

AGENCY FOR INTERNATIONAL DEVELOPMENT
WASHINGTON, D.C. 20523

ACTION MEMORANDUM FOR THE ASSISTANT ADMINISTRATOR, BUREAU FOR ASIA AND NEAR EAST

FROM: ANE/PD, Ronald F. Venezia *Ronald Venezia*
SUBJECT: ANE Regional Human Rights Project (398-0280) - Authorization

Action: We request your authorization of the ANE Regional Human Rights Project as a continuing activity.

Background: Section 116(e) of the Foreign Assistance Act has mandated since 1978 that A.I.D. promote civil and political rights in developing countries. Policy Determination 12 (PD-12) states Agency policy for human rights activities. Under PD-12 ANE has a program for funding human rights activities. Until this fiscal year, our program was carried out through grants to private and voluntary organizations (PVOs), through the Regional PVO Project (398-0251) or through special country projects.

An evaluation in 1987 found ANE human rights activities effective in achieving their stated objectives. It recommended that the Bureau develop a separate Bureau project with specific criteria and procedures for Section 116(e) activities on a longer term basis. On the basis of the evaluation and a review of proposals for FY 1988 activities from missions and potential grantees, the Project Committee developed the proposed project.

Proposed Project: This project will support activities to promote civil and political rights in the ANE region as provided in Section 116 (e) of the FAA. PD-12 indicates the Agency wishes to encourage such activities as:

- research on and discussion of civil and political rights.
- awareness of civil and political rights.
- adherence to the rule of law through a legal framework conducive to civil and political rights.
- free and democratic electoral systems.
- development of democratic principles and institutions that promote human rights.

- development of human rights organizations.
- increased access of women and ethnic groups to the judicial system and political processes.

A.I.D. management of the project will be a responsibility of the Director, Office of Technical Resources. The Human Resources Division, ANE/TR/HR, will provide a Project Manager. The Project Manager and representatives of ANE/DP and ANE/PD will constitute the Project Committee with participation, as appropriate, of the grants officer, desk and technical officers, and the Agency Coordinator for Human Rights and Democratic Initiatives. The Project Committee will review proposed activities and progress of the project and recommend selections of grant activities and other project actions to the Director, ANE/TR. If Missions agree to manage activities, they will be assigned primary responsibility for those activities.

Specific activities to be supported will be defined in grants awarded under the following procedures and criteria:

1. Annual Canvass for Activity Proposals. At or before the start of each fiscal year, the Project Manager will seek proposals for grant activities from ANE Missions and from private and voluntary organizations (PVOs) expected to be capable of conducting sound human rights activities in ANE countries. Proposals should be received in time to be reviewed by the Project Committee early in the second quarter of the fiscal year.

PVOs will be encouraged to make their proposals known to field Missions or to submit them through the Missions. Proposals will only be approved if considered appropriate by the Mission in the country(ies) concerned.

Missions and potential grantees will be advised of the total amount of funds expected to be available for that year, and of the criteria for rating and selecting proposals.

Potential grantees will be required to follow the guidance in Handbook 13, Chapter 2 on application for grants, and they will generally be expected to follow the procedures in Handbook 3, Chapter 4, Appendix 4B for grant applications.

2. Review Procedures and Criteria. Review of activities proposed to receive grants will be a responsibility of the Project Committee. The Director, ANE/TR may approve activities not exceeding \$500,000 which are consistent with the criteria below. Recommendations for larger activities or

activities not consistent with these criteria will be referred to the AA/ANE for approval. The Project Manager will be responsible for obtaining appropriate approvals or concurrences in selections from the PPC Bureau and from the State Department Bureau of Human Rights and Humanitarian Affairs.

Criteria for review of proposals are:

- a. Consistency with PD-12. All activities under this project must be consistent with Agency policy guidelines set forth in the Annex to PD-12 (attached).
- b. Soundness. Analyses of technical, economic/financial, administrative/managerial and social/institutional soundness must satisfy the Project Committee that the proposal is feasible and has reasonable prospects for success. Mission comment on soundness will be sought for proposals to conduct activities in each country. Special attention will be given to the social/institutional soundness of proposals from the aspect of capability to conduct human rights activities in the country setting as proposed.

Past experience suggests that more proposals will meet these criteria than funds will be available for grants. Priorities for grants will be as follows:

- a. Countries Covered. The project Committee will seek to approve grants for activities in all countries for which sound and meritorious proposals are received. Priority will be given to proposals for countries for which no previous grants have been made.
- b. Country-Specific Activities. Priority will be given to proposals for activities in a specific country or countries over regional activities without such focus. Particular priority will be given to proposals to assist efforts of indigenous non-governmental organizations (NGOs) to conduct human rights activities in their countries.

Multiyear activities may be approved, but they should usually be full-funded in the first year. The Project Committee will manage project funding so that at least 80% of funds in a given fiscal year will be available for new projects and no more than 20% of funds will be available to finance the total of projects funded in prior years. This limit is to avoid "mortgaging" future funds to the extent that funds will be unduly limited for new activities.

Bureau Reviews. The Project Committee reviewed the evaluation December 16, 1987. Separate reviews covered proposals submitted for FY 1988 funding and also considered design of the continuing project. The final staff review June 17, 1988 resolved the last design issues.

Continuing Activity. We recommend authorization of this project as a continuing project. As such, the overall project does not have a set funding level or ending date, but the grants under the project will have specified limits. FY 1988 funding will be \$800,000 Education and Human Resources grant funds from the Bureau CYB and \$100,000 Selected Development Activities grant funds from PPC.

Congressional Status. This project was presented as a continuing activity in the FY 1988 Congressional Presentation. Because this is a new project, a Congressional Notification has been prepared.

Recommendation. That you authorize the continuing ANE Regional Human Rights Project by signing below.

Approved: Julie C. Blahs

Disapproved: _____

Date: July 21, 1988

Attachment:
PD-12 guidelines

Clearances:

- DAA/ANE: TReese _____
- ANE/TR: BTurner _____ (draft)
- ANE/DP: LRogers _____ (draft)
- GC/ANE: JSilverstone _____ (draft)
- SER/OP/OS/ANE: JJohnson _____ (draft)
- PPC/PDPR/SP: THorel _____ (draft)
- ANE/TR/HR: JChampagne _____ (draft)
- ANE/PD/EA: JATennant _____

ANE/PD/EA: JNussbaum: ANE/TR/HR: ALong: jn: 11 Jul 88: x79624
doc 26510: Revised 18 Jul 88

ANNEX

A.I.D. POLICY GUIDELINES FOR THE PROMOTION OF CIVIL AND POLITICAL RIGHTS

A.I.D. is strongly committed to implementing Section 116(e) which provides funding to encourage increased adherence to civil and political rights in countries eligible for U.S. bilateral assistance. The legislation establishes a target of \$3 million for such projects, a target A.I.D. views as a minimum, not a ceiling. "Civil and political rights" is a broad term, including but not limited to the legal structure and the electoral process. Also included are such areas as freedom of the press, the right of association (trade unions, and social groups, as well as political parties) and the like.

The overall approach to the program contains the following elements:

-New initiatives are encouraged. We are looking for innovative approaches to a broad range of civil and political rights concerns.

-Projects should encourage the building of institutions that promote human rights and uphold democratic principles. This approach recognizes that in the long term democracies are the best guarantee of civil and political rights. It is not necessary to confine projects to societies that already respect human rights and democratic principles. Experience has shown that even in repressive societies there are opportunities to encourage increased adherence to civil and political rights. These opportunities should be identified and supported.

-Projects should emphasize activities that will have a positive, rather than adversarial, influence on governmental human rights policies. A.I.D. supports projects that will increase the understanding and enhance the role of civil and political rights, or that will incrementally improve performance in one or another area of rights.

-To the greatest extent possible, projects should emphasize activities that originate in developing countries themselves, and that directly involve the people of those countries.

-Projects from private groups and individuals are encouraged.

-Regional Bureaus and A.I.D. Missions should be actively engaged in identifying and helping to develop projects and activities that will promote wider observance of human rights. Funding needs for such activities should be anticipated and provided for in the regular budget cycle.

In order that A.I.D. may meet the legislative target, each Regional Bureau is responsible for providing a proportional share of funding for human rights activities.

The human rights programs A.I.D. is encouraged to support cover the seven broad themes listed below. Included are some illustrative examples of the types of activities and programs we wish to promote:

1. Encourage research on and discussion of civil and political rights.

Programs that will expand the philosophical understanding of human rights in developing countries; developing and improving the teaching of civil and political rights; studies or research on the relationship between civil and political rights and development.

2. Encourage the awareness of civil and political rights.

Studies, seminars and educational programs for developing country personnel on the full range of fundamental rights; the distribution of human rights materials; programs designed to educate the citizenry of a country to know and understand the rights and protections offered under their legal system, as well as their political rights and responsibilities; formulating, producing, translating and disseminating publications which address the establishment of principles of civil and political rights and the legal and institutional mechanisms through which they are protected and promoted.

3. Encourage adherence to the rule of law through a legal framework conducive to civil and political rights.

Included are projects assisting a government to strengthen its legal system, focusing such efforts on establishing or preserving the fundamental principles of law. A strong legal system should include such essential elements as the rule of law, due process, and an educated and independent judiciary. The legal system should encourage fairness and equal protection for all. Some of the general areas covered are the development of democratic constitutions; improvements in the administration of justice; legal education and professional development of lawyers and judicial personnel; improved informational resources on legal theory and practice; reform and implementation of civil and criminal codes; and publication and distribution of court opinions.

4. Encourage free and democratic electoral systems.

The right to vote, the right to a secret ballot, the right to a fair and accurate count of the votes, and the assurance that those fairly elected will enter into office are fundamental to the establishment and perpetuation of

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free elections. Programs of local or international organizations that educate citizens on their right and responsibility to vote, provide advice in designing and implementing an electoral system, or provide for the presence of independent election observers, are examples of activities appropriate for A.I.D. support.

5. Encourage development of democratic principles and institutions that promote human rights.

Activities include programs to increase public understanding of democracy; improved functioning of democratic institutions, such as the legislature and the press; the study of democratic principles; the development and support of private indigenous groups that are pluralistic and democratic; and assistance to programs designed to help a country develop, or return to, civilian democratic rule.

6. Encourage the development of human rights organizations.

Activities should develop and support indigenous, regional and international human rights institutions that are independent of individual countries or governments; assisting groups in their efforts to develop and make available information on human rights; and develop and build contacts and institutional relationships among human rights groups.

7. Encourage the increased access of women and ethnic groups to the judicial system and to political processes.

Activities that redress violations or discriminatory laws or practices against members of a particular group; outreach programs that broaden knowledge and awareness of civil and political rights among these groups.

While the program emphasizes the above seven themes, A.I.D. is receptive to areas not listed above if a strong justification can be demonstrated showing how the proposed activity improves or promotes adherence to civil and political rights.

The legislation prohibits funds to be used directly or indirectly to influence the outcome of any election in any country. All legislative restrictions relating to Development Assistance and Economic Support Funds in the Foreign Assistance Act, including Section 660 which prohibits assistance to police, prisons, and law enforcement forces, apply to Section 116(e) activities.

The Bureau for Program and Policy Coordination (PPC) oversees the human rights program in A.I.D. A.I.D. administers the program in coordination and consultation with the Department of State's Bureau of Human Rights and Humanitarian Affairs (HA), from which A.I.D. receives policy guidance on this subject.

MEMORANDUM

15 June 1988

TO: Distribution

FROM: ANE/PD, Ronald F. Venezia *RV*

SUBJECT: ANE REGIONAL Human Rights Project (398-0280) - Issues Review Meeting, Friday, June 17, 1988 at 11:00 a.m. in 3320A NS

A review of design issues for the Human Rights Project will be held Friday, June 17, 1988 at 11:00 a.m. in room 3320A NS. You are invited to attend.

The purpose of the meeting is to provide design guidance for the preparation of an authorization package (action memo). The working level project committee could not agree on the first issue in the attached issues paper, and requests guidance from the Office Directors.

attachment: issues paper

Distribution:

GC/ANE:HMorris
ANE/TR:BTurner, RCobb, HFreeman, AMLong
ANE/DP:PBenedict, LRogers, ASilver
ANE/PD:RFVenezia, JATennant, JRNussbaum

ANE/PD/EA:JRNussbaum:jrn:15 Jun 88:x79624:docid 24560

ANE Human Rights Project 398-0280

DESIGN ISSUES

1. Should we limit approvals to activities we can fully fund, or should we approve activities for incremental funding?

In reviewing requests for FY 1988 funding, Bureau reviewers found proposals of merit worth more than the \$800 thousand in the OYB. Their consensus was for funding at least one activity in every country for which meritorious proposals were received. Reviewers disagreed whether to full-fund fewer approved activities (about one per country) or to fund only one year's requirements of more activities (allowing two or more activities in some countries).

ANE/DP (Art Silver) favored full-funding only; ANE/TR (Ana Maria Long) and ANE/PD (Jay Nussbaum) favored permitting incremental funding. These arguments were advanced:

For full-funding

It avoids mortgaging future years' limited Human Rights funds. Of the \$800 thousand planned for FY 89, 20-50% would be required to fund activities approved in FY 1988 if the incremental funding approach is adopted. This would greatly reduce the Bureau's ability to fund new activities in 1989 (and future years). Instead, the Bureau should fund a maximum of new activities each year to adapt to changing needs and to improve the quality of proposals it funds.

Incremental funding also implies long-term institutional development rather than short-term high impact human rights goals. With limited resources for human rights, we cannot support long-term activities, and we should not encourage grantees to expect AID support for them. Mortgaging these little grants is also more management-intensive, and decreases flexibility to respond to fast-breaking human rights crises of opportunities. Additional arguments are made in Silver's memo of May 4.

For incremental funding

More activities can be funded, and limited funds are not tied up in forward funding activities while other meritorious activities are unfunded. In the course of the review of FY 1988 proposals, two to four proposals were found meritorious in several countries. The incremental funding approach enables not only funding more proposals, but also funding proposals from more grantees.

The 1987 evaluation of the project recommended this approach to permit better planning by recipients for activities extending over some years. The cable soliciting proposals from missions invited multi-year proposals, and some missions submitted proposals on this basis.

Incremental funding may be necessary for some time where human rights activities are only beginning. Incremental funding would also be consistent with Bureau efforts to limit forward funding while funds available to the Bureau are tight.

Although we are diversifying recipients of grants (especially where missions are encouraging local grantees), most funding still goes to two grantees -- the Asia Foundation (TAF) and AMIDEAST. In a fast changing situation, we would expect these grantees to be flexible in reprogramming to meet needs in the countries in which they operate. This reduces the need to retain funds in the Bureau for contingencies.

A decision on this issue is required to make FY 1988 funding decisions (necessary in the next few weeks) as well as for design of the continuing project.

2. Should the project support activities in a large number of countries, or should it concentrate on a few countries with special human rights problems?

As noted above, the consensus was to support at least one activity in each country for which there was a meritorious proposal. The FY 1988 reviewers did not eliminate weaker proposals for some countries with less developed human rights organizations although they might have substantial human rights problems. However, the situation may change over time, and a rigid policy in this regard does not seem necessary.

3. Should the project be authorized as a continuing activity, or should it be authorized for a set number of years?

The FY 1989 Congressional Presentation lists this as a "continuing" activity, but this does not prevent a limited authorization period if the Bureau so decides.

Because Section 116 (e) is permanent legislation, it seems appropriate to treat the activity as continuing. The authorization process can then set criteria and procedures for selecting and administering sub-activities with finite lifetimes. There then is no need to set a terminal date for the umbrella activity under which the sub-activities take place.

It then becomes a wise precaution to call for periodic examination of the direction and effectiveness of the total activity. External evaluations at about three-year intervals can serve this role as did the 1987 evaluation. We could budget for an evaluation (presumably by an IQC) in 1990, 1993, etc.

4. Should the authorization include use of funds other than Section 116 (e) set-aside funds?

In past years Human Rights activities in ANE have also been funded outside the Bureau's Section 116 (e) set-aside funds. Both central (PPC) funds and Bureau funds beyond the set-aside have been used.

It makes sense to apply the same criteria and procedures to review, approval and implementation of these activities as to set-aside-funded activities.

5. What procedures for notifying the Congress should be applied for this project?

In the past the PVO Project (398-0251) has been the vehicle for Human Rights grants. A Congressional Notification procedure (preparation of a "summary sheet") similar to that for sub-activities under the PVO activity will be required.

6. What procedures and criteria for review and approval of proposals should be followed?

This activity has operated for some years with no formal criteria beyond those in PD-12 (which reflects the legislation) and in ad hoc guidance each year in a cable soliciting missions' proposals for use of Section 116 (e) funds. Proposals are also solicited from voluntary organizations known to be interested in ANE human rights. The project officer (currently Ana Maria Long) has convened a review panel (currently TR, DP, PD and PPC/Human Rights as observer) which approves a list of proposals to be sent for STATE/HR clearance and funding.

The existing procedures seem to work well, but they are not codified. In preparing a formal project authorization, guidelines can call for:

- a. Selecting grantees by an annual solicitation of proposals from known U.S. HR NGOs and from missions (this might occur earlier in the fiscal year than this year).
- b. Selecting by such criteria as:
 - i. proposals must meet PD-12 criteria,
 - ii. soundness analyses of proposals,

- iii. generally spreading assistance to include all countries for which there are sound and meritorious proposals, and
 - iv. generally spreading assistance among a mixture of local and U.S. NGOs.
- c. Following the grant documentation guidance of HB 13 (form of application, managerial and technical capability of applicant).

ANE/PD/EA:JRNussbaum:jrn:x79524:docid 2456o
Revised 15 Jun 88

PROJECT COMMITTEE

398-0280

ATTENDANCE LIST

COUNTRY ANE REGIONAL

PROJECT Human Rights Project

PLANNING DOCUMENT Issues Paper

AMOUNT PROPOSED \$ 800,000 Gc - 1988

P C MEETING DATE 17 June 1988

NAME OF PARTICIPANT	OFFICE REPRESENTED
1. Jay R. Nussbaum	ANE/PD/EA
2. RICHARD CORB	TR
3. ANA MARIA LONGE	TK
4.	
5. Herbert E. Morris	GC/ANE
6. Len Rogers	ANE/DIP
7.	
8.	
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17.	
18.	

May 4, 1988

TO: ANE (RP), Nussbaum

FROM: ANE (DP), ADSilver

RE: Regional Human Rights Project 398-0280

Fib

Following on our meeting last week, I would like to suggest the following selection criteria for substantive guidance in final PR development. The basic project theme I propose is relevance.

A. Country selection

1.0 Top funding priority should go to countries with palpable and prominent human rights problems, particularly if the proposal addresses them. My recollection of the legislative history of Sec. 110(e), and its subsequent evolution, is that it was, and is topical - i.e., current events-driven (e.g. mention of "negotiating" within the South Africa sub-setaside). The more flagrant and premeditated the human rights abuse, the higher priority should go to activities aimed at remedying them. Thus proposals concerning Bangladeshi bride-burning, West Iranian genocide, or Philippine death squads should take automatic precedence over South Pacific or Iopisian proposals.

2.0 *letio parsibus* (or even not so *paribus*), we should be more forthcoming with new country proposals than old clients. Nepal is a good customer and does fine projects, but part of the purpose of promoting worldwide human rights awareness is served by considering a Pakistan's first proposal on something more than their merits. In other words, we should share this money as widely around the Bureau as possible.

3.0 Generally, we should favor bilaterally proposed and managed activities over regional ones, not only because we are ill equipped to monitor them but also because abuses are perpetrated by countries, not by regions.

4.0 To be fair, we should try to preserve approximately the share of the setaside that each former Bureau contributed to the whole: \$600,000 from Asia and \$200,000 from Near East. (NB this also takes care of the Israel dilemma.)

B. Project Selection

Our chief project criterion should be impact: effectiveness in preventing or redressing specific human rights abuses. This means clinical legal services kinds of projects come first, legal literacy comes after that, and judicial training, official study tours, and research come last. This means assigning priority to direct impact over institution-building.

I recognize that the project evaluation called for more attention to long-term, institution building projects; I disagree strongly with the recommendation for two reasons. First, as above, the history of the legislation lead me to believe that relevance to perceived abuses is what the Congress was addressing itself to. As the evaluation found, the legal services projects, although not self-sustaining, were highly effective in this regard. Second, \$800,000 a year is not enough money to make any significant (or even perceptible) dent in the human rights institutional structure in the countries of a Bureau that spans two-thirds of the globe. We have enough trouble doing institution building in agriculture where we have a lot of money and time to work on it. Therefore, I believe our objective should be relevance rather than permanence; permanence will be conveyed through evolution of the society's values, not through our little projects. Our projects, however, can save people's lives, property, and dignity in specific cases in specific places.

2.) This means, of course, that we should not mortgage this little project by approving and partly funding multi-year projects. This for administrative reasons as well as programmatic ones as above. To the extent we mortgage any part of next year's \$800,000 a) we limit our ability to spread the funding around to a lot of different countries and projects, b) we create expectations among other proposing Missions that we will be unable to satisfy in the annual competition for less available money, c) we compound the problem in future years as increasing proportions of the availability becomes mortgaged, and d) we deprive ourselves of the flexibility to respond to fast-breaking human rights crises or opportunities that may develop.

3.) Our five-year-old policy of using the human rights setaside to fund women's rights initiatives has been a very successful one, and should be continued under the new project.

cc: ANE/TR/HR, ALong
ANE/TR, BTurner

File 398-0286

AGENCY FOR INTERNATIONAL DEVELOPMENT
WASHINGTON, D.C. 20523

MEMORANDUM

Revised version
3/29/88

TO: ANE/PD, Jay Nussbaum

FROM: ANE/TR/HR, Anamaria Long *AL*

SUBJECT: Background for ANE Human Rights 116(e) Funding authorization package.

A. BACKGROUND: Section 116(e) of the Foreign Assistance Act (F.A.A.), amended in 1978, mandated establishment by A.I.D. of a human rights program to encourage civil and political freedom in developing countries. The agency issued an A.I.D. Human Rights Policy Determination (PD-12) on September 26, 1984. This document provides substantive guidance for the program and suggests specific areas for project activities. These areas include:

1. research and discussion of civil and political rights;
2. the awareness of civil and political rights;
3. adherence to the rule of law through a legal framework conducive to civil and political rights;
4. free and democratic electoral systems;
5. development of democratic principles and institutions that promote human rights;
6. development of human rights organizations, and
7. increased access of women and ethnic groups to the judicial system and to the political processes.

Human Rights (HR) activities were supported by the former Asia Bureau since 1978, and by the former Near East bureau since 1983. Human rights activities have been funded through a) regional projects, including the PVO Regional Project (398-0251); b) the Legal Education and Training Project (398-0054); c) the Nepal Strengthening Legal Systems Project (367-0150); and d) the Israel Human Rights Project (398-0201).

On December 16, 1987, a PRC meeting was held to review the evaluation of the Human Rights Program and to recommend future actions for this program. The PRC decided that all human rights activities funded under section 116(e) of the F.A.A.

should be consolidated into one project (The ANE Human Rights Project, 398-0280). The PRC also recommended that this project be authorized for three years with a LOP funding of \$2,400,000. Since this is not a new project but the continuation of ten years of human rights activities in the region, the PRC recommended that an action memorandum, rather than a project paper, would be sufficient to authorize this project.

B. PROJECT DESCRIPTION: The purpose of the Regional Human Rights Project (398-0280) is to enhance civil and political rights in the participating countries by helping to establish institutional arrangements, including the development and improvement of legal status, organizational structures and administrative systems, and by improving human capacity to manage and access these improved arrangements.

C. BENEFICIARIES: Activities funded under this project will extend the observance and promotion of universally accepted standards of human rights by government and private institutions in the region. The ultimate beneficiaries, however, are the populations of participating ANE countries.

D. OUTPUTS: Project outputs are defined by the specific grants awarded under this project. Examples of outputs of past human rights activities are:

- studies and research;
- educational materials;
- curriculum development;
- public education campaign;
- training of trainers (teachers, lawyers, members of the judiciary and legislatures);
- conferences and seminars (local, national and regional);
- technical assistance or administrative support for human rights organizations;
- publication of Supreme Court decisions
- legal services to the poor and to women
- technical assistance to improve the administration of justice or support for legislative procedures
- technical support for democratic electoral systems

E. INPUTS AND FINANCIAL PLAN: A.I.D.-financed inputs include the provision of technical assistance, training and commodities for a three year period with an estimated LOP funding of \$2,400,000. The annual 116(e) human rights allocation for the ANE Bureau is expected to continue at \$800,000 a year.

F. PROCEDURES FOR ALLOCATION OF 116(e) FUNDS: ANE/TR/HR has lead responsibility for managing/backstopping the ANE human rights program. Funds will be provided under this program for mission-sponsored bilateral activities as well as for

activities submitted by regional grantee institutions (e.g., The Asia Foundation and AMIDEAST).

F.1. SELECTION OF GRANTEES: The selection of recipients for 116(e) funds will use a limited competition procedure as described in Handbook 13, Section 2B. The ANE Bureau and A.I.D. missions will invite applications from a limited number of private or public entities which express interest or are known by technical and other officers concerned with the program to be able to implement human rights activities within the terms of reference established by A.I.D. Policy Determination 12, "Human Rights".

F.2. CRITERIA FOR SUBMISSION OF APPLICATIONS: Applications for human rights activities under this project will be submitted directly to A.I.D. missions. Regional activities will be submitted to relevant country missions and ANE/W (ANE/TR/HR). Criteria for submission are as follows:

A. Adherence to A.I.D. Policy Determination 12;
B. Adherence to technical guidance for submission of proposals provided in A.I.D. Handbook 3, Chapter 4, Appendix B. Applications should include (as a minimum): implementation plan, itemized budget, monitoring and reporting plan, prospects for direct impact on beneficiaries, technical and managerial capabilities of implementing organizations (grantees and subgrantees), and, concurrence of host country institutions and official government approval where appropriate;

C. A.I.D. mission concurrence. All country specific applications require the review and concurrence of the appropriate mission and embassy staff before its submission to AID/W.

F.3. APPLICATION REVIEW PROCESS: During the first quarter of each fiscal year the ANE Human Rights Officer will send a region-wide cable providing both substantive and procedural guidance to ANE field missions concerning submission of human rights proposals. All proposals will be reviewed at the same time by a Project Review Committee (PRC) consisting of representatives of ANE/TR, ANE/DP, ANE/PD, ANE/GC and the grants officer for the project. Upon completion of the reviews the PRC will submit its recommendations to the ANE/TR Director. Upon his/her approval, and clearances from PPC/PDPR Human Rights Office and from State Department Bureau for Human Rights and Humanitarian Affairs, missions and grantees will be notified as to which proposals were approved/disapproved for that year.

G. PROJECT MANAGEMENT: Up to 1985, human rights activities in the Asia and Near East Bureaus were administered according to

their separate procedures. After the two bureaus were merged, interim procedures were adopted while awaiting recommendations of the overall human rights program evaluation conducted in late FY87. The evaluation recommended that the ANE Bureau needed to spell out the responsibilities of AID/W, USAID's and grantees in monitoring, reporting and evaluating human rights activities under this project.

General management of this project will be the responsibility of the human rights officer located in ANE/TR/HR. The human rights officer will: 1) provide annual guidance to ANE missions regarding specific policy changes or strategic focus that may affect the development of human rights activities; 2) coordinate the procedures (described under section F above) for allocation of funds with assistance from the PRC; 3) oversee implementation of human rights activities with support of USAID's; 4) administer evaluations of the project as needed; 5) process regional grant agreements; 6) provide annual human rights activities report for ANE Bureau Congressional Presentation and PPC periodic reports to Congress, and assist missions as needed.

Following ANE/W guidance, USAID's will have the responsibility of : 1) soliciting, reviewing and recommending to the ANE/PRC potential grantees to implement human rights activities; 2) processing grant agreements; 3) monitoring performance of grantees; 4) providing annual progress reports on grantee's performance to ANE/W; 5) reporting to the ANE human rights officer any anomalies in implementation; 6) requesting technical assistance for specific or final evaluation of human rights activities, as needed.

The responsibilities of the grantees are to be specified in grant agreements. Grant agreements will follow the general procedures established in Handbook 13. All copies of in country grant agreements and grant amendments will be sent to the ANE human rights officer.

H. Evaluation Plan Each grant agreement signed under this project should include a final evaluation of activities conducted under the grant. An evaluation for the ANE Human Rights Project (3980280) will be conducted to assess effectiveness and possible impact of the activities funded under this project. Evaluation findings should provide information on most effective ways to continue implementing the human rights mandate in the region. Interim evaluations may be conducted if needed.

I. Relationships with PPC/PDPR Human Rights Office and State Department Bureau of Human Rights and Humanitarian Affairs. The A.I.D. Human Rights Coordinator from PPC/PDPR participates in the review of proposals with the members of the ANE/PRC. The decisions of the ANE/PRC are cleared by State/Humanitarian

Affairs (ST/HA) before missions are notified regarding the final selection of proposals.

Attachments

1. Policy Determination 12, Human Rights
2. Evaluation of the ANE Human Rights Program
3. Information Memorandum dated March 11, 1987 on Review of Human Rights Proposals
4. Guidelines for submission of Human Rights Proposals FY88.

16 March 1988

→Mr. Nussbaum
Ms Long

Subject: Long to Nussbaum memo dtd. 22 Feb. on background for 116(e) authorization package

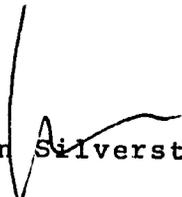
Here are some questions, comments, suggestions:

1. Should we make it clear that this project is (is not) the exclusive funding source for activities of the type which it covers? In other words, could a USAID use funds otherwise available to support an activity that might qualify for consideration under this project?
2. What, if any, rules or procedures apply to committee notifications on the Hill and to constituent member notifications? There are new guidelines on the former, including guidelines for "basket" projects. I do not know what a "basket" project is, but this could be one. I suggest we check LEG and, if notifications of some kind are required for the activity funding decisions, this point be covered in the memo.
3. Memo, section F.1. An AA/ANE approval of the selection procedure should be built into the package. Make sure that M/SER is on board this approach, especially if no publicity is to be given the contest.
4. Memo, section F2B. The reference to Handbook 13, chapter 4, Appendix B, may be a mistake. On the other hand, Handbook 13, chapter 4, section 4E seems relevant.* Note especially subparas 3-6 there. The items mentioned in those subparagraphs are not in the listing given in section F2B of the memo. If we omitted them on purpose, we should explain the reason. If we did not, we should either omit the listing entirely or we should put them in.

* ~~check~~
5. Memo, section F.3:
 - (i) Why is it necessary to circulate a message each year?
 - (ii) Do not call this a "Project Review Committee". Otherwise, there could be confusion with the normal project review procedure in ANE. If a name is necessary, you might call it a selection or activity review committee or task force, etc.
 - (iii) Why is it necessary to review all applications at the same time? From a legal standpoint, this is OK-although you might be required at some time to set out more in the way of comparative rating guidelines-but it is not clear that it serves policy objectives or is managerially efficient. Particularly problematic might be the standards or procedures for comparing the two big regional grantees with small, country specific activities proposed by missions. I do not remember that this procedure was highly recommended in the evaluation, but I have not reread it to refresh my recollection.

(iv) Make sure that the notification procedure statement is OK with M/SER.

(v) The procedure cuts out AA/ANE. OK?


Jonathan Silverstone

Attachment:

Handbook 13, section 4E

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4C. PIO/Ts

1. The specific support grant PIO/T should contain a clear and complete program description, definitive reporting requirements, and any special provisions desired by the technical office. The PIO/T should reserve sufficient funds to cover all costs to be reimbursed by the Agency and set the dates during which the grantee may charge costs incurred to the grant. In AID/W, the PIO/T is prepared and transmitted to the Office of Financial Management (M/FM), for recording the reservation of funds prior to being sent to the grant officer for action.

2. Any waivers (e.g., procurement source) should be attached to the PIO/T.

3. A selection memorandum as required by Paragraph 1B of this Handbook shall be attached to the PIO/T.

4. If the grant is based on noncompetitive procedures or limited competition, and the technical office has received a copy of the application, the original copy of the application or grant proposal shall be attached to the PIO/T.

4D. Grantee Selection Methods (See Paragraph 1B2 of this handbook)

4E. Application Documentation:

Documentation to be obtained from an applicant must include:

1. Application

a. The potential recipient shall develop an application which, for purposes of good management, will provide a clear summary of what is to be accomplished, the resources and steps required to meet objectives in an identifiable period of time, a realistic financing scheme, and benchmark measures of progress toward the objectives.

b. The application shall include the basic rationale for the projected activities, important assumptions, and a description of the groups and individuals to be involved.

c. The application shall identify a system which enables the recipient, on no less than an annual basis, to assess the means by which it pursues established objectives, the relevance of those means to the attainment of the objectives, and the adequacy of inputs toward the objectives, the extent to which objectives have been accomplished and necessary remedial actions taken.

2. Financial Plan and supporting data.

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3. Background information on the applicant, including copies of its financial reports for the previous 3-year period, which have been audited by a certified public accountant or other auditor satisfactory to A.I.D. Applicants shall submit projected budget, cash flow, and organization chart. Applicants that have never received a grant, cooperative agreement, or contract from the Federal Government are required to submit a copy of their accounting manual. If a copy has already been submitted to the Federal Government, recipient should advise which Federal Office has a copy.

4. A signed copy of the "Assurance of Compliance with Laws and Regulations Governing Nondiscrimination in Federally Assisted Programs", if applicable (See Appendix 1H of this handbook).

5. A list of all contracts, grants or cooperative agreements involving similar or related programs over the past three years. The list must include the name and address of the organization or agency which funded the programs or for whom services were performed, the current telephone number of a responsible technical representative of that organization or agency, the number, if any, of each contract, grant or cooperative agreement; and a brief description of the program. (See Paragraph 1B2i of this handbook.)

6. Personnel and travel policies, if required by paragraph 4F4 below.

4F. Review of Managerial and Technical Capability Criteria for Assistance Recipients

1. To be eligible to receive a grant, a potential recipient must satisfy A.I.D. that it possesses, or has the ability to obtain, the necessary management competence in planning and carrying out assistance programs and that it will practice mutually agreed upon methods of accountability for funds and other assets provided by A.I.D.

2. The recipient must demonstrate potential or actual management ability and the capacity to plan and implement in the field of the recipient's expertise.

3. The recipient's accounting, recordkeeping and overall financial management system must meet the standards set forth in Paragraphs 1I, 1J, 1L and 1M of this handbook.