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CONSOLIDATED TREATIES & INTERNATIONAL AGREEMENTS

2012

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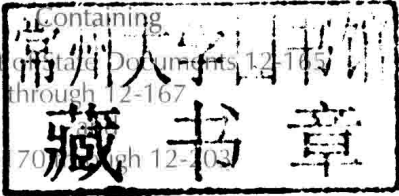
CONSOLIDATED TREATIES & INTERNATIONAL AGREEMENTS

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Containing
Department of State Documents 12-165
through 12-167
12-170 through 12-103



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The **Consolidated Treaties & International Agreements** set also contains three indices to help the reader locate documents.

The first index, Appendix I, organizes the treaties published in the volume by country and then by subject. Each treaty title includes the Department of State or Senate document number and the Oceana print citation.

The second index, Appendix II, is a complete listing of all multilateral agreements published in the volume. Each treaty title includes the Department of State or Senate document number and the Oceana print citation.

The third index, Appendix III, is the topical index, organizing each treaty published in the volume under its assigned subject in alphabetical order by country name and with the appropriate Department of State or Senate document number and Oceana print citation.

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STATE DEPARTMENT DOCUMENT NUMBER: 12-165

**DEVELOPMENT OBJECTIVE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA
AND THE REPUBLIC OF LIBERIA FOR USAID DEVELOPMENT OBJECTIVE 2: SUSTAINED,
MARKET-DRIVEN ECONOMIC GROWTH TO REDUCE POVERTY, WITH ANNEXES**

SIGNED ON SEPTEMBER 29, 2012
ENTERED INTO FORCE SEPTEMBER 29, 2012

CTIA DOCUMENT NUMBER: 18074.000

USAID Development Objective Agreement No. 669-DOAG-DO2-12-00

DEVELOPMENT OBJECTIVE AGREEMENT

Dated: September 17, 2012

Between

The United States of America, acting through the United States Agency for International Development (“USAID”)

and

The Republic of Liberia (hereinafter referred to as the “Grantee”)

Article 1: Purpose.

The purpose of this Development Objective Agreement (the “Agreement”) is to set out the understanding of the Parties named above (the “Parties”) in connection with the Objective described below.

Article 2: Development Objective and Results.

Section 2.I. Development Objective. In order to further the Development Objective “Sustained, Market-Driven Economic Growth to Reduce Poverty” articulated by the Government of the United States of America in the USAID/Liberia Country Development Cooperation Strategy 2013-2017, the Parties hereto agree to work together by focusing on activities in the areas of Infrastructure, Agriculture, Private Sector Competitiveness and Environment.

Section 2.2. Intermediate Results. In order to achieve the Objective, the Parties agree to work together to achieve the following Intermediate Results:

- Food security enhanced;
- Natural resources managed sustainably;
- Enabling environment supports private enterprise growth.

Within the limits of the definition of the Development Objective in Section 2.1, this Section 2.2 may be changed by written agreement of the authorized representatives of the Parties without formal amendment of this Agreement.

Section 2.3. Annex 1, Amplified Description. Annex 1, attached, amplifies the above Development Objective and describes the Intermediate Results, Sub-results and Indicators that will be used to measure the progress and achievement of the Objective. Within the limits of the definition of the Development Objective set forth in Section 2.1, Annex 1 may be changed by written agreement of the authorized representatives of the Parties without formal amendment of this Agreement.

Article 3: Contributions of the Parties.

Section 3.1. USAID Contribution.

(a) The Grant. To help achieve the Objective set forth in this Agreement, USAID, pursuant to the Foreign Assistance Act of 1961, as amended, hereby grants to the Grantee under the terms of the Agreement an amount not to exceed THIRTY-SEVEN MILLION TWO HUNDRED AND SEVENTY-SIX THOUSAND United States Dollars (\$37,276,000).

(b) Total Estimated USAID Contribution. USAID's total estimated contribution to achievement of the Objective will be TWO HUNDRED AND TEN MILLION NINETY-FIVE THOUSAND TWO HUNDRED AND FORTY-FOUR United States Dollars (\$210,095,244), which will be provided in increments. Subsequent increments will be subject to the availability of funds to USAID for this purpose and may be provided by USAID upon written notice to the Grantee. The Parties agree that each such incremental contribution provided, if any, shall cumulatively increase the total amount of the Grant set forth in Section 3.1 and consequently may increase the Grantee's contribution under Section 3.2. The Grantee further agrees to acknowledge by written notice to USAID each such incremental contribution, if any.

(c) If at any time USAID determines that its contribution under Section 3.1(a) exceeds the amount which reasonably can be committed for achieving the Objective during the current or next U.S. fiscal year, USAID may, upon written notice to the Grantee, withdraw the excess amount, thereby reducing the amount of the Grant as set forth in Section 3.1(a). Actions taken pursuant to this subsection will not revise USAID's total estimated contribution set forth in 3.1 (b).

(d) The Parties agree that USAID's contribution may be disbursed through mechanisms including grants, cooperative agreements, and contracts with non-governmental organizations and private companies in order to carry out the activities described in Annex 1 of this Agreement or described in Implementation Letters issued in accordance with Section A.2 of Annex 2 of this Agreement. The parties further agree that any such implementing partner carrying out activities in furtherance of the Objective shall receive all of the rights, privileges, and other benefits set forth in this Agreement.

Section 3.2. Grantee Contribution.

(a) The Grantee agrees to provide or cause to be provided all funds, in addition to those provided by USAID and any other donor identified in Annex 1, and all other resources required to complete, on or before the Completion Date, all activities necessary to achieve the Development Objective. The basis for determining the Grantee's contribution and the nature of the contribution will be further described in an Implementation Letter.

(b) The Grantee's financial contributions to the achievement of the Development Objective of this agreement, based on USAID's contribution in Section 3.1(a), will not be less than the equivalent of twenty-five percent of the portion of the Grant that is used to support activities that either directly provides substantial benefit to the Government of the Republic of Liberia or involves the direct and substantial involvement of the Government of the Republic of Liberia in the administration, control or management of such assistance, provided that such amount may be reduced with the written consent of USAID. The Grantee's financial contributions may include either cash or in-kind contributions or both. The dollar equivalent amount of the Grantee's contribution shall be set forth in an Implementation Letter and shall be subsequently included in the Illustrative Financial Plan included in Annex 3 of this Agreement. The amount of the Grantee's contribution shall be adjusted upon any incremental increase in the amount of the Grant set forth in Section 3.1(a), in accordance with the formula described in the first sentence of this paragraph, and the precise amount of such adjustment shall be indicated in an Implementation Letter. The Grantee agrees to maintain a record of its contributions under this Agreement for a period of three years after the Completion Date and will report at least annually in a format to be agreed upon with USAID on its cash and in-kind contributions.

Article 4: Completion Date.

(a) The Completion Date, which is September 30, 2017, or such other date as the Parties may agree to in writing, is the date by which the Parties estimate that all the activities necessary to achieve the Objective will be completed.

(b) Except as USAID may otherwise agree to in writing, USAID will not issue or approve documentation that would authorize disbursement of the Grant for services performed or goods furnished after the Completion Date.

(c) Requests for disbursement, accompanied by necessary supporting documentation prescribed in Implementation Letters, are to be received by USAID no later than nine (9) months before the Completion Date, or such other period as USAID agrees to in writing before or after such period. After such period USAID, at any time or times, may give notice in writing to the Grantee and reduce the amount of the Grant by all or any part thereof for which requests for disbursement, accompanied by necessary supporting documentation prescribed in Implementation Letters, were not received before the expiration of such period.

Article 5: Conditions Precedent to Disbursement.

Section 5.1. First Disbursement. Prior to the first disbursement under the Grant, or to the issuance by USAID of documentation pursuant to which disbursement will be made, the Grantee will, except as the Parties may otherwise agree in writing, furnish to USAID in form and substance satisfactory to USAID:

(a) An opinion of counsel acceptable to USAID that (i) this Agreement has been duly authorized or ratified by, and executed on behalf of the Grantee, (ii) this Agreement constitutes a valid and

legally binding obligation of the Grantee in accordance with all of its terms, and (iii) all internal actions and approvals necessary to give effect to this Agreement have been obtained by or on behalf of the Grantee; and

(b) A signed statement in the name of the person holding or acting in the office of the Grantee specified in Section 7.2, which designates by name and title any additional representatives each of whom may act pursuant to Section 7.2.

Section 5.2. Notification. USAID will promptly notify the Grantee when USAID has determined that a condition precedent has been met.

Section 5.3. Terminal Dates for Conditions Precedent.

(a) The terminal date for meeting the conditions specified in Section 5.1 is 60 days from the date of this Agreement or such later date as USAID may agree to in writing before or after the above terminal date. If the conditions precedent in Section 5.1 have not been met by the above terminal date, USAID, at any time, may terminate this Agreement by written notice to the Grantee.

Article 6: Special Covenants.

Section 6.1 The Grantee, in conjunction with the appropriate Government of Liberia Ministries, Agencies and Commissions, hereby covenants and agrees to adopt and implement policies, procedures and systems which are consistent with the Development Objective and conducive to the effective implementation of assistance projects supported by this Grant.

Section 6.2 In addition, the Grantee, in conjunction with the appropriate Government of Liberia Ministries, Agencies and Commissions, covenants and agrees to issue, renew and/or extend free of charge and in a timely manner all official permits, visas, exemptions and any other permissions (including all approvals as may be required from time to time to ensure full access to information, project sites and relevant offices) for the Applicable Persons (as defined below) carrying out activities financed by USAID under this Agreement (collectively, the "Required Documents"). For purposes of these provisions, Applicable Persons is defined as: (1) employees and consultants of any contractors, grantees and other organizations carrying out activities financed by USAID under this Agreement and (b) members of such employees' and consultants' households. Any renewals or extensions of such Required Documents that are required, or become required, in order for such employees, consultants and dependent family members to legally reside in the Republic of Liberia and undertake the activities contemplated by and financed under this Agreement shall also be issued free of charge.

Article 7: Miscellaneous.

Section 7.1. Communications. Any notice, request, document, or other communication submitted by either Party to the other under this Agreement will be in writing and will be deemed duly given or sent when delivered to such Party at the following address:

To USAID:
Mail Address:
Mission Director
United States Agency for International Development
c/o American Embassy

502 Benson St.
Monrovia, Liberia

To Government of Liberia
Mail Address:
Minister
Ministry of Finance
Monrovia, Liberia

All such communications will be in English, unless the Parties otherwise agree in writing. Other contact information may be substituted for the above upon the giving of notice.

Section 7.2. Representatives. For all purposes relevant to this Agreement, the Grantee will be represented by the individual holding or acting in the Office of the Minister of Finance and USAID will be represented by the individual holding or acting in the Office of the Mission Director, USAID/ Liberia , each of whom, by written notice, may designate additional representatives for all purposes other than signing formal amendments to the Agreement or exercising the power under Sections 2.2 or 2.3 to revise the results to be achieved. The names and titles of the additional representatives of the Grantee will be provided pursuant to Section 5.1(b) to USAID, which may accept as duly authorized any instrument signed by such additional representatives (or any individuals subsequently holding or acting in the office of such representatives) in accordance with this Section 7.2, until receipt of written notice of revocation of their authority.

Section 7.3. Standard Provisions. A “Standard Provisions Annex” (Annex 2) is attached to and forms part of this Agreement.

Section 7.4. Language of Agreement. This Agreement is prepared in English only.

IN WITNESS WHEREOF, the United States of America and the Grantee, each acting through its duly authorized representative, have caused this Agreement to be signed in their names and delivered as of the day and year first above written.

UNITED STATES OF AMERICA
By:
[Signature]

Name: Patricia Rader
Title: Mission Director

Date: 9/29/12

REPUBLIC OF LIBERIA
By:
[Signature]

Name: Sebastian Muah
Title: Deputy Minister for Budget/
Acting Minister of Finance

Date: September 29, 2012

Annex 1 Amplified Description

I. Introduction.

This Annex describes the activities to be undertaken and the progress and achievements to be made with the funds obligated under this Agreement. Nothing in this annex shall be construed as amending any of the definitions or terms of the Agreement.

II. Development Objective and Intermediate Results

Development Objective 2: Sustained, Market-Driven Economic Growth to Reduce Poverty

Hypothesis: The development hypothesis underlying DO2 is that fostering market-driven, private sector-led agricultural development and food security, strengthening natural resource management, improving rural road infrastructure and increasing renewable energy supplies, and improving the business enabling environment will create the conditions for sustained economic growth that reduces poverty. If Liberian farmers and entrepreneurs are able to increase their productivity, diversify their products, add value to the commodities they produce, and gain better access to input and output markets through the private sector, then rural incomes will increase and fewer Liberians will live in poverty. In order to be sustainable, market-driven growth must create remunerative employment along value chains in rural areas and it must address actual and potential impacts on soil fertility and biodiversity.

An important element of the development hypothesis for this DO is that targeting assistance in the Government of Liberia's (GOL) designated priority development corridors will attract additional investment from the public and private sectors, including other donors, in infrastructure, smallholder forestry, and agricultural production, processing, and marketing that will accelerate, increase, and broaden overall impact. In addition, this geographic focus will capture synergies from co-located USAID investments in health and education that could increase adoption rates for new techniques, improve nutrition behaviors, and promote more effective management of individual and community-based enterprises.

Given the scope of challenges faced and the extensive range of needs in order to achieve results in this sector, USAID assistance must focus, in coordination with the GOL, the private sector, and other donors, on an integrated set of interventions to include:

- Strengthening agricultural commodity value chains for staples in rice and cassava, dietary and income diversification in vegetables and goats, and forest-based products to raise incomes through increased productivity, quality, and commercialization.
- Addressing availability, access, and utilization of more and better quality food for Liberians, including explicit investment in both marketing and behavior change approaches to nutrition behaviors that promote improved food utilization.
- Promoting effective governance, sustainable economic use, and wise stewardship of renewable forest and soil resources to enhance the ecosystem services they provide.
- Rehabilitating rural infrastructure to facilitate transport services and access to markets, by improving the technical and managerial capacity of Liberian private sector contractors to construct and maintain that infrastructure.
- Providing accessible and affordable energy, especially to rural agri-business and in particular using scalable, renewable energy technologies.