



**REPUBLIC OF KENYA**

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**KENYA NATIONAL ASSEMBLY**

**TENTH PARLIAMENT – THIRD SESSION, 2009**

**THE REPORT OF  
THE PARLIAMENTARY SELECT COMMITTEE  
ON  
THE REVIEW OF THE CONSTITUTION**

**ON  
THE NOMINATION OF THE CHAIRMAN AND  
MEMBERS OF THE INTERIM INDEPENDENT  
BOUNDARIES REVIEW COMMISSION**

**APRIL 2009**

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## PREFACE

Mr. Speaker, Sir,

The Interim Independent Boundaries Review Commission (IIBRC) is established pursuant to the provisions of Section 41B of the Constitution. The establishment of IIBRC is part of the wider constitutional and electoral reforms being undertaken towards addressing critical underlying issues that led to the post-election conflict in the country following the disputed elections of 27 December 2007. The issues behind the political crisis were considered in greater detail under Agenda Item 4 by the National Dialogue and Reconciliation Committee that was formed to spearhead mediation talks after the post-election violence.

The need to complete the comprehensive review of the Constitution was identified as critical in the pursuit of seeking long-lasting solutions to the problems and historical injustices that are responsible for the periodic violence in Kenya. Earlier in 2005, the constitutional review process stalled after the November 2005 referendum.

To crystallize efforts towards reviewing the Constitution, the Coalition Government formulated and enacted two Bills, the Constitution of Kenya Review Act (No. 9 of 2008) and the Constitution of Kenya (Amendment) Act (No. 10 of 2008). The Constitution of Kenya Review Act provides for the establishment of the Parliamentary Select Committee on the Review of the Constitution as one of the organs of the review process. The Constitution of Kenya (Amendment) Act (No. 10 of 2008) provided for the establishment of the IIBRC.

The Parliamentary Select Committee on the Review of the Constitution is established pursuant to the provisions of Section 7 of the Constitution of Kenya Review Act (2008) and section 123 of the Constitution. The Parliamentary Select Committee was appointed through a resolution of the House, on Wednesday, 17 December 2008. The Committee consists of the following twenty seven (27) members-

The Hon. Mohammed Abdikadir, M.P. (Chairperson)  
The Hon. Ababu Namwamba, M.P. (Vice-Chairperson)  
The Hon. Martha Karua, M.P.  
The Hon. Uhuru Kenyatta, M.P.  
The Hon. Mutula Kilonzo, M.P.

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The Hon. David Musila, M.P.  
The Hon. Moses Wetangula, M.P.  
The Hon. Danson Mungatana, M.P.  
The Hon. Wilfred Moriasi Ombui, M.P.  
The Hon. Kambi Kazungu, M.P.  
The Hon. Amina Abdallah, M.P.  
The Hon. Peter Munya, M.P.  
The Hon. Mwangi Kiunjuri, M.P.  
The Hon. Jeremiah Kioni, M.P.  
The Hon. Ekwee Ethuro, M.P.  
The Hon. Isaac Ruto, M.P.  
The Hon. Musalia Mudavadi, M.P.  
The Hon. Chachu Ganya, M.P.  
The Hon. Najib Balala, M.P.  
The Hon. Omingo Magara, M.P.  
The Hon. Sally Kosgei, M.P.  
The Hon. William Samoei Ruto, M.P.  
The Hon. James Orengo, M.P.  
The Hon. Millie Odhiambo, M.P.  
The Hon. Sophia Abdi, M.P.  
The Hon. Joseph Nkaisser, M.P.  
The Hon. Charity Ngilu, M.P.

Part of the functions of the Parliamentary Select Committee is to nominate qualified persons to the four bodies to deal with the constitutional review process, namely, the Committee of Experts, the IIEC, the IIBRC and the IICDRC.

Mr. Speaker Sir, the report of the Committee on the nomination of members of the Committee of Experts was discussed and approved by the House on Tuesday, 10 February 2009. The Members of the Committee of Experts were sworn-in on Monday, 2 March 2009 and have commenced work. The report of the Committee relating to the nomination of individuals to the IIEC was tabled in the House on Wednesday, 22 April 2009, and the Motion for its adoption is before the House.

Pursuant to the provisions of section 41B the Parliamentary Select Committee advertised for applications for the positions of the Chairperson and members of the IIBRC which were published in the daily newspapers on Friday, 9 January 2009 and on Wednesday, 14 January 2009. The closing date of the applications was Friday, 30 January 2009.

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April 2009*



One hundred and six (106) applications for the position of Chairperson and one thousand and thirty four (1034) applications for the positions of members of the IIBRC were received. With the assistance of a human resource firm, M/S Manpower Services (K) Ltd, the Committee processed all the applications received.

After consideration of the candidates, the Committee nominated the Chairperson from a shortlist of twenty one (21) candidates interviewed for the position of the Chairperson and nominated eight (8) members from a shortlist of fifty (50) candidates interviewed for the positions of members. The decision to nominate the Chair and the Members of the IIBRC was arrived at by consensus.

The Committee therefore recommends the following nominees for the positions of the Chairperson and Members of the IIBRC-

- |                                |               |
|--------------------------------|---------------|
| 1. Mr. Andrew Ndooli Ligale    | - Chairperson |
| 2. Ms. Jedidah Ntoyai          | - Member      |
| 3. Ms. Irene Cherop Masit      | - Member      |
| 4. Mr. Mwenda Makathimo        | - Member      |
| 5. Mr. Joseph Kaguthi          | - Member      |
| 6. Dr. John Nkinyangi          | - Member      |
| 7. Mr. Murshid Abdalla Mohamed | - Member      |
| 8. Eng. Abdulahi Sharawe       | - Member      |
| 9. Ms. Rozaah Akinyi Buyu      | - Member      |

Mr. Speaker Sir, let me take this opportunity to thank the Members of the Select Committee for their patience, sacrifice, endurance and hard work despite their other commitments and tight schedules. They worked tirelessly and sat for long hours in their endeavor to complete the tasks necessary for the production of this report.

The Parliamentary Select Committee wishes to sincerely thank the offices of the Speaker and the Clerk of the National Assembly for the necessary support and co-operation that have enabled it to execute its mandate and functions efficiently and to produce this report.

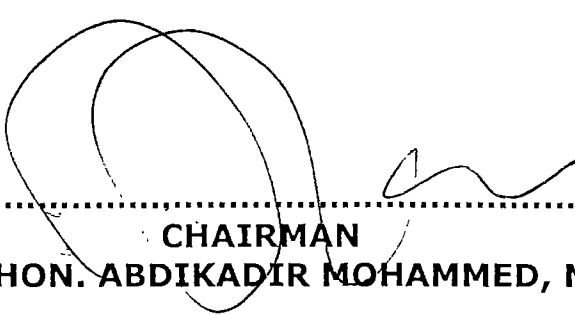
On behalf of the Committee, I sincerely thank the Manpower Services (K) Ltd for the expertise which enabled the Committee to work efficiently in

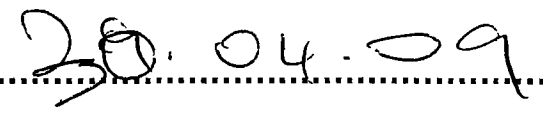
processing the applications. The assistance given by the human resource firm contributed immensely to the timely production of this report.

Mr. Speaker, Sir, on behalf of the Parliamentary Select Committee, I now have the honour and pleasure to present this Report on the nomination of the Chairperson and Members of the Interim Independent Boundaries Review Commission. I request the House to consider and adopt the report.

Thank You.

Signed .....

  
**CHAIRMAN**  
**(HON. ABDIKADIR MOHAMMED, MP)**

Date: .....  .....

## 1.0 INTRODUCTION

1. The National Dialogue and Reconciliation Committee that was formed to spearhead mediation talks after the political settlement that culminated in the signing of a peace deal in Kenya identified as critical the need to complete the comprehensive review of the Constitution to address underlying issues and historical injustices behind the post-election conflict in early 2008. The post-election crisis was sparked off by the elections of December 2007 and the dispute that followed after the announcement of the presidential poll results.
2. The completion of the constitutional review process that stalled in 2005 was underscored under Agenda Four of the National Dialogue and Reconciliation Committee. Subsequently, the Grand Coalition government formulated and enacted two Bills, namely, the Constitution of Kenya Review Act (No. 9 of 2008) and the Constitution of Kenya (Amendment) Act (No. 10 of 2008).
3. The Parliamentary Select Committee is established pursuant to the provisions of section 7 of the Constitution of Kenya Review Act (2008) and section 123 of the Constitution. Section 7 of the Review Act states as follows-

***1) The National Assembly shall establish, in accordance with its Standing Orders, a Select Committee to be known as the Parliamentary Select Committee on the Review of the Constitution (hereinafter referred to as the "Parliamentary Select Committee") consisting of twenty seven Members, to assist the National Assembly in the discharge of its functions under this Act.***

***2) In constituting the Parliamentary Select Committee, the National Assembly shall ensure regional and gender balance in the composition of the Committee.***

Section 123 of the Constitution provides as follows-

***"Parliamentary Select Committee" means the Parliamentary Select Committee on the Review of the Constitution".***

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April 2009*

4. The establishment of the Parliamentary Select Committee is a milestone in providing leadership in efforts to achieve a new constitutional dispensation. Sections 5 and 6 of the Review Act recognize the central role of the Parliamentary Select Committee in the review process.
5. Under section 5 of the Review Act, the Parliamentary Select Committee is identified as one of ***'the organs through which review of the Constitution shall be completed'***.

Section 6 of the Review Act provides as follows-

***'In the exercise of the powers or the performance of the functions conferred by this Act, the organs specified in section 4 shall-***

***a) ensure that the national interest prevails over regional or sectoral interests;***

***b) be accountable to the people of Kenya;***

***c) ensure that the review process accommodates the diversity of the people of Kenya including socio-economic status, race, ethnicity, gender, religious faith, age, occupation, learning, persons with disabilities and the disadvantaged;***

***d) ensure that the review process-***

***(i) provides the people of Kenya with an opportunity to actively, freely and meaningfully participate in generating and debating proposals to review and replace the constitution;***

***(ii) is guided by the principle of stewardship and responsible management;***

***(iii) is, subject to this Act, conducted in an open manner, and***



*(iv) is guided by respect for the principles of human rights, equality, affirmative action, gender equity and democracy;*

*e) ensure that the outcome of the review process faithfully reflects the wishes of the people of Kenya.*

## **2.0 THE MANDATE AND FUNCTIONS OF THE PARLIAMENTARY SELECT COMMITTEE ON THE REVIEW OF THE CONSTITUTION**

6. The mandate and functions of the Parliamentary Select Committee are provided under various sections of the Review Act (No. 9 of 2008) and the Constitution of Kenya (Amendment) Act (No. 10 of 2008).

7. The provisions stipulated in the Constitution of Kenya Review Act (2008) include the following-

*i. Section 7(1): ..... to assist the National Assembly in the discharge of its functions under this Act.*

*ii. Section 8(4): The Committee of Experts shall comprise of nine persons nominated by the National Assembly and appointed by the President, of whom-*

*a) three shall be non-citizens nominated by the National Assembly from a list of five names submitted to the Parliamentary Select Committee by the Panel of Eminent African Personalities in consultation with the National Dialogue and Reconciliation Committee; and*

*b) six shall be citizens of Kenya nominated by the National Assembly in accordance with the procedure prescribed in the First Schedule.*

*iii. Section 8(7): The Parliamentary Select Committee shall ensure regional and gender balance in the persons recommended for appointment as members of the Committee of Experts.*

- iv. Section 9(1): The Panel of Eminent African Personalities in consultation with the National Dialogue and Reconciliation Committee shall, within fourteen days of the commencement of this Act, submit the names of five nominees to the Parliamentary Select Committee, for onward transmission to the National Assembly.**
- v. Section 9(2): The Parliamentary Select Committee shall rank and provide comments regarding each of the nominees under sub-section (1) to the National Assembly.**
- vi. Section 9(3): The National Assembly shall, upon receipt of the recommendations of the Parliamentary Select Committee under subsection (2), nominate three persons for appointment as members of the Committee of Experts and shall submit the list of nominees to the Minister.**
- vii. Section 14 (4): The Minister shall, within seven days of receipt of the application, forward the application to the Parliamentary Select Committee to inquire into the matter.**
- viii. Section 14(5): The Parliamentary Select Committee shall inquire into the matter and make recommendations to the President as to whether or not the chairperson or the Member of the Committee of Experts ought to be removed from office.**
- ix. Section 14(6): In undertaking the inquiry under subsection 5, the Parliamentary Select Committee shall afford the concerned person an opportunity to be heard.**
- x. Section 17(1): There shall be a Director of the Committee of Experts who shall be appointed by the Parliamentary Select Committee on such terms and conditions of service as the Parliamentary Select Committee may, in consultation with the Minister, determine.**
- xi. Section 32(1) (c): The Committee of Experts shall within twenty one days of the expiry of the period provided for in paragraph (a) (i), present the draft Constitution and the**

**report to the Parliamentary Select Committee for deliberation and consensus building on the contentious issues on the basis of the recommendations of the Committee of Experts.**

- xii. Section 33(3): The Parliamentary Select Committee shall, within seven days of receipt of the report and the draft constitution under sub section (2), table the report and draft constitution before the National Assembly.**
- xiii. Section 33(6): If the National Assembly fails to approve the draft Constitution in accordance with subsections (4) and (5), a joint meeting between the Parliamentary Select Committee and the Committee of Experts shall be convened by the chair of the Committee of Experts to consider the issue or issues and to make recommendations to the National Assembly.**
- xiv. Section 34(2) relates to the publication of the proposed Constitution and states as follows-**

**'The Attorney General shall not effect any alteration to the draft Constitution, except for editorial purposes, in consultation with the Parliamentary Select Committee'.**

The Constitution, as amended by the Constitution of Kenya (Amendment) Act (2008), has the following provisions-

- xv. Section 41(3); relates to the nomination of persons to the IIEC-**

**'The Chairman and other members of the Commission shall be nominated through a competitive process by the Parliamentary Select Committee and upon approval by the National Assembly be appointed by the President in consultation with the Prime Minister'.**
- xvi. Section 41B(2); relates to the nomination of persons to the IIBRC-**

***'The Chairman and other members of the Commission shall be nominated through a competitive process by the Parliamentary Select Committee and upon approval by the National Assembly be appointed by the President in consultation with the Prime Minister'.***

- xvii. **Section 60A(2);** relates to the nomination of persons to the IICDRC and provides as follows-

***'The judges of the Court shall be nine judges of whom-***

- a) three shall be non-citizens who are qualified to be appointed judges or have served as judges of the highest court in any jurisdiction within the Commonwealth nominated by the Parliamentary Select Committee; and***
- b) six shall be recruited through a competitive process by the Parliamentary Select Committee and upon approval by the National Assembly be appointed by the President in consultation with the Prime Minister.'***

8. This report relates to the functions of the Review Committee on the nomination of the Chairperson and Members of the IIBRC pursuant to section 41B of the Constitution. The IIBRC is established following the enactment of the Constitution of Kenya (Amendment) Act (No. 10 of 2008) which amended the Constitution. This amendment was made together with a similar amendment which disbanded the Electoral Commission of Kenya (ECK) against the background of events that led to the post-election violence in the country.
9. The challenges posed by the General Elections of December 2007 pointed to the inadequacies and failures of the Constitution and other laws to address salient election-related issues. These issues were subsequently discussed under Agenda item 4 by the National Dialogue and Reconciliation Committee, and investigated by both the Kriegler and Waki Commissions. The Kriegler and Waki Commissions concluded that the defunct ECK failed in its responsibilities of management and conduct of the elections due to weaknesses in the laws governing the conduct of elections.



10. The Government therefore implemented the recommendations of the two Commissions through the enactment of the Constitution of Kenya Review Act (No. 9 of 2008) and the Constitution of Kenya (Amendment) Act (No. 10 of 2008) to provide the framework for the completion of the comprehensive review of the Constitution and to pave way for the establishment of the IIEC to replace the ECK.
11. The Constitution of Kenya (Amendment) Act (2008) in particular, introduced fundamental changes in the institution of ECK following the repeal of section 41 of the Constitution that established it. Subsequently ECK was replaced by two bodies, the IIEC and IIBRC. Section 41(3) of the Constitution provides for the appointment of the Chairperson and Members of the IIEC. The report on the IIEC was tabled and is before the House.

### **3.0 THE ESTABLISHMENT OF THE INTERIM INDEPENDENT BOUNDARIES REVIEW COMMISSION (IIBRC)**

12. The Interim Independent Boundaries Review Commission (IIBRC) is established pursuant to the provisions of Section 41B which was introduced in the Constitution following the enactment of the Constitution of Kenya (Amendment) Act (No. 10 of 2008). The creation of the IIBRC follows recommendations by the Independent Review Commission (IRC) led by Justice Johann Kriegler that reviewed the disputed 2007 presidential election results.
13. Section 41B (2) provides for the nomination of the Chairperson and members of the IIBRC by the Parliamentary Select Committee based on the selection criteria stipulated in section 41B (3) of the Constitution.
14. The functions of the IIBRC, pursuant to the provisions of Section 41C, are as follows-

***a) making recommendations to Parliament on the delimitation of constituencies and local authority electoral units and the optimal number of constituencies on the basis of equality of votes taking into account-***

*i) density of population, and in particular the need to ensure adequate representation of urban and sparsely-populated rural areas;*

*ii) population trends;*

*iii) means of communication;*

*iv) geographical features; and*

*v) community interest;*

*b) making recommendations to Parliament on administrative boundaries, including the fixing, reviewing and variation of boundaries of districts and other units; and*

*c) the performance of such other functions as may be prescribed by Parliament.*

15. These functions of IIBRC were formerly exercised by the defunct Electoral Commission of Kenya, pursuant to the provisions of Section 42 of the Constitution now amended.
16. Pursuant to the provisions of Section 41B (8) of the Constitution, the IIBRC is an independent body which is not subject to the direction or control of any other person or authority in the exercise of its functions. The Constitution requires that all members of the IIBRC be Kenyan citizens, pursuant to the provisions of Sections 41B (3).
17. Section 41B(11) of the Constitution requires the IIBRC to complete its mandate within twenty four months once constituted or three months after the promulgation of a new Constitution, whichever is earlier. The IIBRC members are to enjoy security of tenure. Pursuant to the provisions of Section 41B (7), the members can only be removed by the National Assembly through a resolution supported by a majority of its Members.
18. Pursuant to the provisions of Section 41B (3) of the Constitution which empowers the Parliamentary Select Committee to nominate persons to the IIBRC, the Committee advertised for applications for the positions of Chairperson and Members of the IIBRC in the daily newspapers of

Friday, 9 January 2009 and Wednesday, 14 January 2009. The closing date for the applications was 30<sup>th</sup> January 2009.

19. On Tuesday, 10<sup>th</sup> February 2009, the applications received were submitted to Manpower Services (K) Ltd, for preliminary analysis of the applications. The human resource firm was procured in January 2009 in accordance with the procurement laws and procedures to assist the Parliamentary Select Committee in recruitment-related processes. One hundred and six (106) applications for the position of the Chairperson and one thousand and thirty four (1034) applications for the positions of Members of IIBRC were received.
20. At its sittings of Wednesday, 15 April 2009 and Monday, 20 April 2009, the Parliamentary Select Committee analyzed all the applications and shortlisted twenty one (21) candidates for the position of Chairperson and fifty (50) candidates for the positions of Members. The shortlisted candidates were subsequently interviewed by the Committee during its sittings of Monday, 27 April 2009, and Tuesday, 28 April 2009.
21. After consideration of the results of the interviews, the Parliamentary Select Committee nominated, by consensus, the following persons for appointment as Chairperson and Members of the IIBRC-
  1. Mr. Andrew Ndooli Ligale - Chairperson
  2. Ms. Jedidah Ntoyai - Member
  3. Ms. Irene Cherop Masit - Member
  4. Mr. Mwenda Makathimo - Member
  5. Mr. Joseph Kaguthi - Member
  6. Dr. John Nkinyangi - Member
  7. Mr. Murshid Abdalla Mohamed - Member
  8. (Eng.) Abdulahi Sharawe - Member
  9. Ms. Rozaah Akinyi Buyu - Member
22. The Parliamentary Select Committee on the Review of the Constitution therefore presents to the House this report relating to the nomination of the Chairperson and Members of the Interim Independent Boundaries Review Commission (IIBRC) for consideration and approval pursuant to section 41B(2) of the Constitution.

.....XXXXXXXXXX.....

*The Report of the Parliamentary Select Committee on the Review of the Constitution,  
April 2009*



**MINUTES OF THE EIGHTEENTH SITTING OF THE PARLIAMENTARY SELECT COMMITTEE ON THE REVIEW OF THE CONSTITUTION HELD ON WEDNESDAY, 15<sup>TH</sup> APRIL, 2009 IN THE MAIN COMMITTEE ROOM, COUNTY HALL, PARLIAMENT BUILDINGS AT 9.45 AM.**

**PRESENT**

- |                                    |   |                         |
|------------------------------------|---|-------------------------|
| 1. The Hon. Mohammed Abdikadir, MP | - | <b>Chairperson</b>      |
| 2. The Hon. Ababu Namwamba, MP     | - | <b>Vice Chairperson</b> |
| 3. The Hon. Omingo Magara, MP      |   |                         |
| 4. The Hon. Musalia Mudavadi, MP   |   |                         |
| 5. The Hon. Wilfred Ombui, MP      |   |                         |
| 6. The Hon. Peter Munya, MP        |   |                         |
| 7. The Hon. William Ruto, MP       |   |                         |
| 8. The Hon. Najib Balala, MP       |   |                         |
| 9. The Hon. Danson Mungatana, MP   |   |                         |
| 10. The Hon. Mwangi Kiunjuri, MP   |   |                         |
| 11. The Hon. Ekwee Ethuro, MP      |   |                         |
| 12. The Hon. Charity Ngilu, MP     |   |                         |
| 13. The Hon. David Musila, MP      |   |                         |
| 14. The Hon. Sophia Abdi, MP       |   |                         |
| 15. The Hon. Mutula Kilonzo, MP    |   |                         |
| 16. The Hon. Amina Abdalla, MP     |   |                         |
| 17. The Hon. Jeremiah Kioni, MP    |   |                         |
| 18. The Hon. Joseph Nkaiserry, MP  |   |                         |
| 19. The Hon. Kambi Kazungu, MP     |   |                         |
| 20. The Hon. James Orengo, MP      |   |                         |
| 21. The Hon. Millie Odhiambo, MP   |   |                         |
| 22. The Hon. Isaac Ruto, MP        |   |                         |

**ABSENT WITH APOLOGY**

1. The Hon. Martha Karua, MP
2. The Hon. Uhuru Kenyatta, MP
3. The Hon. Moses Wetangula, MP
4. The Hon. Chachu Ganya, MP
5. The Hon. Sally Kosgei, MP

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

- |                         |   |                                     |
|-------------------------|---|-------------------------------------|
| 1. Mrs. Consolata Munga | - | Deputy Director, Committee Services |
| 2. Mr. Stephen Njenga   | - | First Clerk Assistant               |
| 3. Mrs. Eunice Gichangi | - | Senior Legal Counsel                |
| 4. Mr. Paul Ngetich     | - | Senior Research Officer             |
| 5. Ms. Rose Mudibo      | - | Public Relations Office             |

**IN ATTENDANCE**

**MANPOWER SERVICES (K) LTD**

- |                     |   |                    |
|---------------------|---|--------------------|
| Mr. Francis Muhindi | - | Managing Director. |
|---------------------|---|--------------------|

**MIN. NO. 080/2009:**

**PRAYER**

The proceedings were opened with a word of prayer.

**MIN. NO. 081/2009:**

**CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

Minutes of the Thirteenth, Fourteenth, Fifteenth, Sixteenth and Seventeenth sittings were confirmed by the members present and signed by the Chairperson.

**MIN. NO. 082/2009:**

**MATTERS ARISING**

- (a) Under Min. No. 065/2009 (a) (iii) on release of names to the media, the Committee agreed that the observation should be deleted.
- (b) Under the Minutes of the Seventeenth sitting, the record of a prayer that opened the proceedings should be inserted.

**MIN. NO. 083/2009:**

**CONSIDERATION OF THE REPORT ON NOMINATION OF CHAIR AND MEMBERS OF THE INTERIM INDEPENDENT ELECTORAL COMMISSION. (IIEC)**

The Committee considered the draft report on nomination of Chair and Members of the Interim Independent Electoral Commission and adopted it by consensus.

The Committee further revised its earlier decision requiring members to append their signatures to its reports and affirmed that the Chair should sign on behalf of members as provided by Standing Order 162.

**MIN. NO. 084/2009:**

**CONSIDERATION OF THE REPORT FROM HUMAN RESOURCE FIRM ON CANDIDATES FOR POSITIONS OF CHAIR AND MEMBERS OF THE INTERIM INDEPENDENT BOUNDARIES REVIEW COMMISSION. (IIBRC)**

Manpower Services (K) Ltd presented the report on applications for positions of Chair and Members of Interim Independent Boundaries Review Commission (IIBRC) as follows:-

- (a) Manpower received a total of 106 applications for the position of Chair and 1,034 applications for members of IIBRC.
- (b) All the applications were analyzed and comments made on qualifications of each applicant.

Thereupon, the Committee directed Manpower Services (K) Ltd. to list the applications according to their provinces.

The Committee resolved to shortlist five applicants to be interviewed for the position of Chair and five applicants from each province for the positions of members of IIBRC.

**MIN. NO. 085/2009:**

**ANY OTHER BUSINESS**

The Committee considered letters authored by the Chair of Committee of Experts and Permanent Secretary, Ministry of Justice and Constitutional Affairs on the remuneration package for the Members and Director of Committee of Experts.

The Committee resolved to invite the Minister for Justice and Constitutional Affairs to deliberate on the issues raised in the letters.

**MIN. NO. 086/2009:**

**ADJOURNMENT**

There being no other business for discussion, the Chairperson adjourned the meeting at fifteen minutes past Eleven O'clock until Monday, 20<sup>th</sup> April, 2009 at 9.00 a.m.

**SIGNED:**

**HON. MOHAMMED ABDIKADIR, MP**

**CHAIRPERSON**

**DATE:**

**30<sup>TH</sup> APRIL, 2009**

**MINUTES OF THE NINETEENTH SITTING OF THE PARLIAMENTARY SELECT COMMITTEE ON THE REVIEW OF THE CONSTITUTION HELD ON MONDAY, 20<sup>TH</sup> APRIL, 2009 IN THE MAIN COMMITTEE ROOM, COUNTY HALL, PARLIAMENT BUILDINGS AT 9.45 AM.**

**PRESENT**

- |                                    |   |                    |
|------------------------------------|---|--------------------|
| 1. The Hon. Mohammed Abdikadir, MP | - | <b>Chairperson</b> |
| 2. The Hon. Omingo Magara, MP      |   |                    |
| 3. The Hon. Musalia Mudavadi, MP   |   |                    |
| 4. The Hon. Wilfred Ombui, MP      |   |                    |
| 5. The Hon. Peter Munya, MP        |   |                    |
| 6. The Hon. William Ruto, MP       |   |                    |
| 7. The Hon. Uhuru Kenyatta, MP     |   |                    |
| 8. The Hon. Moses Wetangula, MP    |   |                    |
| 9. The Hon. Chachu Ganya, MP       |   |                    |
| 10. The Hon. Danson Mungatana, MP  |   |                    |
| 11. The Hon. Mwangi Kiunjuri, MP   |   |                    |
| 12. The Hon. Charity Ngilu, MP     |   |                    |
| 13. The Hon. David Musila, MP      |   |                    |
| 14. The Hon. Sophia Abdi, MP       |   |                    |
| 15. The Hon. Mutula Kilonzo, MP    |   |                    |
| 16. The Hon. Amina Abdalla, MP     |   |                    |
| 17. The Hon. Jeremiah Kioni, MP    |   |                    |
| 18. The Hon. Joseph Nkaiserry, MP  |   |                    |
| 19. The Hon. Kambi Kazungu, MP     |   |                    |
| 20. The Hon. James Orengo, MP      |   |                    |
| 21. The Hon. Millie Odhiambo, MP   |   |                    |

**ABSENT WITH APOLOGY**

- |                                |   |                         |
|--------------------------------|---|-------------------------|
| 1. The Hon. Ababu Namwamba, MP | - | <b>Vice Chairperson</b> |
| 2. The Hon. Martha Karua, MP   |   |                         |
| 3. The Hon. Najib Balala, MP   |   |                         |
| 4. The Hon. Ekwere Ethuro, MP  |   |                         |
| 5. The Hon. Isaac Ruto, MP     |   |                         |
| 6. The Hon. Sally Kosgei, MP   |   |                         |

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

- |                         |   |                                     |
|-------------------------|---|-------------------------------------|
| 1. Mrs. Consolata Munga | - | Deputy Director, Committee Services |
| 2. Mr. Stephen Njenga   | - | First Clerk Assistant               |
| 3. Mrs. Eunice Gichangi | - | Senior Legal Counsel                |
| 4. Mr. Paul Ngetich     | - | Senior Research Officer             |
| 5. Ms. Rose Mudibo      | - | Public Relations Office             |

**MIN. NO. 087/2009:**

**PRAYER**

The proceedings were opened with a word of prayer.

**MIN. NO. 088/2009:**

**CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

The Committee deferred confirmation of Minutes of the Eighteenth sitting to the next sitting.

The Committee considered the report from the human resource firm on candidates for positions of Chair and Members of Interim Independent Boundaries Review Commission (IIBRC).

The Committee revised its earlier decision on shortlist for the Chair and resolved to shortlist two candidates from each province.

The following 21 candidates were subsequently short-listed for the position of Chair:-

1. Eng. Abdulahi Sharawe
2. Abdirahim Farah
3. Francis ole Kaparo
4. Dr. Somba Musya Kivungu
5. Kimaiyo Keroney Arap Sego
6. Murshid Abdalla Mohamed
7. Jelani Habib
8. Francis K. Mulu
9. Mathews A. Karauri
10. Andrew A. Ligale
11. Nelson W. Otido
12. Kamau Mbugua
13. James Stanley Mathenge
14. Joseph Kiangoi Ombasa
15. Henry Kerema Ombongi
16. Joseph Kaguthi
17. Harun Morris M. Ndubi
18. Wanyiri Kihoro
19. Carolyne C. Sang
20. Beatrice N. Kiarie
21. Otieno A. Christine

The Committee further short-listed the following 50 candidates for the positions of Members of the Interim Independent Boundaries Review Commission:-

1. Thomas Letangule
2. Jedidah Ntoyai
3. Dr. Damiel Tuitoek
4. Davis N. Chelogoi
5. Irene Cherop Mosit
6. Wesley C. Chebii
7. Hellen C. Kemei
8. Mwenda Makathimo
9. Peter Maundu
10. David Timado
11. Prof. Maria Nzomo



12. Caroline Malinda
13. Edward Khadambi
14. Kizito Wangalwa
15. Wabwoba M. Walinywa
16. Chavangi A. Tom
17. Felix J. Mugabe
18. Andrew Ligale
19. Eng. Abdulahi Sharawe
20. Mohamud A. Saleh
21. Abass Abdullahi Maalim
22. Hubbie H. Alhaji
23. Amina Sheikh Kassim
24. Omar Kassim Abikar
25. Fatma Abdalla
26. Jane M. Manasseh
27. Joyce Sidi Kazungu
28. Ruphus M. M. Kafwani
29. Mohammed K. Mwatuwano
30. Murshid Abdalla
31. Ochieng Mbeo
32. Rozaah A. Buyu
33. Pastor Zablon Ayonga
34. Charles Nyamohanga Nyangi
35. Dr. Migai Aketch
36. Regina S. Boisabu
37. John Gitau Makumi
38. Joseph Kaguthi
39. Col. Joseph Wachira
40. James Stanley Mathenge
41. Kamau Mbugua
42. Jamillah Mohamed
43. Ahmed Hirsi Ali
44. John Nkinyangi
45. Ndoria Gicheru
46. Patrick Onyango
47. Guyo Halake
48. Mari Goretti Wanyonyi
49. Jane Nyangama
50. Harun Ndubi

The Committee resolved to conduct the interviews on Monday, 27<sup>th</sup> April and Tuesday, 28<sup>th</sup> April, 2009.

**MIN. NO. 090/2009:**

**ANY OTHER BUSINESS**

- (i) The Committee was informed that petitions had been presented to the Speaker of the National Assembly regarding two nominees to the Interim Independent Electoral Commission namely, Tiyah Galgalo and Hamara Ibrahim.

The petitions alleged that Hamara was an employee of KARI and that Tiyah was working for TSC.

The Committee noted the letter from KARI confirming that Hamara had ceased to be an employee while TSC required additional information before responding.

- (ii) The Committee proposed that legal restrictions be enacted to bar persons who serve in the two commissions namely, the Interim Independent Electoral Commission and Interim Independent Boundaries Review Commission from contesting at the next general elections.

**MIN. NO. 091/2009:**

**ADJOURNMENT**

There being no other business for discussion, the Chairperson adjourned the meeting at fifteen minutes past One O'clock until Monday, 27<sup>th</sup> April, 2009 at 9.00 a.m.

**SIGNED:**

**HON. MOHAMMED ABDIKADIR, MP**

**CHAIRPERSON**

**DATE:**

**30<sup>TH</sup> APRIL, 2009**

**MINUTES OF THE TWENTIETH SITTING OF THE PARLIAMENTARY SELECT COMMITTEE ON THE REVIEW OF THE CONSTITUTION HELD ON MONDAY, 27<sup>TH</sup> APRIL, 2009 IN THE MAIN COMMITTEE ROOM, COUNTY HALL, PARLIAMENT BUILDINGS AT 9.45 AM.**

**PRESENT**

- |                                    |   |                    |
|------------------------------------|---|--------------------|
| 1. The Hon. Mohammed Abdikadir, MP | - | <b>Chairperson</b> |
| 2. The Hon. Martha Karua, MP       |   |                    |
| 3. The Hon. Omingo Magara, MP      |   |                    |
| 4. The Hon. Wilfred Ombui, MP      |   |                    |
| 5. The Hon. Moses Wetangula, MP    |   |                    |
| 6. The Hon. Chachu Ganya, MP       |   |                    |
| 7. The Hon. Najib Balala, MP       |   |                    |
| 8. The Hon. Mwangi Kiunjuri, MP    |   |                    |
| 9. The Hon. Charity Ngilu, MP      |   |                    |
| 10. The Hon. Sally Kosgei, MP      |   |                    |
| 11. The Hon. Musalia Mudavadi, MP  |   |                    |
| 12. The Hon. Sophia Abdi, MP       |   |                    |
| 13. The Hon. Mutula Kilonzo, MP    |   |                    |
| 14. The Hon. Amina Abdalla, MP     |   |                    |
| 15. The Hon. Joseph Nkaiserry, MP  |   |                    |
| 16. The Hon. Kambi Kazungu, MP     |   |                    |
| 17. The Hon. Isaac Ruto, MP        |   |                    |
| 18. The Hon. James Orengo, MP      |   |                    |
| 19. The Hon. Millie Odhiambo, MP   |   |                    |

**ABSENT WITH APOLOGY**

- |                                  |   |                         |
|----------------------------------|---|-------------------------|
| 1. The Hon. Ababu Namwamba, MP   | - | <b>Vice Chairperson</b> |
| 2. The Hon. Uhuru Kenyatta, MP   |   |                         |
| 3. The Hon. David Musila, MP     |   |                         |
| 4. The Hon. Danson Mungatana, MP |   |                         |
| 5. The Hon. Peter Munya, MP      |   |                         |
| 6. The Hon. William Ruto, MP     |   |                         |
| 7. The Hon. Ekwere Ethuro, MP    |   |                         |
| 8. The Hon. Jeremiah Kioni, MP   |   |                         |

**IN ATTENDANCE**

1. Mrs. Consolata Munga
2. Mr. Stephen Njenga
3. Mrs. Eunice Gichangi
4. Mr. Paul Ngetich
5. Ms. Rose Mudibo

**NATIONAL ASSEMBLY**

- |   |                                     |
|---|-------------------------------------|
| - | Deputy Director, Committee Services |
| - | First Clerk Assistant               |
| - | Senior Legal Counsel                |
| - | Senior Research Officer             |
| - | Public Relations Officer            |

**MIN. NO. 092/2009:**

**PRAYER**

The proceedings were opened with a word of prayer.

**MIN. NO. 093/2009:**

**CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

The Committee deferred confirmation of Minutes of the Eighteenth and Nineteenth sittings to the next sitting.

**MIN. NO. 094/2009:**

**LEGAL INTERPRETATION ON WHETHER  
PERSONS WHO SERVE ON INTERIM  
INDEPENDENT ELECTORAL COMMISSION AND  
INTERIM INDEPENDENT BOUNDARIES REVIEW  
COMMISSION WILL BE ALLOWED TO CONTEST  
THE NEXT GENERAL ELECTION**

The Secretariat drew the attention of the Committee to the provisions of Section 35(3) of the Constitution which relates to disqualification of persons who are involved in the conduct of an election to the National Assembly or the compilation of a register of voters.

The Committee was informed that the section does not address those who serve in the Boundaries Commission and in the case of the Electoral Commission, the Constitution specifically addresses itself to the date of nomination of a person for elections.

**MIN. NO. 095/2009:**

**INTERVIEWS FOR POSITION OF CHAIR AND  
MEMBERS OF THE INTERIM INDEPENDENT  
BOUNDARIES REVIEW COMMISSION. (IIBRC)**

The Committee agreed on the questions to be posed to candidates as follows:-

- (i) Briefly give us an overview of your academic and professional qualifications.
- (ii) Why do you think you are best suited to be appointed as the Chairperson/Member of the Interim Independent Boundaries Review Commission?
- (iii) What do you understand to be the mandate of the Commission?
- (iv) What challenges do you anticipate in your work and how do you intend to address them?
- (v) Would there be any conflict of interest if you served on the Commission and subsequently elective office in the next General Elections?

The Committee then conducted interviews of the candidates as follows:-

**CHAIR**

1. Eng. Abdulahi Sharawe
2. Carolyne C. Sang
3. Dr. Somba Musya Kivungu
4. Murshid Abdalla Mohamed
5. Jelani Habib
6. Nelson W. Otido
7. Henry Kerema Ombongi
8. Harun Morris M. Ndubi
9. James Stanley Mathenge
10. Francis K. Mulu
11. Joseph Kaguthi
12. Mathews A. Karauri
13. Andrew N. Ligale
14. Wanyiri Kihoro
15. Joseph Kiangoi Ombasa
16. Beatrice N. Kiarie
17. Abdirahim Farah
18. Otieno A. Christine



The Committee resolved that the members who have been interviewed for the position of Chair shall not be interviewed for the position of member even if their names appear in the short-list.

**MIN. NO. 096/2009:**

**ADJOURNMENT**

There being no other business for discussion, the Chairperson adjourned the meeting at thirty minutes past Twelve O'clock until 2.30 p.m. this afternoon.

### **AFTERNOON SITTING – 2.30 P.M.**

#### **PRESENT**

- |                                    |   |                    |
|------------------------------------|---|--------------------|
| 1. The Hon. Mohammed Abdikadir, MP | - | <b>Chairperson</b> |
| 2. The Hon. Omingo Magara, MP      |   |                    |
| 3. The Hon. Wilfred Ombui, MP      |   |                    |
| 4. The Hon. Moses Wetangula, MP    |   |                    |
| 5. The Hon. Chachu Ganya, MP       |   |                    |
| 6. The Hon. Mwangi Kiunjuri, MP    |   |                    |
| 7. The Hon. Charity Ngilu, MP      |   |                    |
| 8. The Hon. Musalia Mudavadi, MP   |   |                    |
| 9. The Hon. Sally Kosgei, MP       |   |                    |
| 10. The Hon. Najib Balala, MP      |   |                    |
| 11. The Hon. Sophia Abdi, MP       |   |                    |
| 12. The Hon. Mutula Kilonzo, MP    |   |                    |
| 13. The Hon. Amina Abdalla, MP     |   |                    |
| 14. The Hon. Joseph Nkaiserry, MP  |   |                    |
| 15. The Hon. Kambi Kazungu, MP     |   |                    |
| 16. The Hon. Isaac Ruto, MP        |   |                    |
| 17. The Hon. James Orengo, MP      |   |                    |
| 18. The Hon. Millie Odhiambo, MP   |   |                    |

#### **ABSENT WITH APOLOGY**

- |                                  |   |                         |
|----------------------------------|---|-------------------------|
| 1. The Hon. Ababu Namwamba, MP   | - | <b>Vice Chairperson</b> |
| 2. The Hon. Martha Karua, MP     |   |                         |
| 3. The Hon. Uhuru Kenyatta, MP   |   |                         |
| 4. The Hon. David Musila, MP     |   |                         |
| 5. The Hon. Danson Mungatana, MP |   |                         |
| 6. The Hon. Peter Munya, MP      |   |                         |
| 7. The Hon. William Ruto, MP     |   |                         |
| 8. The Hon. Ekwee Ethuro, MP     |   |                         |
| 9. The Hon. Jeremiah Kioni, MP   |   |                         |

#### **IN ATTENDANCE**

#### **NATIONAL ASSEMBLY**

- |                         |   |                                     |
|-------------------------|---|-------------------------------------|
| 1. Mrs. Consolata Munga | - | Deputy Director, Committee Services |
| 2. Mr. Stephen Njenga   | - | First Clerk Assistant               |
| 3. Mrs. Eunice Gichangi | - | Senior Legal Counsel                |
| 4. Mr. Paul Ngetich     | - | Senior Research Officer             |
| 5. Ms. Rose Mudibo      | - | Public Relations Office             |



**MIN. NO. 097/2009:**

**INTERVIEWS FOR POSITION OF CHAIR AND  
MEMBERS OF THE INTERIM INDEPENDENT  
BOUNDARIES REVIEW COMMISSION. (IIBRC)**

The Committee conducted interviews of the candidates as follows:-

**MEMBERS**

1. Jedida Ntoyai
2. Irene Cherop Masit
3. Wesley C. Chebii
4. Dr. Daniel Tuitoek
5. Prof. Maria Nzomo
6. Chavangi Aziz Tom
7. Mwenda Makathimo
8. Felix Juma Mugabe
9. Abass Abdullahi Maalim
10. Fatma Abdalla
11. Joyce Sidi Kazungu
12. Mohammed K. Mwatuwano
13. Ochieng Mbeo
14. Rozaah Akinyi Buyu
15. Dr. Migai Aketch
16. Jamillah Mohamed
17. Ndoria Gicheru
18. Guyo Halake
19. Marie Goretti Wanyonyi
20. Patrick Onyango Sumba

**MIN. NO. 098/2009:**

**ADJOURNMENT**

There being no other business for discussion, the Chairperson adjourned the meeting at fifteen minutes past Five O'clock until Tuesday, 28<sup>th</sup> April 2009, at 8.30 a.m.

**SIGNED:**

**HON. MOHAMED ABDIKADIR, MP**

**CHAIRPERSON**

**DATE:**

**30<sup>TH</sup> APRIL, 2009**

**MINUTES OF THE TWENTY FIRST SITTING OF THE PARLIAMENTARY SELECT COMMITTEE ON THE REVIEW OF THE CONSTITUTION HELD ON TUESDAY, 28<sup>TH</sup> APRIL, 2009 IN THE MAIN COMMITTEE ROOM, COUNTY HALL, PARLIAMENT BUILDINGS AT 9.30 AM.**

**PRESENT**

- |                                    |   |                    |
|------------------------------------|---|--------------------|
| 1. The Hon. Mohammed Abdikadir, MP | - | <b>Chairperson</b> |
| 2. The Hon. Martha Karua, MP       |   |                    |
| 3. The Hon. Omingo Magara, MP      |   |                    |
| 4. The Hon. David Musila, MP       |   |                    |
| 5. The Hon. Wilfred Ombui, MP      |   |                    |
| 6. The Hon. Moses Wetangula, MP    |   |                    |
| 7. The Hon. Danson Mungatana, MP   |   |                    |
| 8. The Hon. Chachu Ganya, MP       |   |                    |
| 9. The Hon. Najib Balala, MP       |   |                    |
| 10. The Hon. Mwangi Kiunjuri, MP   |   |                    |
| 11. The Hon. Jeremiah Kioni, MP    |   |                    |
| 12. The Hon. Charity Ngilu, MP     |   |                    |
| 13. The Hon. Sally Kosgei, MP      |   |                    |
| 14. The Hon. Musalia Mudavadi, MP  |   |                    |
| 15. The Hon. Sophia Abdi, MP       |   |                    |
| 16. The Hon. Mutula Kilonzo, MP    |   |                    |
| 17. The Hon. Amina Abdalla, MP     |   |                    |
| 18. The Hon. Joseph Nkaiserry, MP  |   |                    |
| 19. The Hon. Kambi Kazungu, MP     |   |                    |
| 20. The Hon. Isaac Ruto, MP        |   |                    |
| 21. The Hon. James Orengo, MP      |   |                    |
| 22. The Hon. Millie Odhiambo, MP   |   |                    |

**ABSENT WITH APOLOGY**

- |                                |   |                         |
|--------------------------------|---|-------------------------|
| 1. The Hon. Ababu Namwamba, MP | - | <b>Vice Chairperson</b> |
| 2. The Hon. Uhuru Kenyatta, MP |   |                         |
| 3. The Hon. Peter Munya, MP    |   |                         |
| 4. The Hon. William Ruto, MP   |   |                         |
| 5. The Hon. Ekwere Ethuro, MP  |   |                         |

**IN ATTENDANCE**

1. Mrs. Consolata Munga
2. Mr. Stephen Njenga
3. Mrs. Eunice Gichangi
4. Mr. Paul Ngetich
5. Ms. Rose Mudibo

**NATIONAL ASSEMBLY**

- |   |                                     |
|---|-------------------------------------|
| - | Deputy Director, Committee Services |
| - | First Clerk Assistant               |
| - | Senior Legal Counsel                |
| - | Senior Research Officer             |
| - | Public Relations Officer            |

**MIN. NO. 099/2009:**

**PRAYER**

The proceedings were opened with a word of prayer.

**MIN. NO. 100/2009:**

**CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

The Committee deferred confirmation of Minutes of the Eighteenth, Nineteenth and Twentieth sittings to the next sitting.

**MIN. NO. 101/2009:****PRELIMINARY**

The Committee agreed to interview Mr. Kamau Mbugua who was scheduled to appear on 27<sup>th</sup> April, 2009 but could not be reached on time.

**MIN. NO. 102/2009:****INTERVIEWS FOR POSITION OF CHAIR AND  
MEMBERS OF THE INTERIM INDEPENDENT  
BOUNDARIES REVIEW COMMISSION. (IIBRC)**

The Committee conducted interviews of the candidates as follows:-

**MEMBERS**

1. Thomas Letangule
2. Davis N. Chelogoi
3. Kizito Wangalwa
4. Regina S. Boisabu
5. Carolyne Malinda
6. Charles Nyamohanga Nyangi
7. John Nkinyangi
8. Jane Nyangoma
9. David Timado
10. Wabwoba M. Walinywa
11. Hubbie H. Alhaji
12. Omar Kassim Abikar
13. Jane M. Manasseh
14. Pastor Zablon Ayonga
15. John Gitau Makumi
16. Hellen C. Kemei
17. Mohamud A. Saleh
18. Ahmed Hirsi Ali
19. Amina Sheikh Kassim
20. Kamau Mbugua
21. Peter Maundu
22. Edward Khadambi
23. Ruphus M. Kafwani

**MIN. NO. 103/2009:****ADJOURNMENT**

There being no other business for discussion, the Chairperson adjourned the meeting at fifteen minutes past Twelve O'clock until 5.00 p.m. this afternoon.

## **AFTERNOON SITTING – 5.30 P.M**

### **PRESENT**

1. The Hon. Mohammed Abdikadir, MP - **Chairperson**
2. The Hon. Martha Karua, MP
3. The Hon. Uhuru Kenyatta, MP
4. The Hon. Omingo Magara, MP
5. The Hon. David Musila, MP
6. The Hon. Wilfred Ombui, MP
7. The Hon. Moses Wetangula, MP
8. The Hon. Chachu Ganya, MP
9. The Hon. Najib Balala, MP
10. The Hon. Mwangi Kiunjuri, MP
11. The Hon. Jeremiah Kioni, MP
12. The Hon. Charity Ngilu, MP
13. The Hon. Sally Kosgei, MP
14. The Hon. William Ruto, MP
15. The Hon. Musalia Mudavadi, MP
16. The Hon. Sophia Abdi, MP
17. The Hon. Mutula Kilonzo, MP
18. The Hon. Amina Abdalla, MP
19. The Hon. Joseph Nkaiserry, MP
20. The Hon. Kambi Kazungu, MP
21. The Hon. Isaac Ruto, MP
22. The Hon. James Orengo, MP
23. The Hon. Millie Odhiambo, MP

### **ABSENT WITH APOLOGY**

1. The Hon. Ababu Namwamba, MP - **Vice Chairperson**
2. The Hon. Danson Mungatana, MP
3. The Hon. Peter Munya, MP
4. The Hon. Ekwere Ethuro, MP

### **IN ATTENDANCE**

1. Mrs. Consolata Munga
2. Mr. Stephen Njenga
3. Mrs. Eunice Gichangi
4. Mr. Paul Ngetich
5. Ms. Rose Mudibo

### **NATIONAL ASSEMBLY**

- Deputy Director, Committee Services
- First Clerk Assistant
- Senior Legal Counsel
- Senior Research Officer
- Public Relations Officer

### **MIN. NO. 104/2009:**

### **CONSIDERATION OF NOMINEES FOR POSITIONS OF CHAIR AND MEMBERS OF THE INTERIM INDEPENDENT BOUNDARIES REVIEW COMMISSION. (IIBRC)**

The Committee deliberated on interviewed candidates for nomination to position of Chair and Members of the Interim Independent Boundaries Review Commission and by consensus resolved to nominate the following to the Commission:

**Chairperson**

1. Andrew Ndooli Ligale

**Members**

1. John Nkinyangi
2. Jedida Ntoyai
3. Irene Cherop Masit
4. Mwenda Makathimo
5. Joseph Kaguthi
6. Eng. Abdullahi Sharawe
7. Murshid Abdalla Mohammed
8. Rozaah A. Buyu

**MIN. NO. 105/2009:****ADJOURNMENT**

There being no other business for discussion, the Chairperson adjourned the meeting at Nine O'clock until Thursday, 30<sup>th</sup> April, 2009 at 9.00 a.m.

**SIGNED:****HON. MOHAMMED ABDIKADIR, MP****CHAIRPERSON****DATE:****30<sup>TH</sup> APRIL, 2009**



**MINUTES OF THE TWENTY SECOND SITTING OF THE PARLIAMENTARY SELECT COMMITTEE ON THE REVIEW OF THE CONSTITUTION HELD ON THURSDAY, 30<sup>TH</sup> APRIL, 2009 IN THE MAIN COMMITTEE ROOM, COUNTY HALL, PARLIAMENT BUILDINGS AT 9.30 AM.**

**PRESENT**

- |                                    |   |                         |
|------------------------------------|---|-------------------------|
| 1. The Hon. Mohammed Abdikadir, MP | - | <b>Chairperson</b>      |
| 2. The Hon. Ababu Namwamba, MP     | - | <b>Vice Chairperson</b> |
| 3. The Hon. Omingo Magara, MP      |   |                         |
| 4. The Hon. Wilfred Ombui, MP      |   |                         |
| 5. The Hon. Moses Wetangula, MP    |   |                         |
| 6. The Hon. Danson Mungatana, MP   |   |                         |
| 7. The Hon. Chachu Ganya, MP       |   |                         |
| 8. The Hon. Najib Balala, MP       |   |                         |
| 9. The Hon. Jeremiah Kioni, MP     |   |                         |
| 10. The Hon. Charity Ngilu, MP     |   |                         |
| 11. The Hon. Amina Abdalla, MP     |   |                         |
| 12. The Hon. Joseph Nkaiserry, MP  |   |                         |
| 13. The Hon. Kambi Kazungu, MP     |   |                         |
| 14. The Hon. Ekwee Ethuro, MP      |   |                         |
| 15. The Hon. Isaac Ruto, MP        |   |                         |

**ABSENT WITH APOLOGY**

1. The Hon. Martha Karua, MP
2. The Hon. David Musila, MP
3. The Hon. Uhuru Kenyatta, MP
4. The Hon. Mutula Kilonzo, MP
5. The Hon. Mwangi Kiunjuri, MP
6. The Hon. Musalia Mudavadi, MP
7. The Hon. Sally Kosgei, MP
8. The Hon. Peter Munya, MP
9. The Hon. James Orengo, MP
10. The Hon. Sophia Abdi, MP
11. The Hon. Millie Odhiambo, MP
12. The Hon. William Ruto, MP

**IN ATTENDANCE**

1. Mrs. Consolata Munga
2. Mr. Stephen Njenga
3. Mrs. Eunice Gichangi
4. Mr. Paul Ngetich
5. Ms. Rose Mudibo

**NATIONAL ASSEMBLY**

- |   |                                     |
|---|-------------------------------------|
| - | Deputy Director, Committee Services |
| - | First Clerk Assistant               |
| - | Senior Legal Counsel                |
| - | Senior Research Officer             |
| - | Public Relations Officer            |

**MIN. NO. 106/2009:**

**PRAYER**

The proceedings were opened with a word of prayer.

**MIN. NO. 107/2009:**

**CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

Minutes of the Eighteenth, Nineteenth, Twentieth and Twenty-First sittings were confirmed by the members present and signed by the Chairperson.

**MIN. NO. 108/2009:**

**MATTERS ARISING**

- (i) Under Min. No. 104/2009, on nominees for positions of Chair and Members of the Interim Independent Boundaries Review Commission, the Chairman informed the Committee of a petition to the Speaker from Coast Parliamentary Group regarding Mr. Murshid Abdalla.

The Committee deliberated on the petition and noted that no matter was advanced to disqualify the nominee as provided by section 41B of the Constitution.

- (ii) Under Min No. 104/2009, the Committee noted allegations made against the nomination of Mr. Andrew Ligale. The Committee observed that no tangible evidence had been produced to support the claims.

The Committee therefore resolved to proceed with the proposed nominations.

**MIN. NO. 109/2009:**

**CONSIDERATION OF THE REPORT ON  
NOMINATION OF CHAIR AND MEMBERS OF THE  
INTERIM INDEPENDENT BOUNDARIES REVIEW  
COMMISSION. (IIBRC)**

The Committee considered the draft report on nomination of Chair and Members of the Interim Independent Boundaries Review Commission and adopted it by consensus.

**MIN. NO. 110/2009:**

**ADJOURNMENT**

There being no other business for discussion, the Chairperson adjourned the meeting at Eleven O'clock.

**SIGNED:**

**HON. MOHAMMED ABDIKADIR, MP**

**CHAIRPERSON**

**DATE:**

**30<sup>TH</sup> APRIL, 2009**