or the legislative process in general. Poor library services severely limit retrieval and use of the institution's memory, as well as the access of needed technical information in other libraries and information networks (manual and computerized). Any planned improvements in the Congress' library should be made in concert with plans for expanding the MIS system.

D. Absence of Continuity and Follow-Up

The Guatemalan National Congress possesses no institutional capability for continuity and follow-through. The Ley Organica covering the organization and administration of the Congress calls for an annual change in the Body's leadership (the President and Steering Committee), which in turn affects the membership and leadership of the other 27 committees. Political, legislative and administrative agendas can change at the whim of a new President. Neither Deputies nor staff have the opportunity to achieve consistency or expertise in a particular area or role. This changing reality has serious repercussions on the work of the committees, the effectiveness of the Legislature, and the general administration of the Congress as an organization. It will be very important for Project management to track how this issue impacts the goals of the Project as well as the activities being financed.

It also is significant to note that the issue of continuity can be a problem between Congresses as well. Every five years all seats of the Congress are up for election and as a result, the new 1991 Congress has experienced an 85% turnover. Although experience with this phenomenon is still relatively little, thought should be given to how to create bridging mechanisms for other major turnovers in the future.

The problem of continuity and follow-through remains a strong argument for some of the activities proposed under this Project. Specifically, for strengthening the core professional staff at the National Congress, and for documenting key procedural systems (legislative and administrative) and institutionalizing their use.

F. Impediments to Institutional Strengthening

1. Historically Powerful Executives

The degree of power vested in Guatemala's President by the Constitution, the weakness of the Guatemalan National Congress as an institution, and the cultural tradition of

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hierarchical societies headed by a single, strong leader combine to create a balance of power tilted heavily toward the Executive Branch of government. This imbalance of power seriously reduces current possibilities for citizen participation in their government and effectively eliminates the checks-and-balances essential in the prevention of the abuse of power and the maintenance of a democratic system over time.

The role and power of the Congress is circumvented and mitigated by two specific provisions in the Constitution. The first problem is that Congressmen are allowed to retain seats in the Congress while on a leave of absence, in order to hold positions in the Executive Branch. They are substituted by other Deputies from the National Lists, or their Reserve in the case of district members, during the time they hold another governmental post. This practice subtlety implies that other positions in government are more important and dignified and similarly, it weakens the power of the Congress by occasionally placing some members under the authority and influence of the Executive Branch. This was a real problem during the last Congress when, in December 1989, fourteen Deputies had left their positions to become government Ministers.

The second problem is the one highlighted earlier under section IV.C, on the review of the national budget. The Executive Branch has the power to perform line item budgetary transfers without Congressional consent. This ability directly undermines the power of Congress and reinforces the Executive as the major branch of government.

2. Poor Physical Infrastructure

The operations of Congress suffer from inadequate physical facilities. The current physical infrastructure is not sufficient for the size and work of the Congress. The building itself is old and blatantly in need of upkeep and maintenance. For example, the lighting is poor and the plumbing and electrical systems are antiquated. Space is at such a premium that make-shift offices have been constructed of unpainted plywood in the hallways. Offices for the Congressional Record and Archives are housed in the attic area. Most and caucuses do not have offices of their own. No members except the leadership have offices of their own to receive constituents, lobbyists or the press. Equipment is generally decades old and non-electrical.

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VII. ABILITY TO MANAGE A.I.D. PROJECT ACTIVITIES AND FINANCES

The needs of the Congress are many, and the interest on the part of the new leadership for A.I.D. assistance is very high. Indeed, as explained in the Rationale section of the Project Paper, the time is ripe for working with the Guatemalan Congress on some basic institutional development issues. Whether the Congress' financial and general management procedures are sufficiently strong to handle A.I.D. funds directly, is still a question. For this reason, Project management has proposed the possibility of using a local non-governmental organization, dedicated to improving the work of the Congress, as a conduit for Project technical assistance and financing.

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INSTITUTIONAL ANALYSIS OF THE OFFICE OF
THE HUMAN RIGHTS OMBUDSMAN

I. Legal Authority and Mandate

The Procuraduría General de Derechos Humanos, or the Office of the Ombudsman for Human Rights (OHRO), was mandated by the 1985 Constitution and created in 1987. The OHRO is a dependency of Congress. It is modeled principally on the Swedish ombudsman concept, but also has adopted some of the attributes of the Spanish model.

The scope of operations of OHRO is extremely broad since it takes as its legal mandate the range of concerns classified as human rights under the Constitution. These encompass, inter alia, rights concerning the family, culture, indigenous communities, education, sports, health and social security. Thus, cases handled by the OHRO have dealt with such matters as bus fares, the treatment of prisoners, working hours of medical residents in the Social Security Hospital and even the naming of a particular substitute teacher. The single most frequent type of matter dealt with by the departmental representatives (auxiliares) of the OHRO is the impressment of underage or otherwise ineligible individuals by the military. In addition, the OHRO carries out an extensive information campaign regarding the rights of children.

The principal attributes of OHRO, as set out in its basic statute, are:

- To promote the proper functioning of, and to expedite, government administrative processes in matters involving human rights;
- to investigate and issue formal complaints regarding administrative behavior damaging to the interests of an individual;
- To investigate every type of formal complaint that may be presented by any person concerning violations of human rights;
- To undertake on its own initiative any investigations which it may consider necessary in cases where it may have knowledge of the violations of human rights;

- to investigate, with the prior order of a competent judge, in whatever locale or installation any evidence that may reasonably indicate a violation of any human right;
- To require of any private individual or public official or employee of any rank who may be present in any locale or installation referred to in the previous paragraph the immediate display of all types of books, documents, legal papers and files (including those stored on computers) except those set out in Articles 24 and 30 of the Constitution. (The exceptions deal with government information related to the files or correspondence of private individuals, including tax information, and to military or diplomatic secrets);
- To recommend to government officials, privately or publicly, a change in administrative behaviors that are the subject of valid complaints;
- to issue public censure for acts or behavior against constitutional rights; and
- To support actions or recourse, judicial or administrative, in those cases in which there is proper cause.

Additional functions of the OHRO are:

- To promote and coordinate with the responsible agencies programs of study of educational institutions, public and private, that include specific material on human rights which ought to be taught on a regular schedule and at all educational levels; and
- To develop a permanent program of activities to examine fundamental aspects of human rights; to issue informational material; and to carry out studies, compilations, juridical analyses, publications, educational campaigns and any other promotional activities designed to make all sectors of the public aware of the importance of these rights.

The OHRO can call for the suspension, demotion or removal of any civil servant found guilty of a violation of human rights; and it can initiate a legal complaint and/or intervene as a party in any criminal case involving a violation of human rights. In its 1989 annual report to congress, the OHRO set out a specific list of governmental organizations which had not taken action or responded to its requests for action or assistance, thus at least opening the door to action by the congress. However, no action by Congress seems to have been taken.

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II. Activities

A. Investigation

According to its latest annual report, in 1990 the OHRO handled 1,092 admissible cases of which 231 were cases of disappearances and 297 were murders. By the end of 1990, 529 cases had been concluded during the year (including, undoubtedly, some from previous years) and 1,911 cases were pending. In the field offices the cases filed represent only about one-third to one-half of the people seen as the rest are helped by being referred to the appropriate agency, by being counselled or by having their complaints taken up with the appropriate local officials even though the complaint may not strictly be considered a human rights problem.

The OHRO had planned to establish its own investigative capability with forensic capabilities. This implied that OHRO investigators would be visiting crime scenes and competing with the police, and perhaps the Public Ministry, for evidence. While the OHRO's current plans seem to be to develop an investigative capability to follow-up on the actions of the police, Public Ministry and Courts -- an activity that the USAID strongly supports -- there continues to be a lingering interest in a police type investigative capability. The USAID will continue to discourage a police type investigative capability as it would cause understandable inter-institutional frictions, chain-of-evidence problems, etc. Moreover, ICITAP already is assisting the National Police to establish a good crime laboratory and the GOG really cannot afford multiple crime laboratories (the Ministerio Público also wants to establish a laboratory).

B. Public Education

Next to the handling of individuals cases, the OHRO puts its greatest emphases on educational programs. The OHRO carries out a range of educational activities -- conferences, seminars and cursillos (including a four-hour lecture given to units of the police and military). The OHRO expects in the immediate future to start a regular half-hour radio program in kakchiquel each Saturday. This radio program will be expanded to other principal language groups with project assistance. The OHRO also has produced a range of posters. However, they were designed (albeit unconsciously) by upper-middle-class urban Guatemalans for upper-middle-class urban Guatemalans. It also has or is about to start a program, run through ASIES, for Educación a Distancia (remote or extension classes) for community level social development promoters. Of principal

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concern to the Education Department is the human rights education program to be installed in the public and private school system. It is working with Ministry of Education to design this program.

The OHRO's budget shows a line item equivalent to US\$67,500 for "Publicity and Propaganda." Its educational programs receive additional funding from foreign donors. The Director of the Education Department asserts that his department has designed a program of educational activities that the OHRO would like to undertake and that participating governments pick activities from that menu. Therefore, to some extent at least, the activities that are actually carried out are being determined by the donors.

C. Other Donor Support (1990):

Current international support for the OHRO includes the following:

- Germany: - Support for the development and utilization of secondary school educational materials on human rights;
- Training and equipment for the Department of Investigation; and
- Funds for the purchase of the OHRO's central office.

- United Kingdom: - Equipment for the Department of Investigation.

- Netherlands:- Support for the development of teaching materials on human rights for use in Guatemala Schools.

- Canada: - Funds for the construction of a library and auditorium for the central office.

- Australia: - Public relations and communications equipment.

III. Organization and Administration:

A. Structure and Staffing:

As of 1990 the OHRO was operating with a staff of 91, of whom 20 were located in ten departmental offices. It had an annual budget of Q2,827 million (about US\$565,500). An

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organization chart for the OHRO and a listing of staff by office follow on the next two pages.

The operations of OHRO are carried out through four principal departments:

- Registry,
- Follow-up (Procuración),
- Investigation, and
- Education and Promotion.

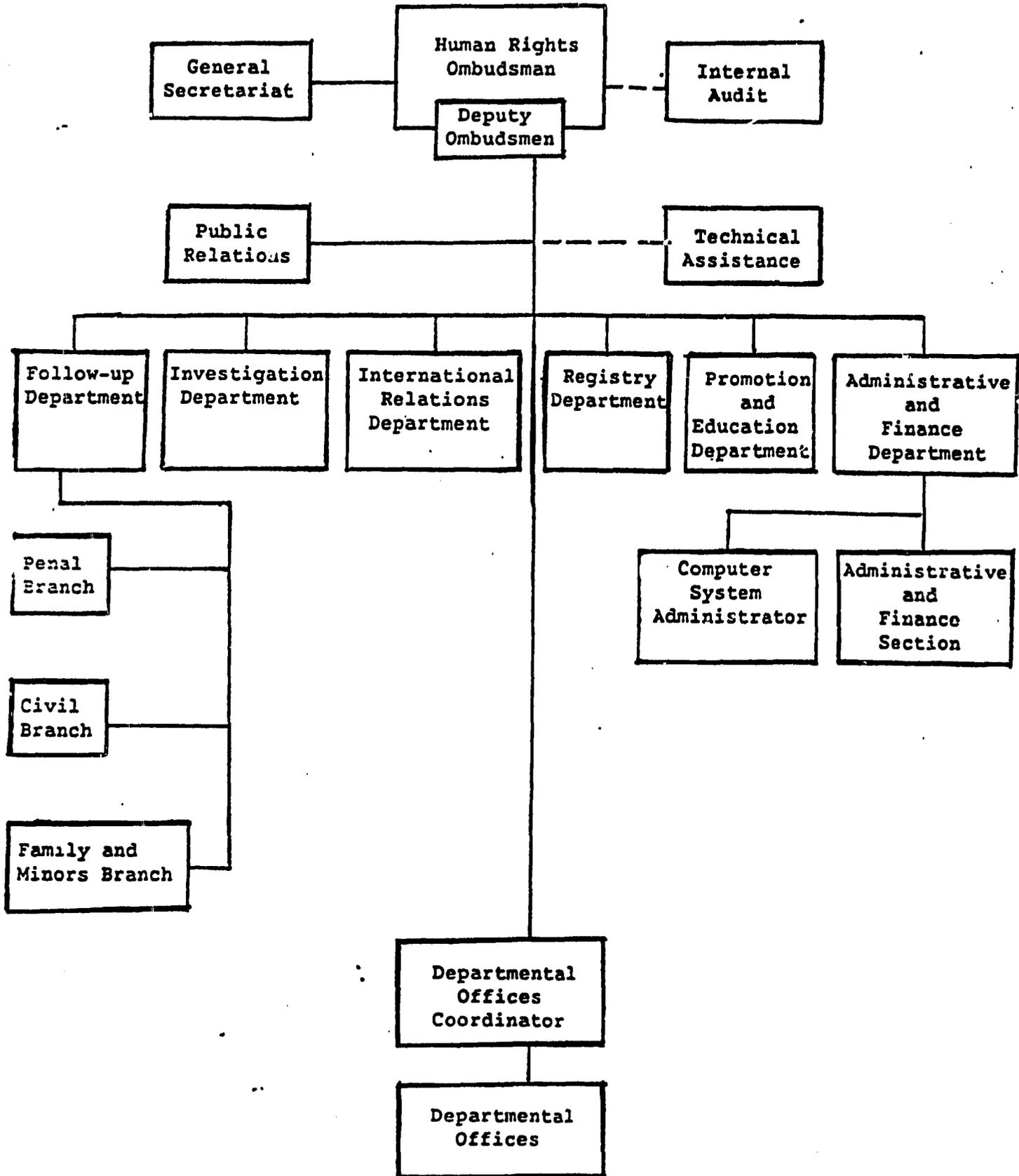
The Registry Department is responsible for recording all human rights violations which are reported to it or of which it takes note. To the extent possible, it verifies the authenticity of the violation and, if appropriate, refers the claim to the Follow-up department.

The Follow-up Department seeks to track all cases within the competence of the OHRO until they are disposed of.

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OFFICE OF HUMAN RIGHTS OMBUDSMAN

ORGANIZATIONAL CHART



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The Investigation Department provides technical support to the Follow-up Department in its investigation of cases.

1990 ORHO STAFFING PATTERN

	<u>Professional Staff</u>	<u>Support Staff</u>	<u>Total Staff</u>
Central Offices:			
Office of Procurador and immediate staff	9	19	28
Departments:			
- Registry	1	2	3
- Follow-up	12	0	12
- Investigation	1	0	1
- Administration	3	16	19
- Promotion and Education	3	3	6
- International Relations	1	1	2
Field Offices:	10	10	20
TOTAL	<u>40</u>	<u>51</u>	<u>91</u>

The Investigation Department has only one professional employee, and is still being organized. It's stated goal is to complement, but not compete with, the investigative capability of the police and other law enforcement agencies.

The Education and Promotion Department seeks to expand public awareness of human rights problems and of the OHRO's program through both formal educational work and non-formal public information.

The Administrative and Finance Office provides normal personnel, finance and supply support, and operates the central computer system for the OHRO.

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The International Relations Department seeks (very successfully) to obtain and coordinate foreign assistance to the OHRO and provide liaison with international groups concerned with human rights in Guatemala.

Field operations are carried out by department Auxiliares which are to be established in each of the 22 departmental capitals outside Guatemala City. Ten of these are now functioning.

The headquarters of the OHRO is an office building purchased with funds provided by Germany in the Center of Guatemala City. The ten departmental offices are rented and sometimes include living quarters for the auxiliares and their families. In general, office space appears to be adequate. Office furniture and equipment for the headquarters offices (which includes computers) and the departmental offices in operation were provided by USAID/Guatemala under a previous project.

Procurement and contract authority, as is typical of most Guatemalan government agencies, is centralized in headquarters. When office supplies are needed by a departmental office, for example, someone from the departmental office goes to Guatemala to pick them up. Each departmental office has a petty cash fund of only Q200 (US\$40) per month which is used for such things as local travel expenses.

As an on-going operation the OHRO is less than four years old. The oldest departmental office, in Quiché, has been in existence for about three years. Manuals of procedures for departmental offices are in preparation, but have not as yet been issued. One result of this is that there are considerable differences among the departmental offices, particularly with respect to the degree of de facto decentralization that exists. Some auxiliares take action independently, informing headquarters of their decisions and actions taken while other take no independent action, submitting all findings and recommendations to headquarters for a decision and orders to proceed. Neither of these positions seems to have evoked guidance from headquarters as to whether more or less independence is wanted. As a result, the office of the Coordinador of the Auxiliaturas Departamentales recently was established.

Communications are a serious problem for the departmental offices. To travel to a municipio capital and return by local bus frequently requires a full day because of the bus schedules. Indeed, in some cases it requires two days because the bus schedules do not allow enough time to transact

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business and make the return bus. While it is often possible to get a ride, or even the use of a car, from the local National Police or military units, a number of the auxiliares interviewed were reluctant to do so because, as one of them put it: "A favor requires a favor in return." Telephone service with the municipios is inadequate to non-existent. And yet many of the matters that come to the attention of the auxiliares require on site visits to the municipal capitals at least. One must wonder to what extent the relative isolation of the auxiliares in the departmental capitals limits access to their services to individuals within easy transportation distance of the departmental capital in which they are located.

B. Information Management

Although a "Computer Center" has been operating under the office of the Financial Administrator, it hardly has created an institutional impact in terms of information management and operations. Rather, computer, software, and personnel have been serving a very restricted clientele: the financial administrator and short term statistical needs, which are produced by a discrete man-machine operation generated by the OHRO systems analyst and a computer operator.

Case registration, case tracking, process follow-up, etc. are entirely manual operations with no use of computers. No standard statistical procedures and outputs are in place for the use of the HRO staff or outside institutions.

The implementation and operation of a MIS system is a major organizational endeavor which requires heavy management and user involvement. Computers cannot solve organizational problems without identification of specific functional standards and institutional objectives. Any further MIS assistance to the OHRO should concentrate on enhancing activities and efficiency in core departments related to human rights problems, emphasizing the automation of processes; their control, follow-up of cases, and statistical support to decision making. It has been determined that existing USAID donations of hardware and software will cover current and near future OHRO needs. The addition of equipment should be determined on the basis of more comprehensive organizational plans as well as greatly improved functional performance.

The following are the major steps the OHRO should take to better use its equipment:

- A Users's Committee should be organized which includes the heads of the four core departments, a

representative of the Office of Administration and the head of the Computer Center. This committee should define information policies and priorities. The head of the computer Center should act as the committee's executive secretary;

- The head of the computer Center should act as the Project's technical assistance counterpart for all matters related to information management; and
- A comprehensive training program should be conducted for all OHRO personnel who should utilize the existing computer system.

The following OHRO activities should be automated with the existing equipment:

- Registration of all human rights claims or accusations;
- Case tracking until final resolution;
- Records of investigation and follow-up;
- Statistics and performance standards; and
- Personnel, accounting and other administrative support functions.

C. Budgeting and Financial Management

The 1990 budget of the ORHO was Q2.8 million (US \$550,000) apportioned as follows:

	<u>Q Million</u>	
Salaries and related personnel costs	1.9	68%
Public information	0.4	14%
Rent and utilities	0.2	7%
Operating costs	0.2	7%
Miscellaneous	0.1	4%
	<hr/>	<hr/>
TOTAL	2.8	100%

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Until July 1990 the OHRO budget was prepared by the Treasurer of the Congress and approved by the Executive Board of Congress. Budget execution was controlled by the Congressional Treasurer. Recognizing the growing importance of the OHRO, Congress now has given the OHRO an independent budget and separate, independent expenditure controls. Once approved within the OHRO, the budget is reviewed by the Human Rights committee of Congress and incorporated into the National Budget. The Controller General audits OHRO expenditures as it does for all public agencies.

The Financial Manager of the OHRO has responsibility for general accounting for the central and field offices. He exercises traditional financial and administrative controls over personnel and operating costs (gasoline, supplies, etc). Accounting documents are prepared each month for the review and approval by the Procurador. The finance office also prepares financial reports for donor institutions on the utilization of the resources they provide to the OHRO.

A review of the OHRO's financial management controls by the USAID Controller's Office in February 1991 concluded that the OHRO did not have the internal control required for managing USAID funds. The accounting system presently used does not fully meet accepted accounting principles and practices (it does, however, meet GOG requirements) nor are there written procedures to authorize and, hence, control the use of vehicles, per diem and other payments. Although the Financial Manager proposes to introduce computer controls to improve his reports, other Project Assistance will be needed to bring the accounting procedures to an acceptance standard.

IV. Ability of the OHRO to Administer A.I.D. Activities

Except for the Financial control problem highlighted in section III.C above, the OHRO is more than able to administer the activities proposed under this Project. From any standpoint it possesses the elements needed to develop and implement the tracking system described in the Project. The legal authority and international support exist; as does the staff, space and basic administrative support. All problem areas, such as the need to have access to the Public Ministry files, have been incorporated into the Project design.

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INSTITUTIONAL ANALYSIS

CENTRO ESTNA

I. Organizational Mandate

The Guatemalan Institutional Development Foundation (Fundación DIG) is a non-profit organization established in 1988 for the purpose of promoting a national understanding of, and consensus on, the major issues and problems that face Guatemala. Fundación DIG established the Center of Strategic Studies for National Stabilization (Centro ESTNA) as a dependency and the primary vehicle for its programs. In October 1989 ESTNA inaugurated its annual seven-month course for national opinion leaders on the political, economic and social factors affecting Guatemala's development.

II. Background

In 1982 the Guatemalan Armed Forces initiated a review of the validity of the Theory of National Security which had governed their actions since World War II. There was a consensus that the Armed Forces needed to establish "national objectives" in place of solely military ones, and attempt to make the institution an integral part of Guatemalan life. It was no longer productive to isolate the military from the principal civilian actors in Guatemalan society. In conclusion, it was recommended that the Armed Forces facilitate dialogue among all sectors of society in order to counteract the two elements that characterize political and social relations in Guatemala: exclusion and confrontation.

A committee was established to study dialogue models being used in other Latin American countries (such as Venezuela, Brasil, Peru, etc.). It was found that all had adopted the "Altos Estudios Militares" model, oriented predominantly toward broadening the academic formation of the military. This model was deemed inappropriate as it did not respond to the need to break with the isolation of the Guatemalan military. As a result, the idea of a private foundation was proposed and accepted.

Fundación DIG (Foundation for the Institutional Development of Guatemala) was established on December 26, 1988. There were 17 founding members representing both the military and distinguished private citizens. Subsequently, Centro ESTNA was established and tasked with developing an annual course which would bring together leaders of all major groups in Guatemalan society: private sector, campesinos, labor unions, military, government, etc.

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III. The Annual Course

The annual course for opinion leaders is divided into three modules: a) the national and international context for Guatemala's economic development; b) specific problems which face Guatemala and her leaders; and c) strategic planning for resolving these problems. The first training course ran from October 1989 to June 1990, with 55 participants. It was observed by Department of State, U.S. Congressional and A.I.D. personnel and received very high marks. Most impressive was the ability of the participants to set aside sectarian interests and develop a conciliatory attitude toward those of totally different viewpoints. A team of facilitators worked painstakingly to create an atmosphere conducive to open and positive interchange between those attending the course, each of them representing a different segment or sector in society.

ESTNA was, and remains clearly determined to not be identified politically with a specific tendency, but to carefully tailor its image as being dedicated exclusively to its objectives and methodology: fostering dialogue and building the democratic bases for conflict resolution.

IV. Institutional Sustainability

In December 1990, the USAID Mission received an unsolicited proposal from the Fundación DIG requesting A.I.D. assistance in funding Centro ESTNA's 1991 course. Early in the design stage of the Democratic Institutions Project it was determined that the ESTNA course supported the goals and objectives of the A.I.D. Project, but that the USAID had serious concern with the institutional sustainability of ESTNA. Therefore, in response, the Mission established a formula by which it was willing to assist ESTNA. Essentially, A.I.D. is willing to contribute to the costs of the annual course over the next four years, on a declining basis, as long as A.I.D.'s contribution never exceeds 49% of the overall expenses. It appears that USAID's negotiations have succeeded in that ESTNA has acquired sufficient funds to cover about 61% of the costs for the 1991 course. Because of the relative newness of Centro ESTNA and the further efforts which must be made toward institutional sustainability, the Mission has decided that it will refrain from any obligation of funds with ESTNA beyond the \$250,000 budgetted for FY 1991.

V. Ability to Manage A.I.D. Project Activities and Finances

In December 1990, A.I.D. provided a limited scope grant to ESTNA in the amount of \$117,000 to provide a seminar to the new members of the Guatemalan Congress. An average of 75 representatives from a total of 116 attended the three-week

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session. The course dealt with Guatemala's economic, political, and social reality, in the national and international context, and the role of Congress in dealing with the issues and problems which emerge from this reality.

Because ESTNA was not certified to handle A.I.D. funds at that time, they did a lump-sum reimbursement, which included a 100% audit on all expenses incurred for the deputies' orientation. Since then ESTNA hired an accounting firm to design and implement an accounting and control system acceptable to A.I.D. At the time of this analysis, ESTNA's new system was in place and being reviewed by the USAID's Controller's Office. There is every reason to believe that the system will be approved by the Mission and that ESTNA will handle funds in accordance with A.I.D. procedures.

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PRIVATE SECTOR INSTITUTIONS

The design team for the Democratic Institutions Project Paper recommends considering the use of private sector institutions for several activities: civic and human rights education; and the democratic indicators monitoring system. It is the intention of the USAID Project management office to compete these activities both in the U. S. and locally, assuming a "Buy America" waiver is acquired. The following is a list of some of the local organizations that may choose to respond to AID's request for proposals. The purpose of this list is to ensure a local capability; it is not intended to be exclusive.

A. Non-Formal Civic Education.

There are many NGO's in Guatemala (some local, some international) with experience in non-formal educational outreach. Since the country's return to democracy in 1985, there has been a significant expansion of the work of private groups (e.g. ASIERS, CEDEP) in support of democratic development. These groups have undertaken studies of political issues of local importance and shared the results of these studies with the government and political parties. Others have supported information campaigns on the election process or democratic/human rights practices in general. These organizations are typically based in Guatemala City, but carry out their activities throughout the country. The objective of the non-formal civic education sub-component is to draw upon this interest and enthusiasm, and to buy services capable of reaching the marginal population in Guatemala with information about democratic values and practices.

1. ASIERS: A highly respected social science research and think-tank operation which has demonstrated its capability to provide technical assistance for grassroots organizations working in education. They have an ample network of institutional contacts working at the community level.

2. Atanasio Tzul: The Atanasio Tzul Institute for Investigation and Training (ICAT) seeks to consolidate democracy in Guatemala through civic-political education. Since 1988 it has devised and implemented a part-time promoters program in the basic elements of democracy, reaching 35,000 people, as well as a half-hour radio program produced in Spanish and Kekchi

3. CEDEP: Since 1983, has given some 25 public issue forums for approximately 5,000 persons. Has also participated in the training of some 48,000 persons to participate in elections. Since 1988 has published a booklet on democracy, distributing some 40,000 copies.

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4. FUNDESA: A private foundation established to foster an improved image and role for the private sector in Guatemalan society. They have engaged various public education efforts and been active participants in the election monitoring process.

5. Instituto de Investigación y Autoformación Política - INIAP: Works with labor and community leaders (German and Dutch Funding) on leadership development for democracy.

6. Private Universities with Faculties at the Departmental level: These universities (Marroquín and Landívar) have active extension divisions at the departmental level and would be able to develop a nationwide program which could be monitored due to their physical presence in the area. They also have very satisfactory political science faculties.

7. ANDAR/Guatemala: OEF-initiated grassroots organizations which focus on community level activities with men and women. They have a strong track record in other Central American countries.

8. Partners of the Americas.

B. Monitoring

1. ASIES: Has done extensive work in both data gathering and interpretation. Is staffed with highly capable political scientists who have been researching and tracking Guatemala's return to democracy.

2. DATAPRO: Data processing activities for the social sectors has been highly satisfactory in its activities with the Mission to date. They are interested in getting involved in the democracy area and have a broad knowledge of databases available in-country, and interpretation of the same.

3. Universities Marroquín and Landívar: Their social science faculties, particularly political science, are currently working on tracking progress on political development of Guatemala, both from an attitudinal and institutional standpoint. A number of professors also are researchers for ASIES.

4. CEDEP: Received funding from NED to conduct an opinion monitoring campaign around the 1990 Presidential elections. They became involved with grassroots opinion surveys on attitudes toward democracy and democratic institutions. In recent meetings with the Mission they have expressed their interest/intention of continuing with both this and public education activities.

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EXTERNAL ASSISTANCE TO DATE
FOR STRENGTHENING DEMOCRACY IN GUATEMALA

I. U.S. Government Assistance

A. Administration of Justice

A.I.D. has supported three major projects for strengthening the operation of the Guatemalan justice system. One was through a Cooperative Agreement with the Harvard Law School; another was through the Regional Administration of Justice Project with the Latin American Institute for Crime Prevention and the Treatment of Offenders (ILANUD), a UN-affiliated organization in Costa Rica; and another is through a USAID/Guatemala Project Agreement with the court system.

The activity with the Harvard Law School began in mid-1987. It was completed in February 1991 (field work ended in September 1990). USAID/Guatemala provided \$2,283,000 in support of the activities. Through a series of seminars and workshops held in Guatemala and in the United States the project evolved into one whose focus was on designing and implementing activities with pilot courts in Guatemala City and in the rural area around and including the town of Totonicapán.

The pilot court activities began in Guatemala City in May 1989 and in Totonicapán in July 1989. The purpose of the pilot court activities was to try out a series of changes in the ways in which the first instance courts gather evidence and conduct trials. Emphasis was placed on obtaining the close cooperation of selected members of the police and the prosecution staff of the Public Ministry with the judges of the courts involved and on introducing the use of compressed, oral hearings involving the judge, the parties, their lawyers and their witnesses. The activities involved training of the representatives of the court system and the prosecutors from the Public Ministry, modification of the physical configuration and equipping of the participating courts, and technical advice from representatives of Harvard.

The Regional Administration of Justice Project began operations in 1985. Guatemala was included in its activities beginning in 1986. Those activities will be completed in late 1991. The main accomplishments of the regional project in Guatemala are: (i) the preparation of an analysis of the

justice sector by Florida International University which was conducted in late 1987 and early 1988; (ii) the formation of a National Justice Commission (now moribund); (iii) the provision to Guatemalans of training in courses, workshops and seminars organized by ILANUD both in and outside of Guatemala; (iv) the provision of a basic library in criminal law topics for the Supreme Court; and (v) the organization and implementation of pilot efforts in the compilation of juridical information and in the collection of statistics re the operation of the courts and the use of that information in case-tracking.

USAID/Guatemala entered into a Project Agreement with the court system in September 1988 to support a comprehensive program for improving the administration of the court system. The program contemplated continuing the efforts undertaken by the regional project and the Harvard Law School project as well as undertaking many additional activities. While formally limiting the project to an initial three year period, USAID/Guatemala planned to extend the life of the project for an additional two years with supplementary funding in order to carry out the ambitious program being undertaken with the court system, to permit the implementation of a similar comprehensive program with the Public Ministry and to support a program for public defense which was to be designed. Activities under the project got underway in January 1990. Implementation has been slow and troublesome due to the difficulties experienced in reaching an effective working relationship among the court officials, USAID/Guatemala and the contract group in charge of providing technical assistance.

It is likely that a slower moving and less comprehensive program than was originally contemplated with the court system will be followed during the remaining period (through FY 1991). However, activities with the Public Ministry under the project have moved forward somewhat faster than was originally contemplated.

B. THE CONGRESS

1. Prior Efforts

USAID/Guatemala began its assistance to the Guatemalan Congress by providing funds for organizing two conferences at Lake Atitlan (Atitlan I and II) in 1986 and 1987.

2. Central American Legislative Leaders Training Seminar

In August of 1986 AID/LAC provided a grant in response to an unsolicited proposal from the Washington, D.C. based Center for Democracy (Center) for a Central American

Legislative Leaders Training Seminar (CALTS). The Center is a private, non-profit, non-partisan organization which promotes the strengthening of democratic institutions and processes both in the U.S. and abroad.

Phase I of the program involved organizing two trips for 20 Central American legislators to observe legislative institutions in the United States. The first trip, conducted in December of 1986, brought the Central American legislators to the U.S. Congress and state legislatures in Minnesota and Massachusetts. The legislators met with the legislative leaders and attended meeting designed to acquaint them with typical legislative support services and technologies.

Phase II of the CALTS program brought the Central American legislators to the Council of Europe's Second Conference on Parliamentary Democracy in Strasbourg, France in September of 1987. A follow-up conference was organized in Washington, D.C. during May of 1988. The Washington meeting included the Strasbourg Conference Steering committee, members of the European Parliament and U.S. congressional leaders. As a result of this Washington follow-up meeting a colloquium on "Democracy and Development in Central America" was held in February 1989 in San José colloquy were partially funded from the regional AID project.

3. Strengthening Democracy Bilateral Project

The success of the CALTS initiative resulted in USAID/Guatemala's signing a three year Cooperative Agreement with the Center (Strengthening Democracy Project No. 520-0386) in May of 1987. The project, using regional LAC/DI funds initially, intended to strengthen the capacity of both the Deputies and the staff of the Guatemalan National Congress.

The Center's efforts to date for the Deputies have: (i) provided opportunities to study specific issues and topics; (ii) provided opportunities for personal interaction with the members of legislatures from other countries; (iii) raised the level of understanding, expectations and support regarding their role and the role of legislative staff; (iv) provided a large MIS/computer and reproduction system and (v) prepared a comprehensive manual on legislative procedures.

The Center's work with the staff of the Congress has centered on training efforts and exposure to modern legislative techniques in order to increase their professional capacity and to provide opportunities for personal interaction with legislative staff from other countries. The Center has also sponsored various research studies and published documents

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related to the work of the Congress. Additionally, the Center has coordinated the needs analysis, design and purchase of a new computer system for the Congress. A yearly summary of the Center's activities follows.

a. 1988 Activities

The Center started its work with the Guatemalan National Congress in March by organizing a trip for five key staff members to the U.S. Congress and to the state legislatures of Minnesota and Massachusetts. The participants examined the process of compiling and revising laws and procedures at the state and federal level, of drafting bills and of the use of modern legislative practices and legislative support services.

The second activity in 1988 was providing technical support and equipment to the 79th Inter-Parliamentary Union (IPU) Conference. This conference, hosted by the Guatemalan Congress, was held from April 8-16 in Guatemala City. The IPU is the oldest existing organization of legislative bodies. In addition to its annual meeting, the PIU holds regional and specialized meetings on issues of topical interest.

In June of 1988, Atitlan III was held for all the Members of the Congress, the General Secretaries of the political parties and the top Congressional reporters. The topic of this year's seminar was: "The Role of Political Ideologies in Parliamentary Systems." A seminar on public relations and the relationship between Congress and the Press was organized during August of 1988 for twenty-nine congressional reporters. This was an attempt to improve both the technical capacity of the Congressional Public Relations Department as well as to promote increased communication and understanding between the Congressional staff and the Congressional press corp. The final activity of 1988 was a seminar for the Deputies, selected staff and key congressional reporters held in November. The purpose of this seminar was to acquaint the Deputies with the GOG's budget and their role in the process of reviewing it and adopting it.

In addition to these issues-oriented and training seminars, the Center conducted an on-going assessment of the equipment needs in the Congress. The Center also provided Congress with the funds to publish two documents intended for the general public: Información General Sobre el Congreso de la República and Congreso de la República.

b. 1989 Activities

The first activity of the year was a visit to Guatemala in February of a group consisting of a Canadian delegation, European parliamentarians from the Council of Europe and the European Parliament and a U.S. Congressman. The purpose of the visit was to discuss issues of environmental education and human rights.

During the period from February to July the Center sponsored a series of interpersonal relations seminars taught by Alinari Escuela Técnica Superior. These seminars were designed to improve the communication and work attitudes of the Congressional employees. Participation was encouraged but was voluntary.

A visit by five members of the U.S. Clerks and Secretaries Association during April continued the efforts to provide exposure and staff development for the professionals in the Congress' Technical Legislative Department. Additionally, the U.S. visitors gave support and guidance for the founding session of ATELCA, the Association of Central American Legislative Technicians.

Another visit by the Chief Clerk and six staff professionals from the Guatemalan Congress to four U.S. state legislatures (Alabama, Wisconsin, Michigan, and Florida) was conducted in April. This trip was designed to provide the Guatemalan staff with a more detailed and in-depth exposure to modern legislative staff functions and processes. A particular focus was placed on the computer systems being used in each state with the intention to provide the information necessary for the Guatemalan staff to participate in the design of a system for the Congress. In September five U.S. state clerks came to Guatemala to present and discuss the document they had prepared on computerizing the work of the Congress. This trip finalized the information necessary for the preparation of a request for proposals for the necessary equipment and training.

The first of four reports subcontracted by the Center in an initial effort to describe various aspects of the Congress was received. The report, prepared by the local firm Pro Desarrollo S.A. was on the library and research facilities of the Congress.

Atitlán IV was conducted during October with the participation of 20 deputies of the Congress. The subject for this year's meeting was the "Role of Congress in the Budget Process." Also during this month, the Chief Clerk attended the annual meeting of the American State Legislative Clerks and Secretaries meeting in Hartford, Connecticut.

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The Center also provided partial financial support for a major seminar on human rights in Guatemala during October to review current efforts in this field. The five-day seminar brought together eighty-five participants: Deputies of the Congress, Executive Branch functionaries and United Nations officials.

ATELCA held its second meeting during December in San José, Costa Rica with approximately thirty people participating. This meeting solidified this new organization, and brought recognition to the Guatemalan delegation in the form of the election of the Congress' Chief Clerk as the Association's president.

The Center, at the request of the President of the Congress, also financed the publication of the text of two laws passed during the preceding year--the Municipal Code and the Civil Service Retirement Law. The second of the four planned studies by Pro Desarrollo S.A., "Deputy Constituent Relations in the Guatemalan National Congress," was completed during December.

c. 1990 Activities

The third Pro Desarrollo S.A. report, "Staff and Training Needs of the GNC" was finished during January. This was followed in April by the last of the four reports: "The Committee System of the Guatemalan National Congress."

Refinement of the information necessary to prepare a request for proposals for computer equipment and training also occurred during the first quarter with the request for proposals being issued during the second quarter. Bids were received and a vendor selected during the third quarter. The Congress also benefitted from the donation of three personal computers and a laser printer by the Michigan State Senate. This donation was supplemented by the Center's purchasing a second laser printer for use with this equipment.

d. 1991 Activities

The installation of the computer system and the holding of three training seminars to acquaint the Congressional staff with the use and maintenance of the new system. Additionally, the Center assisted the Congress with a conference for indigenous legislators from Latin America and sponsored a third ATELCA meeting. Finally, the Center is planning to publish a legislative procedures manual for the Congress in May. This manual will focus on the administrative procedures necessitated by the new computer system as well as other procedural questions.

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4. Evaluation of Efforts.

An evaluation of the CALTS and bilateral programs was submitted to LAC/DI and the Mission in March 1990. The following are the major conclusions of that evaluation.

Major Accomplishments

- Innovation in program design by drawing on the resources of U.S. state legislatures;
- Important contacts established with international parliamentarians;
- Improved communications among legislators at both the national and regional level;
- The formation of ATELCA;
- The design of a computerization program for the Congress;
- Creation of a market for additional activities by instilling awareness among legislators and staff of the need for legislative development;
- Success in establishing a high level of trust between the Center and the Congress; and
- Appropriateness and strength in the Center's non-partisan approach.

Issues or Problems

- Lack of experience in legislative development on the part of Center's staff;
- Missed opportunities in the first two studies conducted by Pro Desarrollo S.A.;
- Diversion of the attention of the Center's Guatemala staff by the Center's Washington office; and
- Weakness of the Atitlan seminars due to their use by some participants as parties financed by A.I.D.

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Recommendations

- A.I.D should accentuate legislative development in its future work to strengthen Central American legislatures. The evaluators recommended considering the use of collaborative arrangements which would build on the Center's strengths while incorporating academic and other institutions with greater experience in legislative development.
- The Center should work to integrate the experience, expertise and resources of other Guatemalan institutions into its work with the Guatemalan Congress.
- The Center's President should consider the need for a senior staff member, perhaps at the vice presidential level, who would have significant management responsibility for the Center's programs.
- The director of the Guatemala program should not be diverted by the Center's Washington staff from the assignment of working with the Guatemalan Congress.

5. Future Regional Assistance

LAC/DI initiated a three-year regional legislative development project for Latin America and the Caribbean in late 1990. The project will be administered and managed by the Consortium for Legislative Development which is composed of three cooperating institutions---The Center for Democracy, Florida International University, and the State University of New York at Albany. Each of these institutions has considerable experience conducting programs in Central and South America related to legislative development.

The goal of the regional project is to support the institutional strengthening of legislatures in Latin America and the Caribbean (LAC) so as to provide maximum assistance to their leaders, members and staff in efforts to legislate effectively. The objectives of the project are:

- To identify and meet immediate and short term needs identified by legislators and their staffs, and to develop short term training programs in legislative operations;

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- To organize and facilitate bilateral and regional exchange opportunities among members and staffs of other democratically conceived legislatures;
- To encourage the development of LAC legislative institutions with permanent institutional capacity to continuously address their own institutional needs, such as staff training, information systems and public policy analysis.

The regional project has five interrelated components:

- Assessments of Needs;
- Regional Training Seminars;
- Technical Assistance;
- Legislative and Management Information Systems; and
- Degree, Non-degree and Internship program.

Participants in the regional project will be from interested legislatures in the Latin American and Caribbean region. The criteria for the selection of the participants will be based on the degree of interest expressed by the political leadership of the countries and the input of the local USAID Missions. Some of the project activities (for example, needs assessments) will be conducted upon request of the local Missions at no cost to those Missions. Other activities (such as regional seminars) will require that Missions pay only transportation costs and per diem for the participants they sponsor. The project also will offer a range of other services (technical assistance, organization of local seminars, etc.) which local Missions can receive on a "buy-in" basis.

The core budget for the project is approximately \$3 million with anticipated buy ins from Missions expected to bring the total effort to a substantially higher level.

C. Journalism and Fellowship Programs

Florida International University (FIU) is conducting a program in the Central American region to improve the media through a Cooperative Agreement with AID/W. This seven year program got underway in 1988. The program is working to strengthen the training and professionalization of journalists. A regional journalism center is being established

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in Costa Rica. Round tables and training programs are being held in each of the countries, including Guatemala, as well as in Miami. The training is practical, "hands on" in nature. It treats themes such as how to research a topic, writing skills and the ethical aspects of reporters' work. The program produces a professional journal which is well received in Guatemala. The FIU program is considered to be well managed and to maintain high standards. It will seek to leave in place regional institutions and programs to continue to improve and professionalize journalism after the completion of the current project in 1995.

Guatemala participates in the Latin American Scholarship Program for American Universities (LASPAU) which is used for university faculty development. Post graduate scholarships are also provided through the Institute for International Education (IIE) program, the Hubert Humphrey Scholars program and research grants for historians. USIS also sponsors short-term training for new diplomats.

The USIS International Visitors program has been used to support visits to the United States by journalists, legislators, senior government personnel and opinion leaders. This program seeks to identify potential leaders in each field, to link them with their professional counterparts in the U.S. and to increase their awareness of democratic systems and values. The Central American Peace Scholarship program similarly has focussed on expanding awareness of democratic values. Through these various programs during the past five years over 3,900 Guatemalans have participated in short-term observational programs in the U.S.; and 1,100 Guatemalans have participated in longer term U.S. academic programs.

All of these programs seek to increase the awareness of democratic values and to strengthen Guatemalan democratic institutions through influencing their leaders. Their impact is slow and incremental. The impact of cable and satellite TV from the U.S., and the values which they convey, is undoubtedly wider; but impact is limited to the English speaking, urban middle and upper class people. The mass media, independently as well as with USIS support, gives a continuous flow of information about U.S. systems, problems and successes to those Guatemalans who follow international events. Indirectly at least, the communication media gives Guatemalans a comparative perspective on how their own political systems operate.

D. U.S. Assistance to Date for the Supreme Electoral Tribunal

LAC/DI has provided support to the Supreme Electoral Tribunal (SET) through the Electoral Institute of Latin America (CAPEL), under a regional project which used CAPEL to organize

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the training of personnel for the Guatemalan elections of 1985, 1988 and again for the elections of 1990/91. CAPEL has used the professionals and facilities of Rafael Landivar University in Guatemala to design and carry out this training for primary school teachers who in turn provide training for the four voting commissioners in each of the voting tables in the Country. CAPEL also has conducted international seminars for election officials to discuss common problems in carrying out elections. Some 30 Guatemalans have participated in these activities. CAPEL has also provided technical assistance to Guatemala on electoral identity cards.

The AID Mission has provided direct assistance to SET through a series of grant agreements. In 1985 \$234,000 was provided by LAC/DI in support of the November 1985 elections. In 1987 \$600,000 was provided by the AID Mission to acquire equipment and technical assistance in support of the April 1988 elections and post-election institutional strengthening. In 1989 \$800,000 was provided in support of preparations for the November 1990 election. The funds were used for purchasing security paper for ballots, the renting of vehicles, the training of election workers and support for election deserves.

E. U.S. Assistance to the Human Rights Ombudsman

In 1988 the AID Mission made a grant of \$300,000 to the Guatemalan Congress. These funds were used to provide furniture and equipment for the central and regional offices of the office of the Human Rights Ombudsman. The equipment includes typewriters, photocopy machines, fax machines and nine vehicles. In fact most of this material has gone to the central office.

F. U.S. Assistance to Education for Democracy

A series of regional training activities in civic education have been carried out under the LAC/DI Regional Leadership Development project. Guatemalans have participated in these programs which have been carried out in Guatemala and in other countries. The Overseas Education Fund (OEF) also has conducted training activities in Guatemala with funds from LAC/DI. These programs have promoted community clean-up programs, and trained primary health care workers and others in community leadership techniques.

G. Political parties

There is no project currently underway which provides direct support to the political parties of Guatemala. However, indirect support is provided through USIS's Leader Grants described in (3) above. Political party leaders are considered prime candidates for that program. Approximately 20 leaders from Guatemala's political parties participate in the program each year.

In July of 1990 ROCAP funded a two week seminar conducted by INCAE for leaders of political parties in the Central American region. Approximately 50 persons (nine Guatemalans) selected by their political parties, participated. The objective of the seminar was to provide exposure and training in management techniques for political parties. Additionally, general themes and topics of interest (for example, free market versus state controlled economies) to the nations of the region were discussed.

II. Other Donor Assistance for Strengthening Democracy

Since a democratically elected government came to power in 1986 in Guatemala, a number of international agencies have expanded their support for democratization activities.

The German foundations for development have been particularly active in this area. Much of this aid has been channeled through and in support of the Christian Democratic Government. One of the German foundations is planning to fund an orientation seminar for newly elected congressional deputies in November 1990. Another has provided support for the research work of the Association of Social Studies and Research (ASIES). German assistance has provided funds for the purchase of the office building for the OHRO as well as support for its investigation and educational work.

The Spanish government has been another strong supporter of the democratization process in Guatemala. Its assistance has included providing a reference library of materials for the use of the OHRO.

Canada has supported the Human Rights Commission in Congress and the OHRO; and, through its PVO organizations, has provided US \$7.6 million in support of local initiatives in community and municipal development.

The Scandinavian countries, especially Sweden and Norway, have been active in their support of human rights concerns in Guatemala. The Guatemalan Congress has had programs of interchange with their Scandinavian counterparts.

The OAS has conducted investigations and prepared reports for its General Assembly on human rights in Guatemala through the work of its Inter-American Commission on Human Rights. The OAS has also organized in-country training activities to strengthen local participation in social development activities.

The Dutch, Canadian and British governments are collaborating with the OHRO in the development and utilization of educational materials. These materials have sought, through the school system and directly with the adult population, to create an increased awareness of human rights problems in Guatemala.

The Interamerican Development Bank with a loan of US \$18 million has also been instrumental in strengthening local government through its projects with the Municipal Development Institute (INFOM). IDB has provided a US \$1.3 million fund for communal development as well.

The World Bank has supported community development and participatory-type projects in the urban slums of Guatemala city as part of a US \$29 million loan. Local participation in social development projects has become an increasingly important aspect of the Bank's program.

The United Nations has been active in the human rights and refugee fields. The UN has had an expert on human rights working in the country to strengthen public programs in this area, especially that of the Presidential Advisory Commission on Human Rights Matters (COPADEF). The UN High Commission for Refugees (UNHCR) has worked with displaced Guatemalans both within the country and in Mexico. This has included efforts to resettle and reincorporate these refugees in communities in Guatemala. The UNHCR has organized courses for the public sector on human rights issues in Guatemala. UNICEF has been active in gaining recognition for the human rights of children in Guatemala and for the need to take more adequate protective measures to avoid child abuse. With Norwegian help it has also worked to expand community participation in marginal urban areas. The UNDP has developed plans to involve youth more extensively in development activities.

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Figures in US\$

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	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	TOTAL
NATIONAL CONGRESS COMPONENT						
Deputies Role and Functions						
Short term technical assistance in areas of legislative functioning: 36 months x \$15,000 each month		45,000	173,250	173,250	173,250	564,750
Short term local technical assistance for planning facilitation, guidelines, and workshops on public participation, public relations: 12 months x \$1,200 each month		3,600	3,780	3,780	3,780	14,940
Large group training for all Deputies: 3 days per year x \$5,800 each day		17,400	18,270	18,270	18,270	72,210
Half-day in house courses for Deputies on special topics: 30 Deputies per course x 10 courses per year x \$750 per course		7,500	7,875	7,875	7,875	31,125
Central America regional level seminars: 5 persons per seminar x 3 days, tuition, travel, per diem		2,700	2,720	2,720	2,720	10,860
Interchange with U.S. Legislatures: 10 trips per year x 7 days each			17,423	17,423	17,423	52,268
Intra-regional networking: 8 trips per year x 3 days each		6,080	6,224	6,224	6,224	24,752
Sub-total	0	82,280	229,542	229,542	229,542	770,905

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	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	TOTAL
NATIONAL CONGRESS COMPONENT						
Staff Support Services						

Short term external technical assistance for specialty training and advisory assistance: 3 months per year x \$15,000 each month		45,000	47,250	47,250	47,250	186,750
External and local technical assistance for staff training needs assessment: 1 month external \$15,000 + 1.5 months local \$1,200		16,800				16,800
Local staff training for orientation and skill-building in computers, administration, office systems, etc. 100 persons x 3 days x \$50 per day			15,750	15,750		31,500
Issue-oriented workshops for professional staff: 5 per year x \$750 each			3,938	3,938	3,938	11,813
Senior staff attending Central America regional seminars/conferences: 5 persons x 5 days each			5,150	5,150	5,150	15,450
Design and testing of in-service training program 1 month of external TA + 3.5 months of local TA + materials				20,200		20,200
Inter-institutional visits in U.S. and C.A. region 1 per year x 5 days each			2,546	2,546	2,546	7,639

Sub-total	0	61,800	74,634	94,834	58,884	290,151

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ILLUSTRATIVE INPUTS/BUDGET ESTIMATES
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	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	TOTAL
NATIONAL CONGRESS COMPONENT						
Increased Access to Technical Information						
A. Library Improvements						
Physical equipment up-grade: PC, peripherals, software, fax, typewriter, computer desk, chairs shelving, desks, file cabinets, conference table, and 2 months of technical assistance			22,000			22,000
Acquisitions: books, magazines, data base suscriptions, user fees, etc.			21,000	21,000	21,000	63,000
Travel and perdiem for Librarian: 1 trip per year in Central America x 5 days each			1,030	1,030	1,030	3,090
Material and supplies for the library			8,000			8,000
B. Management Information System Review/Up-grade						
External technical assistance: 1 month			15,000			15,000
Local technical assistance: 6 months		3,600	3,780			7,380
Equipment: PC, terminal, software, etc (based on the review)			30,000	30,000		60,000
C. Inter-Institutional Access to Technical Expertise						
External technical assistance in different areas: 3 months x \$15,000		15,000	30,000			45,000
Inter-institutional contract mechanism: 3 years x \$25,000 per year			25,000	26,250	26,250	77,500
Sub-total	0	18,600	155,810	78,280	48,280	300,970

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	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	TOTAL
NATIONAL CONGRESS COMPONENT						
Organizational Development						
Organizational studies: 2 per year x \$15,000 each		30,000	31,500	31,500	31,500	124,500
Manual reviews: 5 contracts x \$5,000 each		5,000	10,500	5,250	5,250	26,000
Sub-total	0	35,000	42,000	36,750	36,750	150,500
Total Component	0	197,680	501,985	439,405	373,455	1,512,526

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DEMOCRATIC INSTITUTIONS
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Figures in US\$

	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	TOTAL
HUMAN RIGHTS COMPONENT						
Oversight of Investigations						
<hr/>						
Short term external technical assistance to design, implement, and periodically evaluate violent crimes tracking systems: 7 months x \$15,000 each	45,000	15,000		47,250		107,250
Computer software/limited hardware		5,000				5,000
In-country training for OHRO staff on use of system and follow-up investigations: 2 1-day training sessions x 15 persons x \$50 per person		750	788			1,538
In-country workshops for participating 806 agencies: 25 persons x \$50 per person X 1 day		1,250	1,313	1,313	1,313	5,188
Seminars for private/public groups investigating human rights: 1 seminar per year \$1,500 each		1,500	1,575	1,575	1,575	6,225
Sub-total	45,000	23,500	3,675	50,138	2,888	125,200

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ILLUSTRATIVE INPUTS/BUDGET ESTIMATES
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	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	TOTAL
HUMAN RIGHTS COMPONENT						
Institutional Strengthening						

Staff basic training on computers: 64 participants x 3 courses per year x \$50 per participant	9,600		10,080			19,680
Advance training for computer departments: 7 participants x 1 course per year x \$50	350		368			718
External technical assistance for improved computer utilization in the central office		30,000				30,000
Local Area Network, computer cabling, and technical services		10,000				10,000
Local technical assistance to design and implement an accounting/budgeting system, training, materials, etc.	20,000					20,000
Furniture and equipment for 12 offices at an average of \$10,000 per office	30,000	60,000	31,500			121,500
20 vehicles x \$16,000 per vehicle	128,000	100,800	100,800			329,600
In-country training for field office directors: total of 22 directors x 1 training/year x \$50	650	998	1,155	1,155	1,155	5,113
Sub-total	188,600	201,798	143,903	1,155	1,155	536,610
Total Component	233,600	225,298	147,578	51,293	4,043	661,810

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ANNEX F
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	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	TOTAL

PUBLIC EDUCATION COMPONENT						
A. Human Rights Education						

A.1 Primary Education Testing/Expansion						

Materials reproduction: books, booklets, etc	58,000	30,000	20,000	15,250	7,500	130,750
Workshop to train 250 teacher trainers		12,500	13,125	13,125		38,750
In-service field seminars for teachers and in-country travel to go to workshop sites: 6,000 teachers + 250 trainers x \$10		62,500	65,625	65,625		193,750

Sub-total A.1	58,000	105,000	98,750	94,000	7,500	363,250
A.2 Non-Formal Education Program						

Local technical assistance for design of targeted field programs and materials: 12 months x \$1,200	7,200	7,200				14,400
Local technical assistance for radio program development, translation/adaptation, distribution, and testing: 20 months x \$1,200	12,000	12,000				24,000
Equipment for radio programs: recorder, turntable, speakers, etc.	4,000	19,300				23,300
Printing materials for field programs	20,000	20,000				40,000
Annual education promoters' workshop: \$1,250 each	1,250	1,250	1,313	1,313	1,313	6,438

Sub-total A.2	44,450	59,750	1,313	1,313	1,313	108,138

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DEMOCRATIC INSTITUTIONS
 ILLUSTRATIVE INPUTS/BUDGET ESTIMATES
 Figures in US\$

	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	TOTAL
PUBLIC EDUCATION COMPONENT						
B. Opinion Leaders						
Orientation for new deputies	117,000					117,000
Program implementation of 8-month course		250,000	210,000	157,500	105,000	722,500
External technical assistance to ESTNA in financial planning		30,000				30,000
Sub-total B	117,000	280,000	210,000	157,500	105,000	869,500
Total Component	219,450	444,750	310,063	252,813	113,813	1,340,888

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DEMOCRATIC INSTITUTIONS
ILLUSTRATIVE INPUTS/BUDGET ESTIMATES
Figures in US\$

ANNEX F
Page 9 of 21

	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	TOTAL
MONITORING DEMOCRATIC DEVELOPMENT INDICATORS COMPONENT						
Request For Proposal Contract to design and implement system			131,250	131,250	131,250	393,750
Total Component	0	0	131,250	131,250	131,250	393,750

RELATED ACTIVITIES/STUDIES COMPONENT						
Civic education analyses		80,000				80,000
8 discrete activities x \$30,000 each		60,000	64,000	64,000	64,000	252,000
The Center for Democracy	75,000					75,000
FUNDESA	66,950					66,950
Total Component	141,950	140,000	64,000	64,000	64,000	473,950

PROJECT ADMINISTRATIVE SUPPORT						
USAID PSC average of \$150,000 per year		150,000	157,500	157,500	157,500	622,500
Project Specialist: salary + fringe benefits		20,790	21,830	21,830	21,830	86,279
Program Assistant: salary + fringe benefits		11,070	11,624	11,624	11,624	45,941
Bilingual Secretary: salary + fringe benefits		6,750	7,088	7,088	7,088	28,013
Total Component	0	188,610	198,041	198,041	198,041	782,732

PROJECT EVALUATIONS			100,000		150,000	250,000
AUDITS	0	25,000	26,250	26,250	26,250	103,750

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COUNTERPART CONTRIBUTIONS
(all counterpart contributions will be in local currency)

ILLUSTRATIVE BUDGETS
Figures in US\$

	Year 1	Year 2	Year 3	Year 4	Year 5	Total
FUNDESA						
Travel, hotel rooms, and meals for observers	14,000					14,000
Activities and informational material	24,050					24,050
Contingencies (other costs)	3,900					3,900
Total	41,950	0	0	0	0	41,950

ILLUSTRATIVE BUDGETS
Figures in US\$

	Year 1	Year 2	Year 3	Year 4	Year 5	Total
ESTNA						
Personnel	0	116,553	116,553	116,553	116,553	466,213
Operating expenses	6,067	274,599	274,599	274,599	274,599	1,104,462
Furniture and equipment	0	5,500	0	0	0	5,500
Contingencies	0	0	40,000	52,500	52,500	145,000
Total	6,067	396,652	431,152	443,652	443,652	1,721,175

Because AID financing of ESTNA courses is on a declining basis, the difference between years was added to ESTNA's Contingency line item.

Detailed information is part of Attachment 2 to PIO/T 520-0398-3 on file.

ILLUSTRATIVE BUDGETS
Figures in US\$

	Year 1	Year 2	Year 3	Year 4	Year 5	Total
NATIONAL CONGRESS						
To be defined later during project implementation. The Congress will not be required to provide any counterpart contribution during year 2 (1991-1992)			318,000	318,000	318,000	954,000
Total	0	0	318,000	318,000	318,000	954,000

For consolidation, 30% of \$954,000 is under Technical Assistance as salaries and 70% under Equipment and Materials as space and other in-kind contributions.

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COUNTERPART CONTRIBUTIONS
(all counterpart contributions will be in local

ILLUSTRATIVE BUDGETS
Figures in US\$

	Year 1	Year 2	Year 3	Year 4	Year 5	Total
OFFICE OF HUMAN RIGHTS OMBUDSMAN						
Salaries in the interior	293,580	293,580	293,580	293,580	293,580	1,467,900
Utilities (stamps, phone, elect, water, clean)	6,154	6,154	6,154	6,154	6,154	30,770
Publicity and Printing	39,900	39,900	39,900	39,900	39,900	199,500
Local per diem	1,800	1,800	1,800	1,800	1,800	9,000
Rent of buildings	16,650	16,650	16,650	16,650	16,650	83,250
Maintenance of equipments and buildings	2,260	2,260	2,260	2,260	2,260	11,300
Stationery, Magazines, and Books	4,243	4,243	4,243	4,243	4,243	21,215
Gasoline and Spare Parts	3,457	3,457	3,457	3,457	3,457	17,285
Office Supplies	2,050	2,050	2,050	2,050	2,050	10,250
Total	0	370,094	370,094	370,094	370,094	1,480,374

The source of this information is the approved budget for CY1991.
I took 100% of some line items, 50% of most of them, and 0 of others,
based on my interpretation of the relationship between the current
activities and those to be financed by the project. Details on file.

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DEMOCRATIC INSTITUTIONS
Project No. 520-0398
Budget Summary and Financial Plan
USAID CONTRIBUTION
By Activity

Activity	Year 1	Year 2	Year 3	Year 4	Year 5	Total	%
NATIONAL CONGRESS							
Deputies Role and Functions	0	82,280	229,542	229,542	229,542	770,905	13%
Staff Support Services	0	61,800	74,634	94,834	58,884	290,151	5%
Increased Access to Technical Info	0	18,600	155,810	78,280	48,280	300,970	5%
Organizational Development	0	35,000	42,000	36,750	36,750	150,500	3%
HUMAN RIGHTS							
Oversight of Investigations	45,000	23,500	3,675	50,138	2,888	125,200	2%
Institutional Strengthening	188,600	201,798	143,493	1,155	1,155	536,610	9%
PUBLIC EDUCATION							
Primary Educ. Testing/Expansion	58,000	105,000	98,750	94,000	7,500	363,250	6%
Non-Formal Education Program	44,450	59,750	1,313	1,313	1,313	108,138	2%
Opinion Leaders	117,000	280,000	210,000	157,500	105,000	869,500	14%
MONITORING DEMOCRATIC DEVELOPM	0	0	131,250	131,250	131,250	393,750	7%
RELATED ACTIVITIES/STUDIES	141,950	140,000	64,000	64,000	64,000	473,950	8%
ADMINISTRATION/EVALUATIONS							
Project Administration	0	188,610	198,041	198,041	198,041	782,732	13%
Evaluations	0	0	100,000	0	150,000	250,000	4%
Audits	0	25,000	26,250	26,250	26,250	103,750	2%
Contingencies	5,000	105,289	147,917	116,305	106,085	480,595	8%
Total	600,000	1,326,626	1,627,082	1,279,356	1,166,936	6,000,000	100%

Note: Totals do not add due to rounding.

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DEMOCRATIC INSTITUTIONS
Project No. 520-0398
Budget Summary and Financial Plan
USAID CONTRIBUTION
By Component

Component	Year 1	Year 2	Year 3	Year 4	Year 5	Total	%
NATIONAL CONGRESS	0	197,680	501,985	439,405	373,455	1,512,526	25%
HUMAN RIGHTS	233,600	225,298	147,578	51,293	4,043	661,810	11%
PUBLIC EDUCATION	219,450	444,750	310,063	252,813	113,813	1,340,888	22%
MONITORING DEMOC DEV INDICATORS	0	0	131,250	131,250	131,250	393,750	7%
RELATED ACTIVITIES/STUDIES	141,950	140,000	64,000	64,000	64,000	473,950	8%
PROJECT ADMINISTRATIVE SUPPORT	0	188,610	198,041	198,041	198,041	782,732	13%
PROJECT EVALUATIONS AND AUDITS	0	25,000	126,250	26,250	176,250	353,750	6%
CONTINGENCIES	5,000	105,289	147,917	116,305	106,085	480,595	8%
Total	600,000	1,326,626	1,627,082	1,279,356	1,166,936	6,000,000	100%

Note: Totals do not add due to rounding.

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DEMOCRATIC INSTITUTIONS
Project No. 520-0398
Budget Summary and Financial Plan
USAID CONTRIBUTION
By Input

Input	Year 1	Year 2	Year 3	Year 4	Year 5	Total	%
Technical Assistance	84,200	223,200	429,310	449,230	381,780	1,567,720	26%
Project Management	0	188,610	198,041	198,041	198,041	782,732	13%
Training, Seminars, and Workshops	128,850	358,348	359,043	295,308	148,308	1,289,855	21%
Travel and Perdiem	0	6,080	27,223	27,223	27,223	87,748	1%
Equipment and Materials	240,000	245,100	233,300	66,250	28,500	813,150	14%
Opportunities/studies	141,950	175,000	106,000	100,750	100,750	624,450	10%
Evaluations and Audits	0	25,000	126,250	26,250	176,250	353,750	6%
Contingencies	5,000	105,289	147,917	116,305	106,085	480,595	8%
Total	600,000	1,326,626	1,627,082	1,279,356	1,166,936	6,000,000	100%

Note: Totals do not add due to rounding.

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DEMOCRATIC INSTITUTIONS
Project No. 520-0398
Budget Summary and Financial Plan
COUNTERPART CONTRIBUTION
By Input

Input	Year 1	Year 2	Year 3	Year 4	Year 5	Total	%
Technical Assistance	0	410,133	505,533	505,533	505,533	1,926,733	32%
Project Management						0	0%
Training, Seminars, and Workshops						0	0%
Travel and Perdiem	14,000	1,800	1,800	1,800	1,800	21,200	0%
Equipment and Materials	30,117	354,812	571,912	571,912	571,912	2,100,666	35%
Opportunities/studies						0	0%
Evaluations and Audits						0	0%
Contingencies	3,900	0	40,000	52,500	52,500	148,900	2%
Total	48,017	766,745	1,119,245	1,131,745	1,131,745	4,197,499	70%

Note: Totals do not add due to rounding.

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DEMOCRATIC INSTITUTIONS
Project No. 520-0398
Budget Summary and Financial Plan
ALL CONTRIBUTORS
By Input

Input	USAID	1----- Gof6 -----11----- OHRO CONGRESS	ESTNA	OTHERS -----1 FUNDESA	TOTAL	%
Technical Assistance	1,567,720	1,174,320	286,200	466,213	3,494,453	34%
Project Management	782,732				782,732	8%
Training, Seminars, and Workshops	1,289,855				1,289,855	13%
Travel and Perdiem	87,748	7,200		14,000	108,948	1%
Equipment and Materials	813,150	298,854	667,800	1,109,962	2,913,816	29%
Opportunities/studies	624,450				624,450	6%
Evaluations and Audits	353,750				353,750	3%
Contingencies	480,595		145,000	3,900	629,495	6%
Total	6,000,000	1,480,374	954,000	1,721,175	41,950	10,197,499 100%

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% USAID 59%

%Gof6 and OTHERS 41%

Note: Totals do not add due to rounding.

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DEMOCRATIC INSTITUTIONS
Project No. 520-0398
Budget Summary and Financial Plan
ALL CONTRIBUTORS
By Type of Currency

Input	1----- USAID -----1		OTHERS LC	1----- TOTAL -----1		GRAND TOTAL	%
	FX	LC		FX	LC		
Technical Assistance (1)	1,480,000	87,720	1,926,733	1,480,000	2,014,453	3,494,453	34%
Project Management	622,500	160,232	0	622,500	160,232	782,732	8%
Training, Seminars, and Workshops	62,310	1,227,545	0	62,310	1,227,545	1,289,855	13%
Travel and Perdiem	87,748	0	21,200	87,748	21,200	108,948	1%
Equipment and Materials	474,600	338,550	2,100,666	474,600	2,439,216	2,913,816	29%
Opportunities/studies	332,000	292,450	0	332,000	292,450	624,450	6%
Evaluations and Audits	250,000	103,750	0	250,000	103,750	353,750	3%
Contingencies	301,815	178,780	148,900	301,815	327,680	629,495	6%
Total	3,610,973	2,389,027	4,197,499	3,610,973	6,586,525	10,197,499	100%

Note: Totals do not add due to rounding.

(1) Personnel expenses from counterpart contributions
are under the TA line item.

DEMOCRATIC INSTITUTIONS
Project No. 520-0398
Budget Summary and Financial Plan
ALL CONTRIBUTORS
By Component + Currency

COMPONENT	1----- USAID -----1 FX LC	TOTAL USAID	GoF6 LC	OTHERS LC	GRAND TOTAL	%
NATIONAL CONGRESS	1,178,058 334,468	1,512,526	954,000		2,466,526	24%
HUMAN RIGHTS	466,850 194,960	661,810	740,187		1,401,997	14%
PUBLIC EDUCATION	66,000 1,274,888	1,340,888	740,187	1,721,175	3,802,249	37%
MONITORING DEMOC DEV INDICATORS	393,750 0	393,750			393,750	4%
RELATED ACTIVITIES/STUDIES	332,000 141,950	473,950		41,950	515,900	5%
PROJECT ADMINISTRATIVE SUPPORT	22,500 160,232	182,732			182,732	2%
PROJECT EVALUATIONS AND AUDITS	250,000 103,750	353,750			353,750	3%
CONTINGENCIES	301,815 178,780	480,595			480,595	5%
Total	3,610,973 2,389,027	6,000,000	2,434,374	1,763,125	10,197,499	100%

Note: Totals do not add due to rounding.

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DEMOCRATIC INSTITUTIONS
Project No. 520-0398
METHODS OF IMPLEMENTATION AND FINANCING
(Figures in \$000)

Component	Implementation Method	Financing Method	Amount
NATIONAL CONGRESS	USAID Procurement Agent/ Buy-in or Competitively-Let Contracts	Direct Pay	1,513
HUMAN RIGHTS	USAID Procurement Agent/ Profit or Non-Profit Contractors	Direct Pay	662
PUBLIC EDUCATION Human Rights	USAID Procurement Agent/ Profit or Non-Profit Contractors	Direct Pay	471
ESTNA	Cooperative Agreement, PVO	Reimbursement	117
	Cooperative Agreement, PVO	Advances	723
	USAID Procurement Agent/IOC	Direct Pay	30
MONITORING DEMOC DEV INDICATORS RELATED ACTIVITIES/STUDIES	USAID Procurement Agent/RFP	Direct Pay	726
	Cooperative Agreements, PVOs	Adv/Reimb	142
PROJECT ADMINISTRATIVE SUPPORT	USAID Procurement Agent/PSC's	Direct Pay	783
PROJECT EVALUATIONS AND AUDITS	USAID Procurement Agent/ Profit or Non-Profit Contractors	Direct Pay	354
CONTINGENCIES	---	---	481
		Total	\$ 6,000

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DEMOCRATIC INSTITUTIONS
Project No. 520-0398
Budget Summary and Financial Plan
USAID CONTRIBUTION
By FX and LC

Component	Year 1		Year 2		Year 3		Year 4		Year 5		Total	
	FX	LC	FX	LC	FX	LC	FX	LC	FX	LC	FX	LC
NATIONAL CONGRESS	0	0	128,780	68,900	398,593	103,393	347,843	91,563	302,843	70,613	1,178,058	334,468
HUMAN RIGHTS	173,000	60,600	145,800	79,498	100,800	46,778	47,250	4,043	0	4,043	466,850	194,960
PUBLIC EDUCATION	36,000	183,450	30,000	414,750	0	310,063	0	252,813	0	113,813	66,000	1,274,888
MONITORING DEMOC DEV INDICATORS	0	0	0	0	131,250	0	131,250	0	131,250	0	393,750	0
RELATED ACTIVITIES/STUDIES	0	141,950	140,000	0	64,000	0	64,000	0	64,000	0	332,000	141,950
PROJECT ADMINISTRATIVE SUPPORT	0	0	150,000	38,610	157,500	40,541	157,500	40,541	157,500	40,541	622,500	160,232
PROJECT EVALUATIONS AND AUDITS	0	0	0	25,000	100,000	26,250	0	26,250	150,000	26,250	250,000	103,750
CONTINGENCIES	0	5,000	51,257	54,031	95,214	52,702	74,784	41,521	80,559	25,526	301,815	178,780
Total	209,000	391,000	645,837	680,789	1,047,357	579,725	822,627	456,729	886,152	280,784	3,610,973	2,389,027
											60%	40%

Note: Figures do not add due to rounding.

DEMOCRATIC INSTITUTIONS
Project No. 520-0398
Budget Summary and Financial Plan
USAID CONTRIBUTION
By FX and LC

Input	Year 1		Year 2		Year 3		Year 4		Year 5		Total	
	FX	LC	FX	LC	FX	LC	FX	LC	FX	LC	FX	LC
Technical Assistance	45,000	39,200	195,000	28,200	421,750	7,560	440,250	8,980	378,000	3,780	1,480,000	87,720
Project Management	0	0	150,000	38,610	157,500	40,541	157,500	40,541	157,500	40,541	622,500	160,232
Training, Seminars, and Workshops	36,000	92,850	2,700	355,648	7,870	351,173	7,870	287,438	7,870	140,438	62,310	1,227,545
Travel and Perdiem	0	0	6,080	0	27,223	0	27,223	0	27,223	0	87,748	0
Equipment and Materials	128,000	112,000	100,800	144,300	173,800	59,500	51,000	15,250	21,000	7,500	474,600	338,550
Opportunities/studies	0	141,950	140,000	35,000	64,000	42,000	64,000	36,750	64,000	36,750	332,600	292,450
Evaluations and Audits	0	0	0	25,000	100,000	26,250	0	26,250	150,000	26,250	250,000	103,750
Contingencies	0	5,000	51,257	54,031	95,214	52,702	74,784	41,521	60,559	25,526	301,815	178,780
Total	209,000	391,000	645,837	680,789	1,047,357	579,725	822,627	456,729	886,152	280,784	3,610,973	2,389,027

Note: Figures do not add due to rounding.

60% 40%

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ICITAP MULTI-INSTITUTIONAL AGREEMENT

BASES DE ENTENDIMIENTO ENTRE MINISTERIO DE GOBERNACION, DIRECCION GENERAL DE LA POLICIA NACIONAL, MINISTERIO PUBLICO, PROCURADURIA DE LOS DERECHOS HUMANOS E ICITAP, PARA EL MEJORAMIENTO DE LA INVESTIGACION CRIMINAL.

Los representantes de las instituciones arriba mencionadas acuerdan, emitir el presente documento que contiene las bases fundamentales de entendimiento para alcanzar una mejor coordinación en la investigación criminal.

01. INTRODUCCION:

De conformidad con la Constitución Política de la República, Guatemala es un Estado Libre, independiente y soberano, organizado para garantizar a sus habitantes el goce de sus derechos y de sus libertades. Su sistema de Gobierno es republicano, democrático y representativo, y establece asimismo que la Soberanía radica en el pueblo quién la delega, para su ejercicio, en los Organismos Legislativo, Ejecutivo y Judicial y que la subordinación entre los mismos, es prohibida.

El Estado de Guatemala, se organiza para proteger a la persona y a la familia, y su fin supremo es la realización del bien común, siendo deberes del Estado, "garantizarle a los habitantes de la república la vida, la libertad, la justicia, la seguridad, la paz y el desarrollo integral de la persona.

Los objetivos o fines del Estado, deben constituir el marco dentro del cual, las instituciones y los funcionarios, deben desarrollar sus actividades. Es por tal razón que, en relación con la investigación criminal, deben coordinar sus esfuerzos y recursos, para cumplir con las obligaciones que en tal virtud impone la propia Constitución Política de Guatemala. En tal sentido se debe partir del principio de que "La justicia se imparte de conformidad con la Constitución y las leyes de la República, que corresponde a los tribunales de justicia juzgar y promover la ejecución de lo juzgado, y que los otros organismos del Estado deberán prestar a los tribunales el auxilio que requieran para el cumplimiento de sus resoluciones".

Una parte determinante en la búsqueda de mejores resultados en los procesos instruidos por hechos punibles, lo constituye precisamente la investigación, la cual debe producir la evidencia, no sólo de la comisión del delito, sino además de las circunstancias en que el mismo pudo ser cometido, y la identificación de los autores, tanto materiales como intelectuales. Es justamente en este espacio, dentro del cual se hace absolutamente necesario el esfuerzo conjunto de las instituciones que por virtud de la ley, deben intervenir y participar en la misma. En la medida en que la investigación criminal se realice bajo criterios técnicos, científicos y de manera coordinada, tendremos la posibilidad de aspirar a resultados positivos. Tanto la investigación típica de los delitos, como la que corresponde a la de violaciones a derechos humanos, deben obedecer a criterios uniformes, estrategias comunes

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acciones conjuntas etc. puesto que lo que se pretende, es que se cumpla con la Constitución Política de la República, y en lo que a este campo se refiere, con los fines del Estado. No es posible que la impunidad siga superando la capacidad de investigación y que los autores de tantos delitos, como de tantas violaciones a los Derechos Humanos, sigan permaneciendo en el más absoluto anonimato, y que ante esta evidencia ninguna acción eficaz y conjunta entre las instituciones involucradas, se ponga en marcha. Esta constituye una evidente voluntad política de actuar, de mejorar y de establecer los principios, métodos y sistemas de coordinación, que sin menoscabo de la naturaleza, funciones, atribuciones y competencia específica, se señalan para cada una de ellas, puesto que para el objetivo que se persigue (la mejoría en la investigación criminal) quedan de lado las subjetividades y afanes de liderazgo.

De conformidad con nuestra legislación vigente, solamente después de cometido un hecho punible, se iniciará proceso sobre el mismo, y la actuación del juez tenderá, necesariamente, a la investigación de los elementos de tipicidad del hecho pesquisado y sus circunstancias. Cuidará de practicar las diligencias que conduzcan a dichos fines. (Art. 18 y 19 del Código Procesal Penal).

Por tal razón debemos partir del hecho de que es el Juez quién debe promover la investigación, después de cometido un delito, y cuando este hecho haya sido puesto en su conocimiento por cualquiera de las formas que la propia ley establece. Para poder cumplir con esta obligación, los jueces deben recurrir a las instituciones que tienen la organización e infraestructura necesaria y utilizarla con criterios técnicos, científicos y eficientemente. En esta etapa en la que debe existir debidamente comprendida, la actividad de la Policía Nacional, ya que los diferentes departamentos que ya existen en la misma, deben, necesariamente, estar al servicio de los jueces. Los investigadores, técnicos, laboratorios, personal de apoyo, etc. bajo la dirección del Juez deberán realizar la investigación ordenada.

En virtud de mandato legal (art. 16 del Código Procesal Penal) el Ministerio Público está obligado a intervenir en todos los trámites del proceso, y por ello se le debe dar intervención desde el inicio. Esta obligado a promover la investigación; la ejecución de las resoluciones judiciales, y en general, la pronta y cumplida administración de justicia, ya que constitucionalmente, el Ministerio Público es una institución auxiliar de la administración pública y de los tribunales con funciones autónomas, cuyos fines principales son velar por el escrito cumplimiento de las leyes del país y ejercer la representación del Estado. El carácter de acusador oficial, determina la necesidad de mejorar su gestión dentro de los procesos, participando activamente, de manera fundamental, en la investigación.

Por otro lado, la Constitución Política de la República, determina también las atribuciones del Procurador de los Derechos Humanos y entre otras, señala: "Investigar toda clase de denuncias que le sean planteadas por cualquier persona, sobre violaciones a los Derechos Humanos". Muchas de las denuncias en esta materia, tienen el mismo origen de las que generan la iniciación de proceso penal, o simplemente investigación criminal por parte de la propia Policía Nacional. De allí, que siendo comunes las acciones de la investigación que deben realizarse, tanto para la investigación de un delito, como para la investigación de una denuncia sobre la violencia a los Derechos Humanos, la utilización de los recursos y técnicos de que disponen las instituciones respectivas, deben también estar a disposición de la Procuraduría de los Derechos Humanos, para alcanzar con eficiencia resultados positivos en sus investigaciones.

Por todo lo anterior, es que las instituciones que tienen a su cargo la responsabilidad de realizar las investigaciones criminales, deben coordinar esfuerzos y establecer mecanismos de apoyo, con el propósito de que los resultados de las investigaciones criminales serán verdaderamente eficientes, se evite la duplicidad de esfuerzos y se obtengan resultados óptimos.

El objetivo de la formalización de estas bases de entendimiento inter-institucional en esta materia, no es otro que establecer las bases, como muestra de una verdadera voluntad política de investigar los hechos punibles, sobre las cuales quienes tienen la responsabilidad de aplicar la ley cuenten con rapidez y eficiencia, con la infraestructura necesaria que permita de una manera técnico científica, producir resultados positivos y confiables con la única intención de mejorar LA INVESTIGACION CRIMINAL EN GUATEMALA.

02. ANTECEDENTES.

Auspiciada por el Departamento de Justicia de los Estados Unidos de América y el Programa Internacional para el Adiestramiento en la Investigación Criminal, ICITAP, se celebró en la ciudad de Panajachel, departamento de Sololá del 27 al 29 de agosto del presente año, la CONFERENCIA NACIONAL SOBRE LA ADMINISTRACION DE JUSTICIA CRIMINAL EN GUATEMALA, con la participación de representantes del Ministerio de Gobernación, del Organismo Judicial, del Procurador de los Derechos Humanos, del Ministerio Público y de la Dirección General de la Policía Nacional, en la cual por unanimidad, se aprobó la resolución que dice así:

"Los participantes en esta Primera Conferencia Nacional de Oficiales de la Justicia Criminal de Guatemala efectuada en la ciudad de Panajachel del 27 al 29 de agosto del año en curso y auspiciada por el Departamento de Justicia de los EE. UU. por el Programa Internacional para el Adiestramiento en la Investigación Criminal:

CONSCIENTES que de conformidad con la legislación vigente, la investigación de los hechos punibles corresponde a los jueces en el orden penal, quienes como sujetos esenciales en la misma deben promover de oficio para cumplir con los fines del proceso en la fase preparatoria o de instrucción.

CONVENCIDOS que la falta de recursos técnicos y humanos y de capacitación profesional constituyen una deficiencia en la investigación criminal, que muchas veces es causa determinante de la falta de evidencias que impide resolver el juicio conforme al espíritu y fines del proceso penal;

DECIDIDOS a impulsar acciones que tiendan a mejorar la investigación de los delitos, respetando la calidad y naturaleza de cada una de las instituciones que intervienen en la investigación criminal,

HEMOS ACORDADO:

01. Coordinar acciones dentro de la competencia de cada institución tendientes a mejorar la investigación de los hechos punibles.

02. Utilizar los elementos humanos que ya han sido capacitados para coadyuvar con los jueces en la investigación criminal.

03. Propiciar la capacitación, formación y profesionalización de todos los recursos humanos y de las instituciones que se relacionen con la investigación criminal para alcanzar mayores niveles de eficiencia y eficacia en la administración de justicia que garanticen el respeto a los Derechos Humanos.

04. Celebrar las reuniones que sean necesarias para establecer los mecanismos de enlace que permitan hacer viable la coordinación y cooperación dentro del marco que establece la Constitución Política de la República para cada institución que interviene en la investigación criminal.

En vista de lo resuelto en aquella Conferencia, y como consecuencia del acuerdo contenido en la resolución transcrita, los representantes de los organismos e instituciones involucrados en la investigación criminal, reiteran su voluntad de dejar establecido a nivel institucional, las bases de cooperación y coordinación de acciones con el propósito de mejorar la investigación de los hechos punibles, puesto que comprendemos que solamente mediante la utilización óptima de los recursos disponibles, así como de una razonable y lógica cooperación, puede elevarse el nivel técnico de las investigaciones, y producirse mejores resultados en la Administración de Justicia, entendida como el conjunto de actitudes y actividades que deben equilibrar el sistema democrático, para fortalecer un régimen de Derecho.

Estamos conscientes que la diversidad de esfuerzos y acciones ejecutadas de manera independiente, duplican tales actividades y lejos de encaminar tales esfuerzos a objetivos comunes, se diluye la actividad, produciendo resultados deficientes, negativos e inapropiados para alcanzar un razonable resultado en la investigación. Es por tales motivos que hemos considerado la necesidad de dejar establecidos mediante estas bases, todo lo relativo a la forma y método que coordinadamente, produzcan más y mejores resultados en el objetivo común: investigación criminal.

Se ha resaltado de manera especial, la necesidad de utilizar al máximo los recursos humanos que ya han sido capacitados por el programa de ICITAF, y por otros programas, a fin de promover eficientemente y con verdadera voluntad, un cambio de actitud, que pase del empirismo al profesionalismo y a la parte técnica científica de la investigación.

Convencidos también de que el personal capacitado no es suficiente para alcanzar los fines propuestos, se ha insistido en la necesidad de propiciar todo tipo de capacitación y formación de todos los recursos humanos disponibles y que se relacionen con la investigación criminal, para lograr los fines mencionados y para poder desarrollar una nueva modalidad en la forma de ejecutar las acciones propias de la investigación. Para este efecto, de manera conjunta se debe gestionar ante las instituciones y organismos, nacionales y extranjeros, apoyo para alcanzar este propósito. Solo en la medida en que más personas sean capacitadas irán desapareciendo los tradicionales métodos utilizados en la investigación criminal.

Estos son los antecedentes que justifican la celebración del convenio de Cooperación que suscriben los representantes de los organismos encargados de la investigación criminal en Guatemala, y consideramos que con voluntad de cumplirlo a cabalidad y animados por la responsabilidad que nos incumbe a cada institución, la investigación criminal, podrá alcanzar una mejoría sensible en Guatemala, lo cual redundará en beneficio de la población guatemalteca.

2.- BASES DE ENTENDIMIENTO:

- a. Constituir el CENTRO DE OPERACIONES CONJUNTAS DE LA DIRECCION GENERAL DE LA POLICIA NACIONAL, (COC) como el centro de recolección de información de donde deberá fluir hacia las instituciones signatarias de estas bases, quienes quedan obligadas a designar a las personas encargadas de los procedimientos de su competencia para iniciar las acciones correspondientes.
- b. En los casos que proceda las denuncias que sean recibidas por cualquiera de las instituciones relacionadas, deberán ponerlo en conocimiento de inmediato al COC.
- c. Redactar un MANUAL DE PROCEDIMIENTOS A SEGUIR EN LA ESCENA DEL CRIMEN, con la asesoría de ICITAP.
- d. Desarrollar un PROGRAMA DIVULGATIVO hacia la ciudadanía y las Organizaciones de Auxilio que afectan la escena del crimen, con el objeto de que sus actividades no entorpezcan las acciones propias de la investigación, a efecto de preservar la pureza de las pruebas.

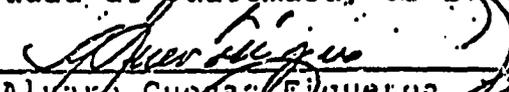
e. Utilizar las instalaciones de la Escuela de la Policía Nacional como centro de capacitación y entrenamiento de todo el personal miembros de este convenio, quienes se comprometen a proporcionar a profesionales universitarios o de otro orden, para que impartan los conocimientos pertinentes y en los casos en que sea procedente, proporcionarán elementos materiales, económicos y financieros, para el mantenimiento de los programas de capacitación y entrenamiento. En estos programas ICITAP colaborará, proporcionando el personal idóneo.

Las instituciones signatarias de estas bases, se comprometen a gestionar ante las Universidades del país, para que en sus pensum de estudios de la carrera de abogacía se incluya un programa de Investigación Criminológica, para lo cual el personal especializado de las entidades relacionadas, colaborarán en la docencia.

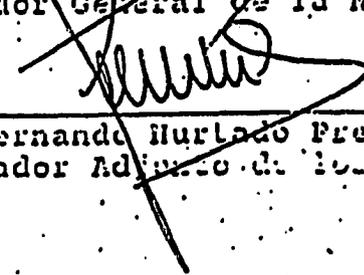
f. En tanto no se cuente con otras facilidades, las instituciones signatarias podrán utilizar el Laboratorio Criminalístico de la Policía Nacional para las investigaciones correspondientes, debiendo cada una de ellas entregar el material correspondiente.

g. Los signatarios del presente documento, dejan abierta la oportunidad de que en un futuro el ORGANISMO JUDICIAL pueda incorporarse a esta BASES DE ENTENDIMIENTO PARA MEJORAR LAS RELACIONES INTER-INSTITUCIONALES en beneficio de la administración de justicia.

En fé de todo lo anterior, se firma el presente documento en la ciudad de Guatemala, el 17 octubre, 1990.

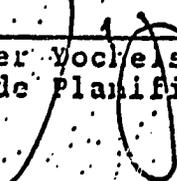
f. 
Dr. Alvaro Cuevas Figueroa, Jefe Ministerio de Gobernación.

f. 
Lic. Mario Roberto Uresca Aguirre,
Procurador General de la Nación y Jefe del Ministerio Público.

f. 
Lic. Fernando Hurtado Prem
Procurador Adjuvado de los Derechos Humanos

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F. 
Cnel. Julio Enrique Melлерos Seigne
Director General de la Policia Nacional

F. 
Lic. Roger Yocheison
Gerente de Planificación, ICITAP

LAC-IEE-90-31

ENVIRONMENTAL THRESHOLD DECISION

Project Location : Guatemala
Project Title : Democratic Institutions
Project Number : 520-0398
Funding : \$4 million
Life of Project : Four years
IEE Prepared by : Alfred Nakatsuma
USAID/Guatemala
Recommended Threshold Decision : Categorical Exclusion
Bureau Threshold Decision : Concur with Recommendation
Comments : None
Copy to : Anthony J. Cauterucci, Director
USAID/Guatemala
Copy to : Liliana Ayalde, USAID/Guatemala
Copy to : Alfred Nakatsuma, USAID/Guatemala
Copy to : Frank Zadroga, REMS/CEN
Copy to : Mark Silverman, LAC/DR/CEN
Copy to : IEE File

John O Wilson Date JUN 13 1990

John O. Wilson
Deputy Environmental Officer
Bureau for Latin America
and the Caribbean

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Initial Environmental Examination

Project Location : Guatemala
Project Title : Democratic Institutions
Funding : \$4 million

Project Description

The goal of the Project is to strengthen the commitment by the GOG and the general population to democratic government. This will be accomplished by strengthening democratic institutions and processes, and changing public attitudes. The specific purpose of the Project is to strengthen the Congress, the Office of the Human Rights Ombudsman, the Supreme Electoral Tribunal and private sector groups dedicated to responsible democratic government, human rights and civic education. A brief description of the components is provided below:

(1) The National Congress

This component will provide advisory assistance, training and commodities to the National Congress. Specific activities include in-country training courses, interchange visits to the U.S., development of the National Congress' library and improvement of administration procedures.

(2) The Supreme Electoral Tribunal

This component will focus primarily on short-term technical assistance to enable the Tribunal to develop a strategy, program and budget plan that will guide its operations through the 1990s. Also, funds will be included to give USAID the ability to respond if a critical need should develop that would threaten the conduct of elections.

(3) Human Rights

Under this component, training will be provided for personnel in investigations and report writing for improved prosecution of human rights abuses, assistance to increase collaboration among organizations involved in investigating/prosecuting human rights abuses, education activities to promote the knowledge and observance of human rights, and assistance to private local organizations to support human rights.

(4) Civic Education and Accountability

This component will seek to increase the public's understanding of the operations and utility of key democratic institutions. The primary targets will be the media and the politically non-partisan private sector groups with activities that seek a more informed and demanding electorate. Financial support and short term technical assistance to design and evaluate activities will be provided to these groups. In addition, studies will be financed to improve political participation at the municipal level.

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Environmental Impact

The proposed project will not involve activities that have an effect on the natural and physical environment. The activities which will be carried out qualify for a categorical exclusion according to Section 216.2 (c) (2) (i) of 22 CFR as "education, technical assistance or training programs except to the extent such programs include activities directly affecting the environment (such as construction of facilities, etc.)."

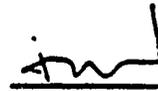
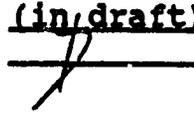
Recommendation

Based on the categorical exclusion discussed above, the Mission recommends that the Democratic Institutions Project be given a Categorical Exclusion determination requiring no further environmental review.

Concurrence: _____


Anthony J. Cauterucci
Mission Director

4/18/90
Date

Clearances: ANakatsuma, ORD 
Layalde, OHRD (in draft)
DBoyd, PDSO (in draft)
DAdams, PRM (in draft)
SWingert, DDIR 

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RESPONSE TO ISSUES
FROM
PROJECT IDENTIFICATION DOCUMENT REVIEW

1. How will the Project improve the efficiency of the Congress in terms of both the legislative process and its internal administrative system?

The major focus of the National Congress component is to strengthen the legislative functioning of that institution, including those elements in the administrative structure which support the work of the legislators. The full description of this component is contained in Section III.B.I. Four activity areas are described: strengthened role and functions of Deputies; better staff support services; increased access to technical information; and organizational development studies.

2. Will the Congress exercise its fiscal authority to provide resources for sufficient staff?

By law, the Congress has the authority to approve its own budget. As described in Section III.B.2, the Project description for the Congress includes increasing the number of permanent professional staff positions supporting the work of the legislature. This staff increase will be financed by the Congress and included as a covenant in the Project Agreement signed with them.

3. How will political dynamics affect the operational effectiveness of the Congress?

This question is discussed in the Analysis of Constraints to Project Feasibility, contained in Section VII. Unquestionably, the National Congress is a "political" institution and the political parties represented in the Congress do influence the operations of the Congress. For instance, each party (and each party's factions) elect or appoint a "bench leader" and all the bench leaders meet with the President of the Congress on a weekly basis. Because no party holds a majority in the new 1991 Congress, the effective functioning of this institution is presently dependent on its ability to establish workable political coalitions.

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4. What is the appropriate timing for obligating funds with the Congress. This issue needs to take into account the upcoming national elections and the need to include the leadership of the new Congress in the negotiations of the final assistance agreement?

This issue is no longer a concern. The USAID technical office is communicating with the new leadership of the 1991 Congress.

5. What will be the role of ESTNA in supporting training for the Congress?

ESTNA provided an orientation course for new Deputies, under the initial authorization of funds for this Project. As described in Section V, Implementation Arrangements, any further training for the Congress will be covered under a competitively-let contract. At this juncture the only role specifically defined for ESTNA is continuation of its annual 8-month opinion leaders course.

6. How can the Office of the Human Rights Ombudsman become more vocal and effective; how can its visibility be enhanced?

The Project design team believes the OHRO is very visible and vocal. The issue is one of increased effectiveness, as addressed by this Project. Note point 7 below.

7. How can the enforcement of human rights be improved?

The centerpiece of project assistance in human rights is the proposed violent crimes tracking system, described in Section III.B.2.a. The Project design team views this activity as innovative in the field of human rights and very helpful to strengthening the role of the OHRO. Additionally, the Project proposes to support the expansion of OHRO's field operations, which will enhance its visibility and effectiveness. Ultimately, the implementation of the tracking system and follow-up investigations will contribute to improving the enforcement of human rights in Guatemala. See the project description for details.

8. How will the Project improve the relationship of the Human Rights Office with other GOG entities?

This issue is addressed in the Human Rights component description (Section III.B.2.), in the policy dialogue agenda for this Project (Section II.D.), and will be included as a covenant in the Agreement with the OHRO.

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9. How might the project involve the media, through NGOs such as ASIES, to promote creative ways for information dissemination under the Civic Education Component?

This question will be further analyzed during the second year of the Project, as part of the overall study and analysis stage of civic education. The description of this study activity is discussed in Section III.B.3.b.

10. What assistance and funding is required to ensure adequate financial controls and management of project funds by counterpart institutions?

This issue is discussed under the implementation arrangements for the Project, Section V. In summary, the National Congress will not be handling Project funds directly. Rather, some type of contractual arrangement will be made to implement all local currency cost activities under the Congressional component. USAID Project Management will directly procure all dollar cost items for the Congress and specific commodities for the OHRO. Additionally, the Project will provide for the establishment of an improved budgeting and accounting system at OHRO, as described in Section III.B.2.b. Once this system is in place, the OHRO will handle Project funds directly. Lastly, sufficient support has been allocated to the audit line item of the budget to allow for an annual audits of those organizations which will handle A.I.D. funds.

In addition to responding to the questions and issues which emerged at the PID stage, the Project Design process has surfaced several more concerns, which are identified as a policy dialogue agenda in Section II.D. These items are:

1. sufficient allocation of resources by the Congress so that it can resolve it's needs for additional permanent staff and space for working committees;
2. evidence that the OHRO is provided the information contained in the judicial system's court files in order to implement the tracking system; and
3. implementation of the ICITAP Agreement between the Police, the OHRO and the Public Ministry for tracking violent crime.

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STATUTORY CHECKLIST

5C(2) - ASSISTANCE CHECKLIST

Listed below are statutory criteria applicable to the assistance resources themselves, rather than to the eligibility of a country to receive assistance. This section is divided into three parts. Part A includes criteria applicable to both Development Assistance and Economic Support Fund resources. Part B includes criteria applicable only to Development Assistance resources. Part C includes criteria applicable only to Economic Support Funds.

CROSS REFERENCE: IS COUNTRY CHECKLIST UP TO DATE?

Prepared by country desk in AID/W.

A. CRITERIA APPLICABLE TO BOTH DEVELOPMENT ASSISTANCE AND ECONOMIC SUPPORT FUNDS

1. Host Country Development Efforts (FAA Sec. 601(a)): Information and conclusions on whether assistance will encourage efforts of the country to:
(a) increase the flow of international trade; (b) foster private initiative and competition; (c) encourage development and use of cooperatives, credit unions, and savings and loan associations; (d) discourage monopolistic practices; (e) improve technical efficiency of industry, agriculture, and commerce; and (f) strengthen free labor unions.

Assistance may indirectly support these objectives. The Project supports education programs in human rights and democratic practices. Insofar as these programs result in greater self-reliance and the practice of democratic values, there may be an impact on these objectives.

2. U.S. Private Trade and Investment (FAA Sec. 601(b)): Information and conclusions on how assistance will encourage U.S. private trade and investment abroad and encourage private U.S. participation in foreign assistance programs (including use of private trade channels and the services of U.S. private enterprise). Not applicable.

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3. Congressional Notification

a. General requirement (FY 1991 Appropriations Act Secs. 523 and 591; FAA Sec. 634A): If money is to be obligated for an activity not previously justified to Congress, or for an amount in excess of amount previously justified to Congress, has Congress been properly notified (unless the notification requirement has been waived because of substantial risk to human health or welfare)?

Yes, a Congressional Notification for the Democratic Institutions Project was sent as part of a Global Congressional Notification through Guatemala 015158 dated December 14, 1990. The statutory waiting period expired on December 28, 1990.

b. Notice of new account obligation (FY 1991 Appropriations Act Sec. 514): If funds are being obligated under an appropriation account to which they were not appropriated, has the President consulted with and provided a written justification to the House and Senate Appropriations Committees and has such obligation been subject to regular notification procedures?

Not applicable.

c. Cash transfers and nonproject sector assistance (FY 1991 Appropriations Act Sec. 575(b)(3)): If funds are to be made available in the form of cash transfer or nonproject sector assistance, has the Congressional notice included a detailed description of how the funds will be used, with a discussion of U.S. interests to be served and a description of any economic policy reforms to be promoted?

Not applicable.

4. Engineering and Financial Plans (FAA Sec. 611(a)): Prior to an obligation in excess of \$500,000, will there be: (a) engineering, financial or other plans necessary to carry out the assistance; and (b) a reasonably firm estimate of the cost to the U.S. of the assistance?

Yes.

5. Legislative Action (FAA Sec. 611(a)(2)): If legislative action is required within recipient country with respect to an obligation in excess of \$500,000, what is the basis for a reasonable expectation that such action will be completed in time to permit orderly accomplishment of the purpose of the assistance?

A strategy has been developed for the Congressional Component which provides for legislative concurrence in a timely manner.

6. **Water Resources (FAA Sec. 611(b); FY 1991 Appropriations Act Sec. 501):** If project is for water or water-related land resource construction, have benefits and costs been computed to the extent practicable in accordance with the principles, standards, and procedures established pursuant to the Water Resources Planning Act (42 U.S.C. 1962, et seq.)? (See A.I.D. Handbook 3 for guidelines.)

Not applicable.

7. **Cash Transfer and Sector Assistance (FY 1991 Appropriations Act Sec. 575(b)):** Will cash transfer or nonproject sector assistance be maintained in a separate account and not commingled with other funds (unless such requirements are waived by Congressional notice for nonproject sector assistance)?

Not applicable.

8. **Capital Assistance (FAA Sec. 611(e)):** If project is capital assistance (e.g., construction), and total U.S. assistance for it will exceed \$1 million, has Mission Director certified and Regional Assistant Administrator taken into consideration the country's capability to maintain and utilize the project effectively?

Not applicable.

9. **Multiple Country Objectives (FAA Sec. 601(a)):** Information and conclusions on whether projects will encourage efforts of the country to: (a) increase the flow of international trade; (b) foster private initiative and competition; (c) encourage development and use of cooperatives, credit unions, and savings and loan associations; (d) discourage monopolistic practices; (e) improve technical efficiency of industry, agriculture and commerce; and (f) strengthen free labor unions.

See point A.1 above.

10. **U.S. Private Trade (FAA Sec. 601(b)):** Information and conclusions on how project will encourage U.S. private trade and investment abroad and encourage private U.S. participation in foreign assistance programs (including use of private trade channels and the services of U.S. private enterprise).

Not applicable.

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11. Local Currencies

a. Recipient Contributions (FAA Secs. 612(b), 636(h)): Describe steps taken to assure that, to the maximum extent possible, the country is contributing local currencies to meet the cost of contractual and other services, and foreign currencies owned by the U.S. are utilized in lieu of dollars.

The participating organizations will be providing substantial contributions to the Project in local currency.

b. U.S.-Owned Currency (FAA Sec. 612(d)): Does the U.S. own excess foreign currency of the country and, if so, what arrangements have been made for its release?

Not applicable.

c. Separate Account (FY 1991 Appropriations Act Sec. 575). If assistance is furnished to a foreign government under arrangements which result in the generation of local currencies:

Not applicable.

(1) Has A.I.D. (a) required that local currencies be deposited in a separate account established by the recipient government, (b) entered into an agreement with that government providing the amount of local currencies to be generated and the terms and conditions under which the currencies so deposited may be utilized, and (c) established by agreement the responsibilities of A.I.D. and that government to monitor and account for deposits into and disbursements from the separate account?

Not applicable.

(2) Will such local currencies, or an equivalent amount of local currencies, be used only to carry out the purposes of the DA or ESF chapters of the FAA (depending on which chapter is the source of the assistance) or for the administrative requirements of the United States Government?

Not applicable.

(3) Has A.I.D. taken all appropriate steps to ensure that the equivalent of local currencies disbursed from the separate account are used for the agreed purposes?

Not applicable.

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(4) If assistance is terminated to a country, will any unencumbered balances of funds remaining in a separate account be disposed of for purposes agreed to by the recipient government and the United States Government?

Not applicable.

12. Trade Restrictions

a. Surplus Commodities (FY 1991 Appropriations Act Sec. 521(a)): If assistance is for the production of any commodity for export, is the commodity likely to be in surplus on world markets at the time the resulting productive capacity becomes operative, and is such assistance likely to cause substantial injury to U.S. producers of the same, similar or competing commodity?

Not applicable.

b. Textiles (Lautenberg Amendment) (FY 1991 Appropriations Act Sec. 521(c)): Will the assistance (except for programs in Caribbean Basin Initiative countries under U.S. Tariff Schedule "Section 807," which allows reduced tariffs on articles assembled abroad from U.S.-made components) be used directly to procure feasibility studies, prefeasibility studies, or project profiles of potential investment in, or to assist the establishment of facilities specifically designed for, the manufacture for export to the United States or to third country markets in direct competition with U.S. exports, of textiles, apparel, footwear, handbags, flat goods (such as wallets or coin purses worn on the person), work gloves or leather wearing apparel?

Not applicable.

13. Tropical Forests (FY 1991 Appropriations Act Sec. 533(c)(3)): Will funds be used for any program, project or activity which would (a) result in any significant loss of tropical forests, or (b) involve industrial timber extraction in primary tropical forest areas?

No.

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14. **Sahel Accounting (FAA Sec. 121(d)):** If a Sahel project, has a determination been made that the host government has an adequate system for accounting for and controlling receipt and expenditure of project funds (either dollars or local currency generated therefrom)?

Not applicable.

15. **PVO Assistance**

a. **Auditing and registration (FY 1991 Appropriations Act Sec. 537):** If assistance is being made available to a PVO, has that organization provided upon timely request any document, file, or record necessary to the auditing requirements of A.I.D., and is the PVO registered with A.I.D.?

The three major implementing organizations of this Project are not PVO's.

b. **Funding sources (FY 1991 Appropriations Act, Title II, under heading "Private and Voluntary Organizations"):** If assistance is to be made to a United States PVO (other than a cooperative development organization), does it obtain at least 20 percent of its total annual funding for international activities from sources other than the United States Government?

Not applicable.

16. **Project Agreement Documentation (State Authorization Sec. 139 (as interpreted by conference report)):** Has confirmation of the date of signing of the project agreement, including the amount involved, been cabled to State L/T and A.I.D. LEG within 60 days of the agreement's entry into force with respect to the United States, and has the full text of the agreement been pouched to those same offices? (See Handbook 3, Appendix 6G for agreements covered by this provision).

Obligation of funds with the OHRO will be an amendment to the present agreement and will be pouched when executed.

17. **Metric System (Omnibus Trade and Competitiveness Act of 1988 Sec. 5164, as interpreted by conference report, amending Metric Conversion Act of 1975 Sec. 2, and as implemented through A.I.D. policy):** Does the assistance activity use the metric system of measurement in its procurements, grants, and other business-related activities, except to the

Not applicable.

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extent that such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms? Are bulk purchases usually to be made in metric, and are components, subassemblies, and semi-fabricated materials to be specified in metric units when economically available and technically adequate? Will A.I.D. specifications use metric units of measure from the earliest programmatic stages, and from the earliest documentation of the assistance processes (for example, project papers) involving quantifiable measurements (length, area, volume, capacity, mass and weight), through the implementation stage?

18. Women in Development (FY 1991 Appropriations Act, Title II, under heading "Women in Development"): Will assistance be designed so that the percentage of women participants will be demonstrably increased?

19. Regional and Multilateral Assistance (FAA Sec. 209): Is assistance more efficiently and effectively provided through regional or multilateral organizations? If so, why is assistance not so provided? Information and conclusions on whether assistance will encourage developing countries to cooperate in regional development programs.

20. Abortions (FY 1991 Appropriations Act, Title II, under heading "Population, DA," and Sec. 525):

a. Will assistance be made available to any organization or program which, as determined by the President, supports or participates in the management of a program of coercive abortion or involuntary sterilization?

b. Will any funds be used to lobby for abortion?

21. Cooperatives (FAA Sec. 111): Will assistance help develop cooperatives, especially by technical assistance, to assist rural and urban poor to help themselves toward a better life?

The Project will address gender concerns in three main areas: by working with female leaders in positions of authority; by training women in democratic processes; and by collecting gender disaggregated data.

Where appropriate, the Project will coordinate with regional programs.

No.

No.

Not applicable.

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22. U.S.-Owned Foreign Currencies

a. Use of currencies (FAA Secs. 612(b), 636(h); FY 1991 Appropriations Act Secs. 507, 509): Describe steps taken to assure that, to the maximum extent possible, foreign currencies owned by the U.S. are utilized in lieu of dollars to meet the cost of contractual and other services. Not applicable.

b. Release of currencies (FAA Sec. 612(d)): Does the U.S. own excess foreign currency of the country and, if so, what arrangements have been made for its release? Not applicable.

23. Procurement

a. Small business (FAA Sec. 602(a)): Are there arrangements to permit U.S. small business to participate equitably in the furnishing of commodities and services financed? Yes.

b. U.S. procurement (FAA Sec. 604(a)): Will all procurement be from the U.S. except as otherwise determined by the President or determined under delegation from him? Yes.

c. Marine insurance (FAA Sec. 604(d)): If the cooperating country discriminates against marine insurance companies authorized to do business in the U.S., will commodities be insured in the United States against marine risk with such a company? Yes.

d. Non-U.S. agricultural procurement (FAA Sec. 604(e)): If non-U.S. procurement of agricultural commodity or product thereof is to be financed, is there provision against such procurement when the domestic price of such commodity is less than parity? (Exception where commodity financed could not reasonably be procured in U.S.) Not applicable.

e. Construction or engineering services (FAA Sec. 604(g)): Will construction or engineering services be procured from firms of advanced developing countries which are otherwise eligible Not applicable.

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under Code 941 and which have attained a competitive capability in international markets in one of these areas? (Exception for those countries which receive direct economic assistance under the FAA and permit United States firms to compete for construction or engineering services financed from assistance programs of these countries.)

f. Cargo preference shipping (FAA Sec. 603): Is the shipping excluded from compliance with the requirement in section 901(b) of the Merchant Marine Act of 1936, as amended, that at least 50 percent of the gross tonnage of commodities (computed separately for dry bulk carriers, dry cargo liners, and tankers) financed shall be transported on privately owned U.S. flag commercial vessels to the extent such vessels are available at fair and reasonable rates?

No.

g. Technical assistance (FAA Sec. 621(a)): If technical assistance is financed, will such assistance be furnished by private enterprise on a contract basis to the fullest extent practicable? Will the facilities and resources of other Federal agencies be utilized, when they are particularly suitable, not competitive with private enterprise, and made available without undue interference with domestic programs?

The technical assistance to be financed will be procured through competitively-let contracts.

h. U.S. air carriers (International Air Transportation Fair Competitive Practices Act, 1974): If air transportation of persons or property is financed on grant basis, will U.S. carriers be used to the extent such service is available?

Yes.

i. Termination for convenience of U.S. Government (FY 1991 Appropriations Act Sec. 504): If the U.S. Government is a party to a contract for procurement, does the contract contain a provision authorizing termination of such contract for the convenience of the United States?

Yes.

j. Consulting services
(FY 1991 Appropriations Act Sec. 524): If assistance is for consulting service through procurement contract pursuant to 5 U.S.C. 3109, are contract expenditures a matter of public record and available for public inspection (unless otherwise provided by law or Executive order)?

Yes.

k. Metric conversion
(Omnibus Trade and Competitiveness Act of 1988, as interpreted by conference report, amending Metric Conversion Act of 1975 Sec. 2, and as implemented through A.I.D. policy): Does the assistance program use the metric system of measurement in its procurements, grants, and other business-related activities, except to the extent that such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms? Are bulk purchases usually to be made in metric, and are components, subassemblies, and semi-fabricated materials to be specified in metric units when economically available and technically adequate? Will A.I.D. specifications use metric units of measure from the earliest programmatic stages, and from the earliest documentation of the assistance processes (for example, project papers) involving quantifiable measurements (length, area, volume, capacity, mass and weight), through the implementation stage?

Not applicable.

l. Competitive Selection
Procedures (FAA Sec. 601(e)): Will the assistance utilize competitive selection procedures for the awarding of contracts, except where applicable procurement rules allow otherwise?

Yes.

24. Construction

a. Capital project (FAA Sec. 601(d)): If capital (e.g., construction) project, will U.S. engineering and professional services be used?

Not applicable.

b. Construction contract (FAA Sec. 611(c)): If contracts for construction are to be financed, will they be let on a competitive basis to maximum extent practicable?

Not applicable.

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c. Large projects, Congressional approval (FAA Sec. 620(k)): If for construction of productive enterprise, will aggregate value of assistance to be furnished by the U.S. not exceed \$100 million (except for productive enterprises in Egypt that were described in the Congressional Presentation), or does assistance have the express approval of Congress?

Not applicable.

25. U.S. Audit Rights (FAA Sec. 301(d)): If fund is established solely by U.S. contributions and administered by an international organization, does Comptroller General have audit rights?

Not applicable.

26. Communist Assistance (FAA Sec. 620(h)). Do arrangements exist to insure that United States foreign aid is not used in a manner which, contrary to the best interests of the United States, promotes or assists the foreign aid projects or activities of the Communist-bloc countries?

Yes.

27. Narcotics

a. Cash reimbursements (FAA Sec. 483): Will arrangements preclude use of financing to make reimbursements, in the form of cash payments, to persons whose illicit drug crops are eradicated?

Not applicable.

b. Assistance to narcotics traffickers (FAA Sec. 487): Will arrangements take "all reasonable steps" to preclude use of financing to or through individuals or entities which we know or have reason to believe have either: (1) been convicted of a violation of any law or regulation of the United States or a foreign country relating to narcotics (or other controlled substances); or (2) been an illicit trafficker in, or otherwise involved in the illicit trafficking of, any such controlled substance?

Not applicable.

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28. **Expropriation and Land Reform (FAA Sec. 620(g)):** Will assistance preclude use of financing to compensate owners for expropriated or nationalized property, except to compensate foreign nationals in accordance with a land reform program certified by the President? Not applicable.
29. **Police and Prisons (FAA Sec. 660):** Will assistance preclude use of financing to provide training, advice, or any financial support for police, prisons, or other law enforcement forces, except for narcotics programs? Not applicable.
30. **CIA Activities (FAA Sec. 662):** Will assistance preclude use of financing for CIA activities? Not applicable.
31. **Motor Vehicles (FAA Sec. 636(i)):** Will assistance preclude use of financing for purchase, sale, long-term lease, exchange or guaranty of the sale of motor vehicles manufactured outside U.S., unless a waiver is obtained? Not applicable.
32. **Military Personnel (FY 1991 Appropriations Act Sec. 503):** Will assistance preclude use of financing to pay pensions, annuities, retirement pay, or adjusted service compensation for prior or current military personnel? Not applicable.
33. **Payment of U.N. Assessments (FY 1991 Appropriations Act Sec. 505):** Will assistance preclude use of financing to pay U.N. assessments, arrearages or dues? Not applicable.
34. **Multilateral Organization Lending (FY 1991 Appropriations Act Sec. 506):** Will assistance preclude use of financing to carry out provisions of FAA section 209(d) (transfer of FAA funds to multilateral organizations for lending)? Not applicable.
35. **Export of Nuclear Resources (FY 1991 Appropriations Act Sec. 510):** Will assistance preclude use of financing to finance the export of nuclear equipment, fuel, or technology? Not applicable.

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36. **Repression of Population (FY 1991 Appropriations Act Sec. 511):** Will assistance preclude use of financing for the purpose of aiding the efforts of the government of such country to repress the legitimate rights of the population of such country contrary to the Universal Declaration of Human Rights?

Not applicable.

37. **Publicity or Propoganda (FY 1991 Appropriations Act Sec. 516):** Will assistance be used for publicity or propoganda purposes designed to support or defeat legislation pending before Congress, to influence in any way the outcome of a political election in the United States, or for any publicity or propoganda purposes not authorized by Congress?

Not applicable.

38. **Marine Insurance (FY 1991 Appropriations Act Sec. 563):** Will any A.I.D. contract and solicitation, and subcontract entered into under such contract, include a clause requiring that U.S. marine insurance companies have a fair opportunity to bid for marine insurance when such insurance is necessary or appropriate?

Not applicable.

39. **Exchange for Prohibited Act (FY 1991 Appropriations Act Sec. 569):** Will any assistance be provided to any foreign government (including any instrumentality or agency thereof), foreign person, or United States person in exchange for that foreign government or person undertaking any action which is, if carried out by the United States Government, a United States official or employee, expressly prohibited by a provision of United States law?

Not applicable.

B. CRITERIA APPLICABLE TO DEVELOPMENT ASSISTANCE ONLY

1. Agricultural Exports (Bumpers Amendment) (FY 1991 Appropriations Act Sec. 521(b), as interpreted by conference report for original enactment): If assistance is for agricultural development activities (specifically, any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training); are such activities: (1) specifically and principally designed to increase agricultural exports by the host country to a country other than the United States, where the export would lead to direct competition in that third country with exports of a similar commodity grown or produced in the United States, and can the activities reasonably be expected to cause substantial injury to U.S. exporters of a similar agricultural commodity; or (2) in support of research that is intended primarily to benefit U.S. producers?

Not applicable.

2. Tied Aid Credits (FY 1991 Appropriations Act, Title II, under heading "Economic Support Fund"): Will DA funds be used for tied aid credits?

Not applicable.

3. Appropriate Technology (FAA Sec. 107): Is special emphasis placed on use of appropriate technology (defined as relatively smaller, cost-saving, labor-using technologies that are generally most appropriate for the small farms, small businesses, and small incomes of the poor)?

Not applicable.

4. Indigenous Needs and Resources (FAA Sec. 281(b)): Describe extent to which the activity recognizes the particular needs, desires, and capacities of the people of the country; utilizes the country's intellectual resources to encourage institutional development; and supports civic education and training in skills required for effective participation in governmental and political processes essential to self-government.

The Project supports democratic institutional development, as well as civic education and training for greater efficacy and efficiency of the democratic process.

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5. Economic Development (FAA Sec. 101(a)): Does the activity give reasonable promise of contributing to the development of economic resources, or to the increase of productive capacities and self-sustaining economic growth?

Not applicable.

6. Special Development Emphases (FAA Secs. 102(b), 113, 281(a)): Describe extent to which activity will: (a) effectively involve the poor in development by extending access to economy at local level, increasing labor-intensive production and the use of appropriate technology, dispersing investment from cities to small towns and rural areas, and insuring wide participation of the poor in the benefits of development on a sustained basis, using appropriate U.S. institutions; (b) encourage democratic private and local governmental institutions; (c) support the self-help efforts of developing countries; (d) promote the participation of women in the national economies of developing countries and the improvement of women's status; and (e) utilize and encourage regional cooperation by developing countries.

- a) Not applicable.
- b) The civic and human rights education component will encourage local participation.
- c) Not applicable.
- d) Women's status will be an important focus of the civic and human rights component, and in the monitoring indicators activity.
- e) N/A

7. Recipient Country Contribution (FAA Secs. 110, 124(d)): Will the recipient country provide at least 25 percent of the costs of the program, project, or activity with respect to which the assistance is to be furnished (or is the latter cost-sharing requirement being waived for a "relatively least developed" country)?

Yes.

8. Benefit to Poor Majority (FAA Sec. 128(b)): If the activity attempts to increase the institutional capabilities of private organizations or the government of the country, or if it attempts to stimulate scientific and technological research, has it been designed and will it be monitored to ensure that the ultimate beneficiaries are the poor majority?

The poor majority of Guatemala will benefit from the strengthening of democratic institutions and practices.

9. Abortions (FAA Sec. 104(f); FY 1991 Appropriations Act, Title II, under heading "Population, DA," and Sec. 535):

a. Are any of the funds to be used for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions? Not applicable.

b. Are any of the funds to be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations? Not applicable.

c. Are any of the funds to be made available to any organization or program which, as determined by the President, supports or participates in the management of a program of coercive abortion or involuntary sterilization? Not applicable.

d. Will funds be made available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services? Not applicable.

e. In awarding grants for natural family planning, will any applicant be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning? Not applicable.

f. Are any of the funds to be used to pay for any biomedical research which relates, in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning? Not applicable.

g. Are any of the funds to be made available to any organization if the President certifies that the use of these funds by such organization would violate any of the above provisions related to abortions and involuntary sterilization? Not applicable.

10. **Contract Awards (FAA Sec. 601(e)):** Will the project utilize competitive selection procedures for the awarding of contracts, except where applicable procurement rules allow otherwise?

Yes.

11. **Disadvantaged Enterprises (FY 1991 Appropriations Act Sec. 567):** What portion of the funds will be available only for activities of economically and socially disadvantaged enterprises, historically black colleges and universities, colleges and universities having a student body in which more than 40 percent of the students are Hispanic Americans, and private and voluntary organizations which are controlled by individuals who are black Americans, Hispanic Americans, or Native Americans, or who are economically or socially disadvantaged (including women)?

Not applicable.

12. **Biological Diversity (FAA Sec. 119(g)):** Will the assistance: (a) support training and education efforts which improve the capacity of recipient countries to prevent loss of biological diversity; (b) be provided under a long-term agreement in which the recipient country agrees to protect ecosystems or other wildlife habitats; (c) support efforts to identify and survey ecosystems in recipient countries worthy of protection; or (d) by any direct or indirect means significantly degrade national parks or similar protected areas or introduce exotic plants or animals into such areas?

Not applicable.

13. **Tropical Forests (FAA Sec. 118; FY 1991 Appropriations Act Sec. 533(c)-(e) & (g)):**

a. **A.I.D. Regulation 16:** Does the assistance comply with the environmental procedures set forth in A.I.D. Regulation 16?

Not applicable.

b. **Conservation:** Does the assistance place a high priority on conservation and sustainable management of tropical forests? Specifically, does the assistance, to the fullest extent

Not applicable.

feasible: (1) stress the importance of conserving and sustainably managing forest resources; (2) support activities which offer employment and income alternatives to those who otherwise would cause destruction and loss of forests, and help countries identify and implement alternatives to colonizing forested areas; (3) support training programs, educational efforts, and the establishment or strengthening of institutions to improve forest management; (4) help end destructive slash-and-burn agriculture by supporting stable and productive farming practices; (5) help conserve forests which have not yet been degraded by helping to increase production on lands already cleared or degraded; (6) conserve forested watersheds and rehabilitate those which have been deforested; (7) support training, research, and other actions which lead to sustainable and more environmentally sound practices for timber harvesting, removal, and processing; (8) support research to expand knowledge of tropical forests and identify alternatives which will prevent forest destruction, loss, or degradation; (9) conserve biological diversity in forest areas by supporting efforts to identify, establish, and maintain a representative network of protected tropical forest ecosystems on a worldwide basis, by making the establishment of protected areas a condition of support for activities involving forest clearance or degradation, and by helping to identify tropical forest ecosystems and species in need of protection and establish and maintain appropriate protected areas; (10) seek to increase the awareness of U.S. Government agencies and other donors of the immediate and long-term value of tropical forests; (11) utilize the resources and abilities of all relevant U.S. government agencies; (12) be based upon careful analysis of the alternatives available to achieve the best sustainable use of the land; and (13) take full account of the environmental impacts of the proposed activities on biological diversity?

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c. Forest degradation: Will assistance be used for: (1) the procurement or use of logging equipment, unless an environmental assessment indicates that all timber harvesting operations involved will be conducted in an environmentally sound manner and that the proposed activity will produce positive economic benefits and sustainable forest management systems; (2) actions which will significantly degrade national parks or similar protected areas which contain tropical forests, or introduce exotic plants or animals into such areas; (3) activities which would result in the conversion of forest lands to the rearing of livestock; (4) the construction, upgrading, or maintenance of roads (including temporary haul roads for logging or other extractive industries) which pass through relatively undergraded forest lands; (5) the colonization of forest lands; or (6) the construction of dams or other water control structures which flood relatively undergraded forest lands, unless with respect to each such activity an environmental assessment indicates that the activity will contribute significantly and directly to improving the livelihood of the rural poor and will be conducted in an environmentally sound manner which supports sustainable development?

Not applicable.

d. Sustainable forestry: If assistance relates to tropical forests, will project assist countries in developing a systematic analysis of the appropriate use of their total tropical forest resources, with the goal of developing a national program for sustainable forestry?

Not applicable.

e. Environmental impact statements: Will funds be made available in accordance with provisions of FAA Section 117(c) and applicable A.I.D. regulations requiring an environmental impact statement for activities significantly affecting the environment?

This Project has received a categorical exclusion, per LAC-IEE-90-31.

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14. Energy (FY 1991 Appropriations Act Sec. 533(c)): If assistance relates to energy, will such assistance focus on: (a) end-use energy efficiency, least-cost energy planning, and renewable energy resources, and (b) the key countries where assistance would have the greatest impact on reducing emissions from greenhouse gases?

Not applicable.

15. Sub-Saharan Africa Assistance (FY 1991 Appropriations Act Sec. 562, adding a new FAA chapter 10 (FAA Sec. 496)): If assistance will come from the Sub-Saharan Africa DA account, is it: (a) to be used to help the poor majority in Sub-Saharan Africa through a process of long-term development and economic growth that is equitable, participatory, environmentally sustainable, and self-reliant; (b) to be used to promote sustained economic growth, encourage private sector development, promote individual initiatives, and help to reduce the role of central governments in areas more appropriate for the private sector; (c) being provided in accordance with the policies contained in FAA section 102; (d) being provided in close consultation with African, United States and other PVOs that have demonstrated effectiveness in the promotion of local grassroots activities on behalf of long-term development in Sub-Saharan Africa; (e) being used to promote reform of sectoral economic policies, to support the critical sector priorities of agricultural production and natural resources, health, voluntary family planning services, education, and income generating opportunities, to bring about appropriate sectoral restructuring of the Sub-Saharan African economies, to support reform in public administration and finances and to establish a favorable environment for individual enterprise and self-sustaining development, and to take into account, in assisted policy reforms, the need to protect vulnerable groups; (f) being used to increase agricultural production in ways that protect and restore the natural resource base, especially food production, to maintain and improve basic transportation and communication networks,

Not applicable.

to maintain and restore the renewable natural resource base in ways that increase agricultural production, to improve health conditions with special emphasis on meeting the health needs of mothers and children, including the establishment of self-sustaining primary health care systems that give priority to preventive care, to provide increased access to voluntary family planning services, to improve basic literacy and mathematics especially to those outside the formal educational system and to improve primary education, and to develop income-generating opportunities for the unemployed and underemployed in urban and rural areas?

16. Debt-for-Nature Exchange (FAA Sec. 463): If project will finance a debt-for-nature exchange, describe how the exchange will support protection of: (a) the world's oceans and atmosphere, (b) animal and plant species, and (c) parks and reserves; or describe how the exchange will promote: (d) natural resource management, (e) local conservation programs, (f) conservation training programs, (g) public commitment to conservation, (h) land and ecosystem management, and (i) regenerative approaches in farming, forestry, fishing, and watershed management.

Not applicable.

17. Deobligation/Reobligation (FY 1991 Appropriations Act Sec. 515): If deob/reob authority is sought to be exercised in the provision of DA assistance, are the funds being obligated for the same general purpose, and for countries within the same region as originally obligated, and have the House and Senate Appropriations Committees been properly notified?

Not applicable.

18. Loans

a. Repayment capacity (FAA Sec. 122(b)): Information and conclusion on capacity of the country to repay the loan at a reasonable rate of interest.

Not applicable.

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b. Long-range plans (FAA Sec. 122(b)): Does the activity give reasonable promise of assisting long-range plans and programs designed to develop economic resources and increase productive capacities?

Not applicable.

c. Interest rate (FAA Sec. 122(b)): If development loan is repayable in dollars, is interest rate at least 2 percent per annum during a grace period which is not to exceed ten years, and at least 3 percent per annum thereafter?

Not applicable.

d. Exports to United States (FAA Sec. 620(d)): If assistance is for any productive enterprise which will compete with U.S. enterprises, is there an agreement by the recipient country to prevent export to the U.S. of more than 20 percent of the enterprise's annual production during the life of the loan, or has the requirement to enter into such an agreement been waived by the President because of a national security interest?

Not applicable.

19. Development Objectives (FAA Secs. 102(a), 111, 113, 281(a)): Extent to which activity will: (1) effectively involve the poor in development, by expanding access to economy at local level, increasing labor-intensive production and the use of appropriate technology, spreading investment out from cities to small towns and rural areas, and insuring wide participation of the poor in the benefits of development on a sustained basis, using the appropriate U.S. institutions; (2) help develop cooperatives, especially by technical assistance, to assist rural and urban poor to help themselves toward better life, and otherwise encourage democratic private and local governmental institutions; (3) support the self-help efforts of developing countries; (4) promote the participation of women in the national economies of developing countries and the improvement of women's status; and (5) utilize and encourage regional cooperation by developing countries?

Note Point 6 (d) above.

20. Agriculture, Rural Development and Nutrition, and Agricultural Research (FAA Secs. 103 and 103A):

a. Rural poor and small farmers: If assistance is being made available for agriculture, rural development or nutrition, describe extent to which activity is specifically designed to increase productivity and income of rural poor; or if assistance is being made available for agricultural research, has account been taken of the needs of small farmers, and extensive use of field testing to adapt basic research to local conditions shall be made.

Not applicable.

b. Nutrition: Describe extent to which assistance is used in coordination with efforts carried out under FAA Section 104 (Population and Health) to help improve nutrition of the people of developing countries through encouragement of increased production of crops with greater nutritional value; improvement of planning, research, and education with respect to nutrition, particularly with reference to improvement and expanded use of indigenously produced foodstuffs; and the undertaking of pilot or demonstration programs explicitly addressing the problem of malnutrition of poor and vulnerable people.

Not applicable.

c. Food security: Describe extent to which activity increases national food security by improving food policies and management and by strengthening national food reserves, with particular concern for the needs of the poor, through measures encouraging domestic production, building national food reserves, expanding available storage facilities, reducing post harvest food losses, and improving food distribution.

Not applicable.

21. Population and Health (FAA Secs. 104(b) and (c)): If assistance is being made available for population or health activities, describe extent to which activity emphasizes low-cost, integrated delivery systems for health, nutrition and family planning for the poorest people, with particular attention to the needs of

Not applicable.

mothers and young children, using paramedical and auxiliary medical personnel, clinics and health posts, commercial distribution systems, and other modes of community outreach.

22. Education and Human Resources Development (FAA Sec. 105): If assistance is being made available for education, public administration, or human resource development, describe (a) extent to which activity strengthens nonformal education, makes formal education more relevant, especially for rural families and urban poor, and strengthens management capability of institutions enabling the poor to participate in development; and (b) extent to which assistance provides advanced education and training of people of developing countries in such disciplines as are required for planning and implementation of public and private development activities.

The Project supports formal and non-formal civic and human rights education.

23. Energy, Private Voluntary Organizations, and Selected Development Activities (FAA Sec. 106): If assistance is being made available for energy, private voluntary organizations, and selected development problems, describe extent to which activity is:

Not applicable.

a. concerned with data collection and analysis, the training of skilled personnel, research on and development of suitable energy sources, and pilot projects to test new methods of energy production; and facilitative of research on and development and use of small-scale, decentralized, renewable energy sources for rural areas, emphasizing development of energy resources which are environmentally acceptable and require minimum capital investment;

Not applicable.

b. concerned with technical cooperation and development, especially with U.S. private and voluntary, or regional and international development, organizations;

Not applicable.

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c. research into, and evaluation of, economic development processes and techniques; Not applicable.

d. reconstruction after natural or manmade disaster and programs of disaster preparedness; Not applicable

e. for special development problems, and to enable proper utilization of infrastructure and related projects funded with earlier U.S. assistance; Not applicable.

f. for urban development, especially small, labor-intensive enterprises, marketing systems for small producers, and financial or other institutions to help urban poor participate in economic and social development. Not applicable.

24. Sahel Development (FAA Secs. 120-21). If assistance is being made available for the Sahelian region, describe: (a) extent to which there is international coordination in planning and implementation; participation and support by African countries and organizations in determining development priorities; and a long-term, multidonor development plan which calls for equitable burden-sharing with other donors; (b) whether a determination has been made that the host government has an adequate system for accounting for and controlling receipt and expenditure of projects funds (dollars or local currency generated therefrom). Not applicable.

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C. CRITERIA APPLICABLE TO ECONOMIC SUPPORT FUNDS ONLY

1. **Economic and Political Stability (FAA Sec. 531(a)):** Will this assistance promote economic and political stability? To the maximum extent feasible, is this assistance consistent with the policy directions, purposes, and programs of Part I of the FAA? Yes.

2. **Military Purposes (FAA Sec. 531(e)):** Will this assistance be used for military or paramilitary purposes? No.

3. **Commodity Grants/Separate Accounts (FAA Sec. 609):** If commodities are to be granted so that sale proceeds will accrue to the recipient country, have Special Account (counterpart) arrangements been made? Not applicable.

4. **Generation and Use of Local Currencies (FAA Sec. 531(d)):** Will ESF funds made available for commodity import programs or other program assistance be used to generate local currencies? If so, will at least 50 percent of such local currencies be available to support activities consistent with the objectives of FAA sections 103 through 106? Not applicable.

5. **Cash Transfer Requirements (FY 1991 Appropriations Act, Title II, under heading "Economic Support Fund," and Sec. 575(b)).** If assistance is in the form of a cash transfer: Not applicable.
 - a. **Separate account:** Are all such cash payments to be maintained by the country in a separate account and not to be commingled with any other funds? Not applicable.

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b. **Local currencies:** Will all local currencies that may be generated with funds provided as a cash transfer to such a country also be deposited in a special account, and has A.I.D. entered into an agreement with that government setting forth the amount of the local currencies to be generated, the terms and conditions under which they are to be used, and the responsibilities of A.I.D. and that government to monitor and account for deposits and disbursements?

Not applicable.

c. **U.S. Government use of local currencies:** Will all such local currencies also be used in accordance with FAA Section 609, which requires such local currencies to be made available to the U.S. government as the U.S. determines necessary for the requirements of the U.S. Government, and which requires the remainder to be used for programs agreed to by the U.S. Government to carry out the purposes for which new funds authorized by the FAA would themselves be available?

Not applicable.

d. **Congressional notice:** Has Congress received prior notification providing in detail how the funds will be used, including the U.S. interests that will be served by the assistance, and, as appropriate, the economic policy reforms that will be promoted by the cash transfer assistance?

See A.3(a).

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GUATEMALA

SC(1) - COUNTRY CHECKLIST

Listed below are statutory criteria applicable to the eligibility of countries to receive the following categories of assistance: (A) both Development Assistance and Economic Support Funds; (B) Development Assistance funds only; or (C) Economic Support Funds only.

A. COUNTRY ELIGIBILITY CRITERIA APPLICABLE TO BOTH DEVELOPMENT ASSISTANCE AND ECONOMIC SUPPORT FUND ASSISTANCE

1. Narcotics

a. Negative certification (FY 1991 Appropriations Act Sec. 559(b)): Has the President certified to the Congress that the government of the recipient country is failing to take adequate measures to prevent narcotic drugs or other controlled substances which are cultivated, produced or processed illicitly, in whole or in part, in such country or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from entering the United States unlawfully?

No, the President has not so certified

b. Positive certification (FAA Sec. 481(h)). (This provision applies to assistance of any kind provided by grant, sale, loan, lease, credit, guaranty, or insurance, except assistance from the Child Survival Fund or relating to international narcotics control, disaster and refugee relief, narcotics education and awareness, or the provision of food or medicine.) If the recipient is a "major illicit drug producing country" (defined as a country producing during a fiscal year at least five metric tons of opium or 500 metric tons of coca or marijuana) or a "major drug-transit country" (defined as a country that is a significant direct source of illicit drugs significantly

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affecting the United States, through which such drugs are transported, or through which significant sums of drug-related profits are laundered with the knowledge or complicity of the government):

(1) does the country have in place a bilateral narcotics agreement with the United States, or a multilateral narcotics agreement?

.....Multilateral. Guatemala is a signatory to the U.N. Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.

(2) has the President in the March 1 International Narcotics Control Strategy Report (INSCR) determined and certified to the Congress (without Congressional enactment, within 45 days of continuous session, of a resolution disapproving such a certification), or has the President determined and certified to the Congress on any other date (with enactment by Congress of a resolution approving such certification), that (a) during the previous year the country has cooperated fully with the United States or taken adequate steps on its own to satisfy the goals agreed to in a bilateral narcotics agreement with the United States or in a multilateral agreement, to prevent illicit drugs produced or processed in or transported through such country from being transported into the United States, to prevent and punish drug profit laundering in the country, and to prevent and punish bribery and other forms of public corruption which facilitate production or shipment of illicit drugs or discourage prosecution of such acts, or that (b) the vital national interests of the United States require the provision of such assistance?

.....Yes

c. Government Policy (1986 Anti-Drug Abuse Act of 1986 Sec. 2013(b)). (This section applies to the same categories of assistance subject to the restrictions in FAA Sec. 481(h), above.) If recipient country is a "major illicit drug producing country" or "major drug-transit country" (as defined for the purpose of FAA Sec 481(h)), has the President submitted a report to Congress listing such country as one: (a) which, as a matter of government policy, encourages or facilitates the production

.....a) No

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or distribution of illicit drugs; (b) inb) No
which any senior official of the
government engages in, encourages, or
facilitates the production or distribution
of illegal drugs; (c) in which any memberc) No
of a U.S. Government agency has suffered
or been threatened with violence inflicted
by or with the complicity of any
government officer; or (d) which fails tod) No
provide reasonable cooperation to lawful
activities of U.S. drug enforcement
agents, unless the President has provided
the required certification to Congress
pertaining to U.S. national interests and
the drug control and criminal prosecution
efforts of that country?

2. Indebtedness to U.S. citizensNo
(FAA Sec. 620(c): If assistance is to a
government, is the government indebted to
any U.S. citizen for goods or services
furnished or ordered where: (a) such
citizen has exhausted available legal
remedies, (b) the debt is not denied or
contested by such government, or (c) the
indebtedness arises under an unconditional
guaranty of payment given by such
government or controlled entity?

3. Seizure of U.S. Property (FAANo
Sec. 620(e)(1)): If assistance is to a
government, has it (including any
government agencies or subdivisions) taken
any action which has the effect of
nationalizing, expropriating, or otherwise
seizing ownership or control of property
of U.S. citizens or entities beneficially
owned by them without taking steps to
discharge its obligations toward such
citizens or entities?

4. Communist countries (FAA Secs.No
620(a), 620(f), 620D; FY 1991
Appropriations Act Secs. 512, 545): Is
recipient country a Communist country? If
so, has the President: (a) determined
that assistance to the country is vital to
the security of the United States, that
the recipient country is not controlled by
the international Communist conspiracy,
and that such assistance will further
promote the independence of the recipient
country from international communism, or
(b) removed a country from applicable

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restrictions on assistance to communist countries upon a determination and report to Congress that such action is important to the national interest of the United States? Will assistance be provided either directly or indirectly to Angola, Cambodia, Cuba, Iraq, Libya, Vietnam, Iran or Syria? Will assistance be provided to Afghanistan without a certification, or will assistance be provided inside Afghanistan through the Soviet-controlled government of Afghanistan?

5. Mob Action (FAA Sec. 620(j)):No
Has the country permitted, or failed to take adequate measures to prevent, damage or destruction by mob action of U.S. property?

6. OPIC Investment Guaranty (FAA Sec. 620(l)):No
Has the country failed to enter into an investment guaranty agreement with OPIC?

7. Seizure of U.S. Fishing Vessels (FAA Sec. 620(o); Fishermen's Protective Act of 1967 (as amended) Sec. 5):No
(a) Has the country seized, or imposed any penalty or sanction against, any U.S. fishing vessel because of fishing activities in international waters? (b) If so, has any deduction required by the Fishermen's Protective Act been made?

8. Loan Default (FAA Sec. 620(q); FY 1991 Appropriations Act Sec. 518 (Brooke Amendment)):a) No
(a) Has the government of the recipient country been in default for more than six months on interest or principal of any loan to the country under the FAA?b) No
(b) Has the country been in default for more than one year on interest or principal on any U.S. loan under a program for which the FY 1990 Appropriations Act appropriates funds?

9. Military Equipment (FAA Sec. 620(s)):Yes, taken into consideration by the Administrator at the time of approval of the 1991 OYE.
If contemplated assistance is development loan or to come from Economic Support Fund, has the Administrator taken into account the percentage of the country's budget and amount of the country's foreign exchange or other resources spent on military equipment?

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(Reference may be made to the annual "Taking Into Consideration" memo: "Yes, taken into account by the Administrator at time of approval of Agency OYB." This approval by the Administrator of the Operational Year Budget can be the basis for an affirmative answer during the fiscal year unless significant changes in circumstances occur.)

10. Diplomatic Relations with U.S.No
(FAA Sec. 620(t)): Has the country severed diplomatic relations with the United States? If so, have relations been resumed and have new bilateral assistance agreements been negotiated and entered into since such resumption?

11. U.N. Obligations (FAA Sec. 620(u)): What is the payment status of the country's U.N. obligations? If the country is in arrears, were such arrearages taken into account by the A.I.D. Administrator in determining the current A.I.D. Operational Year Budget? (Reference may be made to the "Taking into Consideration" memo.)Guatemala is in arrears on the payment of obligations to the U.N. This was taken into account by the Administrator at the time of approval of the OYB.

12. International Terrorism

a. Sanctuary and support (FY 1991 Appropriations Act Sec. 556; FAA Sec. 620A): Has the country been determined by the President to: (a) granta) No
sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or (b)b) No
otherwise support international terrorism, unless the President has waived this restriction on grounds of national security or for humanitarian reasons?

b. Airport Security (ISDCA of.No
1985 Sec. 552(b)). Has the Secretary of State determined that the country is a high terrorist threat country after the Secretary of Transportation has determined, pursuant to section 1115(e)(2) of the Federal Aviation Act of 1958, that an airport in the country does not maintain and administer effective security measures?

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13. Discrimination (FAA Sec. 666(b)): Does the country object, on the basis of race, religion, national origin or sex, to the presence of any officer or employee of the U.S. who is present in such country to carry out economic development programs under the FAA?

14. Nuclear Technology (FAA Secs. 669, 670): Has the country, after August 3, 1977, delivered to any other country or received nuclear enrichment or reprocessing equipment, materials, or technology, without specified arrangements or safeguards, and without special certification by the President? Has it transferred a nuclear explosive device to a non-nuclear weapon state, or if such a state, either received or detonated a nuclear explosive device? If the country is a non-nuclear weapon state, has it, on or after August 8, 1985, exported (or attempted to export) illegally from the United States any material, equipment, or technology which would contribute significantly to the ability of a country to manufacture a nuclear explosive device? (FAA Sec. 620E permits a special waiver of Sec. 669 for Pakistan.)

15. Algiers Meeting (ISDCA of 1981, Sec. 720): Was the country represented at the Meeting of Ministers of Foreign Affairs and Heads of Delegations of the Non-Aligned Countries to the 36th General Assembly of the U.N. on Sept. 25 and 28, 1981, and did it fail to disassociate itself from the communique issued? If so, has the President taken it into account? (Reference may be made to the "Taking into Consideration" memo.)

16. Military Coup (FY 1991 Appropriations Act Sec. 513): Has the duly elected Head of Government of the country been deposed by military coup or decree? If assistance has been terminated, has the President notified Congress that a democratically elected government has taken office prior to the resumption of assistance?

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17. Refugee Cooperation (FY 1991 Appropriations Act Sec. 539): Does the recipient country fully cooperate with the international refugee assistance organizations, the United States, and other governments in facilitating lasting solutions to refugee situations, including resettlement without respect to race, sex, religion, or national origin?Yes

18. Exploitation of Children (FY 1991 Appropriations Act Sec. 599D, amending FAA Sec. 116): Does the recipient government fail to take appropriate and adequate measures, within its means, to protect children from exploitation, abuse or forced conscription into military or paramilitary services?No

B. COUNTRY ELIGIBILITY CRITERIA APPLICABLE ONLY TO DEVELOPMENT ASSISTANCE ("DA")

1. Human Rights Violations (FAA Sec. 116): Has the Department of State determined that this government has engaged in a consistent pattern of gross violations of internationally recognized human rights? If so, can it be demonstrated that contemplated assistance will directly benefit the needy?No

2. Abortions (FY 1991 Appropriations Act Sec. 535): Has the President certified that use of DA funds by this country would violate any of the prohibitions against use of funds to pay for the performance of abortions as a method of family planning, to motivate or coerce any person to practice abortions, to pay for the performance of involuntary sterilization as a method of family planning, to coerce or provide any financial incentive to any person to undergo sterilizations, to pay for any biomedical research which relates, in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning?No

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C. COUNTRY ELIGIBILITY CRITERIA APPLICABLE
ONLY TO ECONOMIC SUPPORT FUNDS ("ESF")

Human Rights Violations (FAA Sec. 502B): Has it been determined that the country has engaged in a consistent pattern of gross violations of internationally recognized human rights? If so, has the President found that the country made such significant improvement in its human rights record that furnishing such assistance is in the U.S. national interest?

.....No

Clearances

LAC/CEN:JVDBos 9/9-16-91
LAC/SAM:JSchneider 8-16-91
LAC/TI:JVermillion 8-16-91
ARA/CEN:JARndt 8/16/91
State/IOSB:THobgood 8/16/91
State/HA/BA:MJacobson 8/16/91
LAC/DPP:EZallman 8/16/91
State/RF/ENA:DKemp 8/14/91
GC/LAC:KHansen 8/15/91
State/INM:ECarroll 8/20

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