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LAC-IEE-05-39

ENVIRONMENTAL THRESHOLD DECISION

Country: Colombia

Activity Title: SO1: Enhanced Democratic Governance

Activity Number: 514-007

Life of Project: FY 2006 – FY 2008

Life of Project Funding: \$96.5 million

IEE Prepared by: Gabriel Escobar, USAID/Colombia, Mission Environmental Officer

Date Prepared: July 15, 2005

Recommended Threshold Decision: Categorical Exclusion/Negative Determination with Conditions

Bureau Threshold Decision: Categorical Exclusion/Negative Determination with Conditions

Comments:

Pursuant to 22 CFR 216.2(c)(2)

- (i) Education, technical assistance, or training programs except to the extent such training programs includes activities directly affecting the environment (such as construction of facilities, etc.);
- (iii) Analyses, studies, academic or research workshops and meetings;

- (xiv) Studies, projects or programs intended to develop the capability of recipient countries to engage in development planning;
- (xv) Studies, projects or programs intended to develop the capability of recipient countries to engage in development planning, except to the extent designed to result in activities directly affecting the environment (such as construction of facilities, etc.).

a **Categorical Exclusion** is issued Strategic Objective 1 Enhanced Democratic Governance activities supported by USAID/Colombia falling into the above categories

A **Negative Determination with conditions** is recommended for the activities of support for court or co-existence center remodeling or construction funded under SO1 Enhanced Democratic Governance. Conditions include the full use and application of the LAC Environmental Guidelines, Chapter 2 Small-scale Infrastructure mentioned in the attached IEE. The Mission Environmental Officer, CTO, and contractor(s) will oversee the use of these Guidelines and their implementation. Reports on these matters will be submitted by the Mission to the LAC/BEO on an annual basis.

CTOs are responsible for making sure environmental conditions are met. It is the responsibility of the SO Team to ensure that activity related SOAGs, MAARDs and contracting documents contain specific instructions reflecting this Threshold Decision. Local implementing partners will be made fully aware of the environmental mitigation and monitoring requirements presented in this IEE.

_____ Date _____
 Victor H. Bullen
 Bureau Environmental Officer
 Bureau for Latin America & the Caribbean

Copy to: Liliana Ayalde, Mission Director
 USAID/Colombia

Copy to: Tanya Urquieta, Democracy Office,
 USAID/Colombia

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USAID/Colombia

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LAC/SA

Copy to: IEE File

Attachment: IEE

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Democracy).doc

INITIAL ENVIRONMENTAL EXAMINATION
SO1: Enhanced Democratic Governance (EDG)

STRATEGIC OBJECTIVE LOCATION: Colombia

TITLE: SO1: Enhanced Democratic Governance

ACTIVITY NUMBER: 514-007

LOP FUNDING: \$96,500,000

LIFE OF STRATEGIC OBJECTIVE: FY 2006 to FY 2008

IEE DRAFTED BY: Gabriel Escobar, USAID/Colombia, Mission
Environmental Officer

Description of Strategic Objective:

The enhanced Democratic Governance Objective consists of programs and activities in the areas of Justice, Human Rights, Governance, Policy Implementation and Peace.

The first activity provides technical assistance, training and logistics support for four justice sector reform and modernization sub-components: 1) *Effective Implementation of the new Criminal Procedures Code -Accusatory System Reform* - to transform the Colombian criminal system from an antiquated, cumbersome and corruption prone system to one which through adoption of a new oral accusatory system provides speedier and more transparent justice; 2) *Increased Access to Justice* – through an increase in the number of "justice house" service centers in conflict prone communities, as well as expanded public defense and alternative dispute resolution (ADR) services targeted especially to the needs of poor, marginalized and conflict affected populations; 3) *Strengthened Court Administration and Management* - to enhance case flow management and reduce delays and congestion; 4) *Responsive Judicial Processes for Peace* - to provide support for assessments, training, technical assistance and logistical support for justice sector actors (judges, public defenders and staff) implementing judicial processes within four new specialized "Justice and Peace Law" jurisdictions.

The second activity, the Human Rights Program will enhance and broaden respect for human rights through the implementation of three components:

1. *Prevention of Human Rights Abuses* -- technical and financial support to the Human Rights Ombudsman's Office for implementation of a national "Early

Warning System” (EWS) alerting state institutions (primarily the Military, Police, and/or the Social Solidarity Network) to threatening situations that could potentially lead to egregious human rights abuses. USAID supported establishment of the EWS Bogotá central office and 21 regional offices and provides direct technical assistance and training to system operators;

2. *Protection of Human Rights Workers*: To enhance national efforts to protect human rights workers; including union leaders, journalists, local officials and members of threatened political movements; USAID supports the Government of Colombia’s human rights protection program. This program is managed by the Ministry of Interior and Justice (MINJ), and assistance provided includes both “hard” protection (e.g., vehicles, physical fortification and armoring of offices; provision of radios, cellular telephones) and “soft” protection (e.g., relocation and economic assistance);
3. *Response - Institutional Strengthening*. Under the response component of the program, USAID assists various State entities to enhance capacity to develop, implement and monitor human rights programs such as the Vice-presidency, Inspector General Office, National Ombudsman, Ministry of Interior and Justice, among others.

The third activity focuses on the implementation and civil society participation in the implementation of good governance policies at the national and local levels. The four components of this activity consists of modernization of political processes and institutions, strengthening legislatures, improving transparency and efficiency in the use of public resources and enhancing civil society participation in policy, dialogue and implementation.

The final activity will continue USAID support for violence mitigation through negotiations seeking lasting peace agreements with both the paramilitary and guerilla forces, monitoring and verification of demobilization and reincorporation activities, and support of community based peace initiatives.

This (EDG) proposes obligation of USAID resources during fiscal years 2006 through 2010, for activities that will be implemented through 2011.

II. Illustrative Activities

A. Activity 1: Justice Reformed and modernized

Description: The objective of this activity is to advance national initiatives for reform and modernization of the Colombia Justice System. The program will support national (State and civil society) programs to sustain and expand capacity in three core areas, through:

- Effective national implementation of new Criminal Procedures – Accusatory system – Reform (CPAR);
- Strengthened Administration of Justice

- Enhanced Access to Justice (especially for the poor and disenfranchised): expanded availability of public defense, legal assistance, justice house, alternative dispute resolution system (ADR) and other mechanisms.
- Responsive Judicial Processes for Peace

B. Activity 2: GOC and Civil Society Organizations (CSO) Human Rights Practices Strengthened

This assistance falls under three distinct program components: Prevention, Protection, and Response.

- Prevention of human rights abuses
 - Direct support to *Sistema de Alertas Tempranas* (SAT), which is a formal network created to notify key national officials in a timely manner when information becomes available concerning anticipated massacres, or other egregious human rights violations.
 - Technical assistance will be provided to establish effective communications between the new entities serving as regional communications links for SAT crises and the local and departmental authorities responsible for security.
 - Assistance will be provided to expand the number of regional SAT links from 21 to 25, so as to expand program coverage to additional areas where threats exist.

- Protection of individuals whose rights are threatened

In partnership with the Ministry of Interior and Justice, the program provides varying levels of protection to individuals who are threatened with physical harm. The protected individuals include leaders and members of non-governmental organizations, news reporters, labor leaders, mayors and municipal leaders, and other leading individuals. The level of protection varies from provision of cellular phones to assistance with temporary relocation of the threatened, provision of bullet proof vests, and/or provision of armored vehicles. During the 2006 - 2010 period, an additional set of threatened individuals will be added to the list of those qualifying for assistance, i.e. leaders of indigenous populations.

- Response strategies
 - Technical assistance and local staff to manage activities until responsibility can be fully assumed by GOC entities.
 - Grants to local civil society organizations to develop their capacity to serve as permanent actors in prevention of human rights abuse.
 - Budget support for the Defensoria del Pueblo until this function can be fully covered with GOC resources.

C. Activity 3: Good governance policies implemented

This activity is comprised of several of our critical national level policy activities, currently implemented by various partners, functioning as one comprehensive, well formulated policy initiative that operates at the national level, but is able to effect implementation at the departmental level. This program integrates activities into existing departmental and/or municipal level initiatives being implemented by the GOC and/through other DG partners. In addition, the new program cooperates with, where appropriate, Alternative Development implementers who have the primary task of incorporating Local Governance Strengthening with municipal economic development.

The principal activities to be implemented under DG Policy Design and Implementation program are the following:

1. Anti-Corruption, Transparency and Accountability – principally focused on the Presidential Anti-Corruption program and citizen oversight of national level programs.
2. Policy Party Strengthening – as it contributes to anti-corruption, transparency and accountability at both national and sub national levels and supports the strengthening of democratic institutions.
3. Citizen Security as demonstrated by the nation-wide initiative of “Departamentos y Municipios Seguros” program, but implemented with departmental elected officials and appropriate security partners.
4. National Legislative Strengthening to support the Committee for Legislative Modernization, assisting policy makers with better legislative design, ability to interpret and evaluate national budgets, ensure compliance of executive-level programs and improve responsiveness to constituents.
5. Implementation of national policies at the departmental level; assistance to departmental officials with the implementation of a range of national government policies across sectors such as Human Rights,, Citizen Security, Decentralization, Economic Development, etc.

D. Activity 4: Violence Mitigated

There are two major components to the current Peace Initiatives program which will continue for the 2006-2010 planning period in a modified form:

1. Support of National and Local Peace Initiatives.
This component will support national and local efforts to implement a National coexistence system in the following areas:

- Negotiation and verification: USAID will continue to provide technical assistance to the HCP to support peace negotiation efforts. It will also provide operational support to this office to pay for meeting locations for peace talk commissions, hiring senior negotiators, preparing documents, and transportation expense. USAID will also provide financial support to design procedures for monitoring compliance with any negotiated cease-fire, and to insure procedures are consistent with International Humanitarian Law. USAID will also finance verification activities associated with any cease-fire.
 - Local Peace Commissioners: USAID will continue to provide training in human rights, conflict negotiation, armed conflict and peace and other issues the commissioners may face in their communities, in order to respond to citizen demand for security, peace and coexistence.
 - Community Radio and TV projects. Up to 50 new municipalities that will be reached with messages related to co-existence and conflict management, and an equal number of promoters will be trained to reinforce these messages throughout local communities.
 - Local Self-Determination: Local project activities under this component will be completed in the six communities currently participating in this program. Key elements of the program, such as initiatives to promote coexistence, reject violence, and promote honest local government will be incorporated in municipality strengthening activities under the SO 1.
2. Support to the Monitoring and Verification Program and the GOC Demobilization/Re-incorporation Tracking Monitoring and Evaluation System
- USAID will continue to support activities including: Peace and human rights policy dialogue, verification of the Zona de Ubicacion agreement, participation in a social coexistence commission, and its ongoing activities in the Cease-Fire Verification program
 - USAID will continue to support Ministry of Interior and Justice efforts to design and implement a system to collect and analyze data on ex-combatant beneficiaries as they move through the different phases of the re-incorporation program to: determine the degree of re-incorporation achieved by individual beneficiaries; identify individuals at risk of abandoning the program in order to provide remedial assistance and reduce drop-outs; assess the effectiveness of program activities, such as vocational training and education; and provide a constant set of measures that permit program managers to determine how many individuals are formally considered reincorporated.

III. Justification for Environmental Determination:

The following EDG activities are not expected to have significant impacts on the environment: training, technical assistance, assessments of issues concerning the program, technical advisors, office rental and equipment, logistical support,

security, technical assistance to establish effective communications, protection of individuals, provision of bullet proof vests, and/or provision of armored vehicles, reproduction of the manuals for distribution, training workshops, procurement of computer equipment and programs, technical assistance to support peace negotiation efforts, transportation expenses, design of procedures, Community Radio and TV projects, policy dialogue, verification, design of systems to collect and analyze data, grants to local civil society organizations to develop their capacity. These classes of actions are not subject to the procedures set forth in 216.3, except to the extent provided herein: These activities qualify for a categorical Exclusion under 22 CFR; 216.2(c)(2):

- (ii) Education, technical assistance, or training programs except to the extent such training programs includes activities directly affecting the environment (such as construction of facilities, etc.);
- (iv) Analyses, studies, academic or research workshops and meetings;
- (xvi) Studies, projects or programs intended to develop the capability of recipient countries to engage in development planning;
- (xvii) Studies, projects or programs intended to develop the capability of recipient countries to engage in development planning, except to the extent designed to result in activities directly affecting the environment (such as construction of facilities, etc.).

The support for court, or co-existence center, remodeling or construction is expected to have environmental impacts.

USAID/Colombia utilizes Environmental Guidelines for small infrastructure and industrial projects, developed by USAID/LAC. This IEE will utilize Chapter 2, Small Scale Infrastructure, for the planned construction and remodeling activities. The public access web site for all LAC environmental guidelines is: www.usaid.gov/locations/latinamerica_caribbean/environment/docs/epiq/epiq2.html

IV. Recommendation:

Based on the above discussion, it is recommended that the LAC Bureau Environmental Officer (BEO) approve:

1. A **Categorical Exclusion** is recommended for the following Enhanced Democratic Governance activities not expected to have significant impacts on the environment: training, technical, assessments of issues concerning the program, technical advisors, office rental and equipment, logistical support, security, technical assistance to establish effective communications, protection of

individuals, provision of bullet proof vests, and/or provision of armored vehicles, reproduction of the manuals for distribution, training workshops, procurement of computer equipment and programs, technical assistance to support peace negotiation efforts, transportation expenses, design of procedures, Community Radio and TV projects, policy dialogue, verification, design of systems to collect and analyze data, grants to local civil society organizations to develop their capacity.

2. A **Negative Determination with conditions** is recommended for the activities of support for court or co-existence center remodeling or construction. The condition is the full use and application of the mentioned Guidelines in the implementation of these activities. The Mission Environmental Officer, CTO, and contractor(s) will oversee the use of these Guidelines and their implementation. Reports on these matters will be submitted by the Mission to the LAC/BEO on an annual basis.

Approval:

Gabriel Escobar
Mission Environmental Officer

Date: _____

Concurrence:

Liliana Ayalde
Director USAID/Colombia

Date: _____

Bruce Bayle, Regional
Environmental Advisor

Date: _____

Approval:

Victor Bullen
LAC Bureau Environmental Officer

Date: _____

Clearances:

Ramona El Hamzaoui, DG Officer _____

Tanya Urquieta, SDG Officer _____

Jeffrey Goebel, SProgram Officer _____

Susan Reichle, DD _____