

Evaluation of the UNDP Republic of the Marshall Islands Support to Parliament Project

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*The views expressed in this report are those of the authors and
do not necessarily represent those of the UNDP*

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EXECUTIVE SUMMARY

The purpose of this Evaluation is to examine what the Republic of the Marshall Islands (RMI) Parliamentary Support Project (PSP) was designed to do, what it achieved, and what it still needed to do. These findings, in turn, form the basis for recommendations to shape future decisions about the Project.

The 2002 RMI Legislative Needs Assessment found that the RMI's legislature, the *Nitijela*, has the potential to play a constructive role in dealing with that country's problems with government accountability and transparency. But to do so, the *Nitijela* itself "needs to enhance and refine its legislative output, and increase the efficiency of parliamentary support services." These and other weaknesses lead to the familiar problems of executive domination, poorly informed public discussions and a general inability to perform parliamentary functions effectively.

A Project Document was developed by the UNDP in consultation with stakeholders in the *Nitijela* and RMI Government. This participatory process was supposed to gain stakeholder buy-in as well as build ownership in the Government of their and the UNDP's obligations under the Project Document. The Project was to be "nationally executed" by the RMI Government, with the Parliamentary Secretariat as the focal point, and the Speaker serving as National Project Director, assisted by a UNDP Project Manager. The Project was budgeted for a modest US\$280,000, to be focused on increasing the effectiveness of the Secretariat and the *Nitijela's* functionalities in oversight and lawmaking.

When the Project Manager arrived in October of 2005, he found little in the way of stakeholder buy-in or preparation. No provisions had been made for Project implementation and major stakeholders were either unaware of the Project or had a very narrow view of what it was to do. Over the subsequent two years, stakeholder support for the Project has developed considerably and important gains have been made in increasing the functionality of the *Nitijela* and its Secretariat.

By the time of this evaluation in mid-2007, nearly all the stakeholders interviewed by the Evaluation Team had a positive view of either the Project or the sponsored programs in which they participated. The Evaluation Team observed project accomplishments in several areas including: the creation of a *Nitijela* Library and Resource Centre; training and other activities to build the administrative, legislative and oversight support capabilities of the *Nitijela* staff; and assistance drafting a Staff Manual which has helped to clarify roles and responsibilities within the *Nitijela*. An increase in staff support provided to committees has led to more frequent meetings, and in the case of the Public Accounts Committee, to a more active oversight role. The Project also sponsored roundtables to increase interactions between civil society, the Executive and the *Nitijela*.

A TPR held in mid-2007 agreed to move the Project to a second phase, and planning for Phase 2 to commence in 2008 is currently underway.

SUMMARY OF RECOMMENDATIONS

Planning and Design:

Recommendation 1: *During the next phase of the Project, broaden out the focus of committee support, in recognition of the fact that many sectoral committees can be key entry points for encouraging parliament to undertake oversight which considers not only efficiency and accountability, but whether laws and policies are pro-poor, gender-sensitive and human rights compliant approach to oversight.*

Recommendation 2: *Include indicators in the Phase 2 Project Design which are qualitative, quantitative and/or time bound (QQT) and capable of being monitored and include guidance in the Project Design regarding the method(s) for assessing indicators. Insofar as possible, the obligations to collect this data should not constitute an undue burden to the Project.*

Recommendation 3: *Ensure that the review of the Nitijela Standing Orders to be completed in Phase 1 considers the incorporation of poverty, human rights compliance and gender impact into the TORs of all Committees.*

Recommendation 4: *Contact UNIFEM to identify what they are doing in RMI and if/how the Project can collaborate and/or draw on their expertise.*

Recommendation 5: *Ensure that any Project Design (or redesign) plans are more extensively discussed with the Government and Nitijela leadership and the implications of the Projects outcomes and activities are more fully understood and supported before sign-off.*

Project Management:

Recommendation 6: *The UNDP Project Coordinator or someone familiar with the project history and with UNDP procedures should accompany the Project Manager at the start up of projects. They could bring their previous background knowledge to the situation and they would take away from the experience knowledge about the situation on the ground which could subsequently inform their monitoring, oversight and technical assistance activities.*

Recommendation 7: *The state of national Project implementation readiness should be determined at the outset and communicated to the Project Manager in his/her pre-departure briefing.*

Recommendation 8: *Support the exchange of expertise and ideas between the UNDP's Pacific parliamentary projects and via the UNDP Pacific Centre to strengthen the Project Manager's ability to draw down on relevant expertise.*

Recommendation 9: *Provide sufficient notice of Project audits to in-country staff so that they can: (i) properly prepare; (ii) ensure that relevant stakeholders are available to the auditor; and (iii) are willing to sign-off on final recommendations*

Recommendation 10: *Require reporting templates to a requirement to report on risk identification and management. That template should be flexible and should include input from the MCO about what resources are available to mitigate risks.*

Recommendation 11: *Provide proper briefing to Project Managers regarding their reporting requirements (i.e. the Project Manager needs to submit annual work plans for approval) and provide reporting templates to Project Managers (e.g. for annual and quarterly reports). After submission, responses should be made by the MCO within a reasonable period of time.*

Recommendation 12: *Document management and record keeping within the Project must be improved.*

Recommendation 13: *Consider merging the Leadership of Parliament project meetings and Project Oversight Committee Meetings, to reduce the burden of meetings on parliamentary officials and the Project Manager.*

Recommendation 14: *Ensure that preparations for TPRs are undertaken jointly with the Project Manager and the UNDP MCO.*

Recommendation 15: *Include the Public Service Commission in the membership of the TPR and/or the POC.*

Recommendation 16: *Promote better coordination and communication within the Nitijela and bureaucracy but recognize that meeting requirements need to be made more flexible to account for cultural and other preferences in the frequency and formality of the consultation process.*

Recommendation 17: *Those responsible for project oversight at the MCO should be in more frequent contact by phone, perhaps fortnightly, so that both the MCO and Project Manager will be current on the state of affairs on the ground and the context of requests and the Project Manager will be apprised of UNDP requirements.*

Recommendation 18: *The UNDP should recognize that the development or deepening of a sense of ownership on the part of parliamentary partners is an important goal of project activities and should be treated accordingly in support, monitoring, and planning.*

Recommendation 19: *When ownership appears to be initially weak, project work plans and activities should be revised to further the goal of developing a greater sense of ownership along with other goals. Where feasible, project work plans and activities should be revised to have ownership building activities—those most prized by those whose support is sought-- moved up in priority for implementation.*

Project Implementation:

Recommendation 20: *Implement subsequent programming to strengthen the offerings of the library and research centre and their usefulness to Senators.*

Recommendation 21: *Improve management of Journals staff to encourage daily production of draft Journals for circulation to Nitijela Senators.*

Recommendation 22: *Provide a briefing to the PSC on the new organizational structure being proposed for the Nitijela and about the roles of the Speaker, Clerk and Deputy Clerk.*

Recommendation 23: *Circulate the Nitijela Staff Manual to all government ministries, agencies and other key stakeholders to increase the understanding of the new organizational structure and the responsibilities of staff.*

Recommendation 24: *Subsequent project planning should include programming to reinforce successes achieved with the PAC and other committees that may engage in oversight in the expectation that greater activity may stimulate resistance.*

Recommendation 25: *Continue to support the Legislative Counsel and Attorney General's office to develop recommendations for improving the law-making process (e.g. by requiring Ministries to undertake public consultations before finalizing Bills and to submit a research report to the Nitijela in support of all Bills) and work with the House Committee to incorporate such recommendations into the Standing Orders of the Nitijela.*

Recommendation 26: *Continue to undertake Roundtables with a view to institutionalizing them as a regular parliamentary activity, including exploring options for Roundtables in outer islands.*

Recommendation 27: *Work more closely with the Government and PSC to get buy-in around the Nitijela's organizational reform plans, including the need to recruit an Information Officer to ensure sustainability of the Project's ICT and public outreach activities.*

Recommendation 28: *Sustainability planning for future program activities should include service delivery mechanisms – like the Library and Resource Centre – that are likely to attract and assist legislators and other consumers to create constituencies for the continuation of those bodies.*

Future Programming:

Recommendation 29: *Help the Secretariat better define itself and move toward greater effectiveness through assistance in the production of a corporate plan to explicitly guide its development.*

Recommendation 30: *Plan an Induction Programme for Senators in Phase 2, following the 2007 elections, and include sessions on committee work.*

Recommendation 31: *Bolster the increased activity of committees through high level engagement between the UNDP and the Executive, training for Ministers, committee chairs and committee members, and options such as parliamentary exchanges or twinning for active MPs.*

Recommendation 32: *Enrich the information environment surrounding the newly active legislative committees by providing training in hearings for members, and in testifying and presenting analysis for civil society groups to enrich the information environment in which they operate.*

Recommendation 33: *Contact the Solomon Islands Project to find out about whether their ISYS document management system or its equivalent could be utilized in Marshall Islands.*

Recommendation 34: *Offer training in budget and policy analysis, including gender budgeting and social impact analysis, for Senators, Secretariat staff, and civil society groups (including the Chamber of Commerce and women's groups) to increase the analytic content of advocacy efforts and the ability of the Nitijela to assess the information they receive from the government and public.*

Recommendation 35: *Anticipate the Auditor General's Report and that of the RMI's outside auditors by special programming for the members of the PAC and support the development of PAC follow up procedures, including by supporting the distribution of their reports and recommendations. Similar programs can be used to support other committees should be they become more active.*

Recommendation 36: *Provide training for Senators, Secretariat staff (in particular, Research Assistants and Legislative Counsel) and key bureaucrats on the MDGs, gender, human rights and the environment in a practical way which ties such issues to law-making and the oversight activities of specific committees.*

Recommendation 37: *Support the Rules Committee review of the Standing Orders to promote amendments which integrate MDGs, gender, human rights and environment oversight as a matter of routine by committees.*

Recommendation 38: *Increase public access to information by supporting expansion of the website as means for conveying legislative schedules, dispositions of legislation and other matters.*

Recommendation 39: *Assist in the development of a media contact office which offers regular briefings to the press. Planning for this activity should involve discussions with the RMI press.*

Recommendation 40: *Explore options, in a highly consultative manner, for developing a civic education component for Phase 2 of the Project.*

Recommendation 41: *Explore options, in a highly consultative manner, for including activities in support of ethics and accountability in the Nitijela.*

INTRODUCTION

1. The purpose of this Evaluation is to examine what the Republic of Marshall Islands (RMI) Parliamentary Support Project (PSP) did, what it achieved, and the reasons for these things. These findings, in turn, will form the basis for recommendations to shape future decision making about the configuration of UNDP efforts. This Report should be read in conjunction with the separate Multi-Country Reflection on Parliamentary Support Projects which identifies good practices and lessons learned from the evaluation of all four of the UNDP's PSPs (in Fiji, Solomon Islands, Papua New Guinea and Marshall Islands) and draws more general conclusions from the greater variation among the cases. That Report can be used these to inform subsequent decisions about legislative development in the region and elsewhere.

PROJECT BACKGROUND

2. The Republic of the Marshall Islands (RMI) is a small country (180 sq. km of coral atolls and islands) spread over a million sq. km, and had a 1999 recorded population of a little over 50,000 people. It has a parliamentary system in which a 33 elected member *Nitijela* (Parliament) has primary legislative power. An upper house (the Council of Iroij) of Marshallese traditional leaders discusses all Bills that go before the *Nitijela* and can request seven days to deal with Bills that touch on custom, tradition and land rights, but has no veto powers.¹ The *Nitijela* chooses a president, who can be ousted by a no confidence vote and who can dissolve the *Nitijela*. Executive power resides in a Cabinet selected by the President. Since self-government, the RMI has had three presidents (the first of whom dominated politics for thirty years). The first two presidents were traditional chiefs while the third is a commoner who defeated the second president. Currently, two main parties compete for control of Government, with the larger parliamentary party forming the Executive.
3. Control of government is especially important in the RMI because a large part of national income goes to the Government and consists of US payments, under a Compact of Free Association, for the use of military bases and through other grant programs. While US Government representatives are involved in decision-making about how those funds are used, nonetheless the RMI Government has a major say on how this major source of income is used.
4. The Marshall Islands differs from the other countries in the evaluation set in that it has been the most politically stable since the start of constitutional self-government in 1979: elections held every four years without interruption, it has experienced “no coups, no premature dissolutions of parliament... no successful votes of ‘no confidence.’”² Despite this enviable record of stability, the Marshall Islands Government has widely recognized problems in the areas of accountability and transparency. The *Nitijela*, RMI's legislative branch, has the potential to play a constructive role in both areas. But to do so, the Legislative Needs Assessment

¹ Jon Fraenkel, Marshall Islands Legislative Needs Assessment, UNDP, March 2002, p.17.

² *Ibid.*

(LNA) of 2002 found that the Nitijela itself “needs to enhance and refine its legislative output, and increase the efficiency of parliamentary support services.”³ These and other weaknesses lead to the familiar problems of executive domination, poorly informed public discussions, and a general inability to perform legislative functions effectively.

5. The findings of the LNA were presented to a consultative Forum of Senators of the Nitijela. “Based on their desire to promote good governance and accountability, [the Forum] agreed on a number of key recommendations to be implemented so as to improve the effectiveness of the Nitijela.”⁴ The approved Plan envisioned a program to implement many of the recommendations of the LNA through a UNDP Project to be “nationally executed (NEX) by the Government of the Republic of Marshall Islands through the Office of the President where the focal point for contact on the project would be the Chief Secretary. The Implementing Agency would be the Parliamentary Secretariat where the focal point for contact regarding the project would be the Clerk to Parliament. The Speaker of the Parliament was to be the National Project Director (NPD). The NPD was to assume the overall responsibility for the project outputs, and he would have the assistance of the Project Manager (a UNV specialist).⁵ A Monthly Working Group (Speaker, Clerk, Legislative Counsel, and Project Manager) would meet to discuss activities. Project activities were to be overseen by quarterly meetings of a Project Oversight Committee and an annual Tripartite Review.
6. The program began its activities in October of 2005. The original work plan had called for a project manager to be recruited in the first quarter of 2005, but the position was not filled until the fourth quarter of 2005. The Project Manager, who arrived in September 2005, was recruited from the ranks of United Nations Volunteers and was selected, in part, for his brief legislative staff experience in South Africa.⁶ In March 2007, at a Tripartite Review meeting, it was agreed that the Project would move into a second phase, once first phase completes in December 2007. At the time of writing, planning is underway for the second phase of the Project, which will be designed following the outcomes of this Evaluation.

PLANNING AND DESIGN

Project Design

7. As noted above, the Project Design was developed following an LNA conducted in 2002. The LNA made 92 recommendations regarding: strengthening the Office of the Speaker & Clerk, the law-making function of the *Nitijela*, *Nitijela*-constituency relationships, the oversight function of the *Nitijela* and supporting women’s participation and leadership. It is positive that the Project Design specifically

³ Marshall Islands Legislative Needs Assessment, p. 5.

⁴ UNDP and Office of the Speaker, Funding Proposal, undated.

⁵ RMI Project Document, January 2005.

⁶ McAnthony Keah is a Canadian citizen, born in Liberia. He had worked as a relatively junior member of the South African Parliamentary staff.

recognizes that: “The criteria adopted in identifying the needs to be addressed by the project was to focus on those regarded as the most critical and catalytic in strengthening the functioning of the *Nitijela*, given the resources available for the project, and those where there were no other initiatives already being implemented or planned.”

8. Where resources are especially limited, it is a smart design strategy to avoid ‘over-reach’. Considering the limited Project budget of US\$280,000, the Project needed to have a tight focus. It was useful that the Project Document itself recognized its limitations and stated explicitly that “There are two important areas that are not directly envisaged as a part of this pilot project”, namely, the need to enhance the participation of civil society organizations in the parliamentary process (including facilitating more women political candidates and promoting civic education) and strengthening the role of the opposition and the ability of Senators to take issues-based positions in the *Nitijela*. The Project Design usefully noted that “it is hoped that other development partners will engage with the *Nitijela* and UNDP in complimenting this pilot project with initiatives in these critical areas”.
9. The overarching outcome of the Project was stated to be “Capacity of the RMI to Parliament to perform its constitutional roles facilitated”. Considering the UNDP’s overall mandate to promote sustainable development in support of the Millennium Development Goals,⁷ it is problematic that the goal of the Project was so narrowly defined. Considering the breadth of issues parliaments deal with and the core role they can and should play in development and governance activities, it is a lost opportunity for UNDP parliamentary Project Documents not describe how they intend to contribute to the organization’s overall MDGs and poverty reduction mandate, and its core goals of democratic governance, sustainable development, crisis prevention and recovery and responding to HIV/AIDS.⁸
10. The Project Design focused targeted support to 3 core components:
 - Component 1: Effective and efficient parliamentary services, management and administration established to better meet the needs of the *Nitijela* and the public.
 - Component 2: Capacity of *Nitijela* to exercise its oversight role strengthened
 - Component 3: Lawmaking function of legislature improved
11. The strongest component of the design focused on improving the administration and management of the Parliamentary Secretariat. A number of key activities were identified which, if achieved, would indeed contribute to the overall objective. That objective was valid in that, if parliamentarians are to be able to discharge their law-making, oversight and representative functions efficiently and effectively, they need a well-staffed, well-trained, well-resourced Secretariat.

⁷ UNDP Second Multi-Year Funding Framework 2004-2007, paragraphs 16-18, <http://www.undp.org/execbrd/pdf/dp03-32e.pdf>

⁸ *Ibid*, paragraph 31.

12. The other two components of the Project were less well-developed. In particular, it is surprising that the Component 2, aimed at strengthening the *Nitijela's* oversight role, focuses only on working with the Public Accounts Committee (PAC). The *Nitijela* has 7 Standing Committees,⁹ three of which deal with collection, expenditure and management of public money, namely, the PAC, the Appropriations Committee and the Ways and Means Committee. It is not clear why the PAC was the only financial committee targeted for support. Additionally, considering that the overarching aim of the Project should have been to support sustainable development and the MDGs, it is not clear why committees such as the Health, Education and Social Welfare Committee or the Resources and Development Committee were not prioritized for support. Assisting sectoral committees to adopt a pro-poor, gender-sensitive, human rights compliant approach to oversight should be an important element of any parliamentary support project.

Recommendation 1: During the next phase of the Project, broaden out the focus of committee support, in recognition of the fact that many sectoral committees can be key entry points for encouraging parliament to undertake oversight which considers not only efficiency and accountability, but whether laws and policies are pro-poor, gender-sensitive and human rights compliant approach to oversight.

Risk identification

13. The Marshall Islands PSP is the only one of the 3 parliamentary projects managed by the UNDP Fiji Multi-Country Office which included a risk log in the original project design. This is very positive. As a basic principle of good project design, it is essential that project risks are identified and appropriate strategies are proposed and integrated into the management and implementation framework from the outset.

Monitoring Framework

14. The Marshall Islands Project Results and Resources Framework (RRF) does not sufficiently specify a monitoring and evaluation framework for the Project. The RRF includes a column titled “means of verification and/or indicators”, but the indicators are very basic. For example, for the activity “organizational structure of the *Nitijela* revised” the indicator is “revised organizations structure”. Likewise, for the activity “Standing orders revised, implemented and senators knowledgeable in their application” the indicator is “Revised standing Orders for the Parliament”. Such indicators are not meaningful. Notably, no baseline is provided against which progress can be compared. Additionally, no means of verification has been included for any of the indicators. In creating a monitoring framework for the next phase, care should be taken to ensure the framework is simple and can be implemented in the context of the rather limited staffing available to the Project.

⁹ Appropriations (APPRO), Ways and Means (W&M), Public Accounts (PA), Health, Education and Social Welfare (HESA), Judiciary and Government Relations (J&GR), Resources and Development (R&D), Foreign Affairs and Trade (FAT).

Recommendation 2: Include indicators in the Phase 2 Project Design which are qualitative, quantitative and/or time bound (QQT) and capable of being monitored and include guidance in the Project Design regarding the method(s) for assessing indicators. Insofar as possible, the obligations to collect this data should not constitute an undue burden to the Project.

Mainstreaming poverty, gender and human rights

15. It is positive that the Project Design attempts to integrate gender and human rights into its activities. For example, Component 3 requires the Project to “train legislative staff on analysis, legal drafting, engendering legislation, mainstreaming human rights” and to “conduct seminars for senators on parliamentary obligations relating to international human rights instruments, MDGs and engendering national budgets”. However, more could have been done to identify entry-points for promoting these key issues. For example, the review of the Standing Orders of the *Nitijela* (Activity 1.6) could have required a consideration of how to incorporate poverty, human rights compliance and gender impact into the TORs of all Committees.

16. The Project Design also identifies that UNIFEM will continue to provide technical support in its current programming cycle to enhance the participation of women in politics through its Women in Politics Programme (WIPP) and encourages the Project to work with UNIFEM on this initiative. It is not clear whether the Project Document was shared with UNIFEM either before or after finalisation. It is understood that UNIFEM is currently reviewing the WIPP and developing an updated Regional Strategy. Women United Together in the Marshall Islands (WUTMI), the main women’s group in RMI, advised that they had recently done some work with UNIFEM, but the Evaluation Team understands that the *Nitijela* was not involved in any of UNIFEM’s RMI activities. The Ministry of Internal Affairs has been involved with both UNIFEM and WUTMI and should be consulted by the Project to promote collaboration with these groups.

Recommendation 3: Ensure that the review of the Nitijela Standing Orders to be completed in Phase 1 considers the incorporation of poverty, human rights compliance and gender impact into the TORs of all Committees.

Recommendation 4: Contact UNIFEM to identify what they are doing in RMI and if/how the Project can collaborate and/or draw on their expertise.

Local ownership

17. Interviewees indicated that the Project Design was not well-understood by key stakeholders prior to the arrival of the Project Manager. It appears that many stakeholders thought that the Project was only designed to create a parliamentary library for the *Nitijela*. Such misunderstandings appear to point to a lack of local ownership of the final Project Design. Why did stakeholders not understand the broader objectives and plans of the Project? It is not clear to the Evaluation Team how the Project was finalized, in terms of sign-off by the RMI Government and *Nitijela* leadership. This appears to have led to difficulties for the Project Manager during implementation.

18. The Evaluation Team understands, of course, that the willingness of parliamentary political and staff leaders to sign project plans does not always indicate a deep understanding of the plan being agreed to and their obligations under it. The case of RMI, however, appears to the Evaluation Team to have had the least ownership at the design stage, when compared to the situations encountered in Fiji, Solomon Islands and even PNG.

Recommendation 5: Ensure that any Project Design (or redesign) plans are more extensively discussed with the Government and Nitijela leadership and the implications of the Projects outcomes and activities are more fully understood and supported before sign-off.

PROJECT MANAGEMENT

Project Management

19. It is understood that when the Project Manager arrived in-country to assist with the start-up, very little of the anticipated implementation and oversight structure had been put into place by the National Project Director (the Speaker). It also appears that many of the principals were not aware that the Project was being started up. The MCO advised that the Project Manager had a 1 week pre-assignment briefing in Fiji where the Project Portfolio Manager shared all that was known to the MCO, and templates and supporting documentation were provided prior to deployment. However, it is understood that the briefing was limited in its content and did not sufficiently prepare the Project Manager for the situation that confronted him on his arrival in the Marshall Islands.

20. The Project Management system envisioned in the Plan was never realized. From the outset, the in-country project management system was one put together from expedience rather than design. Informal and ad hoc working relationships appear to be fairly normal in the *Nitijela* and in the Marshall Islands. Many of the interviewees indicated that actions (like introducing and considering legislation) may be undertaken quite quickly without notice or consultation, that people in different parts of government or of the *Nitijela* do not routinely keep apprised of one another's activities and that this makes tracking down information about outcomes in committees or even on the floor difficult.

21. Project management appears to have primarily fueled by an energetic and resourceful Project Manager. While he does now have the help of some staff with other duties (the Librarian and Research Assistants), he was largely unassisted during the initial period of implementation. The contemplated structures of an engaged National Project Director (Speaker), and consultative bodies seems not to have been realized. Initially, a less structured and more continuous process of serial consultation was employed to manage project activities. Meetings proved to be difficult to call, and attendance was often uncertain. At the same time, the approval of various officials who would have been assembled in the various working groups was either practically, politically, or legally necessary. So the Project Manager dealt with the multiple

centers of power represented by the Speaker, Vice Speaker, Clerk, Deputy Clerk, committee chairs and government officials by going to them separately. A more formal oversight structure was established later after about a year of project operations under the more informal system described above (see paragraph 37 for the current oversight structure).

22. It appears that there has been a regular consultative relationship developed with the Speaker, Vice-Speaker, Clerk, Deputy Clerk and Legislative Counsel, and these constitute the core of people who are dealt with on a near daily basis. The Project Manager has also actively supported the regular convening of the Leadership Committee, comprising the Speaker, Vice-Speaker and 7 Chairs of the *Nitijela's* Committees. The Leadership Committee appears to have been a very useful project oversight and advisory forum.

Recommendation 6: The UNDP Project Coordinator or someone familiar with the project history and with UNDP procedures should accompany the Project Manager at the start up of projects. They could bring their previous background knowledge to the situation and they would take away from the experience knowledge about the situation on the ground which could subsequently inform their monitoring, oversight and technical assistance activities.

Recommendation 7: The state of national Project implementation readiness should be determined at the outset and communicated to the Project Manager in his/her pre-departure briefing.

Human resources

23. The Project Manager, who also plays the role of Technical Advisor, was recruited as a United Nations Volunteer. The Project Manager appears to have had relatively limited parliamentary experience prior to joining the Project, with his most relevant experience being his work with the South African Parliament. Nonetheless, he has applied his skills strategically, and a common sense approach coupled with a commitment to making a contribution to the *Nitijela* has largely made up for his lack of extensive technical legislative experience. His knowledge of international development and good governance issues has been particularly useful.
24. The Project Manager's ability to bring in expertise via consultancies has been an important factor contributing to the Project's achievements. Where the Project Manager did not have expertise, he contracted it in to good effect. The Project Manager brought in two library experts, a human resources expert to undertake a needs assessment of the *Nitijela* and a legal expert to train the *Nitijela's* Research Assistants.
25. Additionally, as noted in paragraph 38 below, the Project Manager was also given the authority at the November 2006 TPR meeting to recruit staff directly to the Project to fill key staffing gaps, with the intention of eventually attempting to get the staff added to the *Nitijela's* establishment. A Research Assistant has already been employed in this way. This approach brings with it a key risk that the Government

and the Public Service Commission will not eventually accept such staff into the public service. However, it is positive that in an attempt to manage this risk, before recruiting the Research Assistant, the Project Manager obtained the support of the *Nitijela* Leadership Committee and the Leadership agreed that it would make a submission to the Government asking for the officer to be added to the establishment during the next Budget process.

Recommendation 8: Support the exchange of expertise and ideas between the UNDP’s Pacific parliamentary projects and via the UNDP Pacific Centre to strengthen the Project Manager’s ability to draw down on relevant expertise.

Financial management

26. The Marshall Islands PSP is solely funded by the UNDP and had the smallest budget of the PSPs run by the UNDP Fiji Multi-Country Office. The Evaluation Team notes that this is a small amount of money for the achievement of the many tasks outlined in the project plan and necessitated the “leveraging” of additional assistance from non-UNDP sources. It is understood that an additional \$50,000 was obtained from AusAID to support staff training activities.

2005	\$47,256		
2006	\$94,128		
2007	\$52,247		
TOTAL	US\$280,000	Remainder:	US\$86,369

27. The Marshall Islands PSP is a National Executed Project (NEX). The Ministry of Finance (MoF) is responsible for receiving project funds and the Project Manager sends all requisitions and procurement orders through the MOF. The Evaluation Team did not undertake a review of the financial management of the Project. The Team was advised that the Project was audited by the UNDP just prior to the Evaluation. The Team was not provided with a copy of the audit by the UNDP MCO. The Team was advised that little coordination had been undertaken with the Project before the audit was undertaken and the Project Manager had only been given very late notice of the auditor’s arrival and terms of reference. This limited the amount of cooperation given to the auditor by the Project (because there was little time to get paperwork together and organize meetings), and reduced the ability of the Project Manager to sign-off on the auditor’s final recommendations.

Recommendation 9: Provide sufficient notice of Project audits to in-country staff so that they can: (i) properly prepare; (ii) ensure that relevant stakeholders are available to the auditor; and (iii) are willing to sign-off on final recommendations.

Risk management strategies

28. At a practical level, regular monitoring and oversight is needed to ensure that risks are identified and then actively managed. Quarterly reporting can provide some of the information needed to manage risk. Notably however, although the Project Document included a risk log at its inception, the quarterly reports reviewed by the Evaluation Team did not include either a narrative section on risk identification and management

or an annex updating the risk log. The identification and management of risk requires a partnership between the Project Manager and the MCO Project Portfolio Manager (PPM). The Project Manager has the best information to identify risks while the MCO is in a better position to marshal resources for its management. Reporting requirements should be flexible and be designed to capture the special insight of the Project Manager. The risk management strategies should be informed by the PPM's knowledge of what is available to help. In this way, the risk management process can be used as a helpful management tool, instead of a mere bureaucratic paper requirement and burden.

29. Regular communication with the Project, including targeted questions to follow up identified risks, would have been useful to ensure the timely identification of risks and problems. However, it does not appear that the Project Manager was regularly contacted by the MCO and it is understood that the majority of communications were by email. It does not appear that there was a clear institutional requirement that the MCO PPM proactively contact the Project Manager at regular intervals to monitor the Project, and more specifically, to assist with the identification and/or management of risks. In this context, it is notable that the UNDP MCO can play a key role in assisting Project Managers to deal with risks which require high level intervention with the Government, such as organizational reform issues (eg. encouraging the Government to employ the UNDP staffer who was engaged short-term by the Project as a Parliamentary Research Assistant). It is not clear whether such support has been forthcoming.

Recommendation 10: Require reporting templates to a requirement to report on risk identification and management. That template should be flexible and should include input from the MCO about what resources are available to mitigate risks.

Monitoring & Oversight

30. As noted in paragraph 14 above, the Project Document, and in particular, the Results and Resources Framework, does not sufficiently set out a monitoring framework for the Project. The indicators included in the Project Document are very basic, no means of verification has been included for any of the indicators and no baseline is provided against which progress can be compared. In this context, the Project Manager did not engage in formal monitoring of indicators beyond filling in a reporting template discussed in paragraph 32. While the Evaluation Team was able to attempt a qualitative assessment of progress, nonetheless, it would be useful if in the next phase of the Project, a more rigorous and systematic approach were taken towards monitoring progress, particularly at an outcomes level.
31. The Project Document identifies that monitoring will be undertaken primarily through:
- the receipt and review of quarterly project reports,
 - monthly Project Working Group meetings;
 - six-monthly Project Oversight Committee Meetings;
 - the receipt and review of an annual report;

- an annual Tripartite Review Meeting (TPR) with the UNDP, representatives from Parliament and the Government.

Project Reporting

32. The Project Manager advised that he uses three different templates for reporting which he has found very useful. In addition, a brief written report that outlines challenges and successes is provided along with the templates. The combination of the three templates and the written report gives extensive detail of the project activities every quarter. The three templates are a:
- (i) Quarterly work plan recording all the activities that were completed and how. The document provides detailed explanations under each activity, specifying the amount that was spent on a activity in that quarter and providing an estimate of what percentage of the project was completed at that stage;
 - (ii) Anticipated quarterly work plan, listing the activities that will be implemented in the next quarter, with a summary of how the Project Manager plans to carry out the activity and an estimated budget for each activity; and
 - (iii) Financial template for recording all expenditures made under the Project in a quarter.
33. The Project Manager has not yet been required by the UNDP MCO to provide any updated annual work plans, despite this being a requirement for Tripartite Review Meetings.¹⁰ It is positive that the Project Manager has at least attached updated quarterly work plans to his quarterly project reports. However, it is of concern that annual plans have not been asked for by the MCO because the Evaluation Team understand that annual plans are a key output for UNDP project and budget management purposes. It is also important that TPR participants are provided with an annual work plan because the TPR provides the main opportunity which some stakeholders have to engage with the Project at a strategic level, and they should thus be provided with sufficient information to support meaningful engagement in the strategic management process.
34. It is important that all documents produced by the Project, both in terms of progress reporting and substantive outputs (e.g. parliamentary manuals, short-term advisor reports, workshop reports, etc), are properly saved and stored. Over the course of the Project, considerable documentation will be produced and it is essential that all a proper information management system is in place to ensure Project documents can be accessed over time.

Recommendation 11: Provide proper briefing to Project Managers regarding their reporting requirements (i.e. the Project Manager needs to submit annual work plans for approval) and provide reporting templates to Project Managers (eg. for annual and quarterly reports). After submission, responses should be made by the MCO within a reasonable period of time.

Recommendation 12: Document management and record keeping within the Project must be improved.

¹⁰ (2005) RMI Support to Parliament Project Document, Section I, Part 1, Section d.

Project Meetings

35. The Project Document envisaged that a Working Group headed by the Speaker and composed of the Clerk, the Legislative Counsel and the Project Manager would be convened monthly or bi-monthly to consider routine project implementation matters.¹¹ However, it did not make clear who would be responsible for convening the Working Group. It understood that the Working Group was only established in late 2006 and has met a few times. Regardless, the Project Manager was active in consulting the Leadership of the Parliament, and it appears that this group proved an effective substitute for the Working Group.
36. The Project Document also envisaged that a Project Oversight Committee (POC) would be convened every 6 months, with representatives from across Government, Parliament and the Project Manager. It is a major oversight that a representative from the Public Service Commission was not included in the membership of the POC, considering that the support of the PSC is integral to the organizational reform work of the Project. The POC was to be chaired by the Speaker in his capacity as the National Project Director. The TORs for the Project Manager do not specify any role for the Project Manager in convening the POC.
37. Instead of the planned meetings and oversight structure, the Project Manager initially depended on individual meetings with principals. This system later evolved into a more formal apparatus with the establishment initially of a Leadership Committee. In November of 2006, a Project Review Committee was then established by the Project Manager. The name was selected by the Speaker who preferred it to the POC. Two meetings have been held since and a third is scheduled for mid 2007. Consideration could be given to including additional government representatives into meetings of the Leadership of Parliament, as appropriate. Leadership Committee meetings are now held every Tuesday, comprising the Speaker, Vice Speaker, Clerk, Legislative Counsel, all chairs of standing committees, and the Project Manager. Finally, there are ad hoc meetings involving these and other participants, as relevant in relation to particular activities.

Recommendation 13: Consider merging the Leadership of Parliament project meetings and Project Oversight Committee Meetings, to reduce the burden of meetings on parliamentary officials and the Project Manager.

38. A TPR was held in August 2006 and it appears to have been useful in moving the Project forward. The Resident Representative of the MCO attended and was able to make key decisions regarding personnel recruitment. Although the Project Document envisages a year between TPRs, another was held in March 2007. It is understood that the MCO may have wanted the TPR to be held earlier because they were aware that the Project was coming to an end in Dec 2007 and wanted to move forward decisions regarding provisional approval for a second Phase. However, this reasoning was not communicated to the Project Manager or Parliamentary officials. Thus, it appears that the TPR was organized from the MCO without much input from the ground level.

¹¹ (2005) RMI Support to Parliament Project Document, Section I, Part 1, section c.

Recommendation 14: Ensure that preparations for TPRs are undertaken jointly with the Project Manager and the UNDP MCO.

Recommendation 15: Include the Public Service Commission in the membership of the TPR and/or the POC.

Communication

39. Internal communications between the Project and *Nitijela* was initially problematic, but it has been largely dealt with by serially consulting the different centers of power. More recently, the Project Manager reports a more regular schedule of meetings with *Nitijela* leadership (see paragraphs 22 and 36 above).

40. Communications between different parts of the *Nitijela* seems to be another problematic area. While the organizational structure of the *Nitijela* may have been revised, behaviors seem to be lagging. Different parts of the *Nitijela* — the Clerk and Deputy Clerk and the Committees — and key Ministries do not appear to be in regular contact with each other. This means that coordination around important legislative, administrative and human resources functions are frequently limited.

Recommendation 16: Promote better coordination and communication within the Nitijela and bureaucracy but recognize that meeting requirements need to be made more flexible to account for cultural and other preferences in the frequency and formality of the consultation process.

41. Communications between the Project and the UNDP MCO have not been, in the estimate of the Project Manager, close enough. He believed that his initial briefing should have included more information about the condition of project preparation and ownership on the ground. The MCO Project Portfolio Manager (PPM) indicated that his information about these conditions was also limited and therefore he was not in a position to tender that advice. Subsequent communication between the Project Manager and MCO was primarily limited to email except for a couple of short visits made by MCO staff (for the TPR and for subsequent project planning), at which there was little time for discussion about project issues.

42. As in all the PSPs evaluated by the Team, there were differences between the Project Manager and PPM over how long responses and actions should take between project request submissions and decisions. Given the distances involved, the Evaluation Team believe that the few trips made to the Marshall Islands should be opportunities for full briefings on progress and to discuss and agree on key future management and/or Project activities. This would promote better cooperation between the Project and MCO teams. For example, scheduling for the financial audit was handled in such a way that it came as a surprise to the Project Manager, who was left with too little time to prepare the necessary materials. The MCO informed the Evaluation Team that scheduling was externally determined but the Evaluation Team believes that the Project should be given proper advance warning about the possibilities of these and other events.

Recommendation 17: Those responsible for project oversight at the MCO should be in more frequent contact by phone, perhaps fortnightly, so that both the MCO and Project Manager will be current on the state of affairs on the ground and the context of requests and the Project Manager will be apprised of UNDP requirements.

Support and Ownership

42. The UNDP approach of a legislative needs assessment, participatory planning, and a formal project document outlining goals, activities, and commitments, is intended to produce a sense of ownership at the outset. This sense of ownership on the part of the *Nitijela* and its leadership appears to not have been created prior to Project implementation, judging by the responses from interviewees.
43. The initial ownership and commitment situation facing the Project did not appear to be promising. These initial problems were of several types:
- The Office of the Clerk and many Senators had a very limited view of what the project was supposed to do. They believed it was to establish a *Nitijela* Library.
 - The Project was virtually unknown to government departments due in part of a failure of the *Nitijela* to communicate that it was coming and what it was expected to do.¹²
 - The *Nitijela* and Government had not provided the support (secretarial and other support) that was expected and was unprepared for Project start up in other areas (housing for the manager, office space, etc.). When apprised of project needs, they were often slow in responding.
 - Perhaps the most serious problem was the absence of a counterpart inside the *Nitijela* committed to project implementation to work with the Project Manager. This meant that there were language and cultural problems to be dealt with, in addition to mastering the details of an undescribed parliamentary structure, as well as learning the intricacies of a largely personalized system of relationships. The Project Manager felt that it would have been useful to have received a more thorough briefing and to have talked with the author of the Legislative Needs Assessment prior to deployment.
44. The Project Manager worked at actively soliciting the support of the Speaker, Clerk and other authorities. Gradually, some elements of the governance structure came into being: there were regular meetings with the leadership (Speaker, Vice Speaker, Clerk, Deputy Clerk, Committee Chairs and Legislative Counsel) but the larger apparatus of oversight (beyond the quarterly reporting to UNDP and the Tripartite Review) did not develop as initially expected. Interviews with the Vice Speaker, Clerk and Deputy Clerk indicated that they have established working relationships with the Project and support its goals. There have also been periodic efforts to energize the collective project committee.¹³

¹² Project Report, Quarter 4 of 2005. This is the initial project report.

¹³ See for example the call for a Project Review Committee, in the 2006 Quarterly Report, fourth quarter.

Recommendation 18: *The UNDP should recognize that the development or deepening of a sense of ownership on the part of parliamentary partners is an important goal of project activities and should be treated accordingly in support, monitoring, and planning.*

Recommendation 19: *When ownership appears to be initially weak, project work plans and activities should be revised to further the goal of developing a greater sense of ownership along with other goals. Where feasible, project work plans and activities should be revised to have ownership building activities—those most prized by those whose support is sought-- moved up in priority for implementation.*

PROJECT IMPLEMENTATION

Project Activities and Achievements

45. As identified by the LNA, when the Project commenced, there was considerable room for improvement in the efficiency and effectiveness of the *Nitijela* Secretariat. The structure of the Secretariat was unclear, the roles and responsibilities of most staff were undefined, reporting and management arrangements were unclear and the capacity of some staff was limited due to lack of training and exposure to parliamentary practice. It also appears that some staff were in patron-client relationships with senior officials or Senators and there was a general pattern of inattention to obligations, absences from posts, and poor work habits.¹⁴ The Project has made notable inroads in addressing a number of these issues.

Initial activities to build ownership

46. In a smart strategic decision, the Project Manager focused heavily in the early days of the Project on tasks that would have a tangible impact for Senators and *Nitijela* staff. Firstly, the Project Manager worked on setting up a *Nitijela* library, in accordance with the expectations of most stakeholders, who initially believed that the Project's *only* objective was the establishment of a library. A Librarian and Librarian's Assistant have been identified within the *Nitijela's* organizations structure and have been given training to run the library. Legislation is being computerized and the librarians are efficient at accessing archived hard copies of the laws in the interim. Two consultants were used to set up the library, one to do a needs assessment and one to make recommendations on e-library options. The Project Manager is currently working with the second consultant to explore international options for accessing resources on-line from Hawaii and the US Library of Congress (where a lot of RMI's documents are held because RMI is a US Compact country). According to evaluation interviews with the Deputy Speaker, Clerk, Deputy Clerk, a couple of committee chairs, the Legislative Counsel, a journalist and WUTMI, the Library is considered to be a major success. It has become a point where information can be requested of the *Nitijela* by outsiders (reports, bills, etc.), and it serves as a resource facility for use by committee chairs and members. The Vice-Speaker singled out the Library for praise at the first TPR.¹⁵

¹⁴ See Quarter 4 of 2005, Quarter 1 of 2006 and Quarter 2 of 2006 Reports.

¹⁵ Minutes of the Tripartite Review, September 4, 2006.

47. The Project Manager also set up a Resource Centre for Senators in the early days of the Project. An open space was identified within the *Nitijela* which could house the new Resource Centre, a room was actually constructed with Project funds, and it now holds eight computers purchased by the Project for use by Senators wanting to do research or get in email contact with constituents. The Evaluation Team was advised that non-executive members of the *Nitijela* are only provided with an office but no computer, such that the availability of computers through the Project is an important contribution to supporting Government backbenchers and Opposition Senators. However, there is still work to be done to deal with virus/security issues for the computers. Also, Senators still do not yet all have their own parliamentary email accounts. Computer training for Senators could help increase the usage of the Resource Centre by Senators.
48. The Project was also successful early on in supporting and managing the *Nitijela* Journals (Hansard) staff to clear their backlog of journals from 1998. This was no small task as the *Nitijela* met regularly during that time and produced hours of tape which needed to be transcribed. Nonetheless, there remains work to be done to improve the management of journals staff to promote efficiency and more timely production of reports. Currently, staff are usually given responsibility for typing up a whole day's worth of tapes, rather than each day's tapes being divided between the four Journals staff so that each day's transcription can be completed within a day or two and circulate to the *Nitijela*.
49. These activities have succeeded in establishing and deepening ownership on the part of the leadership and staff of the *Nitijela*. It is time to increase their chances for sustainability by establishing their usefulness to members, to the press, and to other potential supporters for their continuation and expansion.

Recommendation 20: Subsequent programming be implemented to strengthen the offerings of the library and research centre and their usefulness to Senators.

Recommendation 21: Improve management of Journals staff to encourage daily production of draft Journals for circulation to Nitijela Senators.

Organizational reform

50. One of the more complex activities identified in the Project design was organizational reform of the *Nitijela* Secretariat. Initially, a consultant was hired to examine the Secretariat structure and to make recommendations. Considerable work was then done to negotiate those recommendations with the *Nitijela* Leadership and senior Secretariat staff. This was a long process, as promoting buy-in and support for organizational reforms can be a complicated change management process. A new organizational chart has now been endorsed by the *Nitijela* Leadership. Key features of the new organizations structure are that:
- The Clerk is clearly responsible for legislative and information activities. This properly recognizes the Clerks technical, procedural parliamentary expertise and its importance to supporting the law-making and oversight function of the *Nitijela*;

- The Deputy Clerk has been given primary responsibility for administration matters, including human resources and financial issues. This will give the Clerk more time to focus on the essential technical issues in the *Nitijela*.
- The Office of the Legislative Counsel has been flagged to be given more staff in support of the Office's role as secretariat to the *Nitijela's* committees and chief legislative drafter. An Assistant Legal Counsel has been identified (to be endorsed by the Public Service Commission), plus the organization chart identifies two additional Research Assistants (one of which has already been approved for addition to the establishment) in addition to an existing Legal Clerk/Research Assistant position.
- A Budget Advisor has been flagged (to be endorsed by the PSC) in order to assist the *Nitijela* to strengthen its budget planning and oversight functions, with a view to reassuring the Executive of the *Nitijela's* financial strengths, in support of a larger budget over time;
- An Information Officer has been flagged (to be endorsed by the PSC) who will be responsible for supporting the *Nitijela's* computer services, website and information outreach services.

51. Although it appears that the restructure has been endorsed by the *Nitijela's* Leadership, the *Nitijela* is still trying to get buy-in from the Government. For example, the Project has recruited one of the new Research Assistants for the *Nitijela* directly, on the proviso that the *Nitijela* Leadership agreed that it would lobby the Government in the next/current Budget to take on the position. The *Nitijela* has made a Budget submission to the Government on this basis, but is still awaiting approval. It is understood that the Budget submission initially asked for a number of new positions to be approved but that only the Research Assistant position is currently being considered. It is significant in this context, that the Public Service Commission advised that they do not feel they have been sufficiently consulted during the organizational reform process. Although it is understood that the Project Manager initially attempted to meet with the PSC, the PSC were not invited to the last Project TPR nor were they involved in Project Working Group meetings. It appears that the PSC were not clear on the new roles of the Clerk and Deputy Clerk proposed by the organizational structure, and in fact were unclear on the overall structure of the *Nitijela*. For example, the PSC was unclear on the role of the Speaker as the head of the *Nitijela* because he is a Senator and is still seen by many as a political player rather than a neutral *Nitijela* Head.

52. In support of the new organizational structure, the Project Manager developed Position Descriptions for all staff. This was an important step as it clarifies their roles and responsibilities and has been used to target training for staff. In fact, almost all staff of the *Nitijela* have been provided with training through the Project via the USP Campus on RMI. For example, the librarians undertook specific library training, the journals staff and administrative staff have taken English courses and some administrative staff have taken financial courses. In addition to increasing staff skills, this is also a good strategy for promoting Project buy-in on the part of the staff. In a smart and innovative strategy, the Legislative Counsel and Project Manager

developed a Staff Manual which sets out an overview of the functions of the *Nitijela* under the Constitution, the new organizational chart for the Secretariat, and all of the position descriptions of the staff, in both Marshallese and English.¹⁶ The Manual is an excellent initiative, but it should be circulated through Government because it appears that the bureaucracy is not clear on the new structure. A *Nitijela* Handbook for Senators has also been identified as a priority but has yet to be developed.

53. Notably, during the 2006 Tripartite Review, the UNDP Resident Representative suggested the Project try to implement a “young graduates” program of the type that had been implemented in Solomon Islands and Fiji. However, it does not appear that this approach is appropriate for RMI. The problem, according to the Project Manager, is that it has been impossible to recruit graduates with the requisite educational background. A similar deficit was mentioned by an interviewee in the Attorney General’s office about their efforts to recruit legal talent. After running an initial recruitment with no success, the Project Manager focused on hiring a person who could join the *Nitijela* with existing skills. Considering the capacity deficit identified in the *Nitijela*, this appears to have been a sound decision. Considering the number of staff within the *Nitijela* already flagged for basic training, there seemed little point bringing in just one more person who would need to be trained from scratch. The Project Manager instead identified a person who had a degree in political science from the US, prior job experience and some legal experience. As noted earlier, she was initially recruited by the Project as a Research Assistant and an agreement was made with the *Nitijela* that UNDP would pay for the first for six months, and then the *Nitijela* would pick her up in their establishment. After the first 6 months, Government support for the position was still not secured so the Project continued the contract for another 3 months. At the time of writing, the contract is being extended for another month, because the *Nitijela* Budget Submission asking for the position to be taken up by Government is still pending with Cabinet.

Recommendation 22: Provide a briefing to the PSC on the new organizations structure being proposed for the Nitijela and about the roles of the Speaker, Clerk and Deputy Clerk.

Recommendation 23: Duplicate and circulate the Nitijela Staff Manual to all government ministries, agencies and other key stakeholders to increase the understanding of the new organizational structure and the responsibilities of staff.

Support for oversight via Committees

54. The Project has worked hard to support the Secretariat and help them provide effective support to their Committees. As noted previously, the *Nitijela* has 7 Committees. Unlike many other Pacific parliaments, it is understood that the *Nitijela* deals with a considerable amount of legislation every year, when smaller amendments Bills are included. Significantly, the *Nitijela* Standing Orders require that unless the *Nitijela* directs otherwise, a Bill will be referred to one of the

¹⁶ See *Manual NAN Support Staff*, prepared by UNDP Support to Parliament Project and the Legislative Counsel’s Office, Republic of the Marshall Islands, October 2006. This document is in Marshallese and English.

Nitijela's Standing Committees or the Committee of the Whole after the Second Reading.¹⁷ This means that most Committees have a substantial workload. As noted in paragraph 50, one of the first activities of the Project was to clarify the support available to committees, by proposing a structure of support for the Legislative Counsel (comprising an Assistant Legislative Counsel and three Research Assistants). Notably, in RMI, the Legislative Counsel has primary responsibility for providing secretariat services to committees. Since the Project's commencement, two Research Assistants have been tasked with providing support to committees through the Legislative Counsel (one of whom was recruited directly by the Project). The Research Assistants currently perform primarily logistical and administrative functions, as well as undertaking some minor research and legislative drafting. More training could be provided to the Research Assistants to increase their skills sufficiently to provide additional substantive support. While it is understood that the work of the Legislative Counsel in drafting legislation requires a law degree, continued support from the Research Assistants would be useful until such time as a permanent Assistant Legislative Counsel is put in place.

55. Committees have become more active because of the increased services available from the Secretariat. Perhaps most significantly, the level of activity by the Public Accounts Committee (PAC) increased markedly in 2006. The PAC has 9 members, and had historically been dominated by Ministers. However, it is understood that ordinary Senators and one Minister now play the largest roles. This decision came about after series of meetings with the Project and Speaker emphasizing the importance of this change.¹⁸ An official in the Auditor General's Office indicated that this was the first time, in her recollection, that the PAC showed an interest in their reports. For example, the Speaker recently asked to receive the report a week earlier so the PAC could prepare for its reception and consideration. Members of the *Nitijela* have asked the Auditor General to expand their activities to include performance audits in line with the Government's new performance management framework. The PAC has apparently also pressed Government agencies to get their records in order so that they can be audited. A member of the PAC told the Evaluation Team that he would support increases in staffing for the Auditor General so that they could do more. Elsewhere, (for example, in Solomon Islands) it has been shown that a partnership to promote financial transparency between PAC and the Auditor General's Office can be a potent combination because it joins the visibility and profile of Parliament together with the technical knowledge of the Auditor General. The Team's evaluation interviews indicated that there may be some reaction to the more active role of the PAC. One person speculated that the party caucus and other pressures from the Government may discourage members from being active. If so, this is a serious matter because it may negatively affect the sustainability of oversight activities.

¹⁷ Article 86(2), *Rules of Procedure of the Nitijela*.

¹⁸ TPR 2006.

Recommendation 24: Subsequent project planning should include programming to reinforce successes achieved with the PAC and other committees that may engage in oversight in the expectation that greater activity may stimulate resistance.

Support for law-making

56. The Project was tasked with supporting a review of the *Nitijela's* standing orders, in order to facilitate more efficient and effective proceedings in plenary and in committee sessions. The first major step towards this review has been the establishment of a Rules Committee for the *Nitijela*. However, since the Committee was set up, there appears to have been little forward motion, which is disappointing because reviewing the Standing Orders provides a key opportunity for both streamlining procedures, promoting more effective public participation in law-making and integrating issues such as poverty and gender into committee oversight processes.
57. In the interim, the Project has been active in supporting the Legislative Counsel and staff in the Attorney General's office to develop their legislative drafting skills. It is understood that ministries sometimes introduce Bills without proper input from the Office of the Attorney-General or other authorities who should review its technical aspects. These practices, referred to by several interviewees, are at odds with the official process. The Acting Legislative Counsel advised the Evaluation Team: "The LC generally attempts to carry out initial consultations with stakeholders at the drafting stage, and further consultations are done during the public hearing stage....Government Ministries are REQUIRED to obtain Cabinet approval before introducing any legislation to the *Nitijela*. As part of the Cabinet approval process, comments from the AGs office are mandatory".¹⁹
58. Significantly, the Project has paid for key staff to undertake an on-line Legislative Drafting Course offered by the International Consortium for Law and Development at Boston University. The team from Boston University was also invited to RMI to undertake a 1 week legislative drafting workshop for key staff, as well as other stakeholders throughout Government. Feedback on the workshop from a range of interviewees was very positive. Participants in the on-line course were also very positive about their experiences. The training appears to have laid strong foundations for the Standing Orders review, because it is understood that staff have been taught not only to technical drafting skills, but have also been exposed to issues around critical legal thinking and participatory law-making and are keen to see those ideas integrated into the *Nitijela's* Standing Orders. For example, consideration could be given to requiring:
- more public consultation on those Bills being developed by Ministries and Private Members Bills *before* they get submitted to Parliament;
 - that Bills be submitted to the *Nitijela* along with a research report which would outline the rationale for the Bill, the pros and cons of the Bill and key issues. Such a report would be useful in ensuring that the sponsor of a Bill had clarified their

¹⁹ Comments on Draft Marshall Islands report from the RMI Legislative Counsel.

- ideas and was clear on the objectives of the Bill, and would also provide useful background briefing for MPs when they are reviewing Bills;
- more notice of public hearings by committees so that the public (including Marshallese who are off-island) have time to prepare submissions to committees.

Recommendation 25: Continue to support the Legislative Counsel and Attorney General's office to develop recommendations for improving the law-making process (e.g. by requiring sponsors of Bills (eg. Ministries and Private Members) to undertake public consultations before finalizing Bills and to submit a research report to the Nitijela in support of all Bills) and work with the House Committee to incorporate such recommendations into the Standing Orders of the Nitijela.

Public Outreach

59. The Project recently launched a parliamentary website for the *Nitijela* (www.rminitijela.gov). It is now possible to download audio of all parliamentary sessions. This is particularly useful to the large, off-island constituency of Marshallese who can vote as absentees. As the 2007 elections approach, overseas Marshallese (who are a numerically large group) are both an important electorate and a potential audience for *Nitijela* debates and other materials on the website. Two members commented that their overseas constituents were actually listening to the *Nitijela* debates from the United States.
60. The Project has been innovative in facilitating a set of Roundtables, whereby the *Nitijela* leadership met with: (i) Permanent Secretaries of Ministries; (ii) heads of agencies and statutory bodies; and (iii) members of civil society and the media. While the Marshallese pay a lot of attention to politics (and to *Nitijela* debates which are broadcast on the radio), the actual institution and its powers are remote to many. The Roundtables were mentioned by several people as the first time they had had the opportunity to formally interact with many of the other attendees. There was considerable interest in undertaking the Roundtables more regularly and trying to involve a broader range of people, including non-Majuro based citizens.

Recommendation 26: Continue to undertake Roundtables with a view to institutionalizing them as a regular parliamentary activity, including exploring options for Roundtables in outer islands.

Fidelity of Implementation to Original Design

61. The Project as implemented was relatively close to the original design with the exception of the project management structure described in the project plan. The main differences were twofold. Firstly, as noted above, following on from the innovation in Solomon Islands of recruiting young graduates directly by the UNDP Project to add to parliamentary staff numbers, at the August 2006 TPR, the UNDP representative suggested that the RMI Project adopt a similar approach. The Project Manager attempted to recruit graduates accordingly, but advised that the Project was unable to actually find qualified graduates when they advertised the positions. Subsequently, it was decided that it was more appropriate to actually try to recruit people with existing qualifications who could join the *Nitijela* with skills, rather than

requiring training by the Project. At the time of writing, the Project has recruited 1 officer as a Research Assistant, and are currently trying to get the officer included in the *Nitijela's* establishment numbers, and is looking to recruiting another person as an Information and Communications Officer.

62. Secondly, as noted above, the Project Manager initiated a set of *Nitijela* Roundtables, which were very-well received and their institutionalization was endorsed by many of the stakeholders interviewed.

Needs Met

63. The Legislative Needs Assessment made 92 recommendations. The Project Plan identified a smaller but still ambitious set of priorities. These goals were not matched by resource commitments, which amounted to one Project Manager and a total commitment of \$280,000 USD over two years. That said, the Project has helped to make the Speaker and Clerk's office more functional through training, recruitment and reorganization, it has made better information available to members and the public, it has given the committees needed help and they have responded with higher levels of activity and providing venues for public participation. The *Nitijela*, however, remains far from a functional legislative body and many of the conditions identified in the LNA still remain, including deficiencies in making sound laws, in representing the needs of constituents, and in exercising informed oversight over the executive. While many interviewees cited some improvements in each area, most also indicated continuing disappointment over poor member and institutional performance.

Sustainability

64. The new staff structure has been endorsed by the Parliamentary leadership and is available to guide subsequent personnel building and training efforts in the future. At a minimum, it gives staff an official description of what they are supposed to do and provides an overview of the structure in which they work. However, a number of new positions are identified in the new structure which needs sign-off by the Government and the Public Service Commission if they are to be staffed. In this context, it is not clear whether the Government and PSC are on board with the proposed reforms. More work needs to be done to get buy-in from these two crucial stakeholders if reform efforts are going to be sustainable.
65. The Library, resource center, and computer facilities are currently up and running. Librarians are on staff and trained and can be expected to continue their activities into the future. Moreover, a number of stakeholders have become regular users of these services and will constitute a force for the continuation of these activities. The new organizational structure includes a post for an Information Officer, who will be responsible for maintaining the new computers in the *Nitijela*. However, that position has not yet been filled, and is not even clear whether it has been approved by the Government and PSC. It is essential that an Information Officer is added to the establishment and recruited as a priority, to promote sustainability of the Project's ICT activities.

66. The Committee system has begun to function, and the apparatus of support (Research Assistants supporting the Legislative Counsel) created. Committee Chairs now believe they are entitled to help in holding meetings and hearings and have established a pattern of doing so. These behaviors should be further developed and deepened by further technical assistance in the future. Training for the Executive in the legitimate role of committees could also help, by reducing resistance to the activities of the committees.
67. The most important and potentially promising new practice has been the increased activity of the Public Accounts Committee and its nascent partnership with the Office of the Auditor General. The successful continuation of this relationship, like other assertions of the oversight role, is likely raise executive resistance. If this pattern is to be continued, it will most likely have to be reinforced by subsequent programming and the mobilization of supporters for this partnership for transparency (see paragraph 55 above re PAC).

Recommendation 27: Work more closely with the Government and PSC to get buy-in around the Nitijela's organizational reform plans, including the need to recruit an Information Officer to ensure sustainability of the Project's ICT and public outreach activities.

Recommendation 28: Sustainability planning for future program activities should include service delivery mechanisms—like the Library and Resource Centre-- that are likely to attract and assist legislators and other consumers to create constituencies for the continuation of those bodies.

FUTURE PROGRAMMING

68. It is important to remember that this has been a small project, run largely by a single person, and while its achievements have been impressive they are mostly in the form of good starts and the degree of ownership and support for overall institutional strengthening from the Nitijela remains underdeveloped. Moreover, the political culture and norms of Senators remain significant impediments to further development.
69. The Project has taken some initial steps in helping to better define the role of the secretariat, in assisting committees to get started, and in providing some training and other ability enhancing instruction for staff members. The evaluation team advises that future programming should build from the base that has been established, pay particular attention to the need to consolidate the gains made and take care that executive reaction to greater legislative assertiveness does not de-rail the process of parliamentary strengthening.
70. Subsequent project activities should build upon the base established in Phase 1, such as the Library and Research Centre, and should work to consolidate these gains by attracting more senators and users of the services provided. Having clients who find these and other activities useful will, in the long run, be the best guarantor of sustainability and support after project activities cease.

Move forward with organizational reform

71. Progress has been made in restructuring the Secretariat so that management responsibilities are clear and services can be provided more efficiently. At this stage in the process, the Evaluation Team believe that moving incrementally from where the *Nitijela* is toward where it should be now involves what should become a more conscious process for the *Nitijela* Secretariat. For example, the accomplishment of defining the structure of the Secretariat, and getting sign off from the Leadership Committee, can be built upon by support for a corporate planning process.
72. A Corporate Plan for the Secretariat could help better define for all stakeholders the role of the Secretariat, key longer-term objectives and priority activities and strategies for development. A Plan could also help MPs to engage more effectively with the Secretariat. If a Corporate Plan is made a priority, it is important that it is developed in a consultative manner with wide participation from MPs, key government officials and agencies (e.g. the Public Service Commission) and civil society. Buy-in to a Corporate Plan by senior government officials at an early stage may increase the likelihood of the success of future activities which have resource (financial or human) implications.

Recommendation 29: Help the Secretariat better define itself and move toward greater effectiveness through assistance in the production of a corporate plan to explicitly guide its development.

Extending committee support

73. While the work done to support research services are relatively well-supported, there is a sense that support by the Project which results in more active and aggressive oversight by committees could stir resistance and reaction from the Executive. It is important that programming is in place to prepare for such a reaction and to mitigate its effects. High level engagement by the UNDP with the Executive may assist with working through issues of concern.
74. At an implementation level, more training for Senators could over time help to build support for committee activities by building a better understanding of the role of oversight within the democratic process. As was done in Solomon Islands and Fiji, the Phase 2 design could support an Induction Programme for new Senators following the 2007 elections, which could be used as a springboard for training sessions throughout the remainder of the Project. Special training sessions for Ministers could be undertaken, if appropriate. Similarly, special sessions for Committee chairs, or for each committee separately, could be tried. Committee Chairs/members who demonstrate a commitment to oversight could be supported to do attachments at other parliaments in the region, to strengthen their comparative understanding of how effective committees can be if run properly.

Recommendation 30: Plan an Induction Programme for Senators in Phase 2, following the 2007 elections, and include sessions on committee work.

Recommendation 31: Bolster the increased activity of committees through high level engagement between the UNDP and the Executive, training for Ministers, committee chairs and committee members, and options such as parliamentary exchanges or twinning for active MPs.

75. To date, assistance to committees has been in the form of offering basic help to hold meetings. The Evaluation Team suggest that the next step would be to enrich the information environment in which the committees operate through efforts to get them better information from inside and outside of the *Nitijela*. The Project could also liaise with the Solomon Islands Project to find out about their ISYS document management system, and address its appropriateness for the *Nitijela* as a means of managing information for Senators.

Recommendation 32: Enrich the information environment surrounding the newly active legislative committees by providing training in hearings for members, and in testifying and presenting analysis for civil society groups to enrich the information environment in which they operate.

Recommendation 33: Contact the Solomon Islands Project to find out about whether their ISYS document management system or its equivalent could be utilized in Marshall Islands.

76. To date, considerable work has been done to support the work of the Public Account Committee (PAC). However, as noted in paragraph 12 above, in Marshall Islands, there are 3 Committees which work on expenditure matters, namely PAC, the Appropriations Committee and the Ways and Means Committee, and all of these should be targeted for support. When designing future activities with financial committees, it is worth recalling the recommendations in the RMI LNA that a bi-annual summit of the PAC should be held following publication of the Auditor-General's reports, bringing together the Auditor-General, Attorney-General and Senators on the PAC. Consideration could also be given to providing special training for Senators who are on financial committees, on budget analysis, understanding accounts, and the like. Any such training should integrate gender budgeting and social impact analysis issues so that Senators have a broader set of skills to bring to the budget/expenditure process. Such training could also be offered to civil society as well, to empower them to make more effective submissions to committees.

Recommendation 34: Offer training in budget and policy analysis, including gender budgeting and social impact analysis, for Senators, Secretariat staff, and civil society groups (including the Chamber of Commerce and women's groups) to increase the analytic content of advocacy efforts and the ability of the Nitijela to assess the information they receive from the Government and public.

Recommendation 35: Anticipate the Auditor General's Report and that of the RMI's outside auditors by special programming for members of the PAC and support the development of PAC follow up procedures, including by supporting the distribution of their reports and recommendations. Similar programs can be used to support other committees as they become more active.

77. While considerable attention has been paid by the Project to the PAC, the Evaluation Team was given to understand that in fact, a number of the parliamentary committees dealing with social issues are also relatively active. In this context, consideration should be given to broadening out the focus of committee support. The work committed to training Research Assistants who can provide committee support should be consolidated. Options may need to be examined for additional committee support staff if/when committees increase their level of activity.
78. To promote more effective and targeted oversight by committees, consideration could be given to providing specific training for Senators (in particular committee chairs), Research Assistants, Legislative Counsel, and key bureaucrats who engage with the *Nitijela* on both procedural and substantive issues, such as the MDGs, gender, human rights and the environment. For example, training on MDGs achievement could be tied in to Appropriations Committee and PAC work to assess whether budgets are pro-poor. Likewise, gender budgeting training could be providing to stakeholders involved in the budget process, including committee members. It is understood that a review of the Standing Orders is still planned to be conducted by the new Rules Committee. This work could also look at integrating cross-cutting issues such as the environment and human rights, so that when Bills are referred to committee, committee reports must comment on whether they are human rights compliant for example. Women's groups and civil society groups could also be trained on committees and how they can interact with parliament to promote their own issues.

Recommendation 36: Provide training for Senators, Secretariat staff (in particular, Research Assistants and Legislative Counsel) and key bureaucrats on the MDGs, gender, human rights and the environment in a practical way which ties such issues to law-making and the oversight activities of specific committees.

Recommendation 37: Support the Rules Committee review of the Standing Orders to promote amendments which integrate MDGs, gender, human rights and environment oversight as a matter of routine by committees.

Public outreach and civic education

79. Initial steps in public outreach has been undertaken through the Parliamentary Roundtables and parliamentary website. The Evaluation Team was advised that there is an interest in institutionalizing that Roundtables and that is indeed a good idea, as noted in paragraph 60 above. It would also be useful to support the strengthening of *Nitijela* contacts with the media, as the media can be a key mechanism for information dissemination. Already, the proceedings of the *Nitijela* are all broadcast on the radio, but more should be done to assist the media to access proceedings of parliament (i.e. through timely provision of Hansard) and proposed Bills and motions. Perhaps mailboxes for the media could be added to the *Nitijela*'s distribution system, and papers and reports could be left there for collection by the press.

80. The current Project Design recognizes that an Information/Public Relations Officer should be identified amongst the Secretariat staff that could be a contact point for media inquiries and regular briefings should be conducted for the media and civil society on important parliamentary business. This work should be pushed through in Phase 2.

Recommendation 38: Increase public access to information by supporting expansion of the website as means for conveying legislative schedules, dispositions of legislation and other matters.

Recommendation 39: Assist in the development of a media contact office which offers regular briefings to the press. Planning for this activity should involve discussions with the RMI press.

81. Discussions with stakeholders regarding Phase 2 of the Project indicate that there is some level of interest in looking at supporting the work with parliament with a more comprehensive civic education programme. Indeed, in Fiji, the Parliamentary Support Project was developed as part of a suite of democracy projects including civic education programmes in the formal and information sectors. In Solomon Islands, one component of the Project deals with civic education.

82. The Marshall Islands LNA recognizes that consideration could be given to implementing a number of civic education activities. Specifically, it suggests that the radio station should be encouraged to develop radio programs, in Marshallese, detailing the meaning and ramifications of bills and develop programs that touch on controversial issues, such as the Compact negotiations, Kwajalein or financial issues. It also suggests that voter education be introduced as part of the school curriculum and the Elections Office should be supported to provide neutral voter education programs. If a civic education component is included in Phase 2 of the Project, it will need to be developed in a consultative and collaborative manner, to ensure that there is buy-in from stakeholders, including Senators. Care will need to be taken to ensure that Senators understand that civic education will not detract from the support going to directly to Parliament, but will instead complement this work, by supporting the strengthening of MP-constituency relations and the public's understanding of the role of Senators and the *Nitijela* itself.

Recommendation 40: Explore options, in a highly consultative manner, for developing a civic education component for Phase 2 of the Project.

Ethics and accountability

83. The Marshall Islands LNA makes a number of specific recommendations in support of the promotion of transparency, accountability and ethical leadership in the *Nitijela*. Phase 1 of the Project did not include work on ethics and accountability, but during the design of Phase 2, it may be worthwhile to reconsider the recommendations and their feasibility in the current context. Specifically the LNA recommends:

- A Leadership Code, with specified codes of conduct for all members of the *Nitijela* and Council of Iroj, should be developed and published, as spelt out in the government's document *Vision 2018*.
- Codes of conduct should require full disclosure by ministers and senators and council members of their financial, monetary and commercial interests.
- That a register of commercial interests of ministers and senators be established.
- That the Speaker be empowered to refer conflict of interest issues to the Ethics Board.

Recommendation 41: Explore options, in a highly consultative manner, for including a activities in support of ethics and accountability in the Nitijela.

ANNEX: LIST OF INTERVIEWEES

Project Staff

Mr. McAnthony Keah, Project Manager

Nitijela

Hon. Ruben Zackhras, Vice Speaker of the Nitijela

Hon. Senator Abacca Anjain-Maddison, Rongelap Atoll

Hon. Senator Tomaki Juda-Chair, Health Education & Social Affairs (HESA) Committee, Bikini Atoll

Hon. Senator Helkena Anni-Chair, PAC, Mejit Islands

Nitijela Staff

Mr. Joe Riklon, Clerk of the Nitijela

Mr. Kenneth Kedi, Assistant Clerk

Ms. Sela Tupou, Acting Legislative Counsel

Ms. Tomomi Tarjon, Nitijela Journal Clerk

Ms. Varina LR. Kabua, Nitijela Journal Clerk

Ms. Glady, Nitijela Journal Clerk

Mrs. Antonia U. Wase, Nitijela Journal Clerk

Ms. Cathy Ralpho, Nitijela Research Assistant

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Ms. Disve Riklon, Office of the Speaker secretary

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Mr. Ila Atlaia, Nitijela Administrative and Accounting staff

Ms. Anna Inok-Balos, Nitijela Administrative and Accounting staff

Ms. Lucy Katjan, Nitijela Administrative and Accounting staff

Government

Mr. Casten Nemra, Chief Secretary of the Government of RMI

Mr. Jack Jorbon, Asst. Attorney General

Ms. Atmitha Jonathan, Acting Auditor General

Mr. Carl Hacker, Director of EPPSO

Mr. Lenest Lanki, Public Service Commission

Ms. Marie Maddison, Director, National Training Council

Ms. Annette Note, UN Desk Officer, Minister of Foreign Affairs

Civil Society

Ms. Daisy Alik-Momotaro, Executive Director, WUTMI

Mr. Giff Johnson, Journalist

UNDP

Mr. Patrick Tuimaleali'ifano, MCO