

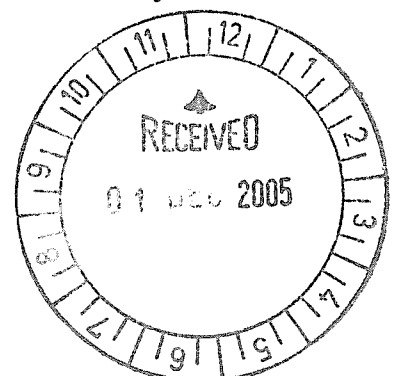
Cecilia Paulu
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Government of the Republic of Marshall Islands

United Nations Development Programme

**Marshall Islands Support to
Parliament (the *Nitijela*) Project**

January 2005



SECTION I

Part 1

a. Situation analysis

(i) National institutional and legal framework

The Marshall Islands commenced constitutional self-government in 1979 and became officially independent on 22nd December 1990, when the United Nations formally dissolved US ‘trusteeship’.

The key legal documents that deal with the role of the national government in Marshall Islands are the 1979 Constitution, the Rules and Procedures of the *Nitijela*, the Elections and Referenda Regulations (1993), the Ethics in Government Act (1993) and the Compact of Free Association (1986).

The 1979 Constitution was a result of extensive national consultations as well as negotiations with the United States Government. In negotiations with the United States over the establishment of self-government, Marshallese political leaders opted for a parliamentary system, with a President elected by members of the *Nitijela* rather than directly by the electorate. The President is the Head of State, but divides certain powers normally associated with that office with the Speaker and Cabinet.

The Constitution ‘recognizes the right of the people to responsible and ethical government’ and obliges the government ‘take every step reasonable and necessary to conduct government in accordance with a comprehensive code of ethics’

The Republic of the Marshall Islands has a unicameral parliamentary system, with a consultative upper house (*The Council of Iroij*), comprising traditional leaders.

The Parliament or *Nitijela* has 33 members, who represent the country’s 24 inhabited atolls and coral islands with multi-member constituencies for the more populous atolls. They are elected on the basis of universal suffrage and a first-past-the-post (or plurality) system every four years, unless the assembly is dissolved beforehand.

Executive power is vested in a Cabinet, selected after each general or presidential election by the President. The cabinet comprises between six and ten ministers, who can be dismissed and replaced by the President. The cabinet is collectively responsible to the *Nitijela*.

The constitution provides that the *Nitijela* sit 50 (sitting) days in a year. The *Nitijela* by Resolution has organized these 50 days into two parts. The first part of 20 days or so begins on the first Monday in January of each year, and the second part of 30 or so days, normally the budget session, in August. The President can convene special sittings or extend sittings of the *Nitijela*, and a special session can be called following a petition to the President by not less than ten non-cabinet senators who represent at least four electoral districts if 120 days have elapsed since the previous sitting.

The Constitution entrusts the Speaker of the House with the responsibility of ensuring that there should be an opportunity for all points of view represented in the *Nitijela* to be fairly ‘heard’. In general, questions are required to be submitted to the Clerk a day earlier than they are asked orally in the *Nitijela*, although where the Speaker feels this to be ‘impracticable or unreasonable’, he/she may give ‘special permission for the member to ask the question orally from the floor.

All Bills require three readings in the *Nitijela* and then pass to the Council of Iroij for a decision on whether they affect matters of custom or tradition. Once signed by the Speaker and counter-signed by the Clerk, they become law.

(ii) Reference to the findings of relevant reviews and evaluations

A stock-take assessment of the capacity of Marshall Islands to implement the Pacific Islands Forum's eight principles of accountability revealed that the role of the *Nitijela* has to be strengthened if it is to fulfill its constitutional functions. At a regional meeting of Parliamentarians held in Nadi in 2000, attended by the President and Speaker of Marshall Islands, it was agreed that that UNDP would support, on a pilot basis, comprehensive needs assessments of selected legislatures. At the request of the Speaker and the President, UNDP conducted, in 2002, a Legislative Needs Analysis (LNA) of the *Nitijela*. The LNA came up with a list of 92 recommendations for action. The recommendations were on strengthening the office of the Speaker and the Clerk, strengthening the law-making functions of the *Nitijela*, strengthening *Nitijela*-Constituency relationships, strengthening the oversight functions of *Nitijela*, and facilitating women's participation and leadership roles. The full report of the LNA can be viewed at <http://www.undp.org/fj/GOLD>

The findings of the LNA were presented by UNDP for discussion at a Consultative Forum of Senators of the *Nitijela* on 29-30 April 2002 in Majuro, Marshall Islands. This Forum deliberated on the observations and recommendations, and based on their "desire to promote good governance and accountability as well as to strengthen the integrity of the institutions of the *Nitijela*" agreed on a number of actions to be implemented to improve the effectiveness of the *Nitijela*. The Resolutions of the Consultative Forum may also be viewed at the above mentioned website.

For UNDP, this project forms on of several similar Parliament Strengthening projects for the Pacific islands countries, including in the Solomon Islands and the Republic of Fiji Islands. This provides an opportunity for the sharing of lessons learned in the implementation and further strengthening of UNDP's upstream advisory role in the area of democratic governance.

(iii) The problem addressed

The LNA report provides a useful summary of the broad problems, subsequently acknowledged by the Senators, that need to be addressed. The report points out the need for general improvements in the work of the Parliament to enhance greater accountability and transparency.

There is an urgent need to strengthen the oversight and enforcement role of *Nitijela*, and in particular to revitalise the links between the *Nitijela*'s public accounts committee, the Auditor General, Attorney General and Finance Ministry.

The *Nitijela* itself needs to enhance and refine its legislative output, and increase the efficiency of parliamentary support services. Parliamentary sessions need to be supported and facilitated so as to be able to generate even more effectively the required legislation in key areas. For this to happen, greater capacity and levels of support are required for the Parliament. At present, *Nitijela* back-up services aimed at enhancing parliamentary debate are weak and parliamentary business is not organised around a clear annual programme. Cabinet dominates the legislature, the *Nitijela*'s committee system is not functioning to potential in scrutinizing the Executive.

The recommendations of the LNA, as endorsed by the Senators, include a wide range of actions that require procedural changes in the functioning of the Nitijela and which need to be undertaken by the Nitijela through a review of its processes and amendments to the Standing Orders. The recommendations also include institutional strengthening which would facilitate the procedural changes. UNDP through this project aims to provide strategic support for institutional strengthening which would address the key weaknesses identified in the LNA. These include actions designed to strengthen the office of the Speaker and the Clerk, Strengthening the Law-Making Function of the Nitijela, and Strengthening the Oversight Function of the Nitijela.

(iv) Intended beneficiaries

The project will directly benefit the secretariat of the RMI *Nitijela* and the members of the *Nitijela*. Its overall impact on the functioning of the *Nitijela* as the supreme legislative institution of RMI will benefit all the residents and citizens of the Republic of Marshall Islands.

b. Strategy

The Constitution of the Republic of the Marshall Islands vests considerable weight and authority in the Nitijela. It is by law the supreme state organ and legislative body. The Legislative Needs Analysis points to the need for technical support to enable the Nitijela to fully exercise its legislative, oversight and representative power. This requires not only greater political will but also effective rules and procedures and capacity development. The latter has been compounded by the “Reduction in Force” programme introduced in the RMI.

The Government of the RMI is firmly committed to implementing a programme of good governance as demonstrated in part by its endorsement of the Forum’s Eight Principles of Accountability and its subsequent capacity assessments to ensure the implementation of the same. The necessity to revive the Nitijela is seen as a critical element of the implementation strategy. The Speaker of the Nitijela, along with other Speakers from Forum Island Countries have backed the initiative by the Forum governments and agreed with UNDP to undertake comprehensive needs assessment in selected legislatures in the region. It was decided that the conclusions of the assessments would constitute the basis for pilot programmes to strengthen the parliaments in those countries. Marshall Islands is one of these countries. It is expected that the lessons generated through these programmes would eventually be compiled and codified and generic principles of parliamentary development prepared for the Pacific.

This pilot project takes a broad, yet strategic approach to parliamentary development based on the finding of the needs assessment and further consultations with a cross-section of members, staff and the executive branch. Support for the review and revision of Standing Orders of the *Nitijela* is expected to facilitate more efficient and effective proceedings in plenary and in committee sessions. Appropriate orientation for senators will enhance the ability of members to participate in these sessions with greater utility. The efforts to strengthen the capacity of the staff of the legislature and to improve the support services provided to members will be a major focus of the project. The installation of human resource planning, internal budget development processes, integrated information management systems and the provision of necessary basic equipment will prepare the Offices of the Clerk to service the legislature and contribute to long-term strategic planning for parliamentary reform. The emphasis placed by the project on strengthening the capacity of committees will contribute to both a more effective legislative process resulting in more coherent, well-articulated laws subject to stringent review and analysis as well as a more robust exercise of the *Nitijela’s* oversight duties. Transparency and improved access to information is expected to increase public confidence in the legislature and facilitate stronger, more meaningful public involvement in the policymaking process.

The Legislative Needs Analysis also identified several other areas, other than those to be addressed through this project. 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. Electoral reform, although identified as an area of assistance in the legislative needs analysis, is one where far greater resources would be required over a longer period than that available to this project.

There are two important areas that are not directly envisaged as a part of this pilot project, but remain crucial to parliamentary development in the Marshall Islands. First the need to enhance the participation of civil society organizations in the parliamentary process such as carrying out watchdog functions, facilitating more women political candidates, developing constituency relations and promoting civic education. Currently only one of 33 Senators in the *Nitijela* is a woman. However, Women United Together in the Marshall Islands (WUT/MI) remains an active force. An earlier initiative by UNIFEM to develop political leadership skills in communities has had some degree of success. 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. This project will complement UNIFEM work on facilitating the participation of women and gender sensitization of the Parliamentary processes. UNIFEM technical support may be utilised for some proposed activities on oversight, including on human rights and engendering the budget. Second, given the absence of political parties as such, strengthening the role of the opposition and encouraging senators in general to take issue-based positions when exercising their responsibilities on behalf of their constituencies is essential if the *Nitijela* is to be more than simply an institution for rubberstamping government policy. 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.

c. Management arrangements

Execution and Implementation Arrangements:

The project would 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 National Project Director (NPD) who will assume the overall responsibility for the project outputs, with the assistance of the UNV Specialist Project Manager, would be the Speaker of the Parliament.

The project would be managed under the guidance of a Project Oversight Committee (POC) which would be chaired by the NPD. The POC would have the following representation:

The Speaker of the *Nitijela* – Chairperson;
The Deputy Speaker- Member;
Chief Secretary – Member;
Secretary for Foreign Affairs,
Director of the Office of Planning and Statistics
Attorney General – Member;
Auditor General – Member;
Clerk to *Nitijela* – Member (*Ex-Officio*);
Legislative Counsel to the *Nitijela* – Member;
Representative of the Opposition – member (elected by opposition);
Female member of *Nitijela*-to be nominated by the Speaker- member;

Project Manager – Member and Secretary to the POC (*Ex-Officio*).

The Terms of Reference for the POC is appended at **Annex 3**.

The POC will meet every six months, with the first meeting to be held within a month of the fielding of the Project Manager. The NPD may call for special meetings should the need arise for these. The Project Manager will prepare the Agenda in consultation with the NPD and circulate this at least two weeks in advance of the POC meeting. He/she will also circulate the Minutes of the Meeting within two weeks after a meeting is held.

A working group headed by the Speaker and composed of the Clerk, the Legislative Counsel and the Project Manager should be convened monthly or bi-monthly to consider routine project implementation matters.

d. Monitoring and Evaluation

The project is subject to a Tripartite Review (TPR) every calendar year, with the first to be held in the last quarter of 2004. The primary parties of the TPR are the *Nitijela*, the Government of the Republic of the Marshall Islands and UNDP. The parties may by consensus invite other participants to the TPR.

For the annual TPR, the National Project Director (NPD) prepares and circulates to the participating parties, at least three weeks in advance, a brief descriptive Project Progress Report, the updated Outcome and Output matrices, the updated workplan for the next year, as well as the year-end financial report. He/she prepares and circulates, within two weeks following the TPR, a summary of no more than three pages of the analytical assessments, conclusions and decisions of the meeting as well as the finalised matrices and workplan, which will serve as the project workplan and budget for the following year.

Towards the end of the project life, a Terminal TPR will be held. The NPD prepares a descriptive project terminal report, the updated matrices and workplan as well as the latest financial report and circulates them, at least one month in advance, to the parties. The Terminal TPR focuses on analysing project results and on documenting best practices and lessons learnt for future programming. The NPD thereafter finalises the Project Terminal Report incorporating the analytical inputs made during the TPR and, within four weeks, circulates it to all parties.

The project may be subject to a maximum of one technical review every year apart from the TPR. For a technical review, the NPD prepares and circulates to the parties, at least two weeks in advance, a brief descriptive quarterly progress report, the updated workplan and the latest financial report. He/she prepares and, within one week, circulates to all parties a summary of no more than two pages of the assessments, conclusions and decisions of the meeting as well as the finalised matrices and workplan, which serve as the project workplan/budget for the following quarter. Technical reviews maybe undertaken by UNDP country office staff from Suva.

The project may also be subject to one in-depth final, “external” evaluation mission to assess overall project performance, project outputs/outcomes produced compared against initial targets, project impacts achieved and will likely be achieved, project relevance to the national context and project management efficiency. If such an evaluation is conducted, appropriate UNDP specialists such as GOLD or SURF advisers could undertake it at the end of the first year of the project. The evaluation may be limited only to the project, but is preferably a thematic event whereby a cluster of related initiatives in the RMI are evaluated jointly to better determine the likely achievement of outcomes.

An ex-post evaluation of the project may be performed and would be organised together with other related projects and programmes in the country. This evaluation should primarily focus on assessing the long-term results (or impacts) and sustainability of the project following its completion and draw lessons for further programming and policymaking. The timing for and necessity of this evaluation will be decided later on, based on mutual agreement between the *Nitijela*, the Ministry of Foreign Affairs and UNDP. However, given that this project is being undertaken as a pilot initiative that will contribute lessons toward the preparation of generic principles for parliamentary development in the Pacific, such an evaluation is highly recommended and indeed maybe necessary.

e. Legal Context

This project document shall be the instrument referred to as such in Article 1 of the Standard Basic Assistance Agreement between the Government of the Republic of Marshall Islands and the United Nations Development Programme, signed by the parties on 14 January 1984. The host country implementing agency shall, for the purpose of the Standard Basic Assistance Agreement, refer to the government executing agency/co-operating agency described in that Agreement.

The following types of revisions may be made to this project document with the signature of the UNDP Resident Representative only, provided that he is assured that the Government has no objections to the proposed changes:

- (a) Revisions in, or addition of, any of the annexes of the project document;
- (b) Revisions which do not involve significant changes in the immediate objectives, outputs or activities of a project but are caused by the re-arrangement of inputs already agreed to or by cost increases due to inflation;

f. Risk Analysis

Risk	Risk Rating	Risk Minimisation Measures
Reluctance of the Government to approve and to apply policy recommendations developed through the project.	Medium-High	The <i>Nitijela</i> has confirmed the issues addressed by the project as very important. Participation of a large number of stakeholders and public advocacy of the results will help to bring the policy recommendations forward to Government. Nonetheless, quality policy recommendations are required if they are to be adopted by Government.
Awareness raising activities, especially on new working methods and procedures may take more time than envisaged and may face more difficulties than expected.	Low-Medium	Identify a number of senators who are more familiar with modern parliamentary affairs to be used as resource persons in project activities. Expose key senators to relevant modern practices in selected parliaments as catalysts for reform.
Delay in identifying appropriate project personnel/personnel turnover.	Medium-High	Of particular concern is the possibility of "isolating" the STA in Majuro. Careful consideration should be given to this in recruiting, ensuring strong linkages with the backstopping team in Suva including reliable

Risk	Risk Rating	Risk Minimisation Measures
		means of communication, and possibly staggering the arrival of other international consultants. It is also envisaged that the STA will develop a close working relationship with the Clerk and the Legislative Adviser.
Inappropriateness of selected technologies	Medium	The <i>Nitijela</i> has not adapted well in the past to technological improvements. Sustainability must be a key consideration when recommending technological inputs.
Lack of good project operation and management after project commissioning	Low	Strengthening project management capacity will have to be built into the <i>Nitijela</i> through this project. The presence of a full-time STA for project implementation will greatly reduce this risk.
Excessive time demands on senators for orientation, awareness raising activities etc.	Medium	The NPD along with the STA in consultation with key members of the <i>Nitijela</i> will make appropriate assessments of time commitments of senators taking into consideration the legislature's calendar before scheduling activities.
Human and financial resource constraints	Medium-High	As a pilot initiative, finances for the project are limited. The Government and UNDP must actively develop and pursue a strategy to mobilise additional resources. Every opportunity to encourage parallel activities of other development partners that contribute to the achievement of project outputs and outcomes should also be grasped. All efforts to maximise the use of in-house resources without compromising on the quality of inputs will be considered, such as using UNDP advisers from the GOLD project and the Bureau for Development Policy and other partners who will provide <i>pro bono</i> services such as the International Legal Resource Centre (UNDP-ABA) and the Inter-Parliamentary Union. A real danger is the inability to secure funds to support the establishment of key staff positions in the <i>Nitijela</i> . The Speaker and other leaders in the <i>Nitijela</i> will have to lobby the government in this regard.

This is a bold yet necessary initiative in a very sensitive environment and touching upon areas where no previous attempts of international technical assistance have been implemented at this level. Therefore, rating the risk factors below medium would be over-optimistic. On the other hand, the embedded respect for sovereignty and the strong demonstrated commitment of the *Nitijela* leadership greatly minimises these risks.