



Twende Mbele

Evidence Use by Parliaments during COVID

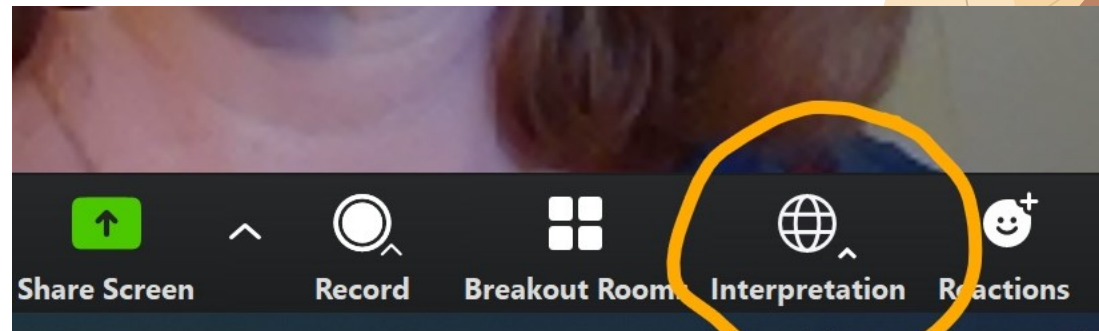
31 March 2021
Webinar

14:00 EAT
13:00 SAST
11:00 GMT

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House Rules

- ▶ Keep yourselves muted at all times.
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- ▶ Questions are welcomed, either type them to chat box below, or put your hand up and you will be asked unmute yourself to pose a question using audio.
- ▶ The webinar will be recorded and posted on the website
- ▶ French interpretation is available.



Moderator & Speakers

Dr Kobena T. Hanson

Principal Evaluation Capacity Development Officer
IDEV, Cote d'Ivoire



Senator Sylvia Mueni Kasanga

Senator
Parliament of Kenya



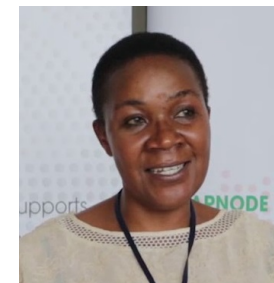
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Honorable Evelyn Mpagi-Kaabule

Chairperson
APNODE, Uganda



EXPERIENCE OF THE KENYA SENATE ADHOC COMMITTEE IN RESPONSE TO COVID-19 PANDEMIC

PRESENTED BY SEN.ARCH. SYLVIA KASANGA

31ST MARCH 2021

INTRODUCTION

- Committee was established by Senate on 31st March, 2020 (***Today is 1st Anniversary***)
- Mandate - ***To oversight on actions and measures taken by the national and county governments in addressing the spread and effects of COVID-19*** in Kenya.
- It has been my tremendous honor to serve first as Vice Chairperson and later as Chairperson of the Committee

EVIDENCE USE NO. 1 - STAKEHOLDER ENGAGEMENT

- After formation, Committee was **approached by various stakeholders** who gave written and oral submission (**160 submissions in total**)
- Committee clustered the submissions into **five thematic areas**, namely:
 - **Health Issues** – covering community health, testing, quarantine, isolation centers, ICU facilities, medical practitioners, drugs and supplies, role and engagement of county governments, and mental health;
 - **Economic and Finance Issues** – covering macro-economic effects, impact on businesses, trade facilitation, and measures to cushion borrowers and financial institutions;
 - **Social, Public Order and Human Rights** – including protection for vulnerable persons and groups, protection of women and girls at risk of domestic abuse, measures to enable learners to continue with their studies, enforcement of the nationwide curfew and restrictions on movement, access to justice, and decongestion of prisons and remand facilities;
 - **Access to Food, Water and other Basic Commodities** – including measures to ensure the continuous production and supply of food, water and other essential commodities; and
 - **Support Services and Cross-Cutting Issues** – including awareness creation on measures to prevent infection and combat stigmatization, and the role of ICT in combating the COVID-19 pandemic.

STAKEHOLDER ENGAGEMENT CONT.D

- Review of policy and legislative interventions from comparative jurisdictions
 - Committee noted most governments had either enacted legislation, or used policy measures, directives and regulations to address impacts of Coronavirus.
 - Committee developed “**The Pandemic Response and Management Bill**” and received an additional sixty-three (63) submissions from diverse stakeholders
- Committee held ninety-seven (97) sittings, to extensively consider matters under its mandate
 - We **delivered nine (9) Progress Reports** between April and September, 2020.
 - Held further **seventeen (17) sittings jointly with Health Committee** to inquire into procurement irregularities at the Kenya Medical Supplies Authority (KEMSA).

EVIDENCE USE NO. 2: INDEPENDENT EFFORTS

- The **information presented to the Committee by government** Ministries and departments **often portrayed a rosy picture** of what was happening both at the national and county level with regard to the pandemic.
- **The Committee, however, took the deliberate effort to obtain independent data** from first responders and front-line workers on the ground. This then informed the actions that the Committee took.

INDEPENDENT EFFORTS CONT.D

- Committee undertook **five county visits** (June & Sept 2020): Isiolo, Meru Mombasa, Kilifi & Kwale
 - Met respective County COVID-19 Emergency Response Committees, Governors & County Commissioners; County Assembly Health Service Committees; Healthcare Workers; CSOs; and private sector.
 - Inspected various health facilities to assess the level of preparedness in responding to the pandemic.
- **Overall observations** made from the county visits were;
 - Govt had indicate that all health care workers were provided with protective equipment (PPEs) – NOT THE CASE
 - Counties had indicated that they had installed fully functional ICU and HDU facilities – NOT THE CASE
 - Need to support local innovations in the response to the pandemic;
 - Importance of telemedicine in minimizing physical contact between healthcare workers and patients;
 - Impact of MoH guidelines on home based care, which greatly freed up space and facilities in hospitals;
 - Significant role private sector played, in partnership with county governments, in response to pandemic

INDEPENDENT EFFORTS CONT.D

- A **key challenge that the Committee faced** in carrying out its work was the **containment measures put in place in response to the pandemic**. For instance, vehicle hire services and domestic flights, which would have enabled the Committee to travel to most parts of the country, **were grounded**. The few that had special licenses to operate were extremely expensive. Hotels and accommodation facilities were closed.
- **Committee could only travel to destinations where Members could return to the capital the same day**. This greatly impacted the work of the Committee, and Parliament in general, during the pandemic. The experience of seeing and examining something in person is very different from what you can glean during a virtual engagement.

EVIDENCE USE NO. 3 – DATA ANALYSIS

- Committee noted a rise in **labour-related disputes** hampering effective response:
 - lack of quality PPEs, delayed salaries for healthcare workers; lack of medical insurance; as well as issues relating to training, deployment, and promotions.
- Committee **considered eleven (11) Senators requests for statements**
 - Senators raised issues on; burials, dismissals, administrative, financial issues, as well as overall preparedness of national and county structures towards the pandemic
- On **financial oversight**, Committee **requested for special audits** of expenditure by National & County Govts during part of the initial phases of covid period
 - Report by the Controller of Budget
 - Special Audit Report by the Auditor General
 - Substantive Reports by the Ministry of Health & County Governments

DATA ANALYSIS CONT.D

- Our work was to a great extent informed by the **data, evidence, information & human impact stories** received by the Committee.
- Our team conducted extensive research on what governments across the world were doing to respond to the pandemic, yet even here we found that the responses were constantly evolving.
- Even now, when the **conversation has shifted to new variants of the virus and on vaccination of the population, we find ourselves in a situation where new information and data is being published each day**, yet in a few weeks or months it is no longer applicable.

CONCLUSION

- The mandate of the Ad Hoc Committee lapsed as of 1st Nov 2020 (***after seven months of uncertainty... burdened by hopes of whole country***)
- During that period, the pandemic demonstrated how reality can evolve so fast that the **available data and information is not up to date to enable effective decision making** and oversight by Parliament.
- Nonetheless, our **Committee managed to tabled nine Progress Reports**, substantively addressing and making recommendations on each of the Five Thematic Areas identified

RECOMMENDATIONS

- **Need to strengthen our parliamentary research departments not just with staff but also with access to the latest research and data from across the world that would then help inform decision-making by Parliaments.**
- Our Senate welcomes ideas to help inform or improve on the ***Management and Recovery Strategy*** of this Pandemic

THE END



The changing functions of parliament during national lockdowns

by

Dr Wilhelm Janse van Rensburg

Lockdown: Challenges to parliaments

Practical challenges to parliamentary functioning:

- Physical closure of parliaments;
- Slow uptake of virtual platforms;
- Inactivity during crisis times (when parliamentary oversight is most needed).

Legislative challenges to parliament's functions

- The use of secondary legislation;
- South Africa, the UK and the Philippines.

The securitised approach to lockdowns

- The risk of insufficient oversight of the security sector;
- Slow oversight of domestic use of the security sector, notably the military.

Lockdown: Opportunities for parliaments

Parliament's representation function:

- Reverting to virtual platforms allowed the continuation of parliament's functioning.

Parliament's oversight function:

- Increased opportunities for involving external expertise in oversight (Improved evidence use).
- Timely oversight of the executive during emergencies (e.g. the security/health sectors).

Parliamentary Transparency:

- Electronic/virtual platforms increase public access to parliaments' work.

Lockdown: Practical developments for oversight

Parliamentary oversight tools:

1. *Parliamentary debates* – Initially stifled, but recovered through virtual platforms.
2. *Parliamentary questions* – Poor execution, specifically amid initial lockdowns.
3. *Oversight visits* – Severely inhibited by lockdown and travel restrictions.
4. *In-depth inquiries* – Poorly utilised amid parliamentary inactivity; virtual platforms allows for significant growth in the use of this oversight tool.
5. *Using external audit* – Well utilised in several states, notably around Covid-19 procurement corruption.

Conclusion

Risk to parliaments:

- Executive dominance.
- Limitations on the use of certain oversight tools.

Opportunities for parliaments:

- Improved transparency.
- Opportunity to develop in-depth inquiry.

Going forward:

- Political will required to learn from lockdown mistakes and strengthen parliamentary functioning.

Expected changes to the functions and role of parliaments going forward?

Honorable Evelyn Mpagi-Kaabule

31 March 2021



Introduction

Some steps Parliaments took to enable them to apply their functioning roles:

- ❖ Innovative solutions such as virtual sessions;
- ❖ Give governments necessary powers to protect public health;
- ❖ Conduct effective oversight of government actions particularly to ensure respect for citizen rights; and
- ❖ Learn lessons from the crisis to feed into better planning and decision-making.



Use of online platforms to meet and debate

- ❖ Different countries apply measures such as high-tech solutions like virtual plenary sessions.
- ❖ Legislatures developed remote participation procedures, such as teleconference question periods and virtual committee meetings.
- ❖ legislators to vote remotely, from either within their parliamentary offices or from home.



Threat to oversight role and sight visits

- ❖ Oversight is a balancing act between supporting the government in its policy responses in a time of crisis and applying the necessary checks and balances
- ❖ oversight during the pandemic cannot be delegated
- ❖ parliaments have a duty to ensure that all measures taken result in enhanced protection and support of the most vulnerable



Conclusion

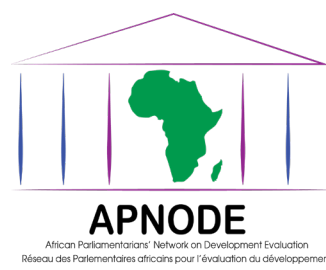
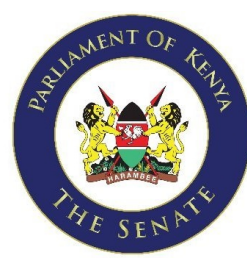
- ❖ Use of technology to facilitate their engagement brought a plus however several hurdles could not make it completely applicable.
- ❖ But African parliaments should use what they have learned to be more flexible on some traditional processes such as voting (use e-voting), sitting (use online sitting) or committees (allow committees to meet virtually).
- ❖ Parliaments demonstrated resilience by proactively implementing special oversight mechanisms.





APNODE

African Parliamentarians' Network on Development Evaluation
Réseau des Parlementaires africains pour l'évaluation du développement





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Question & Answer

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