

JPIP- SECOND QUARTER PROGRESS REPORT

JAN, 2017

1.0 Introduction

This progress report is for the period October to November 2016. It highlights the achievements realized by the project in the second quarter of the 2016/17 financial year. The project's objective is to improve the performance of the Judiciary to provide its services in a more effective and accountable manner. JPIP supports the Judiciary's strategies geared towards addressing perennial Judiciary challenges such as restoration of public trust and confidence. In particular the project supports operationalization of policy, legal and institutional framework vital for fair, affordable and equitable access to justice.

The project has four components: increased access to courts and legal information, improved timeliness of Judiciary services, enhanced performance and quality of decision making and Project Management. The objectives of the components are to be realized through a number of activities. The activities are contained in the 2016/17 work plan.

2.0 Progress

2.1 Increasing ACCESS to courts and legal information

This component aims at reducing geographical distance to courts, improving links to court users and potential users as well as reduction of knowledge barriers by publication and dissemination of legal information and court decisions. During the period under review the project achieved the following;

- Rent for the Kenya Law office space for the first quarter was paid.
- Continued construction of four new courts Garissa, Nanyuki, Nakuru and siaya. Progress is detailed below:

	Court	Construction contractor	Contract sum	Start Date	Planned end Date	Planned Contract Period (Wks)	Period elapsed (Wks)	(Wks)Period remaining to completion	Gross Amount Paid	% Paid	Expected progress %	Progress (%complete)/Status	ESIA Status
1	Nakuru	Diwafa Investments Ltd	347,765,950	18/02/2016	18/08/2017	72	34	38	109,733,199	31.55%	47%	37%	Under review by the Bank
2	Siaya	Nanchang/G L Williams	342,751,951	21/02/2016	21/08/2017	72	34	38	56,182,896	16.39%	47%	23%	Under review by the Bank
3	Garissa	Inshallah Limited	351,323,457	5/02/2016	5/08/2017	72	36	36	82,877,002	23.59%	50%	20%	Under review by the Bank
4	Nanyuki	Pinnie Agency Ltd	318,559,759	10/03/2016	25/07/2017	72	31	41	35,047,883	11.00%	43%	26%	Under review by the Bank
5	Kajiado	BQs completed tendering to be done in parallel with	370,500,000	19/01/2017	18/07/2018	72						Design presented to CUCs	Consultant appointed

		supervision consultant											
6	Wajir	BQs completed tendering to be done in parallel with supervision consultant	350,000,000	23/01/2017	23/07/2018	72						Design to be presented to CUCs on 30/9/2016	Consultant appointed
7	Mombasa	BQs completed tendering to be done in parallel with supervision consultant	400,000,000	26/01/2017	25/07/2018	72						Design presented to CUCs	Consultant appointed
8	Kakamega	BQs completed tendering to be done in parallel with supervision consultant	360,000,000	25/01/2017	24/07/2018	72						Design to be presented to CUCs on 23/9/2016	Consultant appointed
9	Ol-Kalau	BQs completed tendering to be done in parallel with supervision consultant	350,000,000	24/01/2017	23/07/2018	72						Design to be presented to CUCs on 23/9/2016	Consultant appointed

10	Kabete	-	370,500,000	20/01/2017	19/07/2018	72						Proposal made for change of site -to Meru- due to lack of land owners hip	Evaluati on of consulta nts CVs to be finalised on 31 Oct.
		Total	3,561,401,117						283,840,980	21%			

2.2 Improving TIMELINESS of Judiciary services

This component aims at reducing blockages in the registries by streamlining business processes; clarifying reporting lines; and increasing training. It also aims at increasing efficiencies with improved facilities through upgrading courts. In addition it aims at increasing the speed of case resolution by embracing High Court-annexed mediation (in family and commercial cases) and active case management in criminal cases. During the period under review;

- Census of criminal appeals records conducted in all prisons and High Court stations in August and September 2016 and all pending notices of appeal collected.
- A framework was developed for the establishment of the Court of Appeal Case Digest. This is being done by an established committee.
- Court of Appeal held Special Sessions in Machakos, Murang'a, Kwale and Kisumu and in which 390 cases were heard.
- High Court held mobile courts in Narok and Kakuma in which 54 cases were heard. Additional 95 cases were heard in October in Kakuma and Kericho.
- Alternative Disputes Resolution was supported in Family and Division and Commercial Division of the High Court. In the family division; 15 Cases were concluded, 9 successful settlements, 5 agreements reached and 63 matters were active after screening. In the Commercial Division; 5 cases were concluded, 1 successful agreement reached, 4 were found unsuccessful cases and 100 matters were active after screening.
- Later (in the second quarter) the first Mediators' Induction workshop for 100 people was held. In addition, a mediation E- register that will be used for registering all matters referred to mediation and track mediation notices to ensure that all mediation matters are finalized within the stipulated period was developed.
- Sixty (60) registry staff were sensitized on the new employment and labour relations procedure rules.
- 278 staff (38% female) were trained on the High Court registry operational manual in courts listed below:

Court	Male	Female	Total
Malindi	47	28	75
Kisii	53	27	80
Marsabit	29	14	43
Milimani	41	39	80
Total	170	108	278

- This was followed by an additional 299 staff (164m & 135f) from Murang'a, Kabarnet, Kisumu and Bomet law courts trained in October.
- Judges (High Court, ELC and ELRC) review workshop on registry improvement initiatives and the Bi-Annual High Court leaders (Judges and Deputy Registrars) retreat were held in October.
- Upgrading of 11 courts is underway. The cumulative progress on construction is as indicated below.

	Court	Status	Construction contractor	Contract sum	Start Date	Planned end Date	(Wks)Planned Contract Period	Revised contract period	Period elapsed (Wks)	Revised completion date	Period remaining to completion (Wks)	Gross Amount Paid	% Paid	Expected progress %	Actual progress (% complete)	ESIA Status
1	Kitui	Completed	Harrikason Building Construction	57,378,275	6/12/2013	14/11/2014	52		49	-	0	57,378,275	100%	100%	100%	Disclosed
2	Kangema	Completed	Flooring and Interior	19,591,586	8/07/2013	5/05/2014	52		43	-	0	19,591,586	100%	100%	100%	Disclosed
3	Kigumo	On-Going	Marimo Construction Ltd	94,160,933	29/06/2015	29/06/2016	52		63	19/10/2016	2 days	74,759,077	79.40%	100%	80%	Under review by the Bank
4	Chuka	On-Going	Philmark System Services Ltd	98,106,543	5/06/2015	13/06/2016	52		70	23/10/2016	6 days	49,946,625	50.91%	100%	68%	Under review by the Bank
5	Engineer	On-Going	Yomason Contractors Limited	78,615,579	8/06/2015	10/06/2016	52		70	21/12/2016	9	46,532,395	59.19%	100%	75%	Under review by the Bank
6	Vihiga	On-Going	Lunao Enterprises Limited	78,476,529	16/09/2015	14/09/2016	52		56	14/01/2017	13	36,739,403	46.82%	100%	65%	Under review by the Bank
7	Nyando	On-Going	Philmark System Services Ltd	74,827,121	4/09/2015	2/09/2016	52		58	2/01/2017	15	27,892,392	37.28%	100%	62%	Under review by the Bank
8	Molo	On-Going	Atlas Plumbers Limited	99,910,995	19/06/2015	17/06/2016	52		69	24/02/2017	19	59,360,827	59.41%	100%	67%	Under review by the Bank
9	Oyugis	On-Going	Sasah Contractors Limited	109,731,080	29/06/2015	28/06/2016	52	77	67	21/12/2016	7	56,112,301	51.14%	100%	75%	Under review by the Bank

10	Nyamira	On-Going	JN Investments Ltd	118,305,748	18/06/2015	17/06/2016	52	78	69	18/12/2016	7	52,027,095	43.98%	100%	60%	Under review by the Bank
11	Tamu	On-Going	Philmark System Services Ltd	74,902,949	9/06/2015	8/06/2016	52	81	72	28/12/2016	10	36,877,824	49.23%	100%	65%	Under review by the Bank
12	Kibera	On-Going	Havi Construction	137,649,133	13/04/2016	13/04/2017	52	78	26	-	26	15,656,923	11.37%	50%	22%	Under review by the Bank
13	Makindu	On-Going	Gracan Construction Ltd	96,855,446	8/03/2016	7/03/2017	52		32	-	20	15,241,420	15.74%	62%	25%	Under review by the Bank
14	Makueni	Design presented to CUCs	BQs completed tendering to be done in parallel with supervision consultant	350,000,000	9/01/2017	8/01/2018	52									Consultant appointed
15	Mukurweini	Design presented to CUCs	BQs completed tendering to be done in parallel with supervision consultant	100,000,000	10/01/2017	14/01/2018	52									Evaluation of consultants CVs to be finalised on 31 Oct.
16	Kwale	Design presented to CUCs	Letters of notification of award sent out on 6th Oct. and bidders given 28 days to submit performance bond so that contracts can be signed	360,000,000	11/01/2017	10/01/2018	52									Evaluation of consultants CVs to be finalised on 31 Oct.
17	Voi	Design presented to CUCs	Letters of notification of award sent out on	360,000,000	12/01/2017	11/01/2018	52									Evaluation of consultants CVs

			can be signed													
21	Kange ma	Preparation of bidding documents for tendering commenced	Letters of notification of award sent out on 6th Oct. and bidders given 28 days to submit performance bond so that contracts can be signed	40,000,000	18/01/2017	17/01/2018	52									Evaluation of consultants CVs to be finalised on 31 Oct.

2.3 Enhancing PERFORMANCE and QUALITY of decision making

This component aims at increasing use of standards and data in management of the Judiciary e.g. DCRT; PMMUs; IPMAS. It also aims at improving consistency and clarity of decision making by training of magistrates and registry staff and providing them with laws and legal texts for judicial officers. In addition it aims at strengthening integrity in decision making e.g. through corruption mapping and by audio recording and transcription of proceedings in Magistrate Courts. During the period under review the project achieved the following;

- Continued implementation of a comprehensive performance management system in the Judiciary. This system provides an excellent approach of planning, organizing, delivering and evaluating courts, administrative units and directorates' performance towards delivery of expected results. It largely focuses on enhancing productivity and accountability for results.
- In the 1st cycle of PMMUs implementation (2015/16), a total of **207** implementing units negotiated, set targets and signed their understandings. These includes the Supreme Court, 5 Courts of Appeal, 41 High Courts and Divisions, 6 Employment and Labour Relations Courts, 119 Magistrates' Courts, 20 Kadhis' Courts, 9 Directorates, 5 Registries and the National Council of Law Reporting.
- Evaluation of the 2015/16 achievements was scheduled for the first quarter but didn't take off due to exchequer delays. However the process has commenced and about 190 PMMUs have been evaluated. Target setting for the 2016/17 has also commenced where additional 20 courts are expected to sign their PMMUs. This will bring the total PMMUs signed to 227.
 - During the period under review the **percentage of courts submitting monthly court data** was **85%** up from 69% in June.
 - The **average time it takes to dispose of cases in courts** was **16 months** up from 13 months.
 - **Percentage of cases completed within 360 days of filing** was **55%** down from 70% in June.

- The PMMSC conducted spot checks on selected PMMU indicators by visiting 20 courts in hardship areas to appreciate the challenges the courts faced in their operations. The committee has since made proposals on their assessment of the courts and identified a number of interventions to be forwarded to the management for action.
- PMMSC conducted three (3) meetings for the review of PMMU guidelines with the aim of entrenching/institutionalizing of Performance Management in the Judiciary. The deliberations were mainly on the evaluation of PMMUs, case weighting, data collection and other initiatives.
- The process of conducting Impact Evaluation on specific programs was enhanced by the establishment of a core team to spearhead the process. A number of possible interventions were identified and implementation roadmap drafted.
- The process of developing of IPMAS and ASPRS continued. This is being done by a consultant and is aimed at production of data in real time against performance indicators and generate reports on a continuous and consistent manner across the entire spectrum of the Judiciary's operational units and individual staff. The Consultant has so far undertaken gap analysis and a survey on staff categories.
- Performance Appraisal System (PAS) Framework and tools were developed. This will enable cascading of the PMMU indicators, for Courts', to individual employees. Further, sensitization on negotiations, target setting and appraisal PAS was undertaken. A monitoring report has been prepared.
- Corruption mapping and the development of the Governance and Anti-Corruption Strategy (GAC) is underway.
- JTI coordinated the training/capacity building of 420 Judicial officers, Staff and other court users in the first quarter. The numbers trained are as shown in the table below:

	Course/workshop	Male	Female	Total
1	Magistrates Continuous Judicial Education	36	21	57

2	Magistrates and Kadhis Colloquium - Group 1	146	82	228
3	Magistrates and Kadhis Colloquium - Group 2	125	118	243
4	Annual Judges Colloquium	71	48	119
	TOTALS	242	178	420

In addition JTI coordinated training/capacity building for 1,203 judiciary employees and court users in October and November:

	Course /workshop	Male	Female	Total
1	Induction for the newly - recruited Court Assistants (Clerical Officers)	452	429	881
2	Professionalism, Values & Communication	110	100	210
3	AJS - Informal knowledge & capacity building workshop for Elders from Isiolo, Kangema, Othaya and AJS Taskforce	86	26	112
	Total	648	555	1,203

- During the period under review the number of **direct project beneficiaries** rose by 138,348 (136,625 litigants + 1723 training) from 389,738 to **528,087**.
- Rent for the JTI office space for the first quarter was paid.

2.4 Project management

The **2016/17 JPIP workplan** was finalised, reviewed by the bank and no objection given. The total workplan budget is Kshs. 5.8 million. The workplan also contains projections for 2017/18 and 2018/19. Coordination and monitoring of project implementation has been going on as planned.

SUMMARY OF BUDGET BY COMPONENTS								
	Component	(Kshs'000)				TOTAL	US\$ (000)	% of Total
		2015/16	2016/17	2017/18	2018/19			
1	Increase Access to Courts and Legal Information	281,800	2,246,182	2,102,443	186,900	4,817,325	48,173	43%

2	Improve Timeliness of Judiciary Services	683,010	2,681,184	1,109,500	71,500	4,545,194	45,452	41%
3	Enhance Performance and Quality of Decision Making	105,284	812,184	429,684	125,448	1,472,600	14,726	13%
4	Project Management	29,600	102,000	98,000	44,150	273,750	2,738	2%
	Total	1,099,694	5,841,550	3,739,627	427,998	11,108,869		

The summary of budget table above shows expenditure is projected to be high in 2016/17 and decline gradually as the project gets to its closure in 2018.

3.0 Expenditure

During the reporting period actual expenditure was **Kshs 237.3 Million**. This was equivalent to 34% of the prorated budget per quarter. The amount spent was 33% of the total expenditure incurred during the year.

3.1 Expenditure by components

		Actual Expenditure (Ksh'000)							
	Component	July	August	September	Total	2016/17 budget	Prorated Q1	% utilised of total	% utilised of prorated
1	Increased Access to Courts and Legal Information	3,920.4	100,688.76	-	104,609.25	2,246,182	561,545.5	5%	19%
2	Improved Timeliness of Service	30,411.9	59,041.83	20,405.37	109,859.10	2,681,184	670,296	4%	16%
3	Enhanced Performance and Quality	7,308.02	-	4,973.44	12,281.45	812,184	203,046	2%	6%

4	Project Management	380.8	1,749	8,458.71	10,588.51	102,000	25,500	10%	42%
	Total	42,021,209	161,479.5	33,837,534	237,338.34	5,841,550	1,460,387.5	4%	16%

The table shows the proportion of actual expenditure in the quarter against prorated budget and against the annual budget. As noted in the table above, expenditure for the quarter was equal to 16% of the prorated budget for the quarter and 4% of the annual budget.

3.2 Expenditure by Implementing Units

	Implementing Unit	2016/17 Budget (Kshs'000)	Prorated Budget	Actual exp. Q1	% Exp. against annual budget	% Exp. against prorated budget
1	OCJ/NCAJ	74,000	18,500	3,920	5.30%	21%
2	OCR	191,000	47,750	3,774	1.98%	8%
3	DBS	3,742,466	935,617	171,323	4.58%	18%
4	JTI	207,184	51,796	10,503	5.07%	20%
5	JSC	7,200	1,800	0	0.00%	0%
6	KL	381,600	95,400	4,063	1.06%	4%
7	HR	48,000	12,000	487	1.01%	4%
8	DICT	280,500	70,125	1,038	0.37%	1%
9	RSC	6,000	1,500	0	0.00%	0%
10	RCA	28,000	7,000	4,719	16.85%	67%
11	RHC	231,600	57,900	24,507	10.58%	42%
12	RMC	235,000	58,750	0	0.00%	0%
13	PMD	197,500	49,375	4,567	2.31%	9%
14	DPAC	74,500	18,625	0	0.00%	0%
1	OJO	15,000	3,750	0	0.00%	0%

	Implementing Unit	2016/17 Budget (Kshs'000)	Prorated Budget	Actual exp. Q1	% Exp. against annual budget	% Exp. against prorated budget
5						
16	AOG	20,000	5,000	277	1.38%	6%
17	PMU	102,000	25,500	7,875	7.72%	31%
18	DOF			285		
18	Total	5,841,550	1,460,388	237,338	4.06%	16.25%

Expenditure by the implementing units was somewhat low (4% of annual budget or 16% of prorated budget) as at end of the first quarter. It should be noted that exchequer was released towards the end of the quarter. This might have contributed to the low absorption of funds.

3.3 Funds expended and committed as at June 2016

	Actual 2012/13 US\$ '000	Actual 2013/14 US\$ '000	Actual 2014/15 US\$ '000	Actual 2015/16 US\$ '000	Actual as @ 30th Sept 2016 US\$ '000	Total Actual US\$ '000	Committed US\$ '000	Total Actual and commitment US\$ '000	Proportion of project sum (%)
Totals	519.4	3379.6	5,990.3	9,858	2,373.38	22,120.33	39,905.5	62,025.83	52%

The total project funds expended and committed as at 30th September 2016 is US\$ 62,025. This is about 52% of the total project sum. The amount paid out is about US\$ 22,120 (about 18% of total project sum).

4.0 Causes of slow implementation/Challenges

1. Low capacity within some implementing units causing delays in Implementing Units submitting requests for funding (See annex 1 for summary of implementation) and lack of familiarity with JPIP procedures contribute to delayed approvals.

2. Incomplete staffing of Directorate of Building Services. Clerk of works, structural, electrical and mechanical engineers are yet to be recruited.
3. Inadequate capacity within the Finance section of the PMU following the exit of IFA.
4. Procurement bottlenecks due to termination of procurement process (e.g. for Kangema court construction) and termination/amendment of contracts (e.g. for supply of vehicles).
5. Modalities for disbursement of the CUC's grant took long to be resolved.
6. IFMIS shut down especially towards the end of the financial year extending to the beginning of the financial year.
7. Delays in exchequer release by the Treasury leading to a number of activities not taking off on time and also delayed payment of contractors.

5.0 Conclusion

The project realized some improvements in the implementation as a large number of activities were either initiated or were underway. The activities mainly consisted of construction works. It should be noted that minimal progress was realized for operational activities and goods. The causes of minimal progress have been highlighted under '4.0' above however the greatest contributor to slow progress was delays in the exchequer release by the Treasury. There is therefore urgent need to address exchequer issues.

Annex 1

Workplan summary statistics - October 2016

	Implementing unit	Proc not initiated	Proc not initiated	Proc initiated	Proc initiated	Activity under way	Activity under way	Activity completed	Activity completed	Total
		%	No	%	no.	%	no.	%	no.	no.
1	OCR	0%	0	33%	1	67%	2	0%	0	3
2	DBS	31%	14	9%	4	60%	27	0%	0	45
3	JSC	0%	0	100%	1	0%	0	0%	0	1
4	KL	35%	7	55%	11	10%	2	0%	0	20
5	OCJ/OD CJ	0%	0	100%	1	0%	0	0%	0	1
6	JTI	14%	1	57%	4	29%	2	0%	0	7
8	OJO	100%	2	0%	0	0%	0	0%	0	2
9	DICT	50%	6	25%	3	25%	3	0%	0	12
11	HR	33%	1	33%	1	33%	1	0%	0	3
12	RSC	0%	0	100%	3	0%	0	0%	0	3
	RCA	17%	1	50%	3	33%	2	0%	0	6
14	RHC	31%	4	38%	5	31%	4	0%	0	13
15	RMC	59%	10	29%	5	12%	2	0%	0	17

16	PMD	25%	3	42%	5	25%	3	8%	1	12
17	DPAC	50%	2	50%	2	0%	0	0%	0	4
18	OAG	100%	2	0%	0	0%	0	0%	0	2
19	PMU	0%	0	21%	3	79%	11	0%	0	14
	Total	32%	53	32%	52	36%	59	1%	1	165