



PAPER LAID
By Hon Chris
Okemo
20/12/2012
[Signature]

KENYA NATIONAL ASSEMBLY

TENTH PARLIAMENT

FOURTH SESSION (2012)

PARLIAMENT
OF KENYA
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THE FINANCE, PLANNING & TRADE COMMITTEE

REPORT

ON THE APPROVAL OF FRANCIS WANGO'MBE KARIUKI FOR
APPOINTMENT AS THE DIRECTOR GENERAL OF THE
COMPETITON AUTHORITY OF KENYA

Clerk's Chambers,
Parliament Buildings,
NAIROBI.

DECEMBER, 2012

Mr. Speaker Sir,

The Finance, Planning & Trade is one of the Departmental Committees established under Standing Order 198 whose functions are:-

- a) to investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and Departments;
- b) to Study the programme and policy objectives on Ministries and Departments and the effectiveness of the implementation;
- c) to Study and review all legislation referred to it;
- d) to study, assess and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
- e) to investigate and enquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House or a Minister; and
- f) to make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

The subjects falling within the purview of the Departmental Committee on Finance, Planning and Trade are:-

- Public finance, Banking and Industry
- Insurance
- Population planning and National development
- Trade, Tourism promotion and Management
- Commerce and industry

Mr. Speaker Sir,

The membership of the Committee comprise of the following:-

- i. The Hon. Chrysanthus Okemo, M.P- Chairman
- ii. The Hon. (Prof) Phillip Kaloki, M.P- Vice chairman
- iii. The Hon. Jakoyo Midiwo, M.P
- iv. The Hon. Musikari Kombo, M.P
- v. The Hon. Lucas Chepkitony, M.P
- vi. The Hon. Lenny Kivuti, M.P
- vii. The Hon. Nelson Gaichuhie, M.P
- viii. The Hon. Ntoitha M'Mithirau, M.P

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- viii. The Hon. Ntoitha M'Mithirau, M.P

- ix. The Hon. Ahmed Shabbir, M.P
- x. The Hon. Nkoidila Ole Lankas, M.P
- xi. The Hon. Sammy Mwaita, M.P

Mr. Speaker Sir,

On the 7th December, 2012 the Committee received a letter from the Permanent Secretary in the Ministry of Finance requesting parliament to approve Mr. Francis Wango'mbe Kariuki as the Director General of the Competition Authority of Kenya pursuant to the provisions of section 12(1) of the Competition Act, No. 12 of 2010.

12(1) There shall be a Director-General of the Authority who shall be appointed by the Authority with the approval of Parliament from persons having knowledge and experience in competition matters.

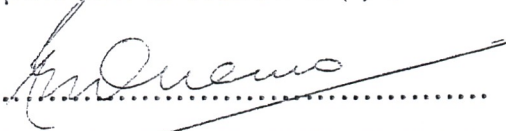
The Committee held a meeting with the nominee on Thursday 13th December, 2012 at 11.00a.m. in vetting the nominee, the Committee was guided by the criteria set out in the Public appointments (Parliamentary Approval) Act. Upon completion of the vetting process, the Committee found the nominee qualified to serve as the Director General of the Competition Authority.

Acknowledgements

The Committee wishes to thank the Offices of the Speaker and the Clerk of the National Assembly for the support extended to it in the execution of its mandate.

Mr. Speaker Sir,

It is my pleasant and privilege, on behalf of the Departmental Committee on Finance, Planning & Trade, to present and commend this report on the approval of Mr. Francis Wango'mbe Kariuki for appointment as the Director-General, to the House for adoption pursuant to section 12(1) of the Privatization Act.

SIGNED.....

HON. CHRYSANTHUS OKEMO, EGH, M.P
CHAIRMAN

DATE:19/12/2012.....

BACKGROUND

1. Section 12(1) of the Competition Act No.12 of 2010 creates the office of the Director General of the Competition Authority of Kenya and states:-

12(1) There shall be a Director-General of the Authority who shall be appointed by the Authority with the approval of Parliament from persons having knowledge and experience in competition matters.

2. On 7th December, 2012, the Committee received a letter and the curriculum vitae (**Annex 2**) from the Permanent Secretary in the Ministry of Finance requesting parliament to approve Mr. Francis Wango'mbe Kariuki as the Director General of the Competition Authority of Kenya pursuant to the provisions of section 12(1) of the Competition Act, No. 12 of 2010. In his letter, he indicated that the recruitment exercise of the Director General was competitively done by the Board of the authority. The Best candidate (Mr. Francis Wango'mbe Kariuki) was thereafter picked for the job subject to parliamentary approval.
3. Section 12(1) of the Competition Authority Act, 2012 spells out the qualifications an individual should have for him/her to be eligible for appointment as the Director General of the Authority.
4. The tenure and terms of office of the Authority's Director General are provided in section 12(2) of the Competition Act No.12 of 2010.

12(2) The Director-General shall hold office on such terms and conditions of employment as the Authority may determine in the instrument of appointment or otherwise in writing from time to time:

Provided that the Director –General shall hold office for a renewable term of five years, subject to a maximum of two terms.

5. Section 12(3) of the Competition Act provides that the Director General shall be the Chief Executive Officer of the authority and shall be responsible for the day to day running of the authority.

CONSIDERATION OF MR. FRANCIS WANGO'MBE KARIUKI FOR APPROVAL FOR APPOINTMENT AS A DIRECTOR-GENERAL OF THE COMPETITION AUTHORITY OF KENYA

6. At a meeting held on 13th December, 2012, the Committee examined the nominee against the criteria set out in the Public Appointments (Parliamentary Approval) Act, 2010.
7. The Committee having considered the curriculum vitae of Mr. Francis Wango'mbe Kariuki, and having heard his submissions during the interview, made the following observations on his nomination for appointment as the Director General of the Competition Authority:-
 - i). Mr. Francis Wango'mbe Kariuki is a Kenyan citizen born on 24th July 1969 in Meru County.
 - ii). He holds a Masters degree in Economic Regulation and Competition from City University, London (2003), and a Bachelor of Arts in Economics and Business Studies from Kenyatta University (1991).
 - iii). He has a wide range of experience in business regulatory matters having worked as the Ag. Director General of the Competition Authority of Kenya from August 2011 to date; headed the monopolies and prices Commission from November 2007 to August 2011; and worked in various capacities in the Monopolies and Prices Commission from 1992 to 2007.
 - iv). He is a member of the Network Reformers- under the world Bank.
 - v). He has published many papers including:-
 - a. Making Markets Work for Sustainable Economic Growth and Economic Recovery: What is the Role of Competition Policy?: The World Bank's Financial and Private Sector Development Forum 2012-Washington, DC-November, 2012.
 - b. Concept of Competition Regulation: Kenya Association of Manufacturers (KAM) Seminar, Nairobi. October, 2012.
 - c. The Role of Knowledge Management and Human Resource Management in enforcement of Competition law in young agencies: UNCTAD- 12th Intergovernmental Group of Experts Conference-Geneva. July, 2012
 - d. Knowledge Management and Budget Prioritization in lean times: 11th International Competition Network Conference – Rio, Brazil. April, 2012
 - e. Explaining the Benefits of Competition to Government and legislators: Means and Messages: 11th International Competition Network Conference – Rio, April, Brazil. 2012
 - f. Competition Authorities' experiences with law enforcement and advocacy: OECD, Global Competition Forum – Paris, France. February, 2012

- g. Commodities and Price Volatility and Challenges to enforcement of Competition law in Kenya: OECD, Global Competition Forum – Paris, France. February, 2012
 - h. Consumer Welfare and Competition Enforcement: Impact and Outcome Assessment: 10th International Competition Network Conference – The Hague, Netherlands. April, 2011
 - i. EAC – Partner States offensive and defensive interests in Competition policy under EPA negotiations with EU: EAC meeting- Kigali, Rwanda. 2009
 - j. Competition Policy and the Informal Sector in Kenya: OECD, Global Competition Forum: 2008
 - k. Relationship between Competition Authorities and Sector Regulators: A case for Kenya. OECD, Global Competition Forum, 2004
 - l. Bringing Competition into Regulated Sectors, 2004
 - m. Designing an appropriate Competition Policy for a Developing Country : A case for Kenya, 2003
 - n. The effect of yardstick competition on the incentives of a Regulated firm to be productively efficient. 2003
 - o. Economic argument for and against the vertical separation of the monopoly elements from the potentially competitive elements for Electricity and Telecoms industries, 2003
- vi). He has fully complied with his tax obligations to the State and has never been adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
- vii). He is not a member of any political party and has never been charged in a court of law.
- viii). He does not have any conflict of interest currently. In case of any, he would declare it and excuse himself from participating in the determination process in any matter he is conflicted.
- ix. As part of charity, he has contributed to the education of two orphans in Maseno and Iten secondary schools.
- x. He has never been adversely mentioned in any parliamentary report or charged in a court of law.

COMMITTEE'S RECOMMENDATIONS

8. The Committee recommends that:-

Pursuant to Section 12(1) of the Competition Act, No.12 of 2010, the House approves Mr. Francis Wango'mbe Kartuki for appointment as the Director General of the Competition Authority of Kenya.

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MINUTES OF THE FORTY FIRST SITTING OF THE DEPARTMENTAL
COMMITTEE ON FINANCE, PLANNING & TRADE HELD ON WEDNESDAY
19TH DECEMBER, 2012 IN THE COMMITTEE ROOM, 5TH FLOOR,
CONTINENTAL BUILDING AT 10.30 A.M.

PRESENT

Hon Chrysanthus Okemo, EGH, M.P. (Chairman)
Hon. (Prof.) Philip Kaloki, M.P. (Vice Chairman)
Hon. Ntoitha M'Mithiaru, M.P.
Hon. Nelson Gaichuhie, M.P.
Hon. Ahmed Shakeel Shabbir, M.P.
Hon. Sammy Mwaita, M.P.

ABSENT WITH APOLOGIES

Hon. Lenny Kivuti, M.P.
Hon. Nkoidila Ole Lankas, M.P.
Hon. Jakoyo Midiwo MGH, MP.
Hon. Musikari Kombo, EGH, M.P.
Hon. Lucas Chepkitony, M.P.

INATTENDANCE

KENYA NATIONAL ASSEMBLY

Mr. Evans Oanda - Third Clerk assistant
Mr. Denis Dindi - Office Attendant

MIN.NO. 168/2012: CONFIRMATION OF MINUTES

Minutes of the thirty seventh sitting of the Committee held Wednesday 28th November, 2012 were confirmed by the Members present as a true recording after being proposed by Hon. Ahmed Shakeel Shabbir, MP and seconded by Hon. (Prof.) Philip Kaloki, MP.

Minutes of the fortieth sitting of the Committee held Thursday 13th December, 2012 were confirmed by the Members present as a true recording after being proposed by Hon. Nelson Gaichuhie, MP and seconded by Hon. Ntoitha M'Mithiaru, MP.

MIN.NO. 169/2012: ADOPTION OF THE COMMITTEE REPORT ON
VETTING OF MR. FRANCIS WANGO'MBE KARIUKI

(NOMINEE) AS A DIRECTOR GENERAL IN THE
COMPETITION AUTHORITY OF KENYA.

The Committee unanimously adopted the report and asked the secretariat to prepare it for tabling.

MIN.NO. 170/2012: ADOPTION OF THE COMMITTEE REPORT ON
PRIVATIZATION PROPOSALS OF THE FIVE PUBLIC
SECTOR OWNED/CONTROLLED SUGAR
COMPANIES, THREE KENYA TOURISM
DEVELOPMENT CORPORATION (KTDC) OWNED
HOTELS AND KENYA WINE AGENCIES LIMITED
(KWAL).

The Committee unanimously adopted the report and asked the secretariat to prepare it for tabling.

MIN.NO. 171/2012: ADJOURNMENT

There being no other business, the Chairman adjourned the meeting at 11.30 A.M.

Signed.....
(Chairman)

Date..... 19/12/2012

MINUTES OF THE FORTY FIRST SITTING OF THE DEPARTMENTAL COMMITTEE ON FINANCE, PLANNING & TRADE HELD ON WEDNESDAY 19TH DECEMBER, 2012 IN THE COMMITTEE ROOM, 5TH FLOOR, CONTINENTAL BUILDING AT 10.30 A.M.

PRESENT

Hon Chrysanthus Okemo, EGH, M.P. (Chairman)
Hon. (Prof.) Philip Kaloki, M.P. (Vice Chairman)
Hon. Ntoitha M'Mithiaru, M.P.
Hon. Nelson Gaichuhie, M.P.
Hon. Ahmed Shakeel Shabbir, M.P.
Hon. Sammy Mwaita, M.P.

ABSENT WITH APOLOGIES

Hon. Lenny Kivuti, M.P.
Hon. Nkoidila Ole Lankas, M.P.
Hon. Jakoyo Midiwo MGH, MP.
Hon. Musikari Kombo, EGH, M.P.
Hon. Lucas Chepkitony, M.P.

INATTENDANCE

KENYA NATIONAL ASSEMBLY

Mr. Evans Oanda - Third Clerk assistant
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MIN.NO. 169/2012: ADOPTION OF THE COMMITTEE REPORT ON VETTING OF MR. FRANCIS WANGO'MBE KARIUKI

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COMPETITION AUTHORITY OF KENYA.

The Committee unanimously adopted the report and asked the secretariat to prepare it for tabling.

MIN.NO. 170/2012: ADOPTION OF THE COMMITTEE REPORT ON
PRIVATIZATION PROPOSALS OF THE FIVE PUBLIC
SECTOR OWNED/CONTROLLED SUGAR
COMPANIES,- THREE KENYA TOURISM
DEVELOPMENT CORPORATION (KTDC) OWNED
HOTELS AND KENYA WINE AGENCIES LIMITED
(KWAL).

The Committee unanimously adopted the report and asked the secretariat to prepare it for tabling.

MIN.NO. 171/2012: ADJOURNMENT

There being no other business, the Chairman adjourned the meeting at 11.30 A.M.

Signed.....
(Chairman)

Date.....

MINUTES OF THE FOURTIETH SITTING OF THE DEPARTMENTAL COMMITTEE ON FINANCE, PLANNING & TRADE HELD ON THURSDAY 13TH DECEMBER, 2012 IN THE COMMITTEE ROOM, 2ND FLOOR, CONTINENTAL BUILDING AT 11.00 A.M.

PRESENT

Hon Chrysanthus Okemo, EGH, M.P. (Chairman)
Hon. Ntoitha M'Mithiaru, M.P.
Hon. Nelson Gaichuhie, M.P.
Hon. Musikari Kombo, EGH, M.P.

ABSENT WITH APOLOGIES

Hon. (Prof.) Philip Kaloki, M.P. (Vice Chairman)
Hon. Ahmed Shakeel Shabbir, M.P.
Hon. Lenny Kivuti, M.P.
Hon. Lucas Chepkitony, M.P.
Hon. Nkoidila Ole Lankas, M.P.
Hon. Sammy Mwaita, M.P.
Hon. Jakoyo Midiwo MGH, MP.

INATTENDANCE

COMPETITION AUTHORITY OF KENYA

Mr. Francis Wango'mbe Kariuki - Nominee to the Director General's position

KENYA NATIONAL ASSEMBLY

Mr. Evans Oanda - Third Clerk assistant
Mr. Denis Dindi - Office Attendant

MIN.NO. 166/2012: VETTING OF MR. FRANCIS WANGO'MBE KARIUKI (NOMINEE) AS A DIRECTOR GENERAL IN THE COMPETITION AUTHORITY OF KENYA.

The Committee having considered his curriculum vitae and heard his oral submission during the interview, made the following observations on his nomination as a Director General:

- i). He is a Kenyan citizen born on 24th July 1969 in Meru County.
- ii). He holds a Masters degree in Economic Regulation and Competition from City University, London (2003), and a Bachelor of Arts in Economics and Business Studies from Kenyatta University (1991).

iii). He has a wide range of experience in business regulatory matters having worked as the Ag. Director General of the Competition Authority from August 2011 to date; headed the monopolies and prices Commission from November 2007 to August 2011; and served in various capacities in the Monopolies and Prices Commission from 1992 to 2007.

iv). He is a member of the Network Reformers- under the world Bank.

v). He has published many papers including:-

- a. Making Markets Work for Sustainable Economic Growth and Economic Recovery: What is the Role of Competition Policy?: The World Bank's Financial and Private Sector Development Forum 2012-Washington, DC-November, 2012.
- b. Concept of Competition Regulation: Kenya Association of Manufacturers (KAM) Seminar, Nairobi, October, 2012.
- c. The Role of Knowledge Management and Human Resource Management in enforcement of Competition law in young agencies: UNCTAD- 12th Intergovernmental Group of Experts Conference-Geneva, July, 2012
- d. Knowledge Management and Budget Prioritization in lean times: 11th International Competition Network Conference – Rio, Brazil, April, 2012
- e. Explaining the Benefits of Competition to Government and legislators: Means and Messages: 11th International Competition Network Conference – Rio, April, Brazil, 2012
- f. Competition Authorities' experiences with law enforcement and advocacy: OECD, Global Competition Forum – Paris, France, February, 2012
- g. Commodities and Price Volatility and Challenges to enforcement of Competition law in Kenya: OECD, Global Competition Forum – Paris, France, February, 2012
- h. Consumer Welfare and Competition Enforcement: Impact and Outcome Assessment: 10th International Competition Network Conference – The Hague, Netherlands, April, 2011
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- l. Bringing Competition into Regulated Sectors, 2004
- m. Designing an appropriate Competition Policy for a Developing Country : A case for Kenya, 2003
- n. The effect of yardstick competition on the incentives of a Regulated firm to be productively efficient, 2003
- o. Economic argument for and against the vertical separation of the monopoly elements from the potentially competitive elements for Electricity and Telecoms industries, 2003

- vi). He has fully complied with his tax obligations to the State and has never been adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
- vii). He is not a member of any political party and has never been charged in a court of law.
- viii). He does not have any conflict of interest currently. In case of any, he would declare it and excuse himself from participating in the determination process in any matter he is conflicted.
- ix. As part of charity, he has contributed to the education of two orphans in Maseno and Iten secondary schools.
- x. The Committee found the nominee qualified to serve as the Director General in the Competition Authority of Kenya.
- xi. He has never been adversely mentioned in any parliamentary report or charged in a court of law.

MIN.NO. 167/2012:

ADJOURNMENT

There being no other business, the Chairman adjourned the meeting at 11.30 A.M.

Signed.....
(Chairman)

Date.....14/12/2012.....

CURRICULUM - VITAE

Name: Francis Wang'ombe Kariuki.
Nationality: Kenyan.
Date of Birth: 24th July, 1969.
Email: francis_krk@yahoo.co.uk
Phone: +254-724-503572
P.O Address: 1586-00200 Nairobi

Current Engagement:

- Acting Director- General, Competition Authority of Kenya
- Non-Executive Board Member, COMESA Competition Commission

Affiliations:

- Chairman and Founder Member of the African Competition Forum (ACF)
- A Member of The Network of Reformers – A World Bank Initiative

Educational Background

University:

Kenyatta University (1988-1991).

City University, London (2002-2003).

High School:

Kangaru School
1986-1987

'O' Education:

Kangundo High School
1982-1985

Primary School:

Mbuju Primary School
1975-1981

Degrees and other Academic Certificates:

- i. MSc, Economic Regulation and Competition - 2003
- ii. Bachelor of Arts (BA-Economics and Business Studies) - 1991
- iii. Kenya Advanced Certificate of Education - 12 Points-1987
- iv. Kenya Certificate of Education -Div. 1, 13 Points- 1985
- v. Certificate of Primary Education - 1981

Short Courses

- i. 2011 Certificate in Corporate Governance
Centre for Corporate Governance
- ii. 2009 Certificate in Strategic Leadership
Kenya School of Government - Nairobi
- iii. 2007 Certificate in Regulation
London School of Economics (LSE), London
- iv. 2005 Investigation Course for Competition Case Handlers
UNCTAD
- v. 2004 Certificate in Human Resources management and Development
ESAMI-Arusha
- vi. 1998 Certificate in Anti-Monopoly Law and Policy
Japan Fair Trade Commission, Tokyo

Achievements:

- Has managed to secure the current Authority's ultra modern offices with advanced security and communications systems.
- Managed to raise the Authority's Budget from Kshs. 52M to the current Kshs. 252M in one (1) year. This is coupled with various on-going and upcoming technical assistance programs estimated at Kshs. 500M covering the next three (3) years.
- A recognized personality in the Competition Regulation field, a fact witnessed by various invitations and presentations in International and Regional forums..
- Lead Technical person in the process of modernizing the Kenyan competition law leading to the enactment of the Competition Act. This was a Government commitment in the ERS document and the Kenya Vision 2030.
- Has exposed all technical officers in the Authority to short courses related to competition regulation and management and also ensured training of all the technical staff (18), apart from three (3), in Masters Degree programmes.
- Has advised on creating level playing field in various sectors of the economy. These include maize, petroleum, mobile telephony, milk processing, cement sectors, among others.
- A Member of the High Level Taskforce that negotiated the EAC Common market protocol which was subsequently enacted.
- Advised EAC Member States in regard to enactment of regional and national competition laws. EAC Competition law and its subsidiary regulations have subsequently been enacted. Rwanda and Burundi have embarked on the process of legislating their national laws.
- A founder Member of the African Competition Forum and Current Chairman. The forum is a platform to facilitate developing and building capacity in regard to competition regulation regime in African economies.

Professional Experience:

- i. Acting Director-General, Competition Authority of Kenya - 1st Aug. 2011 - to date

Responsibilities:
 - Management of the day to day activities of the Competition Authority
 - Technical Advisor to the Government on Competition and Consumer protection issues
 - In-charge of the enforcement of The Competition Act.

- ii. Head, Monopolies and Prices Commission - Nov. 2007 - 1st Aug. 2011

Responsibilities:
 - Responsible to the Permanent Secretary/Treasury for the control and management of the Department
 - Technical advisor to the government on matters pertaining to competition and law including the protection of public interests and articulation of competition policy issues

- iii. Chief Monopolies and Prices Officer - August - November, 2007

Responsibilities:
 - Designing strategies on how to conduct investigations in problematic sectors;
 - Analysis of Complaints and Sectoral Studies;
 - Competition advocacy;
 - Analysis of transnational mergers and cross-border cartels, and;
 - Harmonization of policy issues which affect competition in the economy.

- iv. Senior Monopolies and Prices Officer - March, 2001 to August, 2007

Responsibilities:
 - Competition enforcement work of limited scope and complexity;
 - Carrying out investigations and analysis of restrictive business practices, mergers and takeover applications;
 - Conducting economic surveys in various sectors of the economy.

- v. Monopolies and Prices Officer I - Oct. 1996 - March, 2001

Responsibilities:
 - Duties entailed performing enforcement work of limited scope and Complexity

- vi. Monopolies and Prices Officer II - 1992 - 1996

Responsibilities:
 - Duties entailed drafting simple documents, recording and tabulating economic data

Conference- Seminar Contributions and Other Papers Written:

- i. Making Markets Work for Sustainable Economic Growth and Economic Recovery: What is the Role of Competition Policy?: The World Bank's Financial and Private Sector Development Forum 2012-Washington, DC-November, 2012.
- ii. NFC and Mobile Money Markets Summit: Milan, Italy, 2012.
- iii. Concept of Competition Regulation: Kenya Association of Manufacturers (KAM) Seminar, Nairobi. October, 2012.
- iv. The Role of Knowledge Management and Human Resource Management in enforcement of Competition law in young agencies: UNCTAD- 12th Intergovernmental Group of Experts Conference-Geneva. July, 2012
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