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UNITED STATES OF AMERICA
AGENCY FOR INTERNATIONAL DEVELOPMENT
U.S.A.I.D. MISSION TO KENYA
OFFICE OF THE DIRECTOR

USAID/
UNIT 64102
APO AE 09831-4102

POST OFFICE BOX 30261
NAIROBI, KENYA

March 31, 1995

Dr. Oki Ooko-Ombaka
Executive Director
Public Law Institute
P.O. Box 52011
Nairobi

Subject: Grant No. 698-0541.15-G-00-5125

Dear Dr. Ombaka:

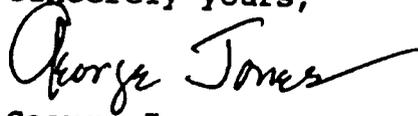
Pursuant to the Foreign Assistance Act of 1961, as amended, and in accordance with the Standard Provisions of this Agreement (Attachment 3), the Government of the United States of America, acting through the Agency for International Development (hereinafter referred to as "USAID" or "Grantor") agrees to grant The Public Law Institute (hereinafter referred to as "PLI" or "Grantee") under the terms of this Agreement an amount not to exceed Twenty-four Thousand United States Dollars (US\$24,000) to support the cost of two public interest cases over a twelve month period as described in Attachment 2, entitled "Project Description".

The effective date of the Grant is the date of signature and will cover expenditures for approximately 12 months. The estimated completion date of this Grant is March 20, 1996.

This Agreement consists of this cover letter and Attachment 1, Terms and Conditions; Attachment 2, Project Description; Attachment 3, Standard Provisions for Special Assistance (Section 116(e) Grant); Attachment 4, Cash Advance Guidance; and Attachment 5, USAID Geographic Codes.

Please sign the original and each copy of this letter to acknowledge your receipt of the Grant, and return the original and all but one copy to USAID/Kenya, Office of Projects, P.O. Box 30261, Kenya.

Sincerely yours,



George Jones
Director

Attachments:

1. Terms and Conditions
2. Project Description
3. Standard Provisions
4. Cash Advance Guidance
5. List of USAID Geographic Codes

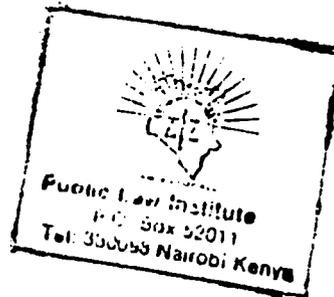
ACKNOWLEDGED:

PLI

BY: 

TITLE: EXECUTIVE DIRECTOR

APRIL 7 1995.



TERMS AND CONDITIONS

A. Purpose of Grant

The purpose of this Grant to the Public Law Institute (PLI) is to provide support in meeting costs for two typical public interest cases over a period of one year as more specifically described in Attachment 2 to this Grant entitled "Project Description."

B. Period of Grant

1. The effective date of this Grant is the date of signature and will cover expenditures for approximately 12 months. The estimated completion date of this Grant is March 20, 1996.

2. Funds obligated hereunder are available for project expenditures for the estimated period March 20, 1995 to March 20, 1996 as shown in the Grant budget below.

C. Amount of Grant and Payment

1. AID hereby obligates the amount of \$24,000 for purposes of this Grant.

2. Payment shall be made to the Grantee in accordance with procedures set forth in Attachment IV, entitled "Cash Advance Guidance."

D. Financial Plan

The Grant budget is set forth below.

BUDGET

ESTIMATED GRANT BUDGET

From March 20, 1995 to March 20, 1996

<u>Cost Element</u>	<u>Grantee Contribution</u>	<u>USAID Contribution</u>	<u>Total Input</u>
Consultancy services		6,000	6,000
Legal fees		14,000	14,000
Report Production		1,500	1,500
Administration costs/ Office space/Equipment	2,000	2,500	4,500
Staff salaries	6,000		6,000
Total	8,000	24,000	32,000

Assume an exchange rate of KShs 40 = \$1.00

Note: (1) PLI contribution will be "in kind". (2) No payment shall be made to the Grantee before (i) a Management Assessment is carried out by USAID/Kenya, (ii) PLI selects two typical cases to be funded under the grants in accordance with the guidelines outlined in Attachment 2.

E. Reporting and Evaluation

- 1) Within 60 days after the signature of this Grant, the Grantee shall submit a summary report that highlights the progress made on the implementation of this project.
- 2) Thereafter, the Grantee shall submit a quarterly report detailing progress made since the prior report.
- 3) Within 30 days after the completion of the project, a final report shall be sent to USAID/Kenya.

F. Financial Reporting:

Financial reporting by the Grantee will be in accordance with the procedures set forth in Attachment IV, entitled "Cash Advance Guidance." All financial reports shall be

submitted to the Office of the Controller, USAID/Kenya, P.O. Box 30261, Nairobi, Kenya.

The Grantee agrees to consult with the USAID/Kenya Controller concerning further details for submitting all financial reports and estimates.

G. Title to Property

Title to all property purchased with Grant funds shall rest with the Grantee during the Grant period, subject to Attachment 3, Standard Provisions, Section C.

H. Special Provisions

The Grantee acknowledges and agrees that no other indirect costs associated with this project shall be funded by any other USAID assistance.

I. Authorized Geographic Code

The authorized Geographic Code for procurement of goods and services under this grant is USAID Geographic Code 935 (Special Free World), as described in Attachment 5 of this Grant.

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PROJECT DESCRIPTION

Introduction

Public Law Institute (PLI) is a Kenyan PVO which specializes in public interest legal matters. PLI was registered with the Government of Kenya in 1983. The Institute relies on three primary strategies to discharge its mandate, namely public interest litigation, public legal education and research and advocacy. PLI focuses on interests and issues that require legal representation but, due to bureaucratic structures and financial constraints, cannot secure legal representation. For example, PLI takes on cases that affect women generally or on behalf of individual women who cannot afford legal services. In addition, it takes up issues of public concern which, though affecting large population groups, cannot be effectively tackled by such groups due to lack of organization, vested interests and political intimidation.

PLI submitted an unsolicited proposal to Kenya Mission requesting support in establishing a Democratization and Governance legal fund.

Project Purpose

The purpose of the project is to meet the cost of two typical public interest cases over a period of one year.

The Project

It is difficult to predict the exact nature of cases likely to come up in the course of the year. Consequently, PLI will use the following criteria in selecting the public interest cases that will be funded under this project:

a) No single identifiable person or group of persons is prepared to pursue the case for the general good; and

b) the person or persons whose interests are injured are poor, politically weak or afraid of defending themselves against a better organized group who has more resources to deploy in the resultant legal case.

Additionally, the cases selected under this project must serve as a medium of public education in the sense that the proceedings and outcomes must heighten public awareness of the fact that certain decisions can be challenged as unlawful, illegal and oppressive. The public should also learn that there exist laws which protect public property and human rights and also laws which regulate

administration of public affairs. The objective is to create a more enlightened public capable of challenging poor governance. In other words, when selecting a case, PLI must consider the legal merit of the dispute or issue and its potential impact on the promotion of human rights and good governance.

Cases will be selected from the following areas of special concern:

- Challenging laws regulating administrative processes;
- Constitutional freedoms focusing on human rights abuses; and
- Land rights focusing on areas of conflict and concerns such as landlessness and squatting, corrupt allocation of public land and ethnic demarcation of boundaries.

At the end of the project, success will be measured against the following criteria:

- the extent to which each of the cases promote good governance through public education;
- the extent to which each case empowers citizenry by reducing and removing fear of and subservience to authority; and
- the extent to which the case acts as a deterrent against corrupt practices among public officials by creating fear of exposure through the courts.

Funding

The grant will be for a period of one year. USAID's contribution is \$24,000, which will fund local costs including consultancy fees, legal and court fees, administrative costs and report production.

All grant funds are expected to be expended during the life of the project.

Note: A more complete project description is contained in the project proposal submitted by Public Law Institute (PLI) available in the Office of Projects, USAID/Kenya. However, if provisions of the grant document conflict with those in the proposal (with revisions, if any), the provisions of the Grant shall govern.

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