

Paper tabled by
the Chair, C100
(Hon. Abdirahim) on
27/7/2011 at 2:30pm
Hesse

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KENYA NATIONAL ASSEMBLY

TENTH PARLIAMENT

FOURTH SESSION (2011)

THE CONSTITUTIONAL IMPLEMENTATION OVERSIGHT
COMMITTEE

REPORT

ON THE APPROVAL OF NOMINEES TO SERVE IN THE
SELECTION PANEL OF THE INDEPENDENT ELECTORAL AND
BOUNDARIES COMMISSION

Clerk's Chambers,
Parliament Buildings,
NAIROBI.

JULY, 2011

Mr. Speaker Sir,

The Constitutional Implementation Oversight Committee is a select committee established under Section 4 of the Sixth Schedule of the Constitution with a mandate of overseeing the implementation of the Constitution and which among other things:-

(a) Shall receive regular reports from the Commission on the Implementation of the Constitution on the implementation of this Constitution including reports concerning—

(i) the preparation of the legislation required by this Constitution and any challenges in that regard;

(ii) the process of establishing the new commissions;

(iii) the process of establishing the infrastructure necessary for the proper operation of each county including progress on locating offices and assemblies and establishment and transfers of staff;

(iv) the devolution of powers and functions to the counties under the legislation contemplated in section 15 of this Schedule; and

(v) any impediments to the process of implementing this Constitution;

(b) coordinate with the Attorney-General, the Commission on the Implementation of the Constitution and relevant parliamentary committees to ensure the timely introduction and passage of the legislation required by this Constitution; and

(c) take appropriate action on the reports including addressing any problems in the implementation of this Constitution.

COMMITTEE MEMBERSHIP

The Committee as constituted by the House on 5th October, 2010 comprise of the following members:-

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|--|-------------------------|
| 1. The Hon. Hussein Mohammed Abdikadir, M.P. | Chairperson |
| 2. The Hon. Millie Odhiambo-Mabona, M.P. | Vice-Chairperson |
| 3. The Hon. Beth Mugo, EGH, M.P. | |
| 4. The Hon. Chirau Ali Mwakwere, EGH, M.P. | |
| 5. The Hon. Martha Wangari Karua, EGH, M.P. | |
| 6. The Hon. (Prof.) Phillip Kaloki, M.P. | |
| 7. The Hon. (Dr.) Kilemi Mwiria, M.P. | |
| 8. The Hon. Charles Kilonzo, M.P. | |
| 9. The Hon. Ekwere Ethuro, EBS, M.P. | |
| 10. The Hon. Cecily Mbarire, M.P. | |
| 11. The Hon. (Dr.) Eseli Simiyu, M.P. | |

12. The Hon. Moriasi Ombui, M.P.
13. The Hon. Amina Abdalla, M.P.
14. The Hon. David M. Ngugi, M.P.
15. The Hon. Ababu Namwamba, M.P.
16. The Hon. Danson Mwazo, M.P.
17. The Hon. Sophia Abdi, M.P.
18. The Hon. (Dr.) Joyce Laboso, M.P.
19. The Hon. Joseph Kasaine Nkaiserry, M.P.
20. The Hon. Charles Onyancha, M.P.
21. The Hon. Alfred Khang'ati, M.P.
22. The Hon. John Mbadi, M.P.
23. The Hon. Elizabeth Ongoro, M.P.
24. The Hon. Rev. Julius Murgor, M.P.
25. The Hon. Lucas K. Chepkitony, M.P.
26. The Hon. Benedict Fondo Gunda, M.P.
27. The Hon. Rachel Shebesh, M.P.

Mr. Speaker Sir,

On the 20th July 2011 you informed the House that pursuant to the provisions of Section 1 (1) and (2) of the First Schedule to the Independent Electoral and Boundaries Commission Act, 2011, the Clerk of the National Assembly had received the names of the following persons for approval to serve in the Selection Panel of the Independent Electoral and Boundaries Commission:-

- i). Prof. Marion Wanjiku Mutugi – nominated by H.E the President.
- ii). Amb. Mwanyengela Ngali - nominated by H.E the President.
- iii). Dr. Ekuru Aukot – nominated by the Rt. Hon. Prime Minister.
- iv). Ms. Rozaah Akinyi Buyu - nominated by the Rt. Hon. Prime Minister.
- v). Hon. Mr. Justice Isaac Lenaola – nominated by the Judicial Service Commission.
- vi). Hon. Ms. Emily Ominde - nominated by the Judicial Service Commission.
- vii). Ms. Irene Cheptoo Keino – nominated by the Kenya Anti-Corruption Advisory Board.
- viii). Mr. Charles Kariuki Wambugu - nominated by the Kenya Anti-Corruption Advisory Board.
- ix). Dr. William Okello Ogara – nominated by the Association of Professional Societies in East Africa
- x). Ms. Sophie Njeri Moturi – nominated by the Association of Professional Societies in East Africa.

You then directed that the names and Curriculum Vitae of the nominees be referred to the Constitutional Implementation Oversight Committee (CIOOC) for consideration prior to approval by the House. You further directed that the Committee table its report on the nominees on or before Wednesday 27th July, 2011.

As directed, the Committee took up the matter and put up paid advertisements in the dailies inviting members of the public to submit memoranda on the suitability or otherwise of the nominees for appointment to the Selection Panel. However, only two (memoranda) in support of a nominee were received. The Committee also held a meeting with the nominees where they made submissions on why they should be appointed to serve in the Selection Panel. In total the Committee held three (3) sittings to deliberate on the suitability of the nominees for appointment to serve in the Selection Panel.

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. The Committee also appreciates the media for coverage of its proceedings during the vetting process.

Mr. Speaker Sir,

It is my pleasant duty and privilege, on behalf of Constitutional Implementation Oversight Committee, to present and commend this report on the approval of nominees to serve in the Selection Panel of the Independent Electoral and Boundaries Commission, to the House for adoption pursuant to the Communication from the Chair made on 20th July, 2011 and in accordance with Section 4 of the Sixth Schedule to the Constitution.

SIGNED.....

HON. ABDIKADIR HUSSEIN MOHAMED, M.P
CHAIRPERSON

DATE: 27th July 2011

BACKGROUND

1. The Independent Electoral and Boundaries Commission is established under Article 88 (1) of the Constitution. Article 88 (5) states that '*The Commission shall exercise its powers and perform its functions in accordance with this Constitution or national legislation*'.
2. On 31st May, 2011, Parliament passed the Independent Electoral and Boundaries Commission Act, 2011. The Bill was assented to by H.E the President on 5th July, 2011 and published on 18th July, 2011.
3. Section 1 of the First Schedule to the Independent Electoral and Boundaries Commission Act, 2011 provides that:-

1. (1) Within fourteen days of the commencement of this Act, the President shall, in consultation with the Prime Minister and with the approval of the National Assembly, appoint a Selection Panel comprising –

(a) two persons, being one man and one woman, nominated by the President;

(b) two persons, being one man and one woman, nominated by the Prime Minister;

(c) one person nominated by the Judicial Service Commission;

*(d) one person nominated by the Kenya Anti-Corruption Advisory Board;
and*

(e) one person nominated by the Association of Professional Societies of East Africa.

(2) The respective nominating bodies under sub-paragraph 1(c),(d) and (e) shall, for purposes of making their nominations, each propose and submit two names of nominees, being one man and one woman, to the Clerk of the National Assembly.

4. On 20th July, 2011, the Honourable Speaker in a communication to the House referred the names of the nominees to the Constitution Implementation Oversight Committee for vetting and directed the Committee to submit its recommendations on the nominees to the House on Wednesday, 27th July 2011.

5. The functions of the Selection Panel is to invite applications from qualified persons for the position of Chair and Members of the Independent Electoral and Boundaries Commission, consider the applications, shortlist and interview the applicants and finally *'select three persons qualified to be appointed as chairperson and thirteen persons qualified to be appointed as members of the Commission and shall forward these names to the President for nomination of one person for appointment as the chairperson and eight persons for appointment as members'*.
6. Section 8 (1) of the First Schedule to the IEBC Act provides that the Selection Panel shall stand dissolved upon the full appointment of the Commission.

THE PUBLICATION OF THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION ACT, 2011

7. The Independent Electoral and Boundaries Commission Act, 2011 was passed by Parliament on 31st May, 2011. It was assented to by H.E the President on 5th May, 2011 and forwarded to the Government Printer for publication on the same day. However, the Act was published on 18th July, 2011 and dated 5th July, 2011.
8. The First Schedule to the Independent Electoral and Boundaries Commission Act provides a roadmap to the appointment of the Independent Electoral and Boundaries Commission (IEBC). This means that time is of essence in the process. The Committee was concerned by the delay in publishing the Act thereby derailing the process of appointing members to the IEBC.
9. The Committee deliberated on the matter and resolved to invite the Government Printer to a meeting to explain to the Committee why he delayed to publish the Act. The said meeting was held on Wednesday 20th July, 2011 where the Government Printer informed the Committee that the Act was received on 5th July, 2011 (the same day it was assented to) but due to the heavy workload at the printing section, the printing of the Act was queued and finally published on 18th July, 2011.
10. The Committee noted that even though the publication of the Act was on 18th July, 2011, it was dated 5th July, 2011 with the commencement date indicated as 5th July, 2011. The Committee further noted that Section 46 (6) of the former Constitution (which is one of the sections saved under the Constitution) states

that 'A law made by Parliament shall not come into operation until it has been published in the Kenya Gazette, but Parliament may postpone the coming into operation of a law and, subject to section 77, may make laws with retrospective effect'.

11. The Committee was of the view that the commencement date for the IEBC Act is 18th July, 2011, the date it was published and not the date it was passed or assented to. Consequently, the Committee requested the Attorney General to issue corrigenda to correct the mistake by the Government Printer. The Committee is happy to report that the Government Printer through *Kenya Gazette Supplement No. 65* dated 22nd July, 2011 (copy attached) published corrigenda indicating the commencement date for the IEBC Act, 2011 as 18th July, 2011.
12. The Committee took great exception with the conduct of the Government Printer who had negligently delayed to perform lawful duties. In addition to the failure to publish the IEBC Act in time, the Government Printer failed to explain who inserted the words 'national security' in the Draft Constitution and failing to publish the report by the Interim Independent Boundaries Review Commission (Ligale Commission). Considering the importance of the Office of the Government Printer in the implementation of the Constitution and specifically in the publication of Gazette Notices, the Committee resolved and recommends that a law be enacted to regulate the management and operations of the Government Printer.

CONSIDERATION OF THE NOMINEES BY THE COMMITTEE

13. The following persons were nominated to serve on the Selection Panel in terms of section 1(1) and (2) of the First Schedule to the Independent Electoral and Boundaries Commission Act, 2011-
 - i). Nominations made by His Excellency, the President – Prof. Marion Wanjiku Mutugi and Ambassador Mwanyengela Ngali.
 - ii). Nominations made by the Rt. Honourable Prime Minister – Dr. Ekuru Aukot and Ms. Rozaah Akinyi Buyu.
 - iii). Nominations made by the Judicial Service Commission – Hon. Mr. Justice Isaac Lenaola and Hon. Ms. Emily Ominde.

- iv). Nominations made by the Kenya Anti-Corruption Advisory Board – Ms. Irene Cheptoo Keino and Mr. Charles Kariuki Wambugu.
- v). Nominations made by the Association of Professional Societies in East Africa – Dr. William Okello Ogara and Ms. Sophie Njeri Moturi.

14. At a meeting held on 26th July, 2011, the Committee orally interviewed all the ten (10) nominees to the Selection Panel.

15. In conducting the vetting process, the Committee examined the candidates against the criteria set out in the Second Schedule to the *Commission for the Implementation of Constitution Act, 2010* (Criteria for vetting/approval of nominees for appointment to public office by the National Assembly). That criteria requires the nominees to disclose information on their personal and professional life including their political affiliations, tax compliance and potential conflict of interests.

NOMINATIONS PURSUANT TO SECTION 1 (1) (a) OF THE FIRST SCHEDULE TO THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION ACT, 2011

16. Pursuant to Section 1(1) (a) of the First Schedule to the Independent Electoral and Boundaries Commission Act, 2011, H.E the President nominated Prof. Marion Wanjiku Mutugi and Amb. Mwanyengela Ngali to serve in the Selection Panel.

Nomination of Prof. Marion Wanjiku Mutugi to serve in the Selection Panel of the Independent Electoral and Boundaries Commission

17. The Committee having considered the curriculum vitae of Prof. Marion Wanjiku Mutugi, and having heard her submissions during the interview, made the following observations on her nomination to the Selection Panel-

- i). Prof. Marion Wanjiku Mutugi is a Kenyan citizen born on 20th November, 1959 and holds a PhD in Genetics and Molecular Biology from Edinburgh University, Scotland, a Masters in Business Administration from the Jomo Kenyatta University of Agriculture and Technology, a Masters of Science Degree in Genetics from the University of Nairobi and a Bachelor of Science Degree in Biology from Philippine Union College, Manila.
- ii). She is currently an Associate Professor at Jomo Kenyatta University of Agriculture and Technology where she has supervised undergraduate and

postgraduate students in her area of specialization in addition to having several publications to her name.

- iii). She has fully complied with her tax obligations to the State and has never been dismissed from office for contravention of provisions of Article 75 of the Constitution or adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
- iv). She was a parliamentary aspirant in Ndia Constituency in the 2007 general elections and later served as the Deputy Secretary General of the Democratic Party of Kenya (2007 – 2008). However she assured the Committee that she will not be contesting for any political office in the next general elections.
- v). She had been charged in a court of law for a minor traffic offence and currently has a civil case filed in 2007 by Karen Motor Mart *Case no. 2914/06 (Karen Motor Mart Ltd (Chris N. Mutuku) Vs. Dr. Marion Mutugi & another)*.
- vi). The Committee found the nominee qualified.

Nomination of Amb. Mwanyengela Ngali to serve in the Selection Panel of the Independent Electoral and Boundaries Commission

18. The Committee having considered the curriculum vitae of Amb. Mwanyengela Ngali and having heard his submissions during the interview, made the following observations on his nomination to the Selection Panel-

- i). Amb. Mwanyengela Ngali is a Kenyan citizen born in 1947 and holds a Bachelor of Commerce (Marketing) Degree from the University of Nairobi.
- ii). He is a career civil servant and diplomat having served in several diplomatic missions abroad.
- iii). He has worked as a Board member in various government parastatals including National Oil Corporation, Kenya Pipeline, Kenya Power and Lighting Co. Ltd. Kenya Electricity Generating Co. Ltd and the Electricity Regulatory Board.
- iv). He has never been charged in a court of law and 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.
- v). He is the Chairperson of NARC Kenya Party, Wundanyi Branch and previously he was a Member of KANU, DP, NARC, PNU. He was a

KANU parliamentary candidate for Wundanyi Constituency in 2002 and a PNU parliamentary candidate in 2007 general elections.

vi). He has not made up his mind on whether he will run for a political office in the next general elections.

vii). The Committee found the nominee qualified.

NOMINATIONS PURSUANT TO SECTION 1 (1) (b) OF THE FIRST SCHEDULE TO THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION ACT, 2011

19. Pursuant to Section 1(1) (b) of the First Schedule to the Independent Electoral and Boundaries Commission Act, 2011, the Rt. Honourable Prime Minister nominated Dr. Ekuru Aukot and Ms. Rozaah Akinyi Buyu to serve in the Selection Panel.

Nomination of Dr. Ekuru Aukot to serve in the Selection Panel of the Independent Electoral and Boundaries Commission

20. The Committee having considered the curriculum vitae of Dr. Ekuru Aukot and having heard his submissions during the interview, made the following observations on his nomination to the Selection Panel-

- i). Dr. Ekuru Aukot is a Kenyan citizen born in 1972 and holds a PhD and an LLM from the University of Warwick, and an LLB from the University of Nairobi. He is an advocate of the High Court of Kenya and serves as a Council Member University of Nairobi.
- ii). He is currently working as a Senior Advisor Policy Planning and DDR, Ministry of Defense, Republic of South Sudan and he has previously worked as Director/CEO and Member of the Committee of Experts on the Review of the Kenyan Constitution. He has been a consultant for the Kenya Magistrates and Judges Association and has worked at High Level Independent Commission, Transitional Federal Government (TFG) of Somalia.
- iii). He has never been charged in a court of law and 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.
- iv). The Committee found the nominee qualified.

Nomination of Ms. Rozaah Akinyi Buyu to serve in the Selection Panel of the Independent Electoral and Boundaries Commission

21. The Committee having considered the curriculum vitae of Ms. Rozaah Akinyi Buyu and having heard her submissions during the interview, made the following observations on her nomination to the Selection Panel-

- i). Ms. Rozaah Akinyi Buyu is a Kenyan citizen born on 8th December, 1962 and holds a Bachelor of Education from Kenyatta University.
- ii). She is a Director, Nyataya Investment Ltd and Proprietor, Talebu Hair Care. She previously worked as a Commissioner in the Defunct Interim Independent Boundaries Review Commission. She has been a Board Member National Cereals and Produce Board. She also worked at Johnson & Johnson Kenya Ltd. as a Customer Service Manger and rose through the ranks to become the Marketing Manager – Baby Adult and Skin care. In addition she is a life Member Kenya league of Women Voters, Women Political Caucus and Maendeleo ya Wanawake.
- iii). She has never been charged in a court of law and has fully complied with her tax obligations to the State and has never been adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
- iv). She is a member of the Orange Democratic Party (ODM) and she contested for a parliamentary seat in the 2007 general elections and that she has not made up her mind whether she will run for a political office in the next general elections.
- v). Some Members of the Committee expressed reservations on the grounds that the nominee was a member of the defunct Interim Independent Boundaries Review Commission (IIBRC) and that the output of the IIBRC was not satisfactory.
- vi). The Committee found the nominee qualified and noted that state of affairs in the defunct IIBRC was not the subject of the deliberations nor can the results of the Commission's work be attributed to a single member of the Commission

NOMINATIONS PURSUANT TO SECTION 1 (1) (c) OF THE FIRST SCHEDULE TO THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION ACT, 2011

22. Pursuant to Section 1(1) (c) of the First Schedule to the Independent Electoral and Boundaries Commission Act, 2011, the Judicial Service Commission nominated Hon. Mr. Justice Isaac Lenaola and Hon. Ms. Emily Ominde to serve in the Selection Panel.

Nomination of Hon. Mr. Justice Isaac Lenaola to serve in the Selection Panel of the Independent Electoral and Boundaries Commission

23. The Committee having considered the curriculum vitae of Hon. Mr. Justice Isaac Lenaola and having heard his submissions during the interview, made the following observations on his nomination to the Selection Panel-
- i). Hon. Justice Isaac Lenaola is a Kenyan citizen born on 21st December, 1967 and holds a Bachelor of Laws Degree from the University of Nairobi, 1990 and a Diploma in Legal Practice from the Kenya School of Law.
 - ii). He is a Judge of the High Court of Kenya, serves as a Judge of the Court of First instance at the East African Court of Justice and serves as a Commissioner in the Judicial Service Commission representing the Kenya Magistrates and Judges Association.
 - iii). He is the Chairman Kenya Advocates and Judges Association, an Honorary Treasurer East African Magistrates and Judges Association, a Member Commonwealth Magistrates and Judges Association, a Member Africa Chapter Governing Council, International Association of Refugee Law Judges and he is also a Board Member Kenya Judicial Training Institute.
 - iv). He has never been charged in a court of law and 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.
 - v). The Committee found the nominee qualified.

Nomination of Hon. Ms. Emily Ominde to serve in the Selection Panel of the Independent Electoral and Boundaries Commission

24. The Committee having considered the curriculum vitae of Hon. Ms. Emily Ominde and having heard her submissions during the interview, made the following observations on her nomination to the Selection Panel-
- i). Hon. Ms. Emily Ominde is a Kenyan citizen born on 30th March, 1966 and holds a Bachelor of Laws Degree from the University of Nairobi and a postgraduate diploma from the Kenya school of Law.
 - ii). She is currently a Principal Magistrate/Deputy Registrar, Family Division, High Court Nairobi and serves as a member of the Judicial Service Commission representing the Kenya Magistrates and Judges Association.
 - iii). She is a Honorary Secretary Kenya women Judges Association and the secretary Kenyan Chapter of the East Africa Magistrates and Judges Association.

- iv). She has never been charged in a court of law and has fully complied with her tax obligations to the State and has never been adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
- v). The Committee found the nominee qualified.

NOMINATIONS PURSUANT TO SECTION 1 (1) (d) OF THE FIRST SCHEDULE TO THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION ACT, 2011

25. Pursuant to Section 1(1) (d) of the First Schedule to the Independent Electoral and Boundaries Commission Act, 2011, the Kenya Anti-Corruption Advisory Board nominated Ms. Irene Cheptoo Keino and Mr. Charles Kariuki Wambugu to serve in the Selection Panel.

Nomination of Ms. Irene Cheptoo Keino to serve in the Selection Panel of the Independent Electoral and Boundaries Commission

26. The Committee having considered the curriculum vitae of Ms. Irene Cheptoo Keino and having heard her submissions during the interview, made the following observations on her nomination to the Selection Panel-

- i). Ms. Irene Cheptoo Keino is a Kenyan citizen born on 16th February, 1964 and holds a Masters in Urban and Regional Planning and Bachelors in Sociology and Geography from the University of Nairobi. She also has an advanced certificate in Conservation and Management of Historic Buildings.
- ii). She is currently working as an Estates Manager at the National cereal and produce Board and she represents APSEA at the KACC Advisory Board. She has previously worked at the Kenya Power and Lighting Company limited, Jorum Properties Limited and the Ministry of Lands.
- iii). She has never been charged in a court of law and has fully complied with her tax obligations to the State and has never been adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
- iv). The Committee found the nominee qualified.

Nomination of Mr. Charles Kariuki Wambugu to serve in the Selection Panel of the Independent Electoral and Boundaries Commission

27. The Committee having considered the curriculum vitae of Mr. Charles Kariuki Wambugu and having heard his submissions during the interview, made the following observations on his nomination to the Selection Panel-

- (i) Mr. Charles Kariuki Wambugu is a Kenyan citizen born on 24th August 1946 and holds a Masters Degree in Librarianship from Leeds Polytechnic in the United Kingdom. He also has a Diploma in Librarianship from Makerere University College.
- (ii) He is a board member of Kenya Anti-Corruption Advisory Board and serves as the chairman of the Presbyterian Justice, Peace and Reconciliation Committee in Milimani Presbytery and Loresho Parish.
- (iii) He had been charged and fine for a minor traffic offence.
- (iv) 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.
- (v) The Committee found the nominee qualified.

NOMINATIONS PURSUANT TO SECTION 1 (1) (e) OF THE FIRST SCHEDULE TO THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION ACT, 2011

28. Pursuant to Section 1(1) (e) of the First Schedule to the Independent Electoral and Boundaries Commission Act, 2011, the Association of Professional Societies of East Africa nominated Dr. William Okello Ogara and Ms. Sophie Njeri Moturi to serve in the Selection Panel.

Nomination of Dr. William Okello Ogara to serve in the Selection Panel of the Independent Electoral and Boundaries Commission

29. The Committee having considered the curriculum vitae of Dr. William Okello Ogara and having heard his submissions during the interview, made the following observations on his nomination to the Selection Panel-

- i). Dr. William Okello Ogara is a Kenyan citizen born on 16th February, 1953 and holds a PhD in Veterinary Public Health from Moscow Skryabin Academy of Veterinary Sciences. He also has a Masters of Science Degree in Veterinary Medicine.
- ii). He is a senior a lecturer at the University of Nairobi and has worked in the Ministry of Livestock Development.
- iii). He has never been charged in a court of law and 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.
- iv). The Committee found the nominee qualified.

Nomination of Ms. Sophie Njeri Moturi to serve in the Selection Panel of the Independent Electoral and Boundaries Commission

30. The Committee having considered the curriculum vitae of Ms. Sophie Njeri Moturi and having heard her submissions during the interview, made the following observations on her nomination to the Selection Panel-

- i). Ms. Sophie Njeri Moturi is a Kenyan citizen born on 2nd November, 1961 and holds a Masters Degree in Banking and Finance. She is a Certified Public Accountant.
- ii). She is a Board member of Micro Enterprise support program Trust (MESPT) where she serves as the Trustee and previously she worked in Henkam Promotions Limited, Kenya College of Accountancy, PriceWaterHouse and Ministry of Transport and communication.
- iii). She has never been charged in a court of law and has fully complied with her tax obligations to the State up to date and has never been adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
- iv). The Committee found the nominee qualified.

RECOMMENDATIONS OF THE COMMITTEE

The Committee noted that some of the nominees had participated in political activities and may be actively involved in political party politics. The Committee deliberated on the issue and resolved that the matter should not be a hindrance in the performance of their duties in the Selection Panel.

The Committee received ten (10) nominees and noted that due to lack of co-ordination among the nominating bodies, three (3) regions (Western, Eastern and North Eastern) seem not to have been represented while three (3) other regions (Central, Nyanza and Rift Valley) were seemingly over-represented.

The Committee considered the issues and recommends that the IEBC Act, 2011 be amended to provide for a co-ordinating mechanism among the nominating bodies for future nominations. Further the Committee noted that all the nominees were qualified for appointment to the Selection Panel. However, in recommending the seven (7) nominees, the Committee took into consideration *inter alia* regional, ethnic and gender balance,

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

- i). **THAT**, pursuant to Section 1(1) (a) of the First Schedule to the Independent Electoral and Boundaries Commission Act, 2011, this House approves **Prof. Marion Wanjiku Mutugi** and **Amb. Mwanyengela Ngali** for appointment to the Selection Panel.
- ii). **THAT**, pursuant to Section 1(1) (b) of the First Schedule to the Independent Electoral and Boundaries Commission Act, 2011, this House approves **Dr. Ekuru Aukot** and **Ms. Rozaah Akinyi Buyu** for appointment to the Selection Panel.
- iii). **THAT**, pursuant to Section 1(1) (c) of the First Schedule to the Independent Electoral and Boundaries Commission Act, 2011, this House approves **Hon. Mr. Justice Isaac Lenaola** for appointment to the Selection Panel.
- iv). **THAT**, pursuant to Section 1(1) (d) of the First Schedule to the Independent Electoral and Boundaries Commission Act, 2011, this House approves **Ms. Irene Cheptoo Keino** for appointment to the Selection Panel.
- v). **THAT**, pursuant to Section 1(1) (e) of the First Schedule to the Independent Electoral and Boundaries Commission Act, 2011, this House approves **Ms. Sophie Njeri Moturi** for appointment to the Selection Panel.
- vi). **THAT**, the IEBC Act, 2011 be amended to provide for a co-ordinating mechanism among the nominating bodies for future nominations.

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MINUTES OF THE THIRTY SECOND SITTING OF THE CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE HELD IN THE MAIN COMMITTEE ROOM, COUNTY HALL, PARLIAMENT BUILDINGS ON WEDNESDAY 27TH JULY, 2011 AT 10.00 AM.

PRESENT:

1. The Hon. Hussein Mohammed Abdikadir, M.P. **Chairperson**
2. The Hon. Millie Odhiambo, M.P. **Vice-Chairperson**
3. The Hon. Beth Mugo, EGH, M.P.
4. The Hon. Martha Wangari Karua, EGH, M.P.
5. The Hon. (Dr.) Joyce Laboso, M.P.
6. The Hon. Ekwee Ethuro, M.P.
7. The Hon. John Mbadi, M.P.
8. The Hon. Cecily Mbarire, M.P.
9. The Hon. Joseph Kasaine Nkaiserry, M.P.
10. The Hon. Sophia Abdi, M.P.
11. The Hon. Lucas K. Chepkitony, M.P.
12. The Hon. Ababu Namwamba, M.P.
13. The Hon. Moriasi Ombui, M.P.
14. The Hon. Amina Abdalla, M.P.
15. The Hon. Rachel Shebesh, M. P.
16. The Hon. Rev. Julius Murgor, M.P.
17. The Hon. Danson Mwazo, M.P.
18. The Hon. Charles Onyancha, M.P.
19. The Hon. David M. Ngugi, M.P.
20. The Hon. (Dr.) Eseli Simiyu, M.P.

ABSENT WITH APOLOGY

1. The Hon. Chirau Ali Mwakwere, EGH, M.P.
2. The Hon. Benedict Fondo Gunda, M.P.
3. The Hon. Charles Kilonzo, M.P.

ABSENT

1. The Hon. Elizabeth Ongoro, M.P.
2. The Hon. (Prof.) Phillip Kaloki, M.P.
3. The Hon. Alfred Khang'ati, M.P.
4. The Hon. (Dr.) Kilemi Mwiria, M. P.

IN ATTENDANCE

- | | | |
|------------------------|---|------------------------|
| 1. Mr. Zakayo Mogere | - | Second Clerk Assistant |
| 2. Mrs Lucy Wanjohi | - | Second Clerk Assistant |
| 3. Mr. Oscar Namulanda | - | Third Clerk Assistant |

MIN. NO. 098/2011: PRELIMINARIES

The meeting was opened with a word of prayer by the Hon. Cecily Mbarire, MP.

MIN. NO. 099/2011: CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS

1. Minutes of the Twenty Eighth Sitting of the Committee held on 19th July, 2011 were confirmed as a true record of the deliberations after being proposed by Hon. John Mbadi, MP and seconded by Hon. (Rev.) Julius Murgor, MP.
2. Minutes of the Twenty Ninth Sitting of the Committee held on 20th July, 2011 were confirmed as a true record of the deliberations after being proposed by Hon. Rachel Shebesh, MP and seconded by Hon. Lucas Chepkitony, MP.

MIN. NO. 099/2011: MATTERS ARISING

As a matters arising under the Twenty Eighth Sitting, Honourable John Mbadi, MP was concerned with the relationship between the Minister for Justice, National Cohesion and Constitutional Affairs and the Commission for the Implementation of the Constitution. The Chairman of CIC was taking every matter to the media and this was not reflecting well with the process of implementation of the Constitution.

Members deliberated on the same and agreed that due to the conduct of the Chairperson of the CIC and some of his Commissioners, the Chairperson of CIOC should call for a meeting between the CIOC, CIC and the Minister for Justice, National Cohesion and Constitutional Affairs to discuss on the matter and reach a solution of the same.

In the Twenty Ninth Sitting, Honourable Rachel Shebesh wondered why it was not clearly stated in the minutes that the Committee resolved to have the Government Printer resigned. However the matter was deferred to the next meeting.

MIN. NO. 100/2011: ADOPTION OF THE REPORT ON THE NOMINEES FOR THE SELECTION PANEL OF THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION

The Committee adopted the report on the Nominees for the Selection Panel of the Independent Electoral and Boundaries Commission with amendments as follows: -

Under paragraph 21 on the nomination of Ms. Rozaah Akinyi Buyu, the following be inserted as new roman number v). and the current roman v). becomes vi).

v). Some Members of the Committee expressed reservations on the grounds that the nominee was a member of the defunct Interim Independent Boundaries Review Commission (IIBRC) and that the output of the IIBRC was not satisfactory.

To insert the following paragraphs before the recommendations.

The Committee noted that some of the nominees had participated in political activities and may be actively involved in political party politics. The Committee deliberated on the issue