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THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FIRST SESSION – 2022

DIRECTORATE OF DEPARTMENTAL COMMITTEES
DEPARTMENTAL COMMITTEE ON COMMUNICATION, INFORMATION AND
INNOVATION

REPORT ON THE APPROVAL HEARINGS OF:

1. PROF. EDWARD KISIANG'ANI, NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY STATE DEPARTMENT FOR BROADCASTING AND TELECOMMUNICATION; AND
2. ENG. JOHN KIPCHUMBA TANUI, MBS, NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY STATE DEPARTMENT FOR ICT AND DIGITAL ECONOMY.

THE NATIONAL ASSEMBLY PARLIAMENT BUILDINGS	
DATE: 01 DEC 2022	DAY: THURSDAY
ISSUED BY:	CHAIR, DC - COMMUNICATION, INFORMATION & INNOVATION HON. JOHN WANGARA MP
SIGNATURE:	Benson Inzofu

CLERK'S CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI

NOVEMBER 2022

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LIST OF ABBREVIATIONS AND ACRONYMS

H.E.	-	His Excellency
KRA	-	Kenya Revenue Authority
EACC	-	Ethics and Anti-Corruption Commission
DCI	-	Directorate of Criminal Investigations
HELB	-	Higher Education Loans Board
ORPP	-	Office of the Registrar of Political Parties
PAPAA	-	Public Appointments (Parliamentary Approval) Act
MBS	-	Moran of the Burning Spear
UDA	-	United Democratic Alliance
ODM	-	Orange Democratic Movement
WDM-K	-	Wiper Democratic Movement of Kenya
USF	-	Universal Service Fund
CA	-	Communications Authority of Kenya
CAK	-	Competition Authority of Kenya
ICT	-	Information Communication Technology
ISO	-	International Organization for Standardization
PCK	-	Postal Corporation of Kenya
KBC	-	Kenya Broadcasting Corporation
GAA	-	Government Advertising Agency
MCK	-	Media Council of Kenya
CEO	-	Chief Executive Officer
USD	-	United States Dollar
KES/KSh	-	Kenya Shilling
ITES	-	Information Technology Enabled Services
VP	-	Vice President
PPP	-	Private Public Partnership
IP	-	Internet Protocol
CCTV	-	Closed Circuit Television

ANNEXURES

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- Annexure 2: Minutes
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CHAIRPERSON'S FOREWORD

This report contains proceedings of the Departmental Committee on Communication, Information and Innovation during the approval hearings of Prof. Edward Waswa Kisiang'ani, nominee for appointment as Principal Secretary, State Department for Broadcasting and Telecommunication and Eng. John Kipchumba Tanui, MBS, nominee for appointment as Principal Secretary, State Department for ICT and Digital Economy as requested by H.E. the President and communicated to the House by the Speaker on Thursday, 3rd November 2022.

Pursuant to Article 155(3)(b) of the Constitution, Section 5 of the PAPAA and Standing Order 45(1), H.E. the President notified the National Assembly of the nomination of fifty-one (51) Principal Secretaries to various State Departments vide a letter dated 2nd November 2022. The Hon. Speaker vide a communication made on Thursday, 3rd November 2022 conveyed to the House the Message from H.E. the President and subsequently referred names of the nominees, curricula vitae, and the report of the Public Service Commission on their recruitment to Departmental Committees for approval hearings. While referring the matter to the Committees, the Speaker directed that the Committees undertake the vetting exercise within twenty-eight (28) days pursuant to Section 8 of the Public Appointments Parliamentary Approval Act (No. 33 of 2011). The Speaker further directed the Clerk of the National Assembly to notify the nominees and the general public by placing adverts in two newspapers of nationwide circulation and the Parliamentary Website of the time and place of holding the approval hearings by Friday, 4th November 2022.

In compliance with Article 118 (b) of the Constitution and section 6 (4) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), the Clerk of the National Assembly placed an advertisement in the print media on Friday, 4th November 2022 informing the public of the nomination, date, time and place of the approval hearing. He also invited the public to submit memoranda by way of written statements on oath (*affidavit*) on the suitability of the nominees in conformity with section 6 (9) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011). The memoranda were to be received on or before Friday, 11th November 2022 at 5.00 p.m. (East African Time). At the close of the submission deadline, the Committee had not received any memorandum for or against the nominee's suitability.

The Clerk of the National Assembly also wrote to Kenya Revenue Authority (KRA), Ethics and Anti-Corruption Commission (EACC), Directorate of Criminal Investigations (DCI), Higher Education Loans Board (HELB) and Office of the Registrar of Political Parties (ORPP) seeking references and background checks relating to the suitability of the nominee.

The Nominees were set to appear before the Committee on Friday, 18th November 2022 for the approval hearing, but the same was suspended via a communication from the Speaker dated 6th November, 2022 following a Constitutional Petition No. E186 of 2022 (*Dr. Magare Gikenyi versus the President of the Republic of Kenya and 55 others*) and in Constitutional Petition No. E192 of 2022 (*Law Society of Kenya v National Assembly & 4 Others*) where conservatory orders temporarily staying the vetting process pending inter-parte hearings were granted.

The Court on Tuesday, 29th November 2022 dismissed the consolidated petitions for being pre-maturely before the court and upheld the arguments by the respondent in the preliminary objection that there was need for the petitioners to exhaust all statutory mechanisms and that the doctrine of separation of powers should have been considered. Consequently, the Hon. Speaker in a communication dated Tuesday, 29th November 2022 directed all Departmental

Committees to revert to the vetting process from Wednesday 30th November, 2022 and conclude the process as soon as possible.

The nominees appeared before the Committee on Wednesday, 30th November 2022 for approval hearings. The Committee examined their suitability based on the criteria set out in Section 7 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011). In addition, the Committee examined their academic credentials, relevant experience, knowledge of sector issues and on leadership and integrity. The Committee paid due regard to the procedure used to arrive at the nominees; any constitutional or statutory requirements relating to the office in question and suitability of the nominees for the appointment proposed having regard to whether the nominees' abilities, experience and qualities meet the needs of the State Departments.

Committee Recommendation

The Committee having held approval hearings of the nominees regarding their suitability, observed that due process was followed on the recruitment process as provided for under Article 155(3) (b) of the Constitution and the Public Appointments (Parliamentary Approval Act) (No. 33 of 2011). The Committee therefore recommends that the National Assembly **APPROVES** the nomination and subsequent appointment by H.E. the President of Prof. Edward Kisiang'ani to the position of Principal Secretary State Department for Broadcasting and Telecommunication and Eng. John Kipchumba Tanui, MBS to the position of Principal Secretary State Department for ICT and Digital Economy.

Acknowledgements

The Committee registers its appreciation to the Offices of the Speaker, Office of the Clerk of the National Assembly, Office of the Director, Departmental Committees and the Committee Secretariat for the logistical support extended during the vetting process.

In addition, the Committee thanks the nominees for their cooperation during the vetting process. Finally, the Committee appreciates KRA, EACC, DCI, HELB and ORPP for providing references and background checks relating to the suitability of the nominees.

I acknowledge and appreciate Members of the Committee for their patience, sacrifice and commitment which enabled the Committee to complete the task within the required timelines.

On behalf of the Departmental Committee on Communication, Information and Innovation and pursuant to Article 155(3)(b) of the Constitution and Section 8 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011) and provisions of Standing Orders 45(4) and 199(6), it is my pleasant duty to present the Report of the Committee on the approval hearings of Prof. Edward Kisiang'ani, nominee for appointment as Principal Secretary for the State Department of Broadcasting and Telecommunication and Eng. John Kipchumba Tanui, MBS, nominee for appointment as Principal Secretary for the State Department of ICT and Digital Economy for debate and adoption by the House.

**HON. JOHN KIARIE, MP
(CHAIRPERSON)**

**DEPARTMENTAL COMMITTEE ON COMMUNICATION, INFORMATION AND
INNOVATION**

CHAPTER ONE

1 PREFACE

1.1 Establishment and Mandate of the Committee

1. The Departmental Committee on Communication, Information and Innovation is one of the Departmental Committees of the National Assembly established under **Standing Order 216** whose mandates pursuant to the **Standing Order 216 (5)** are as follows:
 - i. *To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
 - ii. *To study the programme and policy objectives of ministries and departments and the effectiveness of the implementation;*
 - iii. *on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
 - iv. *To study and review all legislation referred to it;*
 - v. *To study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;*
 - vi. *To 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;*
 - vii. ***To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);***
 - viii. *To examine treaties, agreements and conventions;*
 - ix. *To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
 - x. *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
 - xi. *To examine any questions raised by Members on a matter within its mandate.*

1.2 Subjects under the Committee

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to oversee: Communication, information, media and broadcasting (except for broadcast of parliamentary proceedings), information technology, communication technology, including development and advancement of technology, data protection and privacy, cyberspace and cyber-security, artificial intelligence, block-chain technology, and other emerging technologies.
3. In executing its mandate, the Committee oversees the Ministry of Information, Communication and the Digital Economy.

1.3 Committee Membership

4. The Departmental Committee on Communication, Information and Innovation was constituted by the House on Thursday, 27th October 2022 and comprises of the following Members:

Chairperson

Hon. John Kiarie Waweru, MP
Dagoretti South Constituency

UDA Party

Vice Chairperson

Hon. Alfah Miruka Ondieki, MP
Bomachoge Chache Constituency

UDA Party

Hon. Shakeel Shabbir Ahmed, CBS, MP
Kisumu East Constituency

Independent Member

Hon. Gideon Kimaiyo Kipkoech MP
Keiyo South Constituency

UDA Party

Hon. Erastus Kivasu Nzioko, MP
Mbooni Constituency

WDM-K Party

Hon. Florence Jematiah Sergon, MP
Baringo County

UDA Party

Hon. Joseph Kipkosgei Tonui, MP
Kuresoi South Constituency

UDA Party

Hon. Irene Nyakerario Mayaka, MP
Nominated Member

ODM Party

Hon. Bensuda Joyce Atieno Osogo, MP
Homabay County

ODM Party

Hon. Kakuta Maimai Hamisi, MP
Kajiado East Constituency

ODM Party

Hon. Bernard Kibor Kitur, MP
Nandi Hills Constituency

UDA Party

Hon. Khalif Ali Abdisirat MP
MP for Rongai Constituency

UDA Party

Hon. Geoffrey Wandeto Mwangi, MP
Tetu Constituency

UDA Party

Hon. Mumina Gollo Bonaya, MP
Isiolo County

Jubilee Party

Hon. Umulkher Harun Mohamed, MP
Nominated Member

ODM Party

1.4 Committee Secretariat

5. The Committee is facilitated by the following staff secretariat:

Ms. Susan Cherotich Maritim
Principal Clerk Assistant II/Head Secretariat

Ms. Eveline Orina
Clerk Assistant III

Mr. Thomas Ogwel
Fiscal Analyst I

Mr. Mabuti Mutua
Legal Counsel II

Mr. Manuel Leparachao
Sergeant At Arms

Mr. Githinji Wanjohi
Research Officer III

Mr. Boaz Chebiego
Research Officer III

Mr. Jared Onyancha
Protocol Officer III

CHAPTER TWO

2 BACKGROUND INFORMATION

2.1 Legal Framework

6. Article 155 of the Constitution provides that:

155. (1) *There is established the office of Principal Secretary, which is an office in the public service.*
(2) *Each State department shall be under the administration of a Principal Secretary.*
(3) *The President shall—*
(a) *nominate a person for appointment as Principal Secretary from among persons recommended by the Public Service Commission; and*
(b) *with the approval of the National Assembly, appoint Principal Secretaries.*
(4) *The President may re-assign a Principal Secretary.*
(5) *A Principal Secretary may resign from office by giving notice, in writing, to the President.*

7. In light of this, H.E. the President nominated fifty-one (51) persons for appointment as Principal Secretaries to various State Departments. The President nominated the following persons for appointment as Principal Secretaries:
- i. Prof. Edward Waswa Kisiang'ani: Nominee for Principal Secretary State Department for Broadcasting and Telecommunication and
 - ii. Eng. John Kipchumba Tanui, MBS: Nominee for Principal Secretary State Department for ICT and Digital Economy.
8. The Departmental Committee on Communication, Information and Innovation has been assigned the role of conducting the vetting of the aforesaid nominees.
9. The following Articles of the Constitution and statutes/provisions will be paramount to the Committee as it executes this mandate:
- i. The Public Appointments (Parliamentary Approval) Act (No. 33 of 2011);
 - ii. The Public Service Commission Act (No. 10 of 2017) on recommendation for appointment of Principal Secretaries;
 - iii. Article 10 of the Constitution on the national values and principles of governance;
 - iv. Chapter 6 of the Constitution on leadership and integrity;
 - v. Article 77 of the Constitution on restriction on activities of State Officers;
 - vi. Article 78 of the Constitution on dual citizenship;
 - vii. Article 118 of the Constitution on public participation;
 - viii. Article 232 of the Constitution on values and principles of public service;
 - ix. The Leadership and Integrity Act (Cap. 182);
 - x. The Public Service (Values and Principles) Act (No. 1A of 2015); and
 - xi. The Public Officer Ethics Act (Cap. 183).

The Public Appointments (Parliamentary Approval) Act (No. 33 of 2011)

10. Section 7 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), provides for issues which the relevant House of Parliament (in this case, the National Assembly) is supposed to consider in relation to any nomination. These issues include:
- i. *the procedure used to arrive at the nominee;*
 - ii. *any constitutional or statutory requirements relating to the office in question; and*

iii. the suitability of the nominee for the 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.

11. During the approval hearing, section 6 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011) provides important points, viz:
- i. An approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background (section 6(7), PAPAA);
 - ii. The criteria specified in the Schedule shall be used by a Committee during an approval hearing for the purposes of vetting a candidate (section 6(8), PAPAA);
 - iii. Any person may, prior to the approval hearing, and by 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 (section 6(9), PAPAA); and
 - iv. A candidate may, at any time, by notice in writing addressed to the Clerk, withdraw from the approval process and the candidate's nomination shall end (section 6(10), PAPAA).

The Public Service Commission Act (No. 10 of 2017)

12. Section 47 (2) of the Public Service Commission Act (No. 10 of 2017) provides qualifications that one must have so as to be eligible for appointment as a Principal Secretary. These are:
- i. be a citizen of Kenya;
 - ii. hold a degree from a university recognised in Kenya;
 - iii. has at least ten (10) years relevant professional experience, five (5) years of which should have been in a leadership position or at a top management level in the public service or private sector;
 - iv. possess general knowledge of the organisation and functions of Government;
 - v. demonstrates an understanding of the goals, policies and developmental objectives of the nation;
 - vi. has demonstrable leadership and management capacity including knowledge of financial management and strategic people management; and
 - vii. meets requirements of Chapter Six of the Constitution.

Article 10(2) of the Constitution on national values and principles of governance

13. Article 10(2) of the Constitution provides for the national values and principles of governance which include patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people; human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised; good governance, integrity, transparency and accountability; and sustainable development.

Chapter 6 of the Constitution (Leadership and Integrity)

14. There are important provisions in Chapter 6 of the Constitution worth pointing out. Article 73 of the Constitution provides that the authority assigned to a State officer (a Principal Secretary being a state officer under Article 260 of the Constitution) is a public trust to be exercised in accordance to the Constitution, demonstrate respect for the people, bring honour to the nation and dignity to the office and promote public confidence in the integrity of the office. Also, the State officer shall have the responsibility to serve the people, rather than the power to rule them.

15. The guiding principles of leadership and integrity are listed as selection based on personal integrity, competence and suitability, objectivity and impartiality in decision making, selfless service based solely on the public interest, accountability and discipline and commitment in service to the people.

Article 77 of the Constitution (Restriction on activities of State officers)

16. Article 77 of the Constitution provides that a full-time State officer shall not participate in any other gainful employment and that any appointed State officer shall not hold office in a political party.

Article 78 of the Constitution on citizenship and leadership

17. Article 78 of the Constitution states that a person is not eligible for election or appointment to a State office unless the person is a citizen of Kenya. It also provides that a State officer or a member of the defence forces shall not hold dual citizenship.

Article 118 of the Constitution on public access and participation

18. Article 118 of the Constitution provides that:

1. *Parliament shall:*
 - a) *conduct its business in an open manner, and its sittings and those of its committees shall be in public; and*
 - b) *facilitate public participation and involvement in the legislative and other business of Parliament and its committees.*
2. *Parliament may not exclude the public, or any media, from any sitting unless in exceptional circumstances the relevant Speaker has determined that there are justifiable reasons for the exclusion.*

Article 232 of the Constitution on Values and Principles of Public Service

19. Article 232 of the Constitution provides for the values and principles of public service which include high standards of professional ethics; efficient, effective and economic use of resources; responsive, prompt, effective, impartial and equitable provision of services; involvement of the people in the process of policy making; accountability for administrative acts; transparency and provision to the public of timely, accurate information; fair competition and merit as the basis of appointments and promotions; representation of Kenya's diverse communities; and affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service of men and women; the members of all ethnic groups; and persons with disabilities.

The Leadership and Integrity Act (Cap. 182)

20. The Leadership and Integrity Act provides a number of obligations to a State officer. These are, among others: to respect and abide by the Constitution and the law, public trust, performance of duties in an honest and accountable manner, professionalism, financial integrity, not to engage in activities that amount to abuse of office, not misuse public resources, accepting gifts that may compromise the officer's duties, wrongful or unlawful acquisition of property, conflict of interest e.t.c.

The Public Service (Values and Principles) Act

21. Section 5 of the Public Service (Values and Principles) Act provides that a public officer shall maintain high standards of professional ethics, including, being honest; displaying high standards of integrity, transparency, accountability, respect to others, objectivity, patriotism, observance of rule of law. (Applies in future upon appointment)

The Public Officer Ethics Act (Cap. 183)

22. The Public Officer Ethics Act provides for obligations to be carried out by a public officer. These include professionalism, carrying out duties in accordance with the law, prohibition from unjust enrichment, avoiding conflict of interest, not using office as a venue for soliciting or collecting harambees; not acting for foreigners; care of property; political neutrality, not practicing nepotism or favouritism, giving impartial advice, conducting private affairs in a way that maintains public confidence, bar from sexual harassment, submission of declaration of income, assets and liabilities once every two years (section 26). (Applies in future after appointment)

2.2 Qualifications for appointment as Principal Secretary

23. In conducting the approval hearings, the Committee was guided by Article 155 (3) (b) of the Constitution, section 47 (2) of the Public Service Act and the provisions of Section 7 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011).

2.3 Message from H.E. the President

24. H.E. the President on **2nd November 2022** communicated the names of the nominees for appointment to the positions of Principal Secretary, Broadcasting and Telecommunication and Principal Secretary, ICT and Digital Economy to the Speaker for approval by the National Assembly pursuant to Article 155 (3). The Speaker in his communication from the Chair issued on **Thursday, 3rd November 2022** and pursuant to Standing Order No. 42 referred the names to the Departmental Committee on Communication, Information and Innovation to conduct approval hearings and report within twenty-eight (28) days.

2.4 Speaker's Communication and Committal to the Committee

25. Pursuant to the provisions of Standing Order No. 42, the Speaker of the National Assembly on **Thursday, 3rd November 2022** communicated to the House the message from H.E. the President regarding the nominees for appointment as Principal Secretaries for various State Departments. The Speaker informed the House that H.E. the President was seeking approval of the National Assembly on the said nominations before the nominees' appointment.
26. In accordance with Standing Order 45(1), the Speaker read the Message from H.E. the President and referred the names of the nominees, their curricula vitae and report of the Public Service Commission on the recruitment process to the Departmental Committee on Communication, Information and Innovation to conduct approval hearings.
27. While referring the matter to the Committee, the Speaker directed that the Committee undertakes the vetting exercise within twenty-eight (28) days pursuant to Section 8 of the Public Appointments Parliamentary Approval Act (No. 33 of 2011). The Speaker further directed the Clerk of the National Assembly to notify the nominees and the general public by placing adverts in two newspapers of nationwide circulation and the Parliamentary Website of the time and place of holding the approval hearings by Friday, 4th November 2022.

28. In addition, the Speaker directed that approval hearings should commence on Monday, 14th November 2022 and end on Friday, 18th November 2022. Thereafter, the reports should be tabled in the House not later than Tuesday, 22nd November 2022 so as to enable the House to consider the reports within the statutory timelines.

2.5 Notification to the Public

29. 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 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”*.

30. The Clerk of the National Assembly on **Friday, 4th November 2022** placed a notification in the print media informing the general public of the intention of the Committee to conduct approval hearings, as provided for by Article 118 (1) (a) (b) and (2) of the Constitution and Section 6(4) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), which allows public participation in committee proceedings. The notification gave provision for the submission of memoranda, by way of written statements on oath (*affidavit*) on the suitability or otherwise of the nominees, by **Friday, 11th November 2022 at 5.00 pm (East African Time)**. At the close of the submission deadline, the Committee had not received any memorandum for or against the suitability of the nominees.

2.6 Notification to the Nominee

31. The Clerk of the National Assembly vide an advert placed in the print media on Friday, 4th November 2022 and letters Ref. NA/DDC/CII/VETT/2022/001 and Ref. NA/DDC/CII/VETT/2022/002 informed the nominees of the nomination by H.E. the President and requested them to appear for vetting by the Departmental Committee on Communication, Information and Innovation on **Friday, 18th November 2022** in Committee Room 9, Main Parliament Building. The Clerk of the National Assembly further requested the nominees to bring with them their clearance certificates from the Kenya Revenue Authority (KRA), the Higher Education Loans Board (HELB), Ethics and Anti-Corruption Commission (EACC), Directorate of Criminal Investigations (DCI) and Office of the Registrar of Political Parties (ORPP).

2.7 Clearance Requirements

32. The Clerk of the National Assembly wrote to the Kenya Revenue Authority (KRA), the Higher Education Loans Board (HELB), Ethics and Anti-Corruption Commission (EACC), Office of the Registrar of Political Parties (ORPP) and Directorate of Criminal Investigations (DCI) requesting for tax, education loans, integrity, affiliation to political parties and criminal record status of the nominees. The following institutions wrote back to the National Assembly clearing the nominees, KRA (letter Ref. KRA/5/1002/5(8179) dated 14th November 2022); DCI (letter Ref. DCI/CRO/SEC/6/7/2/A/VOL.XI/208 dated 10th November 2022); EACC (letter Ref: EACC.7/10/5 VOL XXI (70) dated 11th November 2022); HELB (letter Ref. HELB/RR/112009/190 dated 10th November 2022); and ORPP (letter Ref: RPP/ORG/34 VOL. VI (41) dated 10th November 2022).

2.8 Report of the Public Service Commission on the Nomination of Principal Secretaries

33. Pursuant to Article 155 (3) (a) of the Constitution, the Public Service Commission invited applications from suitably qualified persons for the position of Principal Secretary. The advertisement was published in the print media, Kenya Gazette No. 10536 and on the Commission's Website on 7th September 2022 with a closing date of 20th October 2022.
34. On 20th September 2022, the Commission extended the advertisement period by seven (7) days. The advertisement period lapsed on 27th September 2022 with a total of nine thousand one hundred and fifty-four (9,154) persons submitting applications for consideration.
35. Four hundred and seventy-seven (477) candidates were shortlisted from 3rd to 6th October 2022 and a further review done on 7th October 2022 to bring the shortlist to five hundred and eighty-five (585) candidates so as to cater for gender, marginalised/minority groups and PWDs pursuant to Article 232 (1) (h) of the Constitution. Interviews for the shortlisted persons were conducted from 12th to 22nd October 2022.
36. Prof. Edward Kisiang'ani was number one thirty-three on the published list of shortlisted candidates and he was interviewed by the Public Service Commission on Thursday, 13th October 2022 at 11.00 am
37. Eng. John Tanui was number two sixty-seven on the published list of shortlisted candidates and he was interviewed by the Public Service Commission on Friday, 14th October 2022 at 2.30 pm.
38. The Public Service Commission adhered to all provisions of the Constitution in the process of advertising, shortlisting and interviewing the candidates including, merit, gender, ethnic and regional balance.

2.9 Stay of the Approval Hearings

39. The Nominees were set to appear before the Committee on Friday, 18th November 2022 for the approval hearing, but the same was suspended via a communication from the Speaker dated 6th November, 2022 following a Constitutional Petition No. E186 of 2022 (*Dr. Magare Gikenyi versus the President of the Republic of Kenya and 55 others*) and in Constitutional Petition No. E192 of 2022 (*Law Society of Kenya v National Assembly & 4 Others*) where conservatory orders temporarily staying the vetting process pending inter-partie hearings were granted.
40. The Court on Tuesday, 29th November 2022 dismissed the consolidated petitions for being pre-maturely before the court and upheld the arguments by the respondent in the preliminary objection that there was need for the petitioners to exhaust all statutory mechanisms and that the doctrine of separation of powers should have been considered. Consequently, the Hon. Speaker in a communication dated Tuesday, 29th November 2022 directed all Departmental Committees to revert to the vetting process from Wednesday, 30th November 2022 and conclude the process as soon as possible.

41. Thereafter, the reports should be tabled in the House not later than Thursday, 1st December 2022 to enable the House to consider the reports within the statutory timelines

2.10 Committee proceedings

42. The Committee having received the names of the nominees was obligated to conduct approval hearings and make determination of the nominees' suitability or otherwise within twenty-eight (28) days as provided for in section 8 (1) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011).
43. The Committee held three (3) Sittings during which it examined and reviewed the nominees' certificates, testimonials as well as conducted approval hearings.

CHAPTER THREE

3 APPROVAL HEARING

44. The Committee conducted approval hearings for the nominees on **Wednesday, 30th November 2022**. In conducting the vetting exercise, the Committee was guided by, among other documents, the Constitution, the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), the Public Service Act and the Standing Orders.
45. The Committee examined the nominees using the guidelines in the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011). The Committee also considered the following in vetting the nominees:
- i. Academic qualifications
 - ii. Employment record and work experience
 - iii. Professional association
 - iv. Public office, political activities and affiliations
 - v. Potential conflict of interest
 - vi. Suitability to the position
 - vii. Tax compliance
 - viii. Vision and leadership
 - ix. Integrity
 - x. Expectations and Key priorities

3.1 Prof. Edward Namisiko Waswa Kisiang'ani – Nominee for the Position of Principal Secretary State Department for Broadcasting and Telecommunication

Prof. Kisiang'ani was orally interviewed by the Committee and responded to questions during vetting as follows:

3.1.1 Personal Background

46. Prof. Kisiang'ani is a Kenyan citizen of identity card number 2093112 and was born in Kimilili, Bungoma County in 1960.

3.1.2 Educational Background

47. Prof. Edward Kisiang'ani holds a PhD in History and Political Economy, a Master of Arts degree (Political History) from Kenyatta University, a Bachelor of Arts degree in Education from the University of Nairobi and has attended various Management courses in Rapid Results Initiative, ISO certification and Procurement Procedures.

48. He sat for his 'A' level examinations at Chesamisi High School in 1979 and his 'O' level examinations at Naitiri Secondary High School in 1977

3.1.3 Work experience/ career progression

49. Prof. Edward Kisiang'ani is currently working as a university lecturer of History and Political Science.
50. Prof. Edward Kisiang'ani has worked in the public sector administration all his life in the following capacities:

- i. Senior lecturer and Researcher in the Department of History Archeology and Political Studies at Kenyatta University a position he has held since 2010.
- ii. Tutor fellow (November 1995-April 2003);
- iii. Graduate Assistant (December 1989-October,1995);
- iv. Editor Jomo Kenyatta Foundation Publishers (August 1987- November 1989) Tutor; and
- v. Assistant Lecturer at Mosoriot Teachers' College (July 1984-July 1987).

51. He has accumulated rich knowledge and experience in Research, ISO, Performance Contracting Management Systems, Rapid Results Initiative as well as Public Procurement Procedures.

3.1.4 Networth

52. Prof. Kiasiang'ani informed the Committee that he was worth KSh. 35 million. The source of his wealth was from salaries earned from being a lecturer and consultancy jobs.

3.1.5 Professional Associations & Affiliations

53. Prof. Edward Waswa Kisiang'ani is professionally affiliated with the following Organization and Associations:

- i. Kenya Historical Association
- ii. Member of the American Cultural Centre Library Nairobi
- iii. Executive Member of the Kenyan American Studies Association (KAMESA)
- iv. Member of Board of Governors, St Mary's Secondary School
- v. Member, Board of Governors Chesamisi High school.
- vi. Member, Council for the Development of Social Science Research Africa (CODESRIA).
- vii. Regular visiting Lecture, the Kenya National Defense College.

3.1.6 Publication

54. Prof. Edward Kisiang'ani has published the following publications:

- i. Kisiang'ani ENW 'The Youth and African Heritage; Some Reflections CODESRIA Bulletin No 3and 4, 2004.
- ii. Kisianga'ni E.N.W. 'Demystifying Post-modernism', East African Journal of Historical and Social Research vol.2 no.2 Nairobi February 2001.
- iii. 'Facing the Genetic Frontier: Africa and Biotechnological Revolution in the 21st Century', CODESRIA
- iv. 'The Kenyan Post-colony and the Problem of Citizenship' CODESRIA December proceedings of Gender Institute, Held in Dakar, Senegal, July 2002.
- v. The CIPEV Report and Police Violations in Kenya; Some reflections on Gender Violence' in Gender Roundtable Bulletin,no1 and 2, 2009
- vi. Arnfred Signe, Bakare Bibi Yusuf, Disiree Lewis, Kisiang'ani Edward et'al. African Gender Scholarships: Concepts, Methodologies and Paradigms (Dakar Codesria, 2004) Book Multiple authored. ISBN9782869781382, (112 pages)
- vii. Kisiang'ani E.N.W "Celebrating the Female Body in Global Trade Fashion, Media and music in Kenya" In Jean- Benard Ouedronraugo and Roseline Achieng Global Exchange and Gender Perspectives in African. (Kampal Codesria, 2011.)
- viii. Teachers do not Deserve Pay rise' , Daily Nation October 5, 1996
- ix. 'Waki report Exposes the feral Basis of our Politics ' The Standard November 2, 2008

- x. 'We Too can Break with the Past to invest in Integrity,' The Standard November 9, 2008

3.1.7 Clearance Requirements

55. The Committee confirmed that the nominee had been cleared by KRA, ORPP, DCI, EACC and HELB, having obtained clearance certificates to that effect.

3.1.8 Other issues under consideration

To examine suitability or otherwise of the nominee, the Committee posed questions to the nominee in the following thematic areas:

56. On the establishment of a National Addressing System Framework that has been stuck at the policy draft stage

Prof. Kisiang'ani responded that urgent reforms are required in the Postal Communication of Kenya (PCK) to enable it restructure in embracing the digital world and contribute to activities such as e-commerce, e-trade, and e-government. He noted that the PCK can transform into a leader in shipping by leveraging on its infrastructure spread across the country. He moreover noted that there is urgent need to improve the financial base of the corporation and deal with the pending debt issues. The nominee also stated that he will champion the use of technology to streamline services. However, the candidate did not appreciate the workings of the National Addressing System.

57. On how to deal with the issue of dominance within the telecom industry to protect consumers

Prof. Kisiang'ani underscored the importance of the Kenya Competition Act in providing the Competition Authority of Kenya (CAK) with the mandate to protecting consumers and businesses with a view of promoting fairness. He noted that the law should be followed, and no competitor should be exempt from any competition laws even if they are dominant. He as well mentioned that the government should explore ways of encouraging and supporting the less dominant players.

58. On his view on regulation of telecommunication operators so mobile telephone services are regulated by Communication Authority of Kenya while money-related services are regulated by Central Bank of Kenya

Prof. Kisiang'ani responded that the risk of concentration is not good. He emphasised that we need a legislation to split the entities to spread the risk. Additionally, he expressed that caution needs to be taken see whether the best direction would be to have the split entities in the same mother company or different ones. He suggested that splitting to different entities would open more job opportunities and improve the quality of service.

59. On the development of local content

Prof. Kisiang'ani expressed that it is important to build and nurture talent. The ministry should set up a local content policy that increases the amount of local content consumed. He then affirmed that he will endeavour to raise local content consumed locally to 70% within 3 years of assumption of office.

60. To address the proliferation of fake news and inaccurate information through digital media.

Prof. Kisiang'ani intimated that there is need for government departments and agencies to have designated officers tasked with disseminating information in real time since lack of accurate information results to spread of fake news.

In some instances, the delay in relaying information to the public, especially by concerned entities leads to misinformation. In his view, the full implementation of the Computer Misuse and Cybercrimes Act will deter the dissemination of information.

61. On business turn-around Strategy on Kenya Broadcasting Corporation (KBC)

Prof. Kisiang'ani took cognizance of the fact that KBC is commercially moribund and faces cash flow problems manifested by existence of pending remittances of statutory deductions, delays in pension payments among others. He submitted that he shall institute an audit on human resource management, asset utilization and commercial viability to inform policy and administrative course of action to initiate for execution. He underscored the need for budgetary allocations as an immediate intervention to cater for structural changes and modernization of the KBC equipment's and processes.

He acknowledged the leadership challenges within the National Broadcaster and committed to overseeing the needed administrative remedies.

62. On Strategy to utilize USF in addressing connectivity disparity

Prof. Kisiang'ani acknowledged that the intended affirmative purpose of the fund in making available networks in underserved and unserved regions has been dismally achieved. He submitted that the poor performance of the fund is largely on account of the involvement of the Telcom operators in the decision making on the spatial distribution of their respective networks, a matter he committed to tackle when appointed. He pointed out that this has made commercial considerations get more prominence at the expense of geographical equity in distribution of the networks. To address this, he expounded on the need to incentivize Telcom operators to avail networks in marginalized regions.

63. On media regulation amidst proliferation of local media stations

Prof. Kisiang'ani acknowledged the need for the respective regulatory authorities and bodies such as Communication Authority of Kenya and Media Council of Kenya to improve their capacity to address the existing problems of contravention of relevant media laws. He demonstrated how during high political seasons media rules and regulations are flawed with impunity. He indicated that there is need to strictly enforce the media laws and to enhance training of the media practitioners. Through his stewardship, he committed to collaborate with various relevant stakeholders to fill in the gaps in laws by formulating and fast-tracking processes of enactment of new legislations.

64. On the need to institute strong and effective monitoring and evaluation of public sector advertising

Prof. Kisiang'ani admitted that there is need for the Government Advertising Agency (GAA) to reconsider its advertising strategy on account of dynamics in the consumption

of print media. He decried the lack of credible media rating agencies leading to misreporting, inaccurate and unreliable ratings data.

He noted that there is lack of a robust monitoring of actual circulation data a matter that makes it difficult to justify the value for money on public expenditure for advertising by the state agencies. He stated that if appointed, he would initiate an audit of circulation of the print media publications to inform such public expenditure. He committed to address the disparity in distribution of advertising business that currently tends to favor large media houses. He also committed that when appointed he shall collaborate with relevant stakeholders to formulate a policy on public advertising.

3.2 Eng. John Kipchumba Tanui, MBS – Nominee for the Position of Principal Secretary State Department for ICT and Digital Economy

Eng. John Kipchumba Tanui, MBS was orally interviewed by the Committee and responded to questions during vetting as follows:

3.2.1 Personal Background

65. Eng. John Kipchumba Tanui, MBS a Kenyan citizen of identity card number 11617592 and was born in Baringo County in 1973.

3.2.2 Educational Background

66. Eng. John Kipchumba Tanui, MBS is currently undertaking a PhD in global Business Management at the University of Nairobi and is expected to graduate in 2023. He holds a Master of Business Administration (MBA) from the University of Nairobi and a Bachelor of Technology in Electrical and Communications Engineering from Moi University.

67. He sat for his KCSE examinations at Moi High School, Kabarak in 1991.

68. He also undertaken several trainings from Huawei University, China on Public Sector training in Corporate Governance and Leadership(2015-2022); Sales Negotiation Skills, (November 2007); Potential Managers Training Level 3 (January 2007); Executive Managers training (2005); Wireless Technologies Product training, (2000, 2004); Logistics and Spare parts Management in Huawei spare parts Center (2002); and Several Telecomm Products and Technology Training (1991 & 2001).

3.2.3 Work experience/ career progression

69. Eng. John Kipchumba Tanui, MBS is currently serving as the CEO of Kona Technopolis Development Authority, a semi-autonomous government agency tasked with building Kenya's first city, science and technology park and government's special economic zone, a position he has held since 2015.

70. As the CEO, he is tasked with overseeing the foundational works for establishment of a new USD 14.5B Green Field Smart City which is envisioned to be leading Global Hub of Innovation and Technology with focus in ICT/ITES, life sciences and engineering.

71. Eng. John Kipchumba Tanui, MBS has worked extensively as a High-Level Manager and ICT professional in both public and private sector in the following capacities:

- i. Deputy CEO and VP of Delivery and Service at Huawei Technologies Co LTD from 2011 to 2015;
- ii. Director of Technical Service Department at Huawei Technologies Co LTD from 2006 to 2010;
- iii. Manager of Wireless Product Line at Huawei Technologies Co LTD from 2004 to 2006;
- iv. Project Manager at Huawei Technologies Co LTD from 2001 to 2003;
- v. Service Delivery Manager/Subcontracting and Partnerships Manager and Spare parts Management Officer at Huawei Technologies Co LTD from 2002 to 2004;
- vi. Telecommunication Engineer at Huawei Technologies Co LTD from 2000 to 2003;
- vii. Field Engineer at Telema Communications Ltd. Kenya from 1998 to 2000 and
- viii. Trainee Engineer at S.A Pegrume Ltd Kenya in 1998.

72. Eng. John Kipchumba Tanui, MBS has had notable achievements while serving in various capacities as listed below:

- i. Led in the take off of Kenya's first smart city with a vision to be a leading global hub of innovation and technology;
- ii. Played a key role in the ICT industry in Kenya and Africa at large for being responsible for deployment of New ICT solutions including the National Optical Fiber projects and other broadband solutions such as 3G and 4G.

73. He has accumulated rich knowledge and experience in Business Management in global environment; extensive knowledge and experience in Project Management including Engineering, Turnkey Projects, PPP projects and Government Funded Projects .

3.2.4 Networth

74. Eng. Tanui informed the Committee that he was worth KSh. 363 million. The source of his wealth was from salaries, farming, rental income, agroforestry and undeveloped plots.

3.2.5 Professional Associations & Affiliations

75. Eng. John Kipchumba Tanui, MBS is professionally affiliated with the following organizations and associations:

- i. Member of the Academy of the International Business (AIB)
- ii. Fellow at the Institution of Engineers of Kenya (FIEK)
- iii. Registered Engineer with the Engineer Registration Board
- iv. Registered Telecommunications Engineer with the Communication Authority
- v. Board Member and the Division President of the International Association of Science Parks and Areas of Innovation (ISAP)
- vi. Member of Jomo Kenyatta University of Agriculture and Technology (JKUAT) (January 2013-2019)
- vii. Vice Chairman - Kenya Polytechnic University College (2011-2013)
- viii. Council Member and Member of the Advocacy, Publicity and Journal (APJ)
- ix. Committee of institution of Engineers of Kenya (IEK)
- x. Member of ICT advisory Committee Baringo County
- xi. Founding Member Presidential Digital Talent Program (PDTP)
- xii. Chairman Selection and Curriculum communities; Organizing and Leading industry and Higher Education Institutions Linkages; Participating in Several Community Projects

3.2.6 Honors and Awards

76. Eng. John Kipchumba Tanui, MBS has been awarded several awards including:

- i. Moran of the Burning of Spear (MBS) in 2017 and
- ii. Kenya's 2012 Top 40 under 40 men, the award seeks to recognize and celebrate young Kenyan's achievement in the field of business, enterprise and professionalism.

3.2.7 Clearance Requirements

77. The Committee confirmed that the nominee had been cleared by KRA, ORPP, DCI, EACC and HELB, having obtained clearance certificates to that effect.

3.2.8 Other issues under consideration

To examine suitability or otherwise of the nominee, the Committee posed questions to the nominee in the following thematic areas:

78. On positive interlinkage between development of ICT sub-sector and other sub-sectors

Eng. Tanui explained how ICT as an enabler contributes to the growth and development of other sectors such as Health, Education, Agriculture and the judicial system. He demonstrated how through constant stakeholder consultations if appointed he shall leverage on the synergy from other sectors to formulate supportive ICT policies that shall spur growth by enhancing efficiency while creating employment opportunities.

79. On strategy to reduce audit queries on ICT projects

With reference to the August 2022 forensic audit report on the National Optic Fibre Backbone Infrastructure and IP Based Hipath 4000 Network Projects, Eng. Tanui expounded on the issues that were raised by the auditor general. He indicated that he shall institute robust monitoring and evaluation of projects under implementation and enhance administrative efficiency and effectiveness on projects so as to reduce chances of audit queries being raised. Besides, he explained how he shall address the problem of missing financial and asset registry records which were cited in the audit report by establishing a digital office management system.

80. On slow implementation of projects in Konza Techno polis

Eng. Tanui took the Committee through the history of the Konza techno polis since the time he took over as the Chief Executive Officer. He estimated the current general completion status at 90% and provided details of specific progress levels of various components such as horizontal infrastructures, office block and smart city facilities. While appreciating the room to fast track the execution of the projects, he pointed out that it takes long time to establish such a techno polis and submitted that the project is on-course.

81. On Intellectual Property rights

Eng. Tanui admitted the existence of abuse of intellectual property rights and underscored the need to fill in the gaps in laws and enhance enforcement of the existing laws to address emerging issues in the industry. He committed to fast track within one year the development of an overarching Intellectual Property Policy to form the basis of enactment of areas that need enactment of new laws. He also explained how he intends to establish innovation centres that shall assist in protecting the rights till the intellectual products are commercialized.

82. On Status of Protection of Personal Data

Eng. Tanui demonstrated how risks vulnerabilities increase with rapid digitization and automation of services in the economy. While appreciating that cybercrimes and cyber-insecurities are global, he explained that mitigating and prevention of such risks require both structural and legislative redress. He demonstrated how he shall use strict enforcement of the existing laws in the sector, sensitize the public on ICT usage and inherent risks and where necessary come up with necessary policies to inform enactment of new laws. He also expounded on how carrying out risk audit can be employed in identification of existing risks for institution of mitigations and prevention measures. He committed that on assuming office, he would undertake a comprehensive audit of telecommunications sector vendors, equipment and installations as relates to national security concerns.

83. On addressing inequitable distribution of accessibility of digital services through the Universal Service Fund (USF)

Eng. Tanui submitted that it would be important to engage players in the telecommunication space to incentivize them to develop critical infrastructure in underserved regions. He also celebrated the efforts of the government in ensuring that every County Headquarter is connected to the National Fibre network but emphasised that the government plans to further connect subcounty offices and implement over 100,000 kms of fibre optic cable and provide 25,000 ICT hotspots. He noted that the USF would be critical in such efforts.

The nominee also highlighted that a huge bottleneck in the provision of broadband is on devices since many are yet to access high speed devices. He mentioned that he would be keen on subsidizing the cost of mobile phone production, leading to the realization of affordable smart phone with the capability of operating latest technologies.

84. On youth empowerment through the digital economy

Eng. Tanui expressed that youth are critical to the country since they are the majority. With this in mind, he addressed the numerous job opportunities that government digital programs such as The Presidential Digital Program, AJIRA platform, and KONZA technopolis (over 3000 jobs) have contributed towards job creation. He buttressed that programs such as the AJIRA initiative have enabled talent to access the global market. However, there is need for engagement at the highest levels of government to further open up the global markets. This will attract the tech giants to set up in Kenya and open development centres that would boost the uptake for the products locally and internationally.

On internet taxation, he believes that the sector should be grown and not focus on taxing the tool (internet). Eng. Tanui believes that this will create a favorable environment where more content will be produced and therefore more benefits can accrue.

85. On equipping government officers with body cameras and the consequent data protection concerns

Eng. Tanui expressed that technology can help improve the working environment, but believes that digitization and moving services online will contribute more than the use of CCTVs. He believes that there is sufficient technology that needs to be utilized, to offer a greater level of visibility.

86. On commitment to engage Parliament when called upon to

Eng. Tanui expressed that he recognizes the importance of the Committee in the execution of his mandate and will be engaging the Committee on various issues. Moreover, he recognizes that the Committee has strong individuals with strengths and knowledge that he can draw from in his work as he delivers on his mandate.

87. Regarding the government strategy for accelerating the achievement of digitizing and automating from the current 15% to 80% online government services.

Within a year of his confirmation, Eng. John Tanui committed that he will be looking at the services that are currently online, see what has been done and come up with a plan of how to get more into the online platform. Ensuring connectivity into schools, the justice system as well as hospitals. Also, partnership with County Governments to ensure that the fibre optic cables are linked to all the counties and to strengthen the ICT hubs. Encourage organisations to automate government services and work with the private sector

88. In regard to the conflict of interest by the employee having previously worked at Huawei Technologies and having studied at Huawei University.

Eng. Tanui responded that he is a professional Eng. hence guided by professional ethics and conduct. His priority is protecting the interest of the country and its citizens.

89. To Fast-track the creative economy

Eng. Tanui responded that he will enhance connectivity through mobile, submarine cables and investment in digital spaces which will create opportunities for job creation. Within a year of his confirmation, he committed that the ministry will also come up with policies to encourage enterprises and e-commerce, especially in areas of software development and support in ICT infrastructure.

CHAPTER FOUR

4 OBSERVATIONS AND FINDINGS

90. The Committee observations were guided by Article 155 of the Constitution, section 47 of the Public Service Commission Act and section 7 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011) in terms of issues for consideration as follows:

- i. the procedure used to arrive at the nominees;
- ii. any constitutional or statutory requirements relating to the office in question; and
- iii. suitability of the nominees for the appointment proposed having regard to whether the nominees' abilities, experience and qualities meet the needs of the body to which the nomination is made.

91. The Committee made the following general observations on the nominees:

- i. Both nominees are Kenyans and are not citizens of any other country. They therefore meet the requirements of Article 78 of the Constitution;
- ii. The Public Service Commission submitted the report of the recruitment of principal secretaries to the National Assembly hence the Committee was able to ascertain that the interview process was competitive and that the nominees were in the shortlist as required by Article 155(3) of the Constitution;
- iii. The nominees were cleared by KRA on tax compliance, HELB on the payment of their education loans, EACC on integrity, DCI on their criminal status and ORPP on membership to political parties; and
- iv. The Clerk of the National Assembly invited members of the public to submit memoranda on the nominees pursuant to section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011. The Committee did not receive any memoranda in support or contesting the suitability of any of the nominees.

4.1 Prof. Edward Kisiang'ani

92. The Committee observed that:

- i. Prof. Kisiang'ani holds a Bachelor of Arts degree in Education from the University of Nairobi and therefore meets the requirements of Section 47(2) (ii) of the Public Service Commission Act, 2017;
- ii. He began his career as a Tutor and Assistant Lecturer in 1984 and therefore has professional experience of at least thirty eight (38) years. Currently, he working as a Senior Lecturer since 2010. He therefore has been in leadership positions for more than five (5) years as required by section 47(2) (iii) of the Public Service Act, 2017;
- iii. The Committee noted that Prof. Kisiang'ani responses regarding the dominance within the telecom subsector had more leaning toward industry player benefits as opposed to consumer protection.
- iv. Further, the Committee noted that Prof. Kisiang'ani responses did not propose a

workable model to address the issue on regulation of telecommunication operators so that mobile telephone services are regulated by Communication Authority of Kenya while money-related services are regulated by Central Bank of Kenya

- v. In addition, the Committee noted that Prof. Kisiang'ani responses did not propose sufficient strategies towards achieving the 70% local content in three years.
- vi. The Committee noted that the nominee did not demonstrate full understanding of the mandate of the State Department. In instances where there were gaps, the nominee assured the Committee that if appointed he will quickly upskill and sharpen his understanding of the tasks at hand.
- vii. According to the information and records presented to the Committee, Prof. Kisiang'ani had never been implicated in any issues that may lead to lack of integrity on his part and therefore meets the requirements of Chapter Six of the Constitution.

4.2 Eng. John Kipchumba Tanui, MBS

93. The Committee observed that:


- i. Eng. Tanui holds a Bachelor of Technology in Electrical and Communications Engineering from Moi University and therefore meets the requirements of Section 47(2) (ii) of the Public Service Commission Act, 2017;
- ii. He began his career as a Trainee Engineer in 1998 and therefore has professional experience of at least twenty four (24) years. Currently he is working as the CEO of Konza Technopolis Development Authority since 2015. Additionally, he worked as Vice Country CEO/VP, delivery and service and Director of technical Service Development at Huawei Technologies (Kenya) Co. Limited from 2006 to 2015. He therefore has been in leadership positions for more than five (5) years as required by Section 47(2) (iii) of the Public Service Commission Act, 2017;
- iii. The nominee, during the approval hearing demonstrated that he had good understanding of the plans and policies of the State Department for ICT and Digital Economy and those of the Ministry of Information, Communications and Digital Economy and how they fit into the government's policies as required by Section 47(2) (v) of the Public Service Commission Act, 2017;
- iv. According to the information and records presented to the Committee, Eng. Tanui had never been implicated in any issues that may lead to lack of integrity on his part and therefore meets the requirements of Chapter Six of the Constitution.

CHAPTER FIVE

5 RECOMMENDATION

94. Pursuant to Article 155(3)(b) of the Constitution and Section 8(2) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), the Committee recommends that the National Assembly:

- i. **APPROVES** the nomination of Prof. Edward Kisiang'ani for the position of Principal Secretary State Department for Broadcasting and Telecommunication
- ii. **APPROVES** the nomination Eng. John Kipchumba Tanui, MBS for the position of Principal Secretary State Department for ICT and Digital Economy.

SIGNED..........DATE.....30 NOVEMBER 2022.....

HON. JOHN WAWERU KIARIE, MP
(CHAIRPERSON)

DEPARTMENTAL COMMITTEE ON COMMUNICATION, INFORMATION AND
INNOVATION

