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KENYA NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT – THIRD SESSION

SELECT COMMITTEE ON REGIONAL INTEGRATION

REPORT ON THE NORDIC-EAC TRADE AND INVESTMENT CONFERENCE, GENEVA, SWITZERLAND, 27<sup>TH</sup> - 28<sup>TH</sup> MAY 2014

NATIONAL ASSEMBLY  
PARLIAMENT BUILDINGS  
NAIROBI

MARCH, 2015

*SNA  
19/3/15*

*Laid on the Table of  
the House by Hon. F. Kijana  
Chair Person of the Committee  
on Regional Integration  
on 19.03.2015*



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## **1.0 PREFACE**

The Select Committee on Regional Integration is established under Standing Order No. 212 and mandated to:-

1. enhance the role and involvement of the House in intensification and development of the integration process in the East African Community and the greater African region;
2. examine the records of all the relevant debates and resolutions of the meetings of the East African Legislative Assembly;
3. examine the Bills introduced in the East African Legislative Assembly and Acts of the East African Community;
4. examine the records of all the relevant debates and resolutions of the meetings of the Pan African Parliament, the African, Caribbean and Pacific-European Union Joint Parliamentary Assembly and other regional integration bodies;
5. inquire into and examine any other matter relating to regional integration generally requiring action by the House

## **1.1 Committee's Membership**

The committee comprises of the following members:-

1. Hon. Florence Kajuju, MP (**Chairperson**)
2. Hon. Christopher Nakuleu, MP (**Vice Chairperson**)
3. Hon. David Ouma Ochieng, MP
4. Hon. Dan Kazungu, MP
5. Hon. Bady Twalib Bady, MP
6. Hon. Robert Mbui, MP
7. Hon. Anyanga Andrew Toboso, MP
8. Hon. Florence Mwikali Mutua, MP
9. Hon. Ogendo Rose Nyamunga, MP
10. Hon. Charles Mutisya Nyamai, MP
11. Hon. Alois Lentoimaga, MP
12. Hon. Anthony Kimaru, MP
13. Hon. David Kariithi, MP
14. Hon. Wanjiku Muhia, MP
15. Hon. Murungi Kathuri, MP
16. Hon. Ali Wario, MP
17. Hon. Eric Keter, MP
18. Hon. Mary Seneta, MP
19. Hon. Gideon Konchella, MP
20. Hon. Dido Ali Rasso, MP
21. Hon. Ann Nyokabi, MP
22. Hon. Emmanuel Wangwe, MP
23. Hon. Peter Shehe, MP
24. Hon. Alex Mwiru, MP

- 25.Hon. Mark Lomunokol, MP
- 26.Hon. Sarah Korere, MP
- 27.Hon. Cyprian Kubai Iringo, MP
- 28.Hon. Timothy Bosire, MP
- 29.Hon. Joseph Kahangara, MP

## **1.2 Objectives of conference**

The Objective of the visit was to bring together the private sector from both Kenya and the Nordic Countries, and the East Africa Business Council for possible joint venture partnership in business arrangements. The Committee was also invited to the conference to identify possible gaps in Kenya's legislative framework that may need Parliament's action to increase the ease of doing business.

## **1.3 Composition of the Delegation**

The Delegation comprised of the following:

1. Hon. Andrew Toboso, MP
2. Hon. Robert Mbui, MP
3. Mr. Evans Oanda delegation Secretary

## **2.0 BACKGROUND INFORMATION ON EAC AND NORDIC COUNTRIES**

### **2.1 Background information on Nordic Countries**

The Nordic countries are a geographical and cultural region in Northern Europe and the North Atlantic. It consists of five countries (Denmark, Finland, Iceland, Norway and Sweden) as well as their autonomous regions (the Aland Island, the Faroe Islands and Greenland). The Nordic countries have much in common in their way of life, history language and social Structure Council. Politically, Nordic countries do not form a separate entity, but they co-operate in the Nordic Council.

At 3,425,804 square kilometers, the Nordic countries form the 7<sup>th</sup> largest area in the world, though 51.7% of this area is uninhabitable and formed by icecaps and glaciers. In January 2013, the Nordic countries had a combined population of around 26 million people. The Nordic countries are top performers in numerous metrics of national performance, including education, economic competitiveness, civil liberties, quality of life, and human development.

Although the area is linguistically heterogeneous, with three unrelated language groups, the common linguistic heritage is one of the factors making up the Nordic identity.

## **2.2 Foreign Direct Investments of Nordic Countries**

Iceland and Sweden have the highest rate of foreign direct investment, both with regards to foreign companies investing in Iceland and Sweden and Icelandic and Swedish companies investing abroad. However, in 2011 Denmark superseded Sweden regarding outward investments. Looking at a larger time span of ten years, most of the Nordic countries have experienced growth in both inward and outward investments.

Foreign investment from Iceland increased significantly and sharply especially from 2003 to 2007 from 16 to 123 per cent of GDP. The expansion of Icelandic companies into foreign markets was a rapid process. Strong pension funds provided capital for investments, and the privatization of the banking system made new sources of financing available for companies wishing to expand their operations. Every year since 1995 Denmark, Norway and Sweden have all had greater exports than imports.

The Nordic region is one of the richest sources of energy in the world. Apart from the natural occurrence of fossil fuels such as oil and gas, the Nordic countries also have good infrastructure and technology to exploit renewable energy sources such as water, wind, bio-energy and geothermal heat. Especially Iceland and Sweden, but also Finland and Norway, have a significant production of electricity based on hydro power. Geothermal production is the most important source of energy in Iceland, whilst nuclear power is produced in both Finland and in Sweden. The indigenous production of energy in the Nordic countries has risen considerably over the last couple of decades – especially in Denmark and Norway due to oil deposits in the North Sea.

## **2.3 Background information on East African Community**

The East African Community (EAC) is the regional intergovernmental organisation of the Republics of Burundi, Kenya, Rwanda, the United Republic of Tanzania, and the Republic of Uganda, with its headquarters in Arusha, Tanzania.

The Treaty for Establishment of the East African Community was signed on 30<sup>th</sup> November, 1999 and entered into force on 7<sup>th</sup> July, 2000 following its ratification by the original three Partner States – Kenya, Tanzania and Uganda. The Republic of Rwanda and the Republic of Burundi acceded to the EAC Treaty on 18<sup>th</sup> June, 2007 and became full Members of the Community with effect from 1<sup>st</sup> July, 2007.

The realization of a large regional economic bloc encompassing Burundi, Kenya, Rwanda, Tanzania and Uganda with a combined population of more than 140 million people, land area of 1.82 million square kilometres and a combined Gross Domestic Product of \$74.5 billion, bears great strategic and geopolitical significance and prospects of a renewed and reinvigorated East African Community.

### 3.0 DISCUSSIONS ON THE BUSINESS OPPORTUNITIES AVAILABLE BETWEEN THE NORDIC COUNTRIES AND EAST AFRICAN COUNTRIES

#### 3.1 Presentation by the Bj Flowers Ltd

The Managing Director of the BJ Flowers Ltd presented the following:

- i. BJ Flowers is a subsidiary of Wetfarm Ltd and is located in central highlands of Kenya in Tigoni area 30 km from Nairobi.
- ii. The farm has a total area of 33 acres(13.2 hec.) and 65 employees. It was established in 2004 to separate flowers from other products of Wetfarm which are mainly Horticultural produce.
- iii. The farm works with small scale farmers groups putting emphasis on the rural farmer to promote, develop and advance their agricultural and environmental activities which in the long run will raise economic status of the farmer and society in general at the grass root level.
- iv. The company has created a network of small-scale farmers and assists them in the growing and marketing of their products. This has created employment to the youth and the women thus empowering them and ensuring gender equality.
- v. Funding for the company came via contributions from the shareholders and over the years the company has been able to invest in vital equipment such as irrigation and cold storage facilities.
- vi. The Company exports her flowers to the European Union through Amsterdam in the Netherlands.

#### 3.2 Presentation by WILLART Productions

The Executive director for the WILLART Productions outlined a brief history about WILLART Productions indicating that the Company is a Below-the-line advertising company that offers advice, design and print. The company has built a strong brand in print industry in the last 10 years thus bringing in a wealth of marketing knowledge to the table. The Company offers a discerning client a wide variety of choice; some of the services include:

- i. **Design of:** Annual reports, newsletters, brochures, posters, cards, flyers, apparel (t-shirts, polos, dress shirts, uniforms and other promo items)
- ii. **Production of (In-house):** Banners, posters, branding (outdoor & indoor), one way vision, bumper stickers, wheel covers, office stationery etc. In addition to this we supply banner stands, snapper frames, exhibition stands, zoom stands etc.
- iii. **Print Management:** Offset and bulk printing (technical pre press management)
- iv. **Conferencing-in-a-box:** Branded note pads, pens, certificates, name tags, conference bags, conference souvenir booklets, folders, programs, invites, banners, signage, gift items etc.

- v. **Business Start up Parks:** Amber, Jade, Ruby, Opal, Emerald and Sapphire.
- vi. **Other Branding needs:** Mugs, branded bags, gift hampers, folders (paper, PVC & leather)

### **3.3 Presentation by INDUFOR OY**

The Managing Director of Indufor Oy presented the following:

- i. INDUFOR OY is an independent Finnish consulting company that provides advisory services to public and corporate clients and investors involved in natural resources management, especially in forestry and in the forestry industry. In addition, support services to institutional and public sector clients in the realms of project planning, implementation and evaluation are provided.
- ii. The Company focuses on sustainable development - economic, social and environmental covering a scope of sustainable management of forests and development of forest industries.
- iii. Since 1980, Indufor has carried out more than 600 assignments in over 100 countries and strictly implement all assignments strictly according to the conditions set out in contracts.

### **3.4 Presentation by SWEDFUND**

The managing director of Swefund presented the following:

- i. Swedfund was founded in 1979 and has 39 employees currently at its main office in Stockholm and a regional office in Nairobi.
- ii. Swedfund provides risk capital, expertise and financial support for investments in the emerging markets of Africa, Asia, Latin America and Eastern Europe. Together with its industrial partners, it has invested in more than 220 of their subsidiaries during the 30 years of its existence.
- iii. Swedfund, which is wholly owned by the Swedish government, reports to the Swedish Ministry for Foreign Affairs Department for Management and Methods in Development Collaboration (MFA-USTYR). It is defined as a bilateral Development Finance Institution (DFI) and belong to the European Development Finance Institutions (EDFI) network.

### **3.5 Presentation by BUSINESS SWEDEN**

A representative of the Business Sweden had the following to present:

- i. Business Sweden is a merger of the Swedish Trade Council and Invest Sweden, founded on January 1, 2013. It is jointly owned by the Swedish government and the industry, represented by the Ministry for Foreign Affairs and the Swedish Foreign Trade Association. The shared ownership provides access to contacts and networks at all levels.



- ii. Business Sweden facilitates Swedish companies to grow internationally and for foreign actors to invest in Sweden.
- iii. With offices in 57 countries and in every region in Sweden, the organization markets Sweden as an attractive, innovative and competitive business partner. This is an important part that supports Swedish small and medium-sized companies in reaching export markets with their products and services so that they can grow internationally. The support consists of advisory services, skills development for companies, events, and targeted campaigns.
- iv. Business Sweden also facilitates foreign actors to invest in Sweden. The Company has marketed itself as an innovation-friendly climate offering excellent investment opportunities in manufacturing, transport, science, technology, healthcare, music, design, tourism and other industries

### **3.6 Presentation by EAST AFRICA BUSINESS COUNCIL**

A representative of the East Africa Business Council had the following to present:-

- i. The East African Business Council (EABC) is the apex body of business associations of the Private Sector and Corporates from the 5 East African Countries. It was established in 1997 to foster the interests of the Private Sector in the integration process of the East African Community. Originally comprising members from Kenya, Tanzania and Uganda, its membership was expanded in 2007 to include the private sector from Burundi and Rwanda.
- ii. Currently, EABC has 54 Associations and 102 corporate Members. Amongst the associations are all the national Private Sector Apex Bodies; four manufacturers' Associations; 5 Chambers of Commerce, 3 Employer Associations; 2 Women Associations, 2 Bankers Associations and the Confederation of Informal Sector Associations of East Africa. Given that the Secretariat is based in Arusha, EABC's structure includes National Focal Points (NFPs) – who are all currently the national private sector apex bodies.
- iii. EABC's overarching objective is to be an effective change agent for fostering an enabling business environment and to promote private sector's regional and global competitiveness in trade and investment.
- iv. EABC provides a regional platform through which the business community can present their concerns at the EAC policy level, with the overall aim of creating a more conducive business environment through targeted policy reforms. Additionally, EABC also works towards promoting private sector's regional & global competitiveness in trade and Investment through addressing challenges experienced by Members at organizational and firm level; and through provision of tailored market intelligence
- v. Despite all the efforts that are being made in the region to improve its image as conducive investment destinations, the following challenges are still prevalent within the region:
  - (a) Insecurity especially constant attacks by the alshabab militants;
  - (b) Poor infrastructure (poor roads, outdated railway transport );



(c) High cost of energy;

(d) Non Tarrif barriers (too many road blocks within the region, inefficient ports;

### **3.7 Presentation from the East African Community Secretariat**

A representative of the East African Community Secretariat informed the Conference that the Secretariat is one of the three organs of the East African Community that is charged with the following mandate:-

- i. initiating, receiving and submitting recommendations to the Council, and forwarding of Bills to the Assembly through the Co-ordination Committee;
- ii. the initiation of studies and research related to, and the implementation of, programmes for the most appropriate, expeditious and efficient ways of achieving the objectives of the Community;
- iii. the strategic planning, management and monitoring of programmes for the development of the Community;
- iv. the undertaking either on its own initiative or otherwise, of such investigations, collection of information, or verification of matters relating to any matter affecting the Community that appears to it to merit examination;
- v. the co-ordination and harmonisation of the policies and strategies relating to the development of the Community through the Co-ordination Committee;
- vi. the general promotion and dissemination of information on the Community to the stakeholders, the general public and the international community;
- vii. the submission of reports on the activities of the Community to the Council through the Co-ordination Committee;
- viii. the general administration and financial management of the Community;
- ix. the mobilisation of funds from development partners and other sources for the implementation of projects of the Community;
- x. subject to the provisions of the Treaty, the submission of the budget of the Community to the Council for its consideration;
- xi. proposing draft agenda for the meetings of the organs of the Community other than the Court and the Assembly;
- xii. the implementation of the decisions of the Summit and the Council;
- xiii. the organisation and the keeping of records of meetings of the institutions of the Community other than those of the Court and the Assembly;
- xiv. the custody of the property of the Community;
- xv. the establishment of practical working relations with the Court and the Assembly; and
- xvi. such other matters that may be provided for under the Treaty.

He submitted that the five East African Community partner states have a population of more than 140 million people and huge tracts of arable agricultural land. The region is well blessed with a variety of resources such as, oil deposits, cheap labour of different skills, geopolitically strategic and attractive tourism activities.

While admitting the existence of some changes within the region, he assured the conference that the future looks bright with the efforts being made to address them by the secretariat and the

Partner States. He pointed out that some of the milestones that have been achieved in the region are:-

1. Adoption of the tourism single visa among Uganda, Kenya and Rwanda
2. The Lapsset project
3. Construction of the Standard Gauge Railway
4. Signing of the Monetary Union
5. Advanced stages of realizing the East African Federation

### **3.8 Presentation from Gastrike Atervinnare**

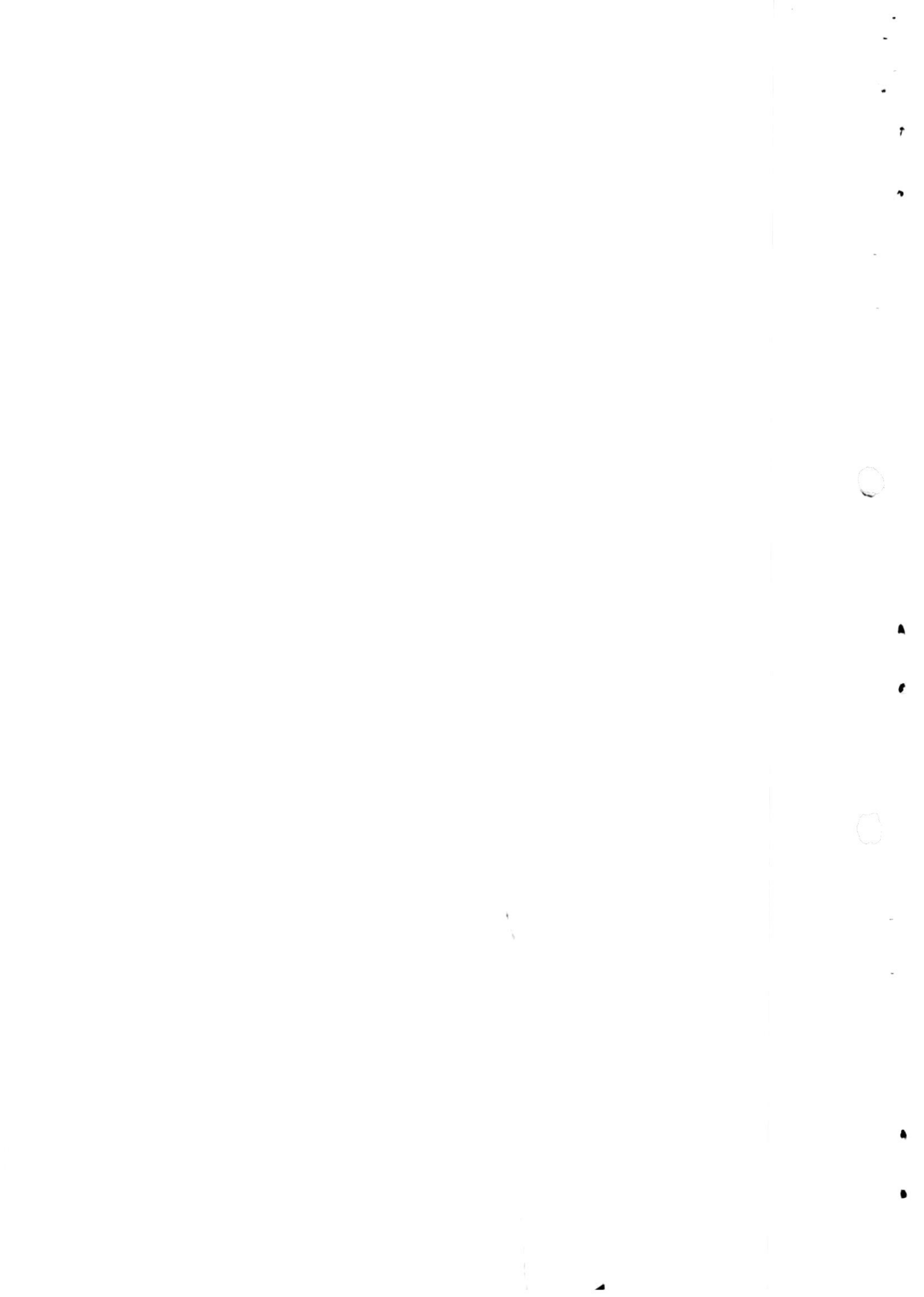
The Chief Executive Officer of Atervinnare presented the following to the conference:

1. **Gastrike Atervinnare** is a successful public owned company in Waste Management. It won the Swedish Recycling Award and twice nominated for the European Waste Reduction Award.
2. The Gästrike återvinnare (Gå) is an association of five municipalities. Gå holds the municipal responsibility for information, planning, local regulations and fees, collection and treatment of household waste. Gå is also acting on the commercial market, providing waste management services for a number of local businesses and other organizations. It is involved in export of Swedish know-how in waste management with current projects in both Europe (Serbia, Poland) and Asia (China).

### **3.9 Presentation from Kenya Investment Authority**

A representative of the Kenya Investment Authority presented the following:-

1. Vision 2030 is the key development document for Kenya that guides on which particular projects that should be implemented at different times and assigns specific outputs to individual programme. There are 182 flagship projects that will be implemented in the medium term plan II (2012-2017).
2. The major projects earmarked for implementation with the Medium Term II are the Lapsset project, Construction of the Lamu Port, Construction of the Standard Gauge Railway Line, construction of resort cities (Lamu, Isiolo and Turkana), construction of the pipeline from Turkana, development of Special Economic Zones, expansion of Airports and roads among others. These mega projects calls for heavy investment from both within and outside Kenya.
3. The Government has put a number of initiatives aimed at improving kenya's ease of doing business. Some of those initiatives are the setting of the Kenya Investment Authority to act as a one stop shop for investors, Huduma Center initiative, and development of the necessary legal framework to ease business registration and growth of SMEs (business registration Services Bill, Small and Medium Enterprise Act) among others.
4. To address Kenya's energy needs, the government has been investing heavily in drilling wells for geothermal energy, wind power and rural electrification.



5. The following are the guarantees for investors in Kenya:-
- **Kenya Constitution** guarantees against expropriation of private property except for purposes of public use or security;
  - **No exchange controls** guarantees repatriation of capital, profits and interests.
  - **Member of the Multi-lateral Investment Guarantee Agency (MIGA)**, an affiliate of the World Bank that insures foreign investments against non-commercial risks
  - **Member of the International Centre for Settlement of Investment Disputes (ICSID)** which arbitrates cases between foreign investors and host governments
  - **Member of the Africa Trade Insurance Agency (ATIA)** which insures investors against political risks
6. Potential investors to Kenya will get the following incentives:-

**(a) Capital Investment Allowances**

Capital allowances are offered to investors investing in capital projects. These are offered on a reducing balance basis.

**(b) Investment Allowance Based on Location.** This is provided as follows: 150% Investment allowance for projects outside the jurisdiction of Nairobi, Kisumu and Mombasa cities and 100% investment allowance for other locations

**(c) Investment Deduction.** This is granted to encourage development in manufacturing industries. It is granted, once at 100% in the first year of use, to any person who incurs capital expenditure on construction of a new building and installation therein of new or old manufacturing machinery. It is also offered for the construction of a hotel that is certified to be an industrial building.

### 3.10 Presentation from Trade Mark East Africa

A representative of the Trade Mark East Africa presented the following:-

- (1) Trade Mark East Africa (TMEA) is funded by a range of development agencies with the aim of growing prosperity in East Africa. It works closely with East African Community (EAC) institutions, national governments, the private sector and civil society organisations to increase trade by unlocking economic potential through:
- i. Increased market access;
  - ii. Enhanced trade environment; and
  - iii. Increased product competitiveness.
- (2) TMEA has funded the expansion of the Port of Mombasa, Port of Dar re Salam over and above the support accorded to the secretariat in running of the institution.
- (3) Despite the efforts, there are still a myriad of challenges in the region including:
- i. Insecurity;
  - ii. Non Tarriff Barriers;

- iii. Lack of harmonization of excise duty among the partner states;
- iv. Competing country interests vis a vis the region;
- v. Poor infrastructure;

### **3.11 Remarks by the Members of Parliament from Kenya**

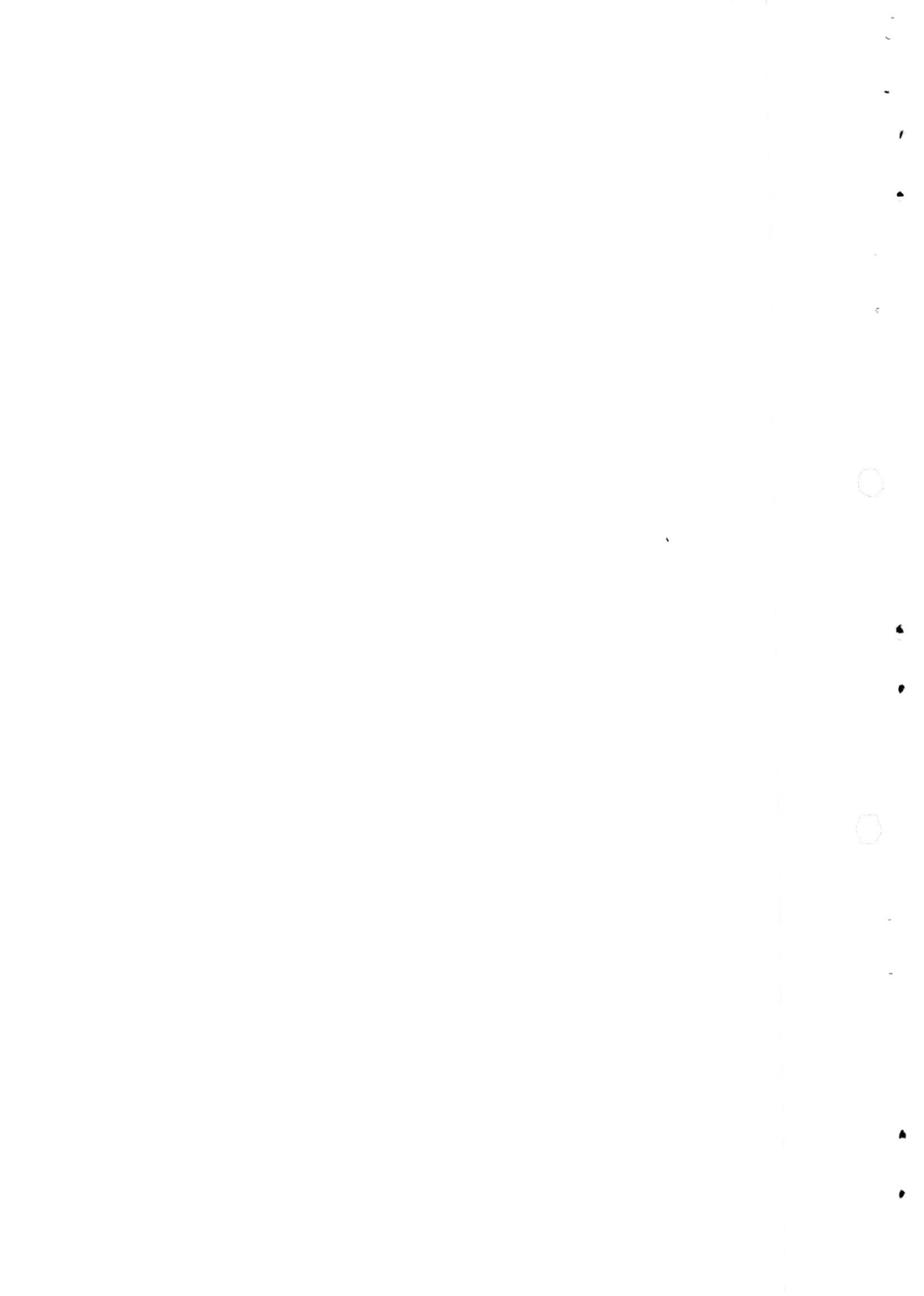
The Hon. Andrew Toboso, MP and the Hon. Robert Mbui, MP briefed the conference as follows, that:-

- (1) Kenya has a lot of investment opportunities for the foreign firms to invest in. These opportunities are majorly due to the Constitution of Kenya 2010 and Kenya's development blue print (Vision 2030) that brought with it devolution and identification of key projects for implementation within the medium term.
- (2) The investment opportunities available in Kenya include solid waste management; provision of green energy, financial services sector, provision of transport services, construction, and bond market among others.
- (3) Kenya's legislative framework is conducive for doing business especially importation of solar panels that does not attract Value Added Tax.
- (4) The Kenyan legislature is ready and willing to make any legislative intervention that may be required to create a conducive environment for investment.
- (5) Despite challenges of insecurity, Kenya is a safe country to invest in by any foreign company.

### **4.0 OBSERVATIONS**

The following observations were made:-

1. There is a concern that Government of Kenya representation in the conference was minimal. The Ministry of East African Affairs, Commerce and Tourism was conspicuously absent from such an important meeting.
2. Most of the presentations that were made in the conference from the EAC organizations did not help market the EAC as a good investment destination. The theme of the conference "Creating sustainable business between East Africa and the Nordics" was done a disservice by majority of the presenters from the EAC who mainly focused on the challenges facing the region rather than emphasizing on the opportunities/potential. There was a complete contrast with the presentations from Nordic countries who reiterated their need to invest within the EAC and had full confidence of recouping their investment.
3. It came out clear that most of the laws within the individual member states are not in tandem with the EALA legislations.

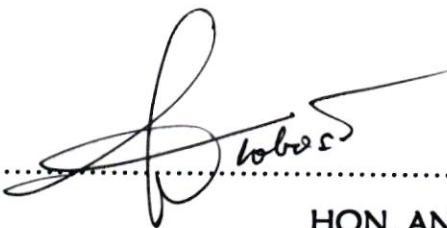




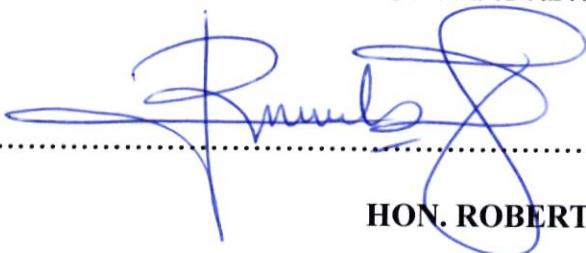
## 5.0 RECOMMENDATIONS

The delegation made the following recommendations:-

1. High level investment forums should be given the due attention by the concerned Ministry by ensuring adequate Government representation.
2. Presentations in international conferences should be well coordinated by the parent Ministry and the content clearly vetted before they are presented to avoid spreading negativity about the region.
3. Each Partner state should identify the laws that are not in tandem with the regional laws and align them accordingly.

Signed .....  ..... Date..... 19/03/15 .....

**HON. ANDREW TOBOSO, MP**

Signed .....  ..... Date..... 19/3/15 .....

**HON. ROBERT MBUI, MP**



**MINUTES OF THE 46<sup>TH</sup> SITTING OF THE SELECT COMMITTEE ON REGIONAL INTEGRATION HELD ON THURSDAY 18<sup>TH</sup> NOVEMBER, 2014 IN THE COMMITTEE ROOM, SECOND FLOOR, CONTINENTAL HOUSE AT 12.30 PM**

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**Present:**

1. Hon. Florence Kajuju, MP - Chairperson
2. Hon. Christopher Nakuleu, MP - Vice-Chairperson
3. Hon. Emmanuel Wangwe, MP
4. Hon. Ali Wario, MP
5. Hon. Eric Keter, MP
6. Hon. Robert Mbui, MP
7. Hon. Andrew Toboso, MP
8. Hon. Cyprian Kubai Iringo, MP
9. Hon. David Ouma Ochieng', MP
10. Hon. Dido Ali Rasso, MP
11. Hon. David Karithi, MP
12. Hon. Mark Lomunokol, MP
13. Hon. Kathuri Murungi, MP
14. Hon. Peter Shehe, MP

**Absent With Apology**

1. Hon. Ogendo Rose Nyamunga, MP
2. Hon. Florence Mutua, MP
3. Hon. Alex Mwiru, MP
4. Hon. Dan Kazungu, MP
5. Hon. Anthony Kimaru, MP
6. Hon. Timothy Bosire, MP
7. Hon. Annah Nyokabi, MP
8. Hon. Mary Seneta, MP
9. Hon. Joseph Kahangara, MP
10. Hon. Badi Twalib Badi, MP
11. Hon. Gideon Konchella, MP
12. Hon. Alois Lentoimaga, MP
13. Hon. Wanjiku Muhia, MP
14. Hon. Sarah Korere, MP
15. Hon. Charles Nyamai, MP



## In Attendance

### **Kenya National Assembly**

- |                         |   |                       |
|-------------------------|---|-----------------------|
| 1. Ms. Esther Nginyo    | - | Third Clerk Assistant |
| 2. Mr. Fredrick Otieno  | - | Third Clerk Assistant |
| 3. Mr. Nicodemus Maluki | - | Third Clerk Assistant |
| 4. Ms. Sharon Cheronu   | - | Research Officer      |

**MIN.NO. CRI/200/2014**

### **PRELIMINARIES**

The Vice Chairperson called the meeting to order at 12.53 p.m followed by a prayer. He then informed Members that the purpose of the meeting was to adopt the report of the foreign trips to Sweden and Canada.

### **MIN.NO. CRI/201/2014 ADOPTION OF THE REPORTS ON FOREIGN TRIPS**

#### **1. Sweden Report**

Hon. Anyanga Andrew Toboso, MP, as one of the Members of the delegation, took Members through the report indicating that;

- Rwanda had a strong representation in the forum as compared to Kenya and that the country is trying to competitive advantage globally. The country has invested heavily on the diplomatic support through their Embassies.
- The Ministry of East Africa Affairs, Commerce and Tourism seem to be over burdened hence cannot articulate its duties and market Kenya as observed during the meeting in Sweden.
- The government needs to be represented by strong delegation in foreign forums to articulate its position as it was observed that the Non-Governmental Organizations were paint a grim image of the country.
- Kenya Investment Authority needs to aggressively work towards attracting the Foreign Direct Investments through sourcing for investment opportunities for the country.

The report was unanimous adopted as proposed by Hon. Anyanga Andrew Toboso, MP and seconded by Hon. Robert Mbui, MP.

#### **2. Canada Report**

Hon. Emmanuel Wangwe, MP presented the draft report to the Committee highlighting the following:



- Canada just like Kenya has a devolution type of government, it has two chamber House and the National Assembly considered as the upper House.
- Canada is the world leading mineral explorer and has the capacity that Kenya need also exploit Canada's capacity with the recent discoveries of mineral resources in the country.
- There is need for Kenya to exploit its Embassies abroad for trading opportunities.
- Although the Government of Canada stopped issuing scholarships to Kenyan students, there is need the Government of Kenya to engage the Canadian government to reconsider giving scholarships to Kenyans.

The report was unanimously adopted as proposed by Hon. Emmanuel Wangwe, MP and seconded by Hon. Dido Rasso, MP.

**MIN.NO. CRI/202/2014**

**ANY OTHER BUSINESS**

1. Hon. Eric Keter,MP raised concern over the notice of meetings. He informed the vice Committee that he has not been receiving messages from the Secretariat, however it was confirmed that the secretariat sent the message. The Chair asked the secretariat to solve the problem with the Member and urged the secretariat to be calling Members even after sending texts.
2. On the EAC trips, the Chair told the Members that the matter will be discussed in the next meeting.

**MIN.NO. CRI/203/2014**

**ADJOURNMENT**

The Vice Chairperson adjourned the meeting at 2.06 p.m.

Signed.....

Chairperson

Date.....





**MINUTES OF THE 49<sup>TH</sup> SITTING OF THE SELECT COMMITTEE ON REGIONAL INTEGRATION HELD ON THURSDAY 4<sup>TH</sup> DECEMBER, 2014 AT CONTINENTAL HOUSE, 5<sup>TH</sup> FLOOR AT 12.00 PM**

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**Present:**

1. Hon. Florence Kajuju, MP - Chairperson
2. Hon. Christopher Nakuleu, MP - Vice-Chairperson
3. Hon. Alois Lentoimaga, MP
4. Hon. Wanjiku Muhia, MP
5. Hon. Ogendo Rose Nyamunga, MP
6. Hon. Eric Keter, MP
7. Hon. Robert Mbui, MP
8. Hon. Dido Ali Rasso, MP
9. Hon. David Karithi, MP
10. Hon. Mark Lomunokol, MP
11. Hon. Peter Shehe, MP
12. Hon. Dan Kazungu, MP
13. Hon. Timothy Bosire, MP
14. Hon. Sarah Korere, MP
15. Hon. Annah Nyokabi, MP
16. Hon. Mary Seneta, MP

**Absent With Apology**

1. Hon. Florence Mutua, MP
2. Hon. Alex Mwiru, MP
3. Hon. Anthony Kimaru, MP
4. Hon. Joseph Kahangara, MP
5. Hon. Bady Twalib Bady, MP
6. Hon. Gideon Konchella, MP
7. Hon. Kathuri Murungi, MP
8. Hon. Charles Nyamai, MP
9. Hon. Ali Wario, MP
10. Hon. Andrew Toboso, MP
11. Hon. David Ouma Ochieng', MP
12. Hon. Emmanuel Wangwe, MP
13. Hon. Cyprian Kubai Iringo, MP



## In Attendance

### **Kenya National Assembly**

- |                        |   |                       |
|------------------------|---|-----------------------|
| 1. Ms. Esther Nginyo   | - | Third Clerk Assistant |
| 2. Mr. Fredrick Otieno | - | Third Clerk Assistant |
| 3. Ms. Sharon Cheron   | - | Research Officer      |

### **MIN.NO. CRI/215/2014**

### **PRELIMINARIES**

The Vice Chairperson called the meeting to order at 12.28 p.m followed by a prayer from Ms. Esther Nginyo.

### **MIN.NO. CRI/216/2014**

### **CONFIRMATION OF MINUTES**

Minutes of the 41<sup>st</sup> sitting held on 9<sup>th</sup> October, 2014 were confirmed as a true record of the deliberations as proposed by Hon. Sarah Korere, MP and seconded by Hon. Dido Ali Rasso, MP.

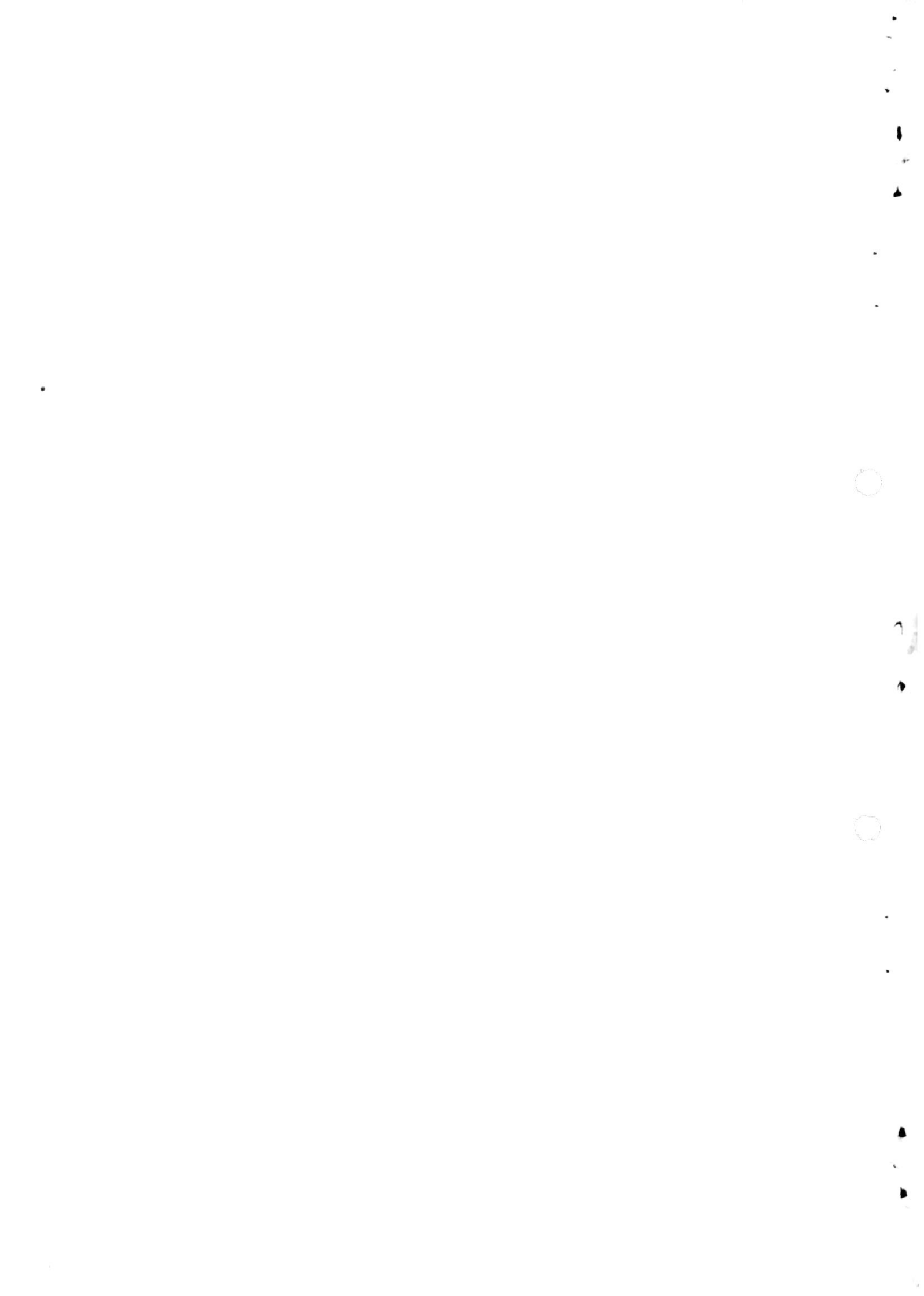
Minutes of the 42<sup>nd</sup> sitting held on 14<sup>th</sup> October, 2014 were confirmed as a true record of the deliberations as proposed by Hon. Dido Ali Rasso, MP and seconded by Hon. Alois Lentoimanga, MP.

Minutes of the 43<sup>rd</sup> sitting held on 21<sup>st</sup> October, 2014 were confirmed as a true record of the deliberations as proposed by Hon. Ogendo Rose Nyamunga, MP and seconded by Hon. Sarah Korere, MP.

Minutes of the 44<sup>th</sup> sitting held on 30<sup>th</sup> October, 2014 were confirmed as a true record of the deliberations as proposed by Hon. Dido Ali Rasso, MP and seconded by Hon. Sarah Korere, MP.

Minutes of the 45<sup>th</sup> sitting held on 11<sup>th</sup> November, 2014 were confirmed as a true record of the deliberations as proposed by Hon. Peter Shehe, MP and seconded by Hon. Alois Lentoimanga, MP.

Minutes of the 46<sup>th</sup> sitting held on 18<sup>th</sup> November, 2014 were confirmed as a true record of the deliberations as proposed by Hon. Robert Mbui, MP and seconded by Hon. Dido Ali Rasso, MP.



Minutes of the 47<sup>th</sup> sitting held on 20<sup>th</sup> November, 2014 were confirmed as a true record of the deliberations as proposed by Hon. Alois Lentoimanga, MP and seconded by Hon. Sarah Korere, MP.

Minutes of the 48<sup>th</sup> sitting held on 27<sup>th</sup> November, 2014 were confirmed as a true record of the deliberations as proposed by Hon. Robert Mbui, MP and seconded by Hon. Sarah Korere, MP.

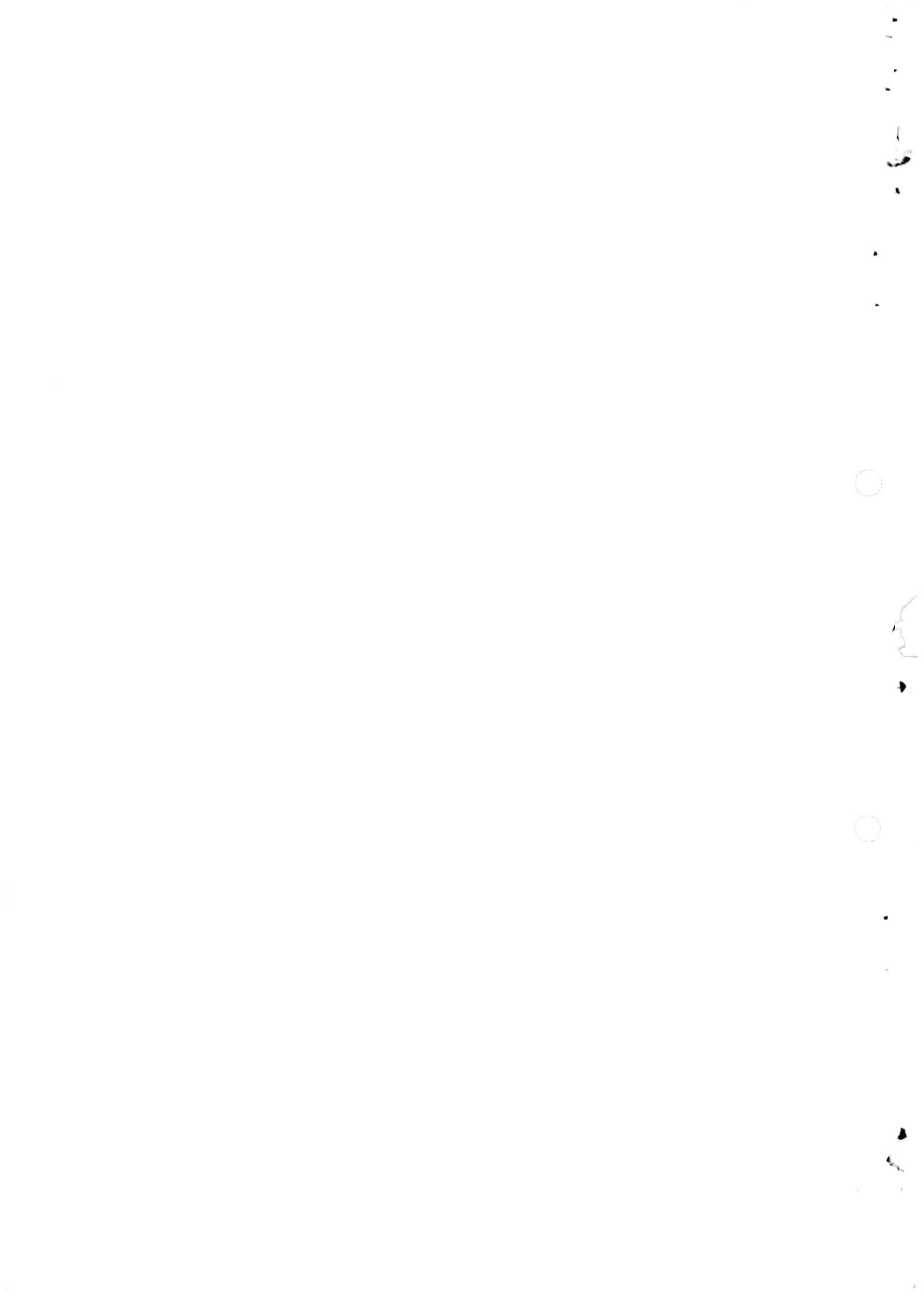
**MIN.NO. CRI/217/2014                      ADJOURNMENT**

The Chairperson adjourned the meeting at 1.30 p.m.

Signed.....

Chairperson

Date.....



**PARLIAMENT  
OF KENYA  
LIBRARY**



**REPUBLIC OF KENYA**

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**KENYA NATIONAL ASSEMBLY**

**TENTH PARLIAMENT – THIRD SESSION, 2009**

**THE REPORT OF  
THE PARLIAMENTARY SELECT COMMITTEE  
ON  
THE REVIEW OF THE CONSTITUTION**

**ON  
THE NOMINATION OF THE CHAIRMAN AND  
MEMBERS OF THE INTERIM INDEPENDENT  
BOUNDARIES REVIEW COMMISSION**

**APRIL 2009**





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## **PREFACE**

Mr. Speaker, Sir,

The Interim Independent Boundaries Review Commission (IIBRC) is established pursuant to the provisions of Section 41B of the Constitution. The establishment of IIBRC is part of the wider constitutional and electoral reforms being undertaken towards addressing critical underlying issues that led to the post-election conflict in the country following the disputed elections of 27 December 2007. The issues behind the political crisis were considered in greater detail under Agenda Item 4 by the National Dialogue and Reconciliation Committee that was formed to spearhead mediation talks after the post-election violence.

The need to complete the comprehensive review of the Constitution was identified as critical in the pursuit of seeking long-lasting solutions to the problems and historical injustices that are responsible for the periodic violence in Kenya. Earlier in 2005, the constitutional review process stalled after the November 2005 referendum.

To crystallize efforts towards reviewing the Constitution, the Coalition Government formulated and enacted two Bills, the Constitution of Kenya Review Act (No. 9 of 2008) and the Constitution of Kenya (Amendment) Act (No. 10 of 2008). The Constitution of Kenya Review Act provides for the establishment of the Parliamentary Select Committee on the Review of the Constitution as one of the organs of the review process. The Constitution of Kenya (Amendment) Act (No. 10 of 2008) provided for the establishment of the IIBRC.

The Parliamentary Select Committee on the Review of the Constitution is established pursuant to the provisions of Section 7 of the Constitution of Kenya Review Act (2008) and section 123 of the Constitution. The Parliamentary Select Committee was appointed through a resolution of the House, on Wednesday, 17 December 2008. The Committee consists of the following twenty seven (27) members-

The Hon. Mohammed Abdikadir, M.P. (Chairperson)  
The Hon. Ababu Namwamba, M.P. (Vice-Chairperson)  
The Hon. Martha Karua, M.P.  
The Hon. Uhuru Kenyatta, M.P.  
The Hon. Mutula Kilonzo, M.P.

*The Report of the Parliamentary Select Committee on the Review of the Constitution,  
April 2009*

The Hon. David Musila, M.P.  
The Hon. Moses Wetangula, M.P.  
The Hon. Danson Mungatana, M.P.  
The Hon. Wilfred Moriasi Ombui, M.P.  
The Hon. Kambi Kazungu, M.P.  
The Hon. Amina Abdallah, M.P.  
The Hon. Peter Munya, M.P.  
The Hon. Mwangi Kiunjuri, M.P.  
The Hon. Jeremiah Kioni, M.P.  
The Hon. Ekwee Ethuro, M.P.  
The Hon. Isaac Ruto, M.P.  
The Hon. Musalia Mudavadi, M.P.  
The Hon. Chachu Ganya, M.P.  
The Hon. Najib Balala, M.P.  
The Hon. Omingo Magara, M.P.  
The Hon. Sally Kosgei, M.P.  
The Hon. William Samoei Ruto, M.P.  
The Hon. James Orengo, M.P.  
The Hon. Millie Odhiambo, M.P.  
The Hon. Sophia Abdi, M.P.  
The Hon. Joseph Nkaisery, M.P.  
The Hon. Charity Ngilu, M.P.

Part of the functions of the Parliamentary Select Committee is to nominate qualified persons to the four bodies to deal with the constitutional review process, namely, the Committee of Experts, the IIEC, the IIBRC and the IICDRC.

Mr. Speaker Sir, the report of the Committee on the nomination of members of the Committee of Experts was discussed and approved by the House on Tuesday, 10 February 2009. The Members of the Committee of Experts were sworn-in on Monday, 2 March 2009 and have commenced work. The report of the Committee relating to the nomination of individuals to the IIEC was tabled in the House on Wednesday, 22 April 2009, and the Motion for its adoption is before the House.

Pursuant to the provisions of section 41B the Parliamentary Select Committee advertised for applications for the positions of the Chairperson and members of the IIBRC which were published in the daily newspapers on Friday, 9 January 2009 and on Wednesday, 14 January 2009. The closing date of the applications was Friday, 30 January 2009.

*The Report of the Parliamentary Select Committee on the Review of the Constitution,  
April 2009*

One hundred and six (106) applications for the position of Chairperson and one thousand and thirty four (1034) applications for the positions of members of the IIBRC were received. With the assistance of a human resource firm, M/S Manpower Services (K) Ltd, the Committee processed all the applications received.

After consideration of the candidates, the Committee nominated the Chairperson from a shortlist of twenty one (21) candidates interviewed for the position of the Chairperson and nominated eight (8) members from a shortlist of fifty (50) candidates interviewed for the positions of members. The decision to nominate the Chair and the Members of the IIBRC was arrived at by consensus.

The Committee therefore recommends the following nominees for the positions of the Chairperson and Members of the IIBRC-

- |                                |               |
|--------------------------------|---------------|
| 1. Mr. Andrew Ndooli Ligale    | - Chairperson |
| 2. Ms. Jedidah Ntoyai          | - Member      |
| 3. Ms. Irene Cherop Masit      | - Member      |
| 4. Mr. Mwenda Makathimo        | - Member      |
| 5. Mr. Joseph Kaguthi          | - Member      |
| 6. Dr. John Nkinyangi          | - Member      |
| 7. Mr. Murshid Abdalla Mohamed | - Member      |
| 8. Eng. Abdulahi Sharawe       | - Member      |
| 9. Ms. Rozaah Akinyi Buyu      | - Member      |

Mr. Speaker Sir, let me take this opportunity to thank the Members of the Select Committee for their patience, sacrifice, endurance and hard work despite their other commitments and tight schedules. They worked tirelessly and sat for long hours in their endeavor to complete the tasks necessary for the production of this report.

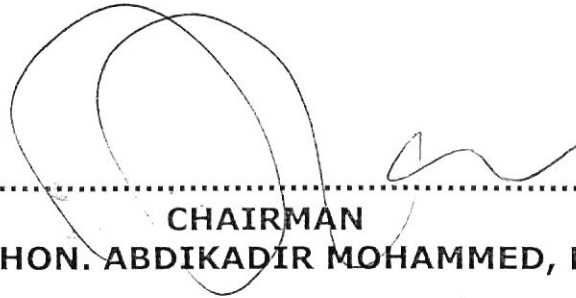
The Parliamentary Select Committee wishes to sincerely thank the offices of the Speaker and the Clerk of the National Assembly for the necessary support and co-operation that have enabled it to execute its mandate and functions efficiently and to produce this report.

On behalf of the Committee, I sincerely thank the Manpower Services (K) Ltd for the expertise which enabled the Committee to work efficiently in

processing the applications. The assistance given by the human resource firm contributed immensely to the timely production of this report.

Mr. Speaker, Sir, on behalf of the Parliamentary Select Committee, I now have the honour and pleasure to present this Report on the nomination of the Chairperson and Members of the Interim Independent Boundaries Review Commission. I request the House to consider and adopt the report.

Thank You.



Signed .....

**CHAIRMAN**  
**(HON. ABDIKADIR MOHAMMED, MP)**

Date: ..... 20.04.09 .....

## 1.0 INTRODUCTION

1. The National Dialogue and Reconciliation Committee that was formed to spearhead mediation talks after the political settlement that culminated in the signing of a peace deal in Kenya identified as critical the need to complete the comprehensive review of the Constitution to address underlying issues and historical injustices behind the post-election conflict in early 2008. The post-election crisis was sparked off by the elections of December 2007 and the dispute that followed after the announcement of the presidential poll results.
2. The completion of the constitutional review process that stalled in 2005 was underscored under Agenda Four of the National Dialogue and Reconciliation Committee. Subsequently, the Grand Coalition government formulated and enacted two Bills, namely, the Constitution of Kenya Review Act (No. 9 of 2008) and the Constitution of Kenya (Amendment) Act (No. 10 of 2008).
3. The Parliamentary Select Committee is established pursuant to the provisions of section 7 of the Constitution of Kenya Review Act (2008) and section 123 of the Constitution. Section 7 of the Review Act states as follows-

***1) The National Assembly shall establish, in accordance with its Standing Orders, a Select Committee to be known as the Parliamentary Select Committee on the Review of the Constitution (hereinafter referred to as the "Parliamentary Select Committee") consisting of twenty seven Members, to assist the National Assembly in the discharge of its functions under this Act.***

***2) In constituting the Parliamentary Select Committee, the National Assembly shall ensure regional and gender balance in the composition of the Committee.***

Section 123 of the Constitution provides as follows-

***"Parliamentary Select Committee" means the Parliamentary Select Committee on the Review of the Constitution".***

4. The establishment of the Parliamentary Select Committee is a milestone in providing leadership in efforts to achieve a new constitutional dispensation. Sections 5 and 6 of the Review Act recognize the central role of the Parliamentary Select Committee in the review process.
5. Under section 5 of the Review Act, the Parliamentary Select Committee is identified as one of **'the organs through which review of the Constitution shall be completed'**.

Section 6 of the Review Act provides as follows-

***'In the exercise of the powers or the performance of the functions conferred by this Act, the organs specified in section 4 shall-***

***a) ensure that the national interest prevails over regional or sectoral interests;***

***b) be accountable to the people of Kenya;***

***c) ensure that the review process accommodates the diversity of the people of Kenya including socio-economic status, race, ethnicity, gender, religious faith, age, occupation, learning, persons with disabilities and the disadvantaged;***

***d) ensure that the review process-***

***(i) provides the people of Kenya with an opportunity to actively, freely and meaningfully participate in generating and debating proposals to review and replace the constitution;***

***(ii) is guided by the principle of stewardship and responsible management;***

***(iii) is, subject to this Act, conducted in an open manner, and***



*(iv) is guided by respect for the principles of human rights, equality, affirmative action, gender equity and democracy;*

*e) ensure that the outcome of the review process faithfully reflects the wishes of the people of Kenya.*

## **2.0 THE MANDATE AND FUNCTIONS OF THE PARLIAMENTARY SELECT COMMITTEE ON THE REVIEW OF THE CONSTITUTION**

6. The mandate and functions of the Parliamentary Select Committee are provided under various sections of the Review Act (No. 9 of 2008) and the Constitution of Kenya (Amendment) Act (No. 10 of 2008).

7. The provisions stipulated in the Constitution of Kenya Review Act (2008) include the following-

*i. Section 7(1): ..... to assist the National Assembly in the discharge of its functions under this Act.*

*ii. Section 8(4): The Committee of Experts shall comprise of nine persons nominated by the National Assembly and appointed by the President, of whom-*

*a) three shall be non-citizens nominated by the National Assembly from a list of five names submitted to the Parliamentary Select Committee by the Panel of Eminent African Personalities in consultation with the National Dialogue and Reconciliation Committee; and*

*b) six shall be citizens of Kenya nominated by the National Assembly in accordance with the procedure prescribed in the First Schedule.*

*iii. Section 8(7): The Parliamentary Select Committee shall ensure regional and gender balance in the persons recommended for appointment as members of the Committee of Experts.*

- iv. **Section 9(1): The Panel of Eminent African Personalities in consultation with the National Dialogue and Reconciliation Committee shall, within fourteen days of the commencement of this Act, submit the names of five nominees to the Parliamentary Select Committee, for onward transmission to the National Assembly.**
- v. **Section 9(2): The Parliamentary Select Committee shall rank and provide comments regarding each of the nominees under sub-section (1) to the National Assembly.**
- vi. **Section 9(3): The National Assembly shall, upon receipt of the recommendations of the Parliamentary Select Committee under subsection (2), nominate three persons for appointment as members of the Committee of Experts and shall submit the list of nominees to the Minister.**
- vii. **Section 14 (4): The Minister shall, within seven days of receipt of the application, forward the application to the Parliamentary Select Committee to inquire into the matter.**
- viii. **Section 14(5): The Parliamentary Select Committee shall inquire into the matter and make recommendations to the President as to whether or not the chairperson or the Member of the Committee of Experts ought to be removed from office.**
- ix. **Section 14(6): In undertaking the inquiry under subsection 5, the Parliamentary Select Committee shall afford the concerned person an opportunity to be heard.**
- x. **Section 17(1): There shall be a Director of the Committee of Experts who shall be appointed by the Parliamentary Select Committee on such terms and conditions of service as the Parliamentary Select Committee may, in consultation with the Minister, determine.**
- xi. **Section 32(1) (c): The Committee of Experts shall within twenty one days of the expiry of the period provided for in paragraph (a) (i), present the draft Constitution and the**

*report to the Parliamentary Select Committee for deliberation and consensus building on the contentious issues on the basis of the recommendations of the Committee of Experts.*

- xii.** *Section 33(3): The Parliamentary Select Committee shall, within seven days of receipt of the report and the draft constitution under sub section (2), table the report and draft constitution before the National Assembly.*
- xiii.** *Section 33(6): If the National Assembly fails to approve the draft Constitution in accordance with subsections (4) and (5), a joint meeting between the Parliamentary Select Committee and the Committee of Experts shall be convened by the chair of the Committee of Experts to consider the issue or issues and to make recommendations to the National Assembly.*
- xiv.** *Section 34(2)* relates to the publication of the proposed Constitution and states as follows-

***'The Attorney General shall not effect any alteration to the draft Constitution, except for editorial purposes, in consultation with the Parliamentary Select Committee'.***

The Constitution, as amended by the Constitution of Kenya (Amendment) Act (2008), has the following provisions-

- xv.** *Section 41(3);* relates to the nomination of persons to the IIEC-

***'The Chairman and other members of the Commission shall be nominated through a competitive process by the Parliamentary Select Committee and upon approval by the National Assembly be appointed by the President in consultation with the Prime Minister'.***
- xvi.** *Section 41B(2);* relates to the nomination of persons to the IIBRC-

***'The Chairman and other members of the Commission shall be nominated through a competitive process by the Parliamentary Select Committee and upon approval by the National Assembly be appointed by the President in consultation with the Prime Minister.'***

- xvii. **Section 60A(2)**; relates to the nomination of persons to the IICDRC and provides as follows-

***'The judges of the Court shall be nine judges of whom-***

- a) three shall be non-citizens who are qualified to be appointed judges or have served as judges of the highest court in any jurisdiction within the Commonwealth nominated by the Parliamentary Select Committee; and***
- b) six shall be recruited through a competitive process by the Parliamentary Select Committee and upon approval by the National Assembly be appointed by the President in consultation with the Prime Minister.'***

8. This report relates to the functions of the Review Committee on the nomination of the Chairperson and Members of the IIBRC pursuant to section 41B of the Constitution. The IIBRC is established following the enactment of the Constitution of Kenya (Amendment) Act (No. 10 of 2008) which amended the Constitution. This amendment was made together with a similar amendment which disbanded the Electoral Commission of Kenya (ECK) against the background of events that led to the post-election violence in the country.
9. The challenges posed by the General Elections of December 2007 pointed to the inadequacies and failures of the Constitution and other laws to address salient election-related issues. These issues were subsequently discussed under Agenda item 4 by the National Dialogue and Reconciliation Committee, and investigated by both the Kriegler and Waki Commissions. The Kriegler and Waki Commissions concluded that the defunct ECK failed in its responsibilities of management and conduct of the elections due to weaknesses in the laws governing the conduct of elections.

10. The Government therefore implemented the recommendations of the two Commissions through the enactment of the Constitution of Kenya Review Act (No. 9 of 2008) and the Constitution of Kenya (Amendment) Act (No. 10 of 2008) to provide the framework for the completion of the comprehensive review of the Constitution and to pave way for the establishment of the IIEC to replace the ECK.
11. The Constitution of Kenya (Amendment) Act (2008) in particular, introduced fundamental changes in the institution of ECK following the repeal of section 41 of the Constitution that established it. Subsequently ECK was replaced by two bodies, the IIEC and IIBRC. Section 41(3) of the Constitution provides for the appointment of the Chairperson and Members of the IIEC. The report on the IIEC was tabled and is before the House.

### **3.0 THE ESTABLISHMENT OF THE INTERIM INDEPENDENT BOUNDARIES REVIEW COMMISSION (IIBRC)**

12. The Interim Independent Boundaries Review Commission (IIBRC) is established pursuant to the provisions of Section 41B which was introduced in the Constitution following the enactment of the Constitution of Kenya (Amendment) Act (No. 10 of 2008). The creation of the IIBRC follows recommendations by the Independent Review Commission (IRC) led by Justice Johann Kriegler that reviewed the disputed 2007 presidential election results.
13. Section 41B (2) provides for the nomination of the Chairperson and members of the IIBRC by the Parliamentary Select Committee based on the selection criteria stipulated in section 41B (3) of the Constitution.
14. The functions of the IIBRC, pursuant to the provisions of Section 41C, are as follows-

***a) making recommendations to Parliament on the delimitation of constituencies and local authority electoral units and the optimal number of constituencies on the basis of equality of votes taking into account-***

*i) density of population, and in particular the need to ensure adequate representation of urban and sparsely-populated rural areas;*

*ii) population trends;*

*iii) means of communication;*

*iv) geographical features; and*

*v) community interest;*

*b) making recommendations to Parliament on administrative boundaries, including the fixing, reviewing and variation of boundaries of districts and other units; and*

*c) the performance of such other functions as may be prescribed by Parliament.*

15. These functions of IIBRC were formerly exercised by the defunct Electoral Commission of Kenya, pursuant to the provisions of Section 42 of the Constitution now amended.
16. Pursuant to the provisions of Section 41B (8) of the Constitution, the IIBRC is an independent body which is not subject to the direction or control of any other person or authority in the exercise of its functions. The Constitution requires that all members of the IIBRC be Kenyan citizens, pursuant to the provisions of Sections 41B (3).
17. Section 41B(11) of the Constitution requires the IIBRC to complete its mandate within twenty four months once constituted or three months after the promulgation of a new Constitution, whichever is earlier. The IIBRC members are to enjoy security of tenure. Pursuant to the provisions of Section 41B (7), the members can only be removed by the National Assembly through a resolution supported by a majority of its Members.
18. Pursuant to the provisions of Section 41B (3) of the Constitution which empowers the Parliamentary Select Committee to nominate persons to the IIBRC, the Committee advertised for applications for the positions of Chairperson and Members of the IIBRC in the daily newspapers of

Friday, 9 January 2009 and Wednesday, 14 January 2009. The closing date for the applications was 30<sup>th</sup> January 2009.

19. On Tuesday, 10<sup>th</sup> February 2009, the applications received were submitted to Manpower Services (K) Ltd, for preliminary analysis of the applications. The human resource firm was procured in January 2009 in accordance with the procurement laws and procedures to assist the Parliamentary Select Committee in recruitment-related processes. One hundred and six (106) applications for the position of the Chairperson and one thousand and thirty four (1034) applications for the positions of Members of IIBRC were received.
20. At its sittings of Wednesday, 15 April 2009 and Monday, 20 April 2009, the Parliamentary Select Committee analyzed all the applications and shortlisted twenty one (21) candidates for the position of Chairperson and fifty (50) candidates for the positions of Members. The shortlisted candidates were subsequently interviewed by the Committee during its sittings of Monday, 27 April 2009, and Tuesday, 28 April 2009.
21. After consideration of the results of the interviews, the Parliamentary Select Committee nominated, by consensus, the following persons for appointment as Chairperson and Members of the IIBRC-
  1. Mr. Andrew Ndooli Ligale - Chairperson
  2. Ms. Jedidah Ntoyai - Member
  3. Ms. Irene Cherop Masit - Member
  4. Mr. Mwenda Makathimo - Member
  5. Mr. Joseph Kaguthi - Member
  6. Dr. John Nkinyangi - Member
  7. Mr. Murshid Abdalla Mohamed - Member
  8. (Eng.) Abdulahi Sharawe - Member
  9. Ms. Rozaah Akinyi Buyu - Member
22. The Parliamentary Select Committee on the Review of the Constitution therefore presents to the House this report relating to the nomination of the Chairperson and Members of the Interim Independent Boundaries Review Commission (IIBRC) for consideration and approval pursuant to section 41B(2) of the Constitution.

.....XXXXXXXXXX.....

*The Report of the Parliamentary Select Committee on the Review of the Constitution,  
April 2009*





**MINUTES OF THE EIGHTEENTH SITTING OF THE PARLIAMENTARY SELECT COMMITTEE ON THE REVIEW OF THE CONSTITUTION HELD ON WEDNESDAY, 15<sup>TH</sup> APRIL, 2009 IN THE MAIN COMMITTEE ROOM, COUNTY HALL, PARLIAMENT BUILDINGS AT 9.45 AM.**

**PRESENT**

1. The Hon. Mohammed Abdikadir, MP - **Chairperson**
2. The Hon. Ababu Namwamba, MP - **Vice Chairperson**
3. The Hon. Omingo Magara, MP
4. The Hon. Musalia Mudavadi, MP
5. The Hon. Wilfred Ombui, MP
6. The Hon. Peter Munya, MP
7. The Hon. William Ruto, MP
8. The Hon. Najib Balala, MP
9. The Hon. Danson Mungatana, MP
10. The Hon. Mwangi Kiunjuri, MP
11. The Hon. Ekwee Ethuro, MP
12. The Hon. Charity Ngilu, MP
13. The Hon. David Musila, MP
14. The Hon. Sophia Abdi, MP
15. The Hon. Mutula Kilonzo, MP
16. The Hon. Amina Abdalla, MP
17. The Hon. Jeremiah Kioni, MP
18. The Hon. Joseph Nkaiserry, MP
19. The Hon. Kambi Kazungu, MP
20. The Hon. James Orengo, MP
21. The Hon. Millie Odhiambo, MP
22. The Hon. Isaac Ruto, MP

**ABSENT WITH APOLOGY**

1. The Hon. Martha Karua, MP
2. The Hon. Uhuru Kenyatta, MP
3. The Hon. Moses Wetangula, MP
4. The Hon. Chachu Ganya, MP
5. The Hon. Sally Kosgei, MP

**IN ATTENDANCE**

1. Mrs. Consolata Munga
2. Mr. Stephen Njenga
3. Mrs. Eunice Gichangi
4. Mr. Paul Ngetich
5. Ms. Rose Mudibo

**NATIONAL ASSEMBLY**

- Deputy Director, Committee Services
- First Clerk Assistant
- Senior Legal Counsel
- Senior Research Officer
- Public Relations Office

**IN ATTENDANCE**

Mr. Francis Muhindi

**MANPOWER SERVICES (K) LTD**

- Managing Director.

**MIN. NO. 080/2009:**

**PRAYER**

The proceedings were opened with a word of prayer.

**MIN. NO. 081/2009:**

**CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

Minutes of the Thirteenth, Fourteenth, Fifteenth, Sixteenth and Seventeenth sittings were confirmed by the members present and signed by the Chairperson.

**MIN. NO. 082/2009:**

**MATTERS ARISING**

- (a) Under Min. No. 065/2009 (a) (iii) on release of names to the media, the Committee agreed that the observation should be deleted.
- (b) Under the Minutes of the Seventeenth sitting, the record of a prayer that opened the proceedings should be inserted.

**MIN. NO. 083/2009:**

**CONSIDERATION OF THE REPORT ON NOMINATION OF CHAIR AND MEMBERS OF THE INTERIM INDEPENDENT ELECTORAL COMMISSION. (IIEC)**

The Committee considered the draft report on nomination of Chair and Members of the Interim Independent Electoral Commission and adopted it by consensus.

The Committee further revised its earlier decision requiring members to append their signatures to its reports and affirmed that the Chair should sign on behalf of members as provided by Standing Order 162.

**MIN. NO. 084/2009:**

**CONSIDERATION OF THE REPORT FROM HUMAN RESOURCE FIRM ON CANDIDATES FOR POSITIONS OF CHAIR AND MEMBERS OF THE INTERIM INDEPENDENT BOUNDARIES REVIEW COMMISSION. (IIBRC)**

Manpower Services (K) Ltd presented the report on applications for positions of Chair and Members of Interim Independent Boundaries Review Commission (IIBRC) as follows:-

- (a) Manpower received a total of 106 applications for the position of Chair and 1,034 applications for members of IIBRC.
- (b) All the applications were analyzed and comments made on qualifications of each applicant.

Thereupon, the Committee directed Manpower Services (K) Ltd. to list the applications according to their provinces.

The Committee resolved to shortlist five applicants to be interviewed for the position of Chair and five applicants from each province for the positions of members of IIBRC.

**MIN. NO. 085/2009:**

**ANY OTHER BUSINESS**

The Committee considered letters authored by the Chair of Committee of Experts and Permanent Secretary, Ministry of Justice and Constitutional Affairs on the remuneration package for the Members and Director of Committee of Experts.

The Committee resolved to invite the Minister for Justice and Constitutional Affairs to deliberate on the issues raised in the letters.

**MIN. NO. 086/2009:**                    **ADJOURNMENT**

There being no other business for discussion, the Chairperson adjourned the meeting at fifteen minutes past Eleven O'clock until Monday, 20<sup>th</sup> April, 2009 at 9.00 a.m.

**SIGNED:**                                    **HON. MOHAMMED ABDIKADIR, MP**  
**CHAIRPERSON**

**DATE:**                                      **30<sup>TH</sup> APRIL, 2009**

**MINUTES OF THE NINETEENTH SITTING OF THE PARLIAMENTARY SELECT COMMITTEE ON THE REVIEW OF THE CONSTITUTION HELD ON MONDAY, 20<sup>TH</sup> APRIL, 2009 IN THE MAIN COMMITTEE ROOM, COUNTY HALL, PARLIAMENT BUILDINGS AT 9.45 AM.**

**PRESENT**

1. The Hon. Mohammed Abdikadir, MP - **Chairperson**
2. The Hon. Omingo Magara, MP
3. The Hon. Musalia Mudavadi, MP
4. The Hon. Wilfred Ombui, MP
5. The Hon. Peter Munya, MP
6. The Hon. William Ruto, MP
7. The Hon. Uhuru Kenyatta, MP
8. The Hon. Moses Wetangula, MP
9. The Hon. Chachu Ganya, MP
10. The Hon. Danson Mungatana, MP
11. The Hon. Mwangi Kiunjuri, MP
12. The Hon. Charity Ngilu, MP
13. The Hon. David Musila, MP
14. The Hon. Sophia Abdi, MP
15. The Hon. Mutula Kilonzo, MP
16. The Hon. Amina Abdalla, MP
17. The Hon. Jeremiah Kioni, MP
18. The Hon. Joseph Nkaiserry, MP
19. The Hon. Kambi Kazungu, MP
20. The Hon. James Orengo, MP
21. The Hon. Millie Odhiambo, MP

**ABSENT WITH APOLOGY**

1. The Hon. Ababu Namwamba, MP - **Vice Chairperson**
2. The Hon. Martha Karua, MP
3. The Hon. Najib Balala, MP
4. The Hon. Ekwere Ethuro, MP
5. The Hon. Isaac Ruto, MP
6. The Hon. Sally Kosgei, MP

**IN ATTENDANCE**

1. Mrs. Consolata Munga
2. Mr. Stephen Njenga
3. Mrs. Eunice Gichangi
4. Mr. Paul Ngetich
5. Ms. Rose Mudibo

**NATIONAL ASSEMBLY**

- Deputy Director, Committee Services
- First Clerk Assistant
- Senior Legal Counsel
- Senior Research Officer
- Public Relations Office

**MIN. NO. 087/2009:**

**PRAYER**

The proceedings were opened with a word of prayer.

**MIN. NO. 088/2009:**

**CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

The Committee deferred confirmation of Minutes of the Eighteenth sitting to the next sitting.

The Committee considered the report from the human resource firm on candidates for positions of Chair and Members of Interim Independent Boundaries Review Commission (IIBRC).

The Committee revised its earlier decision on shortlist for the Chair and resolved to shortlist two candidates from each province.

The following 21 candidates were subsequently short-listed for the position of Chair:-

1. Eng. Abdulahi Sharawe
2. Abdirahim Farah
3. Francis ole Kaparo
4. Dr. Somba Musya Kivungu
5. Kimaiyo Keroney Arap Segoo
6. Murshid Abdalla Mohamed
7. Jelani Habib
8. Francis K. Mulu
9. Mathews A. Karauri
10. Andrew A. Ligale
11. Nelson W. Otido
12. Kamau Mbugua
13. James Stanley Mathenge
14. Joseph Kiangoi Ombasa
15. Henry Kerema Ombongi
16. Joseph Kaguthi
17. Harun Morris M. Ndubi
18. Wanyiri Kihoro
19. Carolyne C. Sang
20. Beatrice N. Kiarie
21. Otieno A. Christine

The Committee further short-listed the following 50 candidates for the positions of Members of the Interim Independent Boundaries Review Commission:-

1. Thomas Letangule
2. Jedidah Ntoyai
3. Dr. Damiel Tuitoek
4. Davis N. Chelogoi
5. Irene Cherop Mosit
6. Wesley C. Chebii
7. Hellen C. Kemei
8. Mwenda Makathimo
9. Peter Maundu
10. David Timado
11. Prof. Maria Nzomo

12. Caroline Malinda
13. Edward Khadambi
14. Kizito Wangalwa
15. Wabwoba M. Walinywa
16. Chavangi A. Tom
17. Felix J. Mugabe
18. Andrew Ligale
19. Eng. Abdulahi Sharawe
20. Mohamud A. Saleh
21. Abass Abdullahi Maalim
22. Hubbie H. Alhaji
23. Amina Sheikh Kassim
24. Omar Kassim Abikar
25. Fatma Abdalla
26. Jane M. Manasseh
27. Joyce Sidi Kazungu
28. Ruphus M. M. Kafwani
29. Mohammed K. Mwatuwano
30. Murshid Abdalla
31. Ochieng Mbeo
32. Rozaah A. Buyu
33. Pastor Zablou Ayonga
34. Charles Nyamohanga Nyangi
35. Dr. Migai Aketch
36. Regina S. Boisabu
37. John Gitau Makumi
38. Joseph Kaguthi
39. Col. Joseph Wachira
40. James Stanley Mathenge
41. Kamau Mbugua
42. Jamillah Mohamed
43. Ahmed Hirsi Ali
44. John Nkinyangi
45. Ndoria Gicheru
46. Patrick Onyango
47. Guyo Halake
48. Mari Goretti Wanyonyi
49. Jane Nyangama
50. Harun Ndubi

The Committee resolved to conduct the interviews on Monday, 27<sup>th</sup> April and Tuesday, 28<sup>th</sup> April, 2009.

**MIN. NO. 090/2009:**

**ANY OTHER BUSINESS**

- (i) The Committee was informed that petitions had been presented to the Speaker of the National Assembly regarding two nominees to the Interim Independent Electoral Commission namely, Tiyah Galgalo and Hamara Ibrahim.

The petitions alleged that Hamara was an employee of KARI and that Tiyah was working for TSC.

The Committee noted the letter from KARI confirming that Hamara had ceased to be an employee while TSC required additional information before responding.

- (ii) The Committee proposed that legal restrictions be enacted to bar persons who serve in the two commissions namely, the Interim Independent Electoral Commission and Interim Independent Boundaries Review Commission from contesting at the next general elections.

**MIN. NO. 091/2009:**                      **ADJOURNMENT**

There being no other business for discussion, the Chairperson adjourned the meeting at fifteen minutes past One O'clock until Monday, 27<sup>th</sup> April, 2009 at 9.00 a.m.

**SIGNED:**                                      **HON. MOHAMMED ABDIKADIR, MP**  
**CHAIRPERSON**

**DATE:**                                        **30<sup>TH</sup> APRIL, 2009**

**MINUTES OF THE TWENTIETH SITTING OF THE PARLIAMENTARY SELECT COMMITTEE ON THE REVIEW OF THE CONSTITUTION HELD ON MONDAY, 27<sup>TH</sup> APRIL, 2009 IN THE MAIN COMMITTEE ROOM, COUNTY HALL, PARLIAMENT BUILDINGS AT 9.45 AM.**

**PRESENT**

1. The Hon. Mohammed Abdikadir, MP - **Chairperson**
2. The Hon. Martha Karua, MP
3. The Hon. Omingo Magara, MP
4. The Hon. Wilfred Ombui, MP
5. The Hon. Moses Wetangula, MP
6. The Hon. Chachu Ganya, MP
7. The Hon. Najib Balala, MP
8. The Hon. Mwangi Kiunjuri, MP
9. The Hon. Charity Ngilu, MP
10. The Hon. Sally Kosgei, MP
11. The Hon. Musalia Mudavadi, MP
12. The Hon. Sophia Abdi, MP
13. The Hon. Mutula Kilonzo, MP
14. The Hon. Amina Abdalla, MP
15. The Hon. Joseph Nkaiserry, MP
16. The Hon. Kambi Kazungu, MP
17. The Hon. Isaac Ruto, MP
18. The Hon. James Orengo, MP
19. The Hon. Millie Odhiambo, MP

**ABSENT WITH APOLOGY**

1. The Hon. Ababu Namwamba, MP - **Vice Chairperson**
2. The Hon. Uhuru Kenyatta, MP
3. The Hon. David Musila, MP
4. The Hon. Danson Mungatana, MP
5. The Hon. Peter Munya, MP
6. The Hon. William Ruto, MP
7. The Hon. Ekwere Ethuro, MP
8. The Hon. Jeremiah Kioni, MP

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

1. Mrs. Consolata Munga - Deputy Director, Committee Services
2. Mr. Stephen Njenga - First Clerk Assistant
3. Mrs. Eunice Gichangi - Senior Legal Counsel
4. Mr. Paul Ngetich - Senior Research Officer
5. Ms. Rose Mudibo - Public Relations Officer

**MIN. NO. 092/2009:**

**PRAYER**

The proceedings were opened with a word of prayer.

**MIN. NO. 093/2009:**

**CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

The Committee deferred confirmation of Minutes of the Eighteenth and Nineteenth sittings to the next sitting.



**MIN. NO. 094/2009:**

**LEGAL INTERPRETATION ON WHETHER PERSONS WHO SERVE ON INTERIM INDEPENDENT ELECTORAL COMMISSION AND INTERIM INDEPENDENT BOUNDARIES REVIEW COMMISSION WILL BE ALLOWED TO CONTEST THE NEXT GENERAL ELECTION**

The Secretariat drew the attention of the Committee to the provisions of Section 35(3) of the Constitution which relates to disqualification of persons who are involved in the conduct of an election to the National Assembly or the compilation of a register of voters.

The Committee was informed that the section does not address those who serve in the Boundaries Commission and in the case of the Electoral Commission, the Constitution specifically addresses itself to the date of nomination of a person for elections.

**MIN. NO. 095/2009:**

**INTERVIEWS FOR POSITION OF CHAIR AND MEMBERS OF THE INTERIM INDEPENDENT BOUNDARIES REVIEW COMMISSION. (IIBRC)**

The Committee agreed on the questions to be posed to candidates as follows:-

- (i) Briefly give us an overview of your academic and professional qualifications.
- (ii) Why do you think you are best suited to be appointed as the Chairperson/Member of the Interim Independent Boundaries Review Commission?
- (iii) What do you understand to be the mandate of the Commission?
- (iv) What challenges do you anticipate in your work and how do you intend to address them?
- (v) Would there be any conflict of interest if you served on the Commission and subsequently elective office in the next General Elections?

The Committee then conducted interviews of the candidates as follows:-

**CHAIR**

1. Eng. Abdulahi Sharawe
2. Carlyne C. Sang
3. Dr. Somba Musya Kivungu
4. Murshid Abdalla Mohamed
5. Jelani Habib
6. Nelson W. Otido
7. Henry Kerema Ombongi
8. Harun Morris M. Ndubi
9. James Stanley Mathenge
10. Francis K. Mulu
11. Joseph Kaguthi
12. Mathews A. Karauri
13. Andrew N. Ligale
14. Wanyiri Kihoro
15. Joseph Kiangoi Ombasa
16. Beatrice N. Kiarie
17. Abdirahim Farah
18. Otieno A. Christine

The Committee resolved that the members who have been interviewed for the position of Chair shall not be interviewed for the position of member even if their names appear in the short-list.

**MIN. NO. 096/2009:**

**ADJOURNMENT**

There being no other business for discussion, the Chairperson adjourned the meeting at thirty minutes past Twelve O'clock until 2.30 p.m. this afternoon.

### **AFTERNOON SITTING – 2.30 P.M.**

#### **PRESENT**

1. The Hon. Mohammed Abdikadir, MP - **Chairperson**
2. The Hon. Omingo Magara, MP
3. The Hon. Wilfred Ombui, MP
4. The Hon. Moses Wetangula, MP
5. The Hon. Chachu Ganya, MP
6. The Hon. Mwangi Kiunjuri, MP
7. The Hon. Charity Ngilu, MP
8. The Hon. Musalia Mudavadi, MP
9. The Hon. Sally Kosgei, MP
10. The Hon. Najib Balala, MP
11. The Hon. Sophia Abdi, MP
12. The Hon. Mutula Kilonzo, MP
13. The Hon. Amina Abdalla, MP
14. The Hon. Joseph Nkaiserry, MP
15. The Hon. Kambi Kazungu, MP
16. The Hon. Isaac Ruto, MP
17. The Hon. James Orengo, MP
18. The Hon. Millie Odhiambo, MP

#### **ABSENT WITH APOLOGY**

1. The Hon. Ababu Namwamba, MP - **Vice Chairperson**
2. The Hon. Martha Karua, MP
3. The Hon. Uhuru Kenyatta, MP
4. The Hon. David Musila, MP
5. The Hon. Danson Mungatana, MP
6. The Hon. Peter Munya, MP
7. The Hon. William Ruto, MP
8. The Hon. Ekwere Ethuro, MP
9. The Hon. Jeremiah Kioni, MP

#### **IN ATTENDANCE**

#### **NATIONAL ASSEMBLY**

1. Mrs. Consolata Munga - Deputy Director, Committee Services
2. Mr. Stephen Njenga - First Clerk Assistant
3. Mrs. Eunice Gichangi - Senior Legal Counsel
4. Mr. Paul Ngetich - Senior Research Officer
5. Ms. Rose Mudibo - Public Relations Office

**MIN. NO. 097/2009:**

**INTERVIEWS FOR POSITION OF CHAIR AND  
MEMBERS OF THE INTERIM INDEPENDENT  
BOUNDARIES REVIEW COMMISSION. (IIBRC)**

The Committee conducted interviews of the candidates as follows:-

**MEMBERS**

1. Jedida Ntoyai
2. Irene Cherop Masit
3. Wesley C. Chebii
4. Dr. Daniel Tuitoek
5. Prof. Maria Nzomo
6. Chavangi Aziz Tom
7. Mwenda Makathimo
8. Felix Juma Mugabe
9. Abass Abdullahi Maalim
10. Fatma Abdalla
11. Joyce Sidi Kazungu
12. Mohammed K. Mwatuwano
13. Ochieng Mbeo
14. Rozaah Akinyi Buyu
15. Dr. Migai Aketch
16. Jamillah Mohamed
17. Ndoria Gicheru
18. Guyo Halake
19. Marie Goretti Wanyonyi
20. Patrick Onyango Sumba

**MIN. NO. 098/2009:**

**ADJOURNMENT**

There being no other business for discussion, the Chairperson adjourned the meeting at fifteen minutes past Five O'clock until Tuesday, 28<sup>th</sup> April 2009, at 8.30 a.m.

**SIGNED:**

**HON. MOHAMED ABDIKADIR, MP**

**CHAIRPERSON**

**DATE:**

**30<sup>TH</sup> APRIL, 2009**

**MINUTES OF THE TWENTY FIRST SITTING OF THE PARLIAMENTARY SELECT COMMITTEE ON THE REVIEW OF THE CONSTITUTION HELD ON TUESDAY, 28<sup>TH</sup> APRIL, 2009 IN THE MAIN COMMITTEE ROOM, COUNTY HALL, PARLIAMENT BUILDINGS AT 9.30 AM.**

**PRESENT**

1. The Hon. Mohammed Abdikadir, MP - **Chairperson**
2. The Hon. Martha Karua, MP
3. The Hon. Omingo Magara, MP
4. The Hon. David Musila, MP
5. The Hon. Wilfred Ombui, MP
6. The Hon. Moses Wetangula, MP
7. The Hon. Danson Mungatana, MP
8. The Hon. Chachu Ganya, MP
9. The Hon. Najib Balala, MP
10. The Hon. Mwangi Kiunjuri, MP
11. The Hon. Jeremiah Kioni, MP
12. The Hon. Charity Ngilu, MP
13. The Hon. Sally Kosgei, MP
14. The Hon. Musalia Mudavadi, MP
15. The Hon. Sophia Abdi, MP
16. The Hon. Mutula Kilonzo, MP
17. The Hon. Amina Abdalla, MP
18. The Hon. Joseph Nkaiserry, MP
19. The Hon. Kambi Kazungu, MP
20. The Hon. Isaac Ruto, MP
21. The Hon. James Orengo, MP
22. The Hon. Millie Odhiambo, MP

**ABSENT WITH APOLOGY**

1. The Hon. Ababu Namwamba, MP - **Vice Chairperson**
2. The Hon. Uhuru Kenyatta, MP
3. The Hon. Peter Munya, MP
4. The Hon. William Ruto, MP
5. The Hon. Ekwee Ethuro, MP

**IN ATTENDANCE**

1. Mrs. Consolata Munga
2. Mr. Stephen Njenga
3. Mrs. Eunice Gichangi
4. Mr. Paul Ngetich
5. Ms. Rose Mudibo

**NATIONAL ASSEMBLY**

- Deputy Director, Committee Services
- First Clerk Assistant
- Senior Legal Counsel
- Senior Research Officer
- Public Relations Officer

**MIN. NO. 099/2009:**

**PRAYER**

The proceedings were opened with a word of prayer.

**MIN. NO. 100/2009:**

**CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

The Committee deferred confirmation of Minutes of the Eighteenth, Nineteenth and Twentieth sittings to the next sitting.

**MIN. NO. 101/2009:**

**PRELIMINARY**

The Committee agreed to interview Mr. Kamau Mbugua who was scheduled to appear on 27<sup>th</sup> April, 2009 but could not be reached on time.

**MIN. NO. 102/2009:**

**INTERVIEWS FOR POSITION OF CHAIR AND MEMBERS OF THE INTERIM INDEPENDENT BOUNDARIES REVIEW COMMISSION. (IIBRC)**

The Committee conducted interviews of the candidates as follows:-

**MEMBERS**

1. Thomas Letangule
2. Davis N. Chelogoi
3. Kizito Wangalwa
4. Regina S. Boisabu
5. Carolyne Malinda
6. Charles Nyamohanga Nyangi
7. John Nkinyangi
8. Jane Nyangoma
9. David Timado
10. Wabwoba M. Walinywa
11. Hubbie H. Alhaji
12. Omar Kassim Abikar
13. Jane M. Manasseh
14. Pastor Zablon Ayonga
15. John Gitau Makumi
16. Hellen C. Kemei
17. Mohamud A. Saleh
18. Ahmed Hirsi Ali
19. Amina Sheikh Kassim
20. Kamau Mbugua
21. Peter Maundu
22. Edward Khadambi
23. Ruphus M. Kafwani

**MIN. NO. 103/2009:**

**ADJOURNMENT**

There being no other business for discussion, the Chairperson adjourned the meeting at fifteen minutes past Twelve O'clock until 5.00 p.m. this afternoon.

## AFTERNOON SITTING – 5.30 P.M

### PRESENT

1. The Hon. Mohammed Abdikadir, MP - **Chairperson**
2. The Hon. Martha Karua, MP
3. The Hon. Uhuru Kenyatta, MP
4. The Hon. Omingo Magara, MP
5. The Hon. David Musila, MP
6. The Hon. Wilfred Ombui, MP
7. The Hon. Moses Wetangula, MP
8. The Hon. Chachu Ganya, MP
9. The Hon. Najib Balala, MP
10. The Hon. Mwangi Kiunjuri, MP
11. The Hon. Jeremiah Kioni, MP
12. The Hon. Charity Ngilu, MP
13. The Hon. Sally Kosgei, MP
14. The Hon. William Ruto, MP
15. The Hon. Musalia Mudavadi, MP
16. The Hon. Sophia Abdi, MP
17. The Hon. Mutula Kilonzo, MP
18. The Hon. Amina Abdalla, MP
19. The Hon. Joseph Nkaiserry, MP
20. The Hon. Kambi Kazungu, MP
21. The Hon. Isaac Ruto, MP
22. The Hon. James Orengo, MP
23. The Hon. Millie Odhiambo, MP

### ABSENT WITH APOLOGY

1. The Hon. Ababu Namwamba, MP - **Vice Chairperson**
2. The Hon. Danson Mungatana, MP
3. The Hon. Peter Munya, MP
4. The Hon. Ekwee Ethuro, MP

### IN ATTENDANCE

1. Mrs. Consolata Munga
2. Mr. Stephen Njenga
3. Mrs. Eunice Gichangi
4. Mr. Paul Ngetich
5. Ms. Rose Mudibo

### NATIONAL ASSEMBLY

- Deputy Director, Committee Services
- First Clerk Assistant
- Senior Legal Counsel
- Senior Research Officer
- Public Relations Officer

### MIN. NO. 104/2009:

### CONSIDERATION OF NOMINEES FOR POSITIONS OF CHAIR AND MEMBERS OF THE INTERIM INDEPENDENT BOUNDARIES REVIEW COMMISSION. (IIBRC)

The Committee deliberated on interviewed candidates for nomination to position of Chair and Members of the Interim Independent Boundaries Review Commission and by consensus resolved to nominate the following to the Commission:

**Chairperson**

1. Andrew Ndooli Ligale

**Members**

1. John Nkinyangi
2. Jedida Ntoyai
3. Irene Cherop Masit
4. Mwenda Makathimo
5. Joseph Kaguthi
6. Eng. Abdullahi Sharawe
7. Murshid Abdalla Mohammed
8. Rozaah A. Buyu

**MIN. NO. 105/2009:**

**ADJOURNMENT**

There being no other business for discussion, the Chairperson adjourned the meeting at Nine O'clock until Thursday, 30<sup>th</sup> April, 2009 at 9.00 a.m.

**SIGNED:**

**HON. MOHAMMED ABDIKADIR, MP**

**CHAIRPERSON**

**DATE:**

**30<sup>TH</sup> APRIL, 2009**

**MINUTES OF THE TWENTY SECOND SITTING OF THE PARLIAMENTARY  
LECT COMMITTEE ON THE REVIEW OF THE CONSTITUTION HELD ON  
THURSDAY, 30<sup>TH</sup> APRIL, 2009 IN THE MAIN COMMITTEE ROOM, COUNTY  
HALL, PARLIAMENT BUILDINGS AT 9.30 AM.**

**PRESENT**

- |                                    |   |                         |
|------------------------------------|---|-------------------------|
| 1. The Hon. Mohammed Abdikadir, MP | - | <b>Chairperson</b>      |
| 2. The Hon. Ababu Namwamba, MP     | - | <b>Vice Chairperson</b> |
| 3. The Hon. Omingo Magara, MP      |   |                         |
| 4. The Hon. Wilfred Ombui, MP      |   |                         |
| 5. The Hon. Moses Wetangula, MP    |   |                         |
| 6. The Hon. Danson Mungatana, MP   |   |                         |
| 7. The Hon. Chachu Ganya, MP       |   |                         |
| 8. The Hon. Najib Balala, MP       |   |                         |
| 9. The Hon. Jeremiah Kioni, MP     |   |                         |
| 10. The Hon. Charity Ngilu, MP     |   |                         |
| 11. The Hon. Amina Abdalla, MP     |   |                         |
| 12. The Hon. Joseph Nkaiserry, MP  |   |                         |
| 13. The Hon. Kambi Kazungu, MP     |   |                         |
| 14. The Hon. Ekwee Ethuro, MP      |   |                         |
| 15. The Hon. Isaac Ruto, MP        |   |                         |

**ABSENT WITH APOLOGY**

1. The Hon. Martha Karua, MP
2. The Hon. David Musila, MP
3. The Hon. Uhuru Kenyatta, MP
4. The Hon. Mutula Kilonzo, MP
5. The Hon. Mwangi Kiunjuri, MP
6. The Hon. Musalia Mudavadi, MP
7. The Hon. Sally Kosgei, MP
8. The Hon. Peter Munya, MP
9. The Hon. James Orengo, MP
10. The Hon. Sophia Abdi, MP
11. The Hon. Millie Odhiambo, MP
12. The Hon. William Ruto, MP

**IN ATTENDANCE**

1. Mrs. Consolata Munga
2. Mr. Stephen Njenga
3. Mrs. Eunice Gichangi
4. Mr. Paul Ngetich
5. Ms. Rose Mudibo

**NATIONAL ASSEMBLY**

- |   |                                     |
|---|-------------------------------------|
| - | Deputy Director, Committee Services |
| - | First Clerk Assistant               |
| - | Senior Legal Counsel                |
| - | Senior Research Officer             |
| - | Public Relations Officer            |

**MIN. NO. 106/2009:**

**PRAYER**

The proceedings were opened with a word of prayer.

**MIN. NO. 107/2009:**

**CONFIRMATION OF MINUTES OF PREVIOUS  
MEETINGS**

Minutes of the Eighteenth, Nineteenth, Twentieth and Twenty-First sittings were confirmed by the members present and signed by the Chairperson.



**MIN. NO. 108/2009:**

**MATTERS ARISING**

- (i) Under Min. No. 104/2009, on nominees for positions of Chair and Members of the Interim Independent Boundaries Review Commission, the Chairman informed the Committee of a petition to the Speaker from Coast Parliamentary Group regarding Mr. Murshid Abdalla.

The Committee deliberated on the petition and noted that no matter was advanced to disqualify the nominee as provided by section 41B of the Constitution.

- (ii) Under Min No. 104/2009, the Committee noted allegations made against the nomination of Mr. Andrew Ligale. The Committee observed that no tangible evidence had been produced to support the claims.

The Committee therefore resolved to proceed with the proposed nominations.

**MIN. NO. 109/2009:**

**CONSIDERATION OF THE REPORT ON  
NOMINATION OF CHAIR AND MEMBERS OF THE  
INTERIM INDEPENDENT BOUNDARIES REVIEW  
COMMISSION. (IIBRC)**

The Committee considered the draft report on nomination of Chair and Members of the Interim Independent Boundaries Review Commission and adopted it by consensus.

**MIN. NO. 110/2009:**

**ADJOURNMENT**

There being no other business for discussion, the Chairperson adjourned the meeting at Eleven O'clock.

**SIGNED:**

**HON. MOHAMMED ABDIKADIR, MP**

**CHAIRPERSON**

**DATE:**

**30<sup>TH</sup> APRIL, 2009**

