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REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

**THE DEPARTMENTAL COMMITTEE ON THE
ADMINISTRATION OF JUSTICE AND LEGAL
AFFAIRS**

REPORT ON

**DELIBERATIONS ON NOMINEES FROM THE
JOINT FORUM OF RELIGIOUS
ORGANIZATIONS TO THE KENYA
ANTICORRUPTION ADVISORY BOARD**

**PARLIAMENT BUILDINGS
NAIROBI**

NOVEMBER, 2003

PREFACE

Introductory remarks:

Mr. Speaker Sir, the Departmental Committee on The Administration of Justice and Legal Affairs is established under Standing Order No.151. This Committee is charged with the mandate of Constitutional affairs and the administration of law and justice among others. Its functions as provided in Standing Order No.151 (4) are:

- (a) to investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- (b) to study the programme and policy objectives of the Ministries and departments and the effectiveness of the implementation;
- (c) to study and review all legislation after First Reading, subject to the exemptions under Standing Order 101 A (4);
- (d) to study, assess, and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with its objectives;
- (e) 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 or a Minister; and

- (f) to make reports and recommendations to the House as often as possible, including recommendations of proposed legislation.

The following are the Members of the Committee: -

The Hon. Paul K. Muite, M.P – **Chairman**
The Hon. Amina Abdalla, MP
The Hon. Mirugi Kariuki MP
The Hon. Kenneth Marende MP
The Hon. David Were, M.P
The Hon. Jim Choge, M.P.
The Hon. Peter Owidi, M.P.
The Hon. Cecily Mbarire, M.P.
The Hon. Moses Cheboi, M.P.
The Hon. Gideon Ndambuki, M.P.
The Hon. Enock Kibunguchy, M.P.

Provisions of the Act

Mr. Speaker Sir, the Anti-Corruption and Economic Crimes Act, 2003 became effective from May 02,2003.The Act provides for the establishment of an Anti-Corruption Advisory Board in Section 16.The nominating bodies are named in Section16 (2)(a) as the Law Society of Kenya; the Institute of Certified Public Accountants of Kenya; the International Federation of Women Lawyers (FIDA) Kenya Chapter; the Kenya Association of Manufacturers; the joint Forum of Religious Organizations; the Federation of Kenya Employers; the Kenya Bankers Associations; the Central Organization of Trade Unions; the Association of Professional Societies in East Africa; the Institution of

Engineers of Kenya; the Architectural Association of Kenya; and the Kenya Medical Association of Kenya.

Process of nominating the Board

Mr. Speaker Sir, the procedure of nominating the Anti-corruption Advisory Board is provided in the Second Schedule of the Act, which provides as follows:

Paragraph 1 (2) The nominating body shall submit the names of two nominees to the Minister.

(3) The Minister shall submit the names of the nominees to the National Assembly for approval within seven Sitting days after receiving them.

(4) The National Assembly shall, within fourteen days after it first meets after receiving the names of the nominees-

(a) Consider the nominees and

either approve one of the nominees or reject both of them; and

(b) Notify the Minister as to its approval or rejection under subparagraph (a)

(5) If the National Assembly approves a nominee, the Minister shall, within fourteen days after receiving the notification of the National Assembly, forward the name of the nominee to the President and the President shall, within fourteen days after receiving the name, appoint the nominee as a member of the Advisory Board.

(6) If the National Assembly rejects both nominees submitted by the nominating body, the Minister shall within fourteen days after

**receiving the notification of the
National Assembly request the
nominating body to submit a
new nominee to the
Minister.....”**

RECOMMENDATIONS BY THE COMMITTEE

Mr. Speaker Sir, the Minister for Justice and Constitutional Affairs on 30th October, 2003 tabled Under section 1 (3) of the second schedule to the act, a list of two nominees which he received from the joint Forum of Religious Organizations for approval by the National Assembly. In accordance with Standing Order No. 101 (A) the House referred the same to the relevant Departmental Committee.

Mr. speaker Sir, the Departmental Committee on Administration of Justice and Legal Affairs met on 10th November, 2003 under Standing Order No. 151 (4) (f) to deliberate on the two nominees from the religious organizations. Basing their judgment on educational background, age and professional working experience the committee resolved that **Mr. Charles Kariuki Wambugu** was the most suitable nominee for the post. I therefore wish to table this report on the "**Deliberations on the Nominees from the Joint Forum of Religious Organizations to the Kenya Anti-corruption Advisory Board**".

Signed:



HON. PAUL KIBUGI MUIE, M.P.

**CHAIRMAN
DEPARTMENTAL COMMITTEE ON ADMINISTRATION OF
JUSTICE AND LEGAL AFFAIRS**

Date:

12th November 2003

made available to them. Basing their judgment on age, academic qualifications and professional working experience resolved that Mr. Charles Kariuki Wambugu was the most suitable nominee to the Kenya Anti- corruption Advisory Board.

A report on the deliberations of the Committee was to be prepared and tabled before the House on Tuesday 11th November 2003.

MINUTE NO. 85/2003:

A.O.B.

1) THE REFUGEES BILL.

The Committee sought clarification on whether the Refugees Bill had been referred to their Committee for consideration.

**2) CONFERENCE ON
PARLIAMENTARY VETTING**

It was agreed by Members present that there was need to organize a seminar on Parliamentary vetting for Members of the various Parliamentary Committees. In addition to consultations with the Director of SUNY- Kenya Dr. J. Biddle on the matter, copies of a paper on Parliamentary vetting would be distributed among the Members.

3) FOREIGN TRIPS

The Committee was informed that preparations for the Trip to Denmark,

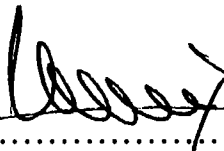
Norway and Sweden in December 2003 were underway and Hon. Mirugi Kariuki was liaising with the office of the Clerk of the National Assembly on the matter.

MINUTE NO. 86/2003:

ADJOURNMENT

The Sitting was adjourned at 1.30 p.m.
Date of next sitting by notice

CONFIRMED.....



(Chairman)

DATE.....

12th November 2003