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FOURTH REPORT

OF THE

COMMITTEE ON APPOINTMENTS

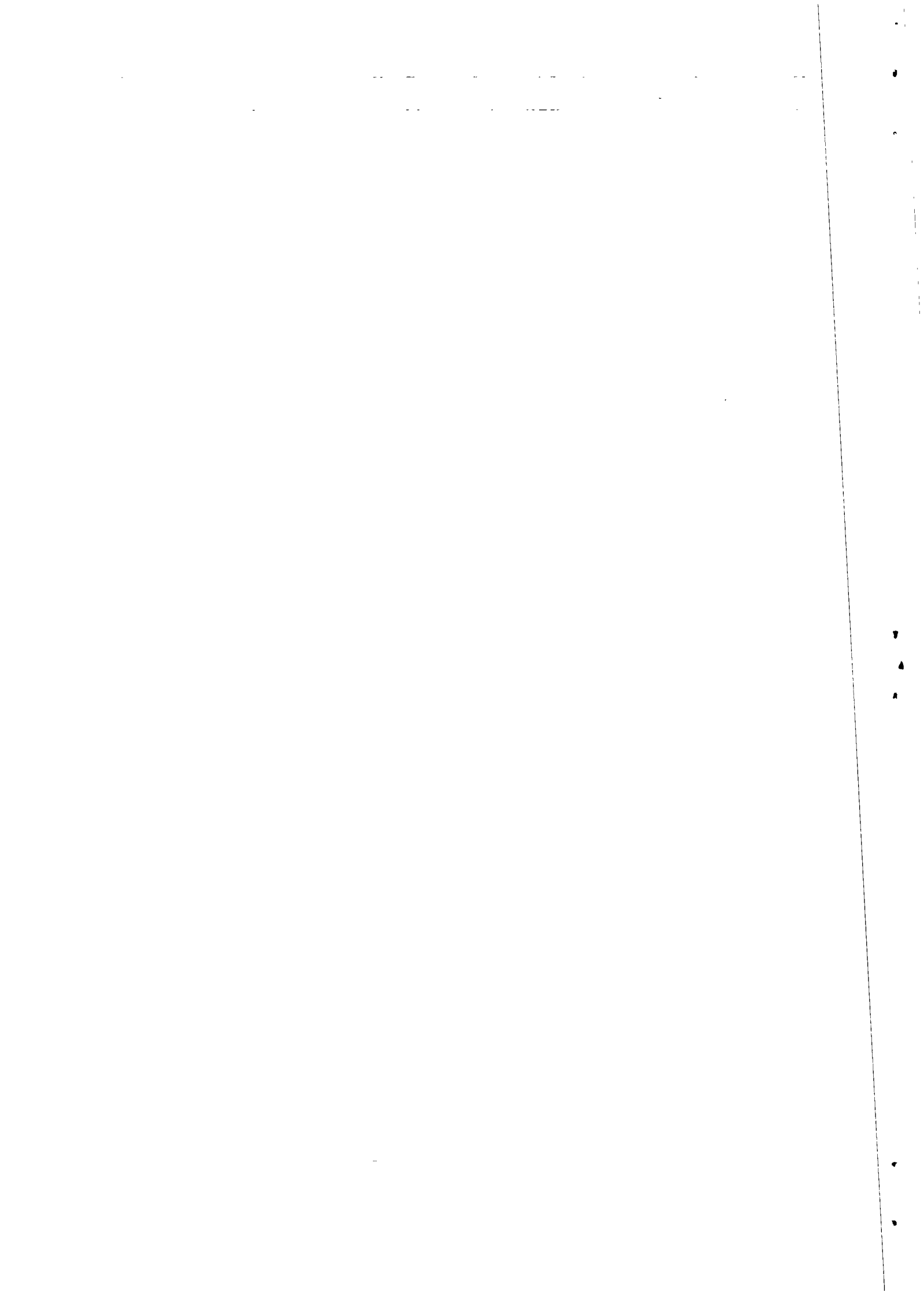
REPORT ON THE VETTING OF HON. EUGENE LUDOVIC
WAMALWA, CABINET SECRETARY NOMINEE, MINISTRY OF
WATER AND IRRIGATION.

CLERK'S CHAMBERS
PARLIAMENT BUILDINGS
NAIROBI

JUNE, 2015


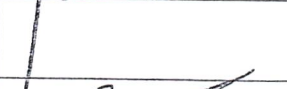

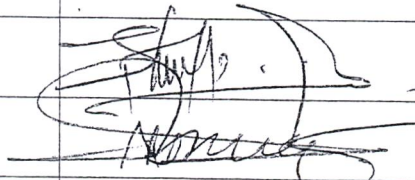
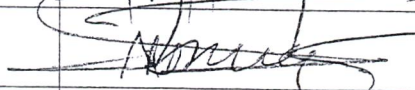
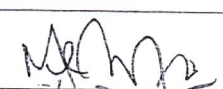



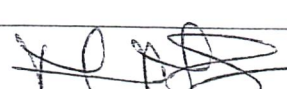

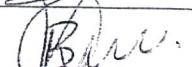
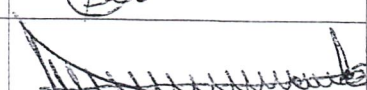
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table of the House
on 10th June 2015
By the Leader of the
Majority Party
Hon. Aden Duale

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COMMITTEE ON APPOINTMENT

ATTENDANCE REGISTER — ADOPTION OF THE REPORT ON
 DATE 10/6/2015 THE VETTING OF HON. EUGENE WAMALWA

| NO. | NAME | SIGNATURE |
|-----|--|---|
| 1. | Hon. Justin B. Muturi, MP -Speaker of National Assembly |  |
| 2. | Hon. (Dr) Joyce Laboso, MP -Deputy Speaker |  |
| 3. | Hon. Aden Duale, MP - Leader of the Majority Party |  |
| 4. | Hon. Francis Nyenze, MP - Leader of the Minority Party | |
| 5. | Hon. Naomi Shaban, MP - Deputy Leader of the Majority Party | |
| 6. | Hon. Jakoyo Midiwo, MP - Deputy Leader of the Minority Party | |
| 7. | Hon. Jackson Kiptanui, MP |  |
| 8. | Hon. Issac Ali Shaban, MP |  |
| 9. | Hon. Roselinda Soipan, MP | |
| 10. | Hon. Katoo Ole Metito, MP |  |
| 11. | Hon. Jamleck Kamau, MP |  |
| 12. | Hon. Amina Abdalla, MP |  |
| 13. | Hon. Gideon Konchellah, MP |  |
| 14. | Hon. Cecily Mbarire, MP | |
| 15. | Hon. Moses Cheboi, MP |  |
| 16. | Hon. Nelson Gaichuhie, MP |  |
| 17. | Hon. Boniface Gatobu, MP |  |
| 18. | Hon. David Wafula, MP |  |

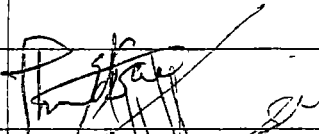

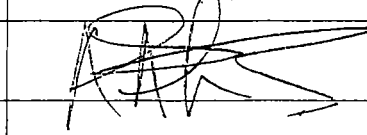
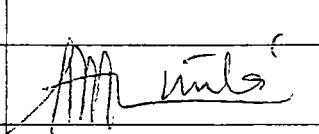
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|-----|---|---|
| 19. | Hon. Esther Murugi, MP | |
| 20. | Hon. Ibrahim Sane, MP |  |
| 21. | Hon. Mishi Juma Khamis, MP |  |
| 22. | Hon. Manson Nyamweya, MP | |
| 23. | Hon. Abass Ahmed Ibrahim, MP |  |
| 24. | Hon. Chrisantus Wamalwa Wakhungu, MP | |
| 25. | Hon. Maj. (Rtd) Marcus Muluvi Mutua, MP |  |
| 26. | Hon. Stephen Mutinda Mule, MP | |

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Hon. Eugene Ludovic Wamalwa



1.0 **PREFACE**

On behalf of the Members of the Committee on Appointments and pursuant to the provisions of Standing Order 199, it is my pleasure and duty to present to the House, the Committee's Report on the vetting of Hon. Eugene Ludovic Wamalwa, Cabinet Secretary nominee, Ministry of Water and Irrigation.

Committee Membership

The Committee on Appointments was constituted by the House on Tuesday 23rd April, 2013 comprising of the following Members:-

1. Hon. Justin Muturi, E.G.H, MP – Speaker, National Assembly (**Chairperson**)
2. Hon. (Dr.) Joyce Laboso, MP – Deputy Speaker
3. Hon. Aden Duale, MP – Leader of the Majority Party
4. Hon. Francis Nyenze, MP - Leader of the Minority Party
5. Hon. Naomi Shaban, MP - Deputy Leader of the Majority Party
6. Hon. Jakoyo Midiwo, MP - Deputy Leader of the Minority Party
7. Hon. Jackson Kiptanui, MP
8. Hon. Isaac Ali Shaban, MP
9. Hon. Roselinda Soipan, MP
10. Hon. Katoo Ole Metito, MP
11. Hon. Jamleck Kamau, MP
12. Hon. Amina Abdalla, MP
13. Hon. Gideon Konchella, MP
14. Hon. Cecily Mbarire, MP
15. Hon. Moses Cheboi, MP
16. Hon. Nelson Gaichuhie, MP
17. Hon. Boniface Gatobu, MP
18. Hon. David Wafula, MP
19. Hon. Esther Murugi, MP
20. Hon. Ibrahim Sane, MP

21. Hon. Mishi Juma Khamis, MP
22. Hon. Manson Nyamweya, MP
23. Hon. Abass Ahmed Ibrahim, MP
24. Hon. Chris Wamalwa Wakhungu, MP
25. Hon. Maj. (Rtd) Marcus Muluvi Mutua, MP
26. Hon. Stephen Mutinda Mule, MP

Committee mandate

The Committee on Appointments is established under Standing Order 204(4) which provides that, *the Committee on Appointments shall consider, for approval by the House, appointments under Article (152(2) of the Constitution (Cabinet Secretaries).*

Pursuant to Article 152(2) of the Constitution, H.E. the President, forwarded to the Clerk of the National Assembly, the nomination of Hon. Eugene L. Wamalwa vide a letter for vetting by the Committee on Appointments and consideration for approval by the National Assembly for appointment as Cabinet Secretary, Ministry of Water and Irrigation.

Pursuant to Standing Order 42(1), the Honorable Speaker informed the House that the he had received the notification of nomination of Hon. Eugene Wamalwa as Cabinet Secretary for water and Irrigation. The notification of nomination was therefore referred to the Committee on Appointments for vetting and reporting to the House within fourteen days.

Committee meetings

The Committee held three sittings and the nominee appeared and was vetted in accordance with the provisions of the Constitution, the Public Appointments (Parliamentary Approval) Act No. 33 of 2011 and the National Assembly Standing Orders on his suitability for appointment to the

position of Cabinet Secretary, Ministry of Water and Irrigation orders.

May I take this opportunity to thank all Members of the Committee for their input and valuable contributions during the deliberations and vetting exercise. The Committee also takes this opportunity to thank the Offices of the Speaker and the Clerk of the National Assembly for the logistical support accorded to it during the vetting exercise. The Committee is also grateful to the media for their coverage of the proceedings of the Committee, thus enhancing accountability and transparency of the vetting exercise.

On behalf of the Committee on Appointments and pursuant to Article 124(4) (b) of the Constitution, Section 8(1) of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011, and the provisions of standing 199(6), it is my pleasure and duty to present to the House, the Committee's report on the vetting of the Hon. Eugene L. Wamalwa, nominee for appointment to the position of Cabinet Secretary for Water and Irrigation.

Thank you.

Signed 

Hon. Justin B. Muturi, E.G.H., M.P
Speaker of the National Assembly/Chairperson
Committee on Appointments

Date 10th JUNE, 2015

2.0 BACKGROUND

2.1 Establishment of the Committee

The Committee on Appointments is established under Standing Order 204(4) with the mandate to consider for approval by the House, appointments of Cabinet Secretaries pursuant to Article 152(2) of the Constitution. The said Article requires H.E. the President to nominate and with the approval of the National Assembly, appoint Cabinet Secretaries. Section 7(10) of the Public Appointments (Parliamentary Approval) Act(No.33 of 2011), *provides that, where the nomination of a candidate is rejected by Parliament, the appointing authority may submit to the relevant House the name of another candidate, and the procedure for approval specified in this Act shall apply accordingly.*

2.2 Appointment process of the Cabinet Secretary nominee

- (i) In accordance with the provisions of Article 152(2) of the Constitution, H.E. the President forwarded to the Speaker of the National Assembly, the nomination of Hon. Eugene Wamalwa vide a letter dated 27th May, 2015 .for vetting by the Committee on Appointments and consideration for approval by the National Assembly for appointment as Cabinet Secretary for Water and Irrigation.
- (ii) Pursuant to Standing Order 42(1), the Honourable Speaker in a communication informed the House that the he had received the notification of the nomination of Hon. Eugene Wamalwa and referred the same to the Committee on Appointments for vetting and reporting to the House within 14 days.

2.3 Notification to the public

Section 6(9) of the Public Appointments (Parliamentary Approval) Act (No.33 of 2011) provides that *“any person may, prior to the approval hearing and by a written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated”*.

The Clerk of the National Assembly placed an advertisement in the print media inviting the public to submit memoranda by way of written statements on oath (**sworn affidavits**) on the suitability or otherwise of the nominee in conformity with section 6(9) of the Public Appointments (Parliamentary Approval) Act 2011. The submissions were to be received latest by Thursday 4th June, 2015.

Pursuant to provisions of Article 118 of the Constitution, section 6(4) of the Public Appointments (Parliamentary Approval) Act (No.33 Of 2011) and Standing Order 45(3), the general public was also notified in the print media by the Clerk of the National Assembly of the intention of the Committee on Appointments to conduct the vetting and approval hearing of the nominee on Thursday 9th June, 2015.

2.4 Clearance requirements

On 28th May, 2015 the Clerk of the National Assembly wrote to the Ethics and Anti-Corruption Commission, Kenya Revenue Authority (KRA) and the Higher Education Loans Board (HELB) requesting for reports with respect to the nominee on-

- matters touching on integrity;
- tax compliance; and
- loan repayments.

In response, HELB confirmed vide a letter Ref. HELB/RD/43/02/POV3/11

dated 2nd June, 2015 that the nominee having been a beneficiary of the HELB Loans Scheme was cleared by the board in June 2008 and was issued with a certificate of clearance No. 29412. Kenya Revenue Authority confirmed vide a letter RE. CDT/MST/HQ/75 dated 3rd June, 2015 that the nominee was tax compliant. The Ethics and Anti-Corruption Commission vide a letter Ref. EACC.7/10/5 (59) dated 5th June, 2015 confirmed having no outstanding issues or ongoing investigations against the nominee.

2.5 Submission of memoranda

Section 7 of the Public Appointments (Parliamentary Approval) Act, 2011 provides that the issues for consideration by the relevant House in relation to any nomination shall be:-

- (a) the procedure used to arrive at the nominee;
- (b) any constitutional or statutory requirements relating to the office in question; and
- (c) the suitability of the nominee for appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which nomination is being made.

Pursuant to Section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, the Committee, through the Clerk of the National Assembly, invited submissions from the public on the suitability or otherwise of the nominee for appointment to the positions of Cabinet Secretary.

Further, section 6(10) of the Public Appointments (Parliamentary Approval) Act, 2011 provides that a candidate may at any time, by notice in writing addressed to the Clerk withdraw from the approval process.

The Committee on Appointments held a sitting on Monday 8th June 2015 and was informed that-

- (1) by the deadline date of 4th June 2015, the Clerk of the National Assembly had not received any memoranda from the public or anyone.
- (2) the nominee had not notified the Clerk of the National Assembly of withdrawal from the approval process as outlined under Section 6(10) of the Public Appointments (Parliamentary Approvals) Act .

In view of the foregoing and in accordance with the provisions of the Constitution, the Public Appointments (Parliamentary Approvals) Act and the Standing Orders of the National Assembly, the Committee on Appointments resolved to proceed to undertake the approval hearing as required and scheduled.

3.0 VETTING OF HON. EUGENE WAMALWA - CABINET SECRETARY NOMINEE, MINISTRY OF WATER AND IRRIGATION.

In conducting the vetting process, the Committee on Appointments examined the nominee against the following criteria, amongst others, as set out in the Public Appointments (Parliamentary Approval) Act No. 33 of 2011.

- (i) Academic qualifications
- (ii) Employment record
- (iii) Professional affiliations
- (iv) Potential conflict of interest
- (v) Knowledge of the relevant subject
- (vi) Overall suitability for the position
- (vii) Integrity
- (viii) Vision and leadership
- (ix) Expectations and key priorities

Hon. Eugene Wamalwa appeared before the Committee on Tuesday 9th June, 2015 and was informed by the Chairperson that, pursuant to Section 6(9) of the Public Appointments (Parliamentary Approvals) Act, 2011, the Committee had invited submissions from the public on his suitability or

otherwise for appointment to the position of Cabinet Secretary but by the deadline date of 4th June 2015, the Clerk of the National Assembly had not received any memoranda from the public or anyone.

The Chairperson informed the nominee that in view of the foregoing and in accordance with the provisions of the Constitution, the Public Appointments (Parliamentary Approvals) Act and the Standing Orders of the National Assembly, the Committee on Appointments had resolved to proceed to undertake the approval hearing as required.

The nominee was orally interviewed by the Committee and responded to questions during the vetting as follows:-

1. Educational and Professional Qualifications

The nominee took Members through his educational and professional background and stated that –

- i. He was born on the 1st of April 1969 in Trans Nzoia County.
- ii. He studied his primary education in Makhele Primary school and attained 31 points being the best 2nd pupil.
- iii. He sat his Kenya Certificate of Education and attained 2nd Division at Chewoyet High School in West Pokot where he studied between 1983 – 1986.
- iv. He studied for the Kenya Advanced Certificate of Education ('A' Level) at Gendia Boys High School – Homabay County between 1988 – 1989 and became a top Student with 17 points.
- v. He undertook his undergraduate studies at the University of Nairobi between 1989 – 1992 and attained a Bachelors degree in Law (LLB)
- vi. He holds a Post-graduate Diploma in Law from the Kenya School of Law attained between 1993 – 1994

- vii. He is an Advocate of the High Court of Kenya, a commissioner for oaths, a notary public and Certified Public Secretary.
- viii. He is currently pursuing a Masters Degree in Law at the University of Nairobi.

2. Work Experience

- i. He informed the committee that he served as the Minister for Justice, National Cohesion and Constitutional Affairs between 2012 – 2013 where he provided leadership and policy direction to the Ministry staff and the Government on many critical national issues including implementation of the Constitution, national cohesion and integration, ethics and integrity, elections, political parties, legal education, legal reform and human rights.
- ii. He served as a Member of Parliament for Saboti Constituency between 2008-2013 where he participated in the legislative agenda during the 10th Parliament by moving motions and proposing various pieces of legislation and amendments to legislation. In addition, he was a member of three committees namely: Defense & Foreign Relations Committee; Justice & Legal Affairs and Powers & Privileges Committee.
- iii. He served as Director, Kenya Seed Company Limited between 2003 – 2007 whereupon he provided oversight and gave direction to the management of Company in implementing their mandate. He was able to provide advice on the legal and regulatory framework of the industry and therefore supported the Company with my extensive legal experience, to become the best managed state corporation at the time.
- iv. He was the Chairman, Board of Trustees of the Kenya Seed Company Limited Staff Retirement Benefits Scheme between 2003 – 2007 where

- v. He assisted the Staff Retirements Benefit Scheme set up and comply with all legal requirements. In this position, he provided leadership and direction to the Scheme thus enabling staff of the Company to benefit from better retirement benefits.
- vi. He informed the Committee that he was a Trustee, Local Authorities Pension Trust between 2003-2007, where he was a key title member of a team of Trustees that provided transformational leadership that saw the previously little known Local Government Officers Superannuation Fund transformed into the modern and vibrant fund known as LAPTrust.
- vii. He was Chairman for the Task Force Reviewing Local Government Officers Act between 2003-2007 where he was in charge of directing, managing and leading the taskforce in reviewing, updating and consolidating the Local Government Officers Act.
- viii. He has been a senior partner at the firm of Wamalwa & Co. Advocates from 1999 to-date. In particular, he is the Senior litigation counsel in charge of all civil and criminal litigation in the subordinate courts, High Court, Court of Appeal and Supreme Court, besides being the overall person responsible for the management of the law firm including offering legal advice and directing all advocates working in the law firm on various matters they are handling.
- ix. He worked as an associate Advocate at M/s Nancy Baraza & Co. Advocates between 1995-1999 where he represented the firm's clients in various courts and tribunals in Kenya. He also drafted various legal documents, advised clients on legal matters, represented clients before arbitrators, drafted conveyancing instruments and all commercial transactions. He also successfully represented various financial

institutions, private companies and state corporations.

- x. Between 1994 – 1995 undertook his pupillage at M/s J.A.B Orengo & Co. Advocates, where he received training on all aspects of legal practice advising of clients on various legal matters, drafting legal agreements and undertaking; Lodging and registering copyright & trademark applications, drafting mortgage and loan agreements for various banks and commercial institutions, represented clients before courts and tribunals.
3. **Personal plan, vision and commitment to the docket of Water and Irrigation.**

He stated that –

- i. his background as a lawyer with 20 years of practice together with his past experience as a lawmaker and a Cabinet Secretary for Justice and Constitutional Affairs, has equipped him to serve the country in the water Sector to oversee reforms which at the moment is a continuation of implementation of the Constitution.
- ii. he is going to build on the efforts that have been made in the past with regard to ensuring that appropriate regulatory, policies, legislations and service matters are actualized such as the National Water Policy, the Water Bill, Water services Regulatory Authority, Water Resource Regulatory Authority, Irrigation policy, and Irrigation bill.
- iii. he would be resolute as a Cabinet Secretary and work closely with the Departmental Committee on Environment and Natural Resources in ensuring that the National government implement policies and strengthen institutions that will ensure that an irrigation development

fund is established to build capacity on irrigation, oversee research and establish a technical Institute to train on irrigation process.

- iv. he will ensure that the right to water is realized in this Country as enshrined in the Constitution. He will ensure that resources are tapped to develop capacity and that strategies are put in place to enhance water harvesting and storage capacity. He recognized that the Ministry of Water has very capable engineers.
- v. he will ensure a careful regulation of the functions of the regional authorities who have expertise and technical know-how to be mandated to develop capacity in the docket to which he has been nominated to lead and ensure that they play a complementary role alongside the county government to eliminate any form of conflict in providing the essential water resource to the people of Kenya.

4. The plague of food security in the country.

He informed the Committee that every Kenyan should have a right to water and food as this is a fundamental human right that is also enshrined in the Constitution. In addition, access to food and water is part of the Millennium Development Goals and a Sustainable Development Goals. He intends to strengthen sectorial reforms so as to boost attraction of investors both local and international who will engage in farming and water harvesting activities. Allocation to the sector is also inadequate and needs to be improved. This will lead to increased food production thus boosting food security.

5. Management of water resources with regard its abundance and lack of it especially in the urban poor.

He stated that alot needs to be put into water harvesting and construction of dams. There are projects ongoing all over the country such as the Badasa

dam in Marsabit and Sioi dam in West Pokot. He will undertake to fast track the completion of these dams and begin construction of new dams to harvest excess water in areas like Narok. This will go a long way to ensure a continuous supply of water for distribution across the country including to areas that receive little rainfall. He will particularly aim to focus on providing solutions to the northern Kenya as well as Arid and Semi-Arid areas which calls for more resource allocation and capacity building. In relation to the issue of unaffordable water costs, a review of the policies generally, but especially the regulatory framework, will in effect address the matter.

6. Impasse of the Northern Collector tunnel intended to transfer water from Murang'a County that has ground to a halt with a court challenge and community environment that is not conducive to successful implementation of the project.

He stated that the development of northern corridor water transfer tunnel from Muranga county to Nairobi county was stop due to a court order and community environment issues and that the legal challenge being experienced in Murang'a is similar to other areas. He stated that Article 10 of the Constitution is very explicit on public participation and the concerns of people of Murang'a county regarding proper consultation should be considered. He would therefore initiate dialogue and wide consultations between the national and county governments to resolve the matter amicably and ensure that Nairobi County receives clean water and also the concerns raised by the people of Murang'a are addressed for the benefit of all.

7. Galana irrigation scheme project of one million acres and the alleged sabotage of the project by the communities from the breadbasket region.

He stated that there is need to develop capacity in irrigation so as to improve food security in Kenya. Irrigation will improve food production not only in Galana but also other parts of the country such as the Tana Delta. The region traditionally renowned as the bread basket is growing smaller as the land resource is unavailable or declining. Farmers in this area are also moving into other forms of farming such as sugarcane farming and thus it is in the interest of the country to ensure that other areas also undertake farming to avoid overreliance on only one region. Irrigation will go a long way in boosting this agenda so as to ensure that the country's food supply is sufficient.

Galana is one of the Green Revolution project that the current administration had promised to implement by putting one million acres under irrigation to produce enough food for the country. Cognizant of the concerns raised by the Departmental Committee on Agriculture regarding the slow pace of the implementation of the project following the inspection visit, he would institute an independent Task Force to undertake a realistic assessment on the position on the ground, causes of the slow progress in the execution of the project, bottlenecks and make proposals to fast track the execution of the project. With proper planning and strategy, the project will be able to grow enough maize to bridge the current 10,000 million bags national deficit to avoid importation of maize and rice worth over Kshs 12 billion.

8. Concern by Counties that there is over-parastatalisation of the function of water services which is a function of the county Government.

He confirmed that under the Constitution of Kenya, water services are a devolved function of County Governments while water resource is a national resource. Counties do not and need not work in isolation but with the assistance and support of the National Government that develops the

national policy on this matter. In his opinion there is no conflict between the roles played by the county and national governments as there needs to be complementarity which can be achieved without encroachment into each other's functions. Public Private Partnerships may be one way to go to enhance efficiency in the provision of water services. Additionally, sectorial reforms will attract more funding resource allocation to support water projects thus reducing reliance on donor funding.

9. Whether the nomination is a mere political strategy and has nothing to do with his ability to perform as a Cabinet Secretary in this docket.

He stated that this perception may have stemmed from the fact that his family, including himself, has been involved in politics in the past. He informed the Committee that he did not run for any elective position in the last general elections and does not intend to run in the coming elections. He informed the committee that he believes that this nomination is not politically driven and that I am able to serve the nation well in a capacity other than a politician.

10. Targets within the next few years, if appointed.

If appointed, he will aim to firstly work with the National Assembly to ensure that the necessary legislations are enacted in line with the constitutional requirement. Further, within one year, he aims to oversee the completion of the construction of the dams such as Sioi, Umma and Badasa that has stalled for some time now.

11. Gender balance rule and the proposal to amend this legal provision.

He stated that during the formulation of the Constitution of Kenya, 2010, there was a lot of debate surrounding this matter and for purposes of affirmative action, the gender balance rule was eventually enshrined in our

laws. He informed the committee that in his view, it would therefore not be wise to take away these hard gained rights from the women of Kenya.

12. Evidence of having undertaken any pro bono work.

He confirmed that he undertakes pro bono work from time to time and did so as a member of parliament, in his law firm, as a party leader and in his capacity as a citizen. He however indicated that he does not keep a record of the pro bono work done.

13. Kenya's international obligations under the Nile treaty.

He informed the Committee that whereas there is need for Kenya to reconcile her constitutional imperatives with regard to the international obligations under the treaty and there is need for Kenya to exploit the waters that flow into Lake Victoria, and subsequently, the Nile, under the Article 2 of the Constitution, Kenya recognizes international law and is obligated to abide by the treaties that she has signed particularly the Nile Treaty as old as it is. He stated that he will bring in his legal expertise and join in the already on-going efforts with other countries to address the discrepancies. However the issue of the Nile Treaty should not be an undercut for Kenya to practice Irrigation and develop its own capacity to feed the nation.

14. Net worth

The nominee stated that his net value of 400 Million includes his assets such as farms and land and does not include his liabilities. He has served as a lawyer in practice for twenty years.

15. Resignation as party leader

He informed the Committee that he resigned as party leader in order to serve in the docket of water and irrigation, if appointed. He tabled a letter

from the Office of Registrar of Political Parties dated 20th April, 2015 addressed to the Secretary General of New Ford Kenya with regard to Political Party leadership confirming that he is not the Party leader of New Ford-Kenya.

4.0 COMMITTEE'S OBSERVATIONS

The Committee having considered his curriculum vitae and heard his oral submission during the vetting exercise/interview, made the following observations:-

The Committee further observed that:-

- I. He had satisfied the requirements of Chapter 6 of the Constitution of Kenya on leadership and integrity.
- II. He had been cleared by the Criminal Investigation Department (CID), Kenya Revenue Authority on tax compliance, Higher Education Loans Board (HELB) and the Credit Reference Bureau.
- III. He has never been charged in a Court of Law and has no potential conflict of interest,
- IV. He has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution which deals with conduct of state officers that are adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.

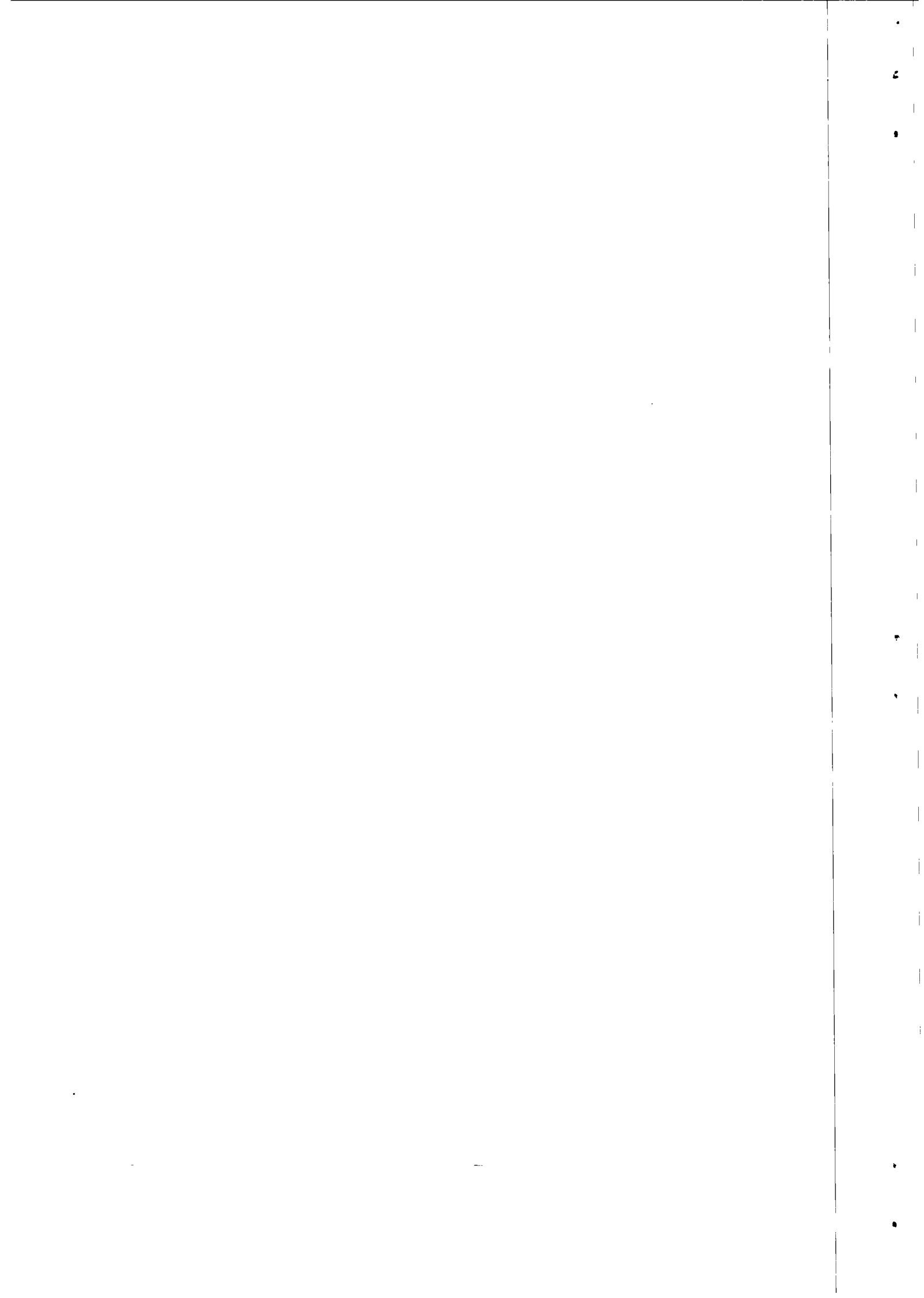
The Committee noted that the nominee exhibited impressive knowledge of topical and legal issues touching on the docket of Water & Irrigation and has the requisite abilities, qualifications and experience. Therefore, the Committee found the nominee suitable for appointment as the Cabinet Secretary, Ministry of Water and Irrigation.

5.0 COMMITTEE'S RECOMMENDATION

Pursuant to Article 152(2) of the Constitution and Standing Order 204 (4), the Committee recommends that, this House approves the nomination of Hon. Eugene Ludovic Wamalwa for appointment by H.E. the President as Cabinet Secretary, Ministry of Water and Irrigation.

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Appendix (1)
(Minutes)



MINUTES OF THE TWENTY FIRST SITTING OF THE COMMITTEE ON APPOINTMENTS HELD ON TUESDAY, 10TH JUNE 2015, IN ROOM 7, MAIN PARLIAMENT BUILDINGS, AT 11.00 A.M.

PRESENT

1. Hon. Justin B. Muturi, MP - Speaker of National Assembly (Chairperson)
2. Hon. Aden Duale, MP - Leader of the Majority Party
3. Hon. Jackson Kiptanui, MP
4. Hon. Issac Ali Shaban, MP
5. Hon. Katoo Ole Metito, MP
6. Hon. Gideon Konchellah, MP
7. Hon. Mishi Juma Khamis, MP
8. Hon. Cecily Mbarire, MP
9. Hon. David Wafula, MP
10. Hon. Moses Cheboi, MP
11. Hon. Abass Ahmed Ibrahim, MP
12. Hon. Jamleck Kamau, MP
13. Hon. Ibrahim Sane, MP
14. Hon. Amina Abdallah, MP
15. Hon. Boniface Gatobu, MP
16. Hon. Maj. (Rtd) Marcus Muluvi Mutua, MP
17. Hon. Nelson Gaichuhie. MP

ABSENT WITH APOLOGY

1. Hon. (Dr) Joyce Laboso, MP - Deputy Speaker
2. Hon. Francis Nyenze, MP - Leader of the Minority Party
3. Hon. Naomi Shaban, MP - Deputy Leader of the Majority Party
4. Hon. Jakoyo Midiwo, MP - Deputy Leader of the Minority Party
5. Hon. Chrisantus Wamalwa
6. Hon. Roselinda Soipan, MP
7. Hon. Manson Nyamweya, MP
8. Hon. Stephen Mutinda Mule, MP
9. Hon. Esther Murugi, MP

IN ATTENDANCE

1. Mrs. F. Atenyo-Abonyo -
2. Mr. Douglas Katho -
3. Ms. Doreen Nkatha -

NATIONAL ASSEMBLY

- Deputy Clerk/Director , Committee Services
- Clerk Assistant III
- Legal Counsel

MIN. NO. 89/2015

PRELIMINARIES

The meeting was called to order at Forty Five Minutes Past Eleven O'clock and prayers were said by Hon. Aden Duale, M.P.

MIN. NO. 90/2015

CONFIRMATION OF MINUTES OF THE
PREVIOUS MEETING

The minutes of the following previous Sittings of the Committee were confirmed and signed by the Chairman as follows:-:

- (i) Minutes of the 19th Sitting held on Monday 8th June, 2015 proposed by Hon. Abass Mohamed, MP and seconded by Hon. Nelson Gaichuhie, MP.
- (ii) Minutes of the 20th Sitting held on Tuesday 9th June, 2015 proposed by Hon. Amina Abdalla, MP and seconded by Hon. Boniface Gatobu, MP.

MIN. NO. 91/2015

CONSIDERATION OF THE DRAFT REPORT
ON THE VETTING OF THE CABINET
SECRETARY NOMINEE – MINISTRY OF
WATER AND IRRIGATION – HON. EUGENE
WAMALWA.

Members considered the draft report on the vetting of the Cabinet Secretary nominee for the Ministry of Water and Irrigation, the Hon. Eugene Wamalwa. Members unanimously adopted the report and recommended that pursuant to Article 152 (2) of the Constitution and Standing Order No. 204 (4), the house approves the nomination of Hon. Eugene Wamalwa for appointment by H.E. the President as Cabinet Secretary for Water and Irrigation.

MIN. NO. 92/2014

ADJOURNMENT OF THE MEETING

There being no other business, the meeting was adjourned at Thirty Five Minutes Past Twelve O'clock.

MIN. NO. 93/2014

DATE OF THE NEXT MEETING

The Committee resolved to re-convene on notice.

SIGNED _____

(CHAIRPERSON)

DATE _____

10th JUNE, 2015

MINUTES OF THE TWENTIETH SITTING OF THE COMMITTEE ON APPOINTMENTS HELD ON TUESDAY, 9TH JUNE, 2015, IN THE MINI CHAMBER, COUNTY HALL, PARLIAMENT BUILDING AT 10.00 A.M.

PRESENT

1. Hon. Justin B. Muturi, MP - Speaker of National Assembly (Chairperson)
2. Hon. Aden Duale, MP - Leader of the Majority Party
3. Hon. Francis Nyenze, MP - Leader of the Minority Party
4. Hon. Naomi Shaban, MP - Deputy Leader of the Majority Party
5. Hon. Jackson Kiptanui, MP
6. Hon. Issac Ali Shaban, MP
7. Hon. Katoo Ole Metito, MP
8. Hon. Manson Nyamweya, MP
9. Hon. Abass Ahmed Ibrahim, MP
10. Hon. Amina Abdallah, MP
11. Hon. Jamleck Kamau, MP
12. Hon. Roselinda Soipan, MP
13. Hon. Boniface Gatobu, MP
14. Hon. David Wafula, MP

ABSENT WITH APOLOGY

1. Hon. (Dr) Joyce Laboso, MP - Deputy Speaker
2. Hon. Jakoyo Midiwo, MP - Deputy Leader of the Minority Party
3. Hon. Moses Cheboi, MP
4. Hon. Chrisantus Wamalwa Wakhungu, MP
5. Hon. Cecily Mbarire, MP
6. Hon. Nelson Gaichuhie, MP
7. Hon. Ibrahim Sane, MP
8. Hon. Mishi Juma Khamis, MP
9. Hon. Gideon Konchellah, MP
10. Hon. Maj. (Rtd) Marcus Muluvi Mutua, MP
11. Hon. Stephen Mutinda Mule, MP
12. Hon. Esther Murugi, MP

IN ATTENDANCE

NATIONAL ASSEMBLY

Hon. Johnson Sakaja, M.P.

1. Mrs. F. Atenyo-Abonyo - Deputy Clerk/Director , Committee Services
2. Mr. Douglas Katho - Clerk Assistant III
3. Ms. Doreen Nkatha - Legal Counsel

MIN. NO. 85/2015

PRELIMINARIES

The meeting was called to order at Half past Ten O'clock and prayers were said by the Deputy leader of majority party, Hon. Naomi Shaban, M.P.

MIN. NO. 86/2015

**VETTING OF THE CABINET SECRETARY
NOMINEE FOR WATER AND IRRIGATION
- HON. EUGENE WAMALWA.**

In conducting the vetting process, the Committee on Appointments examined the nominee against the following criteria, amongst others, as set out in the Public Appointments (Parliamentary Approval) Act No. 33 of 2011.

- (i) Academic qualifications
- (ii) Employment record
- (iii) Professional affiliations
- (iv) Potential conflict of interest
- (v) Knowledge of the relevant subject
- (vi) Overall suitability for the position
- (vii) Integrity
- (viii) Vision and leadership
- (ix) Expectations and key priorities

The Chairperson informed members that the proceedings were as a result of the President nominating Hon. Eugene Wamalwa for consideration for appointment to the position of Cabinet Secretary for Water and Irrigation, a communication which had since been made to the National Assembly and thereafter committed to the Committee on Appointments.

The Chairperson briefed members on the legal provisions on approval hearings as provided for in the Public Appointments (Parliamentary Approval) Act, 2011. He equally informed members that since receipt of the message from the President, the Clerk of the National Assembly had invited the public to make representations on the suitability or otherwise of the nominee to hold the office of Cabinet Secretary for Water and Irrigation. The public had not responded by close of the stipulated time in the provisions of the Public Appointments (Parliamentary Approval) Act, 2011.

The Chairperson asked the nominee to take an oath before the Parliamentary committee on Appointments and thereafter invited the nominee to brief the committee on his educational and professional qualifications.

1. Educational and Professional Qualifications

The nominee took Members through his educational and professional background and stated that—

- i. He was born on the 1st of April 1969 in Trans Nzoia County.
- ii. He studied his primary education in Makhele Primary school and attained 31 points being the best 2nd Pupil.
- iii. He sat his Kenya Certificate of Education and attained 2nd Division at Chewoyet High School in West Pokot where he studied between 1983 – 1986.
- iv. He studied for the Kenya Advanced Certificate of Education ('A' Level) at Gendia Boys High School – Homabay County between 1988 – 1989 and became a Top Student with 17points.
- v. He undertook his undergraduate studies at the University of Nairobi between 1989 – 1992and attained a Bachelors degree in Law(LLB)
- vi. He holds a Post-graduate Diploma in Law from the Kenya School of Law attained between 1993 – 1994
- vii. He is an Advocate of the High Court of Kenya, a commissioner for oaths, a notary public and Certified Public Secretary.
- viii. He is currently pursuing a Masters Degree in Law at the University of Nairobi.

2. Work Experience

- i. He informed the committee that he served as the Minister for Justice, National Cohesion and Constitutional Affairs between 2012 – 2013 where he provided leadership and policy direction to the Ministry staff and the Government on many critical national issues including implementation of the Constitution, national cohesion and integration, ethics and integrity, elections, political parties, legal education, legal reform and human rights.
- ii. He served as a Member of Parliament for Saboti Constituency between 2008-2013 where he participated in the legislative agenda during the 10th Parliament by moving motions and proposing various pieces of legislation and amendments to legislation. In addition, he was a member of three committees namely: Defense & Foreign Relations Committee; Justice & Legal Affairs and Powers & Privileges Committee.

- iii. He served as Director, Kenya Seed Company Limited between 2003 – 2007 whereupon he provided oversight and gave direction to the management of Company in implementing their mandate. He was able to provide advice on the legal and regulatory framework of the industry and therefore supported the Company with my extensive legal experience, to become the best managed state corporation at the time.
- iv. He was the Chairman, Board of Trustees of the Kenya Seed Company Limited Staff Retirement Benefits Scheme between 2003 – 2007 where he assisted the Staff Retirements Benefit Scheme set up and comply with all legal requirements. In this position, he provided leadership and direction to the Scheme thus enabling staff of the Company to benefit from better retirement benefits.
- v. He informed the Committee that he was a Trustee, Local Authorities Pension Trust between 2003-2007, where he was a key title member of a team of Trustees that provided transformational leadership that saw the previously little known Local Government Officers Superannuation Fund transformed into the modern and vibrant fund known as LAPTrust.
- vi. He was Chairman for the Task Force Reviewing Local Government Officers Act between 2003-2007 where he was in charge of directing, managing and leading the taskforce in reviewing, updating and consolidating the Local Government Officers Act.
- vii. He has been a senior partner at the firm of Wamalwa & Co. Advocates from 1999 to-date. In particular, he is the Senior litigation counsel in charge of all civil and criminal litigation in the subordinate courts, High Court, Court of Appeal and Supreme Court, besides being the overall person responsible for the management of the law firm including offering legal advice and directing all advocates working in the law firm on various matters they are handling.
- viii. He worked as an associate Advocate at M/s Nancy Baraza & Co. Advocates between 1995–1999 where he represented the firm's clients in various courts and tribunals in Kenya. He also drafted various legal documents, advised clients on legal matters, represented clients before arbitrators, drafted conveyancing instruments and all commercial transactions. He also successfully represented various financial institutions, private companies and state corporations.

- ix. Between 1994 – 1995 undertook his pupillage at M/s J.A.B Orengo & Co. Advocates, where he received training in all aspects of legal practice advising of clients on various legal matters; drafting legal agreements and undertakings; Lodged and registered copyright & trademark applications; drafted mortgage and loan agreements for various banks and commercial institutions; Represented clients before courts and tribunals.

3. Personal plan, vision and commitment to the docket of Water and Irrigation.

He stated that—

- i. His background as lawyer with 20 years of practice together with his past experience as a lawmaker and a Cabinet Secretary for Justice and Constitutional Affairs, has equipped him to serve the country in the water Sector to oversee reforms which at the moment is a continuation of implementation of the Constitution.
- ii. he is going to build on the efforts that have been made in the past with regard to ensuring that appropriate regulatory, policies, legislations and service matters are actualized such as the National Water Policy, the Water Bill, Water services Regulatory Authority, Water Resource Regulatory Authority, Irrigation policy, and Irrigation bill.
- iii. He would be resolute as a Cabinet Secretary and work closely with the Departmental Committee on Environment and Natural Resources in ensuring that the National government implement policies and strengthen institutions that will ensure that an irrigation development fund is established to build capacity on irrigation, oversee research and establish a technical Institute to train on irrigation process.
- iv. He will ensure that the right to water is realized in this Country as enshrined in the Constitution. He will ensure that resources are tapped to develop capacity and that strategies are put in place to enhance water harvesting and storage capacity. He recognized that the Ministry of Water has very capable engineers.
- v. he will ensure a careful regulation of the functions of the regional authorities who have expertise and technical know-how to be mandated to develop capacity in the docket to which he has been nominated to lead and ensure that they play a complementary role alongside the

county government to eliminate any form of conflict in providing the essential water resource to the people of Kenya.

4. The plague of food security in the country.

He informed the Committee that every Kenyan should have a right to water and food as this is a fundamental human right that is also enshrined under the Constitution. Access to food and water is part of the Millennium Development Goals and a Sustainable Development Goals. He intends to strengthen sectorial reforms so as to boost attraction of investors both local and international who will engage in farming and water harvesting activities. Allocation to the sector is also inadequate and needs to be improved. This will lead to increased food production thus boosting food security.

5. Management of water resources with regard its abundance and lack of it especially in the urban poor.

He stated that alot needs to be put into water harvesting and construction of dams. There are projects ongoing all over the country such as the Badasa dam in Marsabit and Sioi dam in West Pokot. He will undertake to fast track the completion of these dams and begin construction of new dams to harvest excess water in areas like Narok. This will go a long way to ensure a continuous supply of water for distribution across the country including to areas that receive little rainfall. He will particularly aim to focus on providing solutions to the northern Kenya as well as Arid and Semi-Arid areas which calls for more resource allocation and capacity building. In relation to the issue of unaffordable water costs, a review of the policies generally, but especially the regulatory framework, will in effect address the matter.

6. Impasse of the Northern Collector tunnel intended to transfer water from Murang'a County that has ground to a halt with a court challenge and community environment that is not conducive to successful implementation of the project.

He stated that the development of northern corridor water transfer tunnel from Muranga county to Nairobi county was stop due to a court order and community environment issues and that the legal challenge being experienced in Murang'a is similar to other areas. He stated that Article 10 of the Constitution is very explicit on public participation and the concerns of people of Murang'a county regarding proper consultation should be considered. He would therefore initiate dialogue and wide consultations between the national and county governments to resolve the matter amicably and ensure that Nairobi County receives clean water and also the concerns raised by the people of Murang'a are addressed for the benefit of all.

7. **Galana irrigation scheme project of one million acres and the alleged sabotage of the project by the communities from the breadbasket region.** He stated that there is need to develop capacity in irrigation so as to improve food security in Kenya. Irrigation will improve food production not only in Galana but also other parts of the country such as the Tana Delta. The region traditionally renowned as the bread basket is growing smaller as the land resource is unavailable or declining. Farmers in this area are also moving into other forms of farming such as sugarcane farming and thus it is in the interest of the country to ensure that other areas also undertake farming to avoid overreliance on only one region. Irrigation will go a long way in boosting this agenda so as to ensure that the country's food supply is sufficient.

Galana is one of the Green Revolution project that the current administration had promised to implement by putting one million acres under irrigation to produce enough food for the country. Cognizant of the concerns raised by the Departmental Committee on Agriculture regarding the slow pace of the implementation of the project following the inspection visit, he would institute an independent Task Force to undertake a realistic assessment on the position on the ground, causes of the slow progress in the execution of the project, bottlenecks and make proposals to fast track the execution of the project. With proper planning and strategy, the project will be able to grow enough maize to bridge the current 10,000 million bags national deficit to avoid importation of maize and rice worth over Kshs 12 billion.

8. **Concern by Counties that there is over-parastatalisation of the function of water services which is a function of the county Government.**

He confirmed that under the Constitution of Kenya, water services are a devolved function of County Governments while water resource is a national resource. Counties do not and need not work in isolation but with the assistance and support of the National Government that develops the national policy on this matter. In his opinion there is no conflict between the roles played by the county and national governments as there needs to be complementarity which can be achieved without encroachment into each other's functions. Public Private Partnerships may be one way to go to enhance efficiency in the provision of water services. Additionally, sectorial reforms will attract more funding resource allocation to support water projects thus reducing reliance on donor funding.

9. **If the nomination is a mere political strategy and has nothing to do with his ability to perform as a Cabinet Secretary in this docket.**

In his view he stated that this may have stemmed from the fact that his family, including himself, has been involved in politics in the past. He informed the

Committee that he did not run for any elective position in the last general elections and does not intend to run in the coming elections. He informed the committee that he believes that this nomination is not politically driven and that I am able to serve the nation well in a capacity other than a politician.

10. Targets within the next few years, if appointed.

If appointed, he will aim to firstly work with the National Assembly to ensure that the necessary legislations are enacted in line with the constitutional requirement. Further, within one year, he aims to oversee the completion of the construction of the dams such as Sioi, Umma and Badasa that has stalled for some time now.

11. Gender balance rule and the proposal to amend this legal provision.

He stated that during the formulation of the Constitution of Kenya, 2010, there was a lot of debate surrounding this matter and for purposes of affirmative action, the gender balance rule was eventually enshrined in our laws. He informed the committee that in his view, it would therefore not be wise to take away these hard gained rights from the women of Kenya.

12. Evidence of having undertaken any pro bono work.

He confirmed that he undertakes pro bono work from time to time and did so as a member of parliament, in his law firm, as a party leader and in his capacity as a citizen. He however indicated that he does not keep a record of the pro bono work done.

13. Kenya's international obligations under the Nile treaty.

He informed the Committee that whereas there is need for Kenya to reconcile her constitutional imperatives with regard to the international obligations under the treaty and there is need for Kenya to exploit the waters that flow into Lake Victoria, and subsequently, the Nile, under the Article 2 of the Constitution, Kenya recognizes international law and is obligated to abide by the treaties that she has signed particularly the Nile Treaty as old as it is. He stated that he will bring in his legal expertise and join in the already on-going efforts with other countries to address the discrepancies. However the issue of the Nile Treaty should not be an undercut for Kenya to practice Irrigation and develop its own capacity to feed the nation.

14. Net worth

The nominee stated that his net value of 400 Million includes his assets such as farms and land and does not include his liabilities. He has served as a lawyer in practice for twenty years.

15. Resignation as party leader

He informed the Committee that he resigned as party leader in order to serve in the docket of water and irrigation, if appointed. He tabled a letter from the Office of Registrar of Political Parties dated 20th April, 2015 addressed to the Secretary General of New Ford Kenya with regard to Political Party leadership confirming that he is not the Party leader of New Ford-Kenya.

The chairperson thanked the nominee for his candid answers and for being forthright.

MIN. NO. 87/2015 ADJOURNMENT OF THE MEETING

There being no other business, the meeting was adjourned at Five Minutes Past One O'clock.

MIN. NO. 88/2015 DATE OF THE NEXT MEETING

The Committee resolved to re-convene in Room 7, Main Parliament Buildings on Wednesday 10th June, 2015 at 11 a.m.

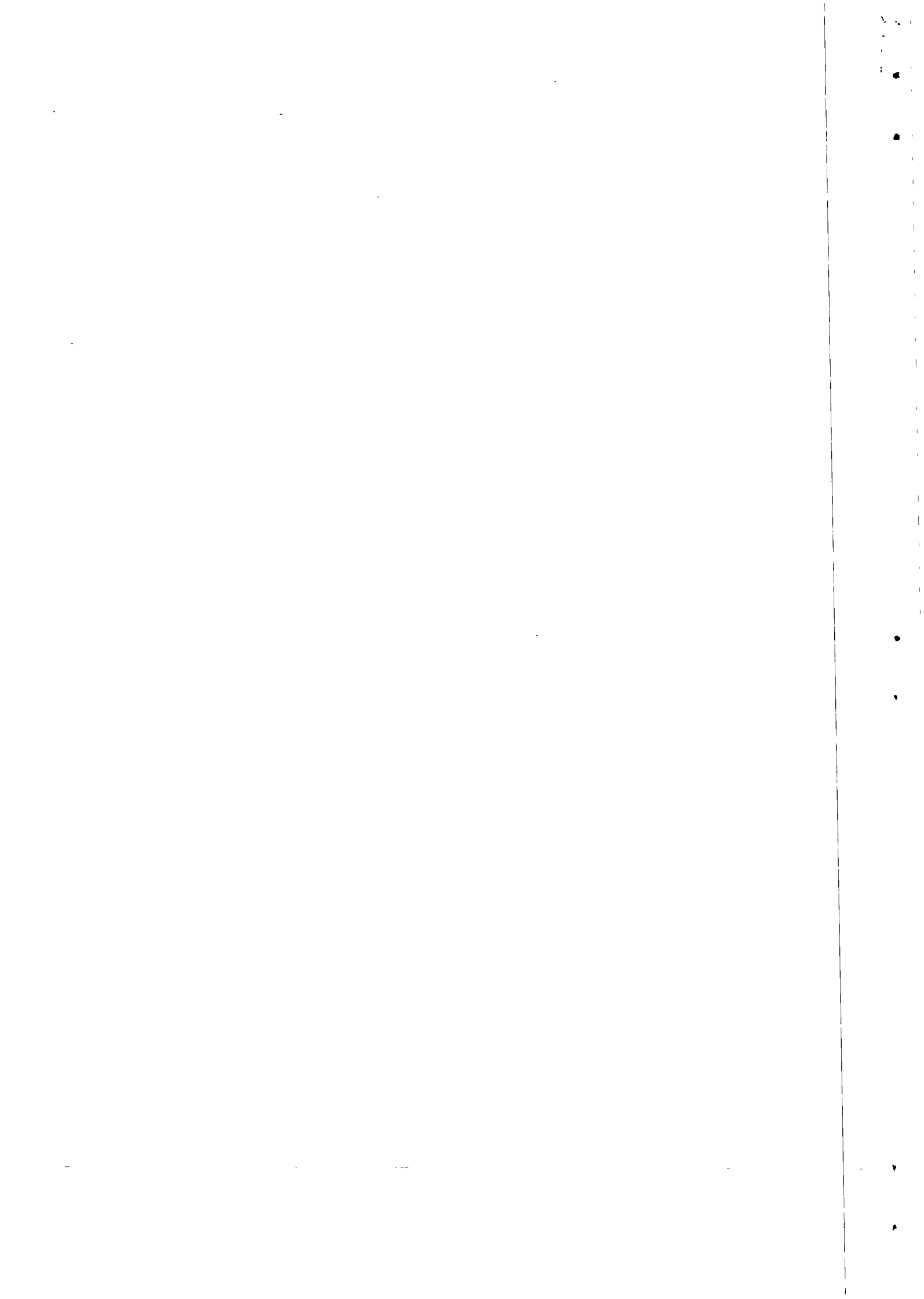
SIGNED _____



(CHAIRPERSON)

DATE _____

10th JUNE, 2015



MINUTES OF THE NINETEENTH SITTING OF THE COMMITTEE ON APPOINTMENTS HELD ON MONDAY 8TH JUNE, 2015 IN COMMITTEE ROOM NO. 7, MAIN PARLIAMENT BUILDINGS, AT 2.30 P.M.

PRESENT

1. Hon. Justin B. Muturi, MP - Speaker of National Assembly (Chairperson)
2. Hon. Aden Duale, MP - Leader of the Majority Party
3. Hon. Naomi Shaban, MP - Deputy Leader of the Majority Party
4. Hon. Issac Ali Shaban, MP
5. Hon. Katoo Ole Metito, MP
6. Hon. David Wafula, MP
7. Hon. Amina Abdallah, MP
8. Hon. Maj. (Rtd) Marcus Muluvi Mutua, MP
9. Hon. Boniface Gatobu, MP
10. Hon. Manson Nyamweya, MP
11. Hon. Abass Ahmed Ibrahim, MP
12. Hon. Jamleck Kamau, MP
13. Hon. Nelson Gaichuhie, MP

ABSENT WITH APOLOGY

1. Hon. (Dr) Joyce Laboso, MP - Deputy Speaker
2. Hon. Francis Nyenze, MP - Leader of the Minority Party
3. Hon. Jakoyo Midiwo, MP - Deputy Leader of the Minority Party
4. Hon. Chrisantus Wamalwa, MP
5. Hon. Moses Cheboi, MP
6. Hon. Mishi Juma Khamis, MP
7. Hon. Cecily Mbarire, MP
8. Hon. Gideon Konchellah, MP
9. Hon. Jackson Kiptanui, MP
10. Hon. Roselinda Soipan, MP
11. Hon. Ibrahim Sane, MP
12. Hon. Stephen Mutinda Mule, MP
13. Hon. Esther Murugi, MP

IN ATTENDANCE

NATIONAL ASSEMBLY

1. Mrs. F. Atenyo-Abonyo - Deputy Clerk/Director, Committee Services
2. Mr. Douglas Katho - Clerk Assistant III
3. Doreen Nkatha - Legal Counsel

MIN. NO. 81/2015

PRELIMINARIES

The meeting was called to order at Forty Five Minutes Past Two O'clock thereafter prayers were said.

MIN. NO. 82/2015

CONSIDERATION OF THE PROCEDURE FOR
VETTING OF THE CABINET SECRETARY
NOMINEE – MINISTRY OF WATER AND
IRRIGATION, HON. EUGENE WAMALWA.

In considering the procedure for vetting the of the Cabinet Secretary nominee for the Ministry of Water and Irrigation, the Hon. Eugene Wamalwa, the Chairperson informed Members of the Committee that:-

- (i) The Committee on Appointments is established under Standing Order 204(4) which provides that, “the Committee on Appointments shall consider, for approval by the House, appointments under Article (152(2)) of the Constitution (Cabinet Secretaries)”.
- (ii) Pursuant to Article 152(2) of the Constitution, H.E. the President, forwarded to the Clerk of the National Assembly, the nomination of Hon. Eugene L. Wamalwa for consideration for approval by the National Assembly for appointment as Cabinet Secretary, Ministry of Water and Irrigation.
- (iii) Pursuant to Standing Order 42(1), the House received the notification of nomination of Hon. Eugene Wamalwa as the nominee for the Cabinet Secretary for water and Irrigation. The notification of nomination was thereupon referred to the Committee on Appointments for purposes of vetting of the nominee and reporting to the House within 14 days.
- (iv) Pursuant to the provisions of section 5 of the Public Appointments (Parliamentary Approvals) Act, the Clerk of the National Assembly duly invited the public on 29th May 2015, to submit memoranda within seven (7) days, providing evidence contesting the suitability or otherwise of the nominee to hold office as outlined under section 6(9) of the Public Appointments (Parliamentary Approvals) Act. Additionally, the Clerk also notified the nominee and the general public of the time and date for the approval hearing scheduled for Tuesday 9th June, 2015.
- (v) By the deadline date of 4th June 2015, the Clerk of the National Assembly had not received any memoranda from the public or anyone.

(vi) The nominee had not notified the Clerk of the National Assembly of withdrawal from the approval process as outlined under Section 6(10) of the Public Appointments (Parliamentary Approvals) Act.

(vii) The nominee had been cleared by Ethics & Anti-Corruption Commission (EACC), Kenya Revenue Authority (KRA), Higher Education Loans Board (HELB) and Credit Reference Bureau (CRB).

In view of the foregoing and in accordance with the provisions of the Constitution, the Public Appointments (Parliamentary Approvals) Act and the Standing Orders of the National Assembly, the Committee on Appointments resolved to proceed to undertake the approval hearing as required on the 9th June, 2015 at 10 am in the Mini-Chamber at County Hall, Parliament Buildings.

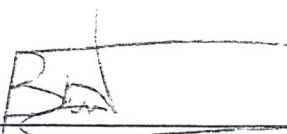
MIN. NO. 83/2015 ADJOURNMENT OF THE MEETING

There being no other business, the meeting was adjourned at Five Minutes Four O'clock.

MIN. NO. 84/2015 DATE OF THE NEXT MEETING

The Committee resolved to re-convene on Tuesday 9th June, 2015 at 10.00 am in County Mini-Chamber.

SIGNED _____



(CHAIRPERSON)

DATE _____

10th JUNE, 2015



Appendix (2)

Correspondence

- Kenya Revenue Authority
- Higher Education Loans Board
- Ethics & Anti-Corruption Commission





KENYA REVENUE
AUTHORITY

3rd June, 2015

Ref: CDT/MST/HQ/75



Clerk
National Assembly
Parliament Buildings
P.O Box 41842-00100
NAIROBI

RE: VETTING OF NOMINEE FOR APPOINTMENT AS CABINET
SECRETARY FOR WATER AND IRRIGATION

Refer to your letter dated 28th May, 2015, under Ref:
NA/COMM/APPT/2015.

Hon. Eugene Wamalwa, ID No. 9721776, PIN A002633555W is
tax Compliant as per our records.

Alice A. Owuor, OGW.
COMMISSIONER OF DOMESTIC TAXES

Alice A. Owuor

REPUBLIC OF KENYA

Telegraphic Address
'Bunge', Nairobi
Tel. +254-020-2221291
Fax: +254-020-22243694
E-mail: clerk@parliament.go.ke
When replying please quote



Clerk's Chambers
National Assembly
Parliament Buildings
P.O. Box 41842 -00100
NAIROBI,

NATIONAL ASSEMBLY

REF: NA/COMM/APPT/ 2015

28th May, 2015

Mr. John Njirani, MBS
Commissioner General,
Kenya Revenue Authority
Times Tower, 30th floor,
Haile Sellasie Avenue,
NAIROBI.

Dear *Mr. Njirani*

REF: VETTING OF NOMINEE FOR APPOINTMENT AS CABINET SECRETARY FOR WATER AND IRRIGATION

The Committee on Appointments is established pursuant to Standing Order 204 and is mandated to consider for approval by the House, appointments under Article 152(2) of the Constitution (Cabinet Secretary).

The Committee will be conducting the vetting of the nominee, Hon. Eugene Wamalwa (ID No. 9721776, PIN No. A002633555W) on Tuesday 9th June, 2015 for appointment as the Cabinet Secretary for Water and Irrigation.

This is to request you to provide a report on tax compliance by the said nominee. The information will assist the Committee undertake its mandate more effectively.

We will appreciate if the information is received by Thursday 4th June, 2015.

Yours

A handwritten signature in black ink, appearing to read 'Justin Bundi'.

JUSTIN BUNDI, CBS
CLERK OF THE NATIONAL ASSEMBLY

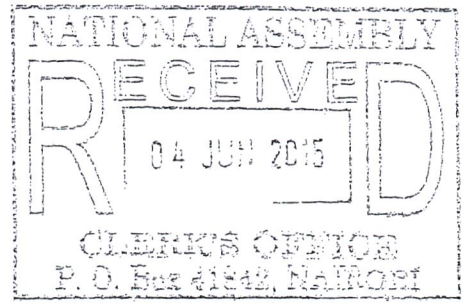
① D/Committees



HIGHER EDUCATION LOANS BOARD

Tel: 0711052000, 2278000, 0722205292, 0733205292,
0704333035, 0704 333036, 0737205292, 0754556899
Fax: 2252330
E-mail: ceo@helb.co.ke
Website: www.helb.co.ke

Anniversary Towers
18th Floor, University Way
P.O Box 69489-00400
Nairobi, Kenya



2nd June, 2015

HELB/RD/43/02/POV3/11

Mr. Justin N. Bundi
Clerk, National Assembly,
P.O Box 41842-00100
NAIROBI.

Dear *Justin,*

CLEARANCE OF NOMINEE FOR APPOINTMENT AS SECRETARY TO THE CABINET FOR WATER AND IRRIGATION

We acknowledge with thanks the receipt of your letter regarding the clearance of nominee for appointment as Secretary to the Cabinet for Water and Irrigation

Please find a list confirming the loan status of the applicant with the Board.

| S/NO | NAME | ID NO. | STATUS | YEAR OF CLEARANCE |
|------|---------------------|---------|-----------------------|-------------------|
| 1 | Hon. Eugene Wamalwa | 9721776 | Cleared cert no 29412 | Jun-2008 |

We urge you to encourage the applicants to seek their compliance certificate from the Board as part of testimonials and conformity to Chapter six of the constitution of Kenya.

We wish to thank you most sincerely for allowing us to provide you this information as this kind of collaboration goes a long way in assisting HELB finance needy Kenyans pursuing higher education now and in the future.

Yours *Sincerely*
[Signature]

CHARLES M. RINGERA
CHIEF EXECUTIVE OFFICER & BOARD SECRETARY

① *points*
pls deal
PA
08/6



REPUBLIC OF KENYA

Telegraphic Address:
"Bunge", Nairobi
Telephone: 254-020-2221291
Fax: 254-020-243694
E-mail: bunge@swiftkenya.com
When replying please quote our ref.



CLERK'S CHAMBERS,
National Assembly,
Parliament Buildings,
P O Box 41842-00100,
NAIROBI, Kenya.

NATIONAL ASSEMBLY

REF: NA/COMM/APPT/ 2015

28th May, 2015

Charles M. Ringera
Chief Executive
Higher Education Loans Board
Anniversary Towers, 18th Floor,
University way
NAIROBI

Dear *Mr. Ringera,*

REF: VETTING OF NOMINEE FOR APPOINTMENT AS CABINET SECRETARY FOR WATER AND IRRIGATION

The Committee on Appointments is established pursuant to Standing Order 204 and is mandated to consider for approval by the House, appointments under Article 152(2) of the Constitution (Cabinet Secretary).

The Committee will be conducting the vetting of the nominee, Hon. Eugene Wamalwa (ID No. 9721776) on Tuesday 9th June, 2015 for appointment as the Cabinet Secretary for Water and Irrigation.

This is therefore to request you to provide a report on re-payments of any loans that may have been advanced by the Commission to the said nominee. The information will assist the Committee undertake its mandate more effectively.

We will appreciate if the information is received by Thursday 4th June, 2015.

Yours

Handwritten signature of Justin Bundi in black ink.

JUSTIN BUNDI. CBS
CLERK OF THE NATIONAL ASSEMBLY



ETHICS AND ANTI-CORRUPTION COMMISSION

INTEGRITY CENTRE (Valley Rd. /Milimani Rd. Junction) P.O. Box 61130 -00200, NAIROBI, Kenya
TEL.: 254 (020) 2717318/ 310722, MOBILE: 0729 888881/2/3
Fax: 254 (020) 2719757 Email: eacc@integrity.go.ke Website: www.eacc.go.ke

When replying please quote:

OUR REF: EACC. 7/10/5(59)

5th June, 2015

Justin Bundi, CBS
Clerk of the National Assembly
National Assembly
Parliament Buildings
P O Box 41842 -00100
NAIROBI

① D/kombes

② Deuchas
pls deaf
FA

Dear *Justin,*

RE: REPORT ON NOMINEE FOR APPOINTMENT AS CABINET SECRETARY FOR WATER AND IRRIGATION 08/6

Your letter **Ref. NA/COMM/APPT/2015** dated 28th May, 2015 on the above matter, is hereby acknowledged.

We confirm that we have no outstanding issues or ongoing investigations against the nominee whose details are given below:-

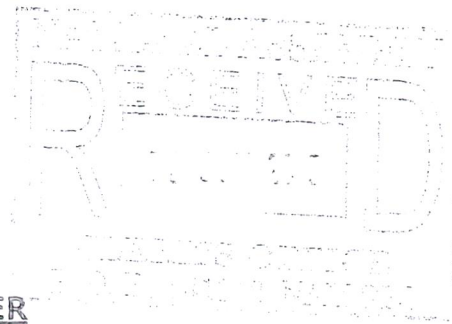
| NO | NAME | Identity Number |
|----|--------------------|-----------------|
| 1. | Hon Eugene Wamalwa | 9721776 |

Please note that absence of records in our database is not a guarantee of absolute integrity of the officer.

Yours *Sincerely,*

MICHAEL K. MUBEA
DEPUTY SECRETARY/CEO-OPERATIONS
FOR: SECRETARY/CHIEF EXECUTIVE OFFICER

PO/tnm



REPUBLIC OF KENYA

Telegraphic Address
'Bunge', Nairobi
Tel. +254-020-2221291
Fax: +254-020-22243694
E-mail: clerk@parliament.go.ke
When replying please quote



NATIONAL ASSEMBLY

Clerk's Chambers
National Assembly
Parliament Buildings
P.O. Box 41842 -00100
NAIROBI,

REF: NA/COMM/APPT/ 2015

28th May, 2015

Halakhe Dida Waqo
Secretary/Chief Executive
Ethics & Anti-Corruption Commission
Integrity Centre
Milimani/Valley Road Junction
NAIROBI

Dear *Mr. Halakhe*

REF: VETTING OF NOMINEE FOR APPOINTMENT AS CABINET SECRETARY FOR WATER AND IRRIGATION

The Committee on Appointments is established pursuant to Standing Order 204 and is mandated to consider for approval by the House, appointments under Article 152(2) of the Constitution (Cabinet Secretary).

The Committee will be conducting the vetting of the nominee, Hon. Eugene Wamalwa (ID No. 9721776) on Tuesday 9th June, 2015 for appointment as the Cabinet Secretary for Water and Irrigation.

This is to request you to provide any information touching on the integrity of the said nominee that may be in possession of the Commission. The information will assist the Committee undertake its mandate more effectively.

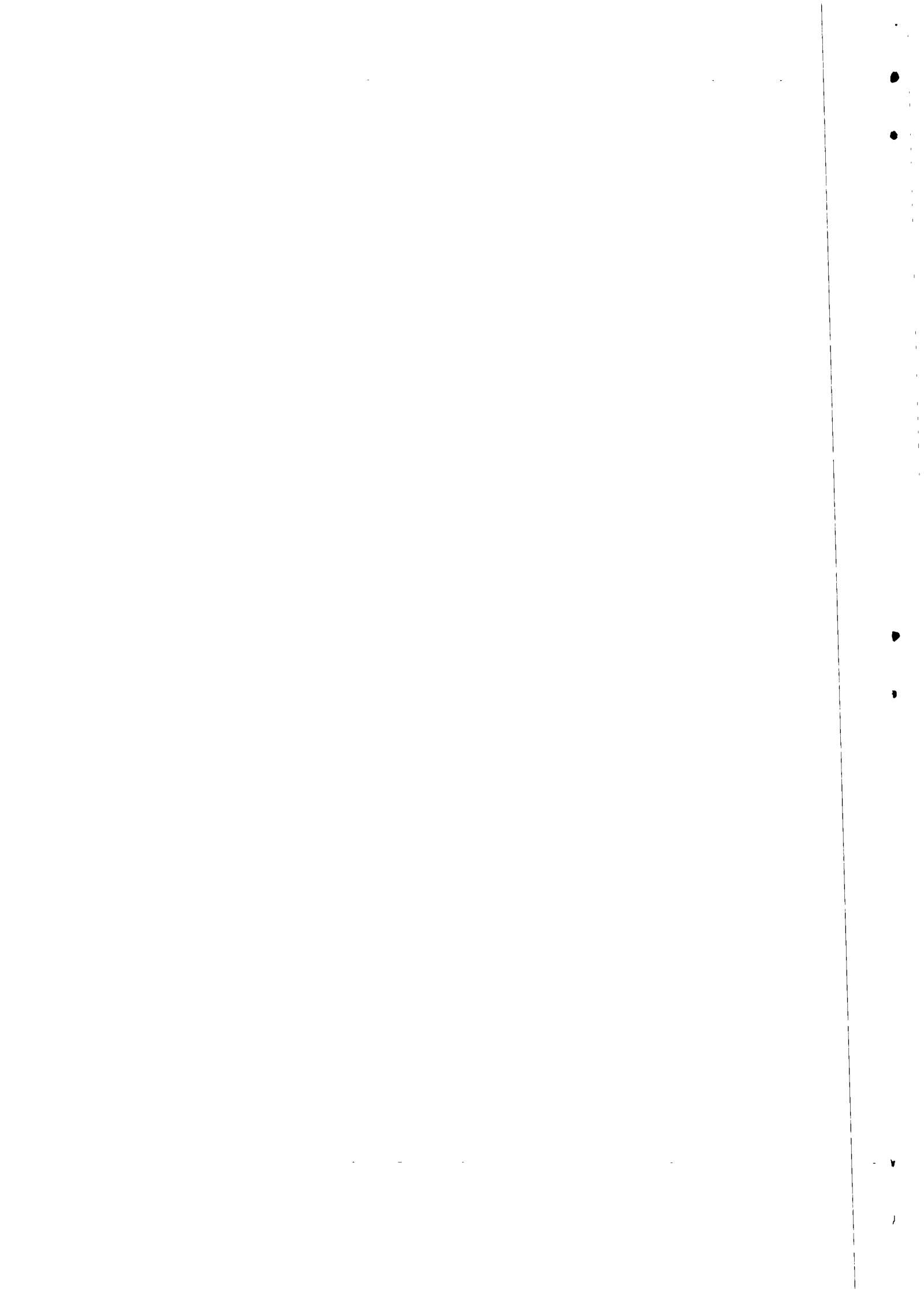
We will appreciate if the information is received by Thursday 4th June, 2015.

Yours

A handwritten signature in black ink, appearing to read 'Justin Bundi'.

JUSTIN BUNDI, CBS
CLERK OF THE NATIONAL ASSEMBLY

Appendix (3)
(Curriculum Vitae)

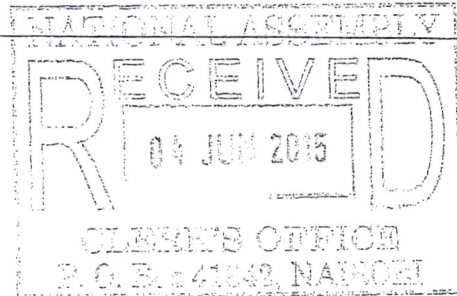


EUGENE LUDOVIC WAMALWA, E.G.H.

DATE OF BIRTH 1ST April 1969
NATIONALITY Kenyan
MARITAL STATUS Married
ADDRESS P.O. BOX 10539 - 00100, G.P.O., Nairobi
TELEPHONE (254) 020 - 5295626 (H), 0700-004179(M)
E-MAIL elwamalwa@gmail.com.

PROFESSIONAL QUALIFICATIONS

- Advocate of the High Court of Kenya
- Commissioner for Oaths
- Notary Public
- Certified Public Secretary



WORK EXPERIENCE

2012 - 2013 : Minister for Justice, National Cohesion and Constitutional Affairs

- Provided leadership and policy direction to the ministry staff and the Government on many critical national issues including implementation of the constitution, national cohesion and integration, ethics and integrity, elections, political parties, legal education, legal reform and human rights.

Key Achievements

A. Successful Constitutional Implementation by working closely with CIC, CIOC, KLRC, the Office of The Attorney General, the Office of the President, Office of The Prime Minister and the Office of The Speaker to ensure successful implementation of the Constitution.

1. Bills Submitted to implement the Constitution

- a. The Campaign Financing Bill 2012 which resulted in the Campaign Financing Act (No. 42 of 2013)
- b. Proposed amendments to the Constitution, vide **Constitution of Kenya (Amendment) Bill 2012**, so as to ensure that there is a methodology of meeting the rule that not more than one gender has more than 2/3 representation in Parliament. This initiative was however not successful and in consultation with the Hon. Attorney General resorted to a judicial intervention that saw the extension of the Constitutional deadline to August 2015.
- c. Vetting of Judges and Magistrates (Amendment) Bill 2012 – Transferred the obligation of vetting magistrates who were in office on the effective date to the Board and provided that the Board shall undertake the vetting exercise as one Board and not as panels.
- d. Truth, Justice and Reconciliation (Amendment) Bill, 2012 – to extend the term of TJRC and permit them to complete their mandate.
- e. Elections (Amendment) Bill, 2012 – to shorten the period provided for the inspection of the principal register of voters so as to enable the IEBC develop a principal register of voters based on the voter's biometric information and to facilitate the smooth preparation for the first general elections under the new constitution.
- f. Kenya Law Reform Commission Bill, 2012 – set up the KLRC, modernize and expand its functions so as to enhance its operational autonomy.
- g. National Cohesion and Integration (Amendment) Bill, 2012 – to provide a clear procedure for the reappointment of commissioners.
- h. The Elections (Registration of Voters) Regulations 2012.
- i. The Elections (General) Regulations 2012

B. Peaceful Elections

1. Oversight development of the necessary Policy and Legal Framework and Regulations that enabled IEBC to prepare and conduct the historic 2013 General Elections in spite of great technological, logistical and legal challenges.

2. Organized and held nationwide County Forums on Peaceful Elections that culminated in the National Conference on Peaceful Elections that brought together all civic, religious and political leaders of the Country to ensure a shared interest in the successful conduct of peaceful elections of 2013.
3. Conducted the largest civic education exercise in Kenya to sensitize Kenyans on the provisions of the new Constitution and particularly the available elective seats, prior to the general elections of 2013. Through this program dubbed the KNICE (Kenya National Civic Education Program)
 - a. CSOs and NGOs from all Counties in the Republic were trained using a singular curricula;
 - b. Civic education materials were produced and disseminated throughout the country
 - c. Civic education program were conducted throughout the country in local dialects
 - d. The Ministry partnered with local TV and radio stations to conduct civic education

Through this exercise the people of Kenya were enabled to fully understand and participate in a complex election with the new governance structures created under the CoK 2010.

C. Policies developed

- a. Prepared and submitted for approval a **Sessional Paper on the National Policy and Action Plan for Human Rights** - To actualize Article 19 (1) CoK by providing for the promotion and protection of civil and political rights; economic and social rights; and rights of minorities and vulnerable groups.
- b. **Policy on National Values and Principles of Governance** - For creation of a value based modern Kenyan society as envisioned in Article 10 of CoK.
- c. **The National Cohesion Policy** - To deal with negative ethnicity, hate speech and promote national cohesion.
- d. **The National Legal Aid and Awareness Policy** - To make access to justice more responsive, affordable, accessible and speedy for all Kenyans.

e. **The National Ethics and Anti-Corruption Policy**

D. National Cohesion and Integration

- a. Oversaw the completion of the TJRC Report after breaking the stalemate caused by differences between the Chairman and commissioners that resulted in the failure by the Commission to submit the report by the 3rd May, 2012 deadline that necessitated an extension by Parliament, in order to provide a road map for the addressing of historical injustices.
- b. Organized a National Peace Conference for promotion of healing and reconciliation in our Country.

E. Ethics and Integrity

- a. Prepared and passed through parliament The Leadership and Integrity Bill, 2012.
- b. Ethics and integrity rules developed and approved by parliament.
- c. Oversaw the operationalization of the EACC and appointment of the first Commissioners of the EACC

F. Legal Education

1. Submitted and passed two critical Bills

a. **Kenya School of Law Act (No 26 of 2012)**

An Act of Parliament to provide for the establishment, powers and functions of the Kenya School of Law and for connected purposes.

b. **Legal Education Act (No 27 of 2012)**

An Act of Parliament to provide for the establishment of the Council of Legal Education; the establishment of the Legal Education Appeals Tribunal; the regulation and licensing of Legal Education; providers and for connected purposes.

- Through these pieces of legislation a separate and independent body (CLE) was established to regulate legal education in the Country while reserving the pre-bar training and examination to the Kenya School of Law.

G. Judicial Reforms

Worked closely with and supported the Judiciary on its transformative agenda that has seen far reaching judicial reforms and an increased budget.

1. **Judicature (Amendment) Act (No. 10A of 2012)** - Moved the Amendment to the **Judicature Act** which resulted in the increase of the number of Court of Appeal Judges to 30 Judges; High Court Judges to 150 to increase access to justice and clear the case backlog.

Led Kenya's delegation to the 105th Session of the UN Human Rights Committee session in Geneva, Switzerland - 2012

- Reported on Kenya's compliance with the International Covenant on Civil and Political Rights
- The report highlighted the manner in which the Kenya has made great strides in guaranteeing respect for human rights; the enforcement of the rule of law and the promotion of the rule of law. The report highlighted the following aspects:-
 - Independence of the judiciary
 - Efforts made to ensure access to justice
 - Police Reforms
 - Prison Reforms
 - Freedom of Information and the media
 - Equality between men and women
 - Death penalty
 - Rights of the child
 - Rights of minorities
 - Representation of women in government - Legislature/Executive
 - Historical injustices including the TJRC Report, etc

This was the first time Kenya was reporting to this international organization since the adoption of the Constitution of Kenya, 2010 on fundamental constitutional and institutional reforms realized.

2008 - 2013 : Member of Parliament, Saboti Constituency

- Participated in the legislative agenda of the 10th Parliament by moving motions and proposing various pieces of legislation and amendments to legislation.

- A member of three committees of the 10th Parliament: Defense & Foreign Relations Committee; Administration of Justice & Legal Affairs Committee and Powers and Privileges Committee

2003 - 2007 : Director, Kenya Seed Company Limited

- Provided oversight and gave direction to the management of Company in implementing their mandate. I was able to provide advice on the legal and regulatory framework of the industry and therefore supported the company with my extensive legal experience, to become the best managed state corporation at the time.

2003 - 2007 : Chairman, Board of Trustees, Kenya Seed Company Limited Staff Retirement Benefits Scheme

- Assisted the Staff Retirements Benefit Scheme set up and comply with all legal requirements. Provided leadership and direction to the Scheme thus enabling staff of the Company to benefit from better retirement benefits.

2003 - 2007 : Trustee, Local Authorities Pension Trust

- Was a key member of a team of Trustees that provided transformational leadership that saw the previously little known Local Government Officers Superannuation Fund transformed into the modern and vibrant fund known as LAPTrust.

2003 - 2007 : Chairman, Task Force Reviewing Local Government Officers Act

Directed, managed and led this taskforce in reviewing, updating and consolidating the Local Government Officers Act.

1999- To Date Senior Partner, Wamalwa & Co. Advocates

- Senior litigation counsel in charge of all civil and criminal litigation in the subordinate courts, High Court, Court of Appeal and Supreme Court
- Overall responsibility for the management of the law firm including offering legal advice and directing all advocates working in the law firm on various matters they are handling.

1995 - 1999 : Associate Advocate, Nancy Baraza & Co. Advocates

- Represented the firm's clients in various courts and tribunals in Kenya. Drafted various legal documents; advised clients on legal matters; represented clients before arbitrators; drafted conveyancing instruments and all commercial transactions.
- Successfully represented various financial institutions, private companies and state corporations.

1994 - 1995 : Advocate, J.A.B Orengo & Co. Advocates

- Served pupillage and trained in all aspects of legal practice advising of clients on various legal matters; drafting legal agreements and undertakings; Lodged and registered copyright & trademark applications; drafted mortgage and loan agreements for various banks and commercial institutions; Represented clients before courts and tribunals.

CONSULTANCIES

- Legal consultant and counsel to his Excellency Yoweri Kaguta Museveni, President of the Republic of Uganda.
- Legal advisor and counsel to his Excellency the late Michael Christopher Wamalwa Kijana, Vice President of the Republic of Kenya
- Legal advisor to various local authorities
- Legal consultant on commercial law matters and counsel to various banking and other financial institutions both local and international
- Legal consultant and counsel to various state corporations

INTERNATIONAL ASSIGNMENTS

- Counsel for the President of the Republic of Uganda His Excellency, Yoweri Kaguta Museveni, in the Presidential Election Petition of 2001, together with Dr. John Khaminwa and a team of Ugandan lawyers.
- Engaged in a legal suit between Come to Africa Safaris -vs- The Lonely Planet Publications Pty Ltd of Victoria, Australia in 2002.

- Engaged in Jinja, Uganda as legal adviser for Sietco, a Chinese state corporation in a multi million dollar Owen Falls Dam Project in arbitration with the government of Uganda in 1999.
- Engaged in Arusha, Tanzania as Counsel in a team of lawyers that obtained a landmark victory before the East African Court of Justice in Arusha that caused a review of the Nomination Rules to the East African Legislative Assembly by the Kenyan national Assembly to accord with the letter and spirit of the East African Treaty.

AREAS OF LEGAL EXPERTISE

- International Law
- Commercial law and business administration
- Constitutional law

MEMBERSHIP / ASSOCIATIONS

- Member - Defense & Foreign Relations Committee of the 10th Parliament
- Member - Administration of Justice & Legal Affairs Committee of the 10th Parliament
- Member - Multi-Sectoral Committee on the Review of the Constitution of Kenya
- Member of the Powers & Privileges Committee of the 10th Parliament
- Treasurer - World Parliamentary Scouts Association
- Member of the Law Society of Kenya
- Member of the East African Law Society
- Member of the Chartered Institute of Arbitrators
- Member of the Institute of Certified Public Secretaries
- Member and legal advisor of Kenya Scouting Association

EDUCATIONAL BACKGROUND

Year: 2015 (Ongoing)
Course: Master of Laws
Institution: University of Nairobi

Year: 1993 - 1994
Course done: Diploma in Law
Institution: Kenya School of Law
Qualification: Post Graduate Diploma in Law

Year: 1989 - 1992
Course done: Bachelor of Laws
Institution: University of Nairobi
Qualification: LLB (Hons) Degree

Year: 1988 - 1989
Course done: Kenya Advanced Certificate of Education ('A' Level)
Institution: Gendia Boys High School
Qualification: K.A.C.E. - 17 Points (Top Student)

Year: 1983 - 1986
Course done: Kenya Certificate of Education ('O' Level)
Institution: Chewoyet High School
Qualification: K.C.E. - 2nd Division

Year: 1976 - 1982
Course done: Certificate of Primary Education
Institution: Makhele Primary School
Qualification: C.P.E. - 31 Points (2nd Best Pupil)

INTERESTS

- Farming
- Law
- Politics & Community Development
- Reading

REFEREES

1. **Prof. A. Eshiwani**
Faculty of Law
University of Nairobi
P.O. Box 30197 - 00100
Nairobi.
2. **Ms. Nancy Baraza**
University of Nairobi
Faculty of Law
P.O. Box 30197 - 00100
Nairobi.
3. **Hon. James A. Orengo**
Orengo & Co. Advocates
Lonrho House
Nairobi