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REPUBLIC OF KENYA



NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT- THIRD SESSION



FIFTH REPORT



OF THE
COMMITTEE ON APPOINTMENTS

REPORT ON THE VETTING OF SEVEN (7) NOMINEES FOR
APPOINTMENT TO THE POSITION OF CABINET SECRETARY

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LIST OF ABBREVIATIONS/ACRONYMS

AFFA	Agriculture, Fisheries and Food Authority
ASAL	Arid and Semi Arid Lands
CDF	Constituency Development Fund
CRB	Credit Reference Bureau
DCI	Director of Criminal Investigations
EACC	Ethics and Anti Corruption Commission
HELB	Higher Education Loans Board
KEMSA	Kenya Medical Supplies Authority
KIPPRA	Kenya Institute for Public Policy Research and Analysis
KRA	Kenya Revenue Authority
KNH	Kenyatta National Hospital
NEMA	National Environment Management Authority
NGO	Non-Governmental Organization
NYS	National Youth Service
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNICEF	United Nations International Children's Fund
WHO	World Health Organisation

1.0 PREFACE

1.1 Committee Mandate

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

1.2 Committee Membership

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

- | | |
|---|---|
| 1. The Hon. Justin Muturi, EGH, MP | - Speaker (Chairperson) |
| 2. The Hon. (Dr.) Joyce Laboso, MGH, MP | - Deputy Speaker |
| 3. The Hon. Aden Duale, EGH, MP | - Leader of the Majority Party |
| 4. The Hon. Francis Nyenze, EGH, MP | - Leader of the Minority Party |
| 5. The Hon. (Dr.) Naomi Shaban, EGH, MP | - Deputy Leader of the Majority Party |
| 6. The Hon. Jakoyo Midiwo, MGH, MP | - Deputy Leader of the Minority Party |
| 7. The Hon. Katoo Ole Metito, EGH, MGH, MP | - Chief Whip of the Majority Party |
| 8. The Hon. (Dr.) Chrisantus Wamalwa, CBS, MP | - Deputy Chief Whip of the Minority Party |
| 9. The Hon. Amina Abdalla, CBS, MP | |
| 10. The Hon. Gideon Konchella, EGH, OGW, MP | |
| 11. The Hon. Cecily Mbarire, MGH, MP | |
| 12. The Hon. Moses Cheboi, MGH, MP | |
| 13. The Hon. Jamleck Kamau, EGH, MP | |
| 14. The Hon. Nelson Gaichuhie, MP | |
| 15. The Hon. Jackson Kiptanui, MP | |
| 16. The Hon. Isaak Ali Shaban, MP | |
| 17. The Hon. Esther Murugi, EGH, MP | |
| 18. The Hon. Manson Nyamweya, MP | |
| 19. The Hon. Abass Ahmed Ibrahim, MP | |
| 20. The Hon. Boniface Gatobu, MP | |

21. The Hon. David Wafula, MP
22. The Hon. Ibrahim Sane, MP
23. The Hon. Maj. (Rtd) Marcus Muluvi, MP
24. The Hon. Mishi Juma Khamis, MP
25. The Hon. Roselinda Soipan, MP
26. The Hon. Stephen Mule, MP

1.3 Message from His Excellency the President

Pursuant to Article 152(2) of the Constitution, H.E. the President, forwarded to the Clerk of the National Assembly, the nomination of the following seven (7) persons vide letter dated 1st December, 2015 for vetting by the Committee on Appointments and consideration for approval by the National Assembly for appointment as Cabinet Secretaries of the respective ministries:

1. *The Hon. Festus Mwangi Kiunjuri, nominee for Ministry of Devolution and Planning;*
2. *Senator Charles Cheruiyot Keter, nominee for Ministry of Energy and Petroleum;*
3. *Dr. Cleopa Kilonzo Mailu, nominee for Ministry of Health;*
4. *Mr. Willy Kipkorir Bett, nominee for Ministry of Agriculture, Livestock and Fisheries;*
5. *Mr. Joseph Wakaba Mucheru, nominee for Ministry of Information, Communication and Technology;*
6. *Mrs. Sicily Kanini Kariuki, nominee for Ministry of Public Service, Youth and Gender Affairs; and*
7. *The Hon. Daniel Kazungu Muzee, nominee for Ministry of Mining.*

1.4 Committal to Committee on Appointments

Pursuant to Standing Order 42(1), the Honorable Speaker informed the House on 2nd December, 2015 that he had received the notification of the nominations.

The notification of nominations was therefore referred to the Committee on Appointments on 2nd December, 2015 for vetting and reporting to the House within 14 days in accordance with Section 8(1) of Public Appointments (Parliamentary Approval) Act, Cap.136.

1.5 Committee Meetings

All the nominees appeared before the Committee on Friday, 11th December, 2015 and were vetted in accordance with the provisions of the Constitution, the Public Appointments (Parliamentary Approval) Act, Cap.136 and the National Assembly Standing Orders on their suitability for appointment to the position of Cabinet Secretary. In total, the Committee held five Sittings in consideration of this matter.

1.6 Acknowledgement

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

On behalf of the Committee on Appointments and pursuant to Article 124(4)(b) of the Constitution, Section 3(1) of the Public Appointments (Parliamentary Approval) Act, Cap.136, and the provisions of Standing Order No. 199, it is my pleasure and duty to present to the House, the Committee's Report on the vetting of the seven (7) nominees for appointment to the position of Cabinet Secretary.

Thank you.

Signed

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

Date

15th December, 2015

2.0 BACKGROUND

2.1 Establishment of the Committee

The Committee on Appointments is established under Standing Order 204(4) with the mandate to consider for approval by the House, appointments of Cabinet Secretaries pursuant to Article 152(2) of the Constitution. The said Article requires H.E. the President to nominate and with the approval of the National Assembly, appoint Cabinet Secretaries. Section 7(10) of the Public Appointments (Parliamentary Approval) Act, Cap. 136, provides that, *where the nomination of a candidate is rejected by Parliament, the appointing authority may submit to the relevant House the name of another candidate, and the procedure for approval specified in this Act shall apply accordingly.*

2.2 Appointment Process of Cabinet Secretary Nominees

In accordance with the provisions of Article 152(2) of the Constitution, H.E. the President forwarded to the Speaker of the National Assembly, the nomination of the seven (7) persons vide a letter dated 1st December 2015, for vetting by the Committee on Appointments and consideration for approval by the National Assembly for appointment as Cabinet Secretaries for various Ministries.

Pursuant to Standing Order 42(1), the Honorable Speaker informed the House on 2nd December, 2015 that he had received the notification of the nominations and referred the same to the Committee on Appointments for vetting and reporting to the House within 14 days in accordance with Section 8(1) of Public Appointments (Parliamentary Approval) Act, Cap. 136.

2.3 Notification to the Public

Section 6(9) of the Public Appointments (Parliamentary Approval) Act, Cap. 136 provides that *"any person may, prior to the approval hearing and by a written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated".*

The Clerk of the National Assembly placed an advertisement in the print media on Thursday, 3rd, December, 2015 inviting the public to submit memoranda by way of written statements on oath (sworn affidavits) on the suitability or otherwise of the nominees in conformity with section 6(9)

of the Public Appointments (Parliamentary Approval) Act, Cap. 136. The submissions were to be received latest by Wednesday, 9th December, 2015 at 5.00 pm.

Pursuant to provisions of Article 118 of the Constitution, section 6(4) of the Public Appointments (Parliamentary Approval) Act, Cap. 136 and Standing Order 45(3), the general public was also notified in the print media by the Clerk of the National Assembly of the intention of the Committee on Appointments to conduct the vetting and approval hearing of the nominees on Friday, 11th December, 2015.

2.4 Clearance Requirements

On 2nd December, 2015 the Clerk of the National Assembly wrote to the Ethics and Anti-Corruption Commission (EACC), Kenya Revenue Authority (KRA), Directorate of Criminal Investigations and the Higher Education Loans Board (HELB) requesting for reports with respect to the nominees on-

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

The Higher Education Loans Board confirmed vide letter Ref. Ref. HELB/RD/56593 dated 7th December, 2015 that ALL the nominees were cleared by the Board as per the schedule below:

Nominee	Clearance Date	Certificate No.
Hon. Festus Mwangi Kiunjuri	June 2002	2271
Hon. Charles Cheruiyot Keter	June 2003	88437
Hon. Daniel Kazungu Muzee	December 2012	43498
Mr. Willy Kipkorir Bett	June 2007	88243
Mr. Joseph Mucheru	Non-beneficiary	N/A
Mrs. Sicily Kanini Kariuki	May 2006	6945
Dr. Cleopa Kilonzo Mailu	October 2007	10077

The Kenya Revenue Authority confirmed vide letter Ref. CDT/HQ/54 dated 8th December 2015 and Ref. CDT/HQ/81 dated 9th December 2015 that ALL the nominees are tax compliant.

The Directorate of Criminal Investigations issued individual nominees with Police Clearance Certificates indicating their record on offenses and ongoing court cases. The Committee however observed that the Directorate should exercise care and due diligence while clearing candidates for purposes of Chapter Six of the Constitution and avoid submitting information to Parliament that is unfounded and conflicting.

Various Credit Reference Bureaus also issued individual nominees with clearance certificates confirming that ALL nominees have complied with their loan repayment terms and are not listed by the Bureau as defaulters.

2.5 Appearance by Mr. Halakhe Waqo, Chief Executive Officer, EACC

The Ethics and Anti-Corruption Commission vide a letter Ref. EACC.7/10/5 VOL.II(3) dated 7th December 2015 to the Clerk of the National Assembly confirmed that it did not have outstanding issues or ongoing investigations against the nominees except Hon. Daniel Kazungu who was adversely mentioned in an unsubstantiated complaint. However, in a subsequent letter dated 10th December, 2015, the Commission confirmed that it had verified information in its possession on the nominee and found no evidence to warrant an adverse recommendation on his appointment.

Following the two letters referenced above, the Chief Executive Officer, Ethics and Anti-Corruption Commission appeared before the Committee on 11th December 2015 at 4.00pm to substantiate the extent and veracity of the complaint against Hon. Kazungu.

In his response, the CEO informed the Committee that on receiving the list of nominees to be vetted by Parliament on 2nd December 2015, the Commission searched its records on any complaints and investigations touching on the nominees. It is based on these findings that the Commission found complaints on three of the nominees one of whom, is Hon. Kazungu, Cabinet Secretary nominee, Ministry of Mining. On further verification prompted by Clerk of the National Assembly in a letter dated 9th December, 2015, the Commission found the allegations of misuse of CDF funds by the nominee were unsubstantiated and could read malice bearing in mind the timing of filing the complaint.

He however committed that the Commission will undertake its investigations and report to the relevant authorities its findings of the corruption allegations against the nominee.

The Committee observed that EACC should exercise care and due diligence while clearing candidates for purposes of Chapter Six of the Constitution and avoid submitting information to Parliament that is unfounded and conflicting.

2.6 Criteria for Vetting

Section 7 of the Public Appointments (Parliamentary Approval) Act, Cap. 136 provides that the issues for consideration by the relevant House in relation to any nomination shall be:-

- 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 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.

Further, section 6(10) of the Public Appointments (Parliamentary Approval) Act, Cap. 136 provides that a candidate may at any time, by notice in writing addressed to the Clerk withdraw from the approval process.

2.7 Submission of Memoranda

Pursuant to section 6(9) of the Public Appointments (Parliamentary Approval) Act, Cap. 136 (hereinafter referred to as "the Act"), which 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*", the Clerk of the National Assembly placed an advert in the local dailies on 3rd December, 2015, inviting interested members of the public to submit any representations by written statement on oath (affidavit), that they may have on the suitability of the said nominees for appointment as Cabinet Secretaries for their respective Ministries.

By close of business on 9th December, 2015, the Committee had received five (5) submissions against the approval for appointment of-

- (a) the nominee for Agriculture, Livestock and Fisheries;
- (b) the nominee for Energy and Petroleum;
- (c) the nominee for Devolution and Planning; and
- (d) the nominee for Health.

There were no memoranda submitted in respect of-

- a) the nominee for Mining;
- b) the nominee for Information, Communication and Technology; and
- c) the nominee for Public Service, Youth and Gender Affairs.

The details of the Memoranda are as follows: -

2.7.1 Memorandum by Sammy Tonui against Mr. Willy Bett

Mr. Sammy Tonui submitted a signed letter dated 7th December, 2015 with the subject "*Complaint against Willy Bett*".

The following documents were attached in support of the Letter-

- i A signed letter by Mr. Sammy Tonui dated 1st October, 2015 with the subject "*Appeal to my dismissal vide letter dated 25th September, 2015*".
- ii A signed letter by Mr. K. S Malakwen on behalf of the Managing Director, Kenya Seed Company to Mr. Sammy Tonui dated 25th September, 2015 with the subject "*Dismissal*".
- iii A signed letter by Mr. K. S Malakwen on behalf of the Managing Director, Kenya Seed Company to Mr. Sammy Tonui dated 11th May, 2015 with the subject "*show cause letter*".
- iv A signed letter by Mr. K. S Malakwen on behalf of the Managing Director, Kenya Seed Company to Mr. Sammy Tonui dated 7th August, 2015 with the subject "*Appearance before the Staff Disciplinary Committee*".
- v A signed memo by Mr. Sammy Tonui dated 13th May, 2015 with the subject "*Reasons I should not be disciplined*" to the Ag. Head of Human Resource Manager, Kenya Seed Company.
- vi A Farm Produce Price List for 2015 prepared and signed by Mr. Sammy Tonui.

- vii A signed memo from the Head of Strategy and Business Development, Kenya Seed Company, Mr. Fred Oloibe to the Managing Director, Kenya Seed Company dated 10th February, 2015 with the subject "*Price Review of by Products*".
- viii Minutes of Planning Committee of the Kenya Seed Company dated 9th February, 2015.
- ix Memo dated 29th July, 2015 with the subject "*Disposal of non-conforming seed maize/maize cleanings*" from the Senior Engineer, Kenya Seed Company to the Managing Director, Kenya Seed Company.
- x Memo by Mr. Sammy Tonui to Mr. Peter Wasike dated 19th August, 2015 with the subject "*sale of reject maize unprocedurally*".
- xi Memo by Mr. Sammy Tonui to the Finance Director Kenya Seed Company dated 27th August, 2015 with the subject "*non-conforming seed maize-DH02 from Seed Driers*".
- xii Memo by the Finance Director Kenya Seed Company dated 9th April, 2015 to the Head of Departments, Kenya Seed Company with the subject "*exclusion of Finance Director and his team from key inventory movement information and communication*".
- xiii Memo by the Finance Director, Kenya Seed Company dated 16th September, 2015 to Mr. Sammy Tonui with the subject "*sale of reject maize unprocedurally*".
- xiv Memo from the Internal Audit Manager, Kenya Seed Company to the Director, Finance, Strategy and Administration dated 29th November, 2013 with the subject "*sale of maize chenga, hay off-cuts and others products from EDF Farm*".
- xv Memo from the Finance Director, Kenya Seed Company dated 22nd April, 2015 with the subject "*bull fattener*".
- xvi Memo from Mr. Sammy Tonui to the Finance Director, Kenya Seed Company dated 20th April, 2015.
- xvii Memo from the Head of Production EDF/BSU, Kenya Seed Company to the Managing Director dated 18th March, 2015 with the subject "*Grain stock at Elgon Downs Farm*".
- xviii Report from Mr. Sammy Tonui dated 10th June, 2015 with the subject "*Report on Sale of by Product 2014/2015*".

xix Email from the Legal Officer, Kenya Seed Company to Mr. Alfred Busolo dated 24th January, 2013 with the subject "*duration of leased farms*".

Analysis of the Memorandum against Mr. Bett

In the letter, Mr. Sammy Tonui stated that he was wrongfully dismissed for alleged gross misconduct for selling three hundred bags of maize unprocedurally. The dismissal letter was allegedly written by the Acting Human Resource Manager on behalf of the Managing Director. Further, Mr. Sammy Tonui alleges his dismissal was as a result of witch hunt for his actions of following up on fraudulent activities in the Company involving among other things the disposal of 2,000 bags of non-conforming seed maize worth Kshs. 3.2 million, sale of a bull for which no money was remitted to the Company and underpricing deal in which the Company lost Kshs. 3.3 million. He further alleges that the Staff Disciplinary Committee which recommended his dismissal was not properly constituted.

Committee Observations

In reference to the submission made against the nominee for Agriculture, Livestock and Fisheries, the Committee observed as follows: -

- i) THAT, the letter is not a sworn statement as required by Section 6(9) of the Act which provides that evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated to should be by way of "*a written statement on oath*".
- ii) THAT, the letter does not in any way illustrate how the nominee was involved in the alleged unfair dismissal of the complainant. The letters submitted by the complainant were all signed by the Ag. Human Resource Manager of the Kenya Seed Company.
- iii) THAT, the issues raised by the complainant do not fall within the purview of the issues for consideration by the Committee. Indeed, section 6(7) of the Act provides that "*an approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background.*" The issues raised by the complainant do not touch on the issues referred to in section 6(7) of the Act. Further, section 7 of the Act provides as follows-

The issues for consideration by the relevant House of Parliament in relation to any nomination shall be-

- i. the procedure used to arrive at the nominee;*
- ii. the constitutional and 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 the nomination is being made.*

Consequently, a close reading of section 7 of the Act clearly indicates that the letter refers to issues other than those contemplated to be issues for consideration by the Committee.

The Committee therefore resolved to proceed to conduct the approval hearing of the nominee for Agriculture, Livestock and Fisheries without reference to the letter as submitted by Mr. Sammy Tonui.

2.7.2 Memorandum by Mr. William J. Ombese against Senator Charles Keter

Mr. William Jeremiah Ombese submitted a sworn affidavit dated 4th December, 2015 against the appointment of Mr. Charles Cheruiyot Keter as Cabinet Secretary for the Ministry of Energy and Petroleum and attached a newspaper cutting of the article titled "Multi-billion calls fraud pits" dated 1st December, 2015.

In the affidavit, the deponent states that he was a former employee of the defunct Telecommunications Corporation and had worked with the nominee for Energy and Petroleum who had risen over time to the rank of Assistant Manager at Internal Investigation Department. The deponent alleges that the nominee used intimidation on other staff to extract information. Further, the deponent alleges that the nominee took advantage of his position and duties for personal gain as he had his own networks of dealings which deprived the employer of its financial income. Further, the deponent depones that after the nominee left employment, he continued to carry on with his networks which were detrimental to his former employer. The deponent therefore states that the issues raised by him touch on the nominee's integrity and urges that more investigations need to be carried out on his past background and further his self-declaration forms ought to be scrutinized thoroughly. The deponent has also attached a newspaper cutting of the Daily Nation of Tuesday 1st December, 2015, which has an article that discusses how fraud is perpetuated in the telecommunication industry through sim boxes where international calls are

routed to the recipients as local calls. In the article, the Communication Authority states that it estimates that fraudsters' pocketed around Kshs. 3 Billion last year.

Committee Observations

In reference to the submission made against the nominee for Energy and Petroleum, the Committee observed as follows:

- i) **THAT**, the Memorandum meets the requirements of section 6(9) of the Act as it is a sworn statement. Further, although the allegations made in the affidavit are largely unsubstantiated, they cast doubt as to the integrity, qualities and the background of the nominee. As such, the issues raised fall within the purview of the issues for consideration by the Committee in terms of sections 6(7) and 7 of the Act. However, the newspaper cutting which was attached by the deponent, did not in any way whether directly or indirectly refer to the nominee and did not also substantiate any of allegations made in the affidavit.
- ii) **THAT**, by the close of business on 8th December, 2015, the Office of the Clerk received a letter dated 8th December, 2015 from the deponent formally withdrawing the memorandum.

A close reading of the Act, indicates that there is no provision barring a person from withdrawing a memorandum once submitted. In this regard therefore, the memorandum stands withdrawn.

The Committee therefore resolved to proceed to conduct the approval hearing of the Cabinet Secretary nominee for Energy and Petroleum without reference to the Memorandum by Mr. William J. Ombese.

2.7.3 Memorandum by Mr. John Mbugua against Hon. Festus Mwangi Kiunjuri

Mr. John Mbugua submitted an affidavit dated 9th December 2015 against the appointment of Mr. Festus Mwangi Kiunjuri as the Cabinet Secretary for the Ministry of Devolution and Planning.

Analysis of the Memorandum

In the affidavit drawn and filed by Mr. John Mbugua, the deponent opposes the appointment of the nominee due to alleged corruption in the Ministry of Water where he served as the Assistant

Minister. Further, the Ministry of Roads where he also served as an Assistant Minister, the nominee was allegedly removed from office for corruption charges. The deponent questions how the nominee will be able to ensure that the funds missing at the Ministry of Devolution and Planning are recovered if he is appointed as the Cabinet Secretary.

2.7.4 Memorandum by Mr. Phillip Mwangi against Hon. Festus Mwangi Kiunjuri

Mr. Phillip Mwangi submitted an affidavit dated 7th December, 2015 against the appointment of Mr. Festus Mwangi Kiunjuri as the Cabinet Secretary for the Ministry of Devolution and Planning.

Analysis of the Memorandum

In reference to the submission made against the nominee for Devolution and Planning by Mr. Phillip Mwangi, the affidavit submitted raises questions on the abilities, experience, qualities, professional training and experience and the personal integrity and background of the nominee, which fall within the purview of the issues to be considered by the Committee in terms of section 6(7) and 7 of the Act. However, the allegations made against the nominee are largely unsubstantiated.

Further, the affidavit does not meet the requirements of section 6(9) of the Act as it is not a sworn statement. A close look at the jurat of the affidavit indicates that the affidavit is not signed by both the deponent and the commissioner of oaths. Pursuant to sections 4 and 5 of the Oath and Statutory Declarations Act, Cap. 15, the Commissioner of Oaths has powers to administer oath. The veracity of a sworn statement is therefore revealed by the signature of the Commissioner of Oaths and the deponent. However, a reading of the Civil Procedure Rules in particular Order 19, Rule 17 which relates to the irregularity in form of affidavit provides that *"a court may receive any affidavit sworn for the purpose of being used in any suit notwithstanding any defect by misdescription of the parties or otherwise in the title or other irregularity in the form thereof or on any technicality"*. Further, Article 159(2)(d) of the Constitution which outlines the principles of judicial authority provides that *"justice shall be administered without undue regard to procedural technicalities"*. Indeed, although undue regard to technicalities is one of the principles observed by the Courts which this Committee may want to refer to, issues of veracity of an affidavit touch on the very substance of the subject matter and cannot be disregarded. As a matter of fact, the

question of veracity is one which involves answering the question of whether or not to admit evidence. In this regard, the veracity of the affidavit as submitted as evidence against the nominee is one that cannot be determined as it is unsigned.

Committee Observations

The Committee observed as follows:

- i. **THAT**, that the veracity of the affidavit submitted by Mr. Philip Mwangi as evidence against the nominee is one that cannot be determined as it is unsigned.
- ii. **THAT**, in reference to the submission made against the nominee by Mr. John Mbugua, although the affidavit submitted raises questions on the integrity and background of the nominee, which fall within the purview of the issues to be considered by the Committee in terms of section 6(7) and 7 of the Act, the affidavit as drawn does not meet the requirements of Order 19 of the Civil Procedure Rules which require in Rule 4 that every affidavit states the description, true place of abode and postal address of the deponent and Rule 5 which require every affidavit to be drawn in the first person and divided into paragraphs numbered consecutively which shall be confined as nearly as may be to a distinct portion of the subject.
- iii. **THAT**, the affidavit by Mr. John Mbugua offends the provisions of section 8 of the Oaths and Statutory Declarations Act, Cap 15 as read with the Schedule of the same Act. In addition, pursuant to section 34 of the Advocates Act Cap. 16, unqualified persons cannot prepare documents for which a fee has been prescribed by the Chief Justice. An affidavit is one of the documents envisaged under section 34 and as such the affidavit as presented against the approval for appointment of the nominee as Cabinet Secretary is contrary to the provisions of the Advocates Act as the deponent is unqualified person.
- iv. **THAT**, a close look at the jurat of the affidavit casts aspersion on the veracity of the affidavit. In this regard therefore, the affidavit presented by the deponent offends the provisions of section 6(9) of the Act.

Having carefully considered the two memoranda against the appointment of Hon. Festus Kiunjuri, the Committee resolved to proceed to conduct the approval hearing of the nominee

without reference to the affidavits as submitted by Mr. Phillip Mwangi and Mr. John Mbugua.

2.7.5 Memorandum by Mr. Joseph Gituru Mahugu against Dr. Cleopa Mailu

Mr. Joseph Gituru Mahugu submitted a sworn affidavit dated 9th December, 2015 by against the appointment of Dr. Cleopa Mailu, the Cabinet Secretary nominee for the Ministry of Health.

The affidavit is supported by the following documents-

- i. Signed letter dated 16th March, 2013 by the Chief Executive Officer of the Nairobi Hospital, Dr. Cleopa Kilonzo Mailu to Mr. Joseph Mahugu with the subject "*Appeal*";
- ii. Signed letter dated 7th March, 2013 by Christine M. Were for the Chief Executive Officer of the Nairobi Hospital, Dr. Cleopa Kilonzo Mailu to Mr. Joseph Mahugu with the subject "*Appeal Hearing*";
- iii. Signed letter by Mr. Joseph Mahugu dated 14th February, 2013 to the Chief Executive Officer of the Nairobi Hospital, Dr. Cleopa Kilonzo Mailu with the subject "*reminder of appeal for termination of employment*";
- iv. Signed letter by Mr. Joseph Mahugu dated 14th January, 2013 to the Chief Executive Officer of the Nairobi Hospital, Dr. Cleopa Kilonzo Mailu with the subject "*Appeal for termination of employment*";
- v. Signed letter dated 10th January, 2013 by Christine M. Were for the Chief Executive Officer of the Nairobi Hospital, Dr. Cleopa Kilonzo Mailu to Mr. Joseph Mahugu with the subject "*Termination of services*";
- vi. Signed letter dated 5th December, 2012 by Christine M. Were for the Chief Executive Officer of the Nairobi Hospital, Dr. Cleopa Kilonzo Mailu to Mr. Joseph Mahugu with the subject "*Suspension*";
- vii. Signed letter dated 3rd July, 2012 by Christine M. Were for the Chief Executive Officer of the Nairobi Hospital, Dr. Cleopa Kilonzo Mailu to Mr. Joseph Mahugu with the subject "*Employment confirmation*."

Analysis of the Memorandum

In the affidavit, the deponent states that he was confirmed for employment at the Nairobi Hospital under the watch of the nominee. He further deposes that his contract of employment was terminated on flimsy grounds of alleged fraudulent transactions leading to the loss of Kshs. 28,300 by Nairobi Hospital. Mr. Joseph Mahugu further states that the nominee should not be approved for the appointment of Cabinet Secretary due to his reputation and integrity. Further, he deposes that the nominee failed to conduct his case with due diligence, humility and without bias.

Dr. Mailu's Response to Mr. Mahugu's Memorandum

In response to Mr. Mahugu's allegations, the nominee responded as follows-

- (i) THAT, Mr. Joseph Gituru Mahugu was an employee of Nairobi Hospital and was dismissed following an internal audit investigation that revealed he was involved in fraudulent transactions which resulted in substantial loss of revenue by the Hospital.
- (ii) THAT, he instructed the Human Resource Manager to follow due process by following the law, the hospital policies and protocol which involved issuance of a showcase letter, proper investigations, issuance of a disciplinary hearing notice and the constitution of a disciplinary committee to conduct a hearing of the case before the dismissal of the employee.
- (iii) THAT, the Disciplinary Committee after due diligence found him culpable and recommended dismissal following which he was given an opportunity to appeal the decision of the Committee before the Appeals Hearing Committee.
- (iv) THAT, after the appeal, the Appeals Hearing Committee reaffirmed the decision of the Disciplinary Committee and Mr. Mahugu was paid his terminal dues in line with the institutional and statutory procedures.
- (v) THAT, Mr. Joseph Mahugu was therefore given an opportunity to be heard and was found culpable after due process was followed.
- (vi) THAT, he was not personally involved at any point in the disciplinary and appellate proceedings relating to the dismissal of Mr. Mahugu.

- (vii) THAT, in the circumstances, the allegations against the nominee are therefore malicious and without basis.

Further, the nominee in support of his replying affidavit submitted the following documents-

- (i) Signed letter dated 24th April, 2013 by Christine M. Were for the Chief Executive Officer of the Nairobi Hospital, Dr. Cleopa Kilonzo Mailu to Mr. Joseph Mahugu with the subject "Joseph Gituru Mahugu";
- (ii) Signed letter dated 16th March, 2013 by the Chief Executive Officer of the Nairobi Hospital, Dr. Cleopa Kilonzo Mailu to Mr. Joseph Mahugu with the subject "Appeal";
- (iii) Signed letter dated 7th March, 2013 by Christine M. Were for the Chief Executive Officer of the Nairobi Hospital, Dr. Cleopa Kilonzo Mailu to Mr. Joseph Mahugu with the subject "Appeal Hearing";
- (iv) Signed letter by Mr. Joseph Mahugu dated 14th January, 2013 to the Chief Executive Officer of the Nairobi Hospital, Dr. Cleopa Kilonzo Mailu with the subject "appeal for termination of employment";
- (v) Signed letter dated 10th January, 2013 by Christine M. Were for the Chief Executive Officer of the Nairobi Hospital, Dr. Cleopa Kilonzo Mailu to Mr. Joseph Mahugu with the subject "termination of services";
- (vi) Internal Memo by Christine Were to Mr. Joseph Mahugu dated 7th December, 2012 with the subject "Disciplinary Committee Hearing".
- (vii) Signed letter dated 5th December, 2012 by Christine M. Were for the Chief Executive Officer of the Nairobi Hospital, Dr. Cleopa Kilonzo Mailu to Mr. Joseph Mahugu with the subject "suspension".
- (viii) Memo dated 5th December by Christine M. Were to Mr. Joseph Mahugu with the subject "Show Cause".

Committee Observations

In reference to the submission made against the Cabinet Secretary nominee for Health, the Committee observed as follows:

- i) **THAT**, the affidavit is a sworn statement as required by section 6(9) of the Act which provides that evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated to should be by way of "*a written statement on oath*".
- ii) **THAT**, although the issues raised by deponent are largely unsubstantiated, the issues raised by the complainant fall within the purview of the issues for consideration by the Committee as they touch on the qualities of the nominee and hence a question as to the suitability of the candidate as provided for under section 7(c) of the Act.

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

3.0 VETTING OF THE NOMINEES

In conducting the vetting process, the Committee on Appointments examined the nominees against the following criteria, amongst others, as set out in the Public Appointments (Parliamentary Approval) Act No. 33, Cap. 136: -

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

3.1 HON. FESTUS KIUNJURI - MINISTRY OF DEVOLUTION AND PLANNING

Hon. Festus Mwangi Kiunjuri, Cabinet Secretary nominee, Ministry of Devolution and Planning appeared before the Committee on Friday, 11th December, 2015 at 10.00 am and was orally

interviewed under Oath pursuant to the provisions of the Constitution of Kenya, the Public Appointments (Parliamentary Approvals) Act, Cap. 136 and the Standing Orders of the National Assembly.

The nominee presented as follows, both orally and in writing: -

Date and Place of Birth

1. He is a Kenyan citizen born on 18th January, 1968 in Nyeri County.

Academic and Professional Qualifications

2. He attended Dr. Kiano Secondary School where he attained a Kenya Certificate of Education (1987) and Kangema High School for Kenya Advanced Certificate of Education (1989).
3. He holds a Master of Business Administration degree from the United States International University – Africa (2015) and Bachelor's Degree in Education from Moi University (1994).

Employment Record

4. He started his career as a graduate teacher between 1996 and 1997 at Kiaritha-ini Secondary School. He thereafter served as Member of Parliament for Laikipia East Constituency between the years 1997 and 2013.
5. During his tenure as a Member of Parliament, he also served as an Assistant Minister, Ministry of Energy between the years 2003 and 2008, Ministry of Water and Irrigation in the year 2008 and Ministry of Public Works between the years 2011 and 2013.
6. Prior to his nomination, he served as the Chairman of Athi Water Services Board.

Net Worth

7. He estimated his net worth to be Kshs. 798 million as at December 2015 mainly from land and buildings in Nanyuki, Sagana and Nairobi

Honours and Awards

8. He was awarded the Moran of the Order of the Golden Heart of Kenya (MGH) on 12th December 2008.

Potential Conflict of Interest

9. He declared that he currently does not have any persons or matter that would present a potential conflict of interest should he assume the position of Cabinet Secretary, Ministry of Planning and Devolution. Should a conflict of interest arise, the nominee stated that he would declare the interest in writing to the appointing authority in accordance with the law.

Pro-bono/Charity Work

10. The nominee is involved in charity work through supporting education of disadvantaged students in various institutions of learning.

Integrity

11. He has fully complied with his tax obligations to the State as confirmed by the Commissioner General, Kenya Revenue Authority in a letter to the Clerk of the National Assembly Ref. CDT/HQ/54 dated 8th December 2015 and Tax Compliance Certificate No. KRANON2828582015 dated 2nd December 2015.
12. In a letter Ref. EACC.7/10/5 VOL.II(3) dated 7th December 2015 to the Clerk of the National Assembly, the Chief Executive Officer of the Ethics and Anti-Corruption Commission confirmed that there are no outstanding issues or ongoing investigations against the nominee.
13. The nominee has also neither been charged in a court of law nor mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three (3) years. He has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.
14. The Director of Criminal Investigations issued the nominee with a Police Clearance Certificate No. 485860 dated 8th December 2015 with a **reservation** owing to an incitement to violence offence pending in court since 21st March 2000. The nominee informed the Committee that the incitement charge relates to his role in leading demonstrations against land injustices in Rumuruti area of the then Laikipia East Constituency which he represented as the Member of Parliament and does not regret his actions in the said demonstration. He however, expressed frustration by the Directorate of Criminal Investigations to have the matter concluded.

15. On 14th December, 2015, the Committee received a copy of the court order by the Chief Magistrate at Milimani Courts dated 14th December, 2015 that the nominee has been discharged of the incitement to violence charges following withdrawal of Criminal Case No. 278 of 2000 pursuant to section 87(a) of the Criminal Procedure Code.
16. He cleared the loan owed to the Higher Education Loans Board (HELB) and was issued with a Certificate of Clearance No. 2271 dated 20th December 2012. The same position was confirmed by the Head of Research, Strategy and Planning of Higher Education Loans Board in a letter to the Clerk of the National Assembly, Ref. HELB/RD/56593 dated 8th December, 2015.
17. The nominee has also been cleared by the TransUnion Credit Reference Bureau via CRB Certificate No. 08656723 dated 4th December 2015.

GENERAL AND SECTOR SPECIFIC QUESTIONS TO THE NOMINEE

The Committee posed several questions to the nominee on his past work experience and knowledge of the Devolution and Planning sector and he responded as follows: -

Immediate Issue to be Addressed in the Ministry

18. The immediate issue to be addressed in the Ministry relates to the misconception that the Jubilee Administration is anti-devolution. He indicated that to be able to address the issue, he intended to work very closely with all devolution stakeholders including the county and national government officials. Further, he stated that he has the requisite negotiation skills likely to assist him address the perception problem.

Capacity to Perform in the Ministry of Devolution and Planning

19. He has sufficient experience having served in various positions in the previous Governments including Assistant Minister in the Ministry of Water and Irrigation.

The Challenge of Corruption in the Ministry and his Plans to Reverse the Trend

20. He lauded the efforts by the Head of State to institute measures to curb the vice and indicated that if appointed to the position of Cabinet Secretary, Ministry of Devolution and Planning, he will undertake the following:

- a. Implement the already instituted measures to curb corruption;

- b. With his negotiation skills, he intends to bring together all stakeholders to ensure that the National and County Governments Coordinating Summit and other inter-governmental institutions already in place are utilized to enhance service delivery;
- c. Ensure that Article 10 of the Constitution on national values is adhered to; and
- d. Ensure that the National Government enhances capacity building of County governments to increase accountability.

The Matter of Umaa Dam

- 21. He reiterated that no accusations had been levelled against him as relates to the said issue of Umaa Dam and challenged any individual with evidence implicating him to follow the existing mechanisms to launch complaints which will be investigated by the relevant institutions.

Conflict between him and his former boss, Cabinet Minister, Ministry of Water and Irrigation and how he intends to deal with conflict as and when it arises

- 22. He informed the Committee that the conflict in the Ministry was as a result of his stand against corruption and not personal differences. If faced with the same challenge, he will tackle corruption head-on since he will be in charge of the Ministry.

Linking Planning to Research Evidence

- 23. He acknowledged that there can be no development in the absence of informed planning. He recognised the existence of competent public officers within the Ministry and existing institutions like the Kenya National Bureau of Statistics (KNBS) and the Kenya Institute of Public Policy and Research Analysis (KIPPRA) which support and provide the requisite data and information to inform planning. He further appreciated the need for public participation to ensure the needs of the people are appreciated. While concluding on the question, the nominee recognized the already existing national development blue print, Vision 2030 and the Jubilee Government manifesto which he said he will utilise while implementing the Ministry's projects and programmes.

Achievement as the Assistant Minister in the Ministry of Water and as a public Servant

24. He stated that while in the Ministry he presided over the rural electrification projects and the development of the water master plan including the privatization of major dams which have in the long-term contributed to the improved water supply in the Country

Key priorities for the Ministry of Devolution and Planning going forward

25. The nominee outlined the following key priorities areas:
- a. Strengthening inter-governmental relations and mechanisms by ensuring consultation of relevant stakeholders takes place;
 - b. Implementation of the national policy on Devolution;
 - c. Capacity building of the Counties which is the function of the National Government in line with the Fourth Schedule to the Constitution;
 - d. Ensure timely allocation of resources to Counties by working closely with the Cabinet Secretary, National Treasury, Chair of the Economic and Social Council and the Council of Governors; and
 - e. Ensure the unbundling of the functions of either level of government to ensure clarity.

Committee Observations on Suitability of Hon. Festus Kiunjuri for Appointment as Cabinet Secretary, Ministry of Devolution and Planning

The Committee having considered the nominee's filled Questionnaire pursuant to Section 6 (8) of Public Appointments (Parliamentary Approval) Act, his Curriculum Vitae and having heard his oral submission during the vetting exercise/interview, made the following observations on his suitability for appointment as Cabinet Secretary, Ministry of Devolution and Planning:-

1. **THAT**, He satisfies the requirements of Chapter 6 of the Constitution of Kenya on leadership and integrity having been cleared by the Kenya Revenue Authority, Higher Education Loans Board (HELB), Ethics and Anti-Corruption Commission and the Credit Reference Bureau.
2. **THAT**, the incitement to violence case against him, Criminal Case No. 278 of 2000 was withdrawn by the Director of Public Prosecutions on 14th December, 2015 before Hon.

Daniel Ogembo, Chief Magistrate, Milimani Court and the nominee accordingly acquitted of the charge.

3. **THAT**, he has no potential conflict of interest.
4. **THAT**, he has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution which deals with conduct of state officers that are adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
5. **THAT**, he exhibited impressive knowledge of topical and legal issues touching on the docket of Devolution and Planning and has the requisite abilities, qualifications and experience. Therefore, the Committee found the nominee suitable for appointment as the Cabinet Secretary, Ministry of Devolution and Planning.

3.2 SEN. CHARLES KETER - MINISTRY OF ENERGY AND PETROLEUM

Hon. Charles Cheruiyot Keter, Cabinet Secretary nominee, Ministry of Energy and Petroleum appeared before the Committee on Friday 11th December, 2015 at 11.00 am and was orally interviewed under Oath pursuant to the provisions of the Constitution of Kenya, the Public Appointments (Parliamentary Approvals) Act, Cap. 136 and the Standing Orders of the National Assembly.

The nominee presented as follows, both orally and in writing: -

Date and Place of Birth

1. The nominee is a Kenyan citizen born on 22nd November, 1969.

Academic and Professional Qualifications

2. He attended Litein High School where he attained a Kenya Certificate of Education (KCE) and Kericho High School for Kenya Advance Certificate of Education (KACE).
3. He holds a Bachelor of Education (Science) degree majoring in Double Mathematics from Kenyatta University and an Executive Master of Business Administration (MBA) from United States International University (USIU- Africa). He has also been trained in Curtailing Economic Fraud by Crown Agents, United Kingdom.

Employment Record

4. The nominee started working in 1993 as Systems Analyst at Telkom Kenya and in 1996 worked as a Manager, Anti-Fraud Section in the same organisation.
5. He served as Member of Parliament for Belgut Constituency from the year 2002 to 2013 and Senator for Kericho County from the year 2013 up to the time of his nomination as Cabinet Secretary. He served as Deputy Leader of Majority Party in the Senate.
6. During his tenure as Member of Parliament for Belgut Constituency, he also served as Assistant Minister, Ministry of Energy from the year 2008 to 2010 when his appointment was revoked.

Honours and Awards

7. He achieved the following during his tenure as a Member of Parliament: -
 - a) Sponsored Constitution (Amendment) Bill, also known as "Keter Bill" aimed at enhancing parliamentary autonomy;
 - b) Awarded the Moran of the Order of the Golden Heart (MGH) by retired President Kibaki in 2009.
 - c) National Tax Payers Association rated Belgut Constituency, the best among 28 sampled constituencies in CDF management.

Net Worth

8. He estimated his net worth to be Kshs. 352.8 million as at December, 2015.

Potential Conflict of Interest

9. He declared that he currently does not have any persons or matter that would present a potential conflict of interest should he assume the position of Cabinet Secretary, Ministry of Energy and Petroleum. Should a conflict of interest arise, the nominee stated that he would declare the interest as required.

Charity Work

10. The nominee was instrumental in establishing Social Economic Empowerment Women Organisation (SEEWOW), an organisation which empowers women socially, economically through table banking, agribusiness and Small Medium Enterprises (SMEs).

Integrity

11. The nominee has neither been charged in a court of law nor been mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three years. He has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.
12. He has fully complied with his tax obligations to the State as confirmed by the Commissioner General, Kenya Revenue Authority in a letter to the Clerk of the National Assembly Ref. CDT/HQ/54 dated 8th December 2015 and Tax Compliance Certificate No. KRAWON2894212015 dated 4th December 2015.
13. He cleared the loan owed to the Higher Education Loans Board (HELB) and was issued with a Certificate of Clearance No. 0088437 dated 4th December 2015. The same position was confirmed by the Head of Research, Strategy and Planning of Higher Education Loans Board in a letter to the Clerk of the National Assembly, Ref. HELB/RD/56593 dated 7th December, 2015.
14. The Director of Criminal Investigations issued the nominee with a clean Police Clearance Certificate No. 491785 dated 8th December 2015.
15. In a letter Ref. EACC.7/10/5 VOL.II(3) dated 7th December 2015 to the Clerk of the National Assembly, the Chief Executive Officer of the Ethics and Anti-Corruption Commission confirmed that there are no outstanding issues or ongoing investigations against the nominee.
16. The nominee has also been cleared by MetroPol Credit Reference Bureau via CRB Certificate No. MCRB/C97944 dated 4th December 2015.

GENERAL AND SECTOR SPECIFIC QUESTIONS TO THE NOMINEE

The Committee posed several questions to the nominee on his past work experience and knowledge of the Energy and Petroleum sector and he responded as follows: -

Significant Achievement(s) in his Career

17. He stated that for 45 years in the history of Belgut Constituency, he was re-elected for the second term owing to his development record. Further, he observed that while working in the Ministry of Energy, he presided over substantial rural electrification in the Country.

Reasons for his removal from the Position of Assistant Minister in the Ministry of Energy

18. He was categorical that his removal from office as an Assistant Minister to the Coalition government was politically instigated and not as a result of incompetence.

Appointment of Members of Parliament as Cabinet Secretaries

19. He stated that he subscribes to the ideology of having Members of Parliament serve as Cabinet Secretaries as they are adequately seized of the development challenges and needs of the people.

Leveraging on Oil discovery in Kenya

20. He indicated that he intends to fast track the production of oil in Turkana and its marketing by leveraging on the use of tanks in Kitale and by rail to Mombasa, including the need to fast-track the completion of the Northern Corridor which will offer the requisite infrastructure necessary to ensure oil production in Turkana is sustainable. He further added that the revival of the Kenya Oil Refineries Ltd and refurbishing of the oil refinery in Mombasa will ensure reduction of imported refined oil in the Country.
21. On the issue of whether oil discovery will be a curse or a blessing, he indicated that the Energy Bill, 2015 will offer the legal framework to address the contentious issues of community benefit and environmental conservation among others. Further, the nominee committed to incorporate insurance aspect in the Bill.

Key Priority Areas in the Ministry of Energy and Petroleum

22. He highlighted the following key priority areas:
 - a. Undertaking systems audit of the sector so as to restore confidence in the energy sector amidst corruption allegations;
 - b. Address power tariffs that have resulted in high electricity costs;
 - c. Increasing transmission lines particularly in the ASALs regions where electricity supply coverage is well below the national average of seventy percent (70%); and
 - d. Restructuring the law to clearly address the issues of partnerships between local and foreign investors.

Reasons for Change in Career

23. He informed the Committee that his decision to quit politics is informed by the fact that he has made his contribution as a politician and particularly as a Member of Parliament for fourteen (14) years including serving as a Senator in the current Parliament. He further added that his passion in the energy sector saw him undertake research on factors affecting geothermal production, some of which include lack of adequate resources and a proper legislative framework. He is keen to take a leading role to improve the Energy and Petroleum Ministry and the sector in general.

Challenges facing the Energy Sector and Issues to address in 100 days

24. He informed the Committee that the sector is experiencing funding challenges which if appointed, he will leverage on the Public –Private Partnership (PPP) and Build-Operate-Transfer (BOT) concepts among others to ensure increased investment in the sector. He will also seek to address the high power tariffs and the ever fluctuating cost of fuel.
25. In the first 100 days of his appointment, he indicated that his priority will be reduction of high costs of fuel and LPG gas by addressing challenges arising from lack of storage facilities in Mombasa and between Mombasa and Nairobi. Further, he added that it will be critical to review the legal framework underpinning the Energy Regulatory Commission so as to streamline its operations while at the same time reviewing the Open Tender System in fuel acquisition.

Committee Observations on Suitability of Sen. Charles Keter for Appointment as Cabinet Secretary, Ministry of Energy and Petroleum

The Committee having considered the nominee's filled Questionnaire pursuant to Section 6 (8) of Public Appointments (Parliamentary Approval) Act, his Curriculum Vitae and having heard his oral submission during the vetting exercise/interview, made the following observations on his suitability for appointment as Cabinet Secretary, Ministry of Energy and Planning:-

1. THAT, he satisfies the requirements of Chapter 6 of the Constitution of Kenya on leadership and integrity having been cleared by the Kenya Revenue Authority, Higher Education Loans Board (HELB), Ethics and Anti-Corruption Commission and the Credit Reference Bureau.

2. THAT, he has not been charged in a Court of Law in the last three (3) years.
3. THAT, he has no potential conflict of interest.
4. THAT, he has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution which deals with conduct of state officers that are adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
5. THAT, he exhibited impressive knowledge of topical and legal issues touching on the docket of Energy and Petroleum and has the requisite abilities, qualifications and experience. Therefore, the Committee found the nominee suitable for appointment as the Cabinet Secretary, Ministry of Energy and Petroleum.

3.3 DR. CLEOPA MAILU – MINISTRY OF HEALTH

Dr. Cleopa Kilonzo Mailu, Cabinet Secretary nominee, Ministry of Health appeared before the Committee on Friday 11th December, 2015 at 12.00 pm and was orally interviewed under Oath pursuant to the provisions of the Constitution of Kenya, the Public Appointments (Parliamentary Approvals) Act, Cap. 136 and the Standing Orders of the National Assembly.

The nominee presented as follows, both orally and in writing: -

Date and Place of Birth

1. He is a Kenyan citizen born on 29th April, 1956 in Machakos District.

Academic and Professional Qualifications

2. He attended Kangundo High School and Friends School in Kamusinga where he attained East African School Certificate and East African Advanced Certificate of Education respectively.
3. He holds a Bachelors Degree in Medicine from the University of Nairobi (1984), Master of Science Degree in Medical Sciences (Genetics) from the University of Glasgow, United Kingdom (1989) and Diploma in Advanced Management Programme from the Strathmore Business School/University of Navara (2007).
4. The nominee has attended several leadership and management courses and seminars including Strategic Leadership and Change Management Workshop for Directors of State Corporations (May 2010), Effective Management Seminar (April 1991) and Management of

Public Enterprise Seminar (September 1990) all offered by the Kenya School of Government (formerly Kenya Institute of Administration).

Work Experience

5. He started his medical career at Kenyatta National Hospital in 1985 as a Casualty Manager/Quality Assurance Manager/Consultant Clinical Genetist (1985-1992) and between the years 1995 and 1999, he worked at Ministry of Health headquarters as a Director/National EPI Manager and Director, Health Sector Reform Programme.
6. He left Kenya's public health sector in the year 2000, where he worked for International Charity NGO in Nairobi as a Reproductive Health Advisor (2000 to 2003), Consultant for UNICEF and WHO (2001 -2003), Projects Officer for UNICEF in India (2003) and Chief Executive Officer of the Nairobi Hospital (2003 to date).

Honours and Awards

7. Dr. Mailu has been awarded the following honours/awards:
 - a) International Who is Who of Professionals (2009);
 - b) Distinguished Service Award – Kenya Medical Association (2008);
 - c) Elder of the Order of the Burning Spear (E.B.S) (2006);
 - d) Moran of the Order of Burning Spear (M.B.S) (2004);
 - e) UNESCO Fellowship Scholarship – In Situ Ahybridization, Glasgow, UK (1991); and
 - f) Scholarship for Masters Degree in Genetics sponsored by British Council Through Directorate of Personnel Management, Office of the President (1988).

Professional Affiliations

8. The nominee is a Member of the Kenya Medical Association, Gold Member of the University of Nairobi Alumni Association, Chairman of the University of Nairobi Alumni Association – Medicine Chapter, Member of the British Society of Human Genetics and Life Member of the Kenya Red Society.

9. He has also been a Director/Governing Council Member of the Kenya Private Sector Alliance (2011-2013), Council Member, Inoorero University (2009-2012), and Founding Chairman of the Kenya Healthcare Federation Board (2006-2007).

Published Writings

10. Dr. Mailu has published the following writings:

- a) *Cost Attainment: The Key to Running Public Hospitals (2008;)*
- b) *Skills Drain: Applying Sound Employment Imperatives to Retain Nurses and Doctors in Hospitals (2005);*
- c) *Lessons of the Bamako Initiative in Kenya (1997); and*
- d) *Female Surgical Contraception in Kenya – The Kenyatta National Hospital Experience (1989).*

Public Office(s) Previously Held

11. He has held the following public offices:

- a) *Ag. Chairman, Global Fund Kenya (2013-2014);*
- b) *Director, Federation of Kenya Employers (2004-2014);*
- c) *Trustee, National Social Security Fund (2010-2013;*
- d) *Council Chairman, Machakos University College (2012-2013;*
- e) *National Chairman, Federation of Kenya Employers (2012-2013);*
- f) *Director, National AIDS Control Council (2010-2012;*
- g) *Director, National Labour Board (2010-2012); and*
- h) *Director, Consolidated Bank of Kenya (2007-2012).*

Income and Net Worth

12. The nominee does not envisage any deferred income or future benefits and does not have outside commitments he plans to pursue outside employment.
13. His main source of income in the preceding year is Kshs. 67,000,000 being salary from the Nairobi Hospital employment.

14. He estimates his net worth to be Kshs. 615 million as at December, 2015.

Potential Conflict of Interest

15. He declared that he currently does not have any persons or matter that would present a potential conflict of interest should he assume the position of Cabinet Secretary, Ministry of Health.

Pro-Bono/Charity Work

16. The nominee has contributed to charity work as follows:

- a) *Member of Board of Governors – Friends School, Kamusinga (2012-2013);*
- b) *Chairman, Board of Governors – Moi Girls Secondary School, Kibwezi (2005-2007);*
- c) *Member, Board of Governors – Moi Girls Secondary School, Kibwezi (2002-2004);*
and
- d) *Chairman and Member of Board of Governors, St. Mary's Girls High School, Kinyambu, Makueni (2001-2003)*

Integrity

17. The nominee has neither been charged in a court of law nor mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three years. He has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.
18. He has fully complied with his tax obligations to the State as confirmed by the Commissioner General, Kenya Revenue Authority in a letter to the Clerk of the National Assembly REF. CDT/HQ/54 dated 8th December 2015 and Tax Compliance Certificate No. KRASON2844412015 dated 2nd December 2015.
19. He cleared the loan owed to the Higher Education Loans Board (HELB) and was issued with a Certificate of Clearance No. 010077 dated 15th November 2007. The same position was confirmed by the Head of Research, Strategy and Planning of Higher Education Loans Board in a letter to the Clerk of the National Assembly, Ref. HELB/RD/56593 dated 8th December, 2015.

20. The Director of Criminal Investigations issued the nominee with a clean Police Clearance Certificate No. 260589 dated 13th July 2015.
21. In a letter Ref. EACC.7/10/5 VOL.II (3) dated 7th December 2015 to the Clerk of the National Assembly, the Chief Executive Officer of the Ethics and Anti-Corruption Commission confirmed to the Committee that there are no outstanding issues or ongoing investigations against the nominee.
22. The nominee has also been cleared by the MetroPol Credit Reference Bureau via CRB Ref. NVY06Y1033U41YE dated 6th December 2015.

Endorsement by Medical Professionals

23. Following his nomination for appointment to the position of Cabinet Secretary, Ministry of Health, the nominee was endorsed and given a vote of confidence in writing by the following medical bodies: Kenya Medical Association (KMA), Kenya Medical Practitioners, Pharmacists and Dentists Union (KMPDU), Federation of Kenya Employers (FKE) and Association of Kenya Medical Laboratory Scientific Officers.

GENERAL AND SECTOR SPECIFIC QUESTIONS TO THE NOMINEE

The Committee posed several questions to the nominee on his past work experience and knowledge of the Health sector and he responded as follows: -

Challenges facing Devolution of Health Services

24. The main reason devolution of health is facing numerous challenges is because it was undertaken without an existing legal framework. He, therefore, indicated that he intends to engage County Governments so that all parties can appreciate what devolution means in addition to ensuring that each level of Government understands its role in so far as health is concerned. The nominee also added that there is need to review the pending legislation to ensure that it addresses all the gaps.

Preventive Medicine

25. He will prioritize the allocation of additional resources to primary health care to address communicable diseases, vaccination services and curative and preventive services.

Improving Service Delivery at the Kenyatta National Hospital (KNH)

26. He proposed the following key strategies to improve service delivery at KNH:

- a. *The need to decongest the Hospital by improving the surrounding County health facilities especially in Nairobi County so that only referral cases requiring highly specialised attention are handled by KNH;*
- b. *Put in place a clear referral mechanism;*
- c. *Streamline procurement at the facility;*
- d. *Review the legal framework which establishes KNH to determine the gaps in the constitution of the Hospital's Board; and*
- e. *Review the KNH Board's strategic plan to determine if it is in line with Kenya's health strategy.*

HIV/ AIDS and Tuberculosis Funding in the Country

27. Having served as Chairperson of the Committee on Global Fund in the Ministry of Health in 2013, there is need to review the innovative ways of raising funds locally for HIV/ AIDS including ensuring that the Government allocates adequate funds for HIV/AIDS management.
28. On issues of TB, he reiterated that the National government has a responsibility to oversee and set policies on cross cutting issues among them TB management, with clear cut boundaries on the role of each level of Government in TB management.

Welfare of Medical Personnel

29. The welfare of medical personnel is critical and the single most important ingredient for provision of health services. He further indicated the need to ensure the ability to train, sustain and maintain key personnel in the Country is enhanced. This function cannot be left to the Counties alone. While further addressing the issue of brain drain of health workers, he added that better working conditions is the ultimate solution.
30. On reducing the high cost of healthcare services, he added that the factors contributing to high cost of healthcare services may be attributed to the procurement mechanisms. As such, he proposed the need to engage with private and mission healthcare providers. He further

added that the County Governments ought to be assisted to understand the needs of the health worker so as to reduce the ever increasing industrial conflict between the health workers and County Governments.

Managed Equipment Services Vis-à-vis Direct Purchase of Medical Equipment

31. Leasing of medical equipment is a concept that is gaining momentum in several jurisdictions including South Africa where a service level agreement is signed and equipment is paid for according to utilization. However, he added that the success of such a framework will depend on the preparedness of health workers in terms of training and skills to operate the equipment and that there is need for continuous consultation and consensus in handling the matter.

Universal Health Coverage (UHC)

32. He underscored the importance of reforming the National Hospital Insurance Fund (NHIF) to provide universal healthcare and ensure access to quality healthcare.

Capacity of Kenya Medical Supplies Authority (KEMSA) to Supply Medicines & Medicaments

33. He is of the opinion that there is need to review legislation on importation of drugs. While acknowledging the good intention with which KEMSA was established, which was to guarantee and standardize quality of medicines, he admitted that there seems to be a challenge preventing County Governments from utilising the pull system in requisitioning for medicines and other medicaments from KEMSA. As such, he will work towards ensuring that the situation is improved.

Establishment of Referral Facilities in Each of the 47 Counties

34. In his view, the establishment of forty-seven (47) referral health facilities ought to be a long-term goal. He indicated that bearing in mind that the referral centres offer specialised services, this may be a challenge to the sector given the capacity in terms of health personnel. He reiterated the need to build capacity for County governments.

Right to Emergency Care in line with Art 43 (2) of the Constitution

35. He informed the Committee that access to emergency care is a right in line with Article 43(2) of the Constitution. However, there need for legislation that will among other things

define emergency care, explain how it can be accessed and most importantly provide for the resources to support the service through a fund.

Matters raised in the Affidavit by deponent Mr. Joseph Gituru Mahugu

36. He confirmed that the deponent is a former employee of the Nairobi Hospital who was sacked in 2013 following misappropriation of funds involving fifteen cashiers at the Hospital. The nominee informed the Committee that due process was followed in handling the matter as follows:

- a. He was issued with a show cause letter following investigations and audit in 2013;
- b. He appeared before the Disciplinary Committee which recommended his dismissal; and
- c. He appealed before the Appeal Committee which affirmed the Disciplinary Committee's decision.

Committee Observations on Suitability of Dr. Cleopas Mailu for Appointment as Cabinet Secretary, Ministry of Health

The Committee having considered the nominee's filled Questionnaire pursuant to Section 6 (8) of Public Appointments (Parliamentary Approval) Act, his Curriculum Vitae and having heard his oral submission during the vetting exercise/interview, made the following observations on his suitability for appointment as Cabinet Secretary, Ministry of Health:-

1. **THAT**, he satisfies the requirements of Chapter 6 of the Constitution of Kenya on leadership and integrity having been cleared by the Kenya Revenue Authority, Higher Education Loans Board (HELB), Ethics and Anti-Corruption Commission and the Credit Reference Bureau.
2. **THAT**, he has not been charged in a Court of Law in the last three (3) years.
3. **THAT**, he has no potential conflict of interest.
4. **THAT**, he has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution which deals with conduct of state officers and has not been adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.

5. THAT, he nominee exhibited impressive knowledge of topical and legal issues touching on the docket of Health and has the requisite abilities, qualifications and experience. Therefore, the Committee found the nominee suitable for appointment as the Cabinet Secretary, Ministry of Health.

3.4 MR. WILLY BETT - MINISTRY OF AGRICULTURE, LIVESTOCK & FISHERIES

Mr. Willy Kipkorir Bett, Cabinet Secretary nominee, Ministry of Agriculture, Livestock and Fisheries appeared before the Committee on Friday 11th December, 2015 at 3.00 pm and was orally interviewed under Oath pursuant to the provisions of the Constitution of Kenya, the Public Appointments (Parliamentary Approvals) Act, Cap. 136 and the Standing Orders of the National Assembly.

The nominee presented as follows, both orally and in writing: -

Date and Place of Birth

1. He is a Kenyan citizen born on 14th April, 1963 in Nandi District.

Academic and Professional Qualifications

2. He attended Kaptel High School and Kaheti High School where he attained a Kenya Certificate of Education and Kenya Advanced Certificate of Education respectively.
3. He holds a Bachelor's Degree in Arts (Economics and Sociology) from the University of Nairobi and a Master of Business Administration Degree (Marketing) also from the same University.

Employment Record

4. He started his career in 1991 as a Management Trainee at Post Bank Credit. He thereafter was employed at the Post Bank in 1992 where he rose through the ranks from Finance Officer to Senior Manager, Money Transfer Services.
5. He was appointed Managing Director Kenya Seed Company in 2006 where he served until his nomination as Cabinet Secretary.

Honours and Awards

6. He was awarded a recognition award by "Sahara Communities Abroad" for helping fundraise for children with special needs in Kenya (20th December 2004, London, UK).

Professional Affiliation

7. He is a Member of the Chartered Institute of Marketing, Marketing Society of Kenya and Kenya Institute of Management.

Published Writing

8. He has published one article being his Master of Business Administration Project Report titled "Differentiation Strategies used by Micro-Finance Institutions in Kenya" submitted to the University of Nairobi.

Net Worth

9. He estimated his net worth to be Kshs. 127.5 million as at December, 2015 mainly from employment, farming and rental income.

Potential Conflict of Interest

10. He declared that he currently does not have any persons or matter that would present a potential conflict of interest should he assume the position of Cabinet Secretary, Ministry of Agriculture, Livestock and Fisheries.

Pro-Bono/Charity Work

11. The nominee supports three (3) needy children through payment of school fees amounting to Kshs. 120,000 per year. He has also contributed to construction of a local church in Kitale contributing Kshs. 100,000 until it is completed.

Integrity

12. The nominee has neither been charged in a court of law nor mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three years. He has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.
13. He has fully complied with his tax obligations to the State as confirmed by the Commissioner General, Kenya Revenue Authority in a letter to the Clerk of the National Assembly Ref. CDT/HQ/54 dated 8th December 2015 and Tax Compliance Certificate No. KRAELD1690412015 dated 25th November, 2015.

14. He has also cleared his Higher Education Loans Board (HELB) and was issued with a Certificate of Clearance No. 0088243 dated 27th November, 2015. The same position was confirmed by the Head of Research, Strategy and Planning of Higher Education Loans Board in a letter to the Clerk of the National Assembly, Ref. HELB/RD/56593 dated 7th December, 2015.
15. The Director of Criminal Investigations issued the nominee with a clean Police Clearance Certificate No. 461836 dated 27th November, 2015.
16. In a letter Ref. EACC.7/10/5 VOL.II(3) dated 7th December 2015 to the Clerk of the National Assembly, the Chief Executive Officer of the Ethics and Anti-Corruption Commission confirmed that there are no outstanding issues or ongoing investigations against the nominee.
17. The nominee has also been cleared by MetroPol Credit Reference Bureau via CRB Certificate No. MCRB/C82913 dated 25th November, 2015.

GENERAL AND SECTOR SPECIFIC QUESTIONS TO THE NOMINEE

The Committee posed several questions to the nominee on his previous work experience and knowledge of the Agriculture, Livestock and Fisheries sector and he responded as follows: -

Successes at the Kenya Seed Company

18. He informed the Committee that his tenure as Managing Director at the Kenya Seed Company was successful. That prior to his tenure, the Country experienced shortage of seeds where production averaged 15 million kilograms of seed for two seasons. Currently, the Company boasts of 54 million kilograms of seed enough for a similar period. Other successes that he highlighted include:
 - a. Expanded production.
 - b. Introduction of irrigation.
 - c. Modernization and expanded infrastructure in terms of seed production.
 - d. Automation of the Company's operations.
 - e. Financial viability where the current profits for the Company are Kshs. 200 million a significant improvement from the previous Kshs. 50 million while the turnover is Kshs. 5.2 billion also a significant improvement from the previous Kshs. 300 million.

- f. Enhanced research and development hence expanded portfolio in terms of seed varieties.

His Plans for the Ministry

19. He stated that he will focus on increasing national productivity by addressing the challenges arising from farm input. He also intends to strengthen institutions that handle food production.
20. He further informed the Committee that the focus area in the agriculture sector is revamping of extension services. He said that having worked with Kenya Seed Company and more so with farmers at the grassroots level, the major challenges bedeviling farmers at that level can be addressed through revamping of extension services.
21. He also informed the Committee that he intends to recognise and utilise the existing inter-governmental mechanisms bearing in mind that Agriculture is one of the functions that was fully devolved. This according to the nominee will ensure seamless working relationship and engagement with the County governments.

Implementation of AFFA Act

22. He informed the Committee that the sector had for a long time operated under an obsolete legal framework and piece-meal legislation that was confusing and caused implementation hiccups. Following the amalgamation of eight agencies under AFFA among them Coffee Board of Kenya, the Tea Board of Kenya among others, there is focus on resources in terms of marketing and efficiency. He however indicated that a lot more needs to be done on the Fisheries sector whose potential remains untapped.

Kenya Meat Commission (KMC) and Livestock Management in ASALs

23. He informed the Committee that technology challenges continue to ail the Kenya Meat Commission and if appointed he intends to engage with the Commission on whether modernisation of the factory or the establishment of a new factory is the way to go. Further, he indicated that management and governance issues ought to be addressed for viability of the Commission. The Committee heard that following the inception of the KMC, the farmers were expected to benefit from the Commission. He therefore intends to ensure that the Disease Free Zones are operationalised and also consider exploiting value addition products while assisting the people of North Eastern province to market their animals.

Addressing Challenges affecting the Sugar Sector

24. He informed the Committee that the challenges in the sugar sector are comparable to those facing the Kenya Meat Commission, where technology is obsolete and archaic. He further added that sugar companies require additional capital to be injected hence the current policy on privatization. He however cautioned that for privatization to work, there is need for adequate consultation of all relevant stakeholders especially leadership from the sugar belt. He also informed the Committee that reduction in costs of sugar production is critical in the sustainability of the sugar industry and proposed that farmers should be engaged to adopt new varieties that have high sucrose content vis-à-vis the traditional high tonnage variety.

Irrigation as a Means of boosting Agricultural Production

25. He observed that following re-organisation of government, the infrastructure aspect of irrigation was moved to the Ministry of Water and Irrigation while the Ministry of Agriculture is charged with the agronomy aspect of it. There is therefore need to work closely with Ministry of Water and Irrigation to optimise irrigation as a means of boosting agricultural production.

Committee Observations on Suitability of Mr. Willy Bett for Appointment as Cabinet Secretary, Ministry of Agriculture, Livestock and Fisheries

The Committee having considered the nominee's filled Questionnaire pursuant to Section 6 (8) of Public Appointments (Parliamentary Approval) Act, his Curriculum Vitae and having heard his oral submission during the vetting exercise/interview, made the following observations on his suitability for appointment as Cabinet Secretary, Ministry of Agriculture, Livestock and Fisheries:-

1. THAT, he satisfies the requirements of Chapter 6 of the Constitution of Kenya on leadership and integrity having been cleared by the Kenya Revenue Authority, Higher Education Loans Board (HELB), Ethics and Anti-Corruption Commission and the Credit Reference Bureau.
2. THAT, he has not been charged in a Court of Law in the last three (3) years.
3. THAT, he has no potential conflict of interest.

4. **THAT**, he has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution which deals with conduct of state officers and has not been adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
5. **THAT**, he exhibited impressive knowledge of topical and legal issues touching on the docket of Agriculture, Livestock and Fisheries and has the requisite abilities, qualifications and experience. Therefore, the Committee found the nominee suitable for appointment as the Cabinet Secretary, Ministry of Agriculture, Livestock and Fisheries.

3.5 MR. JOSEPH MUCHERU - MINISTRY OF INFORMATION, COMMUNICATION & TECHNOLOGY

Mr. Joseph Wakaba Mucheru, Cabinet Secretary nominee, Ministry of Information, Communication and Technology appeared before the Committee on Friday, 11th December, 2015 at 4.00 pm and was orally interviewed under Oath pursuant to the provisions of the Constitution of Kenya, the Public Appointments (Parliamentary Approvals) Act, Cap. 136 and the Standing Orders of the National Assembly.

The nominee presented as follows, both orally and in writing: -

Date and Place of Birth

1. The nominee is a Kenyan citizen born on 28th August, 1968 in Kiambu District.

Academic and Professional Qualifications

2. He attended Lenana School where he attained both Kenya Certificate of Education ('O' Level) and Kenya Advanced Certificate of Education ('A' Level).
3. He holds a Bachelor of Science degree in Economics and Computer Science from Stanford School of Business, London United Kingdom. He also attended the Stanford University Executive Programme in 2008.

Work Experience

4. The nominee started his career in 1999 as a Technical and Product Development Manager at Webmaster. Since then he has had a very successful career in the ICT sector including co-founding Wananchi Online (now known as Zuku) in 1999 and working for Google Sub-

Sahara Africa Ambassador and East Africa Lead from the year 2007 to date. He is also the Investment Regional Lead of Energy Access and Investment.

Pro-Bono/Charity Work

5. He is also a Director in several firms including UAP Investments Ltd, AFB Ltd, GiveDirectly, BitPesa Ltd, M-Pesa Foundation Academy Advisory Board, Mango Tree Foundation and Telecommunications Service Provider Association of Kenya (TESPOK).

Honours and Awards

6. He was awarded the Moran of the Order of the Burning Spear (MBS) in December 2010 mainly for his contribution to the ICT sector.

Net Worth and Deferred Income

7. He estimates his net worth to be Kshs. 500 million as at December, 2015 and with a deferred income of Kshs. 267 million.

Professional Affiliations

8. He is the Chairman of the Telecommunications Service Providers Association, Director of the Kenya Internet Exchange Point and the Kenya Private Sector Alliance (KEPSA).

Potential Conflict of Interest

9. With regard to conflict of interest, he stated that BTC Africa Ltd and Wananchi Online Ltd fall under the Ministry of ICT in Regulation and Licensing. To resolve this conflict of interest, the nominee stated that in the process of liquidating his interests, he will recuse himself from any decisions touching on the two companies.

Pro-Bono/Charity Work

10. The nominee is involved in the following pro-bono work:
 - a) *Monthly meetings at Mpesa Foundation Academy Advisory Board;*
 - b) *Volunteered as a Trustee at the Mango Tree non-profit organisation supporting orphans; and*
 - c) *Quarterly meetings at GiveDirectly, a non-profit organisation.*

Integrity

11. The nominee has neither been charged in a court of law nor mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three years. He has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.
12. He has fully complied with his tax obligations to the State as confirmed by the Commissioner General, Kenya Revenue Authority in a letter to the Clerk of the National Assembly Ref. CDT/HQ/54 dated 8th December 2015 and Tax Compliance Certificate No. KRASON2882532015 dated 7th December 2015.
13. He has also cleared his Higher Education Loans Board (HELB) loan and was issued with a Certificate of Clearance No.59140 dated 4th December 2015. The same position was confirmed by the Head of Research, Strategy and Planning of Higher Education Loans Board in a letter to the Clerk of the National Assembly, Ref. HELB/RD/56593 dated 8th December, 2015.
14. The Director of Criminal Investigations issued the nominee with a clean Police Clearance Certificate No. 512810 dated 4th December 2015.
15. In a letter Ref. EACC.7/10/5 VOL.II (3) dated 7th December 2015 to the Clerk of the National Assembly, the Chief Executive Officer of the Ethics and Anti-Corruption Commission confirmed to the Committee that there are no outstanding issues or ongoing investigations against the nominee.
16. The nominee has also been cleared by the TransUnion Credit Reference Bureau via CRB Certificate No. 8578 dated 14th December 2015.

GENERAL AND SECTOR SPECIFIC QUESTIONS TO THE NOMINEE

The Committee posed several questions to the nominee on his previous work experience and knowledge of the ICT sector and he responded as follows: -

Cyber Security, Data Protection and Privacy

17. There is need for requisite laws to guide cyber security. Further, he stated that privacy controls are in existence, however what is required is education, sensitization and awareness of users.

Development of Konza Technopolis City

18. Konza city is one of the flagship projects under Kenya's Vision 2030. He therefore stated that the ingredients of ensuring its operationalization are already in place. However, structures on data protection and e-security laws will need to be enacted. He also added that he intends to leverage on his wide experience in the sector particularly his major achievement of establishing the "Wananchi Online" platform to ensure the Silicon Savannah of Kenya takes off.

His Relationship with Communication Authority of Kenya (CAK) given a previous petition against the Authority on market share

19. He informed the Committee that he did not have any ill feeling towards the Authority since the petition that he lodged against the parastatal at the time was a stepping stone in securing market share for his company Wananchi Online.

ICT vis-à-vis Radicalization/Terrorism

20. Given the job, he would utilize the already existing infrastructure including the legal framework to ensure that the use of ICT in radicalization and terrorism is dealt with.

Perceived dominance of Safaricom Ltd in the Telecommunication Sector

21. He was of the view that having worked in the sector for over two decades, Safaricom cannot be said to be dominant. Issues of dominance should not arise if there exists a level playing field for all investors. He therefore argued that what ought to be done is to ensure that there is a legal framework that allows for growth and encourages investors to seek opportunities.

Committee Observations on Suitability of Mr. Joseph Mucheru for Appointment as Cabinet Secretary, Ministry of Information, Communication and Technology

The Committee having considered the nominee's filled Questionnaire pursuant to Section 6 (8) of Public Appointments (Parliamentary Approval) Act, his Curriculum Vitae and having heard his oral submission during the vetting exercise/interview, made the following observations on his suitability for appointment as Cabinet Secretary, Ministry of Information and Technology: -

1. THAT, he satisfies the requirements of Chapter 6 of the Constitution of Kenya on leadership and integrity having been cleared by the Kenya Revenue Authority, Higher

Education Loans Board (HELB), Ethics and Anti-Corruption Commission and the Credit Reference Bureau.

2. THAT, he has not been charged in a Court of Law in the last three (3) years.
3. THAT, he has no potential conflict of interest.
4. THAT, he has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution which deals with conduct of state officers and has not been adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
5. THAT, he exhibited impressive knowledge of topical and legal issues touching on the docket of Information, Communication and Technology and has the requisite abilities, qualifications and experience. Therefore, the Committee found the nominee suitable for appointment as the Cabinet Secretary, Ministry of Information, Communication and Technology.

3.6 MRS. SICILY KARIUKI - MINISTRY OF PUBLIC SERVICE, YOUTH & GENDER AFFAIRS

Mrs. Sicily Kanini Kariuki, Cabinet Secretary nominee, Ministry of Public Service, Youth and Gender Affairs appeared before the Committee on Friday, 11th December, 2015 at 5.00 pm and was orally interviewed under Oath pursuant to the provisions of the Constitution of Kenya, the Public Appointments (Parliamentary Approvals) Act, Cap. 136 and the Standing Orders of the National Assembly.

The nominee presented as follows, both orally and in writing: -

Date and Place of Birth

1. The nominee is a Kenyan citizen born on 27th December, 1965 in Embu District.

Academic and Professional Qualifications

2. She attended Kangaru High School where she attained a Kenya Advanced Certificate of Education in 1985.
3. She holds a Bachelor of Commerce Degree (Business Administration) from the University of Nairobi, Certificate in International Food Laws and Regulations from Michigan State

University, Executive Master of Business Administration from the ESAMI/Maastricht School of Management and is currently pursuing a Doctorate in Business Administration. In addition, she has attended several leadership skills enhancement trainings such as Leadership and Governance in the Public Sector, Lobbying and Advocacy Skills and Directors' Course in Corporate Governance among others.

Employment Record

4. She was first employed in 1990 as an Investment Promotion Officer at the Investment Promotion Centre (now Kenya Investment Authority) where she worked until 1997. She has several years of experience in the horticulture sector where she briefly worked as General Manager for Kenia Fresh Ltd and Export Marketing Manager and later Chief Executive Officer of the Fresh Produce Exporters Ltd from the year 2001 to 2006.
5. She was appointed Managing Director of the Tea Board of Kenya in June 2006 where she served until June 2013 when she was appointed Principal Secretary, State Department of Agriculture, Ministry of Agriculture, Livestock and Fisheries.

Honours and Awards

6. She holds the following honours and awards:
 - a) *Order of the Moran of the Burning Spear (MBS) by H.E the President of Kenya (2015)*
 - b) *Certificate of Recognition – Top Woman in Business and Government awarded by Business Woman Magazine/Ministry of Trade/UNDP (2009);*
 - c) *Marketing Warrior awarded by the Marketing Society of Kenya (2008); and*
 - d) *Certificate of Recognition Chochran Fellowship – United States Department of Agriculture.*

Professional Affiliation

7. The nominee is a member of the Marketing Society of Kenya and Institute of Directors (Kenya). She is also a Member of the Food and Agriculture Organisation of the United Nations Inter-Governmental Group on Tea (IGG on Tea).

Published Writings

8. She has published the following Papers/Articles:

- a) *Economic Review of Agriculture (2015);*
- b) *Strategic Plan 2013 -2017 (Revised 2015);*
- c) *Cassava Manual (2014);*
- d) *Contracted Extension Service Delivery Model (2015); and*
- e) *Conference Paper --Soil "The Substance of Transformation".*

Net Worth and Deferred Income

9. She does not envisage any deferred income or future benefits and does not have outside commitments she plans to pursue outside employment.
10. She estimates her total net worth to be Kshs. 168.3 million as at December, 2015 being income from investments, assets and salary.

Potential Conflict of Interest

11. She declared that she has a relative who is an official of the Union of Kenya Civil Servants. The nominee stated that she will adhere to Article 73 of the Constitution in carrying out her duties.

Pro-Bono/Charity Work

12. The nominee is involved in the following pro-bono and charity work:-
 - a) *Motivations talks to upcoming corporate leaders and students – 4 days in a year*
 - b) *Giving talks to women on economic empowerment – 4 hours*
 - c) *Time and cash donation to churches – Kshs. 100,000 per year*
 - d) *Paying school for destitute children – Kshs. 100,000 per year.*

Integrity

13. The nominee has neither been charged in a court of law nor mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three years. She has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

14. She has fully complied with her tax obligations to the State as confirmed by the Commissioner General, Kenya Revenue Authority in a letter to the Clerk of the National Assembly Ref. CDT/HQ/54 dated 8th December 2015 and Tax Compliance Certificate No. KRAWON28999222015 dated 7th December 2015.
15. She has also cleared her Higher Education Loans Board (HELB) loan and was issued with a Certificate of Clearance No.006945 dated 17th October 2006. The same position was confirmed by the Head of Research, Strategy and Planning of Higher Education Loans Board in a letter to the Clerk of the National Assembly, Ref. HELB/RD/56593 dated 8th December, 2015.
16. The Director of Criminal Investigations issued the nominee with a clean Police Clearance Certificate No. 513017 dated 8th December 2015.
17. In a letter Ref. EACC.7/10/5 VOL.II (3) dated 7th December 2015 to the Clerk of the National Assembly, the Chief Executive Officer of the Ethics and Anti-Corruption Commission confirmed to the Committee that there no outstanding issues or ongoing investigations against the nominee.
18. The nominee has also been cleared by the MetroPol Credit Reference Bureau via CRB Certificate No. MCRB/C58746 dated 7th December 2015.

GENERAL AND SECTOR SPECIFIC QUESTIONS TO THE NOMINEE

The Committee posed several questions to the nominee on her past work experience and knowledge of the Public Service, Youth and Gender Affairs sector and she responded as follows: -

Her Achievements as a Public Officer

19. She informed the Committee that following her employment in the Horticultural sector, foreign exchange arising from the sector had increased to over Kshs. 200 billion while at the same time she spearheaded the development of 'Kenya Gap', a quality and standards platform that contributed to increased yield in the sector.
20. She added having served in various capacities in the public service especially as a Principal Secretary, has equipped her with knowledge and experience required to serve in a higher capacity as Cabinet Secretary.

Huduma Centres as a concept to be rolled out across the country

21. She lauded the concept as one that provides a one-stop shop service with specific targets. She also indicated the need to have the concept rolled out countrywide and within the Counties since it is a reflection of result-based Management. She indicated that ICT-related challenges in roll-out of the Centres ought to be addressed.

Gender Issues

22. She informed the Committee that there is need to first demystify gender to ensure the issues of both men and women are appreciated. She acknowledged that indeed there exist several programs addressing matters on gender, however additional impetus is required to ensure the program have meaningful impact.

National Youth Service (NYS) and its role in Youth Development

23. The nominee stated that bearing in mind the role played by the youth, the future of Kenya is dependent upon their empowerment. NYS is therefore the best vehicle to realise youth empowerment within the framework of the Constitution. With the existing programs being implemented under the NYS, additional resources are required while focus should be shifted to streamlining the governance structures of the Service for efficiency.
24. On what she intends to do differently if appointed, she informed the Committee that she will first address the challenges associated with systems, governance control and capacity. Her solutions will be based on the model, structure and design of the NYS concept.

Public Wage Bill vis-à-vis Productivity

25. She told the Committee that the Public Service is reeling under an aging population with reduced energies. Given the position she intends to:-
- Ensure that the public service leverages on use of Information, Communication Technology;
 - Undertake skills audit to determine skills gaps;
 - Standardise salaries across all counties and across the two levels of Government;
 - Ensure adequate succession planning in the public service; and
 - Consider offering an attractive exit package to those willing to retire early.

Several overlapping Funds like the Youth, Women and Uwezo Funds

26. In her view, all these funds need to be rationalised for synergy and to ensure efficiency since they are all geared towards the same broad goal. She added that with her experience in reforming the agriculture sector following the passage of the AFFA Act, she indicated that she has the capacity to provide leadership on the matter.

Thirty Per Cent (30%) Preferential Government Tenders earmarked for Women, Youth and Persons with Disabilities (PWDs)

27. The success of the policy will require sustained awareness and this ought to form part of performance contract. She further added that there is need for change of attitude towards these vulnerable groups and their capacity to participate in these contracts and tenders.

Committee Observations on Suitability of Mrs. Sicily Kanini Kariuki for Appointment as Cabinet Secretary, Ministry of Public Service, Youth and Gender Affairs

The Committee having considered the nominee's filled Questionnaire pursuant to Section 6 (8) of Public Appointments (Parliamentary Approval) Act, her Curriculum Vitae and having heard her oral submission during the vetting exercise/interview, made the following observations on her suitability for appointment as Cabinet Secretary, Ministry of Public Service, Youth and Gender Affairs:-

1. **THAT**, she satisfies the requirements of Chapter 6 of the Constitution of Kenya on leadership and integrity having been cleared by the Kenya Revenue Authority, Higher Education Loans Board (HELB), Ethics and Anti-Corruption Commission and the Credit Reference Bureau.
2. **THAT**, she has not been charged in a Court of Law in the last three (3) years;
3. **THAT**, she declared conflict of interest that she has a relative who is an official of the Union of Kenya Civil Servants. She however stated that she will adhere to Article 73 of the Constitution in carrying out her duties.
4. **THAT**, she has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution which deals with conduct of state officers and has not been adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.

5. THAT, she exhibited impressive knowledge of topical and legal issues touching on the docket of Public Service, Youth and Gender Affairs and has the requisite abilities, qualifications and experience. Therefore, the Committee found the nominee suitable for appointment as the Cabinet Secretary, Ministry of Public Service, Youth and Gender Affairs.

3.7 HON. DANIEL KAZUNGU - MINISTRY OF MINING

Hon. Daniel Kazungu Muzee, Cabinet Secretary nominee, Ministry of Mining appeared before the Committee on Friday, 11th December, 2015 at 6.00 pm and was orally interviewed under Oath pursuant to the provisions of the Constitution of Kenya, the Public Appointments (Parliamentary Approvals) Act, Cap. 136 and the Standing Orders of the National Assembly.

The nominee presented as follows, both orally and in writing: -

Date and Place of Birth

1. The nominee is a Kenyan citizen born on 2nd June, 1970 at Langobaya, Malindi in Kilifi District.

Academic and Professional Qualifications

2. He attended Marikoni and Langobaya Primary Schools where he emerged as the best student with a score of 65 points out of 72. He thereafter proceeded to Kwale Secondary School where he attained a Kenya Certificate of Secondary Education in 1989.
3. He holds a Bachelor's degree in Information Science, majoring in Information and Media Technology from Moi University in Eldoret. He also holds an Executive Master of Arts degree in Diplomacy and Foreign Policy from the same University.

Work Experience

4. Hon. Kazungu has vast experience in the ICT sector having started his career in 1995 as an intern at the Institute of Advanced Technology. He has also worked as a manager at Computech Group, Manager at Fintech Group in charge of Microsoft Products, Channel Development Manager at Mustek Electronics based in Johannesburg, South Africa, International Business Machines (IBM) Country Representative for Ethiopia and Kenya and East Africa Regional Manager Lenovo Africa, based in Johannesburg, South Africa.

5. Prior to his nomination as Cabinet Secretary, he served as Member of Parliament for Malindi Constituency since the year 2013 where he served as a Member of Energy, Information and Communication Committee and the Committee on Regional Integration.

Net Worth

6. He estimated his net worth to be Kshs. 100 Million as at December, 2015.

Potential Conflict of Interest

7. He declared that he currently does not have any persons that would present a potential conflict of interest should he assume the position of Cabinet Secretary, Ministry of Mining. Should a conflict of interest arise, the nominee stated that he would adhere to the Mining Act, Policy and guidelines.

Pro-Bono/Charity Work

8. The nominee is involved in charity work through supporting Muslim School in Malindi, preparing for a Kshs. 500,000 anti-drug campaign in Malindi, visiting children homes and paying school fees for needy students in institutions of higher learning.

Honours and Awards

9. He has received the following honours and awards:
- a) *100% Club of Global Achievers within IBM (2012);*
 - b) *Special mention on Ethiopia at the New York Stock Exchange as an example of the success of the IBM Africa Strategy (2012);*
 - c) *Single-handedly established Lenovo in East Africa from scratch and developed the brand and won market share in key market segments to position Lenovo as a leading brand in the region (2006-2009);*
 - d) *Compaq East Africa Top Business Executive in East Africa (2000);*
 - e) *SDAL Top Microsoft Business Executive in East Africa with (1999);*
 - f) *Admitted to the Faculty of Information Sciences at Moi University where only the top 40 national school students got admission (1990);*
 - g) *Award for top student in Kwale District (1986)*

h) Top student KCPE Exams – Langobaya Primary School (1985)

Integrity

10. The nominee has neither been charged in a court of law nor mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three years. He has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.
11. He has fully complied with his tax obligations to the State as confirmed by the Commissioner General, Kenya Revenue Authority in a letter to the Clerk of the National Assembly Ref. CDT/HQ/81 dated 9th December 2015 and Tax Compliance Certificate No. KRASON2853332015 dated 8th December 2015.
12. He has also cleared his Higher Education Loans Board (HELB) and was issued with a Certificate of Clearance dated 20th December 2012. The same position was confirmed by the Head of Research, Strategy and Planning of Higher Education Loans Board in a letter to the Clerk of the National Assembly, Ref. HELB/RD/56593 dated 8th December, 2015.
13. The Director of Criminal Investigations issued the nominee with a clean Police Clearance Certificate No. 221971/2015 dated 8th December 2015.
14. In a letter dated 7th December 2015 to the Clerk of the National Assembly, the Chief Executive Officer of the Ethics and Anti-Corruption Commission informed the Committee that the nominee was adversely mentioned in an unsubstantiated complaint regarding the misuse of CDF funds in Malindi Constituency. In a subsequent letter dated 10th December, 2015, the Commission confirmed that it had verified information it had received on the nominee and found no evidence to warrant an adverse recommendation on his appointment.
15. The nominee has also been cleared by the TransUnion Credit Reference Bureau via CRB Certificate No. 9187724 dated 4th December 2015.

GENERAL AND SECTOR SPECIFIC QUESTIONS TO THE NOMINEE

The Committee posed several questions to the nominee on his past work experience and knowledge of the Mining sector and he responded as follows: -

Challenges facing the Mining Sector

16. He responded that indeed Kenya's mining sector contributes less than one per cent (1%) to the Gross Domestic Product yet it is referred to as a gold mine. To reverse this trend and given that only four per cent (4%) of Kenya's natural resources have been explored, there is need for a legal framework to guide the sector and an extensive survey on the county's natural resource including geophysical data. He also added that the Country ought to improve infrastructure in areas where mining is being undertaken to encourage investment. While concluding on why the mining sector is under performing, the nominee indicated that given that mining activities are high energy consumers, reducing cost of energy in the County should be a priority.

Mining and Community Benefits

17. He indicated that the Mining Bill still pending in Parliament seeks to address the challenge of community benefits among other challenges affecting communities with mineral deposits.

Multinationals and Royalties vis-à-vis Community Benefits

18. He informed the Committee that Kenya has pegged its royalties returns at 2.5% of investment while the global average is 10%. If appointed to the position of the Cabinet secretary he plans to work closely with the various stakeholder, in a bid to revisit the issue on royalties so as to balance investment in the mining sector and community benefits.

Corruption Allegations against him by EACC

19. The nominee distanced himself from any corruption allegations against him and informed the Committee that he is not aware of any such allegations since he has not been contacted by EACC to respond to the same.

His position on leaving elective politics for appointment as Cabinet Secretary

20. He informed the Committee that having served his constituents as a Member of Parliament, he believes that time has come for him to serve the nation in a higher capacity as Cabinet Secretary. He pledged to work with the Jubilee Government in fulfilling its manifesto.

Plans to address smuggling challenge in the Mining Sector

21. He reiterated that the Mining Bill, 2015 currently at the mediation stage in Parliament once enacted into law will be key in addressing challenges associated with smuggling, sharing of resources with communities and value addition.

Committee Observations on Suitability of Hon. Daniel Kazungu for Appointment as Cabinet Secretary, Ministry of Mining

The Committee having considered the nominee's filled Questionnaire pursuant to Section 6 (8) of Public Appointments (Parliamentary Approval) Act, his Curriculum Vitae and having heard his oral submission during the vetting exercise/interview, made the following observations on his suitability for appointment as Cabinet Secretary, Ministry of Mining:-

1. THAT, he satisfies the requirements of Chapter 6 of the Constitution of Kenya on leadership and integrity having been cleared by the Kenya Revenue Authority, Higher Education Loans Board (HELB), Ethics and Anti-Corruption Commission and the Credit Reference Bureau.
2. THAT, he has not been charged in a Court of Law in the last three (3) years.
3. THAT, he has no potential conflict of interest.
4. THAT, he has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution which deals with conduct of state officers and has not been adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
5. THAT, he exhibited impressive knowledge of topical and legal issues touching on the docket of Mining and has the requisite abilities, qualifications and experience. Therefore, the Committee found the nominee suitable for appointment as the Cabinet Secretary, Ministry of Mining.
6. THAT, the nominee was not involved either directly or indirectly in the issues raised by the Auditor General in respect of misuse of CDF funds for Malindi Constituency in the Auditor General's Report for financial year 2013/2014. In the Report, the Auditor General observed that *"in respect of the CDF funds for Malindi Constituency, the statements of financial assets as at 30th June, 2014 reflects bank balance of Kshs. 32, 405, 597.10. However, an examination of the bank reconciliation statement for the month of June, 2014 revealed unpresented cheques amounting to Kshs. 4,514, 507 but some of the cheques have remained unpresented since year 2005 and no explanation has been provided for not reversing the amounts to the cashbook. Consequently, the accuracy and validity of the*

cash and bank balance of Kshs. 32, 405, 597 as at 30th June, 2015 could not be confirmed."

7. THAT, page 3 of the Auditor General's Report states that "the Fund Account Manager in charge of Malindi CDF accepts responsibility for the Constituency's financial statements..."

4.0 COMMITTEE'S GENERAL OBSERVATIONS

The Committee having considered the nominees' filled Questionnaires pursuant to Section 6 (8) of Public Appointments (Parliamentary Approval) Act, their Curricula Vitae and having heard their oral submissions during the vetting exercise/interview, made the following observations:

1. THAT, all the nominees satisfy the requirements of Chapter Six of the Constitution of Kenya on leadership and integrity having been cleared by the Ethics and Anti-Corruption Commission (EACC), Directorate of Criminal Investigations (DCI), Kenya Revenue Authority (KRA), Higher Education Loans Board (HELB) and the Credit Reference Bureau (CRB).
2. THAT, the nominees have not been charged in a Court of Law in the last three (3) years except Hon. Festus Kiunjuri who has since been discharged of the incitement to violence charges following withdrawal of Criminal Case No. 278 of 2000 vide a court order by the Chief Magistrate at Milimani Courts dated 14th December, 2015 pursuant to section 87(a) of the Criminal Procedure Code.
3. THAT, the nominees do not have a potential conflict of interest save for Mrs. Sicily Kariuki who declared that she has a relative who is an official of the Union of Kenya Civil Servants. She however stated that she will adhere to Article 73 of the Constitution in carrying out her duties.
4. THAT, none of the nominees has ever been dismissed from office for contravention of the provisions of Article 75 of the Constitution which deals with conduct of state officers that are adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
5. THAT, all the nominees exhibited impressive knowledge of topical and legal issues touching on the respective dockets and have the requisite abilities, qualifications and

experience. Therefore, the Committee found ALL the nominees suitable for appointment as Cabinet Secretaries.

5.0 COMMITTEE'S RECOMMENDATIONS

Pursuant to Article 152(2) of the Constitution and Standing Order 204 (4), the Committee recommends that the National Assembly approves the nomination of the following persons for appointment by His Excellency the President: -

- 1) Hon. Festus Mwangi Kiunjuri, Cabinet Secretary, Ministry of Devolution and Planning.
- 2) Hon. Charles Cheruiyot Keter, Cabinet Secretary, Ministry of Energy and Petroleum.
- 3) Dr. Cleopa Kilonzo Mailu, Cabinet Secretary, Ministry of Health.
- 4) Mr. Willy Kipkorir Bett, Cabinet Secretary, Ministry of Agriculture, Livestock and Fisheries.
- 5) Mr. Joseph Wakaba Mucheru, Cabinet Secretary, Ministry of Information, Communication and Technology.
- 6) Mrs. Sicily Kanini Kariuki, Cabinet Secretary, Ministry of Public Service, Youth and Gender Affairs.
- 7) Hon. Daniel Kazungu Muzee, Cabinet Secretary, Ministry of Mining.

5.0 APPENDICES

6.1 Appendix 1- Correspondence

1. Kenya Revenue Authority
2. Higher Education Loans Board
3. Ethics and Anti-Corruption Commission

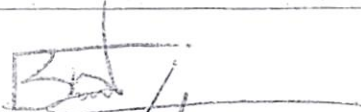
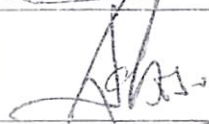
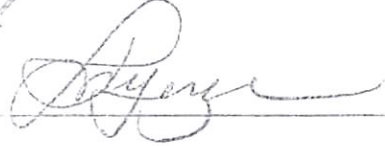
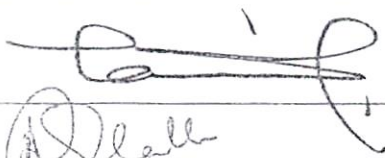
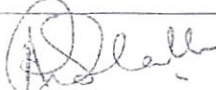
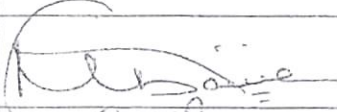
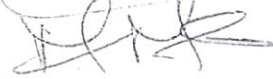
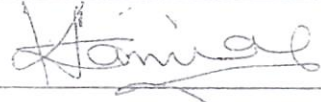
6.2 Appendix 2- Vetting Questionnaire, Curricula Vitae and Other Testimonials

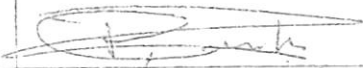
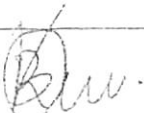
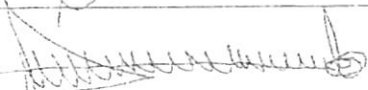
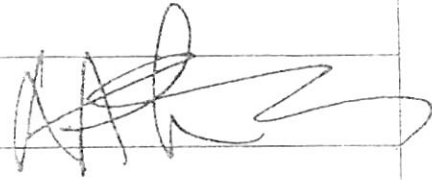
6.3 Appendix 3 – Memoranda

6.4 Appendix 4 - Minutes

We, the Honourable Members of the Committee on Appointments, do hereby affix our signatures to this REPORT ON THE VETTING OF SEVEN (7) NOMINEES FOR APPOINTMENT TO THE POSITION OF CABINET SECRETARY to affirm our approval and confirm its accuracy, validity and authenticity:-

14th December 2015

	HON. MEMBER	SIGNATURE
1.	The Hon. Justin Muturi, E.G.H, MP Speaker, National Assembly (Chairperson)	
2.	The Hon. (Dr.) Joyce Laboso, MGH, MP Deputy Speaker	
3.	The Hon. Aden Duale, EGH, MP Leader of the Majority Party	
4.	The Hon. Francis Nyenze, EGH, MP Leader of the Minority Party	
5.	The Hon. (Dr.) Naomi Shaban, EGH, MP Deputy Leader of the Majority Party	
6.	The Hon. Jakoyo Midiwo, MGH, MP Deputy Leader of the Minority Party	
7.	The Hon. Katoo Ole Metito, EGH, MGH, MP Chief Whip, Majority Party	
8.	The Hon. Chrisantus Wamalwa, CBS, MP Deputy Chief Whip, Minority Party	
9.	The Hon. Amina Abdalla, CBS, MP	
10.	The Hon. Gideon Konchella, EGH, OGW, MP	
11.	The Hon. Cecily Mbarire, MGH, MP	
12.	The Hon. Moses Cheboi, MP	
13.	The Hon. Jamleck Kamau, EGH, MP	

	HON. MEMBER	SIGNATURE
14.	The Hon. Nelson Gaichuhie, MP	
15.	The Hon. Jackson Kiptanui, MP	
16.	The Hon. Isaak Ali Shaban, MP	
17.	The Hon. Esther Murugi, EGH, MP	
18.	The Hon. Manson Nyamweya, MP	
19.	The Hon. Boniface Gatobu, MP	
20.	The Hon. David Wafula, MP	
21.	The Hon. Ibrahim Sane, MP	
22.	The Hon. Abass Ahmed Ibrahim, MP	
23.	The Hon. Maj. (Rtd) Marcus Muluvi, MP	
24.	The Hon. Stephen Mule, MP	
25.	The Hon. Mishi Juma Khamis, MP	
26.	The Hon. Roselinda Soipan, MP	

MINUTES OF THE TWENTY SIXTH SITTING OF THE COMMITTEE ON APPOINTMENTS HELD ON TUESDAY, 15TH DECEMBER 2015, IN COMMITTEE ROOM NO.7, PARLIAMENT BUILDINGS AT 5.00 P.M.

PRESENT

- | | |
|---|-------------------------------------|
| 1. The Hon. Justin Muturi, EGH, MP | - Speaker (Chairperson) |
| 2. The Hon. (Dr.) Joyce Laboso, MGH, MP | - Deputy Speaker |
| 3. The Hon. Aden Duale, EGH, MP | - Leader, Majority Party |
| 4. The Hon. Francis Nyenze, EGH, MP | - Leader, Minority Party |
| 5. The Hon. (Dr.) Naomi Shaban, EGH, MP | - Deputy Leader, Majority Party |
| 6. The Hon. (Dr.) Chrisantus Wamalwa, CBS, MP | - Deputy Chief Whip, Minority Party |
| 7. The Hon. Cecily Mbarire, MGH, MP | |
| 8. The Hon. Moses Cheboi, MGH, MP | |
| 9. The Hon. Jackson Kiptanui, MP | |
| 10. The Hon. Isaak Ali Shaban, MP | |
| 11. The Hon. Abass Ahmed Ibrahim, MP | |
| 12. The Hon. Boniface Gatobu, MP | |
| 13. The Hon. David Wafula, MP | |
| 14. The Hon. Mishi Juma Khamis, MP | |
| 15. The Hon. Stephen Mule, MP | |

ABSENT WITH APOLOGY

- | | |
|--|---------------------------------|
| 16. The Hon. Katoo Ole Metito, EGH, MGH, MP | - Chief Whip, Majority Party |
| 17. The Hon. Jakoyo Midiwo, MGH, MP | - Deputy Leader, Minority Party |
| 18. The Hon. Manson Nyamweya, MP | |
| 19. The Hon. Amina Abdalla, CBS, MP | |
| 20. The Hon. Jamleck Kamau, EGH, MP | |
| 21. The Hon. Nelson Gaichuhie, MP | |
| 22. The Hon. Gideon Konchellah, EGH, OGW, MP | |
| 23. The Hon. Esther Murugi, EGH, MP | |
| 24. The Hon. Ibrahim Sane, MP | |
| 25. The Hon. Maj. (Rtd) Marcus Muluvi, MP | |
| 26. The Hon. Roselinda Soipan, MP | |

IN-ATTENDANCE

NATIONAL ASSEMBLY SECRETARIAT

- | | |
|-------------------------|-------------------------------|
| 1. Mrs. Florence Abonyo | -Director, Committee Services |
| 2. Ms. Susan Maritim | -Clerk Assistant I |
| 3. Mr. Adan Gindicha | - Clerk Assistant I |
| 4. Mr. Victor Imbo | - Clerk Assistant II |
| 5. Ms. Marale Sande | -Senior Researcher |
| 6. Ms. Jemimah Muriithi | -Legal Counsel II |

MIN. NO. 118/2015

PRAYER AND PRELIMINARIES

The Chairperson called the meeting to order at five o'clock followed by the Prayer read by Hon. Boniface Gatobu, M.P.

MIN. NO. 119/2015

CONFIRMATION OF MINUTES OF THE PREVIOUS SITTINGS

The Committee confirmed Minutes of the previous sittings as follows:

Minutes of the 25th Sitting held on Monday, 14th December, 2015 were confirmed as true record of the proceedings having been proposed by Hon. (Dr.) Naomi Shaban, EGH, MP and seconded by Hon. David Wafula, MP.

MIN. NO. 120/2015

MATTERS ARISING

Under Min.114/2015 on the nomination of Dr. Cleopa Kilonzo Mailu, the Committee resolved to delete the word "poor" in reference to the nominee's performance.

The Committee also resolved to separate the recommendations on Directorate of Criminal Investigations and Ethics and Anti Corruption Commission appearing under Min. 114/2015.

MIN. NO. 121/2014

ANY OTHER BUSINESS

The Committee observed that there is need for the Committee to benchmark on vetting processes which will inform the review of the Public Appointments (Parliamentary Approval) Act, Cap. 136. The Committee recommended the US and Scandinavian countries such as Norway, Denmark Sweden as probable benchmarking countries. The secretariat was tasked to follow up and plan the visit for March, 2016.

MIN. NO. 122/2014

ADJOURNMENT OF THE MEETING

There being no other business, the meeting was adjourned at thirty-five minutes past four o'clock until Tuesday, 15th December, 2015 at 12.00pm.

SIGNED _____

THE HON. JUSTIN B.N. MUTURI, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY
(CHAIRPERSON)

DATE _____

15th December, 2015

MINUTES OF THE TWENTY FIFTH SITTING OF THE COMMITTEE ON
APPOINTMENTS HELD ON MONDAY, 14TH DECEMBER 2015, IN THE MINI
CHAMBER AT COUNTY HALL, PARLIAMENT BUILDINGS AT 3.00 P.M.

PRESENT

- | | |
|---|-------------------------------------|
| 1. The Hon. Justin Muturi, EGH, MP | - Speaker (Chairperson) |
| 2. The Hon. Aden Duale, EGH, MP | - Leader, Majority Party |
| 3. The Hon. Francis Nyenze, EGH, MP | - Leader, Minority Party |
| 4. The Hon. (Dr.) Naomi Shaban, EGH, MP | - Deputy Leader, Majority Party |
| 5. The Hon. (Dr.) Chrisantus Wamaiwa, CBS, MP | - Deputy Chief Whip, Minority Party |
| 6. The Hon. Amina Abdalla, CBS, MP | |
| 7. The Hon. Gideon Konchellah, EGH, OGW, MP | |
| 8. The Hon. Cecily Mbarire, MGH, MP | |
| 9. The Hon. Moses Cheboi, MGH, MP | |
| 10. The Hon. Jamleck Kamau, EGH, MP | |
| 11. The Hon. Nelson Gaichuhie, MP | |
| 12. The Hon. Jackson Kiptanui, MP | |
| 13. The Hon. Isaak Ali Shaban, MP | |
| 14. The Hon. Manson Nyamweya, MP | |
| 15. The Hon. Abass Ahmed Ibrahim, MP | |
| 16. The Hon. David Wafula, MP | |
| 17. The Hon. Mishi Juma Khamis, MP | |
| 18. The Hon. Stephen Mule, MP | |

ABSENT WITH APOLOGY

- | | |
|---|---------------------------------|
| 19. The Hon. (Dr.) Joyce Laboso, MGH, MP | - Deputy Speaker |
| 20. The Hon. Katoo Ole Metito, EGH, MGH, MP | - Chief Whip, Majority Party |
| 21. The Hon. Jakoyo Midiwo, MGH, MP | - Deputy Leader, Minority Party |
| 22. The Hon. Esther Murugi, EGH, MP | |
| 23. The Hon. Boniface Gatobu, MP | |
| 24. The Hon. Ibrahim Sane, MP | |
| 25. The Hon. Maj. (Rtd) Marcus Muluvi, MP | |
| 26. The Hon. Roselinda Soipan, MP | |

IN-ATTENDANCE

NATIONAL ASSEMBLY SECRETARIAT

- | | |
|--------------------------|-------------------------------|
| 1. Mrs. Florence Abonyo | -Director, Committee Services |
| 2. Ms. Susan Maritim | -Clerk Assistant I |
| 3. Mr. Adan Gindicha | - Clerk Assistant I |
| 4. Mr. Victor Imbo | - Clerk Assistant II |
| 5. Ms. Marale Sande | -Senior Researcher |
| 6. Ms. Jermimah Muriithi | -Legal Counsel II |

MIN. NO. 112/2015

PRELIMINARIES

The Chairperson called the meeting to order at three o'clock followed by the Prayer read by Hon. (Dr.) Naomi Shaban, EGH, M.P.

MIN. NO. 113/2015

CONFIRMATION OF MINUTES OF THE PREVIOUS SITTINGS

The Committee confirmed Minutes of the previous sittings as follows:

Minutes of the 22nd Sitting held on Thursday, 10th December, 2015 were confirmed as true record of the proceedings having been proposed by Hon. Adan Duale, EGH, MP and seconded by Hon. Francis Nyenze, EGH, MP.

Minutes of the 23rd Sitting held on Friday, 11th December, 2015 at 9.00 am were confirmed as a true record of the proceedings having been proposed by Hon. Francis Nyenze, EGH, MP and seconded by Hon. Moses Cheboi, MGH, MP.

Minutes of the 24th Sitting held on Friday, 11th 2015 at 2.30 pm-7.30pm were confirmed as a true record of the proceedings having proposed by Hon. Amina Abdalla, CBS, MP and seconded by Hon. (Dr.) Chrisantus Wamalwa, CBS, MP.

MIN. NO. 114/2015

MATTERS ARISING

Under Min.101/2015, on the Nomination of Hon. Festus Kiunjuri, the Committee received a copy of the court order by the Chief Magistrate at Milimani Courts dated 14th December, 2015 that the nominee has been discharged of the incitement to violence charges following withdrawal of Criminal Case No. 278 of 2000 pursuant to section 87(a) of the Criminal Procedure Code.

The Committee thereafter approved the nominee for appointment as Cabinet Secretary, Ministry of Devolution and Planning.

Under Min.102/2015 on the nomination of Senator Charles Cheruiyot Keter, the Committee approved his nomination for appointment to the position of Cabinet Secretary, Ministry of Energy and Petroleum.

Under Min.103/2015 on the nomination of Dr. Cleopa Kilonzo Mailu, the Committee discussed concerns raised by one of the Committee members on the suitability of the nominee owing to his performance in some of the core subjects in his A-Level examination. The Committee however concurred that indeed the nominee performed exceptionally well in the vetting process and has had a good medical career including being Chief Executive Officer of the Nairobi Hospital.

The Committee thereafter approved his nomination for appointment to the position of Cabinet Secretary, Ministry of Health.

Under Min.106/2015 on the nomination of Mr. Willy Kipkorir Bett, the Committee approved his nomination for appointment to the position of Cabinet Secretary, Ministry of Agriculture, Livestock and Fisheries.

Under Min.107/2015 on the nomination of Mr. Joseph Wakaba Mucheru, the Committee approved his nomination for appointment to the position of Cabinet Secretary, Ministry of Information, Communication and Technology.

Under Min.108/2015 on the nomination of Mrs. Sicily Kanini Kariuki, the Committee approved her nomination for appointment to the position of Cabinet Secretary, Ministry of Public Service, Youth and Gender Affairs.

Under Min.110/2015 on the nomination of Hon. Daniel Kazungu Muzee, the Committee's attention was drawn to an audit query raised by the Auditor General in the Financial Statements for Malindi Constituency for the financial year ended 30th June, 2014.

The Committee examined the Report and noted that the Auditor-General observed that *"in respect of the CDF funds for Malindi Constituency, the statements of financial assets as at 30th June, 2014 reflects bank balance of Kshs. 32, 405, 597.10. However, an examination of the bank reconciliation statement for the month of June, 2014 revealed unpresented cheques amounting to Kshs. 4,514, 507 but some of the cheques have remained unpresented since year 2005 and no explanation has been provided for not reversing the amounts to the cashbook. Consequently, the accuracy and validity of the cash and bank balance of Kshs. 32, 405, 597 as at 30th June, 2015 could not be confirmed."* Further, the Committee observed that page 3 of the Report states that *"the Fund Account Manager in charge of Malindi CDF accepts responsibility for the Constituency's financial statements..."*.

In view of the above, the Committee observed that the nominee was not involved either directly or indirectly in the issue raised by the Member.

The Committee thereafter approved the nomination of Hon. Daniel Kazungu Muzee, for appointment to the position of Cabinet Secretary, Ministry of Mining.

The Committee also made the following observations-

- 1) That the Directorate of Criminal Investigations and EACC should exercise care and due diligence while clearing candidates for purposes of Chapter Six of the Constitution and avoid sending information to Parliament that is unfounded and conflicting.
- 2) That the EACC should exercise care and due diligence while clearing candidates for purposes of Chapter Six of the Constitution and avoid sending information to Parliament that is unfounded and conflicting.
- 3) That staff of Parliament should also counter check with the Reports of the House Committees during vetting process to verify whether nominees have been adversely mentioned in any of the reports.

CONSIDERATION OF THE DRAFT REPORT ON THE
VETTING OF THE NOMINEES FOR APPOINTMENT
TO THE POSITION OF CABINET SECRETARY

Members considered the draft report on the vetting of nominees for appointment to the position of Cabinet Secretary and made the following observations-

1. **On the nomination of Hon. Festus Mwangi Kiunjuri**, the Committee received a copy of the court order by the Chief Magistrate at Milimani Courts dated 14th December, 2015 that the nominee has been discharged of the incitement to violence charges following withdrawal of Criminal Case No. 278 of 2000 pursuant to section 87(a) of the Criminal Procedure Code.

The Committee thereafter approved the nomination of the nominee as Cabinet Secretary, Ministry of Devolution and Planning.

2. **On the nomination of Senator Charles Cheruiyot Keter**, the Committee approved his nomination for appointment to the position of Cabinet Secretary, Ministry of Energy and Petroleum.
3. **On the nomination of Dr. Cleopa Kilonzo Mailu**, the Committee discussed concerns raised by one of the Committee members on the suitability of the nominee owing to 'his' poor performance in some of the core subjects in his A-Level examination. The Committee however concurred that indeed the nominee performed exceptionally well in the vetting process and has had a good medical career including being Chief Executive Officer of the Nairobi Hospital.

The Committee thereafter approved the nomination of Dr. Cleopa Kilonzo Mailu, for appointment to the position of Cabinet Secretary, Ministry of Health.

4. **On the nomination of Mr. Willy Kipkorir Bett**, the Committee approved his nomination for appointment to the position of Cabinet Secretary, Ministry of Agriculture, Livestock and Fisheries.
5. **On the nomination of Mr. Joseph Wakaba Mucheru**, the Committee approved his nomination for appointment to the position of Cabinet Secretary, Ministry of Information, Communication and Technology.
6. **On the nomination of Mrs. Sicily Kanini Kariuki**, the Committee approved her nomination for appointment to the position of Cabinet Secretary, Ministry of Public Service, Youth and Gender Affairs.

7. On the nomination of Hon. Daniel Kazungu Muzee, the Committee's attention was drawn to an audit query raised by the Auditor General in the Financial Statements for Malindi Constituency for the financial year ended 30th June, 2014.

The Committee examined the Report and noted that the Auditor-General observed that "in respect of the CDF funds for Malindi Constituency, the statements of financial assets as at 30th June, 2014 reflects bank balance of Kshs. 32, 405, 597.10. However, an examination of the bank reconciliation statement for the month of June, 2014 revealed unpresented cheques amounting to Kshs. 4,514, 507 but some of the cheques have remained unpresented since year 2005 and no explanation has been provided for not reversing the amounts to the cashbook. Consequently, the accuracy and validity of the cash and bank balance of Kshs. 32, 405, 597 as at 30th June, 2015 could not be confirmed." Further, the Committee observed that page 3 of the Report states that "the Fund Account Manager in charge of Malindi CDF accepts responsibility for the Constituency's financial statements...".

In view of the above, the Committee observed that the nominee was not involved either directly or indirectly in the issues raised by the Auditor General.

The Committee thereafter approved the nomination of Hon. Daniel Kazungu Muzee, for appointment to the position of Cabinet Secretary, Ministry of Mining.

MIN. NO. 116/2014

ANY OTHER BUSINESS

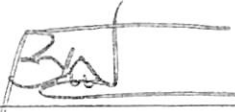
The Committee observed that there is need for the Committee to benchmark on vetting processes which will inform the review of the Public Appointments (Parliamentary Approval) Act, Cap. 136. The Committee recommended the US and Scandinavian countries such as Norway, Denmark Sweden as probable benchmarking countries. The secretariat was tasked to follow up and plan the visit for March, 2016.

MIN. NO. 117/2014

ADJOURNMENT OF THE MEETING

There being no other business, the meeting was adjourned at thirty-five minutes past four o'clock until Tuesday, 15th December, 2015 at 12.00pm.

SIGNED _____


THE HON. JUSTIN B.N. MUTURI, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY
(CHAIRPERSON)

DATE _____

15th December, 2015

MINUTES OF THE TWENTY FOURTH SITTING OF THE COMMITTEE ON
APPOINTMENTS HELD ON FRIDAY, 11TH DECEMBER 2015, IN THE MINI
CHAMBER, COUNTY HALL, PARLIAMENT BUILDINGS AT 3.00 P.M.

PRESENT

- | | | |
|---|---|-----------------------------------|
| 1. The Hon. Justin B. Muturi, EGH, MP | - | Speaker (Chairperson) |
| 2. The Hon. (Dr.) Joyce Laboso, MGH, MP | - | Deputy Speaker |
| 3. The Hon. Aden Duale, EGH, MP | - | Leader, Majority Party |
| 4. The Hon. Francis Nyenze, EGH, MP | - | Leader, Minority Party |
| 5. The Hon. (Dr.) Naomi Shaban, EGH, MP | - | Deputy Leader, Majority Party |
| 6. The Hon. Jakoyo Midiwo, MGH, MP | - | Deputy Leader, Minority Party |
| 7. The Hon. Katoo Ole Metito, EGH, MGH, MP | - | Chief Whip, Majority Party |
| 8. The Hon. (Dr.) Chrisantus Wamalwa, CBS, MP | - | Deputy Chief Whip, Minority Party |
| 9. The Hon. Isaac Ali Shaaban, MP | | |
| 10. The Hon. Jackson Kiptanui, MP | | |
| 11. The Hon. Amina Abdalla, CBS, MP | | |
| 12. The Hon. Gideon Konchellah, MP | | |
| 13. The Hon. Cecily Mbarire, MP | | |
| 14. The Hon. Moses Cheboi, MGH, MP | | |
| 15. The Hon. Nelson Gaichuhie, MP | | |
| 16. The Hon. Jamleck Kamau, EGH, MP | | |
| 17. The Hon. Manson Nyamweya, MP | | |
| 18. The Hon. Abass Ahmed Ibrahim, MP | | |
| 19. The Hon. David Wafula, MP | | |
| 20. The Hon. Major (Rtd) Marcus Muluvi, MP | | |
| 21. The Hon. Mishi Juma Khamis, MP | | |
| 22. The Hon. Stephen Mutinda Mule, MP | | |

ABSENT WITH APOLOGY

23. The Hon. Roselinda Soipan, MP

ABSENT WITHOUT APOLOGY

24. The Hon. Esther Murugi, EGh, MP
25. The Hon. Boniface Gatobu, MP
26. The Hon. Ibrahim Sane, MP

IN-ATTENDANCE

- | | | |
|-------------------------|---|---|
| 1. Mr. James Mwangi | - | Director, Legislative and Procedural Services |
| 2. Mr. Peter Chemweno | - | Deputy Director, Committee Services |
| 3. Mr. Nicholas Emejien | - | Principal Clerk Assistant I |
| 4. Mr. Daniel Mutunga | - | Principal Clerk Assistant II |
| 5. Ms. Susan Maritim | - | Clerk Assistant I |
| 6. Mr. Adan Gindicha | - | Clerk Assistant I |
| 7. Mr. Victor Imbo | - | Clerk Assistant II |

8. Ms. Marale Sande - Senior Researcher
9. Ms. Jemimah Muriithi - Legal Counsel II

MIN. NO. 105/2015

PRAYER AND PRELIMINARIES

The Chairman called the meeting to order at three o'clock and requested the Hon. Aden Duale, M.P, Leader of the Majority Party to read the Prayer.

MIN. NO. 106/2015:

VETTING OF MR. WILLY KIPKORIR BETT,
CABINET SECRETARY NOMINEE, MINISTRY OF
AGRICULTURE, LIVESTOCK AND FISHERIES

Mr. Willy Kipkorir Bett, Cabinet Secretary nominee, Ministry of Agriculture, Livestock and Fisheries appeared before the Committee on Friday 11th December, 2015 at 3.00 pm and was orally interviewed under Oath pursuant to the provisions of the Constitution of Kenya, the Public Appointments (Parliamentary Approvals) Act, Cap. 136 and the Standing Orders of the National Assembly.

The nominee presented as follows, both orally and in writing: -

Date and Place of Birth

1. He is a Kenyan citizen born on 14th April 1963 in Nandi District.

Academic and Professional Qualifications

2. He attended Kaptel High School and Kaheti High School where he attained a Kenya Certificate of Education and Kenya Advanced Certificate of Education respectively.
3. He holds a Bachelor's Degree in Arts (Economics and Sociology) from the University of Nairobi and a Master of Business Administration Degree (Marketing) also from the same University.

Employment Record

4. He started his career in 1991 as a Management Trainee at Post Bank Credit. He thereafter was employed at the Post Bank in 1992 where he rose through the ranks from Finance Officer to Senior Manager, Money Transfer Services.
5. He was appointed Managing Director Kenya Seed Company in 2006 where he served until his nomination as Cabinet Secretary.

Honours and Awards

6. He was awarded a recognition award by "Sahara Communities Abroad" for helping fundraise for children with special needs in Kenya (20th December 2004, London, UK).

Professional Affiliation

7. He is a Member of the Chartered Institute of Marketing, Marketing Society of Kenya and Kenya Institute of Management.

Published Writing

8. He has published one article being his Master of Business Administration Project Report titled "Differentiation Strategies used by Micro-Finance Institutions in Kenya" submitted to the University of Nairobi.

Net Worth

9. He estimated his net worth to be Kshs. 127.5 million mainly from employment, farming and rental income.

Potential Conflict of Interest

10. He declared that he currently does not have any persons or matter that would present a potential conflict of interest should he assume the position of Cabinet Secretary, Ministry of Agriculture, Livestock and Fisheries.

Pro-Bono/Charity Work

11. The nominee supports three (3) needy children through payment of school fees amounting to Kshs. 120,000 per year. He has also contributed to construction of a local church in Kitale contributing Kshs. 100,000 until it is completed.

Integrity

12. The nominee has neither been charged in a court of law nor mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three years. He has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.
13. He has fully complied with his tax obligations to the State as confirmed by the Commissioner General, Kenya Revenue Authority in a letter to the Clerk of the National Assembly Ref. CDT/HQ/54 dated 8th December 2015 and Tax Compliance Certificate No. KRAELD1690412015 dated 25th November, 2015.
14. He has also cleared his Higher Education Loans Board (HELB) and was issued with a Certificate of Clearance No. 0088243 dated 27th November, 2015. The same position was confirmed by the Head of Research, Strategy and Planning of Higher Education Loans Board in a letter to the Clerk of the National Assembly, Ref. HELB/RD/56593 dated 7th December, 2015.
15. The Director of Criminal Investigations issued the nominee with a clean Police Clearance Certificate No. 461836 dated 27th November, 2015.
16. In a letter Ref. EACC.7/10/5 VOL.II(3) dated 7th December 2015 to the Clerk of the National Assembly, the Chief Executive Officer of the Ethics and Anti-Corruption Commission confirmed that there are no outstanding issues or ongoing investigations against the nominee.
17. The nominee has also been cleared by MetroPol Credit Reference Bureau via CRB Certificate No. MCRB/C82913 dated 25th November, 2015.

GENERAL AND SECTOR SPECIFIC QUESTIONS TO THE NOMINEE

The Committee posed several questions to the nominee on his previous work experience and knowledge of the Agriculture, Livestock and Fisheries sector and he responded as follows: -

Successes at the Kenya Seed Company

18. He informed the Committee that his tenure as Managing Director at the Kenya Seed Company was successful. That prior to his tenure, the Country experienced shortage of seeds where production averaged 15 million kilograms of seed for two seasons. Currently, the Company boasts of 54 million kilograms of seed enough for a similar period. Other successes that he highlighted include:

- a. Expanded production.
- b. Introduction of irrigation.
- c. Modernization and expanded infrastructure in terms of seed production.
- d. Automation of the Company's operations.
- e. Financial viability where the current profits for the Company are Kshs. 200 million a significant improvement from the previous Kshs. 50 million while the turnover is Kshs. 5.2 billion also a significant improvement from the previous Kshs. 300 million.
- f. Enhanced research and development hence expanded portfolio in terms of seed varieties.

His Plans for the Ministry

19. He stated that he will focus on increasing national productivity by addressing the challenges arising from farm input. He also intends to strengthen institutions that handle food production.
20. He further informed the Committee that the focus area in the agriculture sector is revamping of extension services. He said that having worked with Kenya Seed Company and more so with farmers at the grassroots level, the major challenges bedevilling farmers at that level can be addressed through revamping of extension services.
21. He also informed the Committee that he intends to recognise and utilise the existing inter-governmental mechanisms bearing in mind that Agriculture is one of the functions that was fully devolved. This according to the nominee will ensure seamless working relationship and engagement with the County governments.

Implementation of AFFA Act

22. He informed the Committee that the sector had for a long time operated under an obsolete legal framework and piece-meal legislation that was confusing and caused implementation hiccups. Following the amalgamation of eight agencies under AFFA among them Coffee Board of Kenya, the Tea Board of Kenya among others, there is focus on resources in terms of marketing and efficiency. He however indicated that a lot more needs to be done on the Fisheries sector whose potential remains untapped.

Kenya Meat Commission (KMC) and Livestock Management in ASALs

23. He informed the Committee that technology challenges continue to ail the Kenya Meat Commission and if appointed he intends to engage with the Commission on whether modernisation of the factory or the establishment of a new factory is the way to go. Further, he indicated that management and governance issues ought to be addressed for viability of the Commission. The Committee heard that following the inception of the KMC, the farmers were expected to benefit from the Commission. He therefore intends to ensure that the Disease Free Zones are operationalised and also consider exploiting value

addition products while assisting the people of North Eastern province to market their animals.

Addressing Challenges affecting the Sugar Sector

24. He informed the Committee that the sugar sector is comparable to the challenges facing the Kenya Meat Commission, where technology is obsolete and archaic. He further added that sugar companies require additional capital to be injected hence the current policy on privatization. He however cautioned that for privatization to work, there is need for adequate consultation of all relevant stakeholders especially leadership from the sugar belt. He also informed the Committee that reduction in costs of sugar production is critical in the sustainability of the sugar industry and proposed that farmers should be engaged to adopt new varieties that have high sucrose content vis-à-vis the traditional high tonnage variety.

Irrigation as a Means of boosting Agricultural Production

25. He observed that following re-organisation of government, the infrastructure aspect of irrigation was moved to the Ministry of Water and Irrigation while the Ministry of Agriculture is charged with the agronomy aspect of it. There is therefore need to work closely with Ministry of Water and Irrigation to optimise irrigation as a means of boosting agricultural production.

MIN. NO. 107/2015:

VETTING OF MR. JOSEPH MUCHERU, CABINET
SECRETARY NOMINEE, MINISTRY OF
INFORMATION, COMMUNICATION AND
TECHNOLOGY (ICT)

Mr. Joseph Wakaba Mucheru, Cabinet Secretary nominee, Ministry of Information, Communication and Technology appeared before the Committee on Friday, 11th December, 2015 at 4.00 pm and was orally interviewed under Oath pursuant to the provisions of the Constitution of Kenya, the Public Appointments (Parliamentary Approvals) Act, Cap. 136 and the Standing Orders of the National Assembly.

The nominee presented as follows, both orally and in writing: -

Date and Place of Birth

1. The nominee is a Kenyan citizen born on 28th August 1968 in Kiambu District.

Academic and Professional Qualifications

2. He attended Lenana School where he attained both Kenya Certificate of Education ('O' Level) and Kenya Advanced Certificate of Education ('A' Level).
3. He holds a Bachelor of Science degree in Economics and Computer Science from Stanford School of Business, London United Kingdom. He also attended the Stanford University Executive Programme in 2008.

Work Experience

4. The nominee started his career in 1999 as a Technical and Product Development Manager at Webmaster. Since then he has had a very successful career in the ICT sector including co-founding Wananchi Online (now known as Zuku) in 1999 and working for Google

Sub-Sahara Africa Ambassador and East Africa Lead from the year 2007 to date. He is also the Investment Regional Lead of Energy Access and Investment.

Pro-Bono/Charity Work

5. He is also a Director in several firms including UAP Investments Ltd, AFB Ltd, GiveDirectly, BitPesa Ltd, M-Pesa Foundation Academy Advisory Board, Mango Tree Foundation and Telecommunications Service Provider Association of Kenya (TESPOK).

Honours and Awards

6. He was awarded the Moran of the Order of the Burning Spear (MBS) in December 2010 mainly for his contribution to the ICT sector.

Net Worth and Deferred Income

7. He estimates his net worth to be Kshs. 500 million and with a deferred income of Kshs. 267 million.

Professional Affiliations

8. He is the Chairman of the Telecommunications Service Providers Association, Director of the Kenya Internet Exchange Point and the Kenya Private Sector Alliance (KEPSA).

Potential Conflict of Interest

9. With regard to conflict of interest, he stated that BTC Africa Ltd and Wananchi Online Ltd fall under the Ministry of ICT in Regulation and Licensing. To resolve this conflict of interest, the nominee stated that in the process of liquidating his interests, he will recuse himself from any decisions touching on the two companies.

Pro-Bono/Charity Work

10. The nominee is involved in the following pro-bono work:
 - a) *Monthly meetings at Mpesa Foundation Academy Advisory Board;*
 - b) *Volunteered as a Trustee at the Mango Tree non-profit organisation supporting orphans; and*
 - c) *Quarterly meetings at GiveDirectly, a non-profit organisation.*

Integrity

11. The nominee has neither been charged in a court of law nor mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three years. He has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.
12. He has fully complied with his tax obligations to the State as confirmed by the Commissioner General, Kenya Revenue Authority in a letter to the Clerk of the National Assembly Ref. CDT/HQ/54 dated 8th December 2015 and Tax Compliance Certificate No. KRASON2882532015 dated 7th December 2015.
13. He has also cleared his Higher Education Loans Board (HELB) loan and was issued with a Certificate of Clearance No.59140 dated 4th December 2015. The same position was confirmed by the Head of Research, Strategy and Planning of Higher Education Loans Board in a letter to the Clerk of the National Assembly, Ref. HELB/RD/56593 dated 8th December, 2015.

14. The Director of Criminal Investigations issued the nominee with a clean Police Clearance Certificate No. 512810 dated 4th December 2015.
15. In a letter Ref. EACC.7/10/5 VOL.II (3) dated 7th December 2015 to the Clerk of the National Assembly, the Chief Executive Officer of the Ethics and Anti-Corruption Commission confirmed to the Committee that there no outstanding issues or ongoing investigations against the nominee.
16. The nominee has also been cleared by the TransUnion Credit Reference Bureau via CRB Certificate No. 8578 dated 14th December 2015.

GENERAL AND SECTOR SPECIFIC QUESTIONS TO THE NOMINEE

The Committee posed several questions to the nominee on his previous work experience and knowledge of the ICT sector and he responded as follows: -

Cyber Security, Data Protection and Privacy

17. There is need for requisite laws to guide cyber security. Further, he stated that privacy controls are in existence, however what is required is education, sensitization and awareness of users.

Development of Konza Technopolis City

18. Konza city is one of the flagship projects under Kenya's Vision 2030. He therefore stated that the ingredients of ensuring its operationalization are already in place. However, structures on data protection and e-security laws will need to be enacted. He also added that he intends to leverage on his wide experience in the sector particularly his major achievement of establishing the "Wananchi Online" platform to ensure the Silicon Savannah of Kenya takes off.

His Relationship with Communication Authority of Kenya (CAK) given a previous petition against the Authority on market share

19. He informed the Committee that he did not have any ill feeling towards the Authority since the petition that he lodged against the parastatal at the time was a stepping stone in securing market share for his company Wananchi Online.

ICT vis-à-vis Radicalization/Terrorism

20. Given the job, he would utilize the already existing infrastructure including the legal framework to ensure that the use of ICT in radicalization and terrorism is dealt with.

Perceived dominance of Safaricom Ltd in the Telecommunication Sector

21. He was of the view that having worked in the sector for over two decades, Safaricom cannot be said to be dominant. Issues of dominance should not arise if there exists a level playing field for all investors. He therefore argued that what ought to be done is to ensure that there is a legal framework that allows for growth and encourages investors to seek opportunities.

VETTING OF MRS. SICILY K. KARIUKI,
CABINET SECRETARY NOMINEE, MINISTRY OF
PUBLIC SERVICE, YOUTH AND GENDER
AFFAIRS

Mrs. Sicily Kanini Kariuki, Cabinet Secretary nominee, Ministry of Public Service, Youth and Gender Affairs appeared before the Committee on Friday, 11th December, 2015 at 5.00pm and was orally interviewed under Oath pursuant to the provisions of the Constitution of Kenya, the Public Appointments (Parliamentary Approvals) Act, Cap. 136 and the Standing Orders of the National Assembly.

The nominee presented as follows, both orally and in writing: -

Date and Place of Birth

1. The nominee is a Kenyan citizen born on 27th December 1965 in Embu District.

Academic and Professional Qualifications

2. She attended Kangaru High School where she attained a Kenya Advanced Certificate of Education in 1985.
3. She holds a Bachelor of Commerce Degree (Business Administration) from the University of Nairobi, Certificate in International Food Laws and Regulations from Michigan State University, Executive Master of Business Administration from the ESAMI/Maastricht School of Management and is currently pursuing a Doctorate in Business Administration. In addition, she has attended several leadership skills enhancement trainings such as Leadership and Governance in the Public Sector, Lobbying and Advocacy Skills and Directors' Course in Corporate Governance among others.

Employment Record

4. She was first employed in 1990 as an Investment Promotion Officer at the Investment Promotion Centre (now Kenya Investment Authority) where she worked until 1997. She has several years of experience in the horticulture sector where she briefly worked as General Manager for Kenia Fresh Ltd and Export Marketing Manager and later Chief Executive Officer of the Fresh Produce Exporters Ltd from the year 2001 to 2006.
5. She was appointed Managing Director of the Tea Board of Kenya in June 2006 where she served until June 2013 when she was appointed Principal Secretary, State Department of Agriculture, Ministry of Agriculture, Livestock and Fisheries.

Honours and Awards

6. She holds the following honours and awards:
 - a) *Order of the Moran of the Burning Spear (MBS) by H.E the President of Kenya (2015)*
 - b) *Certificate of Recognition – Top Woman in Business and Government awarded by Business Woman Magazine/Ministry of Trade/UNDP (2009);*
 - c) *Marketing Warrior awarded by the Marketing Society of Kenya (2008); and*

- d) *Certificate of Recognition Chochran Fellowship – United States Department of Agriculture.*

Professional Affiliation

7. The nominee is a member of the Marketing Society of Kenya and Institute of Directors (Kenya). She is also a Member of the Food and Agriculture Organisation of the United Nations Inter-Governmental Group on Tea (IGG on Tea).

Published Writings

8. She has published the following Papers/Articles:
- a) *Economic Review of Agriculture (2015);*
 - b) *Strategic Plan 2013 -2017 (Revised 2015);*
 - c) *Cassava Manual (2014)*
 - d) *Contracted Extension Service Delivery Model (2015);*
 - e) *Conference Paper –Soil “The Substance of Transformation”*

Net Worth and Deferred Income

9. She does not envisage any deferred income or future benefits and does not have outside commitments she plans to pursue outside employment.
10. She estimates her total net worth as Kshs. 168,331,000 being income from investments, assets and salary as at December 2015.

Potential Conflict of Interest

11. She declared that she has a relative who is an official of the Union of Kenya Civil Servants. The nominee stated that she will adhere to Article 73 of the Constitution in carrying out her duties.

Pro-Bono/Charity Work

12. The nominee is involved in the following pro-bono and charity work:-
- a) *Motivations talks to upcoming corporate leaders and students – 4 days in a year*
 - b) *Giving talks to women on economic empowerment – 4 hours*
 - c) *Time and cash donation to churches – Kshs. 100,000 per year*
 - d) *Paying school for destitute children – Kshs. 100,000 per year.*

Integrity

13. The nominee has neither been charged in a court of law nor mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three years. She has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.
14. She has fully complied with her tax obligations to the State as confirmed by the Commissioner General, Kenya Revenue Authority in a letter to the Clerk of the National Assembly Ref. CDT/HQ/54 dated 8th December 2015 and Tax Compliance Certificate No. KRAWON28999222015 dated 7th December 2015.

15. She has also cleared her Higher Education Loans Board (HELB) loan and was issued with a Certificate of Clearance No.006945 dated 17th October 2006. The same position was confirmed by the Head of Research, Strategy and Planning of Higher Education Loans Board in a letter to the Clerk of the National Assembly, Ref. HELB/RD/56593 dated 8th December, 2015.
16. The Director of Criminal Investigations issued the nominee with a clean Police Clearance Certificate No. 513017 dated 8th December 2015.
17. In a letter Ref. EACC.7/10/5 VOL.II (3) dated 7th December 2015 to the Clerk of the National Assembly, the Chief Executive Officer of the Ethics and Anti-Corruption Commission confirmed to the Committee that there no outstanding issues or ongoing investigations against the nominee.
18. The nominee has also been cleared by the MetroPol Credit Reference Bureau via CRB Certificate No. MCRB/C58746 dated 7th December 2015.

GENERAL AND SECTOR SPECIFIC QUESTIONS TO THE NOMINEE

The Committee posed several questions to the nominee on her past work experience and knowledge of the Public Service, Youth and Gender Affairs sector and she responded as follows: -

Her Achievements as a Public Officer

19. She informed the Committee that following her employment in the Horticultural sector, foreign exchange arising from the sector had increased to over Kshs. 200 billion while at the same time she spearheaded the development of 'Kenya Gap', a quality and standards platform that contributed to increased yield in the sector.
20. She added having served in various capacities in the public service especially as a Principal Secretary, has equipped her with knowledge and experience required to serve in a higher capacity as Cabinet Secretary.

Huduma Centres as a concept to be rolled out across the country

21. She lauded the concept as one that provides a one-stop shop service with specific targets. She also indicated the need to have the concept rolled out countrywide and within the Counties since it is a reflection of result-based Management. She indicated that ICT-related challenges in roll-out of the Centres ought to be addressed.

Gender Issues

22. She informed the Committee that there is need to first demystify gender to ensure the issues of both men and women are appreciated. She acknowledged that indeed there exist several programs addressing matters on gender, however additional impetus is required to ensure the program have meaningful impact.

National Youth Service (NYS) and its role in Youth Development

23. The nominee stated that bearing in mind the role played by the youth, the future of Kenya is dependent upon their empowerment. NYS is therefore the best vehicle to realise youth empowerment within the framework of the Constitution. With the existing programs being implemented under the NYS, additional resources are required while focus should be shifted to streamlining the governance structures of the Service for efficiency.

24. On what she intends to do differently if appointed, she informed the Committee that she will first address the challenges associated with systems, governance control and capacity. Her solutions will be based on the model, structure and design of the NYS concept.

Public Wage Bill vis-à-vis Productivity

25. She told the Committee that the Public Service is reeling under an aging population with reduced energies. Given the position she intends to:-
- Ensure that the public service leverages on use of Information, Communication Technology;
 - Undertake skills audit to determine skills gaps;
 - Standardise salaries across all counties and across the two levels of Government;
 - Ensure adequate succession planning in the public service; and
 - Consider offering an attractive exit package to those willing to retire early.

Several overlapping Funds like the Youth, Women and Uwezo Funds

26. In her view, all these funds need to be rationalised for synergy and to ensure efficiency since they are all geared towards the same broad goal. She added that with her experience in reforming the agriculture sector following the passage of the AFFA Act, she indicated that she has the capacity to provide leadership on the matter.

Thirty Per Cent (30%) Preferential Government Tenders earmarked for Women, Youth and Persons with Disabilities (PWDs)

27. The success of the policy will require sustained awareness and this ought to form part of performance contract. She further added that there is need for change of attitude towards these vulnerable groups and their capacity to participate in these contracts and tenders.

MIN. NO. 109/2015:

MEETING WITH HALAKHE WAQO, CHIEF EXECUTIVE OFFICER, ETHICS AND ANTI- CORRUPTION COMMISSION (EACC)

The Chairperson informed the Committee that the meeting with the Chief Executive Officer of the EACC was necessitated by the contents of two letters dated 7th December 2015 and 10th December, 2015 to the Clerk of the National Assembly. In the first letter dated 7th December, 2015, the Chief Executive Officer of the Ethics and Anti-Corruption Commission informed the Committee that Hon. Daniel Kazungu was adversely mentioned in an unsubstantiated complaint. In the subsequent letter dated 10th December, 2015, the Commission confirmed that it had verified information it had received on the nominee and found no evidence to warrant an adverse recommendation on his appointment.

In his response to the Committee, the CEO informed the Committee that on receiving the list of nominees to be vetted by Parliament on 2nd December 2015, the Commission searched its records on any complaints and investigations touching on the nominees. It is based on these findings that the Commission found complaints on three of the nominees one of whom, is Hon. Kazungu, Cabinet Secretary nominee, Ministry of Mining. On further verification prompted by Clerk of the National Assembly in a letter dated 9th December, 2015, the Commission found the allegations of misuse of CDF funds by the nominee were unsubstantiated and could read malice bearing in mind the timing of filing the complaint.

He however committed that the Commission will undertake its investigations and report to the relevant authorities its findings of the corruption allegations against the nominee.

The Committee expressed its disappointment and dissatisfaction with the manner in which the Commission conducts investigations and releases reports on corruption-related cases without verifying facts and in the process costing innocent persons their jobs and integrity.

MIN. NO. 110/2015:

VETTING OF HON. DANIEL KAZUNGU MUZEE,
CABINET SECRETARY NOMINEE, MINISTRY OF
FOR MINING

Hon. Daniel Kazungu Muzee, Cabinet Secretary nominee, Ministry of Mining appeared before the Committee on Friday, 11th December, 2015 at 6.00 pm and was orally interviewed under Oath pursuant to the provisions of the Constitution of Kenya, the Public Appointments (Parliamentary Approvals) Act, Cap. 136 and the Standing Orders of the National Assembly.

The nominee presented as follows, both orally and in writing: -

Date and Place of Birth

1. The nominee is a Kenyan citizen born on 2nd June 1970 at Langobaya, Malindi in Kilifi District.

Academic and Professional Qualifications

2. He attended Marikoni and Lango Baya Primary Schools where he emerged as the best student with a score of 65 points out of 72. He thereafter proceeded to Kwale Secondary School where he attained a Kenya Certificate of Secondary Education in 1989.
3. He holds a Bachelor's degree in Information Science, majoring in Information and Media Technology from Moi University in Eldoret. He also holds an Executive Master of Arts degree in Diplomacy and Foreign Policy from the same University.

Work Experience

4. Hon. Kazungu has vast experience in the ICT sector having started his career in 1995 as an intern at the Institute of Advanced Technology. He has also worked as a manager at Computech Group, Manager at Fintech Group in charge of Microsoft Products, Channel Development Manager at Mustek Electronics based in Johannesburg, South Africa, International Business Machines (IBM) Country Representative for Ethiopia and Kenya and East Africa Regional Manager Lenovo Africa, based in Johannesburg, South Africa.
5. Prior to his nomination as Cabinet Secretary, he served as Member of Parliament for Malindi Constituency since the year 2013 where he served as a Member of Energy, Information and Communication Committee and the Committee on Regional Integration.

Net Worth

6. He estimated his net worth to be Kshs. 100 Million.

Potential Conflict of Interest

7. He declared that he currently does not have any persons that would present a potential conflict of interest should he assume the position of Cabinet Secretary, Ministry of Mining. Should a conflict of interest arise, the nominee stated that he would adhere to the Mining Act, Policy and guidelines.

Pro-Bono/Charity Work

8. The nominee is involved in charity work through supporting Muslim School in Malindi, preparing for a Kshs. 500,000 anti-drug campaign in Malindi, visiting children homes and paying school fees for needy students in institutions of higher learning.

Honours and Awards

9. He has received the following honours and awards:

- a) *100% Club of Global Achievers within IBM (2012)*
- b) *Special mention on Ethiopia at the New York Stock Exchange as an example of the success of the IBM Africa Strategy (2012)*
- c) *Single-handedly established Lenovo in East Africa from scratch and developed the brand and won market share in key market segments to position Lenovo as a leading brand in the region (2006-2009)*
- d) *Compaq East Africa Top Business Executive in East Africa (2000)*
- e) *SDAL Top Microsoft Business Executive in East Africa with (1999)*
- f) *Admitted to the Faculty of Information Sciences at Moi University where only the top 40 national school students got admission (1990)*
- g) *Award for top student in Kwale District (1986)*
- h) *Top student KCSE Exams – Langobaya Primary School (1985)*

Integrity

10. The nominee has neither been charged in a court of law nor mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three years. He has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.
11. He has fully complied with his tax obligations to the State as confirmed by the Commissioner General, Kenya Revenue Authority in a letter to the Clerk of the National Assembly Ref. CDT/HQ/81 dated 9th December 2015 and Tax Compliance Certificate No. KRASON2853332015 dated 8th December 2015.
12. He has also cleared his Higher Education Loans Board (HELB) and was issued with a Certificate of Clearance dated 20th December 2012. The same position was confirmed by the Head of Research, Strategy and Planning of Higher Education Loans Board in a letter to the Clerk of the National Assembly, Ref. HELB/RD/56593 dated 8th December, 2015.
13. The Director of Criminal Investigations issued the nominee with a clean Police Clearance Certificate No. 221971/2015 dated 8th December 2015.
14. In a letter dated 7th December 2015 to the Clerk of the National Assembly, the Chief Executive Officer of the Ethics and Anti-Corruption Commission informed the Committee that the nominee was adversely mentioned in an unsubstantiated complaint regarding the misuse of CDF funds in Malindi Constituency. In a subsequent letter dated 10th December, 2015, the Commission confirmed that it had verified information it had received on the nominee and found no evidence to warrant an adverse recommendation on his appointment.

15. The nominee has also been cleared by the TransUnion Credit Reference Bureau via CRB Certificate No. 9187724 dated 4th December 2015.

GENERAL AND SECTOR SPECIFIC QUESTIONS TO THE NOMINEE

The Committee posed several questions to the nominee on his past work experience and knowledge of the Mining sector and he responded as follows: -

Challenges facing the Mining Sector

16. He responded that indeed Kenya's mining sector contributes less than one per cent (1%) to the Gross Domestic Product yet it is referred to as a gold mine. To reverse this trend and given that only four per cent (4%) of Kenya's natural resources have been explored, there is need for a legal framework to guide the sector and an extensive survey on the country's natural resource including geophysical data. He also added that the Country ought to improve infrastructure in areas where mining is being undertaken to encourage investment. While concluding on why the mining sector is under performing, the nominee indicated that given that mining activities are high energy consumers, reducing cost of energy in the County should be a priority.

Mining and Community Benefits

17. He indicated that the Mining Bill still pending in Parliament seeks to address the challenge of community benefits among other challenges affecting communities with mineral deposits.

Multinationals and Royalties vis-à-vis Community Benefits

18. He informed the Committee that Kenya has pegged its royalties returns at 2.5% of investment while the global average is 10%. If appointed to the position of the Cabinet secretary he plans to work closely with the various stakeholder, in a bid to revisit the issue on royalties so as to balance investment in the mining sector and community benefits.

Corruption Allegations against him by EACC

19. The nominee distanced himself from any corruption allegations against him and informed the Committee that he is not aware of any such allegations since he has not been contacted by EACC to respond to the same.

His position on leaving elective politics for appointment as Cabinet Secretary

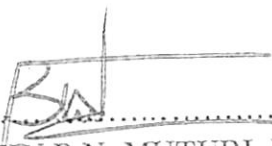
20. He informed the Committee that having served his constituents as a Member of Parliament, he believes that time has come for him to serve the nation in a higher capacity as Cabinet Secretary. He pledged to work with the Jubilee Government in fulfilling its manifesto.

Plans to address smuggling challenge in the Mining Sector

21. He reiterated that the Mining Bill, 2015 currently at the mediation stage in Parliament once enacted into law will be key in addressing challenges associated with smuggling, sharing of resources with communities and value addition.

The Chairman adjourned the meeting at 7.20 p.m. until Monday at 2.30 p.m. for report consideration and adoption.

SIGNED.....


THE HON. JUSTIN B.N. MUTURI, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY
(CHAIRPERSON)

DATE.....

14th December, 2015

MINUTES OF THE TWENTY THIRD SITTING OF THE COMMITTEE ON APPOINTMENTS HELD ON FRIDAY, 11TH DECEMBER 2015, IN THE MINI CHAMBER, COUNTY HALL, PARLIAMENT BUILDINGS AT 9.25 A.M.

PRESENT

- | | | |
|---|---|-----------------------------------|
| 1. The Hon. Justin B. Muturi, EGH, MP | - | Speaker (Chairperson) |
| 2. The Hon. (Dr.) Joyce Laboso, MGH, MP | - | Deputy Speaker |
| 3. The Hon. Aden Duale, EGH, MP | - | Leader, Majority Party |
| 4. The Hon. Francis Nyenze, EGH, MP | - | Leader, Minority Party |
| 5. The Hon. (Dr.) Naomi Shaban, EGH, MP | - | Deputy Leader, Majority Party |
| 6. The Hon. Jakoyo Midiwo, MP | - | Deputy Leader, Minority Party |
| 7. The Hon. Katoo Ole Metito, EGH, MGH, MP | - | Chief Whip, Majority Party |
| 8. The Hon. (Dr.) Chrisantus Wamalwa, CBS, MP | - | Deputy Chief Whip, Minority Party |
| 9. The Hon. Isaac Ali Shaaban, MP | | |
| 10. The Hon. Jackson Kiptanui, MP | | |
| 11. The Hon. Amina Abdalla, MP | | |
| 12. The Hon. Gideon Konchellah, MP | | |
| 13. The Hon. Cecily Mbarire, MP | | |
| 14. The Hon. Moses Cheboi, MP | | |
| 15. The Hon. Nelson Gaichuhie, MP | | |
| 16. The Hon. Jamleck Kamau, MP | | |
| 17. The Hon. Manson Nyamweya, MP | | |
| 18. The Hon. Abass Ahmed Ibrahim, MP | | |
| 19. The Hon. David Wafula, MP | | |
| 20. The Hon. Major (Rtd) Marcus Muluvi, MP | | |
| 21. The Hon. Mishi Juma Khamis, MP | | |
| 22. The Hon. Stephen Mutinda Mule, MP | | |

ABSENT WITH APOLOGY

23. The Hon. Roselinda Soipan, MP

ABSENT WITHOUT APOLOGY

24. The Hon. Esther Murugi, MP
25. The Hon. Boniface Gatobu, MP
26. The Hon. Ibrahim Sane, MP

IN-ATTENDANCE - KENYA NATIONAL ASSEMBLY STAFF

- | | | |
|-------------------------|---|---|
| 1. Mr. James Mwangi | - | Director, Legislative and Procedural Services |
| 2. Mr. Peter Chemweno | - | Deputy Director, Committee Services |
| 3. Mr. Nicholas Emejien | - | Principal Clerk Assistant I |
| 4. Mr. Daniel Mutunga | - | Principal Clerk Assistant II |

6. Ms. Susan Maritim	-	Clerk Assistant I
6. Mr. Adan Gindicha	-	Clerk Assistant I
7. Mr. Victor Imbo	-	Clerk Assistant II
8. Ms. Maraia Sande	-	Senior Researcher
9. Ms. Jemimah Muriithi	-	Legal Counsel II

MIN. NO. 100/2015

PRAYER AND PRELIMINARIES

The Chairman called the meeting to order at twenty-five minutes past nine o'clock and requested the Hon. Aden Duale, M.P Leader of the Majority Party to read the Prayer.

The Chairperson drew the Committee's attention to the letter from Dr. Otiende Amollo, Chairperson of the Commission on Administrative Justice Ref. CAJ/AO/4/2012/ VOL.1 dated 10th December 2015 to the Hon. Speaker on the vetting of persons nominated to the position of Cabinet Secretary and Principal Secretary. In the letter, the Commission noted that it is unconstitutional for the Committee to proceed with vetting of Sen. Charles Keter and Hon. Daniel Kazungu if at the time of vetting they will not have resigned in writing from their elected positions before the vetting exercise.

In respect to the above letter, the Committee observed that the Commission ought to have presented its position to the Committee as part of public hearing within the stipulated period of seven days which lapsed on 9th December 2015. The Committee also noted that Art. 152 of the Constitution relates to disqualification of MPs for appointment as Cabinet Secretaries. The two nominees in question are only nominees and not yet appointees. As such, the Committee resolved to dismiss the letter and proceed with the vetting of the nominees.

In conducting the vetting process, the Committee on Appointments examined the nominees against criteria that included the following as set out in the Public Appointment (Parliamentary Approval) Act, Cap. 136.

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

MIN.NO. 101/2015:

VETTING OF HON. FESTUS MWANGI KIUNJURI
CABINET SECRETARY NOMINEE, MINISTRY OF
DEVOLUTION AND PLANNING

Hon. Festus Mwangi Kiunjuri, Cabinet Secretary nominee, Ministry of Devolution and Planning appeared before the Committee on Friday, 11th December, 2015 at 10.00 am and was orally interviewed under Oath pursuant to the provisions of the Constitution of Kenya, the Public

Appointments (Parliamentary Approvals) Act, Cap. 136 and the Standing Orders of the National Assembly.

The nominee presented as follows, both orally and in writing: -

Date and Place of Birth

1. He is a Kenyan citizen born on 18th January 1968 in Nyeri County.

Academic and Professional Qualifications

2. He attended Dr. Kiano Secondary School where he attained a Kenya Certificate of Education (1987) and Kangema High School for Kenya Advanced Certificate of Education (1989).
3. He holds a Master of Business Administration degree from the United States International University – Africa (2015) and Bachelor's Degree in Education from Moi University (1994).

Employment Record

4. He started his career as a graduate teacher between 1996 and 1997 at Kiaritha-ini Secondary School. He thereafter served as Member of Parliament for Laikipia East Constituency between the years 1997 and 2013.
5. During his tenure as a Member of Parliament, he also served as an Assistant Minister, Ministry of Energy between the years 2003 and 2008, Ministry of Water and Irrigation between the years 2008 and Ministry of Public Works between the years 2011 and 2013.
6. Prior to his nomination, he served as the Chairman of Athi Water Services Board.

Net Worth

7. He estimated his net worth to be Kshs. 798,000,000 mainly from land and buildings in Nanyuki, Sagana and Nairobi.

Honours and Awards

8. He was awarded the Moran of the Order of the Golden Heart of Kenya (MGH) on 12th December 2008.

Potential Conflict of Interest

9. He declared that he currently does not have any persons or matter that would present a potential conflict of interest should he assume the position of Cabinet Secretary, Ministry of Planning and Devolution. Should a conflict of interest arise, the nominee stated that he would declare the interest in writing to the appointing authority in accordance with the the law.

Pro-bono/Charity Work

10. The nominee is involved in charity work through supporting education of disadvantaged students in various institutions of learning.

Integrity

11. He has fully complied with his tax obligations to the State as confirmed by the Commissioner General, Kenya Revenue Authority in a letter to the Clerk of the National Assembly Ref. CDT/HQ/54 dated 8th December 2015 and Tax Compliance Certificate No. KRANON2828582015 dated 2nd December 2015.
12. In a letter Ref. EACC.7/10/5 VOL.II(3) dated 7th December 2015 to the Clerk of the National Assembly, the Chief Executive Officer of the Ethics and Anti-Corruption Commission confirmed that there are no outstanding issues or ongoing investigations against the nominee.
13. The nominee has also neither been charged in a court of law nor mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three (3) years. He has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.
14. The Director of Criminal Investigations issued the nominee with a Police Clearance Certificate No. 485860 dated 8th December 2015 with a reservation owing to an incitement to violence offence pending in court since 21st March 2000. The nominee informed the Committee that the incitement charge relates to his role in leading demonstrations against land injustices in Rumuruti area of the then Laikipia East Constituency which he represented as the Member of Parliament and does not regret his actions in the said demonstration. He however, expressed frustration by the Directorate of Criminal Investigations to have the matter concluded.
15. He cleared the loan owed to the Higher Education Loans Board (HELB) and was issued with a Certificate of Clearance No. 2271 dated 20th December 2012. The same position was confirmed by the Head of Research, Strategy and Planning of Higher Education Loans Board in a letter to the Clerk of the National Assembly, Ref. HELB/RD/56593 dated 8th December, 2015.
16. The nominee has also been cleared by the TransUnion Credit Reference Bureau via CRB Certificate No. 08656723 dated 4th December 2015.

GENERAL AND SECTOR SPECIFIC QUESTIONS TO THE NOMINEE

The Committee posed several questions to the nominee on his knowledge of the Devolution and Planning sector and he responded as follows: -

Immediate Issue to be Addressed in the Ministry

17. The immediate issue to be addressed in the Ministry relates to the misconception that the Jubilee Administration is anti-devolution. He indicated that to be able to address the issue, he intended to work very closely with all devolution stakeholders including the county and national government officials. Further, he stated that he has the requisite negotiating skills likely to assist him address the perception problem.

Capacity to Perform in the Ministry of Devolution and Planning

18. He has sufficient experience having served in various positions in the previous Governments including Assistant Minister in the Ministry of Water and Irrigation.

The Challenge of Corruption in the Ministry and his Plans to Reverse the Trend

19. He lauded the efforts by the Head of State to institute measures to curb the vice and indicated that if appointed to the position of Cabinet Secretary, Ministry of Devolution and Planning, he will undertake the following:
- a. Implement the already instituted measures to curb corruption;
 - b. With his negotiating skills, he intends to bring together all stakeholders to ensure that the National and County Governments Coordinating Summit and other inter-governmental institutions already in place are utilized to enhance service delivery;
 - c. Ensure that Article 10 of the Constitution on national values is adhered to; and
 - d. Ensure that the National Government enhances capacity building of County governments to increase accountability.

The Matter of Umaa Dam

20. He reiterated that no accusations had been levelled against him as relates to the said issue of Umaa Dam and challenged any individual with evidence implicating him to follow the existing mechanisms to launch complaints which will be investigated by the relevant institutions.

Conflict between him and his former boss, Cabinet Minister, Ministry of Water and Irrigation and how he intends to deal with conflict as and when it arises

21. He informed the Committee that the conflict in the Ministry was as a result of his stand against corruption and not personality differences. If faced with the same challenge, he will tackle corruption head-on since he will be in charge of the Ministry.

Linking Planning to Research Evidence

22. He acknowledged that there can be no development in the absence of informed planning. He recognised the existence of competent public officers within the Ministry and existing institutions like the Kenya National Bureau of Statistics (KNBS) and the Kenya Institute of Public Policy and Research Analysis (KIPPRA) which support and provide the requisite data and information to inform planning. He further appreciated the need for public participation to ensure the needs of the people are appreciated. While concluding on the question, the nominee recognized the already existing national development blue print, Vision 2030 and the Jubilee Government manifesto which he said he will utilise while implementing the Ministry's projects and programmes.

Achievement as the Assistant Minister in the Ministry of Water and as a public Servant

23. He stated that while in the Ministry he presided over the rural electrification projects and the development of the water master plan including the privatization of major dams which have in the long-term contributed to the improved water supply in the Country

Key priorities for the Ministry of Devolution and Planning going forward

24. The nominee outlined the following key priorities areas:
- a. Strengthening inter-governmental relations and mechanisms by ensuring consultation of relevant stakeholders takes place;
 - b. Implementation of the national policy on Devolution;
 - c. Capacity building of the Counties which is the function of the National Government in line with the Fourth Schedule to the Constitution;
 - d. Ensure timely allocation of resources to Counties by working closely with the Cabinet Secretary, National Treasury, Chair of the Economic and Social Council and the Council of Governors; and
 - e. Ensure the unbundling of the functions of either level of government to ensure clarity.

MIN.NO. 102/2015:

VETTING OF SEN. CHARLES KETER, CABINET SECRETARY NOMINEE, MINISTRY OF ENERGY AND PETROLEUM

Hon. Charles Cheruiyot Keter, Cabinet Secretary nominee, Ministry of Energy and Petroleum appeared before the Committee on Friday 11th December, 2015 at 11.00 am and was orally interviewed under Oath pursuant to the provisions of the Constitution of Kenya, the Public Appointments (Parliamentary Approvals) Act, Cap. 136 and the Standing Orders of the National Assembly.

The nominee presented as follows, both orally and in writing:-

Date and Place of Birth

1. The nominee is a Kenyan citizen born on 22nd November 1969.

Academic and Professional Qualifications

2. He attended Litein High School where he attained a Kenya Certificate of Education (KCE) and Kericho High School for Kenya Advance Certificate of Education (KACE).
3. He holds a Bachelor of Education (Science) degree majoring in Double Mathematics from Kenyatta University and an Executive Master of Business Administration (MBA) from United States International University (USIU- Africa). He has also been trained in Curtailing Economic Fraud by Crown Agents, United Kingdom.

Employment Record

4. The nominee started working 1993 as Systems Analyst at Telkom Kenya and in 1996 worked as a Manager, Anti-Fraud Section in the same organisation.
5. He served as Member of Parliament for Belgut Constituency from the year 2002 to 2013 and Senator for Kericho County from the year 2013 up to the time of his nomination as Cabinet Secretary. He served as Deputy Leader of Majority Party in the Senate.
6. During his tenure as Member of Parliament for Belgut Constituency, he also served as Assistant Minister, Ministry of Energy from the year 2008 to 2010 when his appointment was revoked.

Honours and Awards

7. He achieved the following during his tenure as a Member of Parliament: -
 - a) Sponsored Constitution (Amendment) Bill, also known as "Keter Bill" aimed at enhancing parliamentary autonomy;
 - b) Awarded the Moran of the Order of the Golden Heart(MGH) by retired President Kibaki in 2009.
 - c) National Tax Payers Association rated Belgut Constituency the best among 28 sampled constituencies in CDF management.

Net Worth

8. He estimated his net worth to be Kshs. 352, 873,016.

Potential Conflict of Interest

9. He declared that he currently does not have any persons or matter that would present a potential conflict of interest should he assume the position of Cabinet Secretary, Ministry of

Energy and Petroleum. Should a conflict of interest arise, the nominee stated that he would declare the interest as required.

Charity Work

10. The nominee was instrumental in establishing Social Economic Empowerment Women Organisation (SEEWCO), an organisation which empowers women socially, economically through table banking, agribusiness and Small Medium Enterprises (SMEs).

Integrity

11. The nominee has neither been charged in a court of law nor been mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three years. He has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.
12. He has fully complied with his tax obligations to the State as confirmed by the Commissioner General, Kenya Revenue Authority in a letter to the Clerk of the National Assembly Ref. CDT/HQ/54 dated 8th December 2015 and Tax Compliance Certificate No. KRAWON2894212015 dated 4th December 2015.
13. He cleared the loan owed to the Higher Education Loans Board (HELB) and was issued with a Certificate of Clearance No. 0088437 dated 4th December 2015. The same position was confirmed by the Head of Research, Strategy and Planning of Higher Education Loans Board in a letter to the Clerk of the National Assembly, Ref. HELB/RD/56593 dated 7th December, 2015.
14. The Director of Criminal Investigations issued the nominee with a clean Police Clearance Certificate No. 491785 dated 8th December 2015.
15. In a letter Ref. EACC.7/10/5 VOL.II(3) dated 7th December 2015 to the Clerk of the National Assembly, the Chief Executive Officer of the Ethics and Anti-Corruption Commission confirmed that there are no outstanding issues or ongoing investigations against the nominee.
16. The nominee has also been cleared by MetroPol Credit Reference Bureau via CRB Certificate No. MCRB/C97944 dated 4th December 2015.

SECTOR SPECIFIC QUESTIONS TO THE NOMINEE

The Committee posed several questions to the nominee on his knowledge of the Energy and Petroleum sector and he responded as follows: -

Significant Achievement(s) in his Career

17. He stated that for 45 years in the history of Belgut Constituency, he was re-elected for the second term owing to his development record. Further, he observed that while working in the Ministry of Energy, he presided over substantial rural electrification in the Country.

Reasons for his removal from the Position of Assistant Minister in the Ministry of Energy

18. He was categorical that his removal from office as an Assistant Minister in the Coalition government was politically instigated and not as a result of incompetence.

Appointment of Members of Parliament as Cabinet Secretaries

19. He stated that he subscribes to the ideology of having Members of Parliament serve as Cabinet Secretaries as they are adequately seized of the development challenges and needs of the people.

Leveraging on Oil discovery in Kenya

20. He indicated that he intends to fast track the production of oil in Turkana and its marketing by leveraging on the use of tanks in Kitale and by rail to Mombasa, including the need to fast-track the completion of the Northern Corridor which will offer the requisite infrastructure necessary to ensure oil production in Turkana is sustainable. He further added that the revival of the Kenya Oil Refineries Ltd and refurbishing of the oil refinery in Mombasa will ensure reduction of imported refined oil in the Country.
21. On the issue of whether oil discovery will be a curse or a blessing, he indicated that the Energy Bill, 2015 will offer the legal framework to address the contentious issues of community benefit and environmental conservation among others. Further, the nominee committed to incorporate insurance aspect in the Bill.

Key Priority Areas in the Ministry of Energy and Petroleum

22. He highlighted the following key priority areas:
 - a. Undertaking systems audit of the sector so as to restore confidence in the energy sector amidst corruption allegations;
 - b. Address power tariffs that have resulted in high electricity costs;
 - c. Increasing transmission lines particularly in the ASALs regions where electricity supply coverage is well below the national average of seventy per cent (70%); and
 - d. Restructuring the law to clearly address the issues of partnerships between local and foreign investors.

Reasons for Change in Career

23. He informed the Committee that his decision to quit politics is informed by the fact that he has made his contribution as a politician and particularly as a Member of Parliament for fourteen (14) years including serving as a Senator in the current Parliament. He further added that his passion in the energy sector saw him undertake research on factors affecting geothermal production, some of which include lack of adequate resources and a proper legislative framework. He is keen to take a leading role to improve the Energy and Petroleum Ministry and the sector in general.

Challenges facing the Energy Sector and Issues to address in 100 days

24. He informed the Committee that the sector is experiencing funding challenges which if appointed, he will leverage on the Public –Private Partnership (PPP) and Build-Operate-Transfer (BOT) concepts among others to ensure increased investment in the sector. He will also seek to address the high power tariffs and alongside the ever fluctuating cost of fuel.
25. In the first 100 days of his appointment, he indicated that his priority will be reduction of high costs of fuel and LPG gas by addressing challenges arising from lack of storage facilities in Mombasa and between Mombasa and Nairobi. Further, he added that it will be critical to review the legal framework underpinning the Energy Regulatory Commission so as to streamline its operations while at the same time reviewing the Open Tender System in fuel acquisition.

MIN.NO. 103/2015:

VETTING OF DR. CLEOPA K. MAILU, CABINET SECRETARY NOMINEE, MINISTRY OF HEALTH

Dr. Cleopa Kilonzo Mailu, Cabinet Secretary nominee, Ministry of Health appeared before the Committee on Friday 11th December, 2015 at 12.00 pm and was orally interviewed under Oath pursuant to the provisions of the Constitution of Kenya, the Public Appointments (Parliamentary Approvals) Act, Cap. 136 and the Standing Orders of the National Assembly.

The nominee presented as follows, both orally and in writing: -

Date and Place of Birth

1. He is a Kenyan citizen born on 29th April 1956 in Machakos District.

Academic and Professional Qualifications

2. He attended Kangundo High School and Friends School in Kamusinga where he attained East African School Certificate and East African Advanced Certificate of Education respectively.
3. He holds a Bachelors Degree in Medicine from the University of Nairobi (1984), Master of Science Degree in Medical Sciences (Genetics) from the University of Glasgow, United Kingdom.

Kingdom (1989) and Diploma in Advanced Management Programme from the Strathmore Business School/University of Navara (2007).

4. The nominee has attended several leadership and management courses and seminars including Strategic Leadership and Change Management Workshop for Directors of State Corporations (May 2010), Effective Management Seminar (April 1991) and Management of Public Enterprise Seminar (September 1990) all offered by the Kenya School of Government (formerly Kenya Institute of Administration).

Work Experience

5. He started his medical career at Kenyatta National Hospital in 1985 as a Casualty Manager/Quality Assurance Manager/Consultant Clinical Genetist (1985-1992) and between the years 1995 and 1999, he worked at Ministry of Health headquarters as a Director/National EPI Manager and Director, Health Sector Reform Programme.
6. He left Kenya's public health sector in the year 2000, where he worked for International Charity NGO in Nairobi as a Reproductive Health Advisor (2000 to 2003), Consultant for UNICEF and WHO (2001 -2003), Projects Officer for UNICEF in India (2003) and Chief Executive Officer of the Nairobi Hospital (2003 to date).

Honours and Awards

7. Dr. Mailu has been awarded the following honours/awards:
 - a) International Who is Who of Professionals (2009);
 - b) Distinguished Service Award – Kenya Medical Association (2008);
 - c) Elder of the Order of the Burning Spear (E.B.S) (2006);
 - d) Moran of the Order of Burning Spear (M.B.S) (2004);
 - e) UNESCO Fellowship Scholarship – In Situ Ahybridization, Glasgow, UK (1991);and
 - f) Scholarship for Masters Degree in Genetics sponsored by British Council Through Directorate of Personnel Management, Office of the President (1988).

Professional Affiliations

8. The nominee is a Member of the Kenya Medical Association, Gold Member of the University of Nairobi Alumni Association, Chairman of the University of Nairobi Alumni Association – Medicine Chapter, Member of the British Society of Human Genetics and Life Member of the Kenya Red Society.
9. He has also been a Director/Governing Council Member of the Kenya Private Sector Alliance (2011-2013), Council Member, Inoorero University (2009-2012), and Founding Chairman of the Kenya Healthcare Federation Board (2006-2007).

Published Writings

10. Dr. Mailu has published the following writings:

- a) *Cost Attainment: The Key to Running Public Hospitals (2008)*
- b) *Skills Drain: Applying Sound Employment Imperatives to Health Nurses and Doctors in Hospitals (2005)*
- c) *Lessons of the Bamako Initiative in Kenya (1997)*
- d) *Female Surgical Contraception in Kenya – The Kenyatta National Hospital Experience (1989)*

Public Office(s) Previously Held

11. He has held the following public offices:

- a) *Ag. Chairman, Global Fund Kenya (2013-2014)*
- b) *Director, Federation of Kenya Employers (2004-2014)*
- c) *Trustee, National Social Security Fund (2010-2013)*
- d) *Council Chairman, Machakos University College (2012-2013)*
- e) *National Chairman, Federation of Kenya Employers (2012-2013)*
- f) *Director, National AIDS Control Council (2010-2012)*
- g) *Director, National Labour Board (2010-2012)*
- h) *Director, Consolidated Bank of Kenya (2007-2012).*

Income and Net Worth

- 12. The nominee does not envisage any deferred income or future benefits and does not have outside commitments he plans to pursue outside employment.
- 13. His main source of income in the preceding year is Kshs. 67,000,000 being salary from the Nairobi Hospital employment.
- 14. He estimates his net worth to be Kshs. 615,000,000 as at December 2015.

Potential Conflict of Interest

- 15. He declared that he currently does not have any persons or matter that would present a potential conflict of interest should he assume the position of Cabinet Secretary, Ministry of Health.

Pro-Bono/Charity Work

16. The nominee has contributed to charity work as follows:

- a) *Member of Board of Governors – Friends School, Kamusinga (2012-2013)*
- b) *Chairman, Board of Governors – Moi Girls Secondary School, Kibwezi (2005-2007)*
- c) *Member, Board of Governors – Moi Girls Secondary School, Kibwezi (2002-2004)*
- d) *Chairman and Member of Board of Governors, St. Mary's Girls High School, Thimbu, Makueni (2001-2002)*

Integrity

17. The nominee has neither been charged in a court of law nor mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three years. He has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.
18. He has fully complied with his tax obligations to the State as confirmed by the Commissioner General, Kenya Revenue Authority in a letter to the Clerk of the National Assembly REF. CDT/HQ/54 dated 8th December 2015 and Tax Compliance Certificate No. KRASON2844412015 dated 2nd December 2015.
19. He cleared the loan owed to the Higher Education Loans Board (HELB) and was issued with a Certificate of Clearance No. 010077 dated 15th November 2007. The same position was confirmed by the Head of Research, Strategy and Planning of Higher Education Loans Board in a letter to the Clerk of the National Assembly, Ref. HELB/RD/56593 dated 8th December, 2015.
20. The Director of Criminal Investigations issued the nominee with a clean Police Clearance Certificate No. 260589 dated 13th July 2015.
21. In a letter Ref. EACC.7/10/5 VOL.II (3) dated 7th December 2015 to the Clerk of the National Assembly, the Chief Executive Officer of the Ethics and Anti-Corruption Commission confirmed to the Committee that there no outstanding issues or ongoing investigations against the nominee.
22. The nominee has also been cleared by the MetroPol Credit Reference Bureau via CRB Ref. NVY06Y1033U41YE dated 6th December 2015.

Endorsement by Medical Professionals

23. Following his nomination for appointment to the position of Cabinet Secretary, Ministry of Health, the nominee was endorsed and given a vote of confidence in writing by the following medical bodies: Kenya Medical Association (KMA), Kenya Medical Practitioners, Pharmacists and Dentists Union (KMPDU), Federation of Kenya Employers (FKE) and Association of Kenya Medical Laboratory Scientific Officers.

GENERAL AND SECTOR SPECIFIC QUESTIONS TO THE NOMINEE

The Committee posed several questions to the nominee on his knowledge of the Health sector and he responded as follows: -

Challenges facing Devolution of Health Services

24. The main reason devolution of health is facing numerous challenges is because it was undertaken without an existing legal framework. He, therefore, indicated that he intends to engage County Governments so that all parties can appreciate what devolution means in addition to ensuring that each level of Government understands its role in so far as health is concerned. The nominee also added that there is need to review the pending legislation to ensure that it addresses all the gaps.

Preventive Medicine

25. He will prioritize the allocation of additional resources to primary health care to address communicable diseases, vaccination services and curative and preventive services.

Improving Service Delivery at the Kenyatta National Hospital (KNH)

26. He proposed the following key strategies to improve service delivery at KNH:
- a. The need to decongest the Hospital by improving the surrounding County health facilities especially in Nairobi County so that only referral cases requiring highly specialised attention are handled by KNH;
 - b. Put in place a clear referral mechanism;
 - c. Streamline procurement at the facility;
 - d. Review the legal framework which establishes KNH to determine the gaps in the constitution of the Hospital's Board; and
 - e. Review the KNH Board's strategic plan to determine if it is in line with Kenya's health strategy.

HIV/ AIDS and Tuberculosis Funding in the Country

27. Having served as Chairperson of the Committee on Global Fund in the Ministry of Health in 2013, there is need to review the innovative ways of raising funds locally for HIV/ AIDS including ensuring that the Government allocates adequate funds for HIV/AIDS management.
28. On issues of TB, he reiterated that the National government has a responsibility to oversee and set policies on cross cutting issues among them TB management, with clear cut boundaries on the role of each level of Government in TB management.

Welfare of Medical Personnel

29. The welfare of medical personnel is critical and the single most important ingredient for provision of health services. He further indicated the need to ensure the ability to train, sustain and maintain key personnel in the Country is enhanced. This should not be left

to the Counties only. While further addressing the issue of brain drain of health workers, he added that better working conditions is the ultimate solution.

30. On reducing the high cost of healthcare services, he added that the factors contributing to high cost of healthcare services may be attributed to the procurement mechanisms. As such, he proposed the need to engage with private and mission healthcare providers. He further added that the County Governments ought to be assisted to understand the needs of the health worker so as to reduce the ever increasing industrial conflict between the health workers and County Governments.

Managed Equipment Services Vis-à-vis Direct Purchase of Medical Equipment

31. Leasing of medical equipment is a concept that is gaining momentum in several jurisdictions including South Africa where a service level agreement is signed and equipment is paid for according to utilization. However, he added that the success of such a framework will depend on the preparedness of health workers in terms of training and skills to operate the equipment and that there is need for continuous consultation and consensus in handling the matter.

Universal Health Coverage (UHC)

32. He underscored the importance of reforming the National Hospital Insurance Fund (NHIF) to provide universal healthcare and ensure access to quality healthcare.

Capacity of Kenya Medical Supplies Authority (KEMSA) to Supply Medicines & Medicaments

33. He is of the opinion that there is need to review legislation on importation of drugs. While acknowledging the good intention with which KEMSA was established, which was to guarantee and standardize quality of medicines, he admitted that there seems to be a challenge preventing County Governments from utilising the pull system in requisitioning for medicines and other medicaments from KEMSA. As such, he will work towards ensuring that the situation is improved.

Establishment of Referral Facilities in Each of the 47 Counties

34. In his view, the establishment of forty-seven (47) referral health facilities ought to be a long-term goal. He indicated that bearing in mind that the referral centres offer specialised services, this may be a challenge to the sector given the capacity in terms of health personnel. He reiterated the need to build capacity for County governments.

Right to Emergency Care in line with Art 43 (2) of the Constitution

35. He informed the Committee that access to emergency care is a right in line with Article 43(2) of the Constitution. However, there need for legislation that will among other things define emergency care, explain how it can be accessed and most importantly provide for the resources to support the service through a fund.

Matters raised in the Affidavit by deponent Mr. Joseph Gituru Mahugu.

36. He confirmed that the deponent is a former employee of the Nairobi Hospital who was sacked in 2013 following misappropriation of funds involving fifteen cashiers at the Hospital. The nominee informed the Committee that due process was followed in handling the matter as follows:

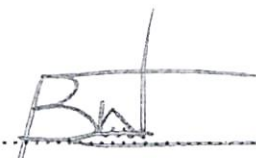
- a. He was issued with a show cause letter following investigations and audit in 2013;
- b. He appeared before the Disciplinary Committee which recommended his dismissal; and
- c. He appealed before the Appeal Committee which affirmed the Disciplinary Committee's decision.

MIN. NO.104/2015:

ADJOURNMENT

The meeting was adjourned at ten minutes to two o'clock until half past two o'clock in the afternoon, same venue.

SIGNED.....


THE HON. JUSTIN B.N. MUTURI, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY
(CHAIRPERSON)

DATE.....

14th December, 2015