



LAC-IEE-05-18

ENVIRONMENTAL THRESHOLD DECISION

Country: El Salvador

Activity Title: Transparent Justice and Governance Activity

Activity Number: 519-0461

Life of Project: FY 2004 – FY 2009

Life of Project Funding: \$17.51 million

IEE Prepared by: Sepideh Keyvanshad, Democracy and Governance Office Director

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) and (iii) it is recommended that a **Categorical Exclusion** be issued for activities involving technical assistance, or training,; and analyses, studies, academic or research workshops and meetings.

A **Negative with Conditions with Conditions**, is recommended for activities in Component 1, Improve Justice Sector/Legal Framework, that involve remodeling and construction, and the condition being that all activities supported by these components

that generate waste must follow the Municipal Building guidelines and LAC Environmental Guidelines for Small-scale Infrastructure already approved by USAID,

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
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Attachment: IEE

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INITIAL ENVIRONMENTAL EXAMINATION

Activity Location:	El Salvador
Activity Title:	Transparent Justice and Governance Activity
Activity number:	519-0461
Funding:	\$17,510,000
Life of Project:	FY 2004 through FY 2009
IEE Prepared By	Sepideh Keyvanshad, Democracy and Governance Office Director
Approved By	Bradley Carr Acting Mission Environmental Officer
Recommended Threshold Decision:	Categorical Exclusion under 22CFR216.2(c)(2)(i) for all technical assistance and training Negative Determination with Conditions for some activities under Component 1, Improve Justice Sector/Legal Framework (Rule of Law)
Mission Threshold Decision:	Concur with Recommendations
Date Prepared:	July, 2005

Mark Silverman
Mission Director

Date

CATEGORICAL EXCLUSION OF INITIAL ENVIRONMENTAL EXAMINATION

I. ACTIVITY DESCRIPTION

The **Transparent Justice and Governance Activity** is the principal support for the “*Ruling Justly: More Responsive, Transparent Governance Strategic Objective (SO)*” and will directly contribute to the Country Plan for USAID/El Salvador and the Regional Strategy for Central America and Mexico (CAM Strategy) over the 2004-2009 period. The following activities will support the achievement of the SO Intermediate Results (IR): IR 1 “Strengthened Rule of Law,” and IR 2 “Greater Transparency and Accountability of Government.”

Intermediate Result 1: “Strengthened Rule of Law”

COMPONENT 1: Improve Justice Sector/Legal Framework

- Technical assistance to justice sector institutions to promote the finalization of a draft rules of evidence, its passage, and its implementation.
- Technical assistance to justice sector institutions in modernizing, integrating, and reforming relevant institutions responsible for monitoring and evaluating justice sector ethics.
- Assistance to civil society organizations (CSOs) and government entities to promote justice sector reforms, to make the justice system more transparent and more respected by the population. Help disseminate transparency studies, and implement proposed recommendations, as appropriate. Award sub-grants to select CSOs to promote justice sector transparency.
- Assistance to strengthening existing mediation centers and supporting the opening of new ones. New centers may need furniture, equipment and minimal remodeling of existing buildings, which, in limited cases, may include the demolishing of walls. Development of a cadre of volunteers to enhance the centers’ sustainability. Develop educational programs with the public and private sectors on Alternative Dispute Resolution (ADR) skills and benefits (negotiation, conciliation, mediation and arbitration).
- Technical assistance to revise the legal framework for ADR in El Salvador, including the implementation of potential municipal laws in mediation, aimed at making the law more responsive to the country needs and consistent with other laws and regulations.
- Training and education activities to the formal justice sector and private sector actors on the concepts, mechanics and services of arbitration and commercial mediation.
- Technical assistance and training to relevant justice sector institutions in the review and implementation of key reforms to the criminal procedures code aimed at making the criminal system more transparent and efficient.

COMPONENT 2: Address Conflict Transitional Issues

- Assistance to Government of El Salvador (GOES) institutions working on issues of youth at risk to expand the reach and effectiveness of their programs.
- Assistance to complement existing programs implemented by the GOES through the National Council for Public Security and the Secretary of Youth, to prevent youth violence, prevention of intra-family/domestic violence, and a culture of lawfulness.
- Provide grants to local organizations for innovative programs that target prevention of youth violence.

Intermediate Result 2: “Greater Transparency and Accountability of Government”

COMPONENT 3: Support Democratic Local Government and Decentralization

- Technical assistance to foster dialogue at the national level to promote policies that devolve public services and decision-making authority to the local level and promote transparency. Policy reforms may include legislation on general distribution of responsibilities for central and local government institutions, fiscal decentralization for municipalities, definition of roles and responsibilities between the central and local governments; amendment of civil service law towards the development of a professional cadre of civil servants at the local level.
- Assistance to municipal governments to implement the laws as they relate to the national law, as appropriate. Support field test approaches, which may be replicated by GOES and/or other donor support.

COMPONENT 4: Promote and Support Anti-Corruption Measures

- Award sub-grants to a select number of CSOs, engaged in systematic monitoring and oversight of public policy and government operations. Promote active citizen participation by supporting specific anti-corruption and local social auditing activities, improving their capacity and skills to ensure adequate oversight of government and facilitate release of information on how public funds are spent. Promote public education, and train citizen groups on how to access information and use it more effectively.
- Work with committed GOES institutions and civil society organizations on corruption prevention activities to strengthen public ethics through public education on accountability, transparency, and government’s operations.
- Technical assistance and training for the implementation of the government ethics law, including the establishment of an office of government ethics.
- Technical assistance and training to governmental entities and NGOs for the enforcement of laws and regulations that already do exist to limit the discretion of public employees, and to prevent practices such as illicit enrichment, conflict of interests, and corruption.
- Technical assistance and training to other Mission Strategic Objectives and their counterparts to help introduce transparency/anticorruption measures into their programs.

COMPONENT 5: Strengthen Democratic Political Parties

- Technical assistance and training for political party leaders and middle-rank party reformers on issues related to internal democratic practices, institutionalization and transparency. Promote the inclusion of women and youth who may have access to positions of power, but lack the relevant skills to fulfill their responsibilities, and include capacity building activities for participating political parties.
- Technical assistance and training to improve accountability through increased transparency in political parties’ electoral campaign financing and in the electoral process.
- Assistance for limited election support activities in anticipation of the upcoming two rounds of elections within the strategy period, as needed.

II. Application of Procedures. The Environmental Procedures 22 CFR 216.2 provides for the classification and determination of the potential environmental effects of USAID funded activities and in selected cases for the Categorical Exclusion from these requirements. Section 216.2 (c) (2) provides for Categorical Exclusions for:

- (i) Education, technical assistance, or training programs except to the extent such programs include activities directly affecting the environment (such as construction of facilities, etc.);
- (iii) analyses, studies, academic or research workshops and meetings;
- (x) Support for intermediate credit institutions when the objective is to assist in the capitalization of the institution or part thereof and when such support does not involve reservation of the right to review and approve individual loans made by the institutions.

III. Recommendation. Since the actions contemplated under this Activity will not effect the natural or physical environment, this Activity qualifies for **Categorical Exclusion** of Initial Environment Examination under Section 216.2(c)(2)(i), "Educational, technical assistance, or training...", and (iii) "Analyses, studies, academic or research workshops and meetings," of 22CFR. A **Negative with Conditions**, is proposed for Component 1, Improve Justice Sector/Legal Framework, because there is a possibility of remodeling existing buildings, which may include the demolishing of walls, and the condition being that all activities under this component that generate waste must follow the Municipal Building guidelines already approved by USAID, (see attached). Language reflecting this condition must be included in all agreements and contracts implementing this component.

Drafted:	NVelásquez-Castro, SDO _____	Date _____
Cleared:	EGonzalez, WE (in draft) _____	Date: April 22, 2005
	BCarr, A/MEO _____	Date: _____
	SSchwartz, A/SDO _____	Date: _____
	MDonald, REA (in draft) _____	Date: April 22, 2005
	NHoffman, , A/DDIR _____	Date: _____

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