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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

Mr. Gitobu Imanyara
Editor-in-Chief
Nairobi Law Monthly
P.O. Box 20446
Nairobi

Subject: Grant No. 698-0541.15-G-00-5126

Dear Mr. Imanyara:

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 Nairobi Law Monthly Trust (hereinafter referred to as "NLMT" or "Grantee") under the terms of this Agreement an amount not to exceed Twenty-three Thousand United States Dollars (US\$23,000) to meet the cost of publishing the Nairobi Law Monthly 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.

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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</u>
Salaries	3,500	6,000	9,500
Production & Distribution		15,000	15,000
Administration		2,000	2,000
Office Space	4,000		4,000
Total	7,500	23,000	30,500

Assume an exchange rate of KShs 40 = \$1.00

Note: (1) NLMT contribution will be "in kind". (2) No payment shall be made to the Grantee before a Management Assessment is carried out by USAID/Kenya.

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 being made on the implementation of this project.
- 2) During project implementation, Grantee shall immediately notify USAID/Kenya in writing of any problems encountered which materially affect successful conclusion of the project.
- 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

TERMS AND CONDITIONS

A. Purpose of Grant

The purpose of this Grant to the Nairobi Law Monthly Trust (NLMT) is to provide support for the publication of the Nairobi Law Monthly (NLM) magazine over a twelve month period 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 \$23,000 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.

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

The Nairobi Law Monthly Trust (NLMT) was registered with the Government of Kenya (GOK) in May 1994. Its specific mandate is to raise money through subscriptions, donations and bequests for a capital fund set up exclusively for the publication of the *Nairobi Law Monthly (NLM)*. The *NLM* is a local monthly publication launched in 1987 by its editor, Mr Gitobu Imanyara. Its purpose is to advance the rule of law, democracy and human rights and promote legal rights awareness. Since its inception, its editorial policy has been to work for the protection of freedom of information and of speech and to campaign on behalf of victims of censorship in Kenya and Africa in general.

The NLMT has submitted an unsolicited proposal to the Kenya Mission requesting support for institutional strengthening through assistance with expenditures associated with the publication of the *NLM* for a twelve-month period.

Project Purpose

The purpose of the project is support the re-emergence of alternative press in Kenya. Specifically, this grant will support for a twelve-month period the publication of the *Nairobi Law Monthly*, a magazine which will promote freedom of the press and rule of law.

The Project

Since its launching in 1987, the *NLM* has provided a forum for critical comment and analysis of the democratization process in Kenya. In addition, it has provided a forum for exposing human rights violations with a view to enhancing respect for the rule of law and an independent judiciary. Due to its pro-democracy stance, the publication faced continuous harassment from the Government of Kenya (GOK) in form of confiscation, impoundment and outright prohibition. This harassment was also directed at other pro-democracy publications so that when the *NLM* folded in September 1993, other publications like *Finance*, *Society*, *Observer* and *The Watchman* were crippled. This created a significant vacuum in Kenya's alternative press, a vacuum which is still extant.

The project will support the monthly publication of 5,000 copies of the *NLM* for a period of one year. This is a realistic target given that prior to its suspension, the publication had reached a circulation of 40,000 copies per month.

The NLM will continue its editorial policy of promoting freedom of expression and respect for human rights.

Funding

The grant will be for a period of one year. USAID's contribution is \$23,000 which will fund local costs including salaries, administrative costs, production and distribution costs.

All grants 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 Nairobi Law Monthly Trust (NLMT) available in the Office of Projects, USAID/Kenya. However, if provisions of this Grant document conflict with those in the proposal (with revisions, if any), the provisions of the Grant shall govern.

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