

Agency for International Development
Washington, D.C. 20523

Ms. Patricia Williams
The Center for Democracy
1101 15th Street, N.W., Suite 505
Washington, D.C. 20005

Subject: Cooperative Agreement No. LAC-0770-A-00-0034-00,
Modification No. 5

Dear Ms. Williams:

Pursuant to the authority contained in the Foreign Assistance Act of 1961, as amended, and the Federal Grant and Cooperative Agreement Act of 1977, the Agency for International Development (hereinafter referred to as "A.I.D." hereby modifies the subject Cooperative Agreement with the Center for Democracy (hereinafter referred to as "CFD" or "Recipient"), to provide the additional sum of \$500,000 for activities in Nicaragua as set forth in Attachment 1 to this modification. Attachment 2 to this modification is hereby made a part of the Program Description.

The total cumulative obligation under this agreement is now \$3,329,148 and applies to commitments made by the Recipient in furtherance of program objectives from the effective date through the estimated completion date of July 31, 1993. The additional sum of \$500,000 obligated by this modification applies to activities specified in Attachment 2 from November 1, 1991 to the estimated completion date of July 31, 1993. Funds disbursed by A.I.D. but uncommitted by the Recipient at the expiration of this period shall be refunded to A.I.D. A.I.D. shall not be liable for reimbursing the Recipient for any cost in excess of the obligated amount. A budget for this modification is included as Attachment 1.

The Cooperative Agreement is further modified as follows:

Fiscal Data:

1. Under Fiscal Data add the following:

PIO/T No.	524-0316-3-10107
Budget Plan Code	LESO-91-25524-IG13
Appropriation No.	72-110/11037
Amount Obligated	\$500,000
Current Obligation	\$3,329,148
Total Estimated Amount	\$7,250,000

Schedule:

2. Under Part C - Amount of Cooperative Agreement and Payment, delete paragraph 2 in its entirety and insert in lieu thereof the following:

2. A.I.D. hereby increases the obligated sum, for the purpose of the activities, in Nicaragua. This incremental obligation will be increased up to the total estimated amount of the agreement, contingent upon the availability of funds and mutual agreement of both parties."

This additional obligation is made to the Recipient on the condition that the funds will be administered in accordance with the terms and conditions as set forth in Attachment 1, the Schedule, Attachment 2 the Program Description and the Standard Provisions which have been agreed to by your organization.

All other terms and conditions remain unchanged and in full force and effect.

Please acknowledge receipt and acceptance of this modification by signing all copies of the subject document in the space provided, retain one set for your files, and return the remaining copies to this office.

Sincerely,



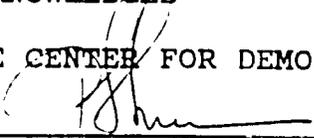
Jay M. Bergman
Agreement Officer
Division B - LA Branch
Office of Procurement

Attachments:

- 1. Program Budget
- 2. Program Description

ACKNOWLEDGED

THE CENTER FOR DEMOCRACY

BY  _____

TYPED NAME Patricia S. Williams

TITLE Chief Operating Officer

DATE 30 January 1992

PROGRAM BUDGET FOR NICARAGUA

Salaries	\$ 212,313
Fringe Benefits	\$ 53,785
Consultants	\$ 34,200
Travel and Per Diem	\$ 205,512
Other Direct Costs	\$ 315,482
Tuition	\$ 42,384
Indirect Costs	\$ 269,455
Equipment	\$ 466,494
TOTAL	\$1,599,625

I. PROGRAM DESCRIPTION

A. Background:

On July 19, 1979, the Somoza regime fell after 43 years of rule. It was replaced by the Frente Sandinista de Liberacion Nacional (FSLN), popularly known as the Sandinistas. The Sandinistas inaugurated a radically new political, economic, and social order in the country which wielded even more control of the governmental apparatus than had their predecessor. On February 25, 1990, elections for all national offices were held, and the Sandinistas were swept from power by the UNO coalition (Union Nacional Opositora), a group of 14 political parties with wide-ranging ideologies but united in their determination for a change in the political leadership of Nicaragua.

The democratic government of Violeta Barrios de Chamorro was inaugurated April 25, 1990, and the National Assembly began its re-organization.

As a result of the elections, the UNO coalition won 52 seats in the National Assembly (Asamblea Nacional) with the FSLN taking 39 and the MUR, one. Since UNO's member fractions constituted a working majority, it had the task of organizing its governance of the Assembly. One of the most immediate problems was the fact that few of the newly-elected representatives (diputados) had previous legislative experience.

However, the UNO did not start from scratch, nor could it, since it had inherited:

1. a constitutional and statutory organizational structure for directing the Assembly's political and administrative functions;

2. a legal framework for the conduct of the legislative process; and

3. an existing FSLN administrative organization which, although legally susceptible to immediate change, could not pragmatically be changed overnight.

In addition to the legal and organizational constraints imposed on the Assembly, the development of a truly functioning legislature was also impeded by the condition of the facilities. The various committees met in inadequate space, and almost all the support and administrative staff worked in crowded offices without air conditioning and lacking even minimal office equipment.

There were insufficient typewriters, reproduction equipment, recording equipment, and in most instances there was not even a functioning telephone system or means of interoffice communication.

One year later, the Assembly has made some progress in consolidating its organization, acquiring some office equipment, and utilizing available space in a more efficient manner. In spite of the strides that have been made, however, the legislators and staff members have identified various areas of training, technical assistance, and equipment needs where they need support.

As USAID/Nicaragua has considered how best to promote democracy in Nicaragua, it has become clear that the National Assembly must be properly informed and institutionally capable of tackling, jointly with the executive branch, the complex issues facing the country today. Without an efficiently functioning national legislature, a truly democratic society cannot be established. The manner in which a legislature utilizes its existing resources and future acquisitions directly impacts on its ability to perform its functions.

For these reasons, assistance to Nicaragua's National Assembly as discussed in this PIO/T is one of USAID/N's "Effective Government" activities under the multi-faceted Strengthening Democratic Institutions Project. This umbrella project also emphasizes activities to support human rights organizations, labor unions, political parties, and civic education programs as well as governmental entities.

B. Objective:

The objective of this buy-in to the LAC/DI regional grant to the Consortium for Legislative Development is to assist in the development of a democratic society in which democratic institutions are informed and institutionally capable of tackling the complex issues facing them and their societies.

The goal is to help facilitate development of Nicaragua's National Assembly's human resources and technical needs and to cooperate with the Assembly's leadership and key staff members in their efforts to address those needs.

In order to fulfill these goals and objectives, USAID/Nicaragua will buy-in to the LAC/DI regional project carried out by the Consortium for Legislative Development. The Consortium's role will be to help the Assembly build its institutional capacity to perform effectively its constitutionally-assigned functions and enhance its role as a principal branch of government in a democratic society.

C. Specific Tasks

1. DEVELOPMENT OF THE INSTITUTIONAL SET-UP FOR THE DEVELOPMENT AND MODERNIZATION OF THE NATIONAL ASSEMBLY.

This activity endeavors to promote a philosophy of legislative development shared by all parties involved. An agreement needs to be made within the National Assembly and between the Assembly and the Consortium on how to organize the legislative development activities on a permanent basis for two principal reasons: (1) so that there will be project continuity as the Assembly's leadership changes over time and (2) so that there is a clear line of communication between the Assembly and the Consortium. Ideally, a special multi-partisan committee should be created to devote its energies to this institution building activity. Such a special committee, appointed by the President, would work closely with the *Junta Directiva* and would normally be appointed for the duration of the legislative term rather than for the same two-year period as the *Junta Directiva*. Based upon the circumstances in Nicaragua, however, it appears to be more appropriate for the *Junta Directiva* to serve directly as the multi-partisan body to oversee this project.

A principal activity to be sponsored within this component would be a short term workshop to be conducted in the United States and, separately, in at least one Latin American legislature. The project component corresponds to the observational study tours identified in the July 9 USAID/Nicaragua memorandum ratified by the President of the National Assembly. This activity could consist of a two-week visit to Albany, Tallahassee, and Washington, DC. Visits to other state capitals are possible. The participants should include a multi-partisan cross-section of the members of the *Junta Directiva* serving in their capacity as directors and overseers of the Assembly's institutional development. Key staff should also participate so that a nucleus of both members and staff will return to Nicaragua having shared a common experience in which they both internalized the same themes and messages.

The participants will be exposed to the subject of legislative development in comparative perspective. There will be both a theoretical and an applied component to the program. Site visits to selected legislatures in the U.S. to observe first-hand the functions and structures described in the academic environment will be scheduled.

It is critical that the observational study-tour to the United States occur early in the project.

Targeted Audience: The *Junta Directiva*, key staff and, by extension, the entire Assembly.

Resources: T.A. for program design and organization;
Training; Per Diem; Transportation; Printed Materials.

Outputs: Members sharing understanding and philosophy of legislative development. The development of a stable supervisory mechanism for the program.

Timing: 1st year.

2. GRADUATE STUDY PROGRAM

An essential component of any legislative development program is the development of staff resources to such a level that the institution as a whole benefits from their advanced knowledge and new techniques. This can be done only through a program to develop human resources at an in-depth level. This activity will enable people to master specific skills and develop comprehensive understanding of the nature and processes involved in legislative development and the relationship and rationale among the various components.

As ratified in the Assembly's March 21 Cooperative Agreement with the University of Central America, graduate level training is a significant component of the Assembly's medium-to-longer-range development efforts. The Executive Secretary of the Assembly requested that this project serve as the vehicle for fulfilling this aspect of its Cooperative Agreement with UCA. The Assembly has indicated that ideally a critical mass of 6 such long-term staff trainees, two commencing study each year, would help ensure that the legislative development process is sustained beyond the life of this project.

This project proposes to send four staff members for long-term, graduate level training with one scholarship to be provided from the regional LAC/DI project. Students will study at the University at Albany, SUNY, under the auspices of the Center for Legislative Development or Florida International University.

The candidates will acquire an in-depth knowledge of legislative development, of operational theory and working techniques, and of specific professional tools such as policy analysis. It is expected that candidates for graduate training will be chosen from among the best students participating in the internship program that the Assembly has developed with the University of Central America (UCA). It is critical that the Assembly secure agreements with the candidates to ensure that, if they are selected, they will return to work in positions of professional responsibility.

Targeted Audience: The student-staffers and, by extension, the National Assembly as a whole.

Resources: Graduate level training program, including such activities as attendance at professional meetings and visits to different

legislatures, for four students. The costs of one student will be borne by the project.

Outputs: Professionals with graduate level training in Public Administration with a specialization in Legislative Administration.

3. ORGANIZATIONAL AND HUMAN RESOURCES DEVELOPMENT

The process of developing the Assembly's institutional capacity is most effectively accomplished through the development of qualified professionals who have access to the necessary tools and techniques and who are deployed in appropriate administrative and legislative support structures.

Training.

The National Assembly of USAID/N have agreed that training and orientation programs for members and staff provided by both in-country and foreign experts are an essential component of this project. The President of the Assembly, in concert with the Consortium, will select the topics for two training seminars. The President has stated that each training seminar should be followed by a publication containing curricula, lectures, or other appropriate written materials, as well as the principal conclusions of the training activity. In response to the stated need for training in the administrative and technical functions of the National Assembly for permanent staff, the Consortium will organize one comprehensive training program. It is recommended that the training program activities be carried out on both an in-country and out-of-country basis as the optimal training experience would dictate. It should be further noted that in conjunction with the two-week observational study tour, a total of four training activities are proposed to be conducted over the two-year life of the project.

Illustrative List of Training Activity Topics:

- (A) Budgetary Role of the National Assembly.
- (B) Oversight Role of the National Assembly.
- (C) Public Policy Role of the National Assembly.
- (D) Other Legislative Techniques and Technologies.
 - (1) Committee operations
 - (2) Bill drafting
 - (3) Legislative office organization
 - (4) Legislative reference
 - (5) Constituent services
 - (6) Media relations
 - (7) Ethics
 - (8) Role of women: diputadas of staff

Targeted Audience: Legislators and professional staff.

Resources: Technical assistance to develop and implement the requested seminars and training program. Travel, per diem, and other direct costs.

Outputs: Two seminars and one training program.

4. IMPROVING INSTITUTIONAL LINKAGES

The development of linkages between a legislature and other institutions in its environment is crucial. This program component would help build a mutual understanding and appreciation of the National Assembly by other institutions through the participation of members of the target institutions in the process of development and modernization of the legislature. It will allow an understanding of the legislative environment in contrast to the executive branch.

To develop this relationship, it is important that organizations such as universities, research centers, and professional associations are selectively included among the targeted participants in the activities described above. For example, members of the Bar Association might participate in a bill drafting workshop, university professors might participate in public policy oriented seminars, and staff of selected units within the executive branch might participate in seminars in their area of specialization. This exposure will enhance the linkages between the National Assembly and those institutions. They comprise a reservoir of indigenous expertise that should be drawn upon in implementing these seminars.

The activities to be carried out under this program component include:

(A) Collaborative Research and External Advisory Support.

One effective way to expand a mutual interest in the linkage between legislatures and the world-at-large is the development of collaborative research activities. The President of the Assembly has requested that technical and scientific assistance be provided in undertaking studies on topics of legislative interest identified by Nicaraguan authorities. This collaboration, or joint research, will be provided through funded consultancies with foreign and Nicaraguan experts. Technical assistance could also be provided to help the academic community develop mechanisms to conduct research relevant to the Assembly. One institutional mechanism for establishing this capability on a sustained basis would be the Institute for Legislative Development and Modernization proposed by the National Assembly.

Targeted Audience: Leadership, committees, technical staff, academic community.

Resources: Technical assistance to develop and implement the program. Funds for research projects and consultancies.

Outputs: Collaborative research and advisory activities in operation.

(B) Participation in Professional Conferences and Associations.

Another activity aimed at improving the institutional ties is the systematic participation of members and staffers in the professional and academic meetings and associations, such as ATELCA, at which subjects of legislative interest are discussed. These conferences and organizations may provide information and training to the National Assembly and help to promote understanding and mutual appreciation.

Targeted Audience: Legislators and technical staff.

Resources: Technical assistance to develop and implement the program as described; funding for travel, per diem and other costs associated with participation in the organizations and conferences.

Outputs: Selected members and staff participating in appropriate organizations and attending relevant conferences.

5. INFORMATION SUPPORT

Information is the lifeblood of the legislative process. A major element in the development of a legislature's capacity to perform its functions, especially the ones related to budget, policy analysis, oversight and law making, is the availability of comprehensive legislative information systems and resources.

The elements of this program are directed at providing the National Assembly with the necessary support to secure several basic information systems and resources. The equipment needed to support these systems is described in Addendum B.

This project component is comprised of several interrelated information support sub-components, including:

(A) Statutory Retrieval System.

The National Assembly and the United Nations Development Program (UNDP/PNUD) inaugurated a six-month \$67,000 cooperative agreement in March 1991 to lay the groundwork for the development of a comprehensive legal data base to be housed in the legislature. The UNDP-funded program is designed to produce a full chronological index of laws and support the digitization of the full text of Nicaragua's laws. Additionally, the National Assembly is creating an entirely new methodology for organizing these laws which is similar to the consolidated code model in use in the United States. This project will pick up the staff under contract for the UNPD effort and will manage the full development of the consolidated code and statutory retrieval system within the limitations of available project resources. The salaries paid will be in accordance with the local salary scale and A.I.D. policies and regulations on salaries. The essential equipment for the structuring and operating this system is included in the separate equipment section below. The capacity of the local area network computer system proposed in the equipment section of this plan should be sufficient to house and put the statutory retrieval system on line, making it accessible to internal and external users. Nonetheless, without further technical consultation, we cannot be sure that the system will meet the Assembly's future needs in the most technically-sound and cost-effective manner.

Targeted Audience: The National Assembly as an institution, the judicial and legal community by extension.

Resources: Technical assistance to back-up the implementation of the program; funding for salaries, consultant fees, travel, per diem and other direct costs.

Outputs: Chronological index and a statutory retrieval capability developed.

(B) Bill Status System.

A bill status and reference capability will be developed through the application of technical assistance. This is a system that identifies bills being considered by various committees and the action that has taken place. It allows amendments to be enrolled as legislative actions take place and allows bills to be engrossed with amendments as these are approved. This system can be developed and maintained by the Legal Counsel's office residing on the microcomputer local area network proposed below.

Targeted Audience: Members and technical staff engaged in the legislative process.

Resources: Technical assistance to develop the bill status system, travel and per diem and other direct costs.

Outputs: Bill status system in place.

(C) Legislative publications; reference manuals.

The National Assembly is planning shortly to implement two regular publications to provide essential information to legislators, staff, other government officials and professional private citizens.

The first publication will be a cumulative annual compendium of the Assembly's session laws, or bills which become law during each year's legislative session. This publication will fill a need not currently met through *la Gaceta*. This publication will serve as an invaluable reference tool for the Assembly, the entire government, and the legal profession.

The second publication will be a quarterly magazine of the legislative Assembly's proceedings and accomplishments, similar to the annual legislative journal *MONEXICO*. It will be a valuable tool for informing officials, community leaders and opinion-makers of the National Assembly's proceedings and accomplishments.

A third publication is a proposed legislative manual/guide/directory for the National Assembly, listing members and pertinent information about them (such as political affiliation and committee assignments), staff and their assigned areas of responsibility, the Constitution, internal rules and other important information governing the legislative process. A simpler directory might also be produced for distribution to the general public.

The publications-related equipment proposed in the section below is designed to facilitate the printing of all three publications. The Consortium is prepared to provide technical assistance in the development of these publications as well.

Targeted Audience: Members, staff, the entire government, the legal profession, community leaders and public opinion makers.

Resources: Technical assistance. Travel, per diem and other direct costs.

Outputs: Printed publications.

(D) Assembly Debate Record - *Diario de Debates*.

A written record of the National Assembly's daily plenary proceedings is an essential public record. The timely transcription and distribution of this record is fundamentally important. Unfortunately, lacking the necessary equipment and trained staff, the National Assembly is unable to provide this essential information resource in a timely fashion. This can be remedied through the application of equipment and the training of clerical personnel. The MIS/LAN and printing equipment listed below will provide the infrastructure resources to help correct this deficiency.

Targeted Audience: Members, staff, the media.

Resources: Technical assistance. Travel, per diem and other direct costs.

Outputs: Timely publication of the Assembly Debate Record/*Diario de Debates*.

(E) Library Support.

The National Assembly's Law Library is staffed by professionals and is presently providing support services on what appears to be a universal and non-partisan basis. However, the library's capacity to provide these services is limited by scarce resources and other limitations, such as restricted physical access (it is on the 6th floor of the Bank of America building which only has intermittent freight elevator service).

The Law Library needs microfilming equipment to record and preserve legislative records in order to fulfill archival functions. It has been agreed by the Assembly and USAID/N that the October 1990 *Proyecto de Actualización y Tecnificación de la Biblioteca "Javier Aguiñe"* should be implemented with the following two additions: the establishment of a fund (approximately \$50,000) to purchase key legal resource documents which it is unable to acquire through donations; funds for rebinding and preserving parts of the library's existing collection.

Targeted Audience: Library and its users.

Resources: Equipment and funding for acquisition of publications and preservation of documents.

Outputs: A more modern legislative reference and archival library.

6. OPERATIONAL EQUIPMENT

AID has financed a large, unified procurement of standardized commodities for the entire government under Public Support Project No. 524-0301.4. This procurement will be of invaluable assistance to the Assembly. A lack of general office equipment was one of the immediately identified needs. Several additional important items of operational equipment will be procured as part of this project. These items include:

- (A) Equipment for making, storing and viewing microfilm;
- (B) Electronic voting/attendance system and improved plenary audio and recording equipment;
- (C) Photo off-set printing, photocopy reproduction, and desktop publishing equipment; and
- (D) A management information system/local area network (LAN) computer system. This system is fully described in Attachment II.

II. REPORTS AND DELIVERABLES

A. On a quarterly basis, the Consortium will present to the Chief, General Development Office, or her designee, a written report regarding, but not limited to: (1) grant implementation activities; (2) progress toward attainment of grant goals; (3) grant implementation problems; and (4) suggested areas for improvement and possible approaches to meet the issues involved.

B. Upon completion of the grant period, the Consortium will submit two copies of a final report in English: (1) examining implementation of grant activities as related to the goals originally established for the grant; (2) effects, both short- and long-term of A.I.D.-funded assistance; and (3) a lessons-learned summary in terms of the possible use of similar grants elsewhere in Latin America.