

MILLENNIUM CHALLENGE ACCOUNT-NIGER

MCA-NIGER



MINUTES OF THE THIRTEENTH ORDINARY MEETING OF THE BOARD OF DIRECTORS NIAMEY, SEPTEMBER 14, 2021

The Board of Directors of the Millennium Challenge Account-Niger (“MCA-Niger”) held its thirteenth ordinary meeting on September 14, 2021 from 10: 15 AM in Niamey, in accordance with:

- (i) the Bylaws of MCA-Niger, dated July 4, 2017;
- (ii) Decree N°2016-706/PRN, dated December 23, 2016, on the creation, attributes, composition and functions of MCA-Niger;
- (iii) the Millennium Challenge Compact between the United States of America, acting through the Millennium Challenge Corporation (“MCC”) and the Government of Niger (**the “Government”**), dated on July 29, 2016 (**the “Compact”**);
- and (iv) the Program Implementation Agreement between the United States of America, acting through the Millennium Challenge Corporation (“MCC”) and the Government of Niger (**the “Government”**), dated on July 29, 2016 (**“Program Implementation Agreement”**).

Capitalized terms used but not defined herein shall have the meanings given such terms in the Bylaws, the Compact or the Program Implementation Agreement.

I. ATTENDEES

1. Board Members in attendance and constituting a quorum were :

Names	Positions	Voting members Vs No Voting members	Board member/ Alternate
1. M. SANI ABANI	Minister, Chief of Staff of the President of the Republic, Chairman of the	Voting member	Board member

	Board		
2. M. ALAMBEDJI Abba Issa	Minister of Agriculture	Voting member	Board member
3. M. ADAMOU Mahaman	Minister of Hydraulics and Sanitation	Voting member	Board member
4. M. ADAMOU SOULEY Hamadou	Minister of Equipment	Voting member	Board member
5. M. TIDJANI IDRISSA Abdoulkadri	Minister of Livestock , Spokesman of the Government	Voting member	Board member
6. Mme GARAMA Saratou Rabiou Inoussa	Minister of Environment and Drought Control	Voting member	Board member
7. M. CHAIBOU Laouali	Head of Staff , Prime Minister	Voting member	Board member
8. Mme GOUROUZA Salmou	Delegate Minister to the Budget Minister	Voting member	Board member
9. M. BETY Ali,	High Commissioner for the 3N Initiative	Voting member	Board member
10. HACHIMOU Abdoul-Karim	Secretary General Ministry of de la Women Promotion and Child Protection	Voting member	Alternate
11. M. MOUNKAILA Ousseini	Vice-President of the Niger Chamber of Commerce, Industry and Handicrafts, Representative of the Private Sector	Voting member	Alternate
12. Mme FODI Halima	Representative of Women's Civil Society Organizations	Voting member	Board member
13. M. BAGNA Djibo	President of the Peasant Platform, Representative of Civil Society	Voting member	Board member
14. Mme PENN Kristin	Resident Country Director	Non-voting member	Board member

	of MCC in Niger		
15. M. ANNOU Mamane	Director General of MCA-Niger; Secretary of the Board of Directors	Non-voting member	Board member

2. Board Members absent : None

Autres personnes présentes :

Guests :

	Names	Positions
1	M. Soulemane KOUOTOU NGAPOUT	Director of Legal Affairs, MCA-Niger
2	Mrs Hassana GOURO	Legal Specialist, MCA-Niger
3	M. Bachirou IDRISSE MOUSSA	Legal Specialist, MCA-Niger
4	M. Kamil AGALI,	Senior Executive Assistant, MCA-Niger
5	Mme Aminata SAMAKE	Manager Irrigation and Market Access Facilities , MCA-Niger
6	M. Abdallah MAIGUIZO	Director CRC, MCA-Niger
7	M. Justinien BACIRONGO,	Croos Cutting Affairs Director , MCA-Niger
8	Mrs Hélène OSSE Fakorede	Administrative and Finance Manager MCA-Niger
9	M. SANOUSSI ISSOUFOU Abdourazakou	Procurement Director of MCA Niger
10	M. Julien TOUGOURI	Monitoring and Evaluation Manager ,MCA Niger
11	M. Nahé ALHASSAN	Manager CRA ; MCA Niger
12	M. Abdoulaye DIADIE	Audit and Compliance Manager, MCA-Niger
13	M. Diafarou MOUMOUNI	Irrigation Infrastructure Manager, MCA-Niger
14	M. Daouda SEINI DIAKITE	Road Manager, MCA-Niger
15	M. Garba ILLO MOTA	Field Communication Manager, MCA-Niger
16	Mme Halima GAMBO ILLO DAOURA	Manager Private Sector Mobilization and Engagement, MCA-Niger
17	M. Abdel Kader SALISSOU IDI	Manager Security MCA Niger
18	M. Hassoumiou MOUNKAILA	Environment and Social Protection Manager (ESP) MCA-Niger
19	M. Mamadou Saliou DIALLO	Manager Resettlement MCA-Niger
20	M. BATIONO Rodrigue	Manager Land MCA Niger
21	Mme Hadiza ADA BOUREIMA	Gender and Social Inclusion Manager, MCA Niger
22	M. Naji IDE SIDDO	Computer Graphics Specialist and

		Webmaster, MCA-Niger
23	M. Tinni AYOUBA	Translator, MCA Niger
24	M. Moussa AMADOU	Coordinator of the Support Unit in charge of Monitoring Eligibility Indicators
25	M. Bob FISHBEIN,	Director Infrastructures MCC

Chairperson: M. Ibrahim SANI ABANI, Chairperson of the Board of Directors

Secretary: M. ANNOU Mamane, Director General of MCA-Niger.

II. PROCEDURE

At the opening of the meeting at 09:55 a.m., **the Chairman of the Board** verified and confirmed:

- That the notices for the holding of the present meeting were delivered to the members of the Board within the time limits required by the provisions of Section 3.12 (b) (i) of the Internal Regulations of MCA-Niger, that is to say, no later than Wednesday, May 5, 2021,
- That a quorum was reached due to the presence of a majority of the voting members of the Board, including at least one member who is not a representative of the Government according to the stipulations of Section 3.12 (b) (ii) of the MCA-Niger By-Laws

He therefore declared the meeting open

The Chairman of the Board greeted and thanked the members for their attendance to this meeting despite their very busy agenda

He then praised the presence of the Ambassador of the United States of America to Niger, His Excellency Eric P. WHITAKER, accompanied by Mrs. Susan C. N'Garnim, First Counsellor of the Embassy.

III. DISCUSSIONS AND DECISIONS ON THE ITEMS ON THE AGENDA

1- INTRODUCTORY SESSION

A – A. Reading of the notice of meeting and adoption of the agenda

The General Director of MCA-Niger welcomed the members of the Board to this extraordinary session and reminded them the content of the agenda indicated in the Notice of meeting sent to the members with the modification points brought.

He also informed the Board that the Ambassador of the United States of America will introduce the First Counsellor of the Embassy and also wishes to address the Board in camera.

No member having brought any amendment to this agenda, the Board adopted it on the following points:

1- Introductory Session

A- Reading of the Notice of Meeting and adoption of the Agenda;

B- Introduction of the First Councillor of the Embassy of the United States of America in Niger, Mrs. Susan C. N'Garnim;

C- Closed Session Discussions on Fertilizer Sector Reform.

2- Open Session: For Approval

D- Adoption of the Minutes of the Fifth Extraordinary Session of the Board;

E- Modification of the organizational chart of MCA-Niger;

F- Amendment N°2 to the Contract of the Fiduciary Agent of MCA-Niger;

G- Amendment N°3 to the Contract of the Procurement Agent of MCA-Niger;

H- Amendment N°4 to the Contract of the CIRA Consultant;

I. Modification of MCA-Niger Monitoring and Evaluation Plan.

3- Open Session: for Decision/ Recommendation

J- Extension of the employment contracts for MCA-Niger staff;

K- Application of the provisions of the Compact related to tax exemptions;

L- Delegation of signature of the mission orders of the General Manager of MCA-Niger;

M- Appointing alternates to the members of the Board representing the Government.

4- Open session: For information

N- Update on the resolutions adopted by home consultation since the 5th Extraordinary Session of the Board;

O- Communication on procurement procedures at MCA-Niger;

P- Progress report on the rehabilitation of Konni hydro-agricultural perimeter;

Q- Level of Progress of the implementation of Sia-Kouanza 2 (Gaya) irrigation activity;

R- Progress of the Road project (RN7 and RN35/RRS);

S- Progress of the CRC project (Climate Resilient Agriculture and PRAPS).

5- Miscellaneous

6- Closing

B – Introducing the First Councillor of the Embassy of the United States of America in Niger, Mrs. Susan C. N'Garnim;

Summary of discussions: The Chairperson of the Board welcomed Ms. Susan C. N'Garnim to Niger before giving the floor to the Ambassador of the United States of America in Niger.

The Ambassador of the United States of America in Niger, introducing Ms. Susan C. N'Garnim, praised her professional background and her deep knowledge of the African continent.

Mrs. Susan C. N'Garnim, in her address, expressed her delight of being in Niger and the pleasure of starting to work in the service of the Niger-American Cooperation.

Discussions on this item being concluded, the Chairperson moved to the next item.

C–In camera discussions about the fertilizer sector reform

Summary of the discussions: The discussions on this item were held in camera at the request of the U.S. delegation led by the U.S. Ambassador. Below are the complete transcripts of the words of the Ambassador, the MCC Country Director, and the Board's response.

- **Words of the Ambassador:**

« Thank you for this session. Please allow me to begin by stating that the U.S. Government considers Niger as a major partner in the region and that the U.S. Government's commitment to support Niger is a long-term one. We are impressed by the new administration and are here to help the Government in any way we can to implement its important reform strategies. Reforms are not easy - they take time and significant political will. The MCC Compact has several key reforms as prerequisites, one of which is the fertilizer sector reform. There has been good progress and there have been problems that we are monitoring closely. It has been brought to my attention that CAIMA continues to be present in the fertilizer sector even after the presidential and prime ministerial orders for their exit from the sector by the end of last year. This is a real concern and if not corrected, may be detrimental to the implementation of the Compact and any future MCC programming. I give the floor to Kristin to provide more details. I urge the Government to quickly find a solution to this issue. »

- **Words of MCC Country Resident Director in Niger**

« "Thank you Mr. Chairperson, thank you, Mr. Ambassador. This Compact has a precedent condition that states that the Government of Niger will continue to implement the fertilizer action plan approved by former President Mahamadou Issoufou on January 18, 2018. The reform is progressing, including a significant increase in fertilizer imports by private companies-70,000 tons so far this year. One of the main reasons for the increase in private sector imports is that the government has committed to no longer controlling imports, setting prices, and restricting distribution. These actions were carried out by the government entity, CAIMA, and the reform plan called for its exit from the sector. The previous administration declared CAIMA's exit from the sector twice - the last time on August 2020 by the Prime Minister - indicating their exit on December 31, 2020. Then, due to COVID, the administration gave CAIMA on September 2020 a 120-day time window to import 50,000 tons. This time frame expired at the end of December 2020.

MCC has received evidence that CAIMA has continued to import fertilizers into Niger in 2021 - so far this year, data collected shows up to 13,000 tons - and has issued a tender for additional tonnage. In addition, their public rhetoric is that they plan to continue until the 50,000-ton limit is reached and, with German financial support, perhaps until 2023. CAIMA is not abiding by the rules. They are disrupting market prices. They are discouraging private importers and distributors from doing business in Niger, a country with the lowest fertilizer application rate per hectare in the world. And we wonder why Nigerien farmers have the

lowest yields of staple crops in the world. There is a huge and growing demand for commercial fertilizer that only the private sector can meet - projections are 200,000 tons or more per year. And CAIMA is standing in the way of meeting that demand.

This situation with CAIMA is unacceptable under the terms of the Compact between MCC and the Government of Niger and in the spirit of this reform. I know that this administration understands the importance of this reform for Niger. I know that this Board understands its commitment to respect this Precedent (or suspensive) Condition. In my role as Country Director, it is my responsibility to inform you that MCC expects the Government of Niger to correct this situation. I intend to write a letter to DG Annou giving him fair warning that the Suspensive Condition has not been met and a deadline - probably mid-November 2021 - to work with that body to correct the situation. If CAIMA is not checked by then, unfortunately, MCC will send a formal enforcement letter requesting prompt action by the Government to stop CAIMA's participation in the sector as decreed by this Government and suspend future financial disbursements from the Compact until this is satisfactorily resolved and documented. »

- **Response of the Board**

As a response, the Minister of Agriculture has been assigned to prepare a response letter reassuring the U.S. side of the Government's commitment to pursue and conclude the reform as soon as possible. The reply letter will clarify CAIMA's situation with respect to fertilizer imports in 2020-2021, and the timelines for CAIMA's exit from the fertilizer sector.

2- Open session : For Approval

D-Adoption of the Minutes of the Fifth Extraordinary Session of the Board

Summary of Discussion: The Chairperson of Board submitted the Minutes of May 7, 2021 meeting for review by the Board members who were present at that meeting.

The Board made on the spot, a few minor editing corrections to the minutes.

Discussions on this item being concluded, the Chairperson moved to the next item.

RESOLUTION N°01 : The Board of Directors approves and adopts, by unanimity of the voting members present, the Minutes of May 7, 2021 extraordinary session

E – Modification of the organizational chart of MCA-Niger;

Summary of discussions: The Director of Administration and Finance of MCA-Niger, after briefly presenting the context of this new change in the organizational chart, outlined its content. The new changes in the organizational chart consist of both the creation of new positions and the modification of some existing positions.

Thus, nine (9) new positions are created. These are: Finance Manager (1); Finance and Mission Specialist (2); ESP Specialist (1) Fleet Management Assistant (1); Drivers (3); Radio Operator (1).

Four (4) existing positions have been modified, including the position of Messenger/Logistic Officer which has become a Multipurpose Administrative Officer, the position of Logistics Officer which has become an Admin/Logistics Specialist, the position of Senior System Administrator which has become a PIT Manager and the position of Executive Assistant which has become the Project Coordination Manager.

The Chairperson of the Board asked the General Management of MCA-Niger to make sure that the new recruitments are carried out in complete compliance with the laws and regulations in force

The Minister of Livestock asked whether the positions to be filled are restricted to national or international applicants. He added that for certain positions and at certain levels, national competences should be privileged. The Minister of Equipment shared this opinion.

The Director General of MCA-Niger, responding to these concerns, stated that positions at MCA-Niger are open to all (nationals and foreigners) in accordance with MCC procedures.

The chairperson of the Board, after stating that he shared the above views, asked MCA-Niger to take these concerns into account in the recruitment decisions

Discussions on this item being concluded, the Chairperson put to the vote the adoption of the board resolution N°02.

RESOLUTION N°02 : The Board of Directors approves and adopts, by unanimity of the voting members present the modification of the organizational chart of MCA-Niger with the creation of nine new (9) positions and the modification of four (4) existing ones

F- Amendment N°2 to the Contract of the Fiduciary Agent of MCA-Niger;

Summary of the discussions : **The Procurement Director** indicated that the contract between MCA-Niger and GFA Consulting and Charles Kendal & Partners was signed on April 13, 2017 for a period of 6 years to serve as the Fiscal Agent (FA) for the Compact. The Consultant is responsible for conducting, guaranteeing and operationalizing all disbursement and payment processes operated by MCA-Niger during the period covered by the Compact as well as the closing period of the program.

Amendment No. 1 to the contract, concluded on May 2021, validated and regularized the change in personnel made between 2018 and 2021, namely the Head of Mission, the Senior Fiduciary Specialist and the Senior Accounting. On June 2021, GFA requested a change of the Head of Mission and Amendment No. 2 was proposed.

The Board Chair noted that the terminology used in the presentation was very technical, making it difficult to understand the topics, and asked MCA-Niger to make the presentations more explicit in the future

Discussions on this item being concluded, the Chairperson put to the vote the adoption of the board resolution N°03.

RESOLUTION N°03

The Board of Directors approves and adopts, by unanimity of the voting members present the Amendment n°2 to the Contract n°02/PP609g1/RFP/UC/NIGER/QCBS/02 concluded on April 13 , 2017 between MCA-Niger and GFA CONSULTING GROUP GmbH and CHARLES KENDALL & PARTNERS.

G- Amendment N°3 to the Contract of the Procurement Agent of MCA-Niger;

Summary of Discussion: The Procurement Director provided background and content for this item. He recalled that MCA-Niger entered into a contract with Cardno Emerging Markets USA, Ltd. on July 27, 2018 for Procurement Agent ("PA") services. On June 2020, the parties signed Amendment No. 1 to modify the staffing plan and level of effort of the PA team, revise the payment schedule for optional periods 2 and 4, and reduce optional period 4 by 61 days.

On May 2021, an amendment No. 2 was signed for the change of the mission leader and one of the senior contracting specialists, the change of the bank account number, as well as the integration of the operating contract review.

On July 2020, Cardno requested the replacement of a senior contracting specialist due to health reasons, resulting in the proposed conclusion of amendment No.3

As on the previous point, **the Chairperson of the Board** invited the General Directorate of MCA Niger to be clearer in the formulation of presentations submitted to the members of the board

Discussions on this item being concluded, the Chairperson put to the vote the adoption of the board resolution N°04.

RESOLUTION N°04 : The Board of Directors approves and adopts, by unanimity of the voting members present the Amendment No3 to the contract No ADM-QCBS-2018-12 concluded between MCA Niger and Cardno Emerging Markets USA, Ltd.

H- Amendment N°4 to the Contract of the CIRA Consultant

. **Summary of Discussion: The Procurement Director**, presenting this item, indicated that MCA-Niger concluded on March 9, 2021 with CIRA SAS Mali, the service order n°1 relating to the framework contract N°CR/CRA/1/F.0173/20-CIRA SAS, concerning the realization of technical studies for the works of irrigated perimeters in the Dosso region (Lot 1).

Subsequently, the parties have successively concluded 3 amendments to extend the contractual period, without financial impact.

The contract expires on September 27, 2021 according to Amendment No. 3. The remaining contractual period is not sufficient to allow not only the validation of the APD and EIES deliverables by the National Bureau of Environmental Studies (BNEE), but also that of the CAD required to launch the calls for tender. For this reason, a draft amendment n°4 has been proposed.

This amendment n°4 will grant CIRA SAS an additional period of sixty (60) calendar days expiring on November 26, 2021, (i.e. 33.5% of the cumulative period) in order to finalize and validate all deliverables

Discussions on this item being concluded, the Chairperson put to the vote the adoption of the board resolution N°05.

RESOLUTION N°05 : The Board of Directors approves and adopts, by unanimity of the voting members present the Amendment N°4 to the contract N°CR/CRA/1/F.0173/20-CIRA SAS completed by the service order N°1 of March 9, 2021 CIRA SAS for the realization of technical studies for the works on the irrigated perimeters in the region of Dosso (Batch 1).

I- Modification of Monitoring and evaluation Plan

Summary of discussions: The Director of Monitoring and Evaluation of MCA-Niger informed the Board that the MCA-Niger Monitoring and Evaluation Plan (PSE-MCA-N) is the reference document that indicates how the Compact projects will be monitored and evaluated. He recalled that its first version was approved by the Board during its session held on April 3, 2018. It was subsequently reviewed and re-approved at the June 25, 2019 session.

The Director of Monitoring and Evaluation added that the PSE-MCA-N contains the detailed description of the various projects and activities, the logical frameworks of said projects and activities, the evaluation plans, as well as all the indicators set out in the Indicators Tracking Tables (ITT). These indicators are monitored and reported on a quarterly basis. In accordance with the monitoring and evaluation policy, the PSE-MCA-N must be revised periodically. These revisions result in a revised version of the plan.

This is the second revision since its adoption. Important changes that it includes are : the addition of indicators and the removal of some; modifications to the wording, definitions or sources of collection of some indicators; clarifications to the baseline and target levels of some indicators; and impact and performance evaluations of projects and their sequencing.

After this presentation, **the Minister of Livestock** noted that the information given to the Board did not allow it to make a fully informed decision. For example, he pointed out that the note merely stated that some indicators were added and others removed, without specifying which ones. Also, the process that led to this revision is not described.

The Director of Monitoring and Evaluation, responding to the concerns of the Minister of Livestock, reassured the Council that the process that led to this revision was participatory, inclusive and took several months.

The Minister of Livestock and the Minister of Agriculture found the answers provided by the Director of Monitoring and Evaluation to be unsatisfactory because they were incomplete and not explicit.

The Minister of the Environment and the Drought Control wished that from now on, the information be provided to the members of the Council in the most exhaustive way possible in order to make informed decisions.

The President of the Peasant Platform, representing Civil Society, proposed that detailed and complementary information on the points presented be attached to the enclosed notes.

The Director General of MCA-Niger reassured the Board that all the details requested are available and will be made available to the members.

The Chairman of the Board proposed that, for future Board sessions, an annotated agenda be prepared with a brief presentation of each item and the action expected of the Board.

Discussions on this item being concluded, the Chairperson put to the vote the adoption of the board resolution N°06.

RESOLUTION N°06 : The Board of Directors approves and adopts, by unanimity of the voting members present the modification of Monitoring and Evaluation Plan of MCA-Niger.

3- OPEN SESSION : For Decision/Recommandation

J- Extension of employment contracts for MCA-Niger staff

Summary of Discussion: **The Director of Legal Affairs for MCA-Niger** indicated in his presentation that Niger's Compact program came into effect on January 26, 2018, and in principle ends five years later, on January 26, 2023, according to Section 7.4 of the Compact Agreement. In addition, in accordance with MCC's Program Closure Guidelines, the termination date will be followed by a Program Closure Period not to exceed 120 days.

In line with the provisions of Section 1.3 (b) (ix) of the Program Implementation Agreement (PIA), the Government authorizes MCA-Niger to enter into fixed-term employment contracts (CDD) of up to 2 years, renewable twice. These provisions also state that the total duration of each contract, including renewals, cannot exceed (i) the end of the Compact and any closing period, or (ii) 6 years.

The CDD, which is the legal form adopted by MCA-Niger, is provided for by the provisions of Section 4 of Law No. 2012-45 of September 25, 2012 on the Labor Code of the Republic of Niger. It should be noted that the Compact Agreement, which is an international treaty signed between the Government of Niger and MCC, granted MCA-Niger flexibility in the conclusion of fixed-term contracts with its staff, within the framework of program implementation; in particular, the possibility of proceeding with two renewals instead of one as prescribed by the law in force in Niger.

The Director of Legal Affairs also informed the Board that there is currently a possibility of extending the duration of the Compact due to the effects of the Covid-19 pandemic; the exact duration of this extension remains under discussion. The employment contracts of MCA-Niger staff will thus have to be extended beyond the current end date, for a period not exceeding one year, to which could be added, for certain contracts, the maximum 120 days related to closing activities.

This leads us to reflect on the legal status of the employment contracts at MCA-Niger after the two renewals currently planned. Specifically, should the contracts be allowed to take the form of permanent contracts or should another legal form be adopted that is more in line with the constraints of the program?

He added that the option currently being considered is for the Government to authorize a third renewal of the CDD, with the objective of covering the remaining period of the Compact and possibly the closing period.

The Minister of Livestock raised the question of the duration of a possible third renewal in question and the legal scope of the action expected from the Board.

The Director General of MCA-Niger, completing the presentation on this point, emphasized that the duration of the renewal envisaged would be a maximum of 12 months.

He added that the Board's expected action was to make a recommendation to the Government to be taken into account when revising the documents relating to the extension of the Compact's term.

The Chief of Staff of the Prime Minister asked if the Council could make this proposal. The Chairman of the Council answered in the affirmative.

The Minister of Livestock asked the Board to seize this opportunity to make recommendations on the staff recruitment process.

The Officer in charge of training at CONGAFEN, representing civil society, stated that the provisions of the Compact Agreement that govern recruitments at MCA-Niger and are difficult to modify.

Discussions on this item being concluded, the Board made the following recommendation:

RESOLUTION N°07 : The Board recommends a third renewal of the MCA-Niger staff contracts.

K- Application of the provisions of the Compact related to tax exemptions

Summary of discussion: The Director of Legal Affairs of MCA-Niger informed the Board that some of MCA-Niger's contractor companies have reported difficulties encountered with the tax and customs authorities in obtaining the tax exemptions provided for in the Compact. This is the case, in particular, for SOGEA SATOM, the company awarded the contract to rehabilitate the RN7 and RN35/RRS roads, and the CAMACHO ENGENHARIA/RC SENEGAL consortium awarded the contract to rehabilitate the Konni irrigated area. It should be noted that Section 2.8 of the Compact Agreement and Annex IV of the Implementation Agreement provide for and detail the mechanisms for applying the exemptions provided. Exchanges between MCA-Niger and the relevant administrations on these difficulties have not been sufficient to resolve this problem. This is the example of the seizure of the Customs General Administration (DGD) by the MCA-Niger through a letter dated July 28, 2021. It is therefore becoming urgent to find a solution to this problem, which may lead to claims under contracts signed by MCA-Niger and whose processing may result in convictions for which the Compact funds will not be eligible.

The Chairperson of the Board requested the contribution of the Minister Delegate for the Budget to address this issue.

The Minister Delegate for the Budget reassured the Board that all the provisions of the Compact Agreement would be strictly respected by the Government.

The Chairperson of the Board asked the General Management of MCA-Niger to contact the Ministry of Finance in order to find a solution to this issue.

Discussions on this item being concluded, the Chairperson of the Board moved to the next item.

L-Delegation of signature Mission order of the General Manager of MCA-Niger

Summary of discussions: The Director of Administration and Finance of MCA-Niger indicated that as part of the monitoring of the Compact's activities in the field, the General Director carries out occasional short-term missions within the country.

In accordance with current procedures, the General Director's mission orders are signed by the Chairman of the Board. However, missions are sometimes urgent and the problem arises of requiring the signature of the Chairperson of the Board at short notice.

To facilitate the Director General's departures on mission, MCA-Niger proposes that the Board delegates to the Director of Legal Affairs the signature of the Director General's mission orders for missions within the country.

The Minister of Livestock, after this presentation, asked the Board to designate another member of the Board as the delegate of the Chairperson of the Board in case the latter is unable to attend.

The Secretary General of the Ministry for the Promotion of Women and the Protection of Children proposed that the delegate be the substitute of the Chairperson of the Board.

The Chairperson of the Board summarized the different proposals and suggested that he be assisted by the Director of the Prime Minister's Office. This proposal was accepted.

Discussions on this item being concluded; the Chairperson adopted the following decision:

RESOLUTION N°08 : The Board decides to maintain the signature of the mission orders of the General Director of MCA-Niger by the Chairperson of the Board of Directors and, in case of impediment of the latter, by the Chief of Staff of the Prime Minister

M- Appointing alternates to the members of the Board representing the Government

Summary of Discussion: The Director of Legal Affairs of MCA-Niger informed the Board that in accordance with the provisions of section 3.8 "Selection; appointment; mandate" of the Internal Regulations of MCA-Niger, the members of the Board of Directors may be represented by a duly appointed alternate in case of impediment.

He added that, in the case of members of the Government, these alternates are: the Minister Delegate, the Chief of Staff or the Secretary General of the appointed Minister. Finally, he presented a form to be filled in by the members of the Board to indicate their alternates.

The Chairperson of the Board recalled that the positions of Chiefs of Staff have been removed from the Ministries.

The Minister of Public Works proposed that the deputies on the Board of Directors should apply the Government's directives on the subject. These directives appoint for each minister another minister who will act as his or her deputy in case of impediment.

The Minister of Livestock deemed this proposal ineffective because interim ministers are more protocol than technical, hence it would be better to appoint the Secretaries General of the Ministries.

The Minister of the Environment and the Fight against Desertification shared the opinion of her counterpart of Livestock.

Decision N°2: The Board decides to appoint the Secretaries General of the Ministries as alternates of the Ministers in case of impediment. The duly completed appointment forms will be transmitted to the General Management of MCA-Niger.

Discussions on this item being concluded, the Chairperson of the Board moved to the next item.

4. OPEN SESSION : For Information

N- Update on resolutions adopted by written consent since the 5th Extraordinary Board Meeting

Summary of discussions: The Director of Legal Affairs of MCA-Niger presented the Board with a summary of the various resolutions adopted by home consultation since the last session.

They are the following ones:

1. SPECIAL RESOLUTION No. 002/06-2021 approving Amendment No. 01 to MCA-Niger's Procurement Plan No. 13 (PP013) covering the period from April 1, 2021 to March 31, 2022.
2. SPECIAL RESOLUTION No. 003/06-2021 approving the model Implementing Entity Agreement between MCA-Niger and the 69 PRAPS intervention communes.
3. SPECIAL RESOLUTION N°004/06-2021 approving Amendment No. 01 to Contract N°02/PP609g1/RFP/UC-PMC/NIGER/QCBS/02 entered into on April 13, 2017 between MCA-Niger and GFA CONSULTING GROUP GmbH and CHARLES KENDALL and PARTNERS LTD.
4. SPECIAL RESOLUTION No. 005/07-2021 approving MCA-Niger's Procurement Plan No. 14 (PP014) covering the period July 1, 2021 through June 30, 2022.
5. SPECIAL RESOLUTION N°006/08-2021/MCA-Niger approving Amendment N°01 to MCA-Niger's Procurement Plan N°14 (PP014) covering the period from July 1, 2021 to June 30, 2022

The Board of Directors has duly taken note of this information.

Discussions on this item being concluded, the Chairperson of the Board moved to the next item.

O- Communication on Procurement Procedures at MCA-Niger

Summary of discussions: The Director of Procurement of MCA-Niger made a presentation on the procurement procedures in effect at MCA-Niger.

In the first part, he mentioned the main principles of MCC that govern procurement, namely: to launch open, fair and competitive procedures; to avoid any discrimination and allow fair competition; to give an accurate description of the needs; to award contracts to qualified operators; to award contracts at a reasonable price.

In the second part, he quoted MCC's procurement methods, which include competitive bidding, request for quotations (RFQ) and direct agreement.

Finally, he outlined the rules for transparency in procurement, including

- The obligation for MCA-Niger to publish a General Procurement Notice;
- The obligation for MCA-Niger to publish a Specific Notice for open competition;
- The right of candidates to request clarifications on the tender documents and the obligation for MCA-Niger to respond;
- The obligation for MCA-Niger to communicate to bidders the results of the procedure;
- The obligation for MCA-Niger to inform each unsuccessful bidder, at its request, of the reasons for the rejection of its bid/proposal;
- The obligation for MCA-Niger to observe the time limit for contestations after the notification of the results of the procedure before negotiating and signing the contract;
- The right of bidders to contest the results of the evaluation

The Board has duly taken note of this Communication.

Discussions on this item being concluded, the Chairperson of the Board moved to the next item.

P- Progress of the rehabilitation of Konni hydro-agricultural perimeter

Summary of discussions: The Manager of Irrigation Infrastructure of MCA-Niger informed the Board of the level of progress of the rehabilitation works of the Konni irrigated perimeter. Indeed, the works have started since October 14, 2019 for a duration of 22 Months. At the end of July 2021, the Contractor has mobilized more than 82% of the earthwork and concreting equipment.

The recorded progress rate is about 42% for 90% time consumed. This delay is mainly due to the poor performance of the contractor in the execution of works and the delay in the development of design plans by the engineer.

In view of the delay in the progress of the works, mitigating measures are being taken by MCA-Niger and are currently under discussion with the contractor.

After this presentation, **the Minister of Agriculture** noted the enormous delay in the realization of this work with a progress rate of 42% for 90% of the time consumed. This delay has as a consequence a loss of earnings to producers. He stressed the need and urgency to take measures to finish this work as soon as possible. Also, he indexed the multiplicity of partners (consultants / contractors) as a factor likely to delay the work but also the non-involvement of ONAHA.

He required that measures should be taken to finalize the works in the next six months, by involving OHANA more and by establishing a schedule for monitoring the activities of the contractor and other partners.

Finally, the Minister stated that in view of the importance of the item, it should have been included in the list of subjects on which decisions must be taken by the Board.

The Chairperson of the Board thanked the Minister of Agriculture for his intervention and asked the General Management to take his recommendations into account.

The Director General of MCA-Niger, responding to the Board's concerns, explained that the delay in the works was largely due to the COVID-19 pandemic, which had made it impossible for several months to mobilize experts and deliver work materials.

The Minister of Equipment asked MCA-Niger to support the producers who are affected by the delay in the works and to apply the penalty clauses provided for in the contract.

The MCC Resident Director stated that the responsibility for implementing the Compact program lies with MCA-Niger. However, she noted the complexity of the working environment and the rather complicated nature of the works to be done. She reassured the Board that a lot of work has been done and that she remains confident that the works will be completed.

The President of the Peasant Platform, representing the Civil Society, proposed that a field mission of the Board should be organized to go and see the level of progress of the works.

The Chairperson of the Board, to conclude on this point, declared that the Board relies on the recommendations made by the Minister of Agriculture.

Discussions on this item being concluded, the Chairperson of the Board moved to the next item.

Q- Level of progress in the implementation of Sia-Kouanza 2 (Gaya) irrigation activity

Summary of discussions: The Irrigation Infrastructure Manager of MCA-Niger presented the Board with a note on the Sia-Kouanza irrigation works in Gaya, as follows. As part of the new reorientation of this project from large-scale to small-scale irrigation, service providers have been recruited and are working in the field. Thus, the control office has already submitted the draft report of the Environmental and Social Management Framework (ESMF) including the Generic Environmental and Social Management Plan (GESMP) and the preliminary engineering study report for the first 100 ha tranche. The validation workshop with the National Environment Evaluation Bureau (BNEE) of the Environmental and Social Management Framework/Generic Environmental and Social Management Plan (CGES/PGESG) was held on August 31 and September 1, 2021. The bidding documents for the equipment of the blocks of the first 100 ha tranche are being prepared.

As this work must be preceded by the identification and validation of the land, the SONED/MSA contract, which has been reoriented to cover the necessary land arrangements and security, was signed on December 17, 2020, and services have begun with the identification of 137 blocks corresponding to an area of 440 ha. As for the Market Access Management and Facilitation Service, the amendment to the COWATER/SOGEMA contract was approved and took effect on December 8, 2020. Support, agricultural training and literacy activities are underway with a target of 3,000 producers.

He emphasized the constraint related to the deadline for the complete realization of the works.

The Minister of Agriculture asked that a rigorous follow-up of the activities be carried out in order to avoid any delay as observed in Konni.

The Board has duly taken note of this information.

Discussions on this item being concluded, the Chairperson of the Board moved to the next item.

R- State of progress of Road Project

Summary of discussions: The Roads Infrastructure Manager presented to the Board the progress of rehabilitation work on the RN7 on the Dosso-Bela II section (84km) with GENiS maintenance on the entire Dosso-Gaya section (157km), and that of the RN35 Margou-Gaya (180km) with GENiS maintenance, and that of the Guitodo-Sambéra/RRS Rural Road over 37km with community maintenance.

The works on these two roads has been entrusted to the company SOGEA SATOM, with a respective deadline and cost of 20 months for an amount of 32,279,847,638 FCFA for the RN7 and 22 months for an amount of 20,580,229,740 FCFA for the RN35/RRS.

At the end of August 2021, the overall physical progress rate recorded was 28.56% as against 31.97% planned, corresponding to a performance rate of 89.33%. There is an estimated delay of 0.98 months. This delay is due to the slowdown of some workshops due to bad weather.

With regard specifically to site facilities, environmental and social components, the progress rates are as follows

- ✓ For the RN35: 28.78%.
- ✓ For the RRS: 43.23%.

The Minister of Equipment congratulated MCA-Niger for the quality of the work and the level reached. He testified that he has seen in the field that a high quality work is being done with rigor and diligence.

The Secretary General of the Ministry for the Promotion of Women and Child Protection indicated that as regards the RN35, the asphaltting of which is planned by the Government after the Compact works, it is preferable to entrust these works to the same company, taking into account the maintenance period planned after the works.

Discussions on this item being concluded, the Chairperson of the Board moved to the next item.

S- State of Progress of CRC project

S.1- Climate Resilient Agriculture (CRA)

Summary of discussions: The Manager of Climate Resilient Agriculture presented the progress of two components of this project, namely the Climate Resilient Investment Plans (ICRIPs) and the Grant Facilities.

Concerning the first component, the CRA project has supported the development of 16 ICRIPs that have been approved by MCC and from which two activities have been prioritized and planned in 16 communes in the regions of Maradi, Dosso, Tahoua and Tillabéry. These are sustainable land management and support for agricultural intensification on the one hand, and the construction/rehabilitation of irrigated perimeters on the other. With regard to the irrigated areas, seven (7) contracts worth 1,753,818. 000 Fcfa have been signed with consultants for the realization of feasibility studies (APS, APD, EIES and DAO) for the development of more than 400 ha on 73 sites distributed among the communes of Tessa, KarguiBangou, Sakadamna, Tombokoirey 1, Mokko, Dan Goulbi, Sabon Machi, Guidan Roundji, Chadakori, Doguéraoua, Malbaza, Tsernaoua, Konni, Kouré, Liboré, N'Dounga.

As far as the second component related to the Grant Facilities is concerned, under the first call for proposals, 47 applications have received support amounting to 4,195,366 USD, or 2,345,209,594 CFA francs. The majority of these projects are at the completion stage. For the

second call for proposals, 46 projects were pre-selected. This call for proposals gave more priority to projects led by young people and women with a satisfactory economic rate of return. The analysis of the project files of the second call for proposals is underway. At this stage, MCA-Niger has received 41 projects developed out of the 46 for USADF's no-objection request. The total amount of the grant that will be awarded is 2,821,836 US dollars or 1,577,406,324 CFA francs. The signing of contracts with the beneficiaries started in May 2021 and 23 grant agreements were signed as of today's date.

The chairperson of the Board once again asked that English terminology should be avoided and that the titles of the items should more explicitly be presented.

The Board has duly taken note of this information

Discussions on this item being concluded, the Chairperson of the Board moved to the next item.

S.2- Regional Support Project for Pastoralism in the Sahel (PRAPS)

Summary of discussions: In his presentation, the Manager of PRAPS gave an overview of the level of progress of the project's activities in all its components.

Thus, for the Animal Health component, he indicated that a national awareness campaign on animal health is underway and will involve the entire country. The campaign team is currently at “ La Cure Salée “ (Breeders’ Festival) after the stages of Tillabéri and Dosso .In addition, the reform on the establishment of a Sustainable Vaccination Fund is currently being finalized with a view of revising the FOSEL Procedures Manual and legislative texts as well as defining an operational strategy.

The Natural Resource Management component consists of the development of pastoral management plans along transhumance corridors; a total of 4 corridors are being studied in the regions of Tillabéri, Dosso, Maradi and Tahoua. In the regions of Tillabéri and Dosso, the studies have been completed and the calls for tenders for the corridor marking works have been launched. The deadline for the reception of the bids is October 5, 2021.

Under the Market Access Facilitation Component, MCA-Niger will build 15 new livestock markets and rehabilitate 3, for a total of 18 in the 4 regions of intervention of the Compact. The technical studies are being carried out in two batches: batch 1 concerns Dosso and Tillabéry, and batch 2 concerns Maradi and Tahoua. These studies (APS, APD, ESIA) are practically finished. It remains to take into account new aspects relating to access roads and the reduction of the general costs of the markets for a better economic profitability.

The Board has duly taken note of this information.

Discussions on this item being concluded, the Chairperson of the Board moved to the next item.

4. MISCELLANEOUS

The item regarding the appointment of alternates originally listed under Miscellaneous was moved to the Decision item. No other items were discussed.

5. CLOSING

The Chairman of the Board thanked the members for their attendance and expressed the wish that they continue to support MCA-Niger. He also thanked the Director General and his staff.

The chairperson terminates the meeting at 12:49 PM

SIGNED :

M. Mamane M. ANNOU Secretary	M. M. Ibrahim SANI ABANI Chairperson