

## SECTION C – STATEMENT OF WORK

### **Purpose and Scope**

This task order will contribute to the Mission’s strategic framework objective of enabling the environment for Nicaragua’s transition to democracy. The purpose of this task order is to provide rapid, responsive, and relevant analytical and technical assistance that bridge USAID/Nicaragua’s efforts to create the conditions for, and support, a peaceful transition to democracy in Nicaragua. It will operate through two primary work streams: 1) state-of-the-art, gender-informed analytical work, assessments, research and special studies; results management support; and training that contribute to sector learning in the country and builds an evidence base for broader Mission programming, and 2) targeted short-term technical and analytical activities during Nicaragua’s transition that require rapid response programming support until other funds, mechanisms, and actors can be mobilized. The scope of these two work streams is across multiple democracy, human rights, and governance (DRG) sub-sectors relevant to a successful and peaceful transition to democracy in Nicaragua.

RAIN will pursue these activities against a variety of scenarios generally falling under three categories:

1. Free, fair and transparent elections lead to an orderly transition
2. A sudden political transition occurs following a crisis
3. Transition does not happen in an orderly and timely manner

RAIN is intended to serve as a short term bridge activity to help the Mission manage assistance to Nicaragua through a potential democratic transition. It is USAID’s intent to follow RAIN with longer-term programs, which will be determined as the crisis evolves. Such programs will be guided by RAIN’s assessments and analysis and initial technical assistance support.

### **Grants Under Contract (GUC)**

Per Sections C.5 and H.13 of the IDIQ, the Contractor may be required to execute and administer grants on behalf of USAID. An amount of \$540,000 of the total amount should be set aside for grants to organizations for the life of the task order. The use of GUCS will be oriented for transition rapid response DRG technical programming, but may also be used for other learning and analysis objectives as determined in the work planning process. GUCs will constitute a major mechanism of a Rapid Response Fund. As per Section C.5 of the base SOW, the Contractor may also propose utilizing grants to facilitate the objectives of the task order. There are no existing (ongoing) grants expected for the contractor to manage.

### **Background**

In April 2018, the government’s brutal repression of demonstrations over cuts to the Nicaraguan social security system sparked concerted civic action that protested the erosion of democratic institutions during Daniel Ortega’s decade as president. The government responded with disproportionate violence that left hundreds dead and many more injured. Tens of thousands fled the country in fear of political persecution and hundreds more were arrested and imprisoned on

political grounds. This rupture in the social and democratic compact produced widespread calls for Ortega to step down. After the failure of an initial round of negotiations between Ortega and representatives from civil society and the private sector, the United States and the international community adopted a policy of increasing economic and moral pressure on the Ortega regime to return to negotiations, restore civil and human rights, and agree to early, free, and fair elections. The political standoff continues, with civil society organizing into two broad coalitions: the Civic Alliance (AC in Spanish), which led the negotiations with the Government, and the National Blue and White Alliance (UNAB in Spanish). Together, the two movements have been constructing a united National Coalition.

Over the next two years (2020 – 2022), the goal of USAID assistance will be to help Nicaragua advance toward free, fair and transparently conducted elections, with a level playing field, whose results are widely accepted by Nicaraguans and the international community. Post-election assistance will help Nicaragua make a successful transition to democracy, including the rule of law, protection for civil society and civil liberties, a free press, independent institutions, and good governance. USAID assistance will help increase and sustain this groundswell of pressure for reforms to prepare for meaningful elections and a peaceful democratic transfer of political power.

In this kind of crisis environment, USAID seeks the promotion of peaceful political transitions by strengthening civil society and respect for human rights, facilitating reconciliation, supporting effective democratic governance, and fostering the resumption of basic economic activity. USAID's immediate assistance, therefore, aims to fortify Nicaraguan efforts in a comprehensive plan to create internal and international pressure on the Ortega regime to force conditions for a free and fair election. This crisis is quickly broadening into an economic debacle with the potential to become a humanitarian emergency, depending on the impact of the COVID-19 contagion on Nicaragua's weak healthcare system.

At the same time, USAID is mindful of the uncertain political horizon. Since April 2018, the Ortega regime and the opposition have fought to a stalemate over Nicaragua's future and the rights of its citizens to protest. While elections are scheduled for November 2021, it is unclear how those elections will take place, and what result they might produce. So far, the GON has made no effort to implement reforms needed to make the elections free, fair, and transparent. Nor has the opposition coalesced around a party or candidate. While it is still possible to have a free and fair election with the help of the international community, it is also possible that the Ortega regime will proceed unilaterally to conduct a flawed election, or attempt to engage in outright fraud. Another possibility is that the election produces no transition, but a continuation of FSLN rule, or a transition to another undemocratic government. It is also possible that a flawed election leads to a sudden deterioration of the political space, and a rapid transition. Given the lack of certainty over the next several years, this project must be able to make abrupt shifts and have the ability to respond quickly to new demands.

Nicaragua's election system is highly flawed and biased. It is plagued by mismanagement, abuse of authority, uneven playing fields, a lack of independence of the Supreme Electoral Council (CSE), and a fragmented opposition. The governing party, the Sandinista National Liberation Front (FSLN), has forcefully gained a monopoly over the country's entire electoral infrastructure, enabling Daniel Ortega to win successive elections during this period at the national, municipal

and regional levels without a majority of the votes, and manipulating the 2016 presidential elections. Following that process, these factors were recognized by the OAS -- and others -- as key impediments to free and fair elections. The GON and OAS subsequently signed a Memorandum of Understanding (MOU) in which both parties agreed to work jointly in an effort to “perfect the Nicaraguan electoral system,” through the formulation and eventual implementation of technical electoral reforms. These efforts were interrupted in 2018 as a result of the uprising. Electoral reform was the second point of the negotiating agenda agreed during the March 2019 session of the National Dialogue. But, outside of its agreement with the OAS, the regime has insisted it will only consult electoral reforms with existing political parties, most of which have been coopted by the FSLN. The MOU with the OAS has now expired, and whether the OAS decides to pick up the pressure on electoral reform again will be an important international pressure point. In preparation for the upcoming elections, there is an urgent need to level the playing field and consequently establish a fair balance of power and equal opportunities for all participants.

Because Nicaragua’s immediate future remains highly uncertain, the RAIN activity will need to analyze, anticipate, and may respond quickly to immediate, near-term, DRG needs based on the transitional political environment. Numerous scenarios are possible. For the sake of simplicity, we have organized these into three types of scenarios:

1) **First type of scenarios: *Orderly Transition scenarios:***

An orderly transition happens. For example, free, fair and transparent elections lead to a government committed to the rule of law, civil liberties, and a free civil society. This might occur in the next national elections scheduled for November 2021.<sup>1</sup> If national elections take place as scheduled, and OAS-recommended reforms are implemented, then RAIN will coordinate its responses, with USAID guidance, with the Strengthening Conditions for Democratic Reform (SCDR) activity, implemented by the CEPPS Consortium, and focused on election integrity and broadening civil society participation. This will ensure that RAIN activities are aligned with Agency principles of coordination. One of the means for coordination will be an iterative learning and adapting session that SCDR holds with USAID, and which will inform RAIN’s quarterly work plans. Another possibility is that the election could produce a new administration, even without major changes to the electoral law. If those elections produce a government committed to the rule of law and good governance, the focus of this activity will shift quickly to services in support of urgent reforms.

***If an orderly transition through scheduled elections does not happen, at least two major scenarios are possible***

2) **Second type of scenarios: *A Sudden, Unanticipated Transition:***

This is a scenario in which one or more political crises, such as a snap or failed election, a presidential resignation, a major health crisis, a major natural disaster, or internal conflicts, lead to sudden regime crisis and transition either to an interim government or a

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<sup>1</sup> Orderly transitions occurred in several Latin American and East European countries in the 1990s, in which the rules for holding elections and post-transitional governance were negotiated between the ruling regime and the opposition, or they took place after elections, as occurred in Nicaragua. While this is the ideal, the GON shows no sign of willing to negotiate a transition at this point. It is clearly intending to stay in power. But if it lost, it just might be willing to talk again.

new government. In this instance, the RAIN activity will need to respond quickly to the immediate changes, as a new government strives for a successful transition, and as USAID ramps up its new programmatic strategy. Such technical assistance must often but not always reflect the recommendations of an assessment, and must be gender sensitive in compliance with ADS Chapter 205.

- 3) **Third type of scenario: *Delayed Transition scenarios*:** The regime remains resilient in the face of domestic opposition and international pressure. It may do so by making cosmetic reforms to the electoral law or using a variety of strategies to remain in power. The opposition may refuse to participate, or agree to participate at a disadvantage, believing it can still win. It is also possible that the regime may remain in power following electoral reforms and a fair election, but without changes to the rule of law or democratic governance. Under this status quo type of situation, RAIN will continue providing contextual analysis and will bridge the gap between the current set of USAID programs that are focused on electoral integrity, and the development of the Mission's new strategy and until the procurement of more long-term program assistance through other mechanisms. The RAIN activity will have the ability to respond, if needed outside of other USAID programming, to immediate needs to maintain civil society on track in the absence of immediate transition, as it might come under more intense attack, and on documenting and researching that small time-frame of repression and corruption. The latter analytical services may help civil society elaborate more effective pressure for reform and transition. Technical assistance must often but not always reflect the recommendations of an assessment, and must be gender sensitive in compliance with ADS Chapter 205.

A democratic government should be able to govern transparently and effectively, introduce anti-corruption measures, and strengthen the rule of law. This includes freeing government institutions of partisan control, elimination of parallel institutions and law enforcement, transitional justice initiatives, an independent and professional judiciary, and citizen oversight of law enforcement. This principle is buttressed by a minimal degree of ethical behavior by the actors of the State.

The focus of post-transition interventions will be on standing up the new government's administration, immediate rule of law reforms, and economic governance. The ability of the new government to effectively provide basic services will be tested. At the same time, the new government must act quickly to dismantle parallel institutions and gain the public's confidence, including from citizens who may have voted against the elected officials. Additionally, it will need to implement transitional justice measures. In the peculiar history of Nicaragua, the last democratic change saw remnants of the previous government co-opting part of the state by continuing to govern from behind the scenes, even after losing the 1990 elections. Therefore, a new government may request specific support in preventing a repeat of history, while promoting reconciliation across the country.

How the transition takes place will affect the pace and approach to assistance. Under an *orderly transition*, a new administration will have more time to plan ahead, which will allow for discussions and debate on rule of law and governance reforms. However, under a *sudden transition* (possibly following a lengthy delay), a quick and flexible response will be needed to stand up agencies that are likely in need of great reform or which have been hollowed out (e.g.

missing records, key vacancies). Some degree of improvisation and ongoing learning will guide these scenarios. RAIN will support that learning, and its rapid response funds may be timely to mobilize discrete targeted responses to maintain momentum until USAID and other donors are able to muster more robust and medium-to-long-term assistance. In this situation, RAIN technical support may be helpful to gain confidence and reduce tensions.

Under the *delayed scenario*, Objective 2 activities will be more limited and working only with non-public, non-state entities.

### **Program Approach**

The RAIN is designed to conduct rapid assessments, and, based upon those assessments, respond to immediate needs during and immediately after a transition takes place as a bridge to full USAID programs. Activities during both stages will depend upon the scenarios leading up to the transition. Nicaragua is in a current state of ongoing political, economic, and health crisis. RAIN's focus will be on *political* types of transition and DRG type of interventions. If events indicate that Nicaragua is moving toward a free and transparent election and an orderly transition, (evidenced by critical electoral reforms and an opening of the political space), then the project will fill gaps in USAID's support on immediate needs for the transition, until USAID can develop and procure longer-term responses. This will be done in close coordination with USAID's ongoing programs on the core DRG sectors of human rights protection, civil society strengthening, media independence, and electoral integrity. On the other hand, a delayed transition may require greater emphasis on research and planning for USAID and for civil society leadership, with discrete technical assistance types of activities, if needed to maintain their momentum or support their ability to promote transition down the road. In the case of a sudden transition, RAIN will likely require more use of Rapid Response Funds, based on its rapid assessments, with attention to potential for conflict, legitimacy of new government actors, and setting up the transition for success.

The Analytic Services IV (ASIV) Indefinite Delivery/Indefinite Quantity (IDIQ) contract will serve as the procurement platform for RAIN. Under C.4.7 Rapid Response Transitional Environment Support, ASIV provides for a) Transitional Environment Analytic Services, and b) Transitional Environment Technical Services. Technical services are used for rapid assessments, followed by short-term actions to address discrete and immediate DRG needs while strategic planning and design are underway for longer-term programs. This Task Order under ASIV will allow the Mission the time to design a larger procurement during a particularly unpredictable period of time in 2021.

### **Program Objectives**

The purpose of this activity is to provide rapid, responsive, and relevant analytical and technical assistance that bridge USAID/Nicaragua's efforts to create the conditions for, and support, a peaceful transition to democracy in Nicaragua. This will be achieved through two Objectives.

1. Increase USAID/Nicaragua learning and up-to-date insight on the fast-changing political environment of Nicaragua, for evidence-based democratic transition programming.
2. Establish a platform for rapid response and targeted technical assistance appropriate to Nicaragua's transition, supported by fast-paced analytical services and strategic planning.

For Objective 1, USAID will be funding activities to deploy a team that further state-of-the-art, gender-informed analytical work, assessments, research and special studies and contribute to an evidence base for effective programing in Nicaragua.

**Performance Objective 1:** Increase USAID/Nicaragua learning and up-to-date insight on the fast-changing political environment of Nicaragua, for evidence-based democratic transition programming.

In the first Scenario, (in which the GON agrees to electoral reforms and carries elections out in November 2021), RAIN will assess the needs and priorities: just as an example, priority actions if the election results are favorable to the opposition but the incumbent refuses to cede power-- what should donor coordination, opposition, civil society, and media focus on? What can USAID do in the short, medium and long term?

In the event of a *sudden transition with elections*, the Strengthening Conditions for Democratic Reform (SCDR) activity is USAID's principal election related assistance program, but given a number of contextual and operational challenges it will likely face, RAIN will offer USAID additional options to complement the SCDR's political economy analysis with adaptable analytical tools and rapid assessments to identify evolving immediate needs and possible responses. In the case of a *sudden transition without elections*, SCDR will have to undergo significant adjustments, potentially shifting to elections down the road, while RAIN's analysis on the transition will be even more critical.

In the event of a *delayed transition* scenario 3, RAIN analytical services will focus on research and documentation that will help prepare civil society to strengthen its leadership as Nicaraguans press for a transition to a more open and democratic government. This analysis will serve USAID/Nicaragua's adjustments to its strategy.

Specific suggested lines of activity for performance completion under objective 1 are in the following paragraphs. Some illustrative activities may be relevant to more than one scenario.

- Development of a monitoring tool to produce regular periodic analysis (an early warning system) that informs USAID/Nicaragua on openings and changes in the environment that may require program adjustments in a short time-frame. Under *scenarios 1 and 3*, this may include factors such as incumbent's resilience, opposition vulnerabilities, sudden change in public opinion, or long-term negative impact of a chosen transition strategy by Nicaragua's opposition. Under *scenario 2*, this activity will inform USAID/Nicaragua on changes and threats to democratic principles in the rapid transition environment that may require immediate program adjustments--factors such as role of the existing state institutions and their civil servants, or negotiations for short term interests and roles in the new government that jeopardize the Nicaraguan vision of a transition to democracy. This may require state-of-the-art approaches, such as systems thinking, in an extremely complex and fluid environment, in which many interest-groups hold significant grievances with other groups.
- Under *Scenario 1*, a needs assessment for technical assistance to the Supreme Electoral Council (CSE), if USAID is authorized to provide assistance to that unit. Conduct a

review of the capacities of opposition groups and civil society to use information tools and practice digital security, consistent with the new USAID Digital Strategy 2020-2024.

- In all scenarios, a DRG Assessment upon the transition to a new in-coming government of Nicaragua to inform USAID/Nicaragua next strategy and programming. Under *scenarios 1 and 2 in particular*, in the context of a political transition in Nicaragua, a DRG Assessment will likely require sub-sector assessments on indigenous people, youth, gender, rule of law and law enforcement, transitional justice, economic governance, and state corruption with a focus on inclusion and government legitimacy.
- Organize accumulated knowledge of USAID's existing implementing partners on the ground, which are carrying core DRG activities in Human Rights, civil society capacity building, media independence, and consensus building and political processes.

**Performance Objective 2:** Establish a platform for rapid response and targeted technical assistance appropriate to Nicaragua's transition, supported by fast-paced analytical services and strategic planning.

For Objective 2, the focus will be on targeted short-term technical and analytical activities in transition environments that require rapid response programming support until other funds, mechanisms, and actors can be mobilized. Note that these follow-on activities are illustrative only, as conditions and assessments will guide such activities. The expectation is not for the contractor to implement all activities, but rather that the contractor should have the capacity to adapt to different scenarios and sub-scenarios.

In the event of a transition (*scenarios 1 and 2*), RAIN will mobilize short-term technical assistance and/or Grants under Contract to support activities focused on the most critical functions, possibly even prior to an election. In the case that a transition does not happen, and the regime is able to hold on to power, either by delaying elections, determining their outcome, or winning fairly, then RAIN objective 2 activities will relate to bridging current USAID programs to longer-term activities protecting civil rights, mobilizing support for needed reforms, and building the leadership and institutional blocks for a later democratic transition.

#### Illustrative Technical Assistance Activities under Objective 2

Provide short-term DRG sector technical assistance in support of a political transition. Prior to providing any such technical assistance, the contractor will develop a Transition Response Plan. The Transition Response Plan will highlight the primary emphasis of technical assistance support, as well as any analytical needs. Transition Response Plans will be updated frequently (every two weeks during transition technical assistance activities). In coordination with the COR, who will confirm that it does not conflict with the implementation of other USAID activities. Examples of the types of activities potentially carried out under transition response technical assistance include the following, although the activities featured in any transition response will be specific to the needs assessed by the contractor and the USAID/Nicaragua Mission:

- a) Identification of potential Nicaraguan partners for rapid impact Grants Under Task Order to promote transition-related activities, or short term activities that support inclusion,

- participation, citizen-responsive approaches, and transparency/accountability during the transition phase.
- b) Development of a roster of subject matter experts in Nicaragua, or able to quickly deploy to Nicaragua, for short term technical assistance, updated for availability on a frequent (at least monthly) basis.
  - c) Development of a transition deployment plan to identify and deploy expertise and launch rapid response analysis and programming in Nicaragua's transition, including adaptive management and Collaboration, Learning, and Adapting (CLA) principles in transition rapid response.
  - d) Train or advise local partners on transition planning.
  - e) Assist host countries with coordinating DRG donor assistance.
  - f) Provide DRG sector related advisory services to ministries.
  - g) Liaise between local, USAID, and other donor funded actors.
  - h) Provide or translate technical resources for a new government.
  - i) Conduct public opinion surveys for local partners. Under *scenario 1*, identify citizen priorities and perspectives as critical inputs for the new administration. Analysis of existing trusted public opinions and tracking of social media on a real-time basis through social listening to inform on the actual connection between the political competition in the country and the opinions of Nicaraguan citizens. Under *scenario 2*, surveys to identify citizen priorities and critical service delivery issues as critical inputs for the new administration. A review of all existing transparency laws to inform a plan for renewed compliance.
  - j) Facilitate, plan or organize workshops or forums on transition topics (e.g., national dialogues, transitional justice, constitutional reform, judicial and police reform, university autonomy).
  - k) Facilitate a plan to transition to longer-term DRG programs.
  - l) Provide technical expertise on strategies for community linkages, inclusion mechanisms, and social accountability as part of transition processes and longer term planning by local actors/ministries.

### **Management Approach**

The program will work through a combination of long-term and short-term analytical work and technical assistance under a response fund. The Contractor must have the capacity to respond rapidly to unanticipated opportunities and obstacles as they arise, within the scope of the RAIN. Illustrative activities above show the range of opportunities, depending on the scenario that unfolds. If, under any of the scenarios above, another crisis arises (rapidly closing space and closure of non-state organizations, explosion of social movements onto the streets, public health crisis, collapse of public institutions due to a natural disaster, etc.) even before elections currently planned for November 2021, Rapid Response funds should be used as a flexible means of responding to immediate needs. In its work plan, the Contractor will outline its approach to keeping abreast of changes in the situation on the ground to inform the Mission and maintain the flexibility to accommodate changes. With USAID guidance and approval, interventions may be altered, to seize new opportunities without incurring additional costs. Additionally, rapid response capacity may include but is not limited to: rapid assessments; deployment of short-term technical advisors; logistical support to USAID or another stakeholder; training; grant under contract or subcontract awards; or procurement of in-kind equipment, material or services.

Long-term (more than six months) technical assistance (LTTA) will be defined with quarterly work plans. The contractor will base the work plans on an analysis of the likely scenarios over the next six to twelve months. This frequency of work plans will promote the contract's flexibility and ability to incorporate coordination and planning collaboration with other Implementing Partners' Activities.

The RAIN activity will maintain a strong pool of short-term technical assistance (STTA) providers it can call upon as the situation evolves and new needs emerge. STTA will be particularly important in the event of unanticipated elections or a political transition, as it will provide for urgent needs while longer-term assistance programs can be developed, or an Office of Transition Initiatives Mission can mobilize. USAID can pre-approve the initial list of technical assistance providers as specified in the proposal and subsequently provide further approval on a need basis within the terms and conditions of the Task Order.

A Rapid Response Fund employing GUC or other mechanisms, will serve to respond to evolving needs.

### **Minimum Requirements**

The contractor must have the capacity to:

- Maintain in-country presence, maintain daily communication with the USAID TOCOR, and jointly manage activities. Given the need for rapid response and local presence, past experience by the implementer or its consortium members in Nicaragua is critical.
- Engage in periodic strategic reviews with USAID/Nicaragua.
- Retain an analytical and reporting capacity that will enable it to issue required reports, assessments and advice on the political, social, and operational environments where the program is active, including on an urgent basis.

To implement these activities, the contractor will need to demonstrate flexibility, speed, and the ability to adapt to a changing operational context. Within the general scenarios elaborated earlier, more than one scenario is possible, such as a delayed transition followed by a sudden crisis. Each sub-scenario will require a different set of activities and resources. For example, if the regime makes only cosmetic changes to the electoral law, then the strategy will need to be more long-term and focused on strengthening movements and civil society. On the other hand, if a credible-enough election leads to a new democratic government, that government will need intensive support to address pressing needs and urgently carry out reforms.

**Gender:** USAID requires that all activities USAID support fully address gender considerations, ensuring that both men and women benefit from USAID support and that gender awareness is a built-in component of project activities. [USAID Gender and Social Inclusion Analysis 2017](#) reports that in Nicaragua despite the Electoral Law 331 in place since 2012, women are just used to fill a quota and are still politically marginalized. The RAIN activity will take into consideration and make a concerted effort to enhance the capacity of women's organizations and leaders, while also addressing internal gender dynamics within civil society, governing coalitions and men-led indigenous councils. While promoting women participation, RAIN will have to

follow a “Do No Harm” principle and consider the underlying causes of low levels of women political participation.

**Conflict sensitivity:** The Contractor must implement activity interventions in accordance with the “Do No Harm” principle, adapted from peace-building which dictates that “interventions must not put those living in violent contexts at greater risk than they would otherwise face without the intervention.” In other words, it will be important for the Contractor to be sensitive to the interests and dynamics of different communities, classes, and interest groups in Nicaragua, and to implement individual activities under the contract in ways that at a minimum do not exacerbate tensions and preferably reduce them.

Nicaragua is a polarized society, with lines of conflict that run between the FSLN and the opposition, within the opposition, and within communities. For example, conflicts frequently arise between campesino groups and the rest of the opposition, and students are often suspicious of business leaders.

**Transitions:** In the context of Nicaragua, which is experiencing a political crisis, USAID promotes peaceful political transition by strengthening civil society and respect for human rights, facilitating reconciliation, supporting effective democratic governance, and fostering the resumption of basic economic activity.

**Risk Assumptions/Constraints:**

*Prior to a democratic transition:*

- Human rights violations committed by the Ortega regime will continue as well as the repression of civil rights. Human and civil rights abuses include murder, kidnapping, disappearances and violent attacks on peaceful protesters; illegal detention, incarceration and torture of citizens in the opposition, government intimidation and harassment of journalists, independent media and human rights advocates; targeted persecution and assassination of campesinos; denial of freedom of speech, association, and assembly; abolition of opposition parties and revocation of CSOs’ legal status; restrictions in citizens’ right to vote, including interference in traditional elections of community leadership to impose parallel or pro-GON authorities, and confiscation of properties and territorial lands.
- Human rights violations and civil rights abuses perpetrated by the regime will remain unpunished; para-police groups will continue to have regime support and immunity from legal repercussions.
- The current electoral system does not provide guarantees of political rights and independence of the electoral administration. However, any national election could yield a result that is accepted by the Nicaraguans and the International Community. Legitimate observations can be a key factor to this outcome.
- For a successful impact toward a peaceful transition to democracy, civil society will require a unified platform, operational strategy and structure; members of opposition movements, both those remaining in Nicaragua and those living in exile, need to coordinate actions.

- The Ortega regime will resist international pressure and sanctions. It may or may not agree to electoral reform or will agree to cosmetic electoral reforms. Domestic pressure, backed by international support, is more likely to provoke electoral reform.
- Pervasive and endemic corruption will continue.
- According to the most recent economic analyses, Nicaragua's GDP declined by 3.8% in 2018, by 5.5% in 2019 and the IMF expects it to decline by 6 % in 2020. The projection for 2021-2024 is a very minimal growth rate averaging 1.6%. Many other economic indicators have experienced an accelerated decline, notably due to the loss of tax revenues. The government's mismanagement of the coronavirus will deepen the ongoing recession.
- Malign foreign influences, principally Cuba, Venezuela, and Russia, will continue to attempt to strengthen the corrupt autocratic Ortega regime and thwart free and fair elections and democratic movements in Nicaragua.

*During and Following a Democratic Transition:*

- The political context will remain fluid and even chaotic until major agreements are made on policies and possibly new elections.
- Maintaining unity in the governing coalition will prove difficult, with conflicts among different groups vying for power or seeking redress of grievances. Resolving conflicts and grievances will tax the capacity of a new government and civil society.
- Without a concerted effort to bring them into positions of influence, women will be consciously or unconsciously excluded from influence.
- Unemployed paramilitaries and other employees of parallel systems may resort to criminality to maintain incomes, challenging the capacity of reformed police and justice institutions. Organized and unorganized crime may increase for a period of time.
- Basic services may suffer temporarily while a new government takes control of their administration.

**Relationship to other programs**

The RAIN activity builds upon and complements the existing portfolio, particularly Strengthening Conditions for Democratic Reform (SCDR) activities. USAID/Nicaragua and its implementing partners hold iterative processes of pausing and reflecting to learn and adapt with collaboration from outside parties. This process will be important, among others, to harmonize efforts with USAID and key implementing partners. However, the RAIN activity will cover key additional interventions identified through analytical processes.

**Relationship to Mission Strategy**

*From the U.S. Embassy Integrated Country Strategy, June 2019:*

**Mission Goal 1: Nicaragua has steadily improving democratic institutions functioning as established under the Nicaraguan constitution and in accordance with international standards to advance democracy and protect human rights.**

*Mission Objective 1.1: Nicaragua's public institutions and reformed legal system can effectively support democratic transition, including transparent, free, and fair elections.*

*Mission Objective 1.2: Nicaragua's judicial system is an impartial, accountable caretaker of its citizens' constitutional and human rights; functions independent of political and economic influences; and its personnel are chosen based on merit.*

*Mission Objective 1.3: Nicaraguan society rebuilds civic trust and prepares for a peaceful transition of power.*

*Mission Objective 1.4: The Government of Nicaragua restores effective exercise of freedoms guaranteed in the Nicaraguan constitution and opens investigations into those authorities who block them.*

Result 1 supports free, fair and transparent elections with civil society participation. This requires, among other reforms, a neutral Supreme Elections Council and protection of political rights and freedoms by a neutral justice sector.

**Mission Goal 2, Nicaragua provides basis for future economic growth and increased trade through transition to a rules-based market economy based on transparent and accountable regulatory institutions, fiscal and monetary stability, respect for the rule-of-law and protection of private property rights.**

*Mission Objective 2.3: The Government of Nicaragua works with the private sector to rebuild institutional and an efficient and fair administrative bureaucracy.*

**Mission Goal 3: Security reform and rebuilding institutions.**

*Mission Objective 3.1: Nicaragua reestablishes independent and professional security forces that maintain rule of law, protect vulnerable populations, and provide citizen security while adhering to international standards of transparency and human rights.*

Under Result 2, the rule of law and freedoms will be restored, mechanisms of transitional justice created, and the first steps toward an effective, professional government are taken. The GON dissolves all paramilitary units and other parallel government structures, and the justice sector protects human rights and democratic freedoms.

The USAID/Nicaragua CDCS was approved in August 2013 and was initially planned to cover the time period from FY 2013 to FY 2018. It was subsequently amended and extended through August 2020. However, the political on-going socio-political crisis that erupted in April 2018 continues to this date to demand a significant reorientation of that strategy. Because the Mission needs to function under a strategic plan, an interim objective is in place to focus assistance on the period leading up to, and right after, the next planned Nicaraguan national elections in November 2021. The activities proposed under this new activity are consistent with this interim Mission objective, particularly in terms of its intermediate results:

- 1. Building capacity and opportunity for national consensus building.*
- 2. Promoting electoral integrity and political processes.*
- 3. Strengthening civic responsibility.*
- 4. Enhancing accountable and transparent governance.*

RAIN is designed to directly advance the fourth result above. At the same time, this SOW describes how, under Results 1, 2, and 3, the RAIN will work closely with other USAID programs in anticipation of planned national elections.

### **Monitoring, Evaluation and Learning**

A detailed Monitoring, Evaluation and Learning (MEL) Plan must be submitted by the Contractor to monitor performance data, ensure progress is made toward expected results, understand the impact of new interventions on outcomes, and to use data to adapt activity implementation as necessary to achieve results, according to the Agency's Collaborating, Learning and Adapting (CLA) approach. Given the highly dynamic context, it is expected that the MEL Plan will be periodically updated as the result of frequent joint meetings with USAID/Nicaragua.

Below are some illustrative ideas that the contractor will further develop with the COR that will serve to create the MEL Plan depending on the scenarios that RAIN is working in and working toward. However, general performance indicators that are not scenario-based can also be proposed. The MEL plan is a living document and as such, new indicators can be incorporated or modified with USAID's approval if the situation requires it.

#### **Scenario 1: Orderly and Timely Transition**

**IR. Chances for an orderly transition to democracy that institutionalizes checks and balances are significantly increased.**

**Illustrative Indicator:** Score on EIU Democracy Index (3.55 out of 10 in 2019).

**Illustrative Indicator PS 6.2-1** Number of new groups or initiatives created through USG funding dedicated to resolving the conflict or the drivers of conflict.

#### **Scenario 2: Sudden, unanticipated transition:**

**IR. Negative impact of a sudden transition on a path to democracy is mitigated (by the actions of Nicaraguan social and political organizations)**

**Illustrative Indicator:** Number of external oversight mechanism supported by USG assistance

#### **Scenario 3: Delayed Transition Scenario:**

**IR. Democratic civil society leadership is better prepared to manage a transition to democracy despite closed political space.**

**Illustrative Indicator:** Number of civil society leaders equipped with evidence-based transition strategies.

### **MANAGEMENT REPORTS & DELIVERABLES:**

The contractor will be responsible for the following illustrative deliverables and as specified in Section F designed to support the Contract Performance Objectives identified above. These deliverables will be further defined during the development of the Work Plan process:

- DRG assessment report for Nicaragua, following the Strategic Assessment Framework
- Studies and assessments of promoters and spoilers of democratic transition
- Evidence reviews, evidence briefers/infographics, and other evidence and learning dissemination products
- Learning events for the U.S. Government Interagency at Post, or Nicaraguan targeted partners, to include panels, discussions, webinars, etc.

**END OF SECTION C**