

PD - ABP - 499

**USAID/NIGER Wind Up Plan**

**April 1996**

**6 April 1996**

## I. Introduction

The United States Agency for International Development has provided assistance to Niger without interruption since its independence in 1960. Over this 36 year period, more than \$530 million has been provided in the form of development assistance, Food-For-Peace and Economic Support Funds. Peace Corps has also been active throughout this period, with an average of over 100 volunteers at any given time - over 3,000 total. These and numerous other U.S. engagements represent a considerable investment for the United States in Niger - an investment worth protecting, within legislative and USG policy constraints. Niger remains a country of desperate poverty and underdevelopment. There has been especially encouraging progress in democratization and economic policy reform over the last several years, but Niger will long remain dependent on outside assistance for development.

On January 27, 1996 the military overthrew the elected government in a *coup d'etat*, prompting the US and most other donors to immediately suspend development assistance. On March 4, USAID/Niger received State Cable 042620, invoking Section 508 of the 1996 Foreign Assistance Appropriations Act. The cable provided the Mission with guidance for the orderly wind-up of development assistance activities by September 27, 1996, eight months after the coup. (See Annex A for information on the coup and Annex F, the cable.)

The USAID Bureau for Africa Wind-up Plan for Niger sets forth herein an analysis of the current portfolio of activities managed both by the Mission and USAID/W with respect to the application of legislative exclusions to the termination order. Both the 1996 Foreign Assistance Appropriations Act (FAAA) and the Foreign Assistance Act (FAA) of 1961, as amended, contain provisions which permit the Agency to continue assistance to Niger under certain conditions. A review of these provisions suggests that, of the 41 activities in the portfolio, the Agency should take action to terminate 17 of them before or by September 27, 1996. The analysis also suggests that the remaining activities are eligible to be continued at the Administrator's discretion, either on the grounds of allowable policy decision, or because they fall under "notwithstanding clauses" that could exempt them from Section 508. The Wind-up Plan recommends that USAID/Niger continue to implement certain activities that may be exempted, though many would be significantly reduced in scope. The Action Memorandum in Section III provides the rationale for the exemptions. The revised program would reduce the Mission's FY96 OYB from \$19 to \$9.1 million, the OE budget from an already reduced \$2.25 million to \$1.77 million, and staffing from 128 (with 10 USDH) to 78 (with 5 USDH). (See Section II.B and Annex B for discussion of terminating and proposed on-going activities, and Section II.C and Annex C for the proposed organization and staffing patterns.)

USAID/Niger has been operating under a Country Strategic Plan (1995-2002) management contract with the Bureau for Africa, approved by the Agency in August, 1995. The *coup d'etat* and the subsequent termination decision have imposed major changes in the three Strategic Objectives and the Results Framework. Strategic Objective 2, Economic Reform and Microenterprise Development, has been terminated. Strategic Objective 3, Natural Resources Management, will be severely scaled back and a new interim objective established. Niger, has an expanding population and an extremely fragile environment which will deteriorate further unless the farmers adopt conservation-related production practices. All of the activities proposed under this interim objective support the protection of natural resources and can, therefore, be excepted from Section 508 if it is determined that continuation of such activities supports the U.S. national interest. These activities would be implemented at the village level and encourage the spread of Nigerien PVOs using improved NRM technologies, the

growth of civil society, and a stronger base for sustainable agriculture. U.S. PVOs and Nigerien NGOs would carry out all of the SO3 activities.

Only Strategic Objective 1, Population, Health and Nutrition, would remain largely intact. However, the population, family planning and non-project assistance components have been suspended. The focus of SO1 will shift to child survival and HIV/AIDS control. Under Section 522 of the FAAA, these activities may be exempted from Section 508, as approved by the Administrator. Numerous SO1 activities which previously fell under the rubric of family planning, such as birth spacing efforts or reproductive health training, were, in fact, at the same time supporting child survival and HIV/AIDS control. Niger has a serious need for U.S. assistance in these areas given the country's very high child mortality rate, low level of immunization coverage and the level of malnutrition.

While this realignment of the USAID/Niger program implies extensive modifications to the Mission's management contract with USAID/W (See Section IV and Annex E), it is recommended that decisions with respect to formal changes in the Strategic Plan be delayed until the second quarter of FY97 in order to better assess the performance record of the new elected government and the development opportunities at that time. Also, a special request is being proposed in the Wind-up Plan to continue Democracy and Governance activities under an interim objective geared towards helping Niger reestablish democracy. The USG has been an active supporter of democratization in the past. The Mission believes that abandonment of this support in a time of great need would be shortsighted and imprudent.

Thus, in addition to U.S. interests in averting increased child mortality, preserving the environment, and sustaining momentum in the growth of civil society, we believe it is also in the interest of the United States to have the programming flexibility to promote the return to civilian, democratic government and encourage the transition process along. The principal policy objective for the United States in the post-coup period is to help Niger return to democracy as soon as possible. The timetable for return to democracy issued by the National Salvation Council calls for installation of an elected government in early October. Unfortunately this coincides with completion of the Wind-up activities.

USAID/Niger, over the past 18 months has been one of ten Country Experimental Laboratories and has integrated virtually all present features of the Agency's reengineering initiative into its operations. The essential emphasis on investment for results prompted the Mission to prepare a proposed Monitoring Plan for the interim period (See Annex E), until new, longer-term strategic planning may be completed after Presidential Determination is made that "a democratically elected government has taken office" - possibly later in 1996.

The Wind-up Plan requires decisions in USAID/W regarding: <sup>1</sup>

- (1) termination of activities on or before September 27, 1996; and
- (2) the continuation of activities beyond September 27, 1996.

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<sup>1</sup> See Annex C, Tables 1-3, for a detailed list of activities affected by these decisions.

## II. Wind-up Plan

### A. Summary

Section A of the Wind-up Plan provides an overview of each distinct element of the USAID/Niger program and is organized by strategic objectives and cross-cutting themes. These overviews contain summary information regarding proposed changes in the portfolio, as well as lists of activities to be considered for termination or continuation. Detailed information regarding all Mission activities can be found in Annex B.

Section IIC addresses modifications to the Mission's administration and management as related to the reductions in the portfolio. It sets forth organizational changes and staffing reductions, actions to be taken with regard to property and housing, and information regarding the status of trust funds.

### B. Program Activities

#### 1. Population, Health and Nutrition (SO1)

**Strategic Objective 1:** *Increase use of family planning and maternal/child health (FP/MCH) services and improve child nutrition for lower fertility and infant/child mortality rates.*

**Introduction:** In 1995, USAID/Niamey and the Government of Niger concluded the Agency's first Strategic Objective Agreement under reengineering. It provided a road map for overcoming health and population constraints in Niger to achieve SO1. As described in the Strategic Plan, these are:

*An exploding population.* At about nine million in 1994, Niger's population has more than trebled since independence in 1960. No credible scenario will prevent those nine million people from doubling to 18 million by about 2015.

*Low health status, especially of women and children.* The 1992 USAID Demographic and Health Survey estimated Niger's infant (under one year) mortality rate at 123 per thousand and child (1-5) mortality rate at 222 per thousand. These numbers paint one of the world's grimmest pictures for children in their first five years. Widespread malnutrition is a major reason for high mortality.

The Strategic Objective 1 Agreement had been designed to address these constraints. It targets the health needs of the Nigerian family, specifically the family planning and maternal and child health (FP/MCH) needs of women and children. SO1 was to have been realized by 2002 and its results contributing to Niger having a healthier population and, eventually, an economically sustainable rate of population growth. This strategy was to be implemented in four specific sectors:

- the public health sector at the district, departmental and national health levels;
- the private sector—private practitioners, NGOs and social marketing providers;
- the health policy and financial support sector; and
- the national food security sector.

The activities planned in these four sectors were based on lessons learned over the past twenty years of USAID assistance to Niger in the health sector, with emphasis on those of the two projects that are ending in 1996, the Niger Health Sector Support Project (NHSS: 683-0254) and the Family Health and Demography Project (FHDP: 683-0258).

The January 27, 1996 coup occurred in the middle of a period of programmatic transition for SO1. Two major projects were ending, yet most new activities had not really begun. The Mission had initiated the procurement of a prime contractor, but this was unsuccessful, due to the difficulties in responding to a 'reengineered' RFP. Other contractors funded under central agreements had carried out initial planning visits, and their workplans were under consideration by USAID and the Government of Niger, but had not yet been finally approved. Unless these new activities are permitted to be launched, USAID will be unable to support effective child survival and AIDS work in Niger.

Despite the coup, the Mission must work with the Government of Niger if it is to continue to support child survival and AIDS activities. Especially outside of Niamey, the private sector is too weak to provide an effective level of services that can make a difference in morbidity and mortality. The mission has established a policy of working primarily at the district level, to ensure that benefits flow to the Nigerien people, rather than being retained in the big city, but there are several programs, such as the National Health Information System and the Expanded Program of Immunization, where benefits will only be available at the periphery if some support is given at the central level. In addition, USAID is the single largest donor in the Health and Population sector. Withdrawal of our assistance means that this sector will fall even further behind where it already is.

**Activities to be discontinued:** Even before the coup, the Mission had come to the decision that resources should be shifted away from the central government to district health care systems, to NGOs and to the private sector. The primary activities of the new project were to be child survival, family planning, and HIV/AIDS. At this point in Niger's demographic transition, family planning is primarily directed at birth spacing, improving child survival and maternal health, and HIV/AIDS/STD prevention, rather than trying to reduce the nation's population growth rate by limiting the number of births. Since child survival and HIV/AIDS activities are permitted under Section 522 of the FY96 Foreign Assistance Appropriations Act as an exemption from Section 508 restrictions on direct assistance, the major terminations or reductions in previously planned activities will be (1) elimination of Non-Project Assistance (estimated at \$2,275,000 for FY96); (2) suspension of policy dialogue (estimated at \$600,000 from FY95 and \$400,000 for FY96); (3) reduction in family planning efforts (estimated at \$500,000); (4) early termination of the CARE family planning project (\$236,112); and (5) early termination of FHDP (\$460,000 to be deobligated). In addition, the scheduled termination of NHSS will result in deobligation of about \$515,000. Full details on discontinued activities are provided in Annex B.

This reduction in the SO1 portfolio will have a negative impact on achievement of strategic objectives. Specifically: Result 1.3, *Improved environment for health services, including policy reform* and Result 1.5, *A public that is better informed of key public health policies and legislation affecting citizen's rights and responsibilities*, will not be met. In addition, under Results 1.1 and 1.2, *Improved health services available in the public and private sectors (respectively)*, specific targets relating to family planning and population goals will not be reached.

**Activities proposed to be continued:** Under the recently signed (September 26, 1995) Strategic Objective Agreement, the Mission has designed a set of focused activities involving Mission managed contracts and inputs from several centrally managed agreements. This will ensure that results

concerning child survival can be achieved in a timely fashion. The basic structure of the program is that there are two contracts, dealing with child survival service delivery in ten districts of the public sector, and strengthening child survival and AIDS services by the private sector. Their activities are augmented by the central activities listed in Annex B. In some cases, activities that appear to be 'family planning' are included because it is impossible to carry out an AIDS or birth spacing effort without contraceptives and reproductive health training.

The Mission strongly recommends continuing the activities in support of Result 1.4, *National capacity to predict and respond to food security and health related disasters*. The Disaster Preparedness and Mitigation project directly supports child survival by identifying the most vulnerable populations and targeting emergency and/or mitigation resources to them. Malnutrition is the major factor involved in Niger's extremely high child mortality rates.

In addition to the focused Mission managed effort, CARE International and Helen Keller International have Child Survival Grants from the Bureau for Humanitarian Response. The Mission recommends that these be continued. Similarly, Africare has a 25-year history of working in far eastern Niger, and the mission proposes awarding a new child survival grant to continue these efforts.

With the increasing earmarks of funds for Child Survival in FY96, the Mission also proposes to begin a substantial Immunization Initiative, to be carried out under a centrally-funded contractor. Niger never benefitted from the extensive assistance provided by UNICEF to most countries in the 1980's, and current morbidity and mortality show it. In 1995, Niger suffered from one of the largest meningitis epidemics in the history of the world (43,000 reported cases), and a severe measles epidemic as well. This year, Niger is again suffering from a meningitis epidemic (some 7000 cases reported through April 2) and measles is also epidemic. The Mission proposes to allocate approximately one million dollars per year to providing the necessary technical assistance and equipment needed to build a sustainable, integrated Expanded Program of Immunization in Niger.

*Proposed continuing and new activities are fully described in Annex B.*

The proposed continuation program includes only activities that are permitted under the Section 522 'notwithstanding' legislation and will endeavor to keep Niger from falling further behind in its dismal child survival statistics.

**Resources required:** Management of these activities will require the presence of a PHN officer. FSN staff will remain constant, following completion of the re-engineered management structure. One of two USDH positions in the PHN office will be deleted in May 1996, and the Mission anticipates continuation of only one of the three Child Survival Fellows/TAACS positions following termination of the current contracts between February and September 1997.

Funding on the order of the \$8.4 million per year will be required to maintain this level of activity for the period FY96 to FY02. The U.S. Mission believes that Niger will make a rapid return to democracy, and that soon thereafter, a Presidential determination that democratic government has been restored will be made. At that point, the USAID/Niamey approved Strategic Objective should be fully restored, bringing back assistance for population and family planning as a highest priority.

**List of activities terminating:**

*URC:* CA No.CO-683-0258-C-00-9035

*The Futures Group/OPTIONS:* Contract No. DPE-3035-Q-00-0054

*Family Health International:* Contract No. DPE-3041-A-00-0043-00

*JHPIEGO:* CA No.CCP-3069-A-00-3020-00, DPE-3045-A-00-7004-24

*HKI/Vitamin A:* Grant No. GR-624-0258-G-00-2102

*CARE/Family Planning:* Grant No. GR-624-0258-G-00-2101

*AFRICARE/Diffa:* Grant No. GR-624-0258-G-00-2111

*Family Planning Logistics Management:* Contract No. CCP-3038-C-00-5028-00

*POPTECH Final Evaluation:* Contract No. CCP-3024-00-C-3011-00

**List of continuing activities:** The following activities are expected to continue after the wind-up date of September 27, 1996:

1. *Public Sector Contractor:* A full range of child survival services will be available to all residents of ten target districts.
2. *Private Sector Contractor:* PVOs, Private Practitioners, and the private commercial sector will play an expanded role in the provision of information, goods and services relating to Child Survival and AIDS.
3. *Training in Reproductive Health:* Medical and paramedical trainees will have the clinical skills needed to diagnose and treat sexually transmitted diseases, including AIDS.
4. *Partners for Health Reform:* Decentralization will continue ensuring the continued function and integrity of previously funded USAID activities in the Ministry of Health's financial, personnel and logistics systems.
5. *AIDSCAP:* Will provide AIDS prevention information and condom distribution, and strengthen diagnostic and monitoring capabilities.
6. *Central Contraceptive Procurement:* Commodities will be available for the prevention of AIDS and STDs, and for birth spacing to improve child survival.
7. *Demographic and Health Surveys:* Progress in child survival and population will be measured on a regular basis.
8. *Data for Decision Making:* Investigation of (1) methods for preventing meningitis epidemics and (2) factors affecting measles mortality.
9. *CARE Sanu Yara Child Survival (centrally funded):* Child survival activities will be continued in Zinder Department.
10. *CARE Child Survival in the North:* Will speed the restoration of child survival programs in the areas affected by the Tuareg rebellion in the North.
11. *Helen Keller Child Survival (centrally funded):* Will ensure that micronutrient factors are completely integrated into Child Survival programs.
12. *BASICS Integrated Case Management of the Sick Child:* This pilot program supporting the worldwide USAID/WHO child survival initiative will continue.
13. *Peace Corps Child Survival:* Peace Corps Volunteers will develop new micro-level child survival activities.

14. *Child Survival Fellows*: Two Fellows will support Mission programs in management and information, communication and education activities.
15. *Technical Advisors in AIDS and Child Survival*: One Technical Advisor will support Mission programs in decentralization and cost recovery.
16. *CARE International Child Survival*: Funded by BHR
17. *Social Marketing* (continue through December, 1996): Funded by Global Bureau.

## 2. Economic Reform and Microenterprise Development (SO2)

*Strategic Objective 2: Increase access to markets through use of improved decentralized financial services.*

**Introduction:** Strategic Objective 2, targeted five main results: Increasing numbers of decentralized financial service (DFS) institutions; reforming economic policy; getting formal bankers involved in the informal (rural) sector; getting women more involved in increased production; and making people more knowledgeable of their economic rights and responsibilities. The activities underway to obtain these results included economic and political reform programs notably to reduce illicit enrichment, increase agro-pastoral exports, and increase the Nigerien capacity to analyze, generate and promote sound economic policies. Complementary to these economic reform initiatives were three PVO activities aimed at empowering rural producers, especially women, through the provision of a variety of decentralized financial services.

**Activities to be discontinued:** Under Section 508, almost all of the economic reform measures and democratic governance activities under this SO must be terminated. No new PVO DFS activities will be considered. USAID/Niger will no longer be a significant actor in the area of economic reform in Niger.

Projects to be terminated include: the NEPRP, which can be terminated as soon as close out is complete, June 30, 1996; the PAM Project, which will terminate by September 27, 1996; and the proposed Eager Project, which will be cancelled immediately. So as not to waste already invested resources we are recommending continuing the PAM DAI contract through August 1996 to complete the planned studies and to obtain an orderly wind up of activities. A final impact evaluation is in September after the end of the contract to gain lessons learned and measure the impact of this activity. We are cutting all new and existing economic reform projects and programs. As a result of these reductions, we can assume that results 2.2 and 2.5 under SO 2 will not be attained, except for some progress on illicit enrichment after a new democratically elected government is in place. (For further details see Annex V.B. Detailed Activity Sheets.)

**Continuing Activities:** The activities which can be justified under Section 123(e) to continue are the three decentralized financial service activities with US PVOs: CARE, CLUSA and WOCCU. (See Section II.B.2. for further comments on justification for these activities.) They will support the interim objective 2.

**Resources required:** The USDH position in ERMD Office has already been deleted, however, management of the close-out of these activities will require the presence of the incumbent until the end of October 1996. The equivalent of three full-time FSN project managers as well as support staff will be required to manage the continuing PVO programs. These individuals will be located in the Environment and PVO Office.

### Changes in budget resources:

Planned FY96 Budget:	\$6,500,000
Planned Budget with cuts before coup:	\$2,500,000
New FY96 Budget under Section 508:	\$800,000

**List of activities terminating:**

1. *Niger Economic Policy Reform Project (683-0263)*: Deobligate remaining funds by 9/27/96.
2. *Policy Analysis and Monitoring Project (683-0266)* (Development Alternatives, Inc): Terminate contract 8/30/96. Change PACD from 3/31/97 to 09/27/96. Deobligate remaining funds by 12/31/96.

**List of activities continuing:**

1. *Rural Organizations Development (683-0260)* (Cooperative League of the USA). Rural community development and decentralized financial services program throughout Niger.
2. *Niger Credit Union Development (683-0269)* (World Council of Credit Unions). Rural and some poor urban community development and decentralized financial services (especially savings) program throughout Niger.
3. *Maradi Microenterprise Development (683-0272)* (CARE). Mutual banking and non-formal vocational education in the Department of Maradi.

### 3. Natural Resources Management and Agriculture (SO3)

*Strategic Objective 3: Sustained widespread adoption of management practices improving the conservation and productive use of Niger's forest, fields, waters and pastures.*

**Introduction:** SO3, the Mission's Natural Resources Management and Agriculture program, part of the USAID/Niger's Strategic Plan, evolved out of the conservation and forest management activities which have been central to the Mission's program since the mid-1970s. It was designed to help rural producers reverse rapid environmental degradation and increase productivity by managing their natural resources more sustainably to better conserve Niger's forests, fields, waters and pastures. The program works to overcome pressures from an expanding population to over-exploit and degrade the resource base and contribute to improved conservation and management of Niger's renewable resources. Through grants to PVOs, support to the Peace Corps and the National Agricultural Research Institute, the DPM project, and a large sectoral grant to the Government of Niger, the Mission has improved protection of Niger's environment and diverse biological resources in the face of periodic drought, other natural disasters, and advancing desertification. The adoption of improved natural resource management practices directly contributes to a reduction in the vulnerability of rainfed crops to erratic or insufficient rainfall, and to the diversification and intensification of rural production systems thereby reducing pressures on remaining protected natural areas.

To achieve these results, the Mission has long recognized the importance of also creating an enabling environment. SO3 has supported decentralized financial services, the intermediary institutions of civil society, and community empowerment.

At the time of Niger's coup d'etat, the SO3 team was planning to develop and negotiate a Strategic Objective Agreement with the GON and our partners. Management structures of ongoing activities were being modified to accommodate USAID's new reengineering procedures. With the events of January, this has come to a halt.

**Activities to be discontinued:** The Mission as a result of the Section 508 determination will terminate a significant portion of the current portfolio. We will end our support currently provided both from bilateral and global projects to agricultural technology development, technology transfer and policy reform. Over five and one half million dollars of Non-Project Assistance and over one million dollars of Project Assistance will be deobligated.

The Mission will conduct an orderly wind-up of the various activities which will be terminated between now and September 27, 1996. In addition to the activities listed below the Mission will carry out an assessment of the GON's program to revise land and natural resource laws, prepare a draft bill which if passed would enable local community NRM organizations to be officially recognized, lessons learned on the GIS activities carried out by the Mission, and a program review and studies on lessons learned in the ADSG II policy reform domain.

The NAAR project will provide funding for the alumni association in May, the trainees in the U.S. will complete training by the end of June 1996. The remaining 7 trainees in West Africa will be transferred to HRDA in June. \$150,000 of NAAR funds will be transferred to the Africa Bureau INTERCRSP activity in June to finance regional agricultural research workshops which will facilitate close out and transfer of CRSP activities in Niger to INTERCRSP in September. The evaluation of the project is scheduled for September. All remaining funds will be deobligated from NAAR.

The HERN project relates to strengthening of Nigerien NGOs. This third phase of an ongoing activity is to carry out a pilot program for communication and extension of NRM Technology to rural areas by NGOs and radio clubs of Niger. This will be completed by early September.

For the three CRSPS all funds have been committed to the universities involved and INRAN. They will complete their research prior to the end of September.

ASDG II NPA funds from tranches IIc, III and IV will be deobligated and the program closed out the end of September.

The Mission recommends the above phase out dates, in lieu of immediate termination, in order to avoid abandonment of activities and to have an orderly wind-up.

**Continuing Activities:** Remaining in the revised Environment and PVOs Office (EPO), are the Africare NRM Interventions project in Gouré and Agadez, support to the Peace Corps, an ongoing NGO program providing support to the NGO community and managing grants of disbursed NPA funds, and rural savings and credit activities provided by three US PVOs, Clusa, Woccu, and Care International.

Africare has been implementing a natural resources interventions activity through community based organizations in the Goure Arrondissement since 1992. Africare has also been implementing village level natural resources activities in the Agadez department aimed at providing employment opportunities for ex-combattants in the conflict between the Touaregs and the GON. The Mission recommends continuing both activities under the Section 123 (e) exemption of the FAA. See the Action Memorandum in Part III and Annex B for further details.

The Peace Corps in Niger is implementing biodiversity and natural resources conservation activities financed by USAID/Niger through the Forest Resources Management PASA. The Mission is recommending continuation of this activity under exemption 541 (b) of the FY 1996 FAAA and therefore requests funds for the OYB transfer. These activities would continue into FY 1997. See the Action Memorandum Part III and Annex B for further details.

In order to further support the NGO grants program with additional funds and also the credit programs with additional bank guarantee funds; the remaining tranches of the Sector Grant NPA program will be released. The release will take place after the Presidential elections are held, now scheduled for September, 1996. The conditionalities associated with the tranche have all been met with one exception which will be completed by July.

Also recommended for continuation under Section 123(e) are the three ongoing PVO projects from the Economic Reform and Microenterprises Development Office (SO2). This combination of credit and environmental activities under the same Environmental Office will enable the Mission and Niger to profit from the synergies of these complementary activities. The three PVO activities being absorbed from SO2 complement the Mission's Result 3.3: *Increased capital available for communities and individuals to invest in NRM practices.*

Recent IFPRI, Africare and World Bank studies have demonstrated that decentralized financial services (DFS) are crucial to the adoption of NRM practices in Niger. While absence of credit is one of the critical constraints to farmer adoption of environmentally sustainable practices, rural producers form one of the greatest customer bases for credit activities which is an absolute requirement for the massive adoption of NRM techniques. The ancillary activities of training of villagers in functional

literacy and other non-formal education, not only makes them better loan customers, but also better and healthier producers by making technical literature in local languages accessible. To that effect the DFS results team is planning a conference with donors and NGOs in coordination with the Club du Sahel to review best practices in sustainable functional literacy and non-formal education in Niger. One of the most important accomplishments for the PVO activities has been the creation of a group of people interested in making DFS to the rural poor work.

Each of the three USAID DFS activities is moving towards sustainability. Reimbursement rates are rising, start-up problems are being resolved, and they are beginning to be able to collaborate financially. The success of these three USAID supported programs has encouraged other donors to get involved in rural credit programs. UNDP/UNEP, the French, IFAD, the World Bank and the Dutch (SNV) are either planning or implementing projects with these PVOs. In 1995 there were 153 USAID promoted DFS institutions providing over 2.3 million dollars worth of credit in Niger. Stopping assistance now would endanger our investments; continuing will create self-sustaining institutions for development.

**Resources required:** The EPO will require one USDH, one USPC, two FSN project managers, two FSN development specialists, one FSN development assistant, and one FSN development clerk, and one secretary. The planned SO3 FY96 budget level was \$6.8 million. The planned SO2 FY96 budget level was \$2.8 million. The EPO will require a FY96 budget of \$1.35 million.

**Activities terminating:**

1. Niger Applied Agricultural Research (683-0256) by 07/31/96. Support of ongoing training will be transferred to HRDA.
2. HERNs Project (Aguirre International) as scheduled on 08/31/96.
3. Collaborative Research Support Projects (CRSP) (Niger components)
  - a. Soil Management CRSP (931-1311) by 09/27/96
  - b. Sorghum and Millet CRSP (931-1254) by 09/27/96
  - c. Peanut CRSP (931-4048) by 09/27/96
4. Agricultural Sector Development Grant II NPA (683-0257) by 09/27/96
5. Agriculture Sector Development Grant II PA (683-0256) partial by 08/31/96
  - a. IRG contract reduced in scope by 08/31/96
  - b. Land Tenure Center Cooperative Agreement closed 08/31/96
6. DESFIL as scheduled by 03/27/96

**List of continuing activities:**

1. Africare Natural Resources Management Interventions (683-0278)
2. Peace Corps Forest Resources Management (936-5556)
3. Agricultural Sector Development Grant PA (683-0265.00): IRG TA to the NGO Grants Management Unit to manage disbursed NPA and provide limited NGO institutional capacity building activities.

#### **4. Democracy, Governance and Local Participation**

USAID/Niger places democratization as one of its key policy objectives for Niger. The approved Mission Strategic Plan treats democratic governance as a cross-cutting issue focused on informing citizens of key public policy issues that affect their rights and responsibilities in the areas of health, natural resource management and decentralized financial institutions.

This vision establishes the Mission commitment to democracy and governance issues, and to an integrated approach to development. As a result of the coup and imposition of Section 508, the Mission proposes to refocus democracy activities on an interim objective to help Niger reestablish democratic government. Performance measures include: 1) "More Nigeriens exercise their rights of expression and association" and, 2) "institutional capacity of NGOs and local associations is increased". This objective will be achieved by informing and empowering citizens, and assisting independent groups and associations to play active roles in the political and legal processes. To achieve this objective the Mission will work with professional groups, democracy and human rights defense associations, and women's organizations to improve: 1) public understanding of political processes, and 2) public awareness of rights, responsibilities, laws, and government functioning and accountability. Collaboration between US PVOs and Nigerien NGOs is a variant of this strategy. All of the DG activities proposed in this Wind-up Plan are targeted towards that end.

Section 123(e) of the FAA allows the continuation of assistance in support of PVO programs and cooperatives already being supported on the date of termination of assistance, i.e. January 27, 1996 provided that the Administrator considers that the continuation of this support is in the national interest of the United States.

Section 544(a) of the FY96 FAAA, allows assistance in support of programs of NGOs provided that the Administrator takes into consideration that this assistance is in the National interest of the United States. It is in the USG interest to support and strengthen civil society to help assure a smooth transition back to a democratically elected government and to promote the participation of citizens in political processes.

##### **Activities to be discontinued:**

The following five (5) activities will be completed as planned within the timeframe of the Wind-up Plan:

1. FY 1995 116 (e) Women's Legal Clinics focuses on the propagation of laws and regulations in rural areas and legal assistance to participants about how to handle legal issues and disputes;
2. FY 1995 116 (e) Legal Assistance Center for Women provides legal assistance services to women in Niamey;
3. FY 1995 116 (e) Democracy Journalism Prize finances the organization of an annual democracy journalism competition with a cash prize;
4. Democracy and Civics School Curriculum is financing the production of democracy and civic education manuals for primary and secondary education systems and democracy and human rights groups, labor unions and other organized groups to broaden the awareness of targeted audience of key democracy fundamentals and political processes.

5. The FY 1995 International Foundation for Election Systems (IFES) proposes to assist the Niger Independent Election Commission (IEC) to upgrade voter listings and establish a computerized voter listing tracking system. If approved this activity should begin May 1, 1996 to work with the IEC to prepare for the election scheduled in June and September.

It is recommended that these activities continue to their PACDs of September 27, 1996 in order to avoid abandonment and have an orderly wind-up of activities .

### **Continuing Activities:**

Due to reasonable prospects for restoration of democratic government within less than a year, and the important role played in Niger by U.S. assistance in the field of human rights and democratic government, it will be especially important not to sever our support for human rights activities and institutional development during critical early months of a new government that we believe will be in place late in 1996. Strong links that have been carefully built over recent years, and we find in the new transition new opportunities to enhance women's participation. The Mission proposes to modify and continue the implementation of the NDI bilateral project through September 1997. The Mission also requires approval and funding to begin implementation of FY 1996 116(e) activities as described in FY 1995 Niamey 06011, and one to commence with Global Bureau a Women in Politics (WIP) initiative to increase women's participation in political processes.

#### **1. DFA FY 1995 NDI Niger Civic Organizing and Legislative Outreach:**

This grant focuses on support to Nigerien NGOs to (1) assist them in the popularization of fundamental texts, (2) train their members as election observers, and (3) after elections work with NGOs to strengthen National Assembly capability. Due to the coup, USAID and NDI have negotiated a modified workscope to respond to Nigerien NGOs' requests to assist with the return to democracy, scheduled for October 1, 1996 after a National Forum on constitutional and electoral reforms and presidential and legislative elections. After re-seating of the National Assembly, this activity will resume its focus on the National Assembly and Nigerien NGOs and be terminated by October 31, 1997..

#### **2. FY 96 ADD-ON G/DG/WIP PROGRAM:**

As part of the USG's commitment to the United Nations Fourth World Conference on Women, USAID/W has designed a Women in Politics Program (WIP) to increase women's participation in political processes and elections. USAID/Niger proposes to add-on \$500,000 to this program to conduct two complementary women in politics initiatives: (1) support the participation of literate women in Niger's political processes and (2) help illiterate Nigerien Women exercise their voting rights. The program will assist a coalition of three Nigerien Women NGOs to (a) design projects targeted at literate Nigerien women to increase their participation in political processes and (b) develop material for training of Nigerien illiterate grassroots women on their rights and role in a democracy, how to vote, and how an election works to enable them to exercise their voting rights. The NGOs will also provide an analytical report of the effective participation of women during the planned legislative and presidential elections. The findings of the reports will be used to further the participation of grassroots women during the local and municipal elections and to strengthen their role in local politics. The authorities of Section 544(a) clearly would permit this new activity.

**3. FY 96 Democracy and Human Rights Fund (DHRF):**

Prior to the coup, the Mission requested \$209,000 of FY96 Democracy and Human Rights Funds (DHRF), 116 (e) funding to undertake eight (8) small projects for \$98,000 and two (2) large projects, one for \$49,100 and one for \$62,000 (Ref. 95 Niamey 06011). The Mission renews in this Plan the request to continue with its Section 116(e) program and to use the authorities of Section 544(a) that would permit the obligation FY 1996 DA funds for this purpose.

Mission requests approval and funding to start the implementation of the subject activities which fall within the Mission's DG interim objective. Continuing and new activities are fully described in Annex B, DG Activity Detail Sheet. The proposed program includes activities that are permitted under Section 123(e) of the FAA and Section 544(b) of the FAAA. These activities will contribute to a smooth transition to a democratically elected government and will strengthen the role of Nigerien NGOs and associations in political and legal processes.

Some activities under the economic reform program deal as much with democratic governance as with economic policy reform. They are proposed to be continued under the Democracy, Governance and Local Participation Cross-Cutting theme. The activities include monitoring over time, the illicit enrichment to determine its impact on productivity and democratic governance's impact on corruption.

**Resources required:**

The Democracy, Governance, and Local Participation Office will be adequate to implement the program described above. Funding requirements are as follows:

	Program Budget
Ongoing Activities	\$1,157,957 (including Section 116(e))
New Activities	\$709,000 (including Section 116(e))
<b>Total</b>	<b>\$1,866,233</b>

## 5. Food Security and Regional Activities

Food security is a cross cutting issue and key to achieving Strategic Objective 1 (SO1). Improved food security is a critical element in the Mission's child survival strategy. Niger has one of the highest infant and child mortality rates in the world. Widespread malnutrition, and consequent increased vulnerability to epidemics, is a major cause of this high mortality. The preservation of food security and nutritional stability is both a key element in the survival of children and women, and an essential pre-condition for the achievement of the Mission's revised child survival objectives (See Section V.E.).

To achieve both child survival objectives and to decrease dependence on emergency interventions, the Mission designed and manages the innovative Disaster Preparedness and Mitigation program which supports, with PA, technical assistance to strengthen early warning and disaster management capabilities, undertakes policy reform, donor coordination, and crop protection efforts; and, with NPA, the establishment of an Emergency Fund to directly target food to the most vulnerable elements of the population, usually women and children, in the form of emergency relief or support for food-for-work mitigation activities.

The Mission also hosts a Famine Early Warning System team as part of the regional FEWS III project and manages the regional Sahel Water Data Management III project which supports the AGRHYMET system of the CILSS countries. Niger also benefits from certain other regionally funded projects by virtue of being a member of the CILSS.

**Activities to be discontinued:** As a result of the coup and the imposition of Section 508, the Mission will reduce the level of technical support for the DPM project from four U.S. contract personnel to three at the end of April 1996 and to two by the end of the year.

All activities related to helping the GON put in place an integrated pest management system have been terminated. Similarly, plans for assistance to the GON to implement recently enacted phyto-sanitary legislation have been dropped .

### Continuing Activities:

1. Regional activities. USAID/Niger proposes continuing certain projects without modification because these activities are regional and do not provide discrete, direct assistance to the GON.
  - a. Famine Early Warning System III (FEWS) 698-0491. Regional project supporting early warning, vulnerability analysis and capacity building.
  - b. Sahel Water Data Management III 625-0973.00 & 625-0973.83. Regional project supporting CILSS countries in developing the AGRHYMET system to collect, analyze and disseminate agricultural, hydrological and meteorological information throughout the Sahel.
  - c. Sahel Regional Institutions Project 625-0975. This project supports the CILSS Food Security and Natural Resources Management Policy Program.
  - d. Promoting Population Policy Developemnt Project (CERPOD) 625-0978. Provides support to CILSS for studies and research on population.

- e. Programs for Applied Development Research in the Sahel 698-0980. Provides support to the Sahel Institute for agro-socioeconomic research.
2. Bilateral activities: Since Disaster Preparedness and Mitigation activities directly impact on child survival by transferring immediate and targeted food aid to identified vulnerable populations, USAID/Niger proposes to continue the DPM with the exception of the changes mentioned below.
- a. Disaster Preparedness and Mitigation Project PA 683-0279.00. Providing technical assistance to the GON's national early warning and disaster management system (SAP/GC) to improve the capacity to undertake early warning and vulnerability analyses and to respond to disasters and mitigate the effects of slow onset disasters like famine. DPM also supports the Directorate of Crop Protection to protect standing crops, and thus the food supply, against the threat of locust, grasshopper and other pre- and post-harvest pests.
  - b. Disaster Preparedness and Mitigation Project NPA 683-0271.00. Providing direct support to the Emergency Fund which is used exclusively to meet the emergency or mitigation needs of the most vulnerable populations mostly through food-for-work programs. \$2.5 million which have already been obligated will be disbursed to the Emergency Fund only when the new elected government is in place.

The Mission is proposing its exception from the provisions of section 508 under Section 522 of the FY 1996 Appropriations Act and its predecessors which permit the use of these funds for child survival and section 541 of the 1996 Appropriations Act and its predecessors which permits the use of appropriated funds for support of tropical forestry and biodiversity. It is also clear that, although funded from DA/DFA resources, the DPM meets the intent of Section 491 of the FAA to meet humanitarian needs and to support disaster preparedness and mitigation. The Mission believes that it was not the intent of Congress to limit this humanitarian activity. USAID/Niger will manage these activities in a reconfigured program office which will have responsibility for regional and food security issues.

**Resources required:** No additional funds are required in FY 1996. A reduced food security office will be maintained to manage these activities. The Mission PSC project manager position will not be refilled when the contract expires in September.

## 6. Education And Training

The approved Niger Country Training Plan is composed of bilateral and central projects providing in-country, third country and U.S. short-term and long-term training. Training is considered by the Mission in its Strategic Plan to be a means to achieve its Strategic Objectives (SO)—not an end in itself. Therefore, each of the three SOs contain training activities that help meet annual performance targets. Training and the related human capacity development interventions are, indeed, the most profound and sustainable activities for Niger. At the present time, the Mission has 65 individuals on active training programs outside of Niger.

**Activities to be discontinued:** All planned U.S. participant training through the ATLAS project will be terminated. With the suspension of SO3 and the closure of the Niger Applied Agricultural Research Project, all the remaining elements of this project's approved training plan will be terminated. All planned training related to SO2 will be terminated.

**Continuing Activities:** The following training activities are all recommended for continuation:

1. *The Human Resources Development Project (HRDA 698-0463.83)* provides training for Nigerien students and professionals, working in both public and private sectors, in activities related to the development of Niger. There are several elements recommended for continuation.
  - a. There are currently 29 participants (*see Section V C.*) in training outside of Niger. Section 617 of the Foreign Assistance Act permits the Agency to continue programs of all trainees that were studying outside Niger as of January 27, 1996.
  - b. Twenty-five U.S./third-country participants will be sent for training to reinforce the proposed child survival and AIDS interventions. This activity will require no additional funding as sufficient HRDA funds ending obligated remain in the pipeline. This training is allowable under the Section 522 exception for child survival /AIDS.
  - c. In support of continuing PVO/NGO activities, in-country training in functional literacy and follow-on courses and reading materials in local languages are necessary. A conference is being planned to review the best practices in non-formal education to develop these courses in collaboration with *Club du Sahel*, other donors, and the NGO community in Niger. This will provide each of the PVO activities with the support in functional literacy and accompanying non-formal education which they have requested. Courses in literacy and follow-on local language courses in child survival/family planning, decentralized financial services, natural resource management, food security, democracy and governance, etc, will increase the participation of villagers in various activities we are promoting. This training is allowable under the Section 123(e) exception for PVO activities.
2. *African Training for Leadership and Advanced Skills (ATLAS 698-0475.83)* provides U.S. university training for Nigeriens to strengthen their leadership and technical abilities and enhance professional performance of individuals serving public and private sector entities, university, research centers and other key development institutions. There are currently 26 participants in training in the U.S. who started prior to January 27, 1996. Section 617 of the Foreign Assistance Act permits the Agency to continue programs of all trainees that were studying outside Niger as of January 27, 1996.

The Mission also recommends preserving the training program of three other Nigerien ATLAS participants who went through the pre-selection procedure of the program. They were selected in March, 1995, and were called forward to arrive in the U.S. in early March, 1996 when the *coup d'état* interrupted their departure. All the conditions for departure have been met: scholarships have been awarded by the University of Wyoming, Oklahoma State University and Auburn University; the award package including air ticket and documents for pre-departure arrangements were received and the nominees had left their jobs to embark on the training programs when the Mission was advised they could not depart. The Mission requests an exemption under the Foreign Assistance Appropriations Act (FAA) Section 617, as these trainees were 95% processed prior to the coup.

3. *The Niger Applied Agricultural Research Project (NAAR 683-0256.00)* provides university training for researchers, scientists and managers in agricultural research, the environment and biotechnology. There are currently nine students in training under the NAAR Project. All the trainees have been fully funded. Two of the participants are in the U.S. and will complete their studies by May of 1996. The other are in the West Africa region and will be converted to the HRDA activity. The Mission recommends they be allowed to complete their scheduled programs in accordance with the Foreign Assistance Appropriations Act Section 617.
4. *The Policy Analysis and Monitoring Project (PAM 683-0266)* has one student studying outside of Niger who is due to complete his studies by June 30, 1996. The Mission recommends he finish his studies in accordance with the Foreign Assistance Appropriations Act Section 617.

**Resources required:** No funds required in FY96. A training section will be maintained to manage those training activities to be continued.

## 7. Program

*a. Self-Help:* In Niger, Self-Help Program funded projects have made an important contribution where it counts most—at the village level, for people who rank among the world's poorest. For families living in one of the hardest environments imaginable, tree planting, well, small irrigation and other micro-development projects make a big difference in raising their living conditions. Classroom and small clinic construction has helped extend primary education and health services to extremely disadvantaged people who would not otherwise be reached. The program is very small (under \$100,000 a year, with each project usually receiving between \$3,000 and \$10,000). It duplicates no other assistance, does not fund government activities, and addresses the most basic of human needs. As the name implies, the program gives funds only to villages or associations which have already shown initiative and contribute, in kind, in labor or in cash, at least 1/4 to 1/3 of a project's value. Although a modest program, the return for each dollar spent, measured in improved lives, has been great. The U.S. Mission requested \$120,000 of FY96 funds to continue Niger's Self-Help Program. (Niamey 5751).

In order to avoid abandonment, Niger's FY95 program has continued, unaffected by the coup and imposition of Section 508 sanctions. FY95 Self-Help activities are alleviating the problems associated with Niger's chronic water shortages; desertification; extremely low literacy rates; poor health resources; and poor nutrition. The FY95 program works with Peace Corps volunteers, local and international NGO's, and village based community groups. These resources are of great relative value to impoverished groups and individuals who have invested great time and effort to prepare, justify and begin implementation of self-help activities. The following constitutes a complete list of all ongoing Self-Help activities begun with FY 1995 funds and still underway. Except as noted, all these activities will be completed as scheduled, most before 27 September 1996. Please refer to annex B for details of self help activities.

*b. Program Development and Support (PD&S):* The Mission wishes to program \$150,000 in PD&S fund for the purpose of enhancing USAID/Niger's capacity to plan, implement or evaluate its strategic objectives or results packages more effectively.

### III. Administration and Management

#### A. Organization and Staffing

USAID/Niger began FY96 with a total staffing of ten U.S. Direct Hire (USDH) employees (Table 5, Annex C<sup>2</sup>). In addition to USDH staff, there is one Third Country National (TCN) Personal Services Contractor who serves as the Project Manager for AGRHYMET, a USPSC exempt who serves as a Special Assistant to the Results Coordinator, and three non-exempt USPSCs. One PSC serves as Deputy Executive Officer, one as the DPM Project Manager, and one as a Natural Resources Management Specialist. The three USPSCs and one TCN PSC were recruited off-shore.

In addition, the Mission includes 109 Foreign Service Nationals (FSN) as set forth in Table 6. There is a ratio of approximately 11 FSNs to each USDH employee. Most FSNs serve multiple roles. For example, the personnel assistants are contracting specialists and the secretary to the Administrative Officer also handles leasing.

The USAID/Niger program also includes 30 long-term contract employees recruited from points of origin other than Niger. Seventeen of these are employees of institutional contractors, and thirteen are employees of Private Voluntary Organizations (PVOs) (Table 7).

Under the proposed wind-up plan, the positions listed on Table 8A will remain. These include five USDH. These are the AID Director, Supervisory Health/Population Development Officer, Environment and PVO Officer (Agriculture Development Office), Food Security and Program Operations Officer, and an Administration and Management Officer (Supervisory Executive Officer). The offices managed by these officers are as shown in Tables 8A-G. In addition to these offices, the projected Mission will also have a Financial Management Office staffed by seven FSNs as shown on Table 8G, a Democracy and Governance section with four FSNs and an Education and Training section manned by four FSNs, both shown on Table 8A.

The projected organization, as described, reflects the Mission staffing required to effectively manage the proposed activities under an OYB level of \$9.1 million.

Recommendations for revised end of tour dates for expatriate staff for the projected organization are included in Table 5. While some assistance will be terminated by September 27, 1996, winding up these activities will require the presence of some officers beyond the termination date and the table reflects these recommendations. This is especially true in the case of the Controller who is vital to the successful windup of the current program. The close out of 17 activities, the downsizing of the Mission, and preparations for possibly turning over accounting functions to REDSO/Abidjan will require the continuing presence of the Controller. It is recommended that the Controller remain at USAID/Niger until the end of his tour in September 1997.

The projected organization envisions that certain SO Teams will be merged during the wind-up period. Specifically, it is envisioned that SO Teams 2 (ERMD) and 3 (NRMA) will merge around the end of May in order to facilitate the new organization. The Program and Food Security Offices will

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<sup>2</sup> All tables are to be found in Annex C.

merge in July. The Director, Results Coordinator, Education and Training, and Democracy and Governance offices will merge at the end of September.

It is also envisioned that the staffing phase-down will be accomplished in stages that will be determined when the final organization is agreed on. Personnel phase-down, and the elimination of structural assets such as property, houses, etc., will be accomplished in a manner that will enhance the installation of the projected organization and not denigrate operations as the organization is achieved. Additionally, certain traditionally USAID administrative functions, such as shipping and customs, and building and maintenance will be transferred to the Embassy FAAS or the new ICASS arrangement.

This plan does not envision a total closeout as the Mission is preparing a program that is in the U.S. national interest and that meets the legislative requirements for exceptions in child survival and AIDS, and environment and bio-diversity. This program will require five USDH staff.

*Other Personnel Issues:*

- The wage plan for FSNs includes a funded severance pay plan.
- No TDY assistance will be needed to close-out.

The determination of Mission annual operating expense requirements for FY96 will be based on the close-out plan approved by the Bureau, but should be within the approved \$2.25 million level. The FY97 level for the staffing recommended for continuation of programs is \$1.77 million. The Mission is requesting a program budget of \$9.1 million in FY96 as detailed in Table 9, Annex C.

**B. Real Property, Office and Housing**

*USAID Office:* USAID owns its current office building. The USAID mission would continue to occupy the building even at the reduced scale.

*Housing:* The Mission holds ten residential leases with annual costs that range from \$6,500 to \$9,467. (See Table 10) When the projected plan is approved, the mission will prepare a timetable of staff departures, review lease requirements for notification to landlords, develop a budget reflecting any savings or additional costs, and notify landlords by the appropriate date.

**C. Mission Non-Expendable Property**

Immediately after the coup, on January 27, 1996, USAID/Niger placed a moratorium on all non-expendable property and vehicle procurement. In the event that the continuation program is approved, the Mission will still need to procure and replace worn out household appliances and furniture.

*Furniture and Appliances:* The Mission has three sets of new household furniture in the warehouse. If the Mission were to phase down, worn out household furniture would be replaced with two of the new sets and one set would be kept as a spare at the warehouse. The remaining furniture is presently located in USAID residences. Some of the furniture is still in good condition. Most of it is old and it is unlikely that it could be sold as it needs to be replaced. Because of its age and condition, it would be disposed of according to regulations.

**Office Furniture:** Most of the office furniture was procured in 1989, 1992 and 1995 and is in good to excellent condition. Any excess furniture would be of interest to other missions, particularly to those in surrounding or nearby countries. Redistribution of these items would be done according to handbook regulations. Any remaining surplus will be sold at auction.

**Vehicles:** The Mission has fourteen OE funded vehicles, one project-funded and one trust-funded vehicle. Under the projected plan, it is estimated that a total of eight vehicles will be necessary to support the remaining Mission staff. The trust-funded vehicle would be turned over to the GON according to the trust fund agreement. The OE-funded and contractor support-funded vehicles would be redistributed and/or auctioned according to handbook guidance.

**ADP:** The Mission has a fully operational Banyan Vines local area network (LAN) with about 100 work stations and assorted peripheral equipment including CD drives, printers, scanner, etc. Surplus equipment would only be redistributed or disposed of after consulting with IRM.

#### **D. Project Non-Expendable Property**

Each project officer has been instructed to request project contractors to provide an updated inventory of all equipment, vehicles and furniture purchased through contracts. In addition, the project officers, in coordination with USAID, are updating the inventories for equipment procured directly by the Mission, and for which the Mission maintains custody and inventory records.

#### **E. Trust Funds**

USAID/Niger has project trust funds used generally to fund project administrative activities carried on by the mission. Table 11 in Annex C provides the current trust fund levels by project and anticipated expenditures through September 27, 1996. Funds not expended by this time will either be programmed to continue administrative support of those on-going activities in the approved wind-up plan, or will be turned over to the GON for mutually acceptable activities.

**Table I: Proposed FY 96 Obligations by FAAA and FAA exceptions**

Activity Type	(\$000)	Section of FAAA
<b>A. Interim Objective #1: Child Survival &amp; HIV/AIDS Control</b>		
1- Strategic Objective Agreement	1,000	522
2- CARE	960	522
3- Africare	400	522
4- Food Security	0	522
5- Peace Corps - Child Survival PASA	200	522
6- Child Survival & HIV Control - USAID/Global Bureau	3,750	522
<b>Total IO1: Child Survival &amp; HIV/AIDS:</b>	<b>6,310</b>	
<b>B. Interim Objective #2: PVOs: Environment &amp; Democracy</b>		
		Section of FAA
1. Africare - Gouré NRM	450	123e
2. Niger Credit Union Development (WOCCU)	600	123e
3. National Democratic Institute & Other PVO grant	1,100	123e
4. Local PVOs (116e)	0	123e
5. U.S. PVO(s) USAID/Global Bureau	150	544a
6. PD & S	150	544a <sup>7</sup>
7. Peace Corps - Forest Resource Mgnt PASA	300	541b
<b>Total IO2: Environment &amp; Democracy</b>	<b>2,750</b>	
<b>Total Proposed FY 96 OYB</b>	<b>9,060</b>	

<sup>7</sup> STATE 43620 "Guidance for the Niger Mission Under Section 508 of the FY 1996 Foreign Assistance Appropriations Act", 4Mar96 provided detailed guidance on the use of PD&S funds with which the Mission wind up plan will remain in full compliance. These funds will be only for the use of the USG in monitoring implementation of the activities during the period that Section 508 sanctions are in effect.

**Table II: USAID/Niger Pre- & Post-Coup FY96 Obligation Plans**

Strategic Objective/Activity	FY96 planned (\$000's)	Post- Coup proposed	Terminate Reduce Increase
<b>Objective #1: Population &amp; Health (modified; continuing)</b>			
R1.1: Public Sector - districts	4,350	1,100	Reduce
R1.2: Private Sector	2,300	1,360	Reduce
Other, U.S. PVOs/Global Support	0	3,750	Increase
R1.3: Policy Reform	2,500	0	Reduce
R1.4: DPM-NPA-Food Sec.	1,300	0	Reduce
DPM-PA -Mitigation	100	0	Reduce
R1.5: Public policy awareness	600	100	Reduce
Hum Res Dev/HRDA (USAID Global)	100	0	-
ATLAS	0	0	-
<b>Total SO#1</b>	<b>11,250</b>	<b>6,310</b>	
<b>Objective #2: Economic Reform &amp; Microenterprise [eliminated]</b>			
Policy Analysis and Monitoring	1100	0	Terminate
Niger Credit Union Dev.I (to SPO1 below)	800	600	Reduce
ATLAS (regional AFR)	0	0	-
Hum Res Dev/HRDA (USAID Global)	200	0	-
DPM-NPA-mitigation	100	0	Terminate
Democracy and Governance (to SPO2)	200	0	Terminate
SO2 Grant Agreement (start 97; eliminated)	0	0	Terminate
<b>Total SO#2</b>	<b>2,400</b>	<b>600</b>	
<b>Objective #3: Natural Resource Management (suspended; becomes Special Objective 1: SPO1)</b>			
Niger Applied Ag. Research	0	0	Terminate
Ag. Sector Dev. Grant II (NPA)	400	0	Terminate
Ag. Sector Dev. Grant II (PA)	900	0	Reduce
Forestry Res. (PCorps)	400	300	Reduce
Gouré NRM Interventions (Africare)	600	450	Reduce
Democracy and Governance (to SPO2)	200	-	-
ATLAS (regional AFR)	0	0	-
DPM-PA-mitigation	400	0	-
DPM-NPA-mitigation	1,600	0	Reduce
Hum Res Dev/HRDA (USAID Global)	250	0	Reduce
SO3 Grant Agreement (start 97; suspended)	0	0	Terminate
<b>Total SO#3</b>	<b>4,750</b>	<b>750</b>	
<b>Democracy and Governance (New SPO2)</b>	<b>400</b>	<b>1,250</b>	<b>Increase</b>
<b>Program Dev. &amp; Support</b>	<b>200</b>	<b>150</b>	<b>Reduce</b>
<b>Total Niger 96 OYB</b>	<b>19,000</b>	<b>9,060</b>	

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#### IV. IMPLICATIONS FOR USAID/NIGER'S COUNTRY STRATEGIC PLAN AND MANAGEMENT CONTRACT

Activities set forth in USAID/Niger's approved Country Strategy Plan for the years 1996-2002 have been suspended since the January 27, 1996 *coup d'etat* which triggered legislative sanctions under Section 508 of the FY96 Foreign Assistance Appropriations Act. Because USAID/Niger does intend to continue certain activities which may be exempted under Section 508, the Mission has been forced to examine the implications of such sanctions to its Country Strategy Plan (CSP) and its management contract with Washington not to preserve the CSP, but rather to conform to recent Agency precepts regarding results-orientation, administrative requirements for monitoring and reporting, and conformance to the new Automated Directives System (ADS).

This Wind-up Plan, therefore, defines not only the phase-out or immediate termination of USAID/Niger's bilateral assistance for those activities which must, legally or as a matter of policy, be discontinued due to the coup, but also presents interim objectives for those activities recommended for continuation. It provides a rationale for continuing an inter-related set of activities which are not a loose collection of activities allowed under legislative exemptions. The Plan contains indicators for measuring progress during this transitional period, showing in detail what results under the prior CSP now have been relinquished. (See Annex E.)

**Background:** USAID/Niger's Country Strategic Plan was negotiated with and provisionally approved by USAID/W in April of 1995. In August 1995, STATE 195086 confirmed the approval and provided detailed guidance such that the Mission could proceed with the development of SOAGs with the Government of Niger (GON) for SOs 1 (population and health) and 3 (natural resources management). Development of a SOAG for Strategic Objective 2 (economic reform and microenterprise development) was put on hold pending additional sector analysis. The cable constituted USAID/Niger's management contract with Washington. Following receipt of the cable, the Mission fine-tuned the Strategy Plan and took appropriate actions in response to remaining USAID/W concerns. The final Plan included three mutually reinforcing objectives and introduced three issue areas (Food Security, Democracy and Governance, and Training) which cut across the SOs and further linked the objectives and their impacts.

**Realigning the Mission's Strategy:** Immediately following the coup, the Mission, in accordance with U.S. law and policy, suspended its Strategy Plan and entire portfolio of activities, rendering the Mission's management contract, at least temporarily, moot.

In March 1995, the Mission's first Results Review Report (R2) showed the results achieved by the Mission in 1995 and clarified results the mission expected to achieve in the coming year. As the Wind-up Plan makes clear, the Administrator should conclude that it is in the best interests of the U.S. and consistent with legislation that critical humanitarian, environmental and democracy support be continued. Though about \$8.0 million will be deobligated, several million dollars of prior years funding would continue to be available (much of it in suspension), and about \$9.1 million of new FY96 funds are proposed. This requires important modifications to the management contract with USAID/Washington. The Mission believes that despite reduced resources and a contraction of program activities, significant results can be achieved in 1996 and the years that follow, in accordance with the interim objectives.

Many of the activities under SO1 can be preserved, as well as a portion of the SO3 program. The economic reform and microenterprise development objective (SO2) is being terminated, save certain

activities which are integral to SO3 and which may be determined as excepted from Section 508. The integration of cross-cutting issues has also been seriously impacted by the coup. Most notably, the Office of Democracy, Governance and Local Participation will now be concentrating a great portion of its efforts on a new interim objective meant to inform and empower Nigeriens and assist independent groups and associations to play active roles in political and legal processes particularly the impending elections. At the same time, the D/G results identified in the Plan have been temporarily deferred. Training activities have also been affected by Section 508's restrictions. The few exceptions to be made in this area are for the 29 Nigeriens who were already in training at the time of the coup, and for some recommended training in Child Survival, HIV/AIDS and for PVOs through HRDA funds previously obligated. The results associated with Food Security are being maintained and progress should measure up at or near pre-coup performance expectation levels.

Therefore, while the Mission does intend to have a development impact in Niger in 1996, it will not be possible to achieve many of the results which it pledged to realize in the Strategy Plan and the management contract. In response to these changed circumstances, the Mission has revised objectives, results and indicators to correspond with the new universe in which it exists. The Performance Monitoring Plan in Annex E proposes results determined to be in the Mission's management interest to achieve during this time of transition and with the reality of a reduced budget.

**Impacts on Strategic Objective 1: *Increased use of selected family planning and maternal child (FP/MCH), and disaster mitigation practices.***

USAID/Niger designed its Population and Health Strategic Objective to address family planning and other health needs of the Nigerien family, specifically the FP/MCH needs of women and children. In this period of transition, however, the Mission has determined that an Interim Objective which shifts the focus of Mission activities to child survival, disaster mitigation and HIV/AIDS control-related activities, in accordance with exceptions under Section 508, is more appropriate until a democratically elected government is restored and the Mission is able to revisit its overall strategy in Niger, possibly in a new management context. Therefore, the Mission is proposing an interim objective against which it can measure progress in 1996: *Increased use of child survival, disaster mitigation and HIV/AIDS control practices.*

The most notable interim modifications to the SO1 results framework are that:

- *Focus will be shifted from FP/MCH services to child survival and HIV/AIDS control related services because aid for family planning activities is not allowed under Section 508. However, many of the MCH activities, including reproductive health and high risk births, and food security which support child survival should be excepted under Section 522 and as a matter of informed public health policy regarding the determinants of child mortality. It is especially important to understand that malnutrition in Niger is implicated in the majority of child deaths and that USAID's DPM program provides critical assistance to address this factor.*
- *Policy dialogue with the GON has been discontinued in order to avoid direct assistance to the central government. All activities will be concentrated at the district and community levels..*
- *In response to the evolving situation in Niger, the Mission would like to introduce two new initiatives, vaccines and HIV/AIDS/STD prevention, which also directly impact child survival.*

Over the past year, the challenges to the delivery system for vaccines have become overwhelming, as has been evidenced by the measles and meningitis epidemics. Other donors are not providing sufficient, effective assistance. If USAID resources are available, the Mission intends to initiate a program of assistance to the national EPI program, improving cold chain, management and supervision. Similarly, with the slow increase of HIV prevalence in Niger, the Mission hopes to inaugurate a new HIV/AIDS/STD prevention program to reinforce its efforts to improve reproductive health services.

Results to be achieved: The above mentioned changes will not hamper the Mission's achievement of the following (and in some cases, somewhat modified) results:

- Result 1.1 *Increased and improved child survival and HIV/AIDS control services in the public sector;*
- Result 1.2 *An expanded and improved private sector, including NGOs, providing child survival and HIV/AIDS related services; and*
- Result 1.4 *Improved national capacity to predict and respond to food security and health related disasters.*

Progress towards achievement of these results will be monitored according to an interim version of the Performance Monitoring Plan. (See Annex E) Generally, the same performance measures will be used to track progress, except for some slight alterations which have been made to ensure that indicators correspond to the revised interim objective.

Progress towards Result 1.3 (*Improved environment for health services, including policy reform*) cannot be expected during the wind-up period because it can only be achieved by first achieving several sub-results completing a health policy sector analysis, monitoring current and planned policy reforms and engaging in purposeful policy dialogue which will generate subsequent reforms. Given the *coup d'etat*, it is unclear what directions the policy dialogue will take in the future. The Mission anticipates continued inputs and continued improvements on a personal and project basis, but anticipates no budget support activities until after a return to democracy.

Result 1.5 (*A public that is better informed of key public health policies and legislation affecting citizens' rights and responsibilities*) is also being put on hold because local councils, which were to play an integral role in the achievement of this result, will not be in place until after new elections, and because training of village committees in democratic governance (D/G) issues has been postponed due to the emergence of new priorities in a reduced budget scenario. While we will not be able to report on D/G progress in the health sector, per se, SO1 resources will, as much as possible, be mobilized to carry out activities with the purpose of increasing the awareness, knowledge and experience of Nigerien women and men about key processes essential to a democratic society.

Progress expected in 1996: The Mission had expected to have a new contractor on site by mid-March 1996 to continue support to achievement of the agreed-upon results under the Mission's Strategic Objective Agreement, signed in September 1995. Unfortunately, the Mission and the offerors underestimated the difficulty of preparing a performance based, re-engineered RFP and Proposal, resulting in the need for a second solicitation. Both the USG furloughs and the suspension of USAID assistance to Niger (due to the coup) resulted in further delays. The result is that new activities are not expected to start until October, a delay of about six months. The Mission is certain that these lacuna have adversely affected results and achievement of targets, however, we have not yet assessed the quantitative

impact of these events, and therefore do not yet wish to modify the earlier indicators of progress. With the establishment of new contracts and grants to partners to assist Niger and USAID to reach this new objective, the Mission will be in a better position to manage, monitor, and predict progress towards the desired results. Despite the delays, if sufficient resources continue to be made available, the Mission is hopeful that not much momentum will be lost.

Finally, SO1 will still attempt to geographically co-locate its activities with the Mission's other activities. Clustering Mission resources in this manner will solidify our influence in the developmental assistance arena and will increase the probability of attaining health development sustainability.

***Impacts on Strategic Objective 2: Increased access to markets through use of improved decentralized financial services.***

Due to the Section 508 restrictions, the U.S. is being forced to relinquish its leadership role in economic reform in Niger. SO2 was focused on enabling rural Nigeriens to benefit more from the commercial marketplace by helping them gain access to savings and credit services geared towards their needs. The loss of SO2 means that the Mission is forfeiting a series of activities which reinforced SOs 1 and 3, and which were achieving impressive results.

The Mission will no longer be able to contribute to improving the policy environment for microenterprises, nor will it be able to assist Nigeriens strengthen and expand markets. Activities related to policy analysis, monitoring and reform are being terminated from the Mission's portfolio prematurely.

However, not all activities which were categorized under SO2 will have to be deserted. Three of the results previously identified with SO2, and which are also integral to the achievement of SO3, are being achieved by U.S. Private Voluntary Organizations (PVOs), and may therefore be "except-able" from Section 508. However, the Mission would not try to salvage the activities which support these results if they were not essential to the achievement of SO3 Result 3 (*Increased resources available for communities and individuals to invest in NRM practices*) and achievement of the SO3 objective itself. The three SO2 results which will be shifted to directly support SO3 Result 3 are:

- *More decentralized, viable and transparent financial services;*
- *More bankers working with the informal sector; and*
- *Increased number and size of women's rural enterprises.*

If the Mission decided to terminate these activities and forego its work in decentralized financial services and with bankers and womens' enterprises, that would indicate that USAID/Niger is prepared to sacrifice substantial progress being made towards SO3, for the NRM objective cannot be realized without, first, the achievement of it's sub-result 3.3. (See discussion below)

***Impacts on Strategic Objective 3: Sustained adoption of management practices improving the conservation and productive use of Niger's forests, fields, waters and pastures in selected areas through Nigerien NGOs.***

SO3's focus on helping rural producers reverse rapid environmental degradation and increase productivity by managing their resources more sustainably was intended to help Nigeriens maintain a viable economic base from agriculture and forestry production methods. This will then increase prospects for economic growth and provide more opportunities for improved incomes and higher standards of living. Neither

environmental protection nor broad-based economic growth is possible in Niger without wide adoption of NRM practices. Adoption cannot be sustained without humanitarian aid to help people maintain their livelihoods during disasters. Trying to restore the environment without meeting the great need for more agricultural production is almost certain to fail. But attempts to achieve economic growth through rapid agriculture increases without taking into account Niger's fragile environment court disaster. SO3 will continue to work to restore an ecological-economic equilibrium by seeking changed behavior among Niger's rural people that will pay off for them economically and ecologically. For these reasons, the Mission is planning to continue its NRM program, though with major modifications which will bring it in line with the restrictions of Section 508.

Thus, the mission is proposing, in this transitional period, to measure results towards a modified NRM interim objective: *Sustained adoption of management practices improving the conservation and productive use of Niger's forests, fields, waters and pastures in selected areas through U.S. PVO and Nigerien NGO activities.*

The most notable modifications to the SO3 results framework are that:

- *USAID/Niger will no longer be able to work towards easing policy constraints which inhibit Niger's rural producers from adopting NRM practices because non-project assistance to the central government is prohibited. ASDGII NPA will, therefore, be terminated and deobligated by September 27.*
- *Adoption targets must now be restricted to selected areas where Nigerien NGOs are operating under the USAID NRM/NGO fund.*
- *The DPM component will be shifted to SO1 and refocused more directly on support of child survival, though DPM mitigation activities will contribute to achievement of the modified SO3.*
- *SO2 results concerning decentralized, rural financial services will be transferred to SO3 under SO3 Result 3 (see SO2 discussion above)*
- *The program will no longer encompass D/G training for village committees because of new priorities. (Note: AFR/DP FY 1996 budget advise on 27 March gave USAID/Niger an earmark of \$1.25 million for activities in democracy and governance.)*

This Interim Objective with PVOs will, however, continue to counter the twin scourges of rapid environmental degradation and low productivity by supporting U.S. PVOs and Nigerien NGOs which work towards the sustained widespread adoption of improved natural resource management practices, strengthening civil society, and providing assistance to communities so their members may discover and continue to employ these practices.

Results to be achieved: These changes to the Strategic Objective will not prevent the Mission from delivering the following results, as agreed in the management contract:

Result 3.1 *Niger's rural producers, men and women, gain greater control over their productive environment;*

Result 3.3 *Increased resources available for communities and individuals to invest in NRM practices; and*

Result 3.4 *National capacity to sustain results 3.1, 3.2 and 3.3 is improved (remains partially achievable).*

Two of the SOs results, Result 3.2 (*Increased producer access to technical information*) and Result 3.5 (*A public well informed of key policies and legislation affecting citizens' rights and responsibilities*) will not be achievable during this transition period.

SO3's Result 3.5 was aimed especially at helping rural producers become more aware of information that can aid them to improve their NRM practices. At times, this may have been legal information, such as awareness of land laws under the Rural Code that might help increase the security of their own land tenure, or information about technical practices that could be relevant to improving their productivity, income and the sustainability of the natural resources upon which they depend. In either case, the absence of local councils and village committees (to be organized by the new government) makes achievement of this specific result impossible, though SO activities will continue to build on past reforms to increase the number and strength of cooperatives, many of which play a critical role in the management of natural resources.

Progress expected in 1996: The recent *coup d'etat* has resulted in uncertainty concerning the future composition and size of SO3's portfolio. Fortunately, Mission emphasis on collaborative and sustainable progress, and our role as a leader, assures continued progress towards our objective, notwithstanding the delays and reduction in activities which have occurred in 1996. We have led a sea-change in donor and GON understanding of how to go about agricultural development. Our conviction of the importance of our work, and the importance of maintaining the momentum we have built, leads us to expect future results based on a limited reduction in our activities.

The maturation of our current portfolio will dramatically increase field-level activities. We foresee a jump in adoption rates at sites directly supported by the Mission as the DPM project activities triple in 1996; the experienced Africare Gouré community organizations undertake ever more activities and the project adds 10 new sites; and as Peace Corps reaches an additional 350 families in 1997 and 200 in 1998. The DPM emergency fund will support at least \$1.5 million in NRM mitigation activities through September of 1996. ASDG II's Grants Management Unit will continue disbursement of \$5.5 million to NGOs and Community Based Organizations. It will also continue to provide intensive capacity building support to the NGO sector. In all, \$10 million in ASDG II counterpart funds remains to be disbursed for activities supporting adoption of practices.

A decade worth of Mission-led effort is now helping to support the rapid proliferation of Nigerien NGOs. USAID has supported this growth through training, financial support, workshops, and, especially, policy dialogue resulting in a liberalization of NGO regulations and a generalized recognition of the importance of these intermediary organizations. SO3 will provide continued capacity building support, as well as grants, to these young organizations.

SO3 will also continue to improve rural producer access to funds for possible investment in NRM both through credit institutions, and through NRM project activities.

**ANNEX A**

**Transition to Democracy**

**Transition to Democracy:** The country's new leaders are experienced senior officers who avowedly are determined to set Niger on a path toward a more successful democratic future. They have installed a civilian government that retained key ministers from the deposed government, but held on to power through an all-military *Council de Salut National* (CSN), whose President is also Head of State. They pledged a transitional administration, and appointed a National Forum to recommend constitutional changes. The National forum includes former leaders of government all the deputies from the National Assembly elected in January 95, traditional leaders, and representatives of NGOs, human rights and women's groups. A coordination committee, primarily composed of NGO and human rights delegates and members of the judiciary was charged with drawing up the revisions to the constitution and electoral code to be debated by the National forum, April 1-7.

On March 21 a Transition Schedule was published which lays out the government's proposed timeline for reverting to a democratically elected civilian government:

- March 25, 1996
  - Submission of conclusions of the Preparatory Committee of the Forum
  - Audit of voter lists
- April 17, 1996
  - National Forum on Fundamental Texts (Constitution, Electoral Code & Political Party Charter)
- April 15 30, 1996
  - Review of Constitution by the National Salvation Council (NSC) and Government of Niger (GON)
  - Adoption of the Electoral Code and Political Party Charter by NSC and GON
  - Nomination of the members of the Independent Elections Commission (President to be appointed by March 22?)
- May 1 31, 1996
  - Popularization of new texts
- June 1, 1996
  - Legalization of political parties
- June 14, 1996
  - Referendum campaign
- June 16, 1996
  - National Constitutional Referendum
- July August, 1996
  - Submission of candidates and campaigns for Presidential and Legislative Elections
- September 1, 1996
  - First round of Presidential elections
- September 15, 1996
  - Possible second round of Presidential elections
- September 22, 1996
  - Legislative elections
- October, 1996
  - Installation of new authorities

\*\* Local elections are tied to the progress in decentralization and territorial reorganization and will be the responsibility of the new government.

Shaded text represents objectives, results and/or indicators from USAID/Niger's approved Country Strategic Plan for the years 1996-2002 which will not be achievable or measurable in 1996 under the Mission's interim program portfolio.

## PERFORMANCE INDICATORS FOR INTERIM OBJECTIVE 1 (Formerly Strategic Objective 1)

PERFORMANCE MEASURES	BASELINE DATA		1993 Actual	1994 Actual	1995 Actual <Estimate> (Target)		1996 (Target)	1997 (Target)	1998 (Target)	1999 (Target)
	YEAR	VALUE								
<b>Strategic Objective 1: Increased use of selected family planning and maternal/child health (FP/MCH) and disaster mitigation practices.</b>										
<b>Interim Objective 1: Increased use of child survival, disaster mitigation and HIV/AIDS control practices.</b>										
A. % of women, age 15-49, who are currently using a modern method of contraception	1992	2.3%	<2.6%>	<3.8%>	<4.4%>	(5.1)	(6.3%)	(7.3%)	?	?
Data source: a										
B. % of women receiving medical attention (pre-natal care) during last pregnancy	1992	30%							?	?
Data source: a, c										
C. % of children age 12-23 months who received measles immunization before 12 months of age <sup>1</sup>										
-Nationwide	1992	DHS-20.4%								
-Selected districts	1992	SNIS-21%	20%	27% <sup>2</sup>	43%	(20%) <sup>3</sup>	(42%)	(46%)	?	?
Data source: a, b, c										
D. % of identified vulnerable populations benefiting from emergency distributions and mitigation activities	1995	28%			28%		(50)	(50)	?	?
Data source: a, d										

### NOTES:

<sup>1</sup> Measles immunization was selected as a preventive child survival proxy measure. Rates were calculated based on the number of immunizations given in a specific area, divided by the number of the target populations. 1996 to 1998 targets were updated to reflect early achievement of a higher than expected immunization rate.

<sup>2</sup> Data reported in Niger's 1995 API was incomplete; measles coverage rate rose to 27% from 15% when data from all districts was available. Delays in compiling statistics was due, at least in part, to extensive government strikes.

<sup>3</sup> Target of 20% assumed a baseline of 15% in 1994, which subsequently proved to be inaccurate.

### DATA SOURCE KEY (Source/ Method of data collection/ Frequency of collection):

- a = Niger Demographic and Health Survey (DHS), Sample survey, every 5 years (1992, 1997)
- b = National EPI program, Service Statistics, Quarterly
- c = *Système National d'Information Sanitaire* (SNIS-Ministry of Public Health National Health Information System), Database, Quarterly
- d = *Système d'Alerte Précoce* (SAP early warning system), Service Reports
- e = Directorate of Family Health, Division of Family Planning; Service Statistics, Quarterly
- f = PNAASP (National support for Primary Health Care Program)

- g = Situation analysis, Sample survey, Biennial
- h = Contractor (TBD), Project reports, Quarterly
- j = *Cellule de Gestion des Ressources Naturelles*, Sample survey
- k = Department of Crop Protection, Ministry of Agriculture, GON; Records review
- m = Famine Early Warning System (FEWS) Project, USAID; Activity reports
- n = Ministry of Interior, Records review, Annual

### TARGET KEY:

- = no data collected in this year
- = data to be collected in this year
- = not yet begun

# PERFORMANCE INDICATORS FOR INTERIM OBJECTIVE 1 (Formerly Strategic Objective 1), RESULT 1

PERFORMANCE MEASURES	BASELINE DATA		1993 Actual	1994 Actual	1995 Actual <Estimate> (Target)	1996 (Target)	1997 (Target)	1998 (Target)	1999 (Target)	
	YEAR	VALUE								
<b>Strategic Objective 1, Result 1: Increased and improved FP/MCH services in the public sector.</b>										
<b>Interim Objective 1, Result 1: Increased and improved child survival and HIV/AIDS control services in the public sector.</b>										
<b>A. Couple Years of Protection (CYP) provided by the public sector</b>										
-Nationwide	1990	23,959	38,512	41,752	<43,287>	(100,000)	(53,000)	(66,000)	?	?
-Selected Districts	TBD									
	Data source: c, e									
<b>B. % of population living within 5 km of a public sector FP/MCH service delivery point (fixed or mobile unit) providing a core set of services<sup>1</sup></b>										
-Nationwide	1992	32%	32%	32%					?	?
-Selected Districts	TBD									
	Data source: c, f									
<b>C. % of children presenting with malaria, acute respiratory infections, malnutrition and diarrheal disease treated according to established protocols in selected districts</b>										
	TBD			27% <sup>2</sup>	<80%> <sup>2</sup>				?	?
	Data source: g									
<b>D. Proportion of delivery sites with basic minimum of resources (trained staff, equipment, and supplies, including pharmaceuticals)</b>										
	TBD								?	?
	Data source: c									
<b>E. % of pregnant women receiving two doses of tetanus toxoid</b>										
-Nationwide	1992	21%	35%	32%	30%	(35%)	(40%)		?	?
-Selected Districts	TBD									
	Data source: a, d									

**NOTES:**

<sup>1</sup> The core set of services for the Interim Objective period includes child survival and HIV/AIDS control-related services.

<sup>2</sup> Figures for treatment according to standard protocols comes from a pilot study in two districts, Say and Boboyo. While the survey is small, the techniques will be applied as soon as the activities under the new Strategic Objective Agreement begin.

## PERFORMANCE INDICATORS FOR INTERIM OBJECTIVE 1 (Formerly Strategic Objective 1), RESULT 2

PERFORMANCE MEASURES	BASELINE DATA		1993 Actual	1994 Actual	1995 Actual <Estimate> (Target)	1996 (Target)	1997 (Target)	1998 (Target)	1999 (Target)
	YEAR	VALUE							
<b>Strategic Objective 1, Result 2: An expanded and improved private sector, including NGOs, providing FP/MPH promotion and services.</b>									
<b>Interim Objective 1, Result 2: An expanded and improved private sector, including NGOs, providing child survival and HIV/AIDS related services.</b>									
A. # of private facilities providing FP and/or MCH services	1995	43 of 65			43 of 65			?	?
Data source: f									
B. % of population within 5 km of a private facility offering FP services	1995	6%			6%			?	?
Data source: c									
C. Couple Years of Protection (CYP) <sup>1</sup> based on estimates of commodities distributed or sold to the user through social marketing and private sector NGOs <sup>2</sup>	1994	4,400		4,400	7,508 (9,200) <sup>3</sup>	(10,400)	(12,000)	?	?
Data source: h									
D. Area covered by social marketing efforts	1993	0	0	6 Dep'ts + Niamey	7 Dep'ts + Niamey (= National)	(National)	(National)	(National)	
Data source: h									

### NOTES:

<sup>1</sup> CYP calculation: 1 CYP = 15 cycles hormonal pills, 1/3.5 IUD (average use 3 years), 150 foaming tablets, 150 condoms.

<sup>2</sup> Currently, only the social marketing program distributes condoms. NGOs will be added in future years. SOMARC activities included 7 radio/TV spots, 15 newspaper articles, 24 *Thé débats/soirées*, and three seminars/training sessions.

<sup>3</sup> Targets reported in Niger's 1995 API were based on the UNFPA method; these targets are adjusted to reflect the USAID definition of CYP.

# PERFORMANCE INDICATORS FOR INTERIM OBJECTIVE 1 (Formerly Strategic Objective 1), RESULT 3

PERFORMANCE MEASURES	BASELINE DATA		1993 Actual	1994 Actual	1995 Actual (Target)	1996 (Target)	1997 (Target)	1998 (Target)	1999 (Target)
	YEAR	VALUE							
<b>Strategic Objective 1, Result 3: Improved environment for health services, including policy reform.</b>									
A. A policy environment which advocates fewer restrictions on access to modern family planning methods (e.g., regulations regarding tubal ligations) and which favors practical health policy and financial reforms supportive of the role of private health service providers Data source: h					Note 1				
B. A functioning National Health Information System providing decision-makers with relevant data <sup>2</sup> Data source: h					See note				
C. # of hospital facilities recovering costs Data source: h	1993	0	0	3 of 8	3 of 8 (3)		?		?
D. # of non-hospital MOPH facilities (total 545) with user fee collection system Data source: f	1992	0	18	51	68 <sup>3</sup> (95)	(160)	?	?	?

**NOTES:**

<sup>1</sup> 1995 activities included extensive dialogue with Islamic parties, resulting in the participation of most in family planning campaigns, the regional conference on Islam and Women (sponsored by IPPF with support from other donors including USAID), and work on finalizing the Medium Term Plan for implementation of Cairo Conference recommendations. A major accomplishment in 1995 was passage of a law authorizing health sector cost recovery, providing for community choice of direct or indirect recovery methods.

<sup>2</sup> Production of National Health Information System (SNIS) Activity reports and Studies will indicate that the system is functional.

<sup>3</sup> The 1995 calculation includes 18 sites supported by USAID in Boboye and Say, 44 in Maradi supported by UNICEF, 6 at Gaya supported by the Belgians, and 26 in Tera and Filingué supported by the Dutch. The implementation of user fee systems in health centers has been delayed by administrative difficulties.

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# PERFORMANCE INDICATORS FOR INTERIM OBJECTIVE 1 (Formerly Strategic Objective 1), RESULT 4

PERFORMANCE MEASURES	BASELINE DATA		1993 Actual	1994 Actual	1995 Actual <Estimate> (Target)	1996 (Target)	1997 (Target)	1998 (Target)	1999 (Target)
	YEAR	VALUE							
<b>Interim Objective 1, Result 4: National capacity to predict and respond to food security and health related disasters.</b>									
A. % of estimated food aid requirement met by emergency distributions and mitigation activities within vulnerable areas Data source: d	1995	10%		0+	10%	(15%)	(20%)	?	?
B. A verifiable and reliable legally constituted nationwide SAP/GC system in place Data source: d	1995	40%		0	40% completed	(60%) completed	target completion date <sup>1</sup>		
C. # of times and to what degree the SAP/Emergency Fund or SAP/GC mechanism is used by other donors Data source: d	1995	2			2	(6)	(6)	?	?)
D. # of disaster type events followed up by emergency response Data source: a, c, d	1995	13			13	(15)	(15)	?	?
E. # of mitigation activities coordinated by SAP/GC -Monitoring entities -Discrete activities Date source: d	1994	2		2	50 338	(100) (500)	(120) (600)	?	?
F. % of pest-threatened hectares protected to control agricultural pests Data source: k, m	1993	36%	36%	56%	43%	(50%)	(50%)	?	?
G. % of total crops lost to pests Data source: k, m	1992	16%	30%	24%	20%	(18%)	(16%)	?	?

**NOTES:** A thorough review by the food security results package team concluded that the four measures presented in the Mission's CPSP did not effectively capture progress towards meeting this complex and multifaceted result. There are arguably four major components to this food security and disaster mitigation result: institution and capacity building in both early warning and response; the development of cost effective measures to target resources (food and other) for food insecure and other threatened populations; and the ability to cost effectively protect crops which adds significantly to the national food stock and reduces malnutrition.

<sup>1</sup> Due to delays in implementation which have resulted because of the coup, targets for completion of the SAP/GC system should be modified to read 50% completed in 1996, 60% completed in 1997 and 1988 as the new target completion.

# PERFORMANCE INDICATORS FOR INTERIM OBJECTIVE 1 (Formerly Strategic Objective 1), RESULT 5

PERFORMANCE MEASURES	BASELINE DATA		1993 Actual	1994 Actual	1995 Actual (Target)	1996 (Target)	1997 (Target)	1998 (Target)	1999 (Target)
	YEAR	VALUE							
<b>Strategic Objective 1, Result 5: A public that is better informed of key public health policies and legislation affecting citizens' rights and responsibilities.</b>									
A. # of local councils trained in local governance and local policy issues (in target areas of SO1) Data source: n	TBD					(5%)	(40%)	(80%)	(100%)
B. % of heads of households, both women and men, able to identify at least one health policy issue Data source: f, j	TBD								
C. % of heads of households, both women and men, able to identify statements of their rights Data source: f, j	TBD								
D. # of village health committees that have received specialized training in democracy and governance Data source: n	TBD								

**NOTES:**

\*The Strategic Objective Agreement was signed September 26, 1995. Activities leading to these results have not yet begun due to delays in Mission contractor placement and selection of local councils.

# PERFORMANCE INDICATORS FOR INTERIM OBJECTIVE 2 (Formerly Strategic Objective 3)

PERFORMANCE MEASURES	BASELINE DATA		1993	1994	1995	1996	1997	1998	1999
	YEAR	VALUE	Actual	Actual	Actual (Target)	(Target)	(Target)	(Target)	(Target)
<b>Strategic Objective 3: Sustained widespread adoption of management practices improving the conservation and productive use of Niger's forests, fields, waters and pastures.</b>									
<b>Interim Objective 2: Sustained adoption of management practices improving the conservation and productive use of Niger's forests, fields, waters and pastures in selected areas through U.S. PVOs and Nigerian NGOs.</b>									
% of heads of households, both women and men, reporting use of one or more new NRM technologies	1996	TBD			1		(+5%)	72	?
					m	f			
Demi-lunes					24	11			
Zai micro-catchments					10	7			
Trees planted					54	5			
Windbreaks					20	0			
Dead or modern fencing					67	13			
Rock dikes					30	24			
Micro-diversion dam					28	14			

Data source: a, b

## NOTES:

<sup>1</sup> 1995 figures were derived from the pre-test of the National Household NRM Survey which was planned for 1996.

### DATA SOURCE KEY (Source/ Method of data collection/ Frequency of collection):

a = *Cellule de Gestion des Ressources Naturelles* (interministerial coordinating unit), Sample survey, Every 4 years

b = Ministry of Finance and Plan, *Direction de la Statistique*, Sample survey, Every 4 years/Annual

c = *Cellule de Gestion des Ressources Naturelles*, Records review, Annual

d = Ministry of Rural Development, Environment and Hydraulics, Environment Division (including National AGRHYMET Center); Records review, Annual

e = Ministry of Rural Development, Environment and Hydraulics, Agriculture Division; Records review, Annual

f = Ministry of Finance and Plan - NGO Division, Records review, Annual

g = *Système d'Alerte Précoce /Gestion des Catastrophes* - SAP/GC (early warning and disaster management system), Records review, Annual

h = Government of Niger

i = Ministry of the Interior, Records review, Annual

k = World Council of Credit Unions (WOCCU), Cooperative League of the USA (CLUSA), and Cooperative for Assistance and Relief Everywhere (CARE)

### TARGET KEY:

= no data collected in this year

= data to be collected in this year

# PERFORMANCE INDICATORS FOR INTERIM OBJECTIVE 2 (Formerly Strategic Objective 3), Result 1

PERFORMANCE MEASURES	BASELINE DATA		1993 Actual	1994 Actual	1995 Actual <Estimate> (Target)	1996 (Target)	1997 (Target)	1998 (Target)	1999 (Target)
	YEAR	VALUE							
<b>Interim Objective 2, Result 1: Niger's rural producers, men and women, gain greater control over their productive environment.</b>									
A. # of registered community based organizations actively managing natural resources	1995	0			0	(0)	(35)	?	?
Data source: c, d, e									
B. Cumulative # of community forest management schemes	1993	14	14	16	28	(35)	(40)	?	?
Data source: c, d									
C. Numbers of hectares under community-managed natural forest management	1984	0	73,250	225,584	352,000 (113,250)	(400,000)	450,000)	?)	?
Data source: c,d									
D. # of registered Nigerian NGOs implementing NRM activities	1993	14	14	15	19 (15)	(25)	(30)	?	?
Data source: f									
E. # of sub-regional disaster response committees	1994	0			38 <sup>1</sup>	38 (24)			
Data source: g									
F. % of heads of households, both women and men, aware of new land tenure laws <sup>2</sup>	1996	TBD						?	?
-Men					m 47%	(50%)			
-Women					f 42%	(50%)			
Data source: a, b									

## NOTES:

<sup>1</sup> Target for 1996 was exceeded in 1995. We have achieved total number of sub-regional disaster response committees possible at this time.

<sup>2</sup> 1995 data collected during pre-test survey and represents percent of respondents aware of the Rural Code. A definitive baseline was to be proposed in 1996 following a national household survey, but it will not be conducted as scheduled.

## PERFORMANCE INDICATORS FOR INTERIM OBJECTIVE 2 (Formerly Strategic Objective 3), RESULT 2

PERFORMANCE MEASURES	BASELINE DATA		1993 Actual	1994 Actual	1995 Actual (Target)	1996 (Target)	1997 (Target)	1998 (Target)	1999 (Target)
	YEAR	VALUE							
<b>Strategic Objective 3, Result 2: Increased producer access to technical information.</b>									
A. % of heads of households, both women and men, able to identify at least one new NRM method	1996	TBD			m 24 f 33 <sup>1</sup>		m (25%) f (25%)	?	?
Data source: a, b									
B. % of heads of households, both women and men, in communities targeted by NRM projects, able to describe at least one NRM practice used in another village <sup>2</sup>	1996	TBD			m 36% f 21% <sup>3</sup>		measure to be modified		
Data source: a, b									
C. % of heads of households, both women and men, in target communities with access to market and climatic reporting services	1996	TBD			m f 71 52% 86 79%				?
Data source: a, b									

### NOTES:

\*Baseline data for all three indicators was to be collected in 1996 National Household Survey. The survey will not, however, be conducted, thus the indicators cannot be reported on in 1996.

<sup>1</sup> 1995 data collected in pre-test survey and reflects the number of practices known by over 25% of respondents. Analysis of pre-test results and further dialogue with partners will enable a definition of new methods, and the tracking of the indicator as it was originally stated.

<sup>2</sup> 1995 data collected in pre-test survey and reflects the percentage of respondents /citing another village as the major source of information about NRM practices. Pre-test efforts revealed the indicator as stated is difficult to assess with reliability and the Mission plans to redefine the indicator.

<sup>3</sup> 1995 data collected in pre-test survey and reflects percent of practices respondents learned from another village but do not use, Baseline data was to be collected in 1996.

## PERFORMANCE INDICATORS FOR INTERIM OBJECTIVE 2 (Formerly Strategic Objective 3), RESULT 3

PERFORMANCE MEASURES	BASELINE DATA		1993 Actual	1994 Actual	1995 Actual < Estimate > (Target)	1996 (Target)	1997 (Target)	1998 (Target)	1999 (Target)
	YEAR	VALUE							
<b>Strategic Objective 3, Result 3: Increased capital available for communities and individuals to invest in NRM practices.</b>									
<b>Interim Objective 2, Result 3: Increased resources available for communities and individuals to invest in NRM practices in project areas.</b>									
<b>A. Level of financing of projects promoting community-level NRM activities</b>									
Value of life of project funding for projects begun this year (millions of dollars)	1993	32.4	32.4	8.1	65.3				
Number of active NRM related projects with a life of project funding greater than \$500,000					42	(45)	(50)	?	?
Number of grants of less than \$500,000 awarded community based organizations and NGOs for NRM projects					32	(40)	(50)	?	?
Data source: c									
<b>B. More decentralized, viable and transparent financial services</b>									
Total # of institutions providing small loans	1985	0	98	148	153 (181)	(244)	(294)	?	?
# of credit institutions and money lenders/handlers not dependent on donors	1989	0		<20>	<25> (35)	(30)	(35)	?	?
# of customers/members of decentralized financial institutions in target areas									
Men	1987	0	12,588	14,045	16,877 (16,500)	(17,000)	(18,000)	?	?
Women	1987	0	5,070	6,444	7,283 (7,000)	(8,000)	(9,000)		
Corporate	1987	0	26	59	125 (N/A)	(130)	(140)		
Amount lent and saved (billion current FCFA)									
Men	1987	0	0.790	0.636	0.870 (0.888)	(0.900)	(0.9259)	?	?
Women	1987	0	0.195	0.340	0.408 (0.312)	(0.400)	(0.425)		
% of total number of loans which are for \$300 (150,000 current FCFA) or less									
Men	1996	TBD			<70>	(75%)	(80%)	?	?
Women	1996	TBD			<85>	(85%)	(80%)		

Data source: k

**C. Bankers work more with microenterprises and informal sector.**

·% of volume of loans guaranteed	1993	100%	100%	90%	90% (85%)	(85%)	(80%)	?	?
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Data source: ?

**D. Increased number and size of women's rural enterprises**

· Of all loans given, % given to women	1994	<28%>	<28%>	<28%>	(37%)	(29%)	(30%)	?	?
--	------	-------	-------	-------	-------	-------	-------	---	---

·# of women and girls trained in literacy/numeracy	1996	TBD							?
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Data source: k

**NOTES:**

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# PERFORMANCE INDICATORS FOR INTERIM OBJECTIVE 2 (Formerly Strategic Objective 3), RESULT 4

PERFORMANCE MEASURES	BASELINE DATA		1993 Actual	1994 Actual	1995 Actual (Target)	1996 (Target)	1997 (Target)	1998 (Target)	1999 (Target)
	YEAR	VALUE							
<b>Strategic Objective 3, Result 4: National capacity to promote and sustain results 3.1, 3.2 and 3.3 is improved.</b>									
A. Implementation of a national-scale short-term impact monitoring system and application by GON and NGOs					pre-test successfully implemented		target completion date		
	Data source: b								
B. Creation of a national NRM plan by GON with donor approval							target completion date		
	Data source: b								
C. Creation of national Disaster Response Coordination Unit by GON <sup>1</sup>							target completion date		
	Data source: g, h								
D. Creation of national Disaster Plan by GON <sup>1</sup>			40%	40%	60%		target completion date		
	Data source: g, h								
E. GON authorization for local-level disbursement of funds <sup>1</sup>					30%	60%	target completion date		
	Data source: g, h								

**NOTES:**

<sup>1</sup> Achievement of targets for indicators C, D and E may fall back 6-12 months from dates indicated above due to the temporary suspension of mission activities which resulted after the coup.

# PERFORMANCE INDICATORS FOR INTERIM OBJECTIVE 2 (Formerly Strategic Objective 3), RESULT 5

PERFORMANCE MEASURES	BASELINE DATA		1993 Actual	1994 Actual	1995 Actual (Target)	1996 (Target)	1997 (Target)	1998 (Target)	1999 (Target)
	YEAR	VALUE							
<b>Strategic Objective 3, Result 5: A public well informed of key policies and legislation affecting citizens' rights and responsibilities.</b>									
A. # of local councils trained in local governance and local policy issues in target areas of SO3 Data source: i	1996	TBD				5%	35%	?	?
B. % of heads of households, both women and men, aware of new land tenure laws -Men -Women Data source: a, c	1996	TBD			m 47% f 42%	(50%)			?

**NOTES:**

Results for this measure are based on the assumption that local and municipal elections are held in 1996. Activities have not yet begun.

## PERFORMANCE INDICATORS FOR INTERIM OBJECTIVE 3

PERFORMANCE MEASURES	BASELINE DATA		1993	1994	1995	1996	1997	1998	1999
	YEAR	VALUE	Actual	Actual	Actual < Estimate > (Target)	(Target)	(Target)	(Target)	(Target)
<b>Interim Objective 3: More Nigeriens exercise their rights of expression and association and the institutional capacity of NGOs and local associations is increased.</b>									
<b>A. More citizens informed of their rights</b>									
-Voter turn out (in % of total population)									
Legislative elections	1993	33.03%	33.03%		34.97%				
Presidential elections	1993	33.19% <sup>1</sup>	33.19%		N/A				
Constitutional Referendum	1992	56.58%	N/A		N/A				
-# of cases taken to court	1996	TBD							
Data source: a, b									
<b>B. Capacity of NGOs to play active role in political and legal processes is increased<sup>2</sup></b>									
-# of people trained to be election observers	1996	TBD							
-# of NGO members									
-# of civic education activities carried out by NGOs									
Data source: c, d									

### NOTES:

<sup>1</sup> This number reflects the first round of the 1993 Presidential election. The second round had a voter turnout of 35.32% .

<sup>2</sup> Qualitative measures will also be used to monitor progress in the realm of NGO capacity building. Such measures include: (1) NGOs are better able to monitor election processes; and (2) NGOs have increased ability to develop and implement civic education activities.

### DATA SOURCE KEY

a = Ministre de L'interieur

b = Commission Nationale des Elections

c = National Democratic Institute (NDI)

d = local Non-governmental organizations

**Table 9  
USAID/Niger Pre- & Post-Coup FY96 Obligation Plans**

Strategic Objective/Activity	FY96 planned (\$000's)	Post- Coup proposed	Terminate Reduce Increase
<b>Objective #1: Population &amp; Health (modified; continuing)</b>			
R1.1: Public Sector - districts	4,350	1,100	Reduce
R1.2: Private Sector	2,300	1,360	Reduce
Other, U.S. PVOs/Global Support	0	3,750	Increase
R1.3: Policy Reform	2,500	0	Reduce
R1.4: DPM-NPA-Food Sec.	1,300	0	Reduce
DPM-PA -Mitigation	100	0	Reduce
R1.5: Public policy awareness	600	100	Reduce
Hum Res Dev/HRDA (USAID Global)	100	0	-
ATLAS	0	0	-
<b>Total SO#1</b>	<b>11,250</b>	<b>6,310</b>	
<b>Objective #2: Economic Reform &amp; Microenterprise [eliminated]</b>			
Policy Analysis and Monitoring	1100	0	Terminate
Niger Credit Union Dev.I (to SPO1 below)	800	600	Reduce
ATLAS (regional AFR)	0	0	-
Hum Res Dev/HRDA (USAID Global)	200	0	-
DPM-NPA-mitigation	100	0	Terminate
Democracy and Governance (to SPO2)	200	0	Terminate
SO2 Grant Agreement (start 97; eliminated)	0	0	Terminate
<b>Total SO#2</b>	<b>2,400</b>	<b>600</b>	
<b>Objective #3: Natural Resource Management (suspended; becomes Special Objective 1: SPO1)</b>			
Niger Applied Ag. Research	0	0	Terminate
Ag. Sector Dev. Grant II (NPA)	400	0	Terminate
Ag. Sector Dev. Grant II (PA)	900	0	Reduce
Forestry Res. (PCorps)	400	300	Reduce
Gouré NRM Interventions (Africare)	600	450	Reduce
Democracy and Governance (to SPO2)	200	-	-
ATLAS (regional AFR)	0	0	-
DPM-PA-mitigation	400	0	-
DPM-NPA-mitigation	1,600	0	Reduce
Hum Res Dev/HRDA (USAID Global)	250	0	Reduce
SO3 Grant Agreement (start 97; suspended)	0	0	Terminate
<b>Total SO#3</b>	<b>4,750</b>	<b>750</b>	
Democracy and Governance (New SPO2)	400	1,250	Increase
Program Dev. & Support	200	150	Reduce
<b>Total Niger 96 OYB</b>	<b>19,000</b>	<b>9,060</b>	

UNCLAS ADM AID SECSTATE 43620

ACTION: AID-1

0 042216Z MAR 96 ALL USDH  
 FM SECSTATE WASHDC  
 TO AMEMBASSY NIAMEY IMMEDIATE 1241 CERON

UNCLAS SECTION 01 OF 05 STATE 043620

ADM AID REDSO/WCA RLA,RCO NIAMEY:EMBASSY:USIS:PEACE DCU&PQTE:

E.O. 12958: N/A

TAGS:

**SUBJECT: GUIDANCE FOR THE NIGER MISSION UNDER SECTION 508  
 OF THE FY 1996 FOREIGN ASSISTANCE APPROPRIATIONS ACT**

REF.: 96 STATE 017597

1. SUMMARY. THIS CABLE PROVIDES GUIDANCE FOR THE MISSION WITH REGARD TO CESSATION OF OBLIGATIONS AND EXPENDITURES FOR DIRECT ASSISTANCE TO NIGER, PURSUANT TO SECTION 508 OF THE FY 96 FOREIGN ASSISTANCE APPROPRIATIONS ACT ("FA APPROPRIATIONS ACT") ("SECTION 50811). AS A RESULT OF THE MILITARY COUP OF JANUARY 27, 1996. THIS CABLE ALSO REQUESTS THE MISSION TO IMMEDIATELY PREPARE AND SUBMIT TO USAID/W A PLAN FOR THE ORDERLY WIND-UP OF AFFECTED ASSISTANCE TO NIGER UNDER SECTION 617 OF THE FOREIGN ASSISTANCE ACT OF 1961 AS AMENDED (IFFAAI), AS DESCRIBED IN PARAGRAPH 4. USAID/W IS PROVIDING SIMILAR GUIDANCE TO USAID/W MANAGERS OF ACTIVITIES THAT MIGHT BE AFFECTED BY THIS ACTION. AFRICA BUREAU, GLOBAL BUREAU AND BHR ARE REQUESTED TO PROVIDE DETAILED INFORMATION ASAP, PER PARA 5 BELOW, TO USAID/NIGER BY CABLE ON ALL REGIONALLY AND CENTRALLY FUNDED ACTIVITIES BEING CONDUCTED IN NIGER, TO INSURE THAT THE WIND-UP PLAN IS COMPREHENSIVE AND THAT ALL ACTIVITIES ARE CONSIDERED FOR POSSIBLE CONTINUATION TO THE EXTENT PERMITTED BY APPLICABLE LEGISLATION. STATE AND USAID AGREE THAT THE GUIDANCE PROVIDED HEREIN IS ALSO APPLICABLE TO EMBASSY-MANAGED SELF-HELP AND HUMAN RIGHTS (DHRF) PROGRAMS, THE MISSION IS THEREFORE REQUESTED TO SHARE THIS GUIDANCE WITH THE EMBASSY AND USIS, SINCE THE EMBASSY AND USIS MANAGE SELF-HELP AND HUMAN RIGHTS ACTIVITIES. MISSION IS ALSO REQUESTED TO SHARE THIS GUIDANCE WITH THE PEACE CORPS, INASMUCH AS WE ARE INFORMED THAT THERE ARE SOME ACTIVITIES BEING IMPLEMENTED BY THE PEACE CORPS IN NIGER THAT ARE USAID-FUNDED. END SUMMARY.

2. FY 1996 FA APPROPRIATIONS ACT, SECTION 508. ON January 27, 1996 THE DULY ELECTED HEAD OF GOVERNMENT OF NIGER WAS DEPOSED BY A MILITARY COUP, THUS MAKING NIGER, AS OF THAT DATE, SUBJECT TO THE PROVISIONS OF SECTION 508.

3. SECTION 508 PROVIDES THAT:

NONE OF THE FUNDS APPROPRIATED OR OTHERWISE MADE AVAILABLE PURSUANT TO THIS ACT SHALL BE OBLIGATED OR EXPENDED TO FINANCE DIRECTLY ANY ASSISTANCE TO ANY COUNTRY WHOSE DULY ELECTED HEAD OF GOVERNMENT IS DEPOSED BY MILITARY COUP OR DECREE; PROVIDED, THAT ASSISTANCE MAY BE RESUMED TO SUCH COUNTRY IF THE PRESIDENT DETERMINES AND REPORTS TO THE COMMITTEES ON APPROPRIATIONS THAT

SUBSEQUENT TO THE TERMINATION OF ASSISTANCE A DEMOCRATICALLY ELECTED GOVERNMENT HAS TAKEN OFFICE."

4 WIND-UP PLAN.

ACTION REQUESTED: TO IMPLEMENT SECTION 508, THE MISSION IS INSTRUCTED TO PREPARE AND SUBMIT TO USAID/W, BY NO LATER TRM APRIL 1, 1996t A PLAN TO IMPLEMENT SECTION 508. THIS PLAN SHOULD IDENTIFY ALL USAID-FUNDED ASSISTANCE TO NIGER ~ REGARDLESS OF WHETHER THE ASSISTANCE IS PROVIDED TO ENTITIES WHICH ARE A PART OF THE NIGERIEN GOVERNMENT, OR THROUGH NON-GOVERNMENTAL ORGANIZATIONS, PRIVATE AND VOLUNTARY ORGANIZATIONS OR COOPERATIVES, OR THROUGH INSTITUTIONAL CONTRACTORS OR PSCS, OR THROUGH OTHER USG ENTITIES.

FOR EACH ACTIVITY, MISSION IS REQUESTED TO INCLUDE THE FOLLOWING:

- (A) PROJECT/PROGRAM/ACTIVITY NAME AND NUMBER
- (B) DATE OF AUTHORIZATION; DATE OF FIRST OBLIGATION
- (C) SOURCE AND YEARS OF FUNDING (E.G., FY 93 AND FY 94 DFAT DA, ESF, 116 (E) , ETC.)
- (D) AMOUNT OF FUNDING (I) AUTHORIZED, (II) OBLIGATED AND (III) CURRENTLY COMMITTED
- (E) MEANS BY WHICH ACTIVITY IS FUNDED (I.E., CONTRACT, GRANT TO GOVERNMENT OR NON-GOVERNMENTAL ORGANIZATION, COOPERATIVE AGREEMENT, FIXED AMOUNT REIMBURSEMENT, ETC.)
- (F) NAME OF CONTRACTOR/GRANTEE/RECIPIENT AND AMOUNT
- (G) PACD OR EXPIRATION DATE OF CONTRACT, GRANT, COOPERATIVE AGREEMENT, PASA, ETC.
- (H) BRIEF DESCAPTION OF PROJECT/PROGRAM/ACTIVITY AND IMPLEMENTATION STATUS, INCLUDING WHETHER THIS IS PART OF AN APPROVED COUNTRY STRATEGIC PLAN UNDER THE RE-ENGINEERED SYSTEM, A CRSP, OR OTHER REGIONAL OR WORLDWIDE PROJECT
- (I) IDENTIFICATION OF GOVERNMENT OF NIGER MINISTRIES AND/OR ENTITIES AND THEIR ROLE IN IMPLEMENTATION OF PROJECT/PROGRAM/ACTIVITY
- (J) IDENTIFICATION OF ANY MAJOR ACTION STEPS WHICH ARE IMMINENT (I.E.. COMMODITY PROCUREMENTS, SELECTION OF TA TEAMS OR PARTTICIPANTS, PLANNED DEPARTURE DATES, ETC.)
- (K) ACTIONS, FUNDING, ETC.. NECESSARY TO AVOID WHITE ELEPHANTS
- (L) BRIEF DISCUSSION OF IMPACT OF SUSPENSION OR TERMINATION OF THE PROJECT/PROGRAM/ACTIVITY
- (M) IDENTIFICATION OF EXEMPTION/WAIVER/EXCEPTION BELIEVED TO BE AVAILABLE FOR CONTINUATION OF PROJECT/PROGRAM/ACTIVITY (E.G.. CHILD SURVIVAL; HIV/AIDS; NGO; PVO/COOPERATIVE BEING SUPPORTED BEFORE JANUARY 27, 1996i ETC.) AND MISSION'S RECOMMENDATIONS AS TO WHETHER AND HOW IT SHOULD BE UTILIZED; INCLUDE U.S. NATIONAL INTEREST NARRATIVE WHERE APPROPRIATE
- (N) JUSTIFICATION FOR MISSION'S RECOMMENDATIONS,

5. BHR, GLOBAL BUREAU AND AFRICA BUREAU OFFICES IMPLEMENTING REGIONAL, CENTRALLY-FUNDED AND/OR WORLDWIDE ACTIVITIES UNDER WHICH FUNDS ARE PROVIDED FOR ACTIVITIES IN NIGER ARE REQUESTED TO PROVIDE THE INFORMATION INCLUDED IN PARA 4 (A) THROUGH (N) ABOVE BY CABLE ASAP TO THE MISSION FOR PROJECT/PROGRAM/ACTIVITY IMPLEMENTED FROM THEIR OFFICER TO FACILITATE THE PREPARATION OF THE WINDUP PLAN.

6. PLEASE LET US KNOW IF YOU BELIEVE THERE IS ANY ADDITIONAL INFORMATION ON USAID ASSISTANCE TO NIGER WHICH SHOULD BE PROVIDED TO USAID/W AT THIS TIME. A

REVIEW OF THE INFORMATION SUBMITTED BY MISSION WILL BE HELD AS *SOON* AS PRACTICABLE AFTER ITS RECEIPT. THE REVIEW WILL INCLUDE BOTH USAID AND STATE OFFICES.

7. FAA SECTION 617. FAA SECTION 617 PERMITS THE OBLIGATION OF FUNDS FOR THE ORDERLY WIND-UP OF ASSISTANCE FOR A PERIOD OF UP TO EIGHT MONTHS FOLLOWING THE DATE OF TERMINATION OF ASSISTANCE (IN THIS CASE, EIGHT MONTHS AFTER JANUARY 27, 1996<sup>t</sup> OR UNTIL SEPTEMBER 27, 1996). THIS AUTHORITY HAS ALSO BEEN INTERPRETED TO PERMIT THE CONTINUED EXPENDITURE OF OBLIGATED FUNDS IN APPROPRIATE CASES WHERE THE APPLICABLE STATUTE (IN THIS INSTANCE, SECTION 508) PROHIBITS EXPENDITURES,

8. THE ACTING DAA/AFR HEREBY EXERCISES HER AUTHORITY UNDER FAR SECTION 617 TO PERMIT THE CONTINUED EXPENDITURE OF FUNDS DESCRIBED IN PARAGRAPH 9(A) BELOW, NECESSARY TO MEET PRIOR COMMITMENTS AND TO PREVENT ABANDONMENT OF ACTIVITIES, PENDING APPROVAL BY AA/AFR OF A WIND-UP PLAN. THIS AUTHORITY APPLIES TO SELF-HELP AND FAA SECTION 116(E) MANAGED ACTIVITIES, AS WELL AS TO USAID-FUNDED ACTIVITIES MANAGED BY THE PEACE CORPS. THE MISSION IS REQUESTED TO ENSURE THAT THE EMBASSY, USIS, AND THE PEACE CORPS MANAGERS OF THESE ACTIVITIES ARE INFORMED OF THE EXERCISE OF THIS AUTHORITY,

9. FAA SECTION 617 AUTHORITY IS APPLICABLE TO THE FOLLOWING CATEGORIES OF EXPENDITURES:

(A) PRIOR COMMITMENTS; EXPENDITURES TO AVOID ABANDONMENT. PAYMENTS ARE PERMITTED FOR IRREVOCABLE OR NONCANCELLABLE COMMITMENTS ENTERED INTO WITH THIRD PARTIES PRIOR TO THE TERMINATION OF ASSISTANCE; FOR VOUCHERS FOR COMMODITIES AND SERVICES PENDING ON JANUARY 27, 1996; AND FOR THE MINIMUM EXPENSES REQUIRED AT THIS POINT (AND PERMITTED BY THE TERMS OF THE RELEVANT CONTRACTS AND ASSISTANCE AGREEMENTS) TO KEEP CONTRACTORS AND ASSISTANCE RECIPIENTS FROM ABANDONING THEIR ACTIVITIES WHILE THE WIND-UP PLAN IS BEING PROCESSED. THE AUTHORITY FOR THESE EXPENDITURES IS IMPLICIT IN THE CONCEPT OF ORDERLY TERMINATION. ABRUPT ABANDONMENT OF A PROJECT BY A CONTRACTOR OR ASSISTANCE RECIPIENT COULD BE BOTH EXPENSIVE AND CONTRARY TO U.S. INTEREST. ACCORDINGLY, A MINIMUM LEVEL OF EXPENDITURE IS PERMITTED, IF NECESSARY IN THE MISSION'S JUDGMENT, TO PREVENT ABANDONMENT BEFORE A WIND-UP PLAN UNDER FAA 617 IS APPROVED BY AA/AFR.

(B) OBLIGATIONS AND EXPENDITURES NECESSARY FOR ORDERLY TERMINATION OF ASSISTANCE THAT IS NEARING COMPLETION IF REQUIRED TO AVOID WASTE AND LOSS OF EFFECTIVENESS OF ASSISTANCE ALREADY FURNISHED. THIS WOULD NOT PERMIT USAID SIMPLY TO FINANCE AN ACTIVITY THROUGH ITS PREVIOUSLY INTENDED COMPLETION DATE. HOWEVER, IF NECESSARY TO BRING AN ACTIVITY TO AN ORDERLY TERMINATION, SUBJECT TO AA/AFR APPROVAL, NEW OBLIGATIONS COULD BE INCURRED, AND FUNDS RESERVED FOR EXPENDITURES WHICH ARE NOW UNDER HOLD COULD BE RELEASED, THE PLAN SHOULD IDENTIFY ANY PROPOSALS FOR USE OF THIS AUTHORITY.

(C) UNDER THE THIRD SENTENCE OF FAA SECTION 617, USAID COULD CONTINUE TO FUND THE STUDIES AND TRAINING OF NIGERIEN STUDENTS STUDYING OR BEING TRAINED OUTSIDE OF NIGER, WHOSE COURSE OF STUDY OR TWINING BEGAN BEFORE JANUARY 27, 1996, EVEN IF THE TRAINING EXTENDS BEYOND THE EIGHT-MONTH DEADLINE. MISSION SHOULD IDENTIFY NIGERIEN STUDENTS MEETING THIS CRITERIA.

10. FAR SECTION 617 AUTHORITY IS PERMISSIVE, USAID IS NOT COMPELLED TO OBLIGATE OR

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EXPEND FUNDS TO COMPLETE A PROJECT, PROGRAM OR ACTIVITY, IF, FOR EXAMPLE, THE PROJECT OR PROGRAM IS NOT PROVING TO BE A WORTHWHILE INVESTMENT, OR THERE ARE POLICY REASONS FOR LIMITING THE AMOUNT OF USAID ACTIVITY AFTER TERMINATION, THERE IS NO REQUIREMENT THAT FUNDING BE CONTINUED.

11. ALL EXERCISE OF THE AUTHORITY PROVIDED UNDER FAR SECTION 617 TO EXPEND PREVIOUSLY-OBLIGATED FUNDS SHOULD BE CAREFULLY CONSIDERED. ALL OBLIGATIONS OF FUNDS UNDER SECTION 617 ARE SUBJECT TO PRIOR USAID/W APPROVAL EXCEPT IN EMERGENCIES SITUATIONS INVOLVING PROTECTION OF LIFE OR PROPERTY.

12. IN LIGHT OF THE FOREGOING DISCUSSION OF FAR SECTION 617, THE GOVERNING PRINCIPLE OF THE WIND-UP PLAN SHOULD BE TO SET FORTH THE PROCESS FOR WINDING UP AFFECTED ACTIVITIES IN AN ORDERLY MANNER IN THE MINIMUM AMOUNT OF TIME AND WITH THE MINIMUM EXPENDITURE OF FUNDS. THE OBJECTIVE SHOULD BE TO IDENTIFY MINIMUM USEFUL UNITS OF ASSISTANCE WHICH CAN BE LEFT IN NIGER FOLLOWING TERMINATION OF THE PROGRAM IN ORDER TO MINIMIZE WASTE AND LOSS OF ASSISTANCE ALREADY FURNISHED.

13. IF THE INTERESTS OF THE UNITED STATES SO REQUIRE THE WIND-UP PLAN MAY EVEN PROPOSE TO FINISH, IN AN ORDERLY AND BUSINESSLIKE MANNER, PROGRAMS WHICH ARE NEAR COMPLETION. HOWEVER, USAID IS NOT PERMITTED SIMPLY TO AUTOMATICALLY CARRY THROUGH AN ACTIVITY TO ITS PREVIOUSLY INTENDED COMPLETION DATE. IN ANY EVENT, OBLIGATIONS FOR THE PURPOSE OF WINDING UP MUST BE COMPLETED WITHIN EIGHT MONTHS AFTER JANUARY 27, 1996 OR BY SEPTEMBER 27, 1996.

14. STATUTORY EXCEPTIONS, THERE ARE SEVERAL STATUTES WHICH PROVIDE EXCEPTIONS TO SECTION 508 FOR CERTAIN TYPES OF ACTIVITIES. THE EXCEPTIONS MOST LIKELY TO BE RELEVANT TO NIGER ARE:

(A) FAR SECTION 491 AUTHORIZES ASSISTANCE "NOTWITHSTANDING ANY OTHER PROVISION OF LAW" FOR RELIEF AND REHABILITATION ACTIVITIES AFTER NATURAL OR MANMADE DISASTERS. THE FY 1994 FOREIGN ASSISTANCE APPROPRIATIONS ACT EXPANDED THIS AUTHORITY FOR FY 1994 FUNDS, TO INCLUDE RECONSTRUCTION ACTIVITIES. A COMPARABLE PROVISION IS CONTAINED IN BOTH THE FY 1995 AND THE FY 1996 APPROPRIATIONS ACTS. THE FY 1993 100 MILLION DOLLAR AFRICA DISASTER ASSISTANCE APPROPRIATION CONTAINED SIMILAR "NOTWITHSTANDING ANY OTHER PROVISION OF LAW" LANGUAGE.

(B) SECTION 522 OF THE FY 93# FY 94# FY 95 AND FY 96 FOREIGN ASSISTANCE APPROPRIATIONS ACTS, PERMITS USE OF FY 1993# FY 1994, FY 1995 AND FY 1996 FUNDS INCLUDING DFA FUNDS, FOR CHILD SURVIVAL ACTIVITIES OR FOR ACTIVITIES RELATING TO RESEARCH ON, AND TREATMENT AND CONTROL OF AIDS, NOTWITHSTANDING ANY PROVISION OF LAW RESTRICTING ASSISTANCE TO FOREIGN COUNTRIES, WHICH INCLUDES SECTION 508 RESTRICTIONS. SIMILARLY, THE FY 1991 FOREIGN ASSISTANCE APPROPRIATIONS ACT AND THE FY 1992 CONTINUING RESOLUTION PERMITTED THE USE OF FY 1991 AND FY 1992 FUNDS APPROPRIATED FOR AIDS ACTIVITIES (BUT NOT FY 1991 AND FY 1992 DFA FUNDS) TO BE USED NOTWITHSTANDING COUNTRY RESTRICTIONS, WHICH WOULD INCLUDE SECTION 508 RESTRICTIONS.

(C) SECTION 544 OF THE FY 1996 FOREIGN ASSISTANCE APPROPRIATIONS ACT AND ITS FY 1994 (AT SECTION 552 THEREOF) AND FY 1995 (AT SECTION 550 THEREOF) PREDECESSORS PERMIT THE USE OF DA AND DFA FUNDS TO SUPPORT PROGRAMS OF NON-GOVERNMENTAL ORGANIZATIONS NOTWITHSTANDING RESTRICTIONS ON ASSISTANCE, SO LONG AS THE PRESIDENT CONSIDERS WHETHER THIS SUPPORT IS IN THE U.S. NATIONAL INTEREST AND THE APPROPRIATE CONGRESSIONAL COMMITTEES ARE NOTIFIED BEFORE THE ASSISTANCE IS MADE AVAILABLE. THIS AUTHORITY HAS BEEN DELEGATED TO THE USAID ADMINISTRATOR. THE FIELD IS REQUESTED TO CONSIDER APPLICABILITY AND ADVISABILITY OF USE OF THIS AUTHORITY FOR VARIOUS

ACTIVITIES IN THE WIND-UP PLAN.

(D) AN ALTERNATIVE TO USING THE BROADER LANGUAGE OF SECTION 544 WOULD BE TO UTILIZE THE NARROWER LANGUAGE OF FAA SECTION 123(E). SECTION 123(E) PERMITS THE FURNISHING OF ASSISTANCE IN SUPPORT OF PROGRAMS OF PVOS AND COOPERATIVES ALREADY BEING SUPPORTED ON THE DATE OF TERMINATION OF ASSISTANCE (IN THIS CASE, JANUARY 27, 1996) FOR NIGER, NOTWITHSTANDING PROHIBITIONS AGAINST ASSISTANCE TO A COUNTRY, USE OF FAA SECTION 123(E) AUTHORITY REQUIRES THAT THE PRESIDENT CONSIDER WHETHER CONTINUATION OF SUCH SUPPORT IS IN THE U.S. NATIONAL INTEREST AND THAT THE REASONS FOR SUCH CONTINUATION BE REPORTED TO THE CONGRESS.

(E) SECTION 541(B) OF THE FY 1996 FOREIGN ASSISTANCE APPROPRIATIONS ACT PROVIDES AUTHORITY FOR THE USE OF DA OR DFA FUNDS TO SUPPORT TROPICAL FORESTRY AND ENERGY PROGRAMS AIMED AT REDUCING EMISSIONS OF GREENHOUSE GASES AND TO SUPPORT BIODIVERSITY CONSERVATION ACTIVITIES. USE OF THIS SECTION, IF APPROPRIATE AND REQUESTED BY THE MISSION, WOULD NOT REQUIRE PRESIDENTIAL CONSIDERATION OR DETERMINATION OF U.S. NATIONAL INTEREST OR CONGRESSIONAL NOTIFICATION; HOWEVER, NOTIFICATION REQUIREMENTS NOT SPECIFICALLY ASSOCIATED WITH THIS SECTION MAY APPLY.

15. ASSISTANCE TO NIGER

(A) SECTION 508 PROHIBITS THE OBLIGATION OR EXPENDITURE OF FUNDS TO FINANCE ACTIVITIES WHICH FURNISH DIRECT ASSISTANCE TO A COUNTRY. THUS, THE SECTION PROHIBITS ACTIVITIES WHICH BENEFIT THE NIGERIEN PRIVATE SECTOR, NGOS OR INDIVIDUALS, IN ADDITION TO PROHIBITING ACTIVITIES WHICH PROVIDE BENEFITS TO THE GOVERNMENT OF NIGER, UNLESS A SPECIFIC EXCEPTION IS APPLICABLE. IT DOES NOT AFFECT OPERATING EXPENSE ("OET") FUNDS, SINCE THEY ARE NOT USED TO FURNISH ASSISTANCE.

(B) PROJECT DEVELOPMENT AND SUPPORT (IPD AND S") FUNDS. ELIGIBLE USES OF PD AND S FUNDS INCLUDE BOTH ACTIVITIES WHICH ARE CONSIDERED TO FURNISH ASSISTANCE TO A COUNTRY AND ACTIVITIES WHICH HAVE TRADITIONALLY BEEN CONSIDERED TO BE PRIMARILY FOR THE BENEFIT OF USAID RATHER THAN THE HOST COUNTRY. USE OF PD AND S FUNDS FOR THIS SECOND CATEGORY OF ACTIVITIES IS LEGALLY PERMISSIBLE. PD AND S FUNDS MAY ALSO BE USED FOR ACTIVITIES WHICH ARE UNDERTAKEN PURSUANT TO A STATUTORY EXCEPTION TO SECTION 508, THUS, EACH INDIVIDUAL PD AND S ACTIVITY MUST BE EXAMINED TO DETERMINE WHETHER IT FURNISHES ASSISTANCE TO NIGER OR WHETHER IT IS AN ACTIVITY PRIMARILY FOR THE BENEFIT OF USAID.

16. THE FOLLOWING GUIDANCE HAS PREVIOUSLY BEEN PROVIDED AS TO THE LEGAL PARAMETERS OF PD AND S FUNDS WHERE A COUNTRY IS SUBJECT TO SECTION 508. IN ORDER TO BE FUNDED BY PD AND S DURING THE PERIOD OF THE SECTION 508 PROHIBITION, AN ACTIVITY SHOULD SATISFY THE FOLLOWING REQUIREMENTS:

(1) THE ACTIVITY SHOULD BE FOR THE BENEFIT OF USAID, ENHANCING ITS CAPACITY TO PLAN, IMPLEMENT OR EVALUATE ITS STRATEGIC OBJECTIVES OR RESULTS PACKAGES MORE EFFECTIVELY (I.E., ACTIVITIES IN THE HOST COUNTRY ("HC") WHICH MAY BE CARRIED OUT UNDER A STATUTORY EXCEPTION TO SECTION 508, OTHER ACTIVITIES IN THE HC ONCE THE SECTION 508 PROHIBITION IS LIFTED, OR PROGRAMS OR ACTIVITIES OUTSIDE THE HC), UNDER NO CIRCUMSTANCES SHOULD THE HC RECEIVE THE BENEFIT OF SUCH ACTIVITIES DURING THE PERIOD OF THE SECTION 508 PROHIBITION. FOR EXAMPLE, THE MISSION SHOULD NOT PROVIDE EITHER THE NIGERIEN GOVERNMENT OR PRIVATE INDIVIDUALS OR ENTITIES IN NIGER WITH COPIES OF FEASIBILITY STUDIES OR SECTOR ASSESSMENTS WHILE THE SECTION 508 PROHIBITION IS IN EFFECT.

(2) BECAUSE PD AND S ACTIVITIES CANNOT BE FOR THE BENEFIT OF THE HC, THOSE ACTIVITIES

SHOULD NOT BE NEGOTIATED WITH THE HOST GOVERNMENT, NOR MAY THE HOST GOVERNMENT PARTICIPATE IN SUCH ACTIVITIES EXCEPT TO PROVIDE INFORMATION. HOWEVER, THERE MAY BE INFORMAL DISCUSSIONS WITH THE GOVERNMENT IF SUCH DISCUSSIONS ARE CONSISTENT WITH OVERALL DIPLOMATIC RELATIONS.

(3) PD AND S RESULTS PACKAGE DEVELOPMENT SHOULD ONLY BE CARRIED ON IF THERE IS A REASONABLE EXPECTATION THAT THE SECTION 508 PROHIBITION WILL NOT REMAIN IN EFFECT FOR THE INDEFINITE FUTURE. IN THIS REGARD, THE MISSION'S ACTIVITIES SHOULD BE FULLY CONSISTENT WITH THE DIPLOMATIC POSTURE OF THE U.S. EMBASSY.

(4) ALL PD AND S ACTIVITIES, EXISTING AND PROPOSED, SHOULD BE REVIEWED TO ENSURE THAT THE SCOPES OF WORK OR DESCRIPTIONS OF ACTIVITIES CONFORM TO THE GUIDANCE SET FORTH ABOVE. UNDER NO CIRCUMSTANCES SHOULD THE HOST GOVERNMENT BE ASKED TO PARTICIPATE IN ONGOING ACTIVITIES OR TO SIGN OR APPROVE NEW OBLIGATIONS.

(5) THE FOLLOWING ARE EXAMPLES OF PD AND S ACTIVITIES THAT WOULD ORDINARILY BE PERMITTED DURING THE SECTION 508 PROHIBITION:

.. A STUDY BY CONSULTANTS TO USAID ON OBSTACLES TO INCREASING AGRICULTURAL PRODUCTION IN THE HC, WITH A VIEW TOWARD DESIGNING A NEW STRATEGIC OBJECTIVE OR RESULTS PACKAGE TO PROVIDE CREDIT;

-- AN ASSESSMENT BY CONSULTANTS TO THE USAID OF FAMILY PLANNING ACTIVITIES TO PROVIDE THE INFORMATION NECESSARY FOR THE PREPARATION OF A MISSION STRATEGY DOCUMENT OR A RESULTS PACKAGE.

-- A STUDY BY A LOCAL ECONOMIST TO ANALYZE THE REGULATORY STRUCTURE AFFECTING THE EXPORT OF NONTRADITIONAL PRODUCTS WITH A VIEW TOWARD INCLUDING THE ANALYSIS IN THE DEVELOPMENT OF A FUTURE STRATEGIC OBJECTIVE OR RESULTS PACKAGE;

-- A PROGRAM OR PROJECT EVALUATION OF ACTIVITIES IMPLEMENTED PURSUANT TO A PROJECT OR PROGRAM UNDER OUR OLD PROGRAM OR PROJECT MODALITY OR AN EVALUATION PURSUANT TO ACTIVITIES UNDER OUR CURRENT SYSTEM,

17. THE FOLLOWING ARE EXAMPLES OF ACTIVITIES THAT WOULD CLEARLY CONSTITUTE "ASSISTANCE" AND WOULD THEREFORE BE SUBJECT TO THE SECTION 508 PROHIBITION:

.. ACTIVITIES UNDER A LIMITED SCOPE GRANT AGREEMENT WITH THE HOST GOVERNMENT TO FINANCE STUDIES UNDERTAKEN JOINTLY BY THE MISSION AND THE GOVERNMENT;

.. INVITATIONAL TRAVEL TO AN OVERSEAS CONFERENCE FOR EMPLOYEES OF A HOST GOVERNMENT MINISTRY; OR

-- A STUDY JOINTLY FUNDED BY USAID AND AN INTERNATIONAL FINANCIAL INSTITUTION ("IFI") TO BE PROVIDED TO THE HOST GOVERNMENT FOR USE IN ITS INTERNAL DELIBERATIONS.

18. DIRECT ASSISTANCE: WORLDWIDE AND REGIONAL PROG SECTION 508 PROHIBITS ONLY "DIRECT ASSISTANCE" TO A COUNTRY. IN CERTAIN CASES, BENEFITS WHICH REACH NIGER THROUGH REGIONAL PROJECTS MIGHT QUALIFY AS MERE INDIRECT REGIONAL ASSISTANCE, AND THUS NOT BE SUBJECT TO THE SECTION 508 PROHIBITION. TO QUALIFY AS MERE INDIRECT REGIONAL ASSISTANCE, USAID HAS LONG HELD THAT (A) THERE MUST BE A REGIONAL PROJECT, OF WHICH THE ACTIVITY IN THE PROHIBITED COUNTRY IS ONLY A PART, (B) THE BENEFITS REACHING THE PROHIBITED COUNTRY MUST BE MINOR IN COMPARISON TO THOSE BENEFITS REACHING THE OTHER COUNTRIES IN THE ASSISTANCE PACKAGE, AND (C) SEVERING THE

PROHIBITED COUNTRY FROM THE ACTIVITY WOULD SERIOUSLY DAMAGE THE REGIONAL PROJECT, FOR INSTANCE, MANY REGIONWIDE LOCUST ERADICATION ACTIVITIES PROVIDING BENEFITS TO A PROHIBITED COUNTRY HAVE BEEN FOUND TO BE PERMISSIBLE UNDER THIS STANDARD.

19. AS STATED IN REFTTEL, MISSION IS INSTRUCTED TO REFRAIN FROM MAKING ANY NEW OBLIGATIONS OR EXPENDITURES OF PREVIOUSLY-OBLIGATED FUNDS FOR ASSISTANCE TO NIGER, EXCEPT AS PERMITTED UNDER FAA SECTION 617 AUTHORITY OR OTHER CLEARLY APPLICABLE STATUTORY AUTHORITY.

20. IF YOU HAVE QUESTIONS ABOUT THE GUIDANCE PROVIDED OR THE INFORMATION REQUESTED HEREIN YOU MAY SLUG THEM TO GC/AFR, ROOM 6891-NS, PHONE (202) 647-9218; FAX (202) 6478557.

21. MANY THANKS FOR YOUR PROMPT RESPONSE. CHRISTOPHER BT #3620

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