

Independent Reporting Mechanism. Guatemala: Progress Report 2011-2013

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NOTE: This is the unofficial English translation of the original Spanish-language report. As such, this document may contain inaccuracies or outdated information. Please refer to the original Spanish-language report for any citations or other official use.



EXECUTIVE SUMMARY: GUATEMALA

Independent Reporting Mechanism (MRI). Progress Report 2012-13

Guatemala submitted an Action Plan focused on expediting administrative activities and fighting corruption. Although some progress was made in the areas of transparency and accountability, the national OGP would have greater impact with more robust initiatives and public awareness-raising campaigns concerning various open government issues, such as disclosure of information of public interest in order to empower citizens to demand accountability from public officials.

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. The Independent Reporting Mechanism (IRM) carries out a biannual review of the activities of each OGP participating country.

Guatemala began its formal OGP participation in 2011, when then Vice President Rafael Espada declared the government's intent to join. Guatemala presented its first Action Plan at the first OGP International Conference in April of 2012, in Brazil.

In Guatemala, the Presidential Commission for Transparency and Electronic Government (COPRET) is in charge of the OGP efforts. Other offices, including the Ministry of Public Finance, are responsible for implementing the OGP initiatives.

OGP PROCESS

Countries participating in the OGP follow a process for consultation during development of their OGP action plan and during implementation.

The Government of Guatemala failed to comply with the requirement to consult the public during the development of its Plan, and produced it without the important perspective of civil society on the issue of open government.

During the implementation of the Plan, the government arranged for a mechanism for consultation with public authorities, which took steps to create web portals containing official information, but that mechanism was criticized for not ensuring sufficient inclusion of civil society groups.

The Self-assessment Report was not submitted during the specified time period and was not submitted for the consideration of the public or civil society organizations as mandated by OGP guidelines.

At a glance

Participant since:	2011
Number of commitments:	3
Number of milestones or actions:	14

Level of completion of milestones:

Complete:	0 of 14
Substantial:	2 of 14
Limited:	10 of 14
Not started:	2 of 14

Timing

On schedule:	1 of 14
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Commitment emphasis

Access to information:	7 of 14
Participation:	0 of 14
Accountability:	1 of 14
Technology and innovation for transparency and accountability:	2 of 14
Not clear:	7 of 14

Number of commitments with

Clear relevance to an OGP Value:	7 of 14
Moderate or transformative potential impact:	4 of 14
Substantial or complete implementation:	2 of 14
All three (☺):	1 of 14

Commitment implementation

As part of OGP, countries are required to make specific commitments in a two-year Action Plan. Table 1 summarizes each commitment, its level of completion, its ambition, whether it was completed within the planned schedule, and next steps for future action plans. Table 2 summarizes the OGP researcher’s assessment of progress on each commitment. Guatemala’s Action Plan included 3 commitments and 14 milestones or actions with respect to the commitments. The government made substantial progress on the assessed commitments but did not achieve any of the 14 milestones.

Table 1: Assessment of progress by commitment

COMMITMENT NAME AND SUMMARY	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING	NEXT STEPS
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE		
⊛ = COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.										
1. Results Based Management Evaluation System										
1.1. Expediting administrative processes.									Behind schedule	New commitment based on existing implementation
1.2. Progressive eradication of secrecy in the awarding of goods, services, and public works.									Behind schedule	Maintenance and monitoring of complete implementation
1.3. Disclosure of results through the media and websites.									Behind schedule	Maintenance and monitoring
1.4. Regulation to eradicate waste.									Behind schedule	New commitment
1.5. Regulation of the contracting of permanent, advisory, and consulting personnel.									Behind schedule	New commitment
1.6. Regulation of an effective, timely acquisitions plan.									Behind schedule	New commitment
1.7. Regulation of excess expenses.									Behind schedule	Maintenance and monitoring

COMMITMENT NAME AND SUMMARY	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING	NEXT STEPS
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE		
<p>⊛ = COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.</p>										
2. Strengthening of Public Credit Controls:										
2.1. Pay consultants for productions of goods on intermediate basis.									Behind schedule	New commitment
2.2. Regulate resource expenditures.									Behind schedule	New commitment
2.3. Make available information on public funds.									Behind schedule	Maintenance and monitoring
2.4. Promote expedited execution to reduce interest payments.									Behind schedule	New commitment
3. Continuation of Control and Transparency Efforts										
⊛ 3.1. Construction Sector Transparency Initiative - COST.									On schedule	Continued work on basic implementation
3.2. Extractive Industries Transparency Initiative - EITI.									Behind schedule	Revision of the commitment to make it more achievable or measurable
3.3. Stolen Asset Recovery Initiative - STAR.									Behind schedule	New commitment

Table 2: Summary of results of the commitments

COMMITMENT NAME		SUMMARY OF RESULTS
<p>☛ = COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.</p>		
<p>1. Results Based Management Evaluation System</p>	<p>1.1. Expediting administrative processes</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Limited 	<p>The government of Guatemala proposed continuing the implementation of the Results Based Management Evaluation System, committing to 7 actions, 4 of which are relevant to open government. During the action plan implementation period, in 2013 a conceptual guide to planning and results-based budgeting was developed. That same year, a modification to the Organic Budget Law and as a result the projected budget for 2014 (which was not approved) proposed continuing the implementation process of the Results-Based Budget methodology. Regarding the progress in the area of open government values, the publication of information on the COPRET website is a significant step for disclosure of State information to the public and government transparency. However, according to the OGP researchers' analysis, the other actions, as written, do not clearly explain how they will promote relevant OGP values.</p>
	<p>1.2. Progressive eradication of secrecy</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited 	
	<p>1.3. Disclosure of results</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited 	
	<p>1.4. Regulation to eradicate waste</p> <ul style="list-style-type: none"> • OGP value relevance: Not clear • Potential impact: Minor • Completion: Limited 	
	<p>1.5. Regulation of contracting procedures</p> <ul style="list-style-type: none"> • OGP value relevance: Not clear • Potential impact: Minor • Completion: Limited 	
	<p>1.6. Regulation of acquisitions plan.</p> <ul style="list-style-type: none"> • OGP value relevance: Not clear • Potential impact: Minor • Completion: Limited 	
	<p>1.7. Regulation of excess expenses</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Substantial 	
<p>2. Strengthening of Public Credit Controls</p>	<p>2.1. Change payment systems for consultants</p> <ul style="list-style-type: none"> • OGP value relevance: Not clear • Potential impact: Minor • Completion: Not started 	<p>With respect to advances in the area of open government, the Integrated Accounting System (SICOIN) is a tool for monitoring the State budget. The publication of information through this system represents progress toward transparency. However, most of the other actions concerning this commitment are merely administrative and, as written, they do not explain their contribution to achieving relevant OGP values such as transparency, participation, and accountability.</p>
	<p>2.2. Regulate resource expenditures</p> <ul style="list-style-type: none"> • OGP value relevance: Not clear • Potential impact: Minor • Completion: Not started 	
	<p>2.3. Make available information on public funds</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Limited 	
	<p>2.4. Reduce interest payments</p> <ul style="list-style-type: none"> • OGP value relevance: Not clear • Potential impact: Minor • Completion: Limited 	

<p>3.1. Construction Sector Transparency Initiative (COST).</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Transformative • Completion: Substantial 	<p>COST Guatemala, begun in 2009, is part of an international initiative sponsored by the World Bank that aims to reinforce transparency controls in accountability measures for public infrastructure. The leadership of COST submitted three reports and institutionalized internationally pre-established indicators, thus taking an important step toward the promotion of transparency in public works. Implementation of the commitment began in 2009 but it was only in mid-2013 that its implementation was resumed (when the country began participating in OGP). The commitment could have had major impact with respect to OGP values, but the implementation of COST was significantly delayed because, among other things, of the restructuring of COPRET in 2013.</p>
<p>3.2 Extractive Industries Transparency Initiative (EITI).</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited 	<p>The Government established the Comisión Nacional de Trabajo [National Labor Commission] to implement the EITI initiative in May 2012, and in August of that year it approved the internal regulations and drew up a work plan that included 8 strategic objectives. Some involve potential progress toward open government values, especially those that foster the dissemination of State information. During the implementation period, only objective 1 was completed (Guatemala's commitment to the EITI), which was not considered an ambitious step forward.</p>
<p>3.3 Stolen Asset Recovery Initiative - STAR.</p> <ul style="list-style-type: none"> • OGP value relevance: Not clear • Potential impact: Low • Completion: Limited 	<p>Guatemala has been participating in the STAR initiative (a program for recovery of stolen assets proposed by the UN and the World Bank) since 2007. Members of civil society and World Bank officials believe that the progress on this initiative, since its inclusion in the OGP Action Plan, has been very minor or non-existent. Moreover, the initiative includes actions with participation of government officials but does not actively foster access to public information or include mechanisms for fostering open government. In conclusion, as it is written, it is not clear how the STAR initiative could promote OGP values.</p>

RECOMMENDATIONS

In Guatemala, the struggle to enhance transparency and promote openness in State institutions has been ongoing since 1995, and has faced considerable obstacles. As a necessary condition for parallel implementation of the Peace Accords, Guatemala initiated institutional changes in the government to combat corruption and promote a more open, participative government. In recent years, and as part of its participation in the OGP, Guatemala has moved forward on issues related to transparency in government. One of the noteworthy efforts is the promulgation of the Law on Access to Public Information (LAIP), which is now a legal tool in force and operational that benefits citizens. Thanks to this Law, every person can access more information and obtain details about public spending, making better accountability possible.

Although all this represents a step in the right direction, there is still a long road ahead – full of considerable social and institutional challenges. There are concrete actions the government can take to overcome the obstacles of opacity in public administration and make progress toward open government. Applying the key OGP principles, civil society and the stakeholders believe it is important to take the following recommendations into consideration:

1. Promote public participation through access to information. To create a more participative government, it is necessary to increase informed participation in the existing forums and expand inter-institutional coordination of efforts aimed at open government.

2. Strengthen the inclusion of indigenous communities in participation in order to foster cultural and age differences. The increased use of technology, translation of public information into indigenous languages, and inclusion of the subject of open government in primary education are important steps toward improving participation by marginalized communities. It is also necessary to

provide mechanisms to prevent older adults from being at a disadvantage and enable them to access the benefits of the new technologies.

3. Use tools with free, open standards for the classification and disclosure of government information. The government should approve an agreement to ensure the openness of information and the adoption of freer, more open international standards, with respect to classification as well as the circulation and disclosure of official information so that it will be reusable, free, interoperable, and not subject to copyright restrictions.

4. Protect the privacy and security of its citizens' data and the data of foreigners subject to its jurisdiction. It is important to adopt the highest standards for protection of privacy and human rights in the mechanisms that the government uses to collect personal data and private communications.

5. Invest in human resources and devote financial resources to the successful development of its plans for open government. To make progress toward transparency and fight corruption it is necessary to invest sufficient resources in training programs on open government in order to carry out the tasks associated with the OGP commitments.

6. Reduce the amount of classified and secret information to that which is strictly necessary and permitted by the constitution and be transparent with respect to the information that remains classified. To address the challenges of State secrecy, the Government will have to open historical files with information that sheds light on the country's internal armed conflict, ensure their preservation, and implement mechanisms with respect to the information it classifies on national security grounds. Also, if new information is classified, it should be transparent about the reasons for withholding the information, and excessive classification should be avoided.

7. Actively promote digital inclusion to improve access to the new information and communication technologies. Development and promotion of the new information and communications technologies is key to improving participation through digital inclusion.

Eligibility requirements 2012: To participate in the OGP, governments must demonstrate commitment to open government by meeting minimum criteria on key dimensions of open government. Third-party indicators are used to determine country progress on each of the dimensions. For more information, visit <http://www.opengovpartnership.org/how-it-works/how-join/eligibility-criteria>. Raw data has been recoded by OGP staff into a four-point scale, listed in parentheses below.

Budget transparency: Both budget documents (4 of 4)	Access to information: Law in force (4 of 4)
Asset disclosure: Elected officials to Parliament only (2 of 4)	Participation: 7.35 out of 10 (3 of 4)

Congreso Transparente [Transparent Congress] is a communication bridge between members of Congress and the citizens of Guatemala. Its purpose is to ensure that the citizens are aware of their representatives, their actions, the draft laws they are preparing, and the laws that have been approved. Moreover, Congreso Transparente promotes discussion and analysis of the deputies' actions, analyzing various issues related to Congress and the most important draft laws. Congreso Transparente aims to be a tool to help citizens understand their representatives' actions and thus strengthen democracy.

The OGP aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. The Independent Reporting Mechanism assesses the development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.



I. BACKGROUND

Introduction

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from the governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen democratic governance. The OGP provides an international forum for dialogue and exchange concerning innovations among governments, civil society, and the private sector, all of them being stakeholders committed to achieving open government.

As part of the second cohort to become active members of the Partnership, Guatemala is one of the 39 countries who joined in 2012. However, its formal participation began in July 2011 when the Vice President of the Republic, Rafael Espada, issued a letter declaring that Guatemala intended to join the Open Government Partnership.¹

In order to participate in the OGP, governments are required to demonstrate clear commitment to the idea of open government, reflected in a set of basic indicators: 1) fiscal transparency; 2) public disclosure of the income and assets of persons who hold political office and senior public officials; 3) access to public information; and 4) citizen participation in the control of public accounts. Objective indicators developed by institutions unrelated to the OGP are used to determine each country's level of progress in each of these dimensions, assigning a maximum score of 4 points for each indicator.

Guatemala met the necessary requirements for eligibility and earned a total score of 13 points out of a maximum of 16 on the evaluation of OGP criteria. When it joined the OGP, Guatemala had 4 points out of a total of 4 on the minimum indicators of the fiscal transparency survey conducted by the International Budget Partnership.² With respect to public disclosure of the income and assets of persons who hold political office and senior public officials, Guatemala earned 2 points out of a possible total of 4.³ For access to information, Guatemala earned 4 points out of a possible total of 4,⁴ since it has a law on access to information.⁵ Finally, on citizen participation, Guatemala earned a total of 3 points because it scored 7.35 out of a maximum of 10 on the Civil Liberties sub-indicator of the Economist Intelligence Unit Democracy Indicator.⁶

All participating governments must develop action plans that include specific commitments to be achieved during an initial two-year period. The governments must organize their action plans around "major challenges."⁷ The action plans must include significant commitments to change practices in the area of the relevant major challenge. These commitments may be based on existing efforts, identify new steps for completing reforms in progress, or initiate actions in a new area.⁸

Along with the other countries that make up the second OGP, the Government of Guatemala submitted its Action Plan at the First International OGP Conference, held on 17 and 18 April 2012 in Brasilia. The starting date for Guatemala's Action Plan was 9 April

2012, when the Government of Guatemala published its Plan.⁹ This Plan was in effect from 1 July 2012 to 30 June 2013. On 31 October 2013, the government turned in its Plan self-assessment.¹⁰ According to the official OGP calendar,¹¹ public officials and members of civil society will revise the first Plan or develop a new Plan for April 2014, for which consultations will begin in January 2014.

In accordance with the OGP bylaws, the Independent Reporting Mechanism (IRM) has teamed up with independent, experienced, domestic researchers to assess the development and implementation of the action plans in each country. In Guatemala, the IRM teamed up with Congreso Transparente to conduct the independent research of the progress made pursuant to the 2012-2014 Action Plan. Through its work, the IRM aims to establish an ongoing dialogue about the development and implementation of the future commitments in each participating country. The methodology used and the sources referenced are spelled out in detail in the Note on Methodology.

Institutional Context

In Guatemala, transparency has been key to public policies in terms of fighting corruption, and is a necessary condition for implementation of the Peace Accords signed in 1996. Since those accords were signed, the State of Guatemala has signed several agreements, including the Inter-American Convention against Corruption (signed in 1996) and the United Nations Convention against Corruption (2003). Moreover, the Executive Branch has signed governmental resolutions for the creation of commissions and secretariats on transparency in order to establish a more open, participative government.¹²

The government has had two institutions responsible for implementing the OGP Action Plan. During the first year, the responsible entity was the Secretariat of Control and Transparency (SECYT), which ceased to exist when a Constitutional Court decision declared it unconstitutional.¹³ The institution currently responsible for implementing the Plan is the Presidential Commission of Transparency and Electronic-government (COPRET). COPRET's objectives include supporting the actions of the Executive Branch ministries and institutions to coordinate application of the measures in favor of open government.¹⁴ The Commission is comprised of the Vice President of the Republic and the Secretary of Executive Coordination of the Presidency. Its authorities, set forth in article 6 of the governmental resolution that created it,¹⁵ include coordinating, recommending, promoting, and monitoring the Executive Branch institutions' strategies, actions, or proposals concerning open government.

COPRET is responsible for monitoring the Action Plan. Other offices, especially the Ministry of Public Finance, are responsible for implementation of the OGP initiatives. The efforts COPRET mentions in the self-assessment report¹⁶ as progress in terms of transparency include the publication on its web portal of special items of excess expenses (food, telephone service, fuel, per diem, and airline tickets) of the various Executive Branch institutions, which demonstrates its ability to improve transparency through the disclosure of public information.¹⁷ In this context, COPRET monitors other government offices, but it does not necessarily have authority to penalize officials or control the handling of other offices' funds, as the Office of the Comptroller General of the Republic has by Constitutional mandate.

Note on Methodology

The IRM teams up with experienced, independent researchers to draw up and disseminate the reports on completion of the OGP commitments undertaken by the state. In Guatemala, the IRM teamed up with Congreso Transparente to analyze and evaluate implementation of the 2012-2014 Action Plan. The researchers had difficulty obtaining information about the government's self-assessment because the respective report was provided just one day before delivery of the IRM report. However, the researchers held interviews with stakeholders who are important to implementation and completion of the Plan, representatives of civil society and the organized business sector, and government officials.

To consolidate as much information as possible, the researchers arranged several meetings through which they could come to understand the points of view of government officials, members of organized civil society, members of the organized business sector, and independent citizens who were experts in open government and transparency. They also consulted documents and legal provisions which they then used as references in their report. The IRM researchers reviewed two key documents provided by the national governments: the first national Action Plan and the self-assessment of the first process, both documents to which this report makes repeated reference. All the information explaining the methodology used by the researchers is found in the annex on methodology.

Several documents were consulted during this research process. All the original documents, as well as many documents cited in the report, are available for consultation and comment at the IRM Guatemala on-line library.¹⁸

¹ The Open Government Partnership, Guatemala page, <http://bit.ly/1bPsiUi>.

² The OGP awards two points for each of the two essential pieces of information (Executive's Budget Proposal and Audit Report) considered as part of a subset of indicators of the 2010 Open Budget Index for the countries included in the Index. See Open Budget Index Score. International Budget Partnership, <http://bit.ly/1jP88ir>.

³ Based on the survey commissioned by the World Bank in 2009 concerning public disclosure of income and assets of persons holding political office entitled *Disclosure by Politicians* by Simeon Djankov, Rafael La Porta, Florencio López-de-Silanes and Shleifer Andrei, which covers 175 countries (Tuck School of Business Working Paper 2009-60, 2009), <http://bit.ly/19nDEfK>; and a 2009 World Bank study on income and the declaration of assets by senior officials entitled *Income and Assets Declarations: Global Experience of their Impact on Corruption* by Richard Messick, World Bank Senior Public Sector Specialist, which covers 149 countries, (Washington, DC: World Bank, 2009). <http://bit.ly/1clokyf>.

⁴ See survey on laws concerning access to information compiled by the Open Society Justice Initiative, <http://bit.ly/1byKbT1>.

⁵ Decree Number 57-2008, Congress of the Republic of Guatemala, Law on Access to Public Information, <http://bit.ly/1eIYIDJ>.

⁶ The Economist Intelligence Unit, "Democracy Index 2010: Democracy in Retreat" (London: The Economist, 2010), <http://bit.ly/eLC1rE>.

⁷ See Section 4 for a list of the major challenges.

⁸ The major OGP challenges are improving public services, increasing public integrity, the most efficient management of public resources, creation of safer communities, and improving corporate accountability.

⁹ Presidential Commission of Transparency and Electronic government (COPRET), Action Plan for Guatemala, 9 April 2012, available at <http://bit.ly/1hiUfYB>.

¹⁰ Presidential Commission of Transparency and Electronic government (COPRET), Self-assessment report, available at <http://bit.ly/1ddfQo1>.

¹¹ Open Government Partnership, calendar, <http://bit.ly/1dAjCAm>.

¹² Presidential Commission of Transparency and Electronic government (COPRET), Self-Assessment Report.

¹³ According to the Guatemalan Government's Self-Assessment Report, "Said Secretariat filed several complaints about former officials of the previous administration, which led Deputy Julia Maldonado of the Líder party – who had been accused of mismanaging funds at CONJUVE – to claim that the Governmental Resolution creating it was unconstitutional. The Constitutional Court ruled that it should be removed from the Guatemalan legal system, so that Secretariat had to be liquidated." See Self-assessment Report, page 5.

¹⁴ President of the Republic of Guatemala, Governmental Resolution 360-2012, Guatemala, 2012.

¹⁵ Ibid.

¹⁶ Presidential Commission of Transparency and Electronic government (COPRET), Self-assessment Report, page 10.

¹⁷ See COPRET web site, <http://bit.ly/1si6XJ>.

¹⁸ OGP Guatemala Library, <http://bit.ly/19K5aT9>.

II. PROCESS: DEVELOPMENT OF THE ACTION PLAN

The government did not consult civil society during development of the Action Plan, and thus the plan's potential impact on open government is limited.

The countries that participate in the OGP must ensure broad consultation of the public during the preparation of their action plans, respecting the following criteria or requirements:

- *Publicly disclose the details of the public consultation processes and the schedule (at least virtually) prior to the consultations.*
- *Seek a diversity of opinions.*
- *Summarize the public consultation and make it available, along with all the individual written comments that were received.*
- *Take actions for dissemination of the OGP in order to increase public participation in the consultations.*
- *Notify the public of the consultations in advance.*
- *Use various mechanisms – including virtual and in-person meetings – to create opportunities for participation.*

An additional directive in the process included in the OGP Articles of Governance will be covered in Section III, “Consultation during implementation,” but is furnished here for ease of reading:

- *Identify a viable forum for regularly consulting on OGP implementation with the various stakeholders. This forum may be a new or existing entity.*

Table 1: Consultation process

Phase	Requirements of the OGP Articles of Governance	Was this requirement met?
During development of the Plan	Timetable of the process: available prior to consultations	No
	Timetable: on line	Not applicable
	Timetable: other forms	Not applicable
	Prior notice	No
	Days in advance	Not applicable
	Adequate prior notice	Not applicable
	Publicity and promotion	No
	On-line consultations	No
	In person consultations	No
	Summary of comments	No
During implementation	Regular forum	Yes

Notice prior to the consultations

In Guatemala, the institution responsible for drawing up the Action Plan report – now COPRET – failed to comply with the requirement to ensure broad consultation of the national community in order to increase participation in the development of its Action Plan. Development of the plan was one-directional, since citizens were not allowed to comment, criticize, or in any way interact in the process. The lack of consultation resulted in a plan formulated without including the perspective of the representatives of civil society, who have valuable experience in transparency and open government.

Quality and depth of consultation

During the development of the Action Plan, the COPRET representatives did not conduct a process of consulting civil society or other state entities that would be responsible for carrying out the Plan. This has been criticized by the researchers and members of civil society, since it resulted in a Plan that is limited to a few actions which, moreover, would not have significant impact in favor of open government.

III. PROCESS: CONSULTATION DURING IMPLEMENTATION

The government arranged a consultation, which led to progress in the creation of official web sites for disclosure of information as required by the Law on Access to Public Information. However, the consultation did not sufficiently include civil society groups.

As part of participation in the OGP, the governments commit to identifying a forum for regular consultation on OGP implementation with the various stakeholders. This forum may be a new or existing entity. This section summarizes that information.

Consultation process

In Guatemala, the government created a forum for consulting civil society organizations. However, at the working groups organized by the government, there was an absence of participation by many civil society groups that could have contributed to the process.

COPRET organized three working groups for three specific sectors: civil society (civil society organizations devoted to transparency or open government), various Executive Branch institutions (mainly the ministries), and an academic forum in which the universities participated. These met every 15 days at COPRET headquarters in Guatemala City. These were new forums implemented by the Commission in order to consult with the public during the OGP process. In the context of Guatemala, this method of coordination with other state institutions is common. To cite a few examples, the National Security System¹ includes the ministries responsible for security, the National Food Safety Commission includes the ministries concerned with that subject and members of civil society and the business sector,² and the National Education System³ coordinates with the Ministry of Education, the education community, and the education centers.

The following organizations were invited to the civil society working groups: Guatemala Visible, Myrna Mack Foundation, the Office of Human Rights of the Archbishopric of Guatemala, Alianza por la Transparencia, Acción Ciudadana, Congreso Transparente, Red Nacional por la Integridad, AsíEs, Central American Institute for Fiscal Studies (ICEFI), CALAS [Centro de Acción Legal-Ambiental y Social de Guatemala], Centro de Estudios de Guatemala (CEG), Movimiento Cívico Nacional, Centro de Investigaciones Económicas Nacionales, Guatecívica, CENACIDE [Centro Nacional de Información e Investigación en Desarrollo y Desastres], Grupo de Apoyo Mutuo (GAM), and Myrna Mack Foundation. However, only the following participated at least once: Acción Ciudadana, Congreso Transparente, Guatemala Visible, Red Nacional por la Integridad, Movimiento Cívico Nacional, Centro de Investigaciones Económicas Nacionales, Centro de Estudios de Guatemala, Office of Human Rights of the Archbishopric of Guatemala, Myrna Mack Foundation, and Alianza por la Transparencia (as a partnership, in spite of the fact that several of its members participated).

According to the COPRET official who implemented these forums, it was very helpful to have the presence of the ministries, since those responsible for social communication were invited first and then the government entities' planners were invited. The reason for inviting those responsible for social communication first is that they are in charge of

disseminating the information about the government entities, and the planners are the ones who, after seeing the results, included the dissemination issues as a fundamental part of the government plan.⁴

They were responsible for the web sites of the institutions to which they belonged. There was progress⁵ at some ministries, such as the Ministries of Health, Education, Social Development, and Culture. This was especially true in terms of ensuring that their web portals would be organized in the same way (which helps the public with searching and organization because they find the same information in the same place on each web site, even for different governmental entities) and would have the information that the Law on Access to Public Information requires them to make public. This was confirmed by one of the government representatives who participated in the working group.⁶

¹ Congress of the Republic of Guatemala, Framework Law of the National Security System, Guatemala, 2008, article 7.

² Congress of the Republic of Guatemala, Law on the National Food Safety and Nutrition System, 2005, article 13.

³ Congress of the Republic of Guatemala, National Law on Education, 1991, article 5.

⁴ Interview of Manuel Chocano, formerly in charge of Open Government for COPRET, October 2013.

⁵ Ibid.

⁶ Interview of the Assistant Director, Press Department, Ministry of Defense, October 2013.

IV. IMPLEMENTATION OF COMMITMENTS

The countries participating in the OGP develop biannual action plans. The governments must begin their plans by explaining the current efforts related to the Major OGP Challenges chosen, including specific strategies for open government and programs under development. Then the plans must propose the government's commitments, which must modify governmental practice in that sphere. These commitments may be based on existing efforts, identify new steps to complete reforms in progress, or initiate actions in new areas.

The commitments must focus on a set of five “major challenges” all the governments are facing. The OGP recognizes that each country is starting from a different reference point. So the countries are responsible for choosing the specific major challenges and commitments most relevant to the national context. No specific Action Plan, standard, or commitment is imposed on any country.

The five major challenges are:

1. *Improving public services—measures that include the full spectrum of services to citizens, including public health, justice, water, electricity, telecommunications, and any other relevant service, to promote improvements in the services or private innovation.*
2. *Increasing public integrity — measures that include corruption and public ethics, access to information, political financing reforms, and freedom of the communications media and civil society.*
3. *Efficient management of public resources — measures that include budgets, acquisition, natural resources, and foreign aid.*
4. *Creation of safer communities — measures that include public safety, the national security sector, disaster response, crises, and environmental threats.*
5. *Improving corporate accountability — measures that include corporate responsibility on matters such as the environment, fighting corruption, consumer protection, and community relations.*

Although the design of specific commitments vis-à-vis a major challenges should be flexible in order to adapt to each country's unique circumstances, the OGP commitments should be relevant to the OGP values described in the OGP Articles of Governance and Open Government Declaration signed by all the countries participating in the OGP. The IRM uses the following orientative definitions to evaluate relevance with respect to the open government key values:

- **Transparency**— these commitments:
 - address the information which the government has;
 - are not restricted to data alone, but apply to all types of information;
 - may include proactive or reactive transparency;
 - may be associated with strengthening the right to information; and

- must provide open access to information (the government cannot be favored or restricted internally).
- **Participation** — the governments aim to mobilize citizens to participate in public debate and help make governance more responsive, innovative and effective.
Commitments concerning participation:
 - open decision making to all interested members of the public. Forums are generally “top down” in the sense of being created by the government (or stakeholders empowered by the government) to inform decision making;
 - they generally include elements of access to information in order to ensure that the contributions of interested members of the public are significant to the decisions;
 - they generally include the citizen’s right to be heard, although not necessarily the right to be obeyed.
- **Accountability** — there must be rules, regulations, and mechanisms to enable the governmental stakeholders to justify their actions, take action in response to criticism, and accept the consequences of failure to comply with laws or commitments.
 - as part of open government, such commitments have an “open” element in the sense of not being internal or closed systems of accountability without a public face.
- **Technology and innovation** — these commitments:
 - promote new technologies that offer public opportunities to share information, participate and cooperate;
 - should make more information public in order to enable society to understand what government does and influence its decisions;
 - can develop the government’s and citizens’ capacity to use technology to improve transparency and accountability;
 - can also support the use of technology by public officials or citizens.

The countries can focus their commitments at the national, local, or sub-national level, in accordance with where they believe their efforts will have more impact. Since achievement of open government commitments is a process that takes several years, the governments should include timetables and reference points in their commitments to indicate what they are aiming to achieve each year, insofar as possible.

Although most of the measures are methodologically clear and objective, some deserve explanation.

- **Relevance:** The IRM researcher evaluated each commitment in terms of its relevance to the OGP values and major challenges.
 - *OGP Values:* some commitments are not clear in terms of their relationship to the OGP values. To identify such cases, the researcher made his decision in accordance with a careful reading of the text of the commitment, which identifies commitments that can better articulate their relationship to the essential problems of open government.

- *Major challenges*: while some commitments may be relevant in relation to more than one major challenge, the researcher evaluated only the challenge identified by the government, since most commitments are aimed at just one.
- **Ambition**:
 - *Potential impact*: the participating countries should undertake ambitious commitments, with new or pre-existing activities, that change government practice in the relevant area. To contribute to a broad definition of ambition, the IRM researcher determined how potentially transformative each commitment could be, in accordance with the evidence from the research and the researcher's experience as an expert in governance.
 - *New or pre-existing*: the researcher also considered, without stating an opinion, whether the commitment was based on an action that existed prior to the plan or was new.
- **Time periods**:
 - *Projected completion*: the *OGP Articles of Governance* encourage the participating countries to undertake commitments with clear results and expected annual milestones. When this information is not available, the researcher uses the evidence and his experience to make a decision concerning expected completion for the end of the implementation period.

This section of the report details the commitments that the Government of Guatemala included in its Action Plan. That Plan lists 3 different commitments; however, in order to carry out the research and draw up this report, it was necessary to distinguish more commitments immersed in the Plan's structure.

The commitments in the Action Plan are presented in the same order in which they are set forth in the respective document, although in this report they are listed as sub-points in accordance with the commitment listed in the Action Plan. It should be made clear that this report analyzes the commitments listed by the Action Plan and those determined by the researchers on the basis of the Plan criteria.

General description of the commitments

The Government of Guatemala's Action Plan lists commitments that aim to address the major OGP challenges, especially increasing public integrity and management of public resources. However, the commitments presented predated the Action Plan and do not have specific goals whose purpose is to accelerate or create new initiatives that contribute to improvement in terms of the major open government challenges. Moreover, the Plan presents commitments without a timetable or reference specifying annual goals. This makes it very difficult to measure. It is important to mention that the Action Plan identifies corruption and impunity as significant challenges but does not specify new activities that would have the potential to transform public finances (transparency in budget policy) or funds management, for example. In conclusion, the commitments promise to continue with transparency initiatives but do not identify significant or ambitious steps for initiating actions that would change practice in terms of government transparency and openness.

1. System for Evaluation of Management by Results

Currently the Government of Guatemala is analyzing and promoting implementation of a System for Evaluation of Management by Results, which will include the following initiatives:

- a. Expediting of administrative processes.
- b. Progressive eradication of secrecy in the adjudication of public assets, services, and works.
- c. Disclosure of results through the communications media, institutional portals, and other means.
- d. Regulations to eradicate waste.
- e. Regulations for the hiring of permanent, advisory, and consulting personnel.
- f. Regulations for a plan for effective, timely acquisitions.
- g. Regulation of excess expenses.

This project will help ensure that the financial resources are optimized and well administered, requiring the implementers to report periodically to the public. With the savings achieved through implementation of this policy, resources will be earmarked for implementation of actions for transparency, control, and fighting corruption. This policy may be evaluated in terms of the quarterly savings generated.

Description of the commitment							
Responsibility	Responsible institution	Presidential Commission for Transparency and Electronic Government (COPRET). Ministry of Public Finance ¹					
	Support institutions	Ministry of Finance (Technical Directorate of the Budget, Ministry of Public Finance) ²					
	Contact point specified?	No					
Level of specificity and measurability		Medium: language of the commitment describes objectively verifiable activities but does not specify milestones or products					
Relevance	Major OGP challenges	Increase public integrity, Improve public services, Manage public resources efficiently					
	Milestone	Relevant OGP values					
		Transparency	Participation	Accountability	Technology and Innovation for Transparency and Accountability	None	
		1. Expediting of administrative processes	✓			✓	
		2. Eradication of secrecy	✓				
		3. Disclosure of results	✓				
4. Regulation to					✓		

	eradicate waste					
	5. Regulation of contracting					✓
	6. Regulation of acquisitions					✓
	7. Regulation of excess expenses	✓			✓	
Ambition						
Milestone	New or pre-existing?	Potential impact				
1. Administrative expediting	Pre-existing	Minor: the commitment is an incremental but positive step in the practice of relevant public policy.				
2. Eradication of secrecy	Pre-existing	Moderate: the commitment is a significant step in the practice of relevant public policy, but its scope is limited.				
3. Disclosure of results	Pre-existing	Moderate: the commitment is a significant step in the practice of relevant public policy, but its scope is limited.				
4. Regulation of waste	Pre-existing	Minor: the commitment is an incremental but positive step in the practice of relevant public policy.				
5. Regulation of contracting	Pre-existing	Minor: the commitment is an incremental but positive step in the practice of relevant public policy.				
6. Regulation of acquisitions	Pre-existing	Minor: the commitment is an incremental but positive step in the practice of relevant public policy.				
7. Regulation of excess expenses	Pre-existing	Minor: the commitment is an incremental but positive step in the practice of relevant public policy.				
Level of completion						
Milestone 1. Expediting of administrative processes						
Starting date: Not specified	Ending date: Not specified	Current completion		Limited		
		Projected completion		Substantial		
Milestone 2. Progressive eradication of secrecy						
Starting date: Not specified	Ending date: Not specified	Current completion		Limited		
		Projected completion		Substantial		
Milestone 3. Disclosure of results						
Starting date: Not specified	Ending date: Not specified	Current completion		Limited		
		Projected completion		Substantial		
Milestone 4. Regulation to eradicate waste						
Starting date:	Ending date:	Current completion		Limited		

Not specified	Not specified	Projected completion	Complete
Milestone 5. Regulation of contracting			
Starting date:	Ending date:	Current completion	Limited
Not specified	Not specified	Projected completion	Complete
Milestone 6. Regulation of an acquisition plan			
Starting date:	Ending date:	Current completion	Limited
Not specified	Not specified	Projected completion	Complete
Milestone 7. Regulation of excess expenses			
Starting date:	Ending date:	Current completion	Substantial
Not specified	Not specified	Projected completion	Complete
Next steps			
1. Administrative expediting	New commitment based on existing implementation		
2. Eradication of secrecy	Maintenance and monitoring of complete implementation		
3. Disclosure of results	Maintenance and monitoring of complete implementation		
4. Regulation of waste	New commitment based on existing implementation		
5. Regulation of contracting	New commitment based on existing implementation		
6. Regulation of acquisitions	New commitment based on existing implementation		
7. Regulation of excess expenses	Maintenance and monitoring of complete implementation		

What happened?

The Government of Guatemala proposed continuing to analyze and promote implementation of the System for Evaluation of Management by Results and proposed 7 actions in order to comply with that commitment. However, not all are relevant to open government. Some actions have potential to help make progress toward transparency because they can improve access to information among state institutions, but this does not mean that they will improve the public's ability to access information on management by results or participate in monitoring it. Moreover, while some actions reflect the key principles of open government, new steps need to be identified in order to complete reforms in process or initiate actions in new areas. Finally, the commitment does not have timetables or references that indicate what the government expects to complete each year, insofar as possible.

Implementation of the System for Evaluation of Management by Results is not a new government initiative, but dates back to 1997. In that year, article 34 of Decree 101-97, Organic Budget Law, provided that the budget evaluation would include measurement of the physical and financial results and their effects, analysis of changes noted and their causes, and recommendations for corrective measures.

In 2000, efforts to formulate the multiannual budget began as an annex to the state's general revenue and expense budget for that fiscal year, but it was not until 2003 that this instrument was first made known to the strategic directorate of the central administration. In 2004, the new budget module (SICOIN Web) made it possible to introduce physical modules, linking financial inputs to indicators of results. In 2009, a technical cooperation agreement was signed with the Inter-American Development Bank for execution of the program "Apoyo a la instrumentación de un Sistema de Gestión por Resultados" [Support for implementation of a Management by Results System], which helped improve the system.

In 2011, progressive implementation of Results Based Budgeting (RBB) began at the Ministry of Public Health and Social Welfare, and in 2012 the first results based pilot projects were implemented. These were aimed at reducing chronic child malnutrition and maternal and neonatal mortality. That year also saw the initiation of improvements to the Sistema de Administración Financiera (SIAF) [Financial Administration system] platform, mainly the Sistema de Gestión (SIGES) [Management System] and the Sistema de Contabilidad Integrada (SICOIN) [Integrated Accounting System], to help ensure that the central administration institutions could formulate their annual and multi-year budget[s] from the "management by results" perspective.³ In 2013, the Ministry of Public Finance and the Secretariat of Planning and Programming of the Presidency (SEGEPLAN) drew up the Conceptual Guide to Planning and Budgeting by Results for the public sector in order to facilitate understanding of the processes and promote substantial changes in public management.⁴ In that same year, a modification of article 12 of the Organic Budget Law was approved, requiring that the expense budgets identify management by results.⁵

The 2014 draft budget continues implementation of the Results Based Budget methodology.⁶ All in all, according to some analyses by civil society, there is no clarity or consistency in the strategic results, which is a weakness of the "management by results" system. Specifically, the draft budget identified 11 strategic results and 68 products, but these do not contain the expected indicators of results and, in some cases, the goal is not clear (for example, strategic results 3 and 4 of the Zero Hunger Pact). Neither is there consistency in the way the strategic results are measured. For example, last year attempts were made to measure the strategic result of improving the country's competitiveness, using the country's position in a ranking as an indicator. The goal was to achieve position 81 in 2015 (position 83 was achieved in 2013). The 2014 budget seeks to measure the country's competitiveness using the value of the index. The goal is to achieve a value of 4.2 (in 2013 it was 4.0). As for the strategic result of improving transparency and reducing corruption, they changed from evaluating with the value of the index for the country's position (which has been the standard in recent years) to another that does not reflect progress toward transparency. The strategic result that seeks to increase formality in employment by 28.5% by the year 2015, when it was 30.8% in 2013, is striking. Moreover, there is no indication of achievement of the goals in the previous fiscal years or the cost of the inputs associated with the products and subproducts.⁷

Did it matter?

The revenue and expense budgets are "the annual expression of the state's plans, developed in the context of the strategy for economic-social development, concerning those aspects that require the public sector to obtain and allocate the resources for its normal operation and to carry out the investment programs and projects in order to achieve the sectorial, regional, and institutional goals and objectives."⁸ The budget is the central tool of the country's fiscal policy. It consists of public spending (tax receipts and public debt) as well as a component of fiscal transparency and quality of expenditure that is extremely important,

since only through this component can the citizens, in a democratic society, participate in the decisions, actions, and results of the fiscal policy. The System for Evaluation of Management by Results contributes in that it requires the budgets to be proposed and executed on the basis of the established results, which should be aligned with the public policies proposed by the government. Moreover, it makes it possible for the citizens to have information about whether or not the goals proposed by the government were achieved at the end of the fiscal year.

Regarding the OGP commitments, the Government of Guatemala proposed to continue analyzing and promoting implementation of the System. Progress on the initiatives included in the commitment was as follows:

- a. **Expediting administrative processes:** this initiative is very difficult to measure because of its breadth; however we can affirm – as indicated in the Self-assessment – that use of the System for Evaluation of Management by Results helps to expedite the administrative processes. The Self-assessment also indicates that COPRET has implemented initiatives to strengthen budget transparency through the creation of the web portals that are available to the public. With respect to the OGP values, however, it must be pointed out that the expediting of the administrative processes and publication of information on public services does not mean that the actions will contribute to the public’s ability to promote public officials’ accountability.
- b. **Progressive eradication of secrecy in the adjudication of public assets, services, and works:** various representatives of government institutions maintain that there has been progress due to the creation of technical working groups in order to comply with the Law on State Contracting. These working groups provide technical training to the staff of the various state institutions responsible for public contracting. It would seem that they assume that the lack of compliance with the Law on State Contracting is the result of ignorance about that law. The government’s Self-assessment does not mention how often the working groups meet or what results they have achieved. The appropriate indicator for measuring compliance in this case is the proper use of the Law on State Contracting, which includes a mandate for offering recommendations and overcoming the public institutions’ deficiencies. The Audit Report of Execution of the 2012 Budget⁹ (most recent document) indicates that non-compliance with the Law is the most common failing of the government entities penalized by the Office of the Comptroller General. This demonstrates the minor effect that these working groups and the training have had on compliance with this Law. With respect to the OGP values, this action could have more impact on transparency if how secrecy in the adjudication of public assets, services, and works will be eradicated were more clearly established.
- c. **Disclosure of results through the communications media, institutional portals, and other means:** the disclosure of results by various means has significant potential impact with respect to transparency. The Self-assessment refers to a diploma course in social auditing, but that is not related to the disclosure of results in the various communications media. On this point, it is believed that the government, through its portals and other communications media, communicates the official information that the Secretariat of Social Communication of the Presidency and the social communication departments of each institution consider appropriate. This information, to date, is one-directional, since it does not allow the citizen to comment, criticize, or in any way interact with it. Moreover, what is

published does not constitute open information, which makes it difficult for the citizen to better conduct oversight.

- d. Regulation to eradicate waste:** the Self-assessment report indicated that the government was implementing instruments such as Results Based Budgeting, which “contributes to optimization of resources and inputs, and also aims to require the government institutions to conduct effective planning of the goods and services they will use during the fiscal year, with the benefit that acquisitions will be prioritized and disagreement will be avoided.”¹⁰ The Self-assessment confirms that the action is related only to internal government administration and that, as written, it does not clearly specify how it will promote the OGP values concerning transparency, participation, or accountability.
- e. Regulations for the hiring of permanent, advisory, and consulting personnel:** the Civil Service Law and the regulations thereof govern all matters relating to the hiring of permanent, advisory, and consulting personnel in Guatemala. According to a presentation by the Director of the National Civil Service Office, modifications to the regulations of the Civil Service Law are being drawn up. However, these modifications have not been finalized. The Self-assessment indicates that this action has included the government institutions’ obligation to make the information on the hiring of permanent personnel public. The mere regulation of the hiring of permanent, advisory, and consulting personnel does not contribute to the OGP values. As currently written, the action does not clearly specify how it will promote the relevant OGP values.
- f. Regulation of an effective, premier acquisition plan:** In 2012 the President of the Republic submitted draft law number 4462 for reform of the Law on State Contracting. The proposal did not introduce structural changes to the system and favored secrecy by increasing the amounts of the contracting that could occur under direct purchase. This resulted in a decision by the Extraordinary Committee for Collection Support to not include it in its report and to begin the process of drawing up a new draft law that would govern the matter. This means that there was no change in the regulations for an effective, premier acquisition plan. The mere regulation of an effective, premier acquisition plan (thanks to the intended reform in the 4462 initiative) does not represent a contribution to the OGP values.
- g. Regulation of excess expenses:** in 2013, a reform of the Organic Budget Law was approved requiring “implementation of the principles of transparency and discipline in the government to ensure that public spending is carried out rationally, making appropriate and suitable use of resources.”¹¹ In this respect, it is believed that progress on this matter has been significant. Moreover, notice is taken of COPRET’s efforts to publish on its portal certain special items concerning excess expenses such as food, telephone services, fuel, per diem, and airline tickets acquired by the various Executive Branch institutions.¹² Concerning promotion of the open government values, the publication of information on the COPRET portal is a significant step in the public disclosure of state information and government transparency.

Finally, the commitment to promote the System for Evaluation of Management by Results, as presently written, does not demonstrate significant potential with respect to the OGP principles. Most of the actions with respect to that commitment do not constitute a significant contribution to open government, but promote changes within the government.

Moreover, the commitment preceded the Action Plan and does not have timetables or reference points to indicate how they would accelerate the System's efficiency. In addition, the breadth of the commitment makes it very difficult to use as a reference. Consequently, the researchers recommend that future OGP commitments clearly show, with respect to each initiative, how they will promote the OGP open government values.

Moving forward

The System for Evaluation of Management by Results has proven to be an important component for budget formulation and execution, which can result in better public policies. According to interviews of government officials and from the perspective of civil society, the system can be improved, and the following are recommended:

- Involve all areas of the public institutions and all government institutions in the formulation and execution process so that Results Based Budgeting can be implemented in a comprehensive manner.
- Train the people responsible for each of the institutions in the management by results methodology to ensure its proper application.
- Ensure proper monitoring of the strategic programs, specifically those involved in the open government agreements.
- Apply the management by results methodology properly, based on the documents supplied to the institutions, the capacities provided and the information in the possession of the institutions that govern the process (Ministry of Public Finance and Secretariat of Planning and Management of the Presidency).
- Require each institution to publish, at the end of the fiscal year, on an informational web site that is freely accessible, open, and public, the results anticipated for the previous fiscal year, with the indicators used to measure those results, and information about what actually happened. It is also recommended that the web site be disseminated to the various civil society organizations and the citizenry so that they can effectively monitor public policies.
- Ensure that the Ministry of Public Finance makes the budget (with the respective strategic results) available to the public in open formats, when it is formulated, so that, starting with that phase of the budget process, citizens can participate in the formulation of public policies and the strategic results that are budgeted for on an annual basis. It is recommended that the same exercise be carried out by the Public Finance Committee of the Congress of the Republic.
- Ensure that COPRET publishes the information on excess expenditures in open formats so that the public can easily download and reuse it.
- Ensure that all the actions included in the commitment involve progress with respect to the OGP values and are more precise concerning how they will contribute to open government.

¹ The Ministry of Finance has been responsible for the initiative since the System for Evaluation of Management by Results was created.

² Under the Technical Directorate of the Budget of the Ministry of Finance, the Secretariat of Planning of the Presidency is responsible.

³ Ministry of Public Finance, Results Based Budget, Guatemala, 2013.

⁴ Ministry of Public Finance and Secretariat of Planning and Programming of the Presidency, Guía Conceptual de Planificación y Presupuesto por Resultados para el sector público de Guatemala, Guatemala, 2013.

⁵ Congress of the Republic of Guatemala, Reforms of decree 101-97, Organic Budget Law, Organic Law of the Office of the Comptroller General, and decree 1-98 of the Congress of the Republic, Guatemala, 2013.

⁶ President of the Republic, Iniciativa del Presupuesto General de Ingresos y Egresos del Estado para el Ejercicio Fiscal 2014, Guatemala.

⁷ Technical Alliance Supporting the Legislative Body, Análisis del proyecto de presupuesto general de ingresos y egresos del Estado: fiscal year 2014, Guatemala, 2013, p. 8.

⁸ Congress of the Republic of Guatemala, Organic Budget Law, Guatemala, 1986, article 8.

⁹ Office of the Comptroller General, Informe de Auditoría de Finanzas Públicas, Dirección Financiera del 1 de enero al 31 de diciembre de 2012, Guatemala, May 2013.

¹⁰ COPRET, Open Government Self-assessment, Guatemala, 2013, p. 10.

¹¹ Congress of the Republic of Guatemala, reforms of decree 101-97, Organic Budget Law, article 2.

¹² Presidential Commission of Transparency and Electronic government (COPRET), <http://bit.ly/Jsi6XJ>.

2. Strengthening Control of Public Credit

It is important to develop a system of execution with funds from loans and grants that requires the executor to adhere to the time periods and use and comply with the contracted institutions and components, so that improper execution will be penalized and result in administrative consequences for the responsible parties.

The policy to be implemented will help to ensure:

- a. That all consultants hired with funds from loans and grants will be paid for the generation of intermediate and final products and no longer for monthly reports.*
- b. That, since regulations exist, the funds will be executed in the specific components for which they were acquired.*
- c. That information about the advances of these funds will be made available to the public by Institution, counterpart and component.*
- d. That the expediting of execution will be promoted in order to reduce interest payments.*

The Ministry of Public Finance, through the Integrated Financial Administration System (SI AF), should develop this module for purposes of compliance as indicated.

Description of the commitment						
Re sp on si bi li ty	Support institutions	Ministry of Public Finance.				
	Support institutions	Department of Execution of the Ministry of Public Finance. Secretariat for Social Planning of the Presidency.				
	Contact point specified?	No				
Level of specificity and measurability		Low: language of the commitment describes activities that are unclear but that can be interpreted as measurable				
R el ev an ce	Major OGP challenges	Increase public integrity, Improve public services.				
	Milestone	Relevant OGP values				
		Transparency	Participation	Accountability	Technology and Innovation for Transparency and Accountability	None
		1. Change method of payment of contracted consultants.				✓
		2. Regulate executed				✓

	resources					
	3. Make the disbursements of funds public	✓				
	4. Promote the expediting of execution to reduce interest payments					✓
Ambition						
Milestone	New or pre-existing	Potential impact				
1. Change method of payment of contracted consultants.	Pre-existing	Minor: the commitment is an incremental but positive step in the practice of relevant public policy				
2. Regulate executed resources	Pre-existing	Minor: the commitment is an incremental but positive step in the practice of relevant public policy				
3. Make the disbursements of funds public	Pre-existing	Minor: the commitment is an incremental but positive step in the practice of relevant public policy				
4. Promote the expediting of execution	Pre-existing	Minor: the commitment is an incremental but positive step in the practice of relevant public policy				
Level of completion						
Milestone 1. Change method of payment of contracted consultants						
Starting date:	Ending date:	Current completion	Not started			
May 2012	Not specified	Projected completion	Complete			
Milestone 2. Regulate executed resources						
Starting date:	Ending date:	Current completion	Not started			
May 2012	Not specified	Projected completion	Complete			
Milestone 3. Make the disbursements of funds public						
Starting date:	Ending date:	Current completion	Limited			
May 2012	Not specified	Projected completion	Complete			
Milestone 4. Promote the expediting of execution						
Starting date:	Ending date:	Current completion	Limited			
May 2012	Not specified	Projected completion	Complete			
Next steps						
1. Change method of payment of consultants	New commitment based on existing implementation					
2. Regulate executed resources	New commitment based on existing implementation					

3. Make the disbursements of funds public	Maintenance and monitoring of complete implementation
4. Promote the expediting of execution	New commitment based on existing implementation

What happened?

Strengthening of control of public credit was proposed by the government to enhance public integrity and manage public resources efficiently. However, in the period for implementation of the commitment there has been no evidence in the public domain that the government has made significant progress with respect to the initiatives put forward.

In order to understand and determine if this commitment has been implemented, we must understand what the Financial Administration System (SIAF) is. SIAF is the entire government management system. The System has several tools, for which various modules that assist governmental control have been implemented. One of the governmental controls that should exist is the control of public credit so that there will be access to the information needed to determine the levels of execution of loans or grants. Currently it is not possible to oversee public credit in budget execution because the information appears along with state execution, in other words, state execution with resources from taxes cannot be separated from state execution with resources from public credit.

SIAF was created by order of the Executive Branch through Governmental Resolution number 217-95 dated 17 May 1995. This Governmental Resolution was supported, years later, with the approval of Decree 101-97, Organic Budget Law, which contains elements of financial administration and implements new software for the Integrated Accounting System (SICOIN). Thus, the institutions of the central government – the ministries and secretariats – are involved. Subsequently a System focusing only on the decentralized entities was implemented.

That having been said, the modules implemented by the Ministry of Public Finance through SIAF must be analyzed in order to determine progress in the execution and implementation of the commitment. In this very general commitment, the need to have a specific module for Control of public credit, loans and grants as an element distinct from the one created with SICOIN and SICOINDES was identified. When we look at the commitment by individual points, it needs to be stressed that it has not been possible to distinguish a specific module for that issue which contains information related to what is established in the commitment.

Did it matter?

The specific module for completion of the commitment has not been created and, according to government officials, we still do not know if there was any attempt to make progress on this commitment. The government's Self-assessment indicates that there was progress, but does not specify what it was. As written, the commitment does not clearly indicate how three of the four actions could promote the OGP values concerning transparency, participation, and accountability. It is important to provide a brief critique of the commitment, analyzing the subsections mentioned in the commitment. Below we present the commitment followed by some comments on each of its subsections:

a. That all consultants hired with funds from loans and grants will be paid for the generation of intermediate and final products and no longer for monthly reports.

According to interviews with Ministry of Finance officials, it is policy that consultants – regardless of whether they are hired with funds from loans or ordinary state revenue – are contracted by product and not by report. However, the fact that they report and render accounts in accordance with a specific goal does not ensure that this commitment has been completed. Moreover, the commitment is merely administrative and does not constitute progress with respect to the OGP values.

b. That since regulations exist, the funds will be executed in the specific components for which they were acquired. According to the Ministry of Finance¹ web site and interviews of some Ministry officials, the SIAF was established as a tool for creating modules such as the one specified in this commitment. However, this module is not being implemented yet. This subsection, like the previous one, does not, in and of itself, constitute progress in relation to the OGP values, since it is nothing more than an administrative change.

c. That the information about advances of these funds be made available to the public by institution, counterpart and component. SICOIN is a tool for monitoring the state budget, since it makes it possible to observe the funds from grants or loans and their general execution. This was a commitment of the state's, assumed since approval of the Organic Budget Law. However, according to the research, a mechanism instituted for publication of and access to the progress generated by the funds cannot be distinguished in each specific case. Moreover, the publication of information does constitute progress with respect to the value of transparency.

d. Promote the expediting of execution in order to reduce interest payments. This subsection of the commitment reflects the ambiguity and breadth of the Action Plan because it does not make it possible to distinguish a specific commitment or determine how expediting the execution of the funds received would be promoted. In conclusion, one cannot determine whether or not it has been completed.

According to statements of some Ministry of Finance officials, the specific module has not been implemented; however, the Ministry's web site contains information about the implementation of loans and grants. Progress is, in any case, limited, wherefore we recommend that efforts be made to include information about the execution of its loans and grants in each institution's budget and on each institution's web site.

Concerning the OGP values, it should be noted that the mere expediting of administrative processes does not mean that the actions will help promote the OGP open government values.

Moving forward

Effective implementation of a new SIAF module for public credit is recommended. For the implementation of this new module to be relevant and constitute progress, it must adhere to the OGP principles. Specifically, it is recommended that the published information be in open formats so the citizens can become more involved in assessing the results of each of the loans extended to the State of Guatemala. Moreover, the authors of this report recommend that future OGP commitments with respect to this matter have actions more clearly related to the open government values. Initiatives that are not related to those values, even if beneficial for transparency or governance, should not be included in the OGP Plan.

Although the creation of this new module is necessary, the interviews held with government personnel revealed the lack of coordination between COPRET and the Ministry of Finance, the institution responsible for completing this objective. It is suggested that the institutional working groups created by COPRET discuss the progress of these initiatives so that they can actually be completed and so that there will no longer be separation of institutions.

¹ Ministry of Finance web site, <http://www.minfin.gob.gt/>

3. Continuation of Control and Transparency Efforts

Through implementation of the Construction Sector Transparency Initiative (COST), Stolen Asset Recovery Initiative (STAR), and Extractive Industries Transparency Initiative (EITI) and other international initiatives that help strengthen the state in terms of access to information.

3.1. Construction Sector Transparency Initiative - COST

Description of the commitment						
Responsibility	Responsible institution	Ministry of Public Finance. Secretariat of Control and Transparency (SECYT) and subsequently the Presidential Commission for Transparency and Electronic Government (COPRET).				
	Support institutions	Not applicable				
	Contact point specified?	No				
Level of specificity and measurability		Medium: language of the commitment describes objectively verifiable activities but does not specify milestones or products.				
Relevance	Major OGP challenges	Increase public integrity, Improve public services, Manage public resources efficiently				
	Relevant OGP values	Transparency	Participation	Accountability	Technology and Innovation for Transparency and Accountability	None
		✓		✓		
Ambition						
New or pre-existing?		Potential impact				
Pre-existing		Transformative: the commitment is a reform that could transform the practice of the relevant public policy.				
Level of completion						
Starting date:		Ending date:		Current completion		Substantial
Not specified		Not specified		Projected completion		Substantial
Next steps						
Continued work on basic implementation						

What happened?

The Action Plan does not have tangible commitments and specific actions to be carried out; however, the stakeholders agreed to use a standard of 10 points as an indicator for the cases in which public funds are invested in public works. This indicator makes it possible to follow up the works and, consequently, should be monitored. One can conclude that the commitment undertaken by the State of Guatemala in 2012 with respect to implementing the COST initiative had already been undertaken vis-à-vis the various sectors that decided to participate in its implementation.

In November 2009, the President of the Republic officially launched COST Guatemala, a program sponsored by the World Bank with financing from the Government of Spain, making Guatemala the first country in the Americas to join in the initiative. However, it was not until November 2010, with the signing of the respective Interinstitutional Agreement, that it was initiated (COST Guatemala is part of the international initiative that aims to strengthen actions for control and transparency in accountability concerning public infrastructure in Guatemala). To complete the objective, the governing institution established a “Multisector Group” comprised of the public sector (COPRET and CIV [Ministry of Communications, Infrastructure and Housing]), the private sector (Guatemalan Chamber of Construction and Chamber of Industry) and civil society (Acción Ciudadana and Faculty of Architecture of the University of Guatemala).

To understand the difficulties and problems that arose during its implementation, one should consider the fact that COST has been under the direction of three different institutions, known as COST “Champions.” The institutions are the Ministry of Finance, SECYT and COPRET. It is important to point out that some delays occurred when COST was under the direction of SECYT. SECYT ceased to be the institution responsible for COST when Guatemala’s Constitutional Court declared it unconstitutional in November 2012. Then COST had no directing institution and its activities were suspended. It was not until 2013, when COPRET was created, that COST came under its directorship and was reinitiated. However, after COPRET was restructured, there were significant delays again. According to what we learned at interviews with representatives of civil society and the organized business sector, the commitment has been implemented very slowly, first because of the aforementioned problems, and second because of the directorship’s lack of interest.

To date, the COST directorate has furnished three reports, and that represents an important step toward promoting the transparent contracting of public works through the institutionalization of internationally pre-established indicators. This was achieved by requesting information about the projects in execution from state entities and random visits by a project consultant. The information is provided by state institutions such as the General Highway Directorate and the state and municipal building construction unit, among others.

The objective of these activities is to analyze the projects with information provided by the institutions in charge of the projects, using the International COST methodology, which provides percentages of completion of the indicators as reflected in the project information. As part of the technical specifications and indicators evaluated, we can mention studies of feasibility, budget, estimated cost, significant changes in cost during execution, scope and evaluations of the projects. Based on that, the COST team includes recommendations in its respective reports.

We conclude by saying that formal implementation of the commitment under consideration began in 2009, but it was not until mid-2013 that it was resumed as part of the OGP. The

objectives laid out in the approved report are currently in process. A progress report was expected to be submitted in December 2013.

Did it matter?

The government has not used the commitment plans, since it does not have specific actions or plans. The commitment indicated only that a program that had been formulated prior to the creation of the Action Plan submitted to the OGP would be implemented, but it did not specify plans for accelerating its implementation. The commitment could have had significant impact on the OGP values, specifically in relation to transparency, since it could have become a forum for the provision of open, comprehensive, precise information concerning the principal decisions made by the key contracting stakeholders in the construction sector. It could also have had significant impact concerning accountability by becoming a forum to which citizens could resort by various technological means to have their voices heard regarding decisions on construction contracts. However, the commitment is too broad for the real impact it would have had on each of the aforementioned values to be determined.

Moving forward

Implementation of the 10 indicators approved by the sectors must be monitored in order to complete the commitments included in COST with respect to transparency and accountability in the construction of works with public funds. Although it is true that the commitment, according to the provisions of the Action Plan, does not have tangible commitments, more specificity is required in accordance with the work done by the sectors. It is important for completion of the commitment that those responsible for directing its activities not delay its implementation further and accord it the necessary importance so that it can be a positive factor for Guatemalans in the Construction sector. One of the interview subjects mentioned the need to have more funds in order to execute the program well. The authors of this report recommend that, in future OGP commitments concerning this matter, actions that are more clearly linked to the open government values be included.

3.2. Extractive Industries Transparency Initiative - EITI

Description of the commitment						
Re sp on si bi li ty	Responsible Institution	Presidential Commission for Transparency and Electronic Government (COPRET). ¹				
	Support institutions	Ministry of Energy and Mines. Committee at the Board of Directors of EITI.				
	Contact point specified?	No				
Level of specificity and measurability		Low: the language of the commitment describes activities that can be interpreted as measurable but that are not totally clear or specific.				
R el ev an ce	Major OGP challenges	Increase public integrity, Improve corporate accountability, Improve public services.				
	Relevant OGP values	Transparency	Participation	Accountability	Technology and Innovation for Transparency and Accountability	None
		✓				
Ambition						
New or pre-existing?		Potential impact				
Pre-existing		Moderate: the commitment is a significant step in the practice of relevant public policy, but its scope is limited.				
Level of completion						
Starting date:		Ending date:	Current completion		Limited	
Not specified		Not specified	Projected completion		Substantial	
Next steps						
1. Implementation of EITI.		Revision of the commitment to make it more achievable or measurable				

What happened?

During the Action Plan implementation period, the government's achievements were limited in terms of implementing EITI. The commitment preceded the OGP, and the Action Plan proposed only continuing with the EITI initiative but did not put forward actions or

goals to accelerate its completion. The Self-assessment shows that one important advance was the inclusion and expansion of the participation of social organizations that have influence on environmental and transparency issues and others, such as those related to the extractive industry.

On 19 March 2010, the Government of Guatemala expressed its interest in participating in EITI. On 1 March 2011 the directors of EITI approved its participation. On 10 May 2012, Governmental Resolution 96-2012 was published, creating the National Labor Commission for implementation of the initiative for Transparency in the Extractive Industries. On 22 August 2012, Resolution 1-2012 was signed, approving the Commission's internal regulations. Those regulations are in accordance with the EITI principles so that all the interested sectors (state, extractive companies, civil society, multilateral institutions, financial and investment entities) may contribute ideas and solutions.² The first actions included the development of a work plan, which was approved by all the sectors and a grant to the State of Guatemala from the World Bank.

The respective work plan contains eight strategic objectives: (i) ensure Guatemala's adherence to EITI; (ii) establish and set in motion a group with multiple participants for EITI implementation in Guatemala; (iii) eliminate barriers or obstacles to implementation of the CNT EITI- GUA Work Plan; (iv) strengthen the capacities of the National Labor Commission members; (v) prepare the first conciliation report; (vi) disseminate the results of the first national conciliation study of extractive industries in Guatemala; (vii) implement the EITI disclosure process; and (viii) submit the validation report to the International Secretariat of EITI.³

Operating objectives were formulated on the basis of these 8 strategic objectives, although the former were not mentioned in the government's self-assessment. The Self-assessment mentions only the establishment of a forum of social organizations that have influence on environmental issues and other issues of national interest related to the extractive industry, and that an extension of the time period for validation of the conciliation report was requested, which indicates that strategic objective two (establish and set in motion a group with multiple participants) was completed. The level of completion of strategic objective five is limited, since an extension for delivery of the conciliation report was requested. As far as the other strategic objectives are concerned, only objective one (Guatemala's adherence to EITI) was completed, and this one is not very ambitious inasmuch as it just means being part of the initiative.

According to an interview with the Executive Coordinator,⁴ noteworthy among the obstacles encountered is the lack of representation of certain important sectors (especially the civil organizations fighting on environmental issues in the various communities), which has made it difficult to build consensus between the extractive industries and civil society.

Did it matter?

The EITI initiative is undoubtedly important for the transparency of the extractive industries sector. However, from a broad perspective of the steps that need to be taken to improve open government, its impact on open government is limited. Moreover, not all the strategic objectives established by the government entail progress toward the OGP open government values. The government proposed continuing with EITI but did not put forward specific plans for doing so. The Action Plan does not reflect the government's ambition to achieve greater impact on this issue.

The commitment indicates only that other initiatives like EITI will be implemented. This ambiguity makes its inclusion in the OGP Plan irrelevant in terms of its execution in Guatemala. The Plan was not used by the key actors in Guatemala because, as indicated above, it was very ambiguous and broad.

Moving forward

All the companies devoted to the extractive industry must provide information of interest to EITI. The participation and effective representation of all the sectors has been difficult to achieve, and will happen only when there are sufficient incentives for participating on the Commission. One of the most important recommendations from the person responsible for execution of EITI in the government is to strengthen civil society and promote the representation of other organizations by modifying the governmental resolution that created the Commission. The OGP researchers also recommend taking the OGP values into account in implementing the work plan, since it does not consider them.

¹ Coordination of the Commission is the responsibility of the Vice Presidency of the Republic through the Presidential Commission for Transparency and Electronic Government, in accordance with Governmental Resolution 37-2012.

² National Labor Commission for Implementation of the Initiative for Transparency of the Extractive Industries EITI-GUA, Work Plan for implementation of the initiative for transparency of the extractive industries (EITI) in Guatemala, 2011-2013, Guatemala, 2012.

³ National Labor Commission for Implementation of the Initiative for Transparency of the Extractive Industries EITI-GUA, Work Plan for implementation of the initiative for transparency of the extractive industries (EITI) in Guatemala, 2011-2013, Guatemala, p. 6.

⁴ Interview with the EITI Executive Coordinator, Guatemala, October 2013.

3.3. Stolen Asset Recovery Initiative - STAR

Description of the commitment						
Responsibility	Responsible institution	Ministry of Public Finance. Secretariat of Control and Transparency (SECYT) and subsequently the Presidential Commission for Transparency and Electronic Government –(COPRET).				
	Support institutions	None specified				
	Contact point specified?	No				
Level of specificity and measurability		Low: language of the commitment describes activities that are unclear but can be interpreted as measurable				
Relevance	Major OGP Challenges	Increase public integrity, Improve public services, Manage public resources efficiently.				
	Relevant OGP values	Transparency	Participation	Accountability	Technology and Innovation for Transparency and Accountability	None
						✓
Ambition						
New or pre-existing?		Potential impact				
Pre-existing		Minor: the commitment is an incremental but positive step in the practice of relevant public policy.				
Level of completion						
Starting date:		Ending date:	Current completion		Limited	
Not specified		Not specified	Projected completion		Substantial	
Next steps						
New commitment based on existing implementation						

What happened?

The commitment to implement the STAR (Stolen Asset Recovery) initiative was launched on 17 September 2007 by the UN Office on Drugs and Crime (UNODC) and the World Bank. STAR supports the efforts of countries seeking to recover public capital hidden abroad.¹ The commitment pre-existed the OGP. The government's self-assessment does not address this commitment, which demonstrates a lack of interest in the matter. However, the COPRET² web page mentions progress in this area. According to the respective report, in March 2012 several government institutions evaluated the STAR initiative, including the Ministry of the Interior, the Secretariat of Science and Technology (SECYT), the Office of the Attorney General, the Vice Presidency, the International Commission against Impunity in Guatemala (CICIG), the Superintendency of Banks, the Special Verification Unit, the Supreme Court, the National Secretariat of Administration of Assets in Forfeiture, and the Office of the Comptroller General. In July of that year a training workshop was held for prosecutors at World Bank headquarters. In October a workshop was held with the SECYT team, and in November the second phase of a training workshop was held for workers at SECYT and the Office of the Attorney General. In 2013 there was only a third training workshop. It was attended by members of COPRET, the Office of the Attorney General, and the Special Verification Unit. Several representatives of civil society and World Bank officials³ believe that progress on this initiative has been very minimal or null.

Did it matter?

The government has not utilized the plans or actions generated for the commitment, inasmuch as it lacks specific actions or plans. The commitment indicated only that a program that had been committed to prior to the creation of the Action Plan submitted to the OGP would be implemented, and did not mention plans for making progress with that program. Moreover, the commitment includes only internal initiatives with participation of government officials and does not promote access to public information or include mechanisms for promoting open government. Thus, one can conclude that even if the commitment were completed it would not be relevant to completion of the OGP objectives.

Moving forward

The training that has been delivered constitutes limited progress in the implementation of STAR, so it is suggested that the training continue with the various state organizations involved in the recovery of assets in order to achieve the necessary coordination for these types of cases.

The OGP researchers recommend that participation in STAR include an initiative for making information about the recovery of assets stolen by state officials available to the public and thus promoting accountability. Moreover, future commitments should demonstrate a clearer connection to the OGP values. The commitments related to administration of the government that are not directly connected to open government, while laudable, should be omitted from the OGP open government Action Plan.

¹ COPRET web site on the STAR initiative, <http://bit.ly/1bPrDST>.

² Ibid.

³ Interview of Manolo Morales, Civil Society Manager for the World Bank in Guatemala.

V. SELF-ASSESSMENT

The Self-assessment report was not submitted within the promised timeframe and was not made available for the consideration of the public or civil society organizations as anticipated.

Regarding form, it is noteworthy that the Self-Assessment Report drawn up by the government contains an introduction longer than the assessment itself. This reflects the Self-assessment's lack of thoroughness.¹ Moreover, the government's self-assessment does not specify progress made, but describes the general advantages of the Plan's commitments. In some cases the Self-Assessment indicates that there was progress but does not specify what that progress is and does not include an exhaustive analysis of each commitment.

It is important to point out that the Guatemalan researchers were in constant contact with the institution responsible for drawing up the Report and they were informed of the date on which the Report was to have been published. All in all, as of late October 2013, COPRET had not provided any type of information used for conducting the Self-assessment, or the Self-assessment itself, even though it should have been finalized by that date. This reflects the fact that the Self-assessment was also not socialized within COPRET itself. COPRET turned its Report in one day before the deadline for inclusion in this analysis.

According to the information gathered during conversations with representatives of civil society, the process of drawing up, implementing, and evaluating the Plan was carried out without considering civil society and, consequently, forgetting disclosure of the information.

Table 2: Self-Assessment Checklist

Was an annual self-assessment report published?	No
Was the report published on schedule?	No
Is the report available in the local language?	Yes
According to the stakeholders, is publication in this language sufficient?	No
Is the report available in English?	No
Did the government provide a two-week public comment period on the draft self-assessment reports?	No
Were any comments received?	No
Was the report published on the OGP portal?	Yes
Did the self-assessment include a review of the consultation efforts?	No
Did the report cover all of the commitments?	No
Did it assess completion according to schedule?	No
Did the report reaffirm the government's commitment to transparency?	Yes
Does the report describe the relationship between the Action Plan and the Major Challenge areas?	No

¹ Presidential Commission for Transparency and Electronic Government, Open Government Self-assessment, Guatemala, 2013.

VI: MOVING FORWARD

As a result of the foregoing analysis and the stakeholders' priorities, this section places the Action Plan in the specific national context and highlights the potential next steps.

Concerning the major OGP challenges, the Government of Guatemala has proposed implementing initiatives in order to move forward on matters of transparency and openness in the administration of public finances and policies. There are specific actions that the government could take to move forward more decidedly, mainly by applying key principles of open government. The recommendations presented here were formulated by civil society in search of more transparent policy in Guatemala.

Guatemalan context

The Government of Guatemala is one of the most fragile. It has few resources, little control, and little continuity of public policy. Moreover, the institutions are very permeable and vulnerable to infiltration by and influence from illegal entities and individual interests which may be at odds with the citizens' interests.¹ Despite these limitations, the government faces major challenges, noteworthy among which are fighting extreme poverty, improving basic public services, and strengthening the national security and justice systems.

The Guatemalan institutions' lack of skill and responsibility reduces their ability to respond to the citizens' needs and demands. This scenario makes transparency and openness not just ideal qualities for improving the government's performance and the most important priority in terms of the governors and governed saving the institutions, starting with getting to know them and actively participating in their improvement. Transparency is the ideal tool for creating mechanisms of direct participation and accountability prompted by certain findings, which would replace the distracting political lynchings. The disclosure of public sector documents— concerning not just political procedures but also local and national judicial and administrative procedures — is an essential tool for development of the right to knowledge. This right is a basic principle for the exercise of democracy, which goes beyond the vote.

The fight for transparency and openness has been ongoing since 1995. Guatemala initiated efforts to fight corruption and have a more open, participative government as a necessary condition for parallel implementation of the Peace Accords. So, fifteen years ago the Project for Reform of Financial Administration, known as the Integrated Financial Administration SIAF-SAG System, was created. In 1998 the new Organic Budget Law took effect. In 2002 the Law on the Office of the Comptroller General was promulgated, and the regulations thereof, as well as the Law on Probity and Responsibilities of Public Officials and Employees, were drawn up in 2003. The Peace Agreements also discussed the importance of transparency² in the execution of public spending and the urgent need to increase the level of professionalism of public servants. However, repeatedly, the inability to design and apply sustained public policies has resulted in much effort and waste of resources, with negative results. Any plan designed in the future in accordance with the OGP commitments will face the challenge of continuity and outside assessment. Moreover, as we indicate below, it will be important to anchor the open government process to entities and stakeholders that ensure its continuity.

The “participation” component in Guatemala should be easy to implement, since the country has a robust constitutional system of participation, which is also established in general laws, such as: (i) General Law on Decentralization, Decree 14-2002, article 19, Social Oversight, chapter V; (ii) Municipal Code, Decree 12-2002, Chapter I, article 17, Rights and Obligations of Residents; and (iii) Law on Urban and Rural Development Councils, Decree 13-2002, functions of urban and rural development councils. Said entities must be used and strengthened to the fullest possible extent. The entities and mechanisms for dialogue that these laws include have survived four administrations of different political parties, in other words, they have been around longer than the thematic commissions or discussion forums. Because the system of development councils was designed by taking inclusion of gender, ethnicity, and organized sectors into consideration, and should be considered in the design of all public policies—ensuring local participation—the problem of inclusion and diversity is solved.

Guatemala has a Law on Access to Public Information with its regulations, which has also begun to be implemented. The country also has a somewhat *sui generis* entity, the International Commission against Impunity in Guatemala (CICIG)³ and, since the last week of October 2013, the “Law on Institutional Strengthening, Transparency and Quality of Public Spending.” Albeit gingerly, this Law provides that public information must be accessible to citizens, specifically on web sites that are freely accessible, open, and cost free and in a format which ensures that the information is organized, easy to access, and can be consulted, used, and evaluated by any citizen. Moreover, Guatemala has begun making public spending-related issues public information *ex officio* in accordance with Law, and testing has begun for the automatic facilitation of requests for public information through a consolidated platform known as OpenWolf.⁴ However, there are no clear rules for solving two serious problems: (a) excessive classification of information or arbitrary refusal to furnish it, so that information is kept confidential without following clear directives, and (b) information that is lost or mislaid by members of the government who believe that the information produced and safeguarded by the government belongs to them. This issue is amply addressed in the specific recommendations.

Moreover, the adoption of policies that promote open government and also safeguard and protect citizens’ fundamental rights—such as the right to privacy—and do not force citizens to use technologies, software and hardware that the government wants and imposes, should be considered. The government should adopt a design of open government policies and tools similar to the technologies to which the population has access.

The government’s Action Plan seems to be designed to define the minimum, basic roles that an office which works against corruption and for transparency should play. We believe it is necessary to start from zero on a new plan that reflects a genuine commitment to implementing the OGP principles.

Stakeholder priorities

Based on the interviews of the various members of civil society, participants in Guatemala’s Action Plan, and government officials, one can conclude that the commitments could include significant actions for moving forward on the issue of open government and the principles promoted by the OGP. The first two objectives focus on a very specific budget issue, and the third is a list of commitments, of which just one is related to transparency and open government. This clarification having been made, the key stakeholders see the objective of implementation of the management by results system as more significant.

Recommendations

Civil society and the stakeholders believe that, if the Government of Guatemala wants to comply with the OGP requirements, it is important that the following recommendations concerning participation and the need to develop a new Open Government plan for Guatemala be considered.

1) An open government is participative.

Expand informed participation in the existing forums. The first recommendation for encouraging participation is to bring the issue of open government, with simple examples, to the various participative forums that already exist in Guatemala. Within the system of development councils, the active community and the stakeholders could bring the open government policies to fruition and provide them with content and action. It is not necessary to create new mechanisms for monitoring and institutionalization of transparency, whether external or new. What is imperative and necessary is strengthening the National System of Urban and Rural Development Councils, the National Education Council, the National Security Council, and the National Health and Food Safety Council. In general, all the thematic councils, which, in accordance with current law, must ensure the provision of resources and the proper expenditure of public funds, constitute an opportunity for open government. Also recommended is continuing with the technical working groups implemented during the recent administrations with respect to civil society, the academic institutions, and the various ministries.

It is also necessary to invite other institutions, such as the Secretariat of Planning and Programming of the Presidency (SEGEPLAN) and the National Statistics Institute, to participate from the initiation of the process, benefit from the open government policies that are implemented, and help generate better information that results in better public policies.

Create participative community mappings and hackathons. One of Guatemala's serious problems is access to information that has not yet been recorded, for example, unregistered roads, geographic boundaries and topography. An interesting step pursuant to the land registry processes being developed in many inaccessible rural areas was the Emerging Knowledge Communities exercise, implemented in 2009 by Cooperación Vasca and CANEK.⁵ Under this initiative, some local communities produced their own mapping of indicators related to the urgent community problems and local potential. Other possibilities are participative land mappings, using balloons or kites, developed in the shantytowns of Río de Janeiro⁶ and Senegal. Experiments of this kind can help in the drawing up of precise maps and afford more transparency for certain incongruencies in the land registry, but can also help the local authorities find, resolve, and monitor infrastructure problems in inaccessible areas.

Use community libraries as access points for public information.⁷ Guatemala has a network of community libraries that could become the ideal place for promoting access and reuse of public information. The Guatemalan Association of Libraries and Archives could be a crucial component for the appropriate design and implementation of a long-term Open Government plan.

Increasing interinstitutional coordination of open government efforts. The coordination taking place between COPRET and the Secretariat of Science and Technology is essential. It is also indispensable that technical and financial cooperation, training, funds and resources received by the government institutions for transparency, electronic government, and

related matters be received and function in a coordinated manner, being guided by the principles of open government.

2) An open government is nourished by cultural and generational differences, includes everyone, and builds bridges.

Increase the inclusion of Guatemala's indigenous peoples. The Government of Guatemala has taken a small first step towards inclusion by translating the laws on access to public information into some indigenous languages and publishing those translations.⁸ But the challenge of open government, and of a good plan developed in cooperation with each and every sector of society, is to ensure that "inclusion" goes beyond a symbolic affirmative action to genuine active involvement of the indigenous peoples of Guatemala. The indigenous peoples represent the majority of the country's young people, the average age being under twenty-five. They also represent the population most seriously affected by the lack of transparency and by corruption; the population least connected to the Internet; and the segment with the least access to education. It is crucial that their needs and demands be heard, their suggestions be taken into consideration, and their experiences in the development of local solutions be used and shared at the national level.

It is especially important to highlight the indigenous communities' achievements in the development of their own software in indigenous languages, which has enabled them to reduce the digital gap. For their part, the community Internet centers and cyber cafes created by enterprising indigenous people who, in most cases, have learned to use the tools and equipment by themselves, offer other opportunities for forums and bridges to be established between them and the government team that develops the plans.

Document favorable experiences and learn from them for purposes of designing the Plan. Guatemala's Open Government Plan can benefit from successful initiatives carried out by mostly-indigenous communities, such as the experience of the Municipality of Patzún⁹ and its digital inclusion programs and the experience of the Municipality of Santiago Atitlán and its projects for Internet access, conceived as a human right, a strategy for strengthening the social fabric, and an engine for development.¹⁰

Invite older adults to participate as part of the compilation of experiences and best practices for design of the Plan. This can also offer an opportunity to create a forum for exchange. The possibility of conducting hackathons of documentation concerning stories and experiences of exchange of digital competencies and personal experiences could be explored.

Include open government in primary education. It is important to include the subject in civics education programs and encourage dialogue and the bringing of children and youths closer to the administration of open government. This can be accomplished by combining on-site activities with digital activities and using social networks and activities outside of school, such as popular theater and music.

3) An open government uses open and free tools and standards for its information.

Approve a governmental resolution on standards and open information for the entire government. It is important that the government ensure that its data are accessible (via Internet and other means), reusable, free, interoperable, and not hampered by copyright restrictions, to permit the massive openness of information and adoption of the freest international standards. The experience of the United Kingdom, which uses the Open Standards Principle as a model, could be considered in this respect.¹¹ The Government of Guatemala could approve a governmental resolution on open standards in the government which establishes the directives for the interoperability of software, the data and formats of

documents managed by the state, taking into consideration the user's needs and competencies, the country's multilingual situation, and the cost of proprietary software, as compared to the cost of free software, for the platforms' sustainability.

Issue a governmental resolution on the promotion of reuse of public sector information. That resolution could encourage the private sector to generate demand and an economic model around it.

Create an open government task force. The government could create twelve grants for the implementation of open government in Guatemala (six grants for positions held by Guatemalans and six for foreigners with specialized technical competencies), fully financed for an extendable period of 3 years, making it possible to create a team of senior professionals, implement a joint, long-term project working with the government office responsible for the Plan and based in various institutions. Another recommendation is to create open government professorships at INAP [National Institute of Public Administration] and USAC [University of San Carlos] or at a private university that meets the requirements. The professorship should be financed with public and private funds.

4) An open government protects the privacy and security of the information on its citizens and foreigners subject to its jurisdiction.

Establish privacy as an essential part of the Plan's design. It is important that, from the outset, the government adopt the highest standards for protection of privacy, the confidentiality of persons and personal data, especially because the country does not have an authority responsible for the protection of data or a law on privacy and protection of personal data. In parallel with the release of open data for the public, the Government of Guatemala should develop appropriate policies on storage and security of government data, especially personal and sensitive data.

Improve the human rights standards that the Government of Guatemala applies when collecting personal data and private communications. It is recommended that the Executive sign and incorporate, by means of a governmental resolution, the International Principles on the Application of Human Rights to Communications Surveillance¹² and that these be an essential part of the actions to be taken by the team responsible for the design and implementation of Guatemala's open government Plan.

Conduct an audit at the national level. The government should assess the way in which each entity is storing public information and adopt uniform measures to ensure the secure, continuous, and permanent storage of public information, especially the personal data of the Guatemalan citizens to which it has access.

Be transparent about its intelligence work. The citizens should at least know about the technical capacities and agreements for cooperation and exchange of information between the Government of Guatemala and other governments to which it gives access to the citizens' personal information.

5) An open government invests in its human resources and devotes financial resources to the successful implementation of its plans.

The President Otto Pérez Molina administration has given prominence to the matter of transparency and the fight against corruption. The Government of Guatemala, on being accepted into the Open Government Partnership, made commitments that must be translated into specific, sustainable actions that survive the Pérez Molina administration and encompass the entire territory of Guatemala. To do that, and before undertaking specific tasks, the government should commit to including three basic components:

sufficient human resources to carry out the necessary tasks, fixed budget for the tasks to be accomplished, and a broad commitment by the government to the design of the adopted public policies and the tools they would use for their implementation. These components are discussed in greater detail below:

Invest in the development of capacities of the central team responsible for designing, implementing, and monitoring the OGP commitments. It is important and urgent that the Government of Guatemala monitor the representatives and delegates of the municipal and local governments and decentralized entities. The revised Self-assessment report, as well as Guatemala's two OGP plans, reveal the deficient training of those responsible for formulating the plans, inasmuch as they focused, in the government commitments, on other specific mechanisms for the prevention of corruption.

Address access and the openness of the government. In order to have an effective, efficient open government plan, priority must be given to beginning with the education of all those who participate in the matter of openness of the government, both locally and nationally. Said openness is not limited to the openness of data, but also encompasses access and openness to responding to and listening to citizens, the media, academia, and all sectors interested in cooperating and contributing solutions.

Invest the relevant authorities with broad powers to improve capacity and encourage the exchange of open government experiences. Those responsible for developing the open government plan should be invested with powers and decision making authority that enables them to enter into partnerships, request assistance, and sign inter-agency and even international agreements. We recommend the design and implementation of a training program for officials, public employees, delegates of the municipal governments, and [representatives of] other interested sectors, so they will at least understand basic concepts of open government, compared experiences and strategies adopted in other countries. A partnership could be explored with the National Institute of Public Administration to create a diploma program or distance learning course validated by another educational institution.

Emphasize the development of digital competencies at the national level, especially in the government, for those who provide services and information to the public.

6) A country in transition should reduce the amount of information that remains classified and make it transparent.

Open the archives with information for the preservation of historical memory. The secret state archives contain information which is important for shedding light on the internal armed conflict during which many people were kidnapped and disappeared at the hands of state security forces. With the exception of the National Police Historical Archive, which has been totally declassified and digitized by international specialists and is being safeguarded at the University of Austin,¹³ most documents from the period of the internal armed conflict remain secret or inaccessible to the population. A step toward demonstrating this administration's commitment to transparency would be to digitize and open the declassified files that document the armed conflict and adopt proactive transparency measures in the processes related to the intelligence and security forces, with respect to which there is evidence of human rights violations.

Request the declassification and digitization of the documents backed up by the Historical Clarification Commission (CEH) of Guatemala. These documents have been at the United Nations Secretariat for five decades for digitization and consultation.

Make funds available to ensure the preservation of historical archives. The National Library of Guatemala, the Newspaper and Periodicals Library of Guatemala, and the General Archive of Central America, as well as the Library of Congress of the Republic of Guatemala, the Archdiocesan Archive, and the Library of the Supreme Court need funds to digitize and make the country's historical heritage accessible to citizens. It would be difficult to achieve an open, participative government if the historical records are not available to the public.

Implement mechanisms with respect to the information classified for national security reasons. To do that, and in the interest of the highest standards of protection of human rights, we recommend adoption of the Global Principles on National Security and the Right to Information.¹⁴ These principles were formulated to guide those who engage in the drafting, review, or implementation of laws or provisions relating to the state's power to retain information for reasons of national security or to punish its disclosure. They are based on international precepts, standards, and best practices, and will enable the Government of Guatemala to be at the vanguard of best practices in transparency, even in the most complex matters.

Ensure protection of whistle-blowers and create mechanisms to support them. The issue of protection of and support for anonymous whistle-blowers who disclose corrupt acts will be crucial in Guatemala, and the state should offer incentives and secure, anonymous platforms for them to submit the reports and evidence. However, the protection of whistle-blowers should not be limited to a specific issue. It is important that people have anonymous, secure mechanisms for reporting and offering information about serious human rights violations without compromising their physical or psychological integrity, or that of their families, and have a support system that would enable the press to freely publish that information without pressure or threats from the government. To do that, mailboxes could be established for submitting reports anonymously and digitally. The installation of SecureDrop, a system for sending anonymous documents, could be considered as a pilot experiment in the open government plans.¹⁵

7) An open government actively promotes digital inclusion.

In parallel, developing and promoting better access to the new information and communication technologies. Scarce, limited, onerous and irregular Internet access represents a significant barrier to maximum use, by both the public and private sectors, of the economic and qualitative benefit of the services offered by a good open government plan.

Establish and maintain a robust network connecting the government. The government is not interconnected and often depends on private Internet service providers that cannot meet the public sector's needs.

Take the tools that people use to access information into consideration. The government should use efficient technologies, chosen in consideration of the special capacities and needs of various community members. Moreover, it should not impose the use of technologies or tools that people are unfamiliar with or cannot or do not want to use.

Take Guatemala's Digital Agenda into consideration. That Agenda, developed in September 2013, contains the guidelines, central themes, categories, and projects linked to the Information and Communication Technology (TIC) Sector. It is suggested that actions be initiated for reduction of the digital gap, inclusion and computer literacy, educational development of digital content, and the encouragement of research and professional development, among other things.

¹ The UN and the Government of Guatemala signed the Agreement concerning creating an International Commission against Impunity in Guatemala (CICIG) in order to establish the independent international institution, whose mission is to support the Office of the Attorney General, the National Civil Police, and other state institutions in the investigation of crimes committed by members of illegal security bodies and clandestine security organizations and, in general, the actions aimed at dismantling these groups. See <http://bit.ly/1bz8s11>.

² Especially in the Agreement on Constitutional Reforms and Electoral Regime signed in Stockholm in 1996, various aspects relevant to transparency were discussed, such as the importance of transparency in the financing of election campaigns, a spending ceiling for election advertising, and the obligation to present accounts books to prove the source of the funds.

³ International Commission against Impunity in Guatemala (CICIG), <http://cicig.org/>.

⁴ OpenWolf Centralized Request System, <http://bit.ly/1bz8nox>.

⁵ See Emerging Knowledge Communities. CANEK. <http://bit.ly/1bz8rEH>.

⁶ Mapeamento Digital Guiado pela Juventud - UNICEF GIS. See also <http://bit.ly/1gk6n8Z>.

⁷ American Libraries, "In Central America, Community-Minded, Libraries Become Community Funded," 27 February 2013, <http://bit.ly/JHN7pV>.

⁸ The versions of the Law on Access to Public information translated into four Maya languages were distributed in print format and have been published in PDF format on the COPRET web page, in its virtual library; however a user who does not understand Spanish would have difficulty finding them. See: <http://bit.ly/1cZ24vn>.

⁹ See Municipality of Patzún, Noticias [news], <http://bit.ly/1coketc>.

¹⁰ See Global Voices, Guatemala: aldea indígena declaró el acceso a Internet un Derecho Humano, <http://bit.ly/1eouv8i>.

¹¹ See Open Standards Principles, HM Government, <http://bit.ly/19FD9zA>.

¹² See Principios Internacionales sobre la Aplicación de los Derechos Humanos y la Vigilancia de las Comunicaciones [International Principles on Application of Human Rights to Communications Surveillance], <http://bit.ly/1co01yk>.

¹³ See historical file of the National Police of Guatemala, available on the web portal of the University of Texas Library, Austin, <http://bit.ly/1dWNzKm>.

¹⁴ "Los Principios sobre Seguridad Nacional y el Derecho a la Información," concluded in Tshwane, South Africa, issued on 12 June 2013. See Open Society Foundation's "Understanding the Global Principles on National Security and the Right to Information." <http://osf.to/1kNxDN6>.

¹⁵ See Freedom of the Press Foundation, SecureDrop, <http://bit.ly/1cFqOfV>.

ANNEX: METHODOLOGY

As a supplement to the national self-assessment, researchers from the participating country drew up an independent report. These experts use a common methodology that follows the OGP guidelines based on a combination of interviews with local stakeholders and analysis and review of documents.

Introduction

The report of progress with respect to the OGP action plans is based on a combination of interviews and the analysis of documents and information obtained at meetings with non-governmental stakeholders. The Report includes the government's self-assessment and other evaluations performed by civil society and international organizations.

The Guatemalan researchers met with the stakeholders to ensure that they would correctly relate the events of the OGP process. Given the financial and time restrictions, the IRM is unable to consult all the affected people and/or stakeholders. Consequently, the IRM tries to be methodologically transparent and, when possible, make the process of the stakeholders' participation public. This process is described in detail in this section. The IRM protects the identity of the information providers who so request in the national contexts, whether or not they belong to the government.

This report was reviewed by an International Panel of Experts in order to certify that it meets the highest research standards. In addition, the IRM strongly encourages public comments on the drafts of the domestic documents.

Selection of participants

Since the outset, it was known, through the content of Guatemala's Open Government Partnership Action Plan, that very few civil society institution and citizen would be informed about it. This is demonstrated by the small number of articles and news items concerning open government contained in the diagnosis developed by COPRET in 2012.¹ This was exacerbated by the fact that COPRET did not conduct a preliminary consultation process during preparation of the Plan. Working groups were set up with just a few civil society institutions which, as the meetings progressed, stopped participating. These organizations are part of the Alianza por la Transparencia (AporT), of which the Congreso Transparente is party. So the members of AporT became the first organizations that the researchers invited to their civil society forum, which also included other organizations interested in transparency that operate in the country's various regions. In addition to AporT, the OGP researchers issued an open call so that any interested person could attend the forum, and invited other organizations and persons that are not part of AporT but whose contribution to the issue of open government could be relevant.

In addition to the forum with civil society, the researchers thought it advisable to directly interview the government employees involved in the process of executing the OGP Plan. Thanks to COPRET's support, the researchers were able to personally interview the people responsible for completing each Plan commitment, thus offering a much broader view of what had happened.

Finally, and in order to also have civil society's viewpoints, people directly involved in carrying out or providing advisory assistance for each commitment were interviewed.

Meeting #1:

Date: 24 October 2013.

Attending: members of the Alianza por la Transparencia, consisting of more than 17 organizations important to this matter at the national level and persons and institutions that have launched open government portals or been involved in the matter in some way. The invitation to the event was published on several web portals and widely circulated so that any person interested in attending could do so. Also attending were representatives of the World Bank, Analistas Independientes de Guatemala [Independent Analysts of Guatemala], the Central American Institute for Fiscal Studies, Acción Ciudadana [Citizen Action], and OpenWolf Guatemala.

Format: group consult (forum).

Summary: an exploratory consultation was conducted on the principal themes referring to the process of drawing up the Plan, completion of the goals, and recommendations for a future open government action plan.

- Process of drawing up Guatemala's Action Plan: the Plan was circulated prior to the meeting, and all agreed that they were never consulted during its development. It was recommended that the next process include consultation of civil society. There was also strong criticism of the Plan's content because of its limited contribution to the open government objectives or the OGP principles.
- Completion of the open government Plan goals: discussed the level of completion of each goal included in the Plan.
- Recommendations for the next Plan: some of the recommendations follow:
 - Invite civil society to the process of drawing up the Plan.
 - Include specific indicators of completion for each goal in the Plan.
 - Create safer communities through technical and operating transparency.
 - Create a Ministry of Public Finance API [Application Interface Program] for the general budget of the nation.
 - Present the information, broken down and in different formats on the government portals.
 - Enter into agreements between the Presidential Commission for Transparency and Electronic Government and other state institutions.
 - Place emphasis on the open information.

Meeting #2:

Date: 25 October 2013.

Attending: María Mercedes Zaghi, Director of Campus Tecnológico. She advises the technology working group of the Congress of the Republic and is a member of the National Council for Science and Technology, which has helped establish the Agenda Nacional de Sociedad de la Información y del Conocimiento.

Format: interview.

Summary: the interview subject said that there was no open process when the Action Plan was drawn up. Moreover, she said that the goals had very little relationship to open government. She recommended including the issues identified in the Digital Agenda, which was developed collaboratively and includes more than 350 actions the government can take. She suggested including a component on health, safety and education, and that the government institutions involved in open government coordinate.

Meeting #3:

Date: 25 October 2013

Attending: Manuel Chocano, formerly in charge of open government for the Presidential Commission for Transparency and Electronic Government.

Format: interview.

Summary: discussed the progress since August 2012, when he took charge of open government at COPRET.

Meeting #4:

Date: 21 October 2013

Attending: Carmen Yolanda Magzul, Executive Coordinator of EITI.

Format: interview.

Summary: the interview subject said that the commission's work plan was approved for 2011 to 2013 and described progress in the departments of San Marcos, Petén and Izabal, especially concerning the representation of the various institutions that are part of the working group. This, along with the lack of certain administrative processes, resulted in deficient execution of EITI. Finally, she said that there is a basic document for modifying the governmental resolution that created EITI and some recommendations for the next action plan.

Meeting #5:

Date: October 2013.

Attending: Heizel Padilla, Coordinator of COST.

Format: interview.

Summary: the interview subject said that the important thing in these types of initiatives is continuity and the support received from the government. On this point, support from the Vice President has been fundamental for the implementation of COST. Noteworthy among its achievements are the publication of three reports, the participation of various institutions associated with the issue, the development of a procedural manual, and its dissemination events. Concerning the difficulties it has experienced, she mentioned the transition in 2012. For future plans, the interview subject believes it is important to invite more institutions, not just the ones that are currently participating. She also suggests participating in the technical working groups for the Law on State Contracting.

Meeting #6:

Date: 22 October 2013.

Attending: Andrea Cáceres, advisor to the Guatemalan Chamber of Construction.

Format: interview.

Summary: we addressed the participation of the Guatemalan Chamber of Construction in the COST working groups. The interview subject discussed the difficulties in implementing COST. The government still has much to do, especially to ensure that the working group has a genuine effect.

Meeting #7:

Date: 21 October 2013.

Attending: Assistant Director, Press Department, Ministry of Defense.

Format: interview.

Summary: we discussed his participation in COPRET's interinstitutional open government working group which, according to his experience, has been very beneficial because there has been progress with the web portals at the Ministry thanks to the advisory assistance received there. He has diligently attended these working groups and he believes they should continue.

Meeting #8:

Date: 21 October 2013.

Attending: associate of the General Directorate of the Budget of the Ministry of Finance.

Format: interview.

Summary: we addressed management by results and implementation of the control of public credit. Concerning the control of public credit, the interview subject said that the Action Plan was not known in her office and neither was there knowledge of its implementation. Concerning the management by results system, she commented on the progress that has been made since the Organic Budget Law was promulgated. She emphasized its importance in terms of the budget focusing on the state's priorities.

The Independent Reporting Mechanism

The IRM is a key means of ensuring that the governments, civil society and private sectors can continue (biannually) to develop and implement the national OGP action plans. An International Panel of Experts designs the research methodology and ensures control of the reports' quality. The Panel is comprised of experts in transparency, participation, accountability, and social research methods. The current members of the Panel are:

- Yamini Aiyar
- Debbie Budlender
- Jonathan Fox
- Rosemary McGee
- Gerardo Munck

A small team headquartered in Washington, D.C. guides the development of the reports during the process, in close cooperation with the researchers from the various countries.

Any questions or comments concerning this report may be addressed to

irm@opengovpartnership.org.

¹ COPRET, Diagnóstico del alcance de la iniciativa de Gobierno Abierto en Guatemala, Guatemala, 2012, p. 9.