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30/5/2012

KENYA NATIONAL ASSEMBLY

TENTH PARLIAMENT - FOURTH SESSION (2010)

REPORT OF THE DEPARTMENTAL COMMITTEE
ON DEFENCE AND FOREIGN RELATIONS

ON THE CANDIDATES FOR ELECTION AS MEMBERS OF THE EAST AFRICAN
LEGISLATIVE ASSEMBLY (EALA)

Clerk's Chambers,
Parliament Buildings,
NAIROBI.

MAY, 2012

1. 0. PREFACE

1.1. Committee Mandate

Mr. Speaker Sir,

1.1.1 The Departmental Committee on Defence and Foreign Relations is established pursuant to the provisions of Standing Order 198 (1). Under the provisions of Standing Order 198 (3) the Committee is mandated to:-

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

1.1.2. The Committee is also mandated to scrutinize the budget of line Ministries as provided under Standing Order No. 152 states which that:-

- (i) *Upon being laid before the National Assembly, the annual estimates shall stand committed to the respective departmental Committees according to their mandates.*
- (ii) *Each departmental Committee shall consider, discuss and review the estimates committed to it under this standing order and submit its report thereon to the House within twenty one days after they were first laid before the House.*

1.1.3 The Committee oversees the performance of the following Ministries and Government departments:-

- (i) Defence;
- (ii) Foreign Affairs;
- (iii) East African Community; and
- (iv) National Security Intelligence Service.

1.1.4 Under the above Ministries, the Committee covers the following subjects;

- (i) Defence matters;
- (ii) Foreign policy;
- (iii) Treaties , Conventions and Agreements;
- (iv) International and Regional Organizations;
- (v) Bilateral and Multilateral Relations;
- (vi) Regional Cooperation policy;
- (vii) East African Community Affairs;
- (viii) National Security Intelligence.

1.2. Committee Membership

The Committee comprises the following Members of Parliament:-

The Hon. Adan W. Keynan, MP – **Chairperson**

The Hon. Benedict F. Gunda, MP – Vice Chairperson

The Hon. George O. Nyamweya, MBS, MP

The Hon. Jeremiah N. Kioni, MP

The Hon. Charles M. Kilonzo, MP

The Hon. Peter E. O. Anyanga, MP

The Hon. Wilson M. Litole, MP

The Hon. Martin O. Ogindo, MP

The Hon. Mohamed Hussein Ali, MP

The Hon. Julius K. Kilonzo, MP

1.3. Requirements of the Treaty for the Establishment of the East African Community

1.3.1. Article 50 of the Treaty for the Establishment of the East African Community, which is part of Kenya's laws, governs the election of Members to the East African Legislative Assembly. This Article provides as follows:

50. "Election of Members of the Assembly"

*1. The National Assembly of each partner State shall elect, not from among its Members, **nine Members of the Assembly**, who shall represent as much as it is feasible, the various political parties represented in the National Assembly, shades of opinion, gender and other special interest groups in that partner State, in accordance with such procedure as the National Assembly of each partner State may determine.*

2. A person shall be qualified to be elected a member of the Assembly by the National Assembly of a partner State in accordance with paragraph 1 of this Act, if such a person:-

(a) is a citizen of that partner State;

(b) is qualified to be elected a Member of the National Assembly of that partner State under its Constitution;

(c) is not holding office as a Minister in that partner State;

(d) is not an officer in the service of the Community; and,

(e) has proven experience or interest in consolidating and furthering the aims and the objectives of the Community.

1.3.2. On 9th May, 2012, the House adopted the Treaty for the Establishment of the East African Community (Election of Members of the Assembly) Rules, 2012 (**ANNEX ONE**) which paved way for the process of nomination of candidates by the relevant Parliamentary Parties.

1.3.3. On 25th May, 2012, in line with Rule 8 (1) of the Treaty for the Establishment of the East African Community (Election of Members of the Assembly) Rules, 2012, the Party Whip of the Orange Democratic Movement and the Party Whip of the Party of National Unity presented nomination papers in respect of the following twenty-one (21) candidates to the Returning Officer-

NO	NAME	GENDER	PARTY	COUNTY	REGION
PNU PARTY AND ITS ASSOCIATES (10 NOMINEES)					
1	MS. JENIFER CHEPKWEMOI MASIS	FEMALE	PNU (WIPER DEMOCRATIC MOVEMENT PARTY)	Trans Nzoia	Rift Valley
2.	MR. SAOLI OLE NKANAE, MBS	MALE	PNU	Narok	Rift Valley
3.	MR. ABUBAKAR AHMED TALIB	MALE	PNU (WIPER DEMOCRATIC MOVEMENT PARTY)	Kitui	Eastern
4.	MS. TAWHIDA RAMADHANI JUMA	FEMALE	PNU (NARC - KENYA	Mombasa	Coast
5.	HON. SARAH TALASO BONAYA	FEMALE	PNU (KANU)	Marsabit	Eastern
6.	AMB. ABUBAKR D. ABDI OGLE	MALE	PNU (NARC - KENYA	Wajir	North Eastern
7.	MR. MOHAMUD SHEIKH ADAN	MALE	(PNU) – DP	Mandera	North Eastern
8.	MR. CHARLES LOKIOTO EWOI	MALE	PNU (FORD –K)	Turkana	Rift Valley
9.	HON. CATHERINE N. KIMURA	FEMALE	PNU (NARC – KENYA	Muranga	Central
10.	MR. PETER MUTUKU MATHUKI	MALE	PNU (WIPER DEMOCRATIC MOVEMENT PARTY)	Machakos	Eastern
11.	DR. CHOMBA MUNYI	MALE	PNU (KANU)		
12.	MR. DUNCAN NDEGWA	MALE	PNU (KANU)		
ODM PARTY (9 NOMINEES)					
1.	MR. JOSEPH KIANGOI OMBASA, OGW	MALE	ODM PARTY	Nyamira	Nyanza
2.	MS. NANCY KABEYEKA LUNG'AHU ABISAI	FEMALE	ODM PARTY	Vihiga	Western
3.	HON. PETER ODOYO	MALE	ODM PARTY	Kisumu	Nyanza
4.	MS. JUDITH NAYIAI R.	FEMALE	ODM PARTY	Kajiado	Rift Valley

Report on the candidates for election as Members of the East African Legislative Assembly (EALA)

	PARENO				
5.	MR. JUNET SHEIKH NUH MOHAMED	MALE	ODM PARTY	Mandera	North Eastern
6.	MR. RONALD NG'ENY	MALE	ODM PARTY	Bomet	Rift Valley
7.	MS. MUMBI NG'ARU	FEMALE	ODM PARTY	Kiambu	Central
8.	MR. ABUBAKAR ZEIN ABUBAKAR	MALE	ODM PARTY	Mombasa	Coast
9.	HON. IMMANUEL ICHOR IMANA	MALE	ODM PARTY	Turkana	Rift Valley

1.3.4. The nomination papers in respect of two nominees nominated by PNU – KANU were rejected by the Returning Officer owing to incomplete documentation. Consequently, by the end of the nomination day, the following nineteen candidates had been validly nominated-

NO	NAME	GENDER	PARTY	COUNTY	REGION
PNU PARTY AND ITS ASSOCIATES (10 NOMINEES)					
1	MS. JENIFER CHEPKWEMOI MASIS	FEMALE	PNU (WIPER DEMOCRATIC MOVEMENT PARTY)	Trans Nzoia	Rift Valley
2.	MR. SAOLI OLE NKANAE, MBS	MALE	PNU	Narok	Rift Valley
3.	MR. ABUBAKAR AHMED TALIB	MALE	PNU (WIPER DEMOCRATIC MOVEMENT PARTY)	Kitui	Eastern
4.	MS. TAWHIDA RAMADHANI JUMA	FEMALE	PNU (NARC - KENYA)	Mombasa	Coast
5.	HON. SARAH TALASO BONAYA	FEMALE	PNU (KANU)	Marsabit	Eastern
6.	AMB. ABUBAKR D. ABDI OGLE	MALE	PNU (NARC - KENYA)	Wajir	North Eastern
7.	MR. MOHAMUD SHEIKH ADAN	MALE	(PNU) – DP	Mandera	North Eastern
8.	MR. CHARLES LOKIOTO EWOI	MALE	PNU (FORD –K)	Turkana	Rift Valley
9.	HON. CATHERINE N. KIMURA	FEMALE	PNU (NARC – KENYA)	Muranga	Central
10.	MR. PETER MUTUKU MATHUKI	MALE	PNU (WIPER DEMOCRATIC MOVEMENT PARTY)	Machakos	Eastern
ODM PARTY (9 NOMINEES)					
1.	MR. JOSEPH KIANGOI OMBASA, OGW	MALE	ODM PARTY	Nyamira	Nyanza

2.	MS. NANCY KABEYEKA LUNG'AHU ABISAI	FEMALE	ODM PARTY	Vihiga	Western
3.	HON. PETER ODOYO	MALE	ODM PARTY	Kisumu	Nyanza
4.	MS. JUDITH NAYIAI R. PARENO	FEMALE	ODM PARTY	Kajiado	Rift Valley
5.	MR. JUNET SHEIKH NUH MOHAMED	MALE	ODM PARTY	Mandera	North Eastern
6.	MR. RONALD NG'ENY	MALE	ODM PARTY	Bomet	Rift Valley
7.	MS. MUMBI NG'ARU	FEMALE	ODM PARTY	Kiambu	Central
8.	MR. ABUBAKAR ZEIN ABUBAKAR	MALE	ODM PARTY	Mombasa	Coast
9.	HON. IMMANUEL ICHOR IMANA	MALE	ODM PARTY	Turkana	Rift Valley

1.3.5. The list of nineteen (19) candidates was forwarded to the Committee by the Returning Officer on Tuesday 29th May, 2012.

1.3.6. From the list presented, the Committee confirmed that in terms of Rule 8(3), the candidates represented “*the various political parties represented in the National Assembly, shades of opinion, gender and other special interest groups*”.

1.4. Committee Sitting

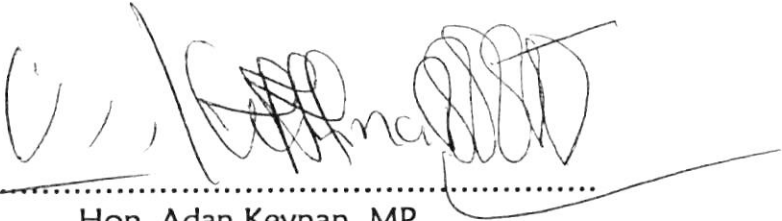
Pursuant to rule 12 (2) of the Treaty for the establishment of the East African Community (Election of Members of the Assembly) Rules, 2012, the Committee held a meeting on Wednesday, 30th May, 2012, commencing at 9:00 a.m. Each of the nineteen (19) candidates was given an opportunity to appear before the Committee, to address the Committee and to answer questions posed by the Committee. All the nineteen candidates appeared before the Committee.

The Committee’s hearings were open to the public and the minutes thereof are annexed to this report.

1.5. Acknowledgements

Mr. Speaker Sir,

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. It is now my pleasant duty and privilege, on behalf of the Departmental Committee on Defence and Foreign Relations, to present this report to the House pursuant to Rule 12 (3) of the Treaty for the establishment of the East African Community (Election of Members of the Assembly) Rules, 2012.



Signed.....

Hon. Adan Keynan, MP
Chairperson

Date: 30/5/2012

2.0. COMMITTEE DELIBERATIONS AND OBSERVATIONS

2.1. At a meeting held on 30th May, 2012, the following nineteen candidates for election to the East African Legislative Assembly appeared before the Committee as per the following schedule-

NO	NAME	GENDER	PARTY	TIME
1	MS. JENIFER CHEPKWEMOI MASIS	FEMALE	PNU (WIPER DEMOCRATIC MOVEMENT PARTY)	9.25 A.M
2.	HON. PETER ODOYO	MALE	ODM PARTY	9.35 A.M
3.	MR. SAOLI OLE NKANAE	MALE	PNU	9.45 AM
4.	MR. RONALD NG'ENY	MALE	ODM PARTY	10.05 A.M
5.	MR. ABUBAKAR AHMED TALIB	MALE	PNU (WIPER DEMOCRATIC MOVEMENT PARTY)	10.00 A.M
6.	MR. JUNET SHEIKH NUH MOHAMED	MALE	ODM PARTY	10.16 A.M
7.	MS. TAWHIDA RAMADHANI JUMA	FEMALE	PNU (NARC - KENYA	11.43 A.M
8.	MR. JOSEPH KIANGOI OMBASA, OGW	MALE	ODM PARTY	11.50 A.M
9.	HON. SARAH TALASO BONAYA	FEMALE	PNU (KANU)	11.23 A.M
10.	MS. NANCY KABEYEKA LUNG'AHU ABISAI	FEMALE	ODM PARTY	10.50 A.M
11.	AMB. ABUBAKR D. ABDI OGLE	MALE	PNU (NARC - KENYA	12.13 P.M
12.	MS. JUDITH NAYIAI R. PARENO	FEMALE	ODM PARTY	11.37 A.M
13.	MR. MOHAMUD SHEIKH ADAN	MALE	(PNU) – DP	11.03 P.M
14.	MS. MUMBI NG'ARU	FEMALE	ODM PARTY	12.20 P.M
15.	MR. CHARLES LOKIOTO EWOI	MALE	PNU (FORD –K)	12.49 P.M
16.	MR. ABUBAKAR ZEIN ABUBAKAR	MALE	ODM PARTY	12.30 P.M
17.	HON. CATHERINE N. KIMURA	FEMALE	PNU (NARC – KENYA	11.30 A.M
18.	HON. IMMANUEL ICHOR IMANA	MALE	ODM PARTY	12.00 P.M
19.	MR. PETER MUTUKU MATHUKI	MALE	PNU (WIPER DEMOCRATIC MOVEMENT PARTY)	11.16 A.M

2.2. In conducting the interviews, the Committee examined the candidates against the requirements of Article 50 of **The Treaty for the Establishment of the East African Community**. The Article requires that the nominees possess the following qualifications: -

(a) is a Kenyan citizen;

(b) is qualified to be elected a Member of the National Assembly of Kenya under the Constitution;

(c) is not holding office as a Minister;

(d) is not an officer in the Public service; and,

(e) has proven experience or interest in consolidating and furthering the aims and the objectives of the Community.

2.3. Each candidate had the opportunity to address the Committee in both English and Kiswahili on their educational and professional background and also on issues relating to the East African Community and the East African Legislative Assembly.

2.4. At the conclusion of the exercise, the Committee made the following observations on each of the nominees-

i) Ms. Jenepher Chepkwemoi Masis (PNU – Wiper Democratic Movement Party Nominee): Ms. Masis informed the Committee that she is an O level holder, and is presently a student at Digital Advisory and Learning Centre (DALC) where she is pursuing a Bachelor's degree in Community Development and Resource Mobilization. She has attended trainings and workshops on political leadership, peace building and conflict resolution.

Ms. Masis is a national delegate of Maendeleo ya Wanawake Organization. She is also a Project Manager, National Council of Women of Kenya in the North Rift Region, the Executive Director of Tears of Women Organization in Kitale handling women issues in Trans-Nzoia, Mt. Elgon and West Pokot Counties. She is the District convener of the Kenya Women Caucus and is the Programme Officer in charge of policy and strategy for Rural Women Peace Link and the Project Coordinator and Board Member for Centre for Multi-

Party Democracy. She was a founder member of the League of Kenya Women Voters and is the Vice-Chairperson, National Women's Agenda Kenya. Ms. Masis was a delegate of the Constitution of Kenya Review Commission (CKRC) and was a member of the Board of the Betting Control and Licensing Board.

Ms. Masis informed the Committee that the East African Legislative Assembly is central to ensuring the growth of the East African Community in all spheres – economic, social, and political and that the Assembly is an integral body in peace-building within the country.

She further informed the Committee that she believed she was best-suited for election as a Member of the Assembly owing to her wide experience in peace building and socio-economic issues at the community level. She further observed that she ought to be considered as a woman from one of the marginalized counties.

- ii) **Mr. Saoli Ole Nkanae, MBS (PNU Party Nominee):** He is the holder of Bachelor of Education – Science Degree in Botany and Zoology from the University of Nairobi. He is a long-serving Education Officer having previously served as a teacher in various schools. He also has a Diploma in Community based Prevention Management and Treatment of AIDS at Galilee College in Israel. He has attended several management courses offered by the Eastern and Southern Africa Management Institute (ESAMI). He has served in several capacities in the Education sector, including as a Commissioner of the Teachers Service Commission, as Deputy Chairman of the Teachers Service Commission, and as a District Education Officer for many years in various Districts.

Mr. ole Nkanae informed the Committee that with his background and experience in the education sector, as a Member of the Assembly he would

be interested in ensuring that a common education system is adopted by the partner States. Mr. Nkanae also informed the Committee that he is from a minority community.

iii) **Hon. Catherine N. Kimura (PNU – NARC Kenya Party Nominee):** A holder of Bachelor of Arts Degree from the University of East Africa, Nairobi (1970). She also has a Post Graduate Diploma in Tourism and International Relations from the University of Paris and a Post Graduate Certificate in Public Finance Management from the University of Connecticut, USA. She has attended technical and professional courses on Budgeting in the Public Sector, Development and Management of Tourism Resources, Management Development, among others. She has served in Government and rose through the ranks from the position of Assistant Tourist Officer, Tourist Officer, Director, Assistant Secretary, Under Secretary, Deputy Secretary, Chief Finance Officer, Project Coordinator – Nairobi City Council Financial Oversight Board, Advisor – Inspectorate of State Corporations and Investment Secretary and Head of Privatization in the Ministry of Finance.

Ms. Kimura is presently a Member of the East African Legislative Assembly (EALA) which she has served since 2007 to date. While in EALA, she served as the Chairperson of Communications, Trade and Investment Committee and a Member of the Accounts Committee. Ms. Kimura informed the Committee that as the Chairperson of the Communications, Trade and Investment Committee, she interacted with Members of Parliament from Kenya and with stakeholders on trade issues. She also sourced for funding for sensitization of key stakeholders on trade and economic partnership agreements under the East African Community. She further stated that she engaged stakeholders on Bills that were before the Assembly and ensured that the input of the stakeholders was taken into account in the legislation that was passed.

iv) **Hon. Sarah Talaso Godana (PNU – KANU Party Nominee)**: The nominee holds a Masters in Health Management, Policy and Planning from Leeds University (UK), a Diploma in Midwifery, a Diploma in Nursing and a Higher Diploma in Public Health Education from Kenya Medical College. She has served in the Health Sector in various capacities including Nursing Officer III (in Moyale Sub-district hospital), Nursing Officer II, Health Education officer (in Kenyatta National Hospital) and Information Education and Communication Officer (KEPI and RH Unit of the Ministry of Health).

She is a Member of the East African Legislative Assembly (EALA) a position she has held since 2007. In the Assembly, she has served in three committees, namely the Regional Affairs and Conflict Resolution Committee, the General Purpose and Budget Committee and Legal Rules and Privileges Committee. Hon. Bonaya informed the Committee that if re-elected, she would be an asset as she has institutional memory in the issues before the Assembly that will ensure continuation and enrich debates in the Assembly, particularly on matters of health, women issues, education, budget matters, peace and security.

v) **Amb. Abubakar Dubow Abdi Ogle (PNU – NARC Kenya Party Nominee)**: Mr. Abubakar holds a Masters Degree in Journalism from the University of Wales (UK) and a Certificate from the Centre for Diplomatic Training in Tehran in the Islamic Republic of Iran. He has over 25 years working experience as a journalist, a political commentator, analyst, teacher and he recently served as Kenya's Ambassador to the Kingdom of Saudi Arabia with multiple accreditations to several Gulf and Middle East Countries.

Amb. Ogle stated that his experience and track record as an accomplished journalist and diplomat would be an asset to the East African Legislative Assembly. He stated that as an Ambassador, he had been involved in trade negotiations.

vi) Mr. Charles Lokioto Ewoi (PNU – Ford Kenya Party Nominee): Mr. Ewoi is a holder of Bachelor of Education (Arts) degree from Kenyatta University, Bachelor of Arts Continuing Education from Portsmouth University (UK), and Certificate in Teaching Egoji Teachers Training College. He has previously served as a Teacher, Deputy Headteacher and as a Quality Assurance, a Standards Officer, a District Early Childhood Education Lecturer, and recently from 2006 to 2011 as the Executive Secretary of Kenya National Union of Teachers (KNUT), Turkana Branch.

Mr. Ewoi informed the Committee that with his background and experience in the education sector, as a Member of the Assembly he would be interested in ensuring that a common education system is adopted by the Partner States. He further informed the Committee that coming from Turkana, a County that borders other East African States, peace and conflict resolution issues would matter that he would seek to champion in the Assembly.

Concerning the question as to whether he is a public officer, Mr. Ewoi informed the Committee that he was an employee of the Teachers Service Commission. He informed the Committee that he had written a resignation letter dated 21st May 2012 to the Commission, a copy of which he provided and which is annexed to this Report as **Annex 2**. The Committee observed that this letter had not been date-stamped as received by the Commission, a position that Mr. Ewoi confirmed. Mr. Ewoi further submitted a print-out titled “IPPD Reference Data Sheet – Complement Control Record” – **Annex 3**.

The Committee observed that Mr. Ewoi did not appear to have met the requirements of section 35(1)(f) of the former Constitution, which by section 3 of the Sixth Schedule to the Constitution, is applicable. That section

provides that a person shall not be qualified to be elected as a member of the National Assembly if on the date of his nomination he holds or is acting in any office in the public service.

- vii) **Mr. Peter Mutuku Mathuki (PNU – Wiper Democratic Movement Party Nominee)**: The Nominee holds a Master of Business Administration (MBA) degree and a Bachelor of Commerce Degree from Maharishi Dayanand (India), and is currently pursuing a Ph.D Degree in Strategic Planning focus on Industrial Relations from the University of Nairobi. He is a professional Member of Kenya Institute of Management (KIM), ILO – Turin, Organization for Social Science Research in East and South Africa (OSSREA). He has over sixteen years of working experience at the national, regional and international levels in different capacities. He has served as Director/Coordinator of Human and Trade Union Rights with the African Regional Organization of the International Confederation of Free Trade Unions (2004 – 2007).

He has also worked as a Public Relations Officer and as a Lobbying and Advocacy Officer with the East African Trade Union Confederation. He was closely involved in negotiations for the East African Common Market Protocol. He has also previously served as the Human Resource/Administrator in several local multinational organizations and as a lecturer at Kenya Polytechnic University College (1996 - 2004).

He informed the Committee that if elected as a Member of the Assembly he would be interested in ensuring that the legislation required for the implementation of the protocol is enacted. Such legislation would assist in overcoming the trade challenges experienced in the Community. He further added that in his view, each phase of the federation should be taken

at its own phase and that the political federation should only be entered into once there is sufficient awareness amongst the citizens.

viii) **Immanuel Ichor Imana (ODM Party Nominee)**: is a holder of B.Sc in Business Administration from United States International University. He is currently the Coordinator of ATEKER, a peace foundation. He holds Certificates in Senior Management and Management Development from the Kenya Institute of Administration (K.I.A), and Certificates in Fishery Co-operative management, Co-operative Management, Co-operative Administration (CCA), Booking and Management and Human Resource Development. He has attended various Seminars in a number of areas including: the Management of pension schemes, Anti-Corruption Management, Water catchment in Kerio Valley Development Areas of Operation of KVDA and Results through people Chief Executive Forum for Parastatals.

He has a wide array of experience in the field of management and has served in various capacities as a Managing Director of Kerio Valley Development Authority (KVDA), Managing Director of Milling Corporation of Kenya, Project Manager at Lodwar Polytechnic, General Manager at Turkana Fisheries Co-operative Society (TFCS), Deputy General Manager at Turkana Fisheries Co-operative-Kalokol. He has worked with UNICEF as a Resident Programme Officer (RPO) and with Lutheran World Federation and UNHR as a Consultant. He was a Board Trustee and Board Member of Moi Teaching and Referral Hospital for six years. Mr. Imaana served as a Member of Parliament for Turkana Central constituency from 1996 to 1997.

He informed the Committee that he is currently working in the arena of peace building and conflict resolution and that his experience in this area would be an added advantage if he were elected to the Assembly.

ix) **Hon. Peter Odoyo (ODM Party Nominee)**: The nominee holds an MBA in Marketing and Strategic Management from the University of Bradford, UK and a B.Sc. (Hons) in Economics from the University of Wales, UK. He has attended numerous Certificate training programmes in economics, management and administration. He is currently the Managing Director of Spellman and Walker Group. He has worked as an Economic Consultant at USAID Kenya Mission, African Economic Development Consultants (ADEC) and UNICEF Regional Office for East and Southern Africa (UNICEF ESARO). He has also worked with Unilever Kenya as a manager and officer; with Ministry of Commerce and Industry as a District Trade officer; and with The Development Bank of Africa as a Project Officer. He has served as a Member of Parliament for Nyakach Constituency for two terms (1997 – 2007) and has held positions in Cabinet as the Assistant Minister for Labor and Human Resource Development, the Assistant Minister in Regional Development and as the Assistant Minister of Foreign Affairs. He is an active participant in local and national development issues.

Hon. Odoyo informed the Committee that if elected to the Assembly his experience as a legislator in Kenya would be useful. He informed the Committee that he would be particularly interested in issues of trade and peace.

x) **Ms. Tawhida Ramadhani Juma (PNU – Narc Kenya Party Nominee)**: Is a holder of a BBA in Management from the American University in Dubai. She holds a Certificate in Elementary Arabic and a Higher Secondary Certificate from the Aga Khan High School, Nairobi. She currently is the Managing Director of TASARA Investment Company and the Vice Chair of NARC K, Mombasa County Branch. She has worked with AL TAQDEER Trading as a Sales Representative and as a Boarding Control and Airport

Services Agent with Emirates Airlines. Ms. Tawhida has membership in the World Youth Parliament Kenya Chapter, Dubai for Kenya Charity Organization and Dubai for Kenya Development Association. She is a Sub-Committee member for chamber of commerce wholesale and Retail Department.

Ms. Juma stated that if elected to the Assembly, this would serve to encourage other youthful persons within the Community to seek elective positions. She stated that her main interest if elected would be issues of youth, education and technology.

- xi) **Mr. Mohamud Sheikh Adan (PNU – Democratic Party Nominee)**: He is the holder of a Master of Arts in Conflict Resolution and Peace Building degree from the University of Bradford (UK). He has worked as a consultant for Pact Kenya/ ILO in Punt Land/ Somaliland on Environmental Governance and Devolution of Powers with Ministry of Environmental and Local Government (2010-2011). Mr. Mohamed has previously worked for UNDP South Sudan (2007-2009) as an International Rule of Law Officer in charge of the Access to Justice Project and also as head of Sub- Office in Jonglei State. He also worked for Intermediate Technology Development Group for five years as a Pastoralist Project Manager involved in capacity building of Traditional Institutions of the Pastoralists.

He informed the Committee that having worked in the region in the last thirty years, his experience would be invaluable if elected a Member of the Assembly. He indicated that his main areas of focus if elected would be conflict resolution as well as economic integration.

- xii) **Mr. Abubakar Ahmed Talib (PNU – Wiper Democratic Movement Party Nominee)**: The nominee who is a businessman is a Member of the Wiper

Democratic Party. He attended the Grange International School for his O-Level and has worked as the Managing Director in the Mombasa Raha Company and has successfully managed to oversee the growth of two fleets of buses since the inception of the Company in 1995 to thirty buses presently. Mr. Abubakar has been involved in the Oil industry through the supply of furnace oil to various companies within East Africa.

He informed the Committee that he had first-hand knowledge of the challenges experienced with cross-border trade within the region and that this would therefore be a major area of focus for him if elected to the Assembly.

xiii) **Mr. Ronald Kipngetich Ngeny (ODM Party Nominee)** : The nominee who is member of the Orange Democratic Movement attended his O'level studies in 1987. Mr. Ng'eny was until his resignation, a nominated Councilor, County Council of Bureti. He is also the Chairman and a member of the Board of Directors of Mogogosiek Tea Factory.

He informed the Committee that his major area of focus if elected to the Assembly would be trade. Issues concerning transport between the Partner States would also be of interest to him.

xiv) **Ms. Mumbi Ng'aru (ODM Party Nominee)**: The nominee is the ODM coordinator and Advisor for Central Province and a Member of the National Executive Council (NEC) of ODM. She holds a Bachelors of Arts degree in Social Work from the University of Nairobi. Ms. Mumbi Ngaru was the mayor of Thika Municipal Council from 2001 to 2002. She is a businesswoman and a farmer and she has attended several workshops both in the political and the education sectors.

Ms. Ng'aru stated that if elected to the Assembly, she would ensure that the Assembly enjoyed grassroots support in Kenya as, in her view, lack of

grassroots support had contributed to the initial collapse of the Community. She further stated that she would ensure women's empowerment in governance and oversight as a Member of the Assembly.

xv) **Ms. Judith Nayiai R. Pareno (ODM Party Nominee)**: The nominee is a holder of a Bachelor of Laws Degree (LLB) from the University of Nairobi. She also possesses a Diploma in Law from the Kenya School of Law. Ms. Pareno established a law firm J.N Pareno and Company Advocates in 2000 where she handles corporate as well as individual clients in conveyancing as well as civil and criminal cases. She is also a member of the Legal Committee of the Orange Democratic Party and a board member of the National Elections Board of ODM Party.

She informed the Committee that she had studied the Strategic Plan of the Assembly and had observed that there were outstanding matters. If elected, she intended to ensure that all the issues in the Plan were actualized. She further stated that her immediate concerns if elected would be on economic matters as well as gender issues.

xvi) **Ms. Nancy Kabeyeka Lung'ahi Abisai (ODM Party Nominee)**: Ms. Nancy holds a Bachelors Degree in Business Administration and Management from Cyprus College (Cyprus). She is currently pursuing a Masters Degree in Development Studies (St. Paul's University). The nominee is a member of the ODM Party and as of 2008, the Deputy National Chairperson of the Orange Women Democrats. She is involved in management and administration of NGO including Shelter Forum and Cohre Africa. She also has ten years experience in policy advocacy trained in lobbying and advocacy through the African Centre for Gender and Advocacy and later as the program manager at Shelter Forum in charge of Policy and Advocacy Program. Further, Ms. Nancy Kabeyeka has experience in gender issues having participated at the

Beijing Platform of Action. She is currently the program officer for the Africa Program of the Centre for Housing Rights and Evictions.

She informed the Committee that if elected, she would add value to the Assembly particularly in the areas of strengthening democracy, reduction of poverty and human rights.

xvii) **Mr. Junet Sheikh Nuh Mohamed (ODM Party Nominee)**: The nominee holds a Diploma in Business Management and Entrepreneurship from Woodvale Institute. The nominee was in from 2003 to 2008, nominated as a Councilor in Migori County Council. During the same period, he was the Mayor of Migori County Council. Mr. Sheikh Nuh is currently a businessman and the Chief Executive Officer of the Al – Falah Wholesalers.

He informed the Committee that he was well aware of the problems relating to immigration and customs in the Community. Having experienced these first-hand, he would be well placed to articulate these issues if elected to the Assembly.

xviii) **Mr. Joseph Kiangoi Ombasa, OGW (ODM Party Nominee)**: He holds a Bachelors Degree of Laws (LLB) degree from the University of Nairobi, and is currently a legal practitioner. Mr. Ombasa was elected as a Member of Parliament (1998- 2002). He served as an Assistant Minister in the Ministry of Local Government and the Ministry of Research and Technology. He served as District Magistrate II from 1978 to 1980. He has been, among other leadership positions held, the Vice Patron of the Agricultural Society of Kenya. Further, the nominee was a Member of the Parliamentary Select Committee on the Review of the Constitution of Kenya (1999- 2001). The nominee has received several awards including the Order of the Grand Warrior of Kenya (OGW).

He informed the Committee that if elected to the Assembly, he would ensure that legislation-making in the Assembly is strengthened and that closer cooperation is fostered between the Partner States.

- xix) **Mr. Abubakar Zein Abubakar (ODM Party Nominee)**: Mr. Abubakar is the holder of a Bachelor of Arts Degree from Kenyatta University. He is currently pursuing a Masters Degree in Peace at the University of Nairobi. He is the Executive Director, Accounting Officer and Secretary to the Board of Trustees, Uraia Trust. He has worked as the program manager for the National Civic Education Program Phase Two, NCEP II, Uraia. He was, until his resignation, a member of the Governing Council of the Kenya Cultural Centre (2009-2012). Mr. Abubakar was a Commissioner of the Constitution of Kenya Review Commission (CKRC).

He informed the Committee that if elected he would seek to ensure that Kenya is not perceived as a threat by the other Partner States and would seek to ensure that there were “people-people” interactions between the citizens of the Partner States rather than interaction only at the policy and technical spheres.

3.0. CONCLUSIONS

Subsequent to the foregoing, the Committee observed as follows-

- (1) THAT, Article 50(1) of the *Treaty Establishing the East African Community* requires that the persons elected “*represent as much as it is feasible the various political parties represented in National Assembly, shades of opinion, gender and other special interest groups in that Partner State*”.

Further Rule 8(3) of the Rules provides that-

The Returning Officer may, after consultation with the relevant Departmental Committee, reject all nominations and order a fresh nomination if it is apparent from the list of nominees that it shall not be possible, upon the holding of elections, to have, as much as is feasible, a fair representation of the various political parties in the National Assembly, regional balance, shades of opinion, gender and other special interest groups in Kenya and to ensure that at least one third of the persons elected are women.

The Committee observed that the nomination of the nineteen (19) candidates for election satisfied the requirements of Article 50(1) of the Treaty and Rule 8(3) of the Rules.

- (2) On gender, county and regional representation, the analysis indicated as follows-

NO	NAME	GENDER	PARTY	COUNTY	REGION
PNU PARTY AND ITS ASSOCIATES (10 NOMINEES)					
1	MS. JENIFER CHEPKWEMOI MASIS	FEMALE	PNU (WIPER DEMOCRATIC MOVEMENT PARTY)	Trans Nzoia	Rift Valley
2.	MR. SAOLI OLE NKANAE, MBS	MALE	PNU	Narok	Rift Valley
3.	MR. ABUBAKAR AHMED TALIB	MALE	PNU (WIPER DEMOCRATIC MOVEMENT PARTY)	Kitui	Eastern
4.	MS. TAWHIDA RAMADHANI JUMA	FEMALE	PNU (NARC - KENYA	Mombasa	Coast
5.	HON. SARAH TALASO BONAYA	FEMALE	PNU (KANU)	Marsabit	Eastern
6.	AMB. ABUBAKR D. ABDI OGLE	MALE	PNU (NARC - KENYA	Wajir	North Eastern
7.	MR. MOHAMUD SHEIKH ADAN	MALE	(PNU) – DP	Mandera	North Eastern
8.	MR. CHARLES LOKIOTO EWOI	MALE	PNU (FORD –K)	Turkana	Rift Valley

Report on the candidates for election as Members of the East African Legislative Assembly (EALA)

9.	HON. CATHERINE N. KIMURA	FEMALE	PNU (NARC – KENYA	Muranga	Central
10.	MR. PETER MUTUKU MATHUKI	MALE	PNU (WIPER DEMOCRATIC MOVEMENT PARTY)	Machakos	Eastern
ODM PARTY (9 NOMINEES)					
1.	MR. JOSEPH KIANGOI OMBASA, OGW	MALE	ODM PARTY	Nyamira	Nyanza
2.	MS. NANCY KABEYKA LUNG'AHU ABISAI	FEMALE	ODM PARTY	Vihiga	Western
3.	HON. PETER ODOYO	MALE	ODM PARTY	Kisumu	Nyanza
4.	MS. JUDITH NAYIAI R. PARENO	FEMALE	ODM PARTY	Kajiado	Rift Valley
5.	MR. JUNET SHEIKH NUH MOHAMED	MALE	ODM PARTY	Mandera	North Eastern
6.	MR. RONALD NG'ENY	MALE	ODM PARTY	Bomet	Rift Valley
7.	MS. MUMBI NG'ARU	FEMALE	ODM PARTY	Kiambu	Central
8.	MR. ABUBAKAR ZEIN ABUBAKAR	MALE	ODM PARTY	Mombasa	Coast
9.	HON. IMMANUEL ICHOR IMANA	MALE	ODM PARTY	Turkana	Rift Valley

(3) On regional representation, the Committee observed the following as the spread-

1. EASTERN REGION

No.	Name	Gender	Party	County
1	HON. SARAH TALASO BONAYA	FEMALE	PNU (KANU)	MARSABIT
2.	MR. ABUBAKAR AHMED TALIB	MALE	PNU (WIPER DEMOCRATIC MOVEMENT PARTY)	KITUI
3.	MR. PETER MUTUKU MATHUKI	MALE	PNU (WIPER DEMOCRATIC MOVEMENT PARTY)	MACHAKOS

2. NORTH EASTERN

No.	Name	Gender	Party	County
1	MR. JUNET SHEIKH NUH MOHAMED	MALE	ODM PARTY	MANDERA
2.	MR. MOHAMUD SHEIKH ADAN	MALE	(PNU) – DP	MANDERA

3.	AMB. ABUBAKR D. ABDI OGLE	MALE	PNU (NARC - KENYA	WAJIR
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3. CENTRAL

No.	Name	Gender	Party	County
1	MS. MUMBI NG'ARU	FEMALE	ODM PARTY	KIAMBU
2.	HON. CATHERINE N. KIMURA	FEMALE	PNU (NARC – KENYA	MURANG'A

4. RIFT VALLEY

No.	Name	Gender	Party	County
1	MS. JENIFER CHEPKWEMOI MASIS	FEMALE	PNU (WIPER DEMOCRATIC MOVEMENT PARTY)	TRANS NZOIA
2.	MR. SAOLI OLE NKANAE	MALE	PNU	NAROK
3.	MR. RONALD NG'ENY	MALE	ODM PARTY	BOMET
4.	MS. JUDITH NAYIAI R. PARENO	FEMALE	ODM PARTY	KAJIADO
5.	MR. CHARLES LOKIOTO EWOI	MALE	PNU (FORD –K)	TURKANA
6.	HON. IMMANUEL ICHOR IMANA	MALE	ODM PARTY	TURKANA

5. NYANZA

No.	Name	Gender	Party	County
1	HON. PETER ODOYO	MALE	ODM PARTY	KISUMU
2.	MR. JOSEPH KIANGOI OMBASA, OGW	MALE	ODM PARTY	NYAMIRA

6. COAST

No.	Name	Gender	Party	County
1	MS. TAWHIDA RAMADHANI JUMA	FEMALE	PNU (NARC - KENYA	MOMBASA
2.	MR. ABUBAKAR ZEIN ABUBAKAR	MALE	ODM PARTY	MOMBASA

7. WESTERN

No.	Name	Gender	Party	County
1	MS. NANCY KABEYEKA LUNG'AHU ABISAI	FEMALE	ODM PARTY	VIHIGA

The Committee observed that there was no candidate nominated from the Nairobi region.

(4) On the youth, the Committee noted that only two candidates fell within this category-

No.	Name	Age	Gender	Party	County
1	MR. JUNET SHEIKH NUH MOHAMED	34	MALE	ODM PARTY	MANDERA
2.	MS. TAWHIDA RAMADHANI JUMA	31	FEMALE	PNU (NARC - KENYA	MOMBASA

(5) On gender, the Committee observed that of the candidates nominated by each party-

1. ODM Party nominated 6 male candidates and 3 female candidates; and
2. PNU Party and its Associates nominated 6 male candidates and 4 female candidates.

(6) Concerning the nomination of Mr. Charles Lokioto Ewoi (PNU - FORD – K Party Nominee), Mr. Ewoi informed the Committee that he was an employee of the Teachers Service Commission. He informed the Committee that he had written a resignation letter dated 21st May 2012 to the Commission, a copy of which he provided and which is annexed to this Report as **Annex 2**. The Committee observed that this letter had not been date-stamped as received by the Commission, a position that Mr. Ewoi confirmed. Mr. Ewoi further submitted a

print-out titled “IPPD Reference Data Sheet – Complement Control Record” – Annex 3.

The Committee observed that Mr. Ewoi did not appear to have met the requirements of section 35(1)(f) of the former Constitution, which by section 3 of the Sixth Schedule to the Constitution, is applicable. That section provides that a person shall not be qualified to be elected as a member of the National Assembly if on the date of his nomination he holds or is acting in any office in the public service.

(7) **THAT**, pursuant to Article 50(1) of the *Treaty Establishing the East African Community* and Rule 8(3) of the Rules, the Committee observes that in the election of the members of the East African Legislative Assembly, the House will be required to ensure that the persons elected “*represent as much as it is feasible, a fair representation of the various political parties in the National Assembly, regional balance, shades of opinion, gender and other special interest groups in Kenya and to ensure that at least one third of the persons elected are women*”.

(8) **THAT**, in view of the strict timelines attendant to this matter, the Committee proposes that the matter be dealt with expeditiously in order to ensure that the elected Members of the East African Legislative Assembly participate in the inauguration of the New Parliament of the East African Legislative Assembly scheduled for 4th June, 2012.

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4.0. COMMITTEE MINUTES

MINUTES OF THE 179TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
DEFENCE AND FOREIGN RELATIONS HELD ON WEDNESDAY MAY 30TH , 2012 IN
THE MAIN CONFERENCE ROOM, 1ST FLOOR, COUNTY HALL, PARLIAMENT
BUILDINGS AT 9.15A.M

PRESENT

Hon. Adan Keynan, M.P - Chairperson
Hon. Wilson Litole, M.P
Hon. Martin Ogindo, M.P
Hon. Mohamed Hussein Ali, M.P
Hon. Peter Edick O. Anyanga, M.P
Hon. Kiema Kilonzo, M.P
Hon. George Omari Nyamweya, MBS, M.P

ABSENT WITH APOLOGY

Hon. Benedict Fondo Gunda, M.P - Vice Chairperson
Hon. Charles Kilonzo, M.P
Hon. Jeremiah Kioni, M.P
Hon. Yusuf Hassan, M.P

IN ATTENDANCE: NATIONAL ASSEMBLY

Ms. Eunice Gichangi	Legal Counsel
Mr. Julius Ariwomoi	Second Clerk Assistant
Ms. Leah Wanjiru	Third Clerk Assistant
Ms. Maureen Mwendwa	Parliamentary Intern

MIN.NO.686/ 2012

INTRODUCTORY REMARKS

The Chair called the meeting to order and welcomed the candidates nominated to the East African Legislative Assembly.

Introduction

Pursuant to rule 12 (2) of the Treaty for the establishment of the East African Community (Election of Members of the Assembly) Rules, 2012, the Committee *availed an opportunity to the candidates to address the Committee*. Each candidate (under oath/affirmation) was given ten minutes to not only address the Committee in (English and swahili) but also to answer questions raised by the Committee. The Committee was guided by the requirements of Article 50 of **The Treaty for the Establishment of the East African Community**. The Article requires that the nominees possess the following qualifications: -

- (a) is a Kenyan citizen;
- (b) is qualified to be elected a Member of the National Assembly of Kenya under the Constitution;
- (c) is not holding office as a Minister;
- (d) is not an officer in the Public service; and,
- (e) has proven experience or interest in consolidating and furthering the aims and the objectives of the Community.

The following were the main areas covered during the deliberations, among others:

1. The nominee's educational background and personal details
2. The nominee's prior professional/employment history
3. Public office, political activities and affiliations
4. Whether Charged in a court of law/adversely mentioned in any investigatory report of parliament or any other commission of inquiry

The Candidates' details were as follows:

Ms. Jenepher Chepkwemai Masis (PNU- WIPER DEMOCRATIC PARTY): The Candidate who comes from Trans Nzoia County appeared before the Committee and gave a brief background on her personal details, education and working experience.

Hon. Peter Odoyo (ODM PARTY): The candidate gave a brief background on her personal details, education and work experience. Hon. Aduo informed the Committee that he comes from Kisumu County. The candidate has also served as a member of parliament (1997-2002). He further stated that with his experience as a legislator he will contribute effectively to the legislative process required to fast track legislations necessary for the integration process.

Mr. Saoli Ole Nkanai (PNU PARTY):

The candidate gave a brief background on his education as well as his work experience. He further informed the Committee that he comes from Narok County. Mr. Saoli has wide experience in the education sector having worked with the Teachers Service Commission.

Mr. Ronald Kipng'etich Ngeny (ODM PARTY)

The candidate gave a brief background on his education and work experience. He further stated that he comes from Bomet County.

Mr. Abubakar Ahmed Talib (PNU- WIPER DEMOCRATIC PARTY)

The candidate appeared before the Committee and gave a brief background on his education and work experience. Further, Mr. Abubakar informed the Committee that he is a businessman and comes from Kitui County.

Mr. Junet Sheikh Nuh Mohamed (ODM PARTY)

The candidate briefed the Committee on his personal detail including his educational and work experience. He further, stated that he comes from Mandera County but he is

currently doing business in Migori County where he was in nominated as a councilor (2003 -2008) and served as a mayor for the Migori County Council (2007-2008).

Ms. Tawhida Ramadhani Juma (PNU-NARC- KENYA)

The Candidate briefed the Committee on her personal details including her educational and work experience. The Candidate could not however, express herself in Swahili despite the fact she comes from Mombasa County. The candidate informed the Committee that if elected to the E.A.L.A she would assist in legislations to help the youth tap into the business opportunities in East Africa.

Mr. Joseph Kiangoi Ombasa, OGW (ODM PARTY)

The candidate briefed the Committee on his personal details including his educational background and his work experience. He further, stated that he comes from Nyamira County and that if elected, he would, through his experience as a former Member of Parliament, contribute immensely in the legislative process by bringing up necessary legislations to actualize the integration process.

Hon. Sarah Talaso Godana (PNU- KANU)

The candidate gave a brief description of her personal details including her current experience in E.A.L.A where she he has been serving in the Committee on Regional Affairs and Conflict Resolution, among others. She stated that being elected for a second term in the Assembly would give her a chance to complete all the works that she had started since she has the institutional memory. The candidate comes from Marsabit county .

Ms.Nancy Kabeyeka Lung'ahi Abisai (ODM PARTY)

The candidate briefed the Committee on her personal details including her educational background and work experience. She further stated that she has experience in policy advocacy which would help her contribute effectively in the legislative process in the E.A.L.A.

Amb. Abubakar Dubow Abdi Ogle (PNU-NARC KENYA)

The candidate briefed the Committee on his personal details including her educational and work background. He stated that, having previously worked as ambassador (Gulf Region) accords him the experience to understand the dynamics of the regional environment and therefore assist in achievement of the goals of the East African Community. The candidate hails from Wajir County.

Ms. Judith Nayiai R. Pareno(ODM PARTY)

The candidate gave a brief description of her personal details including her education and work background. She stated that she has noted that the East Africa Community Strategic Plan is far from being actualized and therefore she would be instrumental in ensuring that the objectives are realized within the stipulated time frame. She further stated that she would introduce a Bill on women empowerment. She hails from Kajiado County.

Mr. Mohamed Sheikh Adan (PNU- DP)

The candidate gave a description of his personal details including his education and work background. The further stated that he has a comprehensive understanding of the East African region having traversed and worked in the region. He hails from Mandera County

Ms. Mumbi Ng'aru (ODM PARTY)

The candidate gave a description of his personal details including her education and work background. The candidate has previously been nominated as a Councillor in Thika Municipality. She has served in the Association of Local Government. She stated that if elected, she would ensure that ordinary Kenyans are involved in the Integration process.

Mr. Charles Lokioto Ewoi (PNU- FORD KENYA)

Concerning the nomination of Mr. Ewoi informed the Committee that he was an employee of the Teachers Service Commission. He informed the Committee that he had written a resignation letter dated 21st May 2012 to the Commission, a copy of which he provided. The Committee observed that this letter had not been date-stamped as received by the Commission, a position that Mr. Ewoi confirmed. Mr. Ewoi further submitted a print-out titled “IPPD Reference Data Sheet – Complement Control Record”.

The Committee observed that Mr. Ewoi did not appear to have met the requirements of section 35(1)(f) of the former Constitution, which by section 3 of the Sixth Schedule to the Constitution, is applicable. That section provides that a person shall not be qualified to be elected as a member of the National Assembly if on the date of his nomination he holds or is acting in any office in the public service.

Mr. Abubakar Zein Abubakar (ODM PARTY NOMINEE)

He informed the Committee that if elected he would seek to ensure that Kenya is not perceived as a threat by the other Partner States and would seek to ensure that there were “people-people” interactions between the citizens of the Partner States rather than interaction only at the policy and technical spheres

Hon. Catherine N. Kimura (PNU- NARC KENYA)

Ms. Kimura is presently a Member of the East African Legislative Assembly (EALA) which she has served since 2007 to date. While in EALA, she served as the Chairperson of Communications, Trade and Investment Committee and a Member of the Accounts

Committee. Ms. Kimura informed the Committee that as the Chairperson of the Communications, Trade and Investment Committee, she interacted with Members of Parliament from Kenya and with stakeholders on trade issues. She also sourced for funding for sensitization of key stakeholders on trade and economic partnership agreements under the East African Community. She further stated that she engaged stakeholders on Bills that were before the Assembly and ensured that the input of the stakeholders was taken into account in the legislation that was passed.

Immanuel Ichor Imana (ODM PARTY NOMINEE)

He informed the Committee that he is currently working in the arena of peace building and conflict resolution and that his experience in this area would be an added advantage if he were elected to the Assembly.

Mr. Peter Mutuku Mathuki (PNU- WIPER DEMOCRATIC PARTY)

He informed the Committee that if elected as a Member of the Assembly he would be interested in ensuring that the legislation required for the implementation of the protocol is enacted. Such legislation would assist in overcoming the trade challenges experienced in the Community. He further added that in his view, each phase of the federation should be taken at its own phase and that the political federation should only be entered into once there is sufficient awareness amongst the citizens.

MIN.NO. 688/2012

CONSIDERATION AND APPROVAL OF THE BALLOT PAPER

The Committee deliberated on the ballot paper and proposed amendments.

MIN.NO. 689/2012 ADOPTION OF THE REPORT

The Committee unanimously adopted the report as follows:

Proposed – Hon. Kiema Kilonzo, M.P


Seconded -Hon. Peter Edick O. Anyanga,M.P

MIN. NO. 690/2012

ADJOURNMENT

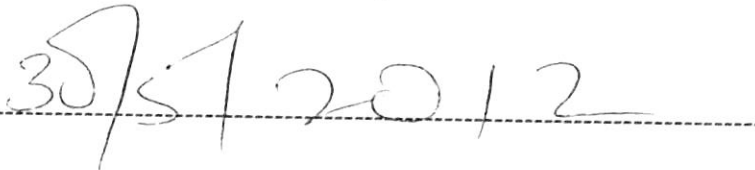
And there being no other business the Chairperson adjourned the sitting at 2.15 p.m.

SIGNED



Chairperson

DATE



ANNEXES

ANNEX ONE

LEGAL NOTICE NO.

THE TREATY FOR THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY ACT. (No. 2 of 2000)

IN EXERCISE of the powers conferred by Article 50(1) of the Treaty for the Establishment of the East African Community Act, the National Assembly of Kenya makes the following Rules-

THE TREATY FOR THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY (ELECTION OF MEMBERS OF THE ASSEMBLY) RULES, 2012.

PART I - PRELIMINARY

Citation and commencement.

1. These Rules may be cited as the Treaty for the Establishment of the East African Community (Election of Members of the Assembly) Rules, 2012 and shall be deemed to have come into force on the 9th of May, 2012, being the date on which they were adopted by the National Assembly through its resolution.

Interpretation.

2. In these Rules, the parliamentary words and expressions used have the same meaning as that assigned to them in the Standing Orders of the National Assembly and unless the context otherwise requires-

“candidate” means a person who is nominated to stand for election to the East African Legislative Assembly;

“election” means an election to the East African Legislative Assembly;

“nomination” means nomination as a candidate to stand for election to the East African Legislative Assembly;

“party” means a parliamentary political party;

“relevant Departmental Committee” means the Departmental Committee of the National Assembly responsible for Foreign Affairs;

“Returning Officer” means the Clerk of the National Assembly;

“voter” means a Member of the National Assembly other than the Speaker and the Attorney-General.

PART II – QUALIFICATIONS AND NOMINATION OF CANDIDATES

Qualification for election.

3. No person shall be qualified to stand for election unless he or she is qualified to be elected in accordance with Article 50(2) of the Treaty for the Establishment of the East African Community.

Notification of election

4. (1) Where an election is to be held, the Returning Officer shall by notice in the Gazette notify that fact and invite interested qualified persons to apply, within a period of seven days, for nomination by a party.

(2) The Returning Officer shall by notice in the Gazette and in at least two daily newspapers of national circulation appoint a nomination day, which shall be at least seven days from the expiry of the period prescribed under sub-rule (1) and shall indicate in such notice the venue for the receipt of nomination papers.

Process of nomination of candidates

5. (1) In order to be validly nominated as a candidate for an election, a person shall be nominated by a party in the form set out in the Schedule.

(2) A party shall nominate candidates through a transparent and democratic process and shall keep a written record of the proceedings at which the final decision to nominate any candidate was made.

Number of nominees of each party

6. (1) A party shall be entitled to nominate for election under these Rules any number of candidates not exceeding three times the figure arrived at by multiplying the number of elected members of the National Assembly of that party by nine and dividing the result by the total number of elected members of the National Assembly.

(2) In making nominations, each party shall as much as it is feasible take into account the need for fair representation of the various political parties in the National Assembly, regional balance, shades of opinion, gender and other special interest groups in Kenya and shall ensure that at least one third of its nominees are women.

Pre-nomination briefing

7. The relevant Departmental Committee may, prior to the expiry of the period prescribed under Rule 4(2), invite the party leaders or the party whips of all parties entitled to nominate candidates for a pre-nomination briefing on the nomination requirements under the Treaty for the Establishment of the East African Community and under these Rules.

Delivery of
nomination
papers.

8. (1) On nomination day, at any time not later than four o'clock in the afternoon, a candidate or the party leader or the party whip of a party entitled to nominate candidates shall deliver the nomination papers of the candidate or candidates nominated by the party to the Returning Officer.
- (2) The Returning Officer may reject the nomination papers of any candidate if it is apparent from the contents of the nomination papers that the candidate is not qualified to stand for election.
- (3) The Returning Officer may, after consultation with the relevant Departmental Committee, reject all nominations and order a fresh nomination if it is apparent from the list of nominees that it shall not be possible, upon the holding of elections, to have, as much as is feasible, a fair representation of the various political parties in the National Assembly, regional balance, shades of opinion, gender and other special interest groups in Kenya and to ensure that at least one third of the persons elected are women.
- (4) In the event a fresh nomination is ordered, the Returning Officer may shorten the periods specified under Rule 4.

Withdrawal or
death of a
candidate.

9. (1) A candidate may, not later than four o'clock in the afternoon of the day following the nomination day, withdraw his or her candidature by notice in writing signed and delivered to the Returning Officer with a copy to the party leader or party whip of the party that nominated the candidate.
- (2) No withdrawal of a candidate shall be accepted after the expiry of the period prescribed under sub-rule (1).
- (3) Where a candidate dies after four o'clock in the afternoon of the nomination day, and before the election day, the election shall proceed, but the voters shall be informed of such death.
- (4) The party which nominated a candidate who dies or for any other reason ceases to be a candidate before the election day, may notwithstanding rule 8, nominate another person in place of the candidate.

Inspection of
nomination
papers

10. Subject to such conditions as the Returning Officer may prescribe, any person may during office hours for two working days from the nomination day, inspect the nomination papers of any candidate and may lodge a complaint with the Returning Officer

in relation to a candidate's nomination.

Forwarding of
nomination
papers to
relevant
Departmental
Committees.

11. Within two days after the expiry of the period provided for in rule 9, the Returning Officer shall forward to the relevant Departmental Committee, for its consideration, the names and nomination papers of all duly nominated candidates.

PART III – ELECTION CAMPAIGNS AND VOTING

Audience before
the relevant
Departmental
Committee.

12. (1) An aspiring candidate may approach and seek the support of a Member of Parliament entitled to vote, before the nomination day and may, if nominated continue to do so after the nomination day.
(2) On a date to be appointed by the relevant Departmental Committee, not being less than three days before the election day, the relevant Departmental Committee shall convene and a meeting at such place as it may determine, at which each candidate shall be permitted to appear before the Committee and to address the Committee in English or Kiswahili for such length of time and to answer such questions if any as the Committee may determine.
(3) The relevant Departmental Committee shall prepare a report of the meeting with the candidates for tabling before the National Assembly for its information but the report shall not recommend the election of any candidate.

Election day

13. The Returning Officer shall, by notice published in the Gazette and in at least two daily newspapers of national circulation appoint an election day which shall be not more than seven days and not less than three days after the nomination day.

Ballot paper

14. (1) The Returning Officer shall prepare and at the time appointed for the election, shall issue to each voter one ballot paper on which shall be written in alphabetical order, the names of all duly nominated candidates, clustered under the heading of the names of the respective parties that nominated them.
(2) A voter shall be required to cast a specified number of votes, which shall be clearly indicated on the ballot paper, in respect of the candidates nominated by each party.
(3) The number of votes to be cast under sub-rule (2) in respect of each party shall be the figure arrived at by multiplying the number of elected members of the National Assembly of

that party by nine and dividing the result by the total number of elected members of the National Assembly.

Voting

15. (1) The voting shall be conducted under the general supervision of the Speaker, in the place appointed by the Speaker.

(2) On receiving a ballot paper, a voter shall secretly record his or her votes by putting a mark against the names of the nine candidates that the voter wishes to elect as members of the East African Legislative Assembly, in the respective proportions specified under sub-rule (3) of rule 14.

(3) A voter shall cast as many votes as the number of candidates to be elected, otherwise the ballot paper of that voter shall be regarded as spoilt

(4) A voter who accidentally spoils a ballot paper while voting is in progress shall, on surrendering the spoilt ballot paper, be issued with a replacement ballot paper.

Counting of
votes

16. (1) Immediately after all voters have cast their votes, the Speaker shall appoint two members to act as counting agents for all the candidates.

(2) The Returning Officer shall, in the presence of the two counting agents as witnesses, count the votes cast.

Declaration of
results

17. When the votes have been counted and the results of the election have been ascertained-

(a) the Returning Officer shall report to the National Assembly the results of the election together with the number of votes recorded for each candidate under the cluster of each party at the end of the election exercise; and

(b) the Speaker shall announce to the National Assembly and declare to be duly elected as members of the East African Legislative Assembly the nine persons, in the proportions specified under sub-rule (3) of rule 14 in respect of each party, who receive the highest number of votes.

Publication and
transmission of
names.

18. Within seven days after the Speaker announces the names of the elected members of the East African Legislative Assembly, the Clerk shall-

- (a) publish the names in the Gazette; and
- (b) transmit to the Clerk of the East African Legislative Assembly the names of the elected members as published in the Gazette.

Custody of ballot papers

19. The Returning Officer shall ensure safe custody of all ballot papers and other documents relating to the conduct of the election and shall cause all such documents to be destroyed after the expiration of six months from the election day.

PART IV – VOIDANCE OF ELECTION

Determination of validity of candidate's election

20. Any question that may arise whether a person is an elected member of the East African Legislative Assembly or whether a seat in that Assembly is vacant shall be determined by the High Court.

Procedure for voidance of elections

21. The procedure, jurisdiction and grounds for election petitions in respect of Members of Parliament shall apply *mutatis mutandis* for members of the East African Legislative Assembly.

PART V – MISCELLANEOUS

Filling of vacancy.

22. Where the seat of a member elected under these Rules becomes vacant, the Speaker shall upon receipt of notification of the vacancy from the Speaker of the East African Legislative Assembly, facilitate the election of a member to replace the member in accordance with the procedure set out under these Rules.

Matters not specifically provided for.

23. If any matter arises which is not specifically provided for in these Rules, the Speaker shall make a ruling directing what is to be done and in making such a ruling, the Speaker shall be guided by the practice and procedure normally followed in similar situations with regard to the conduct of elections in the National Assembly.

Transitional

24. In respect of the first election to be held after the coming into operation of these Rules, the Returning Officer may reduce the period for the doing of anything required to be done by such reasonable period as the Returning Officer may determine.

Supersession.

25. These Rules supersede any previous rules, procedure or practice for the election of members to the East African Legislative Assembly.

SCHEDULE

(rule 5(1))

NOMINATION FORM FOR ELECTION OF A MEMBER OF THE EAST AFRICAN LEGISLATIVE ASSEMBLY

I, the undersigned, being the party leader/party whip of the parliamentary party shown below hereby certify the nomination of the under mentioned person as a candidate at the said election.

Candidates Name in Full	Address	Occupation or Description

Full Names.....

Parliamentary Political Party.....

Party Office Held (Party Leader/Party Whip).....

.....
Signature of Party Leader/Party Whip.

And I, the aforesaid
do hereby consent to my nomination as a candidate for election as a member of the East African Legislative Assembly and hereby certify that I am in all respects qualified for nomination as such candidate.

I have attached herewith

- (a) a photocopy of my national identity card/passport; and
- (b) my detailed curriculum vitae showing my educational and other qualifications.

.....
Signature of Candidate.

Dated the2012

KENNETH MARENDE,
Speaker of the National Assembly

ANNEX TWO

CHARLES L. EWOI
BOX 538-30500
LODWAR
21-05-2012

THE SECRETARY
TEACHERS SERVICE COMMISSION
PRIVATE BAG
NAIROBI

SIR,

RE: RESIGNATION FROM TEACHING.

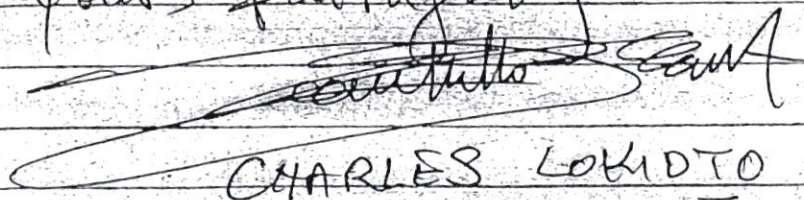
I hereby tender my resignation from teaching profession with effect from 21/5/2012. This is to enable me pursue my political ambition after qualifying for nomination as a candidate for East African Legislative Assembly (EALA) Member of Parliament.

I thank the Commission for the opportunity and successful career during my twenty three (23) years of good service.

I hope my request will meet your favourable consideration.

Thanks in Advance.

Yours Faithfully.



CHARLES LOKOTO EWOI
TSC 269035.

C.C - DEO - TURKANA NORTH DISTRICT
- PERSON FILE.

ARTICLE 152

Entry into Force

This Treaty shall enter into force upon ratification and deposit of instruments of ratification with the Secretary General by all Partner States.

ARTICLE 153

Depository and Registration

1. This Treaty and all instruments of ratification shall be deposited with the Secretary General who shall transmit certified true copies thereof to all the Partner States.
2. The Secretary General shall register this Treaty with the Organisation of African Unity, the United Nations, and such other organisations as the Council may determine.

DONE at Arusha, Tanzania, on the 30th day of November, in the year One Thousand Nine Hundred and Ninety-Nine.

IN FAITH WHEREOF the undersigned have appended their signatures hereto:

for the Republic of
Kenya

DANIEL TOROITICH ARAP MOI
PRESIDENT

for the Republic of
Uganda

YOWERI KAGUTA MUSEVENI
PRESIDENT

for the United Republic of
Tanzania

BENJAMIN WILLIAM MKAPA
PRESIDENT