# REQUEST FOR CATEGORICAL EXCLUSION (RCE)

## PROJECT/ACTIVITY DATA

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project/Activity Name:</td>
<td>Advancing Rights in Cambodia</td>
</tr>
<tr>
<td>Geographic Location(s) (Country/Region):</td>
<td>Cambodia</td>
</tr>
<tr>
<td>Amendment (Yes/No), if Yes indicate # (1, 2,...):</td>
<td>No</td>
</tr>
<tr>
<td>Implementation Start/End Dates (FY or M/D/Y):</td>
<td>October 1, 2020 to September 20, 2024</td>
</tr>
<tr>
<td>Solicitation/Contract/Award Number:</td>
<td>TBD</td>
</tr>
<tr>
<td>Implementing Partner(s):</td>
<td>TBD</td>
</tr>
<tr>
<td>Bureau Tracking ID:</td>
<td>Tracking ID of Related RCE/IEE (if any): N/A</td>
</tr>
<tr>
<td>Tracking ID of Other, Related Analyses:</td>
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## ORGANIZATIONAL/ADMINISTRATIVE DATA

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<th>Parameter</th>
<th>Details</th>
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<tr>
<td>Implementing Operating Unit(s): (e.g. Mission or Bureau or Office)</td>
<td>USAID Cambodia</td>
</tr>
<tr>
<td>Other Affected Operating Unit(s):</td>
<td>N/A</td>
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<td>Lead BEO Bureau:</td>
<td>Asia</td>
</tr>
<tr>
<td>Funding Operating Unit(s): (e.g. Mission or Bureau or Office)</td>
<td>Cambodia</td>
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<tr>
<td>Funding Account(s) (if available):</td>
<td>FY 2019</td>
</tr>
<tr>
<td>Original Funding Amount:</td>
<td>USD 6.7 million</td>
</tr>
<tr>
<td>Prepared by:</td>
<td>Phea Sat</td>
</tr>
<tr>
<td>Date Prepared:</td>
<td>March 9, 2020</td>
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## ENVIRONMENTAL COMPLIANCE REVIEW DATA

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Details</th>
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<tbody>
<tr>
<td>Analysis Type:</td>
<td>✅ Request for Categorical Exclusion</td>
</tr>
<tr>
<td>Environmental Determination(s):</td>
<td>☐ Categorical Exclusion</td>
</tr>
<tr>
<td>Categorical Exclusion Expiration Date (if different from implementation end date):</td>
<td></td>
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<tr>
<td>Additional Analyses/Reporting Required:</td>
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<tr>
<td>Climate Risks Identified (#):</td>
<td>Low 3 Moderate ______ High ______</td>
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<tr>
<td>Climate Risks Addressed (#):</td>
<td>Low 3 Moderate ______ High ______</td>
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## THRESHOLD DETERMINATION AND SUMMARY OF FINDINGS

## PROJECT/ACTIVITY SUMMARY

USAID/Cambodia intends to support civil society organizations to advance human rights in Asia 20-044.
Cambodia through an activity titled “Advancing Rights in Cambodia.” The goal of the activity is to strengthen fundamental freedoms in Cambodia by supporting Cambodian organizations which are active in defending the rights of Cambodians forcibly evicted or displaced from their land or affected by human trafficking. The proposed activity seeks to strengthen human rights legal protections, support rights monitoring, reporting and advocacy; expand protections for rights defenders; support adoption of personal and organizational resilience and security measures to protect individuals and associations targeted by repression; increase access to justice for vulnerable and marginalized groups; advance reforms that respect the rights of victims and defendants; and increase public knowledge and appreciation of fundamental freedoms.

Major activities could include:

- Provide legal advice and representation along with forms of support to victims of rights violations, including communities affected by land grabs as well as communities affected by human trafficking forced labor and sexual exploitation. The activity will also establish a system for monitoring, investigating and documenting violations, including land grabs and human trafficking, and linking those efforts to other, similar efforts to track rights abuses.
- Assist citizens with rights grievances to obtain support from advocates and rights defenders. The activity will provide long-duration (1-4 year grants) grants to a select number of NGOs working with each other and provide NGOs as well as community-based organizations and other voluntary associations with the tools and resources they need to be secure, resilient and adaptable to government repression and retaliation, with the goal is bringing rights defenders together in a network or alliance to allow for regular communication and information sharing.
- Promote freedom of expression and information, especially in the sensitive areas of land rights and human trafficking by innovative approaches to support the few independent media sources that are allowed to operate unimpeded in Cambodia, including support to the newly established independent journalist association to report on investigative news on land concessions and land disputes, as well as on issue related to forced labor, trafficking, and sexual exploitation.

ENVIRONMENTAL DETERMINATIONS

The activity described above qualify for Categorical Exclusions, pursuant to 22CFR216.2(c)(1), which do not require an Initial Environmental Examination, or an Environmental Assessment for proposed actions which do not affect the natural or physical environment.

Further, the planned activities can be categorized into the following classes of actions, identified in §216.2(c)(2), and are not subject to an Initial Environmental Examination, as per §216.3(a)(1):

(i) Education, technical assistance, and training programs;
(iii) Analyses, studies, academic or research workshops and meetings;
(v) Document and information transfers

Upon approval of this document, the determinations become affirmed, per Agency regulations (22CFR216).
CLIMATE RISK MANAGEMENT

Cambodia has a humid tropical climate, heavily influenced by the annual monsoon season that typically begins in mid-May and lasts through the end of October. The dry season stretches from November to April, with less rain, little wind, and much lower humidity. The monsoons deliver approximately three-fourths of the country’s annual rainfall and are the primary contributor to the flood-pulse so essential to the region, especially along the central alluvial plains of the Mekong and Tonle Sap Rivers that comprise roughly 80 percent of the country’s landmass. Temperatures are generally consistent across the country, averaging 25° to 27° Celsius throughout most of the year, though with average annual maximum of 38° Celsius in April and average annual minimum temperature of 17° Celsius in January. Rainfall varies more widely, with average annual rainfall as low as 1400 millimeters (mm) in the central lowlands, and as high as 4000 mm near the Cardamom mountains and nearby coastal areas in the southwest. Cambodia’s Eastern plains receive approximately 2000 to 2600 mm of rainfall annually though they may exceed those amounts in the mountainous areas in the Northeast within or around Virachey National Park.

The USAID Cambodia Country Risk Profile 2019 identified the main climate risks include: agriculture, water, health, food security and ecosystems (detailed information: Climate-Risk-Profile-Cambodia). This Activity focuses on education, technical assistance, trainings, research, workshops, meetings and documentation. Therefore, climate risk for this Activity is LOW. See Table 3 for more detailed analysis.

Consistent with ADS 201.3.4.5, if climate risk has not been adequately assessed at the strategy or project level, or if the risk rating was not exclusively determined to be “Low”, climate risk must be assessed, with plans specifying mitigation actions at the activity level.

The Climate Risk Screening table summarizes activity-level climate risk management, including programmatic components, identified risk and associated mitigation measures. The implementing partner will identify actions during the life-of-project and report back regularly to the AOR and CIL on the status of their implementation, to enable smooth oversight and ensure sustainability of development objectives.
USAID APPROVAL OF REQUEST FOR CATEGORICAL EXCLUSION

PROJECT/ACTIVITY NAME: Advancing Rights in Cambodia

Bureau Tracking ID: ______________________

(Drafted): Ext 8353
Phea Sat, Project Management Specialist – Rule of Law 3/3/2020

Approval: ____________________________________________________________________________

Veena Reddy, Mission Director 4/8/2020

Clearance: ________Cleared by email________

Bruce Kay, Director, Office of Democracy and Governance 3/11/2020

Clearance: ________Cleared by email________

Menglim Kim, Mission Environmental Officer 3/16/2020

Clearance: ________Cleared by email________

Shamenna Gall, Regional Environmental Advisor 3/25/2020

Clearance: ________Cleared by email________

Brandon Miller, Resident Legal Officer 3/25/2020

Clearance: ________Cleared by email________

Hanh Nguyen, Deputy Mission Director 3/30/2020

Concurrence: __________________________________________________________________________

William Gibson, Bureau Environmental Officer 4/9/2020
1.0 PROJECT AND ACTIVITY DESCRIPTION

1.1 PURPOSE AND SCOPE OF RCE

The purpose of this IEE is to request for categorical exclusion for the activity titled “Advancing Rights in Cambodia.” The activity has an estimated value of $6.7 million. It will be implemented over a four-year period, starting from October 1, 2020 and ending on September 30, 2024. The activity aims to strengthen fundamental freedoms in Cambodia through support to civil society organizations working to defend the rights of Cambodian populations affected by land disputes or trafficking.

1.2 PROJECT OVERVIEW

USAID/Cambodia intends to award the activity titled “Advancing Rights in Cambodia” to an alliance of NGOs (non-governmental organizations) to strengthen fundamental freedoms in Cambodia by supporting Cambodian organizations which are active in defending the rights of Cambodians forcibly evicted or displaced from their land or affected by human trafficking. The activity will strengthen human rights legal protections, support rights monitoring, reporting and advocacy; expand protections for rights defenders; support adoption of personal and organizational resilience and security measures to protect individuals and associations targeted by repression; increase access to justice for vulnerable and marginalized groups; advance reforms that respect the rights of victims and defendants; and increase public knowledge and appreciation of fundamental freedoms.

1.3 PROJECT DESCRIPTION

The goal of the “Advancing Human Rights in Cambodia” activity is to strengthen fundamental freedoms in Cambodia. The activity has three main objectives: 1) Protect land and property rights; 2) Defend the rights of victims of human trafficking; and 3) Strengthen the rights of citizens to access to objective, unbiased information.

To achieve these objectives, the proposed activity will provide support for monitoring, investigating and documenting human rights violations -- including land grabs and trafficking in persons -- and helping rights defenders and organizations respond effectively to those violations. This support could include rights awareness and education for communities vulnerable to land grabs/forced eviction to strengthen their collective efforts to resolve land disputes peacefully, legal and psycho-social services as well as other support to rights defenders, victims of illegal land grabs and forced evictions, or survivors of human trafficking. It could also include on-site protection and monitoring during demonstrations, strikes, public forums, or land grabs to protect rights defenders or communities from excessive state force. The proposed activity will also provide legal and practical support to Cambodian organizations that represent victims and survivors of human trafficking in their quest to seek redress/compensation from exploitative employers and their enablers, ensure their safe repatriation and reintegration. Moreover, the activity will also promote freedom of expression and information by supporting a newly established independent journalist association and building their capacity to advocate on behalf of the rights of independent journalists, news outlets and organizations, and push back against the ongoing tough restrictions on media. Further, the proposed activity will also strengthen organizational resilience and adaptability for local human rights partners to respond and adapt safely to government repression. It will also provide women activists with tools, resources and other support to protect them from rights abuses.

TABLE 1: DEFINED OR ILLUSTRATIVE PROJECTS/ACTIVITIES AND SUB-ACTIVITIES

<table>
<thead>
<tr>
<th>Activity — Advancing Rights in Cambodia</th>
</tr>
</thead>
<tbody>
<tr>
<td>Objective 1: Land and property rights are protected.</td>
</tr>
</tbody>
</table>
Results:
- Increase in land claims and actions by rights defenders on behalf of the affected communities that lead to solutions to land disputes.
- Illegal land seizures and forced evictions reduced.
- Land conflicts adjudicated to the satisfaction of the aggrieved parties.

Objective 2: Rights of human trafficking victims defended

Results:
- Human trafficking perpetrators held accountable.
- Repatriation for survivors of human trafficking increased.
- Increased access to justice and reparation for survivors of human trafficking.

Objective 3: Rights to objective, unbiased information strengthened

Results:
- Increased reach of independent media contents.
- Increased fair resolution to land claims or reparation for victims of forced labor and sexual exploitation resulting from investigative journalism.
- Government actions to address key human rights issues increased as a result of investigative journalism.
- Operational space and environment for independent media organizations improved.
2.0 ENVIRONMENTAL ANALYSIS

2.1 JUSTIFICATION FOR CATEGORICAL EXCLUSION

The activities under the “Advancing Rights in Cambodia” activity are among the classes of actions listed in 22CFR216.2(c)(2) and have no foreseeable significant direct or indirect adverse effect on the environment. Therefore, under 22CFR216.2(c)(1), neither an IEE nor an EA will be required for these activities. Instead, a Categorical Exclusion is recommended for the projects/activities described above in Section 1.3 as follows:

<table>
<thead>
<tr>
<th>Project/Activity and Sub-Activity #</th>
<th>Recommended Determination for Categorical Exclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Objectives 1, 2 &amp; 3</td>
<td>§216.2(c)(2)(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.)</td>
</tr>
<tr>
<td>Objectives 1, 2 &amp; 3</td>
<td>§216.2(c)(2)(iii) Analyses, studies, academic or research workshops and meetings</td>
</tr>
<tr>
<td>Objectives 1, 2 &amp; 3</td>
<td>§216.2(c)(2)(v) Document and information transfers</td>
</tr>
<tr>
<td>Tasks/Defined or Illustrative Interventions</td>
<td>Climate Risks</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>-------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| **Objective 1:** Land and property rights are protected.  
(Interventions will include trainings, meetings, technical assistance and documentation) | Increased heat and droughts may affect access to rural areas, and the ability of the project beneficiaries to participate in activities. | Low        | When conducting trainings, meetings, or providing other technical assistance, the implementing partner will consider appropriate measures to ensure that participants are aware of the extreme heat and droughts. | Review the Cambodian Sectoral Climate Change Action Plan for this sector, incorporate actions and resources for climate risk mitigation and to increase climate resilience. For detail: Climate Change Action Plan: CCAP; Cambodian Climate Change Strategic Plan: CCSP |
| **Objective 2:** Rights of human trafficking victims defended.  
(Interventions will include trainings, meetings, technical assistance, and documentation) | Increased heat and droughts may affect access to rural areas, and the ability of the project beneficiaries to participate in activities. | Low        | When conducting trainings, meetings, or providing other technical assistance, the implementing partner will consider appropriate measures to ensure that participants are aware of the extreme heat and droughts. | Review the Cambodian Sectoral Climate Change Action Plan for this sector, incorporate actions and resources for climate risk mitigation and to increase climate resilience. For detail: Climate Change Action Plan: CCAP; Cambodian Climate Change Strategic Plan: CCSP |
| **Objective 3:** Rights to objective, unbiased information strengthened.  
(Interventions will most likely be trainings, meetings, technical assistance, and document and information transfers) | Increased heat and droughts may affect access to rural areas, and the ability of the project beneficiaries to participate in activities. | Low        | Trainings, meetings and technical assistance (such as mentoring/coaching) will need to consider the possibility of extreme heat and droughts. This will affect venue, time and facilities. | Review the Cambodian Sectoral Climate Change Action Plan for this sector, incorporate actions and resources for climate risk mitigation and to increase climate resilience. For detail: Climate Change Action Plan: CCAP; Cambodian Climate Change Strategic Plan: CCSP |
Limitations

Add exclusion language from guarantee agreement, this section shall prohibit use of pesticides . . .

The determinations recommended in this document apply only to projects/activities and sub-activities described herein. Other projects/activities that may arise must be documented in either a separate IEE, an IEE amendment if the activities are within the same project/activity, or other type of environmental compliance document and shall be subject to an environmental analysis within the appropriate documents listed above.

Other than projects/activities determined to have a Positive Threshold Determination, it is confirmed that the projects/activities described herein do not involve actions normally having a significant effect on the environment, including those described in 22 CFR 216.2(d).

In addition, other than projects/activities determined to have a Positive Threshold Determination and/or a pesticide management plan (PERSUAP), it is confirmed that the projects/activities described herein do not involve any actions listed below. Any of the following actions would require additional environmental analyses and environmental determinations:

- Support project preparation, project feasibility studies, or engineering design for activities listed in §216.2(d)(1);
- Lead to new construction, reconstruction, rehabilitation, or renovation work per §216.2(b)(1);
- Affect endangered and threatened species or their critical habitats per §216.5, FAA 118, FAA 119;
- Provide support to extractive industries (e.g. mining and quarrying) per FAA 117;
- Promote timber harvesting per FAA 117 and 118;
- Support agro-processing or industrial enterprises per §216.1(b)(4);
- Provide support for regulatory permitting per §216.1(b)(2);
- Lead to privatization of industrial facilities or infrastructure with heavily polluted property per §216.1(b)(4);
- Procure or use genetically engineered organisms per §216.1(b)(1); and/or
- Assist the procurement (including payment in kind, donations, guarantees of credit) or use (including handling, transport, fuel for transport, storage, mixing, loading, application, clean-up of spray equipment, and disposal) of pesticides or activities involving procurement, transport, use, storage, or disposal of toxic materials. Pesticides cover all insecticides, fungicides, rodenticides, etc. covered under the Federal Insecticide, Fungicide, and Rodenticide Act per §216.2(e) and §216.3(b).
Revisions

If during implementation, project activities are considered outside of those described in this document, an amendment shall be submitted. Pursuant to 22CFR216.3(a)(9), if new activities are added and/or information becomes available which indicates that activities to be funded by the project might be “major” and the project’s effect “significant,” this determination will be reviewed and revised by the Contract/Agreement Officer’s Representative of the project, and submitted to the Mission Environmental Officer and Bureau Environmental Officer for approval and, if appropriate, an environmental assessment will be prepared.