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By Hon. M. Olekenia, MP
Chair. Com on Implementation
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MM

PARLIAMENT OF KENYA

TWELFTH PARLIAMENT – SECOND SESSION

COMMITTEE ON IMPLEMENTATION



**REPORT OF THE TRAINING ON STRENGTHENING OVERSIGHT USING
MONITORING AND EVALUATION TOOLS AT UNITED NATIONS INSTITUTE
ON TRAINING AND RESEARCH (UNITAR)**

19th -21st June 2018

International Environment House, UNITAR, Geneva, Switzerland

Directorate of Committee Services
Clerk's Chambers
Parliament Buildings
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ADOPTION LIST

LIST OF ABBREVIATIONS

CEO	Chief Executive Officer
CS	Cabinet Secretary
CHW	Community Health Workers
FGM	Female Genital Mutilation
GBV	Gender Based Violence
HON.	Honorable
IPU	Inter-Parliamentary Union
KHSSP	Kenya Health Sector Strategic Plan
M&E	Monitoring and Evaluation
MP	Member of Parliament
SDG	Sustainable Development Goals
UN	United Nations
UNCTAD	United Nations Commission on Trade and Development
UNITAR	United Nations Institute on Training and Research
WTO	World Trade Organization

CHAIRMAN'S FOREWORD

The Committee on Implementation is mandated to scrutinize the implementation status of House resolutions once adopted by the House including adopted Committee, laws and motions. Once a resolution is passed, the implementing agency is informed through the office of the Clerk and required to submit a report within sixty days of the status of implementation of the resolution.

The Committee acknowledges that its members and secretariat need capacity building to efficiently and effectively discharge its mandate. To this end the Committee resolved to receive training in monitoring and evaluation. The training was provided by UNITAR a training partner of the Centre for Parliamentary Studies & Training (CPST) in Geneva Switzerland. The first group of Members benefited immensely from the training, which proved extremely valuable as the topics under discussion resonated well with the Committee and Parliament generally. The Committee plans to continue capacity building until all the members have been trained

The Committee on Implementation wishes to sincerely record its appreciation to the Offices of the Speaker and the Clerk of the National Assembly for their facilitation and approval for members to attend the training on Parliamentary Oversight: Monitoring and Evaluation in Geneva, Switzerland.

We wish to sincerely thank and acknowledge all the organizers including UNITAR and the Centre for Parliamentary Studies and Training (CPST). We also extend our gratitude to H.E. Ambassador Stephen Karau, Ambassador / Permanent Representative to the United Nations, and the staff of the Kenya Mission for their logistical support to the delegation. The Delegation is also immensely grateful to Dr. Mukhisa Kituyi, Secretary-General of the United Nations Commission on Trade and Development (UNCTAD) for taking time to meet with the delegation when it paid him a courtesy call at his office in the UN Headquarters in Geneva and the enriching discussions on trade and development.

Finally, the delegation conveys its appreciation to the Staff of the National Assembly and the Centre for Parliamentary Studies and Training for their commitment and dedication to duty, excellent organizational services and the production of this report.

Hon. Moitalel Ole Kenta, MP

EXECUTIVE SUMMARY

The Committee on Implementation cognizant of its mandate and to build capacity of its members so that they effectively and efficiently execute their mandate resolved to undertake training in Monitoring and Evaluation.

The main objective of the training was to equip Hon. Members and staff attached to the Committee with knowledge and skills on improving oversight through effective use of monitoring and evaluation strategies.

More specifically, the delegation was trained on the role of Parliamentarians in oversight/M&E, Global Best Practices in Parliamentary oversight/M&E, conducting the evaluation, developing SMART resolutions by connecting resolutions to the relevant legal framework, identifying targets and indicators of progress and writing strong reports. Of importance was the lessons that would enable Hon. Members depoliticize the evaluation process by presenting arguments based on data and facts and linked to the global and national goals as well as goals of the institution under evaluation. The delegation learned how to redraft resolutions that may not be well drafted which will go a long way to enhance the Committee's output.

The United Nations Institute of Training and Research in conjunction with the Centre for Parliamentary Studies and Training organized training for members of the Committee on Implementation and invited the Committee to their training facility in Geneva, Switzerland, from 19th to 22nd June 2018.

The Committee observed that the training was extremely useful in addressing numerous challenges faced by the Committee on Implementation. A tracking tool would go a long way in addressing some of the challenges experienced during implementation such as tardiness by implementing agencies in operationalizing resolutions, unjustified delays in reporting on implementation status, lack of submission of reports to implementing agencies and use of facts, targets, goals to depoliticize the monitoring and evaluation process. It will also aid the committee in re-drafting of recommendations if the committee receives a report bearing recommendations that are not SMART.

The Committee also observed that training will support committees to prepare reports and ensure effective operations and simplify the work of the Departmental Committees, Watchdog Committees particularly, the Committee on Implementation.

From the observations and discussions, the Committee recommends that training on Monitoring and Evaluation be undertaken by Members of the Committee on Implementation and the Committee secretariat; all Members of the National Assembly and by Staff of the National Assembly serving in Committees which should be based on the model used by CPST and UNITAR to ensure Committees provide SMART recommendations which are implementable; enhance their understanding as well as assist the Committees in undertaking their oversight role and ensure that House resolutions are implemented.

PREFACE

1.1 Mandate of the Committee

The Committee on Implementation is a select Committee of the House established pursuant to Standing Order 209 of the National Assembly Standing Orders. It is mandated to scrutinize resolutions of the House (including adopted committee reports), petitions, legislation and the undertakings given by the National Executive and examine whether such decisions and undertakings have been implemented within the 60 days provided in the Constitution and standing orders and whether such implementation has taken place within the minimum time necessary and satisfactory explanation for the delay in full implementation.

This mandate is further enhanced by the provisions of Article 153(4) (b) of the constitution which requires Cabinet Secretaries to provide Parliament with full and regular reports concerning matters under their control.

1.2 Committee Membership

Chairperson	The Hon. Moitalel Ole Kenta, MP
Vice Chairperson	The Hon. Godfrey Osotsi, MP
	The Hon. Richard Onyonka, MP
	The Hon. Alois Lentoimaga, MP
	The Hon. Paul Simba Arati, MP
	The Hon. Onesmas Kimani Ngunjiri, MP
	The Hon. George Theuri, MP
	The Hon. (Dr.) James Murgor, MP
	The Hon. Maj. (Rtd) John Waluke Koyi, MP
	The Hon. Francis Munyua Waititu, MP
	The Hon. Joseph Wathigo Manje, MP
	The Hon. Johnson Many Naicca, MP
	The Hon. (Dr.) Daniel Kamuren Tuitoek, MP
	The Hon. Hassan Oda Hulufu, MP
	The Hon. Nelson Koech, MP
	The Hon. Generali Nixon Kiprotich Korir, MP
	The Hon. Owen Yaa Baya, MP
	The Hon. Paul Odalo Abuor, MP
	The Hon. Silvanus Osoro, MP
	The Hon. Michael Thoyah Kingi, MP
	The Hon. Jared Okello, MP
	The Hon. Joshua Mbithi Mwalyo, MP
	The Hon. Charles Ngusya Nguna, MP

1.3 Committee Secretariat

1. Ms. Rose M. Wanjohi	-	First Clerk Assistant/Lead Clerk
2. Mr. Abdirahman Hassan	-	Third Clerk Assistant
3. Mr. Dennis Abisai	-	Principal Legal Counsel
4. Mr. Joseph Okongo	-	Media Relations Officer I
5. Mrs. Doreen Karani	-	Legal Counsel II
6. Mr. Eugene Apaa	-	Research Officer III
7. Mr. James Muguna	-	Research Officer III
8. Mr. Moses Kariuki	-	Serjeant-at-arm

2.0 INTRODUCTION

The Committee on Implementation is a select Committee of the House established pursuant to Standing Order 209 of the National Assembly Standing Orders. It is mandated to scrutinize resolutions of the House (including adopted committee reports), petitions, legislation and the undertakings given by the National Executive and examine whether such decisions and undertakings have been implemented within the 60 days provided in the Constitution and standing orders and whether such implementation has taken place within the minimum time necessary and satisfactory explanation for the delay in full implementation.

To enhance the effectiveness of its mandate in scrutinizing the implementation status of various House resolutions, the Committee resolved to undertake trainings in Monitoring and Evaluation. It undertook to source for institutions which offer monitoring and evaluation with an emphasis on Parliamentary resolution including those with a global outlook and settled on United Nations Institute of Training & Research (UNITAR).

The Committee nominated the first batch of members to attend the training. The delegation comprised of -:

- | | |
|--------------------------------|---|
| 1. Hon. Moitalel Ole Kenta, MP | - Chairperson/Leader of Delegation |
| 2. Hon. Dr. James Murgor, MP | |
| 3. Hon. Richard Onyonka, MP | |
| 4. Hon. George Theuri, MP | |
| 5. Hon. Joseph Manje, MP | |
| 6. Hon. Hassan Hulufu, MP | |
| 7. Prof. Nyokabi Kamau | - Executive Director, CPST |
| 8. Ms. Doreen Karani | - Legal Counsel/ Delegation Secretary |

The training kicked off on the 19th June 2018 at UNITAR offices, International Environment House 2 (MIE 2). The organizers, Ms. Christy Nomura and Ms. Claudia Croci received the delegation and welcomed them to UNITAR. Thereafter the scope of training and the expected outcomes were set.

The delegation expressed optimism that their concerns would be addressed during the training. The following were raised as the challenges faced by the Committee on Implementation while discharging its functions.

1. reports are sometimes written without material facts to inform the need for the report;
2. reports containing resolutions that cannot be implemented because they are not SMART (Specific, Measurable, Actionable, Relevant, Timely) nor directed to at a particular person for action and accountability;
3. the lack of legislation on matters of implementation by Parliament;
4. An existing legal framework on Government assurance that is wanting and does not contain sanctions or incentives to enforce implementation; and

5. The lack of a tracking tool to track progress on implementation.

The facilitator thereafter took the delegation through the topics proposed for the training as follows-

1. The role of Parliamentarians in oversight/Monitoring & Evaluation(M&E);
2. Global Best Practices in Parliamentary oversight/M&E;
3. Conducting the evaluation which includes developing SMART Resolutions; connecting resolutions to the relevant legal framework; identifying targets and indicators of progress; methods for tracking progress; and writing strong reports;
4. Refine and pilot a draft M&E tool.

2.1 ROLE OF PARLIAMENTARIANS IN OVERSIGHT

Parliamentarians are representatives of their constituents and trustees of public interest and therefore empowered and entrusted to enact laws through the social contract. In carrying out their role they should do so against a background of types of legislative arguments which can either be, power-based arguments that appeal to the supporters of political parties and are not necessarily based on facts; or facts-based arguments which contain and concentrate on reason-based arguments. The reason based arguments are based on facts and of which an implementing body can easily be called to take action based on the body's mandate; vision and mission. Reports and questions, should be based on reason based arguments.

The M&E process can be used to collect data to make fact-based arguments to advocate for legislative or institutional change. This will be a more effective approach to justify proposals for change in policy/ legislation or institutions.

To achieve the need to hold government accountable, Parliament requires the :legal mandate from the Constitution, Acts of Parliament or Standing Orders; capacity building of skills and experience of Parliamentarians and staff of Parliament; and autonomy which gives the House legitimacy and powers to independently oversee other arms of Government. In this regard, adherence to internal rules is imperative to ensure that the institutions under oversight are similarly bound by the same rules and procedures.

Global facts and figures on oversight

The Inter-Parliamentary Union (IPU) report on oversight by various Parliaments across its member legislatures indicates that-

- (a) 80% of Parliamentarians reported that they have committees established with the express purpose of oversight;
- (b) 54% of Parliamentarians reported the presence of some system in place to monitor the implementation of laws;
- (c) 10% of Parliaments require the government to regularly report or at a specific time on the

implementation of legislation;

- (d) 40% of Parliaments have a system in place for tracking recommendations;
- (e) 39% of Parliaments track Government responses to House recommendations;
- (f) 36% track assurances and commitments made to Parliament by Ministers; and
- (g) 24% track recommendations and responses on an ad hoc basis.

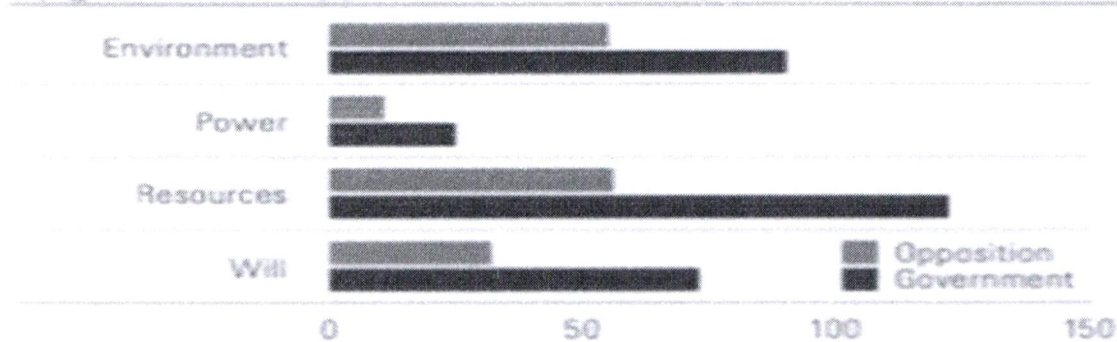
In terms of global placing, it is apparent that Kenya, therefore, falls among the 80% of Parliaments that have committees established to oversight and also the 10% of Parliaments that require Government to regularly report on the implementation of legislation and reports of Parliament.

Notably, Ghana has put in place an online tracking system that facilitates monitoring of Parliament's resolutions and Government Assurances. However, there is no jurisdiction that has enacted legislation on committees of implementation or implementation of Government assurances. The Parliaments rely on Standing Orders, which are rules of internal procedure by Parliament and are often not adhered to by external institutions.

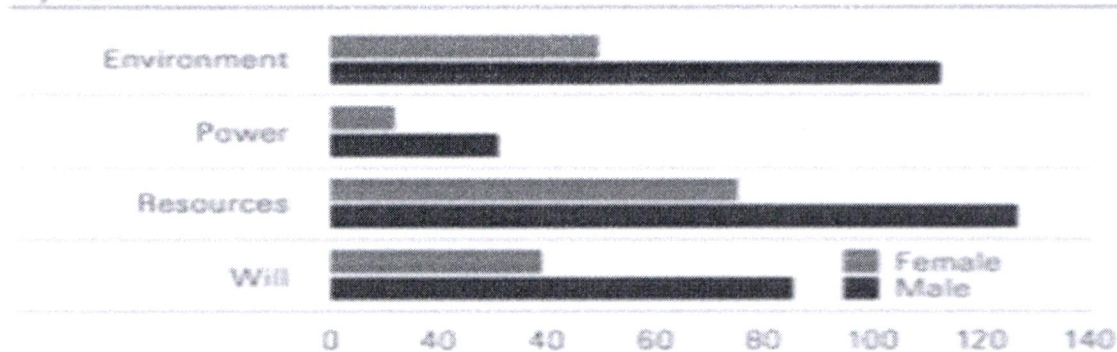
The chart shown represents the perception of challenges to oversight. It was noted that the challenges in Kenya go beyond those contained in the chart including, corruption or compromise of the legislature including members of watchdog committees. It was agreed that there is a need for reports to contain proper recommendations that are implementable (SMART) in order to seal any loopholes

may be manipulated for corrupt practices.

Figure 2. MPs' perceptions of challenges to oversight
By government/opposition membership



By sex



Source: IPU/UNDP survey of parliamentarians, Question 6, 2016 (base for question: 310 challenges identified by MPs from the parties in government, 154 challenges identified by opposition MPs; 354 challenges identified by 215 male MPs, 175 challenges identified by 135 female MPs)

2.2 GLOBAL BEST PRACTICES IN OVERSIGHT

UK Westminster system

In this model, the Government agencies are required to submit a report on the implementation of a law to the relevant departmental committee 3-5 years after adoption. The Westminster system of legislative review is seen as adversarial and under the purview of opposition politicians, focused on ensuring government compliance with public spending requirements. It was observed that the Kenyan National Assembly also places the committee on implementation under the leadership of the opposition.

U.S.A/Congressional Model

Departmental committees hold the oversight hearings in Congress. This is where the relevant Committee monitors and follows up if it believes a program is being poorly implemented or an agency is being uncooperative or unresponsive. Routine oversight occurs through appropriations hearings and authorization hearings.

Kenyan Committee on Implementation:

Standing Order 209 of the National Assembly Standing Orders provides that the Committee is mandated to scrutinize the resolutions of the House (including adopted Committee reports), petitions and the undertakings given by the National Executive and examine –

- a) whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such implementation has taken place within the minimum time necessary; and
- b) whether or not legislation passed by the House has been operationalised and where operationalised, the extent to which such operationalisation has taken place within the minimum time necessary.

The Committee may propose to the House, sanctions against any Cabinet Secretary who fails to report to the relevant select Committee on implementation status without justifiable reasons.

The “Trigger” Model

This model involves establishing standards in advance that will trigger the review of a law or program. This is used in countries such as Belgium and Scotland

- Belgium has 3 triggers-
 - a) Committee receives a petition highlighting enforcement problems with a law where it has been in force for at least 3 years;
 - b) Recommendations made by the Constitutional Court on the application of a law;
 - c) In response to issues raised in the annual report submitted by the Prosecutor General to Parliament highlighting problems in enforcement of a law;
- Scotland has many triggers, including:
 - a) Media attention on a specific law, public request/attention;
 - b) Sunset clause, specific reporting requirement; and
 - c) Comments from the judiciary.

Co-ordination with Departmental Committees

The Parliament of India requires the Government to provide “Action Taken Notes” within 3 months of Committee recommendations having been adopted by the House. Thereafter, every 6 months, the Minister of the implementing Ministry must appear before the House to report on progress in implementing the recommendations.

Indonesia’s Legislation Committee (BALEG) conducts reviews of legislation and make recommendations while the departmental committees take on follow-up of these recommendations.

Law Commissions and Special Commissions

- a) Law Commissions/Law Reform Commissions

In India, the Law Commission identifies the laws that need amendment and/or repeal and submits its reports to Parliament. For instance, in the Penal Code review process, the Law Commission posted a

survey on its website to elicit public comments on certain provisions. Other Commissions (such as Human Rights commissions etc.), might provide comments, advice on implementation of legislation

b) Special Commissions

In this case, South Africa constituted an expert panel to conduct a review of legislation related to four key constitutionally protected areas (poverty, equitable distribution of wealth, land reform, social cohesion/nation building).

Question time/ Regular Questioning of Ministers

In Ireland, the Prime Minister is required to respond to questions after a given notice for 90 minutes each week, and for 40 minutes from leaders of opposition parties without prior notice. Other government officials must respond to questions for 210 minutes each week (on a rotation).

In India, there exists the procedure of “Calling Attention Notices” where any member may make a statement to call a Minister’s attention to a matter of public importance. Members do not need prior permission of the Speaker to do so, and may also reserve time to make the statement at a later date. There is no censure of officials, no discussion, and no voting.

For Montenegro, Committees are required to call Ministers for questions or updates on implementation of laws every six months. The scrutiny hearing is consultative, allowing members of the public, NGOs, etc., to give comments.

Senegal follows a precise timetable for questioning Ministers on the floor, in the form of a debate as follows:

- Reading of a question by its author: 3 minutes
- Minister’s reply: 15 minutes
- Statement by the author of the question: 10 minutes
- Statement by the majority (can be divided): 10 minutes
- Statements by the minority groups and independents: time proportional to their size, depending also on the time granted to the majority group
- New replies by the Minister: 15 minutes
- Author of the question takes the floor again: 3 minutes
- Final reply by the Minister: 5 minutes

It was noted that in Kenya, the aspect of question time exists, whereby Cabinet Secretaries appear before the Departmental Committees to respond to questions asked by Members. The questions are prepared, approved by the Speaker and forwarded to the Cabinet Secretary in advance. The relevant CS appears before the Committee departmental under whose purview the week’s particular questions falls under on Tuesdays.

Sanctions

In pressuring the government to carry out its legal obligations, Parliament may:

- Create public exposure to shortcomings/wrongdoing;
- Adopt new legislation to correct the behavior;
- Influence budget allocations; and

- issue a formal sanction (official censure, impeachment, a vote of no confidence).

Ecuador's Oversight and Political Verification Committee has the power to remove the President from office under certain conditions. Otherwise, it seems to be rare for a Committee to have unilateral power to sanction a minister without approval from Parliament. There was some debate over whether a Committee has the power to sanction an uncooperative or untruthful non-government witness with contempt.

2.3 CONDUCTING THE EVALUATION

Developing SMART resolutions

Resolutions should be SMART: Specific and not overly broad; Measurable – there should be an indicator to ascertain if it's been met; Attainable – must be practical, reasonable/achievable; Relevant – must be directed to a relevant person/body and seek to address relevant matters under the person's/body's purview; and Time-bound- must have a timeline by when to be attained

Developing the Tracking Tool

The facilitator had prepared a draft tracking tool that was modified and populated each day of the training. Tracking is important in that it allows for a structured mode of follow up and therefore ease of monitoring. Further, tracking ensures that no resolution is left unimplemented and the intentions of the House are not lost.

Ghana tracks government assurances online (www.assurances.gov.gh). The tracking tool emphasizes public participation and public accountability by offering an interactive platform where the public can follow the implementation status of House resolutions.

South Africa has a government-wide approach to M&E that includes a policy framework for Government-wide M&E developed by the President; a strong M&E approach that promotes coordination in a decentralized system, and prevents fragmentation; and common reporting standards with set linked indicators that trickle down to the provincial levels as well.

A discussion ensued on whether it is possible to increase government's commitment to M&E through law or some other means. It was the general consensus that indeed monitoring and evaluation of the undertakings by the executive is one of the surest ways to ensure checks and balances to prevent abuse of power by the executive and also ensure that the ruling party delivers on its promises to the electorate.

A simulation exercise follows.

Simulation, Part 1

1. *The capacity of Community Health Workers in fighting FGM must be increased;*
2. *The capacity of the police to detect and prevent FGM must be increased;*
3. *More programs related to fighting FGM and FGM awareness must be launched;*
4. *FGM awareness should be taught in schools.*

Connecting resolutions to the relevant legal framework

Each resolution should be linked back to the relevant provision(s) of law or policy. Multiple resolutions or committee reports may relate back to the same laws. This ensures resolutions stay on track with what the law requires. If resolutions are vague, clarifying the legal basis can help in re-drafting and knowing how to track the resolutions.

The first step is to characterize the problem the law/policy/resolution seeks to address. This ensures measurement of the right thing. To clarify the goal(s) of the law/resolution, consideration is made of the role of implementing agencies; the stakeholder analysis; and structural explanations for officials' problematic behaviors.

A simulation exercise follows.

Simulation, Part 2

1. *Conduct legal basis/underlying cause analysis*
2. *Consult Anti-FGM law and Sector Plan for Gender, Youth, and vulnerable groups, and Anti-FGM Strategic Plan Objectives*
3. *Re-write recommendations again if needed*

Methods for tracking progress

This occurs by identifying targets and indicators of progress

Enactment vs impact

In order to understand how to identify the targets and indicators of progress, it is important to ascertain the enactment and the impact of the law.

Enactment asks whether officials are doing what they are required to do i.e. adopt regulations, procedures, train staff, etc. Impact, on the other hand, asks whether the law is having the desired effect e.g. the impact of the law is to reduce maternal mortality, achieve gender equality, etc.

Enactment should support impact and is often easier to measure. Identifying the proper variables to measure and which are linked to the resolutions may lead to existing statistics/dates.

Targets

A target is a Specific goal of a law, policy, or provision. Enactment or impact targets could be derived from targets such as Sustainable Development Goals (SDGs), Policy goals, law for example-

- (a) SDG Goal 5: Achieve gender equality and empower all women and girls
- (b) SDG Target 5.2: Eliminate all forms of violence against all women and girls in the public and private spheres, including human trafficking; sexual exploitation and other types of exploitation

- (c) Policy Goal 7, KHSSP: Improving access to services through Health Law, Art. 86: The Department of Health shall develop policies and strategies that ensure the realization of universal health coverage

Indicators

These are parameters which point to, provides information about, or describes the state of a phenomenon with a significance extending beyond that directly associated with a parameter value. Expression of the link between variables, targeted at an issue of specific policy or management concern and presented in a form which facilitates interpretation for effective decision-making

Examples

SDG 5.2 on Eliminating Violence against Women has two (2) indicators

SDG 5.2.1: Proportion of women and girls aged 15 years and older subjected to physical, sexual or psychological violence by a current or former intimate partner in the previous 12 months, to be presented by the form of violence and age.

SDG 5.2.2: Proportion of women and girls aged 15 years and older subjected to sexual violence by persons other than an intimate partner in the previous 12 months, by age and place of occurrence.

Indicators for Policy Goal 7, KHSSP: Improving access to services; per capita Outpatient utilization rate (M/F); percentage of population living within 5km of a facility; percentage of facilities providing basic emergency obstetric care; percentage of facilities providing Comprehensive Emergency Obstetric Care; Bed Occupancy Rate; and percentage of facilities providing immunization.

Linking legislation and implementation to SDGs and national development planning

When legislation and implementation of SDGs and national development planning are linked, the result is an integrated form of tracking on the national level. This approach provides perspectives and ideas on measurability, tracking, indicators, how to re-frame resolutions so that they are measurable. It may lead to baseline data or relevant statistics. It can also indicate potential cross-sectoral linkages and provide linkages to national budgeting. The links can reveal greater support for Kenya's progress toward SDGs as well as provide a high-level picture of gaps in various sectors.

Using targets to de-politicize oversight

Focusing on approved targets can aid in de-politicizing the oversight process. For instance, Sweden's national government is more focused on targets and results-centered demands rather than specific legislation and budget provisions; oversight becomes checking on these targets. On the other hand, France is employing results-based budgeting, moving away from detailed expenditure scrutiny towards analysis of outcomes/achievement of performance targets, in an effort to shift away from the means-based system (efforts/methods) to one of performance (results achieved).

The result is that the approach moves oversight closer to impact evaluation/actual results achieved.

By linking the resolutions to goals and targets and having indicators of success, the monitoring and evaluation process is depoliticized and it is clear that the process becomes one based on facts.

A simulation exercise follows.

Simulation, Part 3

1. *Identify relevant targets/indicators for the Recommendations of the Social Welfare Committee*
2. *Consult Sector Plan for Gender, Anti-FGM Strategic Plan, and SDGs.*

Using data in tracking

Quantitative and qualitative data may be used in tracking. Quantitative data are observations that can be characterized with numerical values e.g., 84% of households in the sector were selected for expropriation. Qualitative data on the other hand, are observations concerned with descriptions e.g. 84% of residents reported negative experiences with the local authorities in the expropriation process.

The importance of linking the underlying cause of the problem with the law/resolution seeking to address it allows one to know which measurements/data to focus on in tracking. It also allows comparison of the same observation(s) before and after the intervention. E.g. in 2001, 30% of families in the District were living on \$2 per day. In 2011, 10 years after the institution of UBI, only 5% of families were.

It is also important to consider causation and correlation (and spurious correlation). Controls or comparative examples should be incorporated where possible e.g. in 2001, 30% of families in the District were living on \$2 per day. In 2011, 10 years after the institution of UBI, only 5% of families were. Therefore, the UBI program is successful in reducing poverty.

Consider how to present confusing data e.g. since the Gender-Based Violence law was adopted 5 years ago, GBV rates have tripled. This is because it could be the reporting rate that may have tripled.

Disaggregating data by age, gender, income level, education level, household size, etc., can make data more persuasive. E.g. the new GBV law incorporated a school curriculum component for GBV prevention and gender sensitivity for secondary school students. However, GBV rates have not substantially decreased since the law was adopted.

In 2010, 85% of families below the poverty line with children under 12 had a child who was out of school—80% of the time, this was a girl child. In 2018, 3 years after the adoption of the government's cash-based transfer program to poor families, only 25% of poor families with children under 12 had a child who was out of school, and in fact, girls now represent less than 50% of the out-of-school children in this group.

International best practices – data

- Montenegro's Gender Equality Law where the Committee conducted a survey of relevant institutions working on gender twice- 3 years apart- to track progress in implementing the law.
- UK's GBV/Forced Marriage law and Violence against Women and Girls law where the Committees conducted online surveys to collect responses and experiences of survivors in a confidential manner. This resulted in better outreach, broad coverage, and lower cost.

Simulation, Part 4

In determining the relevant data that will help you measure progress toward the implementation of the resolutions, you have obtained a few reports that relate to the issues at hand. Review them and record any significant data that might help you determine whether the Minister is or is not properly following up on the recommendations.

Tracking progress on resolutions

It is notable that recommendations/resolutions are often going to be qualitative in nature, even where they are well-defined e.g. increase Community Health Workers capacity through targeted Female Genital Mutilation training programs.

Sometimes strict numbers on indicators/targets will not represent genuine efforts hence a qualitative approach may be taken in M&E.

Sometimes timelines become unrealistic for a variety of reason and it is important to be aware of when to change the approach on unrealistic timelines. This includes handling problematic facts, especially if not all data is consistent. The possible reasons for flawed data should be analyzed and may include a flawed study methodology; flawed analysis or comparison of the wrong facts for trends/comparative analysis or drawing spurious conclusions.

When presented with problematic facts, confront facts that seem inconsistent. This will ensure the legitimacy/trustworthiness of a report. It also improves the quality of the committee's own analysis and conclusions. The committee may ask whether the facts are consistent. For example, Agricultural land production decreased by 40% between 2001 and 2015 but small holder productivity has increased by 20% since 2001.

Spotlight Model

This model is a visual tool that can be utilized to quickly glance at the view or conclusion by the committee as regards to the progress made, whether positive, negative or no change. The tool can be used to indicate whether the implementing body is on track, off track or if the progress or lack thereof is of concern. The simulation exercise for the spotlight model follows.

Simulation, Part 5

1. *The Minister of Gender submitted a letter to the Committee on Implementation 60 days after the report and its recommendations were adopted.*
2. *Review the letter and decide how you will rank the progress toward the satisfaction of each recommendation using the stoplight model.*

2.4 Writing strong reports

After undertaking the evaluation, a Committee needs to connect all the information collected in a logical, persuasive way to support the recommendations/conclusions e.g. violence against women is everywhere, and up to one-third of Kenyan girls suffer from sexual assault by the time they reach age 18. The Minister should immediately launch a program to increase girls' security at the school.

A strong and well organization report should: clearly identify the problem being addressed by the law or resolution; identify potential underlying causes of the problem; identify the related policy/legal approaches; where applicable, explain why these approaches have failed; present evidence; provide analysis of data where possible/relevant; present recommendations/conclusions; and if the problem is compound/complex, go through this process for each element of the problem.

Examples

No. 1: Re-state the issue, restate the recommendation (with milestones)

The Committee on Transport and Public Works noted a series of problems with the implementation of tolls in its last report. These included discretionary tolls being levied by toll operators. Regarding these reports, the Committee recommended that the Minister fully investigate all allegations of potential corruption by conducting surveys and interviews of toll operators, receiving and assessing anonymous tips of corruption, and producing a written report.

No. 2: Link to the legal framework

The Committee's recommendation was in line with Article 1 of the Toll Law requiring tolls to be set and applied fairly, and Article 5 of the Toll Regulation requiring tolls to be set and published in advance by Toll committees.

No. 3: Link to indicator/goal framework (both national and international).

The Committee's recommendation is also supported by SDG Target 9.1 to build sustainable and resilient infrastructure, and SDG Target 16.5 to substantially reduce bribery in all its forms. The recommendation also supports the Ministry of Road's achievement of Objective #1 from the Roads 2000 Strategic Plan for 2013-2017 to develop and manage roads in a cost-effective and socially responsive manner.

No. 4: Provide the facts

Within 60 days, the Minister provided the Committee on Implementation with a list of several cases of potential corruption by toll operators that had been detected. He reported that he fired the offending toll operators.

NB: In some cases, additional facts that relate to the targets and indicators may be available—especially if the report is further out than 60 days

No. 5: Analysis of facts

However, because the Minister appears to have ceased investigations into the toll operator corruption, now that he has fired some operators, this Committee remains concerned that the investigation was not deep enough, and the Minister has not considered the structural changes needed to minimize the opportunities for corruption in the future.

No. 6: Provide trends and context and conclusions

Accordingly, while we find the Minister made positive efforts to address the issue of corruption among toll operators, we fear he will not succeed in eradicating corruption in these divisions without further work. This will hold back the raising of funds through tolls for needed road improvements, and Kenya's infrastructure development will suffer all the more, keeping us from achieving SDG Goals 9 and 16, as well as the Ministry's goals of developing the roads.

No. 7: Follow-up recommendation

This Committee, therefore, recommends that the Minister provide a report on the nature and frequency of corruption detected, along with an analysis of the opportunities for corruption among toll operators, and provide a detailed plan explaining how he will close those gaps. The Committee requests this report within 120 days.

Simulation, Part 6

Using the filled in tracking tool for the recommendations related to FGM, write your assessment report. Make additional recommendations where needed.

3.0 COMMITTEE OBSERVATIONS

The Committee observed THAT

1. The training was extremely useful in addressing numerous challenges faced by the Committee on Implementation. The training was well coordinated and the facilitator focused on practical simulations hence the topics under discussion were better understood.
2. A tracking tool would go a long way to address some of the challenges faced during implementation such as tardiness by implementing agencies in implementing resolutions, unjustified delays in reporting on progress of implementation, lack of submission of reports to implementing agencies and encourage use of facts, targets, goals to depoliticize the monitoring and evaluation process. It will also aid the committee in the redrafting of recommendation if the committee receives a report bearing recommendations that are not SMART.
3. The training will support committees to prepare reports and ensure effective operations and simplify the work of the Departmental Committees, watchdog committees particularly, the Committee on Implementation.
4. The course needs to be conducted over a longer duration in order for participants to gain a deeper understanding of the topics at hand.

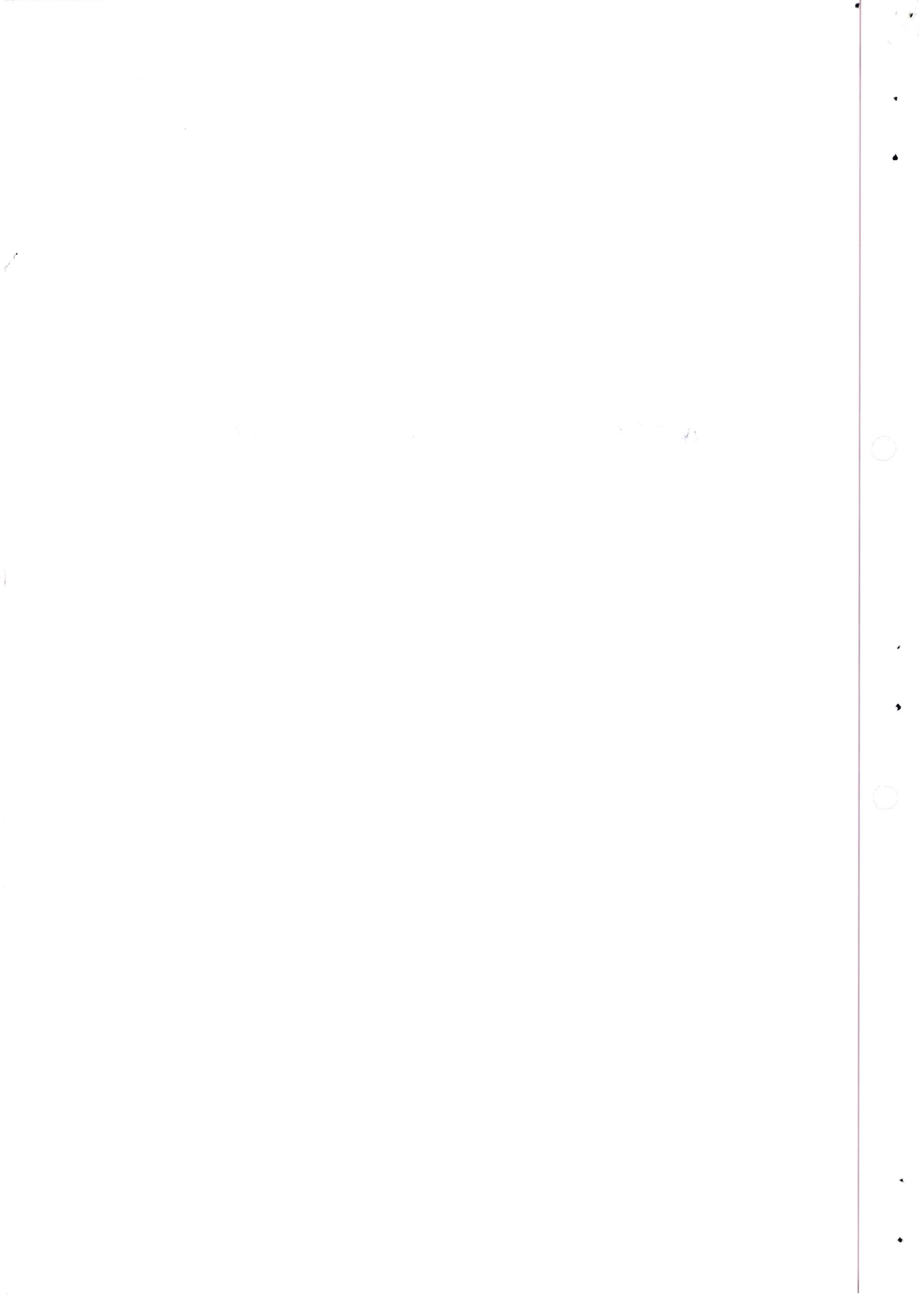
4.0 COMMITTEE RECOMMENDATIONS

From the observations and discussions, the Committee recommends THAT:

1. Members of the Committee on Implementation and the Committee secretariat should undergo the training by UNITAR in conjunction with CPST to enhance their understanding and assist the Committee in implementing their oversight role and ensure that House resolutions are implemented
2. all Members of the National Assembly undergo a group training on report writing which should take the model used by CPST and UNITAR to ensure Committee provide SMART recommendations which are implementable; and
3. training on Monitoring and Evaluation be undertaken by Staff of the National Assembly serving in Committees to build capacity and enhance productivity.

Signed  Date 15/08/2018

Hon. Moitalel Ole Kenta, MP
Chairperson, Committee on Implementation



The National Assembly



12th Parliament-2nd Session-2018

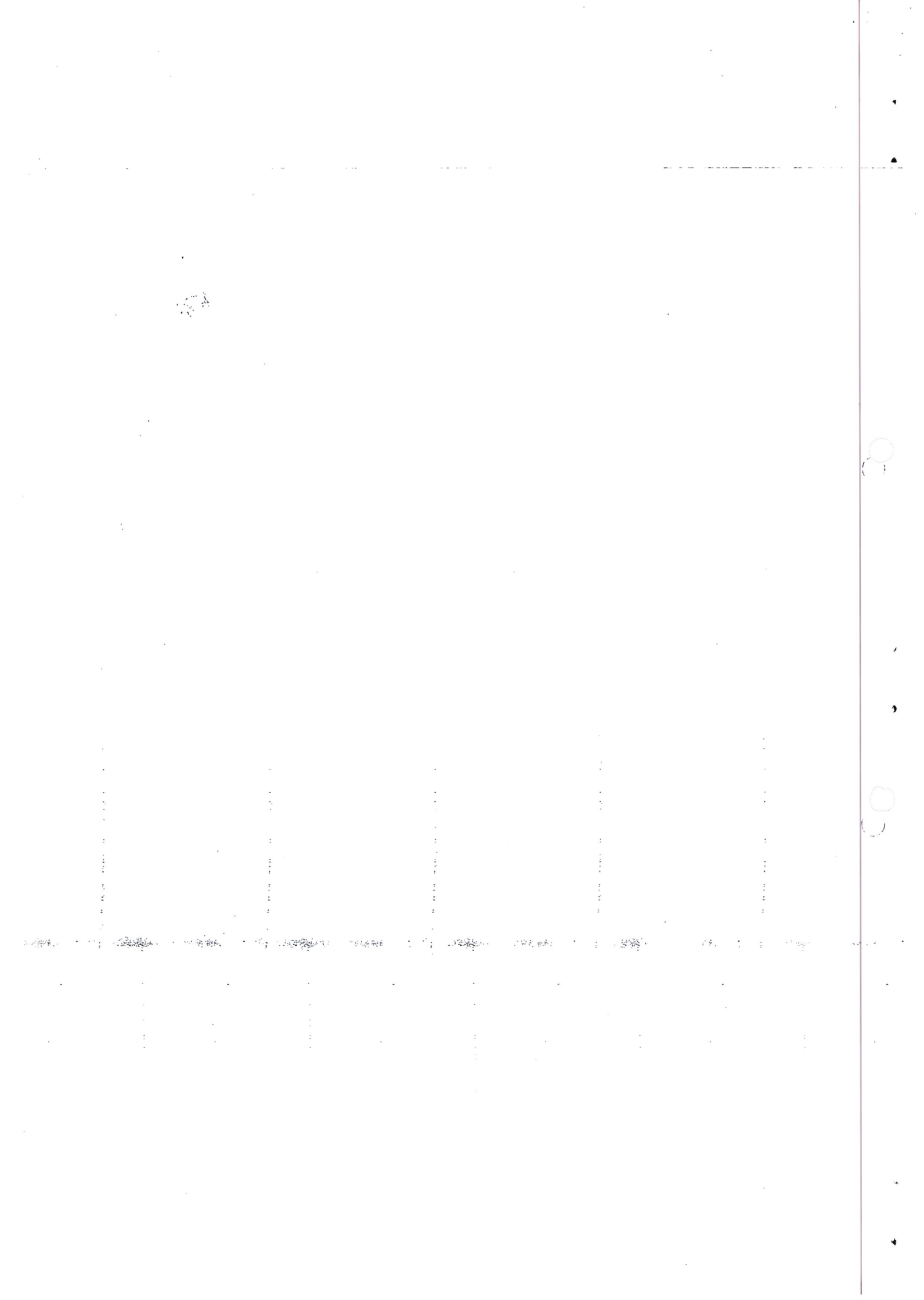
Committee on Implementation

AGENDA: Adoption of the following Reports: -

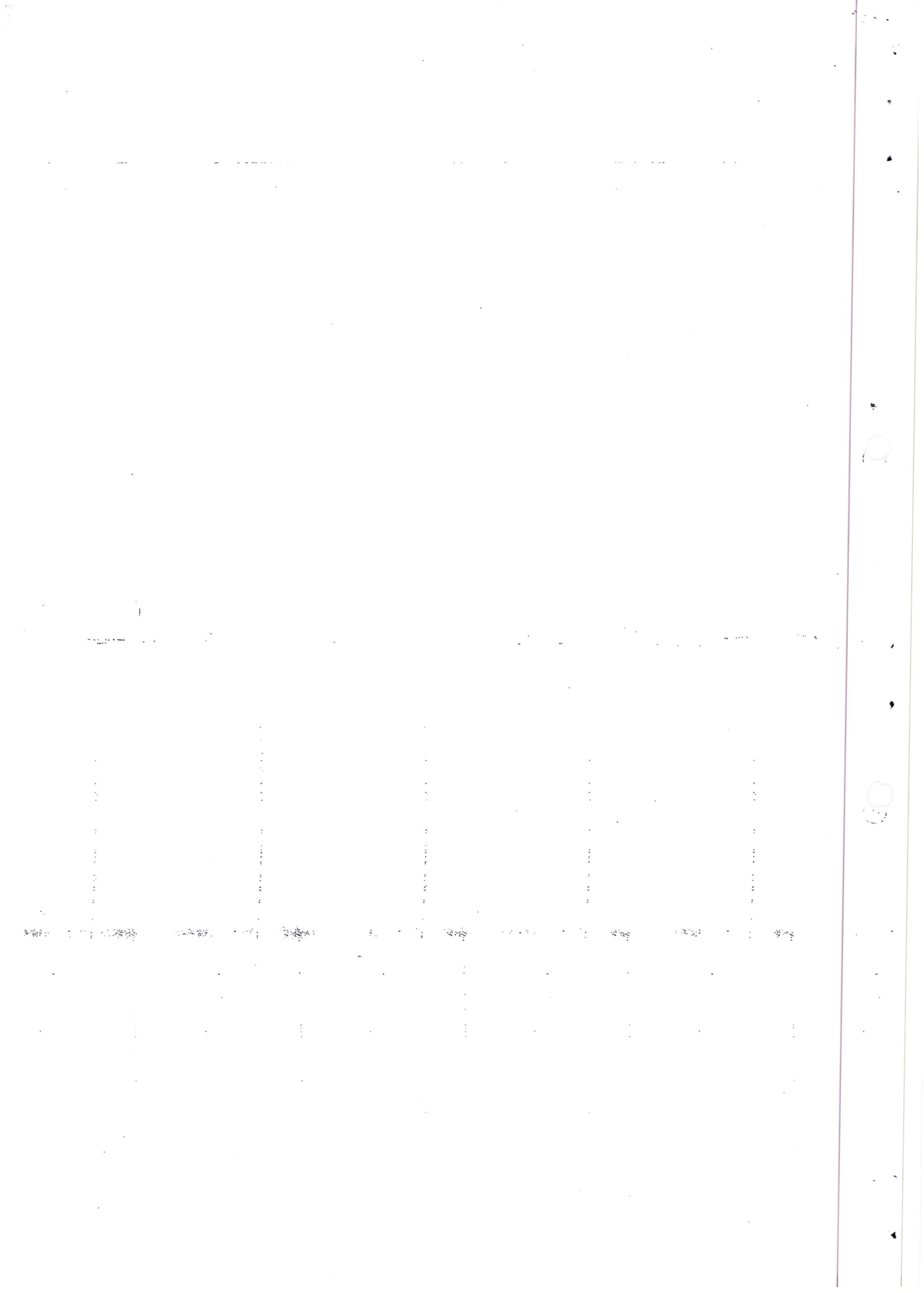
1. Report on implementation status of the Scrap Metal Act, 2015;
2. Report on implementation status of the Report by the Departmental Committee on Health on the allegations of sexual assault, breakdown of equipment, surgical mix-up and general operations of the Kenyatta National Hospital, the resolution on establishment of a National Health Referral Hospital in Mombasa County and the resolution to declare cancer a national disaster & establishment of a cancer fund to cater for cancer treatment and care;
3. Report on the Executive Seminar on Livestock Insurance Fund, Mombasa;
4. Report on inspection visit regarding land issues in Taita Taveta County;
5. Report on training on monitoring and evaluation of the Committee on Implementation in Mombasa;
6. Report on the 3rd Annual ICPAK Chapter Seminar, Johannesburg, South Africa;
7. Report on training on strengthening oversight using monitoring and evaluation tools at United Nations Institute on Training and Research (UNITAR), Geneva, Switzerland; and
8. The Report on submissions from stakeholders regarding implementation status of House Resolutions, Petitions, Adopted Committee Reports and Acts.

VENUE: 2nd Floor Boardroom, Protection House **DATE:** Thursday 9th August, 2018 at 10:00 a.m.

NO.	NAME	SIGNATURE
1.	The Hon. Moitalel Ole Kenta, MP - Chairperson	
2.	The Hon. Godfrey Osotsi, MP - Vice Chairperson	
3.	The Hon. Alois Musa Lentoimaga, MP	
4.	The Hon. Maj. (Rtd) John Waluke Koyi, MP	
5.	The Hon. Paul Simba Arati, MP	
6.	The Hon. (Dr.) James Kipkosgei Murgor, MP	
7.	The Hon. Onesmas Kimani Ngunjiri, MP	



8.	The Hon. Francis Munyua Waititu, MP	<i>Francis Munyua Waititu</i>
9.	The Hon. Richard Onyonka, MP	
10.	The Hon. Johnson Naicca, MP	<i>Johnson Naicca</i>
11.	The Hon. George Theuri, MP	<i>George Theuri</i>
12.	The Hon. Joseph Wathigo Manje, MP	
13.	The Hon. (Dr.) Daniel Kamuren Tuitoek, MP	<i>Daniel Kamuren Tuitoek</i>
14.	The Hon. Hassan Oda Hulufo, MP	<i>Hassan Oda Hulufo</i>
15.	The Hon. Nelson Koech, MP	<i>Nelson Koech</i>
16.	The Hon. Generali Nixon Korir, MP	<i>Generali Nixon Korir</i>
17.	The Hon. Owen Yaa Baya, MP	<i>Owen Yaa Baya</i>
18.	The Hon. Paul Abuor, MP	<i>Paul Abuor</i>
19.	The Hon. Silvanus Osoro, MP	<i>Silvanus Osoro</i>
20.	The Hon. Michael Thoya Kingi, MP	<i>Michael Thoya Kingi</i>
21.	The Hon. Jared Okelo, MP	
22.	The Hon. Joshua Mwalyo, MP	
23.	The Hon. Charles Ngusya Nguna, MP	



MINUTES OF THE 46TH SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON THURSDAY 9TH AUGUST, 2018, IN THE BOARDROOM ON 2ND FLOOR, PROTECTION HOUSE, PARLIAMENT BUILDINGS AT 10.00 AM.

PRESENT

1. The Hon. Moitalel Ole Kenta, MP - **Chairperson**
2. The Hon. Godfrey Osotsi, MP - **Vice Chairperson**
3. The Hon. Paul Simba Arati, MP
4. The Hon. Alois Musa Lentoimaga, MP
5. The Hon. George Theuri, MP
6. The Hon. (Dr.) James Kipkosgei Murgor, MP
7. The Hon. Maj. (Rtd) John Waluke Koyi, MP
8. The Hon. Francis Munyua Waititu, MP
9. The Hon. Joseph Wathigo Manje, MP
10. The Hon. Richard Onyonka, MP
11. The Hon. Onesmas Kimani Ngunjiri, MP
12. The Hon. Johnson Manya Naicca, MP
13. The Hon. (Dr.) Daniel Kamuren Tuitoek, MP
14. The Hon. Hassan Oda Hulufu, MP
15. The Hon. Nelson Koech, MP
16. The Hon. Silvanus Osoro, MP
17. The Hon. Generali Nixon Kiprotich Korir, MP
18. The Hon. Paul Odalo Mak'Ojuando Abuor, MP

APOLOGIES

1. The Hon. Michael Kingi, MP
2. The Hon. Jared Okelo, MP

ABSENT

1. The Hon. Charles Ngusya Nguna, MP
2. The Hon. Owen Yaa Baya, MP
3. The Hon. Joshua Mbithi Mwalyo, MP

IN-ATTENDANCE

THE NATIONAL ASSEMBLY

1. Mr. Abdirahman Gele Hassan - Clerk Assistant III
2. Mr. Moses Kariuki - Serjeant-at-arms

MIN. NO.COI/244/2018:

PRELIMINARIES

The Chairperson called the meeting to order at twenty-five minutes past ten o'clock followed by a word of prayer from the Hon. (Dr.) Daniel Kamuren Tuitoek, MP. Thereafter, the agenda of the day was adopted having been proposed and seconded by the Hon. (Dr.) Daniel Kamuren Tuitoek, MP, and the Hon. Godfrey Osotsi, MP, respectively, as follows: -

1. **Meeting with the acting Managing Director, Kenya Bureau of Standards to consider implementation status of the Report by the Departmental Committee on Agriculture and Livestock on inquiry into the crisis facing the sugar industry in Kenya;**
2. **Meeting with the acting CEO, Mumias Sugar Company to consider implementation status of the Report by the Departmental Committee on Agriculture and Livestock on inquiry into the crisis facing the sugar industry in Kenya;**
3. **Consideration of a report from the sub-committee on implementation of the National Budget;**
4. **Adoption of Reports; and**
5. **Consideration of pending business.**

MIN. NO.COI/245/2018:

CONFIRMATION OF MINUTES

The agenda was deferred.

MIN. NO.COI/246/2018:

**MEETING WITH THE ACTING MD,
KEBS**

The meeting did not take place since the acting Managing Director, Kenya Bureau of Standards has not appeared before the Committee as scheduled.

The Committee noted with concern that it had not received official communication from KEBS indicating that the acting Managing Director would not attend the meeting. Consequently, the Committee resolved to reschedule the said meeting to Thursday 16th August, 2018.

MIN. NO.COI/247/2018:

**MEETING WITH THE ACTING CEO,
MUMIAS SUGAR COMPANY**

The Chairperson informed the Committee that the acting CEO was not able to come with the management of Mumias Sugar Company as directed earlier. The acting CEO would write to the Committee to explain as to why he was not able to come with the management of the company.

MIN. NO.COI/248/2018:**REPORT ON SUB-COMMITTEE**

The sub-committee on implementation of National Budget informed the main Committee on its Terms of Reference and highlighted key issues that required implementation from the Budget and Appropriations Committee (BAC) Report on the Budget Estimates for the Financial Year 2018/2019.

The Committee was advised not to step on mandate of the BAC and Departmental Committees as it follows up on approved projects for implementation considering that departmental committees play the oversight roles.

MIN. NO.COI/249/2018:**ADOPTION OF REPORTS**

The Committee adopted the following Reports: -

1. The Report on Implementation status of the Scrap Metal Act, 2015;
2. The Report on Implementation status by the Departmental Committee on Health Report on the allegations of sexual assault, breakdown of equipment, surgical mix-up and general operations of the Kenyatta National Hospital, the Resolution on establishment of a national health referral hospital in Mombasa County and the Resolution to declare cancer a national disaster and establishment of a cancer fund to cater for cancer treatment and care;
3. The Report on the Executive Seminar on Livestock Insurance Fund, Mombasa;
4. The Report on inspection visit regarding land issues in Taita Taveta County.
5. The Report on training on monitoring and evaluation of the Committee on Implementation in Mombasa;
6. The Report on the 3rd Annual ICPAK Chapter Seminar, Johannesburg, South Africa;
7. The Report on training on strengthening oversight using monitoring and evaluation tools at United Nations Institute on Training and Research (UNITAR), Geneva, Switzerland; and
8. The Report on submissions from the stakeholders regarding implementation status of House Resolutions, Petitions, Adopted Committee and Acts.

MIN. NO.COI/250/2018:**ANY OTHER BUSINESS**

The following issues were raised: -

1. Consideration of submissions from stakeholders

The Committee noted the need to include the dates responses were received from various stakeholders and categorize the submissions into resolutions/motions, adopted committee reports, petitions and legislations passed by the House.

2. Study Visits/Proposed Training

- a) The Chairperson informed the meeting that the Committee received an invitation from the State University of New York in conjunction with the Centre for Parliamentary Studies & Training requesting for nomination of Members for training. The training is proposed to be undertaken from 14th to 23rd September, 2018 at Albany, New York.


The Committee had proposed the following seven (7) Members to undertake the training: -

- i. Hon. Godfrey Osotsi, MP – Vice Chairperson/Leader of the Delegation
 - ii. Hon. Onesmas Kimani Ngunjiri, MP
 - iii. Hon. Alois Musa Lentoimaga, MP
 - iv. Hon. Nixon Kiprotich Korir, MP
 - v. Hon. John Waluke Koyi, MP
 - vi. Hon. (Dr.) Daniel Kamuren Tuitoek, MP
 - vii. Hon. Jared Okelo, MP
- b) The Hon. Francis Waititu, MP, to replace the Hon. Jared Okelo, MP, for the proposed study visit to Romania.
- c) The Hon. Paul Abuor, MP, to replace the Hon. Godfrey Osotsi, MP, Vice Chairperson, for the proposed study visit to Zambia.

MIN. NO.COI/251/2018:

ADJOURNMENT

There being no other business, the meeting was adjourned at forty minutes past eleven o'clock.

Sign.......... Date.....16/08/2018.....
(Chairperson)