

REPUBLIC OF KENYA



NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT – FOURTH SESSION

DEPARTMENTAL COMMITTEE ON FINANCE, PLANNING & TRADE

REPORT ON THE VETTING OF NOMINEES FOR APPOINTMENT AS MEMBERS TO THE
PRIVATIZATION COMMISSION

DIRECTORATE OF COMMITTEE SERVICES,
CLERKS CHAMBERS,
PARLIAMENT BUILDINGS
NAIROBI

JUNE, 2016

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CHAIRPERSON'S FORWARD

The message from the National Treasury on the nominees to the Privatization Commission was conveyed by Speaker of the National Assembly pursuant to section 5 (1) (d) of the Privatization Act, No. 2 of 2005. In the said message, the Principal Secretary to the National Treasury requested the House to conduct approval hearings of the nominees for appointment as provided for under the Public Appointments (Parliamentary Approval) Act, No. 33 of 2011.

The names were referred to the Departmental Committee on Finance, Planning & Trade to conduct approval hearings within fourteen days.

During the approval hearings, the Committee requested for memoranda from the public; sought clearances from the EACC, KRA, HELB and credit reference bureaus, interviewed the nominees and finally compiled its report. None of these institutions objected the appointment of the nominees.

The Committee appreciates the assistance provided by the Office of the Speaker and the Clerk of the National Assembly that enabled it to discharge its functions during the approval hearings.

Finally, I wish to express my appreciation to the Honourable Members of the Committee who sacrificed their time to participate in the activities of the Committee and preparation of this Report.

It is therefore my pleasant duty and privilege, on behalf of the Departmental Committee on Finance, Planning & Trade, to table its Report in the House on the vetting of the nominees to the Privatization Commission for consideration and adoption pursuant to section 5 (1) (d) of the Privatization Act, 2005 and Standing Order 45.

Hon. Benjamin Langat, CBS, MP

EXECUTIVE SUMMARY

This report contains the Committee's proceedings during the approval hearings of the nominees to the Privatization Commission as requested by the Principal Secretary to the National Treasury and communicated to the House by the Speaker of the National Assembly on 12th June, 2016. The nominees were: Amb. Boaz Kidiga Mbaya, Mr. Wilfred Sang, Mr. John Boru Sosso Halake, Ms. Faith Jepkemboi, Mr. John Joseph Tito, Mr. Mohammed Suraw Isaak and Ms. Zipporah Mukoruru.

During the approval hearings, the Committee met with the nominees on 23rd June 2016 and orally interviewed them based on the criteria set out in section 5 of the Privatization Act, 2005 and Public Appointments (Parliamentary Approval) Act, 2011. The nominees were specifically interviewed on their educational background, relevant experience, recruitment process, leadership and integrity. The Committee further requested clearance from the KRA, HELB, EACC, CID and any of the registered credit reference bureaus.

By the time the Committee was compiling the report, the KRA had cleared all the nominees for filing their tax returns, all the nominees had HELB clearance certificates, none of the nominees was under investigation by the EAC and all the nominees had CID clearance certificates save for Amb. Mbaya, who had not received his.

Despite calling for memoranda from the public on the suitability or otherwise of the nominees to serve as Members of the Privatization Commission, the Committee did not receive any memoranda.

The recruitment process is governed by section 5 (1) (d) of the Privatization Act, 2005 which obligates the Cabinet Secretary to the National Treasury to nominate and appoint seven Members to the Privatization Commission after approval by the relevant Committee of Parliament.

Having conducted approval hearings for all the seven nominees pursuant to section 5 (1) (d) of the Privatization Act, the Committee found them suitable and recommends that the National Assembly approve their nomination for appointment as Members of the Privatization Commission.

1.1 MANDATE OF THE COMMITTEE

The Committee on Finance, Planning & Trade is one of the Departmental Committees of the National Assembly established under Standing Order 216 and mandated:

- (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 Ministries and departments and the effectiveness of the implementation;
- (c) to study and review all legislation referred to it;
- (d) 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;
- (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;
- (f) **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*); and**
- (g) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

The Committee is mandated to consider subject matters relating to public finance, monetary policies, public debt, financial institutions, investment and divestiture policies, pricing policies, banking, insurance, population, revenue policies, planning, national development, trade, tourism promotion and management, commerce and industry (growth of the industries in Kenya especially the small businesses).

1.2 COMMITTEE MEMBERSHIP

Chairman The Hon. Benjamin Langat, MP

Vice Chairman The Hon. Nelson Gaichuhie, MP
Members The Hon. Dr. Oburu Oginga, MP
The Hon. Jimmy Nuru Angwenyi, MP
The Hon. Eng. Shadrack Manga, MP
The Hon. Ahmed Shakeel Shabbir Ahmed, MP
The Hon. Sammy Koech, MP
The Hon. Sammy Mwaita, MP
The Hon. Tiras N. Ngahu, MP
The Hon. Abdikadir Ore Ahmed, MP
The Hon. Abdullswamad Sheriff, MP
The Hon. Abdul Rahim Dawood, MP
The Hon. Alfred W. Sambu, MP
The Hon. Anyanga Andrew Toboso, MP
The Hon. Daniel E. Nanok, MP
The Hon. Dennis Waweru, MP
The Hon. Joash Olum, MP
The Hon. Iringo Cyprian Kubai, MP
The Hon. Jones M. Mlolwa, MP
The Hon. Joseph Limo, MP
The Hon. Kirwa Stephen Bitok, MP
The Hon. Lati Lelelit, MP
The Hon. Mary Emase, MP
The Hon. Ogendo Rose Nyamunga, MP
The Hon. Patrick Makau King'ola, MP
The Hon. Ronald Tonui, MP
The Hon. Sakaja Johnson, MP
The Hon. Sakwa John Bunyasi, MP
The Hon. Sumra Irshadali, MP

1.3 COMMITTEE SECRETARIAT

First Clerk Assistant	Evans Oanda
Third Clerk Assistant	Nicodemus Maluki
Third Clerk Assistant	Fredrick Otieno
Legal Counsel II	Emma Essendi
Research Officer III	Eric Ososi
Research Officer III	Sharon Rotino

1.4 LIST OF RECOMMENDATIONS

The National Assembly approves the nomination of the following nominees for appointment as Members of the Privatization Commission pursuant to section 5 (1) (d) of the Privatization Act, 2005:

- i. Amb. Boaz Kidiga Mbaya
- ii. Mr. Wilfred Kipkorir Sang
- iii. Mr. John Boru Sosso Halake
- iv. Ms. Faith Jepkemboi Bett
- v. Mr. John Joseph Tito
- vi. Mr. Mohamed Suraw Isaak
- vii. Ms. Zipporah Mukoruru

2.0 INTRODUCTION

2.1 Communication of the names of the nominees

On Tuesday 14th June 2016, the Speaker of the National Assembly informed the House that he had received a letter from the Principal Secretary to the National Treasury addressed to Clerk forwarding the following names of the nominees as Members of the Privatization Commission to the National Assembly for vetting pursuant to section 5 (1) (d) of the Privatization Commission Act, 2005:

1. Amb. Boaz Kidiga Mbaya;
2. Mr. Wilfred Kipkorir Sang;
3. Mr. John Boru Sosso Halake;
4. Ms. Faith Jepkemboi;
5. Mr. John Joseph Tito;
6. Mr. Mohamed Suraw Isaak; and
7. Ms. Zipporah Mukoruru

The Speaker thereafter referred the names of the nominees together with their curriculum vitae to the Departmental Committee on Finance, Planning & Trade to conduct approval hearings. He advised the Committee to conduct extensive public participation as provided for under Article 118 of the Constitution as well as the Public Appointments (Parliamentary Approval) Act, 2011. He finally directed the Committee to table its report by Tuesday, June 28, 2016.

2.2 Recruitment/ appointment process for the nominees to the Privatization Commission

Section 5 (1) (d) of the Privatization Act, 2005 obligates the Cabinet Secretary to the National Treasury to nominate seven (7) members, not being public officers, appointed by the Cabinet Secretary and approved by the relevant committee of Parliament, by virtue of their expertise in such matters as will ensure that the Commission achieves its objectives. This was done through a letter Ref: ZZ/MoF 253/01 and dated 12th May 2016 forwarding the names of the nominated

persons for vetting by the National Assembly signed by the Principal Secretary to the National Treasury.

2.3 Committee proceedings

During the approval hearings, the Committee held a total of four (4).

The Clerk of the National Assembly in accordance with the provisions of section 4 of the Public Appointments (Parliamentary Approval) Act, 2011 through a paid advertisement invited for any memoranda on the suitability or otherwise of the nominees for appointment to the Privatization Commission. The Committee did not receive any memoranda on the nominees.

2.4 Clearance requirements

On 13th June 2016, the Clerk of the National Assembly wrote to the nominees informing them of their nomination by the Cabinet Secretary for the National Treasury and requested them to appear for vetting by the Departmental Committee on Finance, Planning & Trade on 23rd June, 2016. He further requested the nominees to bring with them clearance certificates from the Ethics and Anti-Corruption Commission (EACC); Kenya Revenue Authority (KRA), Higher Education Loans Board (HELB); Directorate of Criminal Investigation (CID); and any of the registered credit reference bureaus.

On 15th June, 2016, the Clerk of the National Assembly wrote to the KRA, HELB, EACC, and CID requesting for tax, loan, integrity and criminal record status respectively of the nominees. By the time Committee was compiling its report, KRA had responded to the Committee clearing all the nominees for meeting their tax obligations. HELD, CID and the EACC did not respond to the Committee's request.

2.5 Notification to the Public

Section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011 provides that *“any person may, prior to the approval hearing and by a written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated”*.

On 16th June, 2016, the Clerk of the National Assembly placed an advertisement in the print media inviting the public to submit memoranda by way of written statement on oath (**sworn affidavit**) on the suitability or otherwise of the nominees in conformity with section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011. The submissions were to be received latest by 22nd June 2016.

Pursuant to provisions of Article 118 of the Constitution, section 6(4) of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 45(3), the general public was also notified in the print media by the Clerk of the National Assembly on 16th June, 2015 of the intention of the Departmental Committee on Finance, Planning & Trade to conduct the vetting and approval hearings of the nominees on Thursday 23rd June, 2016.

3.0 APPROVAL HEARINGS

The Committee met with the nominees on 23rd June, 2016 and conducted approval hearings. During the process, the Committee was guided by the Constitution; Public Appointments (Parliamentary Approval) Act, 2011; the Privatization Act, 2005, Standing Orders and other relevant statutes. Specifically, the nominees were examined on the following criteria as set out in the Public Appointments (Parliamentary Approval) Act, 2011:

- Academic qualifications
- Employment record
- Professional affiliations
- Potential conflict of interest
- Knowledge of the relevant subject
- Integrity
- Vision and leadership
- Expectations and key priorities

3.1 AMB. BOAZ KIDIGA MBAYA

On 23rd June 2016, Amb. Boaz Kidiga Mbaya appeared before the Committee for vetting. He was interviewed by the Committee and responded as follows:

(a) Introduction and educational background

He is a Kenyan citizen born on 14th March, 1951. He graduated from the University of Nairobi with B.A. (Hons) in Political Science and Literature in 1978. He is also a holder of Postgraduate Diploma in International Relations from the same University. He is a holder of the East African Advanced Certificate (EACE) and East African Certificate of Education from Chesamisi High School and Chavakali High School respectively.

(b) Linkage of his Professional experience to the new position

The experience gained while working for the Kenyan Government in policy formulation, management and implementation would enable him engage with the technocrats in policy formulation at the Privatization Commission.

On high level of government involvement in government enterprises, this creates inefficiency especially in the sugar industry. Therefore privatization will help revive these factories.

(c) Role of the Commission vis a vis the Management

Amb. Mbaya assured the Committee that his previous trainings in corporate governance as well as holding senior management positions in the Ministry of Foreign Affairs helped him understand the clear separation of roles between the Commission and the Management as provided for in the State Corporation Act, Cap. 446. With that understanding, he expects a smooth working relationship between the Commission and Management.

(d) Outside engagements and possible conflict of interest

The nominee informed the Committee that he would continue with his consultancy work alongside serving as a Member of the Privatization Commission if appointed. This is because being a non-executive and part-time appointment; the level of engagement at the Commission will not require a lot of his time.

(e) **Nomination process**

Amb. Kidiga informed the Committee that he was duly nominated for appointment as a Member of the Privatization Commission pursuant to Section 5(1)(d) of the Privatization Act, 2005

(f) **Political affiliations**

Amb. Mbaya was a CEO for UDF Party in the last General elections but has since left that position.

(g) **Clearance by the relevant government agencies**

He had been cleared by the KRA and HELB. He had asked for a certificate of good conduct from the CID but was told that that this will take up to a month. He had also lodged for a clearance from EACC, which he was informed that it would be sent to the National Assembly.

3.2 MR. WILFRED KIPKORIR SANG

On 23rd June 2016, Mr. Wilfred Kipkorir Sang appeared before the Committee for vetting. He was interviewed by the Committee and responded as follows:

(a) **Introduction and educational background**

He is a Kenyan citizen born on 28th September, 1960. He graduated from the Sheffield Hallam University in 2003 and the University of Nairobi in 1985 with a Masters of Business Administration in Financial Services Sector and Bachelor of Science (Agriculture) respectively. He also holds a Diploma in Financial Studies and a Diploma in Banking (ACIB) from Chartered Institute of Bankers.

His experience working in the bank in the group credit division and group corporate division will be in handy when the government would be privatizing its companies.

(b) **Professional/ work experience**

He owns and runs Signature Car Limited that sells cars. He has a wealth of experience in the Private Sector having worked as Director at Kenya Commercial Bank in the Group Corporate

Division. He has also worked in the Ministry of Agriculture from 1985 to 1987 as an Agricultural Officer.

On privatization of government entities, Mr. Sang informed the Committee that he supported privatization of state owned government entities as a means of improving their efficiency.

(c) Outside engagements

The nominee informed the Committee that he would continue running his business alongside serving as a Member of the Privatization Commission if appointed. This is because being a non-executive appointment; the level of engagement at the Commission may be too limited to warrant a resignation from other gainful employment opportunities.

(d) Source of his wealth

His wealth mainly arose from his employment in the Bank and the Ministry of Agriculture.

(e) Nomination process

Mr. Sang informed the Committee that he was duly nominated for appointment as a Member of the Privatization Commission pursuant to Section 5(1)(d) of the Privatization Act, 2005

(f) Political inclination

Mr. Sang confirmed that he has is not a politician.

(g) Integrity

He has always filed his tax returns for both his company and his personal income. KRA had recently inspected his car yard and cleared it of any fraudulent activities.

(h) Pro-bono

Mr. Sang informed the Committee that though he had not declared his charity activities in the questionnaire, he has been paying school fees for needy students.

3.3 MR. JOHN BORU SOSSO HALAKE

On 23rd June 2016, Mr. John Boru Sosso Halake appeared before the Committee for vetting. He was interviewed by the Committee and responded as follows:

(a) Introduction and educational background

He is a Kenyan citizen born in 1948. He has a Bachelors of Arts degree from Dar es Salaam University (1964), he also attended a Financial Management Course at the University of Leeds (1983) and a Budgeting in Public Sector Course at the Harvard University (1990).

(b) Work/ professional experience

He has a wealth of experience in the Public Service having worked in different levels that culminated into being appointed as the Permanent Secretary in the Ministry of Culture and Social Services. More importantly, he had worked as a Financial Secretary in the Treasury.

(c) What he intends to bring to the Commission

While working in government, he was involved in the privatization of government entities such as Kenya Airways. Therefore, he has expertise in the privatization process. Further, the government's inefficiencies in its companies call for privatization of its entities so that the government is left to deal with policy matters of creating a conducive environment for businesses to thrive in.

(d) Outside engagements and possible conflict of interest

The nominee informed the Committee that he would not have any outside engagements while working for the Commission if appointed and does not anticipate any conflict of interest.

(e) Nomination process

Mr. John Boru Sosso Halake informed the Committee that he was duly nominated for appointment as a Member of the Privatization Commission pursuant to Section 5(1)(d) of the Privatization Act, 2005.

3.4 MS. FAITH JEPKEMBOI BETT

On 23rd June 2016, Ms. Faith Jepkemboi Bett appeared before the Committee for vetting. She was interviewed by the Committee and responded as follows:

(a) Introduction and educational background

She is a Kenya citizen born on 29th September 1979. She graduated from Moi University with Bachelor of Laws Degree (LL.B) in 2002. She holds a Diploma in Law from the Kenya School of Law (2005) and a Diploma in Human Resource Management from Kenya Institute of Management (2003).

(b) Work/ Professional Experience

She has a wealth of experience in public-private sector Governance and leadership having had a direct involvement in management of several Semi-Autonomous Government Agencies (SAGAs) and higher education institutions as Director in the Board of Management for state Corporations.

She previously worked as a director at the Nyayo Tea Zones and is currently serving her last term as a director at the Kenya Pipeline Corporation (KPC). At the KPC, she is the Chair of the Finance Committee of the Board. Under her leadership as the Chair of the Finance Committee, KPC has managed to improve its asset base. She runs her business as a private legal practitioner where she is the managing partner.

The nominee further informed the Committee that she is capable of providing strategy formulation and implementation oversight on statutory obligations, policies, practices and processes that direct and control public and private sector organizations. She is also capable of understanding, leading and balancing the interests and needs of key stakeholders including shareholders, employees, management, citizens, customers, suppliers, financiers, government and the community.

(c) Outside engagements and possible conflict of interest

The nominee informed the Committee that she would continue working in her law firm and her directorship in the Kenya Pipeline Corporation alongside serving as a Member of the Privatization Commission if appointed. This is because this appointment is a non-executive appointment and the level of engagement within the Commission may be too limited to warrant a resignation from other gainful employment opportunities. She does not anticipate any conflict of interest in the course of discharging her mandate as a Member of the Privatization Commission.

(d) Suitability to serve in the Commission

Based on her legal training, she believes that she can help the Commission when it comes to matters on law.

(e) Nomination process

Ms. Bett informed the Committee that she was duly nominated for appointment as a Member of the Privatization Commission pursuant to Section 5(1)(d) of the Privatization Act, 2005

(f) Potential conflict of interest

She has no conflict of interest and does not expect any while discharging her duties at the Commission.

3.5 MR. JOHN JOSEPH TITO OLUGWARU

On 23rd June 2016, Mr. Joseph Tito Olugwaru appeared before the Committee for vetting. He was interviewed and responded as follows:

(a) Introduction and educational background

He is a Kenya citizen born on 30th March 1967. He graduated from University of Nairobi with Bachelor of Laws (LLB) in 1991. He holds a Post Graduate Diploma in Law from Kenya School of Law (1992). He has published a number of Articles touching on corporate financing with special emphasis on Public Private Partnership.

(b) Work/Professional Experience

He is an accomplished lawyer with solid a background in International and Commercial Law of over 18 years. He has expertise in executive management, governance and policy formulation and implementation. He is currently running Tito & Associates, a legal and advisory services firm. He worked as Chief Legal Officer/ Corporation Secretary at Kenya Airports Authority (1999-2010) and in the Legal Office at Kenya Airways (1993-1999).

He is a member of the following Professional Associations:

- ü Law Society of Kenya
- ü International Bar Association
- ü Associate Member American Bar Association
- ü International Chamber of Arbitrators, Kenya Chapter

(c) What he will bring to the Privatization Commission

Given his expertise as a trained business lawyer, he will bring to the board his skills in the privatization process. He will also use his experience gained during the privatization of Kenya Airways (KQ) to improve the Commission. KQ improved through privatization but he was not be able to comment on the current state of the national carrier as he does not have insider information. He will support a privatization model that is geared towards getting a partner with the knowledge of the business model an organization has.

(d) Outside engagements and possible conflict of interest

The nominee informed the Committee that he is in private practice and open to any agreeable engagements and consultancies. Further, he does not foresee any potential conflicts and if any arise, he would declare the interest and recluse himself from the deliberations and decision making related thereto.

(e) Nomination process

Mr. Tito informed the Committee that he was duly nominated for appointment as a Member of the Privatization Commission pursuant to Section 5(1)(d) of the Privatization Act, 2005

(f) Status of privatized entities

Mr. Tito concurred with the Committee that previous privatization processes had not achieved much success mainly due to Kenya's inexperience in the privatization process and also the financial crisis that affected most multinationals in the last decade. He however reminded Members that some entities like the KQ had enjoyed a prolonged period of success after privatization. Others like Telkom Kenya have been struggling probably because of stiff competition.

3.6 Mr. MOHAMED SURAW ISAAC

On 23rd June 2016, Mr. Mohamed Suraw Isaak appeared before the Committee for vetting. He was interviewed by the Committee and responded as follows:-

(a) Introduction and educational background

He is a Kenya Citizen born in 1974. He graduated from Jomo Kenyatta University of Agriculture and Technology with Masters of Business Administration in Strategic Management and from Kampala University with Bachelor of Human Resource Management. He holds a Diploma and Certificate in Public Relation from Moi University and University of Nairobi respectively.

(b) Work/Professional Experience

He has worked in a number of institutions as outlined below:

- (i) He is currently the Director at Falcon Group of Companies since 2014;
- (ii) He was the Mayor Municipal Council of Nakuru between 2011 and 2013;
- (iii) He was elected councillor Rhoda between 2008 and 2013;
- (iv) He was the General Manager at Falcon Service Station in Nakuru and Kisii between 2005 and 2007;
- (v) He was the Managing Director at Trans Highway Service Station

(c) What he can bring to the Privatization Commission

While serving as a Mayor of Nakuru, Mr. Mohamed spearheaded the privatization of water services for Nakuru Municipality. As a result of this, the efficiency of water provision in Nakuru

has been improved. The experience gained during this process will come in handy when dealing with future privatization initiatives.

(d) Outside engagements

The nominee informed the Committee that he would have enough time to serve as a Member of the Privatization Commission alongside working for his private businesses.

(e) His nomination process

Mr. Mohamed informed the Committee that he was duly nominated for appointment as a Member of the Privatization Commission pursuant to Section 5(1)(d) of the Privatization Act, 2005

3.7 MS. ZIPPORAH MUKORURU

On 23rd June 2016, Ms. Zipporah Mukoruru appeared before the Committee for vetting. She was interviewed by the Committee and responded as follows:

(a) Introduction and educational background

She is a Kenyan citizen born on 23rd October 1972. She is a holder of Masters degree in Procurement and Logistics from JKUAT and Bachelor of Education Degree from Kenyatta University. She also has a postgraduate Diploma in Purchasing and Supplies from University of Nairobi.

(b) What she will bring to the Privatization Commission

Her knowledge in procurement will help her discharge her functions as a Member of the Privatization Commission.

(c) Outside engagements

The nominee informed the Committee that she would continue teaching alongside serving as a Member of the Privatization Commission if appointed. This is because being a Commissioner the level of engagement within the authority may be too limited to warrant a resignation from other

gainful employment opportunities. However, she would be willing to resign from her teaching profession in order to serve as a member of the Privatization Commission.

(d) Understanding of the Privatization Commission

Ms. Zipporah Mukururu confirmed to the Committee that she understood the mandate of the Privatization Commission especially that of the Members of the Commission. She further reiterated her support for privatization of state owned entities apart from the education sector.

(e) Nomination process

Ms. Mukururu informed the Committee that she was duly nominated for appointment as a Member of the Privatization Commission pursuant to Section 5(1)(d) of the Privatization Act, 2005

(f) Clearance requirements

Ms. Zipporah Mukururu confirmed to the Committee that she had clearance from the EACC, KRA, CID and a credit reference bureau.

4.0 COMMITTEE OBSERVATIONS

The Committee having considered the curriculum vitae and oral submissions during the vetting exercise, made the following observations:-

4.1 AMB. BOAZ KIDIGA MBAYA

The Committee having considered his curriculum vitae and oral submissions during the vetting, made the following observations on his nomination as a Member of the Privatization Commission:-

- i. He is a Kenyan citizen born on 14th March 1951.
- ii. He is a holder of B.A. (Hons) in Political Science and Literature from the University of Nairobi (1978). In addition he holds a Post Graduate Diploma in International Relations from the same university.
- iii. On employment and professional experience:
 - He is currently in private business working as an Executive Director at the Centre for Policy Analysis. This is an independent think tank and consultancy firm specializing in public policy analysis, research, management and training.
 - He served as a Permanent Secretary, Ministry of Foreign Affairs of Kenya between 2005 and 2006.
 - He has a wealth of experience in international relations, bilateral and multi-lateral diplomacy spanning over three decades.
- iv. He has never been charged in a court of law, has no potential conflict of interest,, fully complied with his tax obligation and cleared by the HELB.
- v. Though he had applied for a clearance certificate from the CID and the EACC, the two institutions had not communicated to the National Assembly on the matter by the time the Committee was compiling this report.

- vi. He has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution that deals with conduct of state officers that are adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
- vii. The Committee further noted that the nominee had a wealth of experience in policy formulation, analysis and implementation having worked in the Public Service for the entire period of his career. His experience will come in handy while discharging his responsibilities as a Member of the Privatization Commission.

4.2 MR. WILFRED KIPKORIR SANG

The Committee having considered his curriculum vitae and heard his submission during the interview, made the following observations on his nomination as a Member to the Privatization Commission:

- i. He is a Kenyan citizen born on 28th September 1960.
- ii. He holds a Masters Degree in Business Administration (Financial Services Sector) from Sheffield Hallam University (2003) and a Bachelor of Science Agriculture (Agricultural Economics) Degree from the University of Nairobi (1985). In addition, he holds a Diploma in Banking (1990) and a Diploma in Financial Studies (1994).
- iii. On employment and professional experience
 - ✓ He has been running his Signature Cars Limited Company that sells cars since 2013. He has as extensive work experience in the private sector having worked for the Kenya Commercial Bank Group in the following capacities:
 - Director of the Group Credit Division between November 2010 and March 2013 and August 2007 to April 2009.
 - Director of the Group Corporate Division between April 2009 and October 2010.
 - Account relationship manager for the Group Risk Management between August 2003 and April 2004.

- Credit audit manager in the Group Audit Division between 2001 and 2003.
 - Corporate account manager in the Corporate Banking Division between 1998 and 2000.
 - Account Manager for Corporate Customers between 1994 and 1997.
 - Account Manager for Property Portfolio between 1992 and 1993.
 - Account Officer loan section between 1988 and 1991.
- ✓ He also worked with the Ministry of Agriculture as Marketing Officer between 1985-1987.
- iv. He had no integrity issues.
- v. He had clearance from the Directorate of Criminal Investigation (CID), the Kenya Revenue Authority, the Higher Education Loans Board (HELB) and a credit reference bureau.
- vi. He has never been charged in a court of law, and has no potential conflict of interest.
- vii. He has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution that deals with conduct of state officers that are adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.

The Committee further noted that the nominee exhibited impressive knowledge of topical issues touching on private Sector financing that will come in handy when dealing with privatization proposals.

4.3 MR. JOHN BORU SOSSO HALAKE

The Committee having considered his curriculum vitae and heard his submissions during the interview, made the following observations on his nomination as a Member of the Privatization Commission:

- i. He is a Kenyan citizen born in 1948.
- ii. He has a Bachelor of Arts degree from Dar es Salaam University (1964), he has attended a course in Financial Management from the University of Leads (1983) and a course in Budgeting in the Public Sector from Harvard University (1990).
- iii. He has a wealth of experience in the Public Service having worked there at different cadres that culminated into being appointed as the Permanent Secretary in the Ministry of Culture and Social Services. More importantly, he has worked as a Financial Secretary in the Treasury where he represented the Treasury in various Boards including N.S.S.F.
- iv. He is physically challenged and on a wheelchair after a road accident.
- (vi) He has never been charged in a court of law, has no potential conflict of interest, and has fully complied with his tax obligation.
- (vii) He has never been dismissed from office on contravention of the provisions of Article 75 of the Constitution that deals with conduct of state officers that are adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.

The Committee further noted that the nominee had a wealth of experience in the Public Service that was untimely cut short by the road accident. This experience in the Public Service will help him while discharging his duties as a Member of the Privatization Commission.

4.4 MS. FAITH JEPKEMBOI BETT

The Committee having considered her curriculum vitae and heard her submissions during the vetting exercise, made the following observations:

- i. She is a Kenyan citizen born on 29th September, 1979.
- ii. She holds a Bachelors of Law (LLB) Degree from Moi University (2002), a Diploma in Law from Kenya School of Law (2005) and a Diploma in Human Resource Management from Kenya Institute of Management (2003).

- iii. She has a wealth of experience in corporate governance having worked as a director in the following institutions:
 - ✓ Kenya Pipeline Company limited since 2012 where she serves as the Chair of the Finance Committee of the Board.
 - ✓ Nyayo Tea Zones Development Corporation between 2006 and 2012.
 - ✓ Kerote Girls' High School since 2009 as the Chair.
- iv. She is in private practice serving as a Managing Partner of Boinett & Bett Co. Advocates since 2009.
- v. She has no integrity issues.
- vi. She has clearance from the Directorate of Criminal Investigation (CID), Kenya Revenue Authority, Higher Education Loans Board (HELB) and a credit reference bureau.
- vii. She has never been charged in a court of law and has no potential conflict of interest.
- viii. She has never been dismissed from office on contravention of the provisions of Article 75 of the Constitution that deals with conduct of state officers that are adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
- ix. She is a life member of the Federation of Women Lawyers (FIDA).

The Committee noted that the nominee exhibited impressive knowledge of topical issues touching on privatization; was dynamic, enthusiastic and that both her legal background and previous directorships will complement the Privatization Commission in achieving its objectives.

4.5 MR. JOSEPH TITO OLUGWARU

The Committee having considered his curriculum vitae and heard his submissions during the vetting, made the following observations:-

- i. He is a Kenya citizen born on 30th March 1967.

- ii. He holds a Bachelors of Laws Degree from the University of Nairobi (1996); Postgraduate Diploma in Law (1992) and International Business and Transnational Law (1991) from Kenya School of Law and Widener University respectively; a Postgraduate Diploma in Aviation Law from IATA Aviation Institute Geneva, Switzerland (1997) and is a Certified Expert in Public Private Partnerships and Regulation from the Joint African Institute of World Bank.
- iii. He has a wealth of experience in advocacy and legal consultancies having worked for the following institutions:
 - ✓ Kenya Airports Authority as a Chief Legal Officer/Corporate Secretary (2003) and Manager Legal Services between May 1999 and May 2003
 - ✓ Kenya Airways Limited as a Legal Officer between 1993 and 1999
 - ✓ Kaplan & Stratton Advocates as a Legal Assistant (1991-1993)
- iv. He is currently running a legal consultancy and advisory services firm (Tito and Associates).
- v. He has no integrity issues.
- vi. He has clearance from the Directorate of Criminal Investigation, the Kenya Revenue Authority, the Higher Education Loans Board (HELB) and a credit reference bureau.
- vii. He has never been charged in a court of law and has no potential conflict of interest.
- viii. He has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution that deals with conduct of state officers that are adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
- ix. He is in private practice and open to any agreeable engagements. He intends to continue with his consultancy services alongside being a Member of the Privatization Commission.

The Committee noted that the nominee had a wealth of experience in business and commercial law having been trained and practiced in law and having worked for Kenya Airways at the time when it was privatized. His experiences would therefore complement the work of the privatization in future privatization engagements.

4.6 MR. MOHAMMED SURAW ISAAK

The Committee having considered his curriculum vitae and heard his submissions during the vetting, made the following observations on his nomination as a Member to the Privatization Commission:

- a) He is a Kenyan citizen born on 2nd April 1974.
- b) He holds a Masters degree in Business Administration (Strategic Management) from Jomo Kenyatta University of Science and Technology, a Bachelor of Human Resource from Kampala University and a Diploma in County Governance from Jomo Kenyatta University of Science and Technology.
- c) His work experience is as follows:
 - ✓ Was a mayor of Nakuru Municipality between 2011 and 2013.
 - ✓ Elected councillor of Rhoda Ward of Nakuru Municipality between January 2007 and February 2013.
 - ✓ Managing director of Transhighway Service Station between 1999 and 2005.
 - ✓ General Manager of the Falcon Service Station between 2005 and 2007.
- d) He has no integrity issues.
- e) He had clearance from the Directorate of Criminal Investigation Department (CID), the Kenya Revenue Authority, the Higher Education Loans Board (HELB) and a credit reference bureau.
- f) He has never been charged in a court of law and has no potential conflict of interest.

- g) He has never been dismissed from office on contravention of the provisions of Article 75 of the Constitution that deals with conduct of state officers that are adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
- h) He unsuccessfully ran for a political seat for Member of the National Assembly for Nakuru West Constituency on a URP ticket in the 2013 general elections.

The Committee noted that the Privatization Commission could tap into the nominee's experience gained while successfully privatizing Nakuru Water Services Board in future privatization proposals.

4.7 MS. ZIPPORAH MUKORURU

The Committee having considered her curriculum vitae and heard her submissions during the vetting, made the following observations:-

- (i) She is a Kenyan citizen born on 23rd October 1972.
- (ii) She holds a Masters degree in Procurement and Logistics from JKUAT (2014) and Bachelors of Education degree from Kenyatta University (1997). She also has a Postgraduate Diploma in Purchasing and Supplies from Nairobi University (2010).
- (iii) She does not have any political interest.
- (iv) She had no integrity issues having been cleared by the EACC.
- (v) She had clearance from the Directorate of Criminal Investigation (CID), the Kenya Revenue Authority, the Higher Education Loans Board (HELB) and a credit reference bureau.
- (vi) She has never been charged in a court of law and has no potential conflict of interest.
- (vii) She has never been dismissed from office on contravention of the provisions of Article 75 of the Constitution that deals with conduct of state officers that are

adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.

- (viii) She is currently a Senior Lecturer at Meru Technical Training College and is Member of the Kenya Institute of supplies management

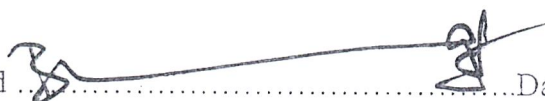
The Committee noted that the nominee was honest, knowledgeable on matters of procurement and was passionate about her teaching profession. Further, the nominee understood the functions of the Privatization Commission. The Committee also observed that as a public officer, she would need to relinquish her teaching position in the event her appointment was approved by the National Assembly in line with section 5 (1) (d) of the Privatization Act, 2005 which bars a public officer from serving as a Member of the Privatization Commission.

5.0 COMMITTEE RECOMMENDATION

Having conducted approval hearings for all the seven nominees pursuant to Article 118 of the Constitution; section 5 (1) (d) of the Privatization Act and the Public Appointments (Parliamentary Approval) Act, 2011 the Committee recommends that the National Assembly approves the nomination of the following nominees for appointment as Members of the Privatization Commission:

- i. Amb. Boaz Kidiga Mbaya
- ii. Mr. Wilfred Kipkorir Sang
- iii. Mr. John Boru Sosso Halake
- iv. Ms. Faith Jepkemboi Bett
- v. Mr. John Joseph Tito
- vi. Mr. Mohamed Suraw Isaak
- vii. Ms. Zipporah Mukoruru

Signed



Date

28-06-2016

(HON. BENJAMIN LANGAT, MP)

CHAIRPERSON, DEPARTMENTAL COMMITTEE ON FINANCE, PLANNING &
TRADE