

PA 1173

AGENCY FOR INTERNATIONAL DEVELOPMENT PROJECT DATA SHEET	1. TRANSACTION CODE <input type="checkbox"/> A = Add <input type="checkbox"/> C = Change <input type="checkbox"/> D = Delete Amendment Number _____	DOCUMENT CODE 3
2. COUNTRY/ENTITY Regional	3. PROJECT NUMBER 698-0541	
4. BUREAU/OFFICE Africa	5. PROJECT TITLE (maximum 60 characters) Africa Democracy and Human Rights Fund	

6. PROJECT ASSISTANCE COMPLETION DATE (PACD) MM DD YY 0 9 3 0 9 4	7. ESTIMATED DATE OF OBLIGATION (Under "E" below, enter 1, 2, 3, or 4) A. Initial FY 9 1 B. Quarter 3 C. Final FY 9 3
--	--

8. COSTS (\$000 OR EQUIVALENT \$1 =)

A. FUNDING SOURCE	FIRST FY			LIFE OF PROJECT		
	B. FX	C. L/C	D. Total	E. FX	F. L/C	G. Total
AID Appropriated Total	1,100	400	1,500	2,500	3,000	5,500
(Grant)	(1,100)	(400)	(1,500)	(2,500)	(3,000)	(5,500)
(Loan)	()	()	()	()	()	()
Other U.S. 1.						
Other U.S. 2.						
Host Country						
Other Donor(s)						
TOTALS	1,100	400	1,500	2,500	3,000	5,500

9. SCHEDULE OF AID FUNDING (\$000)

A. APPROPRIATION	B. PRIMARY PURPOSE CODE	C. PRIMARY TECH CODE		D. OBLIGATIONS TO DATE		E. AMOUNT APPROVED THIS ACTION		F. LIFE OF PROJECT	
		1. Grant	2. Loan	1. Grant	2. Loan	1. Grant	2. Loan	1. Grant	2. Loan
(1) DFA				-0-		5,000		5,000	
(2) EHR				-0-		500		500	
(3)									
(4)									
TOTALS				-0-		5,500		5,500	

10. SECONDARY TECHNICAL CODES (maximum 5 codes of 3 positions each)	11. SECONDARY PURPOSE CODE
12. SPECIAL CONCERNS CODES (maximum 7 codes of 4 positions each)	
A. Code	
B. Amount	

13. PROJECT PURPOSE (maximum 400 characters)

To support and strengthen democratic institutions, values and practices in African countries with a focus on political and civil rights.

14. SCHEDULED EVALUATIONS	15. SOURCE/ORIGIN OF GOODS AND SERVICES
Interim MM YY MM YY Final MM YY 1 1 9 2 0 7 9 4	<input checked="" type="checkbox"/> 000 <input type="checkbox"/> 941 <input checked="" type="checkbox"/> Local <input type="checkbox"/> Other (Specify) 935 for DFA only.

16. AMENDMENTS/NATURE OF CHANGE PROPOSED (This is page 1 of a _____ page PP Amendment.)

I concur in the methods of implementation and the financial arrangements under this project:
 Michael Rogal, AFR Controller Michael Rogal 7/30/91

17. APPROVED BY	18. DATE DOCUMENT RECEIVED
Signature: <u>[Signature]</u> Title: Assistant Administrator Bureau for Africa	Date Signed MM DD YY 0 7 3 1 9 1

ACTION MEMORANDUM FOR THE ASSISTANT ADMINISTRATOR FOR AFRICA

FROM: AFR/PD Timothy J. Bork

SUBJECT: Africa Democracy and Human Rights Fund Project (698-0541)

I. PROBLEM: Your approval is requested for: (1) authorization of \$5.5 million for the three-year Africa Democracy and Human Rights Fund Project and (2) a waiver of the requirement for a Project Identification Document (PID) for this activity.

II. DISCUSSION: The goal of the Africa Democracy and Human Rights Fund project is to promote sustainable democratic societies throughout Africa. The project purpose is to provide an umbrella mechanism to support and strengthen democratic institutions, values and practices in African countries with a focus on political and civil rights. This purpose reflects the practical and immediate need to have in place funds and mechanisms to respond to the substantial and growing opportunities as a result of political liberalization sweeping Africa. The project will be situational and opportunistic, supporting and building upon initiatives taken by Africans themselves.

The Democracy and Human Rights Fund project will be a three-year umbrella project with a Project Assistance Completion Date (PACD) of September 30, 1994. This umbrella project will provide the overall authorization and a framework for assistance focused on democratic institution building and civil and political rights. This project, under the 116(e) authority, will be distinguished from other projects in Africa in that it will fund and support mainly small, short-term democracy-related activities in African countries which need not be directly related to economic development but which are consistent with the Agency democracy initiative and encourage essential political and civil rights.

The project has two related components: (1) technical electoral assistance to be provided through the International Foundation for Electoral Systems (IFES) and (2) support for small, short-term, high impact and low management activities promoting democracy and human rights.

Financial Summary

The Democracy and Human Rights Fund Project is a three-year, \$5.5 million umbrella project. It is expected that \$1.5 million will be obligated in FY 1991, \$2 million obligated in FY 1992, and \$2 million obligated in FY 1993. Of the FY 1991 obligations, \$1 million will be obligated through an existing cooperative agreement with IFES and will be available for electoral support throughout Africa over a three year period. For the individual smaller democracy and human rights activities, most expenditures will occur the year of obligation and normally will be required to have taken place within one year of the date of obligation.

Initial Environmental Examination (IEE)

The IEE contained in Project Paper Annex D has determined that the Africa Democracy and Human Rights Fund project meets the criteria for categorical exclusion under A.I.D. Regulation 16. The IEE has been approved by the Africa Bureau Environmental Officer.

Local Cost Financing

It is estimated that the project will finance \$3 million worth of local goods and services over the life of project. Other than for short-term technical assistance and limited commodities, all other financing should be for local goods and services because of the nature and size of the individual activities to be funded under the project.

Justification to the Congress

The Africa Democracy and Human Rights Fund Project was not included in the FY 1992 Congressional Presentation. Therefore a Congressional Notification (CN) was sent to the Hill to inform the Congress of a planned FY 1991 obligation of \$1.5 million. The CN was submitted on May 31, 1991 and expired on July 11, 1991.

Gray Amendment Considerations

The Africa bureau has considered the participation of Gray Amendment entities in the implementation of the subject project. However, all of the small, short-term activities will be implemented by African governmental and non-governmental organizations themselves. Also, IFES was selected to provide electoral support because of their relevant experience and technical expertise in this area.

Human Rights

The Bureau for Humanitarian Affairs and Human Rights in the State Department has cleared this Project Paper and is involved in selection and approval of all activities under this project.

III. PROJECT COMMITTEE FINDINGS AND ACTION: The Project Committee was convened May 7, 1991, to review the Project Paper and included representatives from AA/AFR, GC/AFR, PPC/PDPR, AF/RA, AF/HA, AFR/TR, AFR/DP, AFR/MDI, AFR/SWA and AFR/PD (including the chair). The committee reached the following conclusions:

- The basic design features, level of funding, and implementation arrangements were determined to be sound.

2

- The proposed Democracy and Human Rights Fund manual will be developed as soon as possible, with funding from the PD&S account rather than from the project.
- State will seek to provide funding for administrative costs associated with the project, e.g., seminars on the Human Rights Fund manual.
- The Human Rights Fund manual will include guidance discouraging proposals which create an institutional dependency on project resources.
- African posts will be advised by cable regarding fiscal year deadlines for submitting proposals under the project.
- PPC will soon undertake an independent evaluation of the International Foundation for Electoral Systems.
- During project implementation, the Human Rights Committee (State's AF and HA bureaus and A.I.D.'s AFR and PPC bureaus) will examine the possibility of delegating some authority to the field for the review and approval of activities under the project.
- The following documentation will be annexed to the Project Paper: Statutory Checklist; Initial Environmental Examination; and Policy Determination 12.
- Additional budget details will be added to the Project Paper in support of the planned level of funding for the technical electoral support component.

The relevant changes have been included in the attached Project Paper. All issues were resolved at the Issues Meeting and therefore no ECPR was held.

IV. RECOMMENDATIONS:

A. That you sign the attached Project Authorization and Project Data Sheet and thereby approve an authorized amount of \$5.5 million for the Africa Democracy and Human Rights Fund project.

B. That you sign below and thereby approve an exception to the requirement for a PID for this project.

Approved: SM Spangler

Disapproved: _____

Date: 7-30-91

3

Attachments
 Project Authorization
 Project Data Sheet
 Project Paper and Annexes

Clearances:

DAA/AFR:ELSaiers	(Draft)	Date	7/21/90
GC/AFR:ESpriggs	(Draft)	Date	6/7/91
AAA/AFR/MDI:WWeinstein	(Draft)	Date	5/20/91
AFR/PD/SWA:BBurnett	(Draft)	Date	6/7/91
AFR/DP:AWilliams	(Draft)	Date	6/14/91
AFR/DP:GCauvin	(Draft)	Date	6/12/91
AFR/TR/EHR:CBonner	(Draft)	Date	6/12/91
AF/RA:DHalsted	(Draft)	Date	6/12/91
HA:CGore	(Draft)	Date	6/17/91
PPC/PDPR:THorel	(Draft)	Date	6/12/91
AFR/CONT:MRogal	(Draft)	Date	1/20/91

Drafter: AFR/PD/CCWAP:WHamink; 05/14/91:79060:HRPPACTM

PROJECT AUTHORIZATION

Name of Country: Africa Regional
Name of Project: Africa Democracy and Human Rights Fund
Project Number: 698-0541

1. Pursuant to Section 116(e) of the Foreign Assistance Act of 1961, as amended, I hereby authorize the Africa Democracy and Human Rights Fund Project for the Africa region, involving planned obligations of not to exceed Five Million Five Hundred Thousand United States Dollars (US \$5,500,000) in grant funds (the "Grant") from date of authorization to September 30, 1994, subject to the availability of funds in accordance with the A.I.D. OYB/allotment process, to help in financing foreign exchange and local currency costs for the Project. Except as A.I.D. may otherwise agree in writing, the planned life of the Project is through September 30, 1994.

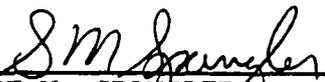
2. The Project will support and strengthen democratic institutions, values and practices in African countries with a focus on political and civil rights. The Project will fund field-generated small, discrete, short-term activities in support of African initiatives. The Project will finance short-term technical assistance, commodities, limited local cost support for nascent democratic institutions, publication materials, training and limited funding of seminars and conferences.

3. The Project Agreement(s), Individual Activity Agreement(s), Grants or Contracts which may be negotiated and executed by the officers to whom such authority is delegated in accordance with A.I.D. regulations and Delegations of Authority shall be subject to the following essential terms, together with such other terms and conditions as A.I.D. may deem appropriate:

a. Source and Origin of Commodities, Nationality of Services

Commodities financed by A.I.D. under the Project shall have their source and origin in the United States or the Cooperating Country, or (a) countries included in A.I.D. Geographic Code 935 for funds from Development Fund for Africa (DFA) appropriations and (b) countries included in A.I.D. Geographic Code 941 for non-

DFA funds, except as A.I.D. may otherwise agree in writing. Except for ocean shipping, the suppliers of commodities or services shall have the United States or the Cooperating Country, or countries included in A.I.D. Geographic Code 935 for DFA funds or Code 941 for other funds, as their place of nationality, except as A.I.D. may otherwise agree in writing. Ocean shipping financed by A.I.D. under the Project shall, except as A.I.D. may otherwise agree in writing, be financed only on flag vessels of the United States or countries included in A.I.D. Geographic Code 935.



SCOTT M. SPANGLER
Assistant Administrator
Bureau for Africa

7-31-91

Date

Clearances as Shown on
Action Memorandum

AFR/PD, WHam^{ink}: 4Jun91:HRPPAUTH; revised 30Jul91

AFRICA DEMOCRACY AND HUMAN RIGHTS FUND
PROJECT PAPER

698-0541

TABLE OF CONTENTS

Project Data Sheet
Action Memorandum
Project Authorization

Table of Contents
List of Acronyms/Abbreviations

	<u>Page</u>
I. EXECUTIVE SUMMARY	1
II. BACKGROUND AND RATIONALE	1
A. Background and Setting	1
B. Problem	4
C. Rationale and Strategy	4
III. PROJECT DESCRIPTION	5
A. Project Goal and Purpose	5
B. Project Components	6
C. Project Outputs and Inputs	8
IV. IMPLEMENTATION AND ADMINISTRATIVE ARRANGEMENTS	8
A. Fund for Technical Electoral Support	9
B. Fund for Democracy and Human Rights Activities	10
C. Project Management	10
V. COST SUMMARY AND FINANCIAL PLAN	11
A. Summary	11
B. Financial Plan	11
C. Obligation Schedule	11
D. Methods of Implementation and Financing	13
VI. MONITORING, EVALUATIONS AND AUDITS	13

ANNEXES

A. List of FYs 1989 and 1990 Democracy and Human Rights Activities in Africa	
B. Cable on FY-91 Africa Human Rights Fund	
C. Guidelines for Democracy/Governance Activities in Africa (91 State 164030)	

D. Initial Environmental Examination	
E. Statutory Checklist	
F. A.I.D. Policy Determination 12 on Human Rights	

17

ACRONYMS/ABBREVIATIONS

AFR A.I.D. Bureau for Africa

AF/RA State Bureau for Africa, Regional Affairs Office

A.I.D. Agency for International Development

AOJ Administration of Justice

FAA Foreign Assistance Act

HA State Bureau for Humanitarian Affairs and Human
 Rights

HR Human Rights

IFES International Foundation for Electoral Systems

NGOs Non-governmental organizations

PACD Project Assistance Completion Document

PPC A.I.D. Bureau for Program and Policy Coordination

TA Technical assistance

USAID United States Agency for International Development
 (refers to overseas mission of A.I.D.)

- 8 -

I. EXECUTIVE SUMMARY

A fundamental democratic revolution throughout the world is changing the political landscape, as evidenced by recent changes in Eastern Europe. In Africa too, authoritarian regimes are under siege and governments across the continent are facing pressure for political change on a scale unprecedented since independence.

Fostering democracy is a long-established goal of the United States. Experience has shown that our relations with democratic countries tend to be more constructive and to enjoy more consistent domestic support than our relations with authoritarian regimes. Finally, and perhaps most importantly, there is growing evidence that open societies that value individual rights, respect the rule of law and have open and accountable governments provide better opportunities for sustained economic development than do closed systems which stifle individual initiative.

A.I.D.'s support of human rights, judicial reform and political non-partisan, non-governmental institutions in Africa has traditionally been carried out through the Human Rights Fund under 116(e) authority in the Foreign Assistance Act (FAA). Funding levels for these activities have been around \$500,000 for the past several years. The Human Rights Fund has supported small, short-term activities in the areas of promoting human rights, electoral support, legal support/administration of justice and democratic institution building. There is an immediate and substantial need for increased levels of U.S. assistance to promote democracy, especially civil and political rights, throughout Africa. Already in FY 1991, A.I.D. and the State Department have received substantially increased funding requests from U.S. Embassies and USAID Missions in African countries for democracy and human rights activities under the Human Rights Fund.

This three-year, \$5.5 million umbrella Democracy and Human Rights Fund project will provide the overall authorization and a framework for increased assistance under the 116(e) authority to support mainly small, short-term, democracy-related activities which need not be linked analytically to economic development in African countries and which are focused on civil and political rights.

II. BACKGROUND AND RATIONALE

A. BACKGROUND AND SETTING

A fundamental democratic revolution throughout the world is changing the political landscape, as evidenced by recent changes in Eastern Europe. In Africa too, authoritarian regimes are under siege and governments across the continent are facing

a

pressure for political change and accountability on a scale unprecedented since independence. In 1990, citizens took to the streets of capital cities in some fourteen African countries to express discontent with economic hardship and political repression and to demand democratic reform. Also during 1990, at least 21 governments launched seemingly significant political reform efforts to permit greater pluralism and competition within the polity.

Fostering democracy is a long-established goal of the United States. Experience has shown that our relations with democratic countries tend to be more constructive and to enjoy more consistent domestic support than our relations with authoritarian regimes. Finally, and perhaps most importantly, there is growing evidence that open societies that value individual rights, respect the rule of law and have open and accountable governments provide better opportunities for sustained economic development than do closed systems which stifle individual initiative.

Democracy is clearly an important economic development issue in Africa, as well as a political one. The World Bank's report on "Sub-Saharan Africa - from Crises to Sustainable Growth. A Long-Term Perspective Study." of 1989 noted that "many governments are wracked by corruption and are increasingly unable to command the confidence of the population at large" and emphasizing that a crisis of governance underlay African development problems. The report concluded that systematic efforts were required "to build a pluralistic institutional structure, a determination to respect the rule of law, and vigorous protection of the freedom of the press and human rights."

A.I.D. promulgated the Democracy Initiative in December 1990 which establishes the support for enduring democratic societies as a major Agency priority. The Initiative will focus on four components: (1) strengthening democratic institutions, (2) integrating democracy into the A.I.D. program, (3) rewarding progress in democratization, and (4) establishing rapid-response mechanisms. The Initiative calls for A.I.D. to establish specific programs to help respond to the worldwide democracy revolution. The programs will include both a short-term component able to respond quickly to immediate needs and a longer-term component to support the development of effective and credible institutions.

Consistent with the A.I.D. Democracy Initiative and with the increased challenges and opportunities to support the democratic revolution in Africa, the approach of the democracy initiative in Africa includes the following principles:

- o African-led
- o Long-term and sustainable
- o Mission-generated project proposals

- o Integration in overall portfolio
- o Substance, not form

The strategic themes that the Bureau plans to focus on include:

- o Participation/decentralization
- o Enabling environment/rule of law
- o Effective civil society
- o Civil and political rights

In order to develop necessary information for a longer-term strategy or strategic framework and to respond to immediate needs, over the next 18 to 24 months the Africa bureau plans to: (1) emphasize the integration of democratic values and democratic practices throughout our on-going portfolio, from primary education to child survival to agriculture sector policy reform and in how we as USAID design and implement activities; (2) design and implement experimental programs and projects under the DFA within the broad parameters of participation and decentralization, enabling environment/rule of law (including governance), and encouragement of an effective civil society; (3) carry out relevant research and sponsor seminars to understand relationships and African perspectives; and (4) support targets of opportunities that are more politically oriented and focused on civil and political rights realized through projects or programs through the Human Rights Fund process mainly designed and implemented by the State department.

A.I.D.'s support of human rights, judicial reform and political non-partisan, non-governmental institutions in Africa has traditionally been carried out through the Human Rights Fund under 116(e) authority in the Foreign Assistance Act (FAA). Assistance to African institutions under the Human Rights Fund has traditionally been managed by Embassy personnel. Funding levels for these activities have been around \$500,000 for the past several years. The Human Rights Fund has supported small, short-term activities in the areas of promoting human rights, electoral support, legal support/administration of justice and democratic institution building. Figure 1 shows the relative funding of these different areas for the period FY 1989 to FY 1991.

B. PROBLEM

There is an immediate and substantial need for increased levels of U.S. assistance to promote democracy and human rights, especially civil and political rights, throughout Africa. Already in FY 1991, A.I.D. and the State Department have received substantially increased funding requests from African governments and non-governmental organizations (NGOs) for funding of

democracy and human rights activities under the Human Rights Fund; including substantial requests for technical electoral assistance. The current requests total more than \$2 million and additional requests are received weekly. Many of the requests are for one-shot, short-term levels of assistance typically funded under the Human Rights Fund, only now there are substantially more requests than in previous years. In addition, as African countries ponder the transition to

democracy, and are rewriting their constitutions, reforming their legal systems, opening opportunities for free press, encouraging a broadened civil society and holding multi-party elections, the demand for longer-term, institutional support in these areas has increased.

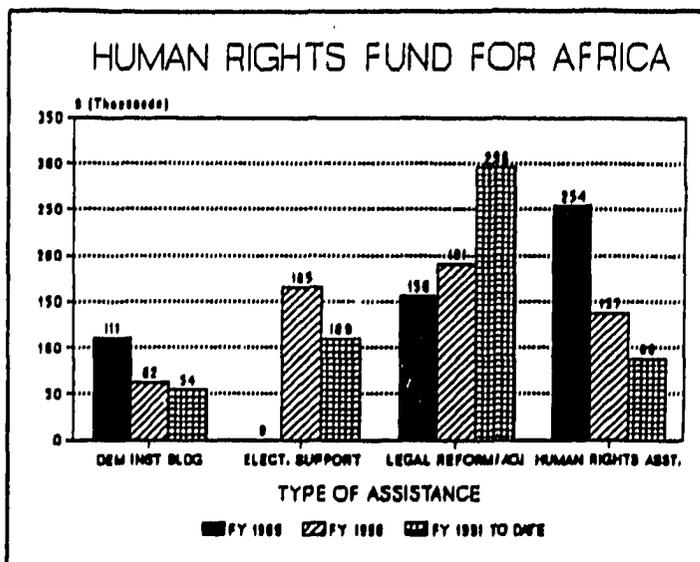


Figure 1

However, since Human Rights Fund activities under the 116(e) authority in previous years have been relatively small and have been authorized and obligated in each country through a local agreement, no umbrella authorization for the Human Rights Fund project and no overall project documentation showing procedures, criteria and financial accounting exist. Currently, funds are allowed to the field for small activities under the on-going Human Rights Fund for Africa project (698-9801) which does not have an overall authorization.

Another problem in responding to the African democracy challenges is that use of funds from the Development Fund for Africa authorization is fairly restricted to activities that are clearly related to economic development. Since promotion of a broad range of civil and political rights, including human rights, constitutional and judicial reform, free and fair elections and democratic institutions, does not always impact economic development directly or show economic development results, it is problematic for A.I.D. to fund these types of activities except under the 116(e) authority of the FAA.

12

C. RATIONALE AND STRATEGY

The Democracy and Human Rights Fund project will address these problems by (1) providing an umbrella authorization under FAA Section 116(a), (2) expanding the amount of funds available for promotion and encouragement of democratic institutions, especially focused on political and civil rights, and technical electoral assistance beyond what is currently available under project 698-9801, and (3) developing appropriate mechanisms for Embassy management of project activities and for A.I.D. oversight responsibilities. Because of the urgent nature of the needed assistance, the requirement for a Project Identification Document for this project is being waived.

The new project will continue to focus on small, short-term, high impact and low management activities in support of more political democratic institutions and human rights in a large number of African countries. Although no systematic evaluation has been conducted on the small human rights activities funded over the past several years, reports from individual Embassies indicate that the vast majority of projects supported have made an important impact and support nascent groups that otherwise would not receive support. The human rights grants also enable U.S. Embassies to directly support human rights and other advocacy groups that are leading the way, many times with opposition from the host government, in encouraging and promoting human rights and political accountability.

The Latin America and Caribbean Bureau recently examined lessons learned from almost 10 years of promoting democracy. They found that earlier small A.I.D.-funded human rights activities had established relationships between the U.S. government and host country institutions and laid the foundation for today's larger and more stable national and regional non-governmental organizations. Likewise in Africa, relatively small but focused assistance to African institutions promoting democracy and human rights seeks to lay the basis for cooperation and trust as well as increased effectiveness in the future.

This project will provide the means to encourage sustainable democratic societies in Africa through small, short-term and highly targeted activities at a country level. Complementary but larger, multi-year activities in countries that are undergoing serious political changes and where potential is highest will be funded under different mechanisms, mainly on a bilateral basis. This project therefore represents one aspect of the Africa bureau's overall support for democracy and governance in Africa.

Finally, because this project will provide an overall authorization for an expanded democracy and human rights fund, it will replace the current Human Rights Fund for Africa project, no. 698-9801, which will be phased out after FY 1991.

III. PROJECT DESCRIPTION

A. PROJECT GOAL AND PURPOSE

The project goal will be to promote sustainable democratic societies throughout Africa. The project purpose is to provide an umbrella mechanism to support and strengthen democratic institutions, values and practices in African countries with a focus on political and civil rights. This purpose reflects the practical and immediate need to have in place funds and mechanisms to respond to the substantial and growing opportunities in this area. At the same time, this program must continue to be situational and opportunistic, supporting and building upon initiatives taken by Africans themselves.

The Democracy and Human Rights Fund project will be a three-year umbrella project with a Project Assistance Completion Date (PACD) of September 30, 1994. Funds under this project will be obligated through September 30, 1993 with all disbursements occurring by the PACD. This umbrella project will provide the overall authorization and a framework for assistance focused on democratic institution building and civil and political rights. This project, under the 116(e) authority, will be distinguished from other projects in Africa in that it will fund and support mainly small, short-term democracy-related activities which need not be directly related to economic development in a country but which are consistent with the Agency democracy initiative and encourage political and civil rights. The principles of the Africa bureau approach as stated above are valid under this project as well, namely that all activities should be based on a specific request from African governments or non-governmental organizations or institutions, that projects and activities must be generated in the field with USAID and Embassy support based on the particular country context, that activities be designed to show some measurable results, and that proposed activities involve the substance of democracy such as an effective civil society, an independent judiciary, rule of law, or free and fair electoral processes at all levels.

B. PROJECT COMPONENTS

The project has two related components: (1) technical electoral assistance to be provided through the International Foundation for Electoral Systems (IFES) and (2) support for small, short-term, high impact and low management activities promoting democracy and human rights.

A separate component and mechanism for electoral assistance is being set up to facilitate quick access of targeted technical assistance, assure a consistent approach, utilize a non-partisan, non-governmental organization to provide assistance, and ease

project and financial management burdens on field missions and embassies.

1. Technical electoral support (\$1,000,000): This fund will support requests from governments or electoral commissions in Africa for technical non-partisan electoral support over the next three years; for example, how to set up institutions to organize and carry out free and fair elections and to provide civic education for voters. No assistance will be provided to political parties or other partisan, political groups.

Several types of technical assistance and training are foreseen. Normally, a pre-election diagnostic survey and needs assessment will address such areas as: the internal political climate, the electoral law and electoral commission, voter registration, role and duties of poll workers, act of voting, distribution, collection and counting of ballots, use of election commodities and equipment, status and role of political parties, role of election observers, civic education and training, election official training, the process of adjudicating election infractions and the ability of the country to conduct free and fair elections. Based on the assessment and survey, specific electoral assistance could include technical assistance for carrying out an election (i.e. design of election documentation, logistics planning, expedition of workflow), voter registration, civic education, poll worker and election officials training and assistance in the procurement of election supplies and equipment. In addition, election observers may be provided under this component.

2. Democracy and Human Rights Fund for Other Activities: (\$4.5 million over the three-year life-of-project, including an additional \$500,000 for FY91 beyond the \$1.5 million already provided under the current Human Rights Fund project - 698-9801): This fund will basically continue the successful experience of the past decade in funding small, focused and short-term assistance activities consistent with the priorities of Policy Determination 12 on Human Rights. The themes encourage: research and discussion of civil and political rights, the awareness of civil and political rights, adherence to the rule of law through a legal framework conducive to civil and political rights, free and democratic electoral systems, development of democratic principles and institutions that promote human rights, development of human rights organizations, and increased access of women and ethnic groups to the judicial system and to the political processes.

All specific activities funded under this umbrella project will be in response to proposals or requests supported by and generated from the field. Each proposal will contain requisite analyses and rationale justifying the proposed activities. In addition, each proposal will clearly delineate how the activities

will be carried out and managed and what will be the planned results. As shown in Annex A, the cost of proposed activities ranges from \$2,000 to \$80,000. The size of the activities under this project is generally expected to continue to be small (i.e. under \$100,000 except in instances where larger projects would not require significantly more management effort by the embassies). Other than on a very exceptional basis, the activities must be completed within one year of obligation.

C. PROJECT OUTPUTS AND INPUTS

Exact levels and types of project outputs and inputs cannot be delineated at this time. Annex A provides a listing of the human rights fund activities funded in both FY 1989 and FY 1990. These provide a fair illustration of the types of activities that will be funded and the range of outputs to be expected within the broad themes of this project. For example, we expect that outputs would include: judicial training programs; start-up and maintenance of nascent human rights and election monitoring NGOs; local research or scholarship; conferences, seminars and educational programs, including strengthening of law school instruction; ombudsman programs; and dissemination of human rights and democracy information. A logical framework has not been developed because of the short-term, highly-individualized nature of each project activity.

Based on the current requests for FY91 funding, the project inputs will most likely be in the form of short-term technical assistance, commodities, limited local cost support such as rent, local salaries, materials and supplies for nascent democratic institutions, publication of materials and training. Given the short-term, low management focus of the project activities, funding of recurring cost items will be limited.

IV. IMPLEMENTATION AND ADMINISTRATIVE ARRANGEMENTS

The following provide the general guidelines for all proposals under the Democracy and Human Rights Fund project:

- Projects and activities must be generated in the field within the particular country context.
- Activities must be designed to show some impact and results.
- Embassy managed in all cases. Size of activity must be within and conditional on the capacity of Embassy to manage with minimal USAID assistance.
- Must be consistent with Policy Determination 12 which provides policy guidelines for the promotion of civil and

political rights as authorized by Section 116(e).

- Proposal cables from the field should show USAID clearance.
- Other than on a very exceptional basis, all activities will be completed within one year of obligation.

Most technical electoral assistance requests will be provided under the first project component and by one organization. Limited, focused, "one-shot" proposals for assistance to either governments or non-governmental organizations under \$100,000 will be approved and funded under the second component (see below).

All proposals will be reviewed by the Human Rights (HR) committee consisting of representatives from State Department's Africa (AF) and Humanitarian Affairs (HA) bureaus and A.I.D.'s Africa (AFR) and Program and Policy Coordination (PPC) bureaus. This committee will approve or disapprove all proposals. The review and approval process will be managed by State/Africa's Regional Affairs office in consultation with State/HA and A.I.D.'s AFR and PPC bureaus.

A. FUND FOR TECHNICAL ELECTORAL SUPPORT

In order to respond to the large number of requests from African host governments and electoral commissions for relatively quick, targeted, expert technical electoral systems advice, this project will provide funds to a U.S. non-governmental organization, the International Foundation for Electoral Systems (IFES), to respond to these requests. Upon authorization of this project, the Africa bureau plans to provide \$1,000,000 for obligation in FY 1991 for core funding of an Agency-wide Cooperative Agreement with IFES which has already been negotiated with the Bureau for Policy and Program Coordination (PPC) and will be signed within the next several weeks with IFES to be used for program activities in Africa. IFES has had a grant with PPC for the last five years and is currently negotiating a five-year cooperative agreement. IFES has successfully carried out major electoral assessments and technical electoral support and civic education in a variety of countries over the past several years, including Haiti, Romania, Venezuela, Nicaragua, Bulgaria and Paraguay. IFES has developed an impressive record of professional, non-partisan electoral support and wants to develop an expertise in Africa as well. IFES plans to hire an expert in African political and electoral systems to lead their effort in Africa, using a proven methodology and their extensive list of experts in this field.

IFES' methodology includes a short, two to three weeks technical electoral assessment to provide an analytical basis prior to any technical assistance or other assistance being furnished. Unless the request from African countries is targeted, discrete and well

17

justified, the project will require IFES to carry out assessments before any larger assistance package can be approved.

Upon receiving a request from host governments or electoral commissions, Embassies may submit a request to the HR committee for IFES to carry out an electoral assessment. IFES provides their report, along with recommendations for further assistance, to the Embassy and host country organization in charge of elections within two weeks following the departure of the assessment team. The Embassy, in close collaboration with the host country organization, may develop a proposal for needed technical electoral assistance or training to be provided by IFES. In these cases, IFES provides the technical expertise to design and then carry out needed assistance.

The approval criteria for requests for electoral assessments concern the following: a clear rationale for U.S. electoral assistance in the country, prospects for a free and fair election, seriousness of the country to carry out sustained, requisite changes beyond the elections to promote democratic societies, and request from host country organizations.

Likewise, requests for further electoral assistance or distinct short-term assistance where an assessment is not needed should provide a rationale for the types and levels of assistance proposed. These proposals should focus on the need to build institutional processes for free and fair elections in the future and not just assistance for one election.

Once the HR committee has approved either or both requests, State/AF will notify IFES and IFES will then work directly with the Embassy and host country election commission to organize the assistance. No funds will be provided to the Embassies because all funding is provided directly to IFES through the cooperative agreement. This should substantially decrease the financial and project management burden on field missions.

It is expected that IFES will conduct surveys and provide technical assistance and training in at least 10 countries in Africa over the next three years. In countries where assistance programs beyond the initial surveys are carried out, it is expected that each country program will not exceed \$100,000.

B. FUND FOR SMALL, DISCRETE HR/DEMOCRACY ACTIVITIES

The purpose of this project component is to provide an overall ~~authorization for an expanded level of activities for FY 1991 and~~ for similar activities in FYs 92 and 93. Up to \$2 million total will be available each fiscal year for obligation. The process for submission, review and approval for small, discrete proposals will continue as currently set up under the human rights fund. Annex B provides the cable sent to all African posts showing

criteria and format for all FY 1991 human rights proposals. The criteria and format to be sent to the field for FY 92 and FY 93 activities will change slightly to assure discussion of management implications and more focus on results.

Proposals for funding should normally be received by January 31 of each new fiscal year. Proposals should be received early in the fiscal year to assure consideration within the available funding. The Human Rights Committee will reserve a portion of the total available funds for proposals received after that date. In any case, all proposals must be received by June 30 in order to receive funding during that fiscal year.

Accounts for all 116(e) democracy and human rights fund activities under this project normally must be cleared (i.e. all funds disbursed and accounted for) within one year of obligation or else subsequent 116(e) funds will not be allowed to a particular country. A cable from the USAID Mission Controller will attest to this. Waivers will be granted only on an exceptional basis.

C. PROJECT MANAGEMENT

This project will be managed within A.I.D. by the Africa Bureau Democracy/Governance Task Force until the Bureau's reorganization takes place. The AFR project manager will review all proposals, provide oversight and advice on all project matters, arrange with the office of Development Planning to send fund cites to the field missions, liaise with A.I.D. country desk officers, provide guidance on procedures and A.I.D. regulations, monitor all project activities, and assure accountability at the country and bureau levels. The Regional Affairs office in State Department's Africa bureau will continue to provide the following support: solicit proposals, initiate and manage the flow of cables and other correspondence from the field, serve as the chair and secretariat for the human rights committee, coordinate the working group agenda, assist missions/embassies to find suitable candidates and contractors, and liaise with State desk officers. State/HA will continue to provide policy guidance and consultation on proposals as a member of the HR committee.

V. COST SUMMARY AND FINANCIAL PLAN

A. SUMMARY

The Democracy and Human Rights Fund Project is a three-year, \$5.5 million umbrella project. It is expected that \$1.5 million will be obligated in FY 1991, \$2 million obligated in FY 1992, and \$2 million obligated in FY 1993. Funds will be expended over a three year period for the electoral support. Under the fund for smaller democracy and human rights activities, most expenditures

will occur the year of obligation and in all cases will be required to have taken place within one year of the date of obligation. The Project Assistance Completion Date (PACD) is September 30, 1994.

B. FINANCIAL PLAN

The budget in this umbrella project represents an estimate of demand for African-requested and field generated activities promoting democracy focused on civil and political rights. The estimate is based on the number and amount of proposals already received from Embassies and USAIDs in Africa and the growing substantial political changes sweeping Africa and consequent increased targets of opportunities. Table 1 provides the estimated expenditures by fiscal year.

The estimated expenditures for the IFES technical electoral systems support are based on IFES' experiences in carrying out surveys and providing technical assistance, training and limited commodities. The surveys are normally completed by two experts over a two to three week period. It is expected that IFES will carry out at least 10 surveys in Africa over the next three years with an average cost of \$30,000 each. In addition, it is expected that IFES will provide further technical assistance, training and targeted commodities in at least 10 countries with an average cost of \$70,000 for each country. The total IFES assistance funded under this project should not exceed \$100,000 for any one country. For additional assistance, the IFES cooperative agreement allows for buy-ins from individual Missions.

C. OBLIGATION SCHEDULE AND MECHANISMS

Table 2 provides planned obligations by fiscal year. Since this is an umbrella project to fund different types of field-generated proposals, obligations will take place through a variety of means. For activities other than IFES electoral assistance, once proposals are approved by the HR committee, allowance cables are sent to the Embassy. Funds have been and will continue to be obligated through agreements signed with the host country governments or with indigenous NGOs. Alternatively, if the proposal calls for provision of technical assistance obtainable through an existing contractual mechanism or cooperative agreement, a contract work order or ordering agreement would serve as the obligating document. Alternatively, for very small projects, such as purchase of some commodities locally, a purchase order could serve as the obligating document. Embassies will be required to report on actual obligations once the obligation takes place.

As previously mentioned, the IFES cooperative agreement core budget will be increased by the total budgeted amount of

Table 1
AFRICA DEMOCRACY AND HUMAN RIGHTS FUND PROJECT
ESTIMATED EXPENDITURES BY FISCAL YEAR (\$000)

DESCRIPTION	FY 91	FY 92	FY 93	FY 94	TOTAL
A. Small Grants Fund for Embassy-managed activities	\$300	\$2,000	\$2,000	\$200	\$4,500
B. Technical Electoral Assistance through IFES					
-- Electoral Assessments	\$30	\$180	\$90	\$0	\$300
-- Electoral Assistance -Short-term TA, limited commodities, equipment, training	\$0	\$350	\$280	\$70	\$700
PROJECT TOTAL	\$330	\$2,530	\$2,370	\$270	\$5,500

Table 2
AFRICA DEMOCRACY AND HUMAN RIGHTS FUND PROJECT
EXPECTED OBLIGATIONS BY FISCAL YEAR (\$000)

DESCRIPTION	FY 91	FY 92	FY 93	TOTAL
A. Small Grants Fund for Embassy-managed Activities	\$500	\$2,000	\$2,000	\$4,500
B. Technical Electoral Assistance through IFES	\$1,000	\$0	\$0	\$1,000
TOTAL	\$1,500	\$2,000	\$2,000	\$5,500

\$1,000,000 following project authorization which will obligate these funds during FY 1991.

D. METHODS OF IMPLEMENTATION AND FINANCING

All activities funded under this project will be implemented in the field. Since the project will fund an estimated 50 different projects in up to 25 different countries each year, the methods of implementation and financing will vary greatly for the small activities. Based on experience under the human rights fund to date, most financing will be through locally-signed contracts or purchase orders. In some cases, Project Implementation Letters may be used to commit funds for agreed-upon government expenditures. In addition, because few contracting or agreement mechanisms currently exist for the types of assistance needed (e.g., constitutional reform expert fluent in Portuguese and familiar with Napoleonic law), we expect that a substantial portion of contracting will be through field personal services contracts. The Africa bureau is currently working closely with other bureaus and the contracts office to determine where generic short-term technical assistance (TA) needs are and develop quick-access mechanisms for the types of assistance most in demand. Both AID/W and the State Department will assist individual missions to find the most expedient and least-management intensive method to procure technical services. Most of the electoral assistance under the project will be financed through the IFES cooperative agreement. IFES will be responsible to account for all project funds obligated under their cooperative agreement.

VI. MONITORING, EVALUATION AND AUDITS

Monitoring and evaluation of project activities and project impact will take place at different levels. The project officer in A.I.D. Africa bureau's Democracy/Governance Task Force will have overall responsibility for monitoring all project activities. At the same time, day-to-day and project-by-project monitoring will be undertaken by State's democracy initiative officer in the Regional Affairs office of the Africa Bureau (AF/RA). AF/RA will be responsible for all field correspondence and assuring that reviews and responses are timely and correctly carried out.

Under this project, the country-level small activities will be managed by Embassy officials with little knowledge of A.I.D. regulations and procedures, many proposed activities are now larger than the \$25,000 cut-off for small procurement rules, and no detailed procurement, source/origin or off-the-shelf guidelines have been provided for Human Rights fund activities to date. Also, this project greatly increases the amount of funds available for small democracy and human rights activities across

sub-Saharan Africa. Therefore, AFR will organize a financial management assessment and program evaluation within six months following project authorization to both review past financial management practices and look at specific program impacts in a large sample of African countries. Based on these assessments and using an existing manual for Self-Help activities, AFR will develop a manual for democracy and human rights activities in Africa. The manual will provide lessons learned from past human rights activities, ideas for programs that have worked, information on relevant A.I.D. regulations and procedures, and appropriate financial management mechanisms for each Embassy to follow. The Africa bureau will use the Program Development and Support project to fund the assessments and development of the manual.

In addition, an evaluation will take place after the first year to evaluate the review and approval process, the roles and responsibilities between A.I.D. and State, and the quality of the proposals. The evaluation will also examine the implementation status of the electoral assistance process. It is planned that the evaluation will also be funded from the Program Development and Support project.

Monitoring and evaluation of the field activities will vary. For the democracy and human rights activities, field posts will be required to provide a short evaluation of the impact and results of each activity once it is completed. PPC plans to carry out an external evaluation of IFES next year and a field evaluation of at least some of IFES' activities in Africa will be included in that evaluation.

Finally, since each proposal for democracy and human rights activities other than for election support will be considerably less than \$100,000 and funded separately, a non-federal financial audit is not necessary for the overall project. IFES is audited annually and its federal grants are audited separately through a federal audit agency.

23

FY 1989 Human Rights and Democratic Initiatives program

REGIONAL HUMAN RIGHTS AND DEMOCRATIC INSTITUTION-BUILDING

Latin America

\$550,000 in continuing support for the education, research and information dissemination activities of the Inter-American Institute of Human Rights (IIHR).

\$211,000 in continued support for Partners of the Americas' activities supporting democratic institution-building in Central America.

\$500,000 to Florida International University's School of Communication and Journalism for the ongoing Central America Journalism Project, which is aimed at professional development of print and broadcast media personnel, and at improving journalism education in the region.

\$500,000 to the Research Foundation of the State University of New York to assist in developing a national, non-partisan, university-based center that will provide research, training and consulting services to the Chilean Congress.

\$500,000 for civic education and democratic network-building activities of the Haitian Institute of Research and Development, a local NGO in Haiti. A special "Democracy Fund" has been established under the grant to finance local groups that wish to undertake human rights and democratic development programs.

\$30,000 to the USAID/Haiti to finance development and initiation of a strategy of democratic initiatives in Haiti, beginning with an assessment of opportunities for assistance.

~~\$262,000 to USAID/Costa Rica to support democratic initiatives, including activities proposed by public and private sector institutions in commemoration of Costa Rica's 100th anniversary of democratic government.~~

\$30,000 to Human Rights Internet for the development, printing and distribution of a Middle East Human Rights Directory. An African Directory was published in 1989 and work has begun on an Asian Directory, partially supported by A.I.D. The directories have become standard references for human rights scholars and the international human rights community.

Asia and the Near East

Thailand--\$90,000 for Chulalongkorn University to support leadership training and research in provincial councils. The project will facilitate better understanding of constitutional democracy and the rule of law and will upgrade skills of elected officials at the provincial level.

Philippines--\$32,000 to support the Asia America Free Labor Institute (AAFLI) in sponsoring five regional training sessions organized by trade unionist and labor leaders. The training sessions are aimed at reducing human rights violations allegedly committed by the military, vigilante groups, employers and rival unions. A human rights handbook will be developed to serve as a guide to review and report on human rights violations.

Bangladesh--\$34,000 to the Society for the Enforcement of Human Rights to extend legal advice services in ten districts outside Dhaka and for technical assistance to develop a financially diversified support base.

Indonesia--\$38,000 to support AAFLI in organizing a minimum wage public campaign in eight industrialized areas of the country. Direct beneficiaries will be the employees and worker-representatives who will receive training in basic representational skills.

Africa

Botswana--\$5,000 to fund a portion of start-up costs for an independent human rights commission.

The Gambia--\$26,000 to provide basic office equipment for the African Commission on Human Rights. The Commission will be composed of a committee of jurists who will investigate complaints of human rights violations.

--\$25,000 will support the establishment of a documentation center for the African Centre for Democracy and Human Rights Studies.

Guinea-Bissau--\$9,000 to provide the National Institute for Studies and Research with a collection of works on democratic institutions and processes and a basic collection of works on human rights. In view of current government interest in promoting democratization, these documents will be valuable background and reference materials for individuals and parties encouraging the adoption of more democratic institutions and broader awareness of human rights.

25

Mali--\$5,000 to the Malian Association for Human Rights for the advocacy of effective implementation of existing laws and to better educate the Malian public on human rights issues. To this end the Association proposes to publish newsletters regarding their regular roundtable discussions.

Mauritania--\$7,000 for start-up costs of the Mauritanian Human Rights League. The League is a serious and increasingly effective domestic monitor of Mauritanian and Maghrebian human rights.

Nigeria--\$8,000 to support Human Rights Africa, an organization founded in 1987 by the president of the Nigerian Trial Lawyers Association. Funds will assist in organizing the new entity, support staff services, provide basic office supplies, and provide funding for board of directors.

Zimbabwe--\$16,000 for the Catholic Commission for Justice and Peace for computer equipment for human rights case management.

--\$10,000 to support the legal publications unit of the Harare Legal Resources Foundation.

ELECTORAL ASSISTANCE

Interregional

\$314,000 in support of the International Foundation for Electoral Systems (IFES), for election observers and technical electoral assistance projects. In FY 1989 election observers monitored elections in El Salvador, Tunisia, Paraguay, Argentina and Panama. Technical assistance, such as procuring election commodities, electoral systems design, and evaluation of current electoral processes, was provided in Paraguay, Venezuela, Poland, Niger, Nigeria, Sierra Leone and Grenada. A.I.D. also supported the expansion of the election database of electoral laws, sample ballots, copies of constitutions, previous election results and election-related materials. A skill bank of potential observers, technicians, election commodities vendors (with product samples) has also been developed.

Latin America

\$470,000 for a voter education program carried out by the Inter-american Institute of Human Rights electoral arm, the center for Electoral Assistance and Promotion (CAPEL) with Participa, a Chilean NGO, in preparation for the national elections in December, 1989.

\$1,714,699 for region-wide electoral assistance, research and observer missions of CAPEL, including assistance to special training programs for pollwatchers in Bolivia and Honduras.

\$150,000 for a grant to the National Republican Institute for International Affairs (NRIIA) and National Democratic Institute (NDI) to organize and carry out international election observer activities in Panama.

\$62,000 to the Center for Democracy for an election information and service center to monitor the May, 1989 elections in Panama.

\$500,000 to the National Endowment for Democracy to finance election assistance and other activities supporting transition to democracy in Paraguay.

\$100,000 to USAID/Bolivia to support activities in electoral reform, political party organization and legislative management, with assistance from the National Democratic Institute.

STRENGTHENING LEGAL SYSTEMS

Asia and the Near East

Bangladesh--\$30,000 to the Bangladesh Institute of Law and International Affairs for continued support of a pilot training activity for subordinate level judges. During the first four years 225 assistant judges and 45 mid-level judges have been trained. The fifth year funds will allow for the training of an additional 105 judges and fund technical assistance to improve curriculum and assist staffing needs for judicial training in Bangladesh.

Sri Lanka--\$37,000 to the Nadesan Center Human Rights Law Library. Sri Lanka has had justice-based fundamental rights in its constitution only since 1978. The library is a very much needed resource for legal research and reference material on the subject.

Middle East and North Africa

\$250,000 to support AMIDEAST's Legal Education and Training Regional Project, to assist in the strengthening of the administration of justice and the rule of law in Egypt, Jordan, Morocco, Tunisia and Yemen. The project supports human rights training for the judiciary and other legal professionals, assists in legal and human rights textbook and curriculum development and supports public awareness training in basic legal rights.

Africa

Chad--\$15,000 to strengthen the GOC's efforts to rebuild their legal system through training in Chad of justices-of-the-peace and court clerks.

Ghana--\$15,000 for the publication of Ghana's law reports for the years 1980 through 1983. These reports will be comprehensive up-to-date statements of existing laws and interpretations which will be available to legal practitioners, judges, law enforcement officers and public officers throughout Ghana.

Madagascar--\$25,000 for the printing of civil law codes, an appendix to the penal code and an appendix to the code for penal procedures.

Mozambique--\$15,000 to support the codification of laws and publication of legal documents.

--\$18,000 to train public defenders of Lusophone African countries on the African Charter of Human Rights and other human rights charters.

--\$10,000 to provide basic equipment for the Supreme Court.

Rwanda--\$25,000 to fund the preparation and publication of an updated edition of the Rwandan legal code in a bilingual edition, French and Kinyarwanda. Copies will be distributed to each court in Rwanda.

--\$8,000 for the purchase of basic reference books and materials for the four regional Courts of Appeals and the Court of Cassation.

Sierra Leone--\$25,000 to fund the second year of a program to improve the judicial system and to educate the general public on their rights under the law. The proposed program will train local court personnel, court stenographers, support the law library, provide basic equipment for courts and related offices, and support the Society for the Preservation of Human Rights.

LEGAL AND HUMAN RIGHTS LITERACY

Asia and the Near East

Indonesia--\$31,000 in support of the Legal Aid and Consultation Institute for Women and Families (LKBHUWK). LKBHUWK is a private organization which provides legal rights advice to lower income women and their families and helps them gain access to the judicial system. This project will extend coverage to new branch offices and will give the organization time to become self-sufficient. LKBHUWK has been successful in obtaining support from other donors and from provincial governments.

Nepal--\$183,000 to the Nepal Women's Organization Legal Services Project. This project, first co-funded with the Ford Foundation and implemented by the Government of Nepal, received the best rating in the 1987 evaluation on the Human Rights Program. Its legal advice and literacy campaign helped thousands of Nepalese villagers, both men and women. Current funding will help to improve the quality of legal and human rights instructional materials, support staff training and expand legal literacy workshops through the establishment of new offices in the three remaining regions.

Philippines--\$60,000 to the Nueva Ecija Human Rights Action Center for support of a pilot project on civilian-military cooperation. The project is aimed at reducing the incidence of human rights violations through informal legal education seminars, radio broadcasts, human rights documentation and legal aid.

--\$20,000 to Xavier University to assist law students in providing legal advice to low-income communities.

South Pacific--\$19,000 for support of the law faculty at the University of Papua, New Guinea which will identify law students to work with the provincial governments to provide legal education, information and advice to citizens of the islands.

Sri Lanka--\$17,000 to support expansion of a legal literacy program through use of radio and video tapes produced in the country's three major languages. Materials will be distributed to universities, secondary schools and community organizations.

--\$20,000 to the Law and Society Trust to develop and distribute additional human rights materials in universities and in adult-education courses.

29

Latin America

\$415,000 to continue a three-year grant to OEF International for civic education/community organization programs in Costa Rica, Guatemala and Honduras.

Africa

\$46,000 to the Overseas Education Fund International to assist in strengthening local groups in Africa working to raise the legal status of women in the region. The activity will identify the most critical legal issues facing women in the region, develop strategies for publicizing women's legal condition and advocating greater responsiveness by the legal system, and clarify legal and organizational processes that lead to greater participation of women in development.

Cape Verde--\$2,500 to fund a public information program by radio and pamphlets to advise CV women of their legal rights.

Central African Republic--\$7,000 to educate magistrates, civil servants, teachers and the public through publication and distribution of basic international documents on human rights and pamphlets summarizing every citizen's rights.

Guinea--\$12,000 for a free legal advice and documentation center intended for use by Guineans with little or no experience with their country's legal system.

Lesotho--\$28,000 to fund the third year of Lesotho's Campaign for Democracy which consists of developing curricula for teaching law in the schools, promoting adult human rights/civil liberties education programs and establishing law clinics using the services of university students.

Niger--\$40,000 for translation of the draft constitution into the major national languages and dissemination throughout Niger to allow greater citizen participation in the national development process.

Nigeria--\$7,500 to establish a program to educate rural women on their civil and political rights. Twenty participants from eight local government areas in Lagos state will attend a two-day training session.

Senegal--\$30,000 to support the production of booklets on civic rights and the Senegalese Constitution in the languages of Popular and Soninke for use in literacy classes in the Tambacounda region. The texts for the booklets were developed by the University of Dakar and approved by the Supreme Court, the Ministries of Interior, Education and Social Development.

30

Tanzania--\$30,000 to the Legal Aid Committee of the University of Dar es Salaam to produce 10,000 copies per month of the Legal Aid Monthly Bulletin, "HAKI", continue the training of para-legals in rural areas, and hold legal literacy seminars for citizens in up-country towns and rural areas.

Togo--\$25,000 to assist the Togolese Human Rights Commission in implementing a national campaign of human rights awareness throughout Togo. The program will inform the citizenry in small towns and rural areas about their rights under the law and of the legal limitations on actions of government security and administrative officials.

Zaire--\$20,000 to the Zairian Legal Council in support of a legal advice and assistance program for indigents.

--\$6,000 to the Association of Zairian Women Jurists to publish, print and distribute copies of the Family Code. The purpose is to educate all citizens on the basic precepts of the new Family Code which contains changes that significantly affect the rights of women and children.

HUMAN RIGHTS AND DEMOCRATIC INITIATIVES
OBLIGATIONS FROM FY 1979 through FY 1989
(IN THOUSANDS OF DOLLARS)

AFRICA

*indicates that total HR funds for Africa in FY 1979 totaled \$131,000.

<u>COUNTRY</u>	<u>FY 1979*</u>	<u>FY 1980</u>	<u>FY 1981</u>	<u>FY 1982</u>	<u>FY 1983</u>	<u>FY 1984</u>	<u>FY 1985</u>	<u>FY 1986</u>	<u>FY 1987</u>	<u>FY 1988</u>	<u>FY 1989</u>	<u>TOTAL</u>
BENIN		8.5	2									10.5
BURKINA-FASO		13			13			2.7				28.7
CAMEROON			7.5		64.95		30	27.7	18			148.15
CAPE VERDE					14							16.5
C.A.R.		30			10		6		10		2.5	63
CHAD						10	10	45	30	34	15	144
COTE D'IVOIRE		5	2.8	28	17							52.8
DJIBOUTI									60			60
EQUATORIAL GUINEA				10	7.3							17.3
GAMBIA					5.8		25	25			51	107.3
GHANA			10			15					15	40
GUINEA					2		3.5	29.9			12	47.492
GUINEA-BISSAU			3								9	12
KENYA		10	10			15	10	25	20			90
LESOTHO									63	30	28	121
LIBERIA				106.5	173.5	100		20	50	57.3		507.3
MADAGASCAR											25	25
MALAWI		2								8	7	17
MALI							17.5				5	22.5
MAURITANIA											7	7
MAURITIUS				6		26.5	15	61.2				108.7
MOZAMBIQUE								30	18	35	43	126
NIGER				36			33	22			40	135
NIGERIA		10			10					12	15.5	47.5
RWANDA					26	79	125	105		50	33	418
SENEGAL		17		50	10	30			20	32	30	189
SIERRA LEONE							12			50	25	87
SOMALIA		15										15
SOUTH AFRICA		63.550		5	19	500	1,000	1,712	2,105	2,000	2,050	9,454.55
SUDAN			5	5	5.65							15.65
SWAZILAND			95		7.8	4.5				24		131.3
TANZANIA		2.838	9.548						24	40	30	106.386
TUGO		17.5	23	16						37	25	118.5
UGANDA		32.5	188.669	35	30			40	15	4.5		345.669
ZAIRE		3.166	10	30	18	32	73		34	33.7	26	259.866
ZAMBIA		48.8	20		45		25	9				147.8
ZIMBABWE		137	234.5		24		3.5	61	40	24	26	550

22

FY 1990 DEMOCRATIC INITIATIVES
AND HUMAN RIGHTS PROGRAM SUMMARY

Democratic Institution-Building
by Region

AFRICA*

BENIN

\$16,000 for the Benin chapter of the African Jurists Association. The Benin chapter of the AJA will use this grant to organize a conference and series of workshops on the theme of "reform of Benin's basic legal texts" and other human rights issues.

\$4,500 through the government's ongoing "Popularization" campaign to assist in financing the printing of the recent draft constitution for disbursement to the public during the period prior to the popular referendum.

\$25,000 for the newly formed Human Rights Commission.

\$25,000 to the GOB to help support the upcoming elections, including the constitutional referendum.

BURKINA FASO

\$20,000 to fund the Burkina Movement for the Rights of Man and Peoples (MDBHP). The grant will cover start-up and administrative expenses for the MDBHP human rights handbook and a multilingual pamphlet on constitutional government and the rule of law.

CENTRAL AFRICAN REPUBLIC

\$3,000 to the GOCAP to provide a labor consultant to advise Bangui unions on preparing for the National Congress. Funds will also send an elected union representative to the interior of the CAR to aid in the organization of rural unions.

CHAD

\$75,000 to the GOC for promotion of efforts toward elective democracy through assistance including voting list revision, ballot printing, and administrative costs.

\$20,000 for Justice of the Peace Training.

(*the program in South Africa, a related but separate activity, appears as an appendix on page 20.)

CONGO

\$4,000 to Congo's first human rights committee to finance office supplies for the printing of advertizing flyers and information pamphlets on human rights for the initial meeting. Funds will also aid administrative office operations.

\$1,300 grant to the Association of Women Jurists of the Congo, a Congolese legal association, to launch the Association and to arrange and present a three day meeting in Brazzaville to publicize legal and human rights in the region.

GHANA

\$7,000 to fund the preparation of a brochure which extends the knowledge of the Ghanan Legal Board and its services to a wider audience of potential beneficiaries. Areas covered will include: legal aid, basic rights of citizens, eligibility, and information on applications for membership.

GUINEA BISSAU

\$35,000 to support the promulgation of a new constitution and electoral law, in order to assist the government of Guinea-Bissau in its efforts to politically complete the transformation from a state-controlled to a liberalized economy and political system.

\$6,750 material support for Guinea Bissau Ministry of Justice.

IVORY COAST

\$2,500 to defray the costs of publication of a human rights brochure by the Human Rights League watchdog group. This bi-monthly publication will add to the strength of the rule of law, the administration of justice, and methods of reporting.

\$10,000 to the Human Rights League's watchdog publication.

LESOTHO

\$15,000 to train court clerks and registrars of the high court to improve the administration of justice and provide additional efficiency. Lectures, workshops, and on-the-job training will be provided to the clerks and magistrates as well as to new entrants to the judicial system.

MALAWI

\$9,500 to support the creation of a bilingual handbook on women's rights and a foundation for women in development. The handbook will discuss issues ranging from forms of protection under the law to land ownership rights.

\$15,000 to the Malawi Law Society to start a quarterly law review. The MLS will publish this quarterly to announce precedent-making supreme high court decisions. Currently there is a 13 year backlog of lengthy judgements for which there is no efficient method of reference and retrieval.

MALI

\$6,000 to the Association Mutualistic de la Magistrative (AMUMA) to undertake a study to evaluate and propose reforms of the penal code and to clarify rights of detainees. Discussion forums for government employees, legal authorities, and the public will be presented with the findings.

\$6,250 to Jamanna Press to research and write a booklet series. Three subjects will be covered: The Rights of Individuals and the Family, The Police and the Citizen, and The Judicial System in Mali. The project will help inform the average Malian of his rights and enable the legal system to become more approachable.

MOZAMBIQUE

\$14,200 to support an autonomous "Organizing Commission" to plan and execute a series of seminars on constitutional reform. Public participation will be encouraged during Mozambique's process of democratization.

NIGERIA

\$14,000 to support the Civil Liberties Organization (CLO), a human rights watchdog group of attorneys, to focus on the development of democratic principles and institutions with an emphasis on the legal systems.

\$10,000 to the Nigerian Association of University Women (NAUW) to finance voter registration and to expand its voter education network for the transition to civilian rule in 1992.

RWANDA

\$10,000 for Magistrates training.

SAO TOME & PRINCIPE

\$40,000 to a U.S. election consultant to provide technical electoral support and to research the recent constitutional referendum. A consultant will assess the country's needs and provide advise on organization and implementation of the general elections and will supply financial support for regional material for the electoral process.

SENEGAL

\$14,000 to the government of Senegal for support and production of materials for use in civics courses in local schools. This enhancement of responsibilities of citizens will present a more even instruction pattern with greater emphasis on the organization and responsibilities of the government.

SIERRA LEONE

\$25,000 to continue a multi-year program of training court stenographers who will continue to provide trial records for both judges and juries. The grant will also continue to support the financing of legal material to allow better preparation of cases in accordance with English common law.

TANZANIA

\$20,000 to the University of Dar Es Salaam Legal Aid Committee to finance two legal aid camps for training and providing seminars, individual counseling, and the distribution of legal literature. Additionally, the present monthly production of the Kiswahili bulletin will continue. Its goal is to discuss constitutional and general law with regard to basic human rights.

TOGO

\$5,000 to the Togo Human Rights Commission.

\$26,000 to support the Togolese Human Rights Commissions in publishing a series of human rights bulletins to educate the Togolese of their basic human rights and to serve as a clearinghouse for human rights activities.

UGANDA

\$2,500 to the Association of Women Lawyers to publish and disseminate a collection of studies on the treatment and rights of the women of Uganda to government leaders, the press, academics, the police and the general public. The association lobbies the Ugandan parliament to enact stronger laws combatting violence against women and to raise their access to political and legal institutions.

\$1,500 to assist the Ugandan Human Rights Group (UHRA), a non-partisan organization, in the publication of a human rights report and the magazine "The Activist". Funding will assist with the purchases of paper and newsprint imported from Kenya.

ZAIRE

\$7,500 to the Judicial Council and Kinshasa Bar Association to provide legal aid to indigents at no cost.

\$9,000 to the production of Moribund Law Faculty Review Journals. These journals increase support for administration reform and adherence to human rights.

ZIMBABWE

\$8,000 to the Catholic Commission for Justice and Peace (CCPJ) leaflets on the advantages of multi-party democracy.

\$16,500 to Harare Legal Resources Foundation (HLRF) to establish a legal projects center in Masvingo. This will assist HLRF extend the benefits of Zimbabwe's western-based legal system and to broaden the segment of the community that is involved in administering the law.

\$25,000 to the University of Zimbabwe in election and campaign monitoring. Funds are directed toward training an election monitoring team and supplying educational support materials.

BUREAU FOR ASIA AND PRIVATE ENTERPRISE

BANGLADESH

\$41,130 through The Asia Foundation (TAF) for the Bangladesh Society for the Enforcement of Human Rights (BSEHR) whose project will strengthen the grantee's work encouraging public confidence in the rule of law at the national level.

\$25,691 through AAFLI to support human rights workshops for women garment workers.

\$46,150 to the GOB for support for the protection of human rights through an investigation team.

\$300,000 through TAF toward the Institutional Strengthening and Civic Participation project.

FIJI:

\$45,249 through TAF to strengthen the capacity of the judiciary in Fiji by promoting awareness of and adherence to the laws in the government and society. Efficiency in the judiciary, public access to the law, and the implementation of judicial training are to be the major focuses of this project.

37

AUTH	DR.	ANNEX B	
1	JC	2	SB
3	CG	4	JG 5 AS
6	ES	7	TH 8

UNCLASSIFIED

AF/RA:AOGUNBA
 12/5/90 7-5802 SERAB 1447
 AF/RA:DHALSTED

AF/RA:JCOOK
 HA/PP:CGORE
 HA/PP:ASCHWARTZ
 AID/PPC:THOREL

AID/AFR:SBRENT
 AID/AFR:JGOVAN
 AID/PPC/PDPR:ESANSON
 AID/GC/AFR:ESPRIGGS{INFO}

PRIORITY AFALD

E.O. 12956: N/A

TAGS: EAID, PHUM, X:

SUBJECT: FY-91 AFRICA HUMAN RIGHTS FUND

1. THIS JOINT STATE-A.I.D. ACTION MESSAGE IS FOR ALL AFRICAN DIPLOMATIC POSTS EXCEPT SOUTH AFRICA. 116(E) HUMAN RIGHTS PROJECTS FOR SOUTH AFRICA ARE MANAGED SEPARATELY.

2. IN FY-91 AT LEAST 1 MILLION USDOLS WILL BE ALLOCATED FOR AF POSTS UNDER THE AUTHORITY OF SECTION 116(E) OF THE FOREIGN ASSISTANCE ACT (FAA). THIS IS APPROXIMATELY TWO TIMES THE 555,000 USDOLS ALLOCATED IN FY-90. WE CAN THEREFORE ACCOMMODATE LARGER PROJECT PROPOSALS, WITH A POTENTIAL FOR GREATER IMPACT, THAN WAS POSSIBLE IN THE PAST.

3. AS IN FY-90, WE WILL CONTINUE TO SUPPORT THOSE PROJECT PROPOSALS WHICH HAVE THE GREATEST IMPACT IN PROMOTING DEMOCRACY. THIS COVERS A BROAD RANGE OF ACTIVITIES, INCLUDING STRENGTHENING OF DEMOCRATIC INSTITUTIONS WHICH WILL ENABLE CITIZENS TO EXPRESS THEIR WILL THROUGH PERIODIC ELECTIONS AND A FREE AND OPEN PRESS AS WELL AS

NONGOVERNMENTAL INSTITUTIONS DESIGNED TO PROTECT AND ADVANCE HUMAN RIGHTS. IN ADDITION, WE WANT TO ENCOURAGE ADHERENCE TO THE RULE OF LAW BY, FOR EXAMPLE, ASSISTING AND TRAINING THE JUDICIARY, REFORMING PENAL CODES, AND INCLUDING PROTECTION OF FUNDAMENTAL HUMAN RIGHTS IN REVISIONS OF CONSTITUTIONS AND LEGAL CODES. THE INTENT IS TO SUPPORT REFORM WITHIN KEY INSTITUTIONS WHICH WILL HAVE A POSITIVE, LONG TERM IMPACT ON RESPECT FOR CIVIL AND POLITICAL RIGHTS.

4. WE ARE ALSO PREPARED TO CONSIDER PROPOSALS THAT BENEFIT A NUMBER OF COUNTRIES, FOR EXAMPLE REGIONAL TRAINING PROGRAMS INVOLVING KEY INDIVIDUALS FROM SEVERAL COUNTRIES. IN ADDITION, WE WANT TO MAXIMIZE THE IMPACT OF USG-FUNDED HUMAN RIGHTS PROGRAMS BY COLLABORATING WITH OTHER DONORS, BOTH PUBLIC AND PRIVATE, IN THE INTERNATIONAL COMMUNITY.

5. PROJECT PROPOSALS SHOULD BE SUBMITTED BY CABLE (ATTENTION AF/RA, HA/PP, AID/PPC/PDPR AND AID/AFR) NOT LATER THAN 15 JANUARY. POSTS WHICH HAVE DIFFICULTY IN COMPLETING PROJECT DEVELOPMENT PRIOR TO THE JANUARY DEADLINE MAY WISH TO SUBMIT PRELIMINARY PROPOSALS FOR CONSIDERATION. TO ENSURE UNIFORMITY, YOUR CABLE SHOULD INCLUDE BRIEF PARAGRAPHS ON THE FOLLOWING POINTS:

A. BACKGROUND OF THE PROPOSAL
B. PROJECT PURPOSE AND OBJECTIVES
C. PROJECT DESCRIPTION (INCLUDING ADMINISTRATION AND IMPLEMENTATION PROCEDURES)

D. DESIRED OUTCOME OF THE PROJECT (INCLUDING IMPACT ON HUMAN RIGHTS I.E., INCREASED PUBLIC PARTICIPATION IN GOVERNMENT)

E. BUDGET ESTIMATE

F. PRIORITY RANKING (IF POST SUBMITS MORE THAN ONE PROJECT)

G. ALL PROJECTS THAT MEET THE CRITERIA SET FORTH IN THE PRECEDING PARAGRAPHS WILL BE CONSIDERED WITH THE FOLLOWING LIMITATIONS:

A. IN ACCORDANCE WITH SECTION 660 OF THE FAA FUNDS "MAY

NOT BE MADE AVAILABLE ... TO PROVIDE TRAINING OR ADVICE FOR POLICE, PRISONS OR OTHER LAW ENFORCEMENT FORCE".

B. FUNDS WILL BE MADE AVAILABLE FOR FY-91 ONLY. MULTI-YEAR PROPOSALS MAY BE SUBMITTED BUT FUNDING FOR SUBSEQUENT YEARS WILL BE SUBJECT TO RECONSIDERATION.

C. FUNDS SHOULD NOT BE USED FOR THE PURCHASE, RENTAL OR CONSTRUCTION OF BUILDINGS OR OTHER FACILITIES.

D. SEMINARS WILL BE APPROVED ONLY IF THERE ARE FOLLOW-ON ACTIVITIES THAT WILL PRODUCE CONCRETE RESULTS (SUCH AS THE PUBLICATION OF PAPERS). TRAINING SESSIONS OR WORKSHOPS (AS OPPOSED TO SEMINARS) ARE ACCEPTABLE.

E. PAYMENT OF TRAVEL EXPENSES FOR GENERAL OR ORIENTATION PURPOSES IS NOT USUALLY APPROVED. 44

UNCLASSIFIED

ANNEX C

OUTGOING TELEGRAM

AGENCY FOR INT'L DEV TELECOMMUNICATIONS CENTER

PAGE 01 OF 03 STATE 164030 180354Z 2452 039424 A109781

STATE 164030 180354Z 2452 039424 A109781

ORIGIN OFFICE AFR/PO-04 INFO AFEA-04 AFSA-03 AFFW-03 AFGV-03 AFDP-06 AFTR-05 AFPE-05 POPR-01 GC-01 GCAP-02 PVG-02 RELO-01 AAAP-03 /04) AS PH16 181533Z

DRAFTING THE AGENCY POLICY ON THE DEMOCRACY INITIATIVE AND AFR FEELS THAT THESE GUIDELINES ARE FULLY CONSISTENT WITH THE DRAFT AGENCY POLICY PAPER. FINALLY, THESE GUIDELINES ARE NOT MEANT TO BE EXHAUSTIVE AND ADDITIONAL INFORMATION/GUIDANCE WILL BE PROVIDED CONCERNING EACH CATEGORY AS NEEDED.

INFO LOG-00 AF-00 HA-00 /0114

4 THE GUIDELINES ARE AS FOLLOWS

DRAFTED BY: AID/AFR/PO/GGWP WHAMMINI APPROVED BY: AID/AAA/AFR. ELSA ERS DAS/HA. BISHOP (DRAFT) DAS/AF. LROBINSON (DRAFT) GC/AFR. SPRIGGS (DRAFT) AFR/MDI. WEINSTEIN (DRAFT) POC/POA. THOREL (DRAFT) AFR/OP. MBONNER (DRAFT) AFR/DP. WILLIAMS (DRAFT) AFR/PO. PGUEDET (DRAFT) AFR/GWA. GOLDEN (DRAFT) AFR/EM. MCCARTHY (DRAFT) AFR/EM. DEAN (DRAFT) AFR/DWA. MCHAY (DRAFT) AFR/EM. SCOB (DRAFT) DA/HA. AFR. SARENT (DRAFT)

GUIDELINES FOR A.I.D.-FUNDED DEMOCRACY/GOVERNANCE ACTIVITIES IN AFRICA

THE PURPOSE OF THIS DOCUMENT IS TO PROVIDE GUIDELINES FOR SEPARATE A.I.D.-FUNDED DEMOCRACY AND GOVERNANCE ACTIVITIES IN AFRICA. FUNDING OF DEMOCRACY/GOVERNANCE ACTIVITIES IS ONE ASPECT OF A.I.D.'S SUPPORT FOR SUSTAINABLE DEMOCRATIC SOCIETIES IN AFRICA, AS IMPORTANTLY, SUPPORT FOR DEMOCRATIC VALUES AND PRACTICES SHOULD BE INTEGRATED IN A.I.D.'S OVERALL PORTFOLIO. THESE GUIDELINES HAVE BEEN DEVELOPED BY AFR IN CLOSE CONSULTATION WITH STATE HA AND STATE HA.

*****670E78 180352 /38
R 20 1000 MAY 91
FM DELEGATE WASHDC
TO USAID MISSIONS IN AFRICA PRIORITY
AMEMB001: COPTOUM
AMEMB001: FREETOWN
AMEMB001: BANGUI
AMEMB001: MALABO
AMEMB001: VICTORIA
AMEMB001: DUBOUTI
AMEMB001: PORT LOUIS
AMEMB001: LIBREVILLE
AMEMB001: MORONI
AMEMB001: BRASSOVILLE

UNDERLYING PRINCIPLES

- THE CONCEPTUAL FRAMEWORK FOR THE GUIDELINES INVOLVES HOW DIRECTLY THE ACTIVITIES CONTRIBUTE TO ECONOMIC DEVELOPMENT. BASED UPON AN ANALYSIS IN THE PROJECT PROPOSAL. THIS QUOTE LINKAGE UNQUOTE FRAMEWORK IS USED

UNCLAS STATE 164030
AIDAC NAIROBI AND ABIDJAN FOR REDSOS
E O 10355 N/A
TAGS
SUBJECT: GUIDELINES FOR A.I.D.-FUNDED DEMOCRACY/GOVERNANCE ACTIVITIES IN AFRICA
REFS: (A) STATE 153518, (B) STATE 6284

BECAUSE THE OFA AUTHORIZATION LANGUAGE REQUIRES A FOCUS ON LONGTERM ECONOMIC DEVELOPMENT IN ORDER TO BE OFA FUNDED FOR PURPOSES OF ANALYSIS THESE GUIDELINES ARE DIVIDED INTO THREE CATEGORIES: (1) ACTIVITIES NOT QUOTE LINKED UNQUOTE TO ECONOMIC DEVELOPMENT (2) ACTIVITIES QUOTE LINKED UNQUOTE TO ECONOMIC DEVELOPMENT AND (3) ACTIVITIES THAT CONTAIN ELEMENTS THAT ARE BOTH QUOTE LINKED TO AND NOT LINKED TO UNQUOTE ECONOMIC DEVELOPMENT BUT ARE INTEGRALLY RELATED

1. THIS IS A JOINT A.I.D./STATE CABLE. IT HAS BEEN CLEARED BY DAS/HA BISHOP AND DAS/AF ROBINSON AND APPROVED BY AFR/AAA ERSERS

PROMOTION AND ENCOURAGEMENT OF DEMOCRACY AND IMPROVED GOVERNANCE IN AFRICA WILL INVOLVE COMPLEX ISSUES, ARE GENERALLY NEW AREAS OF A.I.D. INVOLVEMENT, WILL FIND RESEARCH GAPS AND LITTLE EXPERIENCE TO GUIDE PROGRAMS AND MAY CONFLICT IN THE SHORT RUN WITH OTHER A.I.D. OBJECTIVES. THEREFORE, DESIGN OF DEMOCRACY/GOVERNANCE ACTIVITIES SHOULD BE LED BY ANALYSIS OF THE CONSTRAINTS,

2. REF (A) PROVIDES AN UPDATE ON SOME OF THE ACTIONS THE A.I.D. AFRICA BUREAU IS TAKING ON THE DEMOCRACY/GOVERNANCE INITIATIVE. ALSO, REF (A) PARA FIVE PROMISES SOME GUIDELINES FOR A.I.D.-FUNDED DEMOCRACY/GOVERNANCE ACTIVITIES IN AFRICA AND DISCUSSES THREE BROAD AFR CONCERNS WHICH LED OUR THINKING ON THE GUIDELINES.

PROBLEMS TO BE ADDRESSED, POTENTIAL IMPACT AND RESULTS AND FEASIBILITY INSTEAD OF BY FUNDING SOURCE OR AUTHORIZATION MECHANISM. THESE GUIDELINES ARE MEANT TO BE FLEXIBLE ENOUGH TO ALLOW A.I.D. TO SUPPORT DEMOCRACY AND IMPROVED GOVERNANCE BASED ON THE ANALYSIS WITHIN EACH COUNTRY CONTEXT

3. THIS CABLE PROVIDES THOSE GUIDELINES. THE GUIDELINES MAY CHANGE AS OUR EXPERIENCE GROWS AND AS THE LEGISLATIVE REG. REMAINS CHANGE BUT THEY REPRESENT THE LATEST WORKING THINKING IN THIS NEW AREA. THESE GUIDELINES ARE APP. DOUBLE FOR ALL A.I.D. FUNDED DEMOCRACY/GOVERNANCE ACTIVITIES IN ALL AFRICA POSTS. ALSO, THESE AFRICA-

- ALL ACTIVITIES MUST BE BASED ON CLEAR AND SPECIFIC INVOLVEMENT OF AFRICAN GOVERNMENTS OR FROM AFRICAN NON-GOVERNMENTAL ORGANIZATIONS AND OTHER PRIVATE ORGANIZATIONS. ALL THINGS BEING EQUAL, PRIORITY SHOULD BE GIVEN TO ACTIVITIES WHERE THE AFRICAN GOVERNMENTAL OR NON-GOVERNMENTAL ORGANIZATIONS POSSESS CLEAR MANAGEMENT

UNCLASSIFIED
DO NOT CHANGE OR ADD TO THE ORIGINAL CABLE WITH PROCEEDINGS
DO NOT CHANGE OR ADD TO THE ORIGINAL CABLE WITH PROCEEDINGS
DO NOT CHANGE OR ADD TO THE ORIGINAL CABLE WITH PROCEEDINGS

RE. POL. AND COMMITMENT TO IMPLEMENT THE ACTIVITIES
- MANAGEMENT OF THE ACTIVITIES IS A MAJOR CONCERN AND SHOULD BE FULLY ADDRESSED IN ALL PROPOSALS. INCLUDE THE FOLLOWING INFORMATION IN ALL PROPOSALS: HOW THE A.I.D. FUNDED ACTIVITIES WILL BE MANAGED

UNCLASSIFIED

Best Available Document

44

UNCLASSIFIED
AGENCY FOR INT'L DEV.
TELECOMMUNICATIONS CENTER

OUTGOING
TELEGRAM

PAGE 02 OF 03 STATE 164830 180354Z
ACTIVITIES NOT QUOTE LINKED UNQUOTE TO ECONOMIC
DEVELOPMENT (AS DEFINED IN THE DFA)

2452 039424 A109781

STATE 164830 180354Z

2452 039424 A109781

-- GENERAL

AUTHORIZATION SOURCE FOR BOTH I.A AND I.B BELOW
WILL BE SECTION 116 (E)

PROJECTS AND ACTIVITIES MUST BE GENERATED IN THE
FIELD WITHIN THE PARTICULAR COUNTRY CONTEXT.

ACTIVITIES MUST BE DESIGNED TO SHOW SOME IMPACT AND
RESULTS IN THE SHORT OR LONG-TERM

A. SUPPORT FOR SHORT-TERM ACTIVITIES NOT QUOTE LINKED
UNQUOTE TO ECONOMIC DEVELOPMENT (TO BE FUNDED UNDER THE
DEMOCRACY AND HUMAN RIGHTS FUND FOR AFRICA)

THIS CATEGORY INCLUDES THE TRADITIONAL HUMAN RIGHTS
AND CIVIL RIGHTS ACTIVITIES MANAGED BY EMBASSIES IN PREVIOUS YEARS
AS ONE-SHOT, SHORT-TERM, HIGH IMPACT, AND LOW
MANAGEMENT EMBASSIES WILL CONTINUE TO MANAGE THESE

ACTIVITIES IN ALL CASES SIZE OF ACTIVITY MUST BE WITHIN
AND CONSISTENT WITH THE CAPACITY OF EMBASSY TO MANAGE
WITHOUT USAID ASSISTANCE OTHER THAN NORMAL CONTROLLER

FINANCIAL ACCOUNTING FUNCTIONS. THE SIZE OF THE
ACTIVITIES IS GENERALLY EXPECTED TO CONTINUE TO BE SMALL
UNDER DOLS 100,000 EXCEPT IN INSTANCES WHERE LARGER
PROJECTS WOULD NOT REQUIRE SIGNIFICANTLY MORE MANAGEMENT
EFFORT BY THE EMBASSIES OTHER THAN ON A VERY
EXCEPTIONAL BASIS, THE ACTIVITIES MUST BE COMPLETED WITHIN
ONE YEAR OF OBLIGATION

THIS SUB-CATEGORY WILL INCLUDE ACTIVITIES PROMOTING
CIVIL AND HUMAN RIGHTS WHICH NEED NOT BE LINKED
ADMINISTRATIVELY TO ACHIEVEMENT OF ECONOMIC DEVELOPMENT
RESULTS ALSO, A.I.D.-FUNDED ELECTION ASSISTANCE WILL BE
FUNDED UNDER THIS CATEGORY

THESE ACTIVITIES MUST BE CONSISTENT WITH POLICY
DETERMINATION 12 WHICH PROVIDES POLICY GUIDELINES FOR THE
PROMOTION OF CIVIL AND POLITICAL RIGHTS AS AUTHORIZED BY
SECTION 116 (E) OF THE FAA.

PROPOSAL CABLES FROM THE FIELD SHOULD INDICATE
USAID CLEARANCE IN COUNTRIES WHERE THERE IS A USAID
PRESENCE

THE PROPOSALS WILL BE REVIEWED IN WASHINGTON BY THE
HUMAN RIGHTS FUND (HRF) COMMITTEE; STATE'S AF WILL MANAGE
THE PROCESS IN CONSULTATION WITH STATE'S HA AND A.I.D.'S
AFR AND PDC BUREAUS.

FORMAT FOR PROPOSALS STAYS THE SAME AS PREVIOUSLY
DETERMINED BUT TO ALSO INCLUDE DISCUSSION OF MANAGEMENT
REQUIREMENTS AND AN OBLIGATION/EXPENDITURE SCHEDULE.
PROPOSALS MUST SHOW HIGH INCIDENCE OF MANAGEMENT ABILITY
AND COMMITMENT FROM HOST GOVERNMENT OR NGO, CONVERSELY LOW
MANAGEMENT REQUIREMENTS FROM USG. THE
OBLIGATION/EXPENDITURE SCHEDULE IS TO SHOW A CLEAR CUTOFF
DATE AND DETERMINEDNESS OF PLANNED ACTIVITY.

THE REPRESENTATION OF THE INTERNATIONAL RELATIONS WILL BE
WITHIN THE DEMOCRACY AND HUMAN RIGHTS FUND (DHRF) OF THE OFFICE
OF THE DIRECTOR AND NOT THE TELECOMMUNICATIONS CENTER. THE
TELECOMMUNICATIONS CENTER WILL BE RESPONSIBLE FOR THE
ADMINISTRATIVE SUPPORT OF THE DHRF.

FOR THIS SUB-CATEGORY, IT IS EXPECTED THAT DOLS 3
MILLION WILL BE MADE AVAILABLE DURING FY 91, OF WHICH UP
TO DOLS 1 MILLION WILL BE SUPPORT FOR THE ELECTORAL
PROCESS (BUT NOT FOR POLITICAL PARTIES OR CAMPAIGNS)
THROUGH THE INTERNATIONAL FOUNDATION FOR ELECTORAL SYSTEMS
(IFES) TO BE USED OVER THE NEXT THREE YEARS (FY).

REFTELS WILL PROVIDE INFORMATION ON THE PLANNED DEMOCRACY
AND HUMAN RIGHTS FUND PROJECT UNDER WHICH FUNDS WILL BE
AUTHORIZED FOR SMALL DEMOCRACY AND HR ACTIVITIES,
INCLUDING ELECTORAL ASSISTANCE FROM IFES END FY.

ACCOUNTS FOR ALL 116 (E) HUMAN RIGHTS FUND
ACTIVITIES NORMALLY MUST BE CLEARED IF ALL FUNDS
DISBURSED AND ACCOUNTED FOR WITHIN ONE YEAR OF OBLIGATION

OR ELSE SUBSEQUENT 116 (E) FUNDS WILL NOT BE ALLOVED TO A
PARTICULAR COUNTRY. A CABLE FROM THE USAID MISSION
CONTROLLER WILL ATTEST TO THIS. IN ADDITION, EMBASSIES
WILL PROVIDE SHORT EVALUATION REPORTS ON EACH ACTIVITY
ONCE THE ACTIVITY IS COMPLETED

PROPOSALS FOR FUNDING SHOULD NORMALLY BE RECEIVED
BY JANUARY 31 OF EACH NEW FISCAL YEAR. THE HUMAN RIGHTS
COMMITTEE WILL RESERVE A PORTION OF THE TOTAL AVAILABLE
FUNDS FOR PROPOSALS RECEIVED AFTER THAT DATE. IN ANY
CASE, ALL PROPOSALS MUST BE RECEIVED BY JUNE 30 IN ORDER
TO RECEIVE FUNDING DURING THAT FISCAL YEAR.

B. SUPPORT FOR LONGER-TERM ACTIVITIES NOT QUOTE LINKED
UNQUOTE TO ECONOMIC DEVELOPMENT

THIS SUB-CATEGORY WILL INCLUDE LONG-TERM, MULTI-
YEAR, INSTITUTIONAL SUPPORT AND LARGER ACTIVITIES AS
DISTINGUISHED FROM THE DEMOCRACY AND HUMAN RIGHTS FUND
ACTIVITIES ABOVE; SUCH ACTIVITIES WILL PROMOTE CIVIL AND
HUMAN RIGHTS AND WILL NOT NEED TO BE LINKED ADMINISTRATIVELY
TO ACHIEVEMENT OF ECONOMIC DEVELOPMENT RESULTS

ALL ACTIVITIES WILL BE USAID MANAGED (I.E. USAIDS
WILL HAVE PRIMARY RESPONSIBILITY FOR PROJECTS) USAID
TECHNICAL AND ADMINISTRATIVE MANAGEMENT CAPACITY MUST BE
SHOWN IN THE PROPOSALS, WITH EXPECTED SUBSTANTIAL
ASSISTANCE FROM EMBASSY OR USIA ALSO SHOWN AS APPROPRIATE

BECAUSE OF THE MANAGEMENT IMPLICATIONS AND THE LACK
OF LINKAGES BETWEEN THESE ACTIVITIES AND A MISSION'S

STRATEGY ALMOST BY DEFINITION, FOR FY 1991, ONLY PROPOSALS
FROM A FEW COUNTRIES WHERE SIGNIFICANT POLITICAL CHANGES
ARE UNDERWAY AND HIGHEST POTENTIAL FOR RESULTS ARE
DEMONSTRATED WILL BE APPROVED. ALSO FOR FY 1991 APPROVED
PROPOSALS WILL BE FUNDED THROUGH A SEPARATE ALLOVANCE TO
INCREASE MISSION OYBS. PROPOSALS MUST BE RECEIVED BY JULY
15, 1991 FOR WASHINGTON REVIEW IN ORDER TO BE ELIGIBLE FOR
FY 1991 FUNDING. STARTING IN FY 1992 WE EXPECT AN ECF
DEMOCRACY FUND TO SUPPORT THESE TYPES OF ACTIVITIES

POSTS ARE REQUESTED TO PROVIDE A TWO-PAGE CONCEPT
PAPER OUTLINING THE RATIONALE FOR THE PROPOSED ASSISTANCE
THE PROBLEM TO BE ADDRESSED, A SHORT DESCRIPTION OF
PROJECT ACTIVITIES, ESTIMATED BUDGET AND SHORT DESCRIPTION
OF MANAGEMENT IMPLICATIONS. THE CONCEPT PAPER WILL BE
REVIEWED BY AFRICA IN CONSULTATION WITH THE HUMAN RIGHTS
APPROVED. POSTS SHOULD PROVIDE A SHORT PAPER WITH
ANALYSIS AND RATIONALE FOR THE PROPOSED ASSISTANCE
ALONG WITH A DETAILED DESCRIPTION OF HOW THE PROJECT WILL BE
CARRIED OUT AND MANAGED AND WHAT WILL BE THE EXPECTED
RESULTS. THE PROPOSAL WILL BE APPROVED BY THE HUMAN RIGHTS

UNCLASSIFIED

42

UNCLASSIFIED
AGENCY FOR INT'L DEV.
TELECOMMUNICATIONS CENTER

OUTGOING
TELEGRAM

PAGE 03 OF 03 STATE 164030 1803542 2452 039424 A109781
IMPLICATIONS FOR USAID, EMBASSY AND USIA. A PROPOSED
FORMAT FOR THIS DOCUMENT WILL BE PROVIDED TO THE FIELD.
AFRM REVIEW WILL BE REQUIRED, BUT A SIMPLIFIED REVIEW AND
APPROVAL PROCESS WILL BE SET UP TO EXPEDITE THE PROCESS.
AGAIN, HA AND AF WILL BE INVOLVED IN THE REVIEW BUT IT IS
AGREED THAT THEIR MAJOR CONSULTATION ROLE WILL BE AT THE
CONCEPT PAPER REVIEW STAGE

CATEGORY II

DEMOCRACY/GOVERNANCE ACTIVITIES QUOTE LINKED UNQUOTE TO
ECONOMIC DEVELOPMENT

AUTHORIZATION SOURCE WILL BE DFA (FAA SECTION 496)
SO CLEARS LINKAGE TO DFA PURPOSE (I.E. PROMOTION OF LONG-
TERM SUSTAINABLE DEVELOPMENT) IS NEEDED AT PURPOSE AND
ESD LEVELS

PROPOSED ACTIVITIES MUST BE PART OF MISSION
STRATEGY, EITHER AS PART OF PROGRAM LOGFRAME OR AS TARGET
OF OPPORTUNITY, AND LINKED TO ECONOMIC DEVELOPMENT
CONSTRAINTS/RESULTS

CAN INCLUDE FULL RANGE OF DEMOCRACY/GOVERNANCE
ACTIVITIES WITHIN STRATEGIC THEMES OF BUREAU.
PARTICULARLY ON DECENTRALIZATION, ENABLING ENVIRONMENT/RULE
OF LAW AND PROMOTION OF EFFECTIVE CIVIL SOCIETY.

FOR MULTI-YEAR ACTIVITIES, AN EXPEDITIOUS "SECTOR"
ASSESSMENT OR INVENTORY OF THE CONSTRAINTS AND
OPPORTUNITIES TO ENCOURAGE AND IMPACT DEMOCRACY AND
IMPROVE GOVERNANCE WILL BE REQUIRED IN MOST CASES PRIOR TO
CONSIDERATION OF LARGER PROJECTS IN NEW AREAS. THE ASSESSMENTS
COULD BE FUNDED FROM REGIONAL FUNDS. AFR IS WORKING TO
DEVELOP INDEFINITE QUANTITY CONTRACTS (IQCS) TO PROVIDE
LEADERSHIP FOR THESE ASSESSMENTS. ALSO, A GENERIC SCOPE OF
WORK HAS BEEN DEVELOPED AND IS AVAILABLE FOR INTERESTED

MISSIONS

ALL ACTIVITIES WILL BE USAID MANAGED. USAID

TECHNICAL AND ADMINISTRATIVE MANAGEMENT CAPACITY MUST BE
SHOWN IN THE PROJECT PROPOSAL. ASSISTANCE FROM EMBASSY OR
USIA SHOULD ALSO BE DISCUSSED AS APPROPRIATE.

PROPOSALS SUBMITTED UNDER THIS CATEGORY RESPONDING
TO A RECENT "TARGET" OF OPPORTUNITY COULD BE FUNDED FROM AFR
REGIONAL FUNDS FOR FY 1991 ONLY. FOR FY 1992 AND BEYOND,
ACTIVITIES IN THIS CATEGORY ARE EXPECTED TO BECOME PART OF
MISSIONS AND FUNDED FROM MISSION OYBS

REVIEW OF MISSION PROPOSALS FOR
DEMOCRACY/GOVERNANCE ACTIVITIES FUNDED FROM MISSION OYBS
WILL FOLLOW NORMAL REVIEW PROCEDURES WITH STATE HA AND
STATE AF FREE TO PARTICIPATE IN THE REVIEW. ON A CASE-BY-
CASE BASIS AND DEPENDING ON THE IMPORTANCE OF THE
PROPOSED ACTIVITIES WITHIN THE MISSION'S PROGRAM AND OTHER
FACTORS (E.G. URGENCY, POLITICAL OR CONGRESSIONAL
CONCERNS), REQUIREMENTS MAY BE WAIVED AND ONLY A VERY
SHORT CONCEPT PAPER WOULD BE REQUIRED. UNTIL THIS
POLICY IS MORE FULLY ENTRENCHED AND VARIOUS
CONCERNING REQUIREMENTS, ALL PROPOSALS WILL BE REVIEWED BY

STATE 164030 1803542 2452 039424 A109781
IMPACT AND RESULTS AND SHOULD BE REPORTED ON AS PART OF
THE ASSESSMENT OF PROGRAM IMPACT (API) PROCESS OR THE
PROJECT IMPLEMENTATION REPORTS FOR TARGETS OF OPPORTUNITY

DEMOCRACY/GOVERNANCE RELATED ACTIVITIES FUNDED
UNDER EXISTING PROJECTS, SUCH AS HRDA OR PVO-SUPPORT
PROJECTS, SHOULD BE CONSISTENT WITH THE ORIGINAL PROJECT
PURPOSES AND THE APPROPRIATE USE OF DFA

CATEGORY III

DEMOCRACY/GOVERNANCE ACTIVITIES NOT FULLY QUOTE LINKED
UNQUOTE TO ECONOMIC DEVELOPMENT

AUTHORIZATION SOURCE WILL BE BOTH DFA AND FAA
SECTION 496. THIS CATEGORY ALLOWS FOR THE INTEGRATION
OF ACTIVITIES WHICH WOULD NORMALLY FIT UNDER EITHER
CATEGORY I OR II WHERE ANALYSIS SHOWS THAT THE MOST

POLITICAL AND THE DEVELOPMENT-RELATED ACTIVITIES ARE
INTEGRALLY RELATED AND WHERE DIVIDING THE ACTIVITIES WOULD
NOT BE PROGRAMMATICALLY FEASIBLE OR DESIRABLE. WE EXPECT
ONLY TWO TO THREE OF THESE TYPES OF PROGRAMS INITIALLY

JUST AS UNDER I & II ABOVE, A TWO-PAGE CONCEPT PAPER
WILL BE REQUIRED PRIOR TO LAUNCHING OF A MAJOR DESIGN
EFFORT. THE REVIEW OF THE CONCEPT PAPER WILL BE ORGANIZED
BY AFRM BUT IN CLOSE CONSULTATION WITH HA AND AF
FOLLOWING APPROVAL OF THE CONCEPT PAPER, AN ABBREVIATED
PROJECT PAPER CONTAINING THE COMBINED ELEMENTS WILL BE
PREPARED FOR AFRM REVIEW AND APPROVAL, FOLLOWING A NORMAL
BUT EXPEDITED REVIEW PROCESS

PROPOSALS SUBMITTED UNDER THIS CATEGORY COULD BE
FUNDED FROM AFR REGIONAL FUNDS FOR FY 1991 ONLY. CONCEPT

PAPERS SHOULD BE SUBMITTED AS SOON AS POSSIBLE.
ABBREVIATED PPS SHOULD BE RECEIVED BY JULY 15, 1991 FOR
WASHINGTON REVIEW IN ORDER TO BE ELIGIBLE FOR FY 1991
FUNDING. FOR FY 1992 AND BEYOND, ACTIVITIES IN THIS
CATEGORY COULD BE FUNDED FROM THE PLANNED ESF DEMOCRACY
FUND OR FROM A MISSION'S OYB, DEPENDING ON THE
AVAILABILITY OF ESF FUNDS IN A LIMITED FUND AND SPECIFIC
CRITERIA WHICH WILL BE DEVELOPED FOR THE ESF FUNDS

ALL OTHER GUIDELINES IN CATEGORY II THAT ARE NOT
INCONSISTENT WITH THE ABOVE WILL BE FOLLOWED

WE REALIZE THAT MANY ISSUES REMAIN EVEN WITH THESE
GUIDELINES. FOR EXAMPLE, ALTHOUGH ALL ACTIVITIES OTHER
THAN THOSE UNDER CATEGORY I & II ABOVE (SMALL, DISCRETE
ACTIVITIES) MUST BE MANAGED BY USAIDS BECAUSE AID IS
ULTIMATELY RESPONSIBLE FOR THE FUNDS, SOME POSTS IN
COUNTRIES WITHOUT A USAID PRESENCE ALSO WOULD LIKE TO
SUPPORT DEMOCRATIC INSTITUTIONS. ALSO, A FEW POSTS HAVE
ALREADY SUBMITTED PROPOSALS FOR LARGE, MULTI-YEAR
ACTIVITIES FOR FY 91 FUNDING UNDER 496. FOR BUREAU AND
BURUNDI, AFRM WITH AF AND HA WILL REVIEW YOUR PROPOSALS
BASED ON ABOVE GUIDELINES AND WILL ADVISE THESE
GUIDELINES AND OTHER IMPLEMENTATION ISSUES WILL BE
DISCUSSED AT THE MISSION DIRECTORS CONFERENCE. COMMENTS
FROM MEMBERS ARE ALSO WELCOME CONCERNING THESE
GUIDELINES SINCE THEY WILL BE USED AS THE BASIS FOR THE
PLANNED ESF DEMOCRACY FUNDING. EVALUATION

THIS DOCUMENT IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

FOR INFORMATION CONTACT THE STATE DEPARTMENT

UNCLASSIFIED

43

INITIAL ENVIRONMENTAL EXAMINATION

Project Country: Africa Regional

Project Title: Africa Democracy and Human Rights Fund Project

Funding: \$5,500,000

IEE Prepared By: William Hammink, AFR/PD/CCWAP

Environmental Action Recommended: Categorical Exclusion

Positive Determination _____

Negative Determination _____

Categorical Exclusion X

Deferral _____

Categorical Exclusion:

This activity meets the criteria for Categorical Exclusion in accordance with 22 CFR 216.2 (c)(2)(i) and (iii) and 22 CFR 216.2 (c)(1)(i) is excluded from further review because:

The project will support and strengthen democratic institutions, values and practices in African countries with a focus on political and civil rights. The project, under the authority of section 116(e) of the Foreign Assistance Act (FAA), will fund field-generated small, discrete, short-term activities in support of African initiatives. The project will provide funds for short-term technical assistance, commodities, limited local cost support for nascent democratic institutions, publication of materials, training and limited funding of seminars and conferences. The project has no component which would directly affect the environment (such as construction).

Concurrence: *J. H. Gult*
 AFR Bureau Environmental Officer

Approved: ✓
 Disapproved: _____
 Date: 3/6/91

Clearance: *[Signature]*
 GC/AFR

Date: 6/13/91

CHECKLIST

Listed below are statutory criteria applicable to the assistance resources themselves, rather than to the eligibility of a country to receive assistance. This section is divided into three parts. Part A includes criteria applicable to both Development Assistance and Economic Support Fund resources. Part B includes criteria applicable only to Development Assistance resources. Part C includes criteria applicable only to Economic Support Funds.

CROSS REFERENCE: IS COUNTRY CHECKLIST UP TO DATE?

A. CRITERIA APPLICABLE TO BOTH DEVELOPMENT ASSISTANCE AND ECONOMIC SUPPORT FUNDS

1. Host Country Development Efforts (FAA Sec. 601(a)): Information and conclusions on whether assistance will encourage efforts of the country to: (a) increase the flow of international trade; (b) foster private initiative and competition; (c) encourage development and use of cooperatives, credit unions, and savings and loan associations; (d) discourage monopolistic practices; (e) improve technical efficiency of industry, agriculture, and commerce; and (f) strengthen free labor unions.

This project will foster private initiative and competition both political and economic, through improvement of human rights and rule of law

2. U.S. Private Trade and Investment (FAA Sec. 601(b)): Information and conclusions on how assistance will encourage U.S. private trade and investment abroad and encourage private U.S. participation in foreign assistance programs (including use of private trade channels and the services of U.S. private enterprise).

N/A

43



3. Congressional Notification

a. General requirement (FY 1991 Appropriations Act Secs. 523 and 591; FAA Sec. 634A): If money is to be obligated for an activity not previously justified to Congress, or for an amount in excess of amount previously justified to Congress, has Congress been properly notified (unless the notification requirement has been waived because of substantial risk to human health or welfare)?

The CN was submitted to Congress on May 31, 199 and all objections lifted on July 9, 1991.

b. Notice of new account obligation (FY 1991 Appropriations Act Sec. 514): If funds are being obligated under an appropriation account to which they were not appropriated, has the President consulted with and provided a written justification to the House and Senate Appropriations Committees and has such obligation been subject to regular notification procedures?

N/A

c. Cash transfers and nonproject sector assistance (FY 1991 Appropriations Act Sec. 575(b)(3)): If funds are to be made available in the form of cash transfer or nonproject sector assistance, has the Congressional notice included a detailed description of how the funds will be used, with a discussion of U.S. interests to be served and a description of any economic policy reforms to be promoted?

N/A

4. Engineering and Financial Plans (FAA Sec. 611(a)): Prior to an obligation in excess of \$500,000, will there be: (a) engineering, financial or other plans necessary to carry out the assistance; and (b) a reasonably firm estimate of the cost to the U.S. of the assistance?

Plans necessary to meet 611(a) requirements have been prepared.

5. Legislative Action (FAA Sec. 611(a)(2)): If legislative action is required within recipient country with respect to an obligation in excess of \$500,000, what is the basis for a reasonable expectation that such action will be completed in time to permit orderly accomplishment of the purpose of the assistance?

N/A

6. Water Resources (FAA Sec. 611(b); FY 1991 Appropriations Act Sec. 501): If project is for water or water-related land resource construction, have benefits and costs been computed to the extent practicable in accordance with the principles, standards, and procedures established pursuant to the Water Resources Planning Act (42 U.S.C. 1962, et seq.)? (See A.I.D. Handbook 3 for guidelines.) N/A

7. Cash Transfer and Sector Assistance (FY 1991 Appropriations Act Sec. 575(b)): Will cash transfer or nonproject sector assistance be maintained in a separate account and not commingled with other funds (unless such requirements are waived by Congressional notice for nonproject sector assistance)? N/A

8. Capital Assistance (FAA Sec. 611(e)): If project is capital assistance (et al., construction), and total U.S. assistance for it will exceed \$1 million, has Mission Director certified and Regional Assistant Administrator taken into consideration the country's capability to maintain and utilize the project effectively? N/A

9. Multiple Country Objectives (FAA Sec. 601(a)): Information and conclusions on whether projects will encourage efforts of the country to: (a) increase the flow of international trade; (b) foster private initiative and competition; (c) encourage development and use of cooperatives, credit unions, and savings and loan associations; (d) discourage monopolistic practices; (e) improve technical efficiency of industry, agriculture and commerce; and (f) strengthen free labor unions. See 1 above

10. U.S. Private Trade (FAA Sec. 601(b)): Information and conclusions on how project will encourage U.S. private trade and investment abroad and encourage private U.S. participation in foreign assistance programs (including use of private trade channels and the services of U.S. private enterprise). N/A

41

11. Local Currencies

a. Recipient Contributions (FAA Secs. 612(b), 636(h)): Describe steps taken to assure that, to the maximum extent possible, the country is contributing local currencies to meet the cost of contractual and other services, and foreign currencies owned by the U.S. are utilized in lieu of dollars.

As this is a regional project, contributions from individual countries are not required.

b. U.S.-Owned Currency (FAA Sec. 612(d)): Does the U.S. own excess foreign currency of the country and, if so, what arrangements have been made for its release?

See Above.

c. Separate Account (FY 1991 Appropriations Act Sec. 575). If assistance is furnished to a foreign government under arrangements which result in the generation of local currencies:

N/A

(1) Has A.I.D. (a) required that local currencies be deposited in a separate account established by the recipient government, (b) entered into an agreement with that government providing the amount of local currencies to be generated and the terms and conditions under which the currencies so deposited may be utilized, and (c) established by agreement the responsibilities of A.I.D. and that government to monitor and account for deposits into and disbursements from the separate account?

N/A

(2) Will such local currencies, or an equivalent amount of local currencies, be used only to carry out the purposes of the DA or ESF chapters of the FAA (depending on which chapter is the source of the assistance) or for the administrative requirements of the United States Government?

N/A

(3) Has A.I.D. taken all appropriate steps to ensure that the equivalent of local currencies disbursed from the separate account are used for the agreed purposes?

N/A

46

(4) If assistance is terminated to a country, will any unencumbered balances of funds remaining in a separate account be disposed of for purposes agreed to by the recipient government and the United States Government?

N/A

12. Trade Restrictions

a. Surplus Commodities (FY 1991 Appropriations Act Sec. 521(a)): If assistance is for the production of any commodity for export, is the commodity likely to be in surplus on world markets at the time the resulting productive capacity becomes operative, and is such assistance likely to cause substantial injury to U.S. producers of the same, similar or competing commodity?

N/A

b. Textiles (Lautenberg Amendment) (FY 1991 Appropriations Act Sec. 521(c)): Will the assistance (except for programs in Caribbean Basin Initiative countries under U.S. Tariff Schedule "Section 807," which allows reduced tariffs on articles assembled abroad from U.S.-made components) be used directly to procure feasibility studies, prefeasibility studies, or project profiles of potential investment in, or to assist the establishment of facilities specifically designed for, the manufacture for export to the United States or to third country markets in direct competition with U.S. exports, of textiles, apparel, footwear, handbags, flat goods (such as wallets or coin purses worn on the person), work gloves or leather wearing apparel?

N/A

13. Tropical Forests (FY 1991 Appropriations Act Sec. 533(c)(3)): Will funds be used for any program, project or activity which would (a) result in any significant loss of tropical forests, or (b) involve industrial timber extraction in primary tropical forest areas?

N/A

14. Sahel Accounting (FAA Sec. 121(d)): If a Sahel project, has a determination been made that the host government has an adequate system for accounting for and controlling receipt and expenditure of project funds (either dollars or local currency generated therefrom)?

N/A

15. PVO Assistance

a. Auditing and registration (FY 1991 Appropriations Act Sec. 537): If assistance is being made available to a PVO, has that organization provided upon timely request any document, file, or record necessary to the auditing requirements of A.I.D., and is the PVO registered with A.I.D.?

All grants or contracts provided to US PVOs or indigenous PVOs will be provided in accordance with applicable A.I.D. regulations.

b. Funding sources (FY 1991 Appropriations Act, Title II, under heading "Private and Voluntary Organizations"): If assistance is to be made to a United States PVO (other than a cooperative development organization), does it obtain at least 20 percent of its total annual funding for international activities from sources other than the United States Government?

Yes.

16. Project Agreement Documentation (State Authorization Sec. 139 (as interpreted by conference report)): Has confirmation of the date of signing of the project agreement, including the amount involved, been cabled to State L/T and A.I.D. LEG within 60 days of the agreement's entry into force with respect to the United States, and has the full text of the agreement been pouch'd to those same offices? (See Handbook 3, Appendix 6G for agreements covered by this provision).

N/A.

17. Metric System (Omnibus Trade and Competitiveness Act of 1988 Sec. 5164, as interpreted by conference report, amending Metric Conversion Act of 1975 Sec. 2, and as implemented through A.I.D. policy): Does the assistance activity use the metric system of measurement in its procurements, grants, and other business-related activities, except to the

N/A

extent that such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms? Are bulk purchases usually to be made in metric, and are components, subassemblies, and semi-fabricated materials to be specified in metric units when economically available and technically adequate? Will A.I.D. specifications use metric units of measure from the earliest programmatic stages, and from the earliest documentation of the assistance processes (for example, project papers) involving quantifiable measurements (length, area, volume, capacity, mass and weight), through the implementation stage?

18. Women in Development (FY 1991 Appropriations Act, Title II, under heading "Women in Development"): Will assistance be designed so that the percentage of women participants will be demonstrably increased? Yes

19. Regional and Multilateral Assistance (FAA Sec. 209): Is assistance more efficiently and effectively provided through regional or multilateral organizations? If so, why is assistance not so provided? Information and conclusions on whether assistance will encourage developing countries to cooperate in regional development programs. No. Assistance is for relatively small, short-term targeted activities relevant to each country situation in support of democracy and human rights.

20. Abortions (FY 1991 Appropriations Act, Title II, under heading "Population, DA," and Sec. 525):
a. Will assistance be made available to any organization or program which, as determined by the President, supports or participates in the management of a program of coercive abortion or involuntary sterilization? No.

b. Will any funds be used to lobby for abortion? No.

21. Cooperatives (FAA Sec. 111): Will assistance help develop cooperatives, especially by technical assistance, to assist rural and urban poor to help themselves toward a better life? Assistance will support indigenous African groups promoting democracy and human rights. These groups may be cooperatives.

22. U.S.-Owned Foreign Currencies

a. Use of currencies (FAA Secs. 612(b), 636(h); FY 1991 Appropriations Act Secs. 507, 509): Describe steps taken to assure that, to the maximum extent possible, foreign currencies owned by the U.S. are utilized in lieu of dollars to meet the cost of contractual and other services. See 11 above.

b. Release of currencies (FAA Sec. 612(d)): Does the U.S. own excess foreign currency of the country and, if so, what arrangements have been made for its release? See 11 above.

23. Procurement

a. Small business (FAA Sec. 602(a)): Are there arrangements to permit U.S. small business to participate equitably in the furnishing of commodities and services financed? N/A

b. U.S. procurement (FAA Sec. 604(a)): Will all procurement be from the U.S. except as otherwise determined by the President or determined under delegation from him? Procurement will mainly be from the cooperating country or the U.S.

c. Marine insurance (FAA Sec. 604(d)): If the cooperating country discriminates against marine insurance companies authorized to do business in the U.S., will commodities be insured in the United States against marine risk with such a company? N/A

d. Non-U.S. agricultural procurement (FAA Sec. 604(e)): If non-U.S. procurement of agricultural commodity or product thereof is to be financed, is there provision against such procurement when the domestic price of such commodity is less than parity? (Exception where commodity financed could not reasonably be procured in U.S.) N/A

e. Construction or engineering services (FAA Sec. 604(g)): Will construction or engineering services be procured from firms of advanced developing countries which are otherwise eligible? N/A

52

... 941 and ... have a competitive capability in international markets in one of these areas? (Exception for those countries which receive direct economic assistance under the FAA and permit United States firms to compete for construction or engineering services financed from assistance programs of these countries.)

f. Cargo preference shipping (FAA Sec. 603): Is the shipping excluded from compliance with the requirement in section 901(b) of the Merchant Marine Act of 1936, as amended, that at least 50 percent of the gross tonnage of commodities (computed separately for dry bulk carriers, dry cargo liners, and tankers) financed shall be transported on privately owned U.S. flag commercial vessels to the extent such vessels are available at fair and reasonable rates? No.

g. Technical assistance (FAA Sec. 621(a)): If technical assistance is financed, will such assistance be furnished by private enterprise on a contract basis to the fullest extent practicable? Will the facilities and resources of other Federal agencies be utilized, when they are particularly suitable, not competitive with private enterprise, and made available without undue interference with domestic programs? (a) Yes.
(b) Yes on a case by case basis.

h. U.S. air carriers (International Air Transportation Fair Competitive Practices Act, 1974): If air transportation of persons or property is financed on grant basis, will U.S. carriers be used to the extent such service is available? Yes.

i. Termination for convenience of U.S. Government (FY 1991 Appropriations Act Sec. 504): If the U.S. Government is a party to a contract for procurement, does the contract contain a provision authorizing termination of such contract for the convenience of the United States? Yes.

j. Consulting services
(FY 1991 Appropriations Act Sec. 524): If assistance is for consulting service through procurement contract pursuant to 5 U.S.C. 3109, are contract expenditures a matter of public record and available for public inspection (unless otherwise provided by law or Executive order)?

Yes.

k. Metric conversion
(Omnibus Trade and Competitiveness Act of 1988, as interpreted by conference report, amending Metric Conversion Act of 1975 Sec. 2, and as implemented through A.I.D. policy): Does the assistance program use the metric system of measurement in its procurements, grants, and other business-related activities, except to the extent that such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms? Are bulk purchases usually to be made in metric, and are components, subassemblies, and semi-fabricated materials to be specified in metric units when economically available and technically adequate? Will A.I.D. specifications use metric units of measure from the earliest programmatic stages, and from the earliest documentation of the assistance processes (for example, project papers) involving quantifiable measurements (length, area, volume, capacity, mass and weight), through the implementation stage?

N/A

l. Competitive Selection Procedures (FAA Sec. 601(e)): Will the assistance utilize competitive selection procedures for the awarding of contracts, except where applicable procurement rules allow otherwise?

Yes.

24. Construction

a. Capital project (FAA Sec. 601(d)): If capital (e.g., construction) project, will U.S. engineering and professional services be used?

N/A No construction activities are planned.

b. Construction contract (FAA Sec. 611(c)): If contracts for construction are to be financed, will they be let on a competitive basis to maximum extent practicable?

c. Large projects, Congressional approval (FAA Sec. 620(k)): If for construction of productive enterprise, will aggregate value of assistance to be furnished by the U.S. not exceed \$100 million (except for productive enterprises in Egypt that were described in the Congressional Presentation), or does assistance have the express approval of Congress? N/A

25. U.S. Audit Rights (FAA Sec. 301(d)): If fund is established solely by U.S. contributions and administered by an international organization, does Comptroller General have audit rights? N/A

26. Communist Assistance (FAA Sec. 620(h)). Do arrangements exist to insure that United States foreign aid is not used in a manner which, contrary to the best interests of the United States, promotes or assists the foreign aid projects or activities of the Communist-bloc countries? Yes

27. Narcotics

a. Cash reimbursements (FAA Sec. 483): Will arrangements preclude use of financing to make reimbursements, in the form of cash payments, to persons whose illicit drug crops are eradicated? Yes

b. Assistance to narcotics traffickers (FAA Sec. 487): Will arrangements take "all reasonable steps" to preclude use of financing to or through individuals or entities which we know or have reason to believe have either: (1) been convicted of a violation of any law or regulation of the United States or a foreign country relating to narcotics (or other controlled substances); or (2) been an illicit trafficker in, or otherwise involved in the illicit trafficking of, any such controlled substance? Yes

28. Expropriation and Land Reform (FAA Sec. 620(g)): Will assistance preclude use of financing to compensate owners for expropriated or nationalized property, except to compensate foreign nationals in accordance with a land reform program certified by the President? Yes
29. Police and Prisons (FAA Sec. 660): Will assistance preclude use of financing to provide training, advice, or any financial support for police, prisons, or other law enforcement forces, except for narcotics programs? yes
30. CIA Activities (FAA Sec. 662): Will assistance preclude use of financing for CIA activities? Yes
31. Motor Vehicles (FAA Sec. 636(i)): Will assistance preclude use of financing for purchase, sale, long-term lease, exchange or guaranty of the sale of motor vehicles manufactured outside U.S., unless a waiver is obtained? Yes
32. Military Personnel (FY 1991 Appropriations Act Sec. 503): Will assistance preclude use of financing to pay pensions, annuities, retirement pay, or adjusted service compensation for prior or current military personnel? Yes
33. Payment of U.N. Assessments (FY 1991 Appropriations Act Sec. 505): Will assistance preclude use of financing to pay U.N. assessments, arrearages or dues? Yes
34. Multilateral Organization Lending (FY 1991 Appropriations Act Sec. 506): Will assistance preclude use of financing to carry out provisions of FAA section 209(d) (transfer of FAA funds to multilateral organizations for lending)? Yes
35. Export of Nuclear Resources (FY 1991 Appropriations Act Sec. 510): Will assistance preclude use of financing to finance the export of nuclear equipment, fuel, or technology? Yes

36. Repression of Population (FY 1991 Appropriations Act Sec. 511): Will assistance preclude use of financing for the purpose of aiding the efforts of the government of such country to repress the legitimate rights of the population of such country contrary to the Universal Declaration of Human Rights?

Yes

37. Publicity or Propoganda (FY 1991 Appropriations Act Sec. 516): Will assistance be used for publicity or propaganda purposes designed to support or defeat legislation pending before Congress, to influence in any way the outcome of a political election in the United States, or for any publicity or propaganda purposes not authorized by Congress?

No

38. Marine Insurance (FY 1991 Appropriations Act Sec. 563): Will any A.I.D. contract and solicitation, and subcontract entered into under such contract, include a clause requiring that U.S. marine insurance companies have a fair opportunity to bid for marine insurance when such insurance is necessary or appropriate?

Yes

39. Exchange for Prohibited Act (FY 1991 Appropriations Act Sec. 569): Will any assistance be provided to any foreign government (including any instrumentality or agency thereof), foreign person, or United States person in exchange for that foreign government or person undertaking any action which is, if carried out by the United States Government, a United States official or employee, expressly prohibited by a provision of United States law?

No

B. CRITERIA APPLICABLE TO DEVELOPMENT ASSISTANCE ONLY

1. Agricultural Exports (Bumpers Amendment) (FY 1991 Appropriations Act Sec. 521(b), as interpreted by conference report for original enactment): If assistance is for agricultural development activities (specifically, any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training), are such activities: (1) specifically and principally designed to increase agricultural exports by the host country to a country other than the United States, where the export would lead to direct competition in that third country with exports of a similar commodity grown or produced in the United States, and can the activities reasonably be expected to cause substantial injury to U.S. exporters of a similar agricultural commodity; or (2) in support of research that is intended primarily to benefit U.S. producers?

N/A

2. Tied Aid Credits (FY 1991 Appropriations Act, Title II, under heading "Economic Support Fund"): Will DA funds be used for tied aid credits?

No

3. Appropriate Technology (FAA Sec. 107): Is special emphasis placed on use of appropriate technology (defined as relatively smaller, cost-saving, labor-using technologies that are generally most appropriate for the small farms, small businesses, and small incomes of the poor)?

Yes

4. Indigenous Needs and Resources (FAA Sec. 281(b)): Describe extent to which the activity recognizes the particular needs, desires, and capacities of the people of the country; utilizes the country's intellectual resources to encourage institutional development; and supports civic education and training in skills required for effective participation in governmental and political processes essential to self-government.

The project will support individuals and institutions in Africa supporting and defending human rights, increased citizen participation, free and fair elections, rule of law, and other areas essential to democratic development.

5. Economic Development (FAA Sec. 101(a)): Does the activity give reasonable promise of contributing to the development of economic resources, or to the increase of productive capacities and self-sustaining economic growth?

6. Special Development Emphases (FAA Secs. 102(b), 113, 281(a)): Describe extent to which activity will: (a) effectively involve the poor in development by extending access to economy at local level, increasing labor-intensive production and the use of appropriate technology, dispersing investment from cities to small towns and rural areas, and insuring wide participation of the poor in the benefits of development on a sustained basis, using appropriate U.S. institutions; (b) encourage democratic private and local governmental institutions; (c) support the self-help efforts of developing countries; (d) promote the participation of women in the national economies of developing countries and the improvement of women's status; and (e) utilize and encourage regional cooperation by developing countries.

7. Recipient Country Contribution (FAA Secs. 110, 124(d)): Will the recipient country provide at least 25 percent of the costs of the program, project, or activity with respect to which the assistance is to be furnished (or is the latter cost-sharing requirement being waived for a "relatively least developed" country)?

8. Benefit to Poor Majority (FAA Sec. 128(b)): If the activity attempts to increase the institutional capabilities of private organizations or the government of the country, or if it attempts to stimulate scientific and technological research, has it been designed and will it be monitored to ensure that the ultimate beneficiaries are the poor majority?

This project will promote an overall environment conducive to and ultimately necessary for sustainable long-term development.

(a) Project will promote human rights of all and increased participation
(b) Project focus is to encourage democratic indigenous NGOs.

See answer to 11a.

Project will support basic freedoms and rights which mainly affect the poor majority.

9. Abortions (FAA Sec. 104(f); FY 1991 Appropriations Act, Title II, under heading "Population, DA," and Sec. 535):

N/A

a. Are any of the funds to be used for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions?

b. Are any of the funds to be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations?

c. Are any of the funds to be made available to any organization or program which, as determined by the President, supports or participates in the management of a program of coercive abortion or involuntary sterilization?

d. Will funds be made available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services?

e. In awarding grants for natural family planning, will any applicant be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning?

f. Are any of the funds to be used to pay for any biomedical research which relates, in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning?

g. Are any of the funds to be made available to any organization if the President certifies that the use of these funds by such organization would violate any of the above provisions related to abortions and involuntary sterilization?

60

10. **Contract Awards (FAA Sec. 601(e)):** Will the project utilize competitive selection procedures for the awarding of contracts, except where applicable procurement rules allow otherwise?

Yes

11. **Disadvantaged Enterprises (FY 1991 Appropriations Act Sec. 567):** What portion of the funds will be available only for activities of economically and socially disadvantaged enterprises, historically black colleges and universities, colleges and universities having a student body in which more than 40 percent of the students are Hispanic Americans, and private and voluntary organizations which are controlled by individuals who are black Americans, Hispanic Americans, or Native Americans, or who are economically or socially disadvantaged (including women)?

U.S. PVOs referred to in Section 567 will be encouraged to participate in this program.

12. **Biological Diversity (FAA Sec. 119(g)):** Will the assistance: (a) support training and education efforts which improve the capacity of recipient countries to prevent loss of biological diversity; (b) be provided under a long-term agreement in which the recipient country agrees to protect ecosystems or other wildlife habitats; (c) support efforts to identify and survey ecosystems in recipient countries worthy of protection; or (d) by any direct or indirect means significantly degrade national parks or similar protected areas or introduce exotic plants or animals into such areas?

N/A

13. **Tropical Forests (FAA Sec. 118; FY 1991 Appropriations Act Sec. 533(c)-(e) & (g)):**

a. **A.I.D. Regulation 16:** Does the assistance comply with the environmental procedures set forth in A.I.D. Regulation 16?

Yes

b. **Conservation:** Does the assistance place a high priority on conservation and sustainable management of tropical forests? Specifically, does the assistance, to the fullest extent

N/A

c. Forest degradation: Will assistance be used for: (1) the procurement or use of logging equipment, unless an environmental assessment indicates that all timber harvesting operations involved will be conducted in an environmentally sound manner and that the proposed activity will produce positive economic benefits and sustainable forest management systems; (2) actions which will significantly degrade national parks or similar protected areas which contain tropical forests, or introduce exotic plants or animals into such areas; (3) activities which would result in the conversion of forest lands to the rearing of livestock; (4) the construction, upgrading, or maintenance of roads (including temporary haul roads for logging or other extractive industries) which pass through relatively undergraded forest lands; (5) the colonization of forest lands; or (6) the construction of dams or other water control structures which flood relatively undergraded forest lands, unless with respect to each such activity an environmental assessment indicates that the activity will contribute significantly and directly to improving the livelihood of the rural poor and will be conducted in an environmentally sound manner which supports sustainable development?

N/A

d. Sustainable forestry: If assistance relates to tropical forests, will project assist countries in developing a systematic analysis of the appropriate use of their total tropical forest resources, with the goal of developing a national program for sustainable forestry?

N/A

e. Environmental impact statements: Will funds be made available in accordance with provisions of FAA Section 117(c) and applicable A.I.D. regulations requiring an environmental impact statement for activities significantly affecting the environment?

N/A

14. Energy (FY 1991 Appropriations Act Sec. 533(c)): If assistance relates to energy, will such assistance focus on: (a) end-use energy efficiency, least-cost energy planning, and renewable energy resources, and (b) the key countries where assistance would have the greatest impact on reducing emissions from greenhouse gases?

N/A

15. Sub-Saharan Africa Assistance (FY 1991 Appropriations Act Sec. 562, adding a new FAA chapter 10 (FAA Sec. 496)): If assistance will come from the Sub-Saharan Africa DA account, is it: (a) to be used to help the poor majority in Sub-Saharan Africa through a process of long-term development and economic growth that is equitable, participatory, environmentally sustainable, and self-reliant; (b) to be used to promote sustained economic growth, encourage private sector development, promote individual initiatives, and help to reduce the role of central governments in areas more appropriate for the private sector; (c) being provided in accordance with the policies contained in FAA section 102; (d) being provided in close consultation with African, United States and other PVOs that have demonstrated effectiveness in the promotion of local grassroots activities on behalf of long-term development in Sub-Saharan Africa; (e) being used to promote reform of sectoral economic policies, to support the critical sector priorities of agricultural production and natural resources, health, voluntary family planning services, education, and income generating opportunities, to bring about appropriate sectoral restructuring of the Sub-Saharan African economies, to support reform in public administration and finances and to establish a favorable environment for individual enterprise and self-sustaining development, and to take into account, in assisted policy reforms, the need to protect vulnerable groups; (f) being used to increase agricultural production in ways that protect and restore the natural resource base, especially food production, to maintain and improve basic transportation and communication networks,

Yes. Funds are coming from DFA but are being authorized under Section 116 (e).

63

to maintain and restore the renewable natural resource base in ways that increase agricultural production, to improve health conditions with special emphasis on meeting the health needs of mothers and children, including the establishment of self-sustaining primary health care systems that give priority to preventive care, to provide increased access to voluntary family planning services, to improve basic literacy and mathematics especially to those outside the formal educational system and to improve primary education, and to develop income-generating opportunities for the unemployed and underemployed in urban and rural areas?

16. Debt-for-Nature Exchange (FAA Sec. 463): If project will finance a debt-for-nature exchange, describe how the exchange will support protection of: (a) the world's oceans and atmosphere, (b) animal and plant species, and (c) parks and reserves; or describe how the exchange will promote: (d) natural resource management, (e) local conservation programs, (f) conservation training programs, (g) public commitment to conservation, (h) land and ecosystem management, and (i) regenerative approaches in farming, forestry, fishing, and watershed management.

N/A

17. Deobligation/Reobligation (FY 1991 Appropriations Act Sec. 515): If deob/reob authority is sought to be exercised in the provision of DA assistance, are the funds being obligated for the same general purpose, and for countries within the same region as originally obligated, and have the House and Senate Appropriations Committees been properly notified?

N/A

18. Loans

a. Repayment capacity (FAA Sec. 122(b)): Information and conclusion on capacity of the country to repay the loan at a reasonable rate of interest.

N/A

64

b. Long-range plans (FAA Sec. 122(b)): Does the activity give reasonable promise of assisting long-range plans and programs designed to develop economic resources and increase productive capacities?

N/A

c. Interest rate (FAA Sec. 122(b)): If development loan is repayable in dollars, is interest rate at least 2 percent per annum during a grace period which is not to exceed ten years, and at least 3 percent per annum thereafter?

N/A

d. Exports to United States (FAA Sec. 620(d)): If assistance is for any productive enterprise which will compete with U.S. enterprises, is there an agreement by the recipient country to prevent export to the U.S. of more than 20 percent of the enterprise's annual production during the life of the loan, or has the requirement to enter into such an agreement been waived by the President because of a national security interest?

N/A

19. Development Objectives (FAA Secs. 102(a), 111, 113, 281(a)): Extent to which activity will: (1) effectively involve the poor in development, by expanding access to economy at local level, increasing labor-intensive production and the use of appropriate technology, spreading investment out from cities to small towns and rural areas, and insuring wide participation of the poor in the benefits of development on a sustained basis, using the appropriate U.S. institutions; (2) help develop cooperatives, especially by technical assistance, to assist rural and urban poor to help themselves toward better life, and otherwise encourage democratic private and local governmental institutions; (3) support the self-help efforts of developing countries; (4) promote the participation of women in the national economies of developing countries and the improvement of women's status; and (5) utilize and encourage regional cooperation by developing countries?

The project will support local efforts to increase participation of all citizens through election, civil society, increased human rights and civic involvement. The poor will benefit through increased participation in decisions that greatly affect their lives.

6

20. Agriculture, Rural Development and Nutrition, and Agricultural Research (FAA Secs. 103 and 103A):

a. Rural poor and small farmers: If assistance is being made available for agriculture, rural development or nutrition, describe extent to which activity is specifically designed to increase productivity and income of rural poor; or if assistance is being made available for agricultural research, has account been taken of the needs of small farmers, and extensive use of field testing to adapt basic research to local conditions shall be made.

N/A

b. Nutrition: Describe extent to which assistance is used in coordination with efforts carried out under FAA Section 104 (Population and Health) to help improve nutrition of the people of developing countries through encouragement of increased production of crops with greater nutritional value; improvement of planning, research, and education with respect to nutrition, particularly with reference to improvement and expanded use of indigenously produced foodstuffs; and the undertaking of pilot or demonstration programs explicitly addressing the problem of malnutrition of poor and vulnerable people.

N/A

~~**c. Food security:** Describe extent to which activity increases national food security by improving food policies and management and by strengthening national food reserves, with particular concern for the needs of the poor, through measures encouraging domestic production, building national food reserves, expanding available storage facilities, reducing post harvest food losses, and improving food distribution.~~

N/A

~~**21. Population and Health (FAA Secs. 104(b) and (c)):** If assistance is being made available for population or health activities, describe extent to which activity emphasizes low-cost, integrated delivery systems for health, nutrition and family planning for the poorest people, with particular attention to the needs of~~

N/A

c. Food security: Describe extent to which activity increases national food security by improving food policies and management and by strengthening national food reserves, with particular concern for the needs of the poor, through measures encouraging domestic production, building national food reserves, expanding available storage facilities, reducing post harvest food losses, and improving food distribution.

N/A

21. Population and Health (FAA Secs. 104(b) and (c)): If assistance is being made available for population or health activities, describe extent to which activity emphasizes low-cost, integrated delivery systems for health, nutrition and family planning for the poorest people, with particular attention to the needs of mothers and young children, using paramedical and auxiliary medical personnel, clinics and health posts, commercial distribution systems, and other modes of community outreach.

N/A

22. Education and Human Resources Development (FAA Sec. 105): If assistance is being made available for education, public administration, or human resource development, describe (a) extent to which activity strengthens nonformal education, makes formal education more relevant, especially for rural families and urban poor, and strengthens management capability of institutions enabling the poor to participate in development; and (b) extent to which assistance provides advanced education and training of people of developing countries in such disciplines as are required for planning and implementation of public and private development activities.

N/A

23. Energy, Private Voluntary Organizations, and Selected Development Activities (FAA Sec. 106): If assistance is being made available for energy, private voluntary organizations, and selected development problems, describe extent to which activity is:

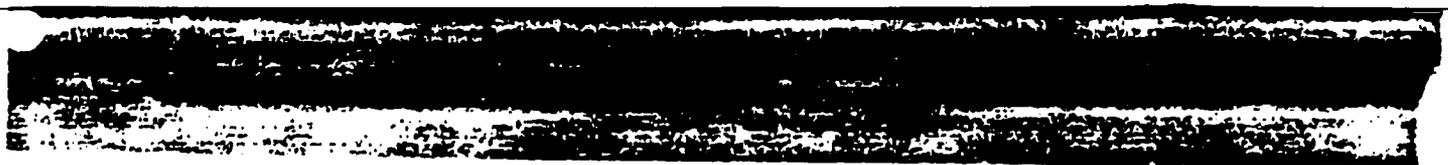
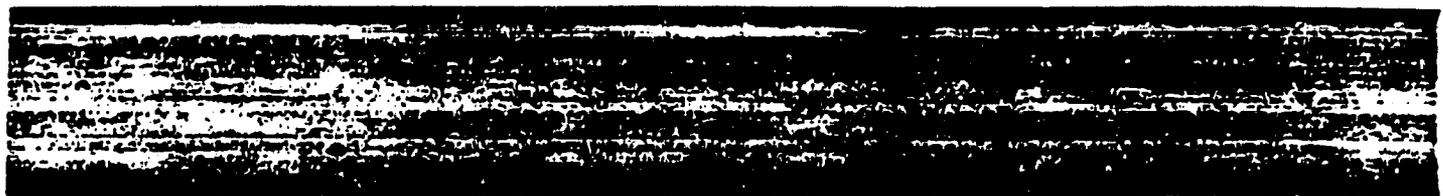
N/A

- a. concerned with data collection and analysis, the training of skilled personnel, research on and development of suitable energy sources, and pilot projects to test new methods of energy production; and facilitative of research on and development and use of small-scale, decentralized, renewable energy sources for rural areas, emphasizing development of energy resources which are environmentally acceptable and require minimum capital investment; N/A
- b. concerned with technical cooperation and development, especially with U.S. private and voluntary, or regional and international development, organizations; N/A
- c. research into, and evaluation of, economic development processes and techniques; N/A
- d. reconstruction after natural or manmade disaster and programs of disaster preparedness; N/A
- e. for special development problems, and to enable proper utilization of infrastructure and related projects funded with earlier U.S. assistance; N/A
- f. for urban development, especially small, labor-intensive enterprises, marketing systems for small producers, and financial or other institutions to help urban poor participate in economic and social development. N/A
-
-
- 65

PD - 12

ANNEX F
September 26, 1984

HUMAN RIGHTS



HUMAN RIGHTS POLICY DETERMINATION

Advocacy of human rights was an important theme during the creation of the United States of America. The American colonists' quest for liberty was founded on human rights principles expressed to the world in the Declaration of Independence. Human rights were further defined and given legal standing in our constitution and its first ten amendments - the Bill of Rights.

A central aim of U.S. foreign policy is increasing respect for human rights throughout the world. A.I.D. is strongly committed to supporting this policy and that commitment is unequivocal.

I. Introduction

Legislative provisions in the Foreign Assistance Act of 1961, as amended, (FAA) are the legal foundation for A.I.D. policy and programs concerning human rights. A.I.D. implementation of the human rights legislation is an integral part of A.I.D.'s own work and of the United States' overall human rights policy. A principal goal of U.S. foreign policy as set forth by Section 502B(a)(1) of the FAA calls for the increased observance of internationally recognized human rights by all countries. Under Section 101(a)(3) of the FAA, A.I.D. is instructed to emphasize the encouragement of development processes in which individual civil and economic rights are respected and enhanced. The security assistance program is directed by Section 502B(a)(3) of the FAA to be formulated and conducted in a manner which will promote and advance human rights and to avoid identification of the United States with governments which deny to their people internationally recognized human rights and fundamental freedoms in violation of international law.

The means to accomplish these goals are also primarily determined by legislation. Section 116 applies to all assistance under Part I of the FAA; Section 502B covers Economic Support Fund (ESF); and Section 112 of PL 480 applies to Title I and Title III agreements.

Section 116 restricts A.I.D. activities in countries that are found to be consistent gross violators of human rights to assistance that directly benefits needy people. Section 502B does not include the needy people proviso, but permits aid to gross violator countries in extraordinary circumstances. Section 112 of PL 480 requires that in countries that are consistent gross violators the commodities or the proceeds from their sale can only be used for specific projects or programs that directly benefit needy people.

In order that A.I.D. may meet the legislative target, each Regional Bureau is responsible for providing a proportional share of funding for human rights activities.

The human rights programs A.I.D. is encouraged to support cover the seven broad themes listed below. Included are some illustrative examples of the types of activities and programs we wish to promote:

1. Encourage research on and discussion of civil and political rights.

Programs that will expand the philosophical understanding of human rights in developing countries; developing and improving the teaching of civil and political rights; studies or research on the relationship between civil and political rights and development.

2. Encourage the awareness of civil and political rights.

Studies, seminars and educational programs for developing country personnel on the full range of fundamental rights; the distribution of human rights materials; programs designed to educate the citizenry of a country to know and understand the rights and protections offered under their legal system, as well as their political rights and responsibilities; formulating, producing, translating and disseminating publications which address the establishment of principles of civil and political rights and the legal and institutional mechanisms through which they are protected and promoted.

3. Encourage adherence to the rule of law through a legal framework conducive to civil and political rights.

Included are projects assisting a government to strengthen its legal system, focusing such efforts on establishing or preserving the fundamental principles of law. A strong legal system should include such essential elements as the rule of law, due process, and an educated and independent judiciary. The legal system should encourage fairness and equal protection for all. Some of the general areas covered are the development of democratic constitutions; improvements in the administration of justice; legal education and professional development of lawyers and judicial personnel; improved informational resources on legal theory and practice; reform and implementation of civil and criminal codes; and publication and distribution of court opinions.

4. Encourage free and democratic electoral systems.

The right to vote, the right to a secret ballot, the right to a fair and accurate count of the votes, and the assurance that those fairly elected will enter into office are fundamental to the establishment and perpetuation of

11

In contrast to these prohibitions, Section 116(e) provides for a positive approach to human rights by encouraging the increased promotion of civil and political rights. A.I.D. is particularly interested in supporting this human rights mandate, which is the second, or positive track, of U.S. human rights policy.

A guide detailing the procedures to be followed by bureaus and offices involved in implementing the human rights policy may be obtained from the Bureau of Program and Policy Coordination (PPC).

II. Scope

Human rights can be grouped into two broad categories:

First, the right to be free from governmental violations of the integrity of the person--violations such as killing, torture, cruel, inhuman or degrading treatment or punishment, arbitrary arrest or imprisonment, abduction and clandestine detention and the like.

Second, the right to enjoy civil and political liberties, including freedom of speech, press, religion, and assembly, the right of citizens to participate in governing themselves, the right to travel freely within and outside one's country, and the right of citizens to associate together with others in political, economic, and religious activities.

A.I.D.'s governing law recognizes human rights within these two broad categories in Sections 116(a) and 502B of the Foreign Assistance Act and Title I of the Food for Peace Act which prohibits assistance to any government which "engages in a consistent pattern of gross violations of internationally recognized human rights" subject to certain exceptions. These prohibitory provisions make manifest the repugnance which the U.S. Government has for such activities.

Section 116(e) directs A.I.D. to carry out programs and activities which will enhance adherence to civil and political rights. Such activities are appropriate for a developmental organization because the United States recognizes that the engine of economic growth is personal liberty. Throughout the world, societies which protect civil and political rights are far more likely to experience economic development than societies which do not. The extent to which man is free and his human rights respected is directly proportionate to the extent to which his energies are directed to productive and developmental activities.

free elections. Programs of local or international organizations that educate citizens on their right and responsibility to vote, provide advice in designing and implementing an electoral system, or provide for the presence of independent election observers, are examples of activities appropriate for A.I.D. support.

5. Encourage development of democratic principles and institutions that promote human rights.

Activities include programs to increase public understanding of democracy; improved functioning of democratic institutions, such as the legislature and the press; the study of democratic principles; the development and support of private indigenous groups that are pluralistic and democratic; and assistance to programs designed to help a country develop, or return to, civilian democratic rule.

6. Encourage the development of human rights organizations.

Activities should develop and support indigenous, regional and international human rights institutions that are independent of individual countries or governments; assisting groups in their efforts to develop and make available information on human rights; and develop and build contacts and institutional relationships among human rights groups.

7. Encourage the increased access of women and ethnic groups to the judicial system and to political processes.

Activities that redress violations or discriminatory laws or practices against members of a particular group; outreach programs that broaden knowledge and awareness of civil and political rights among these groups.

While the program emphasizes the above seven themes, A.I.D. is receptive to areas not listed above if a strong justification can be demonstrated showing how the proposed activity improves or promotes adherence to civil and political rights.

The legislation prohibits funds to be used directly or indirectly to influence the outcome of any election in any country. All legislative restrictions relating to Development Assistance and Economic Support Funds in the Foreign Assistance Act, including Section 660 which prohibits assistance to police, prisons, and law enforcement forces, apply to Section 116(e) activities.

The Bureau for Program and Policy Coordination (PPC) oversees the human rights program in A.I.D. A.I.D. administers the program in coordination and consultation with the Department of State's Bureau of Human Rights and Humanitarian Affairs (HA), from which A.I.D. receives policy guidance on this subject.

- 3 -

III. Human Rights Violations

A. General

This section sets forth the policies and procedures governing the denial of assistance to governments based on human rights violations.

Section 116(a) provides that assistance shall not be provided to the government of any country which engages

"in a consistent pattern of gross violations of internationally recognized human rights, including torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, causing the disappearance of persons by the abduction and clandestine detention of those persons, or other flagrant denial of the right to life, liberty, and the security of person...."

For development assistance, the determination of whether the statutory provisions will apply to a country is made by the A.I.D. Administrator in consultation with the Assistant Secretary for Human Rights and Humanitarian Affairs. For ESF the determination is made by the Secretary of State. For PL 480, A.I.D. with the Department of State (HA), principally the Bureau for Human Rights and Humanitarian Affairs, make the determination. An Inter-Agency Working Group on Human Rights and Foreign Assistance examines the above issues and makes recommendations to the appropriate offices.

In determining the degree of violations and whether violations form a 'consistent pattern', A.I.D. and the Department of State take into account, among other considerations, the extent of cooperation of such government in permitting an unimpeded investigation of alleged violations by appropriate international organizations, such as the International Committee of the Red Cross, specific actions which have been taken by the President or Congress relating to multilateral or security assistance because of human rights practices and the relevant findings of appropriate international organizations.

A.I.D. will also consider improving or deteriorating trends in the status of human rights conditions in a country. It is A.I.D.'s policy to encourage improving trends in human rights conditions.

B. Coverage under Section 116(a) and Food for Peace

A.I.D. will apply Section 116(a) to all of the following categories of assistance under its jurisdiction: development

74

assistance, American Schools and Hospitals Abroad, housing guaranty programs, and other activities and assistance under Part I of the FAA. Pursuant to Section 112 of P.L. 480, the same test will apply to assistance under Titles I and III of that Act.

Section 116(a) contains a single exception to the rule prohibiting assistance to governments which engage in a consistent pattern of gross violations of human rights. That exception permits aid where "such assistance will directly benefit the needy people in such country." Where Section 116(a) is in effect, any project will be reviewed for its impact on needy people before being approved. Under A.I.D. policy, "needy people" are defined by one or more of these criteria:

(1) Food Consumption Requirement: Households that expend 30% or more of their total income (cash and in kind) on food; (2) Health Indicators: For any population subgroup, life expectancy at birth of below 60 years, infant mortality rate of over 50 per thousand live births, birth rates over 25 per thousand population, or any population subgroup in which 80 or more of the population does not have reasonable access to effective health care services; and (3) Education Indicators: Any individual who by age 15 has not received at least 4 years of formal schooling or otherwise developed the skills of literacy and numeracy. For any population subgroup, less than 50% are completing at least four years of formal schooling by age 15 and/or less than 30% of those 15 or older are literate and numerate. In addition, where there are significant differences in the pattern of grade completion between rural and urban, between male and female, and between income groups, those on the lowest end are considered poor.

For a full description of A.I.D.'s definition of needy or poor people, please see Supplement A8 of A.I.D. Handbook 2 and State telegram 30417 dated February 1, 1984.

In ensuring that Development Assistance will directly benefit the needy, particular attention will be paid to demonstrating that the primary purpose of an activity is to help the needy people and that it is reasonable to believe that they will benefit from the project. Regular project documentation, if it contains adequate economic and social analyses, should be sufficient to demonstrate that needy people are the primary beneficiaries. If not, additional information will be required since the A.I.D. Administrator may be required by Congress to explain in writing how a project directly benefits the needy.



- 5 -

If a country has serious human rights problems and, in addition, the government is characterized by widespread corruption or repression against the poor and their organizations, then special care is required to assure that the needy do benefit from the A.I.D. project.

In cases where the assistance (1) is to a private organization or individuals not connected in any way with the government, (2) does not relieve the government of a responsibility or demand it would otherwise have to deal with, and (3) is not viewed as part of a government program or an expression of American support for the government, then the assistance need not necessarily be directed at the poor, but must promote the general cause of human rights.

A.I.D. works with the Department of State, principally the Bureau for Human Rights and Humanitarian Affairs, to determine which Food for Peace programs will embody the special requirement that the programs directly benefit the needy.

C. Economic Support Funds

Economic Support Funds and other forms of security assistance provided under Part II are subject to Section 502B. When the Secretary of State determines that Section 502B will apply to a country, then ESP will not be provided unless the President certifies in writing to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate "that extraordinary circumstances exist warranting provision of such assistance."

To the greatest extent possible and consistent with security, political and economic problems that ESP addresses, A.I.D. will develop ESP projects in countries with serious human rights concerns so that they directly benefit the needy.

IV. Countries of Concern

It is A.I.D. policy that the statutory limitations for Development Assistance, Economic Support Funds and Food for Peace are applied whenever the Bureau of Human Rights and Humanitarian Affairs in consultation with A.I.D. finds that there is a serious question about the recipient's human rights status, even if the government has not been found to be a consistent gross violator. In making this determination, improving or deteriorating trends in the status of human rights conditions in a country are of major importance. The policy is to encourage improving trends in human rights conditions. The Department of State's Annual Country

76

Human Rights Reports, submitted to the Congress every January, should be consulted for an overall view of a country's human rights status.

V. Promotion of Civil and Political Rights

Section 116(e) authorizes the use of not less than \$3 million for each fiscal year "for studies to identify, and for openly carrying out, programs and activities which will encourage or promote increased adherence to civil and political rights...." No such funds may be used directly or indirectly to influence the outcome of any election in any country.

This positive or developmental side of human rights activities of A.I.D. is an express recognition of the U.S. understanding that civil and political rights cannot be separated from economic policies and economic development. Under this section, A.I.D. supports specific projects which cover one or more of the following seven themes. The themes, not listed in priority order, encourage:

1. research and discussion of civil and political rights.
2. the awareness of civil and political rights.
3. adherence to the rule of law through a legal framework conducive to civil and political rights.
4. free and democratic electoral systems.
5. development of democratic principles and institutions that promote human rights.
6. development of human rights organizations.
7. increased access of women and ethnic groups to the judicial system and to the political processes.

Guidelines intended to help identify projects eligible for A.I.D. funding under Section 116(e) are annexed to this Policy Determination.

In addition to specific projects funded under Section 116(e), A.I.D. attempts to integrate its concern for civil and political rights in its other programs and projects. A.I.D. has an active private sector program which attempts to stimulate the activity of the indigenous private sector, through economic activities, cooperative, and indigenous private and voluntary organizations, in the recognition that the development of a strong, non-governmental sector is critical for the long-term preservation of civil and political rights in a society. These principles are implemented by A.I.D. in its normal project design and review process.

VI. Implementation

A.I.D. coordinates with other agencies to assure compliance

77

September 26, 1984

- 7 -

with the legislative provisions of Section 116(a) and 502B through its activities on the Inter-Agency Working Group on Human Rights and Foreign Assistance. PPC represents A.I.D. on that working group. PPC is responsible for assuring that procedures agreed to for review of the A.I.D. program are followed and are integrated into the project review process.

A.I.D.'s Bureau for Food for Peace and Voluntary Assistance in collaboration with regional bureaus is responsible for ensuring that the Food for Peace statutory provisions are implemented in countries where they are to be applied. The A.I.D. Office of the General Counsel advises whether specific projects satisfy the statutory requirement.

The Department of State Bureau of Human Rights and Humanitarian Affairs is provided an opportunity to comment on and participate in the CDSS, ABS, and other budget reviews as a means to factor human rights concerns in concrete terms into A.I.D. programs and projects. Where desired by the Bureau of Human Rights and Humanitarian Affairs or where identified by A.I.D., HA makes recommendations on specific proposals, based on human rights concerns.

Finally, in designing programs and projects under Section 116(e), A.I.D. works closely with HA which advises A.I.D. on the selection and implementation of such projects. A.I.D. believes that close coordination and consultation with the Bureau will assure effective and consistent implementation of U.S. policy.



M. Peter McPherson
Administrator

26 SEP 1984

Date



ANNEX

A.I.D. POLICY GUIDELINES FOR THE PROMOTION
OF CIVIL AND POLITICAL RIGHTS

A.I.D. is strongly committed to implementing Section 116(e) which provides funding to encourage increased adherence to civil and political rights in countries eligible for U.S. bilateral assistance. The legislation establishes a target of \$3 million for such projects, a target A.I.D. views as a minimum, not a ceiling. "Civil and political rights" is a broad term, including but not limited to the legal structure and the electoral process. Also included are such areas as freedom of the press, the right of association (trade unions, and social groups, as well as political parties) and the like.

The overall approach to the program contains the following elements:

-New initiatives are encouraged. We are looking for innovative approaches to a broad range of civil and political rights concerns.

-Projects should encourage the building of institutions that promote human rights and uphold democratic principles. This approach recognizes that in the long term democracies are the best guarantee of civil and political rights. It is not necessary to confine projects to societies that already respect human rights and democratic principles. Experience has shown that even in repressive societies there are opportunities to encourage increased adherence to civil and political rights. These opportunities should be identified and supported.

-Projects should emphasize activities that will have a positive, rather than adversarial, influence on governmental human rights policies. A.I.D. supports projects that will increase the understanding and enhance the role of civil and political rights, or that will incrementally improve performance in one or another area of rights.

-To the greatest extent possible, projects should emphasize activities that originate in developing countries themselves, and that directly involve the people of those countries.

~~-Projects from private groups and individuals are encouraged.~~

~~-Regional Bureaus and A.I.D. Missions should be actively engaged in identifying and helping to develop projects and activities that will promote wider observance of human rights. Funding needs for such activities should be anticipated and provided for in the regular budget cycle.~~