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THE NATIONAL ASSEMBLY
TWELFTH PARLIAMENT- THIRD SESSION

THIRD REPORT
OF THE
COMMITTEE ON APPOINTMENTS

ON THE VETTING OF THE NOMINEE FOR APPOINTMENT TO THE
POSITION OF CABINET SECRETARY FOR EDUCATION -
PROF. GEORGE ALBERT OMORE MAGOHA, CBS, EBS

MARCH, 2019

DIRECTORATE OF COMMITTEE SERVICES
THE NATIONAL ASSEMBLY
PARLIAMENT BUILDINGS
NAIROBI.



 THE NATIONAL ASSEMBLY PAPERS LAID	
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TABLED BY:	HON. JOHN MBASI MINORITY LEADER
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LIST OF ABBREVIATIONS AND ACROYNMS

DCI	Directorate of Criminal Investigations
EACC	Ethics and Anti-Corruption Commission
H.E.	His Excellency
HELB	Higher Education Loans Board
HIV	Human Immunodeficiency Virus
MPDB	Medical Practitioners and Dentist Board
KNEC	Kenya National Examination Council
KRA	Kenya Revenue Authority
PWDs	Persons with Disabilities
UoN	University of Nairobi

ANNEXURES

- ANNEXURE 1** Letter from H.E. the President forwarding the nominee's name
- ANNEXURE 2** Speaker's Conveyance of Message from H.E. the President to the House
- ANNEXURE 3** Newspaper advertisement dated 7th March, 2019 calling for public memoranda
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FOREWORD

In accordance with Article 152 (2) of the Constitution and section 5 of the Public Appointments (Parliamentary Approval) Act, 2011 (hereinafter referred to as “the Act”), His Excellency the President nominated **Prof. George Albert Omoro Magoha** to the position of Cabinet Secretary for Education. The nomination was conveyed to the Speaker of the National Assembly through a letter Ref. No. OP/CAB.1/40A and dated 1st March, 2019. The nominee's Curriculum Vitae and Testimonials were enclosed in the letter.

On 5th March, 2019 and pursuant to Standing Order 42(1), the Speaker of the National Assembly conveyed the Message from H.E. the President to the House. Pursuant to section 4 of the Act and Standing Order 204(4), the matter was referred to the Committee on Appointments for vetting and reporting to the House within fourteen (14) days.

In compliance with section 6(9) of the Act, the Clerk of the National Assembly placed an advertisement in the print media on Thursday, 7th March, 2019, inviting the public to submit memoranda by way of written statements on oath (*affidavit*) on the suitability or otherwise of the nominee. The advertisement indicated that the submissions were to be received by Wednesday, 13th March, 2019 at 5.00 pm. By close of the submission deadline, the Committee had not received any submission on the suitability of the nominee or otherwise for appointment as Cabinet Secretary for Education.

Further, in fulfilment of the provisions of Article 118 of the Constitution, section 6(4) of the Act and Standing Order 45(3), the Clerk of the National Assembly on Thursday, 7th March, 2019 notified the public through the print media, the intention of the Committee on Appointments to conduct the approval hearing of the nominee on Thursday, 14th March, 2019 from 09.30 a.m.

Section 6(7) of the Act provides that that the approval hearing should focus on a **candidate's academic credentials, professional training and experience, personal integrity and background**. To fulfil the requirement on personal integrity, the Clerk wrote to the Kenya Revenue Authority, the Ethics and Anti-Corruption Commission, the Registrar of Political Parties, and the Higher Education Loans Board to ascertain the nominee's good standing with the said government institutions. The nominee was also required to submit clearance from the said institutions, which he did.

The nominee appeared before the Committee on Thursday, 14th March 2019 for approval hearing in accordance with the provisions of the Constitution, the Public Appointments (Parliamentary Approval) Act, 2011 and the National Assembly Standing Orders on his suitability or otherwise for appointment to the position of Cabinet Secretary for Education.

Having considered the nominee's curriculum vitae, filled Questionnaire pursuant to the Schedule to the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011) and the oral submissions during the approval hearing, the Committee made the following findings and observations –

- 1) **THAT, in accordance with Article 78(1) and (2) of the Constitution, he is a Kenyan citizen born in Siaya County and does not hold dual citizenship.**
- 2) **THAT, he is a professor of surgery at the University of Nairobi with more than thirty-one (31) years' experience in academia, medicine/surgery and public service, ten (10) years of which he served as the Vice-Chancellor in the said institution.**
- 3) **THAT, prior to his nomination, he served as the Chairperson of the Kenya National Examination Council where he led in reforming the Country's examination management thereby giving credibility and integrity to the examination results in the country. His academic credentials, professional training and experience thus comply with section 6 (7) of the Public Appointments (Parliamentary Approval) Act, No. 33 of 2011.**
- 4) **THAT, he meets the requirements of Chapter 6 of the Constitution on leadership and integrity, having been issued with clearance certificates by various government agencies such as EACC, KRA, DCI and HELB.**
- 5) **THAT, as stipulated in Article 75(1) of the Constitution, he has no potential conflict of interest.**
- 6) **THAT, he satisfies the requirements of Article 77(1) of the Constitution in that he does not intend to participate in any other gainful employment during his tenure as a Cabinet Secretary.**
- 7) **THAT, he does not hold office in any political party and hence satisfies the provisions of Article 77(2) of the Constitution. This was confirmed by the Registrar of Political Parties vide letter RPP/ORG/34 VOL.III (32) dated 8th March, 2019.**
- 8) **THAT, he has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (conflict of interest), Article 76 (financial probity), Article 77 (restriction on activities of State Officers) and Article 78(2) (dual citizenship) of the Constitution and is therefore fit to hold office as Cabinet Secretary.**
- 9) **THAT, no memoranda were presented to the Committee contesting the suitability or otherwise of the nominee for appointment as Cabinet Secretary for Education.**

May I take this opportunity to thank all the Members of the Committee for their input and valuable contributions and time during the approval hearing and deliberations during the writing of this report. The Committee also takes this opportunity to thank the Office of the Clerk of the National Assembly for the logistical support accorded to it during the exercise.

On behalf of the Committee on Appointments and pursuant to Article 124 (4) (b) of the Constitution, section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011 and the provisions of Standing Order 199(6), it is now my singular duty and privilege to present to the

House, this Third Report of the Committee on Appointments on the vetting of the nominee for the position of Cabinet Secretary for Education, **Prof. George Albert Omore Magoha.**

Hon. Justin B. Muturi, E.G.H., M.P

Speaker of the National Assembly/Chairperson Committee on Appointments

1.0 PREFACE

1.1 Establishment and Mandate of the Committee

1. The Committee on Appointments is established in accordance with Standing Order 204(1) to consider, for approval by the House, appointments under Article 152(2) of the Constitution (Cabinet Secretaries).

1.2 Members of the Committee

2. The Committee on Appointments comprises the following Members:

Chairperson: The Hon. Justin Muturi, EGH, M.P. (**Speaker of the National Assembly**)

Members: The Hon. Moses Cheboi, CBS, M.P. (Deputy Speaker)
The Hon. Aden Duale, EGH, M.P. (Leader of the Majority Party)
The Hon. John Mbadi, EGH, M.P. (Leader of the Minority Party)
The Hon. Jimmy Angwenyi, CBS, M.P. (Deputy Leader of the Majority Party)
The Hon. Robert Mbui, M.P. (Deputy Leader of the Minority Party)
The Hon. Benjamin Washiali, CBS, MP (Majority Whip)
The Hon. Cecily Mbarire, MGH, M.P. (Deputy Majority Whip)
The Hon. (Dr.) Eseli Simiyu, M.P.
The Hon. Yusuf Hassan Abdi, MP
The Hon. David Pkosing, CBS, M.P.
The Hon. David Gikaria, M.P.
The Hon. (Dr.) Rachael Nyamai, M.P.
The Hon. Joyce Emanikor, HSC, M.P.
The Hon. Khatib Mwashetani, M.P.
The Hon. Kimani Ichung'wah, M.P.
The Hon. Peter Kaluma, M.P.
The Hon. Sabina Wanjiru Chege, M.P.
The Hon. Sarah Korere, M.P.
The Hon. Tom Joseph Kajwang, M.P.
The Hon. David Ole Sankok, M.P.
The Hon. Esther Muthoni Passaris, OGW, M.P.

The Hon. Getrude Mbeyu, MP
The Hon. Joshua Kimilu, MP
The Hon. Lillian Tomitom, MP
The Hon. Lydia Haika Mizighi, MP
The Hon. Oku Kaunya, MP
The Hon. William Chepkut, MP

1.3 Committee Secretariat

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|--------------------------------|-------------------------------------|
| 1. Mr. Michael Sialai, EBS | Clerk of the National Assembly |
| 2. Mrs. Florence Atenyo-Abonyo | Director, Committee Services |
| 3. Mr. Peter Chemweno | Deputy Director, Committee Services |
| 4. Ms. Susan Maritim | Senior Clerk Assistant |
| 5. Ms. Marale Sande | Senior Research Officer |
| 6. Ms. Chelagat Tungo | Clerk Assistant I |
| 7. Ms. Emma Essendi | Legal Counsel I |
| 8. Mr. Jimale Mohammed | Clerk Assistant III |

2.0 BACKGROUND INFORMATION

2.1 Notification of Nomination

3. In accordance with the provisions of Articles 132(2) (a) and 152 (2) of the Constitution and section 5 of the Public Appointments (Parliamentary Approval) Act, H.E. the President forwarded to the National Assembly, *vide* a letter reference number OP/CAB.1/40A dated 1st March, 2019; the notification of nomination, curriculum vitae and testimonials of **Prof. George Albert Omore Magoha**, nominee for appointment as Cabinet Secretary for Education. (**ANNEXURE 1**),

2.2 Committal to Committee on Appointments

4. On 5th March, 2019 and pursuant to Standing Order 42(1), the Speaker of the National Assembly conveyed the Message from H.E. the President (**ANNEXURE 2**) to the House. Pursuant to section 4 of the Act and Standing Order 204(4), the matter was referred to the Committee on Appointments for vetting and reporting to the House within fourteen (14) days.

2.3 Notification to the Public

5. In compliance with section 6(9) of the Act, the Clerk of the National Assembly placed an advertisement in the print media on Thursday, 7th March, 2019, (**ANNEXURE 3**) inviting the public to submit memoranda by way of written statements on oath (*affidavit*) on the suitability or otherwise of the nominee. The advertisement indicated that the submissions were to be received by Wednesday, 13th March, 2019 at 5.00 p.m. By close of the submission deadline, the Committee had not received any submission on the suitability of the nominee or otherwise for appointment as Cabinet Secretary for Education.
6. The Clerk of the National Assembly notified the public of the Committee of Appointments intention to conduct the approval hearing of the nominee on Thursday, 14th March, 2019 from 09.30 a.m. This was done in accordance with the provisions of Article 118 of the Constitution, section 6(4) of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Orders 45(3).(**ANNEXURE 4**).

2.4 Notification to the Nominee

7. The Clerk of the National Assembly through newspaper advertisement in the Daily Nation and Standard on Wednesday, 6th March, 2019 invited the nominee for the approval hearing. This was done in compliance with the requirement of sections 4 and 6(3) of the Public Appointments (Parliamentary Approval) Act, 2011. (**ANNEXURE 5**).

2.5 Clearance Requirements

8. On Wednesday, 6th March, 2019, the Clerk of the National Assembly wrote to the Ethics and Anti-Corruption Commission (EACC), Kenya Revenue Authority (KRA), Directorate of Criminal Investigations (DCI), the Higher Education Loans Board (HELB) and the