



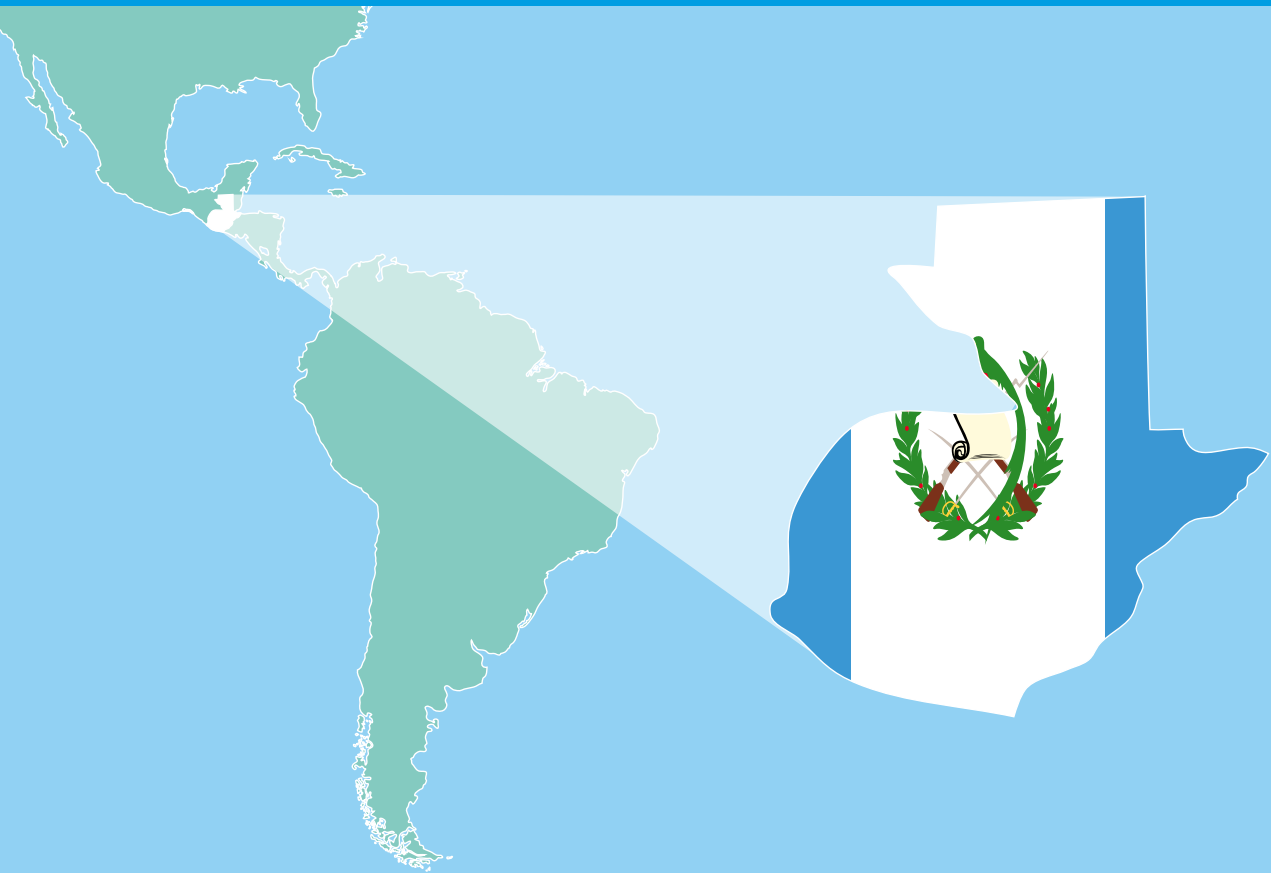
Ministry of Foreign Affairs

# IOB Evaluation

## Impact of Ending Aid

Guatemala country study

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# *IOB Evaluation*

## **Impact of Ending Aid** Guatemala country study

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## List of acronyms and abbreviations

ADP	Asociación de Amigos del Desarrollo y la Paz (Association of Friends of Development and Peace)
AHPN	Archivos Históricos de la Policía Nacional (Historical Archives of the National Police)
CALDH	Centro para la Acción Legal en Derechos Humanos (Center for Legal Action in Human Rights)
CGC	Contraloría General de Cuentas (Public Auditor's Office)
CICIG	Comisión Internacional contra la Impunidad en Guatemala (International Commission against Impunity in Guatemala)
CPS	
CSO	Civil Society Organisation
EKN	Embassy of the Kingdom of the Netherlands
G13	Donor Group
FAFG	Fundación de Antropología Forense de Guatemala (Forensic Anthropology Foundation of Guatemala)
ICCPG	Instituto de Estudios Comparados en Ciencias Penales de Guatemala (Institute for Comparative Studies in Criminal Sciences in Guatemala)
IEPADES	Instituto de Enseñanza para el Desarrollo Sostenible (Teaching Institute for Sustainable Development)
IIARS	International Institute for Learning for Social Reconciliation
INE	Instituto Nacional de Estadística (National Statistics Institute)
IOB	Policy and Operations Evaluation Department of the Ministry of Foreign Affairs of the Netherlands
LIBER	Libertad Democrática Renovada (Renewed Democratic Liberty)
MAP	Midden-Amerika Programma (Central America Programme)
MASP	Multi-Annual Strategic Plan
MoF	Ministry of Finance
NGO	Non-Governmental Organisation
ODA	Official Development Assistance
PAJUST	Programa de Acompañamiento a la Justicia de Transición (UNDP Programme for Transitional Justice)
PCS	Project Counselling Service (Consejería en Proyectos)
PP	Partido Patriota (Patriotic Party)
PROGOBIH	Programa de Gobernabilidad Integral de Huehuetenango (Programme for Integrated Governance in Huehuetenango)
SEGEPLAN	Secretaría de Planificación y Programación de la Presidencia (Planning and Programming Secretariat of the Presidency)
SEPAZ	Secretaría de la Paz (Peace Secretariat)
UNDP	United Nations Development Programme
UNE	Unidad Nacional de la Esperanza (National Unity of Hope)



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# Introduction

In 2010, the Minister of Foreign Affairs and the State Secretary for Foreign Affairs of the Netherlands decided to reduce its number of partner countries from 33 to 15. An official argument was the conviction that decreasing fragmentation and specialising would enhance the efficiency and effectiveness of Dutch bilateral aid. It would give the Netherlands a better position for gaining more in-depth knowledge of the political, economic, social and cultural structures in the (remaining) countries and would help to reduce the costs of operational management. At the same time, the reduction was instrumental for introducing budget cuts, as the government had decided to reduce Dutch ODA from 0.8% to 0.7% of the GDP.

The State Secretary promised to coordinate the partner country choices with other donor countries and the EU in order to achieve a more effective division of labour among donors and to develop a country-specific exit strategy. To ensure a smooth and successful exit, the embassies in question would develop an exit strategy, including a timetable and an assessment of the possibilities for ending the development relationship or transferring the development cooperation programme to other partners. The State Secretary also phased out support to the social sectors (education and health), focusing more on the economic sectors as it was believed that the value added of the Netherlands in the latter would be higher. Budget cuts also hit the Netherlands Ministry of Foreign Affairs, forcing it to reduce the Dutch presence abroad. The embassies in five countries where the Netherlands had decided to phase out bilateral development cooperation were closed as well.

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Guatemala is one of the countries where the Netherlands has discontinued its bilateral development relationship, after having provided support for thirty years. Although Guatemala was not a major recipient of Dutch aid, the Netherlands was one of the important donors in the country in terms of policy dialogue and as a source of finance for some civil society organisations (CSOs). Subsequent to the decision to end development cooperation, the Dutch government announced that the Embassy of the Kingdom of the Netherlands (EKN) in Guatemala would be closed as well.

The House of Representatives in the Netherlands has requested an analysis of the effects of the budget cuts in bilateral aid on developing countries. In a reaction, the State Secretary promised that the independent evaluation department of the ministry (IOB) would evaluate the effects of discontinuing the development cooperation partnership.

The aim of the evaluation is to assess the impact of ending bilateral development cooperation on the former partner countries:

- at the macro level, focusing on the Dutch decision to phase out and the effect on total aid and the policy dialogue;
- at the micro level, focusing on the impacts on specific programmes and projects that were previously supported by the Netherlands.

IOB conducted six country case studies: Guatemala, Nicaragua, Bolivia, Burkina Faso, Tanzania and Zambia. The evaluation department selected these countries on the basis of income level and the relative importance of Dutch development assistance for the country.

In each of the six country studies, the evaluation analyses the impact on key sectors that received Dutch support.

This report summarises the results for the Guatemala case study. It presents the findings that assess the impact of ending support related to governance and transitional justice. The report is based on an analysis of information obtained through interviews with various stakeholders, the review of documentation and existing evaluation reports, and the analysis of financial and other statistical information. The report is written by Niek de Jong (Erasmus University) and Caspar Lobbrecht (IOB), with the valuable support of national consultant Fredy Ochaeta.

Chapter 2 presents the country context. Chapter 3 discusses the phasing out process. Chapter 4 discusses the impact on the governance sector. Chapter 5 presents the main conclusions.





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## Country context

## 2.1 Introduction

The government of Guatemala and the *Unidad Revolucionaria Nacional Guatemalteca* signed a peace accord in 1996, marking the formal end of 36 years of internal armed conflict in Guatemala. The conflict is thought to have caused the death or 'disappearance' of over 200,000 people. An overwhelming majority of the victims were from Guatemala's numerous indigenous peoples, who have suffered from economic, political and social discrimination, and human rights violations. To date, the peace accord has not been fully implemented.

This chapter outlines Guatemala's political and socio-economic development in order to contextualise the Dutch exit decision. The chapter addresses the country's ongoing unequal power relations.

## 2.2 Political development

After the signing of the peace accords in 1996, a timetable was agreed for the implementation, compliance and verification of the terms. President Álvaro Arzú (1996-2000) was in charge of the first post-conflict administration, which aimed to implement the terms of the peace accord, reforming the economy and fighting criminal organisations. The influence of the latter increased again during the administration of Alfonso Portillo (2000-2003), when there were close ties between organised crime, state institutions and politicians. The Óscar Berger administration (2004-2007) attempted to repressively deal with the increasingly violent incidences of crime, but corruption prevailed and violent crime continued to increase.

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While all Guatemalan governments in the past two decades have basically followed an essentially neoliberal economic model, the *Unidad Nacional de la Esperanza* (UNE) government led by Álvaro Colom (2008-2012) aimed to bring about social reform and – at least on paper – a more social-democratic orientation. The government plan contained four strategic programmes: Solidarity (comprising policies on social and municipal development); Governance (comprising policies on security and rule of law, democratic development and legislation); Productivity (comprising policies on economic development, risk management and the prevention of and attention to disasters); and Regionality (comprising the policy on international relations).

In terms of governance, the policy's general objective on security and rule of law concerned strengthening the constitutional order and complying with the peace accord, the aim being to eliminate social and economic imbalances (most notably, social exclusion and the highly unequal distribution of income and wealth), social and political discrimination (e.g. the indigenous population is hardly represented by political parties or in public administration), as well as corruption. Likewise, the general objective of the policy on democratic development was to achieve peaceful coexistence among all Guatemalans, respecting multiculturalism, and also to achieve sustainable development, while the aim of legislative policy concerned

the 'legislation, auditing and intermediation that responds to the aspiration and needs of the majority of the Guatemalan population to achieve effective development, security, peace, general well-being, all the while maintaining a climate of democratic governance'.

Adequate domestic economic policies and international relations – in particular international trade and international cooperation – were seen as determinants of economic growth, which in turn was considered a necessary condition for poverty reduction.

Fighting violent crime was one of Colom's top priorities, but his approach was less repressive than his predecessors' approach. The Colom government was also more active in addressing the issue of human rights violations. In 2008, President Colom committed himself to opening the military archives (to which the Ministry of Defence had always refused access) and established the Peace Archives Directorate of the Peace Secretariat (SEPAZ) and assigned it the task of receiving and storing these archives (NCG/Nexus Consultores, 2014). The following year, the archives of the former National Police – discovered in 2005 – were transferred from the Ministry of the Interior to the Ministry of Culture and Sports and became a part of the General Archives of Central America. Prosecutors were still given limited access to use the archives during lawsuits against those responsible for severe violations of human rights during the internal armed conflict, partially due to weaknesses at the Public Prosecutor's Office. This started to change in 2010 with the appointment of lawyer Claudia Paz y Paz as General Prosecutor, which resulted in improvements in the performance of the Public Prosecutor's Office, including the initiation of a trial against former General Efraín Ríos Montt, accused of genocide against indigenous populations during the civil war. Another achievement of the administration was the implementation of a conditional cash transfer programme (*Mi Familia Progresá*).

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For the 2011 elections, Colom's UNE decided to form an electoral alliance with the third-strongest party LIDER of Manuel Baldizón. However, Otto Pérez Molina of the opposition party *Partido Patriota* (PP) claimed victory against Manuel Baldizón, with nearly 54% of the votes in the second round of the elections. PP and UNE won most of the seats in the legislature, while LIDER shared third position with the Nationalist Change Union.<sup>1</sup> The 2011 general elections were characterised by legal uncertainties about presidential candidates, presumed irregularities regarding party financing and high levels of electoral, as well as pre- and post-electoral violence (causing the deaths of several people).

President Pérez Molina took office in January 2012. In general, the Pérez Molina government aimed to increase the competitiveness of the economy and create decent employment opportunities. While social development was a pillar of its government plan, the Pérez Molina administration made a significant policy shift, cutting social development programmes, such as the *Mi Familia Progresá* programme. Likewise, the PP's 'hard handed' approach to combatting the growing insecurity, by involving the military in public security functions and placing military and ex-military officers in civilian positions in many

<sup>1</sup> Several smaller parties won the remaining 26 seats. However, party shifting is common in Guatemala: in 2011 many UNE legislators created a new party, while others joined LIDER (Bertelsmann Stiftung, 2014).

government ministries, marked a further lack of continuity in public security policies. This undermined democratic institutions and had an adverse effect on attempts to strengthen civil power. Another telling example of a break with the previous government's policies was the closure of the Department of Peace Archives in May 2012 (NCG/Nexus Consultores, 2014).

In the area of justice, the politicians of the PP manipulated proceedings to establish Appointment Committees for the election of judges and magistrates to the Court of Justice. The Committees were supposed to elect judges to the Constitutional Court and the Supreme Court starting in 2013. In that year, however, the judgment in the trial of the former Head of State Efraín Ríos Montt was annulled by the Constitutional Court and the trial had to be started over. The trial was to resume in January 2015, but was suspended once again after the defence team argued that the President of the Tribunal could not be impartial. Indeed, there were institutions in the government in favour of granting amnesty for crimes against humanity committed during the internal armed conflict, undermining any form of transitional justice. This violated the rights of victims to their guarantee of judicial protection, to the obligation to investigate serious human rights violations, to know the truth through effective judicial processes and to receive decent compensation.

## 2.3 Socio-economic development

On average, Guatemala's economy grew almost 4% per year in real terms over the past decade, with a peak of 6.3% in 2006-2007 (among others associated with a boom in construction activities), followed by a slowdown in the first two years of Colom's administration (partly reflecting the international crisis, as evidenced by a fall in exports and remittances from abroad) and recovery in more recent years (see table 2.1). The population is growing by nearly 2.5% per year. This means that real per capita growth of GDP was about 1.5% on average and that GDP per capita dropped in 2009.

	2008	2009	2010	2011	2012	2013	2014
GDP nominal (USD billion)	39.1	37.7	41.4	47.7	50.4	53.9	58.7
Real GDP growth (%)	3.3	0.5	2.9	4.2	3.0	3.7	4.0
Population (million)	13.7	14.0	14.4	14.7	15.1	15.4	15.8
GDP per capita (USD)	2,860	2,692	2,878	3,239	3,343	3,487	3,715
Exports (USD billion)	7.8	7.3	8.5	10.4	10.1	10.2	11.0
Imports (USD billion)	13.4	10.6	12.9	15.5	15.8	16.3	17.1
Trade balance (% of GDP)	-5.6	-3.3	-4.2	-5.0	-5.7	-6.2	-6.1
Current account balance (% of GDP)	-1.6	-3.1	-3.3	-2.8	-2.4	-2.1	-1.9
Remittances (% of GDP)	4.3	3.9	4.1	4.5	4.8	5.0	5.4

Source: Bank of Guatemala.

Compared to other countries in the region, Guatemala has a relatively diversified economy and is therefore less vulnerable to external economic shocks. The structure of the economy has remained virtually unchanged in recent years. Agriculture, livestock, and fisheries make up nearly 15% of GDP, while the secondary and tertiary sectors account for 25% and about 60% of the economy, respectively. The major export products continue to be coffee, raw sugar, bananas, gold and precious metal ores. The main trading partners of Guatemala are the United States, Mexico and Guatemala's Central American neighbours. The recovery of the world economy and, in particular, the increase in economic growth in the western hemisphere, have been important factors in generating a higher growth rate. Favourable changes in international prices in the mining sector and high remittances – which amount to some 10% of GDP – also played a role in the country's economic performance (Bertelsmann Stiftung, 2014).

Creating formal employment is one of the strategic priorities of the recently drafted national development plan. Economic growth, through the creation of formal jobs, is seen as a means to reduce poverty. However, the economic growth recorded in recent years did not end up reducing unemployment. The rate of unemployment continued to be about 3% of the labour force. In comparison, the rate of underemployment slightly decreased to about 15%. At the same time, the degree of informality of employment remained high at around 70% of the employed workforce (see table 2.2)

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Since the end of the 19<sup>th</sup> century, the Guatemalan state has treated its elite class well, providing the privileged with the best land and sanctioning the exploitation of the country's poor through cheap labour. Unequal power relations in Guatemala were the basis for the armed conflict. Indigenous groups have traditionally been excluded from Guatemala's social, economic and political life and this continues to be the case. While Guatemala is a (lower-) middle-income country, it continues to be characterised by extremely unequal income distribution. Although the Gini coefficient slightly improved between 2000 and 2006 (from 0.62 to 0.57), it remained constant afterwards (see table 2.2). The high income inequality is partly attributable to the fact that the estimated labour income of indigenous people is on average only about 60% of that of the non-indigenous population. Regional inequality adds to the problematic nature of the country's division of resources. In the most deprived regions, where coffee production is the main source of income, about seven out of ten households continue to live in poverty (World Bank, 2014).

An extremely low tax ratio, high levels of informality and widespread tax evasion have contributed to low levels of revenue collected from taxes, undermining the government's ability to invest (in the social sector, for example). According to the *Instituto Nacional de Estadística* (INE), the incidence of consumption poverty remained high and unchanged between 2006 and 2011. About half of the population was poor and 12% extremely poor. The World Bank (2014) showed that the shared prosperity, measured as the income growth among the poorest 40% of Guatemala's population declined by 1% between 2001 and 2011, while the average increase in Latin America and the Caribbean was about 5%.

	2008	2009	2010	2011	2012	2013	2014
Rate of informality (% of employment)			72	69	75	69	69
Poverty incidence at USD 1.90 (PPP) (% of population)				12			
Poverty incidence at USD 3.10 (PPP) (% of population)				27			
Gini index				0.57			
Human Development Index	0.60	0.61	0.61	0.62	0.63	0.63	0.63
Number of murders per 100,000 inhabitants	45	46	42	39	34	34	

Source: INE, SEGEPLAN (2013, 2014), ILO, HDI, WDI and UNDP.

The central government's income and expenditure fluctuated around 12% to 14% of GDP, well below the Latin American average. The Colom government somewhat increased public social expenditure, mainly through the introduction of conditional cash transfers. Expenditure on the latter peaked in 2010, which is also reflected in table 2.3. The subsequent Pérez Molina administration clearly demonstrated less commitment regarding the country's social programmes than prior to 2012. Public spending on internal security and the judicial system was only slightly more than 1% of GDP.

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Despite a reduction in the number of murders per 100,000 inhabitants, Guatemala remains one of the most violent countries in the world, with an average national murder rate approximately 50 times that of the Netherlands. Guatemala's violence may be attributed to several factors, such as the recent, ultra-violent civil war, weak state institutions and, even more recently, regional criminal violence related to gang- and drug-related problems.

	2008	2009	2010	2011	2012	2013
Health and social assistance	1.4	1.7	2.3	1.9	1.8	1.8
Education, science and culture	2.9	3.5	3.2	3.2	3.2	3.1
Housing	0.1	0.1	0.2	0.1	0.1	0.1
Internal security	0.7	0.8	0.8	0.9	0.8	0.9
Judicial organ and constitutional court	0.4	0.3	0.3	0.3	0.4	0.4
Public prosecutor's office	0.2	0.2	0.2	0.2	0.2	0.2

Source: Adapted by IOB based on data provided by the Ministry of Finance and the Bank of Guatemala.

## 2.4 The changing role of ODA

Total ODA to Guatemala registered by the government decreased between 2008 and 2014, though with a peak in 2013 (table 2.4).

	2008	2009	2010	2011	2012	2013	2014
Dutch bilateral aid	25	24	21	18	6	3	0
Bilateral grants	487	371	385	301	286	323	262
Multilateral grants <sup>1</sup>	71	62	64	122	66	227	61
Total ODA	558	433	450	424	352	551	323
ODA on the budget (%)	24	22	16	21	15		
ODA to government (%)	29	15	30	13	27		
ODA to CSOs (%)	48	63	54	66	58		

Source: SEGEPLAN (2011; 2013a, figure 3.5), OECD/DAC and the Netherlands Ministry of Foreign Affairs.

The major traditional bilateral donors in the period 2008-2013 were the USA, which accounted for nearly half of disbursed bilateral grants, Japan, Spain, Germany, Canada, Sweden and the Netherlands.<sup>2</sup> The EU was a large multilateral source of ODA.

The importance of most traditional donors has declined, because several donors have shifted their focus to low-income countries and are withdrawing from Latin America. Some donors (e.g. Italy and Switzerland) even fully stopped their bilateral development cooperation with Guatemala in this period (SEGEPLAN 2011, 2013a, 2013b).

Apart from the ODA from the traditional donors (North-South cooperation), Guatemala also received support from other Latin American countries (e.g. Mexico, Colombia, Chile and Venezuela) and countries such as Taiwan. The main modality of this South-South cooperation is technical cooperation. Consequently, the overall decline in ODA coincided with a shift towards technical cooperation. A clear example is the contribution of nearly USD 30 million by Taiwan in 2012 for a road rehabilitation and extension project.

Many donors prefer to provide aid through civil society organizations (CSOs), because of weak public institutions (in sensitive sectors in particular) and cumbersome relations with the Guatemalan government. On average, over half of the ODA went to CSOs in recent years. The proportion of ODA going to the government sector tends to decline. On average, less than half of the latter is included in the government's budget. This on-the-budget aid as a source of finance for public expenditure has gradually declined over time – from 1.4% in 2008 to 0.5% in 2012 – in spite of wide fluctuations in the proportion of ODA to the government that is on-the-budget.

<sup>2</sup> Sweden was an important bilateral donor, but a large part of its support was provided via UNDP. Other bilateral donors, particularly the United States and the Netherlands, also provided support via UNDP.

## 2.5 Challenges

The declining importance of ODA in the Guatemalan economy and, in particular, as a source of finance in the government sector intensified the need for the Guatemalan government to increase income from domestic sources to finance public expenditure, which – as a fraction of GDP – is very low by international standards. In particular, it will be a challenge to raise the rate of taxation and increase expenditure in priority social sectors, i.e. to comply with agreements laid down in the peace accords, which successive governments have done only partially or not at all. For example, in the peace accord, the Guatemalan state is defined as multicultural, plurilingual and pluriethnic, but so far this has not been reflected in the constitution.

A fiscal reform will also need political reform, however, as the legislature has so far managed to block proposals for fiscal reform, due to lobbying and the veto power of the economic elites represented by various political parties in Congress. Furthermore, as also argued by the World Bank (2014), the lack of public investment in infrastructure is hindering private investment and contributing to the country's infrastructure deficit.

Social inequality and poverty also remain problematic in Guatemala. At the political level, a challenge for the Guatemalan government is to achieve more inclusive economic growth and to implement social policies, in order to address the poverty situation of a large section of the population, in particular that of the indigenous population living in rural areas. This requires social integration and political participation of the indigenous population. However, a lack of political will, especially since the 2012 change of government, is blocking progress in this area.

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Similarly, NGOs and CSOs that rely heavily on donor contributions have to look for other sources of finance, or will have to scale down their activities. This is particularly true for organisations that are active in 'sensitive' areas (such as human rights and transitional justice); the Guatemalan government will not contribute to these organisations. Several NGOs operating in these areas have received security threats in what is a hostile and deteriorating political environment. The withdrawal of international donors has forced several non-state organisations to adjust their activities to life with reduced access to financial resources. Some organisations have indicated that there might also be funding opportunities in the Guatemalan business community, but it will be a challenge for these organisations to maintain their independence from these private sources of finance in choosing which activities to perform.

The security situation, furthermore, remains an important challenge for Guatemala. Guatemala has one of the highest homicide rates worldwide, with more than 100 murders per week. Despite the efforts of the Commission against Impunity in Guatemala (CICIG), impunity levels are still unprecedented, sometimes making the country seem a lawless state. A large majority (76%) of the Guatemalan population has indicated that it has little to no trust in the police (RESDAL, 2013). Transnational organised crime such as drug trafficking



and gang violence have seriously destabilised the country and affected its citizens, and it also continues to negatively affect the country's economic opportunities.

Another challenge is the precarious human rights situation. Donors are pressuring the government to make further advances towards a process of national reconciliation and also that it deals, in particular with the Ríos Montt case, in a way that respects international standards of human rights. This requires strengthening the system of transitional justice, and that, in turn, means strengthening both state and non-state institutions.



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## The phasing-out process

### 3.1 Introduction

The Netherlands has had a long bilateral relationship with Guatemala. The Netherlands was initially active in conflict resolution and supported the peace processes (1986-1996). After the peace accord was signed in 1996, the Netherlands opened an embassy in Guatemala and continuously supported various peace-building and consolidation activities. The Dutch embassy became an important actor in human rights and transitional justice processes in Guatemala. In 2011, however, the Netherlands decided to transform its relationship with Latin America and end development cooperation, including in Guatemala. Moreover, it also decided to close its embassy.

### 3.2 Background: the Dutch role before phasing out

Over time, the Netherlands was profoundly active in human rights issues and started supporting organisations that fought impunity. In its activities, the embassy focused on the most vulnerable groups – indigenous people, women and human rights activists (IOB, 2013). Due to its active engagement and political support, the Dutch embassy was important for transitional justice and for state- and peace-building. Illustrative of the Netherlands' critical role was the presence of the Dutch ambassador at the Ríos Montt trial in 2013.<sup>3</sup>

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Characteristic of Dutch support to Guatemala was its continuous engagement in long-term processes. While development cooperation to other fragile states (e.g. Bosnia and Herzegovina, Eritrea and Sri Lanka) was phased out in the second half of the 2000s, the Netherlands remained active in Guatemala. The issues of security, inequality and human rights were centralised in the Dutch Multi-Annual Strategic Plan (MASP) 2008-2011. As a result of the weak institutional capacity, the Netherlands hardly provided direct support to Guatemalan state institutions and mainly supported civil society organisations or co-financing agencies such as HIVOS or ICCO. The EKN, however, explicitly attempted to bring the CSOs and the Guatemalan political institutions closer together.

Although the Netherlands was a relatively small donor (see table 2.4), several stakeholders have indicated that the Dutch embassy was an important player in the arena of development cooperation and in harmonising donor initiatives. The Netherlands was an active member of the donor coordination group G13.<sup>4</sup> The aim of the G13 is to support Guatemala in its development towards achieving an equitable society, sustainable economic growth and the rule of law. Together with the United Kingdom, the Netherlands set up the Filter Group for human rights, in which a group of EU ambassadors met once a month to discuss different strategies (CEDLA, 2013).

<sup>3</sup> Guatemalan authorities indicated that international presence was interpreted as interference with domestic sovereignty. Representatives of the Dutch embassy in San José were present during the reopening of the trial in January 2015.

<sup>4</sup> This group was originally formed with the signing of the Stockholm Declaration in 1999, in the aftermath of Hurricane Mitch (G13, 2011:11).

### 3.3 The exit process

In order to ensure a smooth and sound exit, the ministry in The Hague had asked the embassies in question to develop an exit strategy, including a timetable and an assessment of the possibilities for ending the development relationship or handing over Dutch funding of development cooperation programmes and projects to other partners. The exit strategy should adhere to the recommendations of the joint exit evaluation of 2008 (Slob and Jerve, 2008) and the Dutch reaction to this evaluation (TK, 2008-2009, 31 250, no. 56). Specifically, the recommendations demanded:

1. timely communication at a political level with the countries involved;
2. taking into account the interests of these countries;
3. realistic timetable with the participation of the countries in question;
4. flexibility in the allocation of budgets;
5. respecting existing obligations and political commitments; and
6. taking into account the existing institutional capacity, in order to prevent the destruction of capital and to assure the sustainability of results.

The Dutch ambassador informed the Guatemalan Ministry of Foreign Affairs, SEGEPLAN and the respective beneficiary organisations about the decision to end development cooperation with Guatemala. The communication with the government of Guatemala more than two years before the intended date of ending the bilateral programme, but true communication with and participation by Guatemalan counterparts was impossible as the (political) decision to end support was definitive prior to its communication.

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The majority of ongoing activities when the decision to withdraw from Guatemala was announced had, strictly speaking, an end date prior to the deadline of the end of 2013. This was not the case with one intervention, and the implementation period had to be substantially shortened. A follow-up phase was expected in several cases based on the fact that in the past, activities financed by the Netherlands were often succeeded by a new phase. The fact that the Netherlands had provided core funding to some organisations for longer periods of time also fed that expectation. The exit strategy was written by the staff at the embassy in Guatemala, without participation by the supported organisations, the Guatemalan counterparts or other donors in the field. The exit strategy was subsequently presented to the donor group G13.

There was a certain degree of flexibility in the allocation of budgets. In some of the activities co-financed by the Netherlands (such as support to CALDH and ICCPG), resources were disbursed beyond the period ending in December 2013. For the activities in the governance sector, the exit strategy stated that the regional Central America Programme (MAP) could take over certain activities. The EKN in Guatemala was actively engaged in setting up the MAP. In the end, however, support to only two of the activities were extended through the MAP (see section 3.4).

The Netherlands has in general respected its existing financial obligations. It used to be common practice to follow-up on successful activities or to extend core funding to effective

organisations. Now, the exit-strategy was committed to finding alternative sources of finance for the activities. In practice, however, only little was done in this respect – and what was done was often not successful; handing over financial and political responsibility to other donors was almost impossible due to the nature of the Dutch activities, the inflexible multi-annual programming of other donors and the withdrawal of some other donors from the country; Dutch policymakers had overestimated the feasibility of handing over activities.

The institutional capacity of the Guatemalan government in the area of governance remained weak. Whereas strengthening that capacity and fostering collaboration between government entities and CSOs in the area of transitional justice was considered important for achieving sustainable results, in practice the interventions focused more on CSOs because of the difficult relationship between such organisations and the government.

### 3.4 Central America Programme (MAP)

Given the discontinuation of Dutch bilateral development cooperation in both Guatemala and Nicaragua, the Netherlands aimed to prevent loss of capital and achievements of previous Dutch activities in Central America.<sup>5</sup> Through the Central America Programme (MAP) 2012-2015, the Dutch government aimed to remain active in Central America in the areas of security, governance and human rights, mainly using Dutch networks and regional knowledge. The MAP's overall aim is to improve security and the rule of law in the region and create conditions that will improve economic development in the region.

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While MAP has a regional orientation, its main focus has been on the Northern Triangle (Guatemala, Honduras and El Salvador) and Nicaragua. MAP's overall budget was USD 9.6 million in 2012 and USD 19.3 million annually for the period 2013-2015. A special coordinator for the regional programme was appointed at the post in San José. Only a few of the activities previously supported by bilateral cooperation in Guatemala – IEPADES and CICIG – were integrated into MAP. The financial responsibility of the integrated activities was transferred to San José in 2012. After the closure of the embassy in 2013, the MAP coordinator at the post in San José became directly responsible for MAP's activities in Guatemala.

Soon after the initialisation of MAP, Minister Ploumen announced that the Central America Programme would not continue beyond 2015 (TK, 2012-2013, 33 625, no. 1). The relationship with the region would be solely based on trade and investment. Interestingly, this line of argumentation was similar to that behind the decision to end bilateral support to Guatemala in 2013.

<sup>5</sup> The Conflict Research Unit at the Clingendael Institute concluded that a lack of social cohesion, institutional problems, limited economic possibilities and drug-related problems led to increasing security problems with cross-border crime and high impunity. The regional programme MAP focuses mainly on transnational security and institution building.

### 3.5 The closure of the embassy

Shortly after the decision to phase out the aid relationship with Guatemala, Minister Rosenthal announced that the embassy in the country would be closed (TK, 2010-2011, 32 734, no. 1). The decision coincided with the closure of several other embassies in Guatemala as Austria, Belgium and Denmark also withdrew representation in the country.

Reactions to the imminent departure of the Dutch embassy came from various sides. In April 2011, the Guatemalan Minister of Foreign Affairs Rodas wrote a letter to Minister Rosenthal, requesting him to reconsider. He argued that the Netherlands had been an important international representative in Guatemala. He also pointed out that the Dutch presence was essential for enhancing democracy, respect for human rights in Guatemala and the fight against corruption and impunity. Minister Rodas also mentioned that the Association treaty between the European Union and Central America would lead to increased economic opportunities for both countries. In similar fashion, a joint Netherlands-based NGO initiative, referred to as the Dutch Platform against Impunity in Guatemala wrote a letter to the State Secretary for Foreign Affairs, emphasising the Netherlands' important in reinstating the rule of law and fighting impunity in Guatemala.<sup>6</sup> The letter advocated preserving the Dutch embassy in Guatemala. Finally, the Attorney General and the Commissioner of CICIG requested the decision to close the embassy to be reconsidered, arguing that it was extremely important to consolidate the progress made in the areas of security and justice (IOB, 2013). The decision to close the embassy, however, had already been taken and was definitive.

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A number of public diplomacy activities were organised in order to share the lessons learned from Dutch development cooperation with Guatemalan and international partners. Examples are a workshop on citizen participation and a conference on fighting impunity in Guatemala. The consular office of the post was closed on 31 March 2013 and the embassy closed on 30 June 2013. After the closure of the embassy (and the closure of the post in Managua), the embassy in San José became a regional post and became responsible for Dutch diplomatic representation in Guatemala. An honorary consul was appointed to serve as a contact point for Dutch inhabitants and the private sector.

<sup>6</sup> The Dutch Platform against Impunity in Guatemala consists of Impunity Watch, Solidaridad, Oxfam Novib, ICCO, Cordaid, HIVOS and Amnesty International.

### 3.5 Conclusions

Dutch support to Guatemala was characterised by continuous involvement in the long-term processes of transitional justice and the implementation of the 1996 peace accords. The decision to end development cooperation, therefore, was taken in the opposite spirit because the processes were not yet finalised. The time frame of two years did not take into account the progress or the political reality in Guatemala but was imposed according to the Ministry of Foreign Affairs' guidelines. While the MAP offered the possibility of providing extended funding for activities in Guatemala, only two organisations received prolonged support through the regional programme. It was difficult for the other organisations previously supported by the Netherlands to obtain financial support from other donors. The decision to close the embassy, moreover, was received as a political signal in diplomatic circles and decreased political backing for Guatemala's civil society engaged in transitional justice.



4

## Governance



## 4.1 Introduction

This chapter discusses the involvement of Dutch support in the practice of ‘good governance’ in Guatemala and assesses the impact of Dutch withdrawal on the various supported activities. Aid to governance, human rights and transitional justice was a key aspect of the Dutch bilateral development cooperation programme. This support has a long history and goes back to supporting the peace process (1986-1996). After the peace accord was signed in 1996, support from the Netherlands revolved around consolidating peace and transitional justice. Progress in these areas, however, did not come naturally. Several forces in the political elite of the country continued to impede progress. Certain high-ranking public officials, for example, publicly denied the accusation of genocide and forced disappearances and favoured amnesty for human rights violators. As an institution, the Dutch embassy was an important actor in providing support that safeguarded processes of transitional justice. One of this chapter’s main conclusions is that the end of development cooperation and the closure of the embassy have slowed down processes of transitional justice and weakened the position of the civil society in Guatemala.

## 4.2 Development of the sector

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The process of transitional justice that started in 1996 aimed to discover and document the truth about the civil war and human rights violations, doing justice to the victims, compensating them and avoiding a repetition of the events. The establishment of the Truth Commission in 1994, which emerged as a result the Oslo Accord, and the publication of its report *Guatemala, Memory of Silence* in 1999 were important events. The discovery of the Historical Archives of the National Police (AHPN) in 2005 was a landmark in the search for truth regarding human rights abuses and forced disappearances during the internal armed conflict.

In terms of security, increasing lawlessness with impunity levels above 95% and the inability of the Guatemalan state to successfully address criminal and clandestine movements led to pressure from the international community, the UN High Commissioner for Human Rights and CSOs. In 2000, several CSOs set up an agenda to combat impunity, by dismantling illegal groups and clandestine security bodies threatening the work of human rights defenders (Impunity Watch, 2011). President Óscar Berger agreed with the UN to create the independent commission CICIG in 2006 as a temporary counterpart to the Public Prosecutor’s Office. The commission’s aim is to reinforce the national criminal justice system and help with reforms and the process of transitional justice. CICIG assists investigative state institutions and processes in confronting illegal groups and organised crime, but at the same time has a mandate to investigate cases independently. In 2010, the relationship between Guatemalan politics and CICIG was harmed, as CICIG helped the Public Prosecutor’s Office in a case against former President Portillo.

The staff of some state institutions has received training in recent years, but generally it has proven difficult to strengthen state capacities in the area of transitional justice due to

limited political will. The previous government, however, was somewhat committed to making progress in this sector. This was evident when it opened the military archives and established the Department of Peace Archives within SEPAZ in 2008 and tasked a national commission to search for victims of (forced) disappearance, and also appointed Claudia Paz y Paz as General Prosecutor, which improved the performance of the Public Prosecutor's Office and paved the way for the Ríos Montt trial in 2013.

The mandate of the Department of Peace Archives of the Peace Secretariat was to 'receive, analyse, classify, compile and digitalize military archives in order to establish human rights violations committed during the internal armed conflict.' From 2009 onwards, the Peace Secretariat was allowed to include documents from other government offices. Investigative researchers have provided evidence and expert testimonies. Between 2008 and 2012, SEPAZ digitised more than two million documents and published nine books. According to the Guatemalan Human Rights Commission, this has been integral to ongoing efforts to institutionalise the peace process and promote transitional justice, and has contributed a great deal to the public's access to truth and historic memory.

The Pérez Molina administration had reversed positive developments by (indirectly) allowing the military to interfere in public affairs and the judicial system. President Pérez Molina started downsizing the staff at SEPAZ from January 2012, and the Department of Peace Archives was closed in mid-2012. The argument was that the Peace Archives should not contribute to criminal investigations, but were installed to provide reparations to the families of victims of human rights violations in the past. The closure of the Peace Archives resulted from the Guatemalan government's fear that, if the Peace Archives were combined with the National Police Archives and military newspapers, SEPAZ may reveal information that may seriously compromise the Guatemalan authorities and military (IOB, 2013).

Similarly, there are high-ranking civil servants who had publicly denied the accusation of genocide and forced disappearances during the civil war and who favoured giving amnesty to perpetrators of offences during the armed conflict. This intensified with the launch of media campaigns against victims and the organisations that support them, such as CSOs, the Public Prosecutor's Office and international cooperation organisations.<sup>7</sup>

### 4.3 The role of the Netherlands in the sector

The Netherlands always played a key role in Guatemala's policy dialogue; at the political level through active membership of the donor coordination group G13 and at the technical level in the form of active participation in sector round tables. The Netherlands was president pro tempore of the G13 in the second half of 2011 and organised sectoral round tables and led several meetings on security and justice, public finance, as well as the electoral process.

<sup>7</sup> See NCG/Nexus Consultores, 2014.

The Netherlands had an active dialogue with the government of Guatemala regarding human rights issues and transitional justice. The Dutch embassy was a critical and vocal partner in the policy dialogue with the Guatemalan government and was not afraid to engage in sensitive issues. The embassy played a leading role in representing civil society and also involving other donors in the policy dialogue on human rights. The embassy aimed to contribute to the peace process and the national reconciliation and improvement of the social, economic and political participation of disadvantaged groups (indigenous peoples, women and youth). The Netherlands mainly worked through CSOs due to weak state institutions and the Guatemalan government's lack of political will to reform these institutions, and effectively collaborated with non-state institutions and assigned the required financial means to initiatives in the governance sector.<sup>8</sup> The financial contribution from the Guatemalan government for these kinds of initiatives was limited. Appointments of strong individuals in key positions, such as Helen Mack at Fundación Myrna Mack and Claudia Paz y Paz at ICCPG, were achievements of Dutch support (Impunity Watch, 2011). Various Dutch actors that are specifically active in the fight against impunity organised themselves in the Dutch Guatemala Platform to coordinate their strategies. Together with the critical and vocal Dutch embassy, the Platform gave the Netherlands an important and unique position in the donor arena in Guatemala.

In general, the embassy of the Netherlands and the support to human rights organisations helped to strengthen justice and security and protect Guatemala's most vulnerable groups (CEDLA, 2013; IOB, 2014). This evaluation focuses on the impact of ending Dutch involvement in the activities listed in table 4.1 during the period 2008-2014.

Name of project	Counterpart	Disbursed (in USD million)	Dutch contribution as % of project budget
PAJUST	UNDP	8.1	22
CICIG	UNDP	8.3	10
Democratic participation	ADP	3.1	56
Public Auditor's Office (CGC)	World Bank	2.6	4
Promotion of human rights	CALDH	2.3	29
Rights in Huehuetenango	PCS	1.7	100
Justice and democracy	ICCPG	1.5	100
Small arms	IEPADES	1.1	100

Source: Netherlands Ministry of Foreign Affairs. Internal auditing and financial reports of UNDP, ADP, CGC, PCS, ICCPPG and IEPADES.

Note: Figures in final column are based on internal auditing and financial reports and do not always correspond entirely with the figures demonstrated in the database of the Netherlands Ministry of Foreign Affairs.

<sup>8</sup> Several Dutch NGOs and institutions such as the Netherlands Institute for Multiparty Democracy have also complemented Dutch bilateral aid in the sector, but are not taken into account in this evaluation.

The five-year *Programa de Acompañamiento a la Justicia de Transición* (PAJUST) started in 2010 and was expected to end in December 2014. The main aim of the programme was to strengthen government institutions in the area of transitional justice and foster collaboration between state institutions and CSOs in this area. A variety of state institutions and civil society organisations were supported through this programme, which is administered by UNDP. Generally, the programme has five components – the four pillars of truth, justice, repair and no repetition, as well as the establishment of an Articulating Network for Transitional Justice. The Netherlands was set to contribute USD 8 million. The entire budget for the 2010-2014 period increased to USD 36 million, as a result of additional contributions by Sweden and USAID, which together with the Netherlands were the main donors. The pooled resources were administered by UNDP (see table 4.1).

	2010	2011	2012	2013	2014	2010-2014
<i>Donors</i>						
The Netherlands	1.6	2.7	2.0	0.6	1.2	8.0
Sweden	1.7	1.9	3.1	4.2	5.7	16.6
USAID	2.2	2.3	0.6	2.4	0.5	8.0
Other	0.0	0.5	0.9	1.2	0.5	3.3
<i>Recipient organisations</i>						
AHPN	1.3	1.6	1.5	1.6	1.5	7.7
FAFG	2.8	3.2	3.3	3.5	3.0	15.8
Other	1.3	2.6	1.7	3.4	3.3	12.4

Source: UNDP Guatemala.

The Netherlands played an important role in the design and implementation of PAJUST. At the time, the Dutch ambassador was actively involved in developing the programme.

After the discovery of the National Police Archives in 2005, a first project with the Dutch embassy started in 2006. This collaboration was a predecessor of the collaboration with the Historical Archives of the National Police (AHPN) in the context of PAJUST. The support to AHPN was in the first place political, but later on also technical and financial. The main focus of AHPN was on recovering, restoring and digitising the files. AHPN prioritised the restoration and digitisation of documents from the period 1975-1985, when the major human rights violations took place. These files are essential for the successful prosecution of perpetrators of human rights violations that occurred during the internal armed conflict. In 2010, donor support to AHPN was integrated into PAJUST.

Another organisation that PAJUST supported from 2010 onwards is the Forensic Anthropology Foundation of Guatemala (FAFG), which had also been supported by the Netherlands for a long time. Collaboration between the EKN and FAFG dated back to 1998 and the organisation received firm political support and financial contributions from 1999 onwards. In total, more than 200,000 people were killed or 'disappeared' during the

internal conflict, predominantly (over 80%) among the indigenous population. FAFG aims to localise missing people, for example by exhuming military installations and municipal cemeteries, and identify remains, by taking DNA samples and comparing and analysing them with DNA taken from relatives. FAFG has developed a publicly available database with the results of all completed investigations (cases, victims and skeletal remains) and forensic evidence is provided to the Guatemalan Justice System and the Public Prosecutor's Office. Through FAFG, the Netherlands aimed to contribute to transitional justice, but also to the processes of pacification, democratisation and reconciliation via exhumations. Over time, FAFG continuously strengthened its expertise in finding and identifying victims of human rights violations. During the course of its support, the Netherlands also diplomatically supported the security of FAFG, whose office had been under attack several times by opponents.

The Center for Legal Action in Human Rights (CALDH) is also a PAJUST partner. CALDH is a Guatemalan CSO that promotes and defends human rights, especially those of the victims. Most of the Dutch financial support to CALDH was given through other channels than PAJUST, for example through a private Dutch source and a co-financing agency. HIVOS was the centre's largest donor, while the Anne Frank Foundation also provided support. Dutch bilateral cooperation funded the Multi-annual Plan 2010-2013, providing CALDH with more core funding. The reason for choosing the core funding modality in 2010 was to make CALDH less dependent on the large number of other (smaller) donors from which it used to receive support, so that it could concentrate its efforts on more essential tasks (Kruijt et al., 2013: 26). Just a year later, Dutch bilateral support to Guatemala was phased out. In recent years, combined funding from the Netherlands comprised at least 60% of CALDH's budget. The EKN, furthermore, played an important political role for CALDH. Communication with the rest of the diplomatic corps took place via the embassy of the Netherlands, which provided substantial lobbying support. Meetings took place in the embassy, which provided protection for CALDH personnel (because of CALDH's work related to the genocide trials).

Apart from these PAJUST partners, the Netherlands also supported several other organisations listed in table 4.1.

- International Commission against Impunity in Guatemala (CICIG). With the aim of helping to institutionalise a successful national criminal justice system in Guatemala, the Netherlands supported the Commission against Impunity in Guatemala almost from the outset. The programme matched the Dutch policy priority of supporting institutionalisation in fragile states. The embassy considered its support to CICIG important, because it aimed to strengthen the rule of law and legitimise Guatemalan state institutions. CICIG was supported through a multi-donor fund, also administered by UNDP. No less than 18 donors contributed to the fund and the Netherlands was the fifth donor, financing 9.5% of all contributions between 2008 and 2014. CICIG was and continues to be almost entirely dependent on donors. Dutch support to CICIG was not only financial but also political.

- Public Auditor's Office (CGC). The support to the Public Auditor's Office was the only CGC project financed by the Netherlands and was implemented by the World Bank and CGC. One of its main objectives was to help modernise CGC, in order to improve the efficiency and quality of its task to audit public expenditure.
- Association of Friends of Development and Peace (ADP). ADP implemented the Democratic Participation project in Alta Verapaz, which was explicitly formulated in the context of a weak regulatory framework in Guatemala's democracy. The general aim of the project was to enhance the participation and democratic opportunities of predominantly excluded groups (indigenous groups, women and youngsters) in local decision-making processes and to increase the cohesion between (local) governments and society as a whole. The Netherlands was the sole financier of the project, which accounted for the majority of the funds used by the overall organisation.
- Institute for Comparative Studies in Criminal Sciences in Guatemala (ICCPG). The Institute for Comparative Studies in Criminal Sciences of Guatemala is an NGO that conducts research, training and consultancy in the areas of criminal justice, safety and human rights, and received support since 1998. According to IOB (2013:29), the EKN regarded ICCPG more as an activist organisation than an academic institute. As of 2007, the Netherlands provided institutional funding for the implementation of ICCPG's Democracy and Justice programme. The overall objective was to consolidate the rule of law and human rights in Guatemala by strengthening justice and security institutions and policies.
- Project Counselling Service (PCS). PCS coordinated a project for women's and indigenous people's rights in the Department of Huehuetenango. The project's general objective was 'to contribute to good governance in Huehuetenango with a focus on sustainability, by influencing local, departmental and national policies aimed at improving access to justice and respect of individual and collective rights of indigenous populations, women and youth.' The project started in November 2010 and was supposed to be a five-year follow-up of a previous programme also supported by the Netherlands (PROGOBIH).

## 4.4 The phasing-out process

Generally, the process of ending Dutch support to various organisations in Guatemala provides a comparable picture across the supported organisations. Without exception, the EKN informed the respective organisations about the decision to end the cooperation with them in a clear and timely fashion. The beneficiary organisations appreciated the communication regarding the Dutch decision to end cooperation as positive, both because the message was clear and in due time. Ongoing communications with the embassy in San José and the continued engagement of the coordinator for the Central America Programme (MAP) were appreciated by beneficiary organisations. Within the given margins, the embassy offered the various organisations some flexibility, especially regarding the available time to finalise activities.

In most cases, the implementation of the activities was not planned to go beyond 2013, so there was no need to adjust the planned period of implementation. While the Netherlands respected its existing commitments with the organisations, it was made clear that it may not be able to support second phases for these activities. In the case of PCS, however, the Netherlands and PCS agreed to reduce the project's duration to three years instead of the initially scheduled five, putting pressure on the sustainability of results. In other cases, the Netherlands allowed activities to extend beyond 2013. For instance, Dutch support to CALDH ended in 2014, and HIVOS was asked to manage the financial administration from Costa Rica. There was often some flexibility in the allocation of budgets. ICCPG, for example, received some additional time to finalise the supported activity.

The Netherlands announced that it would end bilateral support to Guatemala, but remained active in the region through MAP, which at least on paper presented opportunities for prolonged support for some organisations. The frequent presence of the MAP coordinator enabled the Netherlands to retain somewhat of a presence among some of the previously supported organisations in Guatemala during and after the phasing-out process. Support to CICIG was integrated into MAP and, therefore, extended by an additional year, until 2013. Support to IEPADES was integrated into the MAP until late 2014. Support to other organisations, however, could not be realised.

IOB (2013) has already emphasised the fact that human rights are being increasingly discussed in the framework of the EU rather than bilaterally. In Guatemala, however, the EU did not fill the gap that was left behind. Finding alternative bilateral donors was difficult, due to factors such as the Netherlands' outspoken role in Guatemala and other donors' commitments. Donors were generally bound by multi-annual plans and reduced budgets, or were not willing to take over the role hitherto played by the Netherlands. To some extent, only Sweden and Canada were suitable donors for taking over Dutch activities. However, Canada reorganised its external policies and integrated its development cooperation into a new Ministry of Foreign Affairs, Trade and Cooperation. In the area of development, it put more focus on food security, local rural economic development and CICIG. It has regional programmes regarding human rights and justice, which are the responsibility of the Ministry of Foreign Affairs, Trade and Cooperation and include support to transitional justice, but at this moment there is no actively ongoing project. The Netherlands and Sweden have been discussing the possibility of coordinating the transitional justice programme PAJUST and transferring financial responsibilities after the Dutch departure. Sweden raised its annual contribution to PAJUST and agreed to contribute to a second phase of that programme, which initially was not foreseen. EKN also created lines of communication between IEPADES and the Swedish embassy.

The regional coordinator of MAP, furthermore, also continued to be visible in non-MAP activities and safeguarded some funds from ICCO for CALDH for 2014. There has also been communication between ICCO and PCS, but PCS is not eligible for ICCO's call for proposals. While organisations such as CALDH received some support from the Dutch embassy to find alternative resources, others received only little or no help, and the assumption that other donors could take over proved invalid in the majority of cases.

## 4.5 The impact of Dutch withdrawal

### PAJUST

Towards the end of the first phase of PAJUST, NCG/Nexus Consultores (2014) carried out a mid-term evaluation of the programme. The evaluation describes some results at the output level regarding the 'truth', 'justice', 'repair' and 'no repetition' components. The evaluators concluded that the programme had not fully achieved its objectives yet and recommended to continue with a second phase (NGC/Nexus Consultores 2014). The second phase of the programme was to start in April 2015, after suspension of the programme's activities between January and March 2015. At the end of 2014, an estimated budget of USD 25 million was available for the second phase. Compared to PAJUST's first phase, this meant a reduction of over 30%.

As a result of the embassy's substantial political clout, the knowledge of its staff and its direct manner of working, the departure of the Netherlands has weakened PAJUST politically. The Netherlands was very vocal about transitional justice and human rights. Other donors have been unable to fill this political void. Working in this sector is becoming increasingly difficult, given the unfavourable political environment towards such initiatives in Guatemala. The decision to close the Dutch embassy and to end support to PAJUST have negatively influenced the results achieved by PAJUST. The closure of the embassy affected the political dialogue with the government on PAJUST's four pillars (truth, justice, repair and no repetition) and exacerbated the fragile position of transitional justice processes in Guatemala.

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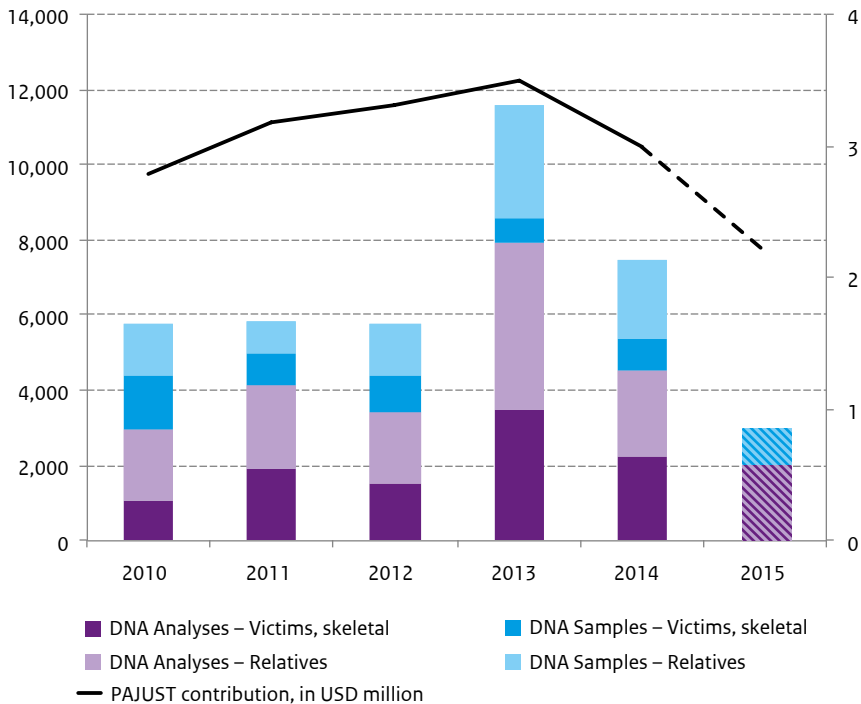
Sweden increased its contribution and the Netherlands respected its commitments for the first phase of the UNDP programme. However, for the second phase of PAJUST there will be substantially fewer resources available than in the counterfactual situation of prolonged Dutch support. The financial void created by the Netherlands' departure is not likely to be filled by contributions from the Guatemalan government, which continues to contribute little to transitional justice processes. The consequence of this is that fewer resources will be available for transitional justice, which means that strengthening the link between state institutions and CSOs in the area of transitional justice will remain a challenge.

The case of the organisation for forensic anthropology (FAFG) tangibly demonstrates the impact of ending Dutch support to PAJUST. During the first phase of PAJUST, the number of direct beneficiaries (i.e. the victims and relatives) of FAFG was over 13,000, about 80% of whom were indigenous (NGC/Nexus Consultores 2014). Nearly 5,000 DNA samples were taken from victims in 2010-2014, while almost double that number was taken from relatives. In the period 2010-2014, 686 reports were submitted to the public prosecutor, while 1,035 skeletal parts (the large majority of which were identified in analyses) were submitted to relatives and 372 inhumations were carried out (FAFG, 2015). FAFG easily met and largely exceeded the initial targets (i.e. regarding exhumations) for the period 2010-2014 (FAFG, 2015).



Above the threshold required to sustain the organisation, there is a direct relationship between the amount of funds available and FAFG’s output. More financial resources allow the organisation to increase the annual number of DNA samples and analyses. In the first five years, PAJUST contributed USD 15.8 million to FAFG. PAJUST financed about 90% of FAFG’s activities.<sup>9</sup> The peak in the number of DNA analyses therefore coincides with the peak in FAFG’s donor contributions received via PAJUST in 2013 (see figure 4.1). The genetics laboratory for DNA analysis became operational in 2010. While the number of DNA analyses lagged behind, increased support via PAJUST allowed the organisation to increase the number of analyses in 2013. The laboratory’s annual maximum number of annual (victim) DNA analyses is 3,700, a figure that was (nearly) reached only in 2013.

**Figure 4.1** FAFG - PAJUST contribution (in USD million, right axis) and number of DNA samples and analyses (left axis)



Source: Adapted by IOB based on data provided by PAJUST, FAFG.

Note: Figures for 2015 are projected.

<sup>9</sup> For 2015, FAFG projected to receive about USD 0.4 million from non-PAJUST donors, which would account for about 800 DNA samples and 600 DNA analyses. In 2011 and 2012, FAFG received support from non-PAJUST donors, accounting for roughly 2,600 DNA samples and 2,400 DNA analyses.

The decrease in donor contributions to FAFG via PAJUST are directly and negatively affecting the amount of work FAFG is able to carry out in terms of the number of DNA samples and analyses. The ending of the Dutch financial contribution to PAJUST and the projected lower budget for PAJUST in a second phase as a result are negatively affecting FAFG's output. One of the effects of lower financial contributions has forced FAFG to fire its personnel at the end of 2014. It was set to reopen in February 2015, hiring back 40% of personnel, with the possibility of increasing this percentage to about 80%. In the short term, therefore, the reduction of international cooperation has limited the implementation of FAFG's activities and affected reparation processes for the families of victims of human rights violations and access to justice through the potential prosecution of the perpetrators of human rights offences. In the longer term, the outcome and impact of FAFG's activities will be challenged; the departure of the Netherlands has negatively affected Guatemala's transitional justice processes.

At AHPN, there are also worries about the political future of the institute. In the past, political support from the Dutch embassy has been crucial for continued existence. The closure of the embassy has left a serious void and is threatening the work done at the archives. The Swedish embassy has been playing a more cautious role and is not willing to take over the firm political backing of the process. On the financial side, AHPN received USD 7.7 million in the first five years of PAJUST. By the end of 2014, approximately 17 million documents had been digitised, comprising about a fifth of the total number of documents recovered in the archives. Table 4.3 presents the number of requests for documents by various users.

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	2009	2010	2011	2012	2013	2014	Total
Public Prosecutor's Office	540	751	836	526	645	291	3,589
Prosecutor for Human Rights	173	136	19	38	260	88	714
Private use and family of victims	89	826	362	619	559	277	2,732
Social organisations	464	308	300	465	27	250	1,814
Others	385	727	195	168	171	119	1,765
<b>Total</b>	<b>1,651</b>	<b>2,748</b>	<b>1,712</b>	<b>1,816</b>	<b>1,662</b>	<b>1,025</b>	<b>10,614</b>

Source: Adapted by IOB based on data provided by AHPN.

Note: 2014 comprises the figures until 31 October 2014.

According to AHPN, the respective information and documentation has been located and provided for about 80% of the requests. The bulk of AHPN's budget is used to identify, recover, restore and digitise the police files, with a focus on the files from the period of the internal armed conflict.

The organisation's budget is directly linked to the output presented in the above table. AHPN's estimated budget is USD 3.5 million for the second phase of PAJUST, which is less than half of the support during the first phase. The archives can only rely on minimal

financial support from the government. Consequently, AHPN had to reduce its personnel and scale down operations. As a result, its annual output declines from 2015 onwards. The organisation's outcomes, which helped to successfully prosecute human rights violators and secure reparations for family members, and its impact, which contributed to transitional justice, have been seriously weakened as a result.

CALDH's major achievements have been verdicts in the cases of human rights violations during the internal armed conflict. As Krujit et al. (2013:27) emphasise, 'CALDH, by means of its campaigns, political position and lobby, and accompaniment, had important achievements in the trials and subsequent judgements of the intellectual authors of the genocide and forced disappearances.'<sup>10</sup> The Netherlands' institutional support was a key factor enabling CALDH to invest in expert advice. The end of the core funding heavily affected CALDH's work, as the more limited financial resources forced CALDH to almost cut its staff in half. This implies that less work can be done in the above-mentioned areas. But above all, the closure of the EKN has affected CALDH's work because it received less political backing from the more cautious, remaining diplomatic corps.

## CICIG

In terms of output, CICIG has led to the implementation of wiretapping systems, the deployment of informants and the creation of special high-risk courts. Furthermore, CICIG was involved in a number of high-level, emblematic cases (Nyberg, 2013). Until recently, public perception of CICIG was somewhat sceptical, because reform in the justice and security system was not accompanied by public sector reform (IOB, 2013). Furthermore, CICIG is sometimes interpreted as foreign interference. However, IOB (2013) concluded that the situation of impunity in Guatemala would have been worse in the absence of CICIG. Likewise, both Nyberg (2013) and Impunity Watch (2011) observed that CICIG was able to strengthen Guatemalan institutions and rule of law. CICIG's main contributions were proposals for legal reform, which have accelerated proceedings and therefore helped to combat the emerging phenomenon of criminality.

Increased financial support to CICIG is likely to help institutions function better, but only when accompanied by increased institutional capacity, which had been problematic in the past. CICIG was forced to downsize its staff in 2011. This decrease was mainly due to a reorientation of CICIG's work. CICIG's mandate was to expire in September 2015. Therefore, the financial impact of the departure of the Netherlands is difficult to establish.

Several traditional and non-traditional donors have contributed to CICIG in the form of human resources. Prolonged (political) support is necessary to institutionalise CICIG's impact. The political presence of the Netherlands, among other countries, as a vocal donor was crucially important for CICIG. In that respect, the departure of the Netherlands (and other donors) has affected the organisation's potential effectiveness.

<sup>10</sup> Translated from the Spanish text.

### CGC

One output of the project run by the *Contraloría General de las Cuentas* (CGC) was the training of nearly 400,000 civil servants.<sup>11</sup> The plan was to complete the project, carried out by the World Bank, in 2013. As there was no planned second phase, the end of Dutch support does not seem to have affected how the project was carried out, nor its results. Almost all of the Dutch funds had been used upon completion of the project.

### ADP

The organisation ADP was able to finalise the Democratic Participation project in 2013, as planned. The withdrawal of the Netherlands as a donor after its completion did not affect the execution of the project. After the project was finalised and the Netherlands ceased activities as a donor, ADP continued with five projects, focused on SRHR, the prevention of violence, adolescents, women and schooling. As ADP did not succeed in finding alternative large donors, the scale of operations has been negatively affected by the departure of the Netherlands. The Netherlands was ADP's largest donor and the earmarked support for the Democratic Participation project accounted for more than half of its total funds.

The organisation's capacity has been substantially affected by the departure of the Netherlands as a donor. ADP has been forced to continue with about half the number of staff that it had prior to the Dutch exit. As the main donor of the Democratic Participation project, the Netherlands also contributed to the results of the project. With the Netherlands' exit from Guatemala, the original plan to launch a second phase of the project could not be carried out, undermining the sustainability of results. In the final project report, ADP concluded that project-based interventions do not necessarily help to achieve the organisation's comprehensive vision and mission; it is the combination of different projects that would lead to complementarity and integral development.

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### ICCPG

The Dutch contribution was institutional support. The Netherlands increased flexibility in project management and therefore aid effectiveness at the organisational level of ICCPG (IOB, 2013). The Dutch exit has had a substantial financial impact.

### PCS

The project was less effective than expected. A positive effect of the project was an increase of women in leadership positions and the strengthening of organisations and public institutions. More recently, a scholarship programme was established. In total, the project involved about 27,000 participants.<sup>12</sup> Reducing the duration of the project from five to three years, as a result of the Dutch withdrawal, also negatively affected the project's outcome. The exit was extremely rapid; better (and more sustainable results) could have been achieved with one or two additional years. A second phase of the project was not explicitly foreseen when the project was started in 2010. But since it was designed as five-year successor of the five-year PROGOBIH, it would have been reasonable to expect, at that point in time, some form of continuation of Dutch support beyond the project's lifetime.

<sup>11</sup> Information in file *Proyecto SAG1.pdf* provided by the CGC.

<sup>12</sup> PCS (2014).

## 4.6 Conclusions

This chapter demonstrated that the end of Dutch support left gaps in processes of governance and transitional justice. The PAJUST partners were faced with a smaller budget during the second phase of the programme, even though tangible processes were not (yet) completed. At the police archives, for example, only a fifth of the total number of documents recovered in the archives had been digitalised. With continued Dutch support, AHPN and FAFG, for example, would have been able to process more documents and DNA analyses, respectively. Core funding to other organisations in the sector enhanced the implementing capacities of these organisations. Since no other donors have been found to take over core funding during the Netherlands' phasing-out process, the ending of Dutch support affected these organisations' institutional strength. The presence of the Dutch embassy, in turn, was a valuable asset for various organisations, and their lack of political support has made it difficult for them to function well. Overall, this chapter concludes that ongoing Dutch support would have actively contributed to transitional justice in Guatemala, especially in the current political climate.



5

## Summary and conclusions

This case study assessed the process and impact of ending Dutch bilateral support to Guatemala and closing the Embassy of the Kingdom of the Netherlands, focusing mainly on activities in the area of governance and human rights. Prior to presenting the conclusions regarding the process and impact of the Dutch exit, it has to be emphasised that: (i) the nature of Dutch support to Guatemala was specific – often comprising core funding and institutional support – and; (ii) the Dutch exit from Guatemala was not a unique phenomenon – indeed, other (likeminded) donors have ended their support as well.

While the Netherlands embassy aimed to mitigate to the best of its ability any negative effects related to the withdrawal of Dutch development cooperation and its own closure, its options were essentially limited. The political decision to end support to Guatemala by 2013 had already been taken and communication with the supported civil society organisations was mainly one way. While the exit strategy was clearly communicated to the Guatemalan counterparts, a true dialogue and participation of the counterparts was therefore impossible. The exit strategy was written by the staff at the embassy in Guatemala, without participation by the supported organisations, the Guatemalan counterparts or other donors in the field.

The fact that the Netherlands had provided core funding to some organisations for longer periods of time however fed an expectation of continuous support. After the decision to end aid had been taken, it was clear from the outset that it would be difficult to attract alternative funding for the supported activities. Additional government funds were unlikely due to the nature of the supported activities and the political tension between the government and the CSOs. In addition, several donors left Guatemala more or less simultaneously and only a few like-minded donors continued to operate in the country. The donors that remained in the country all had their own distinct priorities and multi-annual plans. Besides, very few donors supported organisations through core funding, the preferred modality of the Netherlands. The regional programme MAP only offered a temporary solution for two Dutch activities regarding governance in Guatemala. MAP did not offer an extended period for phasing-out support for the other activities.

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In the difficult political context in Guatemala, in which several like-minded donors were withdrawing, both financial and political support to governance and transitional justice were substantially reduced when the Dutch ended its support. Overall the case study concluded that ongoing Dutch support would have actively contributed to transitional justice, especially in the current political climate. More specifically, this study identified several of the effects of the withdrawal of Dutch development cooperation:

- It has directly reduced the number of DNA samples taken and analysed by FAFG and the number of documents processed by AHPN. The files and the localisation of missing people are essential in the search for evidence and the successful prosecution of human rights violators during the internal armed conflict. In the wake of the internal armed conflict, therefore, the withdrawal of Dutch support to PAJUST has tangibly slowed down the process of transitional justice in Guatemala.

- The end of core funding to CALDH and ICCPG has seriously affected these organisations' implementing capacities. Core funding had increased aid effectiveness and enhanced project implementation as it guaranteed financial flexibility. The inability of the Netherlands to find alternative sources of financing and the difficult context in which the organisations operated affected the sustainability of the results in terms of verdicts in the cases of human right violations (CALDH) and the consolidation of the Guatemalan rule of law and human rights (ICCPG). While support to ADP was earmarked, the capacity of the entire organisation suffered when Dutch support ended. Moreover, the foreseen second phase of the project could not be implemented, which affected the ability to strengthen democratic processes in Guatemala. The exit also accelerated the implementation of PCS's women and indigenous rights project, which negatively affected both its effectiveness and sustainability.
- Given the unfavourable political environment in Guatemala, the closure of the Dutch embassy was unfortunate and exacerbated the fragile human rights situation. Dutch support was valuable because of the embassy's technical assistance and knowledge and, more importantly, its political backing. Among the international donors, the Netherlands was the most visible and critical. The Dutch embassy was considered a key stakeholder in the public debate on transitional justice and was not afraid to engage in sensitive issues. It provided political support to the process of transitional justice in general. The presence of the Dutch ambassador at the Ríos Montt trial is a case in point. Without exception, previously supported organisations lack the embassy's political backing. This impedes the successful implementation of projects and hampers progress in governance and the respect of human rights.



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# Annexes

## Annex I List of interviewees

Anonymous	ADP
Anonymous	AHPN
Anonymous	CALDH
Heidy Sandoval	CGC
Anonymous	CICIG
Anonymous	PCS
Hans Magnusson	Embassy of Sweden
Christina Laur	Embassy of Canada
Annelies Van Wymelbeke	European Union
Anonymous	FAFG
Jan Jaap van der Velde	Former Dutch ambassador in Guatemala City
Bastiaan Engelhard	First secretary and coordinator of the MAP at the Embassy of the Netherlands in San José
Alexandra Valkenburg	Deputy Head of Mission, Head of Development Cooperation at the former Embassy of the Netherlands in Guatemala City
Naomi Yorks	Second Secretary at the Embassy of the Netherlands in San José
Anonymous	IIARS
Anonymous	ICCPG
Anonymous	IEPADES
Bárbara Quiñonez	Ministerio de Gobernación
Mayra Mirales Herber Morales	Ministerio Público (Cooperación Internacional)
Mario Azmitia Zaldaña Claudia Flores	Ministerio de Relaciones Exteriores
Raúl Bolaños Carmen María Marroquín Ericka Rodas	SEGEPLAN
Lucy Turner Igor Garafulic	UNDP
Fernando Paredes	World Bank

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- Photo chapter 1: Former Guatemalan President José Efraín Ríos Montt (front) attends a trial against him at the Supreme Court (Guatemala City, 2013).  
Photo: Xinhua (Eyevine / Hollandse Hoogte).
- Photo chapter 2: Guatemala's President Otto Pérez Molina (left) shakes hands with commissioner Ivan Velásquez, of the International Commission against Impunity in Guatemala (Guatemala City, 2015).  
Photo: Moises Castillo (AP Photo).
- Photo chapter 3: Entrance former Netherlands embassy in Guatemala.  
Photo: Roel Burgler (Hollandse Hoogte).
- Photo chapter 4: Staff at Forensic Anthropology Foundation of Guatemala (FAFG) analysing skeletal remains. Photo: UNDP Guatemala.
- Photo chapter 5: Reburial one of the missing persons that were found in a mass grave. FAFG identified the body using DNA technique (Alta Verapaz, 2015).  
Photo: Piet den Blanken (Hollandse Hoogte).

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