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**KENYA NATIONAL ASSEMBLY
TENTH PARLIAMENT**

**THE REPORT OF THE
PARLIAMENTARY SERVICE
COMMISSION**

**RECOMMENDING THE NOMINATION OF
MR. JASON A. N. NAMASAKE AND MS.
MARIAMU EL-MAAWAY AS NOMINEE OF
THE SENATE TO THE SALARIES AND
REMUNERATION COMMISSION**

Kenya National Assembly
Parliament Buildings
NAIROBI

NOVEMBER, 2011

1.0 PREFACE

Mr. Speaker Sir,

On behalf of the Parliamentary Service Commission it is my pleasure and duty to present to the House, the Commission's Report on the interview and proposal for nomination of nominees of the Senate to the Salaries and Remuneration Commission.

The membership of the Parliamentary Service Commission comprises of the following:-

The Hon. Kenneth Marende, EGH, M.P	- Chairman
H.E. The Hon. Stephen K. Musyoka, EGH, M.P.	- Member
The Hon. John Olago Aluoch, M.P.	- Member
The Hon. Chris Okemo, EGH, M.P.	- Member
The Hon. Zakayo Cheruiyot, MGH, M.P.	- Member
The Hon. Peter Mwathi, M.P.	- Member
The Hon. Joseph Lekuton, OGW, M.P.	- Member
The Hon. Jamleck Kamau, M.P	- Member
Mr. Patrick G. Gichohi	- Clerk/Secretary PSC

The Parliamentary Service Commission is established under section 45B of the former Constitution of Kenya and saved by section 3(2) of the Sixth Schedule of the Constitution of Kenya, 2010. The Commission is further re-established by Article 127 of the Constitution of Kenya, 2010. The powers and functions of the Parliamentary Service Commission as set out under section 45B(5) of the former Constitution of Kenya and

saved by section 3(2) of the Sixth Schedule of the Constitution of Kenya, 2010 *are inter alia*:-

- (a) to constitute and abolish offices in the parliamentary service;
- (b) to appoint persons to hold or act in the offices of the Service (including the power to confirm appointments) and to exercise disciplinary control over persons holding or acting in those offices (including the power to remove those persons from office);
- (c) to provide such services and facilities as are necessary to ensure efficient and effective functioning of the Assembly;
- (d) to direct and supervise the administration of the services and facilities provided by, and exercise budgetary control over, the Service;
- (e) in such manner as may be prescribed by or under an Act of Parliament:-
 - (i) to cause to be prepared and laid before the National Assembly in each financial year estimates of expenditure (which shall be a charge on the Consolidated Fund) of the parliamentary service for the next following financial year;
 - (ii) to cause to be audited and a report thereon laid before the Assembly at least once every year, the accounts of the Commission (also known as the accounts of the Clerk of the National Assembly) provided that until such time as the manner of the audit and report is prescribed as aforesaid section 105 shall continue to apply *mutatis mutandis*;

- (f) without prejudice to the generality of paragraphs (c) and (d), to provide security staff to maintain proper security for members of the Assembly and for the services and facilities within the precincts of the Assembly;
- (g) to determine the terms and conditions of service of persons holding or acting in the offices of the Service;
- (h) from time to time as necessity arises, to appoint an independent body to review and make recommendations on the salaries and allowances of the members of the Assembly;
- (i) to initiate, co-ordinate and harmonize policies and strategies relating to the development of the Service;
- (j) to undertake, singly or jointly with other relevant authorities and organisations, such programmes as will promote the ideals of parliamentary democracy in Kenya;
- (k) to do such other things including review of parliamentary powers and privileges as may be necessary for the well-being of the members and staff of the National Assembly and to exercise such other functions as may be prescribed by or under an Act of Parliament.

The Commission is therefore the body responsible for matters concerning the welfare of Members and staff of the National Assembly including matters concerning the remuneration of Members and Staff. Membership of the Commission is drawn from the National Assembly, thereby making the Commission an organ of the House.

2.0 SENATE NOMINEES

Mr. Speaker Sir,

Article 230(2)(b) of the Constitution of Kenya, 2010 provides that the Salaries and Remuneration Commission shall consist of one person each nominated by the following bodies:

- (i) the Parliamentary Service Commission;
- (ii) ~~the Public Service Commission;~~
- (iii) the Judicial Service Commission;
- (iv) the Teachers Service Commission;
- (v) the National Police Service Commission;
- (vi) the Defence Council; and
- (vii) the Senate, on behalf of the county governments;

Section 7 of the Salaries and Remuneration Act, 2011, provides the procedure for nomination of persons pursuant to Article 230(2)(b) of the Constitution of Kenya, 2010. Section 7(1) and (2) provides that the relevant nominating body shall, by advertisement in at least two local daily newspapers of national circulation, invite applications from persons who qualify for nomination under the Constitution and the Act for nomination as a member of the Commission. The relevant nominating body shall then consider the applications received to determine their compliance with the provisions of the Constitution and the Act, interview the applicants and forward the names of two persons so qualified, who shall be of opposite gender, to the Cabinet Secretary for onward transmission to the President.

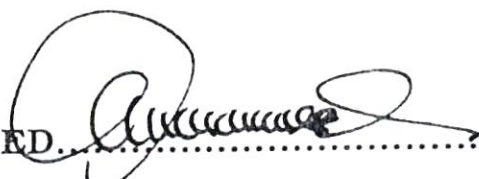
It is noteworthy that under section 7 of the Salaries and Remuneration Act, 2011 the President, in consultation with the Prime Minister, shall consider all the nominees received from the various nominating bodies, observing the principle of gender equity, regional and ethnic balance and equal opportunities for persons with disabilities and on the basis thereof nominate a chairperson and the other members and forward the names of the nominees to the National Assembly for its approval.

There is currently no Senate, yet the Constitution provides that the Salaries and Remuneration Commission shall include one person to represent the Senate, on behalf of the county governments. Section 11 of the Sixth Schedule of the Constitution of Kenya, 2010, provides that until the first Senate is established under the Constitution the functions of the Senate shall be exercised by the National Assembly. Section 11(2) of the Sixth Schedule stipulates that any function or power of the Senate, if performed or exercised by the National Assembly before the establishment of the first Senate shall be deemed to have been duly performed or exercised by the Senate.

Mr. Speaker Sir,

It is my pleasant duty and privilege, on behalf of Parliamentary Service Commission, to present and commend this report on the interview and proposal for nomination of **Mr. Jason A. N. Namasake** and **Ms. Mariamu El-Maaway** as nominees of the Senate to the Salaries and Remuneration Commission in accordance with Article 230 of the

Constitution of Kenya, 2010 and the Salaries and Remuneration Act, 2011.

SIGNED 

HON. KENNETH MARENDE, E.G.H.,M.P.
SPEAKER OF THE NATIONAL ASSEMBLY/CHAIRPERSON,
PARLIAMENTARY SERVICE COMMISSION

DATE: ...09.11.2011.....

3.0 BACKGROUND

INVITATION OF APPLICATIONS

An advertisement was placed in the Daily Nation and The Standard newspaper editions of 12th August 2011. In response, a total of thirty three applications were received for nomination by the Senate to the Salaries and Remuneration Commission.

The Parliamentary Service Commission in its 142nd meeting held on 23rd August 2011 considered that applications and resolved that all the applicants be invited for interviews. The Commission thereafter conducted the interviews on 6th, 7th, 9th, 23rd, 26th, 27th, 28th, and 29th September 2011, as indicated hereunder;-

A. INTERVIEWS FOR THE NOMINEES OF THE SENATE;-

Thirty three applicants submitted their applications and were invited for interview but one applicant did not attend the interview with the following thirty two attending the interviews;-

S/No	Name of Applicant	Date of Interview
1.	Samuel K. Ng'eno	6 th September 2011
2.	Samuel K. Wanjohi	6 th September 2011
3.	Safiya Idd	6 th September 2011
4.	Enock O. Nyasende	6 th September 2011
5.	Christopher Onyuma	6 th September 2011

6.	Agnes W. Ng'ang'a	6 th September 2011
S/No	Name of Applicant	Date of Interview
1.	Larr P. A. Aluchio	7 th September 2011
2.	Simeon K. Rono	7 th September 2011
3.	Erastus M. Machoka	7 th September 2011
4.	Jason A.N. Namasake	7 th September 2011
5.	Sheba M. Mohamed	7 th September 2011
6.	James Oluoch Ogolla	7 th September 2011
7.	Kennedy Mohochi	7 th September 2011
8.	Mwangi Njuguna	7 th September 2011
1.	Mayore E. Serem	23 rd September 2011
2.	Reuben K. Yegon	23 rd September 2011
3.	Irene Njeri Wanyoike	23 rd September 2011
4.	Doreen Marangu	23 rd September 2011
5.	Edward Mwiti	23 rd September 2011
6.	Anthony Muchanga	23 rd September 2011
7.	Joel Kuria Mungai	23 rd September 2011
8.	Benson Karanja	23 rd September 2011
9.	Seraphina Kathurima	23 rd September 2011

S/No	Name of Applicant	Date of Interview
1.	Peter N. Njoroge	26 th September 2011
2.	Mariam El-Maaway	26 th September 2011
3.	Amb. Sospeter Mageto	26 th September 2011
4.	Mbera Orwoba	26 th September 2011
5.	Stanley D. A. Alube	26 th September 2011
6.	Nderitu W. Isaac	26 th September 2011
7.	Tito Francis K. Maviti	26 th September 2011
8.	Nelson Ruto Korir	26 th September 2011
9.	Amina Mosoud	26 th September 2011

B. RANKING OF NOMINEES FOR THE SENATE;-

The Commission considered the curriculum vitae of each applicant and further scrutinized their original academic certificates and testimonials.

The Commission then carried out interviews on the basis of the following areas:

- (i) Academic qualifications.
- (ii) Additional knowledge in either finance and administration, public administration, economics, human resource management or labour laws.
- (iii) Relevant work experience in either finance and administration, public administration, economics, human resource management or labour law.
- (iv) Distinguished work career.

- (v) Understanding of the Constitution and powers and functions of the Senate and County Governments.
- (vi) The role of the Salaries and Remuneration Commission.
- (vii) Leadership and management skills.
- (viii) The extent to which the candidates meet the requirements of chapter six on values, leadership and integrity.
- (ix) Personal attributes such as decisiveness/confidence, self awareness, honesty, accountability, discipline and commitment, communication skills, interpersonal skill and understanding of group dynamics.

Following the interviews the candidates scored as follows:

S/No.	Name of Applicant	Mean Score
1.	Jason A.N. Namasake	78%
2.	Samuel K. Wanjohi	73.75%
3.	Mbera Orwoba	65.75%
4.	Stanley D. A. Alube	64.5%
5.	Joel Kuria Mungai	64%
6.	Anthony Muchanga	63.6%
7.	Seraphina Kathurima	63.3%
8.	Irene Njeri Wanyoike	62.3%
9.	Sheba M. Mohamed	62.25%
10.	Tito Francis K. Maviti	62.25%
11.	Simeon K. Rono	61.5%
12.	Philip L. A. Aluoch	61%

13.	Mariamou El-Maaway	60.5%
14.	Amb. Sospeter Mageto	60.5%
15.	Reuben K. Yegon	59%
16.	Nelson Ruto Korir	59%
17.	Amina Mosoud	59%
18.	Agnes W. Ng'ang'a	56.5%
19.	Peter N. Njoroge	55.75%
20.	Edward Mwiti	49.6%
21.	Nderitu W. Isaac	49.5%
22.	Samuel K. Ng'eno	46.75%
23.	Benson Karanja	41.6%
24.	Erastus M. Machoka	38.5%
25.	Enock O. Nyasende	29.25%
26.	Christopher Onyuma	23%
27.	Kennedy Mohochi	17%
28.	Safiya Idd	16%
29.	Doreen Marangu	14.3%
30.	Mwangi Njuguna	13%
31.	James Oluoch Ogolla	10.5%

32.	Mayore E. Serem	9.3%
Overall Mean Score		48.46%

C. CONSIDERATION OF INTERVIEW RESULTS.

The Parliamentary Service Commission met on 6th October 2011 to consider the interview results and resolved that appropriate background checks be carried out on the top three male and female candidates respectively. The Commission met again on 2nd November 2011 to consider the interview results together with information on the top three male and female candidates arising from the background checks.

The Commission noted the following in respect of the top male candidate, **Mr. Jason A. N. Namasake**:

- a) **Date of Birth** - Mr. Namasake was born in 1948.
- b) **County of Origin** - Bungoma
- c) **Educational & Professional Background;-**
 - (i) He has a Master of Laws (LLM) degree from the University of London for which he studied between 1973 and 1974.
 - (ii) He has a 1972 Bachelor of Law (LLB) degree from the University of Dar-es-Salaam for which he studied between 1969 and 1972.
- d) **Outstanding Activities;-**
 - i) He was a member of the Tribunal to Review the terms and conditions of service for Members and employees of Kenya National Assembly that presented its report to the Parliamentary Service Commission on 12th November 2009,
 - ii) He has been a leader in shaping Industrial Relations policies for 26 years at the Federation of Kenya Employers,

- iii) He has coordinated seminars and trained Managers for over 30 years and acted as an International Labour Organization (ILO) consultant in Kenya, Malawi, Zimbabwe, Tanzania Lesotho, Swaziland and Uganda,
- iv) He was a member of the task force to review Labour Laws in Kenya as well as a National consultant on trade disputes Act Cap. 232 on task force,
- v) He has been an International Labour Organization (ILO) National Consultant in development of rules and regulations for proposed Labour Legislations,
- vi) He has carried out consultancies with IRLAC in Zimbabwe, Swaziland and Nairobi on Labour and Industrial Relations issues,
- vii) He was a member of the task force on review of foreign employment,
- viii) He was a member of a Legal Task Force, Directorate of Industrial Training (DIT)
- ix) He has represented the Federation of Kenya Employer (FKE) in various fora to articulate their policies and programme,
- x) He has played role in the formulation and preparation of the Federation of Kenya Employer (FKE) policy papers while employed by the FKE in senior management,
- xi) He has been a representative of employers regarding employee safety and other rights,
- xii) He has played a leading role in the conception and establishment of the East Africa Business Council which was the initial focal point for East African Community issues at the Federation of Kenya Employers and;-
- Xiii) He has effectively represented employers at the Industrial Court and in other Fora.

e) Current Employment 2007 to date;-

Organization;- J.N. Namasake & Associates Advocates.

Position;- Proprietor/Partner.

Activities;- - He is an Advocate of the High Court of Kenya, specializing in Industrial relations cases,

- He is an expert in Collective Bargaining Agreement (CBA) negotiations,

- He is a consultant in Labour and Industrial Relations Matters,

He conduct seminars and trainings on Labour and Industrial Relations.

The Commission noted the following in respect of the female candidate, **Ms.**

Mariamamu El-Maaway:

a) **Date of Birth** - Ms. Maaway was born in 1968

b) **County of Origin** - Mombasa

c) **Educational & Professional Background;-**

(i) She has a Bachelor of Architecture degree from the University of Nairobi which she obtained in 1993.

(ii) She completed ACCA Part I in 2002.

She is currently pursuing a Masters degree in Architecture from the University of Kwa Zulu Natal – Durban, South Africa.

d) **Outstanding Activities;-**

i) She was the Chairperson of the Public Procurement and Oversight Authority Advisory Board between 2007 and 2010,

ii) She was a member of the Kenya Anti Corruption Commission Advisory Board between 2003 and 2008 where she also served as the Chairperson of the representative Services Committee,

iii) She has since 2009 to date served as the Chairperson of the Faza Fire Disaster Fund,

- iv) She is a member of the Mombasa Old Town Conservation, Local Planning Commission,
- v) She is a Council Member in the Mombasa Polytechnic University Council and Chairperson of its Finance and Administration Committee,

e) Training and Development

She has been trained in the following areas:

- i) Procurement Capacity Development,
- ii) Effective Supervision and Management
- iii) Corporate Governance, Ethics and Integrity,
- iv) Peak Performance,
- v) Architectural Practice and CPB
- vi) Interaction Leadership, British Council,
- vii) Alternative Energy, Future Energy
- viii) Strategic Planning, Leadership and change Management.

f) Current Employment 1996 to date;-

She is the proprietor of Mariamu Maaway Architects and Interior Designs

The Commission noted that Ms. Seraphina Kathurima had scored higher than Ms. Maaway in the interviews but observed that Ms. Maaway's training, exposure and leadership skills placed her better at articulating issues concerning labour relations and remuneration. It was further noted that Ms. Irene Njeri Wanyoike had scored higher than Ms. Maaway. Ms. Wanyoike has however already been nominated as the Parliamentary Service Commission's representative to the Salaries and Remuneration Commission and the Commission considered it inappropriate to have her nominated twice.

4.0 RECOMMENDATIONS

Following the above deliberations, the Parliamentary Service Commission Committee unanimously makes the following recommendations to the House:-

THAT, pursuant to Article 230(2)(b)(vii) of the Constitution of Kenya, 2010 and section 7(1) & (2) of the Salaries and Remuneration Act this House approves the nomination of **Mr. Jason A. N. Namasake** and **Ms. Mariamu El-Maaway** as nominee of the Senate to the Salaries and Remuneration Commission.