

PD-ABQ-798



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

UNITED STATES POSTAL ADDRESS

US AID MISSION TO KENYA
UNIT 64102
APO AE 09831 4102

INTERNATIONAL POSTAL ADDRESS

POST OFFICE BOX 30261
NAIROBI, KENYA
TEL 254-2 751613
FAX 254-2-749590

24 AUG 1998

Prof Nick G Wanjohi
Chairman
Agency for Development Education and Communication
P O Box 44879
Nairobi

Subject Award No 615-0267-G-00-8063

Dear Sir

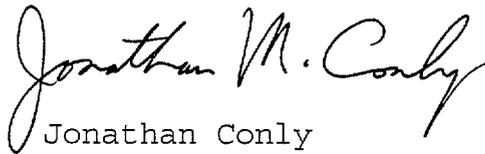
Pursuant to the authority contained in the Foreign Assistance Act of 1961, as amended, the U S Agency for International Development (hereinafter referred to as "USAID" or "Grantor") hereby grants to the Agency for Development Education and Communication (herein after referred to as ADEC, or "Recipient"), the sum of \$80,000 00 to provide support for a program in democracy and governance, as described in the Schedule of this award and the Attachment 2, entitled "Program Description "

This award is effective and obligation is made as of the date of this letter and shall apply to commitments made by the Recipient in furtherance of program objectives during the period beginning with the effective date and ending 01/31/2000 USAID shall not be liable for reimbursing the Recipient for any costs in excess of the obligated amount

This award is made to ADEC, on condition that the funds will be administered in accordance with the terms and conditions as set forth in Attachment 1, entitled "Schedule", Attachment 2, entitled "Program Description", and Attachment 3 entitled "Standard Provisions" which have been agreed to by your organization

Please sign the original and each copy of this letter to acknowledge your receipt of this award, and return the original and all but one copy to the Grant Officer

Sincerely,



Jonathan Conly
Grant Officer

Attachments

- 1 Schedule
- 2 Program Description
- 3 ~~Standard Provisions~~
- 4 ~~Standards for USAID Funded Communications Projects~~

ACKNOWLEDGED Agency for Development Education and Communication

BY Nick G. Wanyohi 

Title CHAIRMAN

Date Sept. 1, 1998

ACCOUNTING AND APPROPRIATION DATA

A GENERAL

1 Total USAID Estimated Amount \$80,000 00
2 Total Program Amount \$120,862 00
3 Total Obligated Amount \$80,000 00
4 Cost-Sharing Percentage
(Non-Federal) 34%
5 Activity Title
6 USAID Technical Office OSPP
P O Box 30261
Nairobi
7 Tax I D Number
8 CEC No
9 LOC Number

B SPECIFIC

BPC GDV8-98-21615-KG13
APP 728/91021
RCN V281050

196

Funds Available
CONT/KENYA <i>spk/ly</i>
Initials <i>NSA</i>
Date <i>8/6/98</i>

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ATTACHMENT 1

SCHEDULE

1 1 PURPOSE OF AGREEMENT

The purpose of this Agreement is to provide support for the program described in Attachment 2 of this Agreement entitled "Program Description "

1 2 PERIOD OF AGREEMENT

The effective date of this Agreement is the date of the Cover Letter and the estimated completion date is 01/31/2000

1 3 AMOUNT OF AWARD AND PAYMENT

- (a) USAID hereby obligates the amount of \$80,000 00 for the purposes of this Award
- (b) Payment shall be made to the Recipient in accordance with procedures set forth in the Standard Provision of this Award entitled Payment - Periodic Advance as shown in Attachment 3

1 4 AWARD BUDGET

The following is the Award Budget, including local cost financing items, if authorized Revisions to this budget shall be made in accordance with the Standard Provision of the Award entitled "Revision of Grant Budget"

ESTIMATED GRANT BUDGET

Cost Element	USAID US\$	Counterpart US\$	Total US\$
Program Cost	27,800	2,115	29,915
Operating Costs	35,600	38,047	73,647
Other Costs	<u>16,600</u>	<u>700</u>	<u>17,300</u>
Total	80,000	40,862	120,862

Exchange Rate KShs 55 00 to US\$1 00

1 5 REPORTING

1 5 1 Financial Reporting

- (a) Financial reporting requirements shall be in accordance with the Standard Provision of this award entitled Payment - Periodic Advance as shown in Attachment 3

1 5 2 Performance Monitoring and Planning Reports

- (a) Reports The Recipient shall submit an original and one copy of brief quarterly program performance reports, which coincide with the financial reporting periods, to the USAID Technical Office specified in the Cover Letter of this Award These reports shall be submitted within 30 days following the end of the reporting period

6

1 5 2 (Continued)

(b) Paying Office The paying office for this award is

Controller
USAID/Kenya
P O Box 30261
Nairobi

(c) Final Report Within 90 days following the estimated completion date of this Award, the Recipient shall submit the original and one (1) copy of a final report to the USAID Technical Office specified in the Cover Letter of this Award It will cover the entire period of the Award

1 6 RESOLUTION OF CONFLICTS

Conflicts between any of the Attachments of this Award shall be resolved by applying the following descending order of precedence

Attachment 1 - Schedule
Attachment 3 - Standard Provisions
Attachment 2 - Program Description

1 7 COST SHARING

The Recipient agrees to expend an amount not less than 38% of the total Federal contribution Cost sharing contributions will meet the criteria as set out in the Standard Provision entitled "Cost Sharing (Matching)" as shown in Attachment 3

1 8 TITLE TO PROPERTY

Title to all property financed under this award shall vest in the Recipient in accordance with the Standard Provisions of this Award set forth in Attachment 3

1 9 AUTHORIZED GEOGRAPHIC CODE

The authorized geographic code for procurement of goods and services under this award is 935

1 10 COMMUNICATIONS PRODUCTS (OCT 1994)

(a) Definition - Communications products are any printed materials (other than non-color photocopy material), photographic services or video production services

(b) Standards - USAID has established standards for communications products These standards must be followed unless otherwise specifically provided in the agreement or approved in writing by the agreement officer A copy of the standards for USAID financed publications and video

1 10 (Continued)

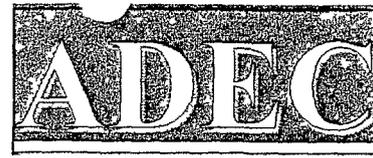
productions is attached

- (c) Communications products which meet any of the following criteria are not eligible for USAID financing under this agreement unless specifically authorized in the agreement schedule or in writing by the agreement officer
- (1) Any communication product costing over \$25,000, including the costs of both preparation and execution For example, in the case of a publication, the costs will include research, writing and other editorial services (including any associated overhead), design, layout and production costs
 - (2) Any communication products that will be sent directly to, or likely to be seen by, a Member of Congress or Congressional staffer and
 - (3) Any publication that will have more than 50 percent of its copies distributed in the United States (excluding copies provided to CDIE and other USAID/W offices for internal use

ATTACHMENT 2

PROGRAM DESCRIPTION

The Recipient's proposal entitled "Democracy and Governance" and dated July 1998 is attached hereto as the Program Description (Attachment 2) and is made a part of this Award



AGENCY FOR DEVELOPMENT EDUCATION AND COMMUNICATION
Ufungamano House P O Box 44879 Phone 727958 – Fax 719918 Nairobi Kenya

July 29, 1998

The Director,
USAID Mission to Kenya,
P O Box 30261, Nairobi

Dear Sir,

RE LEGAL HOSTING FOR MUSLIM CONSULTATIVE COUNCIL (MCC)

We refer to Muslim Consultative Council's letter dated July 21, 1998, concerning the above named subject

It is our pleasure to inform you that, at the request of Muslim Consultative Council (MCC), ADEC Board of Directors Meeting on July 21, 1998, granted the MCC's request to be legally hosted by ADEC with a view of facilitating the release of USAID funds to MCC for the purpose of implementing their proposed Peoples' Assemblies Project, (Refer to MCC Proposal Addressed to Mr Paul – Albert Emoungu, dated Monday, June 08, 1998) In this respect, ADEC shall be the grantee on behalf of MCC

In granting the request, the Board attached some conditions which must be fulfilled by both ADEC and MCC These are

- 1 That the funds shall be channeled through an account titled ADEC (Muslim Consultative Council) in which representatives of ADEC and MCC will be signatories
- 2 That a copy of MCC's Proposal for this project, Financial and Management Review, and management structure shall be deposited with ADEC prior to requests for disbursements from ADEC That any other documents relevant to this project shall be deposited with ADEC from time to time
- 3 That a copy of activities schedule be deposited with ADEC
- 4 That MCC activities under USAID shall be supervised by ADEC That is to say,
 - (i) That ADEC shall participate in the training of facilitators under the project,
 - (ii) That MCC shall forward the names of participants and resource persons for each seminar or assembly
 - (iii) That MCC shall enable ADEC to have access to MCC books of accounts and any other documents related to this project under USAID grant
 - (iv) That MCC shall forward to ADEC the full account for the funds for each quarter before the funds for the next quarter are released by ADEC
 - (v) That at the end of the year MCC shall submit completed books of account and financial statement for the year to ADEC for onward transmission to ADEC Auditors


25-7-98


29-7-98

- 5 That ADEC shall charge MCC account fifteen (15) percent of the quarterly disbursements as ADEC costs of supervision of the Peoples' Assemblies project implementation as stated above, and for auditing of the MCC accounts for this project under USAID grant
- 6 That MCC shall prepare quarterly narrative reports, and an annual report, which shall be forwarded to ADEC for onward transmission to USAID
- 7 That MCC maintains separate books of accounts for this project and that these will be audited by ADEC appointed auditors
- 8 That ADEC, in consultation with MCC shall have the right to address USAID concerning this project
- 9 That ADEC bears no responsibility for MCC's losses of any nature
- 10 That MCC and ADEC shall sign a copy of this letter as an indication of binding contractual agreement between them

Yours Sincerely,



Prof Nick G Wanjohi
CHAIRMAN, ADEC

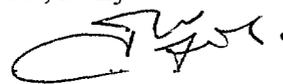
SIGNED BY

Mr Abdulrahman Mirimo Wandati,
Executive director,
Muslim Consultative Council,
P O Box 48509,
Nairobi Kenya



Date 29th July 1998

Prof Nick G Wanjohi
Chairman,
ADEC,
P O Box 44879,
Nairobi, Kenya



Date 29-7-98

cc Mr Paul – Albert Emoungu
Project Specialist, USAID Mission to Kenya, Nairobi

BISMILLAHIR RAHMANIR RAHIM

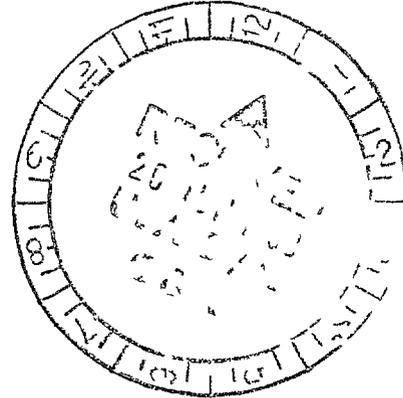
MUSLIM CONSULTATIVE COUNCIL

P O BOX 48509
NAIROBI

1st Floor, Jamia Plaza
Kigali Street

TEL 02 229896
FAX 02 229756

Thursday, June 25th, 1998
Mr Paul – Albert Emoungu,
Programme Specialist,
USAID/UNIT 64102
USAID Mission to Kenya,
APO AE 09831-4102,
P O BOX 30261,
Fax # 749590,
Nairobi



Dear Mr Emoungu,
Further to our meeting of Thursday June 18th 1998 attended by yourself, Ms Gitau and myself, I wish to submit supplementary information relating to our proposal for funding to set up peoples' assemblies

A. Objectives

- i) To ensure total participation of the Peoples of Kenya in all the stages of the Constitution Reform Process
- ii) To popularize the need for a people – based mechanism within the framework of the Constitution of Kenya Review Commission Act
- iii) To involve the People in the design, and constitution of the said people – based mechanism
- iv) To sensitize the People through Civic Education on their legitimate role in the Constitution making process
- v) To empower the People to identify their unique (local) aspirations and their national aspirations
- vi) To develop the Peoples' capacities to debate among themselves and to negotiate with others their aspirations and positions
- vii) To secure the Peoples' ownership of the process of the constitutional reforms

B. Rationale

The criticism leveled against the Constitution of Kenya Review Commission Act has primarily focussed on the limited role of the

People in the Act – based process These criticisms have not been unfounded, as the Act is fraught with inherent weaknesses. It has now been officially admitted that these weaknesses are the result of the hastily concluded IPPG reform package that focused on the 1997 General Elections. Though the Act received Presidential assent on the 7th of November 1997, it has remained unpublished. It has equally been admitted that had the Act been published, activities proposed within the Act would necessarily have taken place - with disastrous consequences.

Consequently, the Attorney General acting as Chairman of the Inter Parties Parliamentary Committee (IPPC), invited all those wishing to express their views in relation to the Act to do so in writing. In the meetings that followed the AG's announcements, the majority of respondents favoured a mechanism for constitutional review that started and ended with the people.

This is in line with what MCC had proposed since late 1997. It is a fair conclusion to say that in the on – going discussions on the constitution of Kenya Review Commission Act, delegates are bound to establish Peoples Assemblies (even in another name) as a mandatory component of the Constitution of Kenya Review Commission Act.

What will remain unclear is the question of structures, membership and mandate of such an organ. Debate on these issues is bound to be charged and characterized with acrimony, suspicion and innuendo. But even as the debate goes on, the people in whose name it is conducted remain on the periphery of the debate.

In proposing this project, MCC seeks to involve the People in the process at the earliest available opportunity. The project seeks to involve the People in the design and administration of the Peoples Assemblies. Since the debate is fast shifting from "whether we need a Peoples' Assembly" to "what structures and mandates would the Assembly assume", MCC wishes to lead the way by developing such Assemblies with the Peoples' own participation in 11 Districts in Kenya.

C Envisaged activities of the Peoples' Assemblies.

- 1 Encourage and conduct public debate on all issues of relevance and constitutional significance to the community
- 2 Conduct elections of representatives to a higher Organ

- 3 Identify the aspirations of the people within a given area
- 4 Structure the peoples views for presentation to the commission
- 5 Ensure all those appearing before the Commission with views are accorded every opportunity to present them
- 6 Conduct Civic Education that enhances the Citizens' participation in the constitutional reform process
- 7 Review the draft report of the Constitution of Kenya Review Commission
- 8 The national peoples' Assembly will debate the draft report harmonizing the different positions
- 9 To write the constitution
- 10 Network with other Organs

D Constitution of the Peoples' Assemblies.

As proposed by MCC the formation of the Peoples' Assemblies will take the following steps

- Identification of areas of operation
- Identification of entry points
- Meetings with opinion leaders
- Workshops with lower level leaderships
- Identification of interests
- Hold meetings with representatives of interests
- Election of Members of Peoples' Assemblies
- Development of Terms of Reference
- Representatives to higher peoples' to be elected from Members of lower organs after identification of the collective interests of the lower region

E. Outputs

The following have been identified as outputs of the Peoples' Assemblies

- Total participation of the people at all levels and stages of the constitutional review process
- Harmonization of local and national goal, interests and aspirations
- Sensitization of the People about their right through their own organs and structures
- Expression by the people of their rights
- Development and institutionalization of people - based policy making structures
- Embodiment of popular democracy within the constitutional framework
- Localization of a national exercise
- Nationalization of local problems

- Debate and negotiation by the people of their positions in the interest of the country
- Promulgation of a constitution negotiated by all the people of Kenya

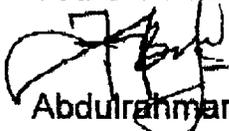
F. Conclusion

The above remains the framework upon which MCC envisions the Peoples' Assemblies in the eleven districts – and possibly in all the districts in the country. It is however realized that the details can only be adduced to this framework with the participation of the People themselves.

What is equally clear is the fact that in some form or other, the Peoples' Assembly framework will be part of the amended Constitution of Kenya Review Commission Act. This project seeks to provide leadership through establishing the pilot in the 11 districts mentioned in the proposal and Abstract.

In the interest of Democracy and good Governance we hope to maintain the crucial partnership between your Agency and MCC. We hope that we start this project in good time.

Regards,
Yours Sincerely,



Abdulrahman M Wandati
Executive Director

ILLUSTRATIVE GRANT BUDGET
 ADEC/MCC
 FOR A PERIOD OF 24 MONTHS

COST ELEMENT	USAID US\$	ADEC/MCC US\$
OPERATING COSTS		
Program Coordinator	10,909	2,182
Accountant	5,236	0
Secretary	4,500	4,500
Executive Director	0	21,820
Rent	7,000	6,545
Other Staff	3,532	2,000
Telephone/Postage	4,423	1,000
SUBTOTAL	35,600	38,047
WORKSHOPS/SEMINARS		
Local Leaders Workshop	5,000	455
National issues Workshop	2,800	0
Constitutional Workshop	20,000	1,660
SUBTOTAL	27,800	2,115
OTHER COSTS		
Resource Persons fees	5,000	0
Monitoring & Evaluation	2,200	0
Photocopier	3,400	200
Computer/Printer	6,000	500
SUBTOTAL	16,600	700
TOTAL	80,000	40,862

BUDGETARY REQUIREMENT FOR PILOT PEOPLES' ASSEMBLIES PROJECT

ACTIVITIES	ITEMS	TOTAL COST	USAID		MCC	
				%		%
1 Engagement with local leaders (Inducting them into the project)	11 Workshops @ Ksh 25 000 each	275 000 00	250 000 00	91 00	25,000 00	9 00
2 Localizing National Issues (Building Local Response Capacity)	Town Hall Meetings	150 000 00	150 000 00	100 00	Project Support	
3 Publicity and Programme Campaign (Popularize Project)	Publications & Stationary	380,000 00	380 000 00	100 00	Project Support	
4 Civic Education (Getting People to Exercise their Rights)	a) Constitutional Workshops	710 000 00	710 000 00	100 00	Project Support	
	b) Transport & Comm	390 000 00	390 000 00	100 00	Project Support	
5 Networking (Sharing with others)	a) Coordination	200 000 00	200 000 00	100 00	Project Support	-
	b) Computer & Internet	450,000 00	450 000 00	100 00	Project Support	-
	c) Postage & Telephone	280 000 00	280 000 00	100 00	Project Support	-
	c) Photocopier	300 000 00	300,000 00	100 00	Project Support	-
6 Consultancies (Involving the experts)	Resource Personnel	310,000 00	310,000 00	100 00	Project Support	-
7 Community Mobilization (Ensuring Popular Participation)	One Programme Officer @35,000 X 24	840,000 00	840 000 00		Community Mobilisers	
8 Programme Administration	a) Accountant @ 25 000 X 24	600 000 00	600 000 00		Project Support	
	b) Executive Director @ 50,000 X 24	1,200,000 00	-		1 200 000 00	100 00