

# **MONITORING & EVALUATING PRO POOR GOVERNANCE**

## **INITIATIVES**

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## CHAPTER 1: INTRODUCTIONS

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Governance as the exercise of political authority for purposes of managing the affairs of a society has been around throughout the history of mankind. Its formalization in the era of the modern political state has sharply brought to focus the reciprocal relationship between the state and her citizens. Good governance today is not only about prudent state management, but also the sensitivity and appropriateness of institutional responses to the ever emerging practical and strategic societal needs. In sub Saharan Africa where a majority of the population are poor, marginalised and excluded from decision-making processes, pro poor governance would endeavour to prioritize sustained economic growth, promote public participation and inclusion and avail social and economic empowerment opportunities to citizens. Pro poor governments are also underpinned by an over arching responsibility for demand-driven socio-economic and political reforms that adequately respond to the changing times. In reality, these relationships are much more complex, the needs and rights overlap as much as they are interdependent.

Monitoring governance at whatever level is a function of a well-developed and participatory M&E framework and citizen capacity and conviction to participate. Targets of Pro poor governance initiatives, despite their challenges must be included with deliberate intention to build capacity that would sustain participation and open up more opportunities. Other key stakeholders must equally be harnessed to give contextual insights that should inform the larger indicators and picture about governance. Kenya like any other sub Saharan African state has come far in embracing pro poor reforms and opening the political space for public participation. Our political developments and progress are broadly anchored on three political regimes since independence.

### 1.1 Background to Socio-Economic and Political Reforms in Kenya

Kenya gained independence from Britain in 1963 and has been ruled by three presidents since. The three presidencies span some 47 years and may be classified into 4 phases for purposes of analysing the country's socio-economic and political reforms that enhances pro poor governance. The background will be vital in understanding the overarching M&E framework used in the country presently.

The immediate post independent or **phase one period (1963 - 1978)** under founding president Jomo Kenyatta was characterised by steady agro-based economic growth (an average of 6.8% from 1963 - 1973)<sup>1</sup> deliberately supported by progressive government policies. The focus was twofold; rural based smallholder farmers produced for the domestic market while the medium to large-scale cash crops (coffee, tea, and pyrethrum) produced for export. Strong farmer institutions provided both with access to affordable credits, quality extension services, adequate supply of inputs and prioritized research.

The first major political reform was the abolition of regional *majimbo* (a form of decentralization) governments in 1964, following a well-orchestrated merger between the centrist KANU party and the federalist KADU. Sessional paper

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<sup>1</sup> <http://www.democracyweb.org/freedom/kenya.php> (Accessed June 15th 2010)

no.10 of 1965 on "African socialism and its role to planning in Kenya" then consolidated and adopted a state directed development agenda under a centralized planning. It formed Provincial and District development committees (PDC/DDC) under Provincial Commissioners and District Commissioners as overall coordinators. Two other policies; Sustainable Rural Development Programme (SRDP, 1971) piloted under treasury, sessional paper no. 4 of 1975 on "Economic prospects & policies" and Regional development Authority initiatives all emphasized and supported rural development with good economic results.

Political space diminished progressively due to; ignorance and reverence for independence leaders, geo political intrigues of the cold war and the imperial presidential powers of the centralised government, which quickly became a control tool. After the fall-out of pre-independent leaders, participation in governance was dominated by a small elite clique around the president while former colleagues turned proponents suffered political suspicions, detentions and even assassinations in a manner that set a trend for prolonged ethnic hatred. Kenyatta also banned opposition parties and ran a *de facto* single party state that allowed him to mutilate the constitution to his liking in the service of vested interests. Kenyatta's policies represented a contradictory blend of liberalism, corruption, and authoritarianism. While many poor Kenyans received small farms as part of the land redistribution effort, large blocks of land also went to privileged ethnic elite. Yet Kenyatta also spent a third of the budget on education, and the overall economic growth benefited all Kenyans to some extent, despite expanding wealth disparities.

The positive economic and social reforms were eroded by public exclusion, political persecution and capital accumulation by select African elite and bureaucrats. The legacy of this regime was that of a fairly stable economy, limited political participation, regional inequality, heavily skewed land distribution, and a fledgling environment of impunity.

The second period (1978 - 2002), the Daniel Moi regime was the longest and most eventful. After four years of relative sensitivity and tolerance, Moi moved Kenya away from any ambiguity in political economy to a more explicit dictatorship following a coup attempt in August 1982. He had earlier amended the constitution to create a *de jure* one party state. With this, the judiciary and the press were more tightly controlled while political repressions increased against political opponents, vocal academics and the clergy by the "special branch". He built a number of torture chambers to incarcerate political opponents detaining them without trial. In 1988, the government introduced the queue voting system, during which time the provincial administration intimidated voters and candidates into submission; short queues beating long ones. Moi's repression continued to the early 1990's before multi party politics was re-introduced in the country. In 1997, he prorogued parliament and sent police to the constitutional review conference to prevent parliament and delegates from concluding a constitutional review process.

Moi's economic performance was uninformed, opportunistic and lethargic. He inherited the Regional Development Authorities from Kenyatta; but his appointments of sycophants as directors and senior personnel across

government were his undoing. Farmer institutions collapsed countrywide slowing down food production; export earnings and entrenching food insecurity. The best attempt at pro poor reform during this period was through sessional paper no. 1 of 1986 on Economic Management for renewed growth, which gave birth to the District focus for rural development (DFRD) programme while advocating for unfettered private sector led economic development. DFRD on its part focused on decentralising development planning and implementation to the district levels with significant mutual dialogue and alignment between district and national priorities and resource envelope. Limited successes were realized, with major obstacles being an over bearing provincial administration.

The government was forced to implement punitive structural reforms in the 1980's whose haphazard implementation further hurt the economy. Western donors finally blacklisted the regime over poor human rights record. The government turned to heavy internal borrowing to finance its operation and corruption networks. From late 1980's to early 1990's the regime printed millions of Shillings notes for political campaigns. Both of these actions led to serious inflation and massive increase in poverty. The Moi regime bequeathed Kenya an overtly corrupt government with a non-functional civil service, proactive promotion of ethnic divide and rule, patronage and a negatively growing economy; the economy grew at (2%) in 2001, just a year to Moi's retirement up from 6.8% in 1978 when he took power.

## **1.2 The reform momentum**

In 2002, Kenyans replaced the independence KANU government with a more reform-oriented NARC coalition<sup>2</sup>. There was evident hope in the air; ordinary Kenyans went about arresting bribe-taking policemen for tarnishing the name of their government. The coalition initiated remarkable economic recovery under an overall economic recovery strategy, culminating into a 7.1 % economic growth by 2006. A lot of reforms were initiated, mostly in wide consultations with key stakeholders. It invested particularly in wealth and employment creation, infrastructure (roads) development and ICT through several multi-sectoral strategies, which were developed and implemented. The coalition promulgated Kenya Vision 2030. NARC was also beset by fallouts of the original coalition partners following a divisive referendum vote in 2005, which the government lost to its coalition partners. The referendum defeat effectively ended the partnership when the rebelling partners were kicked out of the government. After that, the remaining partner in government increasingly showed little regard for inclusion. The regime legacy was tainted towards the end by claims of extra-judicial killings as it tried to rein in criminals, unilateralism in running government and linkages to old corruption networks. A key presidential advisor on ethics and governance went to self-exile when corruption turned to fight him back in early 2005.

The last phase began in 2008 and is significant in many ways. For the first time, the country is governed through a grand coalition government (GCG). This was

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<sup>2</sup> National Rainbow Coalition (NARC) was formed between Liberal Democratic Party (LDP) and National Alliance of Kenya (NAK) comprising Forum for the Restoration of Democracy in Kenya (FORD-K), Democratic Party (DP) and Social Democratic Party (SDP)

the compromise after a disputed presidential election led to serious violence that killed about 1300 and displaced 150,000 people. The CGC brings all parties in parliament; hence there is no effective official opposition. In an effort to avoid a repeat of the violence, the national accord that created the GCG was entrenched in the constitution and contained four agenda items that sought to address the historical underlying issues. Agenda item 4 (Long-term issues and solutions) is particularly important; it contains proposals for constitutional, institutional and legal reforms; Land reform; addresses poverty, inequality and regional imbalances; Youth unemployment; Address issues of transparency, accountability and impunity. In addition to these reforms, the GCG is also implementing a long-term vision "Vision 2030" developed by the National Economic and Social Council and adopted in 2005 which provides a Socio-economic and political development blue print for the next years 20 years. Moreover, the post election chaos, changing climatic conditions as well as the prevailing global economic instability has exposed the country to new heights of vulnerability. A brutal convergence of all these factors makes for interesting pro poor governance programming in a coalition of convenience where opponents are continually plotting to out do each other.

Administratively, the Accord created the position of the prime minister to 'Coordinate and supervise the execution of the functions and affairs of the government'. This over arching coordination role has thrust the OPM at the heart of performance management of ministries and state agencies. Kenyan M&E stakeholders are currently spoilt for choice, as the CGC partners' position themselves before an increasingly knowledgeable public as champions of reforms targeting the country's 46% poor.

## CHAPTER 2: PRO POOR GOVERNANCE

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Governance describes "the process of decision-making and the process by which decisions are implemented or not implemented" and is understood to include not only the political and administrative institutions of government (and their organizations and interrelationships), but also the relationship between government and the civil society (McCarney, 1996). The three major categories of governance; corporate, national and global refers to the rules of the formal and informal power relationships surrounding the management of corporate, national or global affairs, including service delivery by corporations, governments or global agencies respectively. (Corporate here refer to business organizations). Within the nation state, three distinct levels of governance are discernible at the national, district and local or village levels. It is also possible to have specific issue or thematic governance such as education governance or health governance or agriculture governance or livestock governance and so forth.

While "Good governance" refers to the government's ability to: Ensure political transparency and voice for all citizens, Provide efficient and effective public services, Promote the health and well-being of its citizens, and Create a favorable climate for stable economic growth (The World Bank, 2007), **Pro poor governance** on the other hand is used here to refer to " The range of political, organizational and administrative processes through which

stakeholders articulate their interests, their inputs are absorbed, decisions are made and implemented and decision makers are held accountable in the development and management of resources and delivery of services to the poor”.

### 2.1 The shifting paradigm and dimensions of governance

In the last two decades largely due to the advent of globalisation and liberalisation, governments now see partnerships with non-government (both private and civil society) organisations as a key element of governance reform and an important methodology for implementation of socio-economic development in a country. Mostly driven by public/private partnerships, these practices are taking different forms in different countries. According to Felts and Jos (1996), throughout the twentieth century, the public service tradition of the politically disinterested, aloof, ‘expert’ bureaucracy was slowly eroding in many of the developed nations as it became mired in crises related to the growing costs of public services due to the increasing scale of provision and alleged inefficiencies. In developing countries, these arrangements were often maintained as a colonial legacy and degenerated into self-serving elitist institutions serving, in a collusive manner, the interests of those who ran them and those of the ruling political elite (Khan, 2004).

In general, governance as a concept refers to a set of rules, norms, procedures and practices that determines how power is exercised, for what purpose, and how it is shared and weighed during decision-making. In other words, governance is about decision-making. The processes used for decision-making have implications for the impacts of those decisions. Usually, descriptions of “good governance” include attributes of “responsiveness, inclusiveness, participation, integrity, accountability and fairness” (Graham, et al, 2003).

In 2001, Huq introduced the concept of “Humane Governance”. He argues that the three components to governance; Economic, Political and Civic components relating to the economic decision-making supporting growth and development, the political system and civic rights respectively are equally important elements for achieving “humane governance” and any weaknesses in one will risk weakening the others.

Contemporary governance practices are increasingly leaning towards more public participation and devolution of resources. Governments are progressively adopting the corporate consumer-service provider model where citizens in various contexts of want have a right to quality services of their choice. The right to services and the right of choice are deeply embedded in right-based approach to development. Devolution and local governance has been a big step towards this direction because having the necessary decision making power and the resources to act ensures that all share in the successes and challenges of development programming and develop capacity for sustainable coping mechanisms. Public players here are primarily the state and the polity, which may be variously organised as private sector or civil society. Another key player is the international community or development partner. In practice however, the interface between these partners contain massive power imbalances, which are used for practical and strategic leverages. Given that these entities are as much possible candidates in entrenching injustices and

marginalising the poor, albeit in varying degrees, as they are in promoting various pro poor initiatives, the state must ensure the poor citizens does not loose out. In their partnership role, the polity, civil society and development partners are now actively involved in promoting pro poor programming.

## **CHAPTER 3: PRO POOR M&E FRAMEWORK IN KENYA**

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Monitoring & Evaluation is the process by which data are collected and analyzed in order to provide information to policy makers and others for use in program planning and project management. Monitoring of a program or intervention involves the collection of routine data that measure progress toward achieving program objectives. It is used to track changes in program performance over time. Its purpose is to permit stakeholders to make informed decisions regarding the effectiveness of programs and the efficient use of resources. **Policy monitoring and Evaluation** for purposes of pro poor governance involves three main components: Gathering evidence about the implementation of pro poor government policy or programmes, analyzing that evidence and using the evidence to advocate for pro poor change.

The official M&E framework for Kenya is coordinated from the ministry of Planning and National Development in close collaboration with M&E units and specialized agencies in individual ministries. Other specialized or investigative agencies are found in the Offices of the President (OP) and Prime Minister (OPM). The legislature and the judiciary play the normal peer oversight to maintain checks and balances between the three arms of the government. At field level, the provincial administration plays a coordinating role alongside ministry staff for all state development programmes at provincial, district, division, location and sub-location levels through respective development committees. The PA also monitors and appraises performance of government departments and officers in the field.

### **3.1 The Provincial Administration**

The Provincial Administration Services is one of five departments in the Ministry of State, Internal security & Provincial Administration, Office of the President. It traces its origin to the colonial era when authorities introduced institutions, which represented both formal mechanisms of government decision-making and political influence. Originally, the PA collected taxes, maintained law and order, and pacified the natives of the colony. In 1963, the functions of the department were refocused to development administration and in 1979; Provincial Administration received its first permanent secretary. Though the ministry functions have evolved over time to address emerging issues, it has remained decentralized to the grassroots in order to provide a framework for quick interpretation, dissemination and implementation of Government policies. Currently the Ministry oversees the administration, development and security of 8 Provinces (under Provincial Commissioners), over 250 Districts (Under DC's), Divisions, Locations and Sub locations as well as other administrative officers seconded to line ministries. The department's core functions include, co-coordinating the overall Government business and establishing, implementing good- policies and providing administrative and leadership service.

The elevation of PA as coordinators of development through development committees from 1964 effectively neutralised the ministry's control of delivery of their mandates beyond the capital. With a paramilitary command structure, the PA did not entertain consultation, was not trained in development matters, and largely lacked professional expertise. They represented the "president" and no one else. During the heady days of political repression, the PA was used anywhere the government wanted their way such as conducting election, allocating district budgets and adjudicating over land issues. Due to this over bearing attitude, monitoring and evaluation of government programmes was literally absent below the national level. During the NARC revolution, the PA has been restructured to accommodate more professionally trained staff with an expanded mandate that now includes disaster and emergency response and Monitoring and appraising performance of Government department/officers in the field. The PA is thus a key component of the government frontline M&E staff in collaboration with ministries, departments and agency (MDA's) staff. The PA M&E reports goes to the OP where it is then transmitted to the Planning ministry. Because of its structure, it is possible not all contents of the PA reports are transmitted; those that touch on security and other administrative matters are sure to remain with the parent ministry.

### 3.2 Ministries

The primary vehicle for delivering government development programmes remains the ministries. These are often devolved to the provinces, districts and divisions where their personnel are deployed. Monitoring and Evaluation work is foremost the responsibility of individual ministries at respective levels (provinces, districts or divisions). Each ministry has a Central Planning and Project Monitoring Unit (CP&PMU) staffed by the Monitoring and Evaluation Directorate in the ministry for planning, National development and vision 2030. These units are responsible for providing general planning for ministries, departments and agencies (MDAs), technical facilitation for strategic plans, performance contracts, work plans and estimation of resource requirements. They also do programme/project monitoring and evaluation as well as expenditure reviews. All the ministry M&E reports are submitted to the planning ministry for compilation and form the official government M&E reports shared by public and other agencies.

Key Ministries based in the offices of the president and the prime Minister, have specialised semi autonomous state agencies (SAGAs) mandated to conduct special investigations or make follow-ups on recommendations from the MED. Some of them produce their own reports depending on the nature of their investigations. M&E related SAGAs include;

#### 1. Office of the President (OP)

- Police Oversight Board (POB): Mandated to check Police officers' conduct on integrity, respect for human rights, non-discrimination, impartiality and fairness, as well as investigate complaints from the public, officers' complaints against their colleagues and incidents that happened before it was formulated, including complaints against the police during the post-election violence. The POB reports directly to the OP which undertakes to follow up on the recommendations with relevant MDA's.

2. Office of the Prime Minister (OPM)
  - Efficiency Monitoring Unit (EMU) works to enhance efficient implementation of government programmes/projects, including the promotion of accountability and transparency. EMU reports are sent to the OPM, which then act upon them in consultation with the concerned MDA's.
  - Inspectorate of State Corporation (ISC) advises the government on effective management of state corporations, report misappropriations, conduct special investigations and advises on the administration of performance-contracts in state corporations. ISC investigation reports are handed over to the OPM to be acted upon together with the concerned MDA's.
  - Public Sector Reform and Performance-Contracting Secretariat (PSR&PC) is in charge of public service reforms mainly through performance based management initiatives. The secretariat dispatches all its reports to the OPM, which does follow up together with the ministry of state for Public Service.
  
3. Ministry of Justice, National Cohesion and Constitutional affairs
  - Kenya National Commission on Human Rights (KNCHR) - Acts to further the protection and promotion of human rights in Kenya. KNCHR reports are varied and targets various MDA's, at times multiple. Most however goes to the AG as government chief legal advisor and prosecutor, copied to the Police department and other relevant MDA's.
  - The Advocates Complaints Commission (ACC) - Disciplines wayward advocates and help wronged clients seek legal redress. The ACC reports to the chief justice who acts on their recommendations with relevant MDA's.
  - State law office (Office of the Attorney General) - Chief government legal advisor, public prosecutor and public defender. Has a relationship with the three arms of the government and reports to any of them as is necessary.
  - Public Complaints Standing Committee (the office of the Ombudsman) - is "mandated to receive, register, sort, classify and document all complaints against public officers in Ministries, Parastatals/State Corporations, Statutory Bodies or any other public institution. In addition, the PCSC is mandated to enquire into allegations of misuse of office, corruption, and unethical conduct, breach of integrity, maladministration, delay, injustice, discourtesy, inattention, incompetence, misbehaviour, inefficiency or ineptitude"<sup>3</sup>.
  
4. Ministry of Environment and Natural Resources
  - The National Environment Management Authority (NEMA) is the principal instrument of government in the implementation of all policies relating to the environment.
  
5. The ministry of Finance

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<sup>3</sup> [http://www.justice.go.ke/index.php?Itemid=83&id=22&option=com\\_content&task=view](http://www.justice.go.ke/index.php?Itemid=83&id=22&option=com_content&task=view) (Accessed 10<sup>th</sup> June 2010)

- Kenya National Audit Office (KENAO) - “mandated to audit the central government, Local authorities and state corporations”<sup>4</sup>
- Public Procurement Oversight Authority (PPOA). Ensures compliance with procurement procedures; monitoring procurement system and reporting on its overall functioning; assist in implementation and operation of the public procurement system and Initiating public procurement policy

### **3.3 Ministry for Planning, National Development and Vision 2030**

Secondly, the Monitoring and Evaluation Directorate (MED) in Ministry for planning, national development and vision 2030, collates all the ministry reports for the government. The Directorate is charged with the responsibility of tracking performance of government in implementation of policies and programmes in line with the Economic Recovery Strategy and long-term development goals including the Millennium Development Goals (MDGs). MED has established a National Integrated Monitoring and Evaluation System (NIMES), which comprehensively covers all public sector organizations and is expected to cover other non-state actors such as development partners, NGOs, FBOs, and Civil Society Organisations. MED reports are the government official M&E reports and are shared by other ministries and agencies through the planning ministry, which fall under the Office of the prime minister.

### **3.4 Parliament, Judiciary**

So far, the executive arm of the government undertakes most of the M & E work. Ideally, the separation of power between the three arms of the government should enhance a complementary working relationship and strengthen peer oversight. Permanent parliamentary committees for instance are crucial for debating various sectoral policies and legislations while generally exercising oversight over the sector. Kenyan parliament has brushed the other arms wrongly as it increasingly become pro-active. This has seen some good legislative agenda and strong oversight on the general affairs of the public.

The courts, long seen as the black sheep in the government household is only emerging to reclaim their place in law interpretation and conflict resolution through legal redress. This has been tempered by accusations (between prosecution and judges) whenever the public feels court rulings short change the public good.

### **3.5 Commissions & Committees of Inquiry**

At the peak of government M&E are the ad hoc Committees and commissions formed on a case-by-case basis for purposes of conducting inquiries into special matters of public interest. The committees and commissions may be parliamentary, judicial or presidential. They inquire into public interest incidences impartiality and inter agency cooperation and which no single agency is trusted to investigate. In Kenya, some of these range from political assassinations to politically motivated land clashes. The committee reports are public and the relevant arm of the government in collaboration with others usually follows up at the behest of the public.

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<sup>4</sup> <http://www.kenao.go.ke/> (Accessed, June 10<sup>th</sup> 2010)

### 3.6 Non State Actors

Apart from the state, monitoring and evaluations of pro poor governance is done by the private sector, civil society organizations, media and the international community. While the private sector and the international community has often focused at the macro-level using country governance assessments for purposes of donor aid allocations and analysing overall investment climate, CSOs and the media have had their focus at the micro level for purposes of service delivery and poverty reduction. The two have also been quiet innovative, using tools and methodologies that are participatory and inclusive leading to very realistic results.

## **CHAPTER 4: PRO POOR PROGRAMMING, MONITORING & EVALUA.**

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Kenya's turbulent reform history and the need to catch up with a fast moving world are at the heart of its current socio-economic and political reform efforts. These aspirations are captured in Kenya Vision 2030, a long-term development blue print whose goal is to make the country globally competitive and prosperous by the year 2030. The delivery of the vision is dependant upon flagship projects implemented in five-year medium term plans (MTPs) as identified under three vital pillars; Social, Economic and Political pillars. In short, Kenya recognises that with its 46% poor, any long-term progress must address first the question of poverty before mid term and long-term economic growth can be entrenched. Within the overarching pursuit of the vision, the following pro poor governance programmes are currently being implemented by the government, civil society, private sector and some by the international community, either individually or in partnership. For purposes of this presentation, these pro poor initiatives fall into five broad categories;

### 4.1 Social Protection and Subsidization Initiatives

Social Protection describes all public and private interventions that provide income or consumption transfers to the poor, protect the vulnerable against livelihood risks, and enhance the social status and rights of the poor and vulnerable, with the overall objective of reducing extreme poverty as well as economic and social vulnerability. It is 'the provision of benefits to households and individuals through public or collective arrangements to protect against low or declining living standards'<sup>5</sup>.

Social protection and subsidy initiatives currently being implemented include,

- The Hunger Safety Net Programme (HSNP)
- Cash transfers for OVC and the elderly
- Food rations/coupons
- Public Works and Food for Work Programmes targeting the Youth
- Government Subsidies
  - Agriculture subsidy
  - School fees subsidy - Free primary education, Secondary education subsidy
  - Medical subsidy (user fee exemption for pregnant mothers)

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<sup>5</sup> Van Ginneken (ILO 1999)

The hunger safety net is the most comprehensive and is being implemented in a partnership of five CSO and private sector organizations including the government and international Development partners. The M&E function has been outsourced to the Oxford Policy Management while the management information system is given to a consultant. Others are Oxfam GB (administration), Equity Bank (Payments/cash transfer), Social rights organization (Helpage International), Ministry for Northern Kenya & other arid Lands (coordination). UKDFID and Kenya government are jointly funding the 10 year long programme.

#### **4.2 Performance Based Management initiatives**

These are initiatives by the government aimed at enhancing performance in the public sector thereby resulting in superior service delivery to citizens. Because the poor are always marginalized and excluded from the mainstream of services, performance based management initiatives promises blanket results for the majority. In Kenya, various such initiatives are under implementation by the public sector reforms and performance-contracting secretariat. All the performance or results based management practices have in built targets and indicators, which can easily be monitored by the public.

- **Rapid Results Initiatives** - Rapid Results Initiative (RRI), also called Rapid Results Approach (RRA), is an action plan, or methodology. It is a result focused learning process and a way of harnessing team strength and client participation to speed up large-scale delivery of services within a period, or wave, of 100 days through intermediate milestones and action steps. Service delivery is undertaken through an action plan and an exclusive team, or teams supported by a governance structure, which is set apart from the usual bureaucracy. Starting successive initiatives after very 100 days ensures continuity and sustainability. The increments are recorded and shared with the public who give input for further innovation and adoption.
- **Performance contracting** - public officials sign performance contracts with clear targets and time frames against which they are evaluated periodically, usually at the end of the contract period. The evaluation outcome will influence whether a civil servant maintains the position. All ministries and government agencies are ranked annually and awarded by the OP/OPM on the basis of these performance contracts. Continuous poor performers are put on notice and urged to shape up or ship out.
- **Annual launch of 'public week'** during which time the public interacts with civil servants from different departments and seek help on various issues as well as get access to services at a one-stop shop. This way, difficult to access departments and agencies are opened up for public inquiries, awareness, and service provision with mandatory feedback mechanisms and way forward.
- **Service charters** - All MDA's develop service charters outlining their mandates, what to expect from them and what is expected of you. They also outline their strategic goals for the period. The charters are by order

placed strategically at the reception of all MDA's and those seeking services are supposed to use it as a reference point.

- **Institutionalized strategic planning** - MDA's formulate successive strategic plans with an inbuilt M & E framework, which they implement and review periodically. Stakeholders and sector players give feedback in structured review meetings whose findings are also published in the press.
- **Customer satisfaction surveys**  
Ministries ask their clients (public and corporate) their level of satisfaction with the various components of their services and giving opportunities for feedback. The report is then shared widely with recommendations of fixing the identified loopholes. The survey is carried out periodically, each time building on the gains of the former survey.

### 4.3 Decentralization and Local Governance Initiatives

Localized governance or Sub-national institutions constitute one of the most important avenues for poor people, women and minorities to participate in the development of their communities and influence the decision-making processes that are directly relevant to their lives. In governance and public administration, decentralization is commonly regarded as a process through which powers; functions, responsibilities, and resources are transferred from central to local governments and/or to other decentralized entities (Kauzya, J.M, 2005). In Kenya, these initiatives are informed by the need for wider participation in governance and community development planning and implementation particularly from the poor and excluded.

Kenya has some 15 devolved funds, operating at various levels of administrative and representative systems. They include the constituency development fund (2.5% of total GDP in any financial year), Local authorities Transfer Fund, Rural electrification Fund, Water services trust Fund, Community development Trust Fund, Roads Levy Fund, District Roads Fund, youth and women enterprise development funds. The legal framework of these funds provide for a participatory monitoring and evaluation framework that puts the service users at the frontline of development planning and implementation.

Devolution is the highest level of decentralization and involves the the statutory granting of powers from the central government of a sovereign state to government at a subnational level, such as a regional, local, or state level. Devolution proper has yet to be done in Kenya, but is contained in the proposed constitution which seeks to replace provincial administration with county governments complete with budget and semi-autonomy.

### 4.4 Legal Empowerment Initiatives

These are initiatives that seek to expand poor people's access to the legal and institutional mechanisms that can help them break the cycle of exclusion and poverty. Legal empowerment for the poor and marginalised citizens is perhaps the greatest challenge for fledgling democracies. This is because poverty in our society is underpinned by long established and sustained systems of oppression, exploitation and impunity. These have assumed the "normal way of life" for the majority of the poor who have learned to cope and live with the situation.

- **Access to justice and the rule of law** - The Kenya police forms the frontline in law and order maintenance and by extension uphold justice and rule of law. Beyond offering immediate security, the police also investigate crimes and prosecute suspects in court trials and eventual sentencing. Both police and the courts rely on Kenya laws in their prosecutions. Unsatisfied defendants can appeal to higher courts. Kenyans can also report to the Ombudsman if they have complaints against public officers or to the Police oversight board in the OP in case of complaints about police officers. Lastly, the office of the attorney General as chief legal advisor to the government is vested with protective powers for civilians who find themselves unjustifiably harassed by the state. The AG can enter a "*nolle prosequi*"- literally taking over the case and terminating.
  
- **Property rights and tenure security** is a hot issue for the millions of squatters and the urban informal settlers countrywide. Land issues have been emotive in Kenya since independence. The majority rural poor depend on land for livelihood and without security of tenure, long term investments for purposes of poverty reduction becomes impossible. The same is true of urban dwellers particularly in the slums and the small-scale traders in the urban streets. Key initiatives here include resettlement of squatters and IDP's, Kenya Slum Upgrading Projects (KENSUP) and the development of market shades/stalls for petty traders. KENSUP is under the housing ministry with close collaboration with OPM; the ministries of Land and special programmes undertake Resettlement programmes, again with the oversight of treasury and OPM. Market centres development is an initiative of treasury under Economic Stimulus programme and is spearheaded by Industrialization ministry.
  
- **Labour rights** - The rising unemployment rate has created labour glut especially among the cadres of semi-skilled and unskilled workers. Employers take advantage of this to abuse labour rights while the government has failed to sufficiently raise and enforce the minimum wage rate. This has led to growing inequality countrywide and is a root cause of poverty. The ministry of Labour (MoL) has posted labour officers in all districts to monitor and report or even prosecute labour disputes that employers and their employees or their unions cannot solve amicably. Based on very clear labour laws, the Officers in their endeavour to insulate employees from various forms of exploitations including compensation claims deal with these cases or forward them to the MoL for further action. The National Commission on Human Rights (KNCHR) may also institute investigations where violations are serious and submit a report recommending action to various state ministries and agencies.

#### 4.5 Economic Empowerment Initiatives

These are initiatives that seek to empower a target group of citizens economically. Due to rising national unemployment rate and the consequent potential impacts of having large sections of unengaged population, the government of Kenya established the Youth Enterprise development Fund and the Women Enterprise Development Fund to advance affordable loans to youth and women who wish to explore self employment. In order to minimize

potential market disruption and commercial displacements, the funds are channelled through established commercial micro-finance institutions and constituency based funds.

In Kenya, state based pro poor economic empowerment initiatives include:

### **I. Youth Enterprise Development Fund (YEDF)**

The Youth Enterprise Development Fund was conceived in June 2006 by the government as a strategic move towards arresting unemployment, which is virtually a youth problem. At the time, seventy five percent (75%) of those unemployed were the youth. The government set aside Kenya shillings One billion (Ksh. 1 billion) in the 2006/07 budget to fast track this noble and timely initiative.

The Fund was gazetted on 8th December 2006 to provide the necessary legal framework to govern its use and operations. The Fund facilitates youth employment through enterprise development and structured labor export. The 11-member Advisory Board of the Fund was gazetted on 31st January 2007 and is 60% private sector dominated.

President Mwai Kibaki officially launched the Youth Enterprise Development Fund in February 2007. This launch also marked the beginning of the Fund disbursement process to the youth enterprises through the Financial Intermediaries and the Constituency Youth Enterprise Scheme.

#### **Objectives of the fund**

- Provide loans to existing micro-finance institutions (MFIs), registered non-governmental organizations (NGOs) involved in micro financing, and savings and credit co-operative organizations (SACCOs) for on-lending to youth enterprises;
- Attract and facilitate investment in micro, small and medium enterprises oriented commercial infrastructure such as business or industrial parks, markets or business incubators that will be beneficial to youth enterprises;
- Support youth oriented micro, small and medium enterprises to develop linkages with large enterprises;
- Facilitate marketing of products and services of youth enterprises in both domestic and international markets; and
- Facilitate employment of youth in the international labour market.

#### **Fund allocation**

The Kenya YEDF is allocated as follows:

- Part of the fund is allocated to the 210 parliamentary constituencies to finance youth groups at the constituency level.
- A second portion is channelled through Financial Intermediaries to finance all legally recognized forms of youth-owned enterprises
- Lastly, the last portion is set aside to cater for the other objectives of the Fund that entail commercial infrastructure development, linkage schemes, marketing of products/services of youth enterprises, labour export scheme, and also finance some administrative expenses.

## **II. Women Enterprise Development Fund**

Women Enterprise Fund (WEF) was conceived by the Government of Kenya in 2006 and officially launched in 2007. The principal objective of the fund is economic empowerment of women. Women Enterprise Fund loans reach the target beneficiaries through partner financial intermediaries and directly through Constituency Women Enterprise Scheme (C-WES). As at 28<sup>TH</sup> February 2010 a total of Kshs.914. Million had been loaned to women, broken down as kshs.648.5 Million through Financial Institutions (FIs) and Kshs. 265.5 Million through C-WES. Over 186,190 women have benefited from the WEF through both the financial intermediaries and the C-WES.

The fund enables the government realize the 3rd Millennium Development Goal (MDG) on “gender equality and empowerment of women”. In recognition of the critical role women play in socio-economic development, the WEF has been identified as a flagship project under the social pillar in the Vision 2030 and is expected to play a catalytic role in mainstreaming women in the formal financial services sector.

Women despite constituting 52% of the total Kenyan population have been excluded from the formal financial services; few have bank accounts, access loans or money transfer services. Rural women are worst hit. The fund addresses the perennial challenges women face in their desire to venture in enterprise development.

### **4.6 Non State Actors**

Citizens, Private sector and the civil society remains a core stakeholder in government M&E framework. Most of the responses that inform M&E reports are primarily from the public, but also from secondary or privileged sources such as businesses and non governmental organizations. But the NSA also monitor and evaluate government programmes as a matter of civic obligation or community accountability programming. Methods employed include;

- **Opinion Polls or public perception surveys**

An opinion poll is a survey of public opinion from a particular sample. Opinion polls are usually designed to represent the opinions of a population by conducting a series of questions and then extrapolating generalities in ratio or within confidence intervals. Kenyan media use opinion polls the most, including television channels, which conduct quasi, polls daily on topical issues. Nonetheless, the polls give a glimpse of public perception in any one given issue and the results have often been to the right direction.

- **Community Score Cards**

A Community Scorecard is "a two-way and ongoing participatory tool for assessment, planning, monitoring and evaluation of services". It is a practical way for service users to give systematic and constructive feedback to service providers. And it helps decision-makers make informed choices about improving services. It has been used as a tool to help governments improve how they meet citizens' rights (See Table 1.0). The challenges reported include: introducing a new concept, managing conflicts, focusing on systems rather than individuals, and raising expectations too high.

Table 1.0 - The Score Card process

<p>The five stages of implementing a scorecard:</p> <ol style="list-style-type: none"> <li>1. <u>Planning and preparation</u>: This includes (a) scoping and planning the exercise, and meeting key stakeholders, (b) identifying and training facilitators and (c) identifying service entitlements and what inputs should be provided.</li> <li>2. <u>Community scoring</u>: Firstly, community groups discuss what inputs they actually receive and any issues they have with a service. Then facilitators develop these into indicators and a matrix for scoring. Finally, community groups are invited to use the matrix to score service delivery. Groups should be disaggregated by wealth and/or gender.</li> <li>3. <u>Service provider scoring</u>: Going through the same process of generating issues, developing indicators and a matrix, and scoring performance with a group of staff working for the service provider.</li> <li>4. <u>Interface meeting</u>. Service users and providers share and discuss their matrices, their scores and the reasons behind them. They come up with a joint action plan for improvements.</li> <li>5. <u>Follow up</u>. The action plan should include who will monitor its implementation. The facilitators should write up a report and consider how it should be used. The scorecard process should be repeated.</li> </ol>
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- **Citizen Report cards** are participatory surveys that provide quantitative feedback on user perceptions on the quality, adequacy and efficiency of public services. They go beyond just being a data collection exercise to being an instrument to exact public accountability through the extensive media coverage and civil society advocacy that accompanies the process.

Difference between Citizen Report Cards & Community Score Cards

Citizen Report Card	Community Score Card
<ul style="list-style-type: none"> <li>▪ Unit - household/individual</li> <li>▪ Meant for macro level</li> <li>▪ Main output is demand side data on performance and actual scores</li> <li>▪ Implementation time longer (3-6 months)</li> <li>▪ Feedback later, through media</li> <li>▪ Information collected through questionnaires</li> </ul>	<ul style="list-style-type: none"> <li>▪ Unit - Community</li> <li>▪ Meant for local level</li> <li>▪ Emphasis on immediate feedback and accountability, less on actual data</li> <li>▪ Implementation time short (3-6 weeks)</li> <li>▪ Information collected through focus group discussions</li> </ul>

- **Public Accountability Charters** - These are written contracts with specific commitments that elected leaders voluntarily sign to provide a benchmark for their performance. Accountability charters are not legal documents and are therefore not legally enforceable, but they act as a reminder to the elected leadership and the community of their priorities and commitment to move in the right direction. PACs are civil society monitoring tools and helps non-state actors to gauge the honesty of leaders in office.
- **Community Based Performance Monitoring (CBPM)** - Community based performance monitoring (CBPM) is a form of the community score card approach that was originally developed in The Gambia with the support of the World Bank by blending into the CSC methodology a number of features of the strategic planning and action process (SPP) developed in Sierra Leone.<sup>2</sup> These new features include more elaborate focus group scoring methodologies to minimize opportunities for lateral influence on voting

results, and the routine use of standard indicators (in addition to group-generated indicators) to facilitate the later use of score card data from multiple community events at the same facility, or at different facilities in the same sector. Such aggregated data can be used for program monitoring and/or advocacy purposes. CBPM is a civil society-monitoring tool that is very empowering to communities.

- **Public Expenditure Tracking Surveys (PETS)**

A Public Expenditure Tracking Surveys (PETS) is a quantitative survey of the supply side of public services. A PETS tracks the flow of public funds and material resources from the central government level, through the layers of administrative hierarchy, and out to the frontline service providers. A Public Expenditure Tracking Survey comprises two parts:

The **diagnostic part** is concerned with the question of whether public funds and material resources end up where they were supposed. This part consists in identifying the actual flows of public funds in a program or a sector and establishes to what extent public funds and other resources reach the service providers, that is, the schools, teachers, health facilities and health staff. A discrepancy between the amount of funds disbursed from the central level and the amount of funds received by the service provider is referred to as leakage. The presence of leakage implies that some of the funds have been captured at some level in the administrative hierarchy, and may reflect corruption in the system. This begs the question; Why are the funds diverted? This **second question** is **analytic** and aims at explaining the leakages observed. Comparative analysis of leakages across districts, sectors or even ministries can greatly contribute to a reduction of leakage and improvement of the performance of the system.

In practice, PETS vary greatly in content (expenditure type, sectors, levels) as well as in quality (data quality, sampling frame). Most PETS however, are sectoral i.e. tracking expenditures in the education, health or both sectors. PETS are conducted in order to improve the quality of service delivery at the local level. In order to analyze how resources made available to frontline service providers are transformed into services for the end users, a Quantitative Service Delivery Survey (QSDS) often complements PETS.

## CHAPTER 5: SUCCESSES AND CHALLENGES

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### 5.1 Successes

- Devolution of resources and their administration has financed the construction of physical infrastructures such as roads, classrooms, health and market centres in direct response to the needs and priorities of local residents. Moreover, bursaries and school fees subsidies have increased school enrolment rates tremendously while feeding programmes have ensured children from vulnerable ASAL communities do not drop out of school during drought.
- Capacity building among communities has led to demand greater political space, improved participation and better pro poor governance. More

Kenyans are aware of their rights and quiet often seek redress for rights violations.

- Economic criminals and other violators of law and order are finally facing court sentences, public properties especially land are being reclaimed, due to reinvigorated investigative public agencies under enhanced coordination of the OP and the OPM.

## 5.2 Challenges

- The Kenyan constitution still contains the colonial official secrets Act which bars serving and former civil servants from giving information or revealing details of their. Civil servants with anything to hide, especially information that may incriminate them easily hides behind the act to avoid social audit by the public.
- Delivery structures generally and the government bureaucracy in particular is still bedevilled by inadequate capacity. This is true of both government and citizens with the private sector fairing much better. Much more capacity needs to be developed including inventing new ways of holding accountable those who occupy public office at various levels. On the other hand, lack of capacity to understand and grasp the importance and nature of civic oversight and the accompanying lethargy among citizens has been a big blow to civic M&E efforts. Historical regional inequality has rendered certain parts of the country democratically impotent. High levels of illiteracy and poverty has disempowered large sections of the populations and thus, are not able to tap into the emerging opportunities
- The growth of the physical infrastructure has outstripped government human resource base, resulting in underutilization or even not utilization of some structures. For instance, while devolution has enabled communities to build classrooms, police stations and health centres as per their priorities, the government teaching, and policing and health personnel have not increased proportionally. Consequently, many health facilities remain closed while many schools are understaffed.
- Political patronage and hegemony is still rampant meaning political representation is not always for the common good. Other representatives are compromised with rewards, though cases of flagrant intimidation have greatly declined. Some projects contracts still find their way to 'politically correct contractors'. Some rogue professionals in the public works offices collude with contractors to either inflate the valuation of civic works or give clearances to substandard works leading to losses for the public.

## CHAPTER 6: CONCLUSIONS AND RECOMMENDATIONS

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### 6.1 Conclusions

Monitoring governance remains a daunting global challenge. But while few people dispute the notion that the quality of governance matters to development, measuring governance has largely been dominated by top-down, 'blueprint' methods of assessments. The World Bank now contend; that all governance indicators have weaknesses; that there are no easy solutions in measuring governance; and that the links from governance to development

outcomes are complex hence policymakers should view the different types of indicators as complementary rather than competing.

So, what does governance really mean? When, why and how does governance make a difference to the way a country develops? According to an Overseas Development Institute (ODI) research, governance is too important an issue to be left only to international donor agencies to define and determine. Governance in any case is nothing more than an over-arching programming concept; a synonym for making the political machinery work better. Whether this is achieved or not is better demonstrated by the positive changes in the life of the ordinary poor people. This domestic constituency must therefore be brought in to provide a complementary and contrasting perspective.

## 6.2 Recommendations

1. Enactment of **Freedom of Information Law**: The existing official secrets act is a big hindrance to information gathering, which forms the bane of monitoring and evaluation. Sensitive information can easily be concealed under the guise of the act.
2. **Building the capacity** of both the demand and supply side is necessary to forging a common understanding of pro poor governance as well as service delivery. Both the soft (knowledge, bureaucracy) and the physical or hard infrastructural capacity remain wanting in supporting an inclusive M&E work. Civic Society led civic education has done a lot among the service users, but the civil service remain weak
3. Develop a **multi stakeholder M & E framework** capable of accommodating state, corporate and CSO actors. Current framework needs to be expanded to be more participatory to stakeholders as opposed to merely consultative. Moreover, there is need to pursue a more progressive trend towards participatory processes of pro poor M & E, while emphasizing the need to consider and include unique local contexts.
4. Emphasis should be made on **greater coordination**, harmonization and consolidation of the various M&E agencies and other players. Even better, a system of checks and balances should be struck between the specialised agencies to ensure peer monitoring. The monitors should be monitored too.

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