

1-1995

Memorandum of Understanding Between the Agency for International Development and the Department of State

US Embassy Rwanda

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MEMORANDUM OF UNDERSTANDING

BETWEEN

THE AGENCY FOR INTERNATIONAL DEVELOPMENT

AND

THE DEPARTMENT OF STATE

I. PURPOSE

The purpose of this Memorandum of Understanding (MOU) between the U.S. Agency for International Development (USAID) and the Department of State (State) is to provide for the allocation of \$900,000 from the Economic Support Fund (ESF) FY 95 appropriation, from USAID to State to help support the International Tribunal for Rwanda (ITR) as established by the United Nations Security Council.

II. AUTHORITY

These funds are allocated from USAID to State pursuant to section 632(a) of the Foreign Assistance Act of 1961 as amended (FAA) to be used pursuant to the authority of FAA section 531.

III. ALLOCATION PROCEDURES

State shall receive the allocation as a Treasury Department Non-Expenditure Transfer (SF-1151). It will be used by the State Bureau for International Organizations Affairs (State/IO) to make a contribution to the United Nations to help achieve the objectives specified in Section IV, and to cover the specific costs specified in Section V, below.

IV. OBJECTIVE OF THE ALLOCATION

The United Nations Security Council has established an international tribunal for the purpose of prosecuting persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighboring States between 1 January 1994 and 31 December 1994. TAB A is a copy of the Resolution.

The objective of the allocation is to provide assistance in establishing the International Tribunal for Rwanda.

V. SPECIFIC COSTS TO BE FUNDED

The specific costs to be funded include technical assistance (approximately \$200,000) and commodities (approximately \$700,000) associated with establishing the following organs of the

Tribunal: a) the Chambers, comprising two Trial Chambers and an Appeals Chamber; b) the Prosecutor; and c) a Registry. The contributions to the UN may be in cash or in kind (such as commodities).

VI. TERMS AND CONDITIONS

1. State/IO will be responsible for obligating and disbursing these funds. While the total obligation must be made by June 30, 1995, actual disbursement may occur in incremental amounts, with the timing of the disbursement to be worked out in consultation with the UN.

2. State will be responsible for administration of and accounting for this activity, in accordance with its usual procedures, and will be the agency accountable for it, subject to the following:

a. State will not commingle the funds prior to their disbursement;

b. It is understood that the UN will commingle those funds disbursed to it with funds from other sources, and will apply its own usual procurement policies and procedures; and

c. State's agreement providing funds to the UN shall require that the UN maintain books, records, documents and other evidence in accordance with the UN's usual accounting procedures, in order to sufficiently substantiate costs to be paid with funds provided to the UN by the USG. State shall also require that the UN confirm that the program for which U.S. funds are to be used will be subject to an independent audit in accordance with the UN's usual auditing procedure, and that the UN will furnish a copy of these audit reports along with such other relevant information as may be requested by the United States Government with respect to questions arising from the audit report.

3. The Bureau of African Affairs of State (State/AF), will be responsible for the policy and direction of this activity. This responsibility will be implemented in the field by the U.S. Ambassador to Rwanda and in Washington by the Assistant Secretary of State for African Affairs or his designee.

4. State shall request that the UN provide State with semi-annual reports on progress and problems associated with the achievement of the overall objective of the allocation. State will forward this information to USAID.

5. State/FMP/DFO/FO/A/FR/RP shall provide a monthly Report on Budget Execution (SF-133) in accordance with the Office of Management and Budget Circular A-34, and a fiscal year end certification (TFS-2108), to USAID/FA/FM/CAR, room 603, SA-2, Washington, D.C. 20523-0208. In addition, a monthly summary of

obligations should be prepared by completing only line 8 (obligation incurred) of an SF-133. The form should be certified and FAXed to the USAID Office of Financial Management, Funds Control Division (M/FM/FC), FAX no. (202) 663-2036, Telephone no. (202) 663-2028, Attention: Catherine Meyer, by the fifth working day after the end of the month.

6. Any funds not expended by August 31, 1996, shall be deobligated and returned to USAID on an SF-1151, except as State and USAID may otherwise agree in writing.

VII. MODIFICATION OF AGREEMENT

This MOU may be modified or terminated by written agreement of both parties.

John F. Hicks
Assistant Administrator
Bureau for Africa
Agency for International
Development

Townsend Friedman
Deputy Assistant Secretary
for African Affairs
Department of State

George Ward
Deputy Assistant Secretary
Bureau for International
Organizations
Department of State

Fiscal data:

NOA: 725/61037
ES5-95-31696-KG39
Project No: 696-0152
Amount: \$500,000

517: 72X1037
EEX-95-31696-KG39
Project No: 696-0152
Amount: \$400,000

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