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PARLIAMENT OF KENYA



THE NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT

FOURTH SESSION

THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

REPORT

ON THE APPROVAL FOR APPOINTMENT OF WANYONYI WAFULA CHEBUKATI, PAUL KIBIWOTT KURGAT, BOYA MOLU, ABDI GULIYE, ROSELYN KWAMBOKA AKOMBE, MARGARET WANJALA MWACHANYA AND CONSOLATA NKATHA BUCHA MAINA AS CHAIRPERSON AND MEMBERS OF THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION

CLERK'S CHAMBERS,
PARLIAMENT BUILDINGS,
NAIROBI

JANUARY, 2017

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ABBREVIATIONS AND ACRONYMS

CID	Criminal Investigations Department
HELB	Higher Education Loans Board
EACC	Ethics and Anti-Corruption Commission
Hon	Honourable
H.E	His Excellency
KRA	Kenya Revenue Authority
MP	Member of Parliament
LSK	Law Society of Kenya
IEBC	Independent Electoral and Boundaries Commission
EALS	East Africa Law Society
EVID	Electronic Voter Identification

1.0 CHAIR'S FOREWORD

Pursuant to a resolution of the House of 1st December, 2016, the Speaker referred to the Departmental Committee on Justice and Legal Affairs a message from His Excellency the President Hon.Uhuru Kenyatta regarding the appointment of Mr.Wanyonyi Wafula Chebukati as Chairperson of the Independent Electoral and Boundaries Commission (IEBC), Ms.Consolata Nkatha Bucha Maina, Prof.Abdi Yakub Guliye, Dr.Roselyne Kwamboka Akombe, Dr. Paul Kibiwott Kurgat, Ms. Margaret Wanjala Mwachanya and Mr.Boya Molu as Members of the Commission.

The Message dated 29th December, 2016 was addressed to the Speaker of the National Assembly in accordance with the provisions of section 5 (2) of Independent Electoral and Boundaries Commission Act, 2011 as read with paragraph 3 (5) of the First Schedule to the Act. The Message also included a copy of a letter to H.E the President conveying the decision by the Selection Panel to pick the said nominees for consideration for appointment as Chairperson and members of the commission respectively.

The above provisions require that in making appointments of the chairperson and members of the commission, the President shall seek the approval of the National Assembly. The Speaker of the National Assembly referred the Message together with the nominees' curriculum vitae to the Departmental Committee on Justice and Legal Affairs for consideration.

The Committee's Report contains observations, findings and recommendation by the majority of the Committee's members that the nominees are suitable and qualified for appointment as Chairperson and members of the commission.

The Committee conducted the vetting process for approval of the nominees with reference to the Constitution of Kenya 2010, the Public Appointments (Parliamentary Approvals) Act, 2011, the Independent Electoral and Boundaries Commission Act, 2011, the Leadership and Integrity Act 2012 and other relevant provisions of the law.

On behalf of the committee, I wish to thank the Offices of the Speaker and the Clerk of the National Assembly for the support extended to it in the execution of its mandate. Furthermore, the committee appreciates the input by members of the public made through submission of statements.

Finally, pursuant to Standing Order 216(5) (f), it is my pleasure and duty to present to the House, the Report on the approval for appointment of Mr.Wanyonyi Wafula Chebukati as Chairperson of the Independent Electoral and Boundaries Commission (IEBC), Ms.Consolata Nkatha Bucha Maina, Prof.Abdi Yakub Guliye, Dr.Roselyne Kwamboka Akombe, Dr. Paul Kibiwott Kurgat, Ms. Margaret Wanjala Mwachanya and Mr.Boya Molu as Members of the Commission.

Hon. Samuel Chepkong'a, M.P

2.0 MANDATE OF THE COMMITTEE

The Departmental Committee on Justice and Legal Affairs derives its mandate from provisions of Standing order 216(5) which defines functions of the Committee as being.

- a) To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
- b) To study the programme and policy objectives of ministries and departments and the effectiveness of their implementation;
- c) To study and review all legislation referred to it;
- d) To study, assess and analyze the relative success of the ministries and departments measured by the results obtained as compared with their stated objectives;
- e) To investigate and inquire into all matters relating to the assigned ministries and departments as may be deemed necessary, and as may be referred to it by the House or a minister;
- f) To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those understanding order 204 (Committee on appointments); and
- g) To make reports and recommendations to the House as often as possible, including recommendations of proposed legislation.

In accordance with Second Schedule of the Standing Orders, the Committee is mandated to consider:-

- a) Constitutional Affairs
- b) The administration of law and justice
- c) The Judiciary
- d) Public prosecutions
- e) Elections
- f) Ethics ,Integrity and anti-corruption and
- g) Human rights.

The Committee oversees the following Ministries/Departments:

- a) State Law Office
- b) The Judiciary
- c) Ethics and Anti-Corruption Commission
- d) Independent Electoral and Boundaries Commission
- e) Commission on Administrative Justice

The Committee also has oversight mandate over all matters relating to political parties.

3.0 MEMBERS OF THE COMMITTEE

Chairperson	Hon. Samuel Chepkong'a, M.P.
Vice Chairperson	Hon. Priscilla Nyokabi, M.P.
Members	Hon. Njoroge Baiya, M.P.
	Hon. Muriithi Waiganjo, M.P.
	Hon. Ndirangu Waihenya, M.P.
	Hon. Florence Kajuju, M.P.
	Hon. Kang'ata Irungu, M.P.
	Hon. Benson Mutura, M.P.
	Hon. John Njoroge Chege, M.P.
	Hon. William Cheptumo, M.P.
	Hon. Mohamed Abdi Haji, M.P.
	Hon. Bitok Kirwa, M.P.
	Hon. Sammy Koech, M.P.
	Hon. Moses Cheboi, M.P.
	Hon. Paul Bii, M.P.
	Hon. Charles Gimose, M.P.
	Hon. Johana Ng'eno, M.P.
	Hon. Boniface Otsiula, M.P.
	Hon. David Ouma Ochieng, M.P.
	Hon. Neto Agostinho, M.P.
	Hon. Kaluma Peter, M.P.
	Hon. Fatuma Ibrahim Ali, M.P.
	Hon. Ben Momanyi Orori, M.P.
	Hon. T. J. Kajwang', M.P.
	Hon. (Bishop)Mutua Mutemi, M.P.
	Hon. Olago Aluoch, M.P.
	Hon. Christine Oduor Ombaka, M.P.
	Hon. Benjamin Andayi, M.P.
	Hon. Mwamkale William Kamoti, M.P.

4.0 COMMITTEE SECRETARIAT

First Clerk Assistant

Mr. Abenayo Wabito

Principal Legal Counsel

Mr. Dennis Abisai

Second Clerk Assistant

Mr. Ahmed Salim

Legal Counsel

Ms. Mugure Gituto

Research Officer

Ms. Clare Jerotich

5.0 BACKGROUND

5.1 Establishment of the Departmental Committee on Justice and Legal Affairs

The Departmental Committee on Justice and Legal Affairs is one of the Departmental Committees established under National Assembly Standing Order No.216 (1).The Committee has mandate to vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments)

5.2 The Selection process of the Nominees

1. The credibility, impartiality, integrity and independence of the Independent Electoral and Boundaries Commission, the electoral processes and the electoral law was challenged by a section of Kenya's society. Consequently, the Senate on Tuesday 5th July 2016 and the National Assembly on 6th July 2016 approved a Motion that established a Joint Parliamentary Select Committee on matters relating to the Independent Electoral and Boundaries Commission.
2. The Joint Parliamentary Committee was required to recommend legal mechanisms for the vacation from office of the current Commissioners of the Independent Electoral and Boundaries Commission and recommend legal, policy and institutional reforms to strengthen the Independent Electoral and Boundaries Commission and improve the electoral system and processes.
3. The Joint Parliamentary Select Committee in its report dated 16th August, 2016, proposed policy and institutional reforms that were contained in the Election Laws (Amendment) Act, 2016 which, *inter alia*, altered the composition of the Selection Panel that would select the Chairperson and Members of the Independent Electoral and Boundaries Commission ahead of the August, 2017 General Elections.
4. The First Schedule to the Independent Electoral and Boundaries Commission Act, 2011 provides for the composition of the Selection Panel for the Appointment of Commissioners of the Independent Electoral and Boundaries Commission as follows-

(2) For the purpose of the first appointment of commissioners upon the commencement of section 5, the Selection Panel shall consist of –

- (a) four persons, being two men and two women, nominated by the Parliamentary Service Commission;
- (b) one person nominated by the Kenya Conference of Catholic Bishops;
- (c) one person nominated by the National Council of Churches of Kenya;
- (d) one person nominated by the Supreme Council of Kenya Muslims, the National Muslim Leaders Forum and the Council of Imams and Preachers of Kenya;
- (e) one person nominated by the Evangelical Alliance of Kenya; and
- (f) one person nominated by the Hindu Council of Kenya.

(3) The respective nominating bodies under sub-paragraphs (2)(b) to (f) shall submit the names of their nominees to the Parliamentary Service Commission for

transmission to the President for appointment.

5. His Excellency the President on 11th October, 2016 vide Kenya Gazette Notice No. 8312 (Vol. No.124) appointed the Members of the Selection Panel as follows-
- (a) Under Para 2 (a) – Evans Monari, Mary Karen Kigen –Sorobit, Tom Mbaluto (Rtd) Justice and Ogla Chepkemoi Karani.
 - (b) Under Para 2 (b) – Bernadette W.Musundi.
 - (c) Under Para 2(c) – Peter Karanja Mwangi (Rev.) Canon
 - (d) Under Para 2(d) – Abdulghafur H.S. El- Busaidy (Prof.)
 - (e) Under Para 2(e) – David Oginde (Dr.) Bishop
 - (f) Under Para 2(f) – Rajesh Rawal

6. On 24th October, 2016, Mr. Rajesh Rawal representing the Hindu Council of Kenya tendered to His Excellency, the President of the Republic of Kenya his letter of resignation. The Hindu Council of Kenya nominated Dr. Mohan Lumba to replace Mr. Rajesh Rawal.
7. On 27th October 2016, His Excellency, the President, vide Kenya Gazette Notice No. 8715 (Vol. No. 131) appointed Dr. Mohan Lumba a Member of the Selection Panel.
8. Mrs. Bernadette W. Musundi was elected as the Chairperson of the Selection Panel while Prof. Abdulghafur H. S. El-Busaidy was elected as the Vice-Chairperson of the Selection Panel at the first meeting of the Selection Panel held on Friday, 21st October, 2016, pursuant to paragraph 1(4) of the First Schedule to the Independent Electoral and Boundaries Commission Act, 2011 (the Act).
9. On 6th October, 2016, by Kenya Gazette Notice No. 8113 (Vol. No. 121) dated 5th October, 2016 and published on 6th October, 2016 (Annex 6), His Excellency, the President, published the declaration of vacancies in the positions of Chairperson and six Members of the Independent Electoral and Boundaries Commission in exercise of powers conferred by section 7A of the Act.
10. The Selection Panel shortlisted five (5) out of the fifteen (15) applicants for the position of Chairperson of the Independent Electoral and Boundaries Commission.
11. The Selection Panel sought references and background checks relating to the suitability of the shortlisted candidates and
12. Some of the agencies raised pertinent issues and concerns regarding some of the applicants and their suitability for appointment to the position of Chairperson of the Independent Electoral and Boundaries Commission and on 25th November, 2016, the Selection Panel found it necessary and to defer the interviews for the position of Chairperson of the Independent Electoral and Boundaries Commission and to re-advertise the vacancy.
13. The Selection Panel re-advertised the vacancy for the position of Chairperson of the Independent Electoral and Boundaries Commission vide an advertisement two newspapers with national circulation dated 26th November, 2016 and in Kenya Gazette Notice No. 9974 (Vol. No.149) dated 26th November, 2016 and published on 2nd December, 2016. Previous applicants were advised not to re-apply.
14. Following the re-advertisement, at the date of the close of applications on 5th December, 2016, the Selection Panel received a total of thirty-five (35) applications for the position of Chairperson of the Independent Electoral and Boundaries Commission.
15. The Selection Panel received a total of seven hundred and forty-eight (748) applications for the position of Member of the Independent Electoral and Boundaries Commission. The Selection Panel shortlisted thirty-six (36) candidates for the position of Member of the Independent Electoral and Boundaries Commission.
16. On 21st December, 2016, the Selection Panel considered the interview results and selected two (2) candidates and recommended to His Excellency, the President that they be considered for nomination for appointment to the position of Chairperson of the Independent Electoral and Boundaries Commission –

(a) Tukero Ole Kina

(b) Wafula Chebukati

17. The Selection Panel further considered the interview results and selected the following nine (9) candidates and recommended to His Excellency, the President that they be considered for nomination to the position of Member of the Independent Electoral and Boundaries Commission-

(a) Zephania Okeyo Aura

(b) Roselyne Kwamboka Akombe

(c) Abdi Yakub Guliye (Prof)

(d) Paul Kibiwott Kurgat (Amb. Dr.)

(e) Boya Molu

(f) Consolata Nkatha Bucha Maina

(g) Margaret Wanjala Mwachanya

5.3 Notification to the Public

Section 6(9) of the Public Appointments (Parliamentary Approval) Act Chapter 136 Revised Edition 2014 (2012) 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 30th December, 2016 inviting the public to submit memoranda by way of written statements on oath (sworn affidavits) on the suitability or otherwise of the nominee in conformity with section 6(9) of the Public Appointments (Parliamentary Approval) Act 2011. The submissions were to be received latest by Monday 9th January, 2017.

Pursuant to provisions of Article 118 of the Constitution, section 6(4) of the Public Appointments (Parliamentary Approval) Act (No.33 Of 2011) 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 Departmental Committee on Justice and Legal Affairs to conduct the vetting and approval hearing of the nominees on Tuesday 10th January, 2017 and Wednesday 11th January, 2017.

5.4 Submission of Memoranda

Section 7 of the Public Appointments (Parliamentary Approval) Act, 2012 provides that the issues for consideration by the relevant House in relation to any nomination shall be:-

- (a) the procedure used to arrive at the nominee;
- (b) any constitutional or statutory requirements relating to the office in question; and
- (c) 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.

Pursuant to Section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2012, the Committee, through the Clerk of the National Assembly, invited submissions from the public on the suitability or otherwise of the nominee for appointment to the positions of Cabinet Secretary.

Further, section 6(10) of the Public Appointments (Parliamentary Approval) Act, 2012 provides that a candidate may at any time, by notice in writing addressed to the Clerk withdraw from the approval process and his nomination shall thereupon lapse.

The Departmental Committee on Justice and Legal Affairs held two sittings for vetting and approval hearings of the nominees on 10th-11th January 2017 and was informed that-

- 1) by the deadline date of 9th January 2017, the Clerk of the National Assembly had only received statements in support of the nominees..

- 2) the nominees had not notified the Clerk of the National Assembly of withdrawal from the approval process as outlined under Section 6(10) of the Public Appointments (Parliamentary Approvals) 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 Departmental Committee on Justice and Legal Affairs resolved to proceed to undertake the approval hearing as required and scheduled.

5.5 Clearance Requirements

On 3rd January, 2017 the Clerk of the National Assembly wrote to the Ethics and Anti-Corruption Commission, Kenya Revenue Authority (KRA) and the Higher Education Loans Board (HELB) requesting for reports with respect to the nominee on-

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

In response, HELB confirmed vide a letter Ref. HELB/RD/56593/POV/42 dated 11th January, 2017 that the nominees were cleared by the board on diverse dates. Kenya Revenue Authority confirmed vide a letter RE.CDT/HO/81 dated 9th January, 2017 that the nominees were tax compliant. The Ethics and Anti-Corruption Commission vide a letter Ref. EACC.7/10/5 VOL.III (129) dated 9th January, 2017 confirmed having no outstanding issues or ongoing investigations against the nominees.

5.6 Public Participation

The Clerk of the National Assembly received the following statements in support of the nominees;

- i. Mr. Lumatete W. Muchai and Mr. Benjamin Njoroge – chairman of Mombasa Law Society both in support of Mr. Wanyonyi Wafula Chebukati
- ii. Mr. Mzalendo N. Kibunja, Director General of National Museums of Kenya, John H. Mramba-Vice-Chairman of Flying Doctors Society of Kenya and Prof. Fara of the University of Nairobi in support of Ms. Consolata Nkatha Bucha Maina.
- iii. Prof. Peter Odhiambo Ndege of Moi University and Dr. Emmanuel Manyasa, Country Director of Uwezo Kenya.

6.0 APPROVAL HEARING OF THE NOMINEES ON THEIR SUITABILITY FOR APPOINTMENT

In conducting the approval process, the Departmental Committee on Justice and Legal Affairs examined the nominee against the following criteria, amongst others, in accordance with the Public Appointments (Parliament Approval) Act No.33 of 2011.

- (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) Tax compliance
- (viii) Integrity and morality
- (ix) Vision, leadership and judicial reforms
- (x) Access to justice
- (xi) Expectations and key priorities

The nominees Wanyonyi Wafula Chebukati, Consolata Nkatha Bucha Maina, Boya Molu, and Roselyn Kwamboka Akombe appeared before the Committee on Tuesday 10th January, 2017 at a sitting held in the Mini Chamber County Hall, Parliament Buildings. Paul Kibiwott Kurgat, Margaret Wanjala Mwachanya and Abdi Guliye appeared before the Committee on Wednesday 11th January, 2017 in a sitting held at the same venue.

The nominees were informed by the Chairperson that, pursuant to Section 6(9) of the Public Appointments (Parliamentary Approvals) Act, 2011, the Committee had invited submissions from the public on their suitability or otherwise for appointment to the position of the Chairperson and members of IEBC. By the deadline date of 9th January 2017, the Clerk of the National Assembly had not received any objection against the nominees.

The Chairperson informed the nominees that 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 had resolved to proceed to undertake the approval hearing as required.

6.1 Mr. Wanyonyi Wafula Chebukati

Mr. Wanyonyi Wafula Chebukati the nominee for appointment as chairperson, IEBC appeared before the committee and submitted as follows;

On self-Introduction, the nominee stated that;

- a. He comes from Trans-Nzoia County and was born in Bungoma County in 1961, went to St. Peters Mumias and Bokoli Secondary Schools for 'O' Levels, Lenana High School for

'A' levels, and University of Nairobi for a Bachelor of Laws degree and Kenya School of Law for a Post-graduate Diploma in Law.

- b. He is the managing partner of the Nairobi office of Coetow and Associates Advocates. He specializes in conveyancing, labor law, Mergers, Acquisitions and Treaties. He was consultant for the Development of Rules and Regulations for Maritime Laws of Kenya.
- c. Applied for the position of Chairperson to serve in public sector and break away from his long career as an advocate in private practice for 31 years.

The nominee responded to questions from members of the committee as follows;

On application for the position;

He stated that he applied following the second advertisement because he was not ready and sure if he wanted to apply in response to the first advertisement. He even had no idea that it was going to be re-advertised. He was influenced by the desire to contribute to efforts to improve the institution having watched the challenges that affected the current commission.

Greatest challenges facing IEBC he stated that its credibility and mistrust by the main actors in the political process.

Vision and leadership of IEBC;

- a. The nominee informed members that in the Short term he looks forward to manage and conduct a free and fair election on the 8th of August 2017.
- b. In the long term he wants to offer transformational leadership that will ensure continuity and processes are not restarted every election time

Experience of the nominee to manage public office;

- a. He is the Managing partner of his law firm that has 4 partners and 6 associates.
- b. He has managed various members clubs and that he's currently a director at Royal golf club.
- c. He is not a stranger in election matters, having contested but lost in 2007 polls, and representing clients in election petitions, which has familiarized him with the election process.

His priority and what he will do differently as chairperson of IEBC;

- a. He stated that he'll ensure continuity of what the secretariat is doing in preparation for the elections.
- b. Voter registration, audit and clean up the register before elections.
- c. He will put in place a credible electronic system subjected to tests to guarantee safety to avoid breaking down on Election Day.
- d. The IEBC will run at least three mock elections before actual elections in August 2017.
- e. The Commission will involve Kenyans in the election process and create a social media platform at IEBC.

On partisan conduct, he stated that;

- a. He will maintain fairness and non-partisan approach in election management despite having been a candidate in 2007 on an ODM ticket in Saboti Constituency.
- b. He is not a member of any political party as he had returned his life membership certificate back to ODM
- c. That it is normal for one to contest an election and loose.

Allegations of parallel tallying centers;

He affirmed that IEBC is the sole mandated body to tally and transmit election results though candidates and parties are free to do their own tallying for their own records.

Views on picketing/mass action to remove public officials from office

- a. Picketing is constitutional right of every citizen but not as a weapon to force public officers from office.
- b. Negotiations with stakeholders are one of the best approaches to solve problems.

Recent amendments to Election Laws;

- a. It is the responsibility of Parliament to make laws and state agencies to implement the same.
- b. The law must be followed by implementing agencies and that is what the rule of law is all about.
- c. Recent amendments provided for a backup as last resort and not first priority and they will strive to have the EVID technology working.

How to handle difficult moments during elections, fairness to all competitors and avoiding reckless statements by commissioners;

- a. The chairperson is fully responsible in spearheading the commission and will work with commissioners as a team.
- b. There will be no room for reckless comments that can rock the boat.
- c. Voter identification is very key in ensuring free and fair elections and that is why the commission will work to ensure EVID is effective.
- d. He will be responsible when making statements because as chairperson his pronouncements will be taken seriously.

Relationship with Mr. Philip Kinisu following Investigations;

- a. His relationship with Mr. Kinisu is professional- advocate/client and he has a constitutional right to be represented by an advocate of his choice.
- b. He had not received any money from NYS and he doesn't know the source of the money his client used to settle his legal fees.

Whether he lobbied for appointment;

- a. He did not lobby at all and that he doesn't know how he scored in the interviews

- b. His law firm is financially stable with corporate clients and therefore he is not a job seeker but rather interested to serve his country at the helm of the electoral body.

Chairing the Likoni Clashes committee;

- a. He was mandated by the LSK in 1997 as a council member from Mombasa to lead the inquiry into the Likoni clashes of 1997.
- b. Clashes are normally perception related and they arise out of certain fears.
- c. He hopes and prays that he will manage a process that will not precipitate clashes in Kenya.

Breaches of the Law by Election officials;

- a. The law is clear on election offences and the commission will enforce the Election Offences Act as passed by Parliament.
- b. He will address conflict of interest on issues where the secretariat may be involved in business with the commission.

On poll losers;

The Election Laws provides for avenues to address grievances and noted that it was not criminal to lose an election.

In the matter involving Salima Enterprises Limited and Nairobi City County;

- a. He was instructed to represent the Nairobi County, the defendant in the case.
- b. He has not received any complaint from his client- the Nairobi County.
- c. The ruling by Justice Gitumbi indicated that counsel for the Defendants, Cootow & Co. Advocates, were frustrated by the failure of the Defendant to give them instructions on how to defend the suit.
- d. The nominee tabled the ruling by Justice Gitumbi exonerating his law firm from any blame whatsoever.
- e. Throughout his professional career, there has never been any complaint by his clients whether directly or indirectly.

On his links with ODM;

- a. He resigned recently from ODM as formality as he had not been active in politics in the last 10 years neither had he been in party leadership nor participated in its activities.
- b. He stated that the last time he met Hon. Raila Odinga was in 2007 in the company of members of the Summit during his parliamentary campaigns and has never been in touch or met him since then.

Relationship with Mr. Ezra Chiloba-Chief Executive officer/Secretary of IEBC;

- a. He doesn't know Mr. Chiloba personally although they come from the same County.
- b. Whereas he comes from Kiminini Constituency, Mr. Chiloba is from Kwanza Constituency.

- c. The CEO was recruited competitively in a competitive process and there is no possibility of a conflict of interest.

The nominee was informed that the Committee had received a Statutory Declaration from **Mr. Muchai Lumatete Walubengo**, advocate of the High Court of Kenya and **Mr. Benjamin Njoroge**, Chairman-Mombasa Law Society.

6.2 Ms.Consolata Nkatha Bucha Maina

Ms.Consolata Nkatha Bucha Maina was nominated for appointment as a member of IEBC. She appeared before the Committee and submitted as follows;

On self-Introduction, the nominee stated that;

- a. She was born in Meru County on 21st December, 1960,attended primary and secondary education in Meru and Nairobi, Master of Business Administration (MBA), RMIT, Melbourne, Australia, Master of Science in Public Relations (MSc), Stirling University Scotland, UK, Diploma in Public Relations, LCCI, London, UK and Diploma in Business Studies, LCCI, London, UK.
- b. She has worked in various institutions in Kenya and Australia and she came back two months ago to serve the country.

On vision for IEBC she stated that;

- a. She wants to give back to the country by being part of a team that promises to deliver free and fair election on August 2017.
- b. She will help to transform the electoral process in the country by building trust in IEBC to deliver credible elections.

Views on why she doesn't hold a Bachelor's degree, she stated that;

Her diploma in PR was the highest qualification at the time which is equated to a bachelor's degree and that's why/how she managed to proceed to do a Master's degree.

On her skills and experience, she said that;

- a. She has managed several organizations before in Kenya and at international level and is very experienced in management and not only in PR and communication.
- b. She's been out of the country for the last 6 years, but was still following Kenya's political developments as a regular traveller to the country and even voted in the last elections.

Views on what she will do differently at IEBC, she stated that;

- a. She stated that she'll strive to build trust in IEBC though its structures in place.
- b. She will work on building teams and work through team effort.

On how to manage Volatile situations, she informed members that;

She is a strong willed person and as such can maneuver any tricky grounds and bring understanding among people with divergent opinions.

On partisan conduct;

The nominee stated that she has never been a member of any political party and has never contested in any election, and she will exercise fairness in dealing with all participating candidates across the political divide.

Views on how she rates IEBC's 2013 performance;

She stated that they will work on the weaknesses presented as challenges to improve the 2017 polls credibility.

On the recent amendments to the election laws; she stated that;

They will implement the law as enacted by parliament and work on a contingency plan agreed to by all stakeholders.

6.3 Mr.Boya Molu

Mr.Boya Molu was nominated for appointment as a member of IEBC.The nominee appeared before the Committee and submitted as follows;

On self-Introduction, the nominee stated that;

- a. He comes from Marsabit and was born on November 5th , 1978.Went to Universities in India and graduated with Degrees in Human Resources and Business Administration and holds a Higher Diploma in Human Resources administered by KNEC.
- b. He meets all the requirements under the Constitution of Kenya and that is why he applied to be a member of IEBC.

On Vision he stated that;

- a. In the short term he looks forward to manage and conduct the elections on the 8th of August 2017 in a credible manner.
- b. In the long term – to spearhead technology adoption in most election and operational processes.

Views on his experience;

- a. He stated that he is experienced in Human resources management, Budget matters and strategic planning.
- b. He informed the committee that he is familiar with technology and has to ensure it works at IEBC.

On approach to work at IEBC, she stated that;

- a. He will ensure a credible human resource at the secretariat and utilize his experience to build credible systems at IEBC

- b. He will work with his colleagues and work on building confidence in IEBC, and he will mobilize the media to support the efforts.
- c. He will advocate for dummy training on the equipment in bid to stem the limited time in procurement of necessary equipment.

On Integrated system for Voter Registration and Registration of Persons; he stated that the two should be linked using technology.

On partisan conduct, he stated that;

- a. He is and will maintain fairness and non-partisan approach in election management.
- b. He is not a judge and thus has no capacity to influence the Judiciary in case of any dispute resolution need by or against IEBC
- c. He had withdrawn from appearing at PSC for interview for a Parliamentary job that he had applied for before the IEBC commission job.

On whether parties should use their own registers or IEBC's during nominations, he opined that;

A political party should use its own register not the one for IEBC to conduct its nominations as a way of ensuring only members participate in the affairs of their own party.

On whether he supports Vetting of staff at IEBC;

The nominee opined that this will be determined based on the need assessment to be conducted once in office and thus cannot take a position on the issue.

6.4 Dr. Roselyn Akombe Kwamboka

Dr. Roselyne Akombe Kwamboka was nominated for appointment as a member of IEBC. The nominee appeared before the committee and submitted as follows;

On self-introduction, the nominee stated that;

- a. She was born on 21st November, 1976 in Nyamira County; she is a holder of a Doctor of Philosophy in Global Affairs from Rutgers University, USA and Master of Science in Global Affairs from the same University and a Bachelor's degree in Education from the University of Nairobi.
- b. She meets all the requirements under the Constitution of Kenya to be appointed as a member of IEBC.
- c. She applied for leave of absence from her current employer as under-secretary at the UN in New York, to take up the IEBC appointment if approved by Parliament.

On her Vision, she stated that;

- a. She has participated in elections across the world and wants to apply her comparative experience to improve and transform her country's management of the electoral process.

- b. She brings to IEBC political tact or diplomatic skills, conflict prevention skills, management experience, integrity, fairness and a neutral arbiter.

On her skills and experience, she stated that;

- a. She also stated that she has good connections and relationship with the international community to improve the conduct of our elections.
- b. She never runs away from challenges and will not shy away from IEBC.
- c. There are several factors from country to country which influences competitors to concede in a given election. For instance strong institutions such as the Judiciary, Electoral body and the good will of all the actors are critical in the aftermath of elections.
- d. She is competent in budgetary processes which are very relevant at IEBC.
- e. She is of high integrity and non-partisan approach in life.

On why she is taking a 70% pay cut, she stated that;

- a. It's a worthy sacrifice because she'll be serving her country and has already considered the pay difference which will be compensated by her investments and her family will not suffer.
- b. She will be taking leave without pay from the UN and she will be a fulltime commissioner at IEBC.

On partisan conduct; she stated that;

She has always been fair and so will be impartial at IEBC as integrity is her primary value

On integrated system for Voter Registration and Registration of Persons, she stated that;

- a. Voter listing should be done alongside registration of persons.
- b. Continuous voter education, citizens can be compelled to register as voters without integration of the system.
- c. Political parties and players can inspire people to register and vote

On Kenya's election preparedness, she stated that;

- a. The remaining time is sufficient enough for them to conduct an election
- b. The commission must improve on trust with all actors
- c. Training is key to competent handling of elections and said that it must be emphasized.
- d. There is need for effective communication with all players.
- e. Stakeholder engagements to build transparency and trust

On women elections, she stated that;

- a. As a country we need to work on cultural barriers and financial barriers to levelise the playing ground.
- b. Political parties must develop commitment to give women a fair chance in nominations in their strongholds.

On political temperatures she stated that it is everybody's responsibility and not only for IEBC.

6.5 Dr. Paul Kibiwott Kurgat

Dr. Paul Kibiwott Kurgat the nominee for appointment as a member of IEBC appeared before the Committee and submitted as follows;

On self-Introduction, the nominee stated that;

He was born on 25th May 1961 in Kakamega County but comes from Uasin Gishu County ,he holds a Doctor of Philosophy Degree (PhD) in History, Department of History, Political Science and Public Administration, School of Arts and Social Services, Moi University, Master of Arts (M.A) Degree in International Relations, Ukrainian Institute of International Relations, Kiev State University, Diploma in Peace and Security, Uppsala University, Sweden and Diploma in Conflict and Conflict Resolution, Uppsala University, Uppsala, Sweden.

The nominee responded to questions from members of the committee as follows;

On his vision at IEB, he stated that he wants to manage and conduct the upcoming elections in a credible manner

On his experience he stated that;

- a. His knowledge in Security studies, peace & conflict resolution will be an asset to the commission.
- b. His background in history studies gives him an advantage to help the commission to understand human activities from different cultural perspectives.
- c. He has worked and lived in different parts of the Country and appreciates the diversity of the Kenyan People.

On his approach at IEBC, he stated that;

- a. He will adopt technology and borrow lessons from Russia which has fitted all its 90,000 polling stations with CCTVs cameras and operates in 11 different time zones.
- b. He will work hard to implement what Parliament requires the IEBC to do in accordance with the law through consultations with the political leaders and other groups.

On how to contain violence and promote transparency, he stated that;

- a. He promised tough action to be taken on promoters of violence like political aspirants.
- b. Violence is a build-up of events from political campaigns to elections and should be checked before escalation to uncontrollable proportions.
- c. Stiff penalty like barring perpetrators from active politics for a period of ten years should be considered.
- d. There is urgency to strictly implement the Election Offences Act.
- e. Transparency can be sustained by upholding national values and being fair to each other by implementing chapter six of the Constitution.
- f. He has never given or taken a bribe.

On whether parties should use their own registers or IEBC's during nominations, he stated that;

He was of the view that political parties should use their own registers not the one for IEBC to conduct its nominations as a way of ensuring that only party members participate in the affairs of their parties.

On Women and Leadership, he pointed out that;

- a. Political Parties should remove barriers and pave way for women to ascend to elective positions within their parties.
- b. Parties with more elected women should be rewarded by nominating more persons for the special seats.

6.6 Ms. Margaret Wanjala Mwachanya

Ms. Margaret Wanjala Mwachanya was nominated for appointment as a member of IEBC. The nominee appeared before the committee and submitted as follows;

On self-introduction, she said that;

She was born in Shimba Hills – Kwale County in 1970, She holds Masters of Arts Degree in Swahili Studies from the University of Nairobi, Bachelor of Education in Kiswahili and Social Education and Ethics from Catholic University of Eastern Africa (CUEA), P1 Teacher Certificate, Thogoto Teachers' Training College, Advanced Management Training from Galileo Institute of Management, Israel and Strategic Leadership Development Course from the Kenya School of Government.

On her Vision, she stated that;

She stated that she will help the commission's programs and activities to reach the grassroots of all corners of the country. This will be achieved through translation of commissions' materials into Kiswahili because English is perceived to be elitist language.

On her skills and experience, she said that;

- a. She is a member of the Taita Taveta County public service board which has prepared her well for management role at IEBC.
- b. She has taught in a number of institutions and her passion in Swahili will be valuable to IEBC in matters such as voter education messages.

On partisan conduct as a commissioner, she said that;

- a. She has never been a member of any political party and has never contested for an electoral position.
- b. She will exercise fairness and diligence in her role as a member of the commission.
- c. She has never served the interests of politicians to extend favors at the county.

On voter education, she stated that Kenyans still need to be educated on their civic duty to participate in elections and therefore will strive to promote it.

On the recent Election Laws amendments, she stated that;

- a. As a commission they should implement the law passed by Parliament.
- b. The amendment provides for a contingency and does not oust the main method of voter identification.

6.7 Prof. Abdi Yakub Guliye

Prof. Abdi Guliye was nominated for appointment as a member of IEBC. The nominee appeared before the committee and submitted as follows;

On self-introduction, the nominee stated that;

He was born on 25th November, 1962 in Wajir County; he is a holder of a Doctor of Philosophy in Animal Nutrition from Gut Microbiology & Immunology Division, Rowett Research Institute, Bucksburn, Aberdeen and School of Biological Sciences University of Aberdeen, Scotland, Master of Science in Animal Production from the same University and a Bachelor of Science in Animal Production from Egerton University.

On vision, the nominee stated that he is committed to offer his contribution to make sure that IEBC achieves success on its constitutional mandate to deliver credible elections to the people of Kenya.

On his Vision for IEBC, he stated that it's his desire to conduct a credible election in August 2017.

On his experience; he informed the stated that;

- a. He has been in charge of student elections at Egerton University for the last 2 years, a period under which there has been no student unrest over the conduct of student elections as was the norm before.
- b. His experiences as a leader in various positions and crucial skills in strategic planning are valuable at IEBC.

On his approach at IEBC on the conduct of elections, he stated that;

- a. He will engage with the Political Parties Liaison Committee on a regular basis to address any concerns they may have from time to time.
- b. He will encourage continuous voter education drives to ensure we have educated voters.
- c. He will help implement performance contracting to improve on delivery by the commission staff.
- d. Some functions at IEBC can be devolved to improve on efficiency.

On use of parties and IEBC registers during nominations, he stated that;

Political party should use their own registers to conduct their nominations as a way of ensuring only members participate in the affairs of their parties.

On women and elections, he said that he advocated for a pool of funds to support women candidates

On Voter listing alongside National identity card registration, the nominee was of the view that registration of persons and voter listing should be integrated using technology.

7.0 COMMITTEE'S OBSERVATIONS AND FINDINGS

7.1 Observations

A. Mr. Wanyonyi Wafula Chebukati

The Committee having considered the curriculum vitae of Mr. Wanyonyi Wafula Chebukati and having heard his submissions during the vetting made the following observations on his nomination;

- That Mr. Wanyonyi Wafula Chebukati comes from Trans-Nzoia County and was born in Bungoma County in 1961.
- He holds an Executive Masters of Business Administration from Jomo Kenyatta University of Science and Technology, a Bachelor of Laws Degree (LLB) from the University of Nairobi and a Diploma in Law from the Kenya School of Law, he was admitted to the Roll of Advocates on the
- He is a member of the Law Society of Kenya, East Africa Law Society, former council member of the LSK, former committee member of the Kenya Golf Union and member of the Kenya Golfing Society (KGS).
- He is a senior legal professional with extensive experience in the Bar practicing as a managing partner in Cootow and Associates Advocates.
- At Cootow and Associates Advocates, he is successfully set up; Strategic plan; accounting systems; Human Resource Manual; and IT Policy for Office Solutions.
- He founded ADVOC Africa. ADVOC is an international network of independent law firms worldwide with the sole purpose of promoting cross-border legal practice. The firm is connected with law firms in Mozambique and South Africa which now network with ADVOC Europe and Asia.
- As a senior advocate with Wanyonyi and Company Advocates between 1987 and 2006, he practiced in civil litigation, Commercial law and Environmental Law.
- He rendered pro-bono services to residents of Webuye over the Pan Paper company environmental pollution which was affecting their lives.
- Managed the Mombasa office of G.K Ndunda and Company Advocates in 1986 – 1987.

B. Amb. Dr. Paul Kibiwott Kurgat, PhD

The Committee having considered the curriculum vitae of Amb. Dr. Paul Kibiwott Kurgat, PhD and having heard his submissions during the vetting made the following observations on his nomination;

- That Dr. Kurgat was born on 25th May 1961 in Kakamega County.
- He holds a Doctor of Philosophy Degree (PhD) in History, Department of History, Political Science and Public Administration, School of Arts and Social Services, Moi University, Master of Arts (M.A) Degree in International Relations, Ukrainian Institute of International Relations, Kiev State University, Diploma in Peace and Security, Uppsala University, Sweden and Diploma in Conflict and Conflict Resolution, Uppsala University, Uppsala, Sweden.

His work experience includes;

- As Kenya's *Ambassador Extraordinary and Plenipotentiary* to the Russian Federation, Republics of Belarus, Ukraine and Kazakhstan for six years (2010-201) where he ensured prudent utilization of funds; provided policy, technical & administrative guidance and direction to the Mission; promoted, projected and protected Kenya's image and national interests; promoted cordial relations between Kenya and countries of accreditation; coordinated, and implemented Government policies; negotiated bilateral and multilateral instruments on behalf of the Government; advised on Kenya's position in relation to negotiations on bilateral and international instruments, meetings, conferences and bidings; formulated and implemented marketing strategies for Kenya's products and services; analyzed new developments in the host country and provided appropriate advise; coordinated trade, national days and Kenyan dignitaries visits; and facilitated acquisition of assets and properties for the mission; set performance targets and annual budget; facilitated performance management, reporting and appraisal; supervised, guided, mentored & developed staff in the mission, and facilitated linkages with institutions of higher learning & research.
- With the guidance of Independent Electoral and Boundaries Commission (IEBC), Kenya Embassy Moscow under his leadership coordinated with the Kenyan Diaspora to establish Diaspora data base and identification of possible voting centers in the Russian Federation, Belarus, Ukraine and Kazakhstan 2010-2013(Report forwarded to IEBC through MFA).
- As a *University Lecturer, Department of History, Political Sciences and Public Administration*, Moi University, he provides support and maintain the University's national and International reputation for excellence in teaching and research; on issues of national concern with the aim of suggesting policy directions; course development and innovation; lecture; conduct seminars; tutorials and supervise under and post-graduate students; contribute to excellence in research through publications that include articles in referred journals and books, examine and provide academic references for students; mentor and guide students research work; participate in peer review of academic works, engage in scholarly research, academic field trips and administrative duties.
- He served as a Constituency Committee Member of the Constitution of Kenya Review Commission, 2005.
- He has served in Public service as a *District Civil Registration Officer*, Office of the President (OOP), Siaya District 1992-1993.His duties and responsibilities included research, and registration of births and deaths in Siaya District.
- Taught as a Board of Governors Teacher at Likuyani Secondary School in 1983 – 84.

Established linkages to research centres and Russian Universities as follows;

- Memorandum of Understanding between Moi University and Moscow Aviation Institute (National Research University), Russian Federation, dated 6th March, 2014.
- Agreement for Scientific and Educational Cooperation between M.V. Lomonosov, Moscow State University, Russian Federation and Kenyatta University.

- Kenya Agricultural and Livestock Research Organization (KALRO) and V.M. Garbatov All-Russian Meat Research Institute, Moscow, Russian Federation, 2015.
- The nominee teaches constitutional and legal History of Kenya, Kenya's Foreign Policy Since 1963, Conflict and Conflict Resolution and Supervision of post-graduate students.

The nominee was awarded;

- Moi University partial scholarship to pursue Doctor of Philosophy Degree in History, 2009.
- A Swedish International Development Agency (SIDA) scholarship to pursue a diploma in Peace and Security, Uppsala University, Uppsala, Sweden, 2008.
- A Swedish International Development Agency (SIDA) scholarship to pursue a diploma in Conflict and Conflict Resolution in the department of Peace and Research and Conflict Studies, Uppsala University, Uppsala, Sweden, 2002.
- Russian Government scholarship by Ministry of Education, Republic of Kenya to pursue integrated under/post graduate studies, Ukrainian Institute of International Relations, Kiev State University, 1985 – 1991.

He has attendance and Participated at Selected Professional Conferences, Workshops, and Seminars such as;

Kenya's Alternate Head of Delegation to the 6th Session of State Parties to the United Nations Convention Against Corruption, St. Petersburg, Russian Federation, 13th International Conference of Africanist "Society and Politics in Africa and In the Horn of a Dilemma: Dealing with Insecurity in Kenya, Uganda and Sudanese Common Borders; A Paper presented at the African Borderlands Research Network (ABORNE) Conference, School of Social Sciences, University of Witwatersrand, Johannesburg, South Africa among others.

C. Dr. Kwamboka Roselyn Akombe

The Committee having considered the curriculum vitae of Dr. Kwamboka Roselyn Akombe and having heard her submissions during the vetting made the following observations on her nomination;

- That Dr. Akombe was born in 1976 in Nyamira County.
- She holds a **Doctor of Philosophy Degree (PhD) from Rutgers University, Newark, New Jersey - USA** specializing in International Relations, Economic Theory, Global Governance, Gender and Global Governance, International Business Law, E-Diplomacy, Economic Development, International Trade, International Political Economics, Theories and Methods in Regional Integration, **Master of Science in Global Affairs from the same University** specializing in International Law, Gender and Global Politics International Trade, Mathematical Economics, Global Governance, International Political Economy (IPE), Readings in African History, International Business (Regional Integration), International law, Global Environmental issues, Information Technology and Diplomacy, Statistics and International Relations and a **Bachelor of Education degree from the University of Nairobi** where her areas of study included Principles and theories,

sociology, psychology and philosophy of Education, Teaching Methods, Readings in Political thought, European Literature, and World Literature.

- Dr. Akombe has over 15 years of experience in international development and diplomacy having served with both the African Union and the United Nations both in Africa and in the United States. She has served as an advisor to senior African Union and United Nations officials. This has enabled her to understand the international diplomatic system well but also helped her build critical networks and contacts in Africa and beyond.
- Dr. Akombe has deep knowledge of electoral processes and political affairs. In the past ten years, she has worked as a senior advisor to the Under-Secretary in charge of elections at the United Nations. She has been involved in providing technical and political options for electoral processes in more than 60 countries. In this capacity, she has travelled to several countries in Africa, Central Asia and the Middle East on election related issues. She has also been deployed to observe elections by the United Nations and served as an electoral observer in the 1997 elections in Kenya.
- Dr. Akombe performs extremely well under extreme pressure with close deadlines. At the United Nations, she is constantly working to ensure that material for the Secretary-General's meetings and telephone calls are both prepared on time and that the quality is excellent. She works long hours and responds to emergencies from many of the UN's operations in different time zones.
- She has all-round experience from working in a large bureaucracy to serving as a close confidante of several senior officials. Her ability to relate both with the working level personnel and maintain the confidence of senior officials has been an asset throughout her career both at the African Union and the United Nations. Having worked on sensitive issues, she maintains high levels of confidentiality on all issues under her purview.
- Dr. Akombe is an excellent negotiator that has been in charge of defending the department of political affairs' 1 billion dollar budget before the UN's legislative bodies. She ensures that the Results Based Budgets of the over 30 field operations managed by the department of political affairs are of good quality.
- Management and administrative issues form a large part of Dr. Akombe's career. As deputy chief of staff, she is familiar with personnel issues, managing staff performance and other administrative matters. As the person in charge of staff security in the department of political affairs, she understands well how to work within large bureaucracies to deal with staff matters.
- Dr. Akombe has also worked with civil society organizations in both Kenya and the United States and served as a student leader at the University of Nairobi from 1997 to 1999.
- Dr. Akombe's studies at the University of Nairobi and Rutgers University have provided her with the requisite skills to function excellently in the international and public sector.

D. Mr.Boya Molu

The Committee having considered the curriculum vitae of Mr. Molu Boya and having heard his submissions during the vetting made the following observations on his nomination;

- That Mr. Molu Boya was born in November 1978 in Marsabit County.
- He holds a degree of Master of Business Administration,(*Human Resources Management*),Periyar University and Bachelor of Business Administration (*BBA*),Karnatak University both Universities in India and a Higher National Diploma in Human Resources Management in Kenya.
- Mr. Molu is a full Member of the Institute of Human Resources Management, Kenya (IHRMK) and Director/Council Member of the Institute of HR Management, Kenya
- Mr.Molu's core competencies are ability to work in a team, good analytical skills, ability to work in multicultural/multi-religious setup, can work under minimum or no supervision, good interpersonal relationship, ability to give attention to details and Personal organization.
- In his current posting as Deputy Director HR &Administration Directorate at the Judiciary, his main duties are to facilitate the development and implementation of an effective Human Resource policies & procedures, ensure the implementation of human resource strategies in the in line with the integrated comprehensive strategic framework, Coordinate activities leading to the achievement of directorate's targets as outlined in the Annual Performance Contract, Strategic Plan, Judiciary Transformation Framework and other reform programmes, Oversees the annual staff performance target setting and appraisal as part of the reward management system, Prepare annual directorate budget in conjunction with the Finance Director, Facilitate the dissemination of policies, regulations and other communications from the Headquarter to all Regions.
- In 2013 – 2014 Mr. Molu has served in the Judiciary as Assistant Director; HR & Admin Directorate where his duties and responsibilities included facilitation of the development and implementation of an effective human resource, administration, transport and maintenance procedures in the Judiciary, facilitated the development and implementation of an effective Human Resource policies and procedures, coordinated activities leading to the achievement of directorate's targets as outlined in the Annual Performance Contract, Strategic Plan, Judiciary Transformation Framework and other reform programmes that the Judiciary may participate in, oversee the annual staff performance target setting and appraisal as part of the reward management system, ensured the implementation of human resource and administration strategies in line with the integrated comprehensive strategic framework, he was Secretary to the Human Resource Advisory Committee, analysed the staffing levels and made proposals for succession planning, analysed the utilization and proper deployment of human resource across all 120 court stations, analysed staff progression and made proposals for career development, handle disciplinary issues and coordinated preparation of summaries for presentation to relevant advisory committees and Coordinated all administrative functions of the Judiciary among other functions.

- In 2006 – 2008 Mr. Molu worked as a HR Officer; HR & Admin Dept, Central Bank of Kenya and was promoted to senior HR Officer; HR & Admin Dept later during his tenure at the Central Bank.

E. Ms. Consolata Nkatha Bucha Maina

The Committee having considered the curriculum vitae of Ms. Consolata Nkatha Bucha Maina and having heard her submissions during the vetting made the following observations on her nomination;

- That Ms. Consolata Nkatha Bucha Maina was born on 21st December 1960 in Mere County.
- Ms. Nkatha holds Master of Business Administration(MBA),RMIT, Melbourne, Australia, Master of Science in Public Relations (MSc),Stirling University Scotland,UK,Diploma in Public Relations, LCCI, London, UK and Diploma in Business Studies, LCCI, London, UK – 1992
- She is Director Planned Giving and Key Relationships at Burnet Institute Australia. Burnet Institute is an international medical research Institute with dual accreditation in Australia with the National Health and Medical Research Council (NHMRC) and a Non-governmental Organisation. Burnet Institute’s purpose is to improve the health of disadvantaged poor or otherwise vulnerable people throughout the world. Burnet Institute has a unique approach to its laboratory research and links medical research with public health action which enables it to respond with comprehensive and innovative solutions to address complex health issues. Her role is to develop, implement and manage Burnet Institute’s Major Donor Program, Bequest in Wills and Endowment Fund. The Institute relies heavily on donor funding and this program raises \$5 million a year.

Her responsibilities included;

- To develop and implement strategic plans for Planned Giving and major donor programs, to raise funds to support key research projects.
- To consolidate, develop and manage the Bequest Program.
- To steward bequestors and to ensure they are engaged with the Institute’s mission, vision and values to maintain loyalty and ultimate fulfillment of bequest pledges.
- To develop a range of planned giving products to facilitate earlier commitment and more flexible, donor-centred giving.
- Proficient deceased estate administration to maximize the financial value of received bequests, working with legal and professional tax advisers where necessary.
- development and implementation of Institute-wide policies and procedures for the financial management, acquittal and recognition of bequest and major gifts; and to ensure the reputation of the Institute as a trustworthy beneficiary of bequests and other planned gifts through transparency is maintained.

- To maintain meticulous bequest and major donor records to facilitate an efficient and accountable program and to enable future planning.
- Development of a strategy for international fundraising including implementation of an International Endowment Fund and establishment of tax exemption status (501) C3 in USA.
- Planning and organising donor events
- Developing and managing the departmental annual budget
- Attending Board meetings and producing quarterly reports on Bequests and Major Donors
- Working with the Centre for International Health in the development of Africa program in Zimbabwe, South Africa and Kenya
- Marketing and advertising the Bequests and planned giving programs and building a presence in the social media

The nominee served as a Philanthropy executive at the Bush Heritage Organisation in Australia. The Organisation is a national non-profit organisation protecting the natural environment through the management of land and water of high conservation value. Bush Heritage has over 36 nature reserves throughout Australia covering over 1 million hectares. In addition, Bush Heritage collaborates with Indigenous and private land owners to assist with the conservation management of a further 3.5 million hectares.

The nominee informed the Committee that the overall objective of the position was to develop and steward strong relationships with major donors and prospects; to develop and implement various fundraising strategies with Government, Individuals, Trust and Foundations, not-for profit organisations and Private Ancillary Funds. This includes working with Bush Heritage Board members and other high-level volunteers to identify and manage major donor giving and relationships.

Her responsibilities at the Bush Heritage Australia included;

- Development and implementation of fundraising policies and programs
- Generation of revenue from individuals, trusts and foundations, Non-Government Organisation (NGO) partners; corporations and PAFs in Australia, USA and UK
- Development of personalised donor strategies and tactics for identifying, cultivating, and soliciting a portfolio of Bush Heritage's most generous supporters and prospective new donors. Managed the implementation of stewardship and recognition strategies.
- Guiding and supporting Bush Heritage Board members and other high-level volunteers in identifying, cultivating and soliciting prospective donors; this included communicating prospect research, conducting prospect rating, discussing tactics for solicitation, and liaising with other staff to provide materials;
- Planning and organising donor events
- Working productively with staff within the Major Gifts team as well as with staff across the organisation on individual cases, cultivation events, donor stewardship programs, etc.

- Working with other teams on cross-department projects such as major project proposals and donor report-backs;
- Ensuring timely and accurate recording of supporter activity in Bush Heritage's relationship management system (IMIS); and
- Organising donor stewardship events and visits to respective reserves
- Preparing own fundraising budget and assisting in the preparation of the organizational budget
- Working with the Reserve Managers and helping identify major donors and support in stewardship and visits

Ms. Maina was Program Director: Stewardship at the Catholic Archdiocese of Melbourne

The overall objective of the position was to develop stewardship programs for the Catholic Parishes in the Archdiocese of Melbourne, Sale and Bendigo and to engage and support the Priests and Parishioners to implement successful giving programs. The program is based on the giving of time, talent and treasure.

Her key responsibilities included;

- Developing Stewardship programs for fundraising for parishes in Archdiocese of Melbourne, Sale and Bendigo.
- Implementing the Stewardship programs in parishes to meet the set financial targets.
- Identifying and training key stakeholders and volunteers to undertake the detailed work of the stewardship program.
- Developing and presenting to stakeholders and parishioners at meetings the financial analysis of the parish.
- Monitoring and evaluation of the stewardship giving and implementation of a mid-term review.
- Developing and training teams of volunteers for continuous management of the program.
- Identification and implementation of a variety of fundraising programs in the parishes and strategy development
- Contribution in the Departments other forms of fundraising strategies in Bequest, Capital appeals, events management and proposal development.
- Developing and managing the Workplace Giving Program.
- Donations acquittal and reporting including detailed reports from donors and parishes.

She was Director, Development and Corporate Affairs (DDCA) at the National Museums of Kenya. Her Key Responsibilities included;

- Management and development of staff in the Directorate of Development and Corporate Affairs, ensuring adequate allocation of resources to implement work plans.
- Management and leadership direction of 6 managers directly reporting to me and 49 staff in the Directorate.

- Development and management of corporate communication policies and strategies including stakeholder analysis and management.
- Development and implementation of corporate fundraising strategies and management, monitoring and evaluation of donor funded projects.
- Development and management of corporate marketing strategy.
- Building strategic partnerships for heritage tourism and Kenya's Vision 2030 tourism sector focus.
- Development and management of sustainable business programs for increased revenue generation including casting and international marketing of the *homid fossils* (human origins bones) collections.
- Development and management of bilateral agreements for culture and heritage with Governments through their respective Embassies and High Commissions in Kenya.
- Soliciting for research grants and funding for the Institute of Primate Research.
- Liaison with the Ministry of State for Heritage and Culture and other Government Ministries for collaboration and information and to ensure policy support and involvement in heritage and cultural conservation and preservation.
- Development, Management and implementation of an Information Communication Technology (ICT) Policy.
- Management of corporate events and launches including speech preparation and media management.
- Development of Corporate Strategic Plans and institution budget and preparation of the Directorates annual work plans and budgets.
- Staff training and development in areas of customer care, communication, marketing, fundraising and corporate governance.
- Development, launch and management of a US\$ 15 million National Museums of Kenya Endowment Fund (NMKEF) in Partnership with Department of Museums, Sites and Monument development of international partnerships and collaborations for new exhibitions and capacity building.
- Spokesperson for the organisation to the media.

She worked as the Head of Resource Mobilization and Corporate Affairs of Kenya Wildlife Service (KWS) where she was;

- Adviser to the CEO on Media and Corporate Affairs
- In charge of Development, implementation and management of Communication strategies, Media strategies and media management and Resource mobilization strategies.
- Spokesperson for the organisation to the media.
- Speech writing for various events and functions including state functions in the area of conservation of flora and fauna.
- Organising events and exhibition development and coordination.

- Building and strengthening the network contacts and alliances with individuals, groups, organisations, trusts, foundations for both fundraising and to promote partnerships, including continuous database management.
- Production of accurate and timely fundraising accounts and reports for the donors and development partners.
- Setting up and managing the KWS Endowment Fund.
- Acting as donor liaison for the Development Partners, Embassies and High Commissions.
- Preparation and coordination of funding proposal for projects approved by the Board of Directors.
- Training and development of staff in areas of communication, public relations, marketing and fundraising.

Ms. Maina worked at Kenya Hospital Association and the Nairobi Hospital as Secretary/Public Relations Manager in January 1995 – March 2002

The Kenya Hospital Association (KHA) is a membership not-for-profit Organisation managing the Nairobi Hospital. The profits generated by the KHA through membership and the Nairobi Hospital are ploughed back to development and projects of social justice. My position required me to report to The KHA Board of Directors and CEO Nairobi Hospital. She was responsible for;

- Researching and development of new KHA membership schemes
- Development and implementing strategies to increase KHA individual membership
- Developing and implementing KHA Corporate Memberships
- Marketing and Managing the KHA membership schemes
- Developing and implementing fundraising strategies to raise funds for a New Accident and Emergency Centre
- Organising and managing the KHA Board Meetings and the Annual General Meetings
- Administration of the KHA membership and liaising with the KHA Chairman, Members and the Hospital Administrator on membership and administration matters.
- In charge of the Communication and Public Relations for the Nairobi Hospital
- Spokesperson for the Nairobi Hospital to the media
- Training staff on Customer Care and Public Relations
- Producing newsletters and communications materials for information and publicity
- Development and implementing Marketing strategy for the Nairobi Hospital
- Drawing, monitoring and controlling the budget for the KHA and public relations budget for Nairobi Hospital and ensuring cost effectiveness in all activities
- Preparing and producing the KHA Annual Reports.
- Media relations - arranging press conferences, writing and distributing press releases, photographs and feature articles
- Arranging media coverage for KHA functions and conferences
- Arranging tours for VIP guests and KHA members

The Committee further observed that the nominee served as Personal Assistant to the World Wildlife Fund (WWF) Regional Representative/Fundraising Officer in March 1987 to December 1989 and the United Nations Education Science and Cultural Organisation (UNESCO) Administrative Assistant in January 1986 to February 1987.

F. Ms. Margaret Wanjala Mwachanya

The Committee having considered the curriculum vitae of Ms. Margaret Wanjala Mwachanya and having heard her submissions during the vetting made the following observations on her nomination;

- That Ms. Margaret Wanjala Mwachanya was born in Shimba Hills – Kwale County in 1970.
- She holds Masters of Arts Degree in Swahili Studies from the University of Nairobi, Bachelor of Education in Kiswahili and Social Education and Ethics from Catholic University of Eastern Africa (CUEA), P1 Teacher Certificate, Thogoto Teachers' Training College, Advanced Management Training from Galileo Institute of Management, Israel and Strategic Leadership Development Course from the Kenya School of Government.

The nominee has skills and strengths in;

- Advanced translation skills from English, Swahili, and Kiswahili and vice versa.
- Handling multiple assignments under high pressure, in a challenging environment with limited resources.
- Research proposal writing especially for Academic Research and for other programmes.
- Research data collection and analysis of the findings.
- In communication and with the ability to articulate issues and present well thought out solutions.

The committee further observed that;

- The nominee is currently working at Taita--Taveta County as a County Public Service Board Member Chairing Human Resource, Selection and Recruitment, Training and Development Committee.
- She served as Part time lecture in Swahili Studies at Catholic University of Eastern Africa, Kenya Methodist University and the University of Nairobi.
- Worked in Libya as a Kiswahili and English expatriate. She taught the two languages as foreign languages both in Schools and tutoring (teaching) the late Colonel Muammar Gadhafi) and left when the Country was plunged into turmoil.
- She was a Part time lecture at the University of Nairobi; Swahili Phonology and Morphology.
- Taught at Lavington Primary School as a graduate teacher.

G. Prof. Abdi Guliyev

The Committee having considered the curriculum vitae of Prof. Abdi Guliyev and having heard his submissions during the vetting made the following observations on his nomination;

- That Prof. Abdi Guliyev was born on 25th November, 1962 in Wajir County.
- He holds a PhD in Animal Nutrition from Gut Microbiology & Immunology Division, Rowett Research Institute, Bucksburn, Aberdeen and School of Biological Sciences University of Aberdeen, Scotland, Master of Science in Animal Production from the same University and a Bachelor of Science in Animal Production from Egerton University.

Members observed that on leadership and managerial experience at Egerton University Prof. Guliyev;

- Currently serving as Director of the Directorate of Quality Assurance (previously served as Deputy Director in the same Directorate), overseeing the quality of academic programmes offered by the University;
- Participated as a Team Leader in the preparation of an *Institutional Self-Assessment* of Egerton University, and later in the preparation of *Institutional Accreditation Report*, which was required prior to the award of Charter by the Commission for University Education in February 2013, under the newly enacted Universities Act 2012.
- Served as Chair of a Committee that revised the University's *Strategic Plan (2013-2018)* in conformity with the University's Charter and the University Act 2012;
- Served as member of a Committee that developed the University's *Resource Mobilization Strategy (2015-2018)*;
- Served as Chair or member of several other Committees of the Senate of the University.

At National Level

- Served for one and half years as Member of an Interim Management Committee (IMC) appointed by the Cabinet Secretary for Agriculture, Livestock and Fisheries (Kenya) to merge four (4) Research Institutes (Kenya Agricultural Research Institute; Tea Research Institute; Kenya Sugar Research Institute; Coffee Research Institute) into *Kenya Agricultural and Livestock Research Organization (KALRO)* following the enactment of Kenya Agricultural and Livestock Research Act 2013.
- Served for two years as National Chairman of the Steering Committee of ASAL Stakeholders Forum, (ASF); a network formed by ASAL stakeholders as part of the implementation of Kenya's Sessional Paper No. 8 of 2012 on '*National Policy for the Sustainable Development of Northern Kenya and other Arid Lands*'.
- Served for three years as Vice Chairman of Pwani University College Council (May, 2009-May, 2012). Oversaw the management of the University College and its transitioning to a full-fledged University chartered by Commission for University Education. While in the Council, served as the founding Chairman of the Audit Committee, which provided an opportunity for financial and system oversight experiences.

- Served for one year as a Member of the Executive Committee of Animal Production Society of Kenya (APSK) (2005 to 2006), having been elected by the membership of the Society in an AGM.
- Served for about two years as Chairman of Kenya Camel Association (June, 2011 to March, 2013), having been elected by the membership of the Association in an AGM. Also served in the Executive Committee of the Association previously (2006 to 2007).

At International level

- He served as a Member of the Governing Council of World Alliance of Mobile Indigenous Peoples (WAMIP) (2007 – 2013), having been elected by the membership of WAMIP in an AGM in Segovia (Spain).
- Member of the International Society of Camelid Research and Development (ISOCARD).
- Prof.Guliye has also gained professional experience as a Director, Directorate of Quality Assurance, Egerton University, team leader in special tasks, Associate Professor of Animal Nutrition, Department of Animal Science, Senior Lecturer, Department of Animal Science, Egerton University, member of university committees and boards, Senior Technician in Livestock Management and Assistant Animal Production Officer in the Ministry of Agriculture and Livestock Development.
- The nominee is a member of the Animal Production Society of Kenya (APSK), Kenya Camel Association (KCA), International Society of Camelid Research and Development (ISOCARD) and World Alliance of Mobile Indigenous Peoples (WAMIP).

7.2 FINDINGS

A. Mr. Wanyonyi Wafula Chebukati

After conducting the approval hearings, the Committee made the following findings;

1. Mr. Wanyonyi Wafula Chebukati has the requisite qualifications and experience which qualifies him for appointment to the position of Chairperson of IEBC.
2. Mr. Wanyonyi Wafula Chebukati according to the records and information availed to the Committee has never been implicated in any issues that may lead to a conclusion of lack of integrity on his part.
3. The candidate exhibited impressive knowledge of topical issues including demonstrated understanding of administration and management principles required to address the challenges facing the IEBC. The nominee exhibited a proper understanding of the doctrine of separation of powers which requires the three branches of government to exercise their powers in a manner that respects their respective constitutional territories while upholding the rule of law and the principle of checks and balances.

B. Amb. Dr. Paul Kibiwott Kurgat, PhD

After conducting the approval hearings, the Committee made the following findings;

1. Amb. Dr. Paul Kibiwott Kurgat, PhD has the requisite qualifications and experience which qualifies him for appointment as a member of IEBC.
2. Dr. Paul Kibiwott Kurgat according to the records and information availed to the Committee has never been implicated in any issues that may lead to a conclusion of lack of integrity on his part.
3. The candidate exhibited impressive knowledge of topical issues including demonstrated understanding of administration and management principles required to address the challenges facing the IEBC. The nominee exhibited a proper understanding of the public service and the diversity and uniqueness of Kenyan cultures.

C. Mr. Boya Molu

After conducting the approval hearings, the Committee made the following findings;

1. Mr. Boya Molu has the requisite qualifications and experience in Human Resources Management which qualifies him for appointment as a member of IEBC.
2. Mr. Boya Molu according to the records and information availed to the Committee has never been implicated in any issues that may lead to a conclusion of lack of integrity on his part.

3. The candidate exhibited impressive knowledge of topical issues including demonstrated understanding of administration and management principles required to address the challenges facing the IEBC.
4. The nominee exhibited proper understanding of ICT, performance and appraisal activities in public service.

D. Prof. Abdi Guliye

After conducting the approval hearings, the Committee made the following findings;

1. Prof. Abdi Guliye has the requisite qualifications and experience which qualifies him for appointment as a member of IEBC.
2. Prof. Abdi Guliye according to the records and information availed to the Committee has never been implicated in any issues that may lead to a conclusion of lack of integrity on his part.
3. The candidate exhibited impressive knowledge in a wide range of issues including outstanding research skills, demonstrated understanding of leadership and management experience at local and international level.

E. Dr. Kwamboka Roselyn Akombe

After conducting the approval hearings, the Committee made the following findings;

1. Dr. Kwamboka Roselyn Akombe has the requisite qualifications and experience which qualifies her for appointment as a member of IEBC.
2. Dr. Kwamboka Roselyn Akombe according to the records and information availed to the Committee has never been implicated in any issues that may lead to a conclusion of lack of integrity on her part.
3. The nominee exhibited expert knowledge on management and challenges of conducting elections in different countries around the world.
4. Dr. Akombe has deep knowledge of electoral processes and political affairs gained as an adviser to the United Nations under- Secretary – General.

F. Ms. Margaret Wanjala Mwachanya

After conducting the approval hearings, the Committee made the following findings;

1. Ms. Margaret Wanjala Mwachanya has the requisite qualifications and experience which qualifies her for appointment as a member of IEBC.
2. Ms. Margaret Wanjala Mwachanya according to the records and information availed to the Committee has never been implicated in any issues that may lead to a conclusion of lack of integrity on his part.
3. Ms. Mwachanya exhibited a wealth of experience in Swahili language and will be a significant asset to the commission in terms of translation and public education on electoral matters.

G. Ms.Consolata Nkatha Bucha Maina

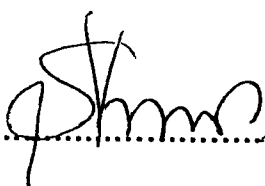
1. Ms.Consolata Nkatha Bucha Maina has the requisite qualifications and experience which qualifies her for appointment as a member of IEBC.
2. Ms.Consolata Nkatha Bucha Maina according to the records and information availed to the Committee has never been implicated in any issues that may lead to a conclusion of lack of integrity on her part.
3. The nominee exhibited experience in communication, public relations, and business management.

8. RECOMMENDATION OF THE COMMITTEE

THAT Pursuant to the provisions of the Public Appointments (Parliamentary Approval) Act, 2012, the IEBC Act and Standing Order 216 (5) (f) of the National Assembly, the Committee recommends that;

The House approves the nomination of the following for appointment by H.E as Chairperson and members of IEBC;

- | | | |
|---------------------------------------|---|-------------|
| 1. Mr. Wanyonyi Wafula Chebukati | - | Chairperson |
| 2. Amb. Dr. Paul Kibiwott Kurgat, PhD | - | Member |
| 3. Mr. Boya Molu | - | Member |
| 4. Prof. Abdi Guliye | - | Member |
| 5. Dr. Kwamboka Roselyn Akombe | - | Member |
| 6. Ms. Margaret Wanjala Mwachanya | - | Member |
| 7. Ms. Consolata Nkatha Bucha Maina | - | Member |

Signed 

Hon. Samuel Chepkong'a, M.P
(Chairperson)

DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

Dated this ^{13th} Day of January.....2017

MINUTES



DEPARTMENTAL COMMITTEE ON JUSTICE & LEGAL AFFAIRS

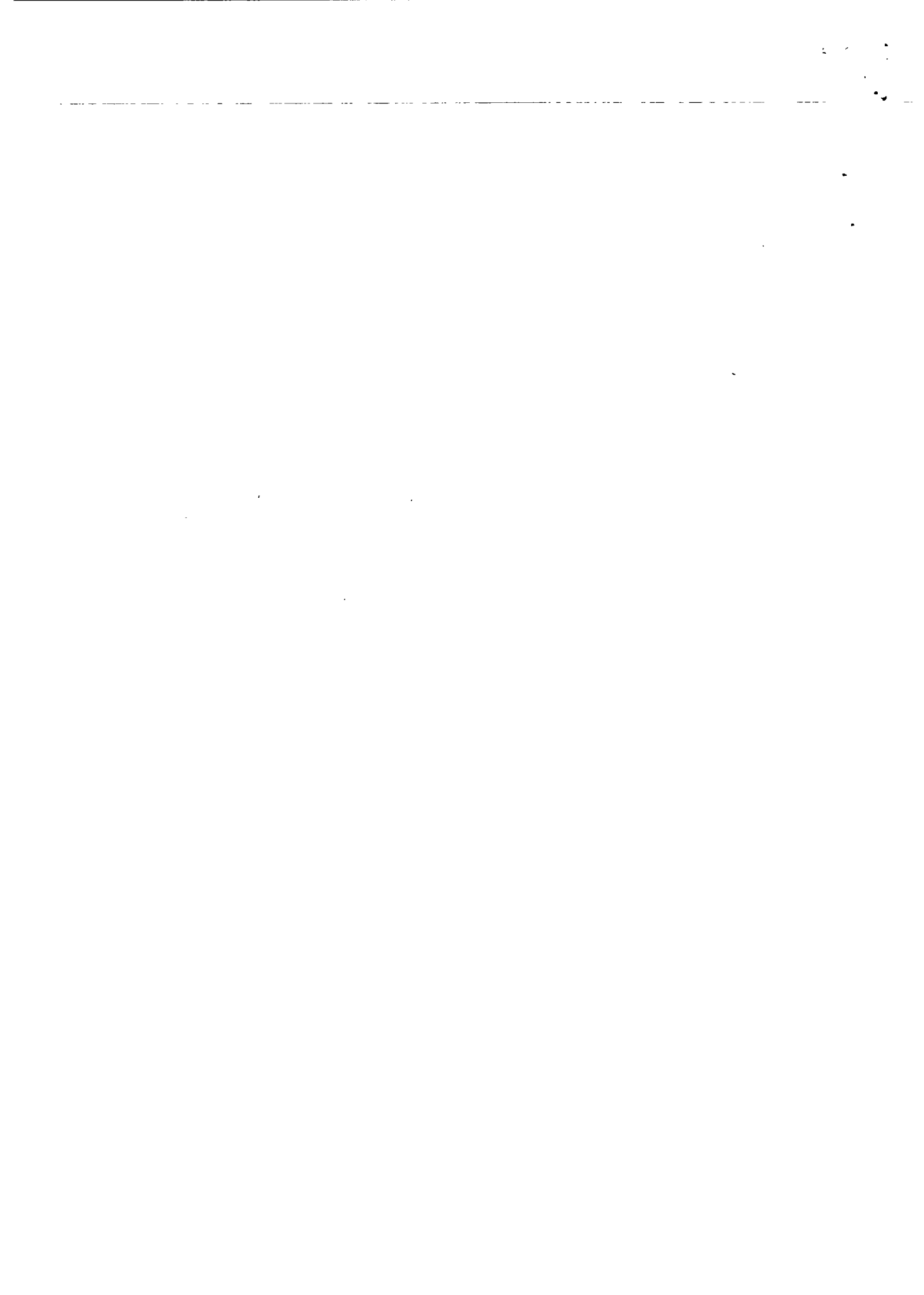
MEMBERS' ATTENDANCE


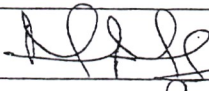
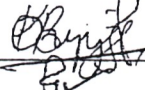


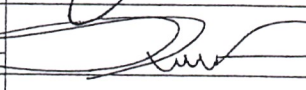

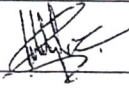
Date: 12/01/2017*****

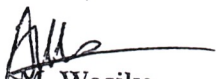
Venue: MINI CHAMBER, COUNTY HALL, PARLIAMENT BUILDINGS

Agenda: ADOPTION OF REPORTS ON IEBC AND EACC

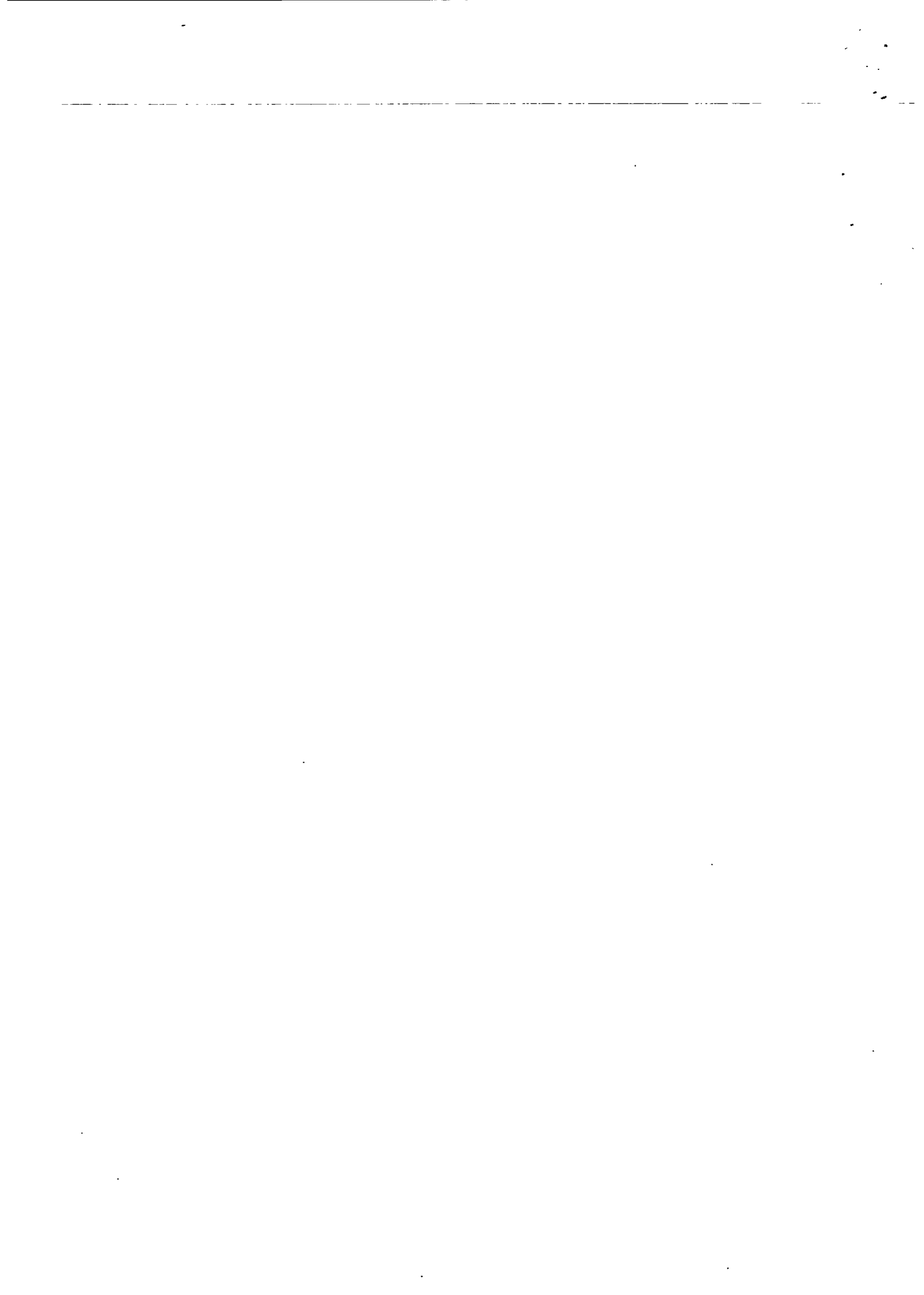
	NAMES	SIGNATURE
1.	Hon. Samuel Chepkonga (Chairperson)	
2.	Hon. Priscila Nyokabi (Vice Chairperson)	
3.	Hon. Agostinho Neto	
4.	Hon. Ben Momanyi Orori	
5.	Hon. Benson Mutura	
6.	Hon. Boniface Otsiula	
7.	Hon. Bitok Kirwa	
8.	Hon. Charles Gimose	
9.	Hon. Christine Ombaka (Dr.)	
10.	Hon. David Ochieng'	
11.	Hon. Fatuma Ibrahim	
12.	Hon. Florence Kajuju	
13.	Hon. Irungu Kang'ata	
14.	Hon. Johana Ngeno	
15.	Hon. John M. Waiganjo	



16.	Hon. John Njoroge	
17.	Hon. John Olago Aluoch	
18.	Hon. Kamoti W. Mwamkale	
19.	Hon. Mohamed Abdi Haji	
20.	Hon. Moses Cheboi	
21.	Hon. Njoroge Baiya	
22.	Hon. Paul K. Bii	
23.	Hon. Peter Kaluma	
24.	Hon. Robert Mutemi (Bishop)	
25.	Hon. Sammy Koech	
26.	Hon. T.J. Kajwang	
27.	Hon. Waihenya Ndirangu	
28.	Hon. William Cheptumo	


A. M. Wasike

For: The Clerk of the National Assembly



MINUTES OF THE 5TH SITTING OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS HELD ON THURSDAY, 12TH JANUARY 2017 AT 10.00 A.M. IN MINI CHAMBER, COUNTY, PARLIAMENT BUILDINGS

PRESENT

Hon. Samuel Chepkonga, M.P. - Chairperson
Hon. Ben Momanyi, M.P.
Hon. Boniface Otsiula, M.P.
Hon. Bitok Kirwa, M.P.
Hon. Charles Gimose, M.P.
Hon. David Ochieng, M.P.
Hon. Fatuma Ibrahim, M.P.
Hon. Kang'ata Irungu, M.P.
Hon. John Njoroge Chege, M.P.
Hon. Moses Cheboi, M.P.
Hon. Paul K. Bii, M.P.
Hon. Peter Kaluma, M.P.
Hon. Sammy Koech, M.P.
Hon. Ndirangu Waihenya, M.P.
Hon. Njoroge Baiya, M.P.
Hon. Dr. Christine Ombaka, M.P.
Hon. (Bishop) Robert Mutemi, M.P.

APOLOGY

Hon. Kamoti Mwamkale William, M.P.
Hon. Olago Aluoch, M.P.
Hon. Benson Mutura, M.P.
Hon. Florence Kajuju, M.P.
Hon. John M. Waiganjo, M.P.

ABSENT

Hon. Tom J. Kajwang', M.P.
Hon. Priscilla Nyokabi, M.P. - Vice Chairperson
Hon. Agostinho Neto, M.P.
Hon. Johana Ngeno, M.P.
Hon. Mohamed Abdi Haji, M.P.
Hon. William Cheptumo, M.P.

SECRETARIAT

Mr. Abenayo Wasike	-	Clerk Assistant I
Mr. Ahmed Salim	-	Clerk Assistant III
Ms. Mary Lemerelle	-	Clerk Assistant III
Ms. Mugure Gituto	-	Legal Counsel II
Mr. Joseph Muriuki	-	Audio Officer
Mr. Moses Kariuki	-	Sergeant-at-arm

MIN No. JLA.17/2017:-

PRELIMINARIES

The Chairperson called the meeting to order at 10:20 a.m.

The Chairperson offered a word of prayer. He informed members that the agenda of the meeting was as follows;

- i. Confirmation of previous minutes
- ii. Adoption of the Committee's Report on the approval hearing for appointment of Archbishop (Rtd) Dr.Eliud Wabukala Wamukekhe as Chairperson of EACC.
- iii. Adoption of the Committee's Report on the approval hearing for appointment of Mr.Wanyonyi Wafula Chebukati and six others as Chairperson and Members of IEBC.

MIN No. JLA.18/2017:-

ADOPTION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the 1st meeting held on 5th January, 2017 were proposed for adoption by Hon. Bitok Kirwa and seconded by Hon.Boniface Otsiula.

Minutes of the 2nd meeting held on 10th January, 2017 at 10.00 a.m. were proposed for adoption by Hon. Moses Cheboi and seconded by Hon.Benson Momanyi.

Minutes of the 3rd meeting held on 10th January, 2017 at 2.00 p.m were proposed for adoption by Hon. Charles Gimose and seconded by Hon.Sammy Koech.

Minutes of the 4th meeting held on 11th January, 2017 at 10.00 a.m were proposed for adoption by Hon. Paul Bii and seconded by Hon.Ndirangu Waihenya.

MIN.No. JLA.19/2017:-

**FINDINGS OF THE COMMITTEE ON THE
NOMINATION OF ARCH.(RTD) DR.ELIUD
WABUKALA WAMUKEKHE**

After conducting the approval hearings, the Committee made the following findings;

1. Archbishop (Rtd) Dr.Eliud Wabukala Wamukekhe has the requisite qualifications and experience in the domain of Ethics and Anti-Corruption.
2. Archbishop (Rtd) Dr.Eliud Wabukala Wamukekhe, according to the records and information availed to the Committee, has never been implicated in any issues that may lead to a conclusion of lack of integrity on his part.
3. The candidate exhibited impressive knowledge of topical issues including demonstrated understanding of administration and management principles required to address the challenges facing the EACC. The nominee exhibited a proper understanding of the mandate of EACC.
4. The objection to the appointment by John Mbugua (Rev) and three others lacked merit because the nominee properly exercised his religious duties.

MIN.No.JLA.20/2017:-

**ADOPTION OF THE REPORT ON APPOINTMENT
OF ARCH.(RTD) DR.ELIUD WABUKALA
WAMUKEKHE**

THAT Pursuant to the provisions of Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 216 (5) (f) of the National Assembly, the Committee recommends that;

The House approves the nomination of Archbishop (Rtd) Dr.Eliud Wabukala Wamukekhe for appointment by H.E the President as the Chairperson of Ethics and Anti-Corruption Commission.

The Report was proposed for adoption by Hon.Sammy Koech and seconded by Hon. (Bishop) Robert Mutemi.

The Report was adopted by majority of the members present.

FINDINGS OF THE COMMITTEE ON THE NOMINATION OF WANYONYI CHEBUKATI AS CHAIRPERSON OF IEBC AND MS. CONSOLATA NKATHA BUCHA MAINA, PROF. ABDI YAKUB GULIYE, DR. ROSELYNE KWAMBOKA AKOMBE, DR. PAUL KIBIWOTT KURGAT, MS. MARGARET WANJALA MWACHANYA AND MR. BOYA MOLU AS MEMBERS OF THE COMMISSION.

A. Mr. Wanyonyi Wafula Chebukati

After conducting the approval hearings, the Committee made the following findings;

5. Mr. Wanyonyi Wafula Chebukati has the requisite qualifications and experience which qualifies him for appointment to the position of Chairperson of IEBC.
6. Mr. Wanyonyi Wafula Chebukati according to the records and information availed to the Committee has never been implicated in any issues that may lead to a conclusion of lack of integrity on his part.
7. The candidate exhibited impressive knowledge of topical issues including demonstrated understanding of administration and management principles required to address the challenges facing the IEBC and its mandate. The nominee exhibited a proper understanding of the doctrine of separation of powers which requires the three branches of government to exercise their powers in a manner that respects their respective constitutional territories while upholding the rule of law and the principle of checks and balances.

B. Amb. Dr. Paul Kibiwott Kurgat, PhD

After conducting the approval hearings, the Committee made the following findings;

1. Amb. Dr. Paul Kibiwott Kurgat, PhD has the requisite qualifications and experience which qualifies him for appointment as a member of IEBC.
2. Dr. Paul Kibiwott Kurgat according to the records and information availed to the Committee has never been implicated in any issues that may lead to a conclusion of lack of integrity on his part.
3. The candidate exhibited impressive knowledge of topical issues including demonstrated understanding of administration and management principles required to address the challenges facing the IEBC. The nominee exhibited a proper understanding of the public service and the diversity and uniqueness of Kenyan cultures.

C. Mr. Boya Molu

After conducting the approval hearings, the Committee made the following findings;

1. Mr.Boya Molu has the requisite qualifications and experience in Human Resources Management which qualifies him for appointment as a member of IEBC.
2. Mr.Boya Molu according to the records and information availed to the Committee has never been implicated in any issues that may lead to a conclusion of lack of integrity on his part.
3. The candidate exhibited impressive knowledge of topical issues including demonstrated understanding of administration and management principles required to address the challenges facing the IEBC.
4. The nominee exhibited proper understanding of ICT, performance and appraisal activities in public service.

D. Prof.Abdi Guliye

After conducting the approval hearings, the Committee made the following findings;

1. Prof.Abdi Guliye has the requisite qualifications and experience which qualifies him for appointment as a member of IEBC.
2. Prof.Abdi Guliye according to the records and information availed to the Committee has never been implicated in any issues that may lead to a conclusion of lack of integrity on his part.
3. The candidate exhibited impressive knowledge in a wide range of issues including outstanding research skills, demonstrated understanding of leadership and management experience at local and international level.

E. Dr. Kwamboka Roselyn Akombe

After conducting the approval hearings, the Committee made the following findings;

1. Dr. Kwamboka Roselyn Akombe has the requisite qualifications and experience which qualifies her for appointment as a member of IEBC.
2. Dr. Kwamboka Roselyn Akombe according to the records and information availed to the Committee has never been implicated in any issues that may lead to a conclusion of lack of integrity on her part.
3. The nominee exhibited expert knowledge on management and challenges of conducting elections in different countries around the world.
4. Dr. Akombe has deep knowledge of electoral processes and political affairs gained as an adviser to the United Nations under- Secretary – General.

~~F. Ms. Margaret Wanjala Mwachanya~~

After conducting the approval hearings, the Committee made the following findings;

1. Ms. Margaret Wanjala Mwachanya has the requisite qualifications and experience which qualifies her for appointment as a member of IEBC.
2. Ms. Margaret Wanjala Mwachanya according to the records and information availed to the Committee has never been implicated in any issues that may lead to a conclusion of lack of integrity on his part.
3. Ms. Mwachanya exhibited a wealth of experience in Swahili language and will be a significant asset to the commission in terms of translation and public education on electoral matters.

Ms.Consolata Nkatha Bucha Maina

1. Ms.Consolata Nkatha Bucha Maina has the requisite qualifications and experience which qualifies her for appointment as a member of IEBC.
2. Ms.Consolata Nkatha Bucha Maina according to the records and information availed to the Committee has never been implicated in any issues that may lead to a conclusion of lack of integrity on her part.
3. The nominee exhibited experience in communication, public relations, and business management.

MIN.No. JLA.22/2017:-

**ADOPTION OF THE REPORT ON APPOINTMENT
OF WANYONYI CHEBUKATI AND SIX OTHERS
AS CHAIRPERSON AND MEMBERS OF IEBC**

THAT Pursuant to the provisions of the Public Appointments (Parliamentary Approval) Act, 2012, the IEBC Act and Standing Order 216 (5) (f) of the National Assembly, the Committee recommends that;

The House approves the nomination of the following for appointment by H.E as Chairperson and members of IEBC;

- | | | |
|---------------------------------------|---|-------------|
| 1. Mr. Wanyonyi Wafula Chebukati | - | Chairperson |
| 2. Amb. Dr. Paul Kibiwott Kurgat, PhD | - | Member |
| 3. Mr. Boya Molu | - | Member |
| 4. Prof.Abdi Guliye | - | Member |
| 5. Dr. Kwamboka Roselyn Akombe | - | Member |
| 6. Ms. Margaret Wanjala Mwachanya | - | Member |
| 7. Ms. Consolata Nkatha Bucha Maina | - | Member |

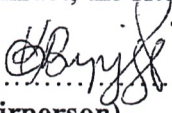
The Report was proposed for adoption by Hon.Moses Cheboi and seconded by Hon.Benson Momanyi.

The Report was adopted by majority of the members present.

MIN No. JLA.23/2017:-

ADJOURNMENT

There being no other business to transact, the sitting adjourned at 12.20 p.m.

Signed..... .....

Date..... 16 / 01 / 2017 (Chairperson).....





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MINUTES OF THE 4TH SITTING OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS HELD ON WEDNESDAY, 11TH JANUARY 2017 AT 10.00 A.M. IN MINI CHAMBER, COUNTY, PARLIAMENT BUILDINGS

PRESENT

- Hon. Samuel Chepkonga, M.P. - Chairperson
Hon. Ben Momanyi, M.P.
Hon. Benson Mutura, M.P.
Hon. Boniface Otsiula, M.P.
Hon. Bitok Kirwa, M.P.
Hon. Charles Gimose, M.P.
Hon. David Ochieng, M.P.
Hon. Fatuma Ibrahim, M.P.
Hon. Florence Kajuju, M.P.
Hon. Kang'ata Irungu, M.P.
Hon. John M. Waiganjo, M.P.
Hon. John Njoroge Chege, M.P.
Hon. Kamoti Mwamkale William, M.P.
Hon. Moses Cheboi, M.P.
Hon. Paul K. Bii, M.P.
Hon. Peter Kaluma, M.P.
Hon. Sammy Koech, M.P.
Hon. Tom J. Kajwang', M.P.
Hon. Ndirangu Waihenya, M.P.

APOLOGY

- Hon. Olago Aluoch, M.P.
Hon. Njoroge Baiya, M.P.

ABSENT

- Hon. Priscilla Nyokabi, M.P. - Vice Chairperson
Hon. Agostinho Neto, M.P.
Hon. Johana Ngeno, M.P.
Hon. Dr. Christine Ombaka, M.P.
Hon. Mohamed Abdi Haji, M.P.
Hon. (Bishop) Robert Mutemi, M.P.
Hon. William Cheptumo, M.P.

SECRETARIAT

Ms. Florence Abonyo	-	Director, Committee Services - KNA
Mr. Abenayo Wasike	-	Clerk Assistant I
Mr. Ahmed Salim	-	Clerk Assistant III
Ms. Mary Lemerelle	-	Clerk Assistant III
Ms. Mugure Gituto	-	Legal Counsel II
Mr. Joseph Muriuki	-	Audio Officer
Ms. Noelle Chelagat	-	Media Relations Officer
Mr. Moses Kariuki	-	Sergeant-at-arm

IN ATTENDANCE

Dr. Paul Kibiwott Kurgat	-	Nominee for Member of IEBC
Ms. Margaret Wanjala Mwachanya	-	Nominee for Member of IEBC
Prof. Abdi Yakub Guliye	-	Nominee for Member of IEBC

MIN No. JLA.11/2017:-

PRELIMINARIES

The Chairperson called the meeting to order at 10:00 a.m. The meeting was then opened with a word of prayer from the Chairperson.

MIN No. JLA.12/2017:-

APPROVAL HEARING ON NOMINATION OF DR. PAUL KIBIWOTT KURGAT AS A MEMBER OF THE INDEPENDENT ELECTORAL & BOUNDARIES COMMISSION

The nominee was welcomed into the room where a brief introduction was done and oath administered. Mr. Kurgat is a PhD holder in History. He is also a holder of Master of Arts Degree in International Relations, a Diploma in Peace Security and a Diploma in Conflict and Conflict Resolution.

Members interacted with the nominee on a number of issues. Mr. Kurgat gave an example of Russia where CCTV cameras are installed in all polling stations countrywide to monitor the elections and enhance transparency. He believes that this is an idea that can be introduced in Kenya as well.

The nominee also believes that as a way of curbing incitement by political aspirants, stringent laws should be introduced especially for contenders. For instance, law barring a candidate from contesting any political seat for ten years may act as serious deterrent to troublemakers.

When he was asked on the sufficiency of the current legal regime, the nominee responded by saying that there is always room for a few amendments and that it is upon the National Assembly to take the guiding role.

The nominee further stated that African cultural roots value women, contrary to the existing condition where women have less political space. He urged Kenyans to trace back the roots and understand that a woman role in political, economic and social affairs is of paramount importance

The nominee informed the Committee that all through his public service life and career, he struggled and worked hard on his own without receiving any favors from anybody in power.

On his final remark, the nominee requested the Committee to consider legislating on the use of braille in voting for the benefit of those who were blind. The Committee Chairperson thanked the nominee for such a noble request and promised to give serious consideration to the proposal.

MIN No. JLA.13/2017:-

**APPROVAL HEARING ON NOMINATION OF
MARGARET WANJALA MWACHANYA AS A
MEMBER OF THE INDEPENDENT ELECTORAL &
BOUNDARIES COMMISSION**

The nominee was welcomed into the room where a brief introduction was done and oath administered. Ms. Margaret is a holder of Masters of Arts Degree in Swahili Studies, from Nairobi University. She also did her Bachelor of Education Degree in Kiswahili and Social Education and Ethics from Catholic University of Eastern Africa. Ms. Margaret is a teacher by profession and since the year 2013, she has been working at Taita-Taveta County as a County Public Service Board Member chairing Human Resource, Selection and Recruitment, Training and Development Committee.

The nominee was asked to explain to the Committee what she would do to ensure that voter turnout from the Coastal region has improved. She accepted that it was a challenge and that given an opportunity she will vigorously embark on public awareness to ensure that the understanding on the importance of voting is well understood by the locals.

The nominee also stated that she will try to instill some more sense of trust in the Commission by fully involving all the stakeholders at all stages of the electoral process. She believed that even when there is an issue affecting the electoral system, it was important that the stakeholders, including voters, are made fully aware of the exact situation. She believes that open communication will contain emotions and reduce tensions in case of any eventuality.

MIN No. JLA.14/2017:-

**APPROVAL HEARING ON NOMINATION OF
PROF. ABDI YAKUB GULIYE AS A MEMBER OF
THE INDEPENDENT ELECTORAL &
BOUNDARIES COMMISSION**

The nominee was welcomed into the room where a brief introduction was done and oath administered. Prof. Guliye holds a PhD in Animal Nutrition and has since written a thesis on "Energy sources and amino acids in rumen fermentation". He also holds a Bachelor of Science Degree in Animal Production and a Diploma in Animal Husbandry.

The nominee was asked about his thoughts on the proposal that IEBC teams up with the registrar of persons to introduce a one-document use for all purposes. For instance, he was asked if Kenyans could automatically be registered as voters when registering for the national identity cards. The nominee stated that he does not believe in the idea of protecting one's turf for the sake of it, and that as a Commissioner, he will be willing to support the proposal even if it means letting go of the IEBC function to register voters, as long as the same will enhance the electoral process.

The nominee further stated that in some areas in Kenya, such as among the pastoral communities, people are buried immediately and without applying for death certificates. He said it may be important for the IEBC to partner with Chiefs and Sub-Chiefs so that there may be returns filed monthly with the list of those who passed and their details to enable the IEBC update their register as well.

When asked why the nominee would wish to leave the world of academia for a "thankless" job, the nominee said that it comes a time in life when one wishes to take up a more challenging task and particularly when it is in the service of the nation, it is worth. The nominee further stated every Kenyan should be allowed to register as a voter and vote anywhere they willingly choose, without any intimidation or restrictions.

MIN No. JLA.15/2017:-

COMMITTEE INTERNAL DELIBERATIONS

The Committee had an internal session to assess the performance of the nominees during the approval hearing. The Committee resolved to recommend that the National Assembly approves the nomination of Mr. Wanyonyi Wafula Chebukati as the Chairperson of the IEBC, Mr. Molu Boya as a Member of IEBC, Dr. Roselyn Akombe Kwamboka as a Member of IEBC, Mr. Paul Kibiwott Kurgat as a Member of IEBC, Ms. Margaret Wanjala Mwachanya as a Member of IEBC and Prof. Abdi Yakub Guliye as a Member of IEBC.

The Committee resolved to defer its decision on the approval of Ms. Consolata Bucha Maina as a Member of IEBC to the next meeting when the report will be adopted so that the Committee may confirm on the issue surrounding educational qualifications of the nominee considering that she had diplomas and Master degrees, but no bachelor degree. The Committee noted that in light of these circumstances, it would have been better if the the nominee produced a letter or certificate from the Commission on Higher Education on his educational certificates.

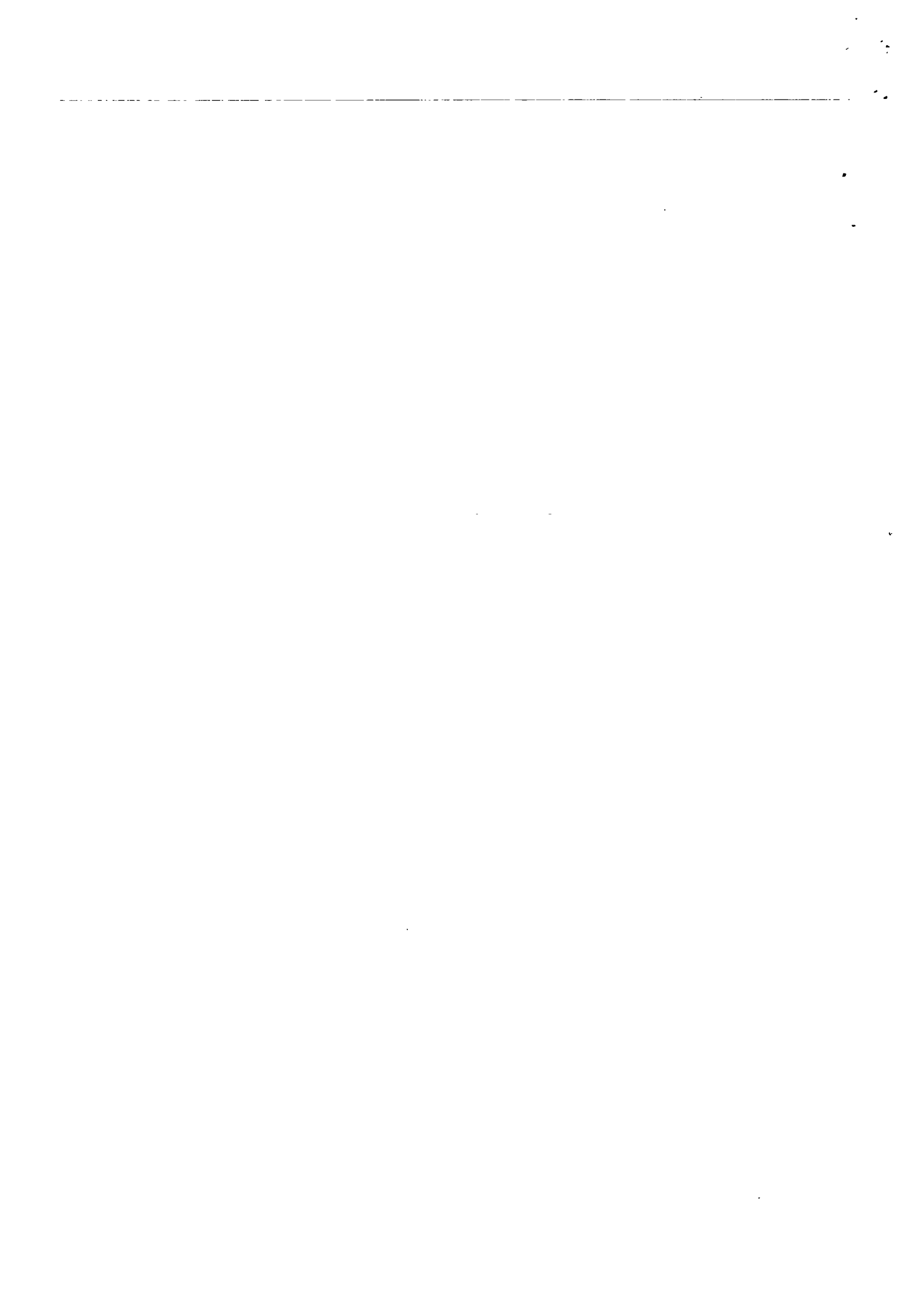
MIN No. JLA.16/2017:- **ADJOURNMENT**

There being no other business to transact, the sitting adjourned at two o'clock.

Signed.....

(Chairperson)

Date.....13/1/2017



3

MINUTES OF THE THIRD SITTING OF THE JUSTICE AND LEGAL AFFAIRS COMMITTEE ON THE APPROVAL HEARINGS OF NOMINEES TO THE INDEPENDENT ELECTORAL AND BOUNDARIES (IEBC) HELD ON TUESDAY, 10TH JANUARY, 2017 IN MINI HALL CHAMBERS COUNTY HALL, AT 2.00 P.M.

PRESENT

- | | |
|------------------------------------|---------------|
| 1. Hon. Samuel Chepkonga, MP | - Chairperson |
| 2. Hon. Agostinho Neto, MP | - Member |
| 3. Hon. Ben Momanyi Orori, MP | - Member |
| 4. Hon. Benson Mutura, MP | - Member |
| 5. Hon. Boniface Otsiula, MP | - Member |
| 6. Hon. Bitok Kirwa, MP | - Member |
| 7. Hon. Charles Gimose, MP | - Member |
| 8. Hon. (Dr.) Christine Ombaka, MP | - Member |
| 9. Hon. David Ochieng, MP | - Member |
| 10. Hon. Fatuma Ibrahim, MP | - Member |
| 11. Hon. Florence Kajuju, MP | - Member |
| 12. Hon. John M. Waiganjo, MP | - Member |
| 13. Hon. John Olago Aluoch | - Member |
| 14. Hon. Kamoti Mwamkale | - Member |
| 15. Hon. Njoroge Baiya | - Member |
| 16. Hon. Paul Bii | - Member |
| 17. Hon. Robert Mutemi (Bishop) | - Member |
| 18. Hon. Waihenya Ndirangu | - Member |

APOLOGY

- | | |
|------------------------------|--------------------|
| 1. Hon. Priscilla Nyokabi | - Vice Chairperson |
| 2. Hon. T.J. Kajwang, MP | - Member |
| 3. Hon. Moses Cheboi, MP | - Member |
| 4. Hon. William Cheptumo, MP | - Member |
| 5. Hon. Sammy Koech | - Member |
| 6. Hon. Peter Kaluma | - Member |
| 7. Hon. John Njoroge, MP | - Member |
| 8. Hon. Mohamed Abdi Haji | - Member |
| 9. Hon. Irungu Kang'ata, MP | - Member |
| 10. Hon. Johana Ng'eno, MP | - Member |

IN ATTENDANCE

- | | |
|--------------------------------|--------------------------------|
| 1. Mr. Abenayo Wasike | - Clerk Assistant I |
| 2. Ms. Florence Atenyo- Abonyo | - Director, Committee Services |
| 3. Mr. Ahmed Salim | - Clerk Assistant III |
| 4. Ms. Mary L Lemerelle | - Clerk Assistant III |
| 5. Ms. Noelle Chelagat | - Media Relations Officer |
| 6. Mr. Moses Kariuki | - Segeant @arms |
| 7. Mr. Stanley Lagat | - Segeant @arms |

IN ATTENDANCE

1. Mr. Boya Molu

- Nominee-Chairperson IEBC

2. Ms. (Dr.) Rosalyn Kwamboka Akumbi

- Nominee-Member IEBC

MIN.NO.JLA.08/2017

PRELIMINARIES

The meeting was called to order at 2.10 p.m. and commenced with a word of prayer from Chairperson, Hon. Samuel Chepkonga, MP.

MIN.NO. JLA09/2017

APPROVAL HEARINGS

During the afternoon session, the members were taken through the hearings of two nominees;

1. Mr. Boya Molu

Questions/concerns raised by the Committee

Members were concerned as to why the nominee would leave the Judiciary for Independent Electoral and Boundaries Commission to which the nominee responded to have had passion to serve the country in another level –to contribute in to the country's future in elections.

The Committee inquired the experience the nominee would bring to the Commission once he was approved and in his response he stated that he was already serving in the management level and so he had gained enough experience and exposure to carry out a role of a commissioner and that;

- a. He will boost the commission in training its staff which according to him was one of the challenge –that commission lack training
- b. He will provide oversight on policy formulation and strategies-and that one time he appeared before the Justice and Legal Affairs Committee to defend Judiciary budget.
- c. He will employ all the legislative framework to help in credibility
- d. He will engage stakeholders in the election process, the media and the public

On party registers he stated that indicated that the office of the registrar of political parties should be left with the mandate to conduct party primaries.

The nominee also indicated that there was a need to put the commission's employees on contract thus giving each staff a target to register a certain number of people.

He further stated there is need to integrate systems to merge the issuance of national identification cards and voter registration.

On partisan conduct, he stated that;

- a. He is and will maintain fairness and non-partisan approach in election management.
- b. He is not a judge and thus has no capacity to influence the Judiciary in case of any dispute resolution need by or against IEBC
- c. He had withdrawn from appearing at PSC for interview for a Parliamentary job that he had applied for before the IEBC commission job.

On whether he supports Vetting of staff at IEBC

- d. The nominee opined that this will be determined based on the need assessment to be conducted once in office and thus cannot take a position on the issue.

2. Dr. Roselyne Kwamboka Akembo

Introductions were done by the Committee Members, and oath was administered to the nominee followed by his presentation on background information.

Members raised concern as to why the nominee would leave a high paying job at the United Nations for a salary cut at the Independent Electoral and Boundaries Commission to which the nominee responded that she needed added experience to work in the National Service. The nominee informed the Committee that she was a senior elections officer in Burundi for one year in which she recommended in May, 2015 that the environment of the elections were not free, fair and credible elections.

The nominee was asked what she would bring to the commission once she was approved. In her response, she indicated that she would offer;

- a. Technical expertise on elections
- b. Political tactic-international community participation
- c. Management experience-familiar with budgetary funding process
- d. Integrity-nonpartisan, and a fair arbiter

A concern was raised on what mechanisms the nominee would carry out to ensure that every Kenyan would be registered as a voter to which she responded that;

She will conduct voter education, civic education and use forums on social media to reach the youth, and all Kenyans to get to know their right to vote.

The Committee inquired the nominee's opinion on the challenges facing the commission which she stated;

- a. Lack of staff training as the biggest challenge in the Commission,
- b. Lack of communication on clear roles,
- c. Lack of stakeholder involvement.

She would incorporate the three to create a conducive environment to conduct free, fair and credible elections.

MIN.NO. JLA.10/1/2017 ADJOURNMENT AND DATE OF NEXT MEETING

The meeting was adjourned at 4.30 p.m. until the next day on 11th January, 2017 at 10.00 a.m.

Signed.....


HON.SAMUEL CHEPKONGA, MP
CO-CHAIRMAN


Date.....13/1/2017.....

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MINUTES OF THE SECOND SITTING OF THE JUSTICE AND LEGAL AFFAIRS COMMITTEE ON THE APPROVAL HEARINGS OF NOMINEES TO THE INDEPENDENT ELECTORAL AND BOUNDARIES (IEBC) HELD ON TUESDAY, 10TH JANUARY, 2017 IN MINI HALL CHAMBERS COUNTY HALL, AT 10.00 A.M.

PRESENT

- | | |
|------------------------------------|---------------|
| 1. Hon. Samuel Chepkonga, MP | - Chairperson |
| 2. Hon. Agostinho Neto, MP | - Member |
| 3. Hon. Ben Momanyi Orori, MP | - Member |
| 4. Hon. Benson Mutura, MP | - Member |
| 5. Hon. Boniface Otsiula, MP | - Member |
| 6. Hon. Bitok Kirwa, MP | - Member |
| 7. Hon. Charles Gimose, MP | - Member |
| 8. Hon. (Dr.) Christine Ombaka, MP | - Member |
| 9. Hon. David Ochieng, MP | - Member |
| 10. Hon. Fatuma Ibrahim, MP | - Member |
| 11. Hon. Florence Kajuju, MP | - Member |
| 12. Hon. John M. Waiganjo, MP | - Member |
| 13. Hon. John Olago Aluoch | - Member |
| 14. Hon. Kamoti Mwamkale | - Member |
| 15. Hon. Njoroge Baiya | - Member |
| 16. Hon. Paul Bii | - Member |
| 17. Hon. Robert Mutemi (Bishop) | - Member |
| 18. Hon. Waihenya Ndirangu | - Member |
| 19. Hon. Moses Cheboi, MP | - Member |
| 20. Hon. Sammy Koech | - Member |
| 21. Hon. John Njoroge, MP | - Member |
| 22. Hon. Bitok Kirwa, MP | - Member |
| 23. Hon. Irungu Kang'ata, MP | - Member |
| 24. Hon. Mohamed Abdi Haji | - Member |
| 25. Hon. Johana Ng'eno, MP | - Member |

APOLOGY

- | | |
|------------------------------|--------------------|
| 1. Hon. Priscilla Nyokabi | - Vice Chairperson |
| 2. Hon. William Cheptumo, MP | - Member |
| 3. Hon. T.J. Kajwang, MP | - Member |
| 4. Hon. Peter Kaluma | - Member |

SECRETARIAT

- | | |
|--------------------------------|--------------------------------|
| 1. Mr. Abenayo Wasike | - Clerk Assistant I |
| 2. Ms. Florence Atenyo- Abonyo | - Director, Committee Services |
| 3. Mr. Ahmed Salim | - Clerk Assistant III |
| 4. Ms. Mary L Lemerelle | - Clerk Assistant III |

5. Ms. Noelle Chelagat
6. Mr. Moses Kariuki
7. Mr. Stanley Lagat

- Media Relations Officer
- S.A.A
- S.A.A

IN ATTENDANCE

1. Mr. Wanyonyi Wafula Chebukati - Nominee-Chairperson IEBC
2. Ms. Consolata Nkatha Bucha Maina - Nominee- Member IEBC

MIN.NO.JLA.05/2017 PRELIMINARIES

The meeting was called to order at 10.20 a.m. and commenced with a word of prayer from, Hon. Robert Mutemi (Bishop), MP.

MIN No. JLA.06/2017:- APPROVAL HEARINGS OF THE NOMINEES TO THE INDEPENDENT ELECTIONS AND BOUNDARIES COMMISSION

1. Mr. Wanyonyi Wafula Chebukati as a Chairperson of IEBC

Introductions were done by the Committee, and oath was administered to the nominee followed by the disclosure of background information by the nominee.

Questions raised by the Committee members to the nominee

A concern was raised why the nominee had not applied for the position for the first time of which he stated that he had to first of all consult with his family and a law of firm where he partners with 9 other persons hence in the second advertisement he had already made up his mind on the matter.

The Committee inquired the legitimate reason for the nominee on the position of the Chairperson and what he would do differently. In his response, the nominee indicated that in the immediate short term of seven (7) months;

- i. He will lead the team to elections as a transformational leader; to offer guidance; ensure to work as a team and any communication will be made by the commission through the chairperson.
- ii. He will carry out the voter exercise and get the voter register cleaned up to ensure it's not tampered with.
- iii. He will facilitate the purchase of voter election materials and put proper tests to ensure they are secure from hacking and run through simulation tests on dummy data to ensure systems are operational.
- iv. He will involve the people of Kenya, all stakeholders and create social media platform to ensure access across the country.

- v. He will ensure that the staff are trained on how to operate on the electronic tools and ensure there will be no conflict of interest.

On greatest weakness in the Commission, he stated that;

Mistrust and integrity area key areas which the commission must work hard to build.

On experience he stated that;

- i. He has held in the past in the management of the law firm and being in charge of Nairobi office, and various golf clubs.
- ii. He was able to manage the board and run meetings efficiently in corporate governance.
- iii. He has experience on elections in 2007 when he vied and lost a parliamentary seat in Saboti Constituency, and that his law firm has successfully handled elections petitions.

On mechanisms he would deploy to ensure that the high susceptible areas are kept on watch and in his response he said that he would carry out mapping of those hot spots and prepare in good time ahead of the 2017 elections

On partisan conduct, he stated that;

- a. He will maintain fairness and non-partisan approach in election management despite having been a candidate in 2007 on an ODM ticket in Saboti Constituency.
- b. He is not a member of any political party as he had returned his life membership certificate back to ODM
- c. That it is normal for one to contest an election and loose.

Recent amendments to Election Laws;

- a. It is the responsibility of Parliament to make laws and state agencies to implement the same.
- b. The law must be followed by implementing agencies and that is what the rule of law is all about.
- c. Recent amendments provided for a backup as last resort and not first priority and they will strive to have the EVID technology working.

How to handle difficult moments during elections, fairness to all competitors and avoiding reckless statements by commissioners;

- a. The chairperson is fully responsible in spearheading the commission and will work with commissioners as a team.
- b. There will be no room for reckless comments that can rock the boat.
- c. Voter identification is very key in ensuring free and fair elections and that is why the commission will work to ensure EVID is effective.

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- d. He will be responsible when making statements because as chairperson his pronouncements will be taken seriously.

Relationship with Mr. Philip Kinisu following Investigations;

- a. His relationship with Mr. Kinisu is professional- advocate/client and he has a constitutional right to be represented by an advocate of his choice.
- b. He had not received any money from NYS and he doesn't know the source of the money his client used to settle his legal fees.

Whether he lobbied for appointment;

- a. He did not lobby at all and that he doesn't know how he scored in the interviews
- b. His law firm is financially stable with corporate clients and therefore he is not a job seeker but rather interested to serve his country at the helm of the electoral body.

Chairing the Likoni Clashes committee;

- a. He was mandated by the LSK in 1997 as a council member from Mombasa to lead the inquiry into the Likoni clashes of 1997.
- b. Clashes are normally perception related and they arise out of certain fears.
- c. He hopes and prays that he will manage a process that will not precipitate clashes in Kenya.

Breaches of the Law by Election officials;

- a. The law is clear on election offences and the commission will enforce the Election Offences Act as passed by Parliament.
- b. He will address conflict of interest on issues where the secretariat may be involved in business with the commission.

On poll losers;

The Election Laws provides for avenues to address grievances and noted that it was not criminal to lose an election.

In the matter involving Salima Enterprises Limited and Nairobi City County;

- a. He was instructed to represent the Nairobi County, the defendant in the case.
- b. He has not received any complaint from his client- the Nairobi County.

- c. The ruling by Justice Gitumbi indicated that counsel for the Defendants, Cootow & Co. Advocates, were frustrated by the failure of the Defendant to give them instructions on how to defend the suit.
- d. The nominee tabled the ruling by Justice Gitumbi exonerating his law firm from any blame whatsoever.
- e. Throughout his professional career, there has never been any complaint by his clients whether directly or indirectly.

On his links with ODM;

- a. He resigned recently from ODM as formality as he had not been active in politics in the last 10 years neither had he been in party leadership nor participated in its activities.
- b. He stated that the last time he met Hon. Raila Odinga was in 2007 in the company of members of the Summit during his parliamentary campaigns and has never been in touch or met him since then.

Relationship with Mr. Ezra Chiloba-Chief Executive officer/Secretary of IEBC;

- a. He doesn't know Mr. Chiloba personally although they come from the same County.
- b. Whereas he comes from Kiminini Constituency, Mr. Chiloba is from Kwanza Constituency.
- c. The CEO was recruited competitively in a competitive process and there is no possibility of a conflict of interest.

The nominee was informed that the Committee had received a Statutory Declaration from **Mr. Muchai Lumatete Walubengo**, advocate of the High Court of Kenya and **Mr. Benjamin Njoroge**, Chairman-Mombasa Law Society in support of his nomination.

2. Ms. Consolata Nkatha Bucha Maina as a member of IEBC

On self-introduction, she stated that;

- a. She was born in Meru County on 21st December, 1960, attended primary and secondary education in Meru and Nairobi, Master of Business Administration (MBA), RMIT, Melbourne, Australia, Master of Science in Public Relations (MSc), Stirling University Scotland, UK, Diploma in Public Relations, LCCI, London, UK and Diploma in Business Studies, LCCI, London, UK.

- b. She has worked in various institutions in Kenya and Australia and she came back two months ago to serve the country.
- c. She has supported many projects to help people especially women who suffered in fistula condition whereas over six hundred women were given free surgeries.

Questions raised by the Committee members to the nominee

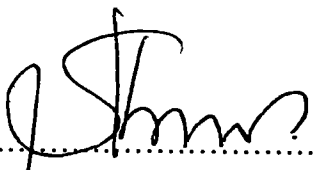
The Committee was concerned as to what the nominee would do differently if she was approved to which she indicated that as a communicator who has built images and brands can work on a program that can build trust in the commission. The nominee also indicated that her vision to work for the commission was to build a robust communication strategy to create a credible commission

The members were concerned about her education background whereby she acquired two Master's Degree and two Diplomas but has no Bachelor's degree. The committee further inquired what relevant skills she would bring to the commission if approved. In her response, the nominee indicated that she had experience in institutional development and has managed departments and she got a capacity of director general in the National Museums of Kenya, and also a director in strategy planning.

The nominee further informed the Committee that in her experience in the Kenya Wildlife Service and National Museums of Kenya, she has developed a number of strategy policies that has helped her gained enough institutional capacity to discharge the mandate of IEBC to formulate policies and oversight.

MIN No.JLA.07/2017:- ADJOURNMENT AND DATE OF NEXT MEETING

The meeting adjourned at thirty five minutes past four O'clock until in the afternoon at 2.00 p.m

Signed.....

Date.....13/1/2012
(Chairperson)

MINUTES OF THE 1ST SITTING OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS HELD ON THURSDAY, 5TH JANUARY 2017 AT 9.30 A.M. IN MINI CHAMBER, COUNTY, PARLIAMENT BUILDINGS

PRESENT

Hon. Samuel Chepkonga, M.P. - Chairperson
Hon. Ben Momanyi, M.P.
Hon. Benson Mutura, M.P.
Hon. Boniface Otsiula, M.P.
Hon. Bitok Kirwa, M.P.
Hon. Dr. Christine Ombaka, M.P.
Hon. David Ochieng, M.P.
Hon. Florence Kajuju, M.P.
Hon. Kang'ata Irungu, M.P.
Hon. Johana Ngeno, M.P.
Hon. John M. Waiganjo, M.P.
Hon. John Njoroge Chege, M.P.
Hon. Kamoti Mwamkale William, M.P.
Hon. Moses Cheboi, M.P.
Hon. Njoroge Baiya, M.P.
Hon. Peter Kaluma, M.P.
Hon. (Bishop) Robert Mutemi, M.P.
Hon. Sammy Koech, M.P.
Hon. Tom J. Kajwang', M.P.
Hon. Ndirangu Waihenya, M.P.
Hon. William Cheptumo, M.P.

APOLOGY

Hon. Fatuma Ibrahim, M.P.
Hon. Olago Aluoch, M.P.

ABSENT

Hon. Priscilla Nyokabi, M.P. - Vice Chairperson
Hon. Agostinho Neto, M.P.
Hon. Charles Gimose, M.P.
Hon. Mohamed Abdi Haji, M.P.
Hon. Paul K. Bii, M.P.

SECRETARIAT

Ms. Florence Abonyo	-	Director, Committee Services - KNA
Mr. Abenayo Wasike	-	Clerk Assistant I
Mr. Ahmed Salim	-	Clerk Assistant III
Ms. Mary Lemerelle	-	Clerk Assistant III
Ms. Mugure Gituto	-	Legal Counsel II
Mr. Stephen Nyakuti	-	Audio Officer
Ms. Noelle Chelagat	-	Media Relations Officer
Mr. Moses Kariuki	-	Sergeant-at-arm

IN ATTENDANCE

Archbishop Dr. Eliud Wabukala	-	Nominee for EACC chairperson
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MIN No. JLA.01/2017:-

PRELIMINARIES

The Chairperson called the meeting to order at 9:45 a.m. The meeting was opened with a word of prayer by the Chairperson.

MIN No. JLA.02/2017:-

APPROVAL HEARING OF DR. ELIUD WABUKALA AS THE CHAIRPERSON OF ETHICS & ANTI- CORRUPTION COMMISSION

The Committee held a brief discussion on the approval hearing and resolved that Members will be brief in questioning to ensure that all Members get an opportunity to interact with the nominee.

The nominee was invited in the approval hearing session and introductions were made before commencement of the session.

The nominee informed members that;

1. He will work hard stabilize the EACC secretariat as a way of rebuilding trust in the Commission.
2. He would reach out to other groups of professionals, politicians, civil society and all Kenyans in his efforts to rescuing the country from corruption.
3. He was well positioned to lead the fight against corruption following his experience as chair of the NACCSC.

4. He has in his religious duties used the pulpit at the All Saints Cathedral and other places of worship to speak against the vice.

The nominee responded to members questions as follows;

On his vision and leadership of EACC;

He stated that;

- a. He will strive to build public trust and confidence in the institution as that is the foundation of its success.
- b. He will draw experience from his religious background where he left his church in a strong and stable position.
- c. He will work closely with the secretariat and create a conducive environment for the commission to implement its policies.
- d. He will recognize and appreciate the good in each and every person he works with.
- e. Kenyans are aware of anti-corruption and will help to translate it into action.
- f. Having consultations on a regular basis with stakeholders will be key in execution of his mandate.
- g. He was at the forefront to discourage fundraising in church by politicians and stopped receiving donations.

Religious views and Punishment

- a. As a Christian, the Bible says government must punish evil. He is ready to serve in government to help punish evil because government has divine responsibility to inflict punishment on corrupt people.
- b. We should not kill offenders but rather enforce the constitution of Kenya 2010.

His experience and achievements as Chairperson of the National Anti-Corruption Campaign Steering Committee (NACCSC)

The nominee informed members that;

- A large segment of the Kenyan society is aware of anti-corruption initiatives as spearheaded through his public awareness campaigns.
- He established an aggressive media campaign to educate the public on matters of
- The steering committee is given limited budget but commitment has always been there.
- At independence in 1963 there was a lot of optimism in the future of this country.
- The task ahead of him needs collective responsibility of all groups such as the media, parliament, religious groups and the civil society.

On objections by John Mbugua (Rev) and three others, the nominee stated that;

- The mandate of the NACCSC is limited to public education and his team has done its best with a limited budget.
- Churches have structures and guidelines which they follow in matters such as marriages/weddings and burials among others.

On Challenges he stated that politics i.e. different persuasions, tribalism and poverty among others have undermined the war on corruption in this country.

On his independence, and strategy, the nominee informed members that;

- He is his own man. He will not entertain interference and will apply the law and regulations to realize the commission's mandate.
- He was influenced by his sense of patriotism to apply for the position.
- He will seek partnerships with all stakeholders to be on board.
- With proper direction he thinks the EACC Secretariat should be able to reach a large segment of the society.
- Because of his interest he believes he has the energy and with support of parliament and other institutions he shall succeed.
- He cannot put timelines on what he can deliver in his first 100 days in office.
- He has no interest in government on matters such as procurement of services or tenders.
- Speedy investigations of cases involving grabbed land will be considered on merit as the commission receives complaints.

The nominee defended his tenure as the chairperson of the National Steering Committee for the Fight against Corruption for 12 years, saying they worked with a shoe-string budget despite the committee's wide mandate of public awareness creation and education on matters corruption.

In his final submissions, the nominee asked for cooperation from all agencies, including Members of Parliament and Kenyans in general, saying such cooperation was required especially in dealing with the powerful cartels.

The Chairperson of the Committee thanked the nominee for his attendance and wished him well as the Committee considers his nomination.