PARLIAMENT OF KENYA LIBRARY

REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT - THIRD SESSION (2024)

COMMITTEE ON APPOINTMENTS

SECOND REPORT ON THE APPROVAL HEARINGS OF NOMINEES FOR APPOINTMENT AS CABINET SECRETARIES

07 AUG 2024
HON K. ICHUNG'WAH (MEMBER)
TRACY CHEBET

AUGUST 2024

DIRECTORATE OF AUDIT, APPROPRIATIONS & GENERAL PURPOSE COMMITTEES
THE NATIONAL ASSEMBLY
PARLIAMENT BUILDINGS
NAIROBI

TABLE OF CONTENTS

LIST OF ABBREVIATIONS AND ACRONYMS ..... **VI**
ANNEXURES ..... **VII**
CHAIRPERSON'S FOREWORD ..... **VIII**
CHAPTER ONE **1**
1 PREFACE **1**
1.1 Establishment and Mandate of the Committee 1
1.2 Committee Membership 1
1.3 Committee Secretariat 2
CHAPTER TWO **3**
2 BACKGROUND **3**
2.1 Legal Framework 3
2.2 Vacancy in the Offices of Cabinet Secretaries 3
2.3 Notification of Nominations 4
2.4 Notification to the House and Referral to the Committee on Appointments 5
2.5 Notification to the Public 6
2.6 Notification to the Nominees 6
2.7 Clearance and Compliance Requirements 6
2.8 Criteria for Consideration During the Approval Hearings 9
2.9 Procedure for Nomination 10
2.10 Constitutional and Statutory Requirements 10
2.11 Suitability of the Nominees for the Proposed Appointment 11
CHAPTER THREE **12**
3 MEMORANDA FROM THE PUBLIC ON THE SUITABILITY OF NOMINEES **12**
3.1 Affidavits Contesting Suitability of Nominees on the Basis of Dismissal from Cabinet by the President 13
3.2 Affidavits Contesting Suitability of Nominees on the Basis of Appointment of Persons from the Minority Party 16
3.3 Affidavits Contesting the Suitability of Nominees on the Basis of Lack of Representation by Special Interest Groups in the Composition of the Proposed Cabinet 17
3.4 Affidavits Contesting Suitability of Nominees on the Basis of Alleged Violation of Articles 103(1)(e) and 194(1)(e) of the Constitution 19
3.5 Affidavit by Esborn Kariuki 20
3.6 Statement on Oath by Joshua Abaki on Behalf of Kenyans in Canada Movement 21
3.7 Affidavit by Jackson K. Mathenge 21
3.8 Affidavit by Collins Kipkemoi Sang 21
3.9 Affidavit by Robbin Murimi Karani 22
3.10 Affidavit by Grace Muriuki 23

3.11 Affidavit by Munira Ali Omar on Behalf of Haki Yetu Organization .24
3.12 Statement on Oath by Karanja Murai on Behalf of the Peoples Movement for Human Rights 24
3.13 Affidavit by Kamau James Njendu 25
3.14 Affidavit by Caleb Ngwena on Behalf of Genesis for Human Rights Commission 26
3.15 Affidavit by David Ogega Ochwangi 27
3.16 Affidavit by Peter Kioni 28
3.17 Affidavit by Davis Malombe on Behalf of the Kenya Human Rights Commission (KHCR) 28
3.18 Affidavit by Sheila Masinde Executive Director of Transparency International Kenya (TI-Kenya) 29
3.19 Memoranda that did not Comply with Section 6(9) of the Public Appointments (Parliamentary Approval) Act 29
3.20 Preliminary Issues arising from the Memoranda 30
3.21 Notification of the Nominees of the Issues Raised in the Memoranda 35
CHAPTER FOUR 36
4 APPROVAL HEARINGS OF THE NOMINEES.....36
4.1 Hon. (Prof) Kithure Kindiki, EGH – Nominee Cabinet Secretary for Interior and National Administration 36
4.1.1 Questions from the General Questionnaire 36
4.1.2 General and Sector-Specific Questions to the Nominee 38
Observations on Memoranda Submitted Against the Nominee 48
4.1.3 Committee Observations on the Suitability of the Nominee.....48
4.2 Dr. Debra Mlongo Barasa – Nominee Cabinet Secretary for Health..49
4.2.1 Questions from the General Questionnaire 49
4.2.2 General and Sector-Specific Questions to the Nominee 51
4.2.3 Committee Observations on the Suitability of the Nominee.....57
4.3 Hon. Alice Wahome, EGH – Nominee Cabinet Secretary for Lands, Public Works, Housing and Urban Development 58
4.3.1 Questions from the General Questionnaire 58
4.3.2 General and Sector-Specific Questions to the Nominee 60
4.3.3 Committee Observations on the Suitability of the Nominee.....65
4.4 Mr. Julius Migos Ogamba – NomineE Cabinet Secretary for Education 67
4.4.1 Questions from the General Questionnaire 67
4.4.2 General and Sector-Specific Questions to the Nominee 68
Observations on Memoranda Submitted Against the Nominee 75
4.4.3 Committee Observations on the Suitability of the Nominee.....76

4.5 Hon. Roselinda Soipan Tuya, EGH – Nominee Cabinet Secretary for Defence 77
4.5.1 Questions from the General Questionnaire 77
4.5.2 General and Sector-Specific Questions to the Nominee 78
Observations on Memoranda Submitted Against the Nominee 85
4.6 Dr. Andrew Mwihia Karanja – Nominee Cabinet Secretary for Agriculture and Livestock Development 87
4.6.1 Questions from the General Questionnaire 87
4.6.2 General and Sector-Specific Questions to the Nominee 88
4.6.3 Committee Observations on the Suitability of the Nominee 94
4.7 Hon. Aden Bare Duale, EGH – Nominee Cabinet Secretary for Environment, Climate Change and Forestry 95
4.7.1 Questions from the General Questionnaire 95
4.7.2 General and Sector-Specific Questions to the Nominee 97
4.7.3 Committee Observations on the Suitability of the Nominee 104
4.8 Mr. Eric Murithi Mugaa – Nominee Cabinet Secretary for Water, Sanitation and Irrigation 105
4.8.1 Questions from the General Questionnaire 105
4.8.2 General and Sector-Specific Questions to the Nominee 107
4.8.3 Committee Observations on the Suitability of the Nominee 113
4.9 Mr. Davis Chirchir, EGH – Nominee Cabinet Secretary for Roads and Transport 114
4.9.2 General and Sector-Specific Questions to the Nominee 116
4.9.3 Committee Observations on the Suitability of the Nominee 123
4.10 Dr. Margaret Nyambura Ndung'u – Nominee Cabinet Secretary for Information, Communication and the Digital Economy 124
4.10.1 Questions from the General Questionnaire 124
4.10.2 General and Sector-Specific Questions to the Nominee 127
4.10.3 Committee Observations on the Suitability of the Nominee 132
4.11 Hon. John Mbadi Ng'ongo, EGH – Nominee Cabinet Secretary for The National Treasury and Economic Planning 134
4.11.1 Questions from the General Questionnaire 134
4.11.2 General and Sector-Specific Questions to the Nominee 136
Observations on Memoranda Submitted Against the Nominee 142
4.11.3 Committee Observations on the Suitability of the Nominee 142
4.12 Hon. Salim Mvurya Mgala, EGH – Nominee Cabinet Secretary for Investments, Trade and Industry 143
4.12.1 Questions from the General Questionnaire 143
4.12.2 General and Sector-Specific Questions to the Nominee 146
Observation on Memoranda Submitted Against the Nominee 152
4.12.3 Committee Observations on the Suitability of the Nominee 152

4.13 Ms. Rebecca Miano, EGH – Nominee Cabinet Secretary for Tourism and Wildlife 154
4.13.1 Questions from the General Questionnaire 154
4.13.2 General and Sector-Specific Questions to the Nominee 156
Observations on Memoranda Submitted Against the Nominee 166
4.13.3 Committee Observations on the Suitability of the Nominee .. 166
4.14 Hon. James Opiyo Wandayi, EGH – Nominee Cabinet Secretary for Energy and Petroleum 167
4.14.1 Questions from the General Questionnaire 168
4.14.2 General and Sector-Specific Questions to the Nominee 169
4.14.3 Committee's Observations on the Suitability of the Nominee 178
4.15 Hon. Onesimus Kipchumba Murkomen, EGH - Nominee Cabinet Secretary for Youth Affairs, Creative Economy and Sports 179
4.15.1 Questions from the General Questionnaire 179
Observations on Memoranda Submitted Against the Nominee 187
4.15.3 Committee Observations on the Suitability of the Nominee .. 187
4.16 Hon. Hassan Ali Joho, EGH - Nominee Cabinet Secretary for Mining, Blue Economy and Maritime Affairs 189
4.16.1 Questions from the General Questionnaire 189
4.16.3 Committee Observations on the Suitability of the Nominee .. 201
4.17 Hon. (Dr.) Alfred Nganga Mutua, EGH - Nominee Cabinet Secretary for Labour and Social Protection 202
4.17.1 Questions from the General Questionnaire 202
4.17.2 General and Sector-Specific Questions to the Nominee 204
Observations on Memoranda Submitted Against the Nominee 208
4.17.3 Committee Observations on the Suitability of the Nominee .. 209
4.18 Hon. Wycliffe Ambetsa Oparanyah, EGH – Nominee Cabinet Secretary for Co-operatives and Micro, Small and Medium Enterprises (MSMEs) Development 210
4.18.1 Questions from the General Questionnaire 210
4.18.2 General and Sector-Specific Questions to the Nominee 214
4.18.3 Committee Observations on the Suitability of the Nominee .. 220
4.19 Hon. Justin Bedan Muturi, EGH – Nominee Cabinet Secretary for Public Service and Human Capital Development 221
4.19.1 Questions from the General Questionnaire 221
4.19.2 General and Sector-Specific Questions to the Nominee 223
Observations on Memoranda Submitted Against the Nominee 228
4.19.3 Committee Observations on the Suitability of the Nominee .. 229
4.20 Ms. Stella Soi Lang'at – Nominee Cabinet Secretary for Gender, Culture, The Arts and Heritage 230
4.20.1 Questions from the General Questionnaire 230

4.20.2 General and Sector-Specific Questions to the Nominee.....233
4.20.3 Committee Observations on the Suitability of the Nominee..237
CHAPTER FIVE.....240
5 COMMITTEE OBSERVATIONS.....240
CHAPTER SIX.....242
6 COMMITTEE RECOMMENDATIONS.....242

LIST OF ABBREVIATIONS AND ACRONYMS

AG	Attorney-General
ASAL	Arid and Semi-Arid Lands
CBS	Chief of the Order of the Burning Spear
CS	Cabinet Secretary
CUE	Commission for University Education
DCI	Directorate of Criminal Investigations
EAC	East African Community
EACC	Ethics and Anti-Corruption Commission
EBS	Elder of the Order of the Burning Spear
EGH	Elder of the Order of the Golden Heart
H. E.	His Excellency
HELB	Higher Education Loans Board
IPOA	Independent Police Oversight Authority
KDF	Kenya Defence Forces
KenGen	Kenya Electricity Generating Company PLC
KRA	Kenya Revenue Authority
MP	Member of Parliament
MSMEs	Micro, Small and Medium Enterprises
NPS	National Police Service
ODPP	Office of the Director of Public Prosecutions
ORPP	Office of the Registrar of Political Parties
PLC	Public Limited Company
UN	United Nations

ANNEXURES

Annexure 1	Gazette Notice
Annexure 2a	Transmittal Letter 1 by the Chief of Staff and Head of Public Service
Annexure 2b	Transmittal Letter 2 by the Chief of Staff and Head of Public Service
Annexure 3a	Communication from the Speaker No. 004 of 2024
Annexure 3b	Communication from the Speaker No. 005 of 2024
Annexure 4	Advertisement notifying the public of the approval hearings
Annexure 5a	Letters from the Clerk of the National Assembly to the nominees to respond to issues raised in the Affidavits
Annexure 5b	Advertisement for notification of approval hearings
Annexure 6a	Letters from the Clerk of the National Assembly to EACC, HELB, DCI, ORPP, KRA and CUE requesting clearance reports (Batch 1)
Annexure 6b	Letters from the Clerk of the National Assembly to EACC, HELB, DCI, ORPP, KRA and CUE requesting clearance reports (Batch 2
Annexure 7	Letters of clearance from Higher Education Loans Board (HELB)
Annexure 8a	Letters of clearance from Directorate of Criminal Investigations (DCI)
Annexure 8b	Letters of clearance from Directorate of Criminal Investigations (DCI)
Annexure 8c	Letters of clearance from Directorate of Criminal Investigations (DCI)
Annexure 9a	Letters of clearance from Office of the Registrar of Political Parties (ORPP)
Annexure 9b	Letters of clearance from Office of the Registrar of Political Parties (ORPP)
Annexure 10a	Letters of clearance from Kenya Revenue Authority (KRA)
Annexure 10b	Letters of clearance from Kenya Revenue Authority (KRA)
Annexure 11	Letters to nominees forwarding memoranda

Adoption Schedule

Minutes

CHAIRPERSON'S FOREWORD

This Report contains proceedings of the Committee on Appointments relating to the approval hearings of twenty (20) persons nominated for appointment as Cabinet Secretaries.

In exercise of his powers under Article 152(5)(b) of the Constitution, H.E the President vide Gazette Notice No. 8440 of 2024 dated 12th July 2024 dismissed from office twenty-one (21) persons serving as Cabinet Secretaries thus rendering the offices vacant. Consequently, and pursuant to Article 152(2) of the Constitution, H.E the President nominated the following persons for appointment as Cabinet Secretaries of the stated ministerial portfolios in the Cabinet of the Government of Kenya—

1) **Hon. (Prof.) Kithure Kindiki, EGH** - Interior and National Administration;
2) **Dr. Debra Mlongo Barasa** - Health;
3) **Hon. Alice Wahome, EGH** - Lands, Public Works, Housing and Urban Development;
4) **Mr. Julius Migos Ogamba** - Education;
5) **Hon. Roselinda Soipan Tuya, EGH** - Defence;
6) **Dr. Andrew Mwihia Karanja** - Agriculture and Livestock Development;
7) **Hon. Aden Bare Duale, EGH** - Environment, Climate Change and Forestry;
8) **Mr. Eric Murithi Mugaa** - Water, Sanitation and Irrigation;
9) **Mr. Davis Chirchir, EGH** - Roads and Transport;
10) **Dr. Margaret Nyambura Ndung'u** -Information, Communication and the Digital Economy;
11) **Hon. John Mbadi Ng'ongo, EGH** -The National Treasury and Economic Planning;
12) **Hon. Salim Mvurya Mgala, EGH** - Investments, Trade and Industry;
13) **Ms. Rebecca Miano, EGH** - Tourism and Wildlife;
14) **Hon. James Opiyo Wandayi, EGH** - Energy and Petroleum;
15) **Hon. Onesimus Kipchumba Murkomen, EGH** -Youth affairs, Creative Economy and Sports;
16) **Hon. Hassan Ali Joho, EGH** - Mining, Blue Economy and Maritime Affairs;
17) **Hon. (Dr.) Alfred Nganga Mutua, EGH** -Labour and Social Protection;
18) **Hon. Wycliffe Ambetsa Oparanyah, EGH** - Co-operatives and Micro, Small and Medium Enterprises Development;
19) **Hon. Justin Bedan Muturi, EGH** - Public Service and Human Capital Development; and
20) **Ms. Stella Soi Lang'at** - Gender, Culture, The Arts and Heritage.

The Rt. Honourable Speaker vide Communications No. 004 and 005 of 2024 issued on Tuesday 23rd and Wednesday 24th July 2024, respectively, conveyed to the House the Messages from H.E the President nominating persons to the office of Cabinet Secretaries. The Rt. Hon. Speaker subsequently referred the curricula vitae of the nominees to the Committee on Appointments for approval hearings in accordance with section 6 of the Public Appointments (Parliamentary Approval) Act, Cap 7F and Standing Order 204(4) of the National Assembly Standing Orders. The Rt. Hon. Speaker directed the Committee to undertake approval hearings and table its report within twenty-eight (28) days pursuant to section 8 of the Public Appointments (Parliamentary Approval) Act. The Rt. Hon Speaker further directed the Clerk of the National Assembly to notify the nominees and the general public of the time and place of holding the approval hearings.

Pursuant to Article 118 of the Constitution, section 6(3) and (4) of the Public Appointments (Parliamentary Approval) Act and Standing Order 45(3) of the National Assembly Standing Orders, the Clerk of the National Assembly notified the nominees and placed an advertisement in the print media on 25th July 2024 informing the nominees and the general public that the Committee on Appointments would conduct the approval hearings from 1st to 4th August 2024 in the Mini-Chamber, County Hall, Parliament Buildings.

Additionally, and pursuant to section 6(9) of the Public Appointments (Parliamentary Approval) Act, the Clerk of the National Assembly placed two advertisements in the print media on 24th and 25th July, 2024 inviting the public to submit memoranda by way of written statements on oath (affidavit) on the suitability of each of the nominees. The advertisements indicated that the submissions were to be received by Wednesday 31st July and Thursday 1st August, 2024 at 5.00 pm, respectively. By close of the submission deadline, the Committee had received **837 memoranda** on the suitability or otherwise of the nominees for appointment. Out of the total memoranda received, **123 were hand delivered and 714 memoranda were submitted by email**. Of these, **181 memoranda complied** with section 6(9) of the Public Appointments (Parliamentary Approval) Act. **656 memoranda** did not meet the requirements of section 6(9) of the Public Appointments (Parliamentary Approval) Act as they were not written statements on oath. Further, out of the 656 memoranda, some of the memoranda although in the form of affidavits, were submitted in support of the nominees and not contesting the suitability of the nominees as required by section 6(9) of the Public Appointments (Parliamentary Approval) Act hence inadmissible. Section 6(9) of the Act requires the written sworn statements to contain evidence contesting the suitability of a candidate to hold office to which the candidate has been

nominated and not in support of a candidate. A detailed analysis of the memoranda is contained in Chapter 3 of this Report.

Further, the Clerk of the National Assembly vide letters dated 23rd July 2024 and 24th July, 2024, wrote to the Ethics and Anti-Corruption Commission (EACC), Higher Education Loans Board (HELB), Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP), Kenya Revenue Authority (KRA) and Commission for University Education (CUE) seeking references and background checks relating to the suitability of the nominees.

The nominees appeared before the Committee for approval hearings from 1st to 4th August 2024 as scheduled. The Committee examined their suitability based on the criteria set out in section 7 of the Public Appointments (Parliamentary Approval) Act, the constitutional and statutory requirements relating to the offices in question and suitability of the nominees for the proposed appointments having regard to whether the nominees' abilities, experience and qualities meet the needs of the Ministries in question. Furthermore, the Committee examined the nominees' academic credentials, relevant professional training and experience, knowledge of sector issues and personal integrity in accordance with section 6(7) and (8) of the Public Appointments (Parliamentary Approval) Act.

Pursuant to sections 6(7), 6(8) and 7 of the Public Appointments (Parliamentary Approval) Act, the Committee observed—

(1) **THAT** the following nominees demonstrated knowledge of topical, administrative and technical issues touching on the portfolios to which they had been nominated; and had the requisite abilities, academic qualifications and professional experience to be approved for appointment—

   (a) **Hon. (Prof.) Kithure Kindiki, EGH** as Cabinet Secretary for Interior and National Administration;

   (b) **Dr. Debra Mlongo Barasa** as Cabinet Secretary for Health;

   (c) **Hon. Alice Wahome, EGH** as Cabinet Secretary for Lands, Public Works, Housing and Urban Development;

   (d) **Mr. Julius Migos Ogamba** as Cabinet Secretary for Education;

   (e) **Hon. Roselinda Soipan Tuya, EGH** as Cabinet Secretary for Defence;

   (f) **Dr. Andrew Mwihia Karanja** - as Cabinet Secretary for Agriculture and Livestock Development;

(g) **Hon. Aden Bare Duale, EGH** as Cabinet Secretary for Environment, Climate Change and Forestry;

(h) **Mr. Eric Murithi Mugaa** as Cabinet Secretary for Water, Sanitation and Irrigation;

(i) **Mr. Davis Chirchir, EGH** as Cabinet Secretary for Roads and Transport;

(j) **Dr. Margaret Nyambura Ndung'u** as Cabinet Secretary for Information, Communication and the Digital Economy;

(k) **Hon. John Mbadi Ng'ongo, EGH** as Cabinet Secretary for The National Treasury and Economic Planning;

(l) **Hon. Salim Mvurya Mgala, EGH** as Cabinet Secretary for Investments, Trade and Industry;

(m) **Ms. Rebecca Miano, EGH** as Cabinet Secretary for Tourism and Wildlife;

(n) **Hon. James Opiyo Wandayi, EGH** as Cabinet Secretary for Energy and Petroleum;

(o) **Hon. Onesimus Kipchumba Murkomen, EGH** as Cabinet Secretary for Youth affairs, Creative Economy and Sports;

(p) **Hon. Hassan Ali Joho, EGH** as Cabinet Secretary for Mining, Blue Economy and Maritime Affairs;

(q) **Hon. (Dr.) Alfred Nganga Mutua, EGH** as Cabinet Secretary for Labour and Social Protection;

(r) **Hon. Wycliffe Ambetsa Oparanyah, EGH** as Cabinet Secretary for Co-operatives and Micro, Small and Medium Enterprises Development; and

(s) **Hon. Justin Bedan Muturi, EGH** as Cabinet Secretary for Public Service and Human Capital Development.

(2) **THAT Ms. Stella Soi Lang'at** did NOT demonstrate adequate knowledge of topical, administrative and technical issues touching on the portfolio to which she had been nominated; and lacked the requisite abilities, and qualities to be approved for appointment to the office of Cabinet Secretary for Gender, Culture, The Arts and Heritage.

Having conducted the approval hearing for the nominees pursuant to Article 152(2) of the Constitution, sections 3 and 8 of the Public Appointments

(Parliamentary Approval) Act and Standing Order 204(4) of the National Assembly Standing Orders, the Committee recommends that this House—

(1) Approves the following nominees for appointment as Cabinet Secretaries for the stated ministerial portfolios in the Cabinet of the Government of Kenya—

(a) **Hon. (Prof.) Kithure Kindiki, EGH** as Cabinet Secretary for Interior and National Administration;

(b) **Dr. Debra Mlongo Barasa** as Cabinet Secretary for Health;

(c) **Hon. Alice Wahome, EGH** as Cabinet Secretary for Lands, Public Works, Housing and Urban Development;

(d) **Mr. Julius Migos Ogamba** as Cabinet Secretary for Education;

(e) **Hon. Roselinda Soipan Tuya, EGH** as Cabinet Secretary for Defence;

(f) **Dr. Andrew Mwihia Karanja** - as Cabinet Secretary for Agriculture and Livestock Development;

(g) **Hon. Aden Bare Duale, EGH** as Cabinet Secretary for Environment, Climate Change and Forestry;

(h) **Mr. Eric Murithi Mugaa** as Cabinet Secretary for Water, Sanitation and Irrigation;

(i) **Mr. Davis Chirchir, EGH** as Cabinet Secretary for Roads and Transport;

(j) **Dr. Margaret Nyambura Ndung'u** as Cabinet Secretary for Information, Communication and the Digital Economy;

(k) **Hon. John Mbadi Ng'ongo, EGH** as Cabinet Secretary for The National Treasury and Economic Planning;

(l) **Hon. Salim Mvurya Mgala, EGH** as Cabinet Secretary for Investments, Trade and Industry;

(m) **Ms. Rebecca Miano, EGH** as Cabinet Secretary for Tourism and Wildlife;

(n) **Hon. James Opiyo Wandayi, EGH** as Cabinet Secretary for Energy and Petroleum;

(o) **Hon. Onesimus Kipchumba Murkomen, EGH** as Cabinet Secretary for Youth affairs, Creative Economy and Sports;

(p) **Hon. Hassan Ali Joho, EGH** as Cabinet Secretary for Mining, Blue Economy and Maritime Affairs;

(q) **Hon. (Dr.) Alfred Nganga Mutua, EGH** as Cabinet Secretary for Labour and Social Protection;

(r) **Hon. Wycliffe Ambetsa Oparanyah, EGH** as Cabinet Secretary for Co-operatives and Micro, Small and Medium Enterprises Development; and

(s) **Hon. Justin Bedan Muturi, EGH** as Cabinet Secretary for Public Service and Human Capital Development.

(2) Rejects the nomination of **Ms. Stella Soi Lang'at** for appointment as Cabinet Secretary for Gender, Culture, The Arts and Heritage.

May I take this opportunity to acknowledge and appreciate the Honourable Members of the Committee for actively participating in the approval hearings, sitting for long hours including the weekends and making valuable contributions towards the preparation of this Report.

The Committee wishes to thank the Offices of the Speaker and of the Clerk of the National Assembly for the technical support accorded to it during the exercise. I am aware that our technical team spent several nights attending to the call of duty, the result of which is the success of the vetting exercise. The Committee further extends its appreciation to the nominees for their cooperation during the approval hearings. The Committee also appreciates the EACC, HELB, DCI, ORPP, KRA and CUE for providing references and background checks relating to the suitability of the nominees. The Committee notes with appreciation the active participation of the public during every stage of the vetting process. Of special note, is the many members of the public who sent memoranda and actively followed the proceedings and forwarded many insightful comments when the nominees were being vetted.

On behalf of the Committee on Appointments and pursuant to Article 124(4)(b) of the Constitution, section 8(1) of the Public Appointments (Parliamentary Approval) Act and the provisions of Standing Order 199(6) of the National Assembly Standing Orders, it is now my duty and privilege to present to the House the Report of the Committee on Appointments on the Approval Hearings of Nominees for Appointment as Cabinet Secretaries.

Rt. Hon. (Dr.) Moses M. Wetang'ula, EGH, MP
Speaker of the National Assembly/Chairperson, Committee on Appointments

CHAPTER ONE

1 PREFACE

1.1 Establishment and Mandate of the Committee

1. Article 124(4)(a) of the Constitution provides that when a House of Parliament considers any appointment for which its approval is required under the Constitution or an Act of Parliament, the appointment shall be considered by a Committee of the relevant House.

2. The Committee on Appointments is established under Standing Order 204(1). Standing Order 204(4) provides that the *Committee on Appointments shall consider, for approval by the House, appointments under Article 152(2) of the Constitution (Cabinet Secretaries).*

1.2 Committee Membership

3. The Committee on Appointments was constituted by the House on Wednesday, 12th October, 2022 and comprises of the following Members—

1) Rt. Hon. (Dr.)Moses Wetang'ula, EGH, MP **National Assembly/Chairperson**	-	**Speaker of the**
2) Hon. Gladys J. Boss, MGH, MP	-	Deputy Speaker
3) Hon. Kimani Ichung'wah, EGH, MP	-	Leader of the Majority Party
4) Hon. Opiyo Wandayi, EGH MP	-	Leader of the Minority Party
5) Hon. Owen Baya, CBS MP	-	Deputy Leader of the Majority Party
6) Hon. Robert Mbui, CBS MP	-	Deputy Leader of the Minority Party
7) Hon. Junet Mohamed, CBS, MP	-	Minority whip
8) Hon. Mishi Mboko, CBS, MP		
9) Hon. Abdul Rahim Dawood, MP		
10) Hon. David Gikaria, MP		
11) Hon. David Pkosing, CBS, MP		
12) Hon. Dido Ali Raso, MP		
13) Hon. Ferdinand Wanyonyi, MP		
14) Hon. Stephen Mule, MP		
15) Hon. Naisula Lesuuda, MP		
16) Hon. Mary Emaase, MP		
17) Hon. Abdi Shurie, MP		

18) Hon. Caleb Amisi, MP
19) Hon. George Gitonga Murugara, CBS, MP
20) Hon. Nelson Koech, MP
21) Hon. Rahab Wachira Mukami, MP

1.3 Committee Secretariat

4. The Committee was supported in the execution of its mandate by a Secretariat comprised of–

1. Mr. Nicholas Emejen	-	Deputy Director, Audit, Committees Services
2. Mr. Michael Karuru	-	Deputy Director, Legal Services
3. Ms. Leah Mwaura	-	Principal Clerk Assistant II
4. Dr. Andrew Shangirai	-	Principal Serjeant-at-Arms
5. Mr. David Ngeno	-	Principal Senior Research Officer
6. Mr. Ronald Walala	-	Senior Legal Counsel
7. Ms. Kathleen Nanzala	-	Clerk Assistant III
8. Mr. Collins Mahamba	-	Audio Officer

CHAPTER TWO

2 BACKGROUND

2.1 Legal Framework

5. Article 152(2) of the Constitution provides for the appointment of Cabinet Secretaries. It stipulates that—

   (2) The President shall nominate and, with the approval of the National Assembly, appoint Cabinet Secretaries.

6. The Committee was guided by the following provisions of the Constitution and statutes in executing its mandate —

   (a) Article 10 of the Constitution on the national values and principles of governance;

   (b) Article 73 of the Constitution on responsibilities of leadership;

   (c) Article 75 of the Constitution on conduct of State Officers;

   (d) Article 77 of the Constitution on restriction on activities of State Officers;

   (e) Article 78 of the Constitution on dual citizenship;

   (f) Chapter 6 of the Constitution on leadership and integrity;

   (g) Article 118 of the Constitution on public participation;

   (h) Article 124(4) of the Constitution on consideration of persons for appointment to public office;

   (i) Article 232 of the Constitution on values and principles of public service;

   (j) The Public Appointments (Parliamentary Approval) Act, Cap 7F;

   (k) The Leadership and Integrity Act, Cap. 185C;

   (l) The Ethics and Anti-Corruption Commission Act, Cap 7H; and

   (m) The Public Officer Ethics Act, Cap. 185B.

2.2 Vacancy in the Offices of Cabinet Secretaries

7. In exercise of his powers in Article 152(5)(b) of the Constitution, H.E the President vide Gazette Notice No. 8440 of 2024 dated 11th July 2024 (*Annexure 1*) dismissed from office twenty-one (21) persons serving as Cabinet Secretaries therefore rendering the positions vacant. Subsequently, on 22nd July 2024 and 24th July 2024 and pursuant to Article

152(2) of the Constitution, H.E the President nominated twenty (20) persons for appointment as Cabinet Secretaries.

2.3 Notification of Nominations

8. Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, stipulate as follows—

> "***3. Exercise of powers of appointment***
>
> *An appointment under the Constitution or any other law for which the approval of Parliament is required shall not be made unless the appointment is approved or deemed to have been approved by Parliament in accordance with this Act.*
>
> ***5. Notification of nomination***
>
> *(1) An appointing authority shall, upon nominating a person for an appointment to which this Act applies, notify the relevant House of Parliament accordingly.*
>
> *(2) A notification under subsection (1) shall be —*
>
> *(a) in writing;*
>
> *(b) be lodged with the Clerk of the relevant House of Parliament.*
>
> *(3) A notification of appointment shall be accompanied by information concerning the nominee, having regard to the issues mentioned in section 7.*
>
> *(4) For purposes of this Act, a notification of nomination shall be deemed to be duly given on the day on which it complies fully with subsections (2) and (3).*"

9. Pursuant to Article 152(2) of the Constitution as read with sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, H.E the President, through the Head of Public Service, forwarded to the Clerk of the National Assembly the following letters —

(a) Letter dated 22nd July 2024 *(Annexure 2a)* forwarding the names and curricula vitae of the following ten (10) persons nominated for appointment as Cabinet Secretaries:

(i) Hon. (Prof.) Kithure Kindiki, EGH;

(ii) Dr. Debra Mlongo Barasa;

(iii) Hon. Alice Wahome, EGH;

(iv) Mr. Julius Migos Ogamba;

(v) Hon. Roselinda Soipan Tuya, EGH;

(vi) Dr. Andrew Mwihia Karanja;

(vii) Hon. Aden Bare Duale, EGH;

(viii) Mr. Eric Murithi Mugaa;

(ix) Mr. Davis Chirchir, EGH; and

(x) Dr. Margaret Nyambura Ndung'u.

(b) Letter dated 24th July 2024 *(Annexure 2b)* forwarding the names and curricula vitae of the following ten (10) persons nominated for appointment as Cabinet Secretaries:

(i) Hon. John Mbadi Ng'ongo, EGH;

(ii) Hon. Salim Mvurya Mgala, EGH;

(iii) Ms. Rebecca Miano, EGH;

(iv) Hon. James Opiyo Wandayi, EGH;

(v) Hon. Onesimus Kipchumba Murkomen, EGH;

(vi) Hon. Hassan Ali Joho, EGH;

(vii) Hon. (Dr.) Alfred Nganga Mutua, EGH;

(viii) Hon. Wycliffe Ambetsa Oparanyah, EGH;

(ix) Hon. Justin Bedan Muturi, EGH; and

(x) Ms. Stella Soi Lang'at.

2.4 Notification to the House and Referral to the Committee on Appointments

10. Pursuant to the provisions of Standing Order 42(1), the Speaker, vide Communications No. 004 and 005 of 2024 dated Tuesday 23rd and Wednesday 24th July 2024 *(Annexure 3a and 3b)*, conveyed to the House the President's Message on nomination of Cabinet Secretaries for approval by the National Assembly.

11. Pursuant to section 8(1) of the Public Appointments (Parliamentary Approval) Act and Standing Order 204, the names and curricula vitae of the nominees were referred to the Committee on Appointments for approval hearings and reporting to the House within twenty-eight (28) days.

2.5 Notification to the Public

12. Article 118 of the Constitution provides that Parliament shall facilitate public participation and involvement in the legislative business and other business of Parliament and its Committees.

13. Section 6(4) of the Public Appointments (Parliamentary Approval) Act provides that the Clerk shall notify the public of the time and place for holding an approval hearing at least seven (7)days prior to the hearing. Consequently, and in accordance with Article 118 of the Constitution, section 6(4) of the Public Appointments (Parliamentary Approval) Act and Standing Order 45(3) of the National Assembly Standing Orders, the Clerk of the National Assembly placed an advertisement in the print media and Parliament website on Thursday 25th July, 2024 *(Annexure 4)* notifying the public that the approval hearings of the nominees would be conducted from 1st to 4th August, 2024.

2.6 Notification to the Nominees

14. The Clerk of the National Assembly vide letters dated 24th July 2024 and 25th July, 2024 *(Annexures 5a and 5b)* invited the nominees for the approval hearings in accordance with section 6(3) of the Public Appointments (Parliamentary Approval) Act.

2.7 Clearance and Compliance Requirements

15. The Clerk of the National Assembly vide letters dated 23rd July, 2024 and 24th July, 2024 wrote to the Ethics and Anti- Corruption Commission (EACC), Higher Education Loans (HELB), Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP), Kenya Revenue Authority (KRA) and Commission for University Education (CUE) *(Annexure 6a and 6b)* requesting for reports with respect to the nominees on the following matters—

    (a) EACC on ethics and integrity;

    (b) HELB on higher education loan repayments;

    (c) DCI on criminal records;

    (d) ORPP on holding office in political parties;

    (e) KRA on tax compliance; and

    (f) CUE on recognition and equation of academic certificates.

16. On matters of ethics and integrity, the EACC vide letters dated 26th and 29th July 2024 responded and stated that the Commission had not

undertaken any investigation or recommended prosecution pursuant to its mandate against the following nineteen (19) nominees—

(1) Hon. (Prof.) Kithure Kindiki, EGH;

(2) Dr. Debra Mlongo Barasa;

(3) Hon. Alice Wahome, EGH;

(4) Mr. Julius Migos Ogamba;

(5) Hon. Roselinda Soipan Tuya, EGH;

(6) Dr. Andrew Mwihia Karanja;

(7) Hon. Aden Bare Duale, EGH;

(8) Mr. Eric Murithi Mugaa;

(9) Mr. Davis Chirchir, EGH;

(10) Dr. Margaret Nyambura Ndung'u;

(11) Hon. John Mbadi Ng'ongo, EGH;

(12) Hon. Salim Mvurya Mgala, EGH;

(13) Ms. Rebecca Miano, EGH;

(14) Hon. James Opiyo Wandayi;

(15) Hon. Onesimus Kipchumba Murkomen, EGH;

(16) Hon. Hassan Ali Joho, EGH;

(17) Hon. (Dr.) Alfred Nganga Mutua, EGH;

(18) Hon. Justin Bedan Muturi, EGH; and

(19) Ms. Stella Soi Lang'at.

17. However, with regard to Hon. Wycliffe Ambetsa Oparanyah, EGH, the nominee for appointment as Cabinet Secretary for Co-operatives and Micro, Small and Medium Enterprises (MSMEs) Development, the Commission informed the Committee as follows—

(a) That the Commission conducted an investigation on allegations of corruption against the nominee for offences committed during his stint as the Governor, County Government of Kakamega.

(b) Upon the conclusion of the investigation, the Commission submitted a Report to the Director of Public Prosecutions (DPP) recommending prosecution of the nominee on various charges including of conspiracy to commit an offence of corruption, conflict of interest, abuse of office and money laundering.

(c) The nominee obtained a conservatory order staying any arrest or prosecution based on information obtained by the Commission pursuant to investigate warrants granted to the Commission. The conservatory order was issued by the High Court in Kakamega *Constitutional and Human Rights Petition No. E019 of 2023 (Wycliffe Ambetsa Oparanyah vs EACC and 3 Others)*. The matter is pending in court.

(d) That the Commission also filed an application for preservation orders against assets of the nominee, where he is suspected to be in possession of proceeds of corruption arising from the conflict of interest. The Commission has obtained orders preserving money Kshs. 28,900,000; through Nairobi High Court *Anti-Corruption and Economic Crimes Court Miscellaneous Application No. E040 of 2023 (EACC vs Wycliffe Ambesta Oparanyah & 3 Others)*. The matter is pending in court.

18. In relation to higher education loan repayments, HELB responded vide letters dated 29th July, 2024 and 31st July, 2024 and stated that the following nominees had cleared their higher education loans on various dates:

    (1) Hon. (Prof.) Kithure Kindiki, EGH;

    (2) Hon. Alice Wahome, EGH;

    (3) Mr. Julius Migos Ogamba;

    (4) Dr. Andrew Mwihia Karanja;

    (5) Hon. Aden Bare Duale, EGH;

    (6) Dr. Margaret Nyambura Ndung'u;

    (7) Hon. John Mbadi Ng'ongo, EGH;

    (8) Hon. Salim Mvurya Mgala, EGH;

    (9) Ms. Rebecca Miano, EGH;

    (10) Hon. James Opiyo Wandayi, EGH;

    (11) Hon. Onesimus Kipchumba Murkomen, EGH;

    (12) Ms. Stella Soi Lang'at; and

    (13) Hon. Wycliffe Ambetsa Oparanyah, EGH.

19. The Higher Education Loans Board further stated that the following nominees were not beneficiaries of the higher education loans:

    (1) Dr. Debra Mlongo Barasa;

(2) Hon. Roselinda Soipan Tuya, EGH;

(3) Mr. Davis Chirchir, EGH;

(4) Hon. Hassan Ali Joho, EGH;

(5) Hon. (Dr.) Alfred Nganga Mutua, EGH; and

(6) Hon. Justin Bedan Muturi, EGH.

20. Additionally, the Higher Education Loans Board stated that Mr. Eric Murithi Mugaa, the nominee for appointment as Cabinet Secretary for Water, Sanitation and Irrigation was a loanee and compliant. (Annexure 7)

21. The DCI vide a letter dated 26th July 2024 and two letters dated 31st July 2024 wrote back and advised that forensic fingerprint analysis of all the nominees had been conducted and that the criminal database had not revealed any previous records. (Annexure 8a, 8b and 8c)

22. On whether the nominees hold offices within political parties, the ORPP vide letters dated 29th July 2024 and 31st July 2024 wrote back and stated that pursuant to Article 77 (2) of the Constitution and according to the records held by the Office as at 29th July 2024, all the twenty (20) nominees were not officials of any registered political party in Kenya: (Annexure 9a and 9b)

23. With regard to the request for the tax compliance status for the nominees, KRA vide two letters dated 31st July 2024, indicated that all twenty (20) nominees were compliant. (Annexure 10a and 10b)

2.8 Criteria for Consideration During the Approval Hearings

24. Section 6(7) and (8) of the Public Appointments (Parliamentary Approval) Act provides that:

"(7) An approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background.

(8) The criteria specified in the Schedule shall be used by a Committee during an approval hearing for the purposes of vetting a candidate."

25. Additionally, section 7 of the Act provides that the issues for consideration by the relevant House of Parliament 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 the 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.

26. While conducting the approval hearings, the Committee was guided by the provisions of sections 6(7), 6(8) and 7 of the Public Appointments (Parliamentary Approval) Act.

2.9 Procedure for Nomination

27. Article 152(2) of the Constitution confers upon the President the power to appoint Cabinet Secretaries with the approval of the National Assembly.

28. Section 5(1) of the Public Appointments (Parliamentary Approval) Act further requires the appointing authority, upon nominating a person for appointment, to notify the relevant House of Parliament.

29. To this end, H. E. the President notified the National Assembly of the nomination of twenty (20) persons for appointment as Cabinet Secretaries

2.10 Constitutional and Statutory Requirements

30. The Committee was guided by the following provisions of law on the requirements for appointment to the State offices:

(i) Two-Thirds Gender Rule

31. Article 27(8) of the Constitution provides that the State shall take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender.

(ii) Representation of Regional and Ethnic Diversity

32. Article 130(2) of the Constitution provides that the composition of the national executive shall reflect the regional and ethnic diversity of the people of Kenya.

(iii) Leadership and Integrity

33. The Committee, in determining the suitability of the nominees, was also guided by the provisions on leadership and integrity as outlined under Chapter Six of the Constitution. In particular, Article 73(2) of the Constitution provides that the guiding principles of leadership and integrity include –

a) selection on the basis of personal integrity, competence and suitability, or election in free and fair elections;

b) objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favouritism, other improper motives or corrupt practices;

c) *selfless service based solely on the public interest, demonstrated by —*

i) *honesty in the execution of public duties; and*

ii) *the declaration of any personal interest that may conflict with public duties.*

d) *accountability to the public for decisions and actions; and*

e) *discipline and commitment in service to the people.*

34. Article 75 of the Constitution requires a State Officer, whether in public or private life to behave in a manner that avoids conflict between personal interest and public official duties. This Article further prohibits a State officer who has been removed from office under it from holding any other State office.

35. Article 77(1) of the Constitution prohibits a full time State officer from participating in any other gainful employment.

36. Article 77(2) of the Constitution prohibits an appointed State officer from holding office in a political party.

37. Article 78 of the Constitution disqualifies persons who are not Kenyan Citizens from appointment as State Officers. Further, a State Officer is Bared from holding dual citizenship.

38. In addition, the Committee considered section 10 of the Leadership and Integrity Act, Cap 185C which provides that—

"A State officer shall, to the best of their ability—

(a) carry out the duties of the office efficiently and honestly;

(b) carry out the duties in a transparent and accountable manner;

(c) keep accurate records and documents relating to the functions of the office; and

(d) report truthfully on all matters of the organization which they represent."

2.11 Suitability of the Nominees for the Proposed Appointment

39. The suitability of the nominees was assessed after scrutiny of the nominees' academic credentials, professional training and experience, personal integrity, background and qualities as well as their performance during the approval hearings conducted from 1st to 4th August, 2024.

CHAPTER THREE

3 MEMORANDA FROM THE PUBLIC ON THE SUITABILITY OF NOMINEES

40. Article 118 of the Constitution provides that Parliament shall facilitate public participation and involvement in the legislative business and other business of Parliament and its Committees

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

42. Pursuant to Article 118 of the Constitution as read with section 6(9) of Public Appointments (Parliamentary Approval) Act, the Clerk of the National Assembly placed two advertisements in the print media on 24th and 25th July 2024 inviting the public to submit memoranda by way of a written statement on oath (affidavit) on the suitability or otherwise of the nominees in conformity with section 6(9) of the Public Appointments (Parliamentary Approval) Act.

43. The advertisement indicated that the submissions were to be received by 31st July and 1st August 2024 at 5.00 pm, respectively. At the close of the submission deadlines, the Committee had **received 123 hand delivered memoranda and 714 memoranda vide email** for or against the suitability of the nominee totalling to **837 memoranda.** Out of these **181 memoranda** complied with section 6(9) of the Public Appointments (Parliamentary Approval) Act.

44. Further, out of the 656 memoranda, some of the memoranda although in the form of affidavits, were submitted in support of the nominees and not contesting the suitability of the nominees as required by section 6(9) of the Public Appointments (Parliamentary Approval) Act hence inadmissible. Section 6(9) of the Act requires the written sworn statements to contain evidence contesting the suitability of a candidate to hold office to which the candidate has been nominated and not in support of a candidate.

45. The Committee received affidavits contesting the suitability of the nominees on the following grounds—

    (a) dismissal from Cabinet by the President vide Gazette Notice 8440 of 2024;

    (b) allegations of corruption and abuse of power;

    (c) the President appointing persons from the minority party;

(d) the list of nominees did not comply with the two-thirds gender principle;

(e) the list of nominees did not reflect representation from special interest groups;

(f) integrity issues and alleged violation of Chapter Six of the Constitution; and

(g) alleged violation of Articles 103(1)(e) and 194(1)(e) of the Constitution.

46. The following is the analysis of the 181 memoranda received by the Committee from the public which met the requirements of section 6(9) of the Act—

3.1 Affidavits Contesting Suitability of Nominees on the Basis of Dismissal from Cabinet by the President

47. The Committee received affidavits contesting the suitability of ten (10) nominees namely **Hon. (Prof.) Kithure Kindiki, Hon. Alice Wahome, EGH, Hon. Aden Bare Duale, EGH, Hon. Roselinda Soipan Tuya, EGH, Mr. Davis Chirchir, EGH, Hon. Salim Mvurya, Ms. Rebecca Miano, Hon. Kipchumba Murkomen, Hon. Alfred Mutua and Hon. Justin Muturi** from the following one hundred and sixty-three (163) persons—

1. Eliud Karanja Matindi
2. Frida Karani
3. Phoebe Nyokabi Thambu
4. Achar Sammy Omondi
5. Elijah Mwangi Wachira
6. Doreen Adhiambo Onyango
7. Japheth Hope Abuya
8. Victor Ombonya
9. Anne Waituika
10. Margaret Wachera Wanjau
11. Abdi Rashid Ibrahim
12. Marianne Njeri Gitau
13. Munene Brian M
14. Mark W. Maina
15. Purity Nyawira Wanjohi
16. Joyce Ida Wangui
17. Peter Chiira Maina
18. Stephen Muhugu Thaiku
19. Agnes Wanjiru Njoroge
20. Brenda Cindy Wedube Onalo
21. Linet Wanjira Gathuka
22. Michelle Khisa
23. Diane Gaciku Meria
24. Eric Maina Chege
25. Gladys Nyambura Gatuha
26. Florence Wanjiru Maina
27. Elizabeth Mugure Kinuthia
28. Evans Maina Chege
29. Esther Wangeci Wachira
30. Allan Amdany Chebon
31. Charles Mbarire Wachira
32. Michelle Njoki Gichuru
33. James Shisiah
34. Tania Wacuka
35. Warren Mageto Otachi
36. Sophie Kinya
37. Aisha Abdallah Kibwana
38. Myra Amogola
39. Vincent Frankline Odhiambo Obonyo
40. Brian Mwangangi
41. Immanuel Ochieng

42. Sabina Njeri
43. Jewel Karungari Ndungu (Bunge la Magut)
44. Nixon Kebiego Nyambati
45. Sarah Wambui
46. Winnie Njeri Rumui
47. Paul Kiplagat Chemonges
48. Mbugua Muiruri
49. Linda Ferdinand Chami
50. Eluid Rogoncho Mogesa
51. Cormac Ajwang Ramogi
52. Bernard Nyongesa Wambulua
53. Zipporah Mueni Kioko
54. Caroline Wangechi
55. Muhammaddin Sirrow Adan
56. Susan Naliaka
57. Caroline Wangui Njue
58. Ian Simba Morangi
59. Lynnette Waruguru Mwangi
60. Bonface Ndungu Mugucha
61. Canaan Sally Otuka
62. Diana Njeri Kirigo
63. Flavia Bosire
64. Nyaemo Loise Nyoteyo Rehema
65. Anita Njambi Mwangi
66. Purity Wanjiku
67. Katherine Apisi Mungau
68. Everlyn Ombasa Mungau
69. Angela Atieno Ngesa
70. George Mungai Kariuki
71. Kioi Ndungu
72. Michael Kimemia Kamau
73. Margaret Wambui Waweru
74. Filbert Castii Chami
75. Antony Nduati Ndibui
76. Diane Njeri Kiribo
77. Griffin Oganda Onyimbo
78. Donald Kiprono Kiplagat
79. Leonard Keya Simiyu
80. Benjamin Ndungu
81. Edwina Nekoye Makokha
82. Becky V.A Genga
83. Mary Wambui Murimi
84. Anthony Kiprono Sogomo
85. Brian Mutahi Ngaruiya
86. Elvis Muema Kimeu
87. Robert Gitu Njuguna
88. Wambui Kibore
89. Barbara Wangui Nganga
90. Michelle Mumbi Kairo
91. Paul Oketch
92. Brian Ochieng
93. Miano Elvis Gichohi
94. Carol Gathigia Warui
95. Mercy Wendy Kimakwa
96. Kibe Nduni
97. Kevin Kimani
98. Eva Gatwiri Bundi
99. Susan Justine Opwanda
100. Caroline Wanjiru Kimani
101. Pauline Esther Wangari Ng'ang'a
102. Kelvin Maina Kamau
103. Evyone Kirimi
104. Joyous Mbuthia
105. Anne Mwende Mutulu
106. Doreen Nyaguthii Chege
107. Angela Wanjiku Wamai
108. Eugene Kipkorir Langat
109. Wangui Muthaka
110. Faith Karimi Mbogo
111. Susan Wakio Mbogo
112. Irene Nyamolo Abagi
113. Salma Khamala
114. Wendy Chepkorir Sigey
115. Paul Kariuki Maingi
116. Mary Wambui Wamaitha
117. Joyce Wanjiku Ngugi
118. Nelius Waruguru Wangari
119. Jacqueline Kubania
120. Laura Rono

121. Kenneth S. Kibet
122. Florence Caroline Naomi Wangui Kamonji
123. Caroline V. Muthoni Nyaga
124. Amina Ali Darani
125. Victor Njenga Mary
126. Jackson Kabithi Ngei
127. Sandra Adikinyi Bwire
128. Wairimu Gathimba
129. Nelson Mbithi
130. Louise Barbara Waruguru
131. Lydia Muthoni Gituru
132. James Mbugua Njenga
133. Elsie Diana Masitsa Magoi
134. Isaiah Iraya
135. Alfred Mukoko Muchilwa
136. William Omari William
137. Petra Muriuki Wairimu
138. Stella Wangari Maina
139. Evans Mbuthia Njuguna
140. Maurice Agireh Gayah
141. George Ngathu Nganga
142. Faith Catherine Aketch
143. Tessy Lulia
144. Jackton Ondicho
145. Lynnette Waruguru Mwangi
146. Christine Wanjiru
147. Nicole Wambui Githiri
148. Khalid Ibrahim(withdrawn)
149. Aisha Adan
150. Sonia Mshila
151. Mercy Murugi Kuria
152. Ahmed M. Sigat
153. Antony Gitau Murumba
154. Victor Muiya
155. Agnes Mathai
156. Sheila Masinde
157. Eric Ochieng Oloo
158. Benson Wanjohi Njoroge
159. Paul Onyango Opondo
160. Peter Kioni
161. Mathare Sub- County Community Health Workers Organization (MSCHWO)
162. Ernest Muguku Muriu
163. Joseph Mwathi c/o Kilele Youth Organization

48. The deponents contested the suitability of the nominees based on grounds that —

(a) in a statement dated 11th July, 2024 issued at State House, Nairobi, H. E. the President announced that he had dismissed all Cabinet Secretaries and the Attorney-General from the Cabinet including the aforementioned ten (10) nominees save for the Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs;

(b) the dismissal of the above-named persons was confirmed vide Executive Order No. 6 of 2024 dated 11th July, 2024 and published as Kenya Gazette Notice No. 8440 of 2024 on 12th July, 2024; and

(c) the President could not subsequently, lawfully nominate any of the persons he had dismissed as Cabinet Secretaries on 11th July, 2024 including the above-named nominees.

49. The affidavits cited as evidence the following documents—

(a) the Statement by H.E. the President on the Changes in the National Government Executive dated 11th July, 2024; and

(b) *Gazette* Notice No. 8440 of 2024 dated 12th July, 2024 on the re-organization of the Government of Kenya.

Observations

50. The Committee made the following observations—

(a) The affidavits complied with section 6(9) of the Public Appointments (Parliamentary Approval) Act and were similar in wording.

(b) The Affidavit by Khalid Ibrahim was withdrawn vide Notice of Withdrawal dated 24th July, 2024.

3.2 Affidavits Contesting Suitability of Nominees on the Basis of Appointment of Persons from the Minority Party

51. The Committee noted that some of the deponents mentioned in the afore-mentioned list of deponents (numbers 1 to 97) and in the **Affidavit of Agnes Mathai**, further contested the suitability of four (4) nominees namely **Hon. John Mbadi, Hon. Opiyo Wandayi, Hon. Hassan Joho and Hon. Wycliffe Oparanyah** on the grounds that—

(a) the four (4) nominees were members of and are affiliated to the Orange Democratic Movement (ODM) and H. E. the President could not lawfully nominate persons associated with and who were/have been members of political parties or coalition of rival political parties in opposition to the President's party for appointment as members of the

national executive of the Republic which he heads as this destroys multi-party democracy;

(b) approval of **Hon. Opiyo Wandayi** was a threat to Article 201 of the Constitution and did not safeguard public money as the nominee would have to resign as a member of the National Assembly which would occasion a by-election causing unnecessary expenditure of the scarce public resources;

(c) **Hon. Wycliffe Oparanyah** was currently the subject of ongoing criminal investigations and prosecutions by the Ethics and Anti-Corruption Commission (EACC) for offences allegedly committed during his tenure as the Governor of Kakamega County and that the EACC received a notification from the Office of the Director of Public Prosecutions (ODPP) concurring with its recommendation that the nominee should be charged for the alleged offences.

(d) The affidavits cited as evidence the excerpts from *Gazette Notice* No. 2089 dated 23rd February, 2024 on EACC's notification of investigations against Hon. Wycliffe Oparanyah for alleged corruption and money laundering.

Observation

52. The Committee observed that the Affidavits by the deponents were written statements on oath and therefore complied with section 6(9) of the Public Appointments (Parliamentary Approval) Act.

3.3 Affidavits Contesting the Suitability of Nominees on the Basis of Lack of Representation by Special Interest Groups in the Composition of the Proposed Cabinet

53. The Committee received affidavits that contested the appointment of ten (10) nominees namely **Hon. (Prof.) Kithure Kindiki, Hon. Alice Wahome, EGH, Hon. Aden Bare Duale, EGH, Hon. Roselinda Soipan Tuya, EGH, Mr. Davis Chirchir, EGH, Hon. Salim Mvurya, Ms. Rebecca Miano, Hon. Kipchumba Murkomen, Hon. Alfred Mutua and Hon. Justin Muturi** based on the ground that the nomination of all nominees did not comply with Article 27(8) of the Constitution which provides that not more than two thirds of members of appointive bodies shall be of the same gender.

54. The affidavits were received from the following deponents—

1. Eva Gatwiri Bundi
2. Susan Justine Opwanda
3. Caroline Wanjiru Kimani
4. Pauline Esther Wangari Ng'ang'a
5. Kelvin Maina Kamau
6. Evyone Kirimi

7. Joyous Mbuthia
8. Anne Mwende Mutulu
9. Doreen Nyaguthii Chege
10. Angela Wanjiku Wamai
11. Eugene Kipkorir Langat
12. Wangui Muthaka
13. Faith Karimi Mbogo
14. Susan Wakio Mbogo
15. Irene Nyamolo Abagi
16. Salma Khamala
17. Wendy Chepkorir Sigey
18. Paul Kariuki Maingi
19. Mary Wambui Wamaitha
20. Joyce Wanjiku Ngugi
21. Nelius Waruguru Wangari
22. Jacqueline Kubania
23. Laura Rono
24. Kenneth S. Kibet
25. Florence Caroline Naomi Wangui Kamonji
26. Caroline V. Muthoni Nyaga
27. Amina Ali Darani
28. Victor Njenga Mary
29. Sandra Adikinyi Bwire
30. Wairimu Gathimba
31. Nelson Mbithi
32. Louise Barbara Waruguru
33. Lydia Muthoni Gituru
34. James Mbugua Njenga
35. Elsie Diana Masitsa Magoi
36. Isaiah Iraya
37. Alfred Mukoko Muchilwa
38. William Omari William
39. Petra Muriuki Wairimu
40. Stella Wangari Maina
41. Evans Mbuthia Njuguna
42. Maurice Agireh Gayah
43. George Ngathu Nganga
44. Faith Catherine Aketch
45. Tessy Lulia
46. Jackton Ondicho
47. Lynnette Waruguru Mwangi
48. Christine Wanjiru
49. Nicole Wambui Githiri
50. Jackson Kabithi Ngei

55. Further, the affidavit by Kesho Kioko contested the appointment of all the nominees on the grounds that—

(a) the current nominations consisted of fifteen male and six female candidates respectively which in addition to His Excellency the President and the Deputy President amounted to seventeen males and six females in the Cabinet. This composition did not comply with Article 27(8) of the Constitution which stipulates that not more than two thirds of the members of an appointive body should be of the same gender;

(b) there was no representation of persons with disabilities amongst the nominees as stipulated under Article 54(2);

(c) in order to comply with the constitutional requirements, the remaining nominations of the Attorney-General and one more Cabinet Secretary should be women and include persons with disabilities.

Observation:

56. The Committee observed that the affidavits by the deponents were written statements on oath and therefore complied with section 6(9) of the Public Appointments (Parliamentary Approval) Act.

3.4 Affidavits Contesting Suitability of Nominees on the Basis of Alleged Violation of Articles 103(1)(e) and 194(1)(e) of the Constitution

57. The Committee received an affidavit from **Isaac Aluochier (an FCIArb Arbitrator)** that contested the suitability of six (6) nominees namely:

(a) **Hon. Alice Wahome, Hon. Aden Duale, Hon. Onesimus Murkomen and Hon. Justin Muturi** on the grounds that the nominees through an arbitration award delivered by the deponent, had been found to have continued to occupy office after their offices became vacant pursuant to Article 103(1)(e) of the Constitution and as such they had committed a crime under national law;

(b) **Hon. Roselinda Tuya and Hon. Kithure Kindiki** on the grounds that, although not respondents in the arbitration, they had continued to occupy office after their offices became vacant under the operation of Article 103(1)(e) during the 2017- 2022 term of Parliament; and

(c) **Hon. Justin Muturi** on the grounds that, as the Speaker of the National Assembly, he failed to give written notices to the Independent Electoral and Boundaries Commission within twenty-one days of legislative office vacancies occurring.

58. The arbitration award was delivered on 21st July, 2024 by Isaac Aluochier, the Arbitrator, who found that—

(a) During the 2017-2022 term of Parliament, the nominees were among the Non-speaker Members of legislative assemblies who changed political parties.

(b) the offices in the appropriate legislative assemblies that the non-Speaker Respondents were elected to automatically became vacant upon their change of political party membership status, pursuant to Articles 103(1)(e) and 194(1)(e) of the Constitution.

(c) the non-Speaker Respondents unlawfully remained in occupation of office following such automatic vacancy.

(d) the non-Speaker Respondents unlawfully received salaries and other remuneration during their periods of unlawful occupation of office.

(e) the non-Speaker Respondents, following vacancies that arose in offices on account of their change in political party membership status, contravened Article 74 of the Constitution by assuming the vacant offices and performing the functions of office without having first taken or subscribed to the oath or affirmation of office.

(f) the non-Speaker Respondents failed to satisfy, during their periods of unlawful occupation of office, moral and ethical requirements prescribed by the Constitution or an Act of Parliament, pursuant to Articles 99(1)(b) and 193(1)(b) of the Constitution, and subsequently contravened sections 12A and 13 of the Leadership and Integrity Act, 2012.

(g) the Speakers of the various legislative assemblies who failed to give written notices to the Independent Electoral and Boundaries Commission within twenty-one days of legislative office vacancies occurring share jointly and severally with the non -Speaker Respondents in compensating the public for the unlawful salaries and other remuneration received by the non-Speaker Respondents.

Observation

59. The Committee observed that the affidavit by the deponent was a written statement on oath and therefore complied with section 6(9) of the Public Appointments (Parliamentary Approval) Act.

3.5 Affidavit by Esborn Kariuki

60. Esborn Kariuki contested the appointment of **Prof. Kithure Kindiki, EGH** on the grounds that the nominee lacked capacity to serve as the Cabinet

Secretary in charge of Interior and National Administration, due to the loss of public confidence, inefficiency, ineffectiveness, lack of transparency and accountability which had occasioned his dismissal from Cabinet.

Observation

61. The Committee observed that the affidavit by the deponent was a written statement on oath and therefore complied with section 6(9) of the Public Appointments (Parliamentary Approval) Act.

3.6 Statement on Oath by Joshua Abaki on Behalf of Kenyans in Canada Movement

62. The Kenyans in Canada Movement contested the appointment of **Prof. Kithure Kindiki, EGH** on the grounds that the killing of peaceful protestors by police raised questions about the nominee's competence and commitment to his responsibilities as a Cabinet Secretary.

Observation

63. The statement by the deponent was a written statement on oath and therefore complied with section 6(9) of the Public Appointments (Parliamentary Approval) Act.

3.7 Affidavit by Jackson K. Mathenge

64. **Jackson** K. Mathenge contested the appointment of **Prof. Kithure Kindiki, EGH** based on the allegations of abuse of power. The deponent averred in his affidavit that the OCS of Magutuini Police Station, acting under the instructions of the nominee, had evicted him from their parcel of land.

Observation

65. The affidavit by the deponent was a written statement on oath and therefore complied with section 6(9) of the Public Appointments (Parliamentary Approval) Act.

3.8 Affidavit by Collins Kipkemoi Sang

66. Collins Kipkemoi Sang contested the suitability of **Hon. Kipchumba Murkomen** on the grounds that—

(a) the nominee had been accused of receiving Kshs. 15 million from Out of the Box Solutions through his law firm, Sing'oei, Murkomen and Sigei Advocates;

(b) the nominee had been accused of accepting a bribe of USD 100 million from Chinese contractors;

(c) the nominee had been arrested for money laundering in Dubai;

(d) there existed a video of the nominee threatening other leaders during his tenure as the Cabinet Secretary for Roads and Transport stating that he was the Cabinet Secretary and that he was going nowhere and that all leaders must submit to him to secure development in their areas; and

(e) the nominee was widely perceived by the Kenya public as being arrogant and opulent at the expense of taxpayers, which he also admitted in an interview; and

67. The deponent attached video evidence to support the allegation of the nominee's arrogance and display of opulence.

Observation

68. The affidavit by the deponent was a written statement on oath and therefore complied with section 6(9) of the Public Appointments (Parliamentary Approval) Act.

3.9 Affidavit by Robbin Murimi Karani

69. Robbin Murimi Karani in his email contested the suitability of **Hon. Kipchumba Murkomen** stating that—

(a) the nominee had been accused of receiving Kshs. 15 million from Out of the Box solutions during his tenure as the Senator of Elgeyo Marakwet County through his law firm Sing'oei, Murkomen and Sigei Advocates. Out of Box solutions had been accused of having received millions through the fraudulent National Youth Service contracts;

(b) there were reports that the nominee was arrested in Dubai for money laundering to the tune of Kshs. 280 million;

(c) The Nandi Senator Samson Cherargei had also accused the nominee of collecting a Kshs. 15.3 billion bribe from a Chinese company, China Wu Yi in 2023. Robbin Murimi Karani stated that if the allegations were true, they would amount to a violation of the Anti-corruption and Economic Crimes Act, (Cap. 65) regarding allegations of bribery and money laundering, the Leadership and Integrity Act, (Cap. 185C) and Article 10 of the Constitution on national values and principles of governance;

(d) during the nominee's tenure as the Cabinet Secretary for Roads and Transport, the Kenya Airport Authority (KAA) that falls within the ambit of the Ministry of Roads and Transport had a deliberate but concealed

Concession Proposal to cede part of the Jomo Kenyatta International Airport to Adani Holding Limited, an Indian Company without subjecting the concession plan through the due process of the law;

(e) the construction of Kerenga Airstrip stalled despite the Kshs. 55.4 million that had been used and the residents of Kericho county were yet to realize value for the public funds used;

(f) the Committee on Approvals should probe the tender and company awarded to the Security Management for the Kenya Railways cooperation and ascertain whether there exists a conflict of interest;

(g) the nominee's character did not augur well with the edicts and leitmotifs of the Constitution on values and principles of public service;

(h) the nominee publicly displayed arrogance, disdain and a boastful character.

70. The affidavit was made in support of the deponent's submissions to the effect that the nominee should not be approved to hold a constitutional office within the republic of Kenya.

71. The deponent cited the several articles and video clips as evidence in support of his Affidavit.

Observation

72. The affidavit by the deponent was a written statement on oath and therefore complied with section 6(9) of the Public Appointments (Parliamentary Approval) Act.

3.10 Affidavit by Grace Muriuki

73. Grace Muriuki contested the appointment of Hon. Alice Wahome on the grounds that—

(i) the deponent was the director and shareholder of Landmarc Medical Laboratories, while the nominee was the majority shareholder and director of the Woman's Clinic Medical Centre Limited;

(ii) for a period of over six years, Landmarc Medical Laboratories had an agreement with the Woman's Clinic Medical Centre Limited where, the former provided laboratory services and the two companies split revenues received minus expenses at a ratio of 30% for the deponent's company and 70% for the nominee's company;

(iii) from the year 2010-2015, the nominee's company was paid Kshs. 14 million however the company refused to hand over the deponent's share and as such drove the deponent out of business;

(iv) even though Landmarc Medical laboratories was the deponent's brainchild, the nominee's firm registered it and the deponent was in the process made to include the husband of the nominee as a co-director so that the Nominee and her husband could take full control of the deponent's company and through the machinations of the law make it difficult for the deponent to access the courts when the nominee and her husband shortchange her as she could not obtain the Board consent to pursue legal proceedings on behalf of her company; and

(v) the nominee is therefore not an individual who can be trusted in financial and contractual dealings in light of her actions

Observations

74. The affidavit by the deponent was a written statement on oath and therefore complied with section 6(9) of the Public Appointments (Parliamentary Approval) Act. The affidavit contesting the suitability of the nominee was submitted on 1st August 2024, beyond the deadline for submission of memoranda in respect of the nominee.

3.11 Affidavit by Munira Ali Omar on Behalf of Haki Yetu Organization

75. The Haki Yetu Organisation contested the appointment of **Hon. Ali Hassan Joho** on the grounds that—

(a) the nominee failed to meet the standards and principles of Chapter Six of the Constitution during his tenure as Governor of Mombasa;

(b) there was an increase of youth gangs, drugs menace and high insecurity, wastage of public resources and misappropriation of funds during the nominee's tenure as governor of Mombasa; and

(c) the nominee did not comply with the rule of law and therefore failed to meet the requirements of the provisions of Chapter Six of the Constitution.

Observation

76. The affidavit by the deponent was a written statement on oath and therefore complied with section 6(9) of the Public Appointments (Parliamentary Approval) Act.

3.12 Statement on Oath by Karanja Murai on Behalf of the Peoples Movement for Human Rights

77. Karanja Murai contested the appointment **of Hon. Ali Hassan Joho** on the grounds that—

(a) in 2010, the then Internal Security Minister, the late Prof. George Saitoti tabled a list of suspected drug traffickers in Parliament, containing the names of four Members of Parliament including the nominee;

(b) a dossier by the US Embassy-Kenya stated that the Kenya Anti-Narcotic Unit suspected that the nominee was involved in the narcotics trade. According to this dossier, the nominee who was elected as a Member of Parliament in 2007 together with his allies were connected with drug trafficking. The report also implicated the nominee and his brother Abubakar Joho among the dangerous drug traffickers in the country and noted that the two were in charge of a multi-million-dollar drug trafficking empire; and

(c) as per the US Embassy report of December 2004, the nominee's brother Abubakar Joho was the clearing agent while the nominee was acting as his assistant and business partner for containers that held 1.1 tonnes of cocaine in 2004 which were seized in the country having been brought in a vessel docked at the Mombasa port.

Observation

78. The affidavit by the deponent was a written statement on oath and therefore complied with section 6(9) of the Public Appointments (Parliamentary Approval) Act.

3.13 Affidavit by Kamau James Njendu

79. Kamau James Njendu, an architect residing and working in Mombasa County, contested the appointment of **Hon. Ali Hassan Joho** on the grounds that—

(a) the deponent, was the registered proprietor of Plot Numbers 8005/I/MN, 8006/I/MN, 8007/I/MN, 8008/I/MN, 8009/I/MN and 8010/I/MN which were situated in Kisauni Constituency and that on 6th September 2011, he submitted an application to the then Municipal Council of Mombasa for permission for the development of a boundary wall on the said plots and the same was approved by the Director of Town Planning, County Government of Mombasa;

(b) on 23rd September, 2011, the nominee who was then the Member of Parliament for Kisauni Constituency, in total disregard of the right to own private property enshrined under the Constitution of Kenya, maliciously incited a crowd of goons and advised them to demolish the deponent's perimeter wall which was at its final stages of construction; and

(c) the nominee did not meet the requirements of a state officer as provided under Chapter Six of the Constitution as he had no regard for private property.

80. The affidavit cited as evidence—

(a) a letter from Kiarie Kariuki and Company Advocates on the settlement of Mombasa HCCC No. 57 of 2012;

(b) a cheque of Kshs. 450,000 from Kiarie Kariuki and Company Advocates to the deponent;

(c) the notification of approval of the application of the permission of development from the County Government of Mombasa;

(d) a statement by the deponent; and

(e) a copy of a notice of substituted service in Civil Suit No. 57 of 2012.

Observation

81. The affidavit by the deponent was a written statement on oath and therefore complied with section 6(9) of the Public Appointments (Parliamentary Approval) Act.

3.14 Affidavit by Caleb Ngwena on Behalf of Genesis for Human Rights Commission

82. Caleb Ngwena contested the appointment of **Hon. Ali Hassan Joho** on the grounds that:

(a) while in office as the Governor of Mombasa County, the nominee's administration awarded a tender for the construction of a county stadium at a cost of Kshs. 1.8 billion.

(b) In a report by the Auditor-General for the financial year that ended June 2023, the county stadium was yet to be completed despite the construction beginning in 2018. An inspection conducted by the Auditor-General showed that the project had stalled and that the contractor was not on the site. Consequently, the Auditor-General could not ascertain the value for money of the expenditure incurred on the proposed development of the sports complex and this could therefore risk cost escalation and project termination.

(c) the Auditor-General had queried the misappropriation of Kshs.1 billion by the nominee's regime in the county garbage tendering procurement, which the nominee's relatives are believed to be the beneficiaries of that irregular award;

(d) the nominee irregularly allocated the contract for garbage collection through single sourcing and the company which was associated with his relative received Kshs. 300 million annually;

(e) despite the request by the EACC for the county government of Mombasa to furnish detectives with the list of tenders awarded and to which firms, no information has been obtained in that regard; and

(f) the nominee had a questionable educational background as he was purported to have been schooled in Tom Mboya Primary School on or about 1989. However, there are no clear records in school on when he was enrolled nor documents relating to the year when he sat for his Kenya Certificate of Primary Education examination as well as the grades that he obtained including his school completion certificate.

Observation

83. The affidavit by the deponent was a written statement on oath and therefore complied with section 6(9) of the Public Appointments (Parliamentary Approval) Act. The statement was however not supported by evidence.

3.15 Affidavit by David Ogega Ochwangi

84. David Ogega Ochwangi contested the appointment of **Mr. Ogamba Julius Migos** on the grounds that—

(a) the nominee, while acting in his capacity as an advocate and a Commissioner for Oaths and Notaries Public on 20th November 2017, witnessed the signing of a consent to the making of a Grant of Administration Intestate dated 20th November, 2017;

(b) The consent was subsequently used in obtaining the Grant;

85. The deponent however averred that his name and a signature was appended against the consent document and yet he did not sign the consent. The deponent further contended that most signatures listed in the consent were forged as several heirs to the estate were not in the country and therefore could not have signed the consent.

86. The affidavit cited as evidence—

(a) a Limited Grant of Letters of Administration Ad Litem;

(b) consent to the making of the Grant of Administration Intestate to a person of Equal or Less Priority; and

(c) a letter from the Advocates Complaints Commission addressed to the nominee.

Observation

87. The affidavit by the deponent was a written statement on oath and therefore complied with section 6(9) of the Public Appointments (Parliamentary Approval) Act.

3.16 Affidavit by Peter Kioni

88. The deponent contested the suitability of two (2) nominees namely **Prof. Kithure Kindiki and Hon. Kipchumba Murkomen** on the grounds that—

    (a) the nominees were dismissed from office on 12th July 2024 since His Excellency the President was dissatisfied with the performance of the Cabinet. The nominees therefore cannot be sanitized through re-nomination without proper due process;

    (b) despite taking their oaths as advocates of the High Court of Kenya and being law teachers locally and internationally, the nominees had failed to understand what public service entails;

    (c) **Prof. Kithure Kindiki** lied on Citizen TV on 4th July 2024 that the National Police Service (NPS) was not involved in abductions of young people exercising their right to protest especially because the NPS on 17th July 2024 admitted that it had abducted Macharia Gaitho, a veteran journalist by error. The police under the nominee did not understand their work as they fired projectiles and bullets on sighting a crowd; and

    (d) **Hon. Kipchumba Murkomen** on *Obinna TV* admitted to owning clothing in excess of Kshs. 1 million which was an insult to Kenyans as his monthly net salary could not afford to buy such items.

Observation

89. The affidavit by the deponent was a written statement on oath and therefore complied with section 6(9) of the Public Appointments (Parliamentary Approval) Act.

3.17 Affidavit by Davis Malombe on Behalf of the Kenya Human Rights Commission (KHCR)

90. The deponent contested the appointment of five (5) nominees namely **Prof. Kithure Kindiki, Hon. Alice Wahome, Mr. Davis Chirchir, on. Roselinda Soipan Tuya and Hon. Aden Dual**e on grounds that—

    (a) The nominees lacked capacity to serve as Cabinet Secretaries owing to the loss of public confidence, inefficiency, ineffectiveness, lack of transparency and accountability which had led to their dismissal from Cabinet;

(b) **Hon. (Prof.) Kithure Kindiki** specifically failed to address the bandit problem in Northern Kenya;

(c) **Hon. Alice Wahome** had been captured on video assaulting an IEBC official; and

(d) **Mr. Davis Chirchir** had been adversely mentioned in the "Chicken gate" scandal.

Observation

91. The affidavit by the deponent was a written statement on oath and therefore complied with section 6(9) of the Public Appointments (Parliamentary Approval) Act.

3.18 Affidavit by Sheila Masinde Executive Director of Transparency International Kenya (TI-Kenya)

92. In addition to contesting the suitability of the ten (10) nominees who were previously dismissed from Cabinet, the deponent further contested the suitability of **Hon. Wycliffe Oparanyah** on the grounds that the nominee was the subject of an alleged embezzlement of Kshs. 1.3 Billion which occurred during his tenure as Kakamega Governor.

93. Sheila Masinde averred that in June 2024, the High Court froze the nominee's Lap Trust escrow account after EACC filed a case alleging proceeds of crime. On 26th July 2024, the High Court declined the nominee's plea to unfreeze his assets including not to extend preservation orders for the nominee's house in Karen. The nominee was again barred until 6th September 2024 and granted fourteen (14) days to file his bank statements.

Observation

94. The affidavit by the deponent was a written statement on oath and therefore complied with section 6(9) of the Public Appointments (Parliamentary Approval) Act.

3.19 Memoranda that did not Comply with Section 6(9) of the Public Appointments (Parliamentary Approval) Act

95. The Committee received memoranda that did not comply with section 6 (9) of the Public Appointments (Parliamentary Approval) Act, (Cap. 7F) in the form of Affidavits that were either not signed or not commissioned. These Affidavits were submitted by the following eighteen (18) persons who contested the re-appointment of the ten (10) nominees who were dismissed from Cabinet by the President—

1. Diana Akinyi Odiambo
2. Rozalia Wangui Karanja
3. Wanjiru Murage
4. George Nyandika Nduko
5. Brian Mwangi
6. Micheal Onyango Akello
7. Tevin Mwaka
8. Evelyn Mumbi Maina
9. Nduta Njega
10. Jane Wamuyu Nyamu
11. Grace Wakio
12. Irene Wairimu Chege
13. Sagal Yusuf
14. Nderitu Nduba
15. Ann Njeri Chege
16. Michael Murithi Gichane
17. Diana Daisy Awuor Onyango
18. Melanie Lato Koin
19. Grace Wakio
20. Irene Wairimu Chege

96. The memoranda were not written statements on oath contrary to section 6(9) of the Public Appointments (Parliamentary Approval) Act.

97. The Committee also received memoranda via email that did not comply with section 6 (9) of the Public Appointments (Parliamentary Approval) Act as they were not written statements on oath.

98. Additionally, although some of the memoranda were in the form of Affidavits, they were submitted in support of the nominees and not contesting the suitability of the nominees as required by section 6(9) of the Act and hence were inadmissible. Nevertheless, the content of these submissions was incorporated into questions that were posed to the nominees by the Committee, where appropriate.

Observation

99. Section 6(9) of the Act envisages that the statement made under oath should be evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated and not in support of a nominee. In this regard, the memoranda were inadmissible.

Other Memoranda

100. The Committee received two memoranda from Bob Ndolo and Khalid Ibrahim that were subsequently withdrawn by the deponents.

3.20 Preliminary Issues arising from the Memoranda

Effect of Dismissal from Cabinet

101. The Committee noted that one hundred and sixty-three (163) of the Affidavits received from the public contested the suitability of ten (10) nominees namely **Hon. (Prof.) Kithure Kindiki, Hon. Alice Wahome, EGH,**

Hon. Aden Bare Duale, EGH, Hon. Roselinda Soipan Tuya, EGH, Mr. Davis Chirchir, EGH, Hon. Salim Mvurya, Ms. Rebecca Miano, Hon. Kipchumba Murkomen, Hon. Alfred Mutua and Hon. Justin Muturi for having been dismissed from Cabinet.

102. It was the contention of the deponents of the Affidavits that the President could not lawfully nominate any of the persons he had dismissed to Cabinet. This gave rise to the question of whether a nominee who was dismissed from the Cabinet may be reappointed to Cabinet; and whether the Committee ought to conduct approval hearings for all nominees, including the nominees re-appointed to the Cabinet.

103. On the question of whether a nominee who was dismissed from the Cabinet may be reappointed to Cabinet, the Committee observed that—

(a) Article 132 of the Constitution empowers the President to nominate and with the approval of the National Assembly, appoint Cabinet Secretaries in accordance with Article 152 of the Constitution;

(b) The National Assembly ultimately determines the suitability for reappointment of a nominee who has previously been dismissed from office. In particular, sections 6(7) and 7 of the Public Appointments (Parliamentary Approval) Act obligate the relevant Committee of the House during approval hearings to examine a nominee's suitability;

(c) Section 6(8) of the Act requires the Committee on Appointments to be guided by the criteria set out in the Schedule to the Act. Paragraph 20(c) of the vetting criteria requires a nominee to state whether he or she has been dismissed or otherwise removed from office for a contravention of the provisions of Article 75 of the Constitution;

(d) The dismissal envisaged under the vetting criteria only applies where a state officer has, following appropriate disciplinary procedures, been found to have contravened Article 75(1) of the Constitution (*Conduct of State Officers*), Article 76 of the Constitution (*Financial probity of state officers*), Article 77 of the Constitution (*Restriction of activities of state officers*); or Article 78 of the Constitution (*Citizenship and leadership*);

(e) The nominees were not dismissed under the provisions of Article 75(2) of the Constitution and are, therefore, not disqualified from holding any other state office;

(f) There is no legal provision that bars the President from re-appointing any person who has not been indicted as being unfit to hold office under Article 75 of the Constitution or any relevant law;

(g) The Statement by H. E., the President, dismissing the Cabinet Secretaries did not state any reasons for the dismissal; and

(h) The mandate of the Committee includes recommending whether any person nominated for approval is suitable for re-appointment following such dismissal from public office.

Re-appointment of nominees

104. On the question of whether the Committee should conduct approval hearings for all nominees, including the nominees nominated or re-appointment to the Cabinet, the Committee observed as follows—

(a) Under section 2 of the Public Appointments (Parliamentary Approval) Act, ***"appointment" includes "re-appointments"***. Additionally, section 3 of the Act provides that all appointments done under the Constitution or any other law for which the approval of Parliament is required shall not be made unless the appointment is approved or deemed to have been approved by Parliament in accordance with the Act;

(b) The High Court has partly addressed this question while considering Petition No. 33 of 2018 The Court held that a re-appointed Cabinet Secretary must be vetted afresh by the National Assembly;

(c) Pursuant to the provisions of Articles 132 and 152 of the Constitution, as read with sections 2 and 3 of the Public Appointments (Parliamentary Approval) Act, nominees for appointment or re-appointment by H. E. the President must be vetted and approved by the National Assembly;

(d) If a Cabinet Secretary has been dismissed from office, a nomination by H. E. the President for the reappointment of that person back to Cabinet requires the approval of the National Assembly; and

(e) Articles 132(2) and 152(2) of the Constitution of Kenya vests the power to constitute Cabinet solely on the President.

Basis of Appointment of Persons from the Minority Party

105. The Committee noted that ninety-nine (99) of the Affidavits received from the public contested the suitability of four (4) nominees namely **Hon. John Mbadi, Hon. Opiyo Wandayi, Hon. Hassan Joho and Hon. Wycliffe Oparanyah** on the grounds that the four (4) nominees were members of

and are affiliated to the Orange Democratic Movement (ODM) and H. E. the President could not lawfully nominate persons associated with and who were or have been members of political parties or coalition of rival political parties in opposition.

106. The Committee observed that the President has the prerogative under Articles 132(2) and 152(2) of the Constitution to nominate and with the approval of the National Assembly appoint Cabinet Secretaries.

Court Proceedings on the vetting process

107. On the 26th of July, 2024, a Court case ***Malindi High Court Constitutional Petition E015 of 2024,*** was filed against the President of the Republic of Kenya, the Speaker Of The National Assembly and the Hon. Attorney General as Respondents and the following fourteen nominees for appointment to Cabinet as Interested Parties—

(1) Hon. James Opiyo Wandayi;

(2) Hon. John Mbadi Ng'ongo;

(3) Hon. Hassan Ali Joho;

(4) Hon. Wycliffe Ambetsa Oparanya;

(5) Hon. Prof. Kithure Kindiki,

(6) Hon. Alice Wahome,

(7) Hon. Roselinda Soipan Tuya,

(8) Hon. Aden Barre Duale;

(9) Mr. Davis Chirchir;

(10) Hon. Salim Mvurya;

(11) Ms. Rebecca Miano,

(12) Hon. Alfred Nganga Mutua;

(13) Hon. Onesimus Kipchumba Murkomen; and

(14) Hon. Justin Bedan Njoka.

108. The Petitioner seeks to prohibit the Rt. Honourable Speaker of the National Assembly from commencing, conducting or entertaining approval hearings or vetting of Interested Parties as Cabinet Secretaries and requests that H.E. the President be barred from appointing the Interested Parties as Cabinet Secretaries during this period.

109. The Committee observed that at the time of concluding the Report no orders had been given in the case.

Representation of Special Interest Groups in the Proposed Cabinet

110. The Committee noted it had received fifty-two (52) affidavits contesting the nominations made to Cabinet, arguing that the nominations did not comply with Article 27(8) of the Constitution, which provides that not more than two-thirds of members of appointive bodies shall be of the same gender.

111. The Committee further noted the Rt. Hon. Speaker of the National Assembly has referred an additional two nominees for appointment to Cabinet.

112. The Committee observed that, when viewed cumulatively, the nominees to Cabinet meet the two-thirds principle. However, any recommendation made by the Committee on the nominees may be approved or rejected by the House.

Integrity issues

113. The Committee noted that several Affidavits contested the suitability of a nominee on the basis of integrity. The Committee observed that—

(a) during the approval hearings, the Committee is required to consider a candidate's personal integrity as provided for under section 6(7) of the Act;

(b) pursuant to section 6(8) of the Act, the Committee is required to consider the vetting. Paragraph 28 of the vetting criteria set out in the Schedule to the Act requires a nominee to provide information to the Committee on whether they have ever been charged in a court of law in the last three years and specify the nature of the charge, the status of the matter, or where the matter is concluded, the judgment of the court;

(c) section 7 of the Act requires the Committee to consider any constitutional or statutory requirements relating to the office in question.

(d) Article 50 of the Constitution provides for the right of an accused person to a fair trial including the presumption of innocence until the contrary is proven and, if convicted, the right of appeal. In this regard, the presumption of innocence of a person subsists unless a person has exhausted all possibility of appeal or review of the relevant sentence or decision.

(e) Section 64(1) of the Anti-Corruption and Economic Crimes Act, Cap 65 provides that a person who is convicted of corruption or

economic crime shall be disqualified from being elected or appointed as a public officer for ten years after the conviction. The section applies where there has been a successful conviction against a public officer and subject to exhaustion of the right of appeal.

(f) Section 62 of the Anti-Corruption and Economic Crimes Act, Cap 65, provides for the suspension of a public officer or state officer who is charged with corruption and economic crimes.

(g) However, the suspension does not apply to state offices for which the Constitution provides for a removal process, such as that of a Cabinet Secretary.

Academic qualifications for appointment to Cabinet

114. The Committee noted that an Affidavit was filed contesting the suitability of a nominee on the basis of alleged lack of requisite academic qualifications. The Committee observed that Article 152 of the Constitution does not prescribe any minimum academic qualifications for appointment to the Cabinet.

3.21 Notification of the Nominees of the Issues Raised in the Memoranda

115. The Clerk of the National Assembly vide letters dated 30th July, 2024 *(Annexure 11)* wrote to specific nominees to respond to issues that were raised in the affidavits by the public pursuant to Section 6(9) of the Act contesting their suitability for appointment to office.

116. During the approval hearings, Committee examined the nominees on the issues that were raised in the memoranda. The responses by the nominees and the observations of the Committee on the issues raised by the public are contained in Chapter Four.

CHAPTER FOUR

4 APPROVAL HEARINGS OF THE NOMINEES

117. The Committee held approval hearings from 1st to 4th August 2024 and examined the nominees on the areas set out in sections 6(7), 6(9) and 7 of the Public Appointments (Parliamentary Approval) Act as follows—

4.1 Hon. (Prof) Kithure Kindiki, EGH – Nominee Cabinet Secretary for Interior and National Administration

118. Hon. (Prof.) Kithure Kindiki, EGH appeared before the Committee on 1st August 2024 and was vetted under oath to examine his suitability. The Committee noted the following—

4.1.1 Questions from the General Questionnaire

Citizenship, Date and Place of Birth

119. The nominee is a male Kenyan citizen born on 16th July, 1972 in Tharaka-Nithi County. The nominee confirmed that he is a citizen of Kenya by birth and does not hold dual citizenship.

Academic and Professional Qualifications

120. The nominee holds a Doctor of Philosophy (PhD) degree in International Law and a Master of Laws (LL.M) degree from the University of Pretoria. He also possesses a Bachelor of Laws (LL.B) degree from Moi University and a Diploma in Legal Studies from the Kenya School of Law.

Employment Record and Work Experience

121. The nominee was the Cabinet Secretary for Interior and National Administration between October 2022 and July 2024. In addition, he was the Senator for Tharaka Nithi County from March 2013 until August 2022. As a Senator, the nominee served as the Senate Majority Leader and thereafter as Deputy Speaker. He is admitted as a Defence Counsel at the International Criminal Court at The Hague and has been an Advocate of the High Court of Kenya, for the last 24 years.

122. The nominee has also worked as a consultant for various International Organizations including the African Union (AU) and the United Nations (UN), an Associate Dean at the School of Law and the Head of the Department of Public Law at the University of Nairobi. He also served as a senior lecturer of Law, lecturer and assistant lecturer of Law at Moi University and the University of Nairobi.

Honours and Awards

123. The nominee was awarded the Elder of the Order of the Golden Heart (EGH) in 2013 and a PhD scholarship by the University of Pretoria in 2000 where he was a DAAD Scholar in 1999 and 2000.

Professional Association and Memberships

124. The nominee is a member of the Academic Council on the United Nations System (ACUNS); the International Association for the Study on Forced Migration (IASFM); the International Commission of Jurists (ICJ); East African Law Society (EALS) and the Law Society of Kenya (LSK).

Published Writings

125. The nominee has published thirty-five (35) academic and non-academic works including books, book chapters and academic articles published in peer-reviewed journals internationally.

Public Office, Political Activities and Affiliations

126. The nominee is a former member of The National Alliance (TNA), Jubilee and United Democratic Alliance (UDA) Party. He was also and Senate Majority Leader in the Jubilee Party and the Chief Agent for Presidential candidate of the UDA Party in 2022.

Integrity

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

Income and Net Worth

128. During his previous approval hearing for appointment as Cabinet Secretary for Interior and National Administration in 2022, the nominee estimated his net worth to be Kshs. 544 million with the sources of income being proceeds from legal practice, businesses, local and international consultancies.

129. As at the time of the approval hearing, the nominee estimated his current net worth to be Kshs. 694 million comprising immovable property, money held in bank savings, income from shares in SACCOs, business profits from legal practice and motor vehicles. The approximately Kshs. 100 million increase in the net worth was attributed to substantial payment of legal fees from his law firm and income from other businesses.

Potential Conflict of Interest

130. The nominee declared that he is currently not associated with any persons or matters that would present a conflict of interest should he assume the position of Cabinet Secretary. In the event that a conflict of interest arose, he stated that he would resolve the same in accordance with the provisions of law.

Pro-bono/Charity Work

131. The nominee stated that before assuming office as Cabinet Secretary in 2022, he volunteered with the Law Society of Kenya (LSK) and church organizations.

4.1.2 General and Sector-Specific Questions to the Nominee

132. The Committee posed several questions to the nominee on his suitability for appointment as Cabinet Secretary for Interior and National Administration. The nominee responded as follows:

On implementation of the recommendations of the Report of the National Taskforce on Police Reforms

133. The nominee highlighted some of the recommendations which included matters relating to the welfare, leadership and accountability, career progression and operational capabilities of the National Police Service (NPS) and the Kenya Prisons Service (KPS).

134. He submitted that among the recommendations, two hundred and twenty-one (221) required administrative action, one hundred and seventy-eight (178) recommendations required funding, one hundred and seventy-seven (177) required legislative and policy changes and twenty-three (23) relating to the Kenya Police Service required action in consultation and concurrence with the National Security Council.

135. Out of the recommendations proposed by the Taskforce, he had already implemented some including a massive police equipment modernization program to be rolled out in five years. He added that he had convinced the National Treasury to allocate Kshs. 5 billion for the purchase of air and land assets to assist officers exposed to great danger in the fight against terror, banditry and sophisticated crimes and had restored the collapsed Police Airwing and operationalized its aircraft. He submitted that, if approved for appointment, he would, in the following financial year, purchase additional helicopters to enhance the fight against crime.

136. The nominee stated that he had institutionalized leadership and succession management in the National Police Service, put in place and

operationalized the National Police Academy in Ngong' with a curriculum on short and professional courses aimed at reskilling police officers and nurturing leadership among police officers.

137. Regarding welfare issues, he noted that the first salary increments, as proposed by the Taskforce were already effected and the National Police Hospital had been operationalized to cater for injured police officers.

138. The nominee further stated that out of the recommendations requiring legislative and policy changes proposed by the Taskforce, six (6) Bills had already been drafted and were awaiting Cabinet approval as at the time of his dismissal. Some of the Bills include: the National Police Service Bill, 2024; the National Police Service Commission Bill, 2024; National Forensic Laboratory Services Bill, 2024 and a Bill on the leadership and command oversight in the National Police Service.

On Article 37 of the Constitution on the right to picket

139. The nominee noted that whilst the Article provides for the right to protest, the right ought to be exercised in a manner that maintains public order and respects the rights of other citizens. He added that before his dismissal, he had finalized the draft Regulations to the Public Order Act to give effect to Article 37 of the Constitution and create an environment in which the right to picket can be enjoyed in a responsible manner whilst respecting the rights of others.

On the restoration of administrative security structures

140. The nominee acknowledged that there were gaps within the National Government Administrative Officers (NGAO) system and *Nyumba Kumi* security and administrative structures in the country thereby resulting in the Shakahola and Kware incidents. He submitted that, if approved for appointment, he would initiate far reaching reforms in the government and administration system aimed at restructuring the NGAO system to modernize it and ensure its effectiveness.

141. Concerning the Shakahola incident, he clarified that the massacres began in 2019 but only became manifest in 2022. He informed the Committee that he had apologized to Kenyans on behalf of the previous and current administration for the security breach. He informed the Committee that there were efforts to form a Commission of Inquiry into the Shakahola killings.

142. Additionally, while noting that the Presidential Taskforce on the Review of the Legal and Regulatory Framework Governing Religious Organisations

in Kenya had proposed recommendations to end religious extremism, he submitted that, if approved for appointment, he would ensure that the culpable public officers are held liable.

On reappointment to the same docket despite the abductions and human rights violations during his tenure

143. The nominee submitted that he could account for every single day of the six hundred and twenty-three (623) days he held office to ensure the country's security. He intimated that he had exhibited commitment to the country's security.

144. Additionally, he stated that cases of terror and banditry in Lamu and Northern Kenya, respectively had significantly reduced since his appointment as Cabinet Secretary for Interior and National Administration. He added that he had visited some of the most affected areas in the country numerous times including Lamu, Samburu and Baringo Counties, among others.

145. It was his submission that during his tenure as Cabinet Secretary, he had conducted himself within the parameters of Article 73 of the Constitution.

On the management of protests, alleged use of force by the police and the role of the Cabinet Secretary

146. The nominee clarified that the role of the Cabinet Secretary is to provide policy guidance while that of the NPS is to undertake operations during protests. He added that Article 245(2) of the Constitution provides that the National Police Service (NPS) shall be under the command of the Inspector General and therefore not within his mandate as Cabinet Secretary.

147. The nominee added that he regularly communicated the government's policy on zero tolerance for extra-judicial killings and the limited use of force in accordance with the Constitution and the National Police Service Act.

148. Further, the nominee stated that the use of firearms by a police officer is an individual responsibility and that any officer who went beyond the permitted use of force should be held to account by the IPOA and other accountability agencies to ensure justice for victims of excessive use of force. The Inspector General can only provide operational guidelines for the use of arms as provided in the National Police Service Act.

On measures to resettle IDPs in Northern Kenya

149. The nominee informed the Committee that Operation *Maliza Uhalifu* was launched in February 2023 to eradicate the banditry menace and shall

not be complete until all Internally Displaced Persons (IDPs) are safely returned to their homes. He added that the resettlement of the displaced persons was his top priority in line with the rights of all Kenyans enshrined in the Constitution and international guidelines on the protection of IDPs.

On the alleged killings and abductions in Suguta Town in Samburu

150. The nominee elucidated that the Constitution and international law prohibit abductions and extra-judicial killings. It was his view that in combating insecurity cases in the North Rift and Northern Kenya, the police had generally been professional and that any reported infractions and excesses would be dealt with by the Independent Policing Oversight Authority (IPOA).

On the application of Article 241 of the Constitution

151. The nominee noted that the intent of Article 241 of the Constitution is to deploy Kenya Defence Force (KDF) officers to assist the NPS during emergency or disaster such as insecurity in the North Rift and the threats to critical government installations.

152. He indicated that the deployment of KDF in the first instance was informed by the fact that, at the time, the NPS needed the airwing and air assets which the KDF provided. He added that the operation was police-led with four thousand five hundred (4,500) police officers against less than one thousand (1,000) KDF officers.

153. Concerning the second instance on 25th June 2024, the nominee indicated that the KDF officers were deployed to be on standby as a precautionary measure to avert existential threats to burn Parliament, State House and other critical government installations.

On the allegation that police officers are demoralized

154. The nominee stated that the issues of welfare such as salary increments and medication were already being addressed. He added that a police hospital at the Border Patrol Unit campus in Kanyonyo, Kitui County was recently opened.

On implementing measures to curb banditry as agreed with leaders in the North Rift Region

155. The nominee submitted that while some measures had not been operationalized, some had already been implemented including the training and equipping of police officers in West Pokot and the setting up of a security camp at Lami Nyeusi. He added that the operationalization of new administrative units in Samburu and Baringo was yet to be completed and was work in progress.

On financial independence of the NPS

156. The nominee was of the view that the decision to give financial autonomy to the NPS was necessary for effective service delivery.

On fostering cordial working relations between IPOA and NPS

157. The nominee noted that IPOA and NPS both play important roles and undertook to ensure that the two entities collaborate in investigating the alleged cases of police excesses. He added that he would employ the same strategies he had previously used to realize a harmonious working relationship between the NPS and National Police Service Commission (NPSC).

On curbing the increase of criminal gangs in urban centres

158. Acknowledging urban crime, as a serious issue, the nominee submitted that gang violence had reduced since he assumed office. He added that to further combat gang violence in Nakuru County, there were plans to change the command in the County.

On why he did not resign despite the deaths of over one hundred (100) Kenyans during protests

159. The nominee stated that the role of the Cabinet Secretary was to issue and communicate policy and therefore would only have resigned if the policy instruction issued was unconstitutional or illegal.

On deployment of police officers to Haiti

160. The nominee indicated that the deployment was pursuant to a request by the United Nations (UN) Security Council and UN General Assembly and amounts to an international obligation which Kenya has a duty to honour. He added that the deployment would profile Kenya highly and has not affected the country's operational capabilities as alleged.

161. With regard to the welfare and security of the police officers deployed in Haiti he noted that the officers were covered, insured and paid for by the UN. He added that there had been good progress in curbing the situation so far.

On the use of stern language

162. The nominee acknowledged the use of stern terms which he termed as security language addressed to terrorists, bandits and organized criminals. He added that the use of force was permitted in law depending on who it was used against and highlighted the measures taken against criminals in Kurkum, Samburu using gorges as hideouts.

On adorning combat uniform

163. The nominee noted that during his time as a Cabinet Secretary for Interior and National Administration he had spent time at the headquarter offices in Harambee House where he had been involved in policy direction. He stated that he had also spent time in the field where he engaged in disseminating policy.

164. Moreover, the nominee added that he had visited some of the most dangerous parts of the country to motivate police officers while educating them on the best policy direction. He added that the combat uniform he adorned was tactical wear for protective purposes only.

165. Further, he stated that the use of police and military helicopters was in accordance with the law that provides for the Cabinet Secretary for Interior and National Administration to be facilitated when in dangerous situations due to the nature of risk and danger posed by the office.

On the status of nyumba kumi, village elders and their remuneration

166. The nominee submitted that the Village Elders Bill, 2024 had been finalised and was among the twelve (12) Bills awaiting Cabinet approval for submission to Parliament.

On the withdrawal of National Police Reservists in Kwanza, Trans Nzoia County

167. The nominee stated that there was general calm in Trans Nzoia save for the areas bordering West Pokot hence it was not justified to have over four hundred (400) National Police Reservists in the county. He added that, if approved, he would consider deploying a reasonable number of national police reservists in other parts of the county.

On the issuance of passports

168. The nominee noted that since assuming office as Cabinet Secretary the issuance of passports had largely improved. He stated that corruption incidences and delays had also reduced. He added that pending bills had been paid, enough printing equipment for personalization of passports acquired and the system upscaled. Furthermore, he noted that the backlog of 724,000 passports had been cleared during his tenure.

169. It was his undertaking that, if approved for appointment, he would reduce the wait-time period of passports from seven (7) to three (3) days.

***On the Maisha Namba* and other identification documents**

170. The nominee noted that unlike the ordinary identification card, the *Maisha Namba* would be a third-generation identification card with technology-

enabled security chips hence the ten (10)-year expiry term limit. He added that the decision to transition from the second to third generation had been premised on the current security trends in identification documents. He committed to ensuring that, if approved, he would ensure a seamless transition in the renewal of the identification cards.

171. He added that the issue of the *Maisha Namba* was still in court and hoped that it would be resolved in a timely manner to prevent further delays in the issuance of Identification (ID) cards.

172. In addition, he intimated that reforming the Immigration Directorate to unclog the backlog in the issuance of identification documents including birth and death certificates would be his priority, if approved for appointment.

On his priority areas and their impact

173. The nominee stated that, if approved for appointment, his priority areas would be matters he considered the biggest national security threats including terror and organized crime, drugs, climate change, violent extremism and corruption.

On the fair recruitment of police officers

174. The nominee submitted that, if approved, he would ensure that every Kenyan recruited by the NPS was accounted for so as to curb corruption and favouritism. He added that the NPS Academy was also aimed at enhancing the fight against corruption.

On decisions made by the National Security Council

175. The nominee stated that the National Security Council critically evaluated and examined ensuing circumstances before making decisions on matters of national security.

On alleged discrimination in remuneration of police constables

176. The nominee submitted that graduate police constables had moved to court on the issue of remuneration. He submitted that if approved for appointment, he would implement the recommendations of the *Kenya National Taskforce on Police Reform* that creates a two-tier structure of career progression to resolve and prevent similar court cases and ensure fair career growth for all police officers. He added that in collaboration with the NPS Commission, he would provide a clearer policy on promotions based on merit and a reward system for well-performing officers who meet targets.

On the increase in femicide cases in Kenya

177. The nominee acknowledged that there was a worrying increase in the cases of femicide which he attributed to critical gaps at the lower levels of policing, the NPS, NGAO and the National Intelligence Service. He pledged to address these gaps if reappointed.

On the alleged corruption at the Ministry of Interior and National Administration

178. The nominee acknowledged that corruption is a serious problem in the Ministry and the public service as a whole and it is among the top five existential threats to Kenya. He added that, if approved for appointment, he would put in place measures in the organs of national security to combat corruption.

On restoring peace and security in the Hilo Gold Mine in Dabel, Moyale

179. The nominee noted that the area was identified as dangerous due to unrest caused by illegal miners leading to its closure. He added that, if approved, he would consult with the Ministry of Mining to ensure the safe reopening of the mine.

On the influx of small arms, drugs and illegal immigrants in the country

180. The nominee noted that there were police checks on main highways near border areas including at Archer's Post and the Garsen-Malindi Road. However, he noted that smugglers had begun using alternative routes to avoid police checkpoints. In light of this, he stated that, if approved for appointment, he would introduce multi-agency efforts to patrol the alternative routes used by drug and human traffickers.

On the revocation of licenses of nine (9) private security firms and regulating the sector

181. It was the nominee's view that the Private Security Regulations emanated from the Ministry of Interior and National Administration. He added that he believed that the private security sector, if regulated well, could supplement the work of the police in manning supermarkets and banks.

182. The nominee clarified that while the licenses were revoked by the Private Security Regulatory Authority, the firms had appealed to the Cabinet Secretary for reinstatement in accordance with section 43 of the Private Security Regulation Act which the Cabinet Secretary granted.

On measures to ensure proper communication to the public in the Ministry of Interior and National Administration

183. The nominee submitted that he had held public accountability updates on security matters where he also shared important information relating to the Ministry of Interior and National Administration during his tenure. He

averred that he would increase the frequency of the updates if reappointed.

On the fight against illicit brew, narcotics and psychotropic substances

184. The nominee noted that there was a government policy on the fight against illicit brew, psychotropic and narcotic substances implemented by the Ministry of Interior and National Administration. He added that the fight against illicit brews was not allocated a specific budget but was undertaken as a normal program in the Ministry.

On Kenya Prison Service reforms and grabbing of prison land

185. The nominee stated that, if approved for appointment, he would prioritize the modernization of carpentry and masonry equipment to enhance the productivity of Prison Enterprises. In consultation with Salaries and Remuneration Commission (SRC) he would also seek to improve the terms and conditions of service for prisons wardens.

186. While highlighting Kitale Prison as the most affected, the nominee stated that he would recover grabbed prison land with the help of the National Land Commission (NLC). Further, he added that he would engage the Ministry of Lands in titling prison land.

187. He further stated that he would also ensure that all prisoners were provided with mattresses under the 'One Prisoner, One Mattress' program noting that 10,000 mattresses had already been issued to prisoners.

On simplifying the application to reclaim citizenship

188. The nominee noted that there have been tremendous improvements in the processing of applications to reclaim and/or acquire citizenship by registration. Particularly, he submitted that a backlog of 7,200 applications had been cleared during his tenure.

189. It was his submission that he would reduce the wait-time period to twenty-one (21) days if approved. Furthermore, in a bid to further reduce the wait-time period to seven (7) days, he would digitize the process.

On allegations arising from the Memoranda, the nominee responded as follows—

190. On the issue of re-appointment to Cabinet after dismissal, the nominee submitted—

    (a) that the President has power to nominate, dismiss, appoint and re-nominate persons to enable him exercise executive authority

delegated to him by the people of Kenya as per Articles 132(2), 152(2), and 156(2) of the Constitution;

(b) that the suitability of a person to serve in the Cabinet was not a question for determination by any one person. Such determination on suitability must be determined dispassionately by the bodies/institutions set up by law to so determine and these would be the courts and constitutional commissions;

(c) that none of these said institutions or courts had found him unsuitable to hold any public office;

(d) that there was neither legal basis whatsoever nor any judicial precedent that states that a Cabinet Secretary dismissed cannot be nominated once again; and

(e) that performance appraisal could only be done individually even though Cabinet members must own decisions of Cabinet collectively.

191. On the issue raised by **Joshua Abaki on behalf of the Kenyans in Canada Movement** on the killing of peaceful protestors by police, the nominee responded as follows—

(a) that the incidences of violence perpetrated against innocent and peaceful protestors was regrettable;

(b) that the process for holding such officers accountable was ongoing and could not be rushed and it ought to remain so, in fidelity to the Constitution and respect for institutions; and

(c) that the request by some people to release all protestors from custody unconditionally and compensate those who were injured was not a decision he could make as a Cabinet nominee or even as a Cabinet Secretary as to attempt to do so would be to infringe on the powers of the Office of the Director of Public Prosecutions and the courts and other players within the criminal justice system.

192. On the allegation raised by **Davis Malombe of the Kenya Human Rights Commission**, that the nominee had not improved passport issuance nor handled bandit problems. He further alleges that there had been increased crime. The nominee responded that the allegations are not factual as passport issuance turnaround had reduced and he had since addressed banditry compared to when he had assumed office.

193. On the issue that the list of nominees did not meet the **two-thirds gender rule,** the nominee responded that the issue was now overtaken by events

as the President subsequently nominated two additional women, being the Attorney General and Cabinet Secretary for EAC Cabinet Secretary, making a total of 8 female nominees.

Observations on Memoranda Submitted Against the Nominee

194. The Committee noted that Articles 132(2) and 152(2) of the Constitution of Kenya vest the power to constitute Cabinet solely on the President. The nominee was not dismissed under the provisions of Article 75(2) of the Constitution and is therefore not disqualified from holding any other state office. There is no legal provision that bars the President from re-appointing any person who has not been indicted as being unfit to hold office under Article 75 of the Constitution or any relevant law.

4.1.3 Committee Observations on the Suitability of the Nominee

195. The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, his curriculum vitae and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as Cabinet Secretary for Interior and National Administration -

(1) **THAT,** in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan citizen born in 1972 in Tharaka-Nithi County and does not hold dual citizenship.

(2) **THAT,** the nominee was the Cabinet Secretary for Interior and National Administration between October 2022 and July 2024. In addition, he was the Senator for Tharaka Nithi County from March 2013 until August 2022. As a Senator, the nominee served as the Leader of the Majority Party and thereafter as Deputy Speaker. He is admitted as a Defence Counsel at the International Criminal Court at the Hague and has been an Advocate of the High Court of Kenya, for the last 24 years. The nominee has also worked as a consultant for various International Organizations including the African Union (AU) and the United Nations (UN), an Associate Dean at the School of Law and the Head of the Department of Public Law at the University of Nairobi. He also served as a senior lecturer of Law, lecturer and assistant lecturer of Law at Moi University and the University of Nairobi.

(3) The nominee holds a Doctor of Philosophy (PhD) in International Law and a Master of Laws (LL.M) degree both from the University of Pretoria. He also holds a Bachelor of Laws (LL.B) degree from Moi University and

a Diploma in Legal Studies from the Kenya School of Law. His academic credentials, professional training and experience thus comply with sections 6(7) and 7 of the Public Appointments (Parliamentary Approval) Act.

(4) **THAT,** the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB).

(5) **THAT,** the nominee has neither been charged in a court of law nor adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry in the past three years.

(6) **THAT,** the nominee does not hold office in any political party.

(7) **THAT,** the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (*conflict of interest*), Article 76 (*financial probity*), Article 77 (*restriction on activities of State Officers*) and Article 78(2) (*dual citizenship*) of the Constitution.

(8) **THAT,** the nominee demonstrated knowledge of topical, administrative and technical issues touching on government and has the requisite abilities, qualifications and experience to serve as the Cabinet Secretary for Interior and National Administration.

(9) **THAT,** even though the Inspector General of the National Police Service took responsibility and resigned, the nominee issued a press statement during the recent demonstrations that may have been construed as giving directions to the National Police Service.

4.2 Dr. Debra Mlongo Barasa – Nominee Cabinet Secretary for Health

196. The nominee appeared before the Committee on 1st August 2024 and was vetted under oath to examine her suitability. The Committee noted the following—

4.2.1 Questions from the General Questionnaire

Citizenship, Date and Place of Birth

197. The nominee is a female Kenyan citizen born on 13th November 1982 in Nairobi County. The nominee confirmed that she is a citizen of Kenya by birth and does not hold dual citizenship.

Academic and Professional Qualifications

198. The nominee is pursuing Master of Science (MSc)degree in Infectious diseases at the London School of Hygiene and Tropical Medicine. She holds a Master of Internal Medicine and a Bachelor of Medicine and Surgery (MBChB) degree from the University of Nairobi.

Employment Record

199. The nominee possesses extensive experience in the health sector and currently serves as a Consultant in Infectious Diseases at the World Health Organization. She has previously served as an Internal Medicine Physician/Senior Registrar at Mater Hospital and Internal Medicine Physician/Technical Advisor at the Eastern Deanery AIDS Relief Program. She also worked as a Medical Registrar in Kenyatta Hospital and as a Medical Officer Intern in Machakos General Hospital.

Honours and Awards

200. The nominee has been certified as a trainer of trainers by the Eastern, Central and South African College of Physicians and an Infection Control African Network Award.

Professional Association and Memberships

201. The nominee is a member of the Kenya Medical Practitioners, Pharmacists and Dentists Union (KMPDU); the Kenya Physician Association; the Kenya Medical Practitioner and Dentist Council (KMPDC); the East, Central and Southern Africa College of Physicians; and the Infection Control African Network.

Published Writings

202. The nominee has published a thesis submitted to the University of Nairobi in partial fulfilment of the Master of Medicine in Internal Medicine titled *"Prevalence of CMV infection among renal transplant patients in Kenyatta National Hospital"* and a research proposal submitted to the Kenyatta National Hospital for a Scientific Research Conference on *"Analyzing the implementation of infection and control measures in health care facilities during the COVID-19 pandemic in the African Region"*.

203. The nominee has also contributed to the preparation of the WHO Guidelines for HIV Post-Exposure Prophylaxis, 2023; the WHO Infection, Prevention and Control Guidelines for Ebola and Marburg Disease of August 2023; and the Public Health Surveillance for Cholera Guidance Document, 2024 as part of the Global Taskforce on Cholera Control.

Public Office, Political Activities and Affiliations

204. The nominee indicated that she had not held any public office and had neither held membership nor rendered service to any political party or election committee.

Integrity

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

Income and Net Worth

206. The nominee estimated her net worth to be Kshs. 455,845,320 comprising immovable property; shares in SACCOs; money in shares, money market funds and offshore bank accounts. She indicated that her sources of income include salary, rental income and farming.

Potential Conflict of Interest

207. The nominee declared that she was not associated with any persons or matters that would present a conflict of interest should she assume the position of Cabinet Secretary. In the event that a conflict of interest arose, she stated that she would comply with the provisions of all relevant laws and regulation, declare interest and recuse herself from any deliberations and interests in the matter.

Pro-bono/Charity Work

208. The nominee is involved in volunteer work in Thomas Bernados Children Home and contributes Kshs. 200,000 annually to widows and orphans in Migumi and Kinoo PAG Churches.

4.2.2 General and Sector-Specific Questions to the Nominee

209. The Committee posed several questions to the nominee on her suitability for appointment as Cabinet Secretary for Health. The nominee responded as follows—

On the adequacy of Universal Health Coverage (UHC)

210. The nominee submitted that while UHC is still in the process of being rolled out, it is projected to adequately realise the objectives of the Health Financing Strategy. She noted, however, that UHC is not yet fully understood by the general populace. To address this, she plans to engage all relevant stakeholders, including the Director-General of the Ministry of Health, the Principal Secretaries, the National Treasury, and the community at large, to foster ownership of the UHC programme. The

nominee also submitted that she would ensure the *Linda Mama* programme was incorporated into the SHIF framework when it is rolled out, recognising its importance in supporting maternal health.

On the NHIF system where patients can only access medical services at one nominated hospital

211. The nominee noted that UHC aims to offer affordable healthcare to all Kenyans. She further mentioned that UHC would address the limitations posed by the current NHIF system. Additionally, she highlighted that strengthening primary healthcare would increase access to quality and affordable healthcare.

On collusion between NHIF staff and private health providers resulting in the misappropriation of health resources

212. The nominee acknowledged the existence of isolated incidents of collusion between NHIF staff and private health providers, leading to financial misconduct. To combat this, she expressed her intention to leverage digital platforms to minimise human-to-human interaction, thereby improving the monitoring of transactions and services. She also outlined plans to enhance transparency and accountability through mechanisms such as open tender systems and the involvement of external oversight bodies, as well as the integration of telemedicine to streamline processes.

On cooperation between national and county governments for proper devolution of health services and resources

213. The nominee emphasised the importance of cooperation between the two levels of government, noting that health is a shared function that requires the cascading of resources down to counties for effective service delivery. She underscored the need to streamline health institutions at both levels to ensure coordination, cooperation, and mutual support, all in the spirit of devolution, to fulfil the health needs of the Kenyan population.

214. The nominee expressed her intention to engage universities and other institutions in discussions aimed at strengthening community health promoters with specialisation in mental health. This would ensure the progression of mental health support among healthcare workers and enhance mental health services at the community level.

On the issue of doctors' strikes and the deployment of intern doctors

215. The nominee acknowledged the ongoing challenges in deploying intern doctors and addressing the concerns that lead to frequent industrial actions by health practitioners. She expressed her intention to engage

with key stakeholders in the health sector, including county governments, to resolve these issues. She also recognised the budgetary constraints affecting the posting of intern doctors and committed to assessing the situation thoroughly and proposing solutions to address the challenges faced by health students in Kenya.

On the delay and low stipends for community health promoters

216. The nominee underscored the critical role played by community health workers in the healthcare system. She shared her extensive experience working in community health programmes such as Fikiria Jamii in Shauri Moyo, Huruma, Kariobangi, and Kayole, which have strengthened community health initiatives.

217. The nominee noted that delays in the payment of stipends to community health promoters are often due to budgetary constraints at the county level. She committed to engaging with county governments through various platforms and exploring alternative funding sources to ensure timely and adequate support for community health promoters.

On ensuring public participation in the implementation of UHC

218. The nominee acknowledged the suspension of UHC following the High Court's suspension of several key health-related legislations. She highlighted her extensive experience working in institutions that offer primary healthcare at various levels and noted that while public discourse has largely focused on the 2.75% deduction for SHIF, the broader benefits of UHC have not been fully appreciated. She emphasised the need for robust public engagement to foster a better understanding and acceptance of the system.

On the possibilities of establishment of National Health Commission to manage health workers

219. The nominee noted that devolution of health services was a real game changer. She further observed that whereas health sector continues to witness various challenges, there is need to enhance the capacity of the county government to be able to provide health services at the devolved units. She noted that county governments are better placed to offer health services and that the mandate of the national government is limited to policy matters. She however, committed to involve county-level stakeholders, including the Director General and others to discuss capacity of the two levels of government. However, the nominee stated her support for the establishment of the National Health Service

Commission, seeing it as a way to improve the management and delivery of healthcare services.

On the denial of emergency healthcare for accident victims due to inability to pay for services

220. The nominee emphasised the importance of integrating emergency health services into UHC to ensure that all Kenyans have access to healthcare during emergency situations, regardless of their financial status.

On Kenya Medical Supplies Agency (KEMSA) scandals

221. The nominee submitted that she will engage the public and various key players in the health sector to strengthen existing procedures and processes to ensure transparency and accountability in KEMSA. She planned to leverage digital platforms to streamline the management of drugs and medical supplies. Additionally, she acknowledged that the involvement of external bodies like EACC would help in monitoring activities and ensuring transparency and accountability.

222. For affordability, the nominee submitted that she would adopt a pooled procurement strategy with other countries in the East African Community (EAC) region in collaboration with the Treasury and various partners to ensure sustainable financing and prevent vaccine stock-outs.

On the skills the nominee brings and how she plans to amalgamate various stakeholders to improve the health system

223. The nominee submitted that she would support the various players within the health sector and work to bring them together in a coordinated effort to improve the overall healthcare system. She emphasised her commitment to collaboration and partnership in achieving the Ministry's goals.

On policy measures to balance cost recovery and prevent indefinite detention of patients and deceased bodies due to unpaid medical bills

224. The nominee committed to reviewing cases with a technical team of detention of patients and bodies of deceased persons due to unpaid medical bills.

On plans to reduce the cost of expensive treatments and ensure affordable access to cancer treatment

225. The nominee submitted that embracing local production of medicines could significantly reduce the cost of treatment. She noted that this

strategy could make essential drugs, including those for cancer treatment, more affordable and accessible to the general population.

On the training of more oncologists and other interventions under the Cancer Prevention and Control Act, 2012

226. The nominee submitted that the East, Central, and Southern Africa College of Physicians is actively supporting doctors to specialise in critical areas like oncology.

On barriers to achieving optimal funding in health research

227. The nominee indicated that she would develop policies to support health research and establish a regulatory body to oversee this area. She planned to engage multiple partners willing to support research initiatives and maintain open dialogue to identify who could contribute to the research agenda.

On hospitals built through donor funding but not operationalised due to lack of facilities

228. The nominee submitted that she would ensure facility assessments were conducted and that sufficient capacity was developed to operationalize these hospitals. She also committed to ensuring routine assessments were performed to maintain quality services in these facilities.

On the practicability of upgrading NHIF rather than transitioning to SHIF

229. The nominee noted that the primary goal was to serve Kenyans, who must be engaged to understand the new SHIF system. She further mentioned that the community was not adequately engaged in the past and that proper engagement was essential to help them comprehend the system's benefits and functionalities.

On whether Kenya is ready to become a destination for medical tourism

230. The nominee observed that Kenya should focus on embracing regional experts and bringing in specialists from abroad to enhance capacity. She also emphasised the importance of capacitating Kenya's medical facilities to become centres of excellence in Africa. The nominee further submitted that Kenya should assess and adopt best practices from other countries to establish itself as a medical tourism destination. However, she cautioned that Kenya should first prioritise quality, affordable, and accessible healthcare before pursuing the goal of becoming a medical hub.

On the perception of the Ministry of Health as 'mafia house' due to its association with corruption and cartels

231. The nominee submitted that she would utilise digital platforms, open tender processes, and independent bodies to monitor and combat corruption within the Ministry. She emphasised her commitment to transparency and integrity in the management of the Ministry's affairs.

***On* feedback regarding the exchange programme between Kenyan and Cuban doctors**

232. The nominee submitted that she would prioritise reviewing and making recommendations on the exchange programme between Kenyan and Cuban doctors, ensuring that it served the best interests of both countries' healthcare systems.

On plans to improve Kenyatta National Teaching and Referral Hospital

233. The nominee submitted that she would conduct routine facility assessments at Kenyatta National Teaching and Referral Hospital and make recommendations for improvements based on the findings.

On the renewal of the nominee's practising certificate in 2024

234. The nominee clarified that she had been a medical practitioner since 2007 and, in 2022, was working with the World Health Organisation (WHO), an entity not affiliated with any specific country. She further explained that she had renewed her practising certificate in 2024 following her nomination as the Cabinet Secretary for Health in Kenya as a good practice to comply with the practice requirements in Kenya.

On the issue of delays in payment of suppliers of vaccines

235. The nominee emphasised the need to allocate funds for the procurement of vaccines and adopt a pooled procurement approach to ensure timely payments to suppliers and avoid delays that could affect vaccine availability.

Written submissions by the Nominee

236. The nominee in her Affidavits sworn on 31st July 2024, further stated as follows—

(a) On the issue that the list of nominees did not meet the two-thirds gender rule, the nominee responded that she was nominated by the President to the Cabinet as a female in line with the two-thirds gender principle;

(b) That at the World Health Organization where she has been working this year, she is engaged in policy and not clinical practice and therefore, she was not required to have a practicing certificate as per the provisions of the Medical Practitioners and Dentist Act;

(c) That she has never engaged in any practice without a license and has always practiced within the law;

(d) That she has never lost her job as a Medical Doctor at any time and she is competent to handle the Ministry of Health; and

(e) That she has never engaged in any unethical behaviour nor participated in any corrupt or illegal activity and she meets all the requirements of the Constitution and is therefore fit and suitable to hold public office.

4.2.3 Committee Observations on the Suitability of the Nominee

237. The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, her curriculum vitae, memoranda from the public and having heard her oral submission during the approval hearing made the following observations on her suitability for appointment as Cabinet Secretary for Health—

(1) **THAT,** in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since she is a Kenyan citizen born in 1982 in Nairobi County and does not hold dual citizenship.

(2) **THAT,** the nominee possesses extensive experience in the health sector and currently serves as and Infectious Diseases Consultant at the World Health Organization. The nominee has previously served as an Internal Medicine Physician/Senior Registrar at Mater Hospital, and Internal Medicine Physician/Technical Advisor at the Eastern Deanery AIDS Relief Program. Further, the nominee worked as a Medical Registrar in Kenyatta Hospital and as a Medical Officer Intern in Machakos General Hospital.

(3) The nominee is currently pursuing Master of Science (MSc) in Infectious diseases at the London School of Hygiene and Tropical Medicine. She holds a Master of Internal Medicine and a Bachelor of Medicine and Surgery (MBChB) from the University of Nairobi. Her academic credentials, professional training and experience thus comply with sections 6(7) and 7 of the Public Appointments (Parliamentary Approval) Act.

(4) **THAT,** the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the

Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB).

(5) **THAT,** the nominee has neither been charged in a court of law nor adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three years.

(6) **THAT,** the nominee does not hold office in any political party.

(7) **THAT,** the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (*conflict of interest*), Article 76 (*financial probity*), Article 77 (*restriction on activities of State Officers*) and Article 78(2) (*dual citizenship*) of the Constitution.

(8) **THAT,** the nominee demonstrated knowledge of topical, administrative and technical issues touching on government and has the requisite abilities, qualifications and experience to serve as the Cabinet Secretary for Health.

4.3 Hon. Alice Wahome, EGH – Nominee Cabinet Secretary for Lands, Public Works, Housing and Urban Development

238. The nominee appeared before the Committee on 1st August 2024 and was vetted under oath to examine her suitability. The Committee noted the following—

4.3.1 Questions from the General Questionnaire

Citizenship, Date and Place of Birth

239. The nominee is a female Kenyan citizen born on 28th April 1959 in Murang'a County. The nominee confirmed that she is a citizen of Kenya by birth and does not hold dual citizenship.

Academic and Professional Qualifications

240. The nominee holds a Bachelor of Laws (LLB) degree from the University of Nairobi, a Diploma in Legal Studies from the Kenya School of Law, a Diploma in Teaching and Training and a Certificate in Corporate Governance from the Centre for Corporate Governance.

Employment Record and Work Experience

241. The nominee possesses extensive experience in Public Service having served as the Cabinet Secretary in the Ministry of Lands, Public Works, Housing and Urban Development from October 2023 to July 2024 and the Ministry of Water, Sanitation and Irrigation from 2022 to 2023. In addition,

the nominee had previously served as the Member of National Assembly for Kandara Constituency from 2013 to 2022).

Honours and Awards

242. The nominee was awarded the of Elder of the Order of Golden Heart.

243. Additionally, in 2022 she was awarded a certificate of recognition by the Anglican Church of Kenya for her contribution to the development of Kandara Sub-County notably in schools, hospitals and agriculture. Further, in 2010 the Mount Kenya Foundation issued her a Certificate of Appreciation in recognition of her contribution and support in ushering in the Constitution of Kenya, 2010.

Professional Association and Memberships

244. The nominee is a member of the Law Society of Kenya and the Federation of Women Lawyers (FIDA) Kenya.

Published Writings

245. The nominee submitted that during her tenure as Chairperson of the United Democratic Alliance Constitution Review Committee, she contributed to the preparation of the Party's Constitution, Code of Conduct and Nomination Rules.

Public Office, Political Activities and Affiliations

246. In addition to the positions highlighted above, the nominee submitted that she served as Director in the Retirement Benefits Authority from 2003 to 2006 and as the Chairperson of the *Inua Mama Jenga Taifa* Initiative Regional from 2021 to 2022.

247. The nominee added that she had served as Secretary General in the Safina Party in 2006 and Deputy Secretary General in NARC Kenya in 2007. She was also a member of the TNA and Jubilee Parties in 2013 and of the UDA Party in 2021.

Integrity

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

Income and Net worth

249. During her previous approval hearing for appointment as Cabinet Secretary for Water, Sanitation and Irrigation in 2022, the nominee

estimated her net worth to be Kshs. 218,400,000 with the sources of income being salary and allowances from employment as a Member of the National Assembly; earnings from the firm of Wahome & Akedi Advocates; and rental income.

250. As at the time of the approval hearing, the nominee estimated her current net worth to be Kshs. 327.65 million comprising immovable property and motor vehicles.

Potential Conflict of Interest

251. The nominee declared that she is currently not associated with any persons or matters that would present a conflict of interest should she assume the position of Cabinet Secretary. In the event that a conflict of interest arose, she stated that she would resolve the same in accordance with the provisions of law.

Pro-bono/Charity Work

252. The nominee indicated that she founded the Alice Muthoni Wahome Foundation that focuses on social welfare issues for Kandara constituents including sponsoring students in pursuit of their education, supporting farmers in agriculture and agribusiness, and empowerment of special interest groups including women, youth and the elderly.

253. In addition, she indicated that she donates food to vulnerable families and has been involved in providing legal aid to indigent men and women at FIDA.

4.3.2 General and Sector-Specific Questions to the Nominee

254. The Committee posed several questions to the nominee on her suitability for appointment as Cabinet Secretary for Lands, Public Works, Housing and Urban Development. The nominee responded as follows—

On the ongoing digitization of land transactions

255. The nominee informed the Committee that the program had been designed to enhance efficiency and secure land records, ensuring their integrity is maintained. She stated that the program was initiated in 2014 and had successfully digitized land records in Nairobi, covering over 300,000 titles which are accessible through the *Ardhisasa* Platform. The nominee stated that the program had also expanded to Murang'a, Isiolo and Mombasa and a budget of approximately 35 to 40 billion was needed to fully secure all land records and complete the digitization process within the next five years.

On land grabbing in Kenya

256. The nominee informed the Committee that it was unfortunate that a title was no longer considered prima facie evidence of ownership due to widespread fraud by cartels and Ministry officials. She indicated that she would propose amendments to the Land Act to empower the Chief Land Registrar to cancel fraudulent titles. The nominee further stated that the Ministry would address the challenges directly and genuine landowners would not have to struggle with court cases.

257. The nominee stated that the law needed to be more explicit in dealing with the issue of land cartels to ensure long-term effectiveness and protection of public land.

On the withdrawn Land Laws (Amendment) Bill, 2023

258. The nominee informed the Committee that the Ministry of Lands and the NLC had distinct mandates and that there existed a cordial working relationship between them. She stated that the Ministry was responsible for issuing leases and title deeds while NLC managed public land. She also observed that the proposed amendments to the Land Laws (Amendment) Bill, 2023 sought to clarify the roles of the Ministry and the NLC.

On the Ministry's proposal to levy a charge on freehold land

259. The nominee informed the Committee that the proposed levy on freehold land within cities like Nairobi, Mombasa, Kisumu and Nakuru was aimed at standardizing development taxes. The nominee stated that the Ministry, with Parliament's approval, would designate specific areas for which land owners would be required to pay the levy.

On affordable housing

260. The nominee stated that the pilot of the Affordable Housing Program would include two hundred and ninety (290) constituencies to ensure significant coverage and accessibility to affordable housing across the country. She indicated that the goal was to construct 210,000 housing units.

261. The nominee stated that the Affordable Housing Program had been disrupted by court cases however, the construction of 48,000 housing units had already begun. She also stated that the Ministry would be launching more units this year.

262. Further, she observed that 106,000 youths had been employed through the Affordable Housing Program. She stated that the program's

sustainability was contingent on the continuation of the Affordable Housing Levy.

263. She confirmed that the affordable housing initiative would be expanded to include rural areas to ensure that residents in those areas have access to quality housing.

On ensuring safety of buildings

264. The nominee informed the Committee that the National Construction Authority (NCA) was responsible for ensuring the eligibility of contractors. She stated that collaboration with county governments is crucial in addressing the issue of construction of buildings without approved plans. The nominee emphasised on the need for Kenyans to use professional services when building and to adhere to existing Regulations to prevent the collapse of buildings.

On the issue of land adjudication fees

265. The nominee noted that the adjudication fee, which was initially set in 1980, was reviewed and increased to Kshs. 3,000 following comprehensive public participation.

On the Ndung'u Land Report

266. The nominee informed the Committee that the Ndung'u Land Report was a valuable document that highlighted several properties linked to land cartels. The nominee stated that the Report had been instrumental in the recovery of land by the Ethics and Anti-Corruption Commission (EACC). She further stated that the recovery process was still ongoing thus signifying the continuous efforts to address fraud and corruption in the land sector.

On plans to streamline the development of new facilities in congested areas

267. The nominee observed that the Kenya Slum Upgrading Programme (KENSUP) being funded by the European Union (EU), United Nations (UN) and World Bank among others had already been implemented in Kibra and would soon extend to Mathare.

On the relationship between the Ministry and NLC

268. The nominee informed the Committee that the Ministry maintained a cordial working relationship with the Commission while respecting the independence of the Commission. She also stated that she had no personal interest in encroaching on their mandate and contrary to some reports, she had met with the NLC Board to discuss pertinent issues.

On curtailing fraud and corruption at the Ministry

269. The nominee submitted that since assuming office as the Cabinet Secretary for Lands, Public Works, Housing and Urban Development, four (4) staff members had been arrested and charged in court, three (3) were facing disciplinary action and many other cases were under investigation by the DCI. She mentioned that she had met with all chief land registrars to reiterate the Ministry's and the government's policy against participating in fraud. The nominee stated that if reappointed, she intended to strengthen measures to deal with fraudsters more effectively and ensure accountability within the Ministry.

Regarding evictions and concerns about inadequate compensation

270. The nominee stated that approximately 20,000 people living on riparian land were affected by floods. She emphasized the need for funding to resettle victims of floods noting that some had already been compensated. She stated that it was important for Kenyans to avoid living in flood-prone areas.

On land disputes between government entities

271. The nominee informed the Committee that before being dismissed from office, she had proposed to the Executive that all Ministries circulate a list of their properties to create a holistic view of all land, including those that had been grabbed. He added that this would ensure better management and coordination across government entities.

On pending bills in the Ministry

272. The nominee informed the Committee that the Ministry had pending bills amounting to Kshs. 18 billion. She mentioned that given the financial constraints facing the country, strategic measures would need to be implemented to address these liabilities effectively.

On compulsory acquisition and timely compensation

273. The nominee submitted that the NLC was responsible for handling the compensation of individuals whose land had been acquired through compulsory acquisition. Further, she stated that the Commission was responsible for ensuring transparency and fairness in the disbursement of compensation funds.

On operationalization of the community land regime

274. The nominee indicated that the Community Land Act was operational and that the registration of community land was underway. She mentioned that while the preparation process was complex and demanding, significant progress on the registration of community land had been made in various counties.

On delays relating to transfer of property

275. The nominee informed the Committee that it was now possible to obtain real-time information regarding land records. With adequate funding, the Ministry could expedite these processes and address related issues more efficiently.

On validity of titles

276. The nominee stated that not all land titles in circulation were valid and the Ministry would address this issue appropriately to safeguard the integrity of land ownership records.

On her vision for sustaining urban development across the 47 counties

277. The nominee informed the Committee that the Ministry envisioned comprehensive urban development across the 47 counties through the implementation of the Urban Areas and Cities Act.

On the Ministry not processing titles for schools

278. The nominee informed the Committee that the total number of titles required was 31,000, of which 1,500 had issues that needed to be addressed. She stated that so far close to 15,000 titles had already been processed for schools.

279.

On allegations arising from the Memoranda, the nominee responded as follows—

280. On the issue of re-appointment to Cabinet after dismissal, the nominee vide an Affidavit sworn on 31st July 2024 responded as follows—

(i) that on 11th July 2024, the President exercised his prerogative powers and dismissed all members of the Cabinet;

(ii) that the action by the President did not in any way isolate the nominee or any other member of the Cabinet for any misconduct that would disqualify her for a reappointment or an elective position in the future;

(iii) that on 19th July 2024 the President, while exercising his prerogative powers, reconstituted the Cabinet and nominated the nominee to serve as Cabinet Secretary in the Ministry of Lands, Public Works, Housing and Urban Development; and

(iv) That the decision of the President to nominate her to the Cabinet was based on his assessment of her competence, ability and suitability to discharge the functions of Cabinet Secretary in the said Ministry.

281. On the issue of the affidavit of **Issac Aluochier** that contested the suitability of the nominee on the grounds that she had been found to have continued to occupy office after her office became vacant pursuant to Article 103(1)(e) of the Constitution and as such, had committed a crime under national law, the nominee responded vide affidavit sworn on 31st July, 2024 as follows—

(a) that the entire process of arbitration and the award did not comply with the existing law on arbitration that require parties to consent to the jurisdiction of an arbitrator;

(b) that disputes concerning the constitutionality of a decision that is ostensibly made pursuant to the Constitution are determined by the High Court of Kenya; and

(c) that the nominee unequivocally confirmed that she had not faced any issues related to performance, integrity, misconduct or bad governance prior and during her tenure as Cabinet Secretary.

Observations on Memoranda Submitted Against the Nominee

282. The Committee noted that—

(a) Articles 132(2) and 152(2) of the Constitution of Kenya vest the power to constitute Cabinet solely on the President. The nominee was not dismissed under the provisions of Article 75(2) of the Constitution and is therefore not disqualified from holding any other state office. There is no legal provision that bars the President from re-appointing any person who has not been indicted as being unfit to hold office under Article 75 of the Constitution or any relevant law.

(b) Article 105(1)(b) of the Constitution vests the High Court with jurisdiction to determine any question whether the seat of a member has become vacant. Accordingly, the question on whether the nominees violated Articles 103(1)(e) and 194(1)(e) of the Constitution was a question to be determined by the High Court and therefore the arbitrator, Isaac Aluochier, did not have jurisdiction to conduct the arbitral proceedings

4.3.3 Committee Observations on the Suitability of the Nominee

283. The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, her curriculum vitae, memoranda from the public and having heard her oral submission during the approval hearing, made the following observations on her suitability for appointment as Cabinet Secretary for Lands, Public Works, Housing and Urban Development—

(1) **THAT,** in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since she is a Kenyan citizen born in 1959 in Murang'a County and does not hold dual citizenship.

(2) **THAT,** the nominee possesses relevant experience in Public Service having served as the Cabinet Secretary in the Ministry of Lands, Public Works, Housing and Urban Development (October 2022 to July 2024) and the Ministry of Water, Sanitation and Irrigation (2022-2023). In addition, the nominee had previously served as the Member of National Assembly for Kandara Constituency (2013- 2022). The nominee holds a Bachelor of Laws (LLB) degree from the University of Nairobi, a Diploma in Legal Practice from the Kenya School of Law and a Diploma in Teaching and Training and a Certificate in Corporate Governance from the Centre for Corporate Governance. Her academic credentials, professional training and experience thus comply with sections 6(7) and 7 of the Public Appointments (Parliamentary Approval) Act.

(3) **THAT,** the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB).

(4) **THAT** the nominee has neither been charged in a court of law nor adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three years.

(5) **THAT,** the nominee does not hold office in any political party.

(6) **THAT,** the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (*conflict of interest*), Article 76 (*financial probity*), Article 77 (*restriction on activities of State Officers*) and Article 78(2) (*dual citizenship*) of the Constitution.

(7) **THAT,** the nominee demonstrated knowledge of topical, administrative and technical issues touching on government and has the requisite abilities, qualifications and experience to serve as the Cabinet Secretary for Lands, Public Works, Housing and Urban Development.

4.4 Mr. Julius Migos Ogamba – NomineE Cabinet Secretary for Education

284. The nominee appeared before the Committee on 1st August 2024 and was vetted under oath to examine his suitability. The Committee noted the following—

4.4.1 Questions from the General Questionnaire

Citizenship, Date and Place of Birth

285. The nominee is a male Kenyan citizen born in 1967 in Kisii County. The nominee confirmed that he was a citizen of Kenya by birth and does not hold any dual citizenship.

Academic and Professional Qualifications

286. The nominee holds a Bachelor of Laws degree from the University of Nairobi, a Post-Graduate Diploma in Law from the Kenya School of Law and a Diploma in Law from the Institute of Advanced Legal Studies, University of London.

Employment Record and Work Experience

287. The nominee is presently a Senior Partner at Migos-Ogamba and Waudo Advocates, a position he has held since 1993. Additionally, he is presently the Chairman of the Kenya Electricity Generating Company since 2023.

Honours and Awards

288. The nominee was awarded the Elder of Order of the Burning Spear (EBS) in 2023.

Professional Association and Memberships

289. The nominee is an Advocate of the High Court of Kenya and a Member of the Law Society of Kenya. He is also a Certified Secretary.

Published Writings

290. The nominee indicated that he had neither authored nor edited any published materials.

Public Office, Political Activities and Affiliations

291. The nominee stated that in 2023 he was appointed Chairman of the Board of Directors of the Kenya Electricity Generating Company for a three (3) year term.

Integrity

292. The nominee had neither been charged in a court of law nor adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three years. The nominee has never been dismissed or

otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

Income and Net Worth

293. The nominee estimated his net-worth to be Kshs. 790,000,000 comprising parcels of land, farm equipment, tea farm, houses and motor vehicles.

Potential Conflict of Interest

294. The nominee declared that he is currently not associated with any persons or matters that would present a potential conflict of interest. He added that in the event that any conflict of interest would arise, he would resolve the same in accordance with the provisions of the law.

Pro-bono/Charity Work

295. The nominee indicated that he provides scholarships to support students' education and that has been engaged in legal aid since 1993.

4.4.2 General and Sector-Specific Questions to the Nominee

296. The Committee posed several questions to the nominee on his suitability for appointment as Cabinet Secretary for Education. The nominee responded as follows—

On his interest in the public sector and motivation to serve in public service three years to retirement

297. The nominee informed the Committee that he was not new to the public sector citing his experience in representing public institutions in court as an advocate. He stated that he had also done pro-bono work for many public institutions, and was at the time, serving as the Chairperson of KenGen PLC- a government enterprise. The nominee assured the Committee of his knowledge of the education sector, having worked as an untrained teacher at Buruburu High School where he offered support to over six hundred (600) students to access education.

On his analysis of the Competency Based Curriculum (CBC)

298. The nominee stated that he had identified the key issues hindering the smooth implementation of CBC as, insufficient number of teachers, limited engagement of parents and inadequate infrastructure. The nominee further stated that full implementation of the CBC would ensure that children get the most out of their talents, which had not been the focus under the 8-4-4 system. He further stated that the 8-4-4 system was exam-based and therefore disadvantaged students that may not have performed well in exams but possessed other talents.

On continuing good policies already in existence

299. The nominee stated that he did not believe in changing what was working, noting that government has perpetual succession and operates in continuity.

On the new education funding model

300. The nominee pointed out that there was need for the new university funding model to be unbundled sufficiently for the public to understand. In addition, the nominee stated that the initial funding model had not focused on the individual needs of the students while the new model sought to address this hence enabling more vulnerable persons to access education. The nominee informed the Committee that the tool used to determine the most vulnerable leaners, that is, the 'Means Testing Instrument', had eight (8) parameters which were not comprehensive enough. He proposed expanding and linking the parameters to ensure accurate results. However, he noted that the rationalized budget would further affect the operations of the Ministry as it would call for cost-cutting measures in areas determined to be less critical while focusing on the priority areas.

On courage to dismantle the cartels in the education sector

301. The nominee stated that through political, parliamentary and public support, it was possible to dismantle the cartels that existed in the education sector.

On three major challenges in the education sector and how he intends to handle them

302. The nominee stated that problems in the education sector could be attributed to lack of sufficient funding. As such, there was need to find ways of funding all programs under the education sector in order to resolve the problems. If confirmed as Cabinet Secretary, the nominee informed the Committee that he would find a way of ensuring that a proper audit of the education sector is carried out and that adequate funding is harnessed and channeled to the sector and up to date policies and laws are implemented.

On capitation for basic education and additional fees charged by schools

303. The nominee noted that the issue of inadequate capitation arose from the fact that there were inadequate resources in the country. He further noted that funds going to schools to undertake programs were not disbursed on time. The nominee undertook to engage with the National Treasury to ensure that the budget for capitation is ringfenced to secure timely disbursement of funds to schools. On the issue of additional fees charged by schools, the nominee stated that there were some schools

that flouted set policies and guidelines and he proposed to institute stringent disciplinary mechanisms against them.

On the school feeding program

304. The nominee stated that the program was intended to cover the ASAL counties and informal settlements in some urban areas. The nominee observed that at the time, it catered for approximately 2.6 million children in twenty-six (26) counties and acknowledged that the program enabled retention of students in school. In order to sustain the program and even expand it, the nominee suggested coming up with programs to allow inter-government agencies such as the Kenya Meat Commission and the National Cereals and Produce Board to subsidize food prices. In addition, the nominee observed that there was need to address transportation costs to mitigate high food prices and therefore reach more children.

On the free and compulsory basic education

305. The nominee stated that, if confirmed as the Cabinet Secretary, he would liaise with the Teachers Service Commission (TSC) to ensure that teachers do not send away children from schools for failure to clear school fees balances. The nominee noted that the engagement between the Ministry and TSC was necessary to ensure regulations are put in place to facilitate free and compulsory basic education and ensure necessary action is taken by the Ministry directly.

On the issue of transitioning to Senior Secondary and maintaining Junior Secondary Schools (JSS)

306. The nominee stated that JSS, as proposed by the Presidential working party, was intended to be domiciled in the current primary schools for cost-effectiveness and because of the age of the leaners. However, he noted that out of the 16,000 classrooms required, only 3,500 were already under construction. Further, construction of another 7,500 classrooms was expected to start in October, leaving a shortfall of 5,000.

On whether he would have the courage to change what is not working in the Ministry

307. The nominee stated that he would make the best decision in the best interests of the leaners.

On charging fees contrary to circulars from the Ministry

308. The nominee noted that TSC was in charge of teachers in public schools including enforcing their discipline. He further noted that the Ministry of Education releases funds to schools but had no power to ensure the

proper utilization of the funds. If appointed as Cabinet Secretary, the nominee stated that he would find a way to work with TSC so that TSC could be an agent to enforce non-compliance with Ministry circulars.

On withholding of certificates by schools

309. The nominee stated that schools were only agents of the Kenya National Examination Council (KNEC) and therefore, the schools should not retain students' certificates. However, the nominee stated that there was need to balance the question of non-payment of fees and release of certificates. The nominee stated that, if approved for appointment, he would look into the issue and advise on how the issue could be resolved.

On the Ministry ignoring the special needs schools

310. The nominee submitted that, under the capitation model, special schools were expected to get more funding than normal schools. He further stated that the allocation to special schools should be higher as per requirement but lack of resources resulted in schools lacking special needs facilities. If confirmed as Cabinet Secretary, the nominee stated that he would engage partners to ensure that adequate special needs facilities were put up in schools.

On access to education for learners with special needs

311. The nominee pointed out that some Persons with Disabilities (PWDs) had been integrated into regular schools but the requirement to have accessible infrastructure for PWDs had not been met. The nominee stated that there was need for affirmative action programs to support leaners with special needs as well as mainstreaming.

On relations with TSC noting accusations of high-handedness and unprocedural dismissal of intern teachers

312. The nominee stated that the threat of the strike by intern teachers was based on a Collective Bargaining Agreement (CBA) which was to be implemented with effect from July, 2024. The nominee noted that consultation with the stakeholders would allow parties to find a middle-ground and a possible long-term solution.

On the requirement for birth certificates to access capitation

313. The nominee noted that, while each child had an allocation for capitation, those without birth certificates did not receive capitation because they were not captured in the National Education Management Information System (NEMIS) system. The nominee informed the Committee that a team had been formed to carry out a fifty (50) day physical census that would be concluded on 2nd August 2024. He noted that this would

ensure that all students are captured in the NEMIS system and allow disbursement of full capitation for leaners.

On improving NEMIS to ensure equal opportunities for those who do not have birth certificates

314. The nominee stated that he would seek to improve the NEMIS system to capture more parameters. The nominee further stated that with regard to the regions where most children did not have birth certificates, he would, if approved for appointment, liaise with the registrar of births and deaths to have birth certificates issued to those in marginalized areas.

On considering dropping the 'free education' or implementing it fully

315. The nominee stated that he would provide leadership and mobilise stakeholders to come up with a fund to cover all costs of education. He added that he would ensure that an audit is carried out to find out how much would be needed to fully finance the schools. The nominee further suggested partnering with stakeholders to ensure that the needs of learners are fully met, including partnering with textile companies to provide school uniforms to learners. The nominee further indicated that lack of audit had led to cases where some children got more funding than others while some got nothing at all.

On uniform issues

316. The nominee stated that, to lower the cost of school uniforms, he would liaise with the National Youth Service (NYS) and textile industries to produce uniforms for learners cost effectively.

On teachers' training

317. The nominee stated that the rationalization of the number of teachers had not been done. He noted that there were some schools which had excess teachers while others had a shortfall of teachers, including limited number of well-trained teachers. The nominee further stated that the problem was worsened by overlapping policies. The nominee observed that, solving the challenges in totality and having key stakeholders working together, would be fundamental in coming up with holistic and lasting solutions. On the issue of teachers who were expected to teach grade 9, the nominee proposed that the teachers should be trained to retool and reskill them.

On the National Council for Nomadic Education in Kenya (NACONEK***)***

318. The nominee stated that, if confirmed as Cabinet Secretary, he would expand NACONEK to ensure that children in the ASAL areas had access to education.

On Technical and Vocational Education and Training (TVET) institutions

319. The nominee noted that TVET institutions had been constructed in the two hundred and ninety (290) constituencies with fifty-two (52) institutions still coming up. If approved as Cabinet Secretary, the nominee proposed the creation of colleges and the selection of a few, to become "centres of excellence" in order to encourage students from other countries to study in Kenya and hence raise additional revenue for self-sustenance. The nominee further suggested that there was need to develop mechanisms where projects that were to be undertaken in the country, would incorporate students from TVET colleges to undertake their 'practicals'.

On the court judgement on matters CBC

320. The nominee stated that he had not yet read the judgement concerning CBC (Nelson Havi vs Ministry of Education) and would respond once he had read the judgement.

On ensuring that students in ASAL areas are not disadvantaged

321. The nominee stated that the issue of teachers declining their deployment to the North Eastern region and ASAL areas was rampant and he proposed working with the Ministry of Interior and National Administration to ensure the security of teachers, learners and schools.

On measures to ensure girls dropping out from school are allowed to complete schooling

322. The nominee stated that the Ministry's policy is to ensure that all girls are allowed to complete school, pregnancy notwithstanding. He added that there was no policy against their reinstatement and therefore, the process should be seamless.

On delayed Higher Education Loans Board (HELB) disbursements

323. The nominee stated that the issue of delayed disbursements was due to lack of resources and poor collection of repayments from those who had benefited. He proposed that HELB should come up with a bond to supplement their resources.

On the new university funding model

324. The nominee informed the Committee that, under the new funding model, the amount payable was being indicated unlike with the previous model and as such, the fee had not been increased. The nominee informed the Committee that, if appointed as Cabinet Secretary, he would carry out an audit of all funds within the education sector.

325. The nominee noted that the model prioritises a student's financial need and separated placement from funding. He further stated that funding for students was provided through scholarships, loans and household contributions.

On his priority areas for the first 100 days

326. The nominee stated that he would prioritize more critical issues first, such as Grade 9 issues of classrooms and teachers. He also acknowledged that, despite 27% of the national budget being allocated to education, underfunding was still a challenge.

On resolving the bursary scheme – a multiplicity of bursaries drawing from the same source

327. The nominee stated that if appointed, he would commission an audit on the monies allocated to the education sector in order to allow a clearer picture on utilization of funds.

On Kenya Universities and Colleges Central Placement Service (KUCCPS) placing students in private universities and utilization of the public resources for students in private universities

328. The nominee stated that, based on his experience in law, there was no way to reclaim the funds from those under the old model, as it would be legally wrong. The nominee further stated that under the new funding model, only those in public universities would be funded and those in private universities would be given loans. The nominee added that, in his view, it was a personal decision for the parents to take their children to private universities.

On renewal of PWDs certificates every five years

329. The nominee stated that he would liaise with the relevant department of government to have the provision removed as disability does not change.

On mushrooming boarding schools without adequate structures especially in Kisii County

330. The nominee stated that quality assurance on registration requirements of boarding schools was necessary.

On P1 teachers

331. The nominee stated that the P1 teachers would be reskilled and absorbed into the CBC program as they were permanent and pensionable employees.

On allegations arising from the Memoranda, the nominee responded as follows—

332. On the issue of the affidavit by **David Ogega Ochwangi** that contested the suitability of the nominee on grounds that the nominee's name as an Advocate and signature was appended against a consent document whose signatures were allegedly forged as several heirs to the estate were not in the country and therefore could not have signed the consent, the nominee responded as follows vide Affidavit sworn on 31st July 2024 —

(a) that he was informed of David Ochwangi's complaint as filed with the Advocates Complaints Commission vide a letter dated 23rd September, 2019 and he responded to the letter from the Advocates Complaints Commission vide letter dated 24th September 2019, in which he clearly indicated that he did not commission the consent in question;

(b) that vide a further letter dated 14th October, 2019, the Advocates Complaints Commission sought to ascertain whether the Advocate who drew the impugned consent worked at the nominee's law firm and he confirmed that the said Advocate did not work at the nominee's law firm;

(c) that having received the said communication, the Advocates Complaints Commission never made any adverse finding against the nominee or his law firm, as would have been the case had there been substance in the complaint; and

(d) that indeed, by a letter dated 13th May, 2023, the Advocates Complaints Commission issued the nominee with a Certificate of Good Standing that confirmed that the nominee had no pending complaint.

333. The nominee annexed the following supporting documents to his Affidavit—

(a) letter from the Advocates Complaints Commission dated 23rd September, 2019;

(b) letter by Julius Migos Ogamba to the Advocates Complaints Commission dated 24th September, 2019;

(c) letter from the Advocates Complaints Commission dated 14th October, 2019;

(d) letter by Julius Migos Ogamba to the Advocates Complaints Commission dated 14th November, 2019; and

(e) Certificate of Good Standing issued to Julius Migos Ogamba dated 13th May 2024.

Observations on Memoranda Submitted Against the Nominee

334. The Committee noted that the nominee was issued with a Certificate of Good Standing dated 13th May 2024 by the Advocates Complaints Commission that stated that according to their records, there was no pending complaint against the nominee, Julius Migos Ogamba.

4.4.3 Committee Observations on the Suitability of the Nominee

335. The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act his curriculum vitae, memoranda from the public and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as Cabinet Secretary for Education -

(1) **THAT,** in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan citizen born in 1967 in Kisii County and does not hold dual citizenship.

(2) **THAT,** the nominee is presently a Senior Partner at Migos-Ogamba and Waudo Advocates, a position he has held since 1993. Additionally, he is the Chairman of the Kenya Electricity Generating Company, a position he had held since 2023.

(3) **THAT,** the nominee holds a Bachelor of Laws from the University of Nairobi, a Post-Graduate Diploma in Law from the Kenya School of Law and a Diploma in Law from the Institute of Advanced Legal Studies, University of London. His academic credentials, professional training and experience thus comply with sections 6(7) and 7 of the Public Appointments (Parliamentary Approval) Act.

(4) **THAT,** the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB)

(5) **THAT** the nominee has neither been charged in a court of law nor adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three years.

(6) **THAT,** the nominee does not hold office in any political party.

(7) **THAT,** the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (*conflict of interest*), Article 76 (*financial probity*), Article 77 (*restriction on activities of State Officers*) and Article 78(2) (*dual citizenship*) of the Constitution.

THAT, the nominee demonstrated knowledge of topical, administrative and technical issues touching on government and has the requisite

abilities, qualifications and experience to serve as the Cabinet Secretary for Education.

4.5 Hon. Roselinda Soipan Tuya, EGH – Nominee Cabinet Secretary for Defence

336. Hon. Roselinda Soipan Tuya, EGH appeared before the Committee on 1st August 2024 and was vetted under oath to examine her suitability. The Committee noted the following—

4.5.1 Questions from the General Questionnaire

Citizenship, Date and Place of Birth

337. The nominee is a female Kenya born on 24th July 1978 in Narok County. The nominee confirmed that she is a citizen of Kenya by birth and does not hold dual citizenship.

Academic and Professional Qualifications

338. The nominee holds a Master of Laws Degree (LL.M) in Sustainable International Development from University of Washington, Seattle (2010); a Bachelor's Degree in Law from the University of Nairobi (2002); and a Postgraduate Diploma in Law from the Kenya School of Law (2003). She sat for the Kenya Certificate for Secondary Education (KCSE) in 1998 at the Kenya High School.

Employment Record and Work Experience

339. The nominee served as the Cabinet Secretary, Ministry of Environment, Climate Change and Forestry from 2022 to 2024, Nominated Senator from 2022 to October 2022, the Woman Representative for Narok County from 2013 to 2022. As a Member of Parliament, she served as the First Chairperson in the Speaker's Panel in the 12th Parliament. Further, she also served as a Land Law and Gender Specialist with the USAID Justice Project from November 2010 to July 2011; and as a Legal Aid Coordinator, at the Kituo Cha Sheria from February 2008 to September 2009.

Honours and Awards

340. The nominee was conferred upon the Chief of the Order of the Burning Spear (CBS) in 2018 and the Elder of the Order of the Golden Heart (EGH) in 2023 by President.

Professional Association and Memberships

341. The nominee is a member of the Law Society of Kenya (LSK).

Published Writings

342. The nominee indicated that she had neither authored nor edited any published materials.

Public Office, Political Activities and Affiliations

343. The nominee is a member of the UDA Party, the Kenya Kwanza Alliance 2022 Presidential Campaign Council and the head of the Kenya Kwanza Alliance Women Charter.

Integrity

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

Income and Net Worth

345. During her previous approval hearing for appointment as Cabinet Secretary for Environment, Climate Change and Forestry in 2022, the nominee estimated her net worth to be Kshs. 156,000,000 with the source of income being salary and allowances; immovable property, motor vehicles, shares in SACCOs and dairy farming.

346. As at the time of the approval hearing, the nominee estimated her current net worth to be Kshs. 243,448,000 comprising immovable property, motor vehicles, shares in SACCOs and farming. The nominee attributed the change in net worth to appreciation in property and assets.

Potential Conflict of Interest

347. The nominee declared that she is currently not associated with any persons or matters that would present a conflict of interest should she assume the position of Cabinet Secretary. In the event that a conflict of interest arose, she stated that she would resolve the same in accordance with the provisions of law.

Pro-bono/Charity Work

348. The nominee submitted that she has participated in the mentorship of women and girls for fifteen years and volunteered at the Menstrual Health Champion for Days for Girls International for five years.

4.5.2 General and Sector-Specific Questions to the Nominee

349. The Committee posed several questions to the nominee on her suitability for appointment as Cabinet Secretary for Defence. The nominee responded as follows—

On the potential overlap between the role of the Cabinet Secretary and the Chief of Defence Forces

350. The nominee acknowledged her role as the principal adviser to the President on defence policy, which also includes a significant advisory role to Parliament on policy formulation and assessment of the capabilities of the Kenya Defence Forces (KDF) and any necessary actions to maximise military effectiveness. She noted that although she did not have a military background, she recognised that the Ministry of Defence comprises both a uniformed and a civilian unit.

351. The nominee stated that upon confirmation, she would chair the Defence Council, which includes the Chief of Defence Forces and service commanders. The nominee further stated that she was a team player and consultative in her leadership approach, qualities she planned to apply extensively to understand the operational and administrative roles of the uniformed side of the ministry, thereby ensuring complementarity. She expressed confidence that her advisory role would be enriched by integrating her civilian expertise with insights from the military, enabling her to effectively advise the Commander-in-Chief and interact with Parliament.

On achievements as CS Environment, Climate Change and Forestry

352. As the Cabinet Secretary for Environment, Climate Change and Forestry, the nominee highlighted her leadership in policy matters and coordination across various sectors and levels of government. The nominee successfully organised the African Climate Change Summit, a global event that brought international attention to Nairobi.

353. Additionally, she prioritised ecosystem restoration, including the fifteen (15) billion tree-planting programme, which she deemed successful in rallying the nation to participate in ecosystem restoration as a critical component of climate action. She further noted that the Africa Climate Summit was particularly significant in positioning Africa as a key contributor to global climate solutions, rather than merely a victim of climate change.

On Carbon Trading

354. The nominee identified carbon trading as a significant achievement, with Kenya being recognised as a leader in this field in Africa. However, she acknowledged the need for greater transparency, particularly regarding its impact on the daily lives of Kenyans and its contribution to the Gross Domestic Product (GDP). Upon assuming office, as the CS Environment, Climate Change and Forestry she focused on creating a legal framework through amendments to the Climate Change Act to enhance

transparency, accountability, and benefit-sharing in the carbon market. She stressed that carbon trading is a nascent form of climate financing, and before leaving the ministry, she had already established structures for the full implementation of the new legal framework, which is expected to benefit Kenyans, investors, and communities.

On the lack of appreciation from the civilian side of the military unit and the perception of overreach

355. The nominee reassured all stakeholders in the Ministry of Defence that, upon confirmation as Cabinet Secretary, she would prioritise team collaboration and quickly familiarise herself with military operations and administration. She emphasised her commitment to understanding these operations without infringing upon the distinct roles of the uniformed units of the ministry, ensuring that her overall oversight, policy direction, and advisory functions are exercised effectively.

On use of aircraft by government officials for the national tree-planting

356. The nominee explained that her primary role as the Cabinet Secretary for Environment in the tree-planting initiative was that of a coordinator. She stressed that the nature of ecosystem restoration required the involvement of all sectors of society, including individual Kenyans, the private sector, and all government agencies. As such, she stated that the programme could not be confined solely to the Ministry of Environment, Climate Change and Forestry. She clarified that her Ministry did not provide transport or logistical support for Cabinet Secretaries during their activities related to tree planting. She did however note that concerns about excessive spending on the tree-planting programme were addressed at the Cabinet level, and the second national tree-planting programme was more grassroots-centred, with coordination by the Kenya Forest Service (KFS) and other entities at the community level.

On the deployment of the KDF internally

357. The nominee clarified that one of the core mandates of the KDF is the defence and protection of the country's territorial integrity and sovereignty. She further stated that KDF also has a role in internal deployment, which falls under two categories: assisting and cooperating with other agencies in instances of emergency and disaster (Article 241(3)(b) of the Constitution) and deployment to maintain peace during instances of instability (Article 241(3)(c) of the Constitution). The nominee observed that with regard to the recent protest the KDF was deployed under Article 241(3)(b) to assist the National Police Service (NPS), with the KDF not taking the lead role. She further clarified that a Gazette Notice was issued to define the scope, nature, and duration of the deployment.

On the alleged slow response by KDF in parts of the North Rift

358. The nominee indicated that all KDF operations are conducted under the principles of national security, which are subject to the Constitution and the authority of Parliament. She assured the Committee that, upon confirmation, she would ensure strict adherence to constitutional provisions regarding deployment.

On implementation of KDF projects

359. The nominee stated that one of her key mandates as Cabinet Secretary for Defence, upon confirmation, would be to assess and oversee the implementation of projects to ensure efficiency and proper utilisation of funds. She undertook to work closely with the relevant parliamentary committees to address these issues.

On alleged corruption in the KDF recruitment process

360. The nominee recognized the importance of integrity in the recruitment of Kenyans into the KDF, as outlined in the Constitution. She acknowledged the recurring issue of corruption in the recruitment process, where individuals reportedly pay significant sums to be recruited, only to be dismissed on questionable grounds. She undertook to evaluate the standard operating procedures of the KDF recruitment process to identify gaps and ensure adherence to constitutional requirements. She also emphasized the need for public sensitization to dispel the notion that payment is required for recruitment and suggested the introduction of whistleblowing mechanisms and rapid response to address corruption and malpractices.

On the KDF's role in national development

361. The nominee noted that there is a Defence Industrialisation Policy aimed at integrating the KDF into the national development agenda due to its unique competencies. She highlighted state corporations under the Ministry of Defence, such as the Kenya Ordinance Factories Corporation, which is expanding its mandate to include food production. She suggested that the KDF's involvement in industries could enhance self-sufficiency in operations, food security, capacity building, and equipment capabilities, particularly in the face of global fiscal challenges.

On the safety and modernisation of military equipment

362. The nominee acknowledged that a significant portion of the budget for the Ministry of Defence is allocated to recurrent expenditure. She committed to work with the relevant parliamentary committee to ensure value for money in military investments, particularly in the maintenance and efficiency of military equipment. She expressed concern about the

condition of equipment, especially air assets, and stated that one of her priorities would be to assess and improve the maintenance and readiness of military assets.

On balancing access to information with national security concerns

363. The nominee explained that access to information has limitations under Article 24 of the Constitution, as read with the Kenya Defence Forces Act, regarding classified information. However, she emphasized that the Cabinet Secretary for Defence has the regulatory authority to determine what information can be shared and with whom, ensuring that transparency and accountability are maintained without compromising national security.

On her vision for the defence sector

364. The nominee articulated her vision for a well-equipped and prepared defence force, capable of responding to external aggression with appropriate measures. She emphasized the importance of mission preparedness, training, capacity building, and addressing the welfare of KDF service members to ensure that they are well-prepared and motivated to defend the country.

On balancing external and internal deployment of the military

365. The nominee reiterated that the defence and protection mandate is subject to constitutional authority and pledged to ensure that the deployment of the KDF, both externally and internally, is balanced, with a primary focus on protecting the country from external aggression.

366. The nominee confirmed that the Gazette Notice on the deployment of KDF internally remains in effect until normalcy is restored. She indicated that, upon confirmation, she would assess the situation to determine whether the deployment should continue or be concluded, given the restoration of normalcy following recent unrest.

On gender parity in key military positions

367. The nominee noted the progress made in gender parity within the military, highlighting the disbandment of the Women's Service Corps in 1999, which previously limited the integration and rights of women in the KDF. She committed to reviewing the Ministry of Defence's gender policy to ensure that women are fully integrated into the KDF and are not limited in any way.

On leasing versus purchasing of vehicles

368. The nominee expressed an interest in reviewing the current situation regarding vehicle leasing versus purchasing within the KDF. She

acknowledged the validity of concerns about efficient use of public resources and committed to exploring cost-effective solutions.

On the benefits of designation of Kenya as a non-NATO Ally

369. The nominee noted that Kenya's designation as a non-NATO Ally places the country at a competitive advantage in bilateral engagements with the United States. She observed that the designation offers Kenya access to equipment, training opportunities, and enhanced defence cooperation, which are critical in advancing the country's defence capabilities. She also emphasized the importance of multilateralism and bilateralism in Kenya's role in the global security and defence landscape.

Written submissions by the Nominee

370. With regard to the issue relating to Shiru and Shaviringa settlement schemes in Kakamega Forest, vide an Affidavit sworn on 30th July 2024 the nominee stated as follows—

(1) That the issue related to Shiru and Shaviringa settlement schemes in Kakamega Forest where the Government (through the then Ministry of Environment and Natural Resources) initiated a land exchange between private land owners in Mbale, where the Government ceded 134.8Ha in Shiru area of Kibiru Forest and a boundary plan 180/215 was prepared in anticipation of de-gazettement;

(2) That further, in 1992, an area was earmarked for settlement of people affected by the expansion of Mudete Tea Factory in Vihiga and 36Ha of the 134.8Ha was set aside for this purpose and it came to be known as Shaviringa settlement schemes;

(3) That, whereas the initial settlement area was supposed to be 36Ha, a ground confirmation by the Kenya Forest Service confirmed on the ground indicated that the actual area occupied was 43.5Ha which means that an additional 7.5Ha was occupied;

(4) That, however, none of the identified areas earmarked for excision was degazetted and therefore it remains under the jurisdiction of Kenya Forest Service although the two areas (Shiru and Shaviringa) are fully occupied, the degazettement process outlined by law has not been undertaken;

(5) That, the Ministry of Environment and Forestry under the then Cabinet Secretary Keriako Tobiko, formed a multi-agency team to expedite resolution of the matter and during the tenure of the nominee as CS, the nominee did not engage in any acts or omissions as alleged by the Claimant;

(6) That, further, it is untrue that the degazettement and issuance of titles was to take place in 3 months because the process was to be undertaken by a multi-agency team and not one Ministry;

(7) That the process of degazettement as provided by the Forest Conservation and Management Act is a robust process that involves public participation, Parliament and many more stakeholders;

(8) That the Claimant's statement is therefore untrue and misleading;

(9) That the nominee engaged the offices of the Prime Cabinet Secretary and Governor's office Vihiga on the matter and question of the draft budget for survey was raised and discussed long before my appointment as CS and the nominee did not author any letter in this regard;

(10) That in March 2024, the Senate wrote to the Ministry of Environment to respond to a Statement by the Senator of Vihiga County on this issue and the nominee responded to the Statement comprehensively;

(11) That the matters raised by the Claimant are vested within the Ministry of Environment, Climate Change and Forestry and the process has been on-going to resolve the issue including developing a Cabinet memorandum on the same and other issues for regularization; and

That based on the weighty matters raised by the Claimant under oath, the nominee shall be seeking to cross-examine the Claimant on the false averments at the earliest opportunity and through legal channels.

On allegations arising from the Memoranda, the nominee responded as follows:

371. On the issue of re-appointment to Cabinet after dismissal, the nominee responded vide Affidavits sworn on 30th July, 2024 and 31st July, 2024 as follows—

(a) the President exercised his prerogative powers and dismissed all members of the Cabinet based on the need to re-organize the Cabinet and improve service delivery;

(b) That the President's dissolution of Cabinet was not related to gross misconduct or abuse of public office or any acts or omissions contravening the Public Officers Ethics Act.

(c) The Constitution does not provide for grounds for dismissal of Cabinet Secretaries;

(d) That a Cabinet Secretary should not be disbarred from subsequently holding any public office pursuant to a dissolution of Cabinet.

(e) That neither the Constitution nor the Act limits or prohibits the President from nominating a person who was previously dismissed from Cabinet.

(f) That she submitted to the Committee clearance certificates from the DCI and EACC indicating that she has not been under investigations from the respective agencies in the past as regards to any illegal activities;

(g) That during her tenure as Cabinet Secretary for Environment, Climate Change and Forestry, she exercised her responsibilities in a manner consistent with the constitutional principles; and

(h) That her nomination together with that of five other females is an illustration of the President's noble efforts towards realizing the two-thirds gender rule and to promote gender inclusivity.

Observations on Memoranda Submitted Against the Nominee

372. The Committee noted that Articles 132(2) and 152(2) of the Constitution of Kenya vest the power to constitute Cabinet solely on the President. The nominee was not dismissed under the provisions of Article 75(2) of the Constitution and is therefore not disqualified from holding any other state office. There is no legal provision that bars the President from re-appointing any person who has not been indicted as being unfit to hold office under Article 75 of the Constitution or any relevant law.

373. The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, her curriculum vitae, memoranda from the public and having heard her oral submission during the approval hearing, made the following observations on her suitability for appointment as Cabinet Secretary for Defence—

(1) **THAT,** in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since she is a Kenyan citizen born in 1978 in Narok County and does not hold dual citizenship.

(2) **THAT,** the nominee previously served in the position of Cabinet Secretary, Ministry of Environment, Climate Change and Forestry from

October 2022 to July 2024. Prior to that, she served as a nominated Senator from 9th September 2022 to October 2022 and the Woman Representative for Narok County from 2013 to 2022. As a Member of the National Assembly, she served as the First Chairperson in the Speaker's Panel in the 12th Parliament. Further, she also served as a Land Law and Gender Specialist with the USAID Justice Project from November 2010 to July 2011; and as a Legal Aid Coordinator, at the *Kituo Cha Sheria* from February 2008 to September 2009.

(3) **THAT** the nominee holds a Masters Law Degree (LL.M) in Sustainable International Development from University of Washington, Seattle (2010); a Bachelor's Degree in Law from the University of Nairobi (2002); and a Postgraduate Diploma in Law from the Kenya School of Law (2003). She sat for the Kenya Certificate for Secondary Education (KCSE) in 1998 at the Kenya High School. Her academic credentials, professional training and experience thus comply with sections 6(7) and 7 of the Public Appointments (Parliamentary Approval) Act.

(4) **THAT,** the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB).

(5) **THAT the** nominee has neither been charged in a court of law nor adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three years.

(6) **THAT,** the nominee does not hold office in any political party.

(7) **THAT,** the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (*conflict of interest*), Article 76 (*financial probity*), Article 77 (*restriction on activities of State Officers*) and Article 78(2) (*dual citizenship*) of the Constitution.

(8) **THAT,** the nominee demonstrated knowledge of topical, administrative and technical issues touching on government and has the requisite abilities, qualifications and experience to serve as the Cabinet Secretary for Defence.

4.6 Dr. Andrew Mwihia Karanja – Nominee Cabinet Secretary for Agriculture and Livestock Development

374. The nominee appeared before the Committee on 2nd August 2024 and was vetted under oath to examine his suitability. The Committee noted the following—

4.6.1 Questions from the General Questionnaire

Citizenship, Date and Place of Birth

375. The nominee is a male Kenyan citizen born on 26th April 1962, in Kiambu County. The nominee confirmed that he is a citizen of Kenya by birth and did not hold dual citizenship.

Academic and Professional Qualifications

376. The nominee holds a Doctor of Philosophy (PhD) degree in Development Economics and Policy from the Wageningen University, Netherlands. He also holds an MSc in Agricultural Economics and a BSc in Agriculture, both from the University of Nairobi. In addition, he has a Certificate in Development Oriented Agriculture.

Employment Record and Work Experience

377. The nominee is currently a Principal Consultant for Best Results Associates Ltd, a position he has held since January 2015. Prior to this, he served as a Senior Agricultural Economist and Task Team Leader for the World Bank from February 2003 to December 2014; Research Fellow for the Egerton University from February 2002 to January 2003; Senior Agricultural Economist for the Coffee Research Foundation from September 1991 to January 2002; and a Planning Officer/Lecturer for the Ministry of Agriculture and Livestock from July 1987 to August 1991.

Honours and Awards

378. The nominee holds a Best Team Award from the World Bank in 2011; was awarded Wageningen Agricultural University Fellowship for PhD training; was a principal investigator in a project funded by the Agricultural Research Fund (ARF); and awarded Nairobi University fellowship for MSc. course.

Professional Association and Memberships

379. The nominee is a member of the African Association of Agricultural Economists and a member of the European Association of Agricultural Economists.

Published Writings

380. The nominee has authored/co-authored over twenty-six (26) papers, thesis, policy briefs and book chapters in both international and local publications.

Public Office, Political Activities and Affiliations

381. The nominee was a member of the Coffee Sub-Sector Implementation Committee and Coffee Sub-Sector Reforms Standing Committee in 2016 to 2022 and member of the Presidential Taskforce on Coffee Sub-Sector Reforms in March to May 2016.

Integrity

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

Income and Net Worth

383. The nominee estimated his net-worth to be Kshs. 214 million comprising of immovable property, motor vehicles, money held in bank accounts and listed shares.

Potential Conflict of Interest

384. The nominee declared that he did not have any persons, litigation, financial arrangement, matter or issue that would present a potential conflict of interest should he assume the position of Cabinet Secretary. The nominee stated that, should a conflict of interest arise, he would declare the interest in writing to the appointing authority in accordance with the law.

Pro-bono/Charity Work

385. The nominee has been a member and chairperson of the Board of Management of St. Francis Girls Secondary School; member of the Board of Management of PCEA Mukuyu-ini Secondary School; a member of the Lions Club International; and is a life member of the Kenya Red Cross.

4.6.2 General and Sector-Specific Questions to the Nominee

386. The Committee posed several questions to the nominee on his suitability for appointment as Cabinet Secretary for Agriculture and Livestock Development. The nominee responded as follows—

On GMOs and the Biosafety Act

387. The nominee acknowledged the potential of GMOs to increase agricultural productivity but also recognised the concerns surrounding food safety. He stated that if approved, he would thoroughly examine the

issue, particularly noting that GMOs, such as BT-cotton, are already in use within the country. He emphasised the need to balance food safety with agricultural productivity, stating that the Biosafety Act provides guidelines on labelling and scientific evidence, which he intends to utilise in making informed decisions that would satisfy all stakeholders in Kenya.

388. The nominee discussed the safety of GMO food products, stating that while some GMOs are safe for human consumption, others may not be. He cited soya as an example of a safe GMO product but warned that caution is necessary, especially with GMOs involving genetic engineering. He reiterated that decisions regarding GMOs should be based on scientific evidence and closely aligned with the provisions of the Biosafety Act.

On the use of banned pesticides

389. The nominee noted that certain pesticides, manufactured in Europe and North America for export to African countries, had caused significant harm, particularly by threatening the quality of horticultural exports due to pesticide residues. He expressed his readiness, if confirmed as Cabinet Secretary for Agriculture and Livestock Development, to ban the use of harmful substances, to protect Kenyans from the harmful effects of the pesticides.

On livestock development experience

390. The nominee highlighted his academic background, noting that his thesis at the University of Nairobi focused on cattle breeding. He also stated that he had experience on matters relating to livestock development and had extensive work on reviewing dairy sector policies while at Tegemeo and his consultancy work across various counties, particularly in the arid and semi-arid lands (ASAL) regions. Additionally, he engaged in evaluating programmes managed by the European Union and other agencies in the livestock sector.

On public sector experience in crop development

391. In response to inquiries about his extensive work in crop development, particularly within the public sector, the nominee stated that he began his career as an extension officer and eventually rose to the position of planning officer and economist at a coffee research institution. He also stated that he had served as a member of the Taskforce on Coffee Reform. He further observed that, his experience in both the public sector and at the World Bank, where he engaged with various levels of government, underscores his deep involvement in crop development.

On allegations of serving as a personal assistant to the former Cabinet Secretary for Agriculture and Livestock Development, Hon. Mithika Linturi

392. The nominee denied ever meeting the former Cabinet Secretary or serving as his personal assistant.

On the fertiliser subsidy scandal

393. The nominee acknowledged the significance of the fertiliser subsidy programme in ensuring food security, but he also noted the presence of cartels that compromised the quality and distribution of fertiliser last season. He undertook, if approved, to address the issues by ensuring transparency, competition, and integrity in fertiliser procurement and distribution. The nominee proposed a shift away from centralised procurement to a voucher system, allowing farmers to purchase fertiliser from various suppliers, thereby reducing reliance on the National Cereals and Produce Board (NCPB).

On tackling cartels and corruption in the Ministry of Agriculture

394. The nominee expressed a strong commitment to confronting cartels and corruption within the Ministry of Agriculture. He stated that his guiding principles of integrity and prioritising the interests of the country and its farmers would be his main tools in combating these challenges. He undertook to establish governance structures and involve government agencies to ensure transparency and fairness in the agricultural sector.

On developing a fertiliser manufacturing programme

395. The nominee agreed that fertilizer manufacturing was a god idea, that will also develop the local industry. He also acknowledged the need to move beyond blending to actual manufacturing. He added that, if approved, he will pursue this agenda to bolster the local industry and reduce reliance on imported fertiliser.

On the crisis in the tea sector

396. The nominee addressed the ongoing crisis in the tea sector, particularly the declining tea prices at the Mombasa auction and the resulting stockpile of unsold tea. He acknowledged the seriousness of the issue, which affects farmers' income, and suggested that while the intention behind the minimum reserve price was good, the policy needed to be reviewed. He expressed his willingness to take charge of the situation, advocating for a careful and cautious approach to policy adjustments that would not negatively impact farmers' incomes.

On reviving the agriculture sector

397. The nominee acknowledged the challenges faced in the agriculture sector, citing statistics that indicate a decline in agricultural exports and

an increase in food imports. He proposed focusing on food security by ensuring timely and quality inputs for farmers, reviving extension services at the devolved units, and adopting appropriate agricultural technologies to boost productivity.

On collaborating with county governments

398. The nominee emphasised the importance of engaging with county governments, noting that agriculture is a devolved function. He stated that one of his top priorities would be to use intergovernmental structures to build the capacity of county governments and work collaboratively with them. He proposed regular summits and close collaboration with agricultural committees to ensure effective delivery of services and extension support to farmers.

On avoiding duplication of functions and wastage

399. The nominee acknowledged the issue of duplication of functions among state agencies and regional development bodies, attributing this to a lack of coordination and highlighted the need for better alignment with the sector's priorities. He undertook to ensure that the ministry's parastatals, while semi-autonomous, would work as a team towards a common goal, and to improve inter-ministerial coordination.

On encouraging youth involvement in agriculture

400. The nominee recognised the importance of agriculture as a key sector for employment, particularly for the youth. He expressed his commitment to ensuring that young Kenyans are actively involved in agricultural activities, from grassroots to higher levels of the value chain. He proposed a value chain approach to create meaningful jobs for the youth and promised to monitor their engagement in the sector.

401. The nominee expressed concern about the high number of trained but jobless youths in the agriculture sector. He committed to taking deliberate measures to create job opportunities for the youth, women, and persons with disabilities, and to monitor their participation in agricultural programmes to ensure they benefit from these initiatives.

On fertiliser distribution and the role of county governments

402. The nominee addressed concerns about fertiliser being retained at Kilimo House instead of being distributed and managed at the county level. He reaffirmed his belief in devolution and argued that sustainable agricultural development requires active participation from county governments. The

nominee further proposed decentralising fertiliser procurement to agro-dealers and implementing a voucher system.

On livestock development

403. The nominee highlighted the critical role of livestock in improving livelihoods, particularly in ASAL areas. He acknowledged the lack of a specific agency created to promote livestock matters and noted that the introduction of a Livestock Marketing Board and a research organisation focused on livestock would address this gap. The nominee also stated that there was need to regulate breeding and animal feeds to improve livestock productivity.

On mitigation measures for drought and flooding

404. Addressing the issue of recurrent droughts and flooding in Kenya, the nominee emphasised the need to invest in mitigation and adaptation measures, particularly in arid and semi-arid areas. The nominee stated that some of the mitigation measures include promoting pasture conservation, introducing drought-resistant crop varieties, and working closely with the Ministry of Irrigation to develop small-scale irrigation programmes. He also advocated for the implementation of crop and livestock insurance to protect farmers from losses.

On revitalising the coffee sector

405. The nominee acknowledged the turmoil in the coffee sector, including issues related to pricing, theft, and value addition. He expressed his intention to collaborate with the Ministry of Interior to address coffee theft and to support the passage of the Coffee Bill currently before Parliament. He also discussed the need to explore the feasibility of guaranteed minimum returns for farmers, although he recognised the significant resources required for such a policy.

On the Prevention of Livestock and Produce Theft Bill, 2023

406. The nominee expressed his willingness to work with Parliament on this issue. He noted that dealing with livestock theft would require a collaborative effort and that he would support any legislative measures aimed at addressing this problem.

On failed agricultural projects

407. The nominee noted the failure of projects such as Galana Kulalu and stated that there was need to determine why the projects did not deliver value for money. He undertook to ensure that future agricultural projects will be thoroughly evaluated and aligned with the country's priorities.

On agricultural land use and real estate development

408. The nominee expressed concern about the loss of agricultural land to real estate development and stressed the importance of having clear land use policies. He pledged to engage with the lands sector to implement amendments to the land use policy and to ensure that agricultural land is preserved for its intended purpose.

On small-scale irrigation in agriculture

409. The nominee highlighted the importance of small-scale irrigation in agriculture and noted that while the Ministry of Agriculture no longer directly oversees irrigation, he would work closely with the relevant ministry to promote small-scale irrigation initiatives that support farmers and increase productivity.

On flower farming and revenue decline

410. When asked about the decline in revenue from flower farming, the nominee attributed it to the ongoing Russia-Ukraine war, which has disrupted exports to the region. He also pointed out that the Kenyan flower industry was required to meet new EU requirements on reducing pesticide use. He proposed promoting domestic flower markets, like Ethiopia's model, to diversify market risks and reduce reliance on exports.

On protecting horticultural farmers

411. The nominee expressed his concern about the challenges facing horticultural farmers, particularly the high cost of production, high cost of inputs and compliance with international standards. He proposed supporting farmers by promoting domestic and regional markets and reducing their reliance on exports, thereby ensuring their livelihoods are safeguarded.

On the preservation of grazing lands

412. The nominee emphasised the need to preserve grazing lands for pastoralists and suggested collaboration with the Ministry of Lands to ensure proper land use planning. He also highlighted the importance of educating pastoral communities on sustainable grazing practices to prevent overgrazing and land degradation.

On plans to revive neglected agricultural sectors

413. The nominee acknowledged the challenges in the agricultural sectors and proposed a comprehensive approach that includes policy reforms, stakeholder engagement, and a focus on value addition to revive the industries in the sector and make them competitive.

On rice farming and the expansion of Mwea Scheme

414. The nominee discussed the potential of rice farming in Kenya, particularly in the Mwea region. He proposed expanding the Mwea scheme and investing in irrigation infrastructure to increase rice production. He also suggested exploring new rice varieties that are more resilient and have higher yields to boost the sector.

On afforestation and environmental conservation

415. The nominee highlighted the importance of afforestation and environmental conservation in agricultural development. If approved, he committed to work with the Ministry of Environment to promote tree planting and sustainable land use practices that protect the environment while supporting agricultural productivity.

Written submissions by the nominee

416. Dr. Andrew Mwihia Karanja responded to the memoranda contesting the suitability of the nominees on the issue of non-compliance with the two-thirds gender rule and stated in his Affidavit that H. E. the President had nominated eight female members to the Cabinet and therefore had complied with Article 27(8) of the Constitution in the list of nominees.

4.6.3 Committee Observations on the Suitability of the Nominee

417. The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, his curriculum vitae and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as Cabinet Secretary for Agriculture and Livestock Development—

(1) **THAT,** in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan citizen born in 1962 in Kiambu County and does not hold dual citizenship.

(2) **THAT,** the nominee is currently a Principal Consultant for Best Results Associates Ltd a position he has held since January 2015. Prior to this, he served as a Senior Agricultural Economist and Task Team Leader for the World Bank from February 2003 to December 2014; as a Research Fellow for the Egerton University from February 2002 to January 2003; as a Senior Agricultural Economist for the Coffee Research Foundation from September 1991 to January 2002; and as a Planning Officer/Lecturer for the Ministry of Agriculture and Livestock from July 1987 to August 1991.

(3) **THAT** the nominee holds a Doctor of Philosophy (PhD) degree in Development Economics and Policy from the Wageningen University, Netherlands. He also holds an MSc in Agricultural Economics and a BSc in Agriculture, both from the University of Nairobi. Additionally, he has a Certificate in Development Oriented Agriculture. His academic credentials, professional training and experience thus comply with sections 6(7) and 7 of the Public Appointments (Parliamentary Approval) Act.

(4) **THAT,** the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB).

(5) **THAT,** nominee has neither been charged in a court of law nor adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three years.

(6) **THAT,** the nominee does not hold office in any political party.

(7) **THAT,** the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (*conflict of interest*), Article 76 (*financial probity*), Article 77 (*restriction on activities of State Officers*) and Article 78(2) (*dual citizenship*) of the Constitution.

(8) **THAT,** the nominee demonstrated knowledge of topical, administrative and technical issues touching on government and has the requisite abilities, qualifications and experience to serve as the Cabinet Secretary for Agriculture and Livestock Development.

4.7 Hon. Aden Bare Duale, EGH – Nominee Cabinet Secretary for Environment, Climate Change and Forestry

418. The nominee appeared before the Committee on 2nd August 2024 and was vetted under oath to examine his suitability. The Committee noted the following:

4.7.1 Questions from the General Questionnaire

Citizenship, Date and Place of Birth

419. The nominee is a male Kenyan citizen born in 1965 in Garissa County. The nominee confirmed that he is a citizen of Kenya by birth and did not hold dual citizenship.

Academic and Professional Qualifications

420. The nominee holds an Honorary Doctorate Degree in Political Science from Garissa University, a Master's in Business Administration from Jomo Kenyatta University of Agriculture and Technology and a Bachelor's Degree in Education from Moi University. He also possesses Diploma Certificates in Conflict Management and Project Management, Certificates in Livestock marketing and Value Chain, Livestock Cross-Border Trade, Animal Disease and Traceability System; and Conflict Resolution and Peacebuilding.

Employment Record and Work Experience

421. The nominee is the immediate former Cabinet Secretary in the Ministry of Defence; and has previously served as a Member of Parliament for Garissa Township and Dujis Constituencies. He had been elected as a Member of Parliament for four (4) consecutive terms during which he served as the Leader of the Majority Party in the National Assembly for eight (8) years. He has previously held various positions including former Assistant Minister for Livestock, Chief Executive Officer (CEO) at Livestock Traders and marketing Kenya Society, Director at Medina Chemical Limited, Kenya Broadcasting Corporation and Mombasa Export Slaughter House.

422. Additionally, he has been a largescale Beef rancher at the Coast, Technical advisor for the revival of the Kenya Meat Commission and a graduate teacher at Sankuri secondary School. Furthermore, he has been a Board Member at Kenya Veterinary Privatization Programme and Garissa Teachers School and a Member of Petroleum Institute of Kenya.

Honours and Awards

423. He was awarded Elder of the Order of the Golden Heart in 2015.

Professional Association and Memberships

424. The nominee stated that he was neither a member of any professional association nor did he belong to any professional, business, fraternal, scholarly, civic, charitable or other organization.

Published Writings

425. The nominee has authored the autobiography titled For The Record which is currently the fourth book on the best seller list in Kenya.

Public Office, Political Activities and Affiliations

426. The nominee is a founding member of the Orange Democratic Movement (ODM), the United Republican Party (URP), the Jubilee Party (JP) and the United Democratic Alliance (UDA).

Integrity

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

Income and Net Worth

428. During his previous approval hearing for appointment as Cabinet Secretary for Defence in 2022, the nominee estimated his net worth to be Kshs. 851,000,000.

429. As at the time of the approval hearing, the nominee estimated her current net worth to be Kshs. 243,448,000 comprising immovable property, motor vehicles, shares in SACCOs and farming. The nominee attributed the change in net worth to appreciation in property and assets.

430. The nominee estimated his net-worth to be Kshs. 980 million comprising immovable assets, rental property, shares in family-owned business, livestock and motor vehicles.

Potential Conflict of Interest

431. The nominee declared that he currently did not have any personal interests that were likely to present potential conflicts of interest, should he assume the position of a Cabinet Secretary.

Pro-bono/Charity Work

432. The nominee indicated that he annually contributed to the construction and operational costs of Hafsa Bint Sireen Islamic School, Ummi Hawa Kosar Islamic School, Aisha Bint Abubakar Islamic Center, Madrassa Khadija, Madrassa Fathi and Imam Malik Educational Center.

4.7.2 General and Sector-Specific Questions to the Nominee

433. The Committee posed several questions to the nominee on his suitability for appointment as Cabinet Secretary for Environment, Climate Change and Forestry. The nominee responded as follows:

On COP 28 and carbon credit

434. The nominee stated that carbon credits were critical for economic development, Further, the nominee observed that the Climate Change Act provides that the annual social contributions by carbon projects to local communities is 40% of the aggregate earnings. If approved for appointment, the nominee stated that he would ensure public

participation and consultation to ensure that communities benefitted from the export of carbon credit.

On forest restoration and tree planting

435. The nominee noted that the country had only 8.83% forest cover and therefore it was critical for any initiative on planting of trees to be community driven. He proposed the inclusion of fruit trees that would benefit the community thus acting as an incentive for the public to plant more trees. On measures to increase forest cover, the nominee suggested that he would explore partnerships with the private sector to restore degraded forests by giving private businesses free advertisement spaces for branding, in exchange for forest preservations efforts.

On gazettement of forests and grabbed forest land

436. The nominee stated that, land grabbing was a historical issue and if confirmed for appointment, he would consolidate all petitions on land disputes within the first forty (40) days of his tenure as Cabinet Secretary for Environment and where appropriate recommend revocation of illegal title deeds regardless of the status of the title holders.

On priority issues

437. The nominee made reference to Article 42 of the Constitution which provides for the right to a clean and safe environment for every Kenyan, Article 69 of the Constitution which provides for citizen obligations on environmental issues and Article 70 of the Constitution which mandates the enforcement of environmental rights. He stated that since every citizen had an obligation to preserve the environment, it was important to focus on public participation and stakeholder consultation in seeking to address environmental matters.

438. In addition, the nominee noted that the country was experiencing high levels of water and air pollution. In particular, he noted that the rivers were highly polluted from sewage due to poor waste management. He noted that there was need to implement proper waste management practices and to promote recycling.

On the government's commitment to plant 15billion trees by 2032

439. The nominee stated that the 15 Billion trees by 2032 target was achievable. He noted that it was the responsibility of every citizen to participate in tree planting. Further, if confirmed for appointment as Cabinet Secretary, the nominee stated that he would advocate for planting of trees to ensure the realisation of the government's commitment. In addition, the nominee cited the example of Ethiopia as having made considerable progress in tree-planting. He stated that he

would benchmark with Ethiopia in seeking to learn best practices in tree-planting.

On upcoming COP 29 conference

440. The nominee stated that the 29th UN Climate Change Conference, commonly known as COP29 would be held in Baku, Azerbaijan on the 11th to 22nd of November, 2024. He further stated that the top priorities for the conference were climate change financing; and climate change mitigation efforts. In preparation for the conference, the nominee suggested that Kenya needed to fully operationalize Article 6 of the Paris Agreement.

On use of military aircraft

441. The nominee stated that the Minister for Defence, the President and the First Lady were authorised to use military aircraft and any other person would only use a military aircraft with the concurrence of the Commander in Chief.

On forest conservation and management

442. The nominee stated that it was not possible to conserve the forests without the help of the communities and citizens living around the forests. He noted that, as provided for in the Forest Conservation and Management Act, Community Forests Associations were instrumental in spearheading forest conservation and management efforts. The nominee proposed the fencing off of forests and operationalization of the forest community management regulations to enhance the conservation efforts.

On the floods in various counties

443. The nominee noted that climate change was the greatest threat to human life, citing different climate change occurrences in various countries. Further, he stated that in the recent past, Kenya had experienced severe drought and flooding in various parts of the country. As such, the nominee stated that he would put in place various mitigation measures including pursuing the fulfilment of the government commitment to plant 15 billion trees by 2032. The nominee further undertook to audit factories and industries in residential areas and recommend revocation of licences by the National Environment Management Authority (NEMA), where pollution is established.

On his prior nomination as Cabinet Secretary for Defence

444. The nominee stated that it was the President's prerogative to organize his Cabinet as he deemed fit. To this end, the nominee stated that he was willing to serve the people of Kenya in his new role, if approved for appointment.

On collaboration with the County Governments to avoid duplication of roles

445. The nominee acknowledged that in line with the Fourth Schedule to the Constitution, several functions related to the environment had been devolved to the Counties. The nominee stated that there was need to engage the Council of Governors to ensure smooth and efficient delivery of services at the counties.

On controlling pollution

446. The nominee noted that there were challenges in the implementation of physical planning and zoning legal requirements by counties. He further noted that it was the role of NEMA to enforce zoning requirements and safeguard against environmental pollution. If approved for appointment, the nominee stated that through NEMA, he would initiate an audit of industries and bars in residential areas and revoke licenses that had been acquired illegally.

On his legacy as Cabinet Secretary

447. The nominee stated that if approved for appointment, he would uphold discipline, respect, teamwork, implementation of tasks and patriotism to the country.

On conservancies and how they are run

448. The nominee informed the Committee that the conservancies were under the mandate of the Ministry of Wildlife. He however added that, in collaboration with other ministries, there was need for consultations on the management of conservancies and conflict resolution during droughts.

On harnessing expertise from international agencies based in Kenya

449. The nominee noted that the Country was privileged to host the United Nations Environment Programme (UNEP) and United Nations (UN) Habitat in Nairobi, where the top experts on environment were based. He stated that the Ministry, under his leadership, would take advantage of the skilled labour, data and technology to build the capacity of staff as well as facilitate skills transfer. He undertook to working closely with these institutions to ensure that the environment sector in Kenya benefitted from the global expertise.

On corruption in the recruitment process of KDF

450. The nominee stated that there was need to address the issues of corruption in the recruitment of KDF before the next recruitment process.

On KDF deployment to the streets during the recent protests

451. The nominee stated that the deployment was undertaken as provided for under Article 241of the Constitution and with the approval of the National Assembly.

On promoting the Ministry's effectiveness

452. The nominee stated that, if approved for appointment, he intended on working with the Nairobi River Commission to ensure that the pollution of the Nairobi River is eliminated by among other things removing dumpsites from the river' bank.

On the proposed nuclear plant in Uyombo Kilifi County

453. The nominee undertook to prioritize the public on the issue and facilitate public participation in seeking to building consensus on the issue.

On rivers drying up as a result of environmental degradation

454. The nominee, while acknowledging that rivers had been drying up, noted that water levels were also going down as a result of forest degradation and upstream farming activities near rivers. The nominee stated that if confirmed for appointment, he would put in place various measures to mitigate the situation.

On forest degradation

455. The nominee acknowledged that infrastructure and construction of roads was contributing to the reduction of forest cover. He observed that the Ministry was in discussions with the Ministry of Roads and Transport with a view to having trees planted on the roadsides as part of road maintenance. If confirmed for appointment, the nominee undertook to follow through with the discussions to ensure the goal is achieved.

On noise pollution from bars, night clubs and religious institutions

456. The nominee stated that licensing of bars and other businesses was a county function. However, if confirmed for appointment, the nominee undertook to look into the issue of licensing of bars, night clubs and religious institutions in residential areas and propose appropriate action.

On waste management

457. The nominee stated that waste management is a devolved function but the county governments were not implementing the existing laws and regulations on waste management. He added that despite it being a devolved function, if confirmed for appointment, he would introduce bins in public areas, including in public motor vehicles and separate bins for dry and wet waste, for ease of management and recycling.

458. The nominee further noted that community involvement was the appropriate mechanism of addressing waste management citing the example of Karura forest which is run by a community forest Association.

On the use of asbestos in roofing

459. The nominee noted that several government institutions were still using asbestos products. However, the nominee noted that the Ministry of Environment, in collaboration with NEMA, was in the process of ensuring that by December, 2024, all government agencies would stop using asbestos as roofing materials.

On creating synergy with KPLC

460. The nominee informed the committee that he would engage with KPLC to address the issue of tree logging and also enforce the law proving for urban forestry planning, once approved as Cabinet Secretary.

On public servants participating in politics and fund raisers.

461. On fund raisers, the nominee noted that there was need to regulate Harambees to avoid cases of illegally acquired money being re-distributed through Harambees.

On logging and Protection of indigenous trees

462. The nominee noted that although illegal logging had reduced in the recent times, if approved for appointment, he would put in place appropriate measures to protect indigenous trees.

On Staffing at Kenya Forest Service

463. The nominee noted that to deal with the issue of understaffing, there was need to embrace the use of ICT in forest management. He however noted that the use of technology would require more resource allocation and therefore if he is approved for appointment, he stated that he would consult Parliamentary Committees for funding.

On public facilities in Mt. Kenya, Mt. Elgon and Mt. Longonot

464. To protect the climbing routes on various Mountains, the nominee undertook to put in place waste management structures including public toilets and waste bins as one way of managing the waste.

On pharmaceuticals dumping waste in the sea

465. The nominee undertook to recommend revocation of licenses for persons found contravening the law by disposing and dumping waste into the sea and other water bodies.

On allegations arising from the Memoranda, the nominee responded as follows:

466. On the issue of re-appointment to Cabinet after dismissal, **Hon. Aden Bare Duale** vide an Affidavit sworn on 30th July, 2024 responded as follows—

(a) The President has discretion to nominate any person including a person who has been dismissed as a Cabinet Secretary under Article 152(5)(b).

(b) Neither the Constitution nor the Act has provision limiting or prohibiting the President from nominating a person who has been previously dismissed from office.

(c) The Gazette Notice did not state the reasons for dismissal of the Cabinet Secretaries.

467. On the issue of the affidavit of **Issac Aluochier** that contested the suitability of the nominee on the grounds that he had been found to have continued to occupy office after his office became vacant pursuant to Article 103(1)(e) of the Constitution and as such, had committed a crime under national law, the nominee responded vide affidavit sworn on 30th July, 2024 as follows—

(a) that the issue as to whether a Member of Parliament had resigned from a political party was not a matter capable of settlement by Arbitration;

(b) that, all matters related to the resignation and resultant vacancy in a political seat cannot be determined by arbitration as it falls within the exclusive jurisdiction of the High Court under Article 105(1)(b);

(c) that therefore, it is only the High Court that can determine whether a seat of Member of Parliament has become vacant or not and Mr. Isaac Aluochier did not possess authority to issue the alleged arbitral award; and

(d) that the alleged arbitral award was not recognized and enforced through an application made in writing to the High Court under section 36 (1).

Observations on Memoranda Submitted Against the Nominee

468. The Committee noted that—

(a) Articles 132(2) and 152(2) of the Constitution of Kenya vest the power to constitute Cabinet solely on the President. The nominee was not dismissed under the provisions of Article 75(2) of the Constitution and is therefore not disqualified from holding any other

state office. There is no legal provision that bars the President from re-appointing any person who has not been indicted as being unfit to hold office under Article 75 of the Constitution or any relevant law.

(b) Article 105(1)(b) of the Constitution vests the High Court with jurisdiction to determine any question whether the seat of a member has become vacant. Accordingly, the question on whether the nominees violated Articles 103(1)(e) and 194(1)(e) of the Constitution was a question to be determined by the High Court and therefore the arbitrator, Isaac Aluochier, did not have jurisdiction to conduct the arbitral proceedings.

4.7.3 Committee Observations on the Suitability of the Nominee

469. The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, his curriculum vitae, memoranda from the public and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as Cabinet Secretary for Environment, Climate Change and Forestry -

(1) **THAT,** in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan citizen born in 1965 in Garissa County and does not hold dual citizenship.

(2) **THAT,** the nominee is the immediate former Cabinet secretary in the Ministry of Defence; and has previously served as Member of Parliament for Garissa Township and Dujis Constituencies. He had been elected as a Member of Parliament for four (4) consecutive terms during which he served as the Leader of the Majority Party in the National Assembly for eight (8) years. He has previously held various positions including former Assistant Minister for Livestock, Chief Executive Officer (CEO) at Livestock Traders and marketing Kenya Society, Director at Medina Chemical Limited, Kenya Broadcasting Corporation and Mombasa Export Slaughter House.

(3) The nominee holds an Honorary Doctorate Degree in Political Science from Garissa University, a Master's in Business Administration from Jomo Kenyatta University of Agriculture and Technology and a Bachelor's Degree in Education from Moi University. His academic credentials, professional training and experience thus comply with sections 6(7) and 7 of the Public Appointments (Parliamentary Approval) Act.

(4) **THAT**, the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB).

(5) **THAT** the nominee has neither been charged in a court of law nor adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three years.

(6) **THAT**, the nominee does not hold office in any political party.

(7) **THAT**, the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (*conflict of interest*), Article 76 (*financial probity*), Article 77 (*restriction on activities of State Officers*) and Article 78(2) (*dual citizenship*) of the Constitution.

(8) **THAT**, the nominee demonstrated knowledge of topical, administrative and technical issues touching on government and has the requisite abilities, qualifications and experience to serve as the Cabinet Secretary for Environment, Climate Change and Forestry.

4.8 Mr. Eric Murithi Mugaa – Nominee Cabinet Secretary for Water, Sanitation and Irrigation

470. The nominee appeared before the Committee on 2nd August 2024 and was vetted under oath to examine his suitability. The Committee noted the following—

4.8.1 Questions from the General Questionnaire

Citizenship, Date and Place of Birth

471. The nominee is a male Kenyan citizen born on 14th July, 1992 in Meru County. The nominee confirmed that he is a citizen of Kenya by birth and did not hold dual citizenship.

Academic and Professional Qualifications

472. The nominee holds both a Master's Degree in Civil Engineering (Water Resources) and a Bachelor's Degree in Civil and Construction Engineering from the University of Nairobi.

Employment Record and Work Experience

473. The nominee possesses relevant experience in the engineering sector and currently serves as an Assistant Project Engineer at the Water and Sanitation Development Project (WSDP). He has previously held positions

as an Assistant Project Engineer at Nairobi Rivers Sewerage; a Design Engineer at Kenya Towns Sustainable Water Supply and Sanitation Program and a project involved in the preparation of detailed design and tender documents for water distribution works for Mombasa and three (3) service providers; an Assistant Design Engineer at a project involved in the feasibility study and preparation of water supply masterplan for Murang'a county, Kenya Towns Sustainable Water Supply and Sanitation Program and Water and sanitation Service Improvement Project Additional Financing (WASSIPAF); and an Assistant Engineer at the Kenya Transport Sector Support Project Road Inventory and Condition Survey for Central Zone.

474. The nominee informed the Committee that he is a duly registered member of the Institution of Engineers of Kenya with about nine (9) years of experience in the water and sanitation sector.

Honours and Awards

475. The nominee was awarded a First-Class Honours in his Bachelor's Degree in Civil and Construction Engineering in the University of Nairobi.

Professional Association and Memberships

476. The nominee is a registered graduate engineer of the Engineers Board of Kenya (EBK) and the Institution of Engineers Kenya (IEK).

Published Writings

477. The nominee has co-authored an article in the ICASTOR Journal of Engineering Vol. 13 No. 2 of 2020 titled 'Robustness of water distribution networks under different peak factors through modelling, sensitivity, analysis and NRW management by DMA delinking- Case Study of Mombasa North Mainland Distribution Network'.

Public Office, Political Activities and Affiliations

478. The nominee indicated that he had not held any public office, and had neither held membership nor rendered service to any political party or election committee.

Integrity

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

Income and Net Worth

480. The nominee estimated his net-worth to be Kshs. 31million.

Potential Conflict of Interest

481. The nominee declared that he did not have any persons, parties, categories of litigation or financial or matters that would present a potential conflict of interest when they assume the office of Cabinet Secretary.

Pro-bono/Charity Work

482. The nominee has volunteered as a teacher at Kirindine Secondary School in Meru tutoring students in Mathematics, Physics, Business Studies and Geography. He has offered basic first aid services during local events; contributes to fees for needy students; trains youths daily at a local gym; tutors young engineers; participated in voluntary street-cleaning around Nairobi; and organized and managed the Campaign against Drug and Sexual Immorality (CADASI) in the University of Nairobi.

4.8.2 General and Sector-Specific Questions to the Nominee

483. The Committee posed several questions to the nominee on his suitability for appointment as Cabinet Secretary for Water, Sanitation and Irrigation. The nominee responded as follows—

On alternative means of acquiring funding due to the rationalized budget in the Ministry

484. The nominee stated that he was aware that the budgets of the State Department for Irrigation and the State Department for Water and Sanitation had been reduced by Kshs. 1.7 billion and Kshs. 2.7 billion respectively. The nominee stated that he would therefore leverage on Public Private Partnerships (PPPs) to address the funding gap. Further, the nominee informed the Committee that he would leverage public-private partnerships to cure water shortage.

485. The nominee informed the Committee that he would leverage on Public Private Partnerships to construct dams which offer a holistic solution for water shortage, as they provide water for domestic use and as irrigation. He further stated that would also lease land for irrigation, noting that water as a human right was intertwined with food security.

486. The nominee stated that dams are multipurpose as they provide water for domestic use, hydropower and irrigation, adding that irrigation is crucial in developing climate resilience, especially in ASAL areas. He stated that he

would be prudent to also have Public Private Partnerships to lease land for irrigation to guarantee value for money.

On corruption in the development of water resources

487. The nominee noted that he had served in previous positions with diligence, upholding the values of transparency and accountability. If approved for appointment, he undertook to carry out his duties with integrity, honesty and accountability. The nominee further stated he would ensure that the due process of law is followed, if anyone under the Ministry was found culpable of corruption.

On creating employment opportunities for the youth

488. The nominee stated that 75% of the economy is driven by Agriculture. If approved for appointment, he stated that he would work to encourage the public to embrace Agriculture as a career and as an income generating economic activity. In addition, the nominee undertook to ensure that the State Department for Irrigation fulfills its mandate of harvesting, storing water and reclaiming land for productivity and increasing acreage for farming in the country.

489. Further, in collaboration with the Ministry of Education, the nominee stated that he would advocate for projects such as micro-irrigation, sinking boreholes and giving opportunities to high school 4K Clubs and Agriculture teachers to inculcate and train the youth in Agriculture.

490. He further added that, he would harness the use of technology in the Ministry which would be critical to ensure ease of tracking issues that require attention. The nominee highlighted his experience in the water sector and use of smart meters, adding that he would champion the development of policies that take into account public participation and inclusivity.

On balancing completion of existing projects and commencement of new ones

491. The nominee stated that he would first pursue the completion of the ongoing projects while ensuring value for money is attained. He further stated that he would ensure connection of water to all Kenyans in line with Vision 2030 on 100% water connectivity in all homes and the Sustainable Development Goals (SDGs).

On the water agencies under the Ministry

492. The nominee stated that the Constitution and Water Act are clear on the establishment of the agencies. The nominee stated that he was willing to

consult on the possible review of the laws to allow centralization of the agencies, where appropriate.

On incomplete dams

493. The nominee stated that he was aware of the incomplete dam in Pokot South Constituency which was at 50% completion and that Kshs.10 billion had already been utilized in the project. If approved for appointment, he undertook to review the status of all the incomplete dams in the country and where necessary, request for additional funds through the National Assembly for the completion of projects.

494. The nominee further stated that dams are constructed on a need basis. If approved for appointment, he would prioritize completion of the incomplete dams before starting new projects. He acknowledged the need for dams in Meru and Tharaka and stated that he would adhere to the National Water Master Plan. The nominee stated that the construction of the Thwake and Umaa dams was ongoing and undertook to give the status of completion if approved for appointment.

On funding repayment of loans for construction of dams with water levies

495. The nominee stated that he was aware that the State Department for Water and Sanitation had a loan of approximately Kshs. 225 billion arising from water projects that were completed and handed over to the county governments. If approved for appointment, the nominee stated that he would use his of experience in working with water service providers to strengthen water service institutions, reduce non-levied water, increase billing and increase last-mile connectivity. Through these interventions, he expected that the institutions would generate enough revenue to help in repayment of the loans. The nominee added that he would consult with National Treasury and the Taskforce on Debt restructuring on the same.

On addressing potential conflicts of interest

496. The nominee confirmed that he was a director at a company that deals with water, sanitation and building. He stated that he understood the responsibilities of the office, and if approved for appointment, he would declare if any conflict of interest arose, and allow for a decision to made from that point.

On high cost of water in the coastal region

497. The nominee confirmed that he had worked in Kilifi where provision of water is a challenge. He stated that sinking boreholes would lower the cost of electricity and alleviate the water challenge for Kilifi residents. He further noted that the completion of Mwache Dam in Kwale will also be a solution to the issue.

On access to water

498. The nominee stated that the Ministry had a duty to ensure 100% water connectivity in line with Vision 2030 and the Africa Water Agenda 2063. He assured Kenyans that he would ensure water gets to the end user noting that at the moment, the water did not get to 45% of end users. He also undertook to sensitize Kenyans on conservation of water and other renewable resources.

On incomplete Meru Sewage Plant

499. The nominee informed the Committee that he was aware of the project but was not sure of the status. If approved, he undertook to follow up on the status of the project.

On maintenance and repairs of boreholes

500. The nominee stated that the operations and maintenance of boreholes is the responsibility of the Water and Sanitation Program (WSP), unless they are privately owned facilities. The lack of repair and maintenance has been caused by lack of revenue. He stated that if approved for appointment, he would endeavor to reduce non-revenue water from 45% to less than 20% to ensure that WSPs generate adequate revenue to undertake repairs and maintenance of boreholes.

501. The nominee added that leveraging on technology would be vital to ensuring that operations and maintenance needs are minimized. He stated that if all water facilities were well-mapped through a centralized program, it would become easier to ascertain when they were built and pinpoint when they are due for repairs and maintenance.

On borehole licensing

502. The nominee stated that Water Resource Authority (WRA) is responsible for regulations and approval of boreholes. He noted that the Authority is underfunded and has limited personnel. To find a lasting solution, the nominee stated that there is need to empower the Authority with resources and personnel.

On diminishing water resources

503. The nominee stated that Nairobi has diminishing water resources because of the proximity between boreholes leading to low recharge time. If approved for appointment, he stated that he would work together with the department of planning in the county governments to construct detention and retention points in Nairobi during rainy seasons as recharge points for aquifers. He added that the concept had been benchmarked in Israel and that it was possible to implement it in Kenya.

On his managerial experience

504. The nominee stated that he possessed experience and knowledge in the sector. He stated that his experience in water and sanitation issues was relevant to the work in the Ministry, and through consultations with officers in the Ministry and teamwork, he would ensure that the Ministry effectively executes its mandate.

On drought solutions and supply of water to schools

505. The nominee stated that the immediate solution to drought problems is the installation of gutters in all primary schools where they would also be provided with tanks and boreholes in schools that would also serve the community at large. On Medium-term solutions, the nominee suggested sharing of water pans among schools. In the long term, he proposed the construction of dams to hold over 1,000 m3 of water.

On geopolitical issues in water provision

506. The nominee confirmed having worked at the water distribution network in Taita Taveta region and stated that the Water Act mandates the Cabinet Secretary to ensure amicable use of water catchment areas. He added that water resources such as Mzima Springs belong to all Kenyans and that he would consult with the leaders of the respective regions to reach an agreement on the sharing of the water resources.

On realization of the right to clean water in rural areas

507. The nominee stated that county governments are responsible for last-mile connectivity through Water Service Providers. If approved for appointment, he would work with the county governments to identify and resolve challenges. He proposed that projects could be packaged and presented to development partners, such as the World Bank and Africa Development Bank, to complement funding from the Exchequer.

On the lack of water in Marsabit

508. The nominee stated that 84% of renewable water resources, including rainwater, drain into the ocean. He observed that discussions were underway to build one hundred (100) PPP dams to enable the provision of piped water for all and irrigation.

On the 2013 National Water Master Plan

509. The nominee stated that the Master plan was effective and required to be fully implemented despite the funding challenges.

On registration with the Engineers Board of Kenya

510. The nominee stated that he obtained his registration in 2024 and that one is required to work under a registered engineer if they are not registered.

Written Submissions by the Nominee

511. The nominee vide an Affidavit sworn on 4th August 2024, responded to the memoranda that contested his suitability on the basis of lack of the requisite qualifications as follows—

(a) That he holds a degree in Civil Engineering from the University of Nairobi where he graduated with First Class Honours, an academic foundation that provided him with a comprehensive understanding of the technical aspects related to water and sanitation systems and that he also holds a Masters of Science (Msc.) Degree in Civil Engineering (Water Resources) which is line with the current designated nomination;

(b) That he has practical experience having worked as an Engineer with SMEC Kenya Consulting Engineers and Mangat I.B Patel Limited Consulting Engineers thereby demonstrating a strong capacity for leadership and technical proficiency;

(c) That as the youngest nominee for a Cabinet position, he represents a new generation of leaders eager to bring fresh ideas and innovative solutions to government and that his appointment underscores the President's commitment to inclusivity and diversity in leadership, ensuring that the perspectives and aspirations of the youth are well-represented at the highest levels of decision-making;

(d) That he is uniquely positioned to address the challenges facing water and sanitation sectors with a forward-thinking approach and his understanding of cutting-edge technologies and sustainable practices is essential for addressing contemporary issues such as water scarcity, environmental degradation, and the equitable distribution of resources;

(e) That he is dedicated to public service, possesses a genuine passion for improving the quality of life for all citizens and has demonstrated commitment to transparency, accountability, and ethical governance; and

(f) That his private sector experience, fresh perspective, combined with a solid technical background, will bring a balanced and effective approach to the Ministry of Water, Sanitation and Irrigation.

512. On the issue of the **two-thirds gender rule,** he stated that—

(a) The President nominated seventeen male and eight female persons to the Cabinet. Accordingly, the President has complied with Article 27(8) of the Constitution since eight out of twenty-five members meets the

two thirds constitutional threshold, noting that the memoranda did not factor in the nominees for the position of Attorney General and the Ministry of East African Community Affairs and Regional Development; and

(b) The above position has been acknowledged and appreciated by the National Equality and Gender Commission in an article dated 30th July 2024, which commended the President for his efforts towards gender balance.

4.8.3 Committee Observations on the Suitability of the Nominee

513. The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, his curriculum vitae, memoranda from the public and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as Cabinet Secretary for Water, Sanitation and Irrigation—

(1) **THAT,** in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan citizen born in 1992 in Meru County and does not hold dual citizenship.

(2) **THAT,** the nominee is a duly registered member of the Institution of Engineers of Kenya with over nine (9) years of experience in the water and sanitation sector. The nominee also possesses extensive experience in the engineering sector and currently serves as an Assistant Project Engineer at the Water and Sanitation Development Project (WSDP). He has previously held positions as an Assistant Project Engineer at Nairobi Rivers Sewerage; an Assistant Design Engineer at a project involved in the feasibility study and preparation of water supply masterplan for Murang'a county; and an Assistant Engineer at the Kenya Transport Sector Support Project Road Inventory and Condition Survey for Central Zone.

(3) The nominee holds a Master's Degree in Civil Engineering (Water Resources) and a Bachelor's Degree in Civil and Construction Engineering from the University of Nairobi. His academic credentials, professional training and experience thus comply with sections 6(7) and 7 of the Public Appointments (Parliamentary Approval) Act.

(4) **THAT,** the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the

Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB).

(5) **THAT** the nominee has neither been charged in a court of law nor adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three years.

(6) **THAT,** the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (*conflict of interest*), Article 76 (*financial probity*), Article 77 (*restriction on activities of State Officers*) and Article 78(2) (*dual citizenship*) of the Constitution.

(7) **THAT,** the nominee demonstrated knowledge of topical, administrative and technical issues touching on government and has the requisite abilities, qualifications and experience to serve as the Cabinet Secretary for Water, Sanitation and Irrigation.

4.9 Mr. Davis Chirchir, EGH – Nominee Cabinet Secretary for Roads and Transport

514. Mr. Davis Chirchir, EGH appeared before the Committee on 2nd August 2024 and was vetted under oath to examine his suitability. The Committee noted the following—

4.9.1 Questions from the General Questionnaire

Citizenship, Date and Place of Birth

515. The nominee is a male Kenyan citizen born on 30th September 1960 in Kericho County. The nominee confirmed that he is a citizen of Kenya by birth and does not hold dual citizenship.

Academic and Professional Qualifications

516. The nominee holds a Master's of Business Administration in International Management from the Royal Holloway School of Management from the University of London, a Postgraduate Diploma in Tele-Traffic Engineering and a Bachelor of Science Degree in Physics and Computer Science from the University of Nairobi.

Employment Record and Work Experience

517. The nominee is the immediate former Cabinet Secretary in the Ministry of Energy and Petroleum a position he had previously held from 2013 to 2015. He has previously served as the Chief of Staff in the Office of the Deputy President.

518. Additionally, he has been a General Manager at the Kenya Posts and Telecommunications Corporation (KPTC); Commissioner at the Interim

Independent Electoral Commission (IIEC); and the Technology Committee at the Nairobi Stock Exchange.

Honours and Awards

519. The nominee was awarded a Certificate of Appreciation by the President and Commander-in-Chief of the Armed Forces of the Republic of Kenya on 5th January 1998; Commendation for participating in the drafting of Kenya Communications Act and the Postal Corporation of Kenya Act by the Ministry of Transport and Communication on 15th March 1999; and Elder of the Order of the Golden Heart by the President and Commander-in-Chief of the Armed Forces of the Republic of Kenya on 12th December 2023.

Professional Association and Memberships

520. The nominee stated that he was neither a member of any professional association nor did he belong to any professional, business, fraternal, scholarly, civic, charitable or other organization.

Published Writings

521. The nominee has published one academic writing and contributed to the preparation of various reports and regulations in the Ministry of Energy and Petroleum of the Republic of Kenya.

Public Office, Political Activities and Affiliations

522. The nominee is a member of the United Democratic Alliance (UDA), served as Secretary General of the United Republican Party (URP), and a member of the Jubilee Party.

Integrity

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

Income and Net Worth

524. During his approval hearing for appointment as Cabinet Secretary Energy in 2022, the nominee estimated his net worth to be Kshs. 482 million from salary, farming and rental income

525. As at the time of the approval hearing, the nominee estimated his net worth to be Kshs. 509,800,000 comprising parcels of land and buildings,

motor vehicles, cash in banks and earnings from shareholding in companies.

Potential Conflict of Interest

526. The nominee declared that he is currently not associated with any persons or matters that would present a conflict of interest should he assume the position of Cabinet Secretary. In the event that a conflict of interest arose, he stated that he would resolve the same in accordance with the provisions of law.

Pro-bono/Charity Work

527. The nominee indicated that he contributes time and cash donations to the African Gospel Churches in Kipketii and Chebango, Kipketii Primary School and Koita Primary School.

4.9.2 General and Sector-Specific Questions to the Nominee

528. The Committee posed several questions to the nominee on his suitability for appointment as Cabinet Secretary for Roads and Transport. The nominee responded as follows—

On the interventions to mitigate the high cost of petroleum products and electricity

529. The nominee stated that the high cost of electricity largely affected the overall cost of doing business by approximately 30 to 40%. He highlighted the development of the Least Cost Power Development Plan 2024-2043, which outlined the necessary electricity generation and transmission capacity required to match the country's electricity demand with supply. This plan was aimed at preventing shortfalls and ensuring a consistent and reliable energy supply.

530. At the time, the Ministry was already planning for the country's electricity needs for the 2027/28 period. This planning involved the construction of power plants in strategic locations such as Ol Karia, Kiambere, Kamburu, and Menengai, among others, to ensure future energy demands would be met.

531. In addressing the cost of energy, the Ministry sought to expand its sources of energy to include solar, wind, geothermal and hydropower leveraging the climatic conditions during drought and high rainfall seasons.

532. To prevent losses and decrease electricity cost to the consumer, he indicated that the Ministry was planning to switch off the power plants considered to be expensive such as Muhoroni Power Station generating 60 megawatts costing Kshs. 70 per kilowatt-hour (kWh); Kipevu 1 Thermal

Power Station generating 76 megawatts which had reached its end-of-life; and Kipevu 2 generating 76.4 megawatts. He indicated that the three plants generated 210 megawatts but only discharged 15% of the country's electricity needs while costing the government approximately Kshs. 10 billion annually hence the closure. He also submitted that the closure was premised on the country's climate change commitment to go green by 2030.

533. The nominee observed that as at July 2024, the costs of both electricity and petroleum products were at their lowest in the last fifteen months.

On the huge pending bills in the Ministry of Roads and Transport

534. The nominee noted that during his tenure at the Ministry of Energy and Petroleum, he had offset all pending bills save for one which was a subject of litigation. He undertook to realize the same in the Ministry of Roads and Transport which had pending bills estimated at Kshs. 166 billion. He stated that the Ministry of Roads and Transport had unfunded commitments of about Kshs. 1 trillion with an exchequer support of only Kshs. 55 billion. The nominee indicated that he would leverage off-balance sheet financing (private investing other than exchequer) to ensure the construction of roads in light of austerity measures as he had done while at the Ministry of Energy and Petroleum. Furthermore, the nominee observed that, if approved for appointment, he would consider the securitization of the monies raised through the Road Maintenance Levy to access loans to fund the construction of roads.

On the measures to attract private investors

535. To attract private investors, the nominee noted the use of indicative tariffs, similar to those gazetted in the Ministry of Energy and Petroleum, to ensure competitive and cost-effective contractual obligations.

On improving the operations of Kenya Airways

536. The nominee submitted that the Kenya Airways required a lot of support indicating that the government had provided Kshs. 600 billion to enable it stay afloat due to operating at a negative working capital.

537. In his view, reforms to resolve the issues at Kenya Airways would entail proper communication and consultation with its employees on how best to improve the industrial relations.

538. He also highlighted that the Kenya Airways fleet could be improved to attract more customers. He added that he would evaluate the best

practices of Kenya Airways in 2023 when it operated at a profit of Kshs. 10 billion and re-implement the same and reduce its operational costs.

539. The nominee observed that the Kenya Airways could build a network of supporting airlines to support the tourism industry, flower industry, avocado industry and export sector as a whole.

On the G-to-G agreement

540. The nominee noted that the G-to-G agreement was a fairly complex matter and required proper communication to enable the public to understand it. He noted that public participation from inception of all government programs was vital in ensuring public confidence in such programs.

541. He further stated that the G-to-G agreement was a great success for the country as it came at a time when there was a high inflation rate with a tight monetary policy in the world. The nominee noted that the agreement was crucial in forestalling the unavailability of dollars in the industry and enabled the purchase of petroleum in Kenyan shillings.

On the PPP framework between JKIA and Adani Airport Holdings Limited

542. The nominee reiterated the need to inculcate public participation in all government projects and proper communication in accordance with the provisions of the Constitution to dispel misinformation. He committed to realizing public engagement, if approved for appointment.

543. Concerning the upgrade of the Kenya Airports Authority by Adani Airport Holdings Limited, he noted that public private partnerships are a significant way of enabling the government to undertake projects it may not afford in a competitive and cost-effective manner.

On the recurrent nationwide power blackouts

544. The nominee acknowledged that there had been a number of blackouts in the country particularly in western Kenya caused by transmission challenges. He explained that while electricity production was by off balance sheet financing, the transmission network was financed by the exchequer which is marred by underfunding thereby occasioning overloading hence the power trips resulting in recurrent blackouts. He added that the Ministry had since secured funding from the African Development Bank to reroute the transmission networks in the Kisumu-Muhoroni-Chemosit network.

545. He stated that another cause of the recurrent blackouts was load shedding in the Turkwel-Ortum-Kitale electricity network which was done

to prevent entire national grid failures while completing the improvement of two solar plants, Alten and Selenkei, that were installed but caused a transmission constraint. He stated that the problem had since been resolved by the installation of transformers in Ortum and Kitale to resolve the transmission constraint.

546. To manage voltage stabilization, the nominee stated that the Ministry intended to install starcom on the Ethiopia-Kenya network.

On the purported agreement with the French government to construct a dual highway through Mau Summit

547. The nominee confirmed that the Rironi-Molo Highway was concessioned with the French government and was one of his priorities and committed to ensuring its construction to decongest traffic to western Kenya, if approved for appointment.

On the increase of the Road Maintenance Levy without adequate public participation

548. The nominee confirmed that the highways were well maintained and attributed this to the Kshs. 7 increase in the Road Maintenance Levy. He added that road development did not have any revenue hence reliance on the exchequer. He noted that tolling may be a solution to ensuring road development. The nominee stated that it was important to sensitize Kenyans on the need to open up the country for economic development.

On road safety and the high cost of transportation

549. The nominee stated the Ministry was already leveraging technology to develop an intelligent transportation system with cameras on the roads and a reward-enabled electronic wallet to ensure road safety.

550. The nominee noted that the high cost of transportation was attributed to the high cost of fuel and congestion. He further observed that technology would be relevant in ridding these challenges such as the use of google maps to avoid congestion.

On the expansion of Malindi Airport

551. The nominee undertook to consult and collaborate with the relevant stakeholders to commission the expansion of an airport in Malindi while considering the cost to avoid pending bills.

On the open sky policy

552. The nominee noted that while opening Kenya's skies was a good move it was not the opportune moment since Kenya Airways was facing some challenges and not in a position to compete with other airlines. He added

that once the economic situation of Kenya Airways improves then the government could open its skies on reciprocity to improve tourism.

On inequality of road construction and completion in the country

553. The nominee noted that there was need to invest in new development corridors in collaboration with Members of Parliament and ensure last mile connectivity. He added that, if appointed, he would identify alternative funding options to ensure the construction of roads despite the current austerity measures.

On the preferential treatment of local contractors

554. The nominee stated that he would oversee the creation and implementation of a policy that requires all operational tasks are undertaken by Kenyans in foreign contracts. He added that he would also localize employment and ensure that the labour is local where there is capacity. Furthermore, he submitted that he would endeavor, in collaboration with other partners such as EXIM banks, to build the capacity of Kenyans to enable them compete at the same level as foreign contractors.

On the operationalization of the Lamu Port-South Sudan-Ethiopia-Transport (LAPSSET) project

555. He stated that LAPSSET was a new corridor hence the Ministry should prioritize its completion to ensure return on the investment input. In addition, the nominee undertook to open up more special economic zones such as Dongo Kundu.

On creating employment opportunities for the youth

556. The nominee submitted that there is need for a deliberate policy on the hiring of the local youth in road construction by foreign contractors. He added that there were deliberations to strike a balance between labor-intensive and capital-intensive investments.

On the duplication of road works among KURA, the county government and KeRRA

557. The nominee committed to relooking the establishing statutes of all road works agencies in a bid to harmonize them and eliminate the duplication of roles by creating a unified and effective institutional framework. He added that he would also look into proper reclassification of all roads.

On corruption in the award of tenders

558. The nominee intimated that he would, at all times, maintain fidelity to the law and adhere to the laid-out procurement processes in law.

On SGR control centre located in Beijing, China

559. The nominee stated that he would collaborate with the relevant partners to relocate the control centre to Kenya.

On the extension of the SGR

560. The nominee stated that, through securitization of the Railway Development Fund to enable borrowing, he would ensure extension of the SGR to Naivasha-Kisumu-Malaba to meet the demand of Kenya's landlocked neighbour, Uganda. He added that he would leverage on Uganda's need for cargo to make railway use more profitable.

On the construction of public facilities along Highways

561. The nominee noted that this would be progressive and inexpensive. Thus, he submitted that he would consider the construction of more modern toilets in petrol stations on main highways.

On the allegations arising from the Memoranda, the nominee responded as follows—

562. On the issue of re-appointment to Cabinet after dismissal, the nominee submitted:

(1) that he was appointed as Cabinet Secretary, Ministry of Energy and Petroleum on 27th October 2022 and on 11th July 2024 H.E. the President, in exercise of his prerogative powers dismissed all members of the Cabinet;

(2) That the action by the President did not in any way isolate the nominee or any other member of the Cabinet for any misconduct that would disqualify him for a reappointment or an elective position in the future;

(3) That, further, the decision by H.E. the President to dismiss members of the Cabinet, was not a dismissal as contemplated by Article 75(3) such as to disqualify him from holding a public office;

(4) That, on 19th July 2024 the President, while exercising his prerogative powers under the Constitution, reconstituted the Cabinet and nominated him based on the President's assessment of the nominee's competence, ability and suitability to discharge the functions of Cabinet Secretary in the said Ministry;

563. On the issue of 'chicken-gate scandal', the nominee responded that he was adversely mentioned in investigations undertaken by the Ethics and Anti-Corruption Commission with regards to a contract entered into between the defunct Interim Independent Electoral Commission (IIEC)

and a company by the name Smith and Ouzman Limited dubbed the "chicken-gate scandal'.

564. He further responded as follows—

(a) That a similar complaint was filed in the year 2022 to challenge his nomination then as the intended Cabinet Secretary for the Ministry of Energy and Petroleum and the issue was conclusively dealt with and the National Assembly approved his nomination; and

(b) That the EACC through a letter dated 17th October, 2022 confirmed that upon conclusion of their investigations, the nominee was not found culpable. (copy of EACC letter dated 17th October, 2022 annexed).

565. The nominee submitted as follows—

(a) That further the memoranda made broad allegations without any evidence to support the allegations that he had been involved in corruption scandals with regard to award of tenders at Kenya Pipeline Corporation; solar lantern procurement, linked to the NYS scandal, alleged rigging of elections in 2013;

(b) That he is competent, qualified and has consistently upheld the constitutional principles of integrity, transparency and accountability and the law and has not faced any issues related to performance, integrity, misconduct or bad governance, prior or during his tenure as Cabinet Secretary; and

(c) On the issue that the list does not comply with the two-thirds gender rule, the assertion is not accurate as the nominations comprise twenty-two names, eight (8) of whom are women, which is more than two-thirds.

Observations on Memoranda Submitted Against the Nominee

566. The Committee noted that—

(a) Articles 132(2) and 152(2) of the Constitution of Kenya vest the power to constitute Cabinet solely on the President.

(b) The nominee was not dismissed under the provisions of Article 75(2) of the Constitution and is therefore not disqualified from holding any other state office;

(c) That there is no legal provision that bars the President from re-appointing any person who has not been indicted as being unfit to hold office under Article 75 of the Constitution or any relevant law.

(d) The EACC vide its letter dated 26th July 2024 submitted that the Commission had not undertaken any investigation or recommended prosecution against the nominee pursuant to its mandate.

4.9.3 Committee Observations on the Suitability of the Nominee

567. The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, his curriculum vitae and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as Cabinet Secretary for Roads and Transport—

(1) **THAT,** in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan citizen born in 1960 in Kericho County and does not hold dual citizenship.

(2) **THAT,** the nominee is the immediate former Cabinet Secretary in the Ministry of Energy and Petroleum a position he had previously held from 2013 to 2015. He has previously served as the Chief of Staff in the Office of the Deputy President. Additionally, the nominee has been a General Manager at the Kenya Posts and Telecommunications Corporation (KPTC); Commissioner at the Interim Independent Electoral Commission (IIEC); and also served in the Technology Committee at the Nairobi Stock Exchange.

(3) **THAT** the nominee holds a Master's of Business Administration in International Management from the Royal Holloway School of Management from the University of London, a Bachelor of Science Degree in Physics and Computer Science from the University of Nairobi and a Postgraduate Diploma in Tele-Traffic Engineering. His academic credentials, professional training and experience thus comply with sections 6(7) and 7 of the Public Appointments (Parliamentary Approval) Act.

(4) **THAT,** the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB).

(5) **THAT,** the nominee has neither been charged in a court of law nor adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three years.

(6) **THAT**, the nominee does not hold office in any political party.

(7) **THAT**, the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (*conflict of interest*), Article 76 (*financial probity*), Article 77 (*restriction on activities of State Officers*) and Article 78(2) (*dual citizenship*) of the Constitution.

(8) **THAT**, the nominee demonstrated knowledge of topical, administrative and technical issues touching on government and has the requisite abilities, qualifications and experience to serve as the Cabinet Secretary for Roads and Transport.

4.10 Dr. Margaret Nyambura Ndung'u – Nominee Cabinet Secretary for Information, Communication and the Digital Economy

568. The nominee appeared before the Committee on 2nd August 2024 and was vetted under oath to examine her suitability or otherwise. The Committee noted the following—

4.10.1 Questions from the General Questionnaire

Citizenship, Date and Place of Birth

569. The nominee is a female Kenyan citizen born on 26th August 1972 in Nakuru County. The nominee confirmed that she is a Kenyan citizen by birth and did not hold dual citizenship.

Academic and Professional Qualifications

570. The nominee holds a Post-Doctorate Fellowship in Innovation Value Chain from Tshwane University of Technology, a PhD in Information Systems from the University of Nairobi, a Master of Business Administration in Management Science and a Bachelor of Science degree in Information Science from Moi University. She also possesses certificates in Cybersecurity Diplomacy and Internet Governance from Diplo Foundation and Media Studies and Information Management from Hamburg University.

Employment Record and Work Experience

571. The nominee possesses extensive experience in the ICT sector and currently serves as Senior Research Manager at the Global Digital Inclusion Partnership, coordinating research projects on the cost of digital gender divide. She has previously held positions including Co-Investigator at Gender Justice in STEM Research in Africa, Senior Regulatory and Internet Governance Expert at the African Union Commission, lead author of the

WSIS Africa Progress Report, and Consultant at the Information and Communication Technology Authority.

572. Additionally, she has been a local researcher for a USAID/Government of Kenya project with the Alliance for Affordable Internet, a Member of the Communications and Multimedia Appeals Tribunal at the Ministry of ICT/Judiciary, and a Short-Term Consultant at the World Bank. Her roles also include serving as a Member of the Multi-Stakeholder Board at UNESCO, Lead Kenya Partner for Research ICT Africa, Lecturer at the University of Nairobi and Tshwane University of Technology, and Consultant for various organisations including the State Department of Education, ICT Authority, and International Trade Centre. Furthermore, she has been a Research Associate and Project Coordinator at the Kenya Education Network and Coordinator of ICT, Education, Science and Technology Sectors at the Kenya Private Sector Alliance.

Honours and Awards

573. The nominee was awarded a Postdoctoral Research Fellowship by the Institute of Economic Research on Innovation, Tshwane University of Technology, Pretoria, South Africa; Amy Mahan Scholarship Award for the Advancement of ICT Policy and Regulatory Research in Africa; and IDRC Scholarships on ICT for Development by the University of Nairobi.

Professional Association and Memberships

574. The nominee is a member of the African Internet Governance Forum Secretariat, Information Security Operations Center (ISOC), KEPSA ICT and Education Board, Computer Society of Kenya, Kenya ICT Action Network (KICTANet), Gender Justice in STEM Research in Africa (GEJUSTA), and African Union Cybersecurity Expert Group (AUCSEG).

Published Writings

575. The nominee has published the various academic papers and scholarly materials including:

(a) Child Online Safety and Empowerment Policy: Adopted by the 44th ordinary Session of the African Union Executive Council, February 2024.

(b) Research ICT Africa Policy Paper No. 7, Vol.5. Beyond Access. The State of ICT in Kenya.

(c) The DigiSchools – Fears of Parental Exclusion in an Era of Connecting the Child.

(d) Mobile Internet as the Key Driver to Internet Growth in Kenya: Factors Underpinning and Exploited Opportunities.

(e) Understanding what is happening in ICT in Kenya: A Supply and Demand Side Analysis of the ICT Sector.

(f) Development Outcomes of the New Technologies to the Quality of Life of Low-Income Households in Kenya: A Case Study of Nairobi.

(g) Factor Influencing Usage of New Technologies in Low-Income Households in Kenya: The Case of Nairobi.

(h) Development Outcomes of Internet and Mobile Phones Use in Kenya: The Households' Perspective.

Public Office, Political Activities and Affiliations

576. The nominee indicated that she had not held any public office, and had neither held membership nor rendered service to any political party or election committee.

Integrity

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

Income and Net Worth

578. The nominee estimated her net-worth to be Kshs. 95,323,248 comprising immovable property, shares in SACCO, treasury bills and bonds and money.

Potential Conflict of Interest

579. The nominee declared that she did not have any persons, parties, categories of litigation or financial arrangements that were likely to present potential conflicts of interest. She added that in the event that any conflict of interest would arise, she would do a full disclosure.

Pro-bono/Charity Work

580. The nominee has provided voluntary support to the African Union Data Governance and Innovation Forum, the 17th Global IGF Africa Taskforce hosted by UNECA, and the IGF Expert Group Meeting in New York. She is a member of the Global Internet Governance Forum Policy Network on Meaningful Access and a volunteer on the Editorial Board of LONDA. Additionally, she has offered technical support to the African Union Cybersecurity Expert Group and the African Internet Governance Forum. She is a founding member of the Network of African Women in

Cybersecurity, has supported the World Bank Digital Business Indicators Project and World Development Report 2021 and 2022, and serves as a faculty member at the Africa School of Internet Governance.

4.10.2 General and Sector-Specific Questions to the Nominee

581. The Committee posed several questions to the nominee on her suitability for appointment as Cabinet Secretary for Information, Communication and Digital Economy. The nominee responded as follows—

On the state of cybersecurity and data protection and plans to enforce the Cyber Crimes Act and the Data Protection Act

582. The nominee stated that she would fully utilize and potentially enhance the existing frameworks provided by the Cyber Crimes Act and the Data Protection Act. The nominee further stated that she planned on engaging stakeholders to ensure that personal data is protected in a manner that respects the constitutional rights to privacy and freedom of expression. The nominee further proposed the establishment of centralized data centres, which would facilitate better cooperation among the private sector, academia and government entities. She noted that such centres would adhere to international standards and align with initiatives like the African Union Convention on Cyber Security and Personal Data Protection, ensure a unified and effective response to cyber threats, whether they originate domestically or abroad.

On leveraging the nominee's extensive experience in the private sector, facilitating increased investment in Konza Technopolis and similar ICT hubs

583. The nominee informed the Committee that she would draw from successful models in the private sector like Tatu City and replicate this success in the Konza Technopolis. She further stated that there was need to harmonize inter-county policies to streamline operations and reduce bureaucratic barriers. In addition, she stated that she would pursue Public Private Partnerships (PPPs) to co-fund infrastructure projects. Additionally, the nominee noted that by leveraging the National Government Constituencies Development Fund (CDF) provisions that allow up to 2% for recurrent expenditure, she will ensure the maintenance and operational sustainability of these hubs.

On the critical role of the media in shaping public opinion and maintaining national cohesion

584. The nominee noted that the Media Act and the Data Protection Act provide a solid foundation for regulating media practice. She stated that she would enhance the capacity of the Media Council of Kenya and the Media Complaints Commission to handle violations effectively. Additionally, she noted that she planned on fostering a collaborative approach with media houses to promote self-regulation and ethical reporting standards. She also observed that she would work on updating the media guidelines to reflect the current digital landscape and ensure that they are comprehensive and enforceable.

On cyberbullying, data breaches, and misinformation

585. The nominee stated that she would enhance the enforcement of the Computer Misuse and Cybercrimes Act by increasing funding and resources for the Cyber Crime Units. She further stated that she would also collaborate with international bodies to adopt best practices and technologies in cybersecurity and introduce a national cyber incident response team to coordinate responses to cyber threats and incidents. Additionally, she noted the need to develop a comprehensive framework for data protection and privacy to ensure all stakeholders adhere to stringent data management standards.

On balancing media freedom

586. The nominee informed the Committee that she would adopt a multi-faceted approach that includes stringent enforcement of existing laws against hate speech and incitement and promoting media literacy among the public. The nominee further stated that she would enhance the capabilities of regulatory bodies like the Communications Authority of Kenya and the Media Council of Kenya to ensure that media outlets adhere to ethical standards. Further, the nominee observed that there was need to hold regular stakeholder engagements to review and update the code of conduct for journalists. Additionally, she stated that she would support initiatives that promote investigative journalism and fact-checking to counter misinformation and fake news effectively.

On revamping Kenya Broadcasting Corporation (KBC)

587. The nominee noted that revamping KBC would involve a comprehensive overhaul of its operational and strategic frameworks. The nominee undertook to conduct a detailed market analysis to identify KBC's competitive advantages and areas needing improvement. She further undertook to upgrade KBC's technology infrastructure to High Definition (HD) broadcasting and expand its digital presence. Furthermore, she stated that she would implement a robust talent management and

training program to enhance the skills of KBC staff to ensure they produce high quality content that meets international standards.

On the sustainability and impact of digital job initiatives

588. The nominee informed the Committee that she would adopt a results-oriented approach by integrating a robust monitoring and evaluation framework to track the effectiveness of digital job initiatives such as Ajira. The nominee further stated that there was need to establish partnerships with international tech firms to provide mentorship and job placements for trained youth. Additionally, she observed that if approved, her focus would be on creating a conducive ecosystem for start-ups by providing access to funding, incubation and acceleration programs. Further, she stated that she would enhance the digital literacy curriculum to include emerging technologies such as AI and blockchain to ensure that the youth are equipped with relevant skills for the global job market.

On the issue of the Universal Service Fund

589. The nominee noted the need to maximize the impact of the Universal Service Fund and conduct a comprehensive audit to identify the gaps and areas of underutilization. She stated that there was need to expand the sources of the Fund to include additional contributors from the tech industry and revise its mandate to cover a broader range of connectivity. Further, she noted that implementing a transparent allocation process and stringent monitoring mechanisms would ensure funds are used effectively. Additionally, she stated that she would explore innovative connectivity solutions such as satellite internet and community networks to reach remote areas and engage local communities in the planning and implementation process.

On e-waste management

590. The nominee stated that she would develop and implement a national e-waste management policy that includes guidelines for the safe disposal, recycling and repurposing of electronic devices. She further noted that there was need to with the Ministry of Environment and set up e-waste collection centres and recycling facilities across the country. Additionally, the nominee noted that she would also introduce incentives for companies that adopt sustainable practices and comply with e-waste regulations to encourage responsible behaviour. Additionally, she

undertook to work with international partners to adopt best practices in e-waste management.

On opportunities in the 4th industrial revolution and Artificial Intelligence (AI)

591. The nominee informed the Committee that she would establish centres of excellence in collaboration with leading global tech institutions and promote research and development in AI and robotics through grants and partnerships with universities and private sector players. The nominee further observed that there was need to implement specialized training programs in advanced technologies to build a highly skilled workforce capable of driving innovation. She further stated that developing a national AI strategy that outlined the ethical use of AI, data protection and the integration of AI into various sectors would ensure a structured approach to leveraging these technologies for economic growth.

On the issue of the security of government data especially on platforms like e-citizen

592. The nominee stated that she would enhance the cybersecurity framework for government data by adopting advanced encryption technologies and implementing multi-factor authentication for access control. She noted that there was need to establish a government wide Cybersecurity Operations Centre (CSOC) to monitor and respond to threats in real-time, invest in regular cybersecurity training for government employees, and conduct periodic audits to identify and address vulnerabilities. She also noted that it was important to collaborate with international cybersecurity firms to stay updated on the latest threats and solutions to strengthen our data security posture.

On using ICT to combat corruption

593. The nominee noted that ICT can significantly enhance transparency and accountability in government operations. As such, she undertook to develop comprehensive e-governance frameworks that include real time reporting and monitoring tools that would help detect and prevent fraudulent activities.

On regulating emerging technologies like AI without infringing on basic human rights

594. The nominee informed the Committee that she would develop a regulatory framework for AI that prioritizes ethical considerations and human rights by establishing guidelines for the responsible use of AI. She stated that collaborating with international bodies to adopt best practices

and standards would ensure that Kenya's regulations are in line with global norms. The nominee undertook to promote public participation in the development of AI policies to ensure they reflect societal values and concerns. Additionally, she noted that regular reviews and updates of the regulatory framework would ensure relevance and effectiveness in protecting human rights while fostering innovation.

On key deliverables if approved for appointment as Cabinet Secretary

595. The nominee stated that her key deliverables would be to enhance connectivity, create centres of excellence in advanced technologies, implement the Kenya Digital Master Plan, establish green national data centres and provide affordable digital services.

On creation and sustainability of digital hubs in rural areas

596. The nominee undertook to work with relevant agencies to ensure that all rural schools and communities were connected to the national grid. She further stated that she would leverage on universal service funds, explore sustainable connectivity solutions such as fibreoptic cables and satellite technologies and engage local communities in the planning and implementation process. She stated that creating PPPs and incentivizing local entrepreneurs to establish digital hubs would ensure the sustainability and impact of these initiatives. Additionally, she noted that regular monitoring and evaluation would help identify and address any challenges to ensure the continuous success of digital hubs.

On harnessing the skills of tech-savvy youth

597. The nominee informed the Committee that she would outline a strategic initiative to establish specialized centres of excellence focused on software development. She noted that the centres would serve as platforms to nurture and refine the technical skills of young individuals, including those previously involved in unethical hacking. By redirecting their talents towards ethical practices and cybersecurity, the nominee observed that the centres would foster a generation of cybersecurity experts who can safeguard national digital infrastructure. Additionally, the nominee stated that the approach would not only mitigate the risks associated with cyber threats but also leverage the skills in developing robust security solutions, contributing positively to national cybersecurity resilience and innovation.

On plans to enhance computer literacy in schools

598. The nominee undertook to revitalize and expand digital literacy programs across educational institutions. She acknowledged the shortcomings of the previous regime, particularly in the distribution of laptops which faced challenges including lack of infrastructure and inadequate maintenance support. She stated that she would reintroduce the programs and ensure that digital devices were both functional and effectively integrated into the educational curriculum. She noted that the approach would include comprehensive training for teachers, establishing reliable technical support and creating a sustainable model that ensures every student benefits from direct access to technology.

On nurturing the talents of the youth and promoting the creative economy

599. The nominee undertook to continue enhancing the Ajira program which leverages various business models to improve connectivity especially in rural areas. She noted that despite absorbing approximately 800,000 to 1,000,000 young people into the workforce annually, many remained unemployed. She undertook to address the issue by fostering innovation within the i-hubs and the Ajira platform to create more job opportunities.

Written Submission by the Nominee

600. The nominee vide an Affidavit sworn on 31st July 2024 further submitted as follows—

(a) That Article 131 of the Constitution mandates the President as the appointing authority to appoint qualified persons to the Cabinet;

(b) That the memoranda mostly relate to one nominee and are repetitive and this is an indication that the memoranda are intended to discredit the list of nominees; and

(c) That in any case, an allegation until proven, should not be used against her.

4.10.3 Committee Observations on the Suitability of the Nominee

601. The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, her curriculum vitae and having heard her oral submission during the approval hearing, made the following observations on her suitability for appointment as Cabinet Secretary for Information, Communication and Digital Economy—

(1) **THAT,** in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since she is a

Kenyan citizen born in 1972 in Nakuru County and does not hold dual citizenship.

(2) **THAT**, the nominee possesses extensive experience in the ICT sector and currently serves as Senior Research Manager at the Global Digital Inclusion Partnership. The nominee has previously held positions including as a Co-Investigator at Gender Justice in STEM Research in Africa, Senior Regulatory and Internet Governance Expert at the African Union Commission, lead author of the WSIS Africa Progress Report, and Consultant at the Information and Communication Technology Authority. Additionally, she has been a local researcher for a USAID/Government of Kenya project with the Alliance for Affordable Internet, she is a Member of the Communications and Multimedia Appeals Tribunal at the Ministry of ICT/Judiciary, and a Short-Term Consultant at the World Bank. Her roles also include serving as a Member of the Multi-Stakeholder Board at UNESCO, Lead Kenya Partner for Research ICT Africa, Lecturer at the University of Nairobi and Tshwane University of Technology, and Consultant for various organisations including the State Department of Education, ICT Authority, and International Trade Centre. Furthermore, she has been a Research Associate and Project Coordinator at the Kenya Education Network and Coordinator of ICT, Education, Science and Technology Sectors at the Kenya Private Sector Alliance.

(3) The nominee holds a Post-Doctorate Fellowship in Innovation Value Chain from Tshwane University of Technology, a PhD in Information Systems from the University of Nairobi, a Master of Business Administration in Management Science and a Bachelor of Science in Information Science from Moi University. She also possesses certificates in Cybersecurity Diplomacy and Internet Governance from Diplo Foundation and Media Studies and Information Management from Hamburg University. Her academic credentials, professional training and experience thus comply with sections 6(7) and 7 of the Public Appointments (Parliamentary Approval) Act.

(4) **THAT**, the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB).

(5) **THAT,** the nominee has neither been charged in a court of law nor adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three years.

(6) **THAT,** the nominee does not hold office in any political party.

(7) **THAT,** the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (*conflict of interest*), Article 76 (*financial probity*), Article 77 (*restriction on activities of State Officers*) and Article 78(2) (*dual citizenship*) of the Constitution.

(8) **THAT,** the nominee demonstrated knowledge of topical, administrative and technical issues touching on government and has the requisite abilities, qualifications and experience to serve as the Cabinet Secretary for Information, Communication and Digital Economy.

4.11 Hon. John Mbadi Ng'ongo, EGH – Nominee Cabinet Secretary for The National Treasury and Economic Planning

602. The nominee appeared before the Committee on 3rd August 2024 and was vetted under oath to examine his suitability or otherwise. The Committee noted the following—

4.11.1 Questions from the General Questionnaire

Citizenship, Date and Place of Birth

603. The nominee is a male Kenyan citizen and was born in July 1971 in Homa Bay County. The nominee confirmed that he is a citizen of Kenya by birth and does not hold dual citizenship.

Academic and Professional Qualifications

604. The nominee holds a Bachelor of Commerce (BCom) Accounting Option from The University of Nairobi and is a Certified Public Accountant of Kenya (CPA-K).

Employment Record and Work Experience

605. The nominee is a nominated Member of Parliament from August 2022 to date. He previously served as a Member of Parliament for Suba South Constituency from 2017 to 2022; as a Member of Parliament, Suba Constituency from 2013 to 2017; and, as a Member of Parliament, Gwassi Constituency from 2008 to 2013.

606. Served in the Budget Committee where he has been engaged in the preparation of the Budget Estimates of Kenya, and Budget Review Paper; is conversant with the budget-making process and government

expenditure in Kenya and restructuring debt. Served as the Chairperson of the Public Accounts Committee.

607. Additionally, from 2004 to 2008, he was the Finance Director, Medair East Africa – South Sudan Programme. He also served in the University of Nairobi, first as a Senior Accountant from 1999- 2003; as an Accountant at the University of Nairobi Enterprise Services (UNES) from 2002 to 2003; and, as Assistant Accountant from 1996 to 1999.

Honours and Awards

608. The nominee was awarded the presidential award Elder of the Order of the Golden Heart (EGH).

Professional Association and Memberships

609. The nominee is a member of the Institute of Certified Public Accountants of Kenya (ICPAK).

Published Writings

610. The nominee did not indicate whether he had authored or edited any published materials.

Public Office, Political Activities and Affiliations

611. The nominee served as the National Chairman of the Orange Democratic Movement (ODM) a position he has held since 2014 to July 2024. He has also served as the Leader of the Minority in the National Assembly from 2017 to 2022; and, as an Assistant Minister in the Office of the Prime Minister from 2012 to 2014. Additionally, from 2000 to 2004, he was the Chair of the Supervisory Committee of Chuna SACCO.

Integrity

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

Income and Net Worth

613. The nominee stated that his net worth was approximately Kshs. 380 million which includes immovable property, SACCO shares, Bonds and Vehicles.

Potential Conflict of Interest

614. The nominee declared that he was not associated with any persons or matters that would present a potential conflict of interest should he assume the position of Cabinet Secretary. In the event that a conflict of interest arose, he stated that he would resolve the same in accordance with the provisions of law

4.11.2 General and Sector-Specific Questions to the Nominee

615. The Committee posed several questions to the nominee on his suitability for appointment as Cabinet Secretary for National Treasury and Economic Planning. The nominee responded as follows:

On his plan to address Kenya's public debt

616. The nominee confirmed that Kenya's public debt is at approximately 60% of the country's GDP and that his priority would be to ensure debt accountability. He undertook to ensure transparency in public debt by making the debt register a statutory document to be published annually for the information of the public. Additionally, he noted that, if approved, he would consider substituting general-support loans with specific loans linked to definite projects. Further, he stated that he would prioritize concessional loans over commercial borrowing to invest in viable projects.

On measures to improve tax collection and expand the tax base without overburdening Kenyans

617. The nominee noted that the solution to revenue mobilization would be, in consultation with the leadership of KRA, to implement reforms in the KRA including building the capacity of KRA officers and the automation and re-engineering of the porous tax collection systems to prevent tax leakage occasioned by smuggling and faulty systems. He added that he would ensure proper staffing at the KRA and relook the leadership and management of the institution to enhance revenue collection. As a matter of utmost priority, he undertook to meet with the KRA to address pressing matters, if appointed.

On the rejected Finance Bill and public participation

618. While noting that in the past Finance Bills could be passed as late as September, the nominee assured Kenyans that there is no lacuna in Kenya's revenue generation and fiscal policy implementation hence no cause for alarm.

619. Furthermore, he noted that public participation is crucial in avoiding misinformation and committed to ensuring that, under his leadership, the Ministry would undertake effective public engagement. He added that, if

approved, he would consult the AG and Members of Parliament to ensure the establishment of a robust legal framework for public participation.

620. Further, the nominee submitted that it was important to rebuild public trust in the government to encourage public engagement in a bid to realize effective communication. He emphasized the need for the use of modern channels of communication responsive to the public's needs, especially Generation Z.

On ensuring realistic revenue projections

621. The nominee confirmed that over time, revenue projections have not been realistic and dedicated to reform it based on economic growth.

On the pending bills and irregular procurement

622. The nominee emphasized the need for amendment of the existing laws to criminalize failure to pay pending bills and the approval of fictitious pending bills. He added that, if appointed, he would consider implementing a tamper-proof system that ensures payment of bills is done on a first-in-first-out basis.

623. Regarding the high interest rate and penalties bloating pending bills, the nominee indicated that he would be open to negotiation aimed at reducing the amount of bills to be paid as recommended during his tenure as the Public Accounts Committee Chairperson. He noted that such negotiation would only be successful where there is a willingness and intention to pay. Furthermore, he undertook to collaborate with the Cabinet Secretary for Roads and Transport to realize this and ensure the completion of stalled road construction.

624. Moreover, he pledged that he would oversee the completion of the automated procurement system by January 2025 to mitigate the loopholes caused by a mechanical procurement process. He also submitted that he would explore an end-to-end procurement style to guarantee value for money and prudent use of resources. He emphasized that accounting officers in the various MDAs would be held culpable for non-compliance with the provisions of the PFM Act.

625. To ensure compliance with the requirement of the PFM Act in procuring goods and services only where there is an attendant budget, the nominee echoed the need for synchronized planning, budgeting, and cash management.

On harmonizing the BETA and ODM manifestos

626. The nominee stated that the philosophy of UDA and ODM are quite similar as they are both aimed at promoting social democracy that ensures job creation and agricultural productivity among others. He further stated that he would, at all times, be guided by the Constitution and relevant laws in the discharge of his duties, if appointed.

On measures to curb the abuse of Article 223 by the National Treasury

627. The nominee indicated that supplementary appropriation requires approval by Parliament and hence undertook to ensure that there shall be no misapplication of Article 223 of the Constitution. He noted that even though a Bill he had once sponsored to put in place checks and balances was never enacted, he would reintroduce the Bill in Cabinet, if appointed.

On ensuring synergy between the Ministry and the President's economic council

628. The nominee indicated that while the President has the prerogative to hire his private advisors, the Cabinet Secretary for the National Treasury and Economic Planning is, legally, the principal advisor to the President on financial matters. The nominee committed to providing sound financial advice noting that he would foster consultation and cooperation with the President's economic advisors.

On dealing with the cartels at the National Treasury

629. The nominee undertook to provide leadership at the Ministry to ensure service delivery to Kenyans. He committed to ensuring that he would identify the gaps and loopholes in the Ministry and address them accordingly, if approved.

On devolution and financing of county governments

630. The nominee stated that he is a firm believer and supporter of devolution and hence vowed to safeguard counties' financial allocations by ensuring timely disbursements to counties to secure the proper provision of critical county government services.

631. Moreover, to ensure proper utilization of county resources, the nominee stated that he would coordinate with the relevant agencies including the Senate, Auditor General, and the EACC to combat embezzlement and mismanagement of funds.

On reducing wastage in government expenditure

632. The nominee undertook to contain wastage by reducing government operating expenditure, making it transparent, and streamlining the procurement process.

On facilitating the Office of the Auditor General

633. Highlighting some of the findings in the 2023/2024 Auditor General Report, the nominee stated that he would persuade the Cabinet to allocate more resources to the Auditor General to enhance the office's operations. He further noted that the report contained solid findings thus signifying the importance of the role of the Auditor General in ensuring proper fiscal monitoring.

On measures to turn around the economy and create job opportunities

634. The nominee submitted that agriculture should be leveraged to support manufacturing to create jobs and improve the economy. He added that realizing the political, social and economic pillars of Vision 2030 will be instrumental in addressing the economic unrest and high unemployment rate in the country.

On the certainty and predictability of tax policies

635. The nominee highlighted some principles of taxation including simplicity, fairness, and equity. He emphasized the need to review Kenya's current tax policies in a bid to encourage compliance.

On VAT refunds as a loophole for pilferage of funds

636. The nominee stated that tax expenditure costs about half a billion shillings. He noted that reclassification of items as tax-exempt instead of zero-rated would significantly reduce tax expenditure on tax refunds. Moreover, he proposed the installation of a system that captures tax advances to avoid tax refund claims that may be unmerited and unverifiable.

On operationalization of the Equalisation Fund and equitable distribution of resources

637. The nominee while underscoring the principles of public finance enshrined in Article 201 of the Constitution committed to ensuring equity and inclusivity in the distribution of resources to all parts of the country. He stressed the importance of the Equalisation Fund in providing basic services including water, roads, electricity, and health services to the marginalized, especially the youth, women, and PWDs.

638. Further, he stated that the World Bank has already undertaken to fund social safety nets to alleviate the short-term fiscal pressures facing the country.

On his integrity and capacity to serve and restore public trust in the Ministry

639. The nominee assured Kenyans that he is a patriot and would serve all Kenyans as he did during the consideration of the Finance Bill, 2024. He exhibited his loyalty to the public by stating that during his time as a member of the Economic Council of Azimio Coalition Party he, at all times, remained faithful to the public by advocating for the people's needs.

On the Arror and Kimwarer Dam issue

640. The nominee attributed the issues to lopsided commercial agreements and committed to engaging and consulting with the Attorney General to ensure that the government only enters into agreements that are beneficial to Kenyans.

On navigating the current tight fiscal space in the country

641. The nominee indicated that he would explore alternative funding options such as off-balance sheet financing, climate change financing and leveraging on public-private partnerships in both big and small projects. He added that he would undertake an evaluation of stalled projects and ensure coordination of the national and county governments to avoid duplicity of projects.

642. To ensure the successful implementation of PPPs, he further undertook to facilitate adequate public participation to avoid misinformation of the public.

On addressing the high-interest lending rates and strict banking regulations

643. The nominee confirmed that the base lending rate is at 13% while commercial banks lend at a rate of up to 20%. He attributed this to a measure introduced to control inflation. However, it was his view that the lending rate needs to be revised to allow cash flow to the private sector for business growth.

644. The nominee attributed the strict banking regulations to international requirements and Kenya's membership to the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG). He undertook to hold a meeting with the Kenya Bankers Association and the Central Bank of Kenya to resolve these issues, if approved.

On long-term sustainability and timely payment of pension

645. The nominee committed to prioritize payment of pensions to senior citizens. He noted that the new superannuation scheme may be better in

realizing this noting that in the year ending 30th June 2023, there was a deficit of pension payments of approximately Ksh. 26 billion.

On raising awareness of the numerous unclaimed financial assets

646. The nominee committed to implement measures to ensure necessary reforms and capacity building so that Kenyans are adequately sensitized.

On leveraging diaspora remittance to increase Kenya's revenue

647. The nominee pledged to reduce diaspora transaction costs and consider investment options such as green and blue bonds to encourage more diaspora remittance.

On delays in disbursement of capitation to schools

648. The nominee attributed delays in disbursements of capitation to schools to inadequate revenue and committed to ensure the availability of funds for timely disbursement to schools.

On blockchain technology in the financial sector

649. The nominee stated that he would consult and assess the viability of blockchain technology, if appointed.

On leveraging gold reserves

650. The nominee submitted that gold reserves have become more crucial in safeguarding national wealth and ensuring economic stability. He committed to leverage this as a reliable store of value in the current and future economic landscape.

On allegations arising from the Memoranda, the nominee responded as follows:

651. On the issue that four (4) of the nominees were members of and are affiliated to the Orange Democratic Movement (ODM) and that H.E the President could not lawfully nominate persons associated with and who were/have been members of political parties or coalition of rival political parties in opposition to the President's party for appointment as members of the national executive of the Republic which he heads as this destroys multi-party democracy, the nominee responded vide an affidavit sworn of 1st August, 2024 as follows—

(a) that he has been a member of ODM Party since 2005 and was duly nominated by the political party to serve in the National Assembly.

(b) Further, that his appointment promoted the inclusion of all Kenyans in the governance of Kenya.

Observations on Memoranda Submitted Against the Nominee

652. The Committee noted that the President has the prerogative under Articles 132(2) and 152(2) of the Constitution to nominate and with the approval of the National Assembly appoint Cabinet Secretaries.

4.11.3 Committee Observations on the Suitability of the Nominee

653. The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, his curriculum vitae, memoranda from the public and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as Cabinet Secretary for National Treasury and Economic Planning -

(1) **THAT,** in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan citizen born in 1971 in Homa Bay County and does not hold dual citizenship.

(2) **THAT,** the nominee is a nominated Member of Parliament from August 2022 to date. He previously served as a Member of Parliament for Suba South Constituency from 2017 to 2022; as a Member of Parliament, Suba Constituency from 2013 to 2017; and, as a Member of Parliament, Gwassi Constituency from 2008 to 2013. The nominee also served as a Member of the Budget Committee where he was engaged in the preparation of the Budget Estimates of Kenya, and Budget Review Paper and is conversant with the budget-making process and government expenditure in Kenya and the process of restructuring debt. The nominee also served as the Chairperson of the Public Accounts Committee. Additionally, from 2004 to 2008, he was the Finance Director, Medair East Africa – South Sudan Programme. He also served in the University of Nairobi, first as a Senior Accountant from 1999- 2003; as an Accountant at the University of Nairobi Enterprise Services (UNES) from 2002 to 2003; and, as Assistant Accountant from 1996 to 1999.

(3) **THAT**, the nominee holds a Bachelor of Commerce (BCom) Accounting Option from the University of Nairobi and is a Certified Public Accountant of Kenya (CPA-K). His academic credentials, professional training and experience thus comply with sections 6(7) and 7 of the Public Appointments (Parliamentary Approval) Act.

(4) **THAT**, the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB).

(5) **THAT**, the nominee has neither been charged in a court of law nor adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three years.

(6) **THAT**, the nominee does not hold office in any political party.

(7) **THAT**, the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (*conflict of interest*), Article 76 (*financial probity*), Article 77 (*restriction on activities of State Officers*) and Article 78(2) (*dual citizenship*) of the Constitution.

(8) **THAT**, the nominee demonstrated knowledge of topical, administrative and technical issues touching on government and has the requisite abilities, qualifications and experience to serve as the Cabinet Secretary for National Treasury and Economic Planning.

4.12 Hon. Salim Mvurya Mgala, EGH – Nominee Cabinet Secretary for Investments, Trade and Industry

654. The nominee appeared before the Committee on 3rd August, 2024 and was vetted under oath to examine his suitability. The Committee noted the following—

4.12.1 Questions from the General Questionnaire

Citizenship, Date and Place of Birth

655. The nominee is a male Kenyan citizen born in 1970 in Kwale County. The nominee confirmed that he is a citizen of Kenya by birth and does not hold dual citizenship.

Academic and Professional Qualifications

656. The nominee holds a Master of Arts in Participation, Power and Social Change from the University of Sussex, Brighton in the United Kingdom awarded in 2011. He also holds a Bachelors Degree in Agribusiness Management from Egerton University which was awarded in 1996. He sat for his Kenya Certificate of Secondary Education at Mpeketoni Secondary School in 1980.

Employment Record and Work Experience

657. The nominee served as the Cabinet Secretary, Ministry of Mining, Blue Economy and Maritime Affairs from October 2022 to July 2024. Prior to this he was the first Governor of Kwale County, having served for two terms from 2013 to 2022.

658. From 2003 to 2012, the nominee served as a Program Unit Manager at Plan International (Inc), Kilifi County. He also served as a Program Officer, Plan International (Inc), Kwale County from 2000 to 2003. Additionally, he worked as a Field Officer for Aga Khan Foundation in the Kwale Rural Support Program from June 1998 to January 2000. From January 1997 to May 1998, he served as a Research Assistant at the Tegemeo Institute of Agricultural Policy and Development. He also served as a Field Monitoring Officer of Rea Vipingo Plantations in 1995.

Honours and Awards

659. The nominee was awarded the presidential award Elder of the Order of the Golden Heart (EGH).

Professional Association and Memberships

660. The nominee served as the Vice Chairperson of the Council of Governors and Chair of the Resource Mobilization Committee of the Council of Governors from 2014 – 2016.

661. The nominee has also served as the Chairperson to the Jumuia ya Kaunti za Pwani, Kwale Health Forum, Agribusiness Club of Egerton University and Kwale Students Association, Egerton Chapter. He has also served in the Board of Governors, Kwale Girls High School and Director in the Kwale Water and Sewerage Company. The nominee was also a founder member and Treasurer of the Kinango Professionals Association.

Published Writings

662. The nominee had neither authored nor edited any published materials.

Public Office, Political Activities and Affiliations

663. In addition to the positions highlighted under the nominee's employment record, he has also held various positions in public service and affiliations

including: Chairperson of the Jumuiya ya Kaunti za Pwani, Regional Economic Block; Vice-Chairperson, Council of County Governors; Chairperson, Resource Mobilization Committee of the Council of Governors; Chairperson of the Kwale Health Forum, Kwale District; member of the Board of Governors, Kwale Girls High School; Director, Kwale Water and Sewerage Company; Chairperson, Agribusiness Club of Egerton University; and Chairperson of the Kwale Students Association, Egerton Chapter.

664. The nominee is an ordinary member of the UDA Party but does not hold any office in the political party.

Integrity

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

Income and Net Worth

666. During his approval hearing for appointment as Cabinet Secretary for Mining, Blue Economy and Maritime Affairs in 2022, the nominee estimated his net worth to be Kshs. 120 million held in parcels of land, motor vehicles, rental income and a sum of Kshs. 32 million held in a bank account.

667. As at the time of the approval hearing, the nominee estimated his net worth to be Kshs. 158 million comprising immovable property and motor vehicles.

Potential Conflict of Interest

668. The nominee declared that he has no immediate associations likely to present potential conflict of interest when he assumes office, if approved. Further, the nominee nominee declared that he did not have any persons or matters that would present a potential conflict of interest. Additionally, he submitted that he would comply with the provisions of all relevant laws.

Pro-bono/Charity Work

669. The nominee indicated that he is not involved in any charity work.

4.12.2 General and Sector-Specific Questions to the Nominee

670. The Committee posed several questions to the nominee on his suitability for appointment as Cabinet Secretary for Investments, Trade and Industry. The nominee responded as follows:

On key achievements during his tenure as Cabinet Secretary for Mining, Blue Economy and Maritime Affairs

671. The nominee stated that he provided leadership in carrying out key reforms in the Ministry, in order to carry out its mandate effectively as follows—

(a) On licensing, the nominee stated that during his tenure, he put in place a licensing system where investors could apply online and over 1200 licenses had been processed through the system.

(b) On testing and sampling of products, the nominee had overseen the decentralization of eight (8) labs for ease of testing for investors across the Country.

(c) On instituting reforms on value addition, he noted that there was a number of investors who were carrying out value addition across the country.

(d) During his tenure, the nominee stated that he onboarded investors, adding that there were investments in various regions such as; Kshs. 5.8 billion in the gold refinery, Kshs. 4.8 billion in Fluorspar in Elgeyo Marakwet and Kshs. 2.5 billion in Vihiga. He noted that the Ministry had mapped the country and already there was an investor who was prepared to invest Kshs.11 billion in mining iron ore in Taita Taveta.

(e) The Ministry had also organized the artisanal miners into about 300 cooperative societies that were ready for licensing across the country. The nominee further stated that he had also recommended the gazettement of 29 artisanal mining societies.

(f) The nominee had put in place the mining police unit, which worked closely with county security teams to safeguard mining activities.

(g) On mine restoration, the nominee stated the Ministry had put in place requirements for environmental restoration upon conclusion of mining activities.

(h) The nominee further stated that the government had invested Kshs. 1.4 billion in the Coast region and another Kshs. 1.5 billion in the lake region for the landing sites.

(i) The nominee further noted that the Ministry had licensed the first industrial fishing vessel to provide avenue for industrial fishing with a projected income of Kshs. 4 billion annually.

(j) He added that Kenya was now a highly valued maritime country, and was designated at category C as a maritime country and as a result of that profile, he had worked to upgrade the institutions to fit the new profile. In line with this, he stated that there was a draft Bill for Bandari Maritime Academy which sought to modernize the institution.

On import substitution policy

672. The nominee informed the Committee that he would pursue the import substitution proposals list in the Finance Bill, 2024, with the aim to inspire local manufacturing. He undertook to ensure that there would be robust engagement with stakeholders before a decision is made.

On Importation of substandard, counterfeit and contraband commodities

673. The nominee stated that in addressing importation of counterfeit and contraband commodities, there was need to enhance the capacity of the Anti-Counterfeit Authority by enacting the necessary legislation. In addition, he stated that he would introduce an anti-counterfeit integrated management system that will ensure efficiency in identifying counterfeit and contraband goods. The nominee further stated that he would also work with the Kenya Bureau of Standards (KEBS) to help in checking the standards and quality of goods. He also proposed to work with security personnel at the borders to create awareness and enforce compliance at the borders.

On negotiations for investment opportunities

674. The nominee undertook to negotiate for investment opportunities in the East African Community and other regions while safeguarding national interests.

On information dissemination

675. The nominee undertook to use the available channels of communication to disseminate information and keep the public apprised on the activities of the Ministry.

On protecting and financing of the Micro, Small and Medium Enterprises (MSMEs)

676. The nominee undertook to introduce a Trade Development Bill and to review existing policies where necessary, to enhance the dichotomy between foreign investors and MSMEs. The nominee further noted that he

would recommend the amendment of the Investment Promotion Act, Cap 485 to protect local manufacturers.

677. The nominee pointed out that whereas there were efforts to enhance manufacturing to constitute at least 20% of Gross Domestic Product (GDP) by 2030, the cost of power and other related challenges would hinder such growth. He stated that he would engage the Ministry of Energy with a view of reviewing the cost of energy.

On Special Economic Zones being seen as tax evasion avenues

678. The nominee stated that he would work with the institutions in the Ministry to enforce compliance and payment of taxes by all manufacturers.

On allegations that he never undertook field work

679. The nominee informed the Committee that he had been to various parts of the country including West Pokot and Elgeyo Marakwet in his previous Ministry.

On harnessing skills of the young people and technology

680. The nominee stated that he planned to ensure incubation and mentorship of business ideas through the Kenya Industrial Research and Development Institute (KIRDI). In addition, he stated that he would develop an industrialization fund to help young entrepreneurs to advance their business ideas.

On the mining activities at the border in Alupe Area

681. The nominee informed the Committee that there had been mining activities in Uganda which encroached to the Kenyan territory. The nominee stated that the issue had been taken up in collaboration with the Ministry of Interior and National Administration. He further noted that the issue had also been discussed between Kenya and Uganda to ensure that the countries did not encroach on each other's territories.

On trade development and regulation

682. The nominee stated that most of the trade functions of the MSMEs were devolved. The nominee noted that there were thirty-seven (37) County Aggregation and Industrial Park (CAIPs) intended for value addition. He noted that the model was intended to promote the local economy and manufacturing sector.

On working with the Ministry of Agriculture to provide raw materials for value addition

683. He stated that he would work with the Ministry of Agriculture to support the production of the raw materials for local industries e.g., coffee, sunflower and cotton, both for local manufacturing and use in Export Processing Zones (EPZ).

On African Growth and Opportunity Act (AGOA) expiring in 2025

684. The nominee stated that the government was keen at continued engagement with AGOA beyond 2025. In addition, he undertook to follow- up on discussions with the USA for a Strategic Investment Partnership (STIP).

On misappropriation of funds during his tenure as Governor

685. The nominee stated that he had served as Governor of Kwale County for 10 years but no charges had been preferred against him on grounds of misappropriation of funds by any investigative body.

On KONZA Technopolis

686. The nominee stated that Konza Technopolis was of economic significance for the young people and would promote digital enhancement for the country, led by the Ministry of Information, Communication and the Digital Economy. He added that they would collaborate to bring the investors and create employment opportunities for the young people of Kenya.

On economic significance of mining and blue economy

687. The nominee observed that the blue economy was a multi-billion sector but required initial investment on data. He added that there was need for government to invest in exploration, before making investment. The nominee further stated that part of the government investments should include licensing, mapping and data projected to cost Kshs. 221billion.

688. The nominee clarified that the geo-physical survey conducted in the past was a basic indicator of mineral occurrences. He further noted that ground truthing was necessary to ascertain the economic value and rule out superficial indications. He observed that the process had been done in twenty-four (24) counties.

On blue economy

689. The nominee stated that the success of the blue economy required marine spatial planning to identify areas for investments. He stated that marine spatial planning was necessary before investing in the blue-economy to ensure viability of investments.

On Foreign Direct Investments (FDIs)

690. The nominee noted that Special Economic Zones (SEZ) and Export Processing Zones(EPZ) are meant to inspire the Foreign Direct Investment. If approved, he stated that he would provide leadership to bring the investments to fruition. He further stated that he would work with Parliament to create an enabling environment including prescribing minimum requirements for investors.

World Trade Organization (WTO) and engagement with the Government

691. He stated that the WTO gives broad policy frameworks for countries and would therefore engage WTO in specific negotiations to ensure that national interests are upheld.

On tariffs and imposing levy on Clinker

692. The nominee stated that imposing a levy on clinker had brought investments in the country. He noted that tariffs were being employed by the government, selectively and deliberately to address particular policy issues. He further noted that the input of Parliament will be critical in the discussions of the kind of levies and tariffs that will apply for certain products. Therefore, if approved, the nominee undertook to consult on the matters of tariffs and taxes.

On Dongo Kundu Special Economic Zone (SEZ)

693. The nominee stated that Dongo Kundu SEZ is a key investment in Kenya, covering Kwale and Mombasa counties. He stated that presently, the implementation of infrastructure was still going on and Japan International Cooperation Agency (JICA) was supporting the project with Kenya Ports Authority being the lead agency for the project. He informed the Committee that the 1,648 persons affected by the project would be compensated and resettled. He stated that so far seventy-two (72) investors had expressed interest and committed to ensuring fairness in allocation of land in Dongo Kundu.

On leather and Kenanie project in Athi-River

694. The nominee stated that leather is a very critical product for the implementation of the Kenya Kwanza Government plan and the Medium-Term Plan (MTP) IV on manufacturing. He noted that Kenya has adequate supply of leather with an estimated revenue of Kshs. 120 billion every year. He further noted that KENANIE in Athi River had been identified as an investment facility that could promote value addition for enhanced economic impact of the leather industry.

695. On value addition of cashew nuts and coconuts, the nominee stated that in collaboration with (Kenya Industrial Research and Development Institute

(KIRDI) and KENTASTE, the Ministry would ensure the success of the value addition investments.

On the cost of living

696. While noting that the issue did not fall entirely under the Ministry of Investments, Trade and Industry, the nominee stated that he would work closely with the Ministry of Agriculture to ensure that production in agriculture is enhanced. Thereafter, he noted that the introduction of a warehouse receipting system to aggregate surplus produce would be key to protect farmers from unscrupulous traders and cartels.

On SMEs and access to markets and finance

697. The nominee noted that there was need for manufacturers to work with SMEs as sub-contractors to deliver their last mile products.

On closure of Base Titanium project

698. The nominee clarified that the closure of base titanium is as a result of depletion of mineral resources in the area that was licensed. He noted that the investor had subsequently, applied for licenses in different areas such as Lamu, Tana River and Kwale County which were under consideration. He added that, through the Ministry, he had constituted a committee to engage stakeholders on post-mining land use.

On buy Kenya, Build Kenya

699. The nominee stated that he would work to activate Keninvest and the Kenya Export Promotion and Branding Agency (KEPROBA) in order to promote local products and explore new markets for Kenyan products.

On how Kenya is positioning itself for emerging markets

700. The nominee stated that the country had economic partnership agreements with the European Market hence creating opportunities for new export markets. Noting that most of the local investors may not be aware of the new market opportunities, he undertook to ensure robust dissemination of information to create awareness on the available market opportunities.

On balancing taxation and production

701. The nominee undertook to ensure that Kenyans are not over-taxed. Further, he committed to providing leadership to ensure sequencing is done in the implementation of the resolutions of the Ministry.

On the Kenya National Transport Company (KENATCO) being under receivership for 27 years

702. The nominee stated that his first assignment would be to understand the ensuing issues in regard to the parastatal and take appropriate action.

On allegations arising from the Memoranda, the nominee responded as follows:

703. On the issue of re-appointment to Cabinet after dismissal, **Mr. Salim Mvurya** vide an Affidavit sworn on 31st July 2024, responded as follows—

(a) The nominee was not adjudged by any organ as having violated the Constitutional values and principles of integrity and leadership.

(b) On 11th July 2024, the President exercised his Constitutional prerogative powers and dismissed all members of the Cabinet so as to reconstitute a new Cabinet that will enable him fulsomely discharge functions to Kenyans.

(c) That the Constitution vests the President with powers to determine and portfolio to assign to a Cabinet Secretary. It is purely the President's prerogative.

Observation on Memoranda Submitted Against the Nominee

704. The Committee noted that Articles 132(2) and 152(2) of the Constitution of Kenya vest the power to constitute Cabinet solely on the President. The nominee was not dismissed under the provisions of Article 75(2) of the Constitution and is therefore not disqualified from holding any other state office. There is no legal provision that bars the President from re-appointing any person who has not been indicted as being unfit to hold office under Article 75 of the Constitution or any relevant law.

4.12.3 Committee Observations on the Suitability of the Nominee

705. The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, his curriculum vitae, memoranda from the public and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as Cabinet Secretary for Investments, Trade and Industry -

(1) **THAT,** in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan citizen born in 1970 in Kwale County and does not hold dual citizenship.

(2) **THAT,** the nominee served as the Cabinet Secretary, Ministry of Mining, Blue Economy and Maritime Affairs from October 2022 to July 2024. Prior to this he was the first Governor of Kwale County, having served for two terms from 2013 to 2022. From 2003 to 2012, the nominee served as a Program Unit Manager at Plan International (Inc), Kilifi County. He also served as a Program Officer, Plan International (Inc), Kwale County from 2000 to 2003.

(3) **THAT,** the nominee holds a Master of Arts in Participation, Power and Social Change from the University of Sussex, Brighton in the United Kingdom awarded in 2011. He also holds a Bachelors in Agribusiness Management from Egerton University awarded in 1996. He sat for his Kenya Certificate of Secondary Education at Mpeketoni Secondary School in 1980. His academic credentials, professional training and experience thus comply with sections 6(7) and 7 of the Public Appointments (Parliamentary Approval) Act.

(4) **THAT,** the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB).

(5) **THAT,** the nominee has neither been charged in a court of law nor adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three years.

(6) **THAT,** the nominee does not hold office in any political party.

(7) **THAT,** the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (*conflict of interest*), Article 76 (*financial probity*), Article 77 (*restriction on activities of State Officers*) and Article 78(2) (*dual citizenship*) of the Constitution.

(8) **THAT,** the nominee demonstrated knowledge of topical, administrative and technical issues touching on government and has the requisite abilities, qualifications and experience to serve as the Cabinet Secretary for Investments, Trade and Industry.

4.13 Ms. Rebecca Miano, EGH – Nominee Cabinet Secretary for Tourism and Wildlife

706. The nominee appeared before the Committee on 3rd August 2024 and was vetted under oath to examine her suitability. The Committee noted the following—

4.13.1 Questions from the General Questionnaire

Citizenship, Date and Place of Birth

707. The nominee is a female Kenyan citizen born in 1966 in Nyandarua County. The nominee confirmed that she is a citizen of Kenya by birth and does not hold dual citizenship.

Academic and Professional Qualifications

708. The nominee holds a Master of Laws degree from the University of Salford, Manchester United Kingdom; One-Year Advanced Management Program from the Strathmore Business School & Navara University, Spain; a Post-Graduate Diploma in Law from the Kenya School of Law; and Bachelor of Laws (LLB) degree from the University of Nairobi.

Employment Record and Work Experience

709. The nominee is the immediate former Cabinet Secretary in the Ministry of Investments, Trade & Industry and former Cabinet Secretary EAC, ASALs & Regional Development. She has previously held various position in Kenya Generating Electricity Company (KenGen) PLC including, Managing Director & Chief Executive Officer; Company Secretary/ Legal Affairs Director; Acting Human Resource & Administration Director; Company Secretary & Corporate Affairs Director; Assistant Company Secretary; Principal Legal Officer; and Senior Legal Officer.

710. The nominee has also previously served as a part-time Legal Research Assistant at Slater & Gordon Queensland Australia; a Legal Officer/Assistant Legal Officer at Kenya Power Lighting Company (KPLC); and Associate Lawyer, Musyoka Annan & Co. Advocates.

Honours and Awards

711. She was awarded the Order of the Grand Warrior (OGW); Moran of the Order of the Burning Spear (MBS); and Elder of the Order of the Burning Spear (EBS) by the President of the Republic of Kenya.

Professional Association and Memberships

712. The nominee is a member of the United Nations Global Compact COP26 Business Leaders; Certified Trustee TDPK by School of Insurance and Humber Centre for Employee Benefits; East Africa Law Society (EALS); International Community of Jurists; the Institute of Certified Public

Secretaries of Kenya (ICPSK); FIDA Kenya; Women on Boards Network; Advocates Benevolent Association; and Global Women Energy and Petroleum Club.

Published Writings

713. The nominee has published numerous academic and non-academic articles and reports.

Public Office and Political Activities and Affiliations

714. The nominee was the Cabinet Secretary, Ministry of Investments, Trade & Industry between October 2023 and July 2024; Cabinet Secretary, Ministry of East African Community, the ASAL & Regional Development between September 2022 and October 2023; Managing Director and CEO, KenGen PLC between 2018 and 2022; and Company Secretary/ Legal Affairs Director, KenGen PLC between 2008 and 2017.

Integrity

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

Income and Net Worth

716. During her previous approval hearing for appointment as Cabinet Secretary EAC, ASALs and Regional Development in 2022, the nominee estimated her net worth to be Kshs. 397,100,000.

717. The nominee stated that her current net worth is approximately Kshs. 444,192,000 comprising land properties, SACCO and KenGen shares and motor vehicles.

Potential Conflict of Interest

718. The nominee declared that she is currently not associated with any persons or matters that would present a conflict of interest should she assume the position of Cabinet Secretary, Ministry of Tourism and Wildlife.

Pro-bono/Charity Work

719. The nominee stated that she had drilled a borehole and constructed a waterpoint in Nyandarua County, Ndaragua Sub-county, Kihara Village. She also supports fundraisers at PCEA St. Andrews Church and regularly responds to medical appeals and food donations.

4.13.2 General and Sector-Specific Questions to the Nominee

720. The Committee posed several questions to the nominee on her suitability for appointment as Cabinet Secretary for Tourism and Wildlife. The nominee responded as follows—

On the classification and star rating of hotels

721. The nominee recognised the significant importance of hotel classification. She explained that classifying hotels was crucial for aligning with global standards and practices, noting that hotel classification is a requirement within the East African Community (EAC).

722. She noted that in Kenya, the absence of such classification often led to guests and occupants determining the quality of the hotels themselves, which subsequently distorted pricing and classification. The nominee undertook to prioritise the completion of the pending classification work in order to establish an objective system with integrity thus enabling Kenyan hotels to compete globally. She emphasised that without a proper classification system, Kenya risked being left behind as other countries take initiative to define their standards.

On addressing the security concerns and regulation of Airbnb accommodations

723. While addressing the issue of Airbnb accommodations, which have posed security challenges, the nominee highlighted the rapid growth of this sector and noted that the sector had outpaced the industry's regulatory framework. She observed that Kenya, as a country, had lagged behind in adapting to these changes and thus struggled to manoeuvre through the emerging issues. The nominee emphasised the need for research institutions and organisations focused on tourism to remain proactive and forward-thinking to keep up with contemporary changes. If approved for appointment, the nominee undertook to prioritise the regulation of Airbnb accommodations and ensure that the issue is addressed in consultation with other government arms and relevant ministries. She underscored the importance of finalising strategies, regulations and any legislative and policy agendas that are necessary to organise the sector which is currently marred by security concerns and other issues.

On the impact of the Tourism Fund and Tourism Promotion Fund

724. The nominee explained the distinct functions of these funds as follows; that the Tourism Fund collects levies from the hotel industry while the Tourism Promotion Fund gathers levies from both international and local travel. She stated that these funds are instrumental in providing resources necessary

to propel the tourism sector forward thus enabling Kenya to compete effectively on a global scale.

725. Referring to the Kenya Kwanza Manifesto, she noted that the tourism sector was recognised as a key driver of economic growth, yet Kenya was underperforming in the area. The nominee pointed out that despite significant efforts, the number of tourists visiting Kenya compared to its population, indicated that the country was not achieving its full potential. She compared Kenya to other nations that, despite having fewer natural attractions, had succeeded in attracting more visitors. The nominee argued that Kenya, with its hospitable people, favourable climate, and rich natural resources, should be performing better. She proposed that the two funds be restructured to address the pressing issues facing the tourism sector, which she believes has the potential to elevate Kenya to the next level economically. She stated that by strategically organising these funds, she intends to prioritise activities that are crucial for developing and promoting tourism.

On the nominee's legacy and achievements in previous government roles

726. Reflecting on her legacy in the two dockets she served over a brief period of two years, the nominee expressed pride in her accomplishments. She cited her success in strengthening Kenya's partnerships and resolving various non-tariff barriers that had previously hindered the export of Kenyan products to other countries, such as juices to Tanzania. She also highlighted her role in facilitating Kenya's participation in the East African Confederation's public participation process, where Kenya was among the first countries to complete this process. The nominee also shared her achievements in the Arid and Semi-Arid Lands (ASALs) docket, where she took office during the worst drought period the country had experienced in forty (40) years. She stated that through effective strategies, she was able to manage the crisis and ensured that no human lives were lost.

727. In the Ministry of Trade and Investment, the nominee observed the significant progress she made, including expediting the conclusion of the European Union Economic Partnership Agreement and guiding it through the ratification process. She also established robust relationships with the private sector that led to the creation of a comprehensive Business Reform Action Plan that aimed at addressing issues related to the cost of doing business in Kenya.

728. She noted that the plan submitted to the Cabinet provided a detailed list of tasks for each ministry to strengthen investment, trade and industry and it had been recognised as a vital document for creating a conducive

business environment. The nominee also stated her efforts on the global stage, where she helped to position Kenya as a top investment destination thus attracting significant start-up capital and achieving high rankings compared to other African nations.

On evaluating Kenya's competitiveness in the global tourism sector

729. The nominee stated that, while Kenya had made strides, there was still considerable room for improvement. She noted that competitiveness is not solely measured in monetary terms but also in the quality of services and the variety of products offered. She noted that historically, Kenya has been known primarily for its beaches and safaris, but the country is endowed with a wide range of attractions, including heritage sites, cultural events, and sports, which need to be better marketed and packaged. The nominee pointed out that domestic tourism remained relatively low, with many Kenyans perceiving tourism as an activity primarily for international visitors. She noted that this perception was partly due to the high cost of local tourism, which discouraged Kenyans from exploring their own country. The nominee further noted that Kenya must rethink its strategies to become more competitive in all aspects of tourism, including pricing, service quality, and the diversification of products. She emphasised the need to digitise the tourism sector and to implement other innovations that could enhance Kenya's competitiveness on the global stage.

On the impact of increased entry fees at Maasai Mara National Reserve

730. The nominee noted that discussions with Ministry officials and Narok County had revealed that the Tourism Strategy of 2021-2025 that was developed with input from stakeholders, had identified the need to make Maasai Mara more competitive. She observed that one of the recommendations was to revise the park's entry rates which had remained unchanged for the past fifteen years, despite rising costs associated with park management. The nominee further noted that the increased rates which took effect in January 2024 were actually slightly lower than what the Strategic Plan had proposed.

731. Additionally, the nominee observed that Maasai Mara had experienced high occupancy rates with the park being up to 90% full during the high season. However, she noted that recent reports suggested a shift of tourists to other regions, such as the Serengeti, though she mentioned that there was no empirical data to support the claim yet. If approved, the nominee undertook to equip herself with accurate information to make

informed decisions and to provide the country with accurate data and ensure that the reporting does not unjustly disadvantage Kenya.

On the transfer of parks from national to county governments and the legal framework

732. The nominee referred to the Wildlife Conservation and Management Act, which outlines the roles of the two levels of government. She stated that a task force had been formed to evaluate the merits and demerits of such transfers along with the regulations, processes and procedures that would be necessary, if any transfers were to occur.

733. She noted that the task force had completed its work and was expected to present its report in the coming weeks. The nominee expressed her intention to contribute to this discussion and to ensure that clear guidelines and processes are established to facilitate smooth and effective transfers and thus avoid disputes and delays. She stated that this issue forms a key part of her list of priorities, should she be approved, to enable more efficient action in the area.

On multiple taxes and levies in the hospitality industry

734. While addressing the issue of the burden of multiple taxes and levies on hoteliers, the nominee recognised the complexity of the current tax system and its impact on the hospitality industry. She stated that the multiplicity of taxes including those imposed by national and county governments, as well as levies collected by various regulatory bodies posed significant challenges to hoteliers thus making it difficult for them to operate profitably and compete effectively.

735. The nominee stated that one of her priorities, if approved, would be to engage with stakeholders in the industry, including hoteliers, county governments, and relevant national agencies in order to review the tax and levy structure. She emphasised the need for a balanced approach that ensures the government can generate necessary revenue while also supporting the growth and sustainability of the hospitality sector. The nominee proposed the possibility of streamlining or consolidating some of these taxes and levies to reduce the financial burden on hoteliers and to foster a more conducive business environment in the tourism and hospitality industry.

On compensation for wildlife cases

736. The nominee emphasised the necessity for close collaboration with county governments. She asserted that under the Wildlife Conservation and Management Act, it is imperative to develop clear procedures and

guidelines to attract the much-needed investment opportunities, particularly in upgrading infrastructure such as hotels and other tourism attractions. She noted that harmonious coexistence between conservation areas and tourism is vital, as conservation areas form the backbone of the tourism industry. The nominee identified the lack of clarity in procedures, regulations, and processes as a major issue affecting the sector. If approved, she undertook to bring greater clarity and streamline processes to enhance efficiency.

On resolving the issues at Ronald Ngala Utalii College

737. The nominee stated that the infrastructural works and buildings at Ronald Ngala Utalii College are approximately 85% complete, with an expectation that most of the work will be finished by October thus allowing for student intakes to commence. She assured the Committee that she would monitor progress closely to ensure that the timelines are adhered to.

On the open sky policy and its role in promoting tourism

738. The nominee noted the extensive discussions with the Ministry of Transport regarding the Open Sky Policy. By attracting more airlines from various destinations and facilitating easier access for tourists, particularly through airports beyond Nairobi's Jomo Kenyatta International Airport, the nominee noted that Kenya could increase tourist arrivals without the debate becoming overly emotive.

On the uptake of tourism special economic zones

739. The nominee expressed her support for the establishment of Tourism Special Economic Zones (SEZs), citing existing policies that envisage the creation of various SEZs, including sector-specific ones. She noted that a tourism SEZ was gazetted in Lamu County, although it was not yet operational and she viewed this as the right direction for the sector.

On honouring Parliament invitations

740. The nominee affirmed her commitment to respecting Parliament, emphasising that her record had demonstrated this. She stated that she prioritises attending to Parliamentary invitations and committee sessions and if rescheduling was necessary, she ensured that it was done in consultation with the relevant committee of Parliament.

On reducing park charges to boost tourism

741. The nominee stated that a strategy developed by stakeholders recommended some changes to park charges. She undertook to review all relevant reports and further consult with stakeholders to make an informed decision aimed at reducing these charges which currently posed a deterrent to both local and foreign tourists.

On implementing the National Human-Wildlife Coexistence Strategic Plan 2024-2033

742. The nominee noted that the National Human-Wildlife Coexistence Strategic Plan proposes various ways of reducing human-wildlife conflict. She emphasised the need for fencing and securing conservation areas alongside extensive civic education to foster coexistence between humans and wildlife. Regarding compensation, she emphasised the importance of streamlining procedures to ensure timely, fair, and transparent compensation for those affected, while recognising that delayed compensation exacerbated the situation.

On benefits to communities living near wildlife sanctuaries

743. The nominee highlighted that nearly 90% of wild animals and 70% of livestock along with many tourist attractions and conservancies, are located in Arid and Semi-Arid Lands (ASALs). She recognised ASALs as one of Kenya's developmental frontiers. The nominee stated that she would lead conversations on resource benefit-sharing, increasing economic benefits, improving infrastructure, enhancing security and promoting alternative income sources and activities. This would be done in collaboration with relevant ministries to focus on the potential of ASALs, which are richly endowed with resources and offer many advantages.

On revamping tourism in the Coast Region

744. The nominee referred to Kenya's coast region as a "jewel," noting that its potential to elevate tourism has yet to be fully realised. She undertook to collaborate with county governments to identify niche tourist attractions and further create a circuit of coastal counties that will offer visitors a comprehensive experience of the region. The nominee emphasised the need for good infrastructure, well-maintained hotels and increased investment in tourist infrastructure to make the coast region a premier tourist destination in Kenya alongside the region's rich cultural sites.

On reverting Mama Ngina Waterfront to Mombasa County Government

745. The nominee noted that collaboration is essential to maximising the benefits of Mama Ngina Waterfront. She stated that, by consulting with counties, she aims to devise a formula and strategy that will lead to

increased tourism and economic activity in the coast region thus ultimately driving its success.

On introducing new tourist attractions beyond traditional offerings

746. The nominee observed that Kenya had underperformed in the tourism sector by focusing primarily on beach and safari attractions. She pointed out that Kenya has much more to offer and should take advantage of its diversity. For instance, the nominee highlighted that the majority of visitors are from the United States of America (USA), followed by Uganda who frequent the coast for various functions. She expressed her intention to continue exploring the niche market of landlocked countries and their affinity for coastal experiences.

747. Additionally, she emphasised the need to diversify the origins of visitors by targeting new markets in the Middle East and Far East while also expanding the range of tourism products available. She stated that branding and communication must be central to these efforts with Kenya being packaged and promoted as a year-round destination. The nominee also emphasised the importance of leveraging innovation and technology, such as establishing a one-stop shop for tourists to access all necessary information. By harnessing the power of social media, she stated that Kenya can aggressively market herself and attract a greater number of tourists thus positioning herself as a leading global destination.

On leveraging the strength of Kenyan content creators to market the country

748. The nominee emphasised the potential of Kenyan content creators, particularly the younger generation who produce compelling infographics and content. She believes that this is an area that should be harnessed, rather than relying solely on consultancies. She expressed her intention to engage with the Ministry of Youth Affairs, Creative Economy and Sports to explore how the creativity of content creators can be utilised to enhance the country's branding and marketing. She stated that she aimed to use positive social media content to effectively position and showcase Kenya to the world in collaboration with the private sector.

On communication and the alleged failure to promote positive aspects of the Finance Bill 2024

749. The nominee defended her role in the Ministry of Trade and Investment particularly regarding communication related to the Finance Bill 2024. She stated that the Ministry made several proposals aimed at promoting local manufacturing and reducing unnecessary imports of products that could

be produced domestically. According to her, the Ministry engaged in extensive consultations with industry stakeholders and manufacturers, leading to a consensus on the necessary actions. She confirmed that there was sufficient consultation and communication in this regard.

On leveraging the success of Kenyan athletes to promote the country as a tourist destination

750. The nominee highlighted the unique position of Kenyan athletes who are a source of national pride. She proposed that these athletes could be positioned as tourism brand ambassadors thus promoting Kenya in the countries they visit. By showcasing what Kenya has to offer through marketing materials and content, the nominee stated that the world could be convinced of the unparalleled experience of visiting the "home of athletes." This approach would celebrate the talent, bravery and courage of Kenyan athletes while also promoting the country as a premier tourist destination.

On ensuring inclusive tourism development for marginalised communities, indigenous groups and rural areas

751. The nominee noted the importance of ensuring that tourism development is inclusive particularly for marginalised communities, indigenous groups and people living in rural areas. She emphasised the need for fair sharing of benefits and respect for local cultures. She proposed exploring opportunities to establish intellectual property rights to protect and honour the cultural contributions of these communities. The nominee stated that these communities would benefit from the economic activities generated by tourism including employment opportunities thus creating a win-win situation across the country.

On the use of E-Citizen to pay fees at national parks

752. The nominee stated that improvements are needed in the payment processes within the tourism sector, particularly for foreign visitors. She noted that efforts are underway to strengthen and streamline the e-Citizen platform, which will be a priority for her. By enhancing this digital platform, she aimed to make payments more efficient and quicker, improving the overall experience for tourists.

On strengthening the Kenya Tourist Police Unit

753. The nominee made reference to Executive Order No. 1 of 2023, which proposed the creation of a National Tourism Service, a body that is yet to be operationalised. She identified this as a priority area, noting the importance of ensuring adequate security for both tourists and citizens.

She also suggested utilising technology, such as Closed-Circuit Television (CCTV) for surveillance, and working with communities to disseminate security information. She emphasised that security is a collective responsibility that requires collaboration with relevant Ministries and State Departments.

On the underfunded Ushanga Initiative

754. The nominee noted that the Ushanga Initiative falls under the Ministry of Culture, Heritage, and Sports and this indicates that the Ministry is better positioned to provide comprehensive answers regarding the initiative.

On the Petition filed at the High Court regarding the expenditure of Kshs. 94 billion on ineffective power generation

755. The nominee stated that she did not have specific information regarding the Petition but expressed her readiness to address any issues that may arise. She affirmed her record of diligent service as the Chief Executive Officer (CEO) of KenGen and expressed pride in the achievements she made during her tenure while highlighting her role as a strong leader in the energy sector.

On the complications in the Mara-Serengeti Tourism Corridor

756. The nominee undertook to consult with the State Department of Immigration to address the need for easy access which is crucial for supporting tourism. She suggested the establishment of an immigration department at the affected points to streamline the process.

On positioning Kenya as a top tourist destination

757. The nominee expressed confidence in her ability to turn around the tourism sector and noted that people tend to support what they believe in. She emphasised the importance of leveraging Kenyan patriotism and encouraging citizens to take pride in their country and market it themselves. She highlighted the potential of young people who make up 80% of the employees in the tourism and hospitality sector, as a key resource.

758. She advocated for partnerships with individuals, corporates and the private sector to tap into the creativity and talent of young people. The nominee expressed her ambition to increase the number of tourists visiting Kenya and targeted over twenty (20) million tourists with the support of Parliament to implement the right policies. She undertook to work with stakeholders, the private sector and development partners to achieve this goal. The nominee described herself as an executor who is determined to

lead the "most progressive and exciting docket," and to transform the tourism sector and by extension, the country.

On revolutionising organisations like Brand Kenya

759. The nominee stated that there is need to stretch imaginations and develop new products to reimagine and refresh Kenya's tourism sector and brand. She stated that she believes that this rebranding effort will inform the approach to positioning the country to attract more tourists. This will involve creating new facilities, refreshing existing ones and ensuring that the country projects the desired image. The nominee expressed her commitment to being innovative, transformative and leading high-performance teams to rally this vision through and achieve the necessary reforms.

On marketing Kenya in major destinations

760. The nominee emphasised the importance of selecting attachees based on their skills and competence and particularly, their ability to contribute effectively to the country's tourism marketing efforts. She proposed checking the linguistic abilities of attachees to ensure that the correct people are appointed. The nominee stated that by selecting the right individuals who are equipped with the necessary competencies, the country will be able to achieve much more. She suggested that multi-skilled attachees who are capable of handling both trade and tourism would be more efficient and cost-effective. She called for a fair and firm selection procedure to ensure that the right people are chosen thus avoiding duplication of roles.

On cost rationalization in the hotel industry

761. The nominee noted the need to rationalise the hotel industry in order to optimise operations and maintenance costs. She proposed exploring alternative and more cost-effective ways of running operations and maintenance to ensure that hotels continue offering competitive and affordable rates. She also highlighted the potential of local tourism and suggested that sensitising communities and offering diversified and affordable tourism products could boost the sector. The nominee noted that young people are significant consumers of tourism products and urged the industry to offer products that appeal to this demographic.

On safari lodges and government shareholding in hotels

762. The nominee was aware that an Executive Order had assigned the management of safari lodges and government shareholding in some

hotels to the National Treasury. She indicated that she would work in consultation with the National Treasury to develop the best strategies for transforming, reforming and managing these assets effectively.

On allegations arising from the Memoranda, the nominee responded as follows:

763. On the issue of re-appointment to Cabinet after dismissal, **Hon. Rebecca Miano** vide a Replying Affidavit sworn on 1st August, 2024, responded as follows—

(a) The Constitution vest the President with powers to dismiss or re-assign a Cabinet Secretary and to also determine the suitability of Cabinet members; and

(b) The decision by the President to nominate her to serve the people of Kenya was an assessment of her suitability, competence and the ability to serve the country.

Observations on Memoranda Submitted Against the Nominee

764. The Committee noted that Articles 132(2) and 152(2) of the Constitution of Kenya vest the power to constitute Cabinet solely on the President. The nominee was not dismissed under the provisions of Article 75(2) of the Constitution and is therefore not disqualified from holding any other state office. There is no legal provision that bars the President from re-appointing any person who has not been indicted as being unfit to hold office under Article 75 of the Constitution or any relevant law.

4.13.3 Committee Observations on the Suitability of the Nominee

765. The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, her curriculum vitae, memoranda from the public and having heard her oral submission during the approval hearing, made the following observations on her suitability for appointment as Cabinet Secretary for Tourism and Wildlife:

(1) **THAT,** in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since she is a Kenyan citizen born in 1966 in Nyandarua County and does not hold dual citizenship.

(2) **THAT,** the nominee is the immediate former Cabinet Secretary in the Ministry of Investments, Trade & Industry and former Cabinet Secretary EAC, ASALs & Regional Development. She has previously held various position in Kenya Generating Electricity Company (KenGen) PLC

including, Managing Director & Chief Executive Officer; Company Secretary/ Legal Affairs Director; Acting Human Resource & Administration Director; Company Secretary & Corporate Affairs Director; Assistant Company Secretary; Principal Legal Officer; and Senior Legal Officer. The nominee has also previously served as Legal Research Assistant, Slater & Gordon Queensland Australia; Legal Officer/Assistant Legal Officer, Kenya Power Lighting Company (KPLC); and Associate Lawyer, Musyoka Annan & Co. Advocates.

(3) The nominee holds a Masters in Law, University of Salford, Manchester United Kingdom; One-Year Advanced Management Program, Strathmore Business School & Navara University, Spain; Post-Graduate Diploma in Law, Kenya School of Law; and Bachelor of Law (LLB) Degree, University of Nairobi. Her academic credentials, professional training and experience thus comply with sections 6(7) and 7 of the Public Appointments (Parliamentary Approval) Act.

(4) **THAT**, the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB).

(5) **THAT**, the nominee has neither been charged in a court of law nor adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three years.

(6) **THAT**, the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (*conflict of interest*), Article 76 (*financial probity*), Article 77 (*restriction on activities of State Officers*) and Article 78(2) (*dual citizenship*) of the Constitution.

(7) **THAT**, the nominee demonstrated knowledge of topical, administrative and technical issues touching on government and has the requisite abilities, qualifications and experience to serve as the Cabinet Secretary for Tourism and Wildlife.

4.14 Hon. James Opiyo Wandayi, EGH – Nominee Cabinet Secretary for Energy and Petroleum

766. The nominee appeared before the Committee on 3rd August 2024 and was vetted under oath to examine his suitability. The Committee noted the following:

4.14.1 Questions from the General Questionnaire

Citizenship, Date and Place of Birth

767. The nominee is a male Kenyan citizen born in 1972 in Siaya County. The nominee confirmed that he is a citizen of Kenya by birth and does not hold dual citizenship

Academic and Professional Qualifications

768. The nominee holds a Master's in Business Administration, Jomo Kenyatta University of Agriculture and Technology; Bachelor of Law Degree, Daystar University and Bachelor of Science in Agriculture (Agricultural Economics), University of Nairobi.

Employment Record and Work Experience

769. The nominee is the Leader of the Minority Party in the National Assembly and MP, Ugunja Constituency. He has previously served as the Chairperson, Public Accounts Committee (PAC) during the 12th Parliament and Secretary-General, African Organization of Public Accounts Committee (AFROPAC). He was serving a consecutive third term as MP for Ugunja Constituency. The Nominee served in Core Management Positions in the private sector within and outside Kenya., the last being Leaf Business Sustainability Manager responsible for Uganda and DRC at British American Tobacco.

Honours and Awards

770. He was awarded Elder of the Order of the Golden Heart which was awarded by the President in 2023.

Professional Association and Memberships

771. The nominee stated that he was neither a member of any professional association nor did he belong to any professional, business, fraternal, scholarly, civic, charitable or other organization.

Published Writings

772. The nominee had not authored or edited any published materials.

Public Office, Political Activities and Affiliations

773. The nominee is a member of the Orange Democratic Movement (ODM) and was serving as the Second Deputy Secretary-General of the Azimio la Umoja One Kenya Coalition Party.

Integrity

774. The nominee stated that he had been charged alongside others in criminal case number MCCR E08 of 2023 (Rep vs James Opiyo and 5 others) with the offences of taking part in an unlawful assembly and malicious damage to property in March 2023 at Kahawa Law Courts. He

had been discharged under section 87 (a) of the Criminal Procedure Code on 3rd April 2023.

Income and Net Worth

775. The nominee indicated that his net worth is approximately Kshs.536 million which comprised Cash, SACCO shares, real estate and personal property.

Potential Conflict of Interest

776. The nominee indicated that he did not have any persons, categories of litigation or financial arrangements that were likely to present potential conflict of interest when he assumed the office of Cabinet Secretary for Energy and Petroleum.

4.14.2 General and Sector-Specific Questions to the Nominee

777. The Committee posed several questions to the nominee on his suitability for appointment as Cabinet Secretary for Energy and Petroleum. The nominee responded as follows—

On shift in ideology to demonstrate commitment to the bottom-up economic transformation agenda

778. The nominee informed the Committee that his role in the National Assembly was to hold the government accountable as mandated by Article 95 of the Constitution. He stated that he believed in performing his national duty as a patriotic Kenyan and his commitment to the bottom-up economic transformation agenda would be unwavering and therefore would work diligently to implement it effectively.

On the increase in fuel prices by the Energy and Petroleum Regulatory Authority (EPRA)

779. The nominee stated that the Road Maintenance Levy that had caused the recent rise in fuel prices is under the Ministry of Roads and Transport. However, he undertook to work closely with the relevant ministries and stakeholders to address such issues and ensure transparency and fairness in fuel pricing.

On the issue of IPPs

780. He stated that he would engage with the Attorney General to address the issues concerning independent power producers and ensure that future power purchase agreements are fair and do not disadvantage Kenyans. Additionally, he undertook to consider moving towards an energy auction system where energy is purchased based on demand.

On electrification in areas in Kenya with no electricity and addressing maintenance issues that lead to frequent power outages

781. The nominee informed the Committee that he intends to empower the Rural Electrification and Renewable Energy Corporation (REREC) to handle last mile connections and separate their functions from KPLC to avoid overlaps. He stated that for maintenance, he would work closely with the relevant agencies to fast-track modernization of infrastructure and ensure timely repairs to minimize outages.

On breaking KPLC's monopoly to allow competition in the energy sector

782. The nominee stated that the Energy Act 2019 had laid the foundation for opening the distribution space to other players. However, he noted that there was need for a robust KPLC to manage the existing infrastructure. He also foresaw a situation where Kenya creates zones for optimal utilization of resources.

On disparities in power connectivity

783. The nominee informed the Committee that he was aware of the historical injustices in power distribution and would work systematically to correct these imbalances. He stated this would involve adequate resourcing to REREC and collaborating with county governments. He further proposed affirmative action to prioritize electrification in under-served areas, ensuring that every region, including marginalized ones, receive equitable access to electricity.

On the issue of frequent power outages and the long duration it takes for KPLC to respond to breakdowns, especially in rural areas

784. The nominee stated that it would be crucial to address power outages and response times. If approved, he would ensure that KPLC undergoes business process re-engineering to improve efficiency and responsiveness. He would further implement strict timelines for addressing outages and leverage on modern technologies and enhancing the capacity of transmission lines to ensure stable power supply across all regions.

On combating corruption and inefficiencies within KPLC

785. The nominee informed the Committee that combating corruption and inefficiencies require a multifaceted approach and would work closely with the Attorney-General to review and renegotiate existing power purchase agreements that are unfavourable to Kenyans. He added that, if approved, he would strengthen the regulatory framework and enforcement mechanisms to ensure transparency, accountability and fair procurement processes.

On addressing the high cost of electricity

786. The nominee stated that reducing the cost of electricity would involve addressing both technical and commercial losses, which currently stood at around 23%. He stated that he would enhance the efficiency of KPLC's operations and increase the generation of cheaper clean energy sources such as geothermal and wind. He undertook to review and optimize the tariffs and levies that contribute to high electricity costs and promote investment in renewable energy projects, if approved as Cabinet Secretary.

On the proposed Lamu coal power plant and balancing energy needs with environmental protection

787. The nominee informed the Committee that it was crucial to balance energy needs with environmental protection. Despite the opposition faced in the proposed Lamu coal power plant due to environmental concerns, once approved as Cabinet Secretary, he would carefully evaluate its impact. He undertook to engage with environmental groups, stakeholders and experts to ensure that any decision made prioritizes sustainability. He further stated that exploring alternative clean energy sources and technologies would be a priority to meet energy demands without compromising the environment.

On challenges surrounding the Lake Turkana Wind Power Project

788. The nominee stated that the Lake Turkana Wind Power Project is a significant and key investment. He undertook to conduct a thorough review of the project to address any existing issues and improve its efficiency. He also noted that lessons learned from this project would inform future renewable energy projects to ensure they are cost effective and beneficial to the public.

On improving the safety standards for petroleum transportation and storage

789. The nominee informed the Committee that he would work closely with EPRA to enforce strict safety regulations and conduct regular inspections of transportation facilities. He stated that implementing advanced monitoring and emergency response systems would help mitigate risks and prevent accidents like the ones that occurred in Embakasi and Sachangwan.

On adoption of clean energy technologies

790. The nominee stated that he would prioritize investments in renewable energy sources such as geothermal, wind and solar power. He would also implement policies and incentives to attract private sector investment in

clean energy. Additionally, the nominee noted the need to enhance research and development in renewable energy technologies and build local capacity to drive innovation and sustainability.

791. Further, he informed the Committee that ensuring Kenya's energy infrastructure supports industrialization, involved increasing the installed capacity particularly from clean energy sources. He stated that he would invest in geothermal, hydro, wind and solar energy projects to provide a stable and reliable power supply. The nominee undertook to modernize and expand transmission and distribution networks to meet the growing demand, once approved as Cabinet Secretary. The nominee also noted the need to collaborate with regional partners to create an East African power pool which would also help in managing supply fluctuations and enhance energy security.

On the frequent and erratic billing by KPLC and measures to address this issue and improve customer satisfaction

792. The nominee stated that he would implement a comprehensive business process re-engineering at KPLC to enhance accuracy and transparency in billing. He stated that this would involve upgrading metering systems, streamlining billing processes, and ensuring timely and clear communication with customers as well as a framework to handle billing disputes efficiently and fairly.

On KPLC's response time to repair faults and restore power outages

793. The nominee informed the Committee he would implement strict timelines and performance benchmarks for addressing faults and outages. He stated that enhancing the training and resources available to field teams would also be a priority. Additionally, he noted that leveraging technology for real-time monitoring and faster incident response would ensure that power restoration is handled promptly, reducing the inconvenience to consumers.

On attracting investment in the energy sector especially in renewable energy projects

794. The nominee stated that, if approved, he would streamline regulatory processes, provide incentives for clean energy projects and ensure transparency in project approvals. He further stated that he would establish clear and consistent policies to give investors' confidence. He also undertook to promote Public Private Partnerships (PPPs) and engage with international development partners to secure funding and technical expertise for renewable energy initiatives.

On reducing carbon emissions

795. The nominee reiterated his commitment to invest in expanding geothermal, wind and solar energy capacities which are not only clean but also cost effective. He stated that encouraging the adoption of electric vehicles and enhancing public transportation infrastructure would help reduce emissions from the transportation sector. Additionally, he stated that he would implement policies that support energy efficiency and conservation in industries and households. Further, the nominee noted that aligning the energy strategy with international climate agreements would also ensure that the country contributes to global efforts in combating climate change.

On revamping the oil drilling projects in Turkana

796. The nominee stated that he would work to attract strategic partners with the necessary financial and technical capacity to develop these oil reserves. He further stated that he would ensure that the infrastructure, such as roads and pipelines is in place to support oil extraction and transportation. The nominee also undertook to engage with local communities to ensure their participation and benefit from these projects would help create a supportive environment for sustainable development.

On combating the influence of cartels within the energy sector

797. The nominee stated that he would implement strict oversight mechanisms and engage independent audit bodies to help identify and eliminate corrupt practices. Additionally, he undertook to foster a culture of ethical conduct and provide whistle-blower protection that would encourage the reporting of illegal activities.

On delayed processing of applications for electricity connections

798. He stated that he would adopt technology solutions to automate and expedite application processing. He further stated that establishing clear service delivery timelines and monitoring compliance would ensure accountability. He also noted that increasing staffing levels and providing adequate training for personnel involved in the connection process would help address capacity constraints and improve overall service delivery.

On ensuring schools receive reliable and affordable electricity

799. The nominee informed the Committee that, if approved, he would explore options for subsidizing electricity tariffs for schools to reduce their financial burden. He stated that, he would implement efficiency measures and provide schools with access to renewable energy solutions. He further undertook to collaborate with the Ministry of Education and other stakeholders to help prioritize the electrification of schools and ensure they have the resources needed to support their educational mission.

On power theft and illegal connections

800. The nominee stated that he would enhance surveillance and monitoring of the electricity network to detect and prevent illegal activities. He noted that implementing stricter penalties and increasing enforcement efforts would deter power theft. He emphasised on the need to engage with communities to raise awareness about the risks and consequences of illegal connections.

On promoting regional energy integration

801. The nominee stated that he would actively participate in regional initiatives, such as the East African Power Pool to facilitate energy trade and resource sharing. He noted that there was need to develop cross-border energy infrastructure such as transmission lines and interconnectors to enhance regional connectivity. In addition, he noted that harmonizing energy policies and regulations with neighbouring countries would create a conducive environment for cooperation.

On the G-to-G deal

802. The nominee informed the Committee that he would thoroughly study and understand details of the deal then offer informed and appropriate advice on how to proceed with the agreement to ensure it aligns with national interest and policy objectives.

On REREC taking over the last-mile metering from KPLC to enhance customer satisfaction

803. The nominee stated that he is in support of the idea of REREC handling last-mile metering and this division of responsibilities would allow KPLC to focus more on customer service and satisfaction.

On transitioning from oil-based transformers to fiber-optic technology

804. The nominee informed the Committee that he would consult with technical experts on this matter and assured that he would address the transition accordingly. He stated that he is dedicated to pursuing any initiative to modernize the infrastructure and improve efficiency.

On stalled energy projects

805. The nominee stated that he would seek funding from development partners to finance the completion of transmission line projects. He emphasized the importance of collaborating with international donors and financial institutions to secure the needed resources for these critical infrastructure developments.

On the proposed implementation of nuclear energy in Uyombo

806. The nominee explained that Kenya, as a member state of the International Atomic Energy Agency, had adopted a phased approach

to installing nuclear energy. He stated that public participation had already been conducted as part of the first phase, with site identification completed in Kwale and Kilifi counties. Additionally, he undertook to revisit the matter and encourage a holistic involvement of all stakeholders, emphasizing that nuclear energy is a clean and affordable option that would contribute significantly to the base load power supply.

On measures to ensure Kenya stays on course to achieving its industrialization goals as outlined in the Vision 2030

807. The nominee informed the Committee that achieving the industrialization goals in alignment with both Vision 2030 and the EAC Vision, requires a consistent supply of clean and reliable energy. He stated he would ensure proper licensing for the construction of geothermal wells by KenGen. Additionally, he noted that attracting investors to the energy sector would be a priority as it would spur economic growth and help meet the industrialization targets.

On addressing concerns regarding unfair dismissals at KPLC in Mombasa

808. The nominee stated that he would thoroughly investigate the cases of alleged unfair dismissals at KPLC in Mombasa. He also emphasized the importance of fair labour practices and pledged to ensure that any actions taken are in line with legal and ethical standards. He also undertook to review and improve the company's human resource policies to prevent future occurrences of unfair dismissals.

On prevalence of faulty meters at KPLC

809. The nominee acknowledged the concerns raised by the Auditor General, attributing the issues primarily to procurement problems influenced by pervasive cartels that disrupt the tendering process. He committed to investigating these inconsistencies further and emphasized the need for stricter oversight and reform in the procurement process. He also noted that the Public Procurement and Asset Disposal Act allows bidders to lodge complaints but this provision is often exploited by entrenched cartels. He undertook to work closely with other ministries to ensure a fair and transparent procurement process and to address the influence of cartels effectively.

On the Tullow Oil project

810. The nominee informed the Committee that the Tullow Oil project is not a non-viable project and committed to ensure its revival. He acknowledged the project's lack of requisite financial capacity in the South Lokichar Basin. He stated he would work closely work with Tullow Oil to source a

strategic partner, with guidance from the Attorney General, to secure the necessary financial support and expertise for the project's successful continuation.

Electricity connectivity at the Constituency level

811. The nominee recognized the collaboration between MPs and REREC on electricity connectivity. He proposed proper resourcing for REREC to expedite the connectivity process, aiming to increase the current 76% penetration rate. He also emphasized the importance of involving county governments to enhance the effectiveness of these efforts.

812. He also addressed the problem of street lights, which often go off after commissioning due to maintenance issues and unpaid bills. He committed to empowering REREC to fully take charge of street lighting and payment processes, including exploring the use of solar street lights to ensure sustainability and continuous operation.

On strategies to reduce the pump price of fuel in Kenya

813. The nominee informed the Committee that he had a three-fold strategy to reduce fuel prices. First, he stated that he would address the landing cost, which significantly contributes to the pump price. Second, the nominee noted that he would work closely with Parliament to review and possibly reduce taxes and levies on fuel. Third, he stated that he would improve the storage and transportation logistics by collaborating with the Kenya Pipeline Company (KPC) to enhance efficiency. Additionally, he noted that extending KPC's operations to regions like Uganda, Rwanda and the Democratic Republic of Congo (DRC) would generate more revenue through increased volume and distance, ultimately lowering fuel prices. He noted that making KPC more competitive would benefit the overall fuel pricing structure, leveraging Uganda's use of Kenya's pipeline for direct fuel imports.

On compensation for electricity related accidents

814. The nominee underscored the importance of addressing the needs of victims of electricity related accidents. He stated that he would work with relevant authorities to streamline the claims process and make it more accessible to affected individuals. He also noted the need to improve safety standards and practices to prevent such accidents from occurring in the first place.

On allegations arising from the Memoranda, the nominee responded as follows—

815. The nominee in his Affidavit responded as follows —

(1) That his nomination by the President did not contravene any provision in the Constitution or any law;

(2) The Constitution and the law do not bar persons from appointment based on their party affiliation as that would amount to discrimination on grounds of one's political affiliation contrary to Article 27 of the Constitution;

(3) That upon successful vetting, appointment, gazettement and swearing in, a Cabinet Secretary who previously served as a Member of Parliament (MP) shall automatically cease to hold such office of MP pursuant to Article 152(3) of the Constitution.

(4) That the nominee tendered his resignation as Leader of the Minority Party in the National Assembly on 31st July 2024;

(5) That Article 103 of the Constitution of the Constitution provides that the office of Member of Parliament may become vacant for any reason provided under, including by resignation from Parliament in writing to the Speaker and therefore, according to the Constitution, a by-election becomes a constitutional necessity and not an unnecessary expenditure as the deponents would want this Honorable Committee to believe;

(6) That the nominee's resignation as Member of Parliament in a bid to accept a state appointment does not in any way offend any provision of the Constitution as that scenario is already pre-empted by the very Constitution;

(7) That section 6(7) of the Public Appointments (Parliamentary Approval) Act narrows an approval hearing's focus on a candidate's academic credentials, professional training and experience, personal integrity and background and nothing has been tendered in evidence to impeach the nominee's suitability for appointment;

(8) That on the allegations that the nominee's appointment would destroy Kenya's multi-party democracy, the Committee is permitted to consider the statements only to the extent that evidence is provided and not on merely speculations as is in this case; and

(9) That he therefore prays that this Honorable Committee finds that the memorandum by the deponents have not to have been substantiated.

Observations on Memoranda submitted against the Nominee

816. The Committee noted that the President has the prerogative under Articles 132(2) and 152(2) of the Constitution to nominate and with the approval of the National Assembly appoint Cabinet Secretaries.

4.14.3 Committee's Observations on the Suitability of the Nominee

817. The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, his curriculum vitae, memoranda from the public and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as Cabinet Secretary for Energy and Petroleum -

(1) **THAT,** in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan citizen born in 1972 in Siaya County and does not hold dual citizenship.

(2) **THAT,** the nominee is the Leader of the Minority Party in the National Assembly and MP, Ugunja Constituency. He has previously served as the Chairperson, Public Accounts Committee (PAC) during the 12th Parliament and Secretary-General, African Organization of Public Accounts Committee (AFROPAC). He was serving a consecutive third term MP for Ugunja Constituency. The nominee previously served in Core Management Positions in the private sector within and outside Kenya., the last being Leaf Business Sustainability Manager responsible for Uganda and DRC at British American Tobacco.

(3) The nominee holds a Master's in Business Administration, Jomo Kenyatta University of Agriculture and Technology; Bachelor of Law Degree, Daystar University and Bachelor of Science in Agriculture (Agricultural Economics), University of Nairobi. His academic credentials, professional training and experience thus comply with sections 6(7) and 7 of the Public Appointments (Parliamentary Approval) Act.

(4) **THAT,** the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB.

(5) **THAT,** the nominee has neither been charged in a court of law nor adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three years.

(6) **THAT**, the nominee does not hold office in any political party.

(7) **THAT**, the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (*conflict of interest*), Article 76 (*financial probity*), Article 77 (*restriction on activities of State Officers*) and Article 78(2) (*dual citizenship*) of the Constitution.

(8) **THAT**, the nominee demonstrated knowledge of topical, administrative and technical issues touching on government and has the requisite abilities, qualifications and experience to serve as the Cabinet Secretary for Energy and Petroleum.

4.15 Hon. Onesimus Kipchumba Murkomen, EGH - Nominee Cabinet Secretary for Youth Affairs, Creative Economy and Sports

818. The nominee appeared before the Committee on 3rd August 2024 and was vetted under oath to examine his suitability or otherwise. The Committee noted the following—

4.15.1 Questions from the General Questionnaire

Citizenship, Date and Place of Birth

819. The nominee is a male Kenyan citizen born on 12th March 2024 in 1979. The nominee confirmed that he is a citizen of Kenya by birth and does not hold dual citizenship.

Academic and Professional Qualifications

820. The nominee holds a Master of Laws (LLM) degree from both American University's Washington College of Law, Washington DC, USA, and the University of Pretoria, South Africa, where he graduated with distinction. He also holds a Diploma in Law from the Kenya School of Law and a Bachelor of Laws (LLB) degree from the University of Nairobi.

Employment Record and Work Experience

821. The nominee served as the Cabinet Secretary in the Ministry of Roads and Transport in the Government of Kenya from 2022 to 2024. Prior to this role, the nominee served as the Senator for Elgeyo Marakwet County from 2013 to 2022.

822. Additionally, the nominee served as a consultant at Kirui Law Firm in Arlington, Virginia, and as a lecturer at several universities, including the University of Nairobi, Moi University, and the Catholic University of Eastern Africa.

823. The nominee also worked as an advocate at Kelly and Company Advocates, consultant at the Lutheran World Federation, and a member

of the Task Force on Devolved Government under the Ministry of Local Government.

Honours and Awards

824. Throughout his career, the nominee has been recognised with several honours and awards including the Elder of the Order of the Golden Heart (EGH) in 2015.

Professional Association and Memberships

825. The nominee stated that he is a member of the Law Society of Kenya and the East Africa Law Society.

Published Writings

826. The nominee informed that Committee that he authored the following published materials—

(a) The role of the Judiciary in the growth of environmental jurisprudence in India and Kenya, Nairobi Law Journal 2008.

(b) Making sanitary and phytosanitary agreement work in developing countries of Sub-Saharan Africa, Law by Press, 2007.

(c) Book chapter: The impact of IMF policies on Education, health and Women Rights in Kenya- published by ActionAid, 2008.

(d) The Legislature: Bi-Cameralism under the new Constitution, SID Constitutional Working Paper No. 8 of 2011.

Public Office, Political Activities and Affiliations

827. The nominee stated that he was a Cabinet Secretary from October 2022 to July 2024. Prior to this, he served as the Senator for Elgeyo Marakwet County from 2013 to September 2022.

828. In addition, the nominee listed the following political party affiliations—

(a) Member of the United Democratic Alliance Party (UDA)- Until October 2022.

(b) Legal advisor- United Democratic Alliance Party (UDA)- Until October 2022.

(c) Member of Jubilee Party Kenya- 2017 to 2022.

(d) Member of United Republican Party (URP)- 2013 to 2017.

Integrity

829. The nominee had neither been charged in a court of law nor adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three years. The nominee has never been dismissed or

otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

Income and Net Worth

830. During his previous approval hearing for appointment as Cabinet Secretary in 2022, the nominee estimated his net worth to be Kshs. 550million from services provided by SMS Advocates LLP, salary from Parliament and proceeds of farming.

831. As at the time of the approval hearing, the nominee estimated his current net worth to be approximately Kshs. 620 million.

Potential Conflict of Interest

832. The nominee indicated that he did not have any persons, categories of litigation or financial arrangements that are likely to present potential conflict of interest if he assumes the office of cabinet Secretary for Youth Affairs, Creative Economy & Sports.

Pro-bono/Charity Work

833. The nominee stated that he had been involved in various charity work activities including payment of school fees for needy students in various high schools and colleges across the Country. He also offered support towards infrastructure development in various institutions and churches.

4.15.2 General and Sector-Specific Questions to the Nominee

834. The Committee posed several questions to the nominee on his suitability for appointment as Cabinet Secretary for Youth Affairs, Creative Economy and Sports. The nominee responded as follows—

On his performance as Cabinet Secretary for Roads and Transport

835. The nominee highlighted some of his greatest achievements during his tenure as Cabinet Secretary for Roads and Transport as good leadership in realizing a seamless and harmonious working of the ministries, departments and agencies in the ministry; improving the staffing in the Kenya Airports Authority (KAA); realizing several projects despite the huge pending bills including the construction of about a 1,000 km road in various parts of the country; raising revenue for the Ministry to undertake infrastructure development; installation of an intelligent traffic management system; and enhancing the efficiency of the rail, road, ports and airport sectors among others.

On his vision for the Ministry

836. The nominee submitted that his main vision was to enhance community cohesion through sports tournaments.

On restoring Kenya's football team

837. The nominee undertook to ensure efficient sports management by guaranteeing transparency and accountability in the leadership of the Football Kenya Federation (FKF). He added that he would deal with the cartels in the FKF with the support of Parliament, the Judiciary, the Ethics and Anti-Corruption Commission (EACC), the Directorate of Criminal Investigations (DCI) and other relevant agencies to rid it of corruption.

838. He further stated that he would conduct audits of the operations of the FKF and ensure compliance with the provisions of the law. He stated that he would provide adequate financial support to sport teams he undertook to leverage on partnerships with the private sector.

839. He committed to draw lessons from the AFC Leopards, Shabana and Gor Mahia teams to support positive social groupings to form football teams.

On exploring Public Private Partnerships (PPPs)

840. The nominee emphasized the need for creating awareness of PPPs to prevent misinformation as in the case of Adani Airport Holdings Limited. He submitted that the alleged sale of the Jomo Kenyatta International Airport was a misrepresentation of the actual facts. He assured Kenyans that, if approved, he would ensure any PPP agreements would be evaluated and entered into in the best interests of Kenyans.

On the protection of local creatives from plagiarism

841. The nominee committed to ensuring the enforcement of intellectual property laws by the relevant agencies such as the Kenya Copyrights Board. Noting the programs by the Royal Media Services as an example of supporting local content, he undertook to supporting initiatives aimed at increasing viewership of local films. It was his submission that the policy on local viewership should be implemented and enacted into law.

On measures to ensure world-class delivery of the African Nations Championship (CHAN) and Africa Cup of Nations (AFCON) in 2024 and 2027, respectively

842. The nominee submitted that preparations of the Nyayo and Kasarani stadia for the CHAN and AFCON events were underway. He stated that he would form a steering committee comprising all relevant stakeholders including the private sector to invest and take advantage of the opportunities presented.

843. He undertook to ensure that the Talanta Stadium in Jamhuri would be completed to the required standard and in turn attract foreign business from events like World Championships.

On the construction of stadia

844. The nominee recommended that standards should be put in place to regulate infrastructure development. He submitted that he would realize this through an updated Sports Policy and attendant Regulations to give effect to the Sports Act. He stated that he would endeavour to complete the construction of stalled stadia throughout the country.

On gender-based violence in the sports sector

845. The nominee noted that gender violence was a serious concern in the sports sector. He committed to implementing the recommendations of the Sports Committee on Gender Welfare and Equity including providing sportswomen with properly vetted female matrons. In addition, he undertook to ensure the safety of women in training camps by amending the existing policy and legal framework to entrench the Committee's proposals in law.

On enhancing government support to athletes participating in the Olympics

846. The nominee stated that he would ensure the construction of stadia and pitches in all constituencies to ensure access to training grounds for athletes across the country. Further, he undertook to invest in talent identification through collaborating with schools to identify talent. To this end, he proposed that the Kenya Academy of Sports should train all coached teachers in schools and have them certified. He undertook to facilitate the training of talented individuals through establishing training centres in all counties. The nominee stated that he would prioritize setting of standards for sports facilities end ensuring adherence. In addition, he would facilitate building the capacity of athletes and educating them on retirement life after sports.

On bridging the nexus between the national sports office and county offices

847. The nominee reiterated the need to review the Sports Act to recognize counties as a fundamental unit in sports development at the grass-root level aimed at early talent identification and support in training.

On innovative programs for youth employment and job creation

848. The nominee undertook to increase resources to boost youth involvement in governance, noting that there is inadequate allocation to the State Department of Youth Affairs. He submitted that the youth can leverage programs supported by the World Bank such as Nyota targeting approximately 800,0000 youth between the ages of 19 and 28 years to engage in entrepreneurship. He stated that he would, in collaboration

with Members of the Parliament, ensure the equitable distribution of the opportunities through programs such as Jitume on ICT hubs.

849. The nominee stated that, if approved, he would implement deliberate mechanisms of finding jobs for young people in the public service. For instance, through creating prerogatives for contractors to employ the youth in the locality within which they are undertaking infrastructure development.

850. The nominee also noted that there are fragmented initiatives targeting the youth including Access to Government Procurement Opportunities (AGPO), Ajira and internship programs in the public service. It was his view that there should be a uniform oversight mechanism situated in the Ministry of Youth Affairs, Creative Economy and Sports to ensure proper implementation of the programs.

851. Additionally, he committed to imposing performance contracting by public entities to report on their status of youth inclusion and operationalizing the National Youth Council. As an example of his commitment to the inclusivity of the youth, the nominee stated that he had appointed two youth in boards in the railway sector during his tenure as Cabinet Secretary for Roads and Transport.

On payment of royalties to local artists and retention of benefits derived from internationally broadcast films done in Kenya

852. The nominee noted that payment of royalties was a mandate of the Ministry of Gender, Culture, the Arts and Heritage. Nevertheless, the nominee undertook to deal with corruption in the Kenya Copyright Board. He added that he would champion the modernization of the law governing the film industry to foster transparency in registration of film makers and ensure local companies are allowed competitive advantage in wildlife filming.

On delegations to international sports activities at the expense of athletes

853. The nominee noted his dedication to ensuring the welfare of athletes and prudent use of resources in the ministry. He submitted that he would ensure only travel of essential persons to international sports events such as the Olympics. He, however, clarified that some officials go to scout for investors and that he would work with the private sector to sponsor cheering squads to accompany athletes for motivation.

On Mtongwe Ferry Bridge and floating bridge

854. The nominee clarified that discontinuing the construction of the floating bridge was due to a cost-benefit analysis of the floating bridge vis-à-vis business accruing from Mombasa Port. He added that to facilitate

movement, plans were underway to construct the Likoni Bridge. Concerning the construction of the Mtongwe Bridge, the nominee stated that it was work in progress.

On his vision for Talanta Hela

855. The nominee stated that, if approved, he would upskill talents to generate income and leverage technology to showcase such talent.

On regaining youth trust and confidence

856. The nominee highlighted his track record in mentorship of the youth in his capacities as a Senator and Cabinet Secretary that resulted in his mentees rising to leadership positions in the country. He committed to doing the same for the youth.

On ensuring proper communication with the youth

857. The nominee undertook to engage and consult the youth in undertaking his duties as a Cabinet Secretary, if approved.

On rewarding students and athletes

858. In collaboration with the Ministry of Education, the nominee undertook to re-introduce a policy on rewarding students and athletes for good performance in sporting activities.

On incorporating refugees in the community through sports

859. The nominee undertook to collaborate with the Ministry of Interior and National Administration to realize the integration of refugees in the sports community.

On mental health for the youth

860. The nominee noted the significance of psycho-social support for the youth. He informed the Committee that he would ensure incorporation of counselling services in the education and sports sectors.

On welfare of sportspersons

861. The nominee informed the Committee that he would empower sportspersons and former athletes with skills on saving and investment and facilitate them to pursue education.

On allegations arising from the Memoranda, the nominee responded as follows:

862. On the issue of re-appointment to Cabinet after dismissal, **Hon. Kichumba Murkomen** vide an Affidavit sworn on 2nd August 2024, responded as follows—

(a) The President has power to nominate, appoint and dismiss CSs as well as to dismiss a CS without providing specific reasons.

(b) His dismissal was not subject to disciplinary procedures or a contravention of Article 75(1), 76, 77 or 78(2) of the Constitution.

(c) His dismissal does not fall under Article 75(3) of the Constitution which would disqualify him from holding state office.

863. The nominee responded to the Affidavit of **Collins Kipkemoi Sang** vide Replying Affidavit sworn on 2nd August, 2024 as follows—

(a) The allegation involving funds from Out of the Box Solutions through SMAS advocates is *res judicata* and not subject to reconsideration as the matter was previously addressed and settled during his vetting for CS Roads and Transport; judgement was delivered in Petition no. 275 of 2017 absolving his previous law firm from any wrongdoing.

(b) The accusations by Senator, Nandi County are false; the nominee has filed a defamation claim against the Senator in Civil Suit No. E783 of 2024 that is pending adjudication

(c) The reports of alleged arrest for money laundering are malicious, unsubstantiated and false as he has never been involved in any such activities.

(d) The video evidence cited was taken out of context, lacks a certificate of translation and does not accurately reflect his conduct or intentions as he has consistently advocated for unity and collaboration.

(e) The perceptions of arrogance and opulence are subjective and influenced by political rhetoric and yet he has maintained humility and integrity throughout his public service aligning his lifestyle and conduct with the principles of public service.

864. The nominee further responded to the **Affidavit by Robbin Murimi Karani** vide Replying Affidavit sworn on 2nd August 2024, responded to the allegations as follows—

(a) The allegation involving funds from Out of the Box Solutions through SMS advocates is *res judicata* and not subject to reconsideration as the matter was previously addressed and settled during his vetting for CS Roads and Transport and Judgement was delivered in Petition no. 275 of 2017 absolving his previous law firm from any wrongdoing;

(b) The accusations by Senator, Nandi County are false and the nominee had filed a defamation claim against the Senator in Civil Suit No. E783 of 2024 that was pending adjudication.

(c) The reports of alleged arrest for money laundering were malicious, unsubstantiated and false as he had never been involved in any such activities.

(d) The video evidence cited was taken out of context, lacks a certificate of translation and does not accurately reflect his conduct or intentions as he has consistently advocated for unity and collaboration.

(e) The perceptions of arrogance and opulence are subjective and influenced by political rhetoric and yet he has maintained humility and integrity throughout his public service aligning his lifestyle and conduct with the principles of public service.

(f) The nominee has no role in the procurement process of any parastatal under the Ministry as procurement processes are independently managed by the respective parastatals and a Cabinet Secretary is not an accounting officer in the Ministry or the Agencies under it.

Observations on Memoranda Submitted Against the Nominee

865. The Committee noted that Articles 132(2) and 152(2) of the Constitution of Kenya vest the power to constitute Cabinet solely on the President. The nominee was not dismissed under the provisions of Article 75(2) of the Constitution and is therefore not disqualified from holding any other state office.

866. There is no legal provision that bars the President from re-appointing any person who has not been indicted as being unfit to hold office under Article 75 of the Constitution or any relevant law.

867. The EACC vide its letter dated 29th July 2024 submitted that the Commission had not undertaken any investigation or recommended prosecution against the nominee pursuant to its mandate.

4.15.3 Committee Observations on the Suitability of the Nominee

868. The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, his curriculum vitae and having heard his oral submission during the approval hearing, made the following observations on his

suitability for appointment as Cabinet Secretary for Youth Affairs, Creative Economy and Sports -

(1) **THAT,** in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan citizen born in 1979 in Elgeyo Marakwet County and does not hold dual citizenship.

(2) **THAT,** the nominee served as the Cabinet Secretary for the Ministry of Roads and Transport in the Government of Kenya from 2022 to 2024. Prior to this role, the nominee served as the Senator of Elgeyo Marakwet County in the Parliament of Kenya from 2013 to 2022. Additionally, the nominee served as a consultant at Kirui Law Firm in Arlington, Virginia, and a lecturer at several universities, including the University of Nairobi, Moi University, and the Catholic University of East Africa. The nominee also worked as an advocate at Kelly and Company Advocates, consultant at the Lutheran World Federation, and was a member of the Task Force on Devolved Government under the Ministry of Local Government.

(3) The nominee is an Advocate of the High Court of Kenya and holds a Master of Laws (LLM) from both American University's Washington College of Law, Washington DC, USA, and the University of Pretoria, South Africa, where he graduated with distinction. He also holds a Bachelor of Laws (LLB) from the University of Nairobi and Diploma in Law from the Kenya School of Law. His academic credentials, professional training and experience thus comply with sections 6(7) and 7 of the Public Appointments (Parliamentary Approval) Act.

(4) **THAT,** the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB).

(5) **THAT,** the nominee neither been charged in a court of law nor adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry in the past three years.

(6) **THAT,** the nominee does not hold office in any political party.

(7) **THAT,** the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (*conflict of interest*), Article 76 (*financial probity*), Article 77

(restriction on activities of State Officers) and Article 78(2) *(dual citizenship)* of the Constitution.

(8) **THAT,** the nominee demonstrated knowledge of topical, administrative and technical issues touching on government and has the requisite abilities, qualifications and experience to serve as the Cabinet Secretary for Youth Affairs, Creative Economy and Sports.

4.16 Hon. Hassan Ali Joho, EGH - Nominee Cabinet Secretary for Mining, Blue Economy and Maritime Affairs

869. The nominee appeared before the Committee on 4th August 2024 and was vetted under oath to examine his suitability. The Committee noted the following:

4.16.1 Questions from the General Questionnaire

Citizenship, Date and Place of Birth

870. The nominee is a male Kenyan citizen born on 26th February 1973 in Mombasa County. The nominee confirmed that he is a citizen of Kenya by birth and does not hold dual citizenship.

Academic and Professional Qualifications

871. The nominee holds Public Leadership Credential from Harvard Kennedy School of Government, a Bachelors of Business Administration from the Kampala University, and a Diploma in Human Resource Management, Kampala University, Certificate in Business Administration from Kampala University, and a Certificate of secondary Education from Serani Secondary School.

Employment Record and Work Experience

872. The nominee served as the Governor of Mombasa County from 2013 to 2022, during which he was involved in community development, economic empowerment, and the advocacy of democratic and constitutional principles. In his tenure as the Governor Mombasa County, the implemented progressive policies that significantly enhanced economic growth and regional investment, thereby creating substantial employment opportunities. The nominee introduced automation in various county processes, which greatly increased revenue collection and reduced inefficiencies.

873. Additionally, the nominee served as the Member of Parliament for Kisauni Constituency where he spearheaded numerous developmental projects, including road construction, educational enhancements, healthcare facilities, and youth empowerment programs. He also doubled as the

Assistant Minister for Transport, overseeing significant infrastructure projects that reduced traffic congestion and improved public transport systems.

Honours and Awards

874. The nominee was recognised with the award of Elder of the Golden Heart (EGH) by the Kenyan Government in 2018 for his outstanding service to the community and fostering national unity.

Professional Association and Memberships

875. The nominee informed the Committee that he was a life member of the Red Cross Society and a member of the Rotary Club of Mombasa.

Published Writings

876. The nominee stated that he was neither a member of any professional association nor did he belong to any professional, business, fraternal, scholarly, civic, charitable or other organization.

Public Office, Political Activities and Affiliations

877. The nominee submitted that he was the Deputy Party Leader of the Orange Democratic Movement (ODM) (2012 to date), had served as a member of the ODM Campaign Steering Committee (2013, 2017, 2022) and ODM Organizing Secretary (2008- 2012).

Integrity

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

Income and Net Worth

879. The nominee stated that his net worth was approximately Kshs. 2.3 billion which includes developed and undeveloped properties, shareholding in property holding companies, shareholding in trade companies, motor vehicles, valuables, jewellery and cash at bank.

Potential Conflict of Interest

880. The nominee informed the Committee that neither he nor persons of interest to him were engaged in any activities that could lead to personal

gain at the expense of the Ministry that he had been nominated to work in.

Pro-bono/Charity Work

881. The nominee is the founder of Hassan Joho Foundation, which undertakes various philanthropic activities, including hospital rehabilitation, drug rehabilitation programs, and youth empowerment initiatives. He was also involved in issuance of school resources for children and restoration of recreational facilities.

4.16.2 General and Sector-Specific Questions to the Nominee

882. The Committee posed several questions to the nominee on his suitability for appointment as Cabinet Secretary for Mining, Blue Economy and Maritime Affairs. The nominee responded as follows:

On key priority areas

883. The nominee emphasized that mining, blue economy, and maritime affairs should be viewed as new economic frontiers. He noted that mining currently contributes slightly under 1% to the country's GDP and stressed the need to generate confidence among investors and the public. If approved, the nominee pledged to be a Cabinet Secretary who recognizes stakeholder engagement, provides valuable information and data for informed policy decision-making.
884. He committed to involve stakeholders, auditing human and technological resources, and reassessing legal frameworks and policies to ensure they are investor-friendly. The nominee expressed his eagerness to gather accurate geological data on the country's minerals and ensure Kenya becomes an attractive destination for investment in mining, the blue economy, and maritime affairs.

On the academic credentials of the nominee

885. The nominee acknowledged that it is common for people to cast doubt on individuals from the coast, despite their qualifications. He noted that he drew inspiration from Prof. Ali Mazrui, who did not succeed in his Cambridge examination yet went on to achieve academic success. The nominee shared his personal story of overcoming historical struggles, coming from a very poor background, and having to take a one-year break before transitioning from primary to high school due to financial constraints. He noted that despite scoring a D- (minus) in his exams, he was able to progress in his academic journey and now holds two Bachelor's degrees and is pursuing a Master's degree. The nominee

mentioned that his academic credentials have often been questioned whenever he sought public office, including during his bids for Member of Parliament and Mombasa Governor. He further noted that the administration of President Uhuru had previously questioned his credentials in an attempt to remove him from politics. However, he asserted that his credentials have been investigated by various government institutions, including the Commission on University Education, EACC, and through judicial processes, all of which cleared him.

On equipping young people to work in the maritime industry

886. Noting the industry's significant potential to create jobs both locally and internationally, the nominee highlighted that the Ministry is key to wealth and employment creation with a global demand for seafarers is approximately 1.9 million, while Kenya contributes only 0.2%, translating to about 4,000 Kenyans employed in the industry.
887. The nominee stressed the need to redesign training programmes to meet the demands of this opportunity and pledged to engage Parliament in realigning policies around training. He pointed out that while the Bandari Maritime Academy provides good training, not all graduates secure employment due to a lack of sea-time opportunities. He identified this as an urgent issue, requiring policy realignment to combine training with sea-time opportunities. The nominee also pointed out that Kenya has only five vessels carrying its flag, limiting job opportunities for young people. He called for a review of policies to increase the number of Kenyan-flagged vessels, which would improve revenue collection and create more job and internship opportunities for Kenyans, particularly in securing sea-time. He committed to evaluating the current situation in training institutions and developing programmes that better meet the demands of the sector.

888. In addressing how the nominee would encourage those striving to succeed in life and how he intends to leverage his experience in business and as a Governor to inspire young people who may be losing hope, the nominee submitted that he would bring the combined ideology of the business and public sectors to aid fishermen and small-scale miners. He expressed his intention to explore various means, including partnerships, government funding, and private sector sponsorships, to enable Kenyans to engage in deep-sea fishing, which he views as a potential game-changer.

On licensing and environmental standards in the mining industry

889. The nominee emphasised the need for collaboration with county governments, the beneficiaries of royalties, to train and encourage adherence to environmental standards. He also highlighted the importance of improving enforcement, which would require a multisectoral approach that he would initiate. He suggested that licensing policies could include a requirement for miners to provide a surety bond, which would be deposited with the government to ensure environmental restoration. If a miner fails to restore the environment, the government could use the bond to cover the costs of restoration.

On improving the lives of people in the fishing industry

890. The nominee noted that neighbouring countries process more fish for export than Kenya and emphasised the need for capacity building among fisherfolk, particularly artisan fishermen and women. He proposed that they be trained in processing, storage, and value addition, with a focus on creating a lucrative environment for business and investment. He expressed his commitment to combining private sector investment, government support, and community participation. He suggested strategies such as creating collection points and organising fishermen into cooperatives to consolidate their catch, thereby qualifying for export markets.

On his willingness to work in the Ministry

891. The nominee noted that the Cabinet appointment is an opportunity to serve the people of Kenya.

On dealing with cartels in the industry

892. The nominee acknowledged the need to review policies and attributed the low contribution of mining to the GDP to the influence of cartels and brokers in the industry. He emphasised the need to eliminate cartels to promote the development of the industry.

893. Additionally, he highlighted the importance of timely disbursement of royalties and pledged to establish functional systems to prioritise the needs of Kenyan communities. He expressed his intention to engage with counties that receive significant royalties, to review the legal framework and ensure that resources are ring-fenced for development. The nominee also promised to work on creating synergy with counties, formulating an efficient framework for disbursing royalties, and organising communities into cooperatives to improve their circumstances.

On the gemstone mining sector

894. The nominee advocated for a focus on private sector investment in the mining sector. He raised concerns on whether the Voi Gemstone Value Addition Centre is properly equipped to test and process minerals and pledged to review its operations if approved. He emphasised the need to ensure that minerals are tested and identified correctly, to prevent the exploitation of Kenyans, and to guarantee that value is added to the minerals before they enter the market.

On his achievements during his tenure as Governor

895. The nominee highlighted his achievements in Mombasa County, including the establishment of a state-of-the-art cardiac centre, well-trained medics, and a cancer treatment centre. He pledged to provide leadership in the Ministry of Mining, Blue Economy, and Maritime Affairs, if approved.

On bureaucracies in the National Mining Corporation and National Minerals Board

896. The nominee acknowledged the challenges in the licensing process, particularly for artisanal miners. He noted that the process involves engaging with local communities and obtaining their consent before proceeding with a license application. However, he pointed out that instances of document falsification have hindered the efficiency of issuing licenses and proposed the adoption of technological solutions to address the issues. He emphasised the need to digitise the entire process, with the cadastre system hosted in Kenya to reduce corruption and improve efficiency. He also expressed his intention to involve young people in developing these technological solutions.

On allegations of drug trafficking

897. The nominee stated that the late Internal Security Minister, George Saitoti had tabled a list in Parliament on an alleged dossier that had been forwarded to Kenyan authorities by the American Embassy containing a list of suspected drug traffickers. The nominee noted that the report which was formulated by a multi-agency involving broad international investigations did not contain any evidence implicating him or disclosing any culpability by the nominee in the alleged drug trafficking scandal. He further stated that the Minister thereafter clarified the matter by tabling a Report detailing the outcome of investigations which exonerated him. He added that he as never been barred from visiting the United States and frequently visits the United States without any hindrance.

898. The nominee stated that the allegations were as a result of political witch hunt. He emphasized that he conducts legitimate business that can be audited.

On the role of the National Intelligence Service (NIS) in prospecting for minerals

899. The nominee expressed his inability to comment on the NIS prospect report due to a lack of information. However, he emphasised the importance of improving communication and ensuring that Ministries assist the President in conveying information to the public. He pledged to review the situation if approved and ensure that companies continue to pay royalties to the community and the government, regardless of changes in ownership.

On allegations against the nominee

900. Regarding the Auditor General's report on the KES 1.7 billion tender allegedly awarded to relatives of the nominee and the accusation that the County Government of Mombasa was managed by a relative during his tenure as Governor, the nominee submitted that the matters were thoroughly audited and investigated by the EACC and the DCI; no charges were preferred against him.

On abandoned ships from other countries

901. The nominee stated that destruction of abandoned ships presented a significant business opportunity, particularly for supporting the steel industry. He cited similar practices in Liberia, India and Singapore as successful examples.

On the completion of stalled projects

902. Referring to the stalled projects of the Kenya Marine and Fisheries Research Institutes, the nominee noted that government should prioritize completion of projects and ensure value for money.

On the implementation of the Marine Spatial Plan

903. The nominee submitted that he believes in effective planning and, if approved, would ensure that the Marine Spatial Plan is expedited and implemented without further delay.

On the KES 1.8 billion tender for the construction of a county stadium

904. The nominee submitted that the idea of building the stadium was conceptualised in 2019, and the tender was awarded to a Turkish

company in partnership with a Kenyan firm to construct a world-class stadium. He further clarified that all earthworks had been completed, with the remaining task being the installation of steel structures, which have been assembled in Turkey.

905. He stated that the programme had been adversely affected by the COVID-19 pandemic, leading to a significant drop in local revenue. The nominee asserted that the amount paid so far was not Kshs 1 billion but approximately Kshs. 400 million. He added that 30% of the steel structures were already in Mombasa, while 70% remained in Turkey, and maintained that the tender process was conducted in accordance with the law.

On leveraging opportunities in the Blue Economy to create jobs

906. The nominee submitted that he fully acknowledged the potential in the blue economy. He stressed that the country should focus on mining within the blue economy sector, and if managed correctly, this sector could help the nation alleviate its debt burden.

On transitioning from Mombasa politics

907. The nominee submitted that he would rise above local divisive conversations and serve the entire nation. He expressed a commitment to uniting Kenyans and undertook to promote national unity.

On concerns regarding favouring international investors over locals

908. The nominee submitted that his family is solely engaged in logistics and does not conduct business with the government. The nominee emphasised that for Kenya to fully capitalise on its mineral resources, engagement with international investors is necessary. However, he also indicated plans to organise locals into cooperatives and equip them with the necessary skills to participate safely and effectively in the mining sector to ensure they benefit from the nation's resources.

909. The nominee stressed the importance of involving locals as primary beneficiaries, who would be trained and equipped in mining and business skills to enable them to earn a livelihood in a more organised manner. He noted that a deeper conversation is required to improve the law on local content, mandating foreign investors to include local shareholders, and advocated for the government to hold shares in mining activities to reduce capital flight. Additionally, he proposed that the National Mining Corporation should partner with foreign investors to fulfil local content requirements as stipulated by law.

On supporting trained seafarers to STCW certificates

910. The nominee submitted that he would prioritise facilitating Kenyans who wish to pursue seafaring courses, affirming that there is no justification for failing to certify them.

On measures to protect fishermen from the effects of dredging

911. The nominee submitted that dredging should be conducted in an organised manner, with due regard for environmental protection. He emphasised that the environment is crucial to the local economy, and one benefit should not be allowed to outweigh another. He further noted that fishermen in Likoni lost their livelihood due to dredging activities that affected the fish breeding areas. He stressed that proper measures must be implemented to protect fishermen from such adverse effects.

On the harassment of Kenyan fishermen

912. The nominee submitted that Kenya, in the spirit of the East African Community (EAC), should engage with other countries on matters of territorial boundaries. He underscored the need for EAC dialogue on boundary issues to safeguard Kenya's territorial interests.

On measures to support artisanal small-scale miners

913. The nominee submitted that he would not overlook a sector that employs 140,000 Kenyans. He stated that the sector must be developed and sustained, and he committed to implementing measures to train and support artisanal miners. He also expressed his intention to visit mining sites, listen to the miners, gather actual data and information, and develop clear strategies to protect and support them.

On marine resource utilisation

914. The nominee submitted that Kenya has yet to fully exploit the potential of maritime resource utilisation. He committed to working with Parliament and the Attorney-General to review agreements and contracts on marine resource utilisation to protect the interests of Kenyans.

On the nominee's ability to deliver on his promises

915. The nominee assured the Committee that he would deliver on his mandate, if approved. He undertook to engage with the people and advocate for mining to promote economic growth and create employment opportunities for Kenyans.

On mining at the Kenya-Uganda border in Alupe

916. The nominee submitted that he would work with Members of Parliament and governors to safeguard mineral resources along the border.

On mineral speculation and the need for a mineral audit

917. The nominee submitted that he would address the issue of mineral speculation in Kenya, ensuring clarity on where mineral deposits are located and who holds rights over them to avoid land disputes particularly in mineral rich areas.

On opulence, arrogance, and the separation of private and public life

918. The nominee submitted that he recognized the need for balance between his private and public life and undertook to maintain modesty with regard to public display of his private life.

On mining research and collaboration with learning institutions

919. The nominee submitted that if approved for appointment, he would collaborate with learning institutions to enhance mining research. He also committed to train Kenyans on mineral resource development with the aim of raising the contribution of the mining sector to at least 10% of the GDP.

On local participation in the mining sector

920. The nominee submitted that he would sensitize Kenyans on the potential of the mining sector and encourage local participation.

On enhancing maritime training in Kenya

921. The nominee submitted that there is a need to reconsider the content of the maritime training programme. He proposed a redesign of the programme in collaborating with local universities and international institutions for purposes of certification.

On his vision for the Ministry

922. The nominee submitted that he had developed the following ten-point plan for the Ministry—

(a) Digitisation of Ministry Processes: Create an open-source repository for information access and build local capacity for technological system control;

(b) Stakeholder Involvement/Public Participation: Engage the private sector through public-private partnerships and conduct regular accountability briefings for public engagement.

(c) Blue Carbon Regulatory Framework: Develop a framework to guide carbon trading and exploit economic potential.

(d) Review of the Mining Act: Ensure the completion of the review of the Mining Act.

(e) Enhanced Community Development Agreements: Empower communities through better engagement programs and develop a public participation framework.

(f) International Maritime Organization (IMO) Representation: Secure Kenyan representation in the IMO.

(g) Capacity Building for Deep-Sea Fishing: Train 875 individuals to boost local expertise.

(h) Improved Licensing Processes: Simplify and standardize licensing procedures.

(i) Sustainability Standards and Certifications: Implement sustainability certifications for projects.

(j) Public-Private Partnerships (PPPs): Encourage and leverage PPPs for large-scale projects.

On allegations relating to a Kshs 5.9 billion grain facility

923. The nominee submitted that his family is involved in the logistics business and plans to build a grain handling facility on their own land. He clarified that there were no public funds utilized in the project, as it is entirely a private equity initiative.

On the allegation of failure to comply with a court order

924. The nominee submitted that he had not been personally served with any court order to provide information on the Urban Renewal and Regeneration Programme. He further noted that the information sought may be accessed from the County Government.

On allegations arising from the Memoranda, the nominee responded as follows:

925. On the issue that the four (4) of the nominees were members of and are affiliated to the Orange Democratic Movement (ODM) and that H.E the President could not lawfully nominate persons associated with and who were/have been members of political parties or coalition of rival political parties in opposition to the President's party for appointment as members of the national executive of the Republic which he heads as this destroys

multi-party democracy, the nominee responded vide an affidavit sworn an affidavit sworn on 1st August 2024, as follows—

(a) that the Constitution did not prohibit him from being nominated and approved as a Cabinet Secretary;

(b) that Article 130(2) requires the National Executive to reflect regional and ethnic diversity of the people of Kenya; and

(c) party affiliation does not bar any Kenyan from appointment to Cabinet.

926. **Hassan Ali Joho** responded to the **Affidavit by Munira Ali Omar on behalf of Haki Yetu Organization** vide an affidavit sworn on 1st August, 2024 as follows-

(a) The building of a stadium in Mombasa was advertised in a public Tender, which was competitively awarded to Sitara Construction and Supplies Limited;

(b) The facility has not been made accessible to the public because it had not been completed by the year 2022, when he left office as Governor of the County and the suspension of the stadium project works was not done by him;

(c) The Sports Facility at Uwanja wa Mbuzi Kongowea in Nyali Sub-County was fully in use up to now and the Mtopanga road was completed and was now in use;

(d) The report referred to by the deponent was prepared by her organization and therefore had no rational basis;

(e) There were suits that were filed against the County Government of Mombasa and while the suits requesting for information are ordinarily filed against the Information Officer of an organization, the Governor is no such information officer;

(f) There was no Court order was annexed and the Advocate should have enforced the order if it existed and not transfer the blame; and

(g) The nominee had at no time been found to be unsuitable for any office and the allegation had no legal foundation in law and was unfounded.

Committees Observations on the Memoranda

927. The Committee observed that—

(a) The President has the prerogative under Articles 132(2) and 152(2) of the Constitution to nominate and with the approval of the National Assembly appoint Cabinet Secretaries;

(b) The request for information on the Urban Renewal and Regeneration Programme is a subject of on-going court proceedings against the County Government of Mombasa;

(c) The EACC vide its letter dated 29th July 2024 submitted that the Commission had not undertaken any investigation or recommended prosecution against the nominee pursuant to its mandate;

(d) Article 152 of the Constitution does not prescribe any minimum academic qualifications for appointment to the Cabinet.

4.16.3 Committee Observations on the Suitability of the Nominee

928. The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, his curriculum vitae, memoranda from the public and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as Cabinet Secretary for Mining, Blue Economy and Maritime Affairs -

(1) **THAT,** in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan citizen born in 1973 in Mombasa County and does not hold dual citizenship.

(2) **THAT,** the nominee previously served as the Governor of Mombasa County from 2013 to 2022, Member of Parliament for Kisauni Constituency and Assistant Minister for Transport. The nominee holds Public Leadership Credential from Harvard Kennedy School of Government, a Bachelors of Business Administration from the Kampala University, and a Diploma in Human Resource Management, Kampala University, Certificate in Business Administration from Kampala University, and a Certificate of Secondary Education from Serani Secondary School. His academic credentials, professional training and experience thus comply with sections 6(7) and 7 of the Public Appointments (Parliamentary Approval) Act.

(3) **THAT,** the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the

Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB.

(4) **THAT,** the nominee has neither been charged in a court of law nor adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry in the past three years.

(5) **THAT,** the nominee does not hold office in any political party.

(6) **THAT,** the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (*conflict of interest*), Article 76 (*financial probity*), Article 77 (*restriction on activities of State Officers*) and Article 78(2) (*dual citizenship*) of the Constitution.

(7) **THAT,** the nominee demonstrated knowledge of topical, administrative and technical issues touching on government and has the requisite abilities, qualifications and experience to serve as the Cabinet Secretary for Mining, Blue Economy and Maritime Affairs.

4.17 Hon. (Dr.) Alfred Nganga Mutua, EGH - Nominee Cabinet Secretary for Labour and Social Protection

929. The nominee appeared before the Committee on 4th August 2024 and was vetted under oath to examine his suitability. The Committee noted the following:

4.17.1 Questions from the General Questionnaire

Citizenship, Date and Place of Birth

930. The nominee is a male Kenyan citizen in 1970 in Machakos County. The nominee confirmed that he is a citizen of Kenya by birth and does not hold dual citizenship.

Academic and Professional Qualifications

931. The nominee holds a Doctorate from the University of Western Sydney, awarded in 2002. He holds a Master of Science in Communication from Eastern Washington University awarded on 12th December 1997 and a Bachelor of Arts Degree in Journalism from Whitworth University awarded on 16th August 1996. He sat for his Kenya Certificate of Education at Dagoretti High School in 1987.

Employment Record and Professional Experience

932. The nominee served as the immediate former Cabinet Secretary for Tourism and Wildlife and had also served as the Cabinet Secretary for Foreign and Diaspora Affairs. He served as the Governor of Machakos

County from 2013 to 2022. He also served as the first official Government Spokesman of Kenya and Public Communications Secretary from 2002 to 2012.

933. The nominee has also served as a lecturer at Daystar University in Kenya and an assistant professor at Zayed University's College of Communication and Media Studies in Dubai.

934. The nominee has an extensive background in media and journalism. He has worked for major Kenyan newspapers, including Nation Media, Standard Newspaper, and Kenya Times, and his articles have been published internationally in outlets such as the Spokesman Review and the Sydney Morning Herald. Dr. Mutua also served as a Foreign Correspondent for Australia's SBS TV, where he interviewed numerous world leaders and produced TV documentaries.

Honours and Awards

935. The nominee was awarded Elder of the Order of the Golden Heart, (EGH), and the Elder of Order of the Burning Spear, (EBS).

936. He was also awarded Best Governor in Africa in 2021 by the Illustrious Awards Organizers for significantly improving the livelihoods of Machakos County residents.

Professional Association and Memberships

937. The nominee stated that he was neither a member of any professional association nor did he belong to any professional, business, fraternal, scholarly, civic, charitable or other organization.

Published Writings

938. The nominee has published a book titled '*How to be Rich in Africa and Other Secrets of Success*'. The nominee has been a journalist and has published articles in various print media including, The Daily Nation, The Standard, The New York Times, L.A Times and The Sydney Morning Herald.

939. The nominee has also directed and produced several TV series.

Public Office and Political Activities and Affiliations

940. The nominee served as the immediate former Cabinet Secretary for Tourism and Wildlife. Before this role, he was the Cabinet Secretary for Foreign and Diaspora Affairs. He served as the Governor of Machakos County from 2013 to 2022. He served as the first official Government Spokesman of Kenya and Public Communications Secretary from 2002 to 2012.

941. The nominee is the founder and has been the Party Leader of the Maendeleo Chap Chap Party. He was also once a member of the Wiper Party.

Integrity

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

Income and Net Worth

943. During his previous approval hearing for appointment as Cabinet Secretary for Foreign and Diaspora Affairs in 2022, the nominee estimated his net worth to be Kshs. 420 million held in assets and shareholding.

944. As at the time of the approval hearing, the nominee estimated his current net worth to be Kshs. 462 million.

Potential Conflict of Interest

945. The nominee declared that he did not have any persons or matters that would present a potential conflict of interest. He indicated that in the event that conflict of interest arose, he would resolve it in accordance with the Constitution and the law.

Pro-bono/Charity Work

946. The nominee stated that he had been involved in charity work such as educating children, supporting schools, religious work and in supporting young people in business.

4.17.2 General and Sector-Specific Questions to the Nominee

947. The Committee posed several questions to the nominee on his suitability for appointment as Cabinet Secretary for Labour and Social Protection. The nominee responded as follows:

On leveraging on the contacts he made during his time at the Ministry of Foreign Affairs

948. He stated that he will ensure that the country has labour market agreements and would work with the Cabinet to break the bureaucracy and ensure faster movement in processing the bilateral labour agreements. He noted that bilateral labour migration would ensure the best interests of Kenyans are taken care of.

On his association with First Choice Employment Agency

949. He stated that he only met a representative of the Agency at a Ministry of Labour event at the Kenyatta International Convention Centre (KICC). He stated that the said representative of the Agency was not known to him and therefore there would be no potential conflict of interest should he be approved for appointment at the Cabinet Secretary for Labour and Social Protection.

950. The nominee stated that the law should take its course with regard to the issue of compensation for any victims in the matter.

On employment opportunities in Canada

951. The nominee stated that there was a mix-up in information regarding seasonal employment opportunities for Kenyans in Canada. If approved for appointment, he stated that he would follow up on these opportunities.

On the National Employment Authority Integrated Management system

952. The nominee stated that he would the publicize National Employment Authority Integrated Management system and sensitize Kenyans on the available opportunities and how to enhance their skills to qualify for the jobs.

On diplomatic channels of communication

953. On the *Note-Verbale* allowing diplomatic missions to communicate directly with state departments, the nominee stated that the decision was informed by the need to reduce bureaucracy and facilitate effective decision making. He added that it was a government policy that had been made at the time and served its purpose.

On managing industrial action and perennial labour disputes in Kenya

954. The nominee informed the Committee that enforcement of the Employment Act would ensure that workers are given the benefits they deserve according to the law. He noted that conductive work environment increased productivity which translated to economic growth.

955. The nominee further stated that he would maintain an open-door policy, on labour issues to ensure effective dispute resolution.

On Inua Jamii and Older Persons Cash Transfer (OPCT)

956. The nominee stated that challenges with the programmes had since been resolved and more beneficiaries were being brought on board. The

nominee expressed his concern about the classification of Persons with Disabilities, where their social assistance benefits are allocated to households and not individuals. In addition, their allocations had been reduced from 20 USD down to 12USD to 15USD. He undertook to have this issue addressed, if approved for appointment.

957. The nominee noted that there is need for a more seamless on-boarding process for older persons into the Cash transfer program as well as coming up with programs with prospects of making the lives of older persons easier.

On social protection

958. The nominee undertook to ensure that the poor and vulnerable people have access to the relevant social safety net programmes, if approved for appointment.

On unfair Labour Practises including not employing interns

959. The nominee undertook to liaise with the Public Service Commission to ensure that interns deployed to Ministries, who perform well, are considered for permanent positions when opportunities arise.

On mismatch between employment opportunities and labour force

960. The nominee stated that, if approved for appointment, he would facilitate Kenyans to work for foreign companies operating in Kenya. He stated that he would seek to attract business processing outsourcing to Kenya in the financial, medical and technology sectors.

On Kenyan migrant workers

961. The nominee stated that he would review existing bilateral labour agreements and negotiate new agreements to protect the interests Kenyan migrant workers and explore employment opportunities for Kenyans. Further, the nominee stated that he would sensitize Kenyan migrant workers on labour related matters and develop a database of accredited employment agencies.

On his vision for the Ministry

962. The nominee informed the committee that he would engage employers and advocate for creation of conducive environment for employees.

963. He added that he would undertake a comprehensive review of the labour laws to protect the interests of Kenyans.

964. The nominee stated that he would promote Business Process Outsourcing (BPO) and remote working to reduce rural-urban labour migration by utilizing internet connectivity and technology.

On systems to monitor and evaluate the inclusion of minorities in employment

965. The nominee emphasised on the need for government agencies to publish data on inclusion of minorities and marginalized groups to address the perception that some minorities groups are excluded from employment.

On collective bargaining agreements

966. The nominee stated that the Ministry of Labour and Social Protection will serve as an arbitrator and hold the Public Service accountable to ensure implementation.

On Cabinet Secretaries being seen only during industrial strikes

967. The nominee stated that he intended to be visible at all times as he moved around constituencies to identify labour issues as well as to communicate with the young people on skill development and opportunities that are available for them.

On minimum wage

968. The nominee stated that he would prioritize the gazettement of 6% increment on the prescribed minimum wage after engaging with the Federation of Kenya Employers (FKE) and the Central Organization of Trade Unions (COTU).

On street families rehabilitation

969. If approved for appointment, the nominee stated that he would review the street families rehabilitation programs and ensure the implementation of the relevant legislation.

970. The nominee added that the Ministry is putting up a rehabilitation centre in Mavoko to assist in equipping street children for resocialization.

On allegations of being abrasive to his employees

971. The nominee stated that the allegations of his being abrasive to his employees were false and malicious. He informed the committee that he considers himself to be a very caring and gentle person.

On provision of medical insurance to employees

972. The nominee undertook to engage the employers with a view to ensuring that employees have access to insurance cover.

On the National Social Security Fund (NSSF)

973. The nominee pointed out that NSSF has a portfolio of about Kshs. 400 billion and he would engage the NSSF Board to focus on expanding the investment portfolio and improving the processing and payment of pension benefits.

On recent protests

974. On the demonstrations by 'Gen-Zs', he stated that the lack of employment may have contributed to the crisis. The nominee undertook to create an enabling environment to foster job creation. He further stated that he would encourage diversification of skills to create opportunities for young people in the country and abroad.

On allegations arising from the Memoranda, the nominee responded as follows:

975. On the issue of re-appointment to Cabinet after dismissal, **Hon. Alfred Mutua** vide Affidavit sworn on 1st August 2024 responded as follows—

(a) The President was within his constitutional discretion to consider the performance of individual members of the dismissed cabinet and to reconsider any of the persons for re-appointment.

(b) Therefore, the President cannot be faulted for nominating a person on the basis that they served in the dismissed cabinet.

Observations on Memoranda Submitted Against the Nominee

976. The Committee noted that—

(a) Articles 132(2) and 152(2) of the Constitution of Kenya vest the power to constitute Cabinet solely on the President;

(b) The nominee was not dismissed under the provisions of Article 75(2) of the Constitution and is therefore not disqualified from holding any other state office; and

(c) That there is no legal provision that bars the President from re-appointing any person who has not been indicted as being unfit to hold office under Article 75 of the Constitution or any relevant law.

4.17.3 Committee Observations on the Suitability of the Nominee

977. The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, his curriculum vitae, memoranda from the public and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as Cabinet Secretary for Labour and Social Protection -

(1) **THAT,** in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan citizen born in 1970 in Machakos County and does not hold dual citizenship.

(2) **THAT,** the nominee served as the immediate former Cabinet Secretary for Tourism and Wildlife. Before this role, he was the Cabinet Secretary for Foreign and Diaspora Affairs. He served as the Governor of Machakos County from 2013 to 2022. He served as the first official Government Spokesman of Kenya and Public Communications Secretary from 2002 to 2012. The nominee has also served as a lecturer at Daystar University in Kenya and an assistant professor at Zayed University's College of Communication and Media Studies in Dubai.

(3) The nominee holds a Doctorate from the University of Western Sydney, awarded in 2002. He holds a Master of Science in Communication from Eastern Washington University awarded on 12th December 1997 and a Bachelor of Arts, in Journalism from Whitworth University awarded on 16th August 1996. He sat for his Kenya Certificate of Education at Dagoretti High School in 1987. His academic credentials, professional training and experience thus comply with sections 6(7) and 7 of the Public Appointments (Parliamentary Approval) Act.

(4) **THAT,** the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB).

(5) **THAT,** the nominee has neither been charged in a court of law nor adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry in the past three years.

(6) **THAT,** the nominee does not hold office in any political party.

(7) **THAT,** the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (*conflict of interest*), Article 76 (*financial probity*), Article 77 (*restriction on activities of State Officers*) and Article 78(2) (*dual citizenship*) of the Constitution.

(8) **THAT,** the nominee demonstrated knowledge of topical, administrative and technical issues touching on government and has the requisite abilities, qualifications and experience to serve as the Cabinet Secretary for Labour and Social Protection.

4.18 Hon. Wycliffe Ambetsa Oparanyah, EGH – Nominee Cabinet Secretary for Co-operatives and Micro, Small and Medium Enterprises (MSMEs) Development

978. The nominee appeared before the Committee on 4th August 2024 and was vetted under oath to examine his suitability. The Committee noted the following:

4.18.1 Questions from the General Questionnaire

Citizenship, Date, and Place of Birth

979. The nominee is a male Kenyan citizen born on 25th March 1956 in Kakamega County. The nominee confirmed that he is a citizen of Kenya by birth and does not hold dual citizenship.

Academic and Professional Qualifications

980. The nominee holds a Master of Business Administration Finance Option from the University of Nairobi attained in 2002 and a Bachelor of Commerce (B. Com) from the University of Nairobi in 1980. The nominee is on the verge of completing his Doctor of Philosophy Degree (Ph.D. in Economics) from the University of Dar es Salaam, Tanzania. The nominee sat for the Kenya Certificate of Education (KCE) in 1976 at Kisii School and O- O-Level in 1974 at Butere Boys High School.

981. The nominee is a Fellow Certified Practicing Accountant (FCPA) and a Certified Public Accountant (CPA-K).

Employment Record and Work Experience

982. The nominee was a Governor of Kakamega County from 2013 to 2022. Previously, he served as the Minister of State for Planning Development and Vision 2030 from 2008 to 2013 and Member of Parliament, Butere Constituency from 2002 to 2013. He also served as the Chief Financial Controller at Kenya Aerotech Company Limited between 1996 and 2003; and Senior Audit Manager at Earnest Young between 1995 and 1980.

Honours and Awards

983. The nominee has received the presidential award of the Elder of the Order of the Golden Heart (EGH).

Professional Association and Memberships

984. The nominee stated that he is a member of the Institute of Certified Public Accountants of Kenya (ICPAK). In addition, he is a member of the Nairobi Club, Karen Country Club, Railway Golf Club, and Kakamega Sports Club.

Published Writings

985. The nominee did not indicate whether he had authored or edited any published materials.

Public Office, Political Activities and Affiliations

986. The nominee indicated that he had been elected as the Deputy Party leader for ODM, and the Chairman of the Lake Basin Economic Bloc. The nominee also stated that he had been elected as the Chairman of the Council of Governors during part of his tenure as Governor.

987. The nominee stated that he had been a Governor of Kakamega County from 2013 to 2022. He had also served as the Minister of State for Planning Development and Vision 2030 (2008 to 2013) and Member of Parliament, Butere Constituency (2002 to 2013). Further, the nominee stated that he had campaigned for ODM candidates and had been part of the presidential campaign in 2017 and 2022.

Integrity

988. The Committee noted that—

(a) It received a letter dated 29th July, 2024 from the Ethics and Anti-Corruption Commission (EACC) with respect to the nominees for appointment as Cabinet Secretaries. The letter noted that the following in respect of the nominee—

(i) the Commission conducted an investigation on allegations of corruption against the nominee for offences committed during his stint as Governor, Kakamega County;

(ii) upon the conclusion of the investigation, the Commission submitted a Report to the Director of Public Prosecutions recommending prosecution on various charges, including conspiracy to commit an offence of corruption, conflict of interest, abuse of office, and money laundering.

(iii) the nominee obtained a conservatory order issued by the High Court in Kakamega Constitutional and Human Rights Petition No. E019 of 2023 Wycliffe Ambetsa Oparanya versus EACC and 3 Others staying any arrest or prosecution based on information obtained by the Commission. The matter is pending in court.

(iv) the Commission also filed an application for preservation orders against the assets of the nominee where he is suspected to be in possession of proceeds of corruption from the conflict of interest. The Commission obtained orders preserving Kshs. 28,900,000 through Nairobi High Court Anti-Corruption and Economic Crimes Court Miscellaneous Application No. E040 of 2023 (EACC versus Wycliffe Ambetsa Oparanya and 3 Others). The matter is pending in Court.

(b) the Committee resolved to seek information from the Office of the Director of Public Prosecutions on the status of any active criminal proceedings relating to the nominee to assist the Committee to effectively discharge its mandate. On 31st July, 2022, the Clerk of the National Assembly wrote to the Director of Public Prosecutions (DPP) requesting information on the status of any active criminal proceedings against the nominee.

(c) Based on records held as at 1st August, 2024, the DPP has responded by a letter dated 2nd August 2024, with the following information—

(i) That there are no active criminal proceedings relating to the nominee.

(ii) That the Office of the Director of Public Prosecutions had granted consent to charge the nominee on 18th December, 2023 after EACC investigations on corruption against the nominee and other persons. However, following representations from various suspects and upon independent and holistic review of the evidence on record, the Office of the Director of

Public Prosecutions reviewed the decision to charge all the suspects in the file vide a letter dated 8th July, 2024.

(d) section 7 of the Act requires the Committee to consider any constitutional or statutory requirements relating to the office in question. It is notable that Article 73(1)(a) of the Constitution sets out the responsibilities of state officers and provides that the authority assigned to a State officer is a public trust to be exercised in a manner that is consistent with the purposes and objects of the Constitution; demonstrates respect for the people; brings honour to the nation and dignity to the office; and promotes public confidence in the integrity of the office.

(e) Article 73(2) of the Constitution provides that the guiding principles of leadership and integrity include selection on the basis of personal integrity, competence, and suitability, objectivity and impartiality in decision-making, and ensuring that decisions are not influenced by nepotism, favouritism, other improper motives, or corrupt practices.

(f) Article 50 of the Constitution provides for the right of an accused person to a fair trial. This right includes the presumption of innocence until the contrary is proven and, if convicted, the right of appeal which subsists unless a person has exhausted all possibility of appeal or review of the relevant sentence or decision.

(g) Article 157(6) of the Constitution exclusively vests the Director of Public Prosecutions with the power to institute and undertake criminal proceedings against any person before any court (other than a court martial) in respect of any offence alleged to have been committed. The DPP has formally communicated that from the records as at 1st August, 2024, there are no active criminal proceedings relating to the nominee.

(h) the letter received from the DPP was accompanied by correspondence from the DPP to the EACC dated 8th July, 2024 in relation to the investigations conducted by the EACC on the nominee and other persons. In the letter, the DPP communicated the review of a previous decision to charge the suspects in the matter under inquiry and directed that the file in question be closed for lack of sufficient evidence unless additional evidence is provided to necessitate further action.

989. The nominee had neither been charged in a court of law nor adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three years. The nominee has never been dismissed or

otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

Income and Net Worth

990. The nominee stated his net worth to be approximately Kshs. 610 million.

Potential Conflict of Interest

991. The nominee declared that he did not have any persons, parties, categories of litigation or financial or matters that would present a potential conflict of interest when he assume the office of Cabinet Secretary. Further, he stated that he would discourage close family members from engaging in business with the Ministry of Co-operatives and Micro, Small and Medium Enterprises (MSMEs) Development. In addition, he would declare and recuse himself should any potential conflict of interest situation occur.

Pro-bono/Charity Work

992. The nominee stated that he had been paying school fees for deserving children (approximately Kshs. 200,000 per year), contributing towards construction of churches, schools, hospitals (approximately Kshs. 500,000 per year) and promoting sports, clubs, Community Based Organizations, youth groups, women groups (up to Kshs. 250,000 per year).

4.18.2 General and Sector-Specific Questions to the Nominee

993. The Committee posed several questions to the nominee on his suitability for appointment as Cabinet Secretary for Co-operatives and Micro, Small and Medium Enterprises (MSMEs) Development. The nominee responded as follows:

994. The Committee posed several questions to the nominee on his suitability for appointment as Cabinet Secretary for Co-operatives and Micro, Small and Medium Enterprises (MSMEs) Development. The nominee responded as follows:

On key achievements in cooperatives as Governor of Kakamega County

995. The nominee stated that cooperatives were not well developed in Kakamega County, where only a few coffee, dairy, and fish cooperatives existed. The coffee cooperative had been performing well but eventually collapsed. Upon assuming office as Governor, he found that the office was understaffed and he strengthened this unit by recruiting additional staff. He also allocated Kshs. 20 million to revive and support the existing cooperatives.

On the Hustler Fund

996. The nominee explained that his initial opposition to the Hustler Fund was due to a lack of information. However, after receiving a briefing, he acknowledged the Fund's potential to alleviate poverty if managed properly. He pointed out that the Fund was launched hastily without proper legal structures, resulting in challenges. Despite this, the Fund had disbursed Kshs 55 billion, engaged 21 million people, and had recovered Kshs 43 billion, leaving Kshs 12 billion outstanding. The nominee noted that the digital infrastructure allowed for tracking the remaining funds but highlighted the absence of a legal framework to facilitate recovery.

997. The nominee stated that the intention behind the Hustler Fund was commendable, aimed at addressing market failures at the bottom of the economic pyramid. He noted that the Fund was designed to help borrowers build a credit score up to a million shillings. If approved for appointment, the nominee undertook to establish a proper legal framework and ensure that the Fund is managed by qualified staff. He highlighted the Fund's positive aspects, such as encouraging savings, with 30% of each loan going into savings, and its contribution to retirement benefits and healthcare.

998. The nominee stated that while social assistance is essential and the government has a responsibility to support its citizens, the Hustler Fund is not under the purview of social assistance but is focused on MSMEs. He explained that the Ministry's core function is to create an enabling environment for MSMEs, ensuring their registration and formalisation, but it does not provide direct funding.

On digitalisation of the Women Enterprise Fund (WEF)

999. The nominee acknowledged the concerns about access to the **Women Enterprise Fund (WEF)** in a digitalised format. He noted WEF beneficiaries who are not familiar with digital platforms may face challenges and undertook to evaluate the proposal and if viable, he would sensitize and assist women adapt to the digital landscape. He also pointed to the possibility of collaborating with organisations to provide smartphones to facilitate transactions.

On resourcing the Micro and Small Enterprises Authority (MSEA)

1000. The nominee explained that MSMEs were previously scattered across various Ministries, but the current administration had consolidated them under one Ministry for more effective management. He noted that MSMEs

are self-financing institutions, and the Ministry's role is to support their formalisation, registration, licensing, and training to ensure financial literacy. He clarified that the Ministry does not allocate funds directly to MSMEs, as they are expected to secure financing from financial institutions or government-created funds.

On inclusion into cooperatives

1001. The nominee stated that cooperatives are among the oldest institutions in the country and are largely self-financing. He informed the Committee that the Ministry's role is to ensure that cooperatives operate transparently and are accountable to their members. The Ministry also provides oversight, facilitates access to affordable funds, and offers audit services. The nominee noted that management issues have plagued cooperatives, with only ten thousand (10,000) out of the thirty thousand (30,000) registered cooperatives being active. He committed to encouraging MPs to support the registration of more cooperatives, as they are essential to the economic structure, with MSMEs serving as the pillar.

1002. The nominee stated that cooperatives exist in rural areas as well as urban areas, noting that even informal groups like "*mama mbogas*" participate in cooperative-like activities such as table banking, which can eventually grow into larger cooperatives. He expressed his commitment to visiting constituencies and sensitizing people on the benefits of forming cooperatives to ensure broader participation.

On handling of the 2019 nurses' strike

1003. The nominee stated that he could not speak to the situation in other counties, as health is a devolved function, and nurses work for their respective counties. However, he recalled that in Kakamega County, nurses went on strike in solidarity with their colleagues in Kirinyaga County, despite working for Kakamega County. When the matter was taken to court, the nurses were ordered to resume work, but they did not comply for three months. As a result, the nominee decided not to pay them for the period they were on strike in accordance with the law.

On regulation of digital lenders

1004. The nominee informed the Committee that punitive practices by digital lenders had contributed to the collapse of some cooperatives which struggled to repay high-interest loans. To address this, he emphasised the importance of cooperatives forming a central liquidity facility, where they can pool their resources and borrow at lower interest rates. This approach

would help cooperatives avoid the pitfalls of expensive loans and support their financial stability.

On measures to revive the Constituency Industrial Development Centres

1005. The nominee noted that an attempt had been made to establish industrial centres in every constituency, with about two hundred (200) of them completed. These centres were intended to accommodate MSMEs by providing shared facilities that are too costly for individual businesses to afford. However, he clarified that these centres fall under the Ministry of Trade, so he could not fully respond to the question but expressed his willingness to support their development.

On the Coffee Cherry Fund

1006. The nominee noted that the coffee industry had faced long-standing issues, particularly due to mismanagement, which had led to farmers not repaying loans. As a result, the government has had to write off debts repeatedly. However, the nominee stated that the government could not continue this practice due to limited resources. He emphasized the need to address management issues within the coffee sector to ensure that funds advanced to farmers are repaid and that the system for recovering loans is strengthened.

On the New Kenya Co-operative Creameries (KCC)

1007. The nominee stated that the challenges facing the New KCC were caused by management issues. He emphasised the importance of establishing proper structures within KCC to detect and address mismanagement promptly, ensuring the company's sustainability and reducing the need for continued government intervention.

On regulation of cooperatives

1008. The nominee noted that cooperatives are currently self-regulated but there is a need for greater oversight and regulation to prevent members from defaulting on loans. He pointed to the possibility of introducing legislative measures to support this, ensuring that SACCO members borrow within their means and that cooperatives remain financially stable.

On pyramid schemes

1009. The nominee submitted that Kenyans are frequently conned by pyramid schemes, which is why the government is introducing funds to protect its people and ensure they are not deceived.

On corruption within the Kenya Union of Savings & Credit Co-operatives (KUSCCO)

1010. The nominee submitted that the original KUSCCO is under receivership, and the new entity is also struggling, having lost approximately Kshs 10 billion of public money due to corruption. He emphasised the need for thorough follow-up to recover the money and for the government to take strong action against those who embezzled funds from KUSCCO. If approved for appointment, the nominee would introduce a deposit protection or guarantee fund that will give members some financial recourse in the event of institutional collapse.

On Shariah compliant MSMEs

1011. The nominee submitted that there is a need for a product within the Hustler Fund that complies with *Shariah* law to cater to the significant Muslim population that is currently unsupported by the Fund due to its interest component.

On linking Vision 2030 to MSMEs and Cooperatives

1012. The nominee stated that Vision 2030 is a very useful document. However, there was need to deviate from the Vision to address changes. For instance, cooperatives were categorised under financial services and were not given sufficient emphasis.

On consolidation of Women, Youth, and Uwezo Funds

1013. The nominee stated that these funds have been put under the Ministry of Cooperatives and MSMEs, except for the Youth Fund, which has been taken to the Ministry of Youth Affairs. These funds were established to address specific issues at the time. The nominee proposed the consolidation of the funds for easier management.

On the debt situation of cooperative societies

1014. The nominee stated that cooperatives are usually self-financing. The government invests in umbrella cooperatives such as those for dairy and sugar, to ensure farmers are paid. This is why the government is ready to write off debts due to the special priority of these commodities. However, the government cannot continue writing off debts indefinitely and must investigate the underlying causes of problems in cooperatives.

On the office of the Commissioner of Cooperatives

1015. The nominee submitted that he would address the issues and make the office of the Commissioner of Cooperatives more effective in execution of its mandate.

On the letter by EACC

1016. In response to the allegations raised by the EACC, the nominee asserted that the accusations were unfounded and that the EACC has never formally requested him to provide a statement on the matter . The nominee explained that during his five-year tenure as a Cabinet Minister and subsequent ten years as a Governor, he had never been implicated in any corrupt activities.

1017. The nominee stated that the visit by EACC officers to his home in August 2023, was unrelated to corruption. The visit was focused on his political activities and affiliations in the *Azimio* coalition. He denied knowledge of the corruption allegations, stating that he learnt about them through the media.

1018. He further submitted that his Advocate had sought conservatory orders to protect him and his family from harassment by EACC officers, who sought to freeze his funds for the purchase of property. He also emphasised that he has never been formally contacted by the ODPP regarding prosecution for any offence.

Committee's Observations on the Memoranda

1019. In relation to the clearance certificate for EACC, the Committee observed that **Article 157(6) of the Constitution** exclusively vests the Director of Public Prosecutions with the power to institute and undertake criminal proceedings against any person before any court (other than a court martial) in respect of any offence alleged to have been committed.

1020. The DPP has formally communicated that from the records as at 1st August, 2024, there are no active criminal proceedings relating to the nominee.

1021. Articles 132(2) and 152(2) of the Constitution of Kenya vest the power to constitute Cabinet solely on the President.

1022. That there is no legal provision that bars the President from re-appointing any person who has not been indicted as being unfit to hold office under Article 75 of the Constitution or any relevant law

4.18.3 Committee Observations on the Suitability of the Nominee

1023. The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, his curriculum vitae, the memoranda from the public and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as Cabinet Secretary for Co-operatives and Micro, Small and Medium Enterprises (MSMEs) Development –

1) **THAT,** in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan citizen born in 1956 in Kakamega County and does not hold dual citizenship.

2) **THAT,** the nominee was a Governor of Kakamega County from 2013 to 2022. Previously, he served as the Minister of State for Planning Development and Vision 2030 from 2008 to 2013 and Member of Parliament, Butere Constituency from 2002 to 2013. He also served as the Chief Financial Controller at Kenya Aerotech Company Limited between 1996 and 2003; and Senior Audit Manager at Earnest Young between 1995 and 1980.

3) The nominee is a Fellow Certified Practicing Accountant (FCPA) and a Certified Public Accountant (CPA-K) and holds a Master of Business Administration Finance Option from the University of Nairobi attained in 2002 and a Bachelor of Commerce (B. Com) from the University of Nairobi in 1980. The nominee is on the verge of completing his Doctor of Philosophy Degree (Ph.D. in Economics) from the University of Dar es Salaam, Tanzania. The nominee sat for the Kenya Certificate of Education (KCE) in 1976 at Kisii School and O- Level in 1974 at Butere Boys High School. His academic credentials, professional training and experience thus comply with sections 6(7) and 7 of the Public Appointments (Parliamentary Approval) Act.

4) **THAT,** the nominee obtained clearance from the following statutory bodies; the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB).

5) **THAT,** the nominee has neither been charged in a court of law nor adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry in the past three years.

6) **THAT,** the nominee does not hold office in any political party.

7) **THAT,** the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (*conflict of interest*), Article 76 (*financial probity*), Article 77 (*restriction on activities of State Officers*) and Article 78(2) (*dual citizenship*) of the Constitution.

8) **THAT,** the nominee demonstrated knowledge of topical, administrative and technical issues touching on government and has the requisite abilities, qualifications and experience to serve as the Cabinet Secretary for Micro, Small and Medium Enterprises (MSMEs) Development.

4.19 Hon. Justin Bedan Muturi, EGH – Nominee Cabinet Secretary for Public Service and Human Capital Development

1024. The nominee appeared before the Committee on 4th August 2024 and was vetted under oath to examine his suitability or otherwise. The Committee noted the following—

4.19.1 Questions from the General Questionnaire

Citizenship, Date and Place of Birth

1025. The nominee is a male Kenyan citizen and was born on 28th April 1956 in Embu County. The nominee confirmed that he is a citizen of Kenya by birth and did not hold dual citizenship.

Academic and Professional Qualifications

1026. The nominee holds a Postgraduate Diploma in Law from the Kenya School of Law, and a Bachelors of Laws Degree from the University of Nairobi. He also possesses the Kenya Advanced Certificate of Education and the Kenya Certificate of Education from Kangaru High School, and a Certificate of Primary Education from Kanyuombora Primary School.

Employment Record and Work Experience

1027. The nominee is a distinguished lawyer, and a seasoned politician possessing extensive experience in the Law sector and served as the Attorney General of Kenya from October 2022 to July 2024. He also served as the Speaker of the National Assembly and the Chairperson of the Parliamentary Service Commission from 2013 to 2022.

1028. The nominee was the Chairperson of the Centre for Multi-Party Democracy from 2011 to 2013, a Member of Parliament for Siakago

Constituency from 1999 to 2007 and a magistrate of the Judiciary of Kenya from 1982 to 1997.

Honours and Awards

1029. The nominee stated that he had been awarded the presidential award of Elder of the Golden Hear (-EGH) in 2013.

Professional Association and Memberships

1030. The nominee is a member of the Law Society of Kenya. He informed the Committee that he had been a member and official of the Kenya Magistrates and Judges Association (1982-1999) and Chairman of the Nairobi Region of the Association (1991-1999).

Published Writings

1031. During his tenure as a speaker of the National Assembly, the nominee issued rulings and guidelines that shaped the operations of the Houses and they include:

a) *The place of Independent Members of Parliament and Small Parties in Committees of the House;*

b) *The Manner of considering Statutory Instruments;*

c) *On the relations between the Executive and the Legislature and the manner of considering censure motions against State Officers;*

d) *Financial Procedure including the place of recommendations of Departmental Committees in the Reports of Budget & Appropriations Committee on the National Budget Estimates;*

e) *On the consideration of Presidential Memoranda on Bills including joint consideration with the Senate; and*

f) *Manner of considering reports submitted to Parliament by Constitutional Commissions and Independent Offices.*

Public Office, Political Activities and Affiliations

1032. The nominee stated that he had been the Party leader of the Democratic Party before being appointed the Attorney General of Kenya. Previously he had been elected as the Speaker of the National Assembly, had served as an elected Member of Parliament, and elected the National Organizing Secretary of the Kenya African National Union (KANU).

Integrity

1033. The nominee had neither been charged in a court of law nor adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three years. The nominee has never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

Income and Net Worth

1034. During his previous approval hearing for appointment as the Attorney General in 2022, the nominee estimated his net worth to be approximately Kshs. 761.3 million.

1035. The nominee stated his net worth was approximately Kshs. 801.8million which include land, properties and SACCO shares.

Potential Conflict of Interest

1036. The nominee stated that he did not have any persons, categories of litigation or financial arrangements that are likely to present potential conflict of interest when they assume the office of cabinet Secretary for Public Service & Human Capital Development.

Pro-bono/Charity Work

1037. The nominee did not indicate if he had been involved in any pro-bono or charity work.

4.19.2 General and Sector-Specific Questions to the Nominee

1038. The Committee posed several questions to the nominee on his suitability for appointment as Cabinet Secretary for Public Service and Human Capital Development. The nominee responded as follows:

On the Public Service Internship Programme

1039. The nominee confirmed that implementation of the Public Service Internship Program had faced challenges. In his view, the program should be re-engineered to Kenya National Internship Programs to include the private sector and accommodate the varied skills of Kenyans not entirely suited for the public service. He indicated that participation by the private sector can be incentivized to afford more youth opportunities for internship.

1040. While noting that full absorption of interns in the public service is impossible, the nominee acknowledged that the government has a duty to provide employment opportunities. He pledged that, if approved, he would prioritize the absorption of the interns in the public service. In

addition, he noted that he would identify creative ways of ensuring the interns find job placement.

On compliance with Public Service Values and Principles

1041. The nominee stated that the values and principles of public service enshrined in Article 232 of the Constitution on representation of Kenya's diverse communities to ensure diversity in the public service. He made reference to his tenure as Chairperson of the Parliamentary Service Commission where he successfully achieved diversity in recruitment and ensured representation of marginalized groups. He noted that he would urge the PSC to adopt a similar model.

On the allegation that his advice was being ignored by the government during his tenure as the Attorney General

1042. The nominee clarified that the allegation was not correct and attributed this to misinformation by the media. He confirmed that most times his advice was implemented save for a few incidences by ministries.

On the relationship between the Office of the AG and PSC during his tenure as AG

1043. The nominee stated that there was need for autonomy in the recruitment of State Counsels at the State Law Office. He noted that this decision was aimed at ensuring recruitment of State Counsel was geared towards meeting the needs of the State Law Office. He added that he would continue to develop the human resource department at the State Law Office. In light of this, he assured the Committee that his relationship with the PSC would not be strained, if approved.

On adherence to the retirement age

1044. Referring to the findings from his assessment of the situation at the public service, the nominee informed the Committee that there were only ten persons over 60 years serving in the public service. In addressing the matter, he committed to adhering to the law.

On practical solutions to regional and ethnic balance in the public service

1045. The nominee indicated that he would adhere to the Constitution and possibly introduce regular audits to ascertain compliance to the requirement of regional and ethnic balance in the public service. It was his view that publicizing the outcome of the audits would restore public trust in the government.

On the recurrent sacking of county employees by successive county administration

1046. The nominee was of the opinion that recruitment audits would be crucial in addressing the recurrent sacking of county employees upon the assumption of office by new regimes. He added that the PSC is mandated to, through the County Public Service Board, assist county governments in implementing good recruitment practices.

On appeals taking too long at the PSC

1047. Acknowledging the lengthy appeals in the PSC, the nominee stated that Article 234(5) of the Constitution mandates the PSC to delegate any of its functions to other public authorities. In this regard, the PSC has delegated the human resource function to the Ministries which in his view has not been undertaken properly. The nominee, therefore, committed to leverage technology to streamline the procedure of appeal.

On his resignation as Attorney-General

1048. The nominee confirmed that he resigned from office to assist the President to reorganize his Cabinet as provided for in law.

On NYS

1049. The nominee attributed alleged malpractices in NYS recruitment to a governance issue which, in his view, can be addressed by Parliament through its oversight role. He indicated that he would collaborate with Parliament when summoned over NYS matters.

On his priority reforms

1050. The nominee submitted that his priority reforms in the Ministry for Public Service and Human Capital Development include: institutionalization of the performance management program to hold public officers accountable; introduce a reward scheme to recognize and reward good performance; and to improve customer service.

On ensuring compliance with the laws on the two-third gender rule

1051. Reiterating the requirement for inclusivity enshrined in Article 232 of the Constitution, the nominee indicated that he was committed to ensuring the inclusion of the youth, women and PWDs in the public service. It was his commitment that he would adhere to the law.

On compliance with the schemes of service

1052. The nominee confirmed that the schemes of service still exist but are being implemented in skewed ways resulting in stagnation of public officers in the service. He committed to addressing this, if approved.

On his view on abolition of permanent and pensionable terms in the public service

1053. The nominee submitted that the civil service is the soul of the nation and fundamental in ensuring continuity during transition of governments. In his view, the public service can adopt a fused system incorporating both contractual and permanent and pensionable terms for different cadres.

On the disparities in salary structures between the national and county governments

1054. The nominee submitted that, if approved as Cabinet Secretary he would consult with PSC to address the disparities in remuneration.

On ensuring fairness in the recruitment of the JSS interns

1055. The nominee committed to collaborating with the Ministry of Education and the TSC to implement a transparent mechanism of employment to guarantee fairness in the recruitment process.

On the mental health of public servants

1056. The nominee emphasized the need to fast-track and implement government policy on wellness at the workplace for public servants including mental health.

On the alleged conflict of roles between the PSC and SRC

1057. The nominee noted that the mandates of the two Commissions are distinct under the Constitution. He stated that it is the mandate of the SRC to regularly review and set the remuneration of State Officers while that of the Public Service Commission is to review and make recommendations in respect of conditions for employment in the public service.

On fake academic certificates

1058. The nominee stated that the use of fake documents to seek employment is a criminal offence. He added that he would comply with the law to ensure that those found culpable should be arrested and prosecuted in accordance with the law.

On allegations arising from the Memoranda, the nominee responded as follows:

1059. On the issue of re-appointment to Cabinet after dismissal, the nominee vide Affidavit sworn on 2nd August 2024 responded as follows—

(a) that Office of the Attorney general is governed by the Office of the Attorney General Act Cap 6A. Section 11 of the Act provides that the Attorney general may resign from office in writing addressed to the President.

(b) that he resigned in accordance with section 11 of the Office of the Attorney-General Act in consultation with the President to give the President an opportunity to re-organise his Cabinet (Attached copy of Gazette Notice No. 8440 of 12th July 2024;

(c) that he was not removed from office under section 12 of the Attorney General Act or at all;

(d) that the President has the prerogative under Article 132(2) and 152(2) of the Constitution to nominate and with the approval of the national Assembly appoint Cabinet Secretaries;

1060. On the issue of the affidavit of **Issac Aluochier** that contested the suitability of the nominee on the grounds that he had been found to have continued to occupy office after his office became vacant pursuant to Article 103(1)(e) of the Constitution and as such, had committed a crime under national law, the nominee responded vide Affidavit sworn on **2nd August, 2024** responded as follows—

(a) that it was the first time he had become aware of the Arbitration proceedings and the arbitral award;

(b) that none of the Members of Parliament served the nominee with resignation letters during the period he was the Speaker nor did the nominee receive any communication from the Registrar of political parties to notify him of switching parties by sitting members of Parliament; and

that political party alignments in the runners up to General elections and pronouncements by individuals in political gatherings by sitting members of Parliament about party loyalty did not come under the supervision of the Speaker; and did not amount to anything much to warrant intervention by the Speaker of the National Assembly.

1061. On the issue of the **two-thirds gender rule,** the nominee responded that—

(a) the duty and prerogative to nominate members of the Cabinet lies with H. E the President as per Articles 132 and 152 of the Constitution of Kenya;

(b) the President and his Deputy are not nominated to the Cabinet but sit in the Cabinet by virtue of being the President and the Deputy President;

(c) the President has duly nominated only 21 persons for appointment upon vetting by the National Assembly, six (6) out of the 21 nominated persons is a number more or less a third of the Constitutional imperative;

(d) the National Assembly has stated that it is working on finding a legislative formula to implement the principle. Accordingly, the Principle in Article 27(8) has not yet crystalized and it only remains a guiding principle;

(e) further, nominees are merely, nominees and are yet to be approved and appointed and as such the contestation is pre-mature and can only be considered once the approvals and appointments are done;

(f) the Deponents have not demonstrated how the President's exercise of powers donated under Articles 132 and 152 have contravened any of the Provisions of Article 27 of the Constitution; and

(g) the proposed Cabinet does not form the entire executive arm of the government as suggested by the Deponents and there remains still other opportunities within the executive to fill and satisfy the third gender principle.

Observations on Memoranda Submitted Against the Nominee

1062. The Committee noted that—

a) The nominee resigned in accordance with section 11 of the Office of the Attorney-General Act as evidenced in the attached copy of Gazette Notice No. 8440 of 12th July 2024;

b) Articles 132(2) and 152(2) of the Constitution of Kenya vest the power to constitute Cabinet solely on the President;

c) The nominee was not dismissed under the provisions of Article 75(2) of the Constitution and is therefore not disqualified from holding any other state office;

d) That there is no legal provision that bars the President from re-appointing any person who has not been indicted as being unfit to hold office under Article 75 of the Constitution or any relevant law; and

e) Article 105(1)(b) of the Constitution vests the High Court with jurisdiction to determine any question whether the seat of a member has become vacant. Accordingly, the question on whether the nominees violated Articles 103(1)(e) and 194(1)(e) of the Constitution was a question to be determined by the High Court and therefore the arbitrator, Isaac Aluochier, did not have jurisdiction to conduct the arbitral proceedings.

4.19.3 Committee Observations on the Suitability of the Nominee

1063. The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, his curriculum vitae, memoranda from the public and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as Cabinet Secretary for Public Service and Human Capital Development –

1) **THAT,** in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan citizen born in 1956 in Embu County and does not hold dual citizenship.

2) **THAT,** the nominee served is a distinguished lawyer, and a seasoned politician possessing extensive experience in the Law sector and served as the Attorney General of Kenya from October 2022 to July 2024. He also served as the Speaker of the National Assembly and the Chairperson of the Parliamentary Service Commission from 2013 to 2022. The nominee was the Chairperson of the Centre for Multi-Party Democracy from 2011 to 2013, a Member of Parliament for Siakago Constituency from 1999 to 2007 and a magistrate of the Judiciary of Kenya from 1982 to 1997.

3) The nominee holds is an Advocate of the High Court and holds a Bachelors of Laws Degree from the University of Nairobi and a Postgraduate Diploma in Law from the Kenya School of Law. He also possesses the Kenya Advanced Certificate of Education and the Kenya Certificate of Education from Kangaru High School, and a Certificate of Primary Education from Kanyuombora Primary School. His academic credentials, professional training and

experience thus comply with sections 6(7) and 7 of the Public Appointments (Parliamentary Approval) Act.

4) **THAT,** the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB).

5) **THAT,** the nominee has neither been charged in a court of law nor adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry in the past three years.

6) **THAT,** the nominee does not hold office in any political party.

7) **THAT,** the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (*conflict of interest*), Article 76 (*financial probity*), Article 77 (*restriction on activities of State Officers*) and Article 78(2) (*dual citizenship*) of the Constitution.

8) **THAT,** the nominee demonstrated knowledge of topical, administrative and technical issues touching on government and has the requisite abilities, qualifications and experience to serve as the Cabinet Secretary for Public Service and Human Capital Development.

4.20 Ms. Stella Soi Lang'at – Nominee Cabinet Secretary for Gender, Culture, The Arts and Heritage

1064. The nominee appeared before the Committee on 4th August 2024 and was vetted under oath to examine her suitability or otherwise. The Committee noted the following:

4.20.1 Questions from the General Questionnaire

Citizenship, Date and place of Birth

1065. The nominee is a female Kenyan citizen born on 2nd August 1970 in Kericho County. The nominee confirmed that she is a citizen of Kenya by birth and does not hold dual citizenship.

Academic and Professional Qualifications

1066. The nominee holds a Master in Public Administration (Executive) from Moi University (2008-2009), a Bachelor of Arts degree (Political Science) from

the University of Nairobi (1990-1993), a Diploma in Business Management from the Kenya Institute of Management (1996) and a Certificate in Computer Studies from Wote Institute (1992).

1067. In addition the nominee has attained several professional qualifications including –Certified Professional Mediator from Dispute and conflict Resolution International, Kenya (2021), Strategic Management Programme from Eastern and Southern African Management Institute, Arusha Tanzania (2014), Strategic Leadership and Development from Kenya Institute of Administration (2010),Certificate Course in ISO internal Quality Auditors from Human Resource Solutions (2008),Paramilitary and leadership course for Administrative Officers from Administration police training College, Embakasi (2007), Senior Management Course from Kenya Institute of Administration (2006), Advanced Management and Administration Course from African Institute of Management Science Accra, Ghana (2006), Gender Mainstreaming in Kenyan Universities from Kenya Utalii College (2004), Advance Public Administration Course No.6/2003 from Kenya Institute of Administration (2003), Achieving outstanding Performance and Strategic Planning and Management from Graduate School of Business Administration, University of Witwatesrand, Johannesburg, S.A (2002), Public Sector Financial Planning and Control and The Perfect Personal Assistant Course from the Management Advisors of London (MAL) U.K. (2000).

Employment Record

1068. The nominee possesses relevant experience in public service having served as Director, Administration in the Ministry of Interior and Coordination of National Government (March-July 2024), Director, Administration in the State Department of Housing and Urban Development (October 2021 to February, 2024), County Secretary and Head of Public Service, Bomet County Government (April 2020 to October 2021), Senior Deputy County Commissioner II; Deputy County Commissioner, Sameta, Kisii County and Mwingi Sub County (March 2015 to February, 2019) Under Secretary, Office of the Attorney General/State Law Office (Feb 2014 to March 2015), Interim County Secretary and Head of Public Service, Narok County Government/transition Authority (Feb 2013 to Feb 2014).

1069. In addition the nominee has served as the Principal Administrative Officer, Witness protection Agency (August 2011 to February 2013), Under Secretary, Office of the Attorney General/State Law Office (Jan 2010 to Aug 2010), Senior Assistant Secretary/Personal Assistant to the Permanent Secretary (June 2008 to January 2010), Assistant Secretary

1/Administration, Ministry of Labour and Human Resource Development (May 2005 to June 2008), Assistant Secretary I, Personal Assistant to the Minister, Ministry of Gender, Sport, Culture and Social Services (February 2003 to May 2005), Assistant Secretary/Administration, Office of the President, Directorate of Personnel Management (September 2000-January 2003), Assistant Secretary/Finance Division, Office of the President Directorate of Personnel Management (DPM) Civil Service Reform Programme (April 1999 to June 2000), Assistant Secretary/ PA to Permanent Secretary Director, Directorate of Personnel Management. (April 1998 to March 1999), Assistant Secretary/Finance, Ministry of Water Resources (January 1998 to April 1998), District Officer III, Meru District Headquarters, Office of the President, Provincial Administration Department (July 1997 to Dec 1997), and Personnel Officer, Agriculture Development Corporation (July 1994 to December 1995).

Honours and Awards

1070. The nominee was recognized by UNIPASS for supporting students to study abroad. She was also awarded a Certificate of Appreciation for excellence in service delivery at the State Law Office in 2008/2009.

Professional Association and Memberships

1071. The nominee is a member of the Kenya Association for Public Administration and Management since 20th April 2020. She is also the Vice-Chairperson of the Mau Tea Multipurpose Cooperative Society based in Kericho Town and a Zonal Director for Bureti Sub-County.

Published writings

1072. The nominee has no published writings.

Public Office, Political Activities and Affiliations

1073. The nominee indicated that she is a career civil servant serving as a Director of Administration at the State Department of Foreign Affairs since 11th June 1997.

1074. The nominee submitted that she is not a member neither does she hold office in any of any political party.

Integrity

1075. The nominee had neither been charged in a court of law nor adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three years. The nominee has never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

Income and Net Worth

1076. The nominee estimated her net worth to be Kshs. 70,000,000 comprising immovable property, investment in shares, rental income and livestock. She submitted that her current sources of income include salary, rental income and farming.

Potential Conflict of Interest

1077. The nominee declared that she currently did not have any persons or matters that would present a potential conflict of interest. Additionally, she submitted that she would recuse herself from presiding over any matter that may be subject of conflict of interest.

4.20.2 General and Sector-Specific Questions to the Nominee

1078. The Committee posed several questions to the nominee on her suitability for appointment as Cabinet Secretary for Gender, Culture, The Arts and Heritage. The nominee responded as follows:

On navigating the challenges in the implementation of the two-thirds gender principle in Kenya

1079. The nominee informed the Committee that the two-thirds gender principle is enshrined in the Constitution. She noted that the National Gender and Equality Commission has some initiatives. She said that the Ministry she has been nominated will help

On eradicating female genital mutilation and early marriages

1080. The nominee stated that FGM and early marriages, emanate from the levels of poverty in our communities. Eradicating FGM would be addressed by empowering men because for a girl to successfully progress and grow to be a person depended on by the society, it takes a man. It was her opinion that without the support of a father, man or male figure in a family, women cannot do much in terms of empowerment and protection of girls.

On supporting the boychild

1081. The nominee informed the Committee that the boychild faces significant challenges including drug abuse, poor mental health and unemployment. She emphasized the need for deliberate efforts to rehabilitate and reorient affected boys by providing them with the requisite technical training in Technical Vocational Education and Training (TVETs) institutions and job opportunities.

On femicide

1082. The nominee was of the view that addressing femicide requires extensive research on tackling mental health issues, counselling and promoting values through family and community engagement. She noted that the boychild should be encouraged as empowered girls are unmarried because the boys supposed to marry them are doing drugs or are involved in femicide cases. She stated that she would collaborate with the relevant stakeholders including the Police and the Witness Protection Agency.

On preserving and promoting Kenya's cultural heritage

1083. The nominee informed the Committee that promoting cultural heritage involves creating awareness and establishing cultural centres in every county. She stated that these centres would serve as hubs for showcasing artefacts and performing arts to both local and international markets.

1084. The nominee added that strengthening institutions like the Kenya Copyright Board and the Kenya Cultural Centre would be essential to protect artists' rights and provide platforms for their work.

1085. The nominee further informed the Committee that her vision would involve marketing and branding Kenya to highlight its rich cultural heritage. This would include leveraging international platforms to showcase our culture and heritage. Additionally, she would sensitize local communities on the importance of preserving their cultural heritage and ensure the documentation of our rich languages and traditions in digital form for future preservation. These efforts would enhance tourism and generate revenue for the country.

On the challenges facing museums in Kenya

1086. The nominee stated that she would enhance the National Museum of Kenya in repatriating stolen artefacts and documenting our national heritage. She would market these sites, improve infrastructure and ensure sustainable practices to attract more tourists and generate revenue. Furthermore, she noted that collaborating with local communities to maintain and promote cultural sites is vital.

On what distinguishes the nominee from her predecessors in the Ministry

1087. The nominee informed the Committee that she has extensive experience in public administration and a deep understanding of gender issues, and is committed to transparency, accountability and fair competition. She

would prioritize strengthening the Kenya Copyright Board, supporting cultural centers and ensuring inclusive growth and empowerment for all communities.

On access to justice by gender-based violence (GBV) survivors

1088. The nominee stated that GBV survivors often face challenges in accessing justice due to social stigma and inadequate support systems. She stated that she would collaborate with the relevant state agencies and ensure proper implementation of existing laws. Additionally, the nominee stated that she would support the establishment of specialized courts for GBV cases and training of police officers to handle these cases with sensitivity in order to improve the justice system for victims of GBV.

On protecting and promoting Kenya's cultural heritage

1089. The nominee informed the Committee that protecting and promoting Kenya's cultural artifacts and traditional knowledge involves ensuring proper documentation and safeguarding these assets. She stated that establishing cultural centers in each county, promoting local artisans and creating platforms for showcasing artefacts would help preserve our heritage. In her view, collaborating with international organizations to repatriate stolen artefacts and ensuring legal protection for indigenous knowledge are essential steps.

On gender desks at police stations

1090. The nominee informed the Committee that gender desks at police stations are crucial for handling GBV cases however, they are marred with staffing issues. She stated that she would ensure that both male and female officers are trained and assigned to these desks to handle cases sensitively and effectively. This would improve the support system for victims of GBV and ensure successful prosecutions.

On UNESCO World Heritage Sites in Kenya and their preservation

1091. The nominee stated that Kenya boasts a number of heritage sites. She mentioned that these sites should be carefully preserved through regulated visits to ensure their protection and maintain their historical and cultural significance for future generations.

On growth and enriching the Ministry for the benefit of the people

1092. The nominee informed the Committee that she brings extensive experience in gender issues and understanding to the Ministry. She would focus on the the Kenya Copyright Board. She would also uphold the values and principles she possesses as a career civil servant, striving to ensure fair promotion of staff within the sector. Additionally, her approach would focus on leveraging her background to drive meaningful growth and enrichment for the Ministry and the people of Kenya.

On the significance of the Gede Ruins as a newly-enlisted UNESCO World Heritage Site

1093. The nominee stated that Gede Ruins' enlistment as a UNESCO World Heritage Site in 2024 is significant as it accentuates the historical and cultural importance of this site. She stated that recognition of the site would help preserve the ruins.

On the nominee serving across various ministries without notable promotions and often for short periods

1094. The nominee stated that in the public service, staff rotation is common practice and typically, one works in a single station for no more than three years. She mentioned that progression from one job grade to another requires specific training and capacity-building programs. The nominee informed the Committee that her career path reflects this system of rotation and the necessary training to advance through various job grades.

On the rise in GBV cases especially in the rural areas

1095. The nominee informed the Committee that GBV is indeed a significant challenge. She stated that to stabilize and create a violence-free environment, she would focus on creating awareness and shaping perceptions through village elders and councils of elders. This grassroot approach would help in educating communities and altering attitudes towards GBV.

On establishing a national dress in Kenya

1096. The nominee stated that establishing a national dress is enhancies national pride and supports local tailors. She mentioned that a task force had been formed to develop the national dress through a consultative

process, ensuring it represents our diverse cultural heritage while boosting local economic activities.

On the status of the Multi-Sectoral Working Group's proposal in Parliament

1097. The nominee informed the Committee that the proposals of the Multi-Sectoral Working Group arising out of the National Dialogue Committee (NADCO) Report is still under consideration in Parliament. She stated that she intends to actively persuade Members of Parliament to support this proposal as it has the potential to be a significant game changer for women in our country. She also stated that securing legislative backing is crucial to advancing gender equality and addressing the critical issues facing women.

4.20.3 Committee Observations on the Suitability of the Nominee

1098. The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, her curriculum vitae, memoranda from the public and having heard her oral submission during the approval hearing, made the following observations on her suitability for appointment as Cabinet Secretary for Gender, Culture, The Arts and Heritage—

1) **THAT,** in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since she is a Kenyan citizen born in 1970 in Kericho County and does not hold dual citizenship.

2) **THAT,** the nominee possesses extensive experience in public service having served as Director, Administration in the Ministry of Interior and Coordination of National Government (March- Jul 2024); Director, Administration in the State Department of Housing and Urban Development (October 2021 to February, 2024); County Secretary and Head of Public Service, Bomet County Government (April 2020 to October 2021); Senior Deputy County Commissioner II; Deputy County Commissioner, Sameta, Kisii County and Mwingi Sub County (March 2015 to February, 2019); Under Secretary, Office of the Attorney General/State Law Office (Feb 2014 to March 2015); and Interim County Secretary and Head of Public Service, Narok County Government/transition Authority (Feb 2013 to Feb 2014), among other roles in public service.

3) The nominee holds a Masters in Public Administration (Executive) from Moi University (2008-2009), a Bachelor of Arts (Majoring in Political Science) from the University of Nairobi (1990-1993), a Diploma in Business Management from the Kenya Institute of Management (1996) and a Certificate in Computer Studies from Wote Institute (1992). In addition the nominee has attained several

professional qualifications including Certified Professional Mediator from Dispute and conflict Resolution International, Kenya (2021), Strategic Management Programme from Eastern and Southern African Management Institute, Arusha Tanzania (2014); and Strategic Leadership and Development from Kenya Institute of Administration (2010), among other certifications. Her academic credentials, professional training and experience thus comply with sections 6(7) and 7 of the Public Appointments (Parliamentary Approval) Act.

4) **THAT,** the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB).

5) **THAT,** the nominee has neither been charged in a court of law nor adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry in the past three years.

6) **THAT,** the nominee does not hold office in any political party.

7) **THAT,** the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (*conflict of interest*), Article 76 (*financial probity*), Article 77 (*restriction on activities of State Officers*) and Article 78(2) (*dual citizenship*) of the Constitution.

8) **THAT,** the nominee's experience in the public service is marked by frequent job transitions in various roles. All the six (6) different postings that the nominee has held do not require any long-term strategic planning. As a result she has not become grounded in any specific leadership role in the public service;

9) **THAT,** the nominee failed to demonstrate adequate knowledge of topical, administrative and technical issues touching on the Ministry of Gender, Culture, The Arts and Heritage to which she has been nominated;

10) **THAT,** the nominee is unsuitable for the position to which she was nominated as she was unable to respond in a satisfactory manner to the queries raised during the approval hearing relating to Gender, Heritage and Culture;

11) **THAT,** the Ministry is strategically important and is tasked with overseeing critical national policies and services.

12) **THAT,** the Ministry requires leadership with a strong strategic vision, cultural sensitivity, and a deep understanding of policy management.

13)**THAT**, given the Ministry's functions and mandate, a person seeking to head it must be an effective communicator, innovative, and committed to promoting cultural heritage and gender equality. The nominee failed to exhibit any of these qualities to the committee's satisfaction.

CHAPTER FIVE

5 COMMITTEE OBSERVATIONS

1099. Pursuant to sections 6(7),6(8) and 7 of the Public Appointments (Parliamentary Approval) Act, the Committee observed that—

(1) The following nominees demonstrated knowledge of topical, administrative and technical issues touching on the portfolios to which they had been nominated; and had the requisite abilities, academic qualifications and professional experience to be approved for appointment—

(a) **Hon. (Prof.) Kithure Kindiki, EGH** as Cabinet Secretary for Interior and National Administration;

(b) **Dr. Debra Mlongo Barasa** as Cabinet Secretary for Health;

(c) **Hon. Alice Wahome, EGH** as Cabinet Secretary for Lands, Public Works, Housing and Urban Development;

(d) **Mr. Julius Migos Ogamba** as Cabinet Secretary for Education;

(e) **Hon. Roselinda Soipan Tuya, EGH** as Cabinet Secretary for Defence;

(f) **Dr. Andrew Mwihia Karanja** - as Cabinet Secretary for Agriculture and Livestock Development;

(g) **Hon. Aden Bare Duale, EGH** as Cabinet Secretary for Environment, Climate Change and Forestry;

(h) **Mr. Eric Murithi Mugaa** as Cabinet Secretary for Water, Sanitation and Irrigation;

(i) **Mr. Davis Chirchir, EGH** as Cabinet Secretary for Roads and Transport;

(j) **Dr. Margaret Nyambura Ndung'u** as Cabinet Secretary for Information, Communication and the Digital Economy;

(k) **Hon. John Mbadi Ng'ongo, EGH** as Cabinet Secretary for The National Treasury and Economic Planning;

(l) **Hon. Salim Mvurya Mgala, EGH** as Cabinet Secretary for Investments, Trade and Industry;

(m) **Ms. Rebecca Miano, EGH** as Cabinet Secretary for Tourism and Wildlife;

(n) **Hon. James Opiyo Wandayi, EGH** as Cabinet Secretary for Energy and Petroleum;

(o) **Hon. Onesimus Kipchumba Murkomen, EGH** as Cabinet Secretary for Youth affairs, Creative Economy and Sports;

(p) **Hon. Hassan Ali Joho, EGH** as Cabinet Secretary for Mining, Blue Economy and Maritime Affairs;

(q) **Hon. (Dr.) Alfred Nganga Mutua, EGH** as Cabinet Secretary for Labour and Social Protection;

(r) **Hon. Wycliffe Ambetsa Oparanyah, EGH** as Cabinet Secretary for Co-operatives and Micro, Small and Medium Enterprises Development; and

(s) **Hon. Justin Bedan Muturi, EGH** as Cabinet Secretary for Public Service and Human Capital Development.

(2) **THAT Ms. Stella Soi Lang'at** did NOT demonstrate adequate knowledge of topical, administrative and technical issues touching on the portfolio to which she had been nominated; and lacked the requisite abilities, and qualities to be approved for appointment to the office of Cabinet Secretary for Gender, Culture, The Arts and Heritage.

1100. The Committee also noted that it may be necessary for H. E. the President to consider invoking the provisions of Article 152(5)(a) of the Constitution to reassign the approved nominees to portfolios that match their qualities and competencies after appraising their performance.

CHAPTER SIX

6 COMMITTEE RECOMMENDATIONS

1101. Having considered the suitability of the nominees for appointment during the approval hearings pursuant to Article 152(2) of the Constitution and sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, Cap 7F and Standing Order 204(4) of the National Assembly Standing Orders the Committee recommends that this House—

(1) **Approves** the following nominees for appointment as Cabinet Secretaries for the stated ministerial portfolios in the Cabinet of the Government of Kenya—

(a) **Hon. (Prof.) Kithure Kindiki, EGH** as Cabinet Secretary for Interior and National Administration;

(b) **Dr. Debra Mlongo Barasa** as Cabinet Secretary for Health;

(c) **Hon. Alice Wahome, EGH** as Cabinet Secretary for Lands, Public Works, Housing and Urban Development;

(d) **Mr. Julius Migos Ogamba** as Cabinet Secretary for Education;

(e) **Hon. Roselinda Soipan Tuya, EGH** as Cabinet Secretary for Defence;

(f) **Dr. Andrew Mwihia Karanja** - as Cabinet Secretary for Agriculture and Livestock Development;

(g) **Hon. Aden Bare Duale, EGH** as Cabinet Secretary for Environment, Climate Change and Forestry;

(h) **Mr. Eric Murithi Mugaa** as Cabinet Secretary for Water, Sanitation and Irrigation;

(i) **Mr. Davis Chirchir, EGH** as Cabinet Secretary for Roads and Transport;

(j) **Dr. Margaret Nyambura Ndung'u** as Cabinet Secretary for Information, Communication and the Digital Economy;

(k) **Hon. John Mbadi Ng'ongo, EGH** as Cabinet Secretary for The National Treasury and Economic Planning;

(l) **Hon. Salim Mvurya Mgala, EGH** as Cabinet Secretary for Investments, Trade and Industry;

(m) **Ms. Rebecca Miano, EGH** as Cabinet Secretary for Tourism and Wildlife;

CHAPTER SIX

6 COMMITTEE RECOMMENDATIONS

1. Having considered the suitability of the nominees for appointment during the approval hearings pursuant to Article 152(2) of the Constitution and sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, Cap 7F and Standing Order 204(4) of the National Assembly Standing Orders the Committee recommends that this House—

    (1) **Approves** the following nominees for appointment as Cabinet Secretaries for the stated ministerial portfolios in the Cabinet of the Government of Kenya—

    (a) **Hon. (Prof.) Kithure Kindiki, EGH** as Cabinet Secretary for Interior and National Administration;

    (b) **Dr. Debra Mlongo Barasa** as Cabinet Secretary for Health;

    (c) **Hon. Alice Wahome, EGH** as Cabinet Secretary for Lands, Public Works, Housing and Urban Development;

    (d) **Mr. Julius Migos Ogamba** as Cabinet Secretary for Education;

    (e) **Hon. Roselinda Soipan Tuya, EGH** as Cabinet Secretary for Defence;

    (f) **Dr. Andrew Mwihia Karanja** - as Cabinet Secretary for Agriculture and Livestock Development;

    (g) **Hon. Aden Bare Duale, EGH** as Cabinet Secretary for Environment, Climate Change and Forestry;

    (h) **Mr. Eric Murithi Mugaa** as Cabinet Secretary for Water, Sanitation and Irrigation;

    (i) **Mr. Davis Chirchir, EGH** as Cabinet Secretary for Roads and Transport;

    (j) **Dr. Margaret Nyambura Ndung'u** as Cabinet Secretary for Information, Communication and the Digital Economy;

    (k) **Hon. John Mbadi Ng'ongo, EGH** as Cabinet Secretary for The National Treasury and Economic Planning;

    (l) **Hon. Salim Mvurya Mgala, EGH** as Cabinet Secretary for Investments, Trade and Industry;

    (m) **Ms. Rebecca Miano, EGH** as Cabinet Secretary for Tourism and Wildlife;

(n) **Hon. James Opiyo Wandayi, EGH** as Cabinet Secretary for Energy and Petroleum;

(o) **Hon. Onesimus Kipchumba Murkomen, EGH** as Cabinet Secretary for Youth affairs, Creative Economy and Sports;

(p) **Hon. Hassan Ali Joho, EGH** as Cabinet Secretary for Mining, Blue Economy and Maritime Affairs;

(q) **Hon. (Dr.) Alfred Nganga Mutua, EGH** as Cabinet Secretary for Labour and Social Protection;

(r) **Hon. Wycliffe Ambetsa Oparanyah, EGH** as Cabinet Secretary for Co-operatives and Micro, Small and Medium Enterprises Development; and

(s) **Hon. Justin Bedan Muturi, EGH** as Cabinet Secretary for Public Service and Human Capital Development; and

(2) **Rejects** the nomination of **Ms. Stella Soi Lang'at** for appointment as Cabinet Secretary for Gender, Culture, The Arts and Heritage

Signed.....Wetangula..... **Date**.....7/8/24.....

RT. HON. (DR.) MOSES M. WETANG'ULA, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY/ CHAIRPERSON
COMMITTEE ON APPOINTMENTS

REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

13TH PARLIAMENT – THIRD SESSION (2024)

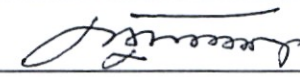
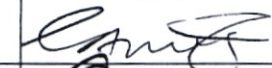
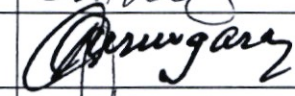
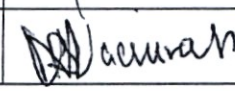
COMMITTEE ON APPOINTMENTS

ADOPTION SCHEDULE

SECOND REPORT ON THE APPROVAL HEARINGS OF NOMINEES FOR APPOINTMENT AS CABINET SECRETARIES

We, the undersigned Members of the Committee on Appointments, do hereby append our signatures to adopt this Report on Wednesday 7th August 2024.

S/NO.	MEMBER	SIGNATURE
1.	Rt. Hon. (Dr.) Moses Wetang'ula, EGH, M.P. – **(Chairperson)**	
2.	Hon. Gladys J. Boss, MGH, M. P	
3.	Hon. Kimani Ichung'wah, EGH, M.P.	
4.	Hon. Junet Mohamed, CBS, M.P.	
5.	Hon. Owen Baya, CBS, M.P.	
6.	Hon. Robert Mbui, CBS, MP.	
7.	Hon. Mishi Mboko, CBS, M.P.	
8.	Hon. Abdul Rahim Dawood, M.P.	
9.	Hon. David Gikaria, M.P.	
10.	Hon. David Pkosing, CBS, M.P.	

S/NO.	MEMBER	SIGNATURE
11.	Hon. Dido Ali Raso, M.P.	
12.	Hon. Ferdinand Wanyonyi, M.P.	
13.	Hon. Stephen Mule Mutinda, M.P.	
14.	Hon. Josephine Naisula Lesuuda, OGW, M.P.	
15.	Hon. Mary Emaase Otucho, M.P.	
16.	Hon. Abdi Omar Shurie, M.P.	
17.	Hon. Caleb Amisi Luyai, M.P.	
18.	Hon. George Gitonga Murugara, M.P.	
19.	Hon. Nelson Koech, M.P.	
20.	Hon. Rahab Wachira Mukami, M.P.	

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - THIRD SESSION - 2024

MINUTES OF THE 10TH SITTING OF THE COMMITTEE ON APPOINTMENTS HELD ON SUNDAY, 4TH AUGUST, 2024 IN THE MINI CHAMBER, FIRST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS AT 5:10 PM.

PRESENT

1. **The Rt. Hon. (Dr.) Moses Wetangula, EGH, M.P. - Speaker of the National Assembly/Chairperson**
2. The Hon. Gladys J. Boss, MGH, M.P. -Deputy Speaker of the National Assembly
3. The Hon. Kimani Ichung'wah, EGH, M.P. - Leader of the Majority Party
4. The Hon. Robert Mbui, CBS, M.P. - Deputy Leader of Minority Party
5. The Hon. Owen Baya, CBS, M.P. - Deputy Leader of Majority Party
6. The Hon. Junet Mohamed, CBS, M.P. -Minority Whip
7. The Hon. Mishi Mboko, CBS, M.P.
8. The Hon. Abdul Rahim Dawood, M.P.
9. The Hon. David Gikaria, M.P.
10. The Hon. David Pkosing, CBS, M.P.
11. The Hon. Dido Ali Raso, M.P.
12. The Hon. Stephen Mule, M.P.
13. The Hon. Mary Emaase, M.P.
14. The Hon. Naisula Lesuuda, M.P.
15. The Hon. Nelson Koech, M.P.
16. The Hon. Abdi Shurie, M.P.
17. The Hon. Caleb Amisi, M.P.
18. The Hon. George Gitonga Murugara, M.P.
19. The Hon. Rahab Wachira Mukami, M.P.

APOLOGIES

1. The Hon. Opiyo Wandayi, EGH, M.P. - Leader of the Minority Party
2. The Hon. Ferdinand Wanyonyi, M.P.

IN-ATTENDANCE	NATIONAL ASSEMBLY
1. Mr. Samuel Njoroge, CBS	-Clerk of the National Assembly
2. Ms. Serah M. Kioko, MBS -	Deputy Clerk of the National Assembly
3. Mr. Nicholas Emejen	- Deputy Director, Audit, Appropriations & General Purpose Committees
4. Mr. Michael Karuru	- Deputy Director, Legal Services
5. Ms. Leah Mwaura	- Principal Clerk Assistant II
6. Dr. Andrew Shangirai	- Principal Serjeant-at-Arms
7. Mr. Ronald Walala	- Senior Legal Counsel
8. Ms. Emmah Essendi	- Senior Legal Counsel
9. Ms. Esther Nginyo	- Clerk Assistant I
10. Ms. Naserian Lotuai	- Clerk Assistant I
11. Mr. David Ngeno	- Senior Research Officer
12. Ms. Fiona Musili	- Research Officer I
13. Ms. Kathleen Nanzala	- Clerk Assistant III
14. Ms. Jane Ouko	- Clerk Assistant III
15. Ms. Vivienne Ogega	- Research Officer III
16. Ms. Joanne Naneu	- Research Officer III
17. Ms. Faith Makena	- Serjeant-at-Arms

Agenda

1. Preliminaries
2. **Vetting of Hon. Justin Bedan Njoka Muturi, EGH as the Cabinet Secretary for the Ministry of Public Service, Performance and Delivery Management**
3. **Vetting of Ms. Stella Soi Chepkoech Langat as the Cabinet Secretary for the Ministry of Gender, Culture, Arts and Heritage**
4. Adjournment.

MIN.NO. /COA/2024/045: PRELIMINARIES

The Chairperson called the meeting to order at a ten minutes past five o'clock followed by a prayer said by the Clerk of the National Assembly.

MIN.NO. /COA/2024/046: VETTING OF HON. JUSTIN BEDAN NJOKA MUTURI, EGH AS THE CABINET SECRETARY FOR THE MINISTRY OF PUBLIC SERVICE, PERFORMANCE AND DELIVERY MANAGEMENT

Hon. Justin Bedan Njoka Muturi, EGH., nominee for Cabinet Secretary for Ministry of Public Service, Performance and Delivery Management, appeared before the Committee on Sunday, 4th August 2024 at a quarter to five o'clock and was orally interviewed pursuant to the provisions of the Constitution of Kenya, the Public Appointments (Parliamentary Approvals) Act, CAP 7F, and the Standing Orders of the National Assembly.

The Chairperson directed the Clerk to administer oath and thereafter proceeded to request the nominee to submit his documents for confirmation by the Committee. The nominee presented the following documents:

(i) Questionnaire
(ii) Curriculum Vitae
(iii) Academic testimonials
(iv) Identification document
(v) KRA Tax Compliance Certificate
(vi) EACC Clearance Form
(vii) DCI Certificate of Good Conduct
(viii) Higher Education Loans Board (HELB) Compliance Certificate
(ix) Credit Reference Bureau Clearance
(x) Clearance from the Office of the Registrar of Political Parties
(xi) Summary of affidavits from the public

The nominees presented his original academic Certificates and national identification document for verification.

The nominee then proceeded to brief the Committee on his education and professional background and suitability as follows:

Education and Professional Background

The nominee stated as follows: THAT—

1. He is a Kenyan citizen born on 28th April 1956.
2. He holds the following academic and professional qualifications:
   (a) Postgraduate Diploma in Law, Kenya School of Law;
   (b) Bachelor of Laws, University of Nairobi;
3. He has worked and served in various capacities as follows:
   (a) Attorney-General (2022-2024);
   (b) Speaker, The National Assembly of Kenya (2013-2022);
   (c) Member of Parliament, Siakago Constituency (1999-2007);
   (d) Magistrate (1982-1999).

Estimated Net worth and sources of income

4. The nominee estimated his net worth to be Kshs. 801.8 million comprising immovable property and SACCO shares. The nominee stated that his net worth in October 2022 was Kshs. 762 million shillings when he appeared before the Committee for vetting as the Attorney-General.

Potential Conflicts of Interest

5. The nominee declared there are no likely potential conflicts of interest with family members or other parties when he assumes the position nominated for in the Ministry of Public Service, Performance and Delivery Management.

6. He submitted that in case of a conflict of interest, he will recuse himself from participating in any formal or informal activities that may have a considerable potential of conflict with his role as a civil servant under Chapter Six of the Constitution.

The nominee was also examined on general understanding on sector issues and information contained in *The Questionnaire*. He responded as follows: THAT—

On the plight of the Public Service Internship Programme

7. The nominee acknowledged that the programme's implementation has encountered challenges in promoting the transition of youth to permanent and pensionable positions within the public service. This has caused a lot of interns to remain unemployed after finalizing the internship.
8. Recognizing that the Public Service cannot accommodate all interns in permanent and pensionable roles, the nominee suggested that the programme needs to be restructured to better address the interns' needs. The nominee submitted that, if appointed, he would recommend transforming the programme into the Kenya National Internship Programme. This revamped programme would involve the private sector, enabling youth to undertake internships in private companies, with the Government providing stipends to the interns or offering incentives to private companies that accept interns.
9. The nominee submitted that if appointed, he will collaborate with the Public Service Commission to re-engineer the Programme to ensure that interns are not left unemployed after completing the internship programme. This will include plans to build the youth's skills set with the programme which would facilitate their absorption in every sector of the economy. Further, he committed prioritizing the interns in absorption into the public service when vacancies arise.

On succession planning in the public service

10. The nominee acknowledged that there have been human resource challenges in the public service, particularly in training for succession planning. He committed to addressing the training challenges as a matter of priority if he is appointed.

On pronouncements suspending recruitment the public sector

11. The nominee submitted that he had not seen any circular on suspending recruitment as had been inferred by the outgoing Cabinet Secretary for the Ministry. However, he stated that in line with the austerity measures attributed to the withdrawal of the Finance Bill, 2024, the government has temporarily suspended recruitment.

Diversity in the Public Service

12. The nominee submitted that the Public Service Commission is mandated to ensure the efficiency and effectiveness of the public service and to ensure diversity in the public service. He acknowledged that there have been instances of skewed recruitment in the public service that have contradicted the Constitutional provisions.

13. The nominee stated that, as the Chairperson of the Parliamentary Service Commission, he ensured diversity in the recruitment and representation of marginalized groups in the Commission. He committed to applying the same approach in the Public Service Commission if appointed.
14. The nominee submitted that if appointed, he would ensure regular audits are conducted across the public service to ensure representation of all communities as espoused in the Constitution.

On issues arising from his tenure as the Attorney-General

15. On the allegation that his advice was ignored by the government during his tenure as the Attorney-General, the nominee submitted that this was misinformation spread by the media. He confirmed that his advice was implemented save for isolated incidences in certain Ministries. The nominee submitted an exit report for consideration by the Committee detailing his achievements as the Attorney- General.

On the relationship between the Office of the Attorney-General and the Public Service Commission during his tenure

16. The nominee explained that the issues with the Public Service Commission were not personal. His decision to separate the Office of the Attorney-General from the Public Service was intended to ensure autonomy in recruitment for the Office. This approach aimed to enhance prosperity and improve service delivery by ensuring the recruitment of staff with essential competencies. He pledged that, if appointed, he would continue to support the development of the Office's human resource department.

On job insecurity in county governments

17. The nominee acknowledged the challenges in counties where recruitment is tied to the governors, noting that employees often face job insecurity with changes in government. He committed that if appointed, he would assist the county public service boards in developing and implementing policies in line with the provisions of the law.

On disciplinary cases for public service

18. The nominee acknowledged that disciplinary cases for public servants are excessively lengthy. He explained that the delays are due to the procedures starting at the Ministry before progressing to the Commission. He committed to streamlining the procedure to ensure faster resolution of the cases.

On his resignation from the Office of the Attorney-General

19. The nominee submitted that he resigned to allow the President to re-organize his cabinet in light of the disquiet in the country.

On expanding the National Youth Service

20. The nominee submitted that expanding the Service was a governance issue that could be better addressed by Parliament through its oversight role. He submitted that he would collaborate with Parliament to address the issue.

On three specific priority reforms

21. The nominee submitted that he would give priority to the following reforms if appointed—

(a) Institutionalization of the performance management programme to promote accountability in service delivery;
(b) A reward scheme for public service, particularly recognizing good performance, which would in turn help address succession planning and stagnation in the public service; and
(c) Enhancing communication of government programmes.

On promoting gender representation in the public service

22. The nominee committed that if appointed he would adhere to the provisions of Article 232 of the Constitution on recruitment of the youth, women and Persons with Disability in the public service.

On the permanent and pensionable terms in the public service

23. The nominee submitted that he believes that the public service should operate on a fused system, applying permanent and pensionable terms for the lower cadres and contractual terms for the senior-level management.

On monitoring efficiency and increasing government transparency in the public service

24. The nominee indicated that the Public Service Commission has delegated the role of monitoring performance to Ministries, as provided under Article 234(5). However, the Commission's follow-up mechanisms have failed, affecting transparency in the public service. The nominee pledged to collaborate with Parliament, if appointed, to streamline monitoring in the public service.

On the county public service boards

25. The nominee informed the Committee that the county public service boards have 21 job groups, which is higher than the Public Service Commission's 17 job groups. The nominee submitted that Parliament needed to legislate on this issue to address the discrepancy and promote efficiency in the county's public service.

On the Junior Secondary School interns

26. The nominee submitted that the issue of the JSS interns falls under the Ministry of Education. Nonetheless, he committed to work with the Ministry of Education and the Teachers Service Commission to look into the issue if appointed.

On discrimination in pay for Universal Health Coverage employees

27. The nominee emphasized his belief in equal pay for equal work. He committed that if he is appointed, he would engage the Public Service Commission to address the issue.

Memoranda

28. The Speaker noted that the nominee had responded to written memoranda against his nomination in writing.

MIN.NO. /COA/2024/047: VETTING OF MS. STELLA SOI LANG'AT AS CABINET SECRETARY FOR THE MINISTRY OF GENDER, CULTURE, THE ARTS AND HERITAGE

Ms. Stella Soi Langat, nominee Cabinet Secretary for the Ministry of Gender, Culture, the Arts and Heritage, appeared before the Committee on Sunday, 4th August, 2024 at 6:50 pm and was orally interviewed pursuant to the provisions of the Constitution of Kenya, the Public Appointments (Parliamentary approvals) Act, 2011 and the Standing Orders of the National Assembly.

The Chairperson directed the Clerk to administer oath and thereafter proceeded to request the nominee to submit his documents for confirmation by the Committee.

The nominee presented the following documents:

(i) Questionnaire
(ii) Curriculum Vitae
(iii) Academic testimonials
(iv) Identification document
(v) KRA Tax Compliance Certificate
(vi) EACC Clearance Form
(vii) DCI Certificate of Good Conduct
(viii) Higher Education Loans Board (HELB) Compliance Certificate
(ix) Credit Reference Bureau Clearance
(x) Clearance from the Office of the Registrar of Political Parties
(xi) Summary of affidavits from the public

The nominees presented her original academic Certificates and national identification document for verification.

The nominee then proceeded to brief the Committee on his education and professional background and suitability as follows:

Education and Professional Background

The nominee stated as follows: THAT—

1. She is a Kenyan citizen born on 2nd August 1970 in Bureti, Kericho County. The nominee confirmed that she is a citizen of Kenya by birth and does not hold any dual citizenship.
2. She holds the following academic and professional qualifications:
   (a) Masters in Public Administration (Executive), Moi University (2008-2009);
   (b) Bachelor of Arts Degree (Majoring in Political Science), University of Nairobi (1990-1993);
   (c) Kenya Institute of Management Diploma in Business Management (Part 1), (June – December 1996); and,

(d) Wote Institute Certificate in Computer Studies (June 1992)

3. ***Professional qualifications***

(a) Certified Professional Mediator, Dispute and Conflict Resolution International, Kenya (27th September to October 2021);

(b) Strategic Management Programme; Eastern and Southern African Management Institute, Arusha, Tanzania (10th March – 21st March, 2014);

(c) Strategic Leadership and Development Programme, Kenya Institute of Administration (26th September -5th November 2010);

(d) Certificate Course in ISO Internal Quality Auditors, Human Resource Solutions (22nd - 25th June 2008);

(e) Paramilitary and leadership course for Administrative Officers, Administration Police Training College, Embakasi (29th January - 2nd April 2007);

(f) Senior Management Course, Kenya Institute of Administration (2nd – 27th October 2006);

(g) Advanced Management and Administration (6th March-14th April 2006);

(h) Course; African Institute of Management Science Course, Accra, Ghana

(i) Gender Mainstreaming in Kenyan Universities, Kenya Utalii College (24th – 26th June 2004); and,

(j) Advance Public Administration; (12th May – 8th August 2003).

4. She has worked and served in various capacities as follows:

(a) Director, Administration, Ministry of Interior and Coordination of National Government (March, 2024 to date);

(b) Director, Administration, State Department of Housing and Urban Development (25th October 2021 to February 2024);

(c) Bomet County Government, County Secretary and Head of Public Service (April 2020 to October 2021);

(d) Senior Deputy County Commissioner II, Ministry of Interior and Coordination of National Government, State Department for Interior and Citizen Services, Field Administration (8th February 2019 to Date);

(e) Deputy County Commissioner, Bomet East Sub County, Bomet County, Sameta Sub County, Kisii County, Mwingi Sub County, Kitui County (March 2015 to February, 2019);

(f) Under Secretary, Office of The Attorney General/ State Law Office (February 2014 to March 2015);

(g) Assistant Secretary I Personal Assistant to the Assistant Minister, Ministry of Gender, Sport, Culture and Social Services (February 2003-May 2005);

(h) Assistant Secretary /Administration, Office of the President Directorate of Personnel Management (DPM) Civil Service Reform Programme, (September, 2000-January, 2003);

(i) Assistant Secretary/Finance Division, Directorate of Personnel Management (1999 April -June 2000);
(j) Assistant Secretary/ PA to Permanent Secretary Director, Directorate of Personnel Management; (April 1998 - March 1999);
(k) Assistant Secretary/Finance, Ministry of Water Resources (January 1998-April 1998);
(l) District Officer III, Meru District Headquarters, Office of the President Provincial Administration Department (July 1997-Dec 1997);
(m) Personnel Officer, Agriculture Development Corporation (July 1994 - December,1995);

Estimated Net worth and sources of income

5. The nominee estimated her net worth to be Kshs. 70 million comprising land, farmhouse, avocado orchard, vehicle shares, rental income, residential houses, town plots, and dairy farming.

Professional Association and Membership

6. She is a member of the Kenya Association for Public Administration and Management (KAPAM) and the Vice Chairperson of the Mau Tea Multipurpose Cooperative Society and Zonal Director for Bureti Sub-county.

Integrity

7. The nominee declared that she has neither been charged in a court of law nor mentioned in any investigatory report of parliament or any commission of inquiry in the last three years. He has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

Political Affiliations

8. The Nominee confirmed that she is currently not a leader of any political party. She affirmed that she is a career civil servant serving as a Director of State Administration at the State Department of Foreign Affairs.
9. The nominee was also examined on general understanding on sector issues and information contained in The Questionnaire. She responded as follows:

Implementation of 2/3 Gender Rule Principle

10. The nominee submitted that achieving the 2/3 gender rule in all public appointments has been challenging, despite its inclusion in Article 27(8) of the Constitution of Kenya 2010. She committed to introducing legislation to enforce the provision. She asserted that there is political goodwill by the Government of the day and pledged to seek the support of Parliament, especially the women legislators to champion for the achievement of this constitutional requirement in both elective and appointive positions in government.

On Female Genital Mutilation (FGM), Gender Based Violence (GBV) and Early Marriages

11. The nominee submitted that to tackle this, she will endeavour to lower poverty index levels as this is the greatest enabler of these vices. This can be done by supporting the communities to engage in meaningful economic activities by facilitating access to the Hustler and the Women Enterprise Funds, enabling access to basic education, offering civic education as well as provision of essential commodities such as sanitary towels for the girls.
12. The nominee further committed to bringing all stakeholders on board including legislators and local administrators to create awareness and sensitize communities on the need to do away with these vices.
13. She opined that there is need to strengthen law enforcers as well as investigators to ensure that reported cases are expeditiously and effectively dealt with. In addition, she would also ensure representation of both genders in the manning of the Police Gender Desks that serve as the focal points for reporting gender-based violence cases at police stations.

On supporting the boychild

14. The Cabinet Secretary nominee informed the Committee that she would put in place measures to deal with the challenges faced by the boychild, including drug abuse, mental health and unemployment. She emphasized the need for deliberate efforts to rehabilitate and reorient affected boys by providing them with the requisite technical training in Technical Vocational Education and Training (TVETs) and job opportunities.

Rampant Femicide Cases

15. The nominee submitted that she did not have precise data on the femicide cases in the country. She pledged to evaluate available data to give a comprehensive response.

Preserving and promoting Kenya's cultural heritage

16. She informed the Committee that the Constitution recognises culture as a foundation of our nation and an area that should be preserved and promoted. She emphasised the need to preserve Kenyan music, art, literature foods, language, indigenous technologies and knowledge including traditional medicine.

National Dress

17. She recognized that the national dress is essential for promoting Kenyan culture both regionally and internationally, as well as for preserving it. It also serves as a means to support local industry. She informed the Committee that a task force is currently working on creating a national dress that is acceptable to all communities in the country.

Support, Protection and Promotion of Artists

18. The nominee pledged to support performing arts through the Kenya Cultural Centre which hosts the Kenya National Theatre and other facilities that support the artists to explore and develop talents and use them for economic gains both locally and internationally.

20. The nominee also committed that if given the green light, she would ensure the presence of cultural centres in all the forty-seven (47) counties where the communities can showcase their culture to both local and international tourists to not only promote and preserve their culture but also use it as a source of income.
21. She also promised, once approved, to market Kenya both locally and internationally besides ensuring documentation of our culture for posterity.

World Heritage Sites in Kenya and their preservation

22. The nominee stated that Kenya boasts eight United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Sites which include; Fort Jesus, Kaya Forest, the four lakes in the Rift Valley and Thimlich Ohinga. She mentioned that these sites should be carefully preserved through regulated visits to ensure their protection and maintain their historical and cultural significance for future generations.

Museums and Monuments

23. The nominee stated that she would enhance the National Museum of Kenya in repatriating stolen artefacts and documenting our national heritage. She would market these sites, improve infrastructure and ensure sustainable practices to attract more tourists and generate revenue. Furthermore, she noted that collaborating with local communities to maintain and promote cultural sites is vital.

Preservation and promotion of Kenya's unique cultural artefacts and traditional knowledge

24. The nominee informed the Committee that protecting and promoting Kenya's cultural artefacts and traditional knowledge involves ensuring proper documentation and safeguarding these assets. She stated that establishing cultural centres in each county, promoting local artisans and creating platforms for showcasing artefacts would help preserve our heritage. In her view, collaborating with international organizations to repatriate stolen artefacts and ensuring legal protection for indigenous knowledge are essential steps.

The significance of the Gede Ruins as a newly enlisted UNESCO World Heritage Site

25. The nominee stated that Gede Ruins' enlistment as a UNESCO World Heritage Site in 2024 is significant as it accentuates the historical and cultural importance of this site. This recognition would help preserve the ruins, promote tourism and enhance global awareness of Kenya's rich heritage.

The nominee's career in the Public Service

26. In addressing the concern that she had served across various ministries without notable promotions and for short periods, the nominee stated that staff rotation is common in public service and one typically works in one department for less than three years. She

mentioned that progression from one job grade to another requires specific training and capacity-building programs. The nominee informed the Committee that her career path reflects this system of rotation and the necessary training to advance through various job grades.

On the rise in GBV cases especially in the rural areas

27. The nominee informed the Committee that GBV is indeed a significant challenge, with reported cases rising between 36% and 47%. She stated that to stabilize and create a violence-free environment, she would focus on creating awareness and shaping perceptions through village elders and councils of elders. This grassroots approach would help in educating communities and altering attitudes towards GBV. Additionally, addressing the mishandling of cases by police through proper training and oversight would ensure better justice for survivors.

Contribution to the Ministry she has been Nominated to if approved

28. In response, she affirmed that if her nomination is approved, she will bring in a rich wealth of experience in Gender, cross-cultural exposure and appreciation of the cultural diversity of our country.
29. She also asserted that she would, if approved, ensure transparency and accountability in the management of Kenya Copyright Board, inculcate values and principles that guide career civil servants, as well as promote fair competition in appointments and promotions.

Memoranda

30. The Speaker noted that the nominee had responded to written memoranda against her nomination in writing.

MIN. NO. /COA/2024/048: ADJOURNMENT AND DATE OF NEXT MEETING

There being no other business, the meeting was adjourned at 8:10 p.m. The next meeting will be held on Monday 5th, August 2024 in the Mini-Chamber, First Floor, County Hall, Parliament Buildings from 2.30 p.m.

SIGNED: Wetangula **DATE:** 7/8/24

HON. MOSES WETANGULA, EGH, M.P.
SPEAKER OF THE NATIONAL ASSEMBLY
(CHAIRPERSON)

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT - THIRD SESSION - 2024

MINUTES OF THE 11TH SITTING OF THE COMMITTEE ON APPOINTMENTS HELD ON MONDAY, 5TH AUGUST, 2024 IN THE MINI CHAMBER, FIRST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS AT 3:30PM.

PRESENT

1. **The Rt. Hon. (Dr.) Moses Wetangula, EGH, M.P. - Speaker of the National Assembly/Chairperson**
2. The Hon. Gladys J. Boss, MGH, M.P. -Deputy Speaker of the National Assembly
3. The Hon. Kimani Ichung'wah, EGH, M.P. - Leader of the Majority Party
4. The Hon. Robert Mbui, CBS, M.P. - Deputy Leader of Minority Party
5. The Hon. Owen Baya, CBS, M.P. - Deputy Leader of Majority Party
6. The Hon. Junet Mohamed, CBS, M.P. -Minority Whip
7. The Hon. Mishi Mboko, CBS, M.P.
8. The Hon. Abdul Rahim Dawood, M.P.
9. The Hon. David Gikaria, M.P.
10. The Hon. David Pkosing, CBS, M.P.
11. The Hon. Dido Ali Raso, M.P.
12. The Hon. Stephen Mule, M.P.
13. The Hon. Mary Emaase, M.P.
14. The Hon. Naisula Lesuuda, M.P.
15. The Hon. Nelson Koech, M.P.
16. The Hon. Abdi Shurie, M.P.
17. The Hon. George Gitonga Murugara, M.P.
18. The Hon. Rahab Wachira Mukami, M.P.

APOLOGIES

1. The Hon. Opiyo Wandayi, EGH, M.P. - Leader of the Minority Party
2. The Hon. Ferdinand Wanyonyi, M.P.
3. The Hon. Caleb Amisi, M.P.

IN-ATTENDANCE	NATIONAL ASSEMBLY	
1. Mr. Samuel Njoroge, CBS	-	Clerk of the National Assembly
2. Mr. Nicholas Emejen	-	Deputy Director, Audit, Committee Services
3. Mr. Michael Karuru	-	Deputy Director, Legal Services
4. Ms. Leah Mwaura	-	Principal Clerk Assistant II
5. Mr. Ronald Walala	-	Senior Legal Counsel
6. Ms. Judith Kanyoko	-	Legal Counsel II

Agenda

1. Preliminaries
2. Adoption of the Agenda
3. Communication from the Chairperson
4. **Consideration and Adoption of the Report on the Approval Hearings of the Nominees for Appointment as Cabinet Secretaries**
5. Adjournment.

MIN.NO. /COA/2024/049: PRELIMINARIES

The Chairperson called the meeting to order at a quarter to twenty minutes past four o'clock followed by a prayer said by the Clerk of the National Assembly.

MIN.NO. /COA/2024/050: COMMUNICATION FROM THE CHAIRPERSON

The Rt. Honourable Speaker called for the postponement of the consideration of the report as proposed in the agenda for the day to provide the Secretariat with additional time to finalize the compilation of the draft report. The Members unanimously agreed to adjourn the meeting.

MIN. NO. /COA/2024/051: ADJOURNMENT AND DATE OF NEXT MEETING

There being no other business, the meeting was adjourned at 4:30 p.m. The next meeting will be held on Wednesday 7th, August 2024 in the Mini-Chamber, First Floor, County Hall, Parliament Buildings from 7.30 a.m.

SIGNED: Wetangula **DATE:** 7/8/24

HON. MOSES WETANGULA, EGH, M.P.
SPEAKER OF THE NATIONAL ASSEMBLY
(CHAIRPERSON)

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - THIRD SESSION - 2024

MINUTES OF 9TH SITTING OF THE COMMITTEE ON APPOINTMENTS HELD ON SUNDAY, 4TH AUGUST, 2024 IN THE MINI CHAMBER, FIRST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS AT 8:00 A.M.

PRESENT

1. **The Rt. Hon. (Dr.) Moses Wetangula, EGH, M.P. - Speaker of the National Assembly/Chairperson**
2. The Hon. Gladys J. Boss, MGH, M.P. -Deputy Speaker of the National Assembly
3. The Hon. Kimani Ichung'wah, EGH, M.P. - Leader of the Majority Party
4. The Hon. Owen Baya, CBS, M.P. - Deputy Leader of Majority Party
5. The Hon. Robert Mbui, CBS, M.P. - Deputy Leader of Minority Party
6. The Hon. Junet Mohamed, CBS, M.P. - Minority Whip
7. The Hon. Mishi Mboko, CBS, M.P.
8. The Hon. Abdul Rahim Dawood, M.P.
9. The Hon. David Gikaria, M.P.
10. The Hon. David Pkosing, CBS, M.P.
11. The Hon. Dido Ali Raso, M.P.
12. The Hon. Stephen Mule, M.P.
13. The Hon. Mary Emaase, M.P.
14. The Hon. Naisula Lesuuda, M.P.
15. The Hon. Nelson Koech, M.P.
16. The Hon. Abdi Shurie, M.P.
17. The Hon. Caleb Amisi, M.P.
18. The Hon. George Gitonga Murugara, M.P.
19. The Hon. Rahab Wachira Mukami, M.P.

APOLOGIES

1. The Hon. Opiyo Wandayi, EGH, M.P. - Leader of the Minority Party
2. The Hon. Ferdinand Wanyonyi, M.P

IN-ATTENDANCE		NATIONAL ASSEMBLY
1. Mr. Samuel Njoroge, CBS	-	Clerk of the National Assembly
2. Ms. Serah Kioko, MBS	-	Deputy Clerk of the National Assembly
3. Mr. Nicholas Emejen	-	Deputy Director, Audit, Committees Services
4. Mr. Michael Karuru	-	Deputy Director, Legal Services
5. Ms. Leah Mwaura	-	Principal Clerk Assistant II
6. Dr. Andrew Shangirai	-	Principal Serjeant-at-Arms
7. Mr. David Ngeno	-	Principal Senior Research Officer
8. Mr. Ronald Walala	-	Senior Legal Counsel
9. Ms. Emmah Essendi	-	Senior Legal Counsel
10. Ms. Doreen Karani	-	Senior Legal Counsel
11. Mr. Josephat Kuyioni	-	Legal Counsel I
12. Ms. Esther Nginyo	-	Clerk Assistant I
13. Ms. Naserian Lotuai	-	Clerk Assistant I
14. Ms. Fiona Musili	-	Research Officer I
15. Mr. Abraham Cheboryot	-	Legal Counsel II
16. Ms. Kathleen Nanzala	-	Clerk Assistant III
17. Mr. Mark Namaswa	-	Clerk Assistant III
18. Mr. Morintat Letaya	-	Clerk Assistant III
19. Mr. Andrew Kipchumba	-	Clerk Assistant III
20. Ms. Jane Ouko	-	Clerk Assistant III
21. Mr. Abdimalik Ahmed		Clerk Assistant III
22. Ms. Vivienne Ogega	-	Research Officer III
23. Ms. Joanne Naneu	-	Research Officer III
24. Mr. John Ng'ang'a	-	Audio Officer
25. Mr. Danton Kimutai	-	Audio Officer
26. Mr. Eugene Luteshi	-	Audio Officer
27. Ms. Faith Makena	-	Serjeant-At-Arms

Agenda

1. Preliminaries
2. **Vetting of Hon. Hassan Ali Joho, EGH, Nominee: Cabinet Secretary, Ministry of Mining, Blue Economy and Maritime Affairs**
3. **Vetting of Hon. (Dr.) Alfred Nganga Mutua, EGH, As Cabinet Secretary For The Ministry of Labour and Social Protection**
4. **Vetting of Hon. Wycliffe Ambetsa Oparanya, EGH as Cabinet Secretary for the Ministry of Co-operatives and Micro, Small & Medium Enterprises (MSMEs) Development**
5. Adjournment.

MIN.NO. /COA/2024/039: PRELIMINARIES

The Chairperson called the meeting to order at fifteen minutes past eight o'clock followed by a prayer said by the Clerk of the National Assembly.

MIN.NO. /COA/2024/040: VETTING OF HON. HASSAN ALI JOHO, EGH NOMINEE: CABINET SECRETARY, MINISTRY OF MINING, BLUE ECONOMY AND MARITIME AFFAIRS

Hon. Hassan Ali Joho, EGH, Nominee - Cabinet Secretary, Ministry of Mining, Blue Economy and Maritime Affairs appeared before the Committee on Sunday 4th August, 2024 at 8:15 am and was orally interviewed pursuant to the provisions of the Constitution of Kenya, the Public Appointments (Parliamentary approvals) Act, 2011 and the Standing Orders of the National Assembly.

The Chairperson directed the Clerk to administer oath and thereafter proceeded to request the nominee to submit his documents for confirmation by the Committee. The nominee presented the following documents:

(i) Questionnaire
(ii) Curriculum Vitae
(iii) Academic testimonials
(iv) Identification document
(v) KRA Tax Compliance Certificate
(vi) EACC Clearance Form
(vii) DCI Certificate of Good Conduct
(viii) Higher Education Loans Board (HELB) Compliance Certificate
(ix) Credit Reference Bureau Clearance
(x) Clearance from the Office of the Registrar of Political Parties
(xi) Summary of affidavits from the public

The nominee presented his original academic Certificates and national identification document for verification.

The nominee then proceeded to brief the Committee on his education and professional background and suitability as follows:

Education and professional background

The nominee stated as follows: THAT—

1. He is a Kenyan citizen born on 26th February 1973 in Mombasa County, Kenya;

2. He holds the following academic and professional qualifications:
   (a) Harvard Kennedy School of Government Public Leadership Credential (2021);
   (b) Bachelor of Business Administration Kampala University (2013);
   (c) Diploma in Human Resource Management Kampala University (2009);

(d) Certificate in Business Administration Kampala University (2008);
(e) Kenya Certificate of Secondary Education, Serani Secondary School (1993);

3. He has worked and served in various capacities as follows:
   (a) 2012- 2024: Deputy Party Leader, Orange Democratic Movement (ODM);
   (b) 2013 – 2022: Governor, County Government of Mombasa;
   (c) 2012 – 2013: Assistant Minister for Transport in the Government of Kenya;
   (d) 2007 – 2013: Member of the National Parliament, Kisauni Constituency;

4. The nominee was also examined on general understanding on sector issues and information contained in *the Questionnaire*. He responded as follows: THAT—

On the most priority issue he will handle at the Ministry

5. The nominee informed the Committee that he considered the ministry he has been nominated to as new frontier the Kenya can bank on in the quest to economic recovery. He undertook to embark on building investor and public confidence in the sector. He would audit the human resources, technology and legal framework to gauge the attractiveness of the sector to investors. This is in light of the fact that mining and blue economy contributes to less than 1% of the nation's gross domestic product (GDP).

On his academic journey late in life

6. The nominee informed the Committee that he had always drawn inspiration from the late Professor Ali Mazrui who, despite the struggles in his formative academic journey, became a renowned world scholar. He informed the Committee that poverty in the family made him lose one year out of school as he struggled to raise money for his school fees. He made an agreement with his teacher to be leaving school early to go to work. He eventually left Serani High School with a grade D- minus at the Kenya Certificate of Secondary Education level after which he took a bridging course to enable him pursue higher education. He was able to pursue higher education from Kampala University, Gretsa University and Havard Kennedy School of Government. The controversy around his academic qualifications has already been concluded in the Courts of Law which cleared him.

Significance of the Blue Economy at the Coast and Maritime jobs

7. The nominee informed the Committee that the Ministry presents the best economic frontier for wealth and job creation. He noted that the demand for seafarers stands at 1.9 million persons but Kenya has only 4,000 professionals in the industry. The situation can be remedied through design training programmes aligned to maritime studies to suit the demands of the industry. The nominee undertook to collaborate with Bandari Academy to design the marine programmes.

On neglected mines and quarries

8. The nominee undertook to work with a multi-agency team to enforce and ensure that the degraded areas were restored. He informed the Committee that he would introduce a policy on surety bond to be deposited with the government by the miners as a way to ensure environmental protection.

On Fisheries activities

9. The nominee undertook to equip the fishermen with basic fishing skills, provide storage facilities and encourage them to form cooperatives societies to be able to benefit from government capacity building programmes.
   Further, the nominee promised to embark on encouraging the combination of private investment, government support and public involvement in consolidating fishing activities to make the fishermen engage in the competitive export market.
10. Additionally, he would engage neighbouring countries through forums provided by the East African Community and other regional economic blocs to help resolve territorial disputes that have led to cases of Kenyan fishermen being arrested in waters and fishing zones claimed by neighbouring countries.

On perpetual mining prospectors and mining cartels

11. The nominee informed the Committee that he was aware of the presence of companies that were perpetually in mineral exploration and prospecting. He undertook to review prospecting and exploration policies to address the cartels in the mining sector.

Mining communities and sharing of royalties

12. The nominee told the Committee that he was aware of cases in which mining had been taking place in an area for a long time yet the local community was not realizing the benefits in form of royalties. He would also propose a legal framework to ensure that community royalties are disbursed in a timely manner.

On delays in issuing mining licenses and timelines

13. The nominee informed the Committee that he was aware there was a moratorium on the issuance of a mining license. He attributed this situation to the tendency of producing fake documentation by prospectors that interferes with the processing of licenses. If approved, the nominee told the Committee that he would expedite the compilation of a mining cadastral (map of a country's mineral wealth) in a way that is easily accessible to the public to ease exploitation of the mineral resources and hasten its contribution to the country's GDP.

On his alleged link to the narcotics trade

14. The nominee informed the Committee that the matter first came to his attention when a report attributed to the former Minister for Internal Security, the Late Prof. George Saitoti and purportedly compiled by the American Embassy in Kenya linked him to narcotics trade. He

informed the Committee that upon further scrutiny, the report did not bear evidence linking him to the claims. He informed the Committee that a subsequent report exonerated him and that he had never had any issues obtaining a visa to travel to the United States of America.

On Auditor-General Report on garbage collection tender in Mombasa

15. The nominee informed the Committee that the said claims linking him to a controversial Ksh. 1 billion tender that had been investigated and concluded but did not find him culpable nor his family. He informed the Committee that his family was mainly engaged in the logistics business and was not involved in garbage collection. The amounts mentioned in the report, turned out to be Ksh. 200 million paid to a contractor over a three-year period and not the Ksh. 1 billion as alleged.

On Auditor-General Report concerning Mombasa County Stadium

16. The nominee responded to the Committee concerning a report by the Auditor-General for the financial year that ended June 2023 where the county stadium (valued at Ksh1.8 billion) was yet to be completed despite the construction beginning in 2018. He informed the Committee that the tender for the works was won by a Turkish firm in conjunction with a Kenyan partner. Majority of the works were to be assembled in Turkey. In Mombasa all the earthworks in preparation for the installation were complete by 2019. However, in 2020, the advent of the covid-19 pandemic forced Mombasa County to suspend and waive levies which caused a reduction in revenue of Kshs. 2 billion shillings. This turn of events led to the stalling of the project as the County turned its attention to more pressing matters. As per the nominee's estimates, Kshs. 400 million has been spent on the project.

On the nominee's involvement in politics

17. The nominee informed the Committee that he was fully aware of the undertaking before him, if approved, and would do his best to rise above local politics and focus on national undertakings as a Cabinet Secretary.

Local versus foreign investors in mining and blue economy

18. The nominee informed the Committee that since both foreign and local investors were important in the overall development of the industry, it was important to strike a balance between the two to attain maximum benefits for the country. He would also facilitate the training of local stakeholders on the need for a collaborative effort in developing mining and blue economy in Kenya.

On suitability to promote local fishing

19. The nominee informed the Committee that with his vast experience ranging from entrepreneurship and running his private businesses to public service, he would use to serve in the new capacity, should he be approved by the National Assembly. One of the areas he would

be keen on improving is the fishing industry at the Coast of Kenya by harnessing government support to enable local fisherfolk venture into the more lucrative deep-sea fishing.

Kenyan Seafarers lacking Standards of Training, Certification, and Watchkeeping (STCW) certification

20. The Standards of Training, Certification, and Watchkeeping (STCW) Code, was developed by the International Maritime Organization. In Kenya, the nominee acknowledged that most of the local seafarers miss out on important job opportunities due to lack of the STCW certification. If approved to serve as a Cabinet Secretary, the nominee told the Committee that he would intervene and streamline the certification process to enable as many Kenyans as possible to qualify and be certified.

Artisanal Miners issues

21. The nominee acknowledged that even though the miners lacked capacity to scale up their operations and earn more from mining, their estimated population of 40,000 was an important component in driving the mining industry in Kenya. One of the focal areas he would address as Cabinet Secretary includes improving their work safety conditions, value addition in their trade, and working to increase their earnings. The nominee pledged to dedicate his first month in office to listening and documenting what needs to be done in order to develop a concrete action plan.

On refusal to supply documents on Affordable Housing

22. The nominee informed the Committee that he was familiar with the organization (Haki Yetu) that wrote a letter on the matter to the National Assembly on the above-mentioned matter. He informed the Committee that he had never received any orders compelling him to issue information on the subject matter. He was of the opinion that it was unnecessary to compel one to issue public information through court orders. Instead, Article 35 the Constitution allows the public access to information which can be done through visiting a public office and making a request.

On the Allegation regardinging the Grain Handling Facility in Mombasa

23. The nominee informed the Committee that the matter involved his own family's intention of building a grain handling facility on their own piece of land at the Coast. This was informed by the current scenario where a single handler has been in charge of offering the services at the Port of Mombasa. He clarified that the family has not received any government input or funding. The only facilitation is obtaining a wayleave license. This venture was at a cost of Kshs. 5.9 billion in the form of a private equity.

Impact of dredging at the Coast

24. The nominee informed the Committee that modalities should be put in place to protect local fishermen from loss of income occasioned by the disruption of fish breeding zones. Dredging

should therefore be conducted in accordance with geological, environmental, legal and economic considerations.

Shows of opulence

25. The nominee defended himself before the Committee over display of wealth that has come to the fore in the recent Finance Bill, 2024 demonstrations. The nominee informed the Committee that he understood how to connect with the *mwananchi* and knows how to strike a balance between private and public life.

On Kenya's Marine Potential

26. The nominee stated that Kenya was still far from realizing its marine potential. The full realization can be aided in part through relooking at the treaties, agreements and conventions that Kenya is party to.

Estimated Net worth and sources of income

27. In 2024, the nominee estimated his net worth to be Kshs. 2,361,332,249 which includes developed and undeveloped properties, shareholding in property holding companies, shareholding in trade companies, motor vehicles, valuables and savings.

Potential Conflicts of Interest

28. The nominee declared that he did not have any persons or matter that would present a potential conflict of interest should he assume the position of Cabinet Secretary - Ministry of Mining, Blue Economy and Maritime Affairs.
29. He committed to adhere to the tenets of the Constitution of Kenya 2010, and the relevant Legislation and that he would declare his interest, recuse from discussions, proceedings, or debates that he could have interest in as well as sign the Public Officers' Service Code of Conduct and Ethics.

Nominee's 10-point action plan

30. The nominee outlined his areas of focus as follows:
    (i) Digitization of Ministry processes
    (ii) Stakeholder involvement and public participation
    (iii) Blue economy regulatory framework
    (iv) Review of mining framework to conform with current demands
    (v) Enhanced community development agreements
    (vi) International maritime organization representation
    (vii) Capacity building for deep sea fishing
    (viii) Improved licensing processes
    (ix) Sustainability standards and certification
    (x) Encouraging public-private partnerships

Political Affiliation

31. The nominee confirmed that he is currently not a leader of any political party.

Memoranda contesting his suitability

32. The Speaker noted that the nominee had responded in writing to all written memoranda opposing his nomination as Cabinet Secretary.

MIN.NO. /COA/2024/041: VETTING OF HON. (DR.) ALFRED NGANGA MUTUA, EGH AS CABINET SECRETARY FOR THE MINISTRY OF LABOUR AND SOCIAL PROTECTION

Hon. (Dr.) Alfred Nganga Mutua, Cabinet Secretary nominee for the Ministry of Labour and Social Protection, appeared before the Committee on Sunday, August 4th, 2024 at twenty minutes past eleven o'clock and was orally interviewed pursuant to the provisions of the Constitution of Kenya, the Public Appointments (Parliamentary approvals) Act, Cap. 7F and the Standing Orders of the National Assembly.

The Chairperson directed the Clerk to administer oath and thereafter proceeded to request the nominee to submit his documents for confirmation by the Committee. The nominee presented the following documents:

(i) Questionnaire
(ii) Curriculum Vitae
(iii) Academic testimonials
(iv) Identification document
(v) KRA Tax Compliance Certificate
(vi) EACC Clearance Form
(vii) DCI Certificate of Good Conduct
(viii) Higher Education Loans Board (HELB) Compliance Certificate
(ix) Credit Reference Bureau Clearance
(x) Clearance from the Office of the Registrar of Political Parties

The nominee then proceeded to brief the Committee on his education and professional background and suitability as follows:

Education and professional education and professional background

The nominee stated as follows: THAT—

1. He holds the following academic and professional qualifications:
   (i) Doctorate from the University of Western Sydney (2002);
   (ii) Masters of Science in Communication from the Eastern Washington University (1997);
   (iii) Bachelor of Arts, Journalism from Whitworth University (1996);
   (iv) Kenya Certificate of Education at Dagoreti High School (1987);
2. He has worked and served in various capacities as follows:

(i) Cabinet Secretary for Tourism and Wildlife and Cabinet Secretary for Foreign and Diaspora Affairs (2022-2024);
(ii) Governor of Machakos County (2013-2022);
(iii) Official Government Spokesman of Kenya and Public Communications Secretary (2004-2012);
(iv) Served as a lecturer at Daystar University in Kenya and an assistant professor at Zayed University's College of Communication;
(v) Worked for major Kenyan newspapers, including Nation Media, Standard Newspaper, and Kenya Times

Estimated Net worth and sources of income

3. The nominee estimated his net worth to be Kshs. 462 million comprising of income; salary, Government of Kenya, Director Benefits A&L Hotel, Brazilian Rodizio (a Steak House) and farming income.

Potential Conflicts of Interest

4. The nominee declared that he did not have any person or matter that would present a potential conflict of interest should he assume the position of Cabinet Secretary for the Ministry of Labour and Social Protection.
5. The nominee declared he had not been mentioned adversely in any integrity-related report or investigation.
6. The nominee stated that he was not a member of any political party.
7. The nominee was also examined on general understanding on sector issues and information contained in *The Questionnaire*. She responded as follows: THAT—

Promotion of Labour migration in the Country and Canada's position on labour migration

8. The nominee submitted that to promote migration of labour in the country he would champion for signing of bilateral labour agreements with partner states and break bureaucracy in the labour migration sector. On the association of Firstchoice Recruitment Agency director that scammed youth who had interest of working abroad, the nominee stated he never knew her and the only contact they had was when they met in an exhibition at KICC.
9. The nominee clarified that on the Canada labour market, the provinces were the ones responsible for signing bilateral agreements and he would engage robustly with Canada to actualize the export of labour programme. The nominee clarified that the statement he gave out regarding the agreement of export of labour to Canada was true, and the rejoinder by Canadian officials on the topic was misinterpreted as it was mainly targeted against unscrupulous agencies who were purporting to export labour to Canada.

Status of the National Employment Authority in tackling unemployment in the country

10. The nominee agreed with the Committee that the public awareness on the National Employment Authority was wanting. he pledged to embark on marketing campaign to increase awareness of the portal. He stated he would work closely with foreign partners to increase the cadres of jobs that are available on the portal.

Achievements of the nominee in the previous ministries

11. The nominee outlined various achievements and listed them as follows;
    (i) Streamlined the deployment of staff in the ministry of Foreign and Diaspora affairs (MFA).
    (ii) Fast tracked the signing of Memorandum of Understandings in Ministry of Foreign Affairs.
    (iii) Initiated *Ujamii Mashinani* whose focus was to expand tourist sites across the country.
    (iv) Focused on marketing the country as a tourism destination and expanded tourists' market.
    (v) Participation in presidential trips that reaped great benefits to the country economy.

On the note verbale to consulars and missions to communicate directly to government departments

12. The nominee stated there was a Cabinet discussion that resulted in the issuing of the *note verbale* whose sole aim was to cut bureaucracy and fast track government business and increase the absorptions rate of grants received.

Handling of perennial industrial strikes in the country and implementation of Collective Bargaining Agreements

13. The nominee would leverage on the experience he gained as a governor to handle the issue by acting as a mediator between the parties and adopting an open-door policy where any aggrieved party can access the Cabinet Secretary to present their grievances. He would focus on creation of early warning systems to track labour related problems so that they do not evolve to strike level. Further, he would also focus in enforcing of fundamental rights of workers and ensuring a conducive working environment is provided across all the sectors.
14. On the Collective Bargaining Agreements, he outlined that he would act as an arbitrator between the parties and promote signing of CBA's that are realistic and implementable.

Status of the Inua Jamii programme

15. The nominee noted the programme had encountered challenges stemming from inadequate funds that had locked out a number of potential beneficiaries from the programme. He pledged to work closely with the County Governments to get accurate data and establish convenient system of disbursing the money.

Unfair labour practices and the Public Service Commission internship programme

16. On the unfair labour practices, he committed to spearhead programmes to identify the vices in the country. He assured the Committee that he would prepare a policy that would guide in the management of interns in the public service, and prioritize their employment in case of job openings.

Human-wildlife conflict victims' compensation

17. The nominee submitted that so far compensation to a tune of approximately Kshs. 1billion had been disbursed to the victims and that they had encountered exchequer release challenges for the remaining balance of Kshs. 7B. He assured the Committee that the process was ongoing and a digital scheme service was in place that aids in identifying the affected persons.

Tackling corruption in recruitment in the public service and challenge of skills gap vis-à-vis industry demands

18. The nominee promised to tackle unfair recruitment practices by promoting transparency and competence by working closely with other departments to ensure equity, farness and inclusivity was achieved. He would carry out evaluation of staffing in the public service and the data will be used to address inclusivity in the recruitment process. To address the challenge of skills gap in the market, he would initiate retraining programmes, curriculum review and partner with TVET's to introduce courses that enhance skills to meet the market demands.

The nominee's stand on previous remarks as a Government Spokesperson

19. The nominee clarified on the remarks he had made previously and stated as follows:
    (i) On the Oscar Foundation Statement, he stated the statement was as a result of security meeting that was held.
    (ii) On the remarks that Sen. Obama was a junior officer, he clarified that that title was based on classification of officers by the American system/society.
    (iii) On the Cobra Squad filming, he stated the project was a success and it was a personal initiative.
    (iv) On the felling of trees in the beautification program of Nairobi, he clarified this was informed by the masterplan that there was an expressway in plan.
    (v) On the Maendeleo Chap Chap, the nominee pointed out the program was successful as response rate to emergency cases was prompt, further the programs were still in place.
    (vi) On the aid to Turkey, nominee stated they delivered the aid and worked closely with Turkish Ambassador to Kenya.
    (vii) On the planting of trees by tourists, he submitted that this exercise was optional and was a program to boost environment conservation.

(viii) On the status of launched Machakos City, the plan to transform Machakos as a city was delayed by a court case and in the process the investors chose other locations.

The plight of workers in Saudi Arabia

20. On the plight of Kenyans working in Saudi Arabia, nominee acknowledged there was no bilateral agreement in place between the two countries. He pledged to have legal professional study the laws of that country and guide the jobseekers accordingly on the legal requirements for the host countries The nominee committed to benchmark with Philippines to come up with mechanisms to address the challenges.

Tackling of Fraud for online job seekers

21. He stated he would create a portal that would be used to publish agencies approved by the government and weed out the fake ones.

Key deliverables in the short, medium and long-term

22. The key deliverables for the nominee in the Ministry of Labour and Social Protection are as follows: -

    (i) Change how workers view jobs by enabling provision of good working environment.

    (ii) Work with employers and all stakeholders in the sector to address the issues in the sector.

    (iii) Coming up with plans to improve labour migration.

    (iv) Work closely with the Parliamentarians to identify recruits for labour migration.

    (v) Plans to relook into labour related policies and improve the employment acts.

    (vi) Improvements of social protection program to cater for all vulnerable groups.

Specific programs on the street families

23. The nominee outlined that there were rehabilitation programs in place and he would enhance them. Further he plans to reintegrate the street families back to the community.

Concerns raised by the public

24. The nominee responded to the queries raised by the public and promised to tackle all the concerns that had been raised by members of the public in the event he was confirmed to the position.

MIN.NO. /COA/2024/042: VETTING OF HON. WYCLIFFE AMBETSA OPARANYA, EGH AS CABINET SECRETARY FOR THE MINISTRY OF CO-OPERATIVES AND

MICRO-SMALL AND MEDIUM ENTERPRISES (MSMEs) DEVELOPMENT

Hon. Wycliffe Ambetsa Oparanya, EGH, Cabinet Secretary nominee for Ministry of Co-operatives and Micro-Small and Medium Enterprises (MSMEs) Development, appeared before the Committee on Sunday, 4th August 2024 and was orally interviewed pursuant to the provisions of the Constitution of Kenya, the Public Appointments (Parliamentary approvals) Act, 2011 and the Standing Orders of the National Assembly.

The Chairperson directed the Clerk to administer oath and thereafter proceeded to request the nominee to confirm on whether she had obtained the following clearances:

(i) Questionnaire
(ii) Curriculum Vitae
(iii) Academic testimonials
(iv) Identification document
(v) KRA Tax Compliance Certificate
(vi) EACC Clearance Form
(vii) DCI Certificate of Good Conduct
(viii) Higher Education Loans Board (HELB) Compliance Certificate
(ix) Credit Reference Bureau Clearance
(x) Clearance from the Office of the Registrar of Political Parties
(xi) Summary of affidavits from the public

The nominee presented his original academic Certificates and national identification document for verification. The nominee then proceeded to brief the Committee on his education and professional background and suitability as follows:

Education and professional background

The nominee stated as follows: THAT—

1. He is a Kenyan Citizen born on 26th March 1956 in Butere, Kakamega County, Kenya
2. The nominee stated that he holds the following academic and professional qualifications:
    (i) Ph.D. Economics (University of Dare Salaam) (2016- to date);
    (ii) Masters Business Administration (MBA) -Finance Option, The University of Nairobi (2002-2005);
    (iii) Bachelor of Commerce (B. Com) The University of Nairobi) (1977-1980);
    (iv) Kisii School-A-level (KCE), 1975-1976);
    (v) Butere Boys High School (O-level), (1971-1974);
    (vi) Mabole Primary School (KCPE) (1963-1970);
3. He has worked and served in various capacities as follows:

(i) Governor- Kakamega County, (March 2013 - Sept 2022);
(ii) Minister of State for Planning, National Development, and Vision 2030, (2008- 2013);
(iii) Member of Parliament- Butere Constituency (2002 –2013);
(iv) Member of Pan-African Parliament (2005 - 2007)
(v) Chief Financial Controller, Kenya Aerotech Company Limited (2003– 1996);
(vi) Senior Audit Manager, Earnest Young (1980– 1995);

4. Leadership Responsibility:

(i) Chairperson, Council of Governors (2019-2020);
(ii) Chairperson, Lake Region Economic Block (2018-2022);
(iii) Parliamentary Committee on Finance (2008-2012);
(iv) Parliamentary Public Investment Committee (2008-2012);

Estimated Net worth and sources of income

5. The nominee estimated his net worth to be Kshs. 600,000,000 million which comprising of- Land properties, buildings, and Motor Vehicles.

On the key achievements as Governor and his vision for the Ministry he has been nominated to lead

6. The CS nominee noted that, the Kakamega County had no robust co-operative foothold. He noted that, he expanded the staffing and funding of the sector having found only one staff to whom the county inherited from the Ministry of Agriculture. By the time of the expiry of his term he had elevated the co-operative sector into a directorate in the County headed by a Chief Officer which remains the case to date.

On the reservation of EACC to his nomination as Cabinet Secretary for the alleged corruption and money laundering allegations

7. The nominee responded that, the facts put out by EACC were not correct given that he had neither recorded a statement nor been given an opportunity to defend himself against the EACC allegations.

8. The nominee further affirmed to the Committee that, he had never recorded any statement regarding the allegations against him and confirmed that his visit to the EACC was to collect some of the items gutted away during the raid to his home.

9. The nominee further clarified to the Committee that, through his long career in private and public service no accusation related to corruption had ever been leveled against him;

10. He informed the Committee that, the frozen funds by the EACC were not done on his account but to the CPF account from whom he was purchasing a property;

On seeking conservatory orders against the EACC

11. The nominee told the Committee that, he felt that his life and that of his family were under threat given that his home was ransacked phones and other personal belongings taken away

without due legal process. He therefore felt compelled to seek protection from the courts against harassment and the apparent risk to his life.

On his opinion about the Public Finance Management (Financial Inclusion) Fund (Hustler Fund) given his publicized opinion against the fund and whether the fund can be converted to a social fund

12. The nominee informed the Committee that, his earlier opinion was as result of the little information he had on the fund. He affirmed that he was well informed on the subject and convinced of the good intention of the fund and the impact it will have on those at the bottom of the economic pyramid.

13. The nominee assured the Committee that, if approved for appointment, he would be introducing a proper legal framework is in place with a management board to manage the Fund in a way that eases the recovery burden currently being experienced as result of the harried manner in which the fund was implemented, by so doing the nominee believes that more Kenyans will benefit from the fund.

14. On whether the Hustler Fund could be converted to a social fund, the nominee noted that, while the social assistance element remains an important element a government that values its populace, social assistance as a mandate of the Ministry of Labour and Social Protection.

On the Women Enterprise Fund and the digitization that has affected the rural Women and the MSME Authority and the Challenges facing the Co-operative Sector

15. The nominee noted that, he had little information on the subject and intents to quickly look at the subject on a priority basis if approved for appointment but advised that, all women be trained on the digital platforms given that technology is now an important component that must be embraced by all.

16. on the MSME Authority, the nominee intimated that previously MSMEs were scattered across various ministries with the Authority, it will make it easier for the ministry to provide the much-needed support to strengthen the authority and this is what he will pursue if approved for appointment.

17. on the challenges facing the co-operative sector, the nominee committed to assist in resolving the governance challenges to help the industry achieve its maximum potential if approved for appointment.

On the punitive practices by digital lenders negatively affecting the MSME sector

18. The nominee noted that it was responsible for the non-performance of the MSME sector, if approved for appointment he purposes to organize the cooperative sector to create a common pool to be able to lend the funds to MSMEs at affordable rates thereby forcing a balance in the lending sector.

On the question of MSMEs and Co-operatives centralized around the metropolis

19. The nominee affirmed to the Committee that, if approved for appointment, he will spearhead a public sensitization on formalization and registration of co-operatives across Kenya

On the Constituency Industrial Development Centers (CIDCs)

20. The nominee informed the Committee that, the CIDCs mandate falls in the Ministry of Trade, Investment, and Industry.

On the management of the Coffee Cherry Fund, the New KCC and KUSCO

21. The nominee noted that, the Coffee Cherry Fund and the new KCC have faced numerous challenges as result of the management failure. The government had often bailed out these institutions to cushion the farmers.

22. For the case of new KCC, the nominee faulted the internal management mechanisms for not being able to detect loss of funds. He stated that, it would no longer be sustainable for the government to keep bailing out these institutions for management failures.

23. The CS nominee if approved for appointment assured the Committee that, he will work to ensure that good management practices are adopted to ensure no borrowed money is lost and that there will be no delay in paying farmers dues in the case of KCC.

24. On KUSCO, the nominee noted that the entity is marred by corruption and the cooperative sector had lost over 10 billion under its watch, if approved for appointment, he will ensure that the entity refunds the lost funds, he also wondered why the EACC has not initiated investigations against it.

On Succession in the Co-operative Sector, shared functions between county and national government and the exploitation of Kenyans by unscrupulous MSMEs

25. The nominee assured the Committee that, if approved for appointment he will work with stakeholders to ensure that term limits are introduced in the leadership structure of co-operatives.

26. Co-operatives are a function of the County government but the element of the shared functions between both levels of government, the nominee clarified that, this occurs when the functions of some co-operative societies extend beyond county boundaries thereby necessitating the involvement of the national government.

27. On the exploitation of Kenyans by rogue MSMEs, the nominee took it upon himself to ensure that Kenyans are sensitized to always verify authenticity of information if approved for appointment.

On consideration of Muslim faithful in development sharia compliant Co-operatives and MSMEs products

28. The nominee promised if approved to ensure that a compliant product is developed for the community.

On the linkage between vision 2030 and the cooperatives and MSMEs

29. The nominee informed the Committee that, the vision 2030 had classified co-operatives as a financial function and did not give it much attention, however, given the dynamic nature of the business environment, the nominee notes that the current arrangement of a stand-alone Co-operatives and MSMEs Ministry best responds to the current needs.

On merging the Uwezo, Youth Fund, Hustler Fund, and the women Enterprise Fund

30. The nominee acknowledged that such a merger will reduce the operational costs of the funds if adopted but noted that the creation of such funds is usually accompanied by political interests which will have to be carefully managed to ensure sustainability of the funds.

On the re-introduction of the performance contracting element in the civil service

31. The nominee assured the committee if approved that, he will engage his counterpart at the National Treasury and economic planning to lead the way in implementing the performance contracting in government.

On the contribution of Ministry officials in the governance challenges in the co-operative sector

32. The CS nominee promised to streamline the all the challenges facing the co-operative sector if approved for appointment.

Memoranda

33. The Speaker noted that the nominee had responded to written memoranda against him nomination in writing.

MIN.NO. /COA/2024/043: ADJOURNMENT AND DATE OF NEXT MEETING

There being no other business, the meeting was adjourned at 4.10 pm.

SIGNED: Wetangula **DATE:** 7/8/24

HON. MOSES WETANGULA, EGH, M.P.
SPEAKER OF THE NATIONAL ASSEMBLY
(CHAIRPERSON)

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT - THIRD SESSION - 2024

MINUTES OF THE 8TH SITTING OF THE COMMITTEE ON APPOINTMENTS HELD ON SATURDAY, 3RD AUGUST, 2024 IN THE MINI CHAMBER, FIRST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS AT 4:00 PM.

PRESENT

1. **The Rt. Hon. (Dr.) Moses Wetangula, EGH, M.P. - Speaker of the National Assembly/Chairperson**
2. The Hon. Gladys J. Boss, MGH, M.P. -Deputy Speaker of the National Assembly
3. The Hon. Kimani Ichung'wah, EGH, M.P. - Leader of the Majority Party
4. The Hon. Owen Baya, CBS, M.P. -Deputy Leader of Majority Party
5. The Hon. Robert Mbui, CBS, M.P. - Deputy Leader of Minority Party
6. The Hon. Junet Mohamed, CBS, M.P. -Minority Whip
7. The Hon. Mishi Mboko, CBS, M.P.
8. The Hon. Abdul Rahim Dawood, M.P.
9. The Hon. David Gikaria, M.P.
10. The Hon. David Pkosing, CBS, M.P.
11. The Hon. Dido Ali Raso, M.P.
12. The Hon. Stephen Mule, M.P.
13. The Hon. Mary Emaase, M.P.
14. The Hon. Naisula Lesuuda, M.P.
15. The Hon. Nelson Koech, M.P.
16. The Hon. Abdi Shurie, M.P.
17. The Hon. Caleb Amisi, M.P.
18. The Hon. George Gitonga Murugara, M.P.
19. The Hon. Rahab Wachira Mukami, M.P.

APOLOGIES

1. The Hon. Opiyo Wandayi, EGH, M.P. - Leader of the Minority Party
2. The Hon. Ferdinand Wanyonyi, M.P.

IN-ATTENDANCE		NATIONAL ASSEMBLY
1. Mr. Samuel Njoroge, CBS	-	Clerk of the National Assembly
2. Mr. Jeremiah Ndombi, MBS	-	Deputy Clerk, National Assembly
3. Mr. Nicholas Emejen	-	Deputy Director, Audit, Appropriations & General Purpose Committees
4. Mr. Michael Karuru	-	Deputy Director, Legal Services
5. Ms. Leah Mwaura	-	Principal Clerk Assistant II
6. Dr. Andrew Shangirai	-	Principal Serjeant-at-Arms
7. Mr. Ronald Walala	-	Senior Legal Counsel
8. Ms. Emma Essendi	-	Senior Legal Counsel
9. Ms. Faith Chepkemoi	-	Legal Counsel II
10. Ms. Esther Nginyo	-	Clerk Assistant I
11. Ms. Naserian Lotuai	-	Clerk Assistant I
12. Ms. Fiona Musili	-	Research Officer I
13. Ms. Kathleen Nanzala	-	Clerk Assistant III
14. Mr. Andrew Kipchumba	-	Clerk Assistant III
15. Ms. Vivienne Ogega	-	Research Officer III
16. Ms. Joanne Naneu	-	Research Officer III
17. Mr. John Ng'ang'a	-	Audio Officer
18. Ms. Faith Makena	-	Serjeant-At-Arms

Agenda

1. Preliminaries
2. Adoption of the Agenda
3. Communication from the Chairperson
4. **Vetting of Hon. James Opiyo Wandayi, EGH, MP., as the Cabinet Secretary for the Ministry of Energy and Petroleum**
5. **Vetting of Hon. Onesimus Kipchumba Murkomen as the Cabinet Secretary for the Ministry of Youth Affairs, Creative Economy and Sports**
6. Committee Resolutions
7. Adjournment.

MIN.NO. /COA/2024/035: PRELIMINARIES

The Chairperson called the meeting to order at three minutes past four o'clock followed by a prayer said by the Clerk of the National Assembly.

MIN.NO. /COA/2024/036: VETTING OF HON. JAMES OPIYO WANDAYI, EGH, MP AS THE CABINET SECRETARY FOR THE MINISTRY OF ENERGY AND PETROLEUM

Hon. James Opiyo Wandayi, EGH, MP., Cabinet Secretary nominee for the Ministry of Energy and Petroleum, appeared before the Committee on Saturday, 3rd August 2024 at five minutes past four o'clock and was orally interviewed pursuant to the provisions of the Constitution of Kenya, the Public Appointments (Parliamentary approvals) Act, Cap. 7F and the Standing Orders of the National Assembly.

The Chairperson directed the Clerk to administer oath and thereafter proceeded to request the nominee to submit his documents for confirmation by the Committee. The nominee presented the following documents:

(i) Questionnaire
(ii) Curriculum Vitae
(iii) Academic testimonials
(iv) Identification document
(v) KRA Tax Compliance Certificate
(vi) EACC Clearance Form
(vii) DCI Certificate of Good Conduct
(viii) Higher Education Loans Board (HELB) Compliance Certificate
(ix) Credit Reference Bureau Clearance
(x) Clearance from the Office of the Registrar of Political Parties
(xi) Summary of affidavits from the public

The nominee then proceeded to brief the Committee on his education and professional background and suitability as follows:

Education and professional Education and professional background

The nominee stated as follows: THAT—

1. He was born on 22nd June 1972.
2. He holds the following academic and professional qualifications:
   (a) 2022: Bachelor of Law Degree, Daystar University;
   (b) 2014: Masters in Business Administration, Jomo Kenyatta University of Agriculture and Technology;
   (c) 1996: Bachelor of Science in Agriculture (Agricultural Economics), University of Nairobi.
3. He has worked and served in various capacities as follows:
   (a) 2022- to date: Member of Parliament, Ugunja Constituency;
   (b) 2022 - 2024: Leader of the Minority Party in the National Assembly;
   (c) 2017-2022: Member of Parliament, Ugunja Constituency;
   (d) 2017-2022: Chairperson, Public Accounts Committee, National Assembly;
   (e) 2013-2022: Member of Parliament, Ugunja Constituency;

(f) 1998-2012: core management positions in the private sector within and outside Kenya. His last assignment being a Leaf Business Sustainability Manager responsible for Uganda and DRC at British American Tobacco.

Estimated Net worth and sources of income

4. The nominee estimated his net worth to be Kshs. 536 million comprising of cash, SACCO shares, real estate and personal property.

The nominee was also examined on general understanding on sector issues and information contained in *The Questionnaire*. He responded as follows: THAT—

On shift in ideology from Leader of the Minority Party in National Assembly to Cabinet Secretary and commitment to the Government's BETA Agenda

5. The nominee informed the Committee that his role in the National Assembly was to hold the government accountable as mandated by Article 95 of the Constitution. He stated that his values and beliefs regarding proper governance had not changed owing to his nomination as a Cabinet Secretary. He believes in performing his national duty as a patriotic Kenyan and his commitment to the bottom-up economic transformation agenda is unwavering and he would work diligently to implement it effectively.

On the increase in price in the Road Maintenance Levy Fund by EPRA

6. The nominee stated that the Road Maintenance Levy Fund is under the Ministry of Transport and Roads. However, he believes that any increase in fuel levies should follow the due Parliamentary process as laid out in the law. He committed to work closely with the relevant ministries and stakeholders to address such issues and ensure transparency and fairness in fuel pricing, upon approval.

On concerns about corruption in the energy sector with regard to Independent Power Producers (IPP) selling expensive power to Kenya Power and Lighting Company (KPLC)

7. The nominee stated that his stance on corruption remained firm. He would engage with the Attorney-General to address the issue of IPP's and ensure that future power purchase agreements are fair and do not disadvantage Kenyans. Additionally, he would consider moving towards an energy auction system where energy is bought based on demand.
8. The nominee further submitted that the 'Take or Pay' policy used by the IPPs is not sustainable and although there is a moratorium on the same, he would ensure that policies by IPPs do not disadvantage Kenyans.

On electrification in areas with no electricity and addressing maintenance issues that lead to frequent power outages

9. The nominee informed the Committee that, if approved, he intends to empower the Rural Electrification and Renewable Energy Corporation (REREC) to fully handle last-mile connectivity and separate their functions from KPLC to avoid overlaps. He stated that for maintenance, he would work closely with the relevant agencies to modernize infrastructure and ensure timely repairs to minimize outages.

On breaking KPLC's monopoly to allow competition in the energy sector

10. The nominee stated that the Energy Act, Cap. 314 laid the foundation for opening the distribution space to other players. However, there is need for a robust KPLC to manage the existing infrastructure. He also foresaw a situation where Kenya would create zones for optimal utilization of resources and avoids conflicts.

On inequitable access to electricity

11. The nominee acknowledged the historical injustices in power distribution and committed that he would work systematically to correct these imbalances. He stated that this would involve adequately resourcing REREC and collaborating with county governments. Additionally, he would propose affirmative action to prioritize electrification in under-served areas, ensuring that every region, including marginalized ones, receives equitable access to electricity.

On frequent power outages and the long response time by KPLC to respond to breakdowns, especially in rural areas

12. The nominee stated that addressing power outages and response times is crucial and committed, if approved, to ensure that KPLC undergoes business process re-engineering to improve efficiency and responsiveness. He would implement strict timelines for addressing outages and leveraging modern technologies. Additionally, he would work on enhancing the capacity of transmission lines to ensure a stable power supply across all regions.
13. The nominee submitted that he would fast-track the commissioning and development of power transition lines with requisite capacity, including the Turkwel-Ortum-Kitale line, the Kisumu-Kakamega-Musaga line and the Narok-Bomet line to help solve the issue in Western and Nyanza region.

On combating corruption and inefficiencies within KPLC and the broader energy sector

14. The nominee informed the Committee that combating corruption and inefficiencies requires a multifaceted approach and that, if approved, he would work closely with the Attorney-General to review and renegotiate existing power purchase agreements that are unfavourable to Kenyans. Additionally, he would strengthen the regulatory framework and enforcement mechanisms to ensure transparency and accountability. He stated that ensuring fair procurement processes and addressing the influence of entrenched cartels would also be key priorities.

On the high cost of electricity and implementation strategies to reduce the cost of power for consumers and support for industrial growth

15. The nominee stated that reducing the cost of electricity would involve addressing both technical and commercial losses, which currently stand at around 23%. He would enhance the efficiency of KPLC's operations and increase the generation of cheaper clean energy such as geothermal and wind. Additionally, he would review and optimize the tariffs and levies that contribute to high electricity costs and promote investment in renewable energy projects and improve grid infrastructure, which would support industrial growth and reduce overall power costs.

On stance on the proposed Lamu coal power plant and balancing energy needs with environmental protection

16. The nominee informed the Committee that balancing energy needs with environmental protection is critical. He stated that while the proposed Lamu Coal Power Plant has faced opposition due to environmental concerns, he would carefully evaluate its impact. Additionally, he would engage with environmental groups, stakeholders and experts to ensure that any decision made prioritizes sustainability. Also, exploring alternative clean energy sources and technologies would be a priority to meet energy demands without compromising the environment.

On plans to address the issues surrounding the Lake Turkana Wind Power Project and value for taxpayers' money

17. The nominee stated that the Lake Turkana Wind Power Project is a significant investment, and it is crucial to ensure its value to taxpayers. He would conduct a thorough review of the project to address any existing issues and improve its efficiency. Additionally, lessons learned from this project would inform future renewable energy projects to ensure they are cost-effective and beneficial to the public. The nominee pledged to prioritize transparency and accountability in the management of such projects.

On measures to improve the safety standards for petroleum transportation to prevent accidents like the ones that occurred in Embakasi and Sachangwan

18. The nominee informed the Committee that he would work closely with the Energy and Petroleum Regulatory Authority to enforce strict safety regulations and conduct regular inspections of transportation facilities. He stated that implementing advanced monitoring and emergency response systems would help prevent accidents and mitigate risks. He further submitted that he would focus on ensuring that all stakeholders adhere to safety protocols to protect the public and the environment.

On the vision for Kenya's energy sector and promoting the adoption of clean energy technologies, given the global shift towards renewable energy

19. The nominee stated that he would prioritize investments in renewable energy sources such as geothermal, wind and solar power. He would implement policies and incentives to attract private sector investment in clean energy projects. Additionally, he would enhance research and development in renewable energy technologies and build local capacity to drive innovation and sustainability.

On the energy sector infrastructure as Kenya moves towards industrialization and middle-income status

20. The nominee informed the Committee that ensuring Kenya's energy infrastructure supports industrialization involves increasing our installed capacity, particularly from clean energy sources. He would invest in geothermal, hydro, wind and solar energy projects to provide a stable and reliable power supply. Additionally, he would modernize and expand transmission and distribution networks to meet the growing demand. Further, collaborating with regional partners to create an East African power pool would help in managing supply fluctuations and enhance energy security.

On the frequent and erratic billing by KPLC and measures to address this issue and improve customer satisfaction

21. The nominee stated that he would implement a comprehensive business process reengineering at KPLC to enhance accuracy and transparency in billing. This would involve upgrading metering systems, streamlining billing processes, and ensuring timely and clear communication with customers. He would also establish a robust customer service framework to handle billing disputes efficiently and fairly.

On KPLC's response time to repair faults and restore power outages

22. The nominee informed the Committee that he would implement strict timelines and performance benchmarks for addressing power faults and outages. He stated that enhancing training and resources available to field teams would also be a priority. Additionally, leveraging technology for real-time monitoring and faster incident response would ensure that power restoration is handled promptly, reducing the inconvenience to consumers.

On attracting investment in the energy sector especially in renewable energy projects

23. The nominee stated that he would streamline regulatory processes, provide incentives for clean energy projects and ensure transparency in project approvals. Also, establishing clear and consistent policies would give investors' confidence. Additionally, he would promote public private partnerships (PPPs) and engage with international development partners to secure funding and technical expertise for renewable energy initiatives.

On reducing carbon emissions and strategies for promoting clean energy and reducing Kenya's carbon footprint

24. The nominee informed the Committee that he would invest in expanding geothermal, wind and solar energy capacities which are not only clean but also cost-effective. He stated that encouraging the adoption of electric vehicles and enhancing public transportation infrastructure would help reduce emissions from the transportation sector. Additionally, he would implement policies that support energy efficiency and conservation in industries and households. Also, aligning the energy strategy with international climate agreements would also ensure that we contribute to global efforts in combating climate change.

On revamping the oil drilling projects in Northern Kenya, Turkana to contribute to the national economy

25. The nominee stated that he would work to attract strategic partners with the necessary financial and technical capacity to develop these oil reserves. He would ensure that the infrastructure, such as roads and pipelines is in place to support oil extraction and transportation. Also, engaging with local communities to ensure their participation and benefit from these projects would help create a supportive environment for sustainable development.

On combating the influence of cartels within the energy sector especially those affecting the procurement processes and operations of KPLC

26. The nominee informed the Committee that he would strengthen the regulatory framework to ensure transparency and accountability in procurement processes. He stated that implementing strict oversight mechanisms and engaging independent audit bodies would help identify and eliminate corrupt practices. Additionally, he would foster a culture of ethical conduct and provide whistle-blower protection that would encourage the reporting of illicit activities. Also, collaboration with law enforcement agencies to prosecute offenders would be a priority.

On the issue of complaints about the prolonged delays in processing applications for electricity connections

27. The nominee stated that reducing delays in processing electricity connection applications involves enhancing the efficiency of the relevant agencies. He would adopt technological solutions to automate and expedite application processing. He also stated that establishing clear service delivery timelines and monitoring compliance would ensure accountability. Additionally, increasing staffing levels and providing adequate training for personnel involved in the connection process would help address capacity constraints and improve overall service delivery.

On ensuring public institutions especially schools receive reliable and affordable electricity

28. The nominee informed the Committee that he would explore options for subsidizing electricity tariffs for schools to reduce their financial burden. He stated that implementing energy efficiency measures and providing schools with access to renewable energy solutions would ensure a stable and cost-effective energy supply. He would also collaborate with the Ministry of Education and other stakeholders to help prioritize the electrification of schools and ensure they have the resources needed to support their educational mission.

On illegal connections of electricity

29. The nominee stated that he would enhance surveillance and monitoring of the electricity network to detect and prevent illegal activities. Also, implementing stricter penalties and increasing enforcement efforts would deter power theft. He would also engage with communities to raise awareness about the risks and consequences of illegal connections. Additionally, he would work on improving the accessibility and affordability of legal electricity connections to reduce the incentive for theft.

On promoting regional energy integration and cooperation with the East African Community (EAC) and beyond

30. The nominee stated that he would actively participate in regional initiatives, such as the East African Power Pool to facilitate energy trade and resource sharing. He would develop cross-border energy infrastructure such as transmission lines and inter-connectors to enhance regional connectivity. Additionally, harmonizing energy policies and regulations with neighbouring countries would create a conducive environment for cooperation. By fostering regional integration, he would enhance energy security and drive economic growth across the EAC.

On the G-to-G deal and plan and approach to handle this agreement

31. The nominee informed the Committee that he would thoroughly study and understand the details of the deal and then offer informed and appropriate advice on how to proceed with the agreement to ensure it aligns with the national interest and policy objectives.

On REREC taking over the last-mile metering from KPLC to enhance customer satisfaction

32. The nominee stated he supports the idea of REREC handling last-mile metering and this division of responsibilities would allow KPLC to focus more on customer service and satisfaction, ensuring that both organizations can operate more efficiently and effectively within their areas of expertise.

On transitioning from oil-based transformers to fiber-optic technology at KPLC

33. The nominee informed the Committee that he would consult with technical experts on this matter and assured that he would address the transition accordingly. He stated that he is dedicated to pursuing this initiative to modernize the infrastructure and improve efficiency.

On stalled energy projects especially considering the current budget rationalization

34. The nominee stated that he would seek funding from development partners to finance the completion of transmission line projects. He emphasized the importance of collaborating with international donors and financial institutions to secure the needed resources for these critical infrastructure developments.

On the proposed implementation of nuclear energy in Uyombo

35. The nominee explained that Kenya, as a member state of the International Atomic Energy Agency, has adopted a phased approach to installing nuclear energy. He stated that public participation has already been conducted as part of the first phase, with site identification completed in Kwale and Kilifi counties. Additionally, he is committed to revisiting the matter

and encouraging the holistic involvement of all stakeholders, emphasizing that nuclear energy is a clean and affordable option that would contribute significantly to the base load power supply.

On measures to ensure Kenya stays on course to achieving its industrialization goals as outlined in the Vision 2030

36. The nominee informed the Committee that achieving the industrialization goals in alignment with both Vision 2030 and the EAC Vision, requires a consistent supply of clean and reliable energy. He stated that he would ensure proper licensing for the construction of geothermal wells by KenGen. Additionally, attracting investors to the energy sector would be a priority as it would spur economic growth and help meet the industrialization targets.

On issues highlighted by the Auditor-General regarding inconsistencies between check meters and main meters and the prevalence of faulty meters at KPLC

37. The nominee acknowledged the concerns raised by the Auditor-General, attributing the issues primarily to procurement problems influenced by pervasive cartels that disrupt the tendering process. He committed to investigating these inconsistencies further and emphasized the need for stricter oversight and reform in the procurement process. He also noted that the Public Procurement and Asset Disposal Act, Cap. 412C allows bidders to lodge complaints but this provision is often exploited by entrenched cartels. He pledged to work closely with other ministries to ensure a fair and transparent procurement process and to address the influence of cartels effectively.

On the Tullow oil project

38. The nominee informed the Committee that the Tullow Oil project is not dead and committed to ensure its revival. He acknowledged the project in the South Lokichar Basin lacks requisite financial capacity. He stated he would work closely with Tullow Oil to source a strategic partner, with guidance from the Attorney-General, to secure the necessary financial support and expertise for the project's successful continuation.

On alleviating the pressure on Members of Parliament (MPs) regarding electricity connectivity and addressing the issues with street lighting managed by REREC

39. The nominee recognized the collaboration between MPs and REREC on electricity connectivity. He proposed proper resourcing to REREC to expedite the connectivity process, aiming to increase the current penetration rate of 76%. He also emphasized the importance of involving county governments to enhance the effectiveness of these efforts.
40. He also addressed the problem of street lights, which often go off after commissioning due to maintenance issues and unpaid bills by the County Governments. He committed to empowering REREC to fully take charge of street lighting and the metering processes including exploring the use of solar street lights to ensure sustainability and continuous operation.

On strategies to reduce the pump price of fuel in Kenya

41. The nominee informed the Committee of a three-fold strategy to reduce fuel prices. First, he would address the landing cost, which significantly contributes to the pump price. Second, the nominee would work closely with Parliament to review and possibly reduce taxes and levies on fuel. Third, he would improve the storage and transportation logistics by collaborating with the Kenya Pipeline Company (KPC) to enhance efficiency. Additionally, extending KPC's operations to regions like Kampala, Rwanda and the DRC would generate more revenue through increased volume and distance, ultimately lowering fuel prices. Making KPC more competitive would benefit the overall fuel pricing structure, leveraging Uganda's use of Kenya's pipeline for direct fuel imports.

On compensation to Kenyans for electricity-related accidents

42. The nominee stated the importance of addressing the needs of victims of electricity-related accidents. He would work with relevant authorities to streamline the claims process and make it more accessible to affected individuals. He also mentioned the need to improve safety standards and practices to prevent such accidents from occurring in the first place.

Potential Conflicts of Interest

43. The nominee declared that he is not associated with any person or matter that would present a potential conflict of interest should he assume the position of Cabinet Secretary Ministry of Energy and Petroleum.

Integrity

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

Political Affiliation

45. The nominee confirmed that he is currently not a leader of any political party.

Memoranda

46. The Speaker noted that the nominee had responded in writing to all written memoranda opposing his nomination as Cabinet Secretary for Energy and Petroleum.

MIN.NO. /COA/2024/037: VETTING OF HON. ONESMUS KIPCHUMBA MURKOMEN, EGH AS CABINET SECRETARY FOR THE MINISTRY OF YOUTH AFFAIRS, CREATIVE ECONOMY AND SPORTS

Hon. Onesmus Kipchumba Murkomen, EGH, Cabinet Secretary nominee for Information, Communication and the Digital Economy, appeared before the Committee on Saturday, 3rd August, 2024 at 6:24 pm and was orally interviewed pursuant to the provisions of the Constitution of Kenya, the Public Appointments (Parliamentary approvals) Act, Cap. 7F and the Standing Orders of the National Assembly.

The Chairperson directed the Clerk to administer oath and thereafter proceeded to request the nominee to submit his documents for confirmation by the Committee. The nominee presented the following documents:

(i) Questionnaire
(ii) Curriculum Vitae
(iii) Academic testimonials
(iv) Identification document
(v) KRA Tax Compliance Certificate
(vi) EACC Clearance Form
(vii) DCI Certificate of Good Conduct
(viii) Higher Education Loans Board (HELB) Compliance Certificate
(ix) Credit Reference Bureau Clearance
(x) Clearance from the Office of the Registrar of Political Parties

The nominee then proceeded to brief the Committee on his education and professional background and suitability as follows:

Education and professional Education and professional background

The nominee stated as follows: THAT—

1. He is a Kenyan citizen born on 12th March, 1979 in Elgeyo Marakwet County. The nominee confirmed that he is a citizen of Kenya by birth and does not hold any dual citizenship.

2. He holds the following academic and professional qualifications:

(a) **2007**: Master of Laws (LLM) American University's Washington College of Law, Washington DC, USA;

(b) **2006**: Master of Laws (LLM) University of Pretoria, Pretoria South Africa. (Graduated with Distinction);

(c) **2006**: Diploma in Law, Kenya School of Law;
(d) **2004**: Bachelor of Laws (LLB), University of Nairobi, Second Class (Upper Division);

(e) **2002**: Certificate in African Leadership and Globalization, Dar es Salaam University (Tanzania), Makerere University (Uganda), University of Nairobi (Kenya) and University of California Los Angeles;

(f) **1998**: Kenya Certificate of Secondary Education (KCSE) St. Patrick's High School, Iten; and,

(g) **1994**: Kenya Certificate of Primary Education (KCPE), Kapsigilai Primary School.

3. He has worked and served in various capacities as follows:

(a) **2022-2024**: Cabinet Secretary, Ministry of Roads and Transport;

(b) **2013-2022**: Senator, Elgeyo Marakwet County;

(c) **2013-2022 –** Sing'oei Murkomen & Sigei Advocates

(d) **2009-2012**: Assistant Lecturer, Moi University, School of Law;

(e) **2010-2011**: Member of the Task Force on Devolved Government, Ministry of the Local Government;

(f) **2008-2010**: Consultant, Lutheran World Federation;

(g) **2007 – 2009**: Assistant Lecturer, Catholic University of East Africa, Faculty of Law

(h) 2009-2012: Adjunct Lecturer, University of Nairobi, School of Law

(i) 2007 – 2008: Consultant, ActionAid Kenya

(j) 2007 - Consultant, World Life Foundation

(k) November – December 2006: Researcher (Washington DC) John Hopkins University Protection Project

(l) **June – August 2006:** Research Assistant (Washington) DC Woodrow Wilson International Centre for Scholars

(m) **November – July 2005:** Muthoga Gaturu & Company, Apprentice

(n) **March-July 2002:** Program Officer, Constitution of Kenya Review Commission

4. ***Extra Mural Activities***

(a) Associate Editor and Member of Editorial Board University of Nairobi Law Journal, 2003- 2004;

(b) Represented Fellowship of Christian Unions (FOCUS) in the World Assembly in Debron - Netherlands 4th -11th July 2003. A week Later I had a chance to attend Milosevic Trial in the International Criminal Tribunal of the former Yugoslavia (ICTY);

(c) Director of External Affairs, Students of Nairobi University (SONU) Organisation, 2004. Represented SONU in the Inter-University Council of East Africa (IUCEA) Workshop held in Arusha 14th -15th October 2004;

(d) Chairman, Fellowship of Christian Unions (FOCUS)-Kenya, National Students Executive Council (NASEC)-2003-2004. Leading Christian Unions in Universities and Diploma Colleges in Kenya;

(e) Chairman Parklands Campus Christian Union 2002-2003;

(f) Secretary General, Federation of East Africa Law Students Association (FEALSA), 2002-2003;

(g) Chairman Kenya Law Students Society, Feb. 2002 – Feb. 2003: Representing law students in socio-political and academic issues. Managed to organize moot courts, conferences and revived the publication of the University of Nairobi Law Journal after being out of publication for seven years; and,

(h) Discussant Constitution of Kenya Review Conference organised by COVAW for the Constitution of Kenya Review Conference delegates from North Rift Valley April 3-5 2003.

Estimated Net worth and sources of income

5. The nominee estimated his net worth to be Kshs. 620 million.

Honours and Awards

6. Awarded Elder of the Order of the Golden Heart (EGH), 2015, by the President of Kenya;

7. In 2006, he was awarded International Research Scholarship, American University's Washington College of Law. This was an honour for contributing to research on International Law;

8. In 2005, he was awarded World Bank Academic Scholarship, to study International Trade and Investment Law at the University of Pretoria South Africa; and,

9. In 2002, the nominee was awarded Ford Foundation Scholarship, for a Training on African Leadership and Globalization.

Professional Association and Membership

10. The Nominee is a member of the Law Society of Kenya and a member of the East Africa Law Society.

Potential Conflicts of Interest

11. The nominee declared that he is not associated with any person or matter that would present a potential conflict of interest should he assume the position of Cabinet Secretary for Youth Affairs, Creative Economy and Sports.

Integrity

12. The nominee declared that he has neither been charged in a court of law nor mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three years. He has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.
13. The nominee was also examined on general understanding on sector issues and information contained in *The Questionnaire*. He responded as follows:

14. During his tenure in the Ministry of Roads and Transport, the nominee spearheaded numerous projects, including completing 1000 kilometers of road in 20 months and securing Kshs. 37 billion for new road construction. He conceptualized an Intelligent Traffic Management System for Nairobi, rehabilitated Mombasa Road, and sourced public-private partnerships for road expansion. He completed several major infrastructure projects, improved port efficiency, reduced cargo clearance time, operationalized the Port of Kisumu, launched speed camera installations, constructed six airstrips, expanded Karenga Airstrip, negotiated a significant settlement, reduced cargo check points, and implemented smart weighbridges for faster cargo movement.

15. If approved as Cabinet Secretary, his vision for the Ministry would include using sports to promote social cohesion and create job opportunities for youth. He would seek to address youth unemployment by ensuring their involvement in government-funded contracts as well as including them in internship programs. Additionally, he intends to advance legislative

initiatives, such as the Youth Development Bill, Creative Economy Support Bill, 2024, Creative Economy Policy, and National Youth Council (Amendment) Bill, 2023, to empower the youth.

16. The Cabinet Secretary nominee pledged to evaluate the management of sports in the country by bringing all stakeholders and sports federations on board. He also committed that, if approved, to hold to account the leadership of sports federations in the country to ensure transparency and accountability in their operations and curb corruption in the sector.

17. He also committed to personally engage the Chief Justice with regard to resolution of election conflicts bedevilling sport federations in the country besides ensuring that the long overdue elections are held.

18. He also committed to ensure that sports facilities are built to international standards and are inspected for compliance. Further, he asserted that he would utilise the Sports Fund to revamp and complete stalled stadia, as well as invest in identification of talent and training from the grass root level.

19. In reference to gender violence and sexual abuse in sports sector, the Cabinet secretary nominee promised to review the Sports Act, Cap. 223 and put in place a sports policy to guide the sports sector and ensure that sports men and women are protected from these evils that are rampant in the sector.

20. With regard to the speculation that there are plans to sell out Jomo Kenyatta International Airport, the nominee, as the immediate former CS for Roads and Transport assured the Committee and Kenyans that this was a misinformation and that the airport belongs to the Government and the people of Kenya. However, the nominee asserted that plans were underway to enter into a PPP agreement to modernise JKIA which where still at the initial stages.

21. On ensuring growth and protection of local content from plagiarism, the nominee informed the Committee that he will enforce the intellectual property laws, engage stakeholders in the sector to work towards supporting local companies to air local content and ensure that the requirement to have 60% local content in local media is anchored in law.

22. He committed to collaborating with content creators to establish self-regulation and a regulatory framework for Kenya's film industry. He also promised to work with stakeholders in the creative and sports sectors to enhance youth opportunities and ensure they can profit from their talents through the Talanta Hela Initiative.

26. In reference to youths' mental health in the country, the CS nominee committed to ensure that there are policies in place to ensure access to psycho-social support for not just the youths but also former and current sports men and women in the country.

27. Finally, with regard to perceived opulence and a sense of self-importance by the citizenry, the nominee Cabinet Secretary responded that this was far from the truth and committed to maintain utmost humility and integrity as he serves his country and the people of Kenya.

Potential Conflicts of Interest

28. The nominee declared that he is not associated with any person or matter that would present a potential conflict of interest should he assume the position of Cabinet Secretary Ministry of Youth Affairs, Sports and Creative Economy

Integrity

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

Political Affiliation

30. The nominee confirmed that he is currently not a leader of any political party.

Memoranda

31. The Speaker noted that the nominee had responded in writing to all written memoranda opposing his nomination as Cabinet Secretary for Youth Affairs, Sports and Creative Economy.

MIN. NO. /COA/2024/038: ADJOURNMENT AND DATE OF NEXT MEETING

There being no other business, the meeting was adjourned at 8:32 pm. The next meeting will be held on Sunday 4th,2024 in the Mini-Chamber, First Floor, County Hall, Parliament Buildings from 8.00 a.m.

SIGNED: Wetangula **DATE:** 7/8/24

HON. (DR.) MOSES WETANGULA, EGH, M.P.
SPEAKER OF THE NATIONAL ASSEMBLY
(CHAIRPERSON)

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT - THIRD SESSION - 2024

MINUTES OF THE 7TH SITTING OF THE COMMITTEE ON APPOINTMENTS HELD ON SATURDAY, 3RD AUGUST, 2024 IN THE MINI CHAMBER, FIRST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS AT 8:00 A.M.

PRESENT

1. **The Rt. Hon. (Dr.) Moses Wetangula, EGH, M.P. - Speaker of the National Assembly/Chairperson**
2. The Hon. Gladys J. Boss, MGH, M.P. - Deputy Speaker of the National Assembly
3. The Hon. Kimani Ichung'wah, EGH, M.P. - Leader of the Majority Party
4. The Hon. Owen Baya, CBS, M.P. - Deputy Leader of the Majority Party
5. The Hon. Robert Mbui, CBS, M.P. - Deputy Leader of Minority Party
6. The Hon. Junet Mohamed, CBS, M.P. – Minority Whip
7. The Hon. Mishi Mboko, CBS, M.P.
8. The Hon. Abdul Rahim Dawood, M.P.
9. The Hon. David Pkosing, CBS, M.P.
10. The Hon. Dido Ali Raso, M.P.
11. The Hon. Mary Emaase, M.P.
12. The Hon. Naisula Lesuuda, M.P.
13. The Hon. Nelson Koech, M.P.
14. The Hon. Abdi Shurie, M.P.
15. The Hon. David Gikaria, M.P.
16. The Hon. Caleb Amisi, M.P.
17. The Hon. George Gitonga Murugara, M.P.
18. The Hon. Stephen Mule, M.P.
19. The Hon. Rahab Wachira Mukami, M.P.

APOLOGIES

1. The Hon. Opiyo Wandayi, EGH, M.P. - Leader of the Minority Party
2. The Hon. Ferdinand Wanyonyi, M.P.

IN-ATTENDANCE		NATIONAL ASSEMBLY
1. Mr. Samuel Njoroge, CBS	-	Clerk of the National Assembly
2. Mr. Jeremiah Ndombi, MBS	-	Deputy Clerk of the National Assembly
3. Mr. Nicholas Emejen	-	Deputy Director, Audit, Appropriations & General Purpose Committees
4. Mr. Oscar Namulanda	-	Deputy Director, Audit, Appropriations & General Purpose Committees
5. Mr. Michael Karuru	-	Deputy Director, Legal Services
6. Ms. Leah Mwaura	-	Principal Clerk Assistant II
7. Dr. Andrew Shangirai	-	Principal Serjeant-at-Arms
8. Mr. David Ng'eno	-	Principal Research Officer
9. Mr. Ronald Walala	-	Senior Legal Counsel
10. Ms. Emma Essendi	-	Senior Legal Counsel
11. Ms. Faith Chepkemoi	-	Legal Counsel II
12. Ms. Esther Nginyo	-	Clerk Assistant I
13. Ms. Naserian Lotuai	-	Clerk Assistant I
14. Ms. Fiona Musili	-	Research Officer I
15. Ms. Kathleen Nanzala	-	Clerk Assistant III
16. Mr. Mark Namaswa	-	Clerk Assistant III
17. Mr. Dominic Letaya	-	Clerk Assistant III
18. Mr. Andrew Kipchumba	-	Clerk Assistant III
19. Ms. Vivienne Ogega	-	Research Officer III
20. Ms. Joanne Naneu	-	Research Officer III
21. Mr. John Ng'ang'a	-	Audio Officer
22. Mr. Danton Kimutai	-	Audio Officer
23. Mr. Eugene Luteshi	-	Audio Officer
24. Ms. Faith Makena	-	Serjeant-At-Arms

Agenda

1. Preliminaries
2. **Vetting of Hon. John Mbadi Ng'ongo, EGH Cabinet Secretary Nominee - The National Treasury and Economic Planning**
3. **Vetting of Hon. Salim Mvurya Mgala, EGH Cabinet Secretary Nominee - Ministry of Investments, Trade & Industry**
4. **Vetting of Ms. Rebecca Miano, EGH Cabinet Secretary Nominee - Ministry of Tourism and Wildlife**
5. Adjournment.

MIN.NO. /COA/2024/030: PRELIMINARIES

The Chairperson called the meeting to order at five minutes past eight o'clock followed by a prayer said by the Clerk of the National Assembly.

MIN.NO. /COA/2024/031: HON. JOHN MBADI NG'ONGO, EGH CABINET SECRETARY NOMINEE - THE NATIONAL TREASURY AND ECONOMIC PLANNING

Hon. John Mbadi Ng'ongo, EGH Cabinet Secretary Nominee - The National Treasury and Economic Planning appeared before the Committee on Saturday, 3rd August, 2024 at 8:05 am and was orally interviewed pursuant to the provisions of the Constitution of Kenya, the Public Appointments (Parliamentary approvals) Act, Cap7F and the Standing Orders of the National Assembly.

The Chairperson directed the Clerk to administer oath and thereafter proceeded to request the nominee to submit his documents for verification by the Committee. The nominee presented the following documents:

(i) Questionnaire
(ii) Curriculum Vitae
(iii) Academic testimonials
(iv) Identification document
(v) KRA Tax Compliance Certificate
(vi) EACC Clearance Form
(vii) DCI Certificate of Good Conduct
(viii) Higher Education Loans Board (HELB) Compliance Certificate
(ix) Credit Reference Bureau Clearance
(x) Clearance from the Office of the Registrar of Political Parties

The nominee then proceeded to brief the Committee on his education and professional background and suitability as follows:

Education and professional background

1. The nominee stated as follows: THAT—
2. He is a Kenyan citizen born in 1971 in Homa Bay County, Kenya.
3. He holds the following academic and professional qualifications:
   (a) Certified Public Accountant of Kenya (1998 – 1999);
   (b) Bachelor of Commerce (B. Com), Accounting Option University of Nairobi (1992 – 1996);
   (c) Kokuro Secondary School (1987-1990);
   (d) Honours and Awards: Elder of the Order of the Golden Heart (EGH);
4. Membership Professional Bodies - Member, Institute of Certified Public Accountants of Kenya
5. He has worked and served in various capacities as follows:
   (a) Nominated Member of Parliament (Aug 2022 – Present);
   (b) Member of Parliament, Suba South Constituency (2017 – 2022);
   (c) Member of Parliament, Suba Constituency (2013 – 2017);
   (d) Member of Parliament, Gwassi Constituency (2008 – 2013);

(e) Finance Director at Medair East Africa – South Sudan Programme (2004 – 2008);
(f) Senior Accountant, University of Nairobi (1999 – 2003);
(g) Accountant, University of Nairobi Enterprise Services (2000-2002);
(h) Assistant Accountant, University of Nairobi (1996 – 1999);

6. Appointments
(a) National Chairman of Orange Democratic Movement (2014 to date);
(b) Leader of Minority in the National Assembly (2017 – 2022);
(c) Assistant Minister in the Office of the Prime Minister (2012 – 2014);
(d) Chair of Supervisory Committee of Chuna SACCO (2000 – 2004);

Estimated Net worth and sources of income

7. The nominee estimated his net worth to be Kshs. 380 million comprising of immovable property, SACCO shares, bonds and deferred annuity and vehicles.

Potential Conflicts of Interest

8. The nominee declared that he did not have any person or matter that would present a potential conflict of interest should he assume the position of Cabinet Secretary - The National Treasury and Economic Planning.
9. He committed to adhere to the tenets of the Constitution of Kenya 2010, and the relevant legislation and that he would declare his interest, recuse from discussions, proceedings, or debates that he could have interest in as well as sign the Public Officers' Service Code of Conduct and Ethics.
10. The nominee was also examined on general understanding on sector issues and information contained in the *Questionnaire*. He responded as follows: THAT—

On addressing debt situation in the country

11. The nominee informed the Committee that the public debt at the moment was estimated to be at 67% of GDP, while the internal and external debt ratio was at 50:50 totalling to a sum of Ksh. 10.5 trillion.
12. He highlighted debt accountability and linking debt to projects was his priority in managing the country's debt situation, if approved. He committed to make debt register a open and transparent document by ensuring its published annually.
13. On revenue mobilization, the nominee noted that there was need revamp KRA through institutional reforms, systems re-engineering and staff capacity building so as to reduce on tax leakages.
14. The nominee opined that Kenya's economy would grow by Kshs. 600 million if it attained a tax revenue to GDP percentage of 18%.

On pending Bills

15. The nominee informed the Committee that pending bills in Kenya have reached alarming levels especially when doing business with government entities. The nominee informed the Committee that there was Kshs. 663 billion in pending Bills claims but some of the claims are likely to be fictitious. Should he be appointed Cabinet Secretary, he would eliminate pending Bills since payments will be made promptly upon completion of works or supply of commodities. This would also reduce expenses on pending Bills that come in form of penalties and interest charged as a result of delayed payment.

On realistic revenue projections

16. The nominee admitted that Kenya has been under-performing in raising revenue since the said projections have been used as balancing figures in budget estimates. He informed the Committee that there was need to initiate reforms at the Kenya Revenue Authority such that they make revenue projections that are evidence-based. He emphasized on the need to be realistic in budgeting so as to reduce mid-year budget revision.
17. Further, the nominee committed that, upon approval, he will meet KRA management to address among other issues, automation, to deal with the porosity of their revenue collection systems.

On bottom up economic model

18. The nominee informed the Committee that the government's Bottom-up economic transformation model shared the same philosophies with the socio-economic transformation model of the Orange Democratic Movement which he believed in.

On abuse of Article 223 of the Constitution

19. The nominee stated that Article 223 of the Constitution, which allows for Supplementary Appropriation, has been misused in the past to incur expenditures outside the intended purpose of addressing emergencies or insufficient funds. He committed to implementing controls and checks to ensure proper adherence to the provisions of Article 223.

The Withdraw of Finance Bill 2024

20. The nominee attributed the rejection of the Finance Bill, 2024 by the public, to poor communication, unawareness and public misinformation. He acknowledged that, despite being a member of the minority party that opposed the Bill, it contained many positive proposals that could have benefited Kenyans. If approved, he committed to improving communication about government policies to the public, aiming to build trust and prevent misunderstandings of government intentions.

On sharable revenue disbursement delays

21. The nominee informed the Committee that he was opposed the reduction of funds allocated to counties, as it would undermine devolution. He also attributed the misapplication of

development funds in the counties to delays in the release of Exchequer funds, which forced counties to borrow money from lending institutions at high interest rates, thereby increasing the cost of their operations.

On Public Accounts Committee and Auditor-General's Reports

22. The nominee informed the Committee that the Public Accounts Committee was up to date in the consideration of the Auditor-General's Reports for the Financial Year 2021/2022. He noted the need to allocate additional resources to the Office of the Auditor-General to conduct special and forensic audits, which he committed to approve, once in office.

Operationalization of the Equalization Fund

23. The nominee informed the Committee that the intended purpose and impact of the Equalization Fund had not been realized due to its lack of operationalization, as outlined in Article 204 of the Constitution. If appointed, the nominee stated that he would ensure full implementation of the Equalization Fund.

Arror and Kimwarer Dams contracts

24. The nominee informed the Committee that the controversy surrounding the contracts for certain dams including Arror and Kimwarer highlights the problematic nature of agreements that Kenya has been entering into, leading to financial losses. If approved and appointed, he would seek guidance from the Attorney-General to review these contracts to avoid future challenges.

On stalled government projects

25. The nominee stated that Kenya currently has a disclosed list of 437 stalled projects. He informed the Committee that the situation was even worse than reported, with instances of new projects of a similar nature being started next to the stalled ones, resulting in further losses and wastage of public funds. If approved, he would prioritize assessing and completing viable projects to prevent additional wastage of public funds.

Plight of pensioners

26. The nominee informed the Committee that he was alive to the plight of pensioners who have to wait for many years before their dues are paid. He informed the Committee that this has been contributed in part to an outdated pension regime. He promised the Committee to embark on elimination of pending pension (estimated at Ksh. 26 billion in 2023/2024 Financial Year).

Leveraging on gold reserves

27. The nominee informed the Committee that he agreed with the establishment of a sovereign wealth fund which would leverage on gold reserves. This would be a good way of realizing the goal of ensuring stabilization against currency depreciation.

The rising wage bill

28. The nominee informed the Committee that the public wage bill remains a matter of concern especially with the establishment of counties and administrative structures modelled after the former provincial administrations. The nominee opined that ideally, regional governments should have been established for development purposes and not to duplicate of the National Government.

On unclaimed assets

29. The nominee admitted to the Committee that he is yet to interact with data on unclaimed financial assets but if approved for appointment, he would ensure that the Unclaimed Assets Authority is able to live up to its mandate.

Domestic borrowing from the Diaspora pool

30. The nominee informed the Committee that Kenya can leverage on its overseas population and issue bonds and other packages of raising money domestically from the diaspora. Further, the nominee proposed to initiate measures of easing diaspora remittances through downward revision of transaction costs on funds remitted from the diaspora.

Memoranda

31. The Speaker noted that the nominee had responded in writing to all written memoranda opposing his nomination as Cabinet Secretary for the National Treasury and Economic Planning.

MIN.NO. /COA/2024/032: VETTING OF HON. SALIM MVURYA MGALA, EGH AS CABINET SECRETARY FOR THE MINISTRY OF INVESTMENTS, TRADE & INDUSTRY

Hon. Salim Mvurya Mgala, EGH, Cabinet Secretary Nominee for the Ministry of Investments, Trade & Industry, appeared before the Committee on Saturday, August 3rd, 2024 at 11.06 a.m and was orally interviewed pursuant to the provisions of the Constitution of Kenya, the Public Appointments (Parliamentary approvals) Act, Cap. 7F and the Standing Orders of the National Assembly.

The Chairperson invited the nominee to take oath, and thereafter directed him to submit his documents for verification by the Clerk. The nominee presented the following documents:

(i) Questionnaire

(ii) Curriculum Vitae
(iii) Academic testimonials
(iv) Identification document
(v) KRA Tax Compliance Certificate
(vi) EACC Clearance Form
(vii) DCI Certificate of Good Conduct
(viii) Higher Education Loans Board (HELB) Compliance Certificate
(ix) Credit Reference Bureau Clearance
(x) Clearance from the Office of the Registrar of Political Parties

The nominee then proceeded to brief the Committee on his education and professional background and suitability as follows:

Education and professional background

1. The nominee stated as follows: THAT—
2. He is a Kenyan citizen born in the year 1970 in Kwale County.
3. He holds the following academic and professional qualifications:
   (a) Master of Arts in Participation, Power and Social Change, Institute of Development Studies, University of Sussex, United Kingdom (2009-2011);
   (b) Bachelors in Agribusiness Management, Egerton University (1991-1996);
   (c) Kenya Certificate of Secondary Education (KCSE), Mpeketoni Secondary School, Lamu County (1987-1990).

Honours and Awards

4. Elder of the Order of the Golden Heart (EGH).
5. He has worked and served in various capacities as follows:
   (a) **Oct 2022 – July 2024:** Cabinet Secretary, Ministry of Mining, Blue Economy and Maritime Affairs
   (b) **2013 – 2022:** Governor, Kwale County
   (c) **2004 – 2012:** Program Unit Manager, Plan International (Inc), Kwale County
   (d) **2003 – 2004:** Program Unit Manager, Plan International (Inc), Kilifi County
   (e) **2000-2003:** Program Officer, Plan International (Inc) Kwale County
   (f) **Jun 1998 – Jan 2000**: Field Officer, Kwale Rural Support Program, Aga Khan Foundation
   (g) **Jan 1997 – May 1998:** Research Assistant, Tegemeo Institute of Agricultural Policy and Development (Egerton University)
   (h) **1995:** Field Monitoring Officer, Rea Vipingo Plantations

6. He was membership of different bodies as follows:

   (a) **2014-2016:** Vice-chairman, Council of County Governors;

(b) **2014-2016:** Chair of the resource mobilization committee of the Council of County Governors;
(c) **2015-2021:** Chair of the Jumuia ya Kaunti za Pwani;
(d) **2007-2008:** Founder member and treasurer, Kinango Professionals Association;
(e) **2006-2009:** Chairman-Kwale Health Forum Kwale District;
(f) **2007-2012:** Board of Governor Kwale Girls high school;
(g) **2007- 2009**: Director, Kwale Water and Sewerage Company (Coast Water Services Board);
(h) **1995-1996:** Chairman, Agribusiness Club of Egerton University;
(i) **1995-1996:** Chairman, Kwale Students Association, Egerton Chapter.

Estimated Net worth and sources of income

7. The nominee stated his net worth to be Kshs.158,000,000 comprising of parcels of land, houses, motor vehicles, rental income.

Potential Conflicts of Interest

8. The nominee declared that he did not have any person or matter that would present a potential conflict of interest should he assume the position of Cabinet Secretary for the Ministry of Investments, Trade & Industry.
9. The nominee declared that he had not been mentioned adversely in any integrity-related report or investigation.
10. The nominee stated that he does not hold office in any political party.

The nominee was also examined on general understanding on sector issues and information contained in *The Questionnaire*. He responded as follows: THAT—

Achievements from the previous Ministry of Mining, Blue economy and Maritime Affairs and state of mining sector in the country

11. Through his leadership at the previous ministry, the nominee outlined that he initiated reforms in the licensing department through the introduction of online cadastral system in the mining sector. Further, he instituted minerals value addition in the sector; creation of eight laboratories across the country for sampling and testing, and formation of mining committee at the grassroots level to issue permit and assist to fight illegal mining. The nominee stated he had carried out mapping of the Indian Ocean and Lake Victoria to boost fishing industry and licensing of industrial fishing vessels was ongoing.

East Africa Community Common Market Agreements

12. The nominee stated he would change tact in the negotiations by conducting careful evaluation of the agreement with EAC partner states to protect the country's interests and ensure there was a balance of trade among the countries.

Measures on improving communications between the ministry and the public

13. The nominee acknowledged that there was a breakdown in communication of government policies and achievements to the public. He committed that he would strengthen communication by adopting all channels to disseminate information and engage the public.

Measures to protect the local manufacturing industries from unfair competition from imports

14. The nominee pledged to involve all the stakeholders in coming up with actionable proposals to shield the local manufacturers. Further, he that stated he would liaise with the National Assembly to actualize the provisions that were contained in the rejected Finance Bill, 2024, whose aim was to shield local manufacturers by imposing levies on imported goods.

Resuscitation of the manufacturing sector and protection of the MSME's

15. To increase the capacity of the manufacturing sector which was on a rapid decline, he pledged to tackle the challenges that had led to an unfavourable environment for manufacturing resulting to many firms closing and others relocating. He attributed this to high cost of power and thus would discuss with the Ministry of Energy to grant industries a special tariff. Further he plans to shorten licensing period and develop Special Economic Zones (SEZ). He promised to tackle all investors who are misusing SEZ by ensuring they pay all the relevant taxes.
16. The nominee stated the MSME's sector was devolved and he would develop good working relationship with counties and champion for the county aggregation centers. To strengthen the MSME's he plans to come up with a Trade Development Bill and Trade Development Policy to offer guidelines on foreign and local industries.

Tackling of counterfeits and illicit goods in Kenyan market

17. To tackle the issue of counterfeit in the country he would work closely with all the relevant government agencies including KEBS to conduct market surveillance. On the issue of porous borders, he would collaborate with the Ministry of Interior and National Administration to enhance borders surveillance.

Promotion of entrepreneurs

18. He pledged continued support of digital technology by adding more digital incubation centres and providing mentorship. He committed that he would 10trengthen the Kenya Industrial Research and Development Institute (KIRDI) and set up an entreprenual fund for startups.

Production of raw materials to spur industrialization in the country

19. The nominee stated he would champion, together with the other relevant ministries and County Governments, the revival of crops that provide raw materials to the industries.

Renegotiation of the AGOA Treaty

20. The nominee noted he was aware that the current AGOA treaty would expire in the year 2025 and that Kenya was in favour of the renewal. He stated that there was ongoing consultations between Kenya and the USA to enhance strategic partnerships in the area of trade.

Kenya as a destination of Foreign Direct Investment (FDI)

21. To champion Kenya as an attractive destination for FDI, he would fast track the setting up of the Special Economic Zones and Export Processing Zones. He would also support the counties to ensure the County Agricultural Industrial Parks were successful given the unique value chain it possesses. Creation of a conducive business environment would be top of the agenda together with liaising with Parliament and the National Treasury to provide incentives and tax amnesties to the investors.

Accusation of corruption as Governor of Kwale County

22. He stated he was not under any investigation from the relevant government agencies.

KONZA Technopolis position in job creation

23. He stated that KONZA project was under the purview of the Ministry of Information, Communication and Technology (ICT) and he would liaise with this Ministry to provide incentives that would attract investors to KONZA and thus create jobs.

Mining, Blue Economy and Maritime meagre contribution to the GDP

24. He stated the industry requires huge initial investments in order for the country to realize its benefits. From the research he undertook, the sector would contribute Kshs. 221B in the current financial year to the economy.

Reviving of leather industry

25. On the revival of leather value chain which was valued at Kshs. 120B per year, he submitted he would provide leadership to ensure the industry was revived and would extend this to all other sectors that were lagging. The nominee agreed with the Committee that there was need to develop a plan on sequencing when developing value chain of a specific product, as this would enable creation of sustainable industries, this would be possible by collaborating with the other government agencies.

Impact of World Trade Organization on Kenya's Balance of trade

26. The nominee would concentrate on specific negotiations with the World Trade Organization and focus on attaining favourable trade regimes that will balance value of export and imports in the country.

On the concerns raised by the public

27. The nominee addressed the issues raised by the public which included reducing the cost of living, mining of Titanium, training fees at KIRDI, exploring emerging markets and winding up of KENATCO taxis.

Memoranda

28. The Speaker noted that the nominee had responded in writing to all written memoranda opposing his nomination as Cabinet Secretary for the Investments, Trade and Industry.

MIN.NO. /COA/2024/033: VETTING OF MS. REBECCA MIANO, EGH AS CABINET SECRETARY FOR THE MINISTRY OF TOURISM AND WILDLIFE

Ms. Rebecca Miano, Cabinet Secretary nominee for the Ministry of Tourism and Wildlife, appeared before the Committee on Saturday, 3rd August 2024 and was orally interviewed pursuant to the provisions of the Constitution of Kenya, the Public Appointments (Parliamentary approvals) Act, Cap. 7F and the Standing Orders of the National Assembly.

The Chairperson invited the nominee to take oath, and thereafter directed her to submit his documents for verification by the Clerk . The nominee presented the following documents:

(i). Questionnaire
(ii). Curriculum Vitae
(iii). Academic testimonials
(iv) Identification document
(v). KRA Tax Compliance Certificate
(vi). EACC Clearance Form
(vii). DCI Certificate of Good Conduct
(viii). Higher Education Loans Board (HELB) Compliance Certificate
(ix). Credit Reference Bureau Clearance
(x). Clearance from the Office of the Registrar of Political Parties
(xii). Summary of affidavits from the public

The nominee then proceeded to brief the Committee on her education and professional background and suitability as follows:

Education and professional background

1. The nominee stated as follows: THAT-
2. She holds the following academic and professional qualifications:
   a) 2022 – to date: Masters in Law, University of Salford, Manchester United Kingdom
   b) 2010: One Year Advanced Management Program, Strathmore Business School and Navara University, Spain;
   c) 1990 – 1991: Post-Graduate Diploma in Law, Kenya School of Law;
   d) 1987 – 1990, Bachelor of Laws (LL.B) Degree, The University of Nairobi;
3. She is a Member of the following Professional Institutions:

(a) United Nations Global Compact COP26 Business Leaders;
(b) Certified Trustee TDPK by the School of Insurance and Humber Centre for Employee Benefits;
(c) East African Law Society, (EALS);
(d) International Community of Jurists;
(e) Institute of Certified Public Secretaries of Kenya (ICPSK);
(f) Institute of Directors (IoD);
(g) FIDA Kenya;
(g) Women Boards Network;
(h) Advocates Benevolent Association;
(i) Global Women Energy and Petroleum Club;
(j) She has worked and served in various capacities as follows;
(k) Oct 2023- July 2024: Cabinet Secretary, Ministry of Investments, Trade & Industry
(l) Sept 2022- Oct 2023: Cabinet Secretary, Ministry of East African Community, the ASAL & Regional Development
(m) 2018 - 2022: Managing Director and CEO, KenGen PLC
(n) 2008-2017: Company Secretary/ Legal Affairs Director, KenGen PLC;
(o) 2006-2008: Company Secretary, KenGen PLC;
(p) 2003-2006: Assistant Company Secretary, KenGen PLC;
(q) 2000-2003: Principal Legal Officer, KenGen PLC;
(r) 1998-2000: Senior Legal Officer, KenGen PLC;
(s) 1997: Legal Research Assistant (part time), Slater & Gordon Queensland Australia
(t) 1992-1996: Legal Officer/Assistant Legal Officer, KPLC
(u) 1991-1992: Associate Lawyer, Musyoka Annan & Co. Advocates.

Estimated Net worth and sources of income

29. The nominee estimated her net worth to be Kshs. 444, 192, 000 which comprise of land, properties, SACCO and KenGen Shares and motor vehicles.

On classification of hotels, the Tourism Fund and Tourism Promotion Fund inability to support the industry despite the levies collected

30. The nominee acknowledged the complaints; on classification of hotels. She noted that, it was a requirement world over to gauge and allocate the right rating and thereby raising the standard of service and accreditation which may in turn lead to inclusion in international chains, resulting to more revenue, employment opportunities and growth of the tourism sector; she promised if appointed to ensure that this was consistently carried out.
31. On the Airbnb challenge, the nominee committed to work with all stakeholders to bring about the right regulations to tidy up the sector and bring about security and growth of the sector.

32. Regarding the Tourism Fund and the Tourism Promotion Fund, the nominee promised to streamline the funds to ensure that all the levies generated are put into good use to promote growth of the tourism industry which was not optimal in terms of the number of tourists visiting against the potential of the country;
33. The nominee also promised, if approved for appointment, to look into the question of the multiplicity of levies, license fees and taxes hampering the growth of the hotel industry with a view to, where applicable, eradicate or consolidate the levies in consultation with all stakeholders;

On her achievements from her two previous assignments and her main goal in the new role

34. The nominee informed the Committee that, she made Kenya's presence visible and achieved the removal of non-tariff barriers during her stint at the Ministry of East African Community, ASAL and Regional Development.
35. The nominee also noted that, she helped manage the serious drought situation experienced in the country in 2022 and ensured minimal loss of lives while serving at the same ministry.
36. While at the Ministry of Trade, Investment and Industry, the nominee spearheaded engagements with the private sector to resolve matters affecting the industry that required the intervention of a multi-sectoral approach to be successful in resolving the matter.
37. The nominee also informed the Committee that, she showcased Kenya as a great business destination globally and engaged in economic trade partnerships with the European Union.

On the competitiveness of Kenya as a tourist destination

38. The nominee expressed the view that, Kenya as a tourist destination is currently not performing optimally considering the immense tourist attraction sites, the wildlife, the beaches, the good weather and the untapped potential of local tourism. If approved for appointment she promised to reposition the tourism and wildlife sectors in terms of repackaging the product, cost, and services to maximize on the potential and make the country competitive.

On the human activities and the arbitrary increase of park fees at the Maasai Mara Game Reserve which has impacted on the tourist numbers visiting the game reserve

39. The nominee promised, if appointed to look at the data available in comparison to the period prior to the introduction of the new rates to assess the impact of the increase in charges and involve all stakeholders in resolving the matter to make the Maasai Mara Game Reserve a competitive destination in the world.
40. The nominee indicated that, should her appointment be approved, she will in consultation with the Narok County eliminate the negative human activities that impact on the Maasai Mara ecosystem;

40. The nominee indicated that, should her appointment be approved, she will in consultation with the Narok County eliminate the negative human activities that impact on the Maasai Mara ecosystem;

On the transfer of Parks and Game Reserves to Counties and whether there is a policy guideline on the same

41. The nominee gave a commitment if approved for appointment by the Committee to ensure that, there is clarity in the regulations and policy guidelines for initiating and managing the process of such transfers. she indicated that she will borrow heavily on the current taskforce on transfer of the Amboseli National Park.

On the Ronald Ngala Utalii College completion

42. The nominee confirmed that the project is currently 85% complete and was scheduled for completion by October, with students intake to commence thereafter. If approved for appointment, she will ensure that the project is completed on time as scheduled.

On open sky policy and the creation of tourism special economic zones

43. The nominee indicated her intention to walk away from the policy and adopt an easy access strategy to attract more tourists to the country.
    The nominee informed the Committee that, she was familiar with the idea and impact of special economic zones and if approved for appointment, she will spearhead the creation of the tourism special economic zones to showcase the diversity of the tourism products in the country.

On human wildlife conflict compensation

44. The CS nominee promised that, if approved for appointment, she will promote alternative economic methods for communities living around the wildlife areas, fence off the parks and game reserves and conduct robust civic education on the subject with a view to resolving the conflict.
45. The nominee informed the committee that, if approved for appointment, she will spearhead infrastructure development in the communities living around wildlife zones and ensure equitable sharing of resources from the proceeds of the parks and game reserves.
46. On the compensation of the victims, the nominee regretted the delay in compensating victims of human wildlife conflict and assured the Committee that if approved for appointment she will fast track the compensation cases and ensure they are executed in a timely manner.

On Security in the Tourism Industry

47. The nominee assured the Committee, if approved for appointment, that she will partner with all the sector players to ensure sufficient security in the tourism industry to promote to facilitate growth.

On Branding Kenya as a Tourist Destination

48. The nominee assured the Committee that, if approved for appointment she will incorporate the athletes as ambassadors of the sector to showcase the country globally and to promote sports tourism in the country.
49. The nominee also promised if approved for appointment that, she will assist communities in securing their cultural activities through registration of intellectual rights to eliminate misrepresentation of cultures as witnessed in the past.
50. The nominee further indicated that, she will leverage on the talent and creativity of the youth to create and package Kenya as a tourist destination and highlight the same through social media spaces if approved for appointment.
51. She also committed if approved for appointment, to lead from the front in the use of the available data on new tourism attraction sites to grow and diversify the Kenyan product to increase the tourism numbers and actualize the immense potential of the country as a tourism destination.
52. The nominee intimated that, she will spearhead the recruitment of staff to foreign missions on merit to tap into the skillset of staff in branding and marketing the country without misrepresentation.
53. On the immigration bottlenecks that may paint the image of the country in negative light, the nominee assured the Committee that if approved for appointment she will advise her immigration counterpart on where to introduce new boarder points.
54. The nominee promised to double her efforts in the execution of her work to ensure the Ministry of Tourism and Wildlife reclaims her position as the highest foreign exchange earner if approved for appointment.

Memoranda

55. The Speaker noted that the nominee had responded in writing to all written memoranda opposing her nomination as Cabinet Secretary for Tourism and Wildlife.

MIN.NO. /COA/2024/034: ADJOURNMENT AND DATE OF NEXT MEETING

There being no other business, the meeting was adjourned at 3.25 p.m. The next meeting will be held on Saturday, 3rd August, 2024.

SIGNED: Wetangula **DATE:** 7/8/24

HON. (DR.) MOSES WETANGULA, EGH, M.P.
SPEAKER OF THE NATIONAL ASSEMBLY
(CHAIRPERSON)

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT - THIRD SESSION - 2024

MINUTES OF THE 6TH SITTING OF THE COMMITTEE ON APPOINTMENTS HELD ON FRIDAY, 2ND AUGUST, 2024 IN THE MINI CHAMBER, FIRST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS AT 3:45 P.M.

PRESENT

1. **The Rt. Hon. (Dr.) Moses Wetangula, EGH, M.P. - Speaker of the National Assembly/Chairperson**
2. The Hon. Gladys J. Boss, MGH, M.P. -Deputy Speaker of the National Assembly
3. The Hon. Kimani Ichung'wah, EGH, M.P. - Leader of the Majority Party
4. The Hon. Junet Mohamed, CBS, M.P. -Leader of the Minority Party
5. The Hon. Robert Mbui, CBS, M.P. - Deputy Leader of Minority Party
6. The Hon. Owen Baya, CBS, M.P. - Deputy Leader of Majority Party
7. The Hon. Mishi Mboko, CBS, M.P.
8. The Hon. Abdul Rahim Dawood, M.P.
9. The Hon. David Gikaria, M.P.
10. The Hon. David Pkosing, CBS, M.P.
11. The Hon. Dido Ali Raso, M.P.
12. The Hon. Ferdinand Wanyonyi, M.P.
13. The Hon. Stephen Mule, M.P.
14. The Hon. Mary Emaase, M.P.
15. The Hon. Naisula Lesuuda, M.P.
16. The Hon. Nelson Koech, M.P.
17. The Hon. Abdi Shurie, M.P.
18. The Hon. Caleb Amisi, M.P.
19. The Hon. George Gitonga Murugara, M.P.
20. The Hon. Rahab Wachira Mukami, M.P.

APOLOGIES

The Hon. Opiyo Wandayi, EGH, M.P. - Leader of the Minority Party

IN-ATTENDANCE		NATIONAL ASSEMBLY
1. Mr. Samuel Njoroge, CBS	-	Clerk of the National Assembly
2. Mr. Jeremiah Ndombi, MBS	-	Deputy Clerk of the National Assembly
3. Mr. Nicholas Emejen	-	Deputy Director, Audit, Appropriations & General Purpose Committees
4. Mr. Michael Karuru	-	Deputy Director, Legal Services
5. Mr. Aloisio N. Lekulo	-	Chief Serjeant-at-arms
6. Ms. Leah Mwaura	-	Principal Clerk Assistant II
7. Dr. Andrew Shangirai	-	Principal Serjeant-at-Arms
8. Mr. David Ngeno	-	Principal Research Officer
9. Mr. Ronald Walala	-	Senior Legal Counsel
10. Ms. Emma Essendi	-	Senior Legal Counsel
11. Mr. Isaac Nabiswa	-	Legal Counsel II
12. Ms. Esther Nginyo	-	Clerk Assistant I
13. Ms. Naserian Lotuai	-	Clerk Assistant I
14. Ms. Fiona Musili	-	Research Officer I
15. Ms. Kathleen Nanzala	-	Clerk Assistant III
16. Mr. Andrew Kipchumba	-	Clerk Assistant III
17. Ms. Vivienne Ogega	-	Research Officer III
18. Ms. Joanne Naneu	-	Research Officer III
19. Mr. John Ng'ang'a	-	Audio Officer
20. Ms. Faith Makena	-	Serjeant-At-Arms

Agenda

1. Preliminaries
2. **Vetting of Mr. Davis Kimutai Chirchir as the Cabinet Secretary for the Ministry of Roads and Transport**
3. **Vetting of Dr. Margaret Nyambura Ndung'u as the Cabinet Secretary for the Ministry of Information, Communication & the Digital Economy**
4. Adjournment.

MIN.NO. /COA/2024/027: PRELIMINARIES

The Chairperson called the meeting to order at quarter past four o'clock followed by a prayer said by the Clerk of the National Assembly.

MIN.NO. /COA/2024/028: VETTING OF MR. DAVIS KIMUTAI CHIRCHIR AS CABINET SECRETARY FOR THE MINISTRY OF ROADS AND TRANSPORT

Mr. Davis Kimutai Chirchir, Cabinet Secretary nominee for the Ministry of Roads and Transport, appeared before the Committee on Friday, 2nd August 2024 at 3:45 pm and was orally interviewed

pursuant to the provisions of the Constitution of Kenya, the Public Appointments (Parliamentary approvals) Act, Cap. 7F and the Standing Orders of the National Assembly.

The Chairperson invited the nominee to take oath, and thereafter directed him to submit his documents for verification by the Clerk . The nominee presented the following documents:

i. Questionnaire
ii. Curriculum Vitae
iii. Academic testimonials
iv. Identification document
v. KRA Tax Compliance Certificate
vi. EACC Clearance Form
vii. DCI Certificate of Good Conduct
viii. Higher Education Loans Board (HELB) Compliance Certificate
ix. Credit Reference Bureau Clearance
x. Clearance from the Office of the Registrar of Political Parties

The nominee then proceeded to brief the Committee on his education and professional background and suitability as follows:

Education and professional background

1. The nominee stated as follows: THAT—
2. He holds the following academic and professional qualifications:
   i. Master of Business Administration in International Management, Royal Holloway School of Management, University of London;
   ii. Postgraduate Diploma in Tele-Traffic Engineering, University of Nairobi;
   iii. Bachelor of Science in Physics and Computer Science, University of Nairobi
3. He has worked and served in various capacities as follows:
   i. 2022-2024: Cabinet Secretary for Energy and Petroleum;
   ii. 2022--2023: Chief of Staff in the Office of the Deputy President;
   iii. 2013-2015: Cabinet Secretary for Energy and Petroleum;
   iv. 2012-2013: Secretary General United Republican Party
   v. 2009-2011: Commissioner at the Interim Independent Electoral Commission (IIEC);
   vi. 1999-2008: Director, Bon Voyage Ltd;
   vii. 1998-2003: General Manager, Telkom Kenya Ltd;
   viii. 1986-1997: Manager, Systems Analysts, Kenya Posts and Telecommunications Corporation (KPTC);
   ix. 1985-1986: Registrar General/Systems Analyst

Estimated Net worth and sources of income

4. The nominee estimated his net worth to be Kshs. 509.8 million comprising of immovable property, motor vehicles, cash in banks and earnings from shareholding in companies. The

nominee stated that his net worth in October 2022 was Kshs. 482 million shillings when he appeared before the Committee for vetting as the Cabinet Secretary, Ministry of Energy and Petroleum.

Potential Conflicts of Interest

5. The nominee declared there are no likely potential conflicts of interest with family members or other parties when he assumes the position nominated.
6. The nominee was also examined on general understanding on sector issues and information contained in *The Questionnaire*. He responded as follows: THAT—

The high cost of energy and petroleum products

7. On the interventions he took to mitigate the complaints on the high cost of electricity during his tenure as the Cabinet Secretary, Ministry of Energy and Petroleum the nominee stated that he:
    (i) put in place the Least Cost Power Development Plan 2024-2043 outlining the required electricity generation and transmission capacity development aimed at matching the demand for electricity to supply;
    (ii) ensured an energy mix in generation, generating power from solar, wind, geothermal and thermal. He ensured that the country only used thermal power, which is costly when there is a need to; and
    (iii) switched-off power plants including the Muhoroni GT, Kipevu I and Kipevu II which generated only about 15% of power but cost the Ministry over Ksh.10 billion annually to maintain and run.
8. The nominee informed the Committee that his interventions were in line with Kenya's commitment to go 100% green and as a result of the interventions, the cost of electricity for July 2024 has been the lowest for the first time in fifteen (15) months.

Pending bills in the Ministry of Roads and Transport

9. The nominee informed the Committee that the Ministry had pending bills to the tune of Kshs. 166 billion and unfunded commitments of about Ksh. 1 trillion, with exchequer support of only Kshs. 55 billion annually. The nominee committed to leverage on off-balance sheet financing in the Ministry of Roads and Transport as he did in the Ministry of Energy and Petroleum. Furthermore, he submitted that if appointed, he would look into resolving the challenge of finances by securitization of revenue from instruments such as the Road Maintenance Levy.

On improving the operations of Kenya Airways

10. The nominee submitted that Kenya Airways requires a lot of support from the government to the tune of Kshs. 600 billion and that there is need for internal reforms to address its operational costs vis a vis the profit it attracts. He added that he would evaluate the best practices of Kenya Airways in 2023 when it operated at a profit of Ksh. 10 billion and re-implement the same and reduce its operational costs.

11. The nominee informed the Committee that the Government has a shareholding of about 49% of the airline and opined that if the Government can raise the shareholding to 80% and bring in a partner, the airline may overcome its operational challenges.
12. Further, he highlighted that Kenya Airways is a very strategic asset to the country and therefore there is need to engage its management and staff to identify and address the areas that hinder its profitability such as the seventy-seven leases.

On attracting private capital to undertake development projects in the Ministry of Roads and Transport

13. The nominee noted that the use of indicative tariffs, similar to those *gazetted* in the Ministry of Energy and Petroleum would attract private investor and ensure competitive and cost-effective contractual obligations.

On the proposed partnership between the Kenya Airports Authority and Adani Airports Holdings Limited

14. The nominee submitted that, to ensure the engagement's success, there was need for the Government to develop a proper framework for the public private partnership, agree on its return on investment and debt-equity ratio. The government should ensure that the partnership is reasonable and with competitive return on capital.
15. Further, he emphasized the need to engage the public by providing information as espoused in Article 35 of the Constitution to make sure the public understands the benefits of such engagement.

On the government-to-government oil deal

16. The nominee noted that the G-to-G agreement was a fairly complex matter and required proper communication to enable the public to understand it. It was his view that public participation from the inception of all government programmes is vital in ensuring public confidence in such programmes.
17. He believed that the G-to-G agreement was a great success for the country as it came at a time when there was a high inflation rate with a tight monetary policy in the world during the COVID-19 pandemic. It was his view that the agreement was crucial in forestalling the unavailability of dollars in the industry and enabled the purchase of petroleum in Kenyan shillings.
18. He further submitted that the National Oil Corporation of Kenya (NOCK) was not involved in the deal as the space belonged to the international oil marketing companies that worked with investment-grade banks to provide the products in Kenya, in line with trade finance provisions.

On the national grid failure in August 2023

19. The nominee acknowledged that there have been a number of blackouts in the country particularly in western Kenya caused by transmission challenges.

20. He explained that while electricity production is 'by off balance sheet' financing, the transmission network is financed by the exchequer which is marred by under-funding thereby occasioning overloading hence the power trips resulting in recurrent blackouts.
21. He added that the Ministry had since secured funding from the African Development Bank to re-route the transmission networks in the Kisumu-Muhoroni-Chemosit network.
22. He added that another cause of the recurrent blackouts is load scheduling in the Turkwel-Ortum-Kitale electricity network which is done to prevent entire national grid failures while completing the improvement of two solar plants, Alten and Selenkei, that were installed but caused a transmission constraint. He stated that the problem has since been resolved by the installation of transformers in Ortum and Kitale to resolve the transmission constraint.

Dualling of the Rironi-Mau Summit Road

23. The nominee confirmed that the Rironi to Mau Summit Highway was a concession with the French government and was one of his priorities. He committed to ensuring its construction to decongest traffic to western Kenya if appointed.

Increase in the road maintenance levy

24. On the recent increase in the Road Maintenance Levy Fund from Kshs. 17 to Kshs. 25, by EPRA without reference to the National Assembly and despite objection from the public, the nominee submitted that the levy has been instrumental in the maintenance of highways. The nominee stated that the increase was crucial in promoting off-balance-sheet road development and opening up the country for economic development.

Dealing with road safety and the high cost of transportation

25. The nominee stated the Ministry is already leveraging on technology to develop an intelligent transportation system with cameras on the roads and a reward-enabled electronic wallet to ensure road safety.
26. The nominee noted that the high cost of transportation is attributed to the high cost of fuel and congestion. It was his view that technology would be relevant in ridding these challenges such as the use of Google Maps to avoid congestion.

Status of the Malindi Airport

27. The nominee committed that, if approved, he would consult and collaborate with the relevant stakeholders to commission the construction of an airport in Malindi while considering the cost to avoid pending bills.

Need for an open sky policy

28. The nominee emphasized the importance of first addressing the challenges faced by Kenya Airways before entering into reciprocal agreements with other airlines. This approach aims to strengthen Kenya Airways and enhance its operational capacity, which is crucial for promoting tourism within Kenya effectively. By stabilizing the national carrier, Kenya can

ensure a more reliable and efficient airline service, making reciprocal agreements more beneficial and sustainable in the long term.

Equitable distribution of roads

29. The nominee pledged to tackle the inequality in road networks by collaborating with Members of Parliament to map out areas in need of roads. He stated that if appointed, he would apply the same approach he used to promote electrification during his tenure in the Ministry of Energy and Petroleum.

Stalled road projects

30. The nominee submitted that in light of the current financial situation, there was need to find funding solutions to finalize the projects. He reiterated his plans to explore funding options such as securitization of the Road Maintenance levy Fund to address this challenge over time. He pledged to engage Parliament for funds to help finalize the stalled projects.

On the status of Tullow oil exploration

31. The nominee informed the Committee that the regulator is currently reviewing a Field Development Plan for the project. This plan will be submitted to the Ministry of Energy and Petroleum and subsequently tabled in Parliament. It will facilitate the transition from exploration to production and assess the technical and financial capacity of the concessionaire.

Promotion of local contractors

32. On the concerns raised that local contractors are overlooked in the awarding of contracts in the roads sector, the nominee stated that if appointed, he would promote the implementation of policies to build capacity for local contractors.
33. Regarding the repatriation of earnings by foreign investors depriving the country of essential revenue, the nominee stated that it was necessary to localize the labour in road projects to ensure that the country retains revenue from projects by foreign investors.

Affirmative action to promote employment for the youth

34. The nominee emphasized the necessity of implementing deliberate policies to address employment within the Ministry. He stated that, if appointed, he would ensure that policies are in place requiring foreign contractors to employ Kenyans as operators for various projects.

On the successful operationalization of the LAPSSET project and Lamu Port

35. The nominee committed to opening up more special economic zones such as Dongo Kundu. He added that LAPSSET is a new corridor hence the Ministry should prioritize its completion to ensure return on the investment input.

Duplication of road works by the County Government, KURA, KENHA and KERRA

36. The nominee acknowledged that since the road authorities were established before the Constitution of Kenya, 2010 the integration of the County Government's roles in road projects has led to a duplication of roles.
37. The nominee committed to relook at the establishing statutes of all road works agencies in a bid to harmonize them and eliminate the duplication of roles by creating a unified and effective institutional framework. He added that he would also look into proper reclassification of all roads.

On the alleged SGR control centre located in Beijing, China

38. The nominee stated that he would collaborate with the relevant partners to relocate the control centre to Kenya.

On the extension of the SGR to Malaba

39. The nominee reiterated that through securitization of the Railway Development Fund to enable borrowing, he would ensure timely extension of the SGR to Naivasha-Kisumu-Malaba to meet the demand of Kenya's landlocked neighbours such as Uganda. He added that he would leverage Uganda's need for cargo to make railway use more profitable.

Clarification on the discrepancy regarding his year of birth in documents submitted for verification

40. The nominee clarified that his year of birth is 1959, not 1960, as mistakenly indicated in one of his documents.

Integrity

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

Political Affiliation

42. The nominee confirmed that he does not hold office in any political party.

Memoranda

43. The Speaker noted that the nominee had responded in writing to all written memoranda opposing his nomination as Cabinet Secretary for Roads and Transport.

MIN.NO. /COA/2024/028: **VETTING OF DR. MARGARET NYAMBURA NDUNG'Ú, AS CABINET SECRETARY FOR THE MINISTRY OF INFORMATION, COMMUNICATION & THE DIGITAL ECONOMY**

Dr. Margaret Nyambura Ndung'u, Cabinet Secretary nominee for Information, Communication and the Digital Economy, appeared before the Committee on Friday, 2nd August, 2024 at 6:24 pm and was orally interviewed pursuant to the provisions of the Constitution of Kenya, the Public Appointments (Parliamentary approvals) Act, Cap. 7F and the Standing Orders of the National Assembly.

The Chairperson invited the nominee to take oath, and thereafter directed her to submit his documents for verification by the Clerk. The nominee presented the following documents:

(i) Questionnaire
(ii) Curriculum Vitae
(iii) Academic testimonials
(iv) Identification document
(v) KRA Tax Compliance Certificate
(vi) EACC Clearance Form
(vii) DCI Certificate of Good Conduct
(viii) Higher Education Loans Board (HELB) Compliance Certificate
(ix) Credit Reference Bureau Clearance
(x) Clearance from the Office of the Registrar of Political Parties

The nominee then proceeded to brief the Committee on her education and professional background and suitability as follows:

Education and professional background

1. The nominee stated as follows: THAT—
2. She is a Kenyan citizen born on 26th August, 1972 in Bahati, Nakuru County.
3. She holds the following academic and professional qualifications:

i. **2021**-Certificate in Cybersecurity Diplomacy (Online), Diplo Foundation;
ii. **2012-2013-** Post-Doctorate Fellowship in Innovation Value Chain from Tshwane University of Technology, South Africa;
iii. **2011**- PhD in Information Systems, the University of Nairobi;
iv. **2006**-Certificate in Internet Governance (Online) Diplo Foundation;

v. **2000**- Master of Business Administration in Management Science, the University of Nairobi;
vi. **2000-** Certificate in Media Studies and Information Management from Hamburg University; and,
vii. **1996**- Bachelor of Science in Information Science, Moi University.

4. She has worked and served in various capacities as follows:

i. **May 2023 to date**: Senior Research Manager at the Global Digital Inclusion Partnership, coordinating research projects on the cost of digital gender divide;
ii. **2021**: Co-Investigator at Gender Justice in STEM Research in Africa;
iii. **August 2019- June 2023:** Senior Regulatory and Internet Governance Expert at the African Union Commission;
iv. **Aug- Dec 2022**: Lead on Capacity Building and authored the WSIS Africa Progress Report;
v. **Nov 2022- April 2022:** Consultant at the Information and Communication Technology Authority**;**
vi. **June 2022**: Lead local researcher for a USAID/Government of Kenya project with the Alliance for Affordable Internet;
vii. **Aug 2018- Aug 2021:** Member of the Communications and Multimedia Appeals Tribunal at the Ministry of ICT/Judiciary;
viii. **Feb 2019 – June 2019:** Short-Term Consultant at the World Bank;
ix. **2019, 2020, 2022:** Member of the Multi-Stakeholder Board at UNESCO;
x. **June 2019 to date:** Lead Kenya Partner for Research ICT Africa;
xi. **Jan 2012- 2018:** Lecturer at the University of Nairobi and Tshwane University of Technology
xii. **June 2016- Dec 2017:** Consultant for various organisations including the State Department for Education, ICT Authority, and International Trade Centre;
xiii. **Sept 2013- June 2014:** Research Associate and Project Coordinator at the Kenya Education Network; and,
xiv. **2007- 2009:** Coordinator of ICT, Education, Science and Technology Sectors at the Kenya Private Sector Alliance.

Estimated Net worth and sources of income

5. The nominee estimated her net worth to be Kshs 95,323,248 comprising of parcels of land and buildings, shares in SACCOs, treasury bills and bonds and cash.

Professional Association and Membership

6. The Nominee is a member of the African Internet Governance Forum Secretariat, Information Security Operations Centre (ISOC), KEPSA ICT and Education Board, Computer

Society of Kenya, Kenya ICT Action Network (KICTANet), Gender Justice in STEM Research in Africa (GEJUSTA), and African Union Cybersecurity Expert Group (AUCSEG).

Potential Conflicts of Interest

7. The nominee declared that she is not associated with any person or matter that would present a potential conflict of interest should she assume the position of Cabinet Secretary, Ministry of Information, Communication & the Digital Economy.

Integrity

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

Political Affiliation

9. The nominee confirmed that she is currently not a leader of any political party.
10. The nominee was also examined on general understanding on sector issues and information contained in *The Questionnaire*. She responded as follows: THAT—

On Cyber Security and Data Protection

11. Regarding the measures she would put in place to address challenges of cyber-crimes and data protection and enhance the effectiveness of existing cybersecurity processes to ensure a safe and secure digital environment in Kenya, the nominee assured the Committee of her commitment to ensure enforcement of the existing regulations such as the Computer Misuse and Cybercrimes Act, Cap. 79C and the Data Protection Act, Cap. 411C. She also committed to ensure that these regulations are aligned with international laws. Further, she pledged to do a situational analysis to identify existing gaps and formulate policies and regulations if need be to bridge the identified gaps.

12. The nominee acknowledged the fact that most of government services and systems are digitized. To ensure accessibility of services by the citizens, she committed to increase connectivity especially in the rural areas as part of ensuring inclusion in the digital space.

13. The nominee asserted that cyber security is a global challenge which requires a multi sectoral approach. She therefore committed, upon approval, to adopt a collaborative approach to bring all stakeholders on board to develop data centres where government data can be hosted for centralised management, ensure that there is the right skill set in place to manage these data centres, harmonise existing policies and regulations on data protection, as well as ensure compliance with regional and international standards and regulations with regard to cyber security.

On partners support in the construction of superhighway

14. Upon approval, she would encourage investors to partner with Kenya in constructing a 100,000 km digital superhighway, the development of Business Process Outsourcing (BPO) industry and establishment of digital hubs in every constituency as a way of creating jobs. The nominee Cabinet Secretary assured Members of her commitment to create an enabling environment that will encourage collaboration of the government with private investors, bring on board the County governments, encourage sharing of resources and infrastructure by various agencies as well as have clear policies of sustainability of the ICT- hub projects throughout the country. In addition, she will ensure that the Ministry, through the ICT Authority, offers training to ensure that the citizens are well equipped with ICT skills.

Regulation of media

15. In respect to the regulation of the media, the nominee CS affirmed that she is a firm believer of media freedom and the need for ethical behaviour in dissemination of information. The media therefore should be self-regulating and self-censoring but where this does not happen then enforcement of the Kenya Information and Communications Act, Cap. 411A and other Laws and regulations is critical. She emphasized that the media should be a means of promoting cohesion in the society and a platform where national interests are advanced.

Kenya Broadcasting Corporation

16. Concerning the revamping of the national broadcaster (Kenya Broadcasting Corporation), the nominee pledged to evaluate its business model with a view of establishing the existing challenges, modernize its operations as well as leverage on its robust infrastructure to encourage partnerships with other private media houses.

Universal Service Fund

17. The nominee pledged to look into how it has been operationalized before she can give a comprehensive response on the matter.

Tapping into Youth digital expertise

18. As to how she will tap the vast reservoir of knowledge and expertise in technology existing among the youths, the nominee CS committed to creating centres of excellence for software development and engineering, roll out mass education on cyber hygiene, ensure there is data tracking activities within the cyber space, harness the skills of the youths by engaging them in offering training as well as involving them in suggesting solutions to identified local challenges.

Electronic Waste

Electronic Waste

19. On management of electronic waste and contraband electronics, the nominee committed, if approved, to come up with clear e-waste regulation mechanism as well as adopt policies to regulate influx of contraband digital equipment into the country.

4th Industrial Revolution

20. Regarding the 4th Industrial Revolution, she pledged if appointed, to equip the youth with advanced technology skills by establishing innovation hubs in collaboration with the private sector.

Connectivity in Remote Parts of Kenya

21. As to how she would ensure that the Ministry's operations are felt in even the most remote parts of Kenya, the nominee committed to achieving nationwide connectivity and collaborating with relevant agencies to ensure that all learning institutions have the necessary ICT infrastructure.

On Security of the E-Citizen Platform

22. On the security of Government data on the E-citizen platform, which is operated by a private entity, the nominee CS pledged to review its modalities to provide a comprehensive and informed response. She acknowledged, however, that the platform is a commendable initiative that facilitates access to Government services with just a click of a button.

Key Result Areas

23. The nominee committed upon approval, to conduct a base line analysis to understand existing gaps in the Ministry so as to come up with workable solutions to identified challenges, ensure connectivity and access to ICT services, ensure progressive implementation of the national digital master plan, ensure affordability of ICT services and work on the ratification of the African Union Convention on Cyber Security and Data Protection by Kenya as this will ensure proper governance of cyber space and collaboration with neighbouring countries on issues of cyber security, creation of green national data centres to address the issues of E- waste and deal with issues of zero energy transmission and renewable energy.

Use of Technology in Combating Corruption

24. The nominee asserted that ICT is an enabler facilitating the work of government and if ICT is to be used to curb corruption, then there is need to ensure integrity of systems including what is done offline so that they are tamper proof and free from interference.

Artificial Intelligence

25. Regarding how AI can be utilised without infringing on other human rights bearing in mind that it is a technological advancement mimicking human operations, the nominee CS affirmed that emerging technologies cut across jurisdictions and so as a country there is need to come up with policies and guidelines to govern development of AI in collaboration with other countries. She committed to look into the African Union Artificial Intelligence Strategy and evaluate what Kenya can borrow from it to progressively move forward.

E-Procurement in Government

26. As to whether it is possible to embrace E- procurement in government, the nominee stated that she would need to first to explore the procurement processes to understand the existing opportunities and/or challenges before she could give her commitment on the possibilities.

Memoranda

27. The Speaker noted that the nominee had responded in writing to all written memoranda opposing her nomination as Cabinet Secretary for Information, Communication and Digital Economy

MIN. NO. /COA/2024/029: ADJOURNMENT AND DATE OF NEXT MEETING

There being no other business, the meeting was adjourned at 19:43 pm. The next meeting will be held on Saturday 3rd August, 2024 in the Mini-Chamber, First Floor, County Hall, Parliament Buildings from 8.00 a.m.

SIGNED: Wetangula **DATE:** 7/8/24

HON. (DR.) MOSES WETANGULA, EGH, M.P.
SPEAKER OF THE NATIONAL ASSEMBLY
(CHAIRPERSON)

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - THIRD SESSION - 2024

MINUTES OF THE 5TH SITTING OF THE COMMITTEE ON APPOINTMENTS HELD ON FRIDAY, 2ND AUGUST, 2024 IN THE MINI CHAMBER, FIRST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS AT 8:00 A.M.

PRESENT

1. **The Rt. Hon. (Dr.) Moses Wetangula, EGH, M.P. - Speaker of the National Assembly/Chairperson**
2. The Hon. Gladys J. Boss, MGH, M.P. - Deputy Speaker of the National Assembly
3. The Hon. Kimani Ichung'wah, EGH, M.P. - Leader of the Majority Party
4. The Hon. Owen Baya, CBS, M.P. - Deputy Leader of the Majority Party
5. The Hon. Robert Mbui, CBS, M.P. - Deputy Leader of Minority Party
6. The Hon. Junet Mohamed, CBS, M.P. – Minority Whip
7. The Hon. Mishi Mboko, CBS, M.P.
8. The Hon. Abdul Rahim Dawood, M.P.
9. The Hon. David Pkosing, CBS, M.P.
10. The Hon. Dido Ali Raso, M.P.
11. The Hon. Mary Emaase, M.P.
12. The Hon. Naisula Lesuuda, M.P.
13. The Hon. Nelson Koech, M.P.
14. The Hon. Abdi Shurie, M.P.
15. The Hon. David Gikaria, M.P.
16. The Hon. Ferdinand Wanyonyi, M.P.
17. The Hon. Caleb Amisi, M.P.
18. The Hon. George Gitonga Murugara, M.P.
19. The Hon. Stephen Mule, M.P.
20. The Hon. Rahab Wachira Mukami, M.P.

APOLOGIES

The Hon. Opiyo Wandayi, EGH, M.P. - Leader of the Minority Party

IN-ATTENDANCE		NATIONAL ASSEMBLY
1. Mr. Samuel Njoroge, CBS	-	Clerk of the National Assembly
2. Ms. Serah Kioko, MBS	-	Deputy Clerk of the National Assembly
3. Mr. Nicholas Emejen	-	Deputy Director, Audit, Appropriations & General Purpose Committees
4. Mr. Michael Karuru	-	Deputy Director, Legal Services
5. Ms. Leah Mwaura	-	Principal Clerk Assistant II
6. Dr. Andrew Shangirai	-	Principal Serjeant-at-Arms
7. Mr. David Ngeno	-	Principal Research Officer
8. Mr. Ronald Walala	-	Senior Legal Counsel
9. Ms. Emma Essendi	-	Senior Legal Counsel
10. Ms. Doreen Karani	-	Senior Legal Counsel
11. Mr. Josephat Kuiyoni	-	Legal Counsel I
12. Mr. Abraham Cheboryot	-	Legal Counsel II
13. Ms. Esther Nginyo	-	Clerk Assistant I
14. Ms. Naserian Lotuai	-	Clerk Assistant I
15. Ms. Fiona Musili	-	Research Officer I
16. Ms. Kathleen Nanzala	-	Clerk Assistant III
17. Mr. Mark Namaswa	-	Clerk Assistant III
18. Mr. Morintat Letaya	-	Clerk Assistant III
19. Mr. Andrew Kipchumba	-	Clerk Assistant III
20. Ms. Jane Ouko	-	Clerk Assistant III
21. Ms. Vivienne Ogega	-	Research Officer III
22. Ms. Joanne Naneu	-	Research Officer III
23. Mr. John Ng'ang'a	-	Audio Officer
24. Mr. Danton Kimutai	-	Audio Officer
25. Mr. Eugene Luteshi	-	Audio Officer
26. Ms. Faith Makena	-	Serjeant-At-Arms

Agenda

1. Preliminaries
2. **Vetting of Dr. Andrew Mwihia Karanja as Cabinet Secretary for the Ministry of Agriculture and Livestock Development**
3. **Vetting of Hon. Aden Barre Duale, EGH as Cabinet Secretary for the Ministry of Environment, Climate Change and Forestry**
4. **Vetting of Mr. Eric Murithi Mugaa as Cabinet Secretary for the Ministry of Water, Sanitation and Irrigation**
5. Adjournment.

MIN.NO. /COA/2024/022: PRELIMINARIES

The Chairperson called the meeting to order at 8.00 a.m followed by a prayer said by the Clerk of the National Assembly.

MIN.NO. /COA/2024/023: VETTING OF DR. ANDREW MWIHIA KARANJA AS CABINET SECRETARY FOR AGRICULTURE AND LIVESTOCK DEVELOPMENT

Dr. Andrew Mwihia Karanja, Cabinet Secretary nominee for Agriculture and Livestock Development appeared before the Committee on Friday, 2nd August, 2024 at 8:05 a.m. and was orally interviewed pursuant to the provisions of the Constitution of Kenya, the Public Appointments (Parliamentary approvals) Act, Cap. 7F and the Standing Orders of the National Assembly.

The Chairperson invited the nominee to take oath, and thereafter directed him to submit his documents for verification by the Clerk. The nominee presented the following documents:

(i) Questionnaire
(ii) Curriculum Vitae
(iii) Academic testimonials
(iv) Identification document
(v) KRA Tax Compliance Certificate
(vi) EACC Clearance Form
(vii) DCI Certificate of Good Conduct
(viii) Higher Education Loans Board (HELB) Compliance Certificate
(ix) Credit Reference Bureau Clearance
(x) Clearance from the Office of the Registrar of Political Parties

The nominee then proceeded to brief the Committee on his education and professional background and suitability as follows:

Education and professional background

The nominee stated as follows: THAT—

1. He is a Kenyan citizen born 62 years ago in Gatundu, Kiambu County, Kenya.
2. He holds the following academic and professional qualifications:
   (i) PhD in Development Economics and Policy, Wageningen University, Netherlands;(1998 – 2002);
   (ii) Certificate in Development Oriented Research in Agriculture, International Centre for Development Oriented Research in Agriculture, Netherlands (1994);
   (iii) MSc of Agricultural Economics, the University of Nairobi (1987 – 1991);
   (iv) Bachelor of Science in Agriculture, the University of Nairobi. (1984 – 1987);
3. He has worked and served in various capacities as follows:

(i) Senior Partner and Principal Consultant, Best Results Associates Ltd from January 2015 to present;
(ii) Director and Shareholder, Mwihia Investments Company Ltd from 2008 to present;
(iii) Senior Agricultural Economist & Task Team Leader, World Bank, Nairobi from February 2003 to December 2014;
(iv) Research Fellow, Tegemeo Institute of Agricultural Policy and Development, Egerton University (February 2002 – January 2003);
(v) Senior Agricultural Economist, Coffee Research Foundation, Ruiru (September 1991 – January 2002);
(vi) Planning Officer/Lecturer, Ministry of Agriculture & Livestock, Nairobi/Embu (July 1987 – August 1991);
(vii) Member, Coffee Sub-Sector Implementation Committee (September 2016 – 2022);

Estimated Net worth and sources of income

4. The nominee estimated his net worth to be Kshs. 214 million comprising of land, buildings, family residences, bank savings, sacco savings and shares.

Potential Conflicts of Interest

5. The nominee declared that he did not have any person or matter that would present a potential conflict of interest should he assume the position of Cabinet Secretary - Ministry of Agriculture and Livestock Development.
6. He committed to adhere to the tenets of the Constitution of Kenya 2010, and the relevant Legislation and that he would declare his interest, recuse from discussions, proceedings, or debates that he could have interest in as well as sign the Public Officers' Service Code of Conduct and Ethics.

The nominee was also examined on general understanding on sector issues and information contained in The Questionnaire. He responded as follows: THAT—

Concerning Genetically Modified (GMOs) and Agrochemicals in Africa

7. The nominee informed the Committee that GMO technology has played a key role in boosting production in both crops and livestock. However, it is important to acknowledge that GMOs also have been alleged to have negative implications and therefore it was necessary for scientific research to be carried out. Additionally, the nominee's approach to biosafety will involve striking a balance in accordance with the Biosafety Act, Cap. 320, and scientific research.
8. The nominee acknowledged the harmful effects of certain pesticides that are made abroad and sold in Africa but are banned in Europe and the United States. He committed to take action on this issue. He also stated that some Kenyan agricultural products have in the past been

prohibited from being exported due to containing higher levels of pesticide residue than is allowed.

On livestock development in Kenya

9. The nominee stated that livestock development in Kenya was not performing well and has not fully utilized the potential of livestock development for both beef and dairy products. He further stated that Kenya was lagging other livestock exporters in the region, such as Botswana, which adopted the Kenya Meat Commission model. If approved, the nominee plans to utilize his experience as an extension officer and his educational background in cattle breeding to improve the livestock sub-sector. He also highlighted the importance of including more veterinary and agricultural extension officers to enhance the sector's performance. In addition, the nominee has committed to proposing legislative measures to regulate the livestock sector.

On handling Kilimo House Fertilizer cartels

10. The nominee acknowledged that fertilizer procurement and distribution was domiciled at the national level, even though the agriculture function had been devolved. If confirmed, he committed to ensuring that Kenyan farmers have access to high-quality fertilizers near their farms to increase food production.
11. Regarding the issue of fertilizer scandal cartels, the nominee stated that their existence was a result of opaqueness in communication within the Ministry of Agriculture and Livestock Development, as well as the presence of supplier monopolies. He would propose establishment of a multi-agency system and implement vouchers for farmers to buy fertilizer and other farm equipment from suppliers of their choice. He also emphasized the need to build Kenya's capacity to produce fertilizer locally, reducing heavy reliance on imports that have attracted cartels.

On revival of maize and pyrethrum farming

12. The nominee acknowledged that maize farming in Kenya has been declining in recent years due to cheaper maize imports, low local market prices, and high production costs. This has led to Kenya importing food commodities worth an estimated USD 4 billion annually. However, with a recent maize output of 48 million bags, there is hope that the sector can be stabilized.
13. Regarding the revival of pyrethrum, he emphasized the importance of reintroducing and involving agricultural extension officers, working in collaboration with counties and existing intergovernmental structures.

On devolution and duplication of functions at the Ministry of Agriculture

14. The nominee acknowledged that a lot of failures in the agricultural sector were attributed to duplication of roles within the national government agencies and counties. He committed that,

upon approval, he would prioritize streamlining of roles and responsibilities of various agencies and parastatals in the Ministry of Agriculture and Livestock Development to revitalize efficiency.

On youth involvement in agriculture

15. The nominee acknowledged that most young people in Kenya were keeping off agriculture due to its perceived low rates of return as a business venture in favour of other economic undertakings. The nominee noted that one of the ways that Kenya can spur interest in young people to embrace agriculture was by its introduction in the formative years of learning and the creation of meaningful jobs in the sector.

On trained and unemployed professionals

16. The nominee informed the Committee that he would take deliberate measures to prioritize the inclusion of youth, women and people living with disabilities in the agricultural sector and monitor the progress in the revitalization of agriculture in Kenya.

On theft in the coffee industry

17. The nominee informed the Committee that the coffee industry faced many challenges including the lack of a comprehensive legal framework. Finalization of the Coffee Bill, 2023 as well as working closely with the Ministry of Interior and National Administration would be critical in stemming coffee theft.

Failure of the Galana Kulalu project

18. The nominee informed the Committee that the failure of the Galana Kulalu project was indicative of a mega project without a feasibility study. He undertook, if approved, to ensure that proper feasibility studies are carried out to ensure the Ministry's projects are viable.

Revival of the Agricultural Development Corporation (ADC)

19. The nominee admitted that he was aware of the collapse of ADC operations around the country as well as the loss of some of its parcels of land to private entities. He undertook to initiate reforms towards the recovery of these assets as well as the revival of operations of the ADC and align them with industry best practices in livestock and crop production, upon approval.

Revival of the cashew nut industry

20. Further, the nominee noted that the collapse of the cashew nuts industry had led to loss of assets such as government land previously hosting the industries. This has also led to loss of employment opportunities for locals in the affected areas such as in Kilifi County. He would prioritize the revival of the industry to expand job opportunities in agriculture, upon approval.

On palm oil levies

21. The nominee noted that Kenya had not benefited from levies imposed on palm oil products as a means of promoting local cultivation of palms and the production of palm oil.

On the tea sector revival

22. In the wake of reports that tea worth Kshs. 32 billion remained unsold in Mombasa, denying farmers much-needed income, the nominee stated that he would initiate reforms to remedy the issue, upon approval.

Resolving market gluts in perishable agricultural commodities such as vegetables, milk

23. The nominee stated that the matter can be handled through engagement with neighbouring countries as well as initiating programmes to introduce value addition and cold storage machinery at the market level to save the country's farmers from post-harvest losses.

Kenya's engagement with development partners in agriculture

24. The Committee was informed that in the agriculture sector, development partners such as the World Bank commanded a portfolio worth an estimated Ksh. 150 billion. Therefore, they were still an important element in providing solutions through funding of agricultural and livestock projects.

Resolving the miraa crisis

25. The nominee informed the Committee that the current impasse on miraa markets in Kenya and the subsequent ban in some counties would be best solved through negotiations between producer counties and consumer counties where he will act as an arbiter, upon approval.

On the disintegration of Agriculture and Food Authority (AFA) and the collapse of the sugar industry

26. The nominee pointed out that the issues at AFA might have emanated from merging agricultural entities that were not at par. The nominee suggested that Kenya had a lot to learn from the success of the sugar industry in Brazil, the dairy industry in India and the beef export industry in Botswana.

Memoranda

27. The Speaker noted that the nominee had responded in writing to all written memoranda opposing his nomination as Cabinet Secretary for Agriculture and Livestock Development

MIN.NO. /COA/2024/024: VETTING OF HON. ADEN BARRE DUALE, EGH AS CABINET SECRETARY FOR ENVIRONMENT, CLIMATE CHANGE & FORESTRY

Hon. Aden Barre Duale, EGH, Cabinet Secretary nominee for Environment, Climate Change and Forestry appeared before the Committee on Friday, August 2nd, 2024 at 11:05 am and was orally interviewed pursuant to the provisions of the Constitution of Kenya, the Public Appointments (Parliamentary approvals) Act, Cap. 7F and the Standing Orders of the National Assembly.

The Chairperson invited the nominee to take oath, and thereafter directed him to submit his documents for verification by the Clerk.
The nominee presented the following documents:

(i) Questionnaire
(ii) Curriculum Vitae
(iii) Academic testimonials
(iv) Identification document
(v) KRA Tax Compliance Certificate
(vi) EACC Clearance Form
(vii) DCI Certificate of Good Conduct
(viii) Higher Education Loans Board (HELB) Compliance Certificate
(ix) Credit Reference Bureau Clearance
(x) Clearance from the Office of the Registrar of Political Parties

The nominee then proceeded to brief the Committee on his education, professional background and suitability for the position and presented as follows—

Education and professional background

The nominee stated as follows: THAT—

1. He is a Kenyan citizen born in Garissa County.
2. He holds the following academic and professional qualifications:
   (i) Doctor of Humane Letters (Honoris Causa) (2024) - Garissa University
   (ii) Executive Master's degree in business administration, Jomo Kenyatta University of Agriculture & Technology (2012);
   (iii) Bachelor's Degree in Education, Moi University (History/Economics), Moi University (1992);
   (iv) 1982-1985: Division 2, Garissa High School;
   (v) 1986-1987: Principal Passes & 1 Subsidiary;
   (vi) 1981: Boys Town Primary School;
3. He has worked and served in various capacities as follows:
   (i) Oct 2022 – Jul 2024: CS, Ministry of Defence;
   (ii) 2013- 2022: MP, Garissa Township Constituency;
   (iii) 2013-2020: Leader of the Majority Party in the National Assembly;
   (iv) 2008-2013: MP of Dujis Constituency & Deputy Minister for Livestock;
   (v) 2008-2011: Assistant Minister Livestock
   (vi) 2003-2007: CEO Livestock Traders and Marketing Society

(vii) 1999-2003: Director, Kenya Broadcasting Corporation;
(viii) 1992: Graduate teacher at Sankuri Secondary School

Awards

4. He was awarded Elder of the Order of the Golden Heart (EGH) in 2015.

Potential Conflicts of Interest

5. The nominee declared that he did not have any person or matter that would present a potential conflict of interest should he assume the position of Cabinet Secretary, Ministry of Environment, Climate Change and Forestry.
6. The nominee stated that he was a member of a political party but does not hold any leadership position.
7. The nominee declared he had not been mentioned adversely in any integrity-related report or investigation.
8. The nominee was examined on the general understanding of sector issues and information contained in The Questionnaire. He responded as follows: THAT—

Actualization of carbon credits programme to conserve the environment and benefit local communities

9. The nominee acknowledged that carbon credits were key in combating climate change and the people at the centre of it were local communities. He would, upon approval, focus on the implementation of the Climate Change Act, Cap. 387A and further bring amendments to the Act to incorporate communities and ensure they benefit from the revenue generated from carbon trading. The Act stipulates offenses relating to carbon trading and subsequent punishment in the event of non-compliance. He reiterated that the register of carbon credits would be maintained and updated on time by NEMA.
10. To ensure this was achieved he would focus on environment restoration programmes to increase forest cover by incorporating communities in planting trees, especially fruit trees. Further, he would work closely with the private sector and involve all stakeholders in resource mobilization.

Tackling petitions on encroached/grabbed public forest land

11. He acknowledged that the issue of grabbing forest land was historical and, therefore, if appointed, he planned to consolidate all petitions Parliament had received on the matter. He would then prepare a Cabinet Memo for deliberation and decision. Additionally, regarding the Oloolua forest encroachment, he committed to revoking all titles of the encroachers within the first 30 days of assuming office, working closely with the Ministry of Lands to achieve this.

Key issues posing a challenge to the environment and the 15B tree planting programme

12. He identified the key threats to the environment as pollution, waste management, and biodiversity extinction due to human activities. He affirmed that the 15B tree program was achievable and could be accelerated by involving stakeholders from both the public and private sectors.

Country's Position in the upcoming United Nations Framework Convention on Climate Change- COP 29

13. He outlined that the country's top priorities for COP 29 were advocating for the adoption of effective global financing models to support climate change mitigation and adaptation and promoting the establishment of clearly defined carbon markets.

Use of military aircrafts by civilians

14. The nominee clarified that the Cabinet Secretary for Defence can permit the use of military aircrafts by civilians but needed the concurrence of the Commander in Chief.

Livestock grazing in public forests and mitigation of floods

15. He acknowledged there was a challenge of overgrazing in the forests, the Forest Conservation and Management Act, Cap. 385 stipulates the involvement of communities in managing the forests, and thus he would work closely with Community Forest Associations to find a solution to the grazing. A review of grazing management plans, regulating grazing and fencing delicate ecosystems would be championed by the nominee. On the challenge of floods, he indicated that this would be addressed by forest regeneration and this would be enhanced by the 15B tree planting programme.

Collaboration between the National Government and County Governments on environmental matters and the challenge of factories in residential areas.

16. The nominee stated that he would work closely with the County Governments and sign intergovernmental environmental framework agreements that would ensure adherence to zoning areas plan and the Physical and Land Use Planning Act, Cap. 303. Further, he would initiate an audit by NEMA on all factories built in the residential areas and those that do not comply their licenses would be revoked.

Collaboration with UNEP/UNHABITAT to enhance environment conservation and benefit of NGO's to the local community in arid/semi-arid areas

17. The nominee would leverage the expertise of UNEP to aid in environmental improvement, sharing of data that would inform policy formulation, capacity building of local officers and sharing of technology. The UNEP will assist in the formulation of Kenya's State of The Environment Report.
18. He pledged to convene a stakeholders' engagement to ensure conservancies accommodate the interests of the local communities and resolve potential conflicts.

Recruitment of KDF recruits and deployment of the military to assist the police

19. The nominee stated that corruption in KDF officers recruitment was a systemic issue that requires a candid discussion on how to tackle it. He emphasized the need for public sensitization about the recruitment process and the factors that can lead to the disqualification of a successful recruit. Regarding military deployment, he stated that his actions were in accordance with Article 241 (3) (b) of the Constitution, which required assisting the police in protecting other arms of government under attack and restoring order.

Impact of the proposed nuclear plant in Kilifi County and status of the rivers in Mt. Kenya and Aberdare ecosystem

20. He assured the Committee that he would visit the nuclear plant, and ensure that an Environmental Impact Assessment is conducted. He would incorporate the community to gather their views on the project and ensure that the views count.
21. On the status of rivers in the Mt. Kenya ecosystem, the tree restoration programme would be implemented. He would also implement a programme to control water harvesting by large-scale farmers along the rivers to ensure that the water volume downstream was not affected.

Planting of trees along road reserves and restoration of forest cover in Mt Elgon

22. He would liaise with the relevant ministries to include tree planting on the road in construction and maintenance contracts. The restoration of Mt Elgon Forest would be included in the tree planting programme.

Waste management plan, tackling noise pollution and status of the shamba system.

23. Waste management would be one of the key focus areas of the nominee. He noted that this was a devolved function but nevertheless he would implement the principles of segregation of waste as stipulated in the Sustainable Waste Management Act, Cap. 387C.
24. On the shamba system, he would collaborate with the Community Forests Associations to come up with plans that would guide human activities in the forest and protect the indigenous trees and the delicate ecosystem.
25. On noise pollution, he stated that this was a devolved function but collaboration with the devolved government was key in ensuring proper zoning was done.

Eliminating the use of asbestos in the country

26. He noted that he was aware of the risk paused by the use of asbestos and stated that NEMA had mapped out public institutions that were still using them. In three months, he would conduct an audit on the private sector that were still using asbestos and develop a disposal plan with NEMA in collaboration with County Governments.

Tree felling by Kenya Power and Lightning Company

27. He plans to introduce urban forestry planning and green spaces programme and a law that would guide tree cutting and planting. He would also encourage sensitizing of companies that provide social amenities on importance of tree conservation.

Mau ecosytem conservation

28. The nominee would prioritize engaging with the community with the help of Community Forest Associations to conserve the forest and fence off areas with indigenous trees to prevent encroachment.

Sustainable logging plan and monitoring harvesting of indigenous endangered tree species

29. The nominee committed, if approved, to enhance the implementation of a transparent procurement system during allocation of plantations to saw millers. Further, he would enhance the Kenya Forest Service to enable them secure the forests and implement technology for tree planting and monitoring.

Estimated *Net worth and sources of income*

30. His net worth is Kshs. 980 million made up of parcels of land in Nairobi and Garissa, houses in Nairobi and Garissa, cattle ranch, shares in family owned businesses, cows and camels, and motor vehicles. There was an improvement in the growth of his net worth which he attributed to appreciation in land, revenue from sale of books and the good climate that enabled the livestock business to thrive.

Memoranda

31. The Speaker noted that the nominee had responded in writing to all written memoranda opposing his nomination as Cabinet Secretary for Environment, Climate Change and Forestry.

MIN.NO. /COA/2024/025: VETTING OF ENG. ERIC MURITHI MUGAA AS CABINET SECRETARY FOR WATER, SANITATION AND IRRIGATION

Mr. Eric Murithi Mugaa, Cabinet Secretary nominee for Water, Sanitation and Irrigation, appeared before the Committee on Friday, 2nd August 2024 at 1:36 pm and was orally interviewed pursuant to the provisions of the Constitution of Kenya, the Public Appointments (Parliamentary approvals) Act, Cap. 7F and the Standing Orders of the National Assembly.

The Chairperson invited the nominee to take oath, and thereafter directed him to submit his documents for verification by the Clerk. The nominee presented the following documents:

(i) Questionnaire
(ii) Curriculum Vitae

(iii) Academic testimonials
(iv) Identification document
(v) KRA Tax Compliance Certificate
(vi) EACC Clearance Form
(vii) DCI Certificate of Good Conduct
(viii) Higher Education Loans Board (HELB) Compliance Certificate
(ix) Credit Reference Bureau Clearance
(x) Clearance from the Office of the Registrar of Political Parties

The nominee then proceeded to brief the Committee on his education and professional background and suitability as follows:

Education and Professional Background

1. The nominee stated as follows: THAT—
2. He holds the following academic and professional qualifications:
    (a) 2017 -2022: MSc Degree in Civil Engineering (Water Resources), The University of Nairobi;
    (b) 2011 – 2016: BSc Degree in Civil and Construction Engineering, The University of Nairobi;
    (c) 2006 – 2009: Kenya Certificate of Secondary Education (KCSE), Lenana School;
    (d) 2004 – 2005, Kenya Certificate of Primary Education (KCPE);
3. He has worked and served in various capacities as follows:
    (a) March 2021 – Ongoing: Assistant Project Engineer/Resident Engineer, MIBP Ltd. (Water and Sanitation Development Project);
    (b) May 2020 – February 2021: Assistant Project Engineer, MIBP Ltd. (Nairobi Rivers Sewerage);
    (c) June 2019 – April 2020: Design Engineer, MIBP Ltd. (Kenya Towns Sustainable Water Supply and Sanitation Program);
    (d) April 2019 – May 2019: Assistant Design Engineer, MIBP Ltd. (Feasibility Study and Preparation of Water Supply Masterplan for Murang'a County);
    (e) July 2018 – March 2019: Design Engineer, MIBP Ltd. (Preparation of Detailed Origin ESIA/RAP and Tender Documents for Distribution Works for Mombasa and 3 Water Service Providers);
    (f) October 2017 – June 2018: Assistant Design Engineer, MIBP Ltd. (Kenya Towns Sustainable Water Supply and Sanitation Program);
    (g) March 2017 – September 2017: Assistant Design Engineer, MIBP Ltd. (Water and Sanitation Service Improvement Project- Additional Financing (WASSIP-AF);
    (h) September 2016 – February 2017: Assistant Engineer, SMEC Kenya (Kenya Transport Sector Support Project);

(i) June 2015 – September 2015: Intern Engineer, Practical Action Kenya (Role of Technology in Sanitation Development in Informal Settlement Areas of Mukuru, Kawangware and Kibera);

Estimated Net worth and sources of income

4. The nominee estimated his net worth to be Kshs. 31 million made up of salary, consultancy, farming, stocks and investment groups.

On funding projects against the rationalized budget in the Ministry

5. The nominee stated that the budget cuts in the Ministry would affect projects implementation. He would consider leveraging on Public Private Partnership to fund projects.

On his stand in the fight against corruption

6. The nominee clarified that, he served with integrity in previous positions and affirmed his commitment to deal with corruption while espousing integrity, accountability, and transparency, as a matter of principle.
7. The nominee further promised to deal firmly and decisively with corruption cases using the existing mechanism.

On creating employment opportunities for young people

8. Noting that, 75% of the economy was agriculture-driven, the nominee committed to sensitize the youth to embrace agriculture as a profession and a meaningful income generating activity. He also committed, upon approval, to initiate collaboration with the Ministry of Education, to introduce projects such as micro-irrigation and sinking boreholes in schools to give opportunities to 4K Clubs and teachers to inculcate and train the young people on matters agriculture.
9. The nominee informed the Committee, that he would be leveraging on technology use in the Ministry to re-engineer water works including advocating for the use of smart meters.

On the incomplete construction of dams

10. The nominee stated that he was aware of the incomplete dam projects across the country. Upon approval, he would engage the National Treasury and the National Assembly for funds to complete these projects.

On loans repayment by the National Treasury for projects under the Ministry of Water, Sanitation and Irrigation

11. The nominee noted that he was aware the Ministry had a loan of approximately Kshs. 225 billion arising out of completed water projects that had been handed over to county governments for management by the Water Service Providers. He, however, noted the need to increase last-mile connectivity coverage so as to increase water revenue for

On loans repayment by the National Treasury for projects under the Ministry of Water, Sanitation and Irrigation

11. The nominee noted that he was aware the Ministry had a loan of approximately Kshs. 225 billion arising out of completed water projects that had been handed over to county governments for management by the Water Service Providers. He, however, noted the need to increase last-mile connectivity coverage so as to increase water revenue for repayment of loans. He undertook, if approved to engage the National Treasury and the Taskforce in Debt Restructuring to agree on the manner of dealing with the huge outstanding loans by the Ministry.

On being a director in JAFEC and addressing potential conflict of interest

12. The nominee admitted to being one of the Directors of JAFEC, a company dealing in water, sanitation, and construction projects. He however indicated that, he understood the responsibilities of the office and if approved, would declare the conflict of interest if the need arises.

On Household Water Connectivity for all Kenyans

13. The nominee noted that, the Ministry had a duty to ensure 100% connectivity in line with Article 43(1)(d) of the Constitution. He undertook to work with development partners to alleviate the challenges of access to clean water in the rural areas. He also noted the need to harness renewable water resources, harvest rainwater and build water pans to improve access to clean water for all.

On Water Challenges in the Coast Region

14. He appreciated the challenges that the Coast region faces in water supply and rationing. He noted that the ongoing Mwache Dam in Kwale County would provide solutions to the water shortage in the region. On conflicts arising from the sharing of water resources in the region, the nominee committed, if approved, committed to engage with the region leadership to resolve the issues guided by the Water Act, Cap. 372.

On equity in water resource provision

15. The nominee undertook, upon approval, to ensure fairness in distribution of dams across the country.

On his registration with the Engineers Board of Kenya in 2024

16. The nominee informed the Committee that it was a requirement to work under a registered engineer for a minimum of three years. He, however, registered with the Board in 2024.

Memoranda

17. The Speaker noted that the nominee had responded in writing to all written memoranda opposing his nomination as Cabinet Secretary for Water, Sanitation and Irrigation.

MIN. NO. /COA/2024/026: ADJOURNMENT AND DATE OF NEXT MEETING

There being no other business, the meeting was adjourned at 3.10 pm. The next meeting will be held on Thursday, 2nd August, 2024 at 3.40 pm.

SIGNED: Wetangula **DATE:** 7/8/24

HON. (DR.) MOSES WETANGULA, EGH, M.P.
SPEAKER OF THE NATIONAL ASSEMBLY
(CHAIRPERSON)

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT - THIRD SESSION - 2024

MINUTES OF THE 4TH SITTING OF THE COMMITTEE ON APPOINTMENTS HELD ON THURSDAY, 1ST AUGUST, 2024 IN THE MINI CHAMBER, FIRST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS AT 4:15 P.M.

PRESENT

1. **The Rt. Hon. (Dr.) Moses Wetangula, EGH, M.P. - Speaker of the National Assembly/Chairperson**
2. The Hon. Gladys J. Boss, MGH, M.P. -Deputy Speaker of the National Assembly
3. The Hon. Kimani Ichung'wah, EGH, M.P. - Leader of the Majority Party
4. The Hon. Robert Mbui, CBS, M.P. - Deputy Leader of Minority Party
5. The Hon. Owen Baya, CBS, M.P. - Deputy Leader of Majority Party
6. The Hon. Junet Mohamed, CBS, M.P. -Minority Whip
7. The Hon. Mishi Mboko, CBS, M.P.
8. The Hon. Abdul Rahim Dawood, M.P.
9. The Hon. David Gikaria, M.P.
10. The Hon. David Pkosing, CBS, M.P.
11. The Hon. Dido Ali Raso, M.P.
12. The Hon. Ferdinand Wanyonyi, M.P.
13. The Hon. Stephen Mule, M.P.
14. The Hon. Mary Emaase, M.P.
15. The Hon. Naisula Lesuuda, M.P.
16. The Hon. Nelson Koech, M.P.
17. The Hon. Abdi Shurie, M.P.
18. The Hon. Caleb Amisi, M.P.
19. The Hon. George Gitonga Murugara, M.P.
20. The Hon. Rahab Wachira Mukami, M.P.

APOLOGIES

The Hon. Opiyo Wandayi, EGH, M.P. - Leader of the Minority Party

IN-ATTENDANCE - NATIONAL ASSEMBLY

1. Ms. Serah Kioko, MBS - Deputy Clerk of the National Assembly
2. Mr. Nicholas Emejen - Deputy Director, Audit, Appropriations & General Purpose Committees

3.	Mr. Michael Karuru	-	Deputy Director, Legal Services
4.	Ms. Leah Mwaura	-	Principal Clerk Assistant II
5.	Dr. Andrew Shangirai	-	Principal Serjeant-at-Arms
6.	Mr. David Ng'eno	-	Principal Research Officer
7.	Mr. Ronald Walala	-	Senior Legal Counsel
8.	Ms. Emma Essendi	-	Senior Legal Counsel
9.	Ms. Judy Kanyoko	-	Legal Counsel
10.	Ms. Esther Nginyo	-	Clerk Assistant I
11.	Ms. Naserian Lotuai	-	Clerk Assistant I
12.	Ms. Fiona Musili	-	Research Officer I
13.	Ms. Kathleen Nanzala	-	Clerk Assistant III
14.	Ms. Jane Ouko	-	Clerk Assistant III
15.	Ms. Vivienne Ogega	-	Research Officer III
16.	Ms. Joanne Naneu	-	Research Officer III
17.	Mr. John Ng'ang'a	-	Audio Officer
18.	Ms. Faith Makena	-	Serjeant-At-Arms

Agenda

1. Preliminaries
2. Adoption of the Agenda
3. Communication from the Chairperson
4. **Vetting of Mr. Julius Migos Ogamba as Cabinet Secretary for Education**
5. **Vetting of Hon. Roselinda Soipan Tuya, EGH, as Cabinet Secretary for Defence**
6. Adjournment.

MIN.NO. /COA/2024/019: PRELIMINARIES

The Chairperson called the meeting to order at 4:19 p.m. followed by a prayer said by the Clerk of the National Assembly.

MIN.NO. /COA/2024/020: VETTING OF MR. JULIUS MIGOS OGAMBA NOMINEE, CABINET SECRETARY FOR EDUCATION

Mr. Julius Migos Ogamba, nominee for the post of Cabinet Secretary for Education, appeared before the Committee on Thursday, 1st August 2024 at 4:20 pm and was orally interviewed pursuant to the provisions of the Constitution of Kenya, the Public Appointments (Parliamentary approvals) Act, Cap. 7F and the Standing Orders of the National Assembly.

The Chairperson invited the nominee to take oath, and thereafter directed him to submit his documents for verification by the Clerk. The nominee presented the following documents:

(i) Questionnaire
(ii) Curriculum Vitae
(iii) Academic testimonials
(iv) Identification document

(v) KRA Tax Compliance Certificate
(vi) EACC Clearance Form
(vii) DCI Certificate of Good Conduct
(viii) Higher Education Loans Board (HELB) Compliance Certificate
(ix) Credit Reference Bureau Clearance
(x) Clearance from the Office of the Registrar of Political Parties

The nominee then proceeded to brief the Committee on his education, professional background and suitability as follows:

Education and professional background

The nominee stated as follows: THAT—

1. He holds the following academic and professional qualifications:
    (i) Diploma in Law (1996) from the Institute of Advanced Studies, University of London;
    (ii) Post-Graduate Diploma in Law (1992-1993) from the Kenya School of Law;
    (iii) Bachelor of Laws (LLB.) (1991) from the University of London.
2. He is a member of the Law Society of Kenya of good standing;
3. He has worked and served in various capacities as follows:
    (i) 2023 to date: Chairman, Board of Directors, Kenya Electricity Generating Company.
    (ii) 1993 to date: Senior Partner, Migos-Ogamba & Waudo Associates

Estimated Net worth and sources of income

4. The nominee estimated his net worth was Kshs. 790 million comprising of land, tea and tree farms, vehicles, farm equipment and income from his law firm.

Potential Conflicts of Interest

5. The nominee declared that he did not have any person or matter that would present a potential conflict of interest should he assume the position of Cabinet Secretary for Education.
6. He committed to handle any arising conflict of interest in accordance with applicable legal procedures including making the necessary disclosure and recusing himself from the decision-making.

The nominee was also examined on general understanding on sector issues and information contained in *The Questionnaire*. He responded as follows: THAT—

Competency-based curriculum (CBC)

7. The nominee highlighted three main challenges affecting the implementation of the CBC curriculum including, but not limited to, lack of teachers, insufficient infrastructure and lack

of parent engagement. He stressed the importance of sensitizing parents on the role they should play in the curriculum to ensure successful implementation.

8. The nominee emphasized that the CBC curriculum was aimed at identifying and developing the abilities of all students, including those who may not excel in exams thereby addressing the shortcomings of the previous 8-4-4 system, which was focused on exams. If appointed as Cabinet Secretary, the nominee promised to address any challenges and ensure the effective implementation of the CBC curriculum.

The new university funding model

9. The nominee stated that the new university funding model is beneficial. He emphasized that the model focuses on evaluating students' financial needs using the Means Testing Instrument (MTI), which helps the Ministry identify vulnerable students as well as those who can afford to pay the university fees. However, he acknowledged that the implementation of the model encountered some initial problems that affected its rollout.

Policy changes in the Ministry of Education

10. In response to the concern where newly appointed Cabinet Secretaries make changes in education policies, the nominee underscored the need to preserve effective policies. He stated that, if appointed, his focus would be on modifying policies that are ineffective, rather than making sweeping changes.

Challenges affecting the education sector

11. The nominee stated that, in his opinion, the primary issue affecting the education sector was funding. He singled out the lack of clear statistics on students requiring financial assistance from the Government. If appointed, he pledged to conduct an audit to determine the number of students in need and to collaborate with stakeholders to address the funding problem.
12. The nominee also highlighted that the poor implementation of laws and policies concerning the education sector is a significant problem. He noted that while the country has sufficient laws and policies on education, their implementation is inadequate.

Capitation challenges

13. The nominee informed the Committee that the delay in disbursing funds to schools, was due to insufficient resources in the face of various competing needs. This had impacted the government's ability to meet the 80% disbursement to schools as outlined in the capitation model. He opined that the solution would be to reach an agreement with the National Treasury to ring-fence the schools' budget so that it can be released on time and in full.

Additional fees charged by schools

14. Regarding the imposition of additional fees and levies by schools to students, the nominee submitted that the Ministry of Education has guidelines in place that prohibit schools from demanding additional fees from parents. He pledged to ensure that the same was implemented by enhancing disciplinary measures against public schools that flout the policies.

The school feeding programme

15. The nominee indicated his intention to continue with the programme due to its effectiveness in retaining students in schools. He stated that if appointed, he would develop policies and programmes to integrate support from agencies, such as the Kenya Meat Commission, to further the programme's objectives.

Transition for the Grade 9 students

16. In regard to the transition of the first cohort of Junior Secondary School (JSS) Grade 9 students under the CBC model to the next level, the nominee acknowledged that there was a shortage of sixteen thousand classrooms. He stated that if approved, he would make a decision that is in the best interest of the learners on this issue.

Exam certificates being held by schools over unpaid school fees

17. On his view on the issue of schools withholding exam certificates due to unpaid school fees, the nominee submitted that there was need to strike a balance between schools' revenue generation and their obligation to issue certificates as agents of the Ministry.

The looming teacher's strike

18. The nominee submitted that the threat by teachers to call for industrial strike was stemming from a Collective Bargaining Agreement (CBA) that was to take effect in July 2024. He noted the need for dialogue with the teachers' unions to devise a viable resolution including deferment of the aforementioned CBA in order to avert disruption of school calendar.

Relationship between the Ministry of Education and the Teachers Service Commission

19. The nominee stated that poor communication between the Ministry of Education and the Teachers Service Commission had created jurisdictional tension between the two. If appointed, he assured the Committee that he would seek to pursue collaborative approach involving the Ministry, the Commission, and other stakeholders to find solutions to the issues causing the tension.

Challenges associated with the National Education Management Information System (NEMIS)

20. The nominee acknowledged the challenges associated with the National Education Management Information System (NEMIS). He highlighted the discriminatory nature of

using birth certificates to determine school funding, particularly affecting children from areas where obtaining birth certificates is difficult. Additionally, he noted that NEMIS was not comprehensive and further noted that the Ministry has developed the Kenya Education Management Information System (KEMIS) to address these issues.

The mandate of the National Council for Nomadic Education in Kenya (NACONEK)

21. In response to the inquiry about the measures the nominee would implement to support NACONEK in fulfilling its mandate, the nominee emphasized that NACONEK and similar initiatives constitute affirmative actions aimed at facilitating access to education for underprivileged children. If appointed, the nominee committed to expanding these affirmative endeavors to further their impact.

Placement of students in private universities

22. On his view on whether it was prudent to enroll students in private universities through the Kenya Universities Colleges and Central Placement Service (KUCCPS), despite there being available spots in public universities. The nominee pledged to reassess the current policy and collaborate with stakeholders to create a more effective policy that protects the interests of public universities, should he be appointed to the position.

Efficiency of the TVET institutions

23. On his plans to enhance the effectiveness of Technical and Vocational Education and Training (TVET) institutions, the nominee submitted that if appointed, he would identify, expand and invest in select institutions as centers of excellence. This strategic initiative would not only elevate the standard of these institutions but also attract international students, thereby bolstering overall efficacy.

Memoranda contesting his suitability

24. The Speaker noted that the nominee had responded in writing to all written memoranda opposing his nomination as Cabinet Secretary for Education.

MIN.NO. /COA/2024/021: VETTING OF HON. ROSELINDA SOIPAN TUYA, EGH NOMINEE, CABINET SECRETARY FOR DEFENCE

Hon. Roselinda Soipan Tuya, EGH, nominee for appointment as Cabinet Secretary for Defence, appeared before the Committee on Thursday, 1st August, 2024 at 18:15 pm and was orally interviewed pursuant to the provisions of the Constitution of Kenya, the Public Appointments (Parliamentary approvals) Act, Cap. 7F and the Standing Orders of the National Assembly.

The Chairperson invited the nominee to take oath, and thereafter directed him to submit his documents for verification by the Clerk. The nominee presented the following documents:

(i) Questionnaire

(ii) Curriculum Vitae
(iii) Academic testimonials
(iv) Identification document
(v) KRA Tax Compliance Certificate
(vi) EACC Clearance Form
(vii) DCI Certificate of Good Conduct
(viii) Higher Education Loans Board (HELB) Compliance Certificate
(ix) Credit Reference Bureau Clearance
(x) Clearance from the Office of the Registrar of Political Parties

The nominee then proceeded to brief the Committee on her education, professional backgrounds and suitability as follows:

Personal, Education and Professional Background

The nominee stated as follows: THAT—

1. She is a Kenyan citizen born on 24th July, 1978 in Narok County

2. She holds the following academic and professional qualifications:
   (i) Master of Law (LL.M) degree in Sustainable International Development (2010) from the University of Washington, Seattle, Washington, USA;
   (ii) Diploma in Law (2003) from the Kenya School of Law;
   (iii) Bachelor of Laws (LL..B) Degree (2002) from the University of Nairobi; and,
   (iv) Kenya Certificate for Secondary School (KCSE) in 1998 from the Kenya High School.

3. She has worked and served in various capacities as follows:
   (i) Cabinet Secretary, Ministry of Environment, Climate Change and Forestry (October 2022 – July 2024);
   (ii) Nominated Senator – Parliament of Kenya (September 2022 – October 2022);
   (iii) County Women Representative, Narok County in the National Assembly (2013- 2022);
   (iv) Land Law and Gender Specialist, USAID Kenya Pro-Mara Program & Justice Project; and
   (v) Legal Aid Co-ordinator, Kituo cha Sheria from February 2008 to September 2009.

Estimated Net Worth and Sources of Income

4. The nominee estimated her net worth to be Kshs. 243,448,000 comprising of land, apartments, houses, motor vehicles, bonds, shares in SACCOs and farming.

Honours and Awards

5. She was awarded the Presidential Elder of the Golden Heart (EGH) in 2023.

Professional Association and Membership

6. The nominee is a member of the Law Society of Kenya (LSK) of good standing.

Potential Conflicts of Interest and Integrity

7. The nominee declared that she is not associated with any person or matter that would present a potential conflict of interest should she assume the position of Cabinet Secretary for Defence.
8. She stated her commitment to upholding the principles outlined in the 2010 Constitution of Kenya and complying with all relevant legislations in the event of a potential conflict of interest. Furthermore, she pledged to disclose any potential conflicts of interest, refrain from participating in discussions or deliberations in which she had a personal interest, and endeavor to adhere to the Public Officers' Service Code of Conduct and Ethics.

Pro- bono/ Charity Work

9. The nominee has been involved in litigation, legal aid, and civic education on behalf of pastoralist community groups in Narok, Kajiado, Laikipia and Baringo for five (5) years. Additionally, she has mentored and facilitated motivational talks for women, girls, and children for fifteen (15) years. Furthermore, the nominee had volunteered as a Menstrual Health Champion for Girls International for five (5) years.

Integrity

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

11. The nominee stated that she had not been charged in a court of law, mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three years. She has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

Political Affiliation

12. The nominee confirmed that she does not hold office in any political party.

The nominee was also examined on general understanding on sector issues and information contained in *The Questionnaire*. She responded as follows: THAT—

Overlap of Mandate Between the Cabinet Secretary and the Chief of Defence Forces

13. In terms of potential overlap between her role and that of the Chief of Defence Forces, the nominee informed the Committee that she understood her role was limited to advising the President on defense policy, while the role of the Chief of Defence Forces was to advise on military, operational, and administrative matters. As a team player and someone who values collaboration, she plans to work closely with the experts in the Defense Forces to complement her role in the Ministry, thereby ensuring unity and cooperation.

Key Achievements as Cabinet Secretary for Environment, Climate Change & Forestry

14. The nominee enumerated to the Committee some of her key achievements in the Ministry of Environment, Climate Change & Forestry as follows:

(i) hosting the inaugural Africa Climate Summit that resulted in the African Leaders Nairobi Declaration on Climate Change & Call to Action and subsequently, the attainment of the Chairmanship by Kenya of the Africa Group of Negotiators.

(ii) fast-tracking approval and disbursement of Kshs 7.3 billion of investment grants to counties, under the Financing Locally-Led Climate Action (FLLoCA) Programme.

(iii) rolling out the 10-year National Landscapes and Ecosystem Restoration Programme, the anchor of the fifteen (15) Billion tree growing programme;

(iv) strategic legislative review actions including; amendment of the Climate Change Act, Cap. 387A to provide for a robust carbon markets legal framework to unlock climate financing, development of Extended Producer Responsibility (EPR) and regulations for sustainable waste management;

(v) developing a new forest policy to strengthen forest sector governance and presenting it before Cabinet, and initiating the ongoing review of the Forest Conservation and Management Act, Cap. 385 to strengthen the sector's governance by creating a Regulatory Authority;

(vi) reviewing the Environmental Management and Co-ordination Act, Cap. 387 to improve co-ordination between National and County Governments and enhance effectiveness of NEMA's EIA processes thus setting Kenya on the path towards circular economy;

(vii) developing the Kenya Meteorology Bill, 2023 to transform the Kenya Meteorological Department (KMD) into a Semi-Autonomous Government Agency (SAGA) in line with Kenya's international obligations, and to enhance the sector's efficiency in early warning for climate change adaptation.

15. On the issue of her being a civilian and her limited ability to understand the military and its formations, the nominee committed to ensuring that she understood the operations of the Kenya Defence Force and respecting the existing structures and distinctive roles within the military.

Over-expenditure on ecosystem restoration programs

16. Regarding the perceived over-expenditure on Ecosystem Restoration Programs during her time as the Cabinet Secretary for the Ministry of Environment, Climate Change, and Forestry, she informed the Committee that her role was solely to coordinate the program and ensure that the entire government and communities were involved in the tree-planting exercise. She clarified that the Ministry did not cover travel expenses for Cabinet Secretaries and other participants to travel across the country for the tree-planting initiative.

Deployment of KDF in support of National Police Service

17. The nominee stated that the recent internal deployment of the military to aid the National Police Service in quelling the unrest arising from the "Gen Z" demonstrations was constitutional, as stipulated in Article 241(3)(b) of the 2010 Constitution. She underscored that national security matters are subject to constitutionalism, and if appointed, she is dedicated to ensuring adherence to the rule of law.

Operationalization of projects initiated by KDF

18. Regarding the projects completed by the Kenya Defence Forces in the North Rift area, some of which were finished but not operational, or stopped due to non-payment, the nominee committed that if approved, she will conduct a comprehensive assessment of each project and undertake appropriate interventions to have them fully operational as intended.

KDF Recruitment malpractices

19. In response to the widespread recruitment malpractices in the Kenya Defence Forces, the nominee pledged to review the Standard Operating Procedures (SOPs) that govern the recruitment process to identify any existing gaps and address them appropriately. This would restore public trust and ensure transparency and accountability in future recruitments. Additionally, she committed to take strong action against those responsible for this misconduct.

State of military equipment and safety concerns

20. In response to concerns raised regarding the condition of military equipment following recent incidents involving military aircraft and despite substantial government funding allocated to the Ministry, the nominee expressed her commitment to collaborating closely with the relevant Committee of the National Assembly to identify any budgetary deficiencies, and to ensure that all investments in the armed forces yield optimal value. Furthermore, she pledged to prioritize maintenance and modernisation of military equipment to ensure they operate

20. In response to concerns raised regarding the condition of military equipment following recent incidents involving military aircraft and despite substantial government funding allocated to the Ministry, the nominee expressed her commitment to collaborating closely with the relevant Committee of the National Assembly to identify any budgetary deficiencies, and to ensure that all investments in the armed forces yield optimal value. Furthermore, she pledged to prioritize maintenance and modernisation of military equipment to ensure they operate effectively and efficienciently, underscoring the need to ensure that the equipment is safe for military use.

Access to information held by KDF for effective Parliamentary oversight

21. On the concern regarding reliance on Section 49 of the Kenya Defence Forces Act to restrict access to important information, potentially hindering Parliament's oversight, the nominee emphasized the need to keep some information classified to protect national security. Additionally, she committed to reviewing procedures for classified information through her role in the Defence Council, if appointed. She reiterated the importance of seeking a balanced approach that respects security needs and the right to information.

Her vision for the Ministry of Defence

22. On her vision for a more effective KDF, the nominee emphasized the need for a well-equipped defense force across all domains: air, naval, and land. She highlighted the importance of military preparedness in order to respond to any external aggression, including but not limited to continuous training, equipping, and capacity building. She also underscored the importance of prioritizing the welfare of service members, ensuring they are well-supported and adequately prepared.

Gender parity in the Kenya Defence Forces

23. On measures she will put in place to ensure gender parity in key military positions, she acknowledged the milestones achieved so far on consideration of women in positions that were traditionally a preserve of their male counterparts. She further confirmed that a review of the gender policy in the Kenya Defence Forces is necessary to ensure inclusivity.

Designation of Kenya as a major non-NATO Ally

24. In response to Kenya's designation as a major non-NATO ally by the United States, the nominee noted that this was a significant achievement. She stated that the special status is expected to provide Kenya with advantages in bilateral relations with the USA, including access to military equipment, training, and enhanced defense cooperation. Additionally, It would bolster the capabilities of the Kenyan Defense Forces (KDF) and strengthen the Kenya-USA relationship. Further, she stated that the designation was a testament of the importance of multilateral and bilateral engagement in the current geopolitical landscape, emphasizing Kenya's active role in global security and defense matters.

25. On whether the deployment of the Military to quell the recent unrests was ongoing, the nominee replied in the affirmative but committed that if approved, she would assess the situation as to whether there was need to maintain the *status quo* or not.

Memoranda contesting her suitability

26. The Speaker noted that the nominee had responded in writing to all written memoranda opposing his nomination as Cabinet Secretary for Defence.

MIN. NO. /COA/2024/021: ADJOURNMENT AND DATE OF NEXT MEETING

There being no other business, the meeting was adjourned at 7:23 pm. The next meeting will be held on Friday 2nd August,2024 in the Mini-Chamber, First Floor, County Hall, Parliament Buildings from 8.00 a.m.

SIGNED: Wetangula **DATE:** 7/8/24

HON. (DR.) MOSES WETANGULA, EGH, M.P.
SPEAKER OF THE NATIONAL ASSEMBLY
(CHAIRPERSON)

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - THIRD SESSION - 2024

MINUTES OF THE 3RD SITTING OF THE COMMITTEE ON APPOINTMENTS HELD ON THURSDAY, 1ST AUGUST, 2024 IN THE MINI CHAMBER, FIRST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS AT 8:00 A.M.

PRESENT

1. **The Rt. Hon. (Dr.) Moses Wetangula, EGH, M.P. - Speaker of the National Assembly/Chairperson**
2. The Hon. Gladys J. Boss, MGH, M.P. -Deputy Speaker of the National Assembly
3. The Hon. Kimani Ichung'wah, EGH, M.P. -Leader of the Majority Party
4. The Hon. Owen Baya, CBS, M.P. -Deputy Leader of the Majority Party
5. The Hon. Robert Mbui, CBS, M.P. -Deputy Leader of Minority Party
6. The Hon. Junet Mohamed, CBS, M.P. -Minority Whip
7. The Hon. Mishi Mboko, CBS, M.P.
8. The Hon. Abdul Rahim Dawood, M.P.
9. The Hon. David Pkosing, CBS, M.P.
10. The Hon. Dido Ali Raso, M.P.
11. The Hon. Mary Emaase, M.P.
12. The Hon. Naisula Lesuuda, M.P.
13. The Hon. Nelson Koech, M.P.
14. The Hon. Abdi Shurie, M.P.
15. The Hon. David Gikaria, M.P.
16. The Hon. Ferdinand Wanyonyi, M.P.
17. The Hon. Caleb Amisi, M.P.
18. The Hon. George Gitonga Murugara, M.P.
19. The Hon. Stephen Mule, M.P.
20. The Hon. Rahab Wachira Mukami, M.P.

APOLOGIES

The Hon. Opiyo Wandayi, EGH, M.P. - Leader of the Minority Party

IN-ATTENDANCE - NATIONAL ASSEMBLY

1. Mr. Samuel Njoroge, CBS	-	Clerk of the National Assembly
2. Ms. Serah Kioko, MBS	-	Deputy Clerk of the National Assembly
3. Mr. Nicholas Emejen	-	Deputy Director, Audit, Appropriations & General Purpose Committees
4. Mr. Michael Karuru	-	Deputy Director, Legal Services
5. Mr. Aloisio N. Lekulo	-	Chief Serjeant-at-arms
6. Ms. Leah Mwaura	-	Principal Clerk Assistant II
7. Dr. Andrew Shangirai	-	Principal Serjeant-at-Arms
8. Ms. Marlene Ayiro	-	Principal Legal Counsel
9. Mr. Ronald Walala	-	Senior Legal Counsel
10. Ms. Emma Essendi	-	Senior Legal Counsel
11. Mr. Josephat Kuiyoni	-	Legal Counsel I
12. Mr. Abraham Cheboryot	-	Legal Counsel II
13. Ms. Esther Nginyo	-	Clerk Assistant I
14. Ms. Naserian Lotuai	-	Clerk Assistant I
15. Ms. Fiona Musili	-	Research Officer I
16. Ms. Kathleen Nanzala	-	Clerk Assistant III
17. Mr. Mark Namaswa	-	Clerk Assistant III
18. Mr. Dominic Letaya	-	Clerk Assistant III
19. Mr. Andrew Kipchumba	-	Clerk Assistant III
20. Ms. Jane Ouko	-	Clerk Assistant III
21. Ms. Vivienne Ogega	-	Research Officer III
22. Ms. Joanne Naneu	-	Research Officer III
23. Mr. John Ng'ang'a	-	Audio Officer
24. Mr. Danton Kimutai	-	Audio Officer
25. Mr. Eugene Luteshi	-	Audio Officer
26. Ms. Faith Makena	-	Serjeant-At-Arms

Agenda

1. Preliminaries
2. Communication from the Chairperson
3. **Vetting of Hon. (Prof.) Kithure Kindiki, EGH as Cabinet Secretary for the Ministry of Interior and National Administration**
4. **Vetting of Dr. Deborah Mulongo Barasa as Cabinet Secretary for the Ministry of Health**
5. **Vetting of Mr. Julius Migos Ogamba, EBS as Cabinet Secretary for the Ministry of Education**
6. Adjournment.

MIN.NO. /COA/2024/013: PRELIMINARIES

The Chairperson called the meeting to order at twenty five minutes past eight o'clock followed by a prayer said by the Clerk of the National Assembly.

MIN.NO. /COA/2024/014: COMMUNICATION FROM THE CHAIRPERSON

The Chairperson issued the following communication –

1. The Committee on Appointment is established under Standing Order 204 of the National Assembly Standing Orders. It is mandated to consider for approval by the House, appointments under Article 152(2) of the Constitution.
2. In conducting the vetting and approval hearings, the Committee shall be guided by the Constitution, the Public Appointments (Parliamentary Approval) Act, Cap. 7F and other relevant statutes.
3. On the preparation of the vetting process, the Committee held its first sitting on Thursday, 25th July, 2024 and considered the brief on arrangements that have been put in place for the conduct of approval hearings. During its second sitting on Wednesday, 31st July, 2024, the Committee received a status update on the progress made on the preparations for the approval hearings.
4. On the Approval Hearings, they were scheduled to begin on **Thursday, 1st August, 2024** and conclude **on Sunday 4th August, 2024. Committee sittings shall commence as from 8:00 am with a view of vetting at least five (5) nominees per allotted day.**
5. On the additional two nominees submitted to Parliament by H.E. President, their names had been referred for consideration by the Committee, advertisements inviting submission of memoranda have been published in the dailies on 1st August 2024. The deadline for this submission of memoranda is Thursday, 8th August 2024, and the Committee shall resume its hearings for the two nominees on Friday, 9 August 2024.
6. On the conduct of the approval hearings, the Committee shall be guided by the Constitution, the Public Appointments (Parliamentary Approval) Act Cap. 7F and shall consider the suitability of each nominee for the 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.
7. In accordance with Section 6(9) of Public Appointments (Parliamentary Approval) Act, Cap. 7F, regarding submission of sworn affidavits contesting the suitability of any nominee, the Committee had so far received over **one thousand three hundred (1300) submissions. One hundred and eighty-seven (187)** of these submissions were in the form of the affidavits contemplated under the Act. The rest of the submissions were either **generally opposed to** the appointment of one or more nominee; **repetitions;** in **support** of nominees; or **unrelated** to the exercise. Those unrelated to the exercise

include the applications for appointment as Cabinet Secretaries in the place of some of the nominees.

8. On the consideration of the submissions made with regard to the approval hearings, the Committee would thoroughly scrutinize each submission. Where submissions received were not in the form of affidavits as required by the Act, **the Committee would, as far as practicable, include the concerns raised in the submissions in the questions that it will pose to the nominees.** It is only through this that the Committee may conclusively determine the suitability of the nominees for appointment.
9. On the queries from the public on whether it would be conducting approval hearings for all nominees, including the nominee who have been **re-appointed** to the Cabinet, **the Committee would conduct hearings for ALL nominees.** Under Section 2 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F **"appointment" includes "re-appointments".** Additionally, section 3 of the Act provides that all appointments done under the Constitution or any other law for which the approval of Parliament is required shall not be made unless the appointment is approved or deemed to have been approved by Parliament in accordance with this Act.
10. The Courts have ruled that vetting of nominees is a serious and mandatory constitutional process that must be complied with even in cases or re-appointment. Precedent and practice in previous Parliaments and comparative jurisdictions also uphold the cardinal rule on the mandatory nature of parliamentary approval even in cases of re-appointment to constitutional offices.
11. Article 132 (2) of the Constitution confers upon the President the power to **nominate and with the approval of the National Assembly, appoint Cabinet Secretaries** in accordance with Article 152 of the Constitution. With respect to nominees who were dismissed from the Cabinet, the Committee shall consider any reasons for the dismissal, if any, in considering whether to recommend the re-appointment of such nominee. **The determination of the question of whether such a nominee is suitable for re-appointment rests solely with the National Assembly.**
12. After conclusion of the approval hearings, the Committee would table its report in the House with recommendations either approving or rejecting the nominees for appointment.

MIN.NO. /COA/2024/015: VETTING OF PROF. KITHURE KINDIKI, NOMINEE CABINET SECRETARY FOR THE MINISTRY OF INTERIOR AND NATIONAL ADMINISTRATION

1. Hon. (Prof.) Kithure Kindiki, EGH Cabinet Secretary nominee for the Ministry of Interior and National Administration appeared before the Committee on Thursday, 1st August, 2024 and was orally interviewed pursuant to the provisions of the Constitution of Kenya, the Public Appointments (Parliamentary approvals) Act, Cap 7F and the Standing Orders of the National Assembly.

2. The Chairperson invited the nominee to take oath, and thereafter directed him to submit his documents for verification by the Clerk.
3. The nominee presented the following documents including his original academic Certificates and national identification document for verification—
    (i) Questionnaire
    (ii) Curriculum Vitae
    (iii) KRA Tax Compliance Certificate
    (iv) EACC Clearance Form
    (v) DCI Certificate of Good Conduct
    (vi) Higher Education Loans Board (HELB) Compliance Certificate
    (vii) Credit Reference Bureau Clearance
    (viii) Clearance from the Office of the Registrar of Political Parties
    (ix) Response to affidavits from the public
4. The nominee then proceeded to brief the Committee on his education and professional background and suitability as follows—

Education and professional background

The nominee stated as follows: THAT—

5. He is a Kenyan citizen born on 16th July, 1972 in Tharaka Nithi County, Kenya.
6. He holds the following academic and professional qualifications:
    (i) PhD in International Law, University of Pretoria, South Africa (2002);
    (ii) Master of Laws (LLM) in International Human Rights Law and Democracy, University of Pretoria, South Africa (2000);
    (iii) Postgraduate Diploma in Law, Kenya School of Law (2001);
    (iv) Bachelor of Laws (LLB), Moi University (1998);
    (v) Lenana School, Tharaka Boys High School (1988-1993);
    (vi) Irunduni Primary school, Kamatungu Boarding School (1980-1987);

13. He had worked and served in various capacities as follows:
    (i) Cabinet Secretary Interior and National Administration (Oct 2022- Jul 2024)
    (ii) Defence Counsel, International Criminal Court, The Hague (2010 to date);
    (iii) Senator, Tharaka Nithi County (2013-2022);
    (iv) Deputy Speaker of the Senate (2017-2020);
    (v) Senate Majority Leader (2013-2017);
    (vi) Consultant for International Organizations including UN, UN Specialized Agencies, World Trade Organization, AU and IGAD (2001 – 2012);
    (vii) Associate Dean of the University of Nairobi, School of law (2007-2010);
    (viii) Head of Department of Public Law & Senior Lecturer of Law (2005-2007);
    (ix) Lecturer of law (2003-2005);
    (x) Tutorial Fellow/Assistant lecturer, Moi University (1999-2003):
    (xi) Consultant for UN, UNHCR, UNPD, WTO, AU and IGAD (1999-to date);

The nominee was also examined on general understanding on sector issues and information contained in *the Questionnaire*. He responded as follows: THAT—

Concerning Police Reforms

14. The nominee informed the Committee that the report by the National Taskforce on Police Reforms had proposed recommendations that would impact on staff welfare, leadership, and career progression as well as operational capability. If approved, he would implement the recommendations in concurrence with the National Security Council and would prioritize on the administrative recommendations on staff welfare, police equipment modernization programme.

15. He outlined the achievements during his tenure as the immediate former Cabinet Secretary, Ministry of Interior & National Administration, as having been able to secure funding from the National Treasury amounting to Kshs. 7 billion, for purchasing air and land assets to combat terror, banditry and organized crime and establishing the National Police Leadership Academy in Ngong that would be instrumental in re-skilling the police as well as addressing the police welfare issues and proposing various legislation to Parliament on police reforms.

On the Right to Demonstrations and Confrontations between the Police and the Public

16. The nominee admitted that there was still work that needed to be done in addressing the relationship between the Police and Kenyans as they exercise their rights under Article 37 of the Constitution. He committed, upon confirmation to finalize the draft Public Order Regulations prescribing parameters within which members of the public would conduct picketing and protests as they exercise their rights. The regulations would also prescribe the areas within which the picketing would be done.

On the breakdown in security intelligence: Shakahola and Kware Killings

17. The nominee acknowledged that there had been security lapses in the country, resulting in the killings in the Shakahola and Kware areas. He stated that he had previously apologized on behalf of both the current and previous administrations for the failure of security agencies to protect the citizens. He assured the Committee that measures had been put in place to improve security and that there would be accountability for those involved. He also committed, if confirmed, to reform the National Government Administrative Officers, especially in terms of their motivation

On re-nomination to the same docket, and human rights abuse during demonstrations

18. The nominee informed the Committee that, concerning the "Gen-Z" demonstrations, there was a possibility that the National Police employed antiquated strategies to address

a novel form of protest. He stated that, in his capacity as the Cabinet Secretary for Interior and National Government, he would not assume responsibility for operational matters, as his primary function pertains to providing policy guidance on security issues.

19. He stated that any excessive force during the recent protest would be addressed by the Independent Policing Oversight Authority and other investigative agencies, which are constitutionally mandated to address such excesses.

On Internally Displaced Persons (IDPs) in the North Rift Region

20. The nominee acknowledged the existence of IDPs in Samburu and Baringo Counties and committed that, if approved, he would prioritize their resettlement. Further, on allegations of involvement of security personnel in the abductions in Samburu and Baringo Counties, the nominee assured the Committee that the Independent Policing Oversight Authority (IPOA) would act to address the excesses by the security personnel.

On deployment of Kenya Defence Forces (KDF) to address internal security matters

21. The nominee informed the Committee that the KDF has been deployed following the unrest witnessed on 25th June, 2024 in accordance with Article 241 (3) of the Constitution occasioned by the unprecedented security breaches in government institutions and other critical installations on standby basis.

On the National Police Service Fund

22. The nominee informed the Committee that the fund would motivate and improve the efficiency of police operations.

On Criminal Gangs in Urban Areas

23. The nominee acknowledged that criminal gangs posed a significant threat to urban security. However, the security apparatus's interventions had greatly reduced the gang's activities.

On deployment of police to Haiti

24. The nominee informed the Committee that deploying Kenyan police to Haiti was an honor for the country and was part of its international obligations under the United Nations Security Council. Furthermore, the deployment had not affected local operations in any way.

Renewal of Identification document, Huduma Namba and Maisha Number

25. The nominee informed the Committee that the delay in processing of passports had been occasioned by pending bills owed to suppliers. However, the delay has been resolved through various measures, such as the acquisition of printing machines. Further, upon confirmation, the nominee committed to implementing reforms related to the issuance of

identification documents. Additionally, on the third-generation identification card, he informed the Committee that this change was due to technological advancements and that the transition should be implemented in a gradual manner to minimize inconvenience to the public. He noted that the roll -out had been temporarily halted by an order of the Court.

On corruption in the recruitment to the National Police Service

26. The nominee acknowledged that corruption has been a significant problem within the service and that steps were being taken to address the issue and restore public trust in the police service.

Budget cuts and priorities in the National Police Service

27. The nominee stated that, in the face of budget reductions and resource scarcity, priority will be placed on addressing terror, organized crime, narcotic drug control, climate change, and violent extremism.

Femicide in the Kware Killings

28. The nominee acknowledged that the cases of femicide in Kenya have revealed significant shortcomings in the lower levels of policing and security apparatus, which require drastic reforms. However, he noted that femicide incidents require a case-by-case approach to effectively resolve them.

Arming private security guards

29. The nominee informed the Committee he supports authorization of qualified and vetted private security guards to carry firearms, as it is done in Uganda. He emphasized that this approach would significantly alleviate the burden on police officers by enabling their participation in other security endeavors as opposed to the protection of private establishments such as banks.
30. The nominee acknowledged that the Private Security Regulatory Authority had revoked licenses of nine (9) companies. However, on appeal, the licenses had been reinstated.

Prison reforms

31. The nominee informed the Committee that, based on the recommendations of the National Taskforce on Police Reforms, a Cabinet Memo proposing reforms in the Prison Service was in place. The reforms aim to make prison enterprises more productive, enabling prisons to generate their own revenue and reduce reliance on the Exchequer.

32. If appointed, the nominee stated that he would obtain title deeds for the land owned by the Kenya Prisons Service and to prioritize the recovery of any unlawfully seized prison parcels of land.

On the net worth of the nominee

33. The nominee's stated that his net worth had increased from Ksh. 544 million in 2022 to Kshs. 694 million in 2024 on account of appreciation of his property and business growth.

Political party and integrity

34. The nominee confirmed that he had not been mentioned in any integrity case. He does not hold any office in any political party.

Memoranda contesting his suitability

35. The Speaker noted that the nominee had responded in writing to all written memoranda opposing his nomination as Cabinet Secretary for Interior and National Administration.

MIN.NO. /COA/2024/016: VETTING OF DR. DEBORAH MLONGO BARASA, NOMINEE CABINET SECRETARY FOR THE MINISTRY OF HEALTH

1. Dr. Deborah Mlongo Barasa, Cabinet Secretary nominee for the Ministry of Health, appeared before the Committee on Thursday, August 1st, 2024, and was orally interviewed pursuant to the provisions of the Constitution of Kenya, the Public Appointments (Parliamentary approvals) Act, Cap. 7F and the Standing Orders of the National Assembly.

2. The Chairperson invited the nominee to take oath, and thereafter directed him to submit his documents for verification by the Clerk. The nominee presented the following documents:

    (i) Questionnaire
    (ii) Curriculum Vitae
    (iii) Academic testimonials
    (iv) Identification document
    (v) KRA Tax Compliance Certificate
    (vi) EACC Clearance Form
    (vii) DCI Certificate of Good Conduct
    (viii) Higher Education Loans Board (HELB) Compliance Certificate
    (ix) Credit Reference Bureau Clearance
    (x) Clearance from the Office of the Registrar of Political Parties
    (xi) Summary of affidavits from the public

The nominee then proceeded to brief the Committee on her education and professional background and suitability as follows:

Education and professional background

The nominee stated as follows: THAT—

3. She was a Kenyan citizen.
4. She holds the following academic and professional qualifications:

(i) MSc Infectious Diseases, London School of Hygiene and Tropical Medicine (ongoing);
(ii) Master of Medicine in Internal Medicine, University of Nairobi (Sep 2012 -Dec 2017);
(iii) Bachelor of Medicine and Surgery (MBChB), University of Nairobi (Oct 2001 – Dec 2006);
(iv) 2000 – All saints Cathedral, Madaraka (K.C.S.E)
(v) 1996 – Loreto Convent (K.C.P.E)

5. She has worked and served in various capacities as follows:
   (i) Infectious Diseases Consultant at World Health Organization from 2020 to date;
   (ii) Internal Medicine Physician/Senior Registrar at Mater Hospital from 2008 to 2020;
   (iii) Internal Medicine Physician/Technical Advisor at Eastern Deanery AIDS Relief Program from 2010 to 2019;
   (iv) Medical Registrar at Kenyatta National Hospital;
   (v) Medical Officer, Intern at Machakos General Hospital from Jan 2007 to Dec 2007.

Estimated Net worth and potential conflict of interest and political affiliation

6. The nominee declared her net worth to be Kshs. 455,845,320.00, consisting of motor vehicles, Sacco shares, bonds, and savings, and noted that she has a mortgage facility as part of her liabilities.
7. She confirmed that there are no persons or matters that would present a potential conflict of interest should she assume the position of Cabinet Secretary for the Ministry of Health. Further, the nominee declared that she has not been adversely mentioned in any integrity-related report or investigation.
8. She also stated does not hold office in any political party.

The nominee was also examined on general understanding on sector issues and information contained in *The Questionnaire*. She responded as follows: THAT—

The primary gaps in the shift from the NHIF to the SHIF

9. The nominee informed the Committee that she would adopt a consultative approach by working closely with all the players in the health sector to come up with priority actions to support the implementation of SHIF seamlessly. She committed to strengthening communication channels of the new SHIF system that would enable feedback. The feedback would be used to address the gaps.

The measures to curb theft in the new SHIF and leveraging of technology to bring affordable healthcare in the country

10. The nominee stated she would adopt a consultative approach with all the players to conduct a situation analysis and this would inform the solutions that would help curb the theft of funds that was rampant in NHIF. She planned to adopt the use of digital platforms,

for example, telemedicine to monitor healthcare services, this would reduce face-to-face interaction and thus increase transparency and accountability.

The working relationship between the National Government and County Governments and status of increasing medical students

11. The nominee assured that she would enhance consultation between the two levels of government with an aim of identifying areas of strengths, weaknesses, opportunities, and threats. This will inform the priority areas of focus. She stated that she would spearhead implementation of a Health Information System that would incorporate both levels of government.
12. The nominee stated that medical students are a critical pillar in running of the health care facilities, and as the number of medical interns increase there was need to bring all players across the board to come up with concrete solutions to ensure they are properly trained and renumerated for them to offer quality service.

Relevant experience and skills to head the ministry

13. She stated she possessed the relevant skills she acquired while working as a medical doctor, and as such, she has an immense understanding of the needs of the sector. Her ability to work as a team player will be of great value to the sector. In addition, she pledged to pursue high levels of integrity. She will use all the technical experts across all the departments within the Ministry.

Public participation and awareness of Universal Health Care (UHC)

14. The nominee acknowledged that the public had not embraced the Social Health Insurance Fund (SHIF), which was key to the rollout of the UHC program. She committed to enhancing robust civic engagement to educate the public on the benefits of the new UHC programs and encourage the community to embrace it by registering with the SHIF system. Additionally, the involvement of all relevant stakeholders was crucial in implementing the SHIF.

Creation of the National Health Commission and distribution of specialized medical practitioners

15. The nominee stated that she supported the creation of a National Health Commission to handle the issue of all healthcare workers in the country.
16. On the distribution of specialized medical doctors in the country, she would consult widely with the county governments and implement routine plans for human resources to ensure regional balance in their distribution. She would also adopt a digital human resource platform to help in monitoring the distribution of the specialized medical practitioners in the country.

Plan on enhancing disease prevention and right to admission in case of accidents and emergencies

17. The nominee committed to strengthening community health programmes by engaging development partners to help raise funds to the preventive care programme.

18. On the refusal of admission for emergency cases and critical diseases without a cash deposit, she stated that the issue will be addressed once the country adopts UHC that guarantees access to healthcare for all citizens.

Strategies to combat corruption in the health sector

19. In eliminating corruption in the sector, she committed to adopt consultative efforts by involving the external stakeholders to monitor the processes and carry out audit of the system. She would also involve Government Agencies that are mandated to investigate corrupt practices and prosecute culpable individuals. The nominee would also adopt a digital system and eliminate manual processes. She reiterated the need to implement a transparent tendering system that would eliminate corrupt practices.

Reverting of health care back to the National Government

20. The nominee pointed out that for the health care system to revert to the national government there would need for broad consultations to deliberate on the matter.

Detaining of patients and bodies by hospitals

21. The nominee stated that she would review cases with the help of National technical committee and county governments to inform interventions to address the issue of detaining of patients and bodies.

Reverting level 4 and 5 hospitals to the national government and provision of affordable cancer care

22. The nominee stated that the Cabinet Secretary had no constitutional mandate to transfer management of Level 4 and 5 healthcare facilities to the national government.
23. In regard to the provision of affordable cancer care, she stated that if appointed, she would propose embracing local manufacturing of medicine to reduce costs and increase the number of oncologists through training. Furthermore, she would advocate for the adoption of primary health care that focuses on cancer prevention.

Health research funding and unused complete hospitals

24. On the funding of healthcare research, the nominee stated that she would work with development partners to fund healthcare research and to develop policy and regulatory framework to guide it.
25. The nominee further stated that she would carry out regular assessments and monitor all facilities to ensure they are fully operational. Additionally, she would collaborate closely with county governments to address any gaps including under-equipped hospitals.

Kenya as a top medical tourism destination

26. The nominee stated that Kenya is well-positioned to become a destination for medical tourism, particularly within the region. To fully capitalize on this potential, she emphasized

the importance of partnering with regional organizations like the African Union (AU) and the World Health Organization (WHO). These partnerships would help in building capacity and mobilizing resources to enhance infrastructure and logistics. Additionally, she highlighted the need to benchmark against countries with top medical practices to learn how to manage effective and efficient healthcare systems.

Vaccine availability in the country

27. The nominee informed the Committee that due to a reduction in donor funding for vaccines, she would prioritize prudent procurement of vaccines at the regional level. She would also engage with the National Treasury to secure funding for vaccine purchases.

Linda Mama programme and rising mental health in the country

28. The nominee stated that if appointed, she would embark on integrating the Linda Mama program into the Universal Health Coverage (UHC) program. She noted that the challenges currently faced by the Linda Mama program are due to the transition from the National Hospital Insurance Fund (NHIF) to the Social Health Insurance Fund (SHIF).
29. She acknowledged that mental health was a significant challenge in the country. She stated that it would be addressed by training mental health personnel and incorporating mental health awareness into community health programs.

Mismanagement of funds at KEMSA

30. The nominee stated that she would institute reforms by strengthening the organization's processes and procedures. This would include adopting a transparent procurement system and digitizing all operations. Additionally, she would collaborate with investigative agencies to eliminate corruption.

Status of the doctor's exchange programme between Kenya and Cuba

31. The nominee stated she was not aware on the progress and promised that once confirmed as the Cabinet Secretary, she would prepare a report and submit to Parliament. On doctor-to-population ratio, the nominee stated the country was faring well in the region in the ratio of doctor to population. However, more effort was needed to meet the requisite ratio.

On the status of her practicing certificate

32. The nominee stated that she is a qualified doctor registered under registration number A6275 and held a valid practicing certificate from 2007 to 2020. In 2020, she joined the World Health Organization (WHO), an international organization that did not require a practicing certificate from the Kenya Medical Practitioners and Dentists Council. Upon her nomination as Cabinet Secretary for Health, she renewed her practicing certificate.

Memoranda

33. The Speaker noted that the nominee had responded in writing to all written memoranda opposing her nomination as Cabinet Secretary for Health.

MIN.NO. /COA/2024/017: VETTING OF HON. ALICE WAHOME, EGH NOMINEE CABINET SECRETARY FOR THE MINISTRY OF LANDS, PUBLIC WORKS, HOUSING AND URBAN DEVELOPMENT

1. Hon. Alice Wahome, EGH, Cabinet Secretary nominee for Ministry of Lands, Public Works, Housing and Urban Development, appeared before the Committee on Thursday, 1st August 2024 and was orally interviewed pursuant to the provisions of the Constitution of Kenya, the Public Appointments (Parliamentary approvals) Act, Cap. 7F and the Standing Orders of the National Assembly.

2. The Chairperson invited the nominee to take oath, and thereafter directed him to submit his documents for verification by the Clerk. The nominee presented the following documents:

3. The Chairperson invited the nominee to take oath, and thereafter directed him to submit her documents for verification by the Clerk. The nominee presented the following documents:

   (i) Questionnaire
   (ii) Curriculum Vitae
   (iii) Academic testimonials
   (iv) Identification document
   (v) KRA Tax Compliance Certificate
   (vi) EACC Clearance Form
   (vii) DCI Certificate of Good Conduct
   (viii) Higher Education Loans Board (HELB) Compliance Certificate
   (ix) Credit Reference Bureau Clearance
   (x) Clearance from the Office of the Registrar of Political Parties
   (xi) Response to the Affidavits from the public

The nominee then proceeded to brief the Committee on her education and professional background and suitability as follows —

Education and professional background

The nominee stated as follows: THAT—

4. She holds the following academic and professional qualifications:
   (i) 1984 -1985, Council of Legal Education– Diploma in Legal Practice, Kenya School of Law;
   (ii) 1980 -1984, Bachelor of Laws (LLB), University of Nairobi;

(iii) 1978 – 1979, Ngandu Girls - Bishop Gatimu (A – Level);
(iv) 1974 – 1978, Siakago Girls Secondary School (O – Level);
(v) 1966 – 1973, Karumu Primary School (C.P.E);

5. She is a Member of the Law Society of Kenya and the Federation of Women Lawyers (FIDA) Kenya.
6. She has worked and served in various capacities as follows:
   (i) Cabinet Secretary, Ministry of Lands, Public Works, Housing and Urban Development from October 2023 to July 2024,;
   (ii) Cabinet Secretary, Ministry of Water, Sanitation, and Irrigation from October 2022 to October 2023;
   (iii) Member of Parliament for Kandara Constituency from 2013 to 2022;
   (iv) Managing Partner, A. M. Wahome and Co. Advocates from 1989 to 2013,;
   (v) Litigation Counsel, Makecha and Co. Advocates from 1987 to 1989;
   (vi) State Counsel, Office of the Attorney General from 1985 to 1987

Estimated Net worth and sources of income

7. The nominee estimated her net worth to be Kshs. 327, 650, 000 million comprising of immovable properties and motor vehicles.

Digitization of Land Transactions and the Roll-out of the Ardhisasa Platform

8. Regarding the digitization of Land Transactions, Land Records, and the Ardhisasa Platform, the CS nominee clarified that it is meant to ensure efficiency, security, and the integrity of the land records.
9. She noted that the platform has been fairly successful as it allows real-time access to land records, despite encountering some initial issues that led to delays in concluding land transactions. The CS nominee assured the Committee that if approved for appointment, she would ensure the stability of the Ardhisasa Platform.

Land Grabbing Menace in the face of the Ruling by the Supreme Court Challenging Section 26 of the Land Registration Act, Cap. 300 which provides that the Certificate of Title is *prima facie* evidence that the person named on it is the absolute owner unless the title was obtained through fraud, misrepresentation, or illegal means.

10. The CS nominee noted that, if appointed, she would be recommending an amendment to the Land Registration Act, Cap. 300 to allow the Land Registrar to reverse any illegal alterations of the original title as soon as it is noted.
11. She further stated that delays by courts in determining cases may give leeway to the cartels manipulating the system. The nominee regretted that, some of the fraud cases are perpetrated by some staff at the Ministry of Lands, both past and present, and she notes that some have been arrested and charged in court while others are facing various internal disciplinary measures.

12. If approved for appointment, she said she will appeal for greater cooperation among the security agencies to partner with the Ministry of Lands, Public Works, Housing and Urban Development to deal with the cartels.

Engagement with the National Land Commission, the Nominees Firm Commitment to respecting Independent Commissions generally and in particular concerning the withdrawn Lands Laws (Amendment) Bill, 2023

13. The CS nominee clarified that, she has a cordial working relationship with the National Land Commission and that at no time have they had any conflict in the discharge of their duties. She further affirmed her unwavering commitment to respecting all the constitutional commissions and offices.
14. Regarding the Land Laws (Amendment) Bill, 2023 that originated from the Ministry which appeared to be usurping the powers of the National Land Commission, the nominee clarified that, it was largely meant to address the land valuation aspect, since in the thinking of the Ministry, the valuation aspect had to be carried out by the owner of the property. Therefore, there was no intent to interfere with the mandate of the National Land Commission.

The Housing Levy Fund with regards to the number of jobs created, the information that the Fund was invested in Treasury Bills, the sustainability of the Fund, the stagnation of the already launched housing units and implementation of housing projects in rural areas.

15. On the number of jobs created through the implementation of the housing projects, the nominee confirmed that 106,000 jobs of various cadres and skills have been created so far.
16. Regarding the investment of Housing Fund money on treasury bills, the CS nominee clarified that while awaiting implementation of the project in light of the many litigation challenges it was considered wise that the funds be invested to generate more income.
17. On the sustainability of the project, the nominee felt that the project would be sustainable for as long as the collection of the levy continues.
18. Regarding the stagnation of works on the already launched projects, the nominee affirmed that the delays will be addressed and the projects will progress to completion.
19. On the implementation of the housing project in rural areas, the nominee confirmed that the project will be implemented in all the 290 constituencies with each getting a minimum of 210 units.
20. The nominee further confirmed to the Committee that construction of 148,000 units was ongoing and at various stages of completion.

The increased land adjudication costs without proper public participation

18. Regarding the stagnation of works on the already launched projects, the nominee affirmed that the delays will be addressed and the projects will progress to completion.
19. On the implementation of the housing project in rural areas, the nominee confirmed that the project will be implemented in all the 290 constituencies with each getting a minimum of 210 units.
20. The nominee further confirmed to the Committee that construction of 148,000 units was ongoing and at various stages of completion.

The increased land adjudication costs without proper public participation

21. Regarding the increase in land adjudication costs, the nominee clarified to the Committee that, due process was followed including public participation before raising the costs of the service. Further, the change was long overdue since the rate had remained the same over a long period of time which did not reflect the current costs.

Historical Land Injustices and squatters living in Government Lands, Land belonging to absentee landlords

22. Regarding the subject on historical land injustices and the squatter resettlement problem, the nominee indicated that, the Ministry was finalizing on the National Land Policy which would comprehensively address the squatters' issue.

Pending bills and Compensation with the onset of Austerity Measures

23. On the pending bills, the CS nominee clarified that, the Ministry with the help the National Treasury would analyze the Kshs. 18 billion pending bill to determine authenticity with the aim of dispensing with it.
24. Regarding compensation, the CS nominee indicated that, that is a role of the National Land Commission.

Trust Land/Community Land and Land being a Capital Resource that is a source of Conflict.

25. On the subject of persons having individual titles in areas that are yet to be adjudicated, the CS nominee indicated that not all titles are valid and that with provision of information to the Ministry the issues could be resolved.
26. The nominee indicated that, the law guiding community land which is the Community Land Act, Cap. 287 exists, though the inventory on community land is currently ongoing with a view to formalizing adjudication.

Regarding the Land cases arising between Government agencies which result to loss of public money through land valuation and legal fees

27. The CS nominee indicated that before her dismissal, she had presented a proposal to the Executive directing all agencies and ministries to provide information on all land that is known with an intention secure the same, issue title deeds and recover grabbed land.

28. She also indicated that, if approved for appointment she will ensure that, all persons living in grabbed parcels of land vacate.
29. The nominee noted that co-operation with the security agencies is of great importance in addressing this challenge.
30. The nominee also affirmed that she will fast track titling of all public land including public schools to as a way curbing land grabbing.

The vision of the CS nominee on urban planning in the 47 Counties and Slum upgrading programme

31. On the vision of the CS nominee regarding urban planning across the 47 counties, the nominee, indicated that she would be guided by the vision for the Ministry which is expressed through the Urban Areas and Cities Act, Cap. 275.
32. She further clarified that, if appointed she will work with the Council of Governors in ensuring that the Act is adhered to in the planning of urban centers, given that planning is a function of the county governments.
33. The nominee affirmed her commitment to provide the support required if approved for appointment.
34. On the slum upgrading, the nominee clarified that the Ministry, along with other partners, was already implementing the programme in Kibera and Mukuru kwa Njenga to make them more habitable.

Memoranda

35. The Speaker noted that the nominee had responded in writing to all written memoranda opposing her nomination as Cabinet Secretary for Health. Lands, Public Works, Housing and Urban Development.

MIN. NO. /COA/2024/018: ADJOURNMENT AND DATE OF NEXT MEETING

There being no other business, the meeting was adjourned at sixteen minutes to four o'clock. The next meeting will be held on Thursday, 1st August, 2024 at quarter past four o'clock.

3.45 pm

SIGNED: Wetangula DATE: 7/8/24

HON. (DR.) MOSES WETANGULA, EGH, M.P.
SPEAKER OF THE NATIONAL ASSEMBLY
(CHAIRPERSON)

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - THIRD SESSION - 2024

MINUTES OF THE 2ND SITTING OF THE COMMITTEE ON APPOINTMENTS HELD ON WEDNESDAY, 31ST JULY, 2024 IN THE MINI CHAMBER, FIRST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS AT 5.30 PM.

PRESENT

1. **The Hon. (Dr.) Moses Wetangula, EGH, M.P. - Speaker of the National Assembly**
2. The Hon. Gladys J. Boss, CBS, M.P. - Deputy Speaker of the National Assembly
3. The Hon. Kimani Ichung'wah, CBS, M.P. - Leader of the Majority Party
4. The Hon. Owen Baya, M.P. - Deputy Leader of the Majority Party
5. The Hon. Robert Mbui, M.P. - Deputy Leader of Minority Party
6. The Hon. Junet Mohamed, CBS, M.P. - Minority Whip
7. The Hon. Abdul Rahim Dawood, M.P.
8. The Hon. David Gikaria, M.P.
9. The Hon. David Pkosing, CBS, M.P.
10. The Hon. Dido Ali Raso, M.P.
11. The Hon. Ferdinand Wanyonyi, M.P.
12. The Hon. Mishi Mboko, CBS, M.P.
13. The Hon. Naisula Lesuuda, M.P.
14. The Hon. Stephen Mule, M.P.
15. The Hon. Caleb Amisi, M.P.
16. The Hon. George Gitonga Murugara, M.P.
17. The Hon. Mary Emaase, M.P.
18. The Hon. Nelson Koech, M.P.
19. The Hon. Rahab Wachira Mukami, M.P
20. The Hon. Abdi Shurie, M.P.

APOLOGIES

The Hon. Opiyo Wandayi, EGH, M.P. - Leader of the Minority Party

IN-ATTENDANCE

1. Mr. Samuel Njoroge, CBS	-	Clerk of the National Assembly
2. Ms. Serah Kioko, MBS	-	Deputy Clerk of the National Assembly
3. Mr. Nicholas Emejen	-	Deputy Director, Audit, Appropriations & General Purpose Committees
4. Mr. Michael Karuru	-	Deputy Director, Legal Services
5. Ms. Leah Mwaura	-	Principal Clerk Assistant II
6. Dr. Andrew Shangirai	-	Principal Serjeant-at-Arms
7. Mr. David Ng'eno	-	Principal Research Officer
8. Mr. Ronald Walala	-	Senior Legal Counsel
9. Ms. Emmah Essendi	-	Senior Legal Counsel
10. Ms. Doreen Karani	-	Senior Legal Counsel
11. Ms. Esther Nginyo	-	Clerk Assistant I
12. Ms. Naserian Lotuai	-	Clerk Assistant I
13. Ms. Fiona Musili	-	Research Officer I
14. Ms. Kathleen Nanzala	-	Clerk Assistant III
15. Mr. Andrew Kipchumba	-	Clerk Assistant III
16. Mr. Dominic Letaya	-	Clerk Assistant III
17. Ms. Jane G. Ouko	-	Clerk Assistant III
18. Mr. Mark Namaswa	-	Clerk Assistant III
19. Mr. Sakana Saoli	-	Clerk Assistant III
20. Ms. Vivienne Ogega	-	Research Officer III
21. Ms. Joanne Naneu	-	Research Officer III
22. Mr. John Ng'ang'a	-	Audio Officer
23. Ms. Faith Makena	-	Serjeant-at-arms

Agenda

1. Prayers
2. Confirmation of the Minutes of previous meeting
3. **Briefing on the Vetting of nominees for Appointment as Cabinet Secretaries**
4. Any Other Business
5. Date of Next Meeting

MIN.NO. /COA/2024/007: PRELIMINARIES AND PRAYERS

The Chairperson called the meeting to order at quarter to six followed by a prayer said by the Clerk of the National Assembly.

MIN.NO. /COA/2024/008: CONFIRMATION OF THE MINUTES OF PREVIOUS MEETING

This agenda was deferred to the next meeting.

MIN.NO. /COA/2024/009: COMMUNICATION FROM THE CHAIRPERSON

The Chairperson issued the following communication, THAT –

1. The vetting of nominees is a constitutional responsibility and as such both the Members of the Committee and the Secretariat ought to prepare adequately to take up the honour to participate in the noble exercise with decorum befitting the August House;

2. The Hon. Junet Mohamed, CBS, M.P. had been designated as the Leader of Minority Party in the National Assembly following the nomination of Hon. Opiyo Wandayi to the position of Cabinet Secretary for the Ministry of Energy and Petroleum;

3. The Committee will vet five (5) nominees every day as per the programme. The Committee will begin the sittings at eight o'clock in the morning for the next four days starting on 1st August 2024;

4. H.E. the President had sent a Message to the National Assembly conveying the nomination of:
   (i) Ms. Beatrice Asukul Moe as Cabinet Secretary for East African Community Affairs and Regional Development; and
   (ii) Ms. Dorcas Agik Oduor, SC, EBS, OGW as Attorney – General for the Republic of Kenya.

MIN.NO. /COA/2024/010: BRIEF ON THE VETTING OF NOMINEES FOR APPOINTMENT AS CABINET SECRETARIES

1. The Clerk of the National Assembly briefed the Committee on the vetting process and preparations made towards facilitating the approval hearings as follows—

(i) That the newspaper advertisement for submission of memoranda for the nominees for the position of the Attorney-General and the Cabinet Secretary for the Ministry of East African Community Affairs and Regional Development was ready and would be published in three local dailies of national wide circulation on Thursday, 1st August, 2024;

(ii) That the approval hearings for the two nominees mentioned above would be undertaken on Friday, 9th August, 2024 and the Approval Hearings Report to be adopted on Monday, 12th August, 2024 and subsequently tabled in the House on Tuesday, 13th August, 2024, for adoption;

(iii) That there was a proposal, with the approval of the House, to delay the recess by one week to allow for conclusion of the vetting exercise, tabling and debate of the Committee's report on the aforementioned two nominees;

(iv) That with regard to the first batch of ten (10) nominees, there was no adverse report from EACC, KRA, HELB, DCI and ODPP. On the second batch of ten (10) nominees, there was no adverse report against nine (9) nominees from EACC, KRA, HELB, DCI and ODPP. However, EACC noted that regarding the Cabinet Secretary nominee for the Ministry of Co-operatives and MSMEs Development, Hon. Wycliffe Ambetsa Oparanya, EGH, the Commission had conducted an investigation on allegations of corruption against the nominee for offenses committed during his tenure as the Governor for the County Government of Kakamega and submitted a report to the Director of Public Prosecutions recommending prosecution of the nominee on various charges including, conspiracy to commit an offence of corruption, conflict of interest, abuse of office and money laundering. The nominee obtained a conservatory order issued by the High Court in Kakamega Constitutional and Human Rights Petition No. E019 of 2023 ***Wycliffe Ambetsa Oparanya versus EACC and 3 Others*** staying any arrest or prosecution based on information obtained by the Commission. The matter is pending in court.

2. **Committee Resolution**

The Committee consequently resolved that the Clerk of the National Assembly would write to the ODPP to seek confirmation on the status of any criminal proceedings against the Cabinet Secretary nominee for the Ministry of Cooperatives and MSMEs Development.

Thereafter, there were submissions by various team leaders on the preparedness of the Committee towards the vetting exercise as follows—

3. **Submissions on Received Memoranda**

(i) The Committee was informed that a total of 204 affidavits had so far been received; out of which one hundred and eight-seven (187) complied with section 6(9) of the Public Appointments (Parliamentary Approval) Act, (CAP 7F) and seventeen (17) were non-compliant either because they had not been signed by the deponent or commissioned as required by law.

(ii) Further, the Committee had received three hundred and twenty-seven (327) memoranda which rejected the appointment of all the nominees but did not comply with section 6(9) of the Public Appointment (Parliamentary Approval) Act, (CAP. 7F).

(iii) In addition, thirty-two (32) memoranda received did not address the subject matter.

4. The Committee was also briefed on legal issues arising from submissions from the public requiring consideration by the Committee as follows–

(i) **Dismissal and re-appointment of Cabinet Secretaries**

a) The Committee noted that there was no express provision in the Constitution or any written law that bars the re-appointment of Cabinet Secretaries or bars them from holding public office as they were not taken through a disciplinary process nor were there reasons advanced for their dismissal. In addition, and most importantly, the appointment is a political and they serve at the pleasure of the President.

b) Article 75(3) of the Constitution provides that a person who has been dismissed from office for contravention of Articles 76, 77 or 78 of the Constitution is disqualified from holding any other state office. H.E. the President communicated the dismissal of the Cabinet secretaries in Kenya Gazette Notice No. 8440/2024 on 12th July, 2024, which did not indicate the reason for their dismissal.

c) Further, the Constitution under Article 156 does not provide security of tenure for the Attorney-General. Moreover, the Office of the Attorney-General Act, Cap 6A is silent on whether an Attorney-General removed from office by dint of section 12(1) can be re-appointed or hold a public office.

d) The Committee noted that the Attorney-General was not dismissed but he resigned from office.

(ii) **Request for Information on Minimum Academic Qualifications for Cabinet Secretaries**

a) The Committee was informed that the Office of the Clerk of the National Assembly was in receipt of a letter dated 26th July, 2024 from Messrs. Okari Otieno and Associates Advocates requesting for information pursuant to Article 35 of the Constitution and Section 4 of the Access to Information Act, Cap 7M, regarding the academic qualifications of the Hon. Ali Hassan Joho, EGH, the nominee for appointment as Cabinet Secretary for the Ministry of Mining, Blue Economy and Maritime Affairs.

b) In the letter, the firm requested for the Kenya Certificate of Secondary Education Certificate submitted by the nominee and any other academic qualifications presented to the Committee.

c) The Committee, however, observed that there was no written law providing for constitutional or statutory minimum academic qualifications for a person to be appointed as Cabinet Secretary. Further, the Committee observed that Mr. Okari ought to have sought for the certificate from the Kenya National Examination Council, which is the

source of the original document. It consequently resolved not to release the documentation sought.

(iii) **Arbitration Orders**

a) On the matter of the Arbitration Orders, the Committee noted that section 17 of the Arbitration Act, Cap. 49 provides that the arbitral tribunal may rule on its own jurisdiction including ruling on any objections with respect to the existence or validity of the arbitration agreement. Arbitration tribunals obtain their jurisdiction from the arbitration agreement/clause.

b) The Committee observed that there was no arbitration agreement or clause which would have referred the matter to arbitration for the concerned Cabinet Secretaries nominees, and therefore the arbiter would have no jurisdiction.

(iv) **Gender, inclusivity and Diversity Matters in the Appointments**

(a) On the issue of gender inclusivity, the Committee noted that the list of nominees met the two-thirds gender rule as eight nominees were female and fourteen nominees were male.

(b) Further, Article 54(2) of the Constitution states that the State shall ensure the progressive implementation of the principle that at least five percent of the members of the public in elective and appointive bodies are persons with disabilities. The Committee noted that the list of nominees fell short of this requirement.

(c) Additionally, Article 130 of the Constitution provides that the composition of the national executive shall reflect the regional and ethnic diversity of the people of Kenya. The Committee noted that the list of nominees was fairly ethnically diverse.

(v) **Court Cases in regard to the Approval Hearings Process**

The Committee was briefed that there were three (3) cases filed against the approval hearing of nominees process, two in Nairobi and one in Malindi as follows—

(a) *Malindi High Court Constitutional Petition E015 of 2024 Saitabao Ole Kanchory versus H.E. the President, Speaker of the National Assembly and the Attorney – General and fourteen others*. The case was filed on 26th July, 2024 under a Certificate of Urgency prohibiting the Speaker of the National Assembly from proceeding with the vetting of the fourteen nominees. The National Assembly had filed a Preliminary Objection prohibiting the court from interfering with the proceedings of National Assembly.

The court had given the parties seven (7) days to serve responses. No conservatory orders had been issued by the court. The ruling will be issued on 15th August, 2024.

(b) *Nairobi Employment and Labour Relations Court Petition No. E108 of 2024 Eman Kipngetich versus H.E. the President, Speaker of the National Assembly and the immediate former Attorney General, Hon. J.B. Muturi* on the dismissal of the Attorney - General. The matter came up on 30th July, 2024. However, the immediate former Attorney - General presented to the court a Gazette Notice on his resignation from office. The matter was consequently withdrawn.

(c) *Nairobi High Court Constitutional and Human Rights Petition Nairobi Case No. E363 of 2024 Mr. Erick Otieno and another versus Hon. Wycliffe Ambetsa Oparanya and the Ethics and Anti-Corruption Commission* on issues of corruption and conflict of interest. The matter would be mentioned on 25th September, 2024. There were however, no conservatory orders that were issued against the approval hearings proceedings.

Summary of Curriculum Vitae and Net worth of the First Batch of Ten Nominees

5. The Research team apprised the Committee on the academic, professional qualifications and net worth of the first batch of ten nominees as follows—

Table 1: Summary of Curriculum Vitae and Net worth of the First batch of Ten Nominees

NAME	ACADEMIC QUALIFICATIONS	LAST EMPLOYMENT	NET WORTH
1. Hon. (Prof.) Kithure Kindiki, EGH, Cabinet Secretary nominee, Ministry of Interior and National Administration	PhD in International Law, University of Pretoria, South Africa	Cabinet Secretary, Ministry of Interior and National Administration	2022 - Kshs. 544 million 2024 - Kshs. 694 million
2. Dr. Deborah Mlongo Barasa, Cabinet Secretary nominee, Ministry of Health	Master of Medicine, Internal Medicine, University of Nairobi	Infectious Diseases Consultant, World Health Organization	Kshs. 442.5 million
3. Hon. Alice Wahome, EGH, Cabinet Secretary nominee, Ministry of	Bachelors of Law, University of Nairobi Diploma in Legal	Cabinet Secretary, Ministry of Lands, Public Works, Housing & Urban	2022 - Kshs. 218.4 million 2024 - 327.65

Lands, Public Works, Housing & Urban Development	Practice, Kenya School of Law	Development	million
4. Mr. Julius Migos Ogamba, EBS, Cabinet Secretary nominee, Ministry of Education	Bachelors of Law, University of Nairobi Diploma in Law, Institute of Advanced Studies, University of London	Chairman, Board of Directors, Kenya Electricity Generating Company	Kshs. 790 million
5. Hon. Roselinda Tuya, EGH, Cabinet Secretary nominee, Ministry of Defence	Masters of Law, University of Washington, USA	Cabinet Secretary, Ministry of Environment, Climate Change & Forestry	2022 - 156 million 2024 - 243.448 million
6. Dr. Andrew Mwihia Karanja, PhD, Cabinet Secretary nominee, Ministry of Agriculture & Livestock Development	PhD in Development Economics and Policy, Wageningen University, Netherlands	Principal Consultant, Best Results Associates Ltd	214 million
7. Hon. Aden Barre Duale, EGH, Cabinet Secretary nominee, Ministry of Environment, Climate Change & Forestry	MBA, JKUAT	Cabinet Secretary, Ministry of Defence	2022 - 851 million 2024 - 980 million
8. Mr. Eric Murithi Mugaa, Cabinet Secretary nominee, Ministry of Water, Sanitation and Irrigation	MSc Degree in Civil Engineering (Water Resources) University of Nairobi	Assistant Project Engineer/Resident Engineer, MIBP Ltd (Water and Sanitation Development Project)	Kshs. 31 million
9. Mr. Davis Chirchir, Cabinet Secretary nominee, Ministry of	MBA in International Management, Royal Holloway School of Management,	Cabinet Secretary, Ministry of Energy and Petroleum	2022 - Kshs. 482 million 2024 - Kshs.

nominee, Ministry of Road and Transport	Holloway School of Management, University of London	and Petroleum	2024 - Kshs. 509.8 million
10. Dr. Margaret Nyambura Nd'ungu, Cabinet Secretary nominee, Ministry of Information Communication and Digital Economy	Post-Doctorate Fellowship in Innovation Value Chain, Tshwane University of Technology	Senior Research Manager, Global Digital Inclusion Partnership	Kshs. 93.323 million

6. The Rt. Honorable Speaker guided that a summary of the same for the remaining nominees would be given in subsequent briefings once their credentials were received and analysed.

7. In closing, the Clerk informed Members that a matrix of received memoranda will be availed in the next meeting. The Clerk of the National Assembly also informed the Committee that nominees had been advised to focus on the key competencies that make them suitable for the job during introductions.

MIN.NO. /COA/2024/011: COMMITTEE RESOLUTIONS

The Committee resolved as follows, THAT—

(i) There would be pre-vetting briefings at 7:30 am every day and vetting of nominees will start at 8:00 am as per the approval hearings schedule; and

(ii) Nominees to be encouraged to strictly focus on information relating to their key competencies for the respective positions they have been nominated to in their introductory remarks.

MIN.NO. /COA/2024/012: ADJOURNMENT AND DATE OF NEXT MEETING

There being no other business, the meeting was adjourned at ten minutes to seven o'clock. The next meeting will be held on Thursday, 1st August 2024 in the Mini-Chamber, First Floor, County Hall, Parliament Buildings from 7.30 a.m.

SIGNED: Wetangula **DATE:** 7/8/24

HON. (DR.) MOSES M. WETANGULA, EGH, M.P.
SPEAKER OF THE NATIONAL ASSEMBLY
(CHAIRPERSON)

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - THIRD SESSION - 2024

MINUTES OF THE 1ST SITTING OF THE COMMITTEE ON APPOINTMENTS HELD ON THURSDAY, 25TH JULY, 2024 IN THE MINI CHAMBER, FIRST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS AT 9:30 A.M.

PRESENT

1. **The Rt. Hon. (Dr.) Moses Wetangula, EGH, M.P. - Speaker of the National Assembly/Chairperson**
2. The Hon. Gladys J. Boss, MGH, M.P. - Deputy Speaker of the National Assembly
3. The Hon. Kimani Ichung'wah, EGH, M.P. - Leader of the Majority Party
4. The Hon. Robert Mbui, CBS, M.P. - Deputy Leader of Minority Party
5. The Hon. Junet Mohamed, CBS, M.P. – Minority Whip
6. The Hon. Mishi Mboko, CBS, M.P.
7. The Hon. Abdul Rahim Dawood, M.P.
8. The Hon. David Pkosing, CBS, M.P.
9. The Hon. Dido Ali Raso, M.P.
10. The Hon. Mary Emaase, M.P.
11. The Hon. Naisula Lesuuda, M.P.
12. The Hon. Nelson Koech, M.P.
13. The Hon. Abdi Shurie, M.P.

APOLOGIES

1. Hon. Opiyo Wandayi - Leader of the Minority Party
2. The Hon. Owen Baya, CBS, M.P. - Deputy Leader of the Majority Party
3. The Hon. David Gikaria, M.P.
4. The Hon. Ferdinand Wanyonyi, M.P.
5. The Hon. Caleb Amisi, M.P.
6. The Hon. George Gitonga Murugara, M.P.
7. The Hon. Stephen Mule, M.P.
8. The Hon. Rahab Wachira Mukami, M.P.

IN-ATTENDANCE		NATIONAL ASSEMBLY
1. Mr. Samuel Njoroge, CBS	-	Clerk of the National Assembly
2. Ms. Serah Kioko, MBS	-	Deputy Clerk of the National Assembly
3. Mr. Nicholas Emejen	-	Deputy Director, Committee Services
4. Mr. Oscar Namulanda	-	Deputy Director, Audit, Appropriations & General Purpose Committees
5. Mr. Michael Karuru	-	Deputy Director, Legal Services
6. Mr. Aloisio N. Lekulo	-	Chief Serjeant-at-arms
7. Ms. Leah Mwaura	-	Principal Clerk Assistant II
8. Dr. Andrew Shangirai	-	Principal Serjeant-at-Arms
9. Mr. Ronald Walala	-	Senior Legal Counsel
10. Ms. Emmah Essendi	-	Senior Legal Counsel
11. Ms. Doreen Karani	-	Senior Legal Counsel
12. Ms. Esther Nginyo	-	Clerk Assistant I
13. Ms. Naserian Lotuai	-	Clerk Assistant I
14. Mr. David Ngeno	-	Senior Research Officer
15. Ms. Fiona Musili	-	Research Officer I
16. Ms. Kathleen Nanzala	-	Clerk Assistant III
17. Mr. Andrew Kipchumba	-	Clerk Assistant III
18. Ms. Vivienne Ogega	-	Research Officer III
19. Ms. Joanne Naneu	-	Research Officer III
20. Mr. John Ng'ang'a	-	Audio Officer
21. Ms. Faith Makena	-	Serjeant-at-arms

Agenda

1. Preliminaries
2. Adoption of the Agenda
3. Communication from the Chairperson
4. Briefing on the Vetting of Nominees for appointment as Cabinet Secretaries
5. Any other Business
6. Adjournment.

MIN.NO. /COA/2024/001: PRELIMINARIES

The Chairperson called the meeting to order at ten minutes past ten o'clock followed by a prayer said by the Clerk of the National Assembly.

MIN.NO. /COA/2024/003: COMMUNICATION FROM THE CHAIRPERSON

The Chairperson issued the following communication —

1. **Regarding the eligibility of a dismissed Cabinet Secretary for reappointment** – A person can only be ineligible for reappointment if they are deemed to have violated the provisions of Chapter Six of the Constitution on Leadership and Integrity;
2. **On whether the reappointed nominees should undergo the vetting process** – the Chairperson clarified that the Public Appointments (Parliamentary Approvals) Act defines appointment to include reappointments and mandates the Committee to vet nominees reappointed by the H.E. the President;
3. **On the receipt of the memoranda from the public** - the Chairperson informed the Committee that as at 8.00 am on Thursday 25th July 2024 eighty five (85) memoranda had been received from the public. The deadline for submission of memoranda by the public on the first and second batches of nominees will be Wednesday, 31st August 2024 and Thursday 1st August 2024 respectively. Most of the memoranda received so far from the public did not conform to the format specified in Section 6(9) of the Public Appointments (Parliamentary Approvals) Act, 2011;
4. **Membership of the Committee** - the Chairperson informed the members that the Committee comprises of twenty-one (21) members. The Hon. Opiyo Wandayi, EGH, M.P. a member of the Committee had been nominated for appointment as Cabinet Secretary. Therefore, he would not be part of the Committee Membership. The Committee would, however, proceed with the vetting exercise.

MIN.NO. /COA/2024/004: BRIEF ON THE VETTING OF NOMINEES FOR APPOINTMENT AS CABINET SECRETARIES

The Clerk of the National Assembly briefed the Committee on the vetting process and preparations made towards facilitating the process, THAT—

1. Arising from the President's nomination of twenty (20) persons for appointment as Cabinet Secretaries as Communicated by the Hon. Speaker on 23rd and 25th July 2024, his office had-
   a. Placed advertisements in the print media and the Parliament website:
      i. notifying the general public of the nomination of persons for appointment as Cabinet Secretaries and requesting submission of memoranda on the suitability of the nominees;
      ii. informing the nominees of their nomination and requesting them to appear before the Committee on Appointments on the specific days and times for the approval hearing.
   b. Sent invitation letters to individual nominees
   c. Sought for clearance certificates/ letters on the nominees from the EACC, KRA, HELB, DCI and ORPP.

2. The Committee had so far received around 150 memoranda from the public, an exercise expected to end on 31st July 2024 for the first batch of nominees and 1st August 2024 for the second batch of nominees, after which the Committee will start the vetting process.
3. The vetting process would take place on 1st and 2nd August for the first batch of nominees and on 3rd and 4th August for the second batch in the Mini Chamber, County Hall starting at 8:00 am.
4. After the conclusion of the vetting process, the Committee would retreat to write its report on 5th August 2024.
5. The Committee would table its report in the House on 6th August 2024 for the House to debate on the Motion for Approval of the Nominees before proceeding on recess.

MIN.NO. /COA/2024/005: COMMITTEE RESOLUTIONS

The Committee resolved as follows, THAT—

1. The Secretariat to prepare guiding questions focusing on the nominee's competency. The questions should be specific to the ministerial portfolios of the nominees. Members will however be at liberty to ask other questions;
2. The Secretariat to prepare a matrix for all the memoranda received from the public, including those that do not fulfil the requirements of Section 6(9) of the Public Appointments (Parliamentary Approvals) Act; and
3. The Secretariat to file the questionnaires completed by nominees reappointed to various cabinet positions during their initial vetting in October 2022 focusing on wealth declaration.
4. The Clerk of the National Assembly to notify the nominees to focus on the key competencies required to undertake the job of Cabinet Secretary during the introduction at the approval hearing.

MIN.NO. /COA/2024/006: ADJOURNMENT AND DATE OF NEXT MEETING

There being no other business, the meeting was adjourned at half past eleven o'clock. The next meeting will be held on Wednesday, 31st August, 2024.

SIGNED: Wetangula **DATE:** 7/8/24

HON. MOSES WETANGULA, EGH, M.P.
SPEAKER OF THE NATIONAL ASSEMBLY
(CHAIRPERSON)

ANNEXURE 1: GAZETTE NOTICE

SPECIAL ISSUE

THE KENYA GAZETTE

Published by Authority of the Republic of Kenya

(Registered as a Newspaper at the G.P.O.)

Vol. CXXVI—No. 102 NAIROBI, 12th July, 2024 Price Sh. 60

GAZETTE NOTICE NO. 8440

THE CONSTITUTION OF KENYA

EXECUTIVE ORDER NO. 6 OF 2024

RE-ORGANIZATION OF THE GOVERNMENT OF KENYA

WHEREAS Article 132 of the Constitution confers upon the President of the Republic the authority to direct and co-ordinate the functions of Ministries and Government Departments;

MINDFUL That this presidential prerogative is exercised by the Head of State and Government through the continuous review of the capacity of Ministries, State Departments and State Agencies to deliver on our national aspirations;

ACKNOWLEDGING That Article 131, as read together with Article 132 of the Constitution, prescribe the authority of the President as the Head of State and Government and the presidential duty of promoting good governance in the management of public affairs;

COGNIZANT of the imperative to better equip and orientate Government in its implementation of the Administration's Plan for a better Kenya espoused as the Bottom-Up Economic Transformation Agenda (BETA);

RECOGNISING The overwhelming feedback of the people of Kenya on the responsiveness of Government in the performance of its functions;

COMMITTED To enhancing efficiency, effectiveness, transparency and accountability in public service delivery by realigning its governance structure and leadership, so as to ensure rapid delivery of public services to Kenyans in every part of the Republic; and

CONSCIOUS That a review and re-organization of My Administration is necessary to embed operational enhancements and foster responsive governance:

NOW therefore, I, William Samoei Ruto, President of the Republic of Kenya and Commander-in-Chief of the Defence Forces, by the Authority vested in me by the Constitution and the Laws of the Republic of Kenya, do hereby:

I. RESIGNATION OF THE ATTORNEY-GENERAL

ACCEPT the resignation of Hon. Justin B. N. Muturi, E.G.H., as the Attorney-General of the Republic of Kenya in accordance with section 11 of the Office of the Attorney-General Act (Cap. 6A) Laws of Kenya.

II. DISMISSAL OF CABINET SECRETARIES

IN ACCORDANCE with Article 152 (5) (*b*) of the Constitution, dismiss the Cabinet Secretaries listed from office as stated, namely:

Hon. (Prof.) Kithure Kindiki, E.G.H.,
Mr. Simon Kiprono Chelugui, E.G.H.,
Hon. Aden Bare Duale, E.G.H.,
Prof. Njuguna Sospeter Ndung'u, E.G.H.,
Mr. Davis Kimutai Chirchir, E.G.H.,
Hon. Alfred Nganga Mutua, E.G.H.,
Hon. Alice Muthoni Wahome, E.G.H.,
Hon. Ababu Namwamba, E.G.H.,
Hon. Salim Mvurya, E.G.H.,
Hon. Onesimus Kipchumba Murkomen, E.G.H.,
Hon. Moses Kiarie Kuria, H.S.C.,
Hon. Soipan Tuya, E.G.H.,
Hon. Franklin Mithika Linturi, E.G.H.,
Hon. Aisha Jumwa Karisa Katana, E.G.H.,
Hon. Ezekiel Machogu Ombaki, E.G.H.,
Mr. Eluid Okech Owalo, E.G.H.,
Ms. Rebecca Miano, E.G.H.,
Ms. Susan Nakhumicha Wafula, E.G.H.,
Hon. Peninah Malonza, E.G.H.,
Mr. Zacharia Mwangi Njeru, E.G.H.,
Hon. Florence Koske-Bore, E.G.H.

III. ASSIGNMENT AS THE ACTING CABINET SECRETARY

THAT pursuant to Article 152 (5) (*a*) of the Constitution, Hon. Wycliffe Musalia Mudavadi, E.G.H., is assigned as the Acting Cabinet Secretary in all vacant Ministerial Portfolios.

Dated the 11th July, 2024.

WILLIAM SAMOEI RUTO,
President.

PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER, NAIROBI

ANNEXURE 2A: TRANSMITTAL LETTER 1 BY THE CHIEF OF STAFF AND HEAD OF PUBLIC SERVICE

URGENT

① CNA process the nominees for the necessary action of vetting by the NA, starting with communication to the house.

SNA 23/7/24

EXECUTIVE OFFICE OF THE PRESIDENT

CHIEF OF STAFF AND HEAD OF THE PUBLIC SERVICE

Telegraphic Address
Telephone: +254-20-2227436
When replying please quote

Ref. No. **EOP/CAB.26/4A VOL.IV/(61)**
and date

③ DO/DPS to deal as appropriate 23/7

STATE HOUSE
P.O. Box 40530–00100
Nairobi, Kenya

22nd July, 2024

Hon. Moses F. M. Wetangula, EGH
Speaker
The National Assembly
Parliament of Kenya
Parliament Building
NAIROBI

② DPS To urgently process for conveyance in the house

NATIONAL ASSEMBLY
RECEIVED
23 JUL 2024
SPEAKER'S OFFICE
P. O. Box 41842, NAIROBI.

Dear Speaker

TRANSMITTAL LETTER

PARLIAMENTARY APPROVAL OF THE NOMINEES FOR APPOINTMENT TO CABINET – CABINET SECRETARIES

You are most graciously notified that **His Excellency Hon. William Samoei Ruto Ph.D., C.G.H., President and Commander-in-Chief of the Kenya Defence Forces** has, in exercise of the constitutional prerogative vested in the Head of State and Government effected nominations to the ranks of the membership of Cabinet.

The Presidential action nominating new Cabinet Secretaries was preceded by **His Excellency's decision** to vacate the appointments of the Attorney-General and 21 Cabinet Secretaries on 11th July, 2024, as notified *vide* **Kenya Gazette Notice No. 8440 of 2024.**

In that regard, and pursuant to the **Article 152 (2) of the Constitution** and in accordance with the procedure set out in **Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act** *(No. 33 of 2011)*, kindly be pleased to receive the Presidential Nominations for appointment as Cabinet Secretaries for the consideration by the National Assembly, as follows:

NOMINEE	MINISTRY
1. Hon. (Prof.) Kithure Kindiki, EGH	Ministry of Interior & National Administration
2. Dr. Debra Mlongo Barasa	Ministry of Health
3. Hon. Alice Wahome, EGH	Ministry of Lands, Public Works, Housing & Urban Development

4. Mr. Julius Migos Ogamba	Ministry of Education
5. Hon. Roselinda Soipan Tuya, EGH	Ministry of Defence
6. Dr. Andrew Mwihia Karanja	Ministry of Agriculture & Livestock Development
7. Hon. Aden Barre Duale, EGH	Ministry of Environment, Climate Change & Forestry
8. Mr. Eric Muriithi Muuga	Ministry of Water, Sanitation & Irrigation
9. Mr. Davis Chirchir, EGH	Ministry of Roads & Transport
10. Dr. Margaret Nyambura Ndung'u	Ministry of Information, Communication & The Digital Economy

To aid the August House in its consideration and approval processes, we have the pleasure of enclosing herewith the **Certificate of Presidential Nomination No. 1 of 2024** and the Curricula Vitae and Testimonials for each Nominee.

In profound acknowledgment of the Cabinet as the foremost organ of State and the nation's apex policy organ, the National Assembly is urged to consider the nomination on a priority basis. This will enable **His Excellency the President** to reconstitute his Administration by appointing a Cabinet that will support the Head of State and Government in driving the urgently needed and irreversible transformation of our nation.

Yours

FELIX K. KOSKEI, EGH
CHIEF OF STAFF &
HEAD OF THE PUBLIC SERVICE

Copy to: **Hon. Kimani Ichung'wah, MP, EGH**
Majority Leader
The National Assembly
Parliament Building
NAIROBI

Mr. Samuel J. Njoroge, CBS
Clerk
The National Assembly
Parliament Building
NAIROBI

Mr. Arthur A. Osiya, CBS
Principal Administrative Secretary
Executive Office of the President
NAIROBI

PRESIDENTIAL
NOMINATION NO. 1 *of* 2024

THE CONSTITUTION OF KENYA

NOMINATION
of
CABINET SECRETARIES

IN EXERCISE of the powers conferred by Article 152 (2) of the Constitution of Kenya, **I, WILLIAM SAMOEI RUTO,** President and Commander-in-Chief of the Kenya Defence Forces nominates —

NOMINEE	**MINISTRY**
Hon. (Prof.) Kithure Kindiki,EGH	Ministry of Interior & National Administration
Dr. Debra Mlongo Barasa	Ministry of Health
Hon. Alice Wahome, EGH	Ministry of Lands, Public Works, Housing & Urban Development
Mr. Julius Migos Ogamba	Ministry of Education
Hon. Roselinda Soipan Tuya, EGH	Ministry of Defence
Dr. Andrew Mwihia Karanja	Ministry of Agriculture & Livestock Development

Hon. Aden Barre Duale, EGH	Ministry of Environment, Climate Change & Forestry
Mr. Eric Muriithi Muuga	Ministry of Water, Sanitation & Irrigation
Mr. Davis Chirchir	Ministry of Roads & Transport
Dr. Margaret Nyambura Ndung'u	Ministry of Information, Communication & The Digital Economy

for appointment as Cabinet Secretaries of the stated ministerial portfolios in the Cabinet of the Government of Kenya.

IN TESTIMONY WHEREOF, I have caused this Nomination Certificate to be issued under the **HAND OF THE PRESIDENT** and **PUBLIC SEAL OF THE REPUBLIC,** on this the 22nd Day of July in the **YEAR OF OUR LORD TWO THOUSAND AND TWENTY-FOUR.**

WILLIAM SAMOEI RUTO,
President.

ANNEXURE 2B: TRANSMITTAL LETTER 2 BY THE CHIEF OF STAFF AND HEAD OF PUBLIC SERVICE

NATIONAL ASSEMBLY
RECEIVED
24 JUL 2024
CLERK'S OFFICE
P O Box 41842, NAIROBI

EXECUTIVE OFFICE OF THE PRESIDENT

CHIEF OF STAFF AND HEAD OF THE PUBLIC SERVICE

Telegraphic Address
Telephone: +254-20-2227436
When replying please quote

STATE HOUSE
P.O. Box 40530–00100
Nairobi, Kenya

Ref. No. **EOP/CAB.26/4A VOL.IV/(65)**
and date

24th July, 2024
....., 20.....

Hon. Moses F. M. Wetangula, EGH
Speaker
The National Assembly
Parliament of Kenya
Parliament Building
NAIROBI

DPL
To deal
CPA
24/7/2024.

Dear

TRANSMITTAL LETTER II

PARLIAMENTARY APPROVAL OF THE NOMINEES FOR APPOINTMENT TO CABINET – CABINET SECRETARIES

You are most graciously notified that **His Excellency Hon. William Samoei Ruto Ph.D., C.G.H., President and Commander-in-Chief of the Kenya Defence Forces** has, in exercise of the constitutional prerogative vested in the Head of State and Government effected nominations to the ranks of the membership of Cabinet.

The President's action in nominating 10 Cabinet Secretaries follows the earlier transmittal of nominees as conveyed through letter reference EOP/CAB.26/4A VOL.IV/(61) of 22nd July 2024.

In that regard and in accordance with Article 152(2) of the Constitution, kindly be pleased to receive the ten (10) additional nominees for appointment as Cabinet Secretaries for consideration by the National Assembly, as follows:

NAME	MINISTRY
Hon. John Mbadi Ng'ongo	The National Treasury & Economic Planning
Hon. Salim Mvurya Mgala, EGH	Ministry of Investments, Trade & Industry
Ms. Rebecca Miano, EGH	Ministry of Tourism and Wildlife
Hon. James Opiyo Wandayi	Ministry of Energy and Petroleum

Hon. Onesimus Kipchumba Murkomen, EGH	Ministry of Youth Affairs, Creative Economy & Sports
Hon. Hassan Ali Joho, EGH	Ministry of Mining, Blue Economy & Maritime Affairs
Hon. (Dr.) Alfred Nganga Mutua, EGH	Ministry of Labour and Social Protection
Hon. Wycliffe Ambetsa Oparanya, EGH	Ministry of Co-operatives and Micro, Small & Medium Enterprises (MSMEs) Development
Hon. Justin Bedan Njoka Muturi, EGH	Ministry of Public Service & Human Capital Development
Ms. Stella Soi Lang'at	Ministry of Gender, Culture, The Arts & Heritage

To aid the August House in its consideration and approval processes, we have the pleasure of enclosing herewith the **Certificate of Presidential Nomination No. 2 of 2024** and the Curricula Vitae and Testimonials for all the nominees.

In profound acknowledgment of the unique mandate of Cabinet as the foremost organ of State and the nation's apex policy body, the National Assembly is urged to consider the nomination on a priority basis.

Yours

FELIX K. KOSKEI, EGH
CHIEF OF STAFF &
HEAD OF THE PUBLIC SERVICE

Copy to: **Hon. Kimani Ichung'wah, MP, EGH**
Majority Leader
The National Assembly
Parliament Building
NAIROBI

Mr. Samuel J. Njoroge, CBS
Clerk
The National Assembly
Parliament Building
NAIROBI

Mr. Arthur A. Osiya, CBS
Principal Administrative Secretary
Executive Office of the President
NAIROBI

PRESIDENTIAL
NOMINATION NO. 2 *of* 2024

THE CONSTITUTION OF KENYA

NOMINATION
of
CABINET SECRETARIES

IN EXERCISE of the powers conferred by Article 152 (2) of the Constitution of Kenya, **I, WILLIAM SAMOEI RUTO,** President and Commander-in-Chief of the Kenya Defence Forces nominates —

NAME	**MINISTRY**
Hon. John Mbadi Ng'ongo	The National Treasury & Economic Planning
Hon. Salim Mvurya Mgala, EGH	Ministry of Investments, Trade & Industry
Ms. Rebecca Miano, EGH	Ministry of Tourism and Wildlife
Hon. James Opiyo Wandayi	Ministry of Energy and Petroleum
Hon. Onesimus Kipchumba Murkomen, EGH	Ministry of Youth Affairs, Creative Economy & Sports
Hon. Hassan Ali Joho, EGH	Ministry of Mining, Blue Economy & Maritime Affairs
Hon. (Dr.) Alfred Nganga Mutua, EGH	Ministry of Labour and Social Protection

Hon. Wycliffe Ambetsa Oparanya, EGH	Ministry of Co-operatives and Micro, Small & Medium Enterprises (MSMEs) Development
Hon. Justin Bedan Njoka Muturi, EGH	Ministry of Public Service & Human Capital Development
Ms. Stella Soi Lang'at	Ministry of Gender, Culture, The Arts & Heritage

for appointment as Cabinet Secretaries of the stated ministerial portfolios in the Cabinet of the Government of Kenya.

IN TESTIMONY WHEREOF, I have caused this Nomination Certificate to be issued under the **HAND OF THE PRESIDENT** and **PUBLIC SEAL OF THE REPUBLIC**, on this the 24th Day of July in the **YEAR OF OUR LORD TWO THOUSAND AND TWENTY-FOUR.**

WILLIAM SAMOEI RUTO,
President.

ANNEXURE 3A: COMMUNICATION FROM THE SPEAKER NO. 004 OF 2024

REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT - (THIRD SESSION)
THE NATIONAL ASSEMBLY

MESSAGES
MESSAGE FROM THE PRESIDENT

(No. 004 of 2024)
ON
NOMINATION OF PERSONS FOR APPOINTMENT TO THE OFFICES OF CABINET SECRETARIES

Honourable Members,

1. Standing Order 42(1) relating to 'Messages from the President' provides that-

   "The Speaker shall read to the House any message from the President delivered to the Speaker for communication to the House".

2. In this regard, I wish to convey to the House that I have received a Message from His Excellency the President, notifying the nomination of various persons for appointment to the Offices of Cabinet Secretaries.

3. In the Message, **Honourable Members,** His Excellency the President conveys that, in exercise of powers conferred on him by Articles 152(2) of the Constitution, as read together with sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011, he nominates various persons for appointment to the aforementioned offices.

4. For clarity, Article 152(2) of the Constitution states and I quote -

   "152 (2) The President shall nominate and, with the approval of the National Assembly, appoint Cabinet Secretaries."

5. The names of persons submitted to this House for approval for appointment as Cabinet Secretaries are as follows—

	NOMINEE	MINISTRY/OFFICE
(1)	Hon. (Prof.) Kithure Kindiki, EGH	Cabinet Secretary, Ministry of Interior & National Administration
(2)	Dr. Debra Mlongo Barasa	Cabinet Secretary, Ministry of Health
(3)	Hon. Alice Wahome, EGH	Cabinet Secretary, Ministry of Lands, Public Works, Housing and Urban Development
(4)	Mr. Julius Migos Ogamba	Cabinet Secretary, Ministry of Education
(5)	Hon. Roselinda Soipan Tuiya, EGH	Cabinet Secretary, Ministry of Defence
(6)	Dr. Andrew Mwihia Karanja	Cabinet Secretary, Ministry of Agriculture and Livestock Development
(7)	Hon. Aden Barre Duale, EGH	Cabinet Secretary, Ministry of Environment, Climate Change and Forestry
(8)	Mr. Eric Muriithi Muuga	Cabinet Secretary, Ministry of Water, Sanitation and Irrigation
(9)	Mr. Davis Chirchir, EGH	Cabinet Secretary, Ministry of Roads and Transport
(10)	Dr. Margaret Nyambura Ndung'u	Cabinet Secretary, Ministry of Information, Communication and the Digital Economy

6. In view of the foregoing and pursuant to the provisions of section 8 of the Public Appointments (Parliamentary Approval) Act, of 2011 as read together with Standing Order 42(3), I hereby refer the Message from the President, together with the curriculum vitae of the nominees to the Committee on Appointments.

7. **Honourable Members,** section 8 of the Public Appointments (Parliamentary Approval) Act, 2011 provides that, unless otherwise provided in law, the Committee to which such nomination is referred shall consider the matter and table a report in the House **within twenty-eight (28) days.** It is therefore imperative that the Committee on Appointments immediately commences the process of consideration of the nominees.

8. The Committee on Appointments is expected to immediately notify the nominees and the general public, commence the necessary approval hearings and table its report in the House soonest, to enable the House consider the nominees within the stipulated timelines.

I thank you!

Wetang'ula

THE RT. HON. (DR.) MOSES F. M. WETANG'ULA, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY
Tuesday, 23rd July, 2024

ANNEXURE 3B: COMMUNICATION FROM THE SPEAKER NO. 005 OF 2024

REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT - (THIRD SESSION)
THE NATIONAL ASSEMBLY

MESSAGES

MESSAGE FROM THE PRESIDENT

(No. 005 of 2024)

ON

NOMINATION OF PERSONS FOR APPOINTMENT TO THE OFFICES OF CABINET SECRETARIES

Honourable Members,

1. Standing Order 42(1) relating to 'Messages from the President' provides that-

   "The Speaker shall read to the House any message from the President delivered to the Speaker for communication to the House".

2. In this regard, I wish to convey to the House that this afternoon, I have received a further Message from His Excellency the President, notifying the nomination of various persons for appointment to the Offices of Cabinet Secretaries. The names are **in addition** to the ones I conveyed to the House yesterday.

3. In the Message, **Honourable Members,** His Excellency the President conveys that, in exercise of powers conferred on him by Articles 152(2) of the Constitution, as read together with sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011, he nominates various persons for appointment to the aforementioned offices.

4. For clarity, Article 152(2) of the Constitution states and I quote -

   "152 (2) The President shall nominate and, with the approval of the National Assembly, appoint Cabinet Secretaries."

5. The names of persons submitted to this House for approval for appointment as Cabinet Secretaries are as follows—

	NOMINEE	MINISTRY/OFFICE
(1)	Hon. John Mbadi Ng'ongo, EGH	Cabinet Secretary, The National Treasury and Economic Planning
(2)	Hon. Salim Mvurya Mgala, EGH	Cabinet Secretary, Ministry of Investments, Trade & Industry
(3)	Ms. Rebecca Miano, EGH	Cabinet Secretary, Ministry of Tourism and Wildlife
(4)	Hon. James Opiyo Wandayi, EGH	Cabinet Secretary, Ministry of Energy and Petroleum
(5)	Hon. Onesimus Kipchumba Murkomen, EGH	Cabinet Secretary, Ministry of Youth Affairs, Creative Economy & Sports
(6)	Hon. Hassan Ali Joho, EGH	Cabinet Secretary, Ministry of Mining, Blue Economy and Maritime Affairs
(7)	Hon. (Dr.) Alfred Nganga Mutua, EGH	Cabinet Secretary, Ministry of Labour and Social Protection
(8)	Hon.Wycliffe Ambetsa Oparanya, EGH	Cabinet Secretary, Ministry of Co-operatives and Micro, Small & Medium Enterprises (MSMEs) Development
(9)	Hon. Justin Bedan Njoka Muturi, EGH	Cabinet Secretary, Ministry of Public Service & Human Capital Development

(10)	Ms. Stella Soi Lang'at	Cabinet Secretary, Ministry of Gender, Culture, The Arts & Heritage

6. In view of the foregoing and pursuant to the provisions of section 8 of the Public Appointments (Parliamentary Approval) Act, of 2011 as read together with Standing Order 42(3), I hereby refer the Message from the President, together with the curriculum vitae of the nominees to the Committee on Appointments.

7. **Honourable Members,** section 8 of the Public Appointments (Parliamentary Approval) Act, 2011 provides that, unless otherwise provided in law, the Committee to which such nomination is referred shall consider the matter and table a report in the House **within twenty-eight (28) days.** It is therefore imperative that the Committee on Appointments **consolidates** the names contained in the two lists and immediately commences the process of consideration of the nominees.

8. The Committee is expected to immediately notify the nominees and the general public, commence the necessary approval hearings and table its report in the House soonest, to enable the House consider the nominees within the stipulated timelines.

I thank you!

Wetang'ula

THE RT. HON. (DR.) MOSES F. M. WETANG'ULA, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY
Wednesday, 24th July, 2024

ANNEXURE 3C: LETTER OF CLEARANCE FROM THE ETHICS AND ANTI-CORRUPTION COMMISSION(EACC)

CONFIDENTIAL

ETHICS AND ANTI-CORRUPTION COMMISSION
INTEGRITY CENTRE (Jakaya Kikwete/Valley Road Junction) P.O. Box 61130 – 00200, NAIROBI, Kenya
TEL.: 254 (020) 4997000, MOBILE: 0709 781000; 0730 997000
EMAIL: eacc@integrity.go.ke WEBSITE: www.eacc.go.ke

When replying please quote:

Our Ref: EACC.7/10/5 VOL XXVIII (83) **26th July 2024**

Mr. Samuel Njoroge, CBS
Clerk
National Assembly
Office of the Clerk
Main Parliament Buildings
P O Box 41842 – 00100
NAIROBI

NATIONAL ASSEMBLY RECEIVED 26 JUL 2024

Dear Clerk

RE: VETTING OF NOMINEES FOR APPOINTMENT AS CABINET SECRETARIES

.Your letter referenced NA/DAA&GPC/COA/2024/01 dated 23rd July 2024, on the above subject matter refers.

Please note that the Commission has not undertaken any investigations pursuant to its mandate against the under listed nor has it recommended prosecution of any of them.

S/No	Name	ID Number	Ministry
1.	Hon. (Prof.) Kithure Kindiki, PhD., EGH	12615692	Interior and National Administration
2.	Dr. Debra Mlongo Barasa	22774590	Health
3.	Hon. Alice Muthoni Wahome, EGH	5482723	Lands, Public Works, Housing and Urban Development
4.	Mr. Julius Migos Ogamba	8647623	Education
5.	Hon. Roselinda Soipan Tuya, EGH	22186489	Defence
6.	Dr. Andrew Mwihia Karanja	3110082	Agriculture and Livestock Development
7.	Hon. Aden Bare Duale, EGH	1260241	Environment, Climate Change

CONFIDENTIAL

NATIONAL ASSEMBLY RECEIVED 26 JUL 2024 CLERK'S OFFICE P O Box 41842

CONFIDENTIAL

S/No	Name	ID Number	Ministry
			and Forestry
8.	Mr. Eric Muriithi Muuga	29188556	Water, Sanitation, and Irrigation
9.	Dr. Davis Chirchir, EGH	0324076	Roads and Transport
10.	Dr. Margaret Nyambura Ndung'u	11240862	Information, Communication, and the Digital Economy

The information provided herein is based on records available as of **26th July 2024**.

Yours Sincerely

Twalib A. Mbarak, MGH, CBS
SECRETARY/CHIEF EXECUTIVE OFFICER

CONFIDENTIAL

NATIONAL ASSEMBLY
RECEIVED
30 JUL 2024
CLERK'S OFFICE
P O Box 41842, NAIROBI

CONFIDENTIAL

ETHICS AND ANTI-CORRUPTION COMMISSION
INTEGRITY CENTRE (Jakaya Kikwete/Valley Road Junction) P.O. Box 61130 – 00200, NAIROBI, Kenya
TEL.: 254 (020) 4997000, MOBILE: 0709 781000; 0730 997000
EMAIL: eacc@integrity.go.ke WEBSITE: www.eacc.go.ke

When replying please quote:

Our Ref: EACC.7/10/5 VOL XXVIII (91) **29th July 2024**

Mr. Samuel Njoroge, CBS
Clerk
National Assembly
Office of the Clerk
Main Parliament Buildings
P O Box 41842 – 00100
NAIROBI

Dear Clerk

RE: VETTING OF NOMINEES FOR APPOINTMENT AS CABINET SECRETARIES

Your letter referenced **NA/DAA&GPC/COA/2024/43** dated **24th July 2024**, on the above subject matter refers.

Please note that the Commission has not undertaken any investigations pursuant to its mandate against the persons listed 1-9 nor has it recommended prosecution of any of them-

S/No	Name	ID Number	Ministry
1.	Hon. John Mbadi Ng'ongo, EGH	11394135	The National Treasury and Economic Planning
2.	Hon. Salim Mvurya Mgala, EGH	11244221	Investments, Trade & Industry
3.	Ms. Rebecca Miano, EGH	8679018	Tourism and Wildlife
4.	Hon. James Opiyo Wandayi, EGH	11196023	Energy and Petroleum
5.	Hon. Onesimus Kipchumba Murkomen, EGH	22025845	Youth Affairs, Creative Economy & Sports

CONFIDENTIAL

S/No	Name	ID Number	Ministry
6.	Hon. Hassan Ali Joho, EGH	11457905	Mining, Blue Economy and Maritime Affairs
7.	Hon. (Dr.) Alfred Nganga Mutua, EGH	10366327	Labour and Social Protection
8.	Hon. Justin Bedan Njoka Muturi, EGH	0297621	Public Service & Human Capital Development
9.	Stella Soi Lang'at	10886464	Gender, Culture, the Arts & Heritage

However, with respect to **Hon. Wycliffe Ambetsa Oparanya, EGH** (*ID No. 4827856 who is the nominee for the position of Cabinet Secretary, Ministry of Co-operatives and Micro, Small and Medium Enterprises Development*) the Commission wishes to inform the Vetting Committee as follows-

1. **THAT** the Commission conducted an investigation on allegations of corruption against the nominee for offences committed during his stint as the Governor, County Government of Kakamega. Upon conclusion of the investigation, the Commission submitted a Report to the Director of Public Prosecutions (DPP) recommending prosecution of the nominee on various charges including of conspiracy to commit an offence of corruption, conflict of interest, abuse of office, and money laundering. The nominee obtained a conservatory order staying any arrest or prosecution based on information obtained by the Commission pursuant to investigative warrants granted to the Commission. The conservatory order was issued by the High Court in **Kakamega Constitutional and Human Rights Petition No. E019 of 2023** ***(Wycliffe Ambetsa Oparanya vs EACC and 3 Others).*** The matter is pending in court.
2. **THAT** the Commission also filed an application for preservation orders against assets of the nominee, where he is suspected to be in possession of proceeds of corruption arising from the conflict of interest. The Commission has obtained orders preserving money **Kshs. 28,900,000**; through **Nairobi High Court Anti-Corruption and Economic Crimes Court Miscellaneous Application No. E040 of 2023 (***EACC vs Wycliffe Ambetsa Oparanya & 3 Others***).** The matter is pending in court.

The information provided herein is based on records available as of **29th July 2024**.

Yours Sincerely

Twalib A. Mbarak, MGH, CBS
SECRETARY/CHIEF EXECUTIVE OFFICER

ANNEXURE 4: ADVERTISEMENTS

NEWS

AUSTERITY

MPs protest cuts on mileage allowances

PSC says it has no money to hire IEBC commissioners

MOSES ODHIAMBO
@MosesMoses

MPs have protested the proposed reduction of their budget by Sh3.7 billion.

They said the budget cuts will affect key operations of the August House.

Mileage allowances, payment of bodyguards and funds for running offices have been affected.

Parliamentary Service Commission said it will not be able to facilitate the selection panel for hiring new IEBC commissioners following the cuts. The commission told the Budget and Appropriations Committee that it has no money to facilitate what is owed to the Nelson Makanda-led selection panel.

PSC said it had spent its own money to the tune of Sh32 million to facilitate the selection panel on the promise the budget was to be provided in the supplementary estimates.

"Treasury failed to issue an exchequer to the tune of Sh32 million for expenses incurred, which now will be prioritised as a first charge," secretary Jeremiah Nyegenye, who is also clerk of the Senate, said.

He said the commission has no money to facilitate the recruitment of new IEBC commissioners.

"The commission is mandated to fully fund and facilitate the new panel, yet no budget provision has been made for this requirement. The vote will still require additional funding to execute this important mandate," Nyegenye said.

In the first supplementary estimates for this fiscal year, Treasury has proposed a 50 per cent cut on domestic travel.

The exchequer also sought to slash membership subscriptions by 100 per cent.

COUNTY ASSEMBLY OF TRANS-NZOIA

COUNTY ASSEMBLY SERVICE BOARD

DECLARATION OF VACANCIES

Pursuant to Section 24(1) &(2) of the County Assembly Service Act 2017, The Trans Nzoia County Assembly Service Board invites applications from suitable and qualified candidates to fill the following vacant positions in the County Assembly.

NB: ALL THE POSITIONS ADVERTISED ARE ON PERMANENT AND PENSIONABLE TERMS OF SERVICE.

1. PRINCIPAL SERGEANT- AT- ARMS OFFICER JG 'N' CASB 6 (1 POST)
2. SENIOR MAINTENANCE OFFICER JG 'L' CASB 8 (1 POST)

To view details of the advertisement, visit our website on www.transnzoiaassembly.go.ke

IMPORTANT INFORMATION TO ALL APPLICANTS

All applications should contain the following attachments: -

I. Copy of National Identity Card or Passport
II. Copies of Academic and Professional Certificates, testimonials and professional registrations.

HOW TO APPLY

All written applications, CVs, copies of certificates, testimonials and Identity Cards should be submitted **in a sealed envelope clearly marked on the left hand side the position being applied for and** addressed to:

The Secretary,
Trans Nzoia County Assembly Service Board,
P.O. Box 4221- 30200
KITALE

All applications should reach the Secretary, County Assembly Service Board of Trans-Nzoia at the County Assembly building on or before 14thAugust, 2024 before 17.00 Hrs

NOTE: Canvassing will lead to automatic disqualification; only shortlisted candidates will be contacted.

REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – THIRD SESSION (2024)

IN THE MATTER OF ARTICLE 118(1)(B) AND 152(2) OF THE CONSTITUTION
AND
IN THE MATTER OF THE PUBLIC APPOINTMENTS (PARLIAMENTARY APPROVAL) ACT, CAP. 7F
AND
IN THE MATTER OF APPROVAL BY THE NATIONAL ASSEMBLY OF PERSONS NOMINATED FOR APPOINTMENT AS CABINET SECRETARIES

NOTIFICATION TO SUBMIT MEMORANDA ON PROPOSED APPOINTMENTS

WHEREAS, in accordance with Article 152 (2) of the Constitution, H.E. the President is empowered to nominate, and with the approval of the National Assembly, appoint Cabinet Secretaries; H. E. the President has nominated the following ten (10) persons for appointment as Cabinet Secretaries for the Ministries indicated below—

NO.	NOMINEE	MINISTRY
1.	Hon. (Prof.) Kithure Kindiki, PhD., EGH	Interior and National Administration
2.	Dr. Debra Mlongo Barasa	Health
3.	Hon. Alice Wahome, EGH	Lands, Public Works, Housing and Urban Development
4.	Mr. Julius Migos Ogamba	Education
5.	Hon. Roselinda Soipan Tuya, EGH	Defence
6.	Dr. Andrew Mwihia Karanja	Agriculture and Livestock Development
7.	Hon. Aden Barre Duale, EGH	Environment, Climate Change and Forestry
8.	Mr. Eric Murithi Muuga	Water, Sanitation and Irrigation
9.	Mr. Davis Chirchir, EGH	Roads and Transport
10.	Dr. Margaret Nyambura Ndung'u	Information, Communication and the Digital Economy

Following the receipt of the nominations from H.E. the President, the Rt. Hon. Speaker of the National Assembly referred the nominees to the **Committee on Appointments** which is mandated to consider them for approval by the House.

NOTING that section 6(9) of the Public Appointments (Parliamentary Approval) Act, Cap. 7F provides that any person may prior to the approval hearing and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated;

NOW THEREFORE, in compliance with Article 118(1)(b) of the Constitution and section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, the Clerk of the National Assembly hereby invites members of the public to submit any representations they may have, by way of written statement on oath **(affidavit)** with supporting evidence contesting the suitability of any nominee proposed for appointment.

The representations may be forwarded to the **Clerk of the National Assembly, P.O. BOX 41842-00100, Nairobi**; hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi**; or emailed to *cna@parliament.go.ke* and *appointments.nationalassembly@parliament.go.ke*; to be received on or before **Wednesday 31st July, 2024 at 5:00 p.m.**

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY
24th July, 2024

CamScanner

REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – THIRD SESSION (2024)

IN THE MATTER OF ARTICLE 118(1)(b) AND 152(2) OF THE CONSTITUTION

AND

IN THE MATTER OF THE PUBLIC APPOINTMENTS (PARLIAMENTARY APPROVAL) ACT, CAP. 7F

AND

IN THE MATTER OF APPROVAL BY THE NATIONAL ASSEMBLY OF PERSONS NOMINATED FOR APPOINTMENT AS CABINET SECRETARIES

INVITATION TO SUBMIT MEMORANDA

WHEREAS, in accordance with Article 152 (2) of the Constitution, H.E. the President is empowered to nominate, and with the approval of the National Assembly, appoint Cabinet Secretaries; H. E. the President has nominated the following ten (10) persons for appointment as Cabinet Secretaries for the ministries indicated below—

	NOMINEE	MINISTRY
1.	Hon. (Prof.) Kithure Kindiki, PhD., EGH	Interior and National Administration
2.	Dr. Debra Mlongo Barasa	Health
3.	Hon. Alice Wahome, EGH	Lands, Public Works, Housing and Urban Development
4.	Mr. Julius Migos Ogamba	Education
5.	Hon. Roselinda Soipan Tuya, EGH	Defence
6.	Dr. Andrew Mwihia Karanja	Agriculture and Livestock Development
7.	Hon. Aden Barre Duale, EGH	Environment, Climate Change and Forestry
8.	Mr. Eric Muriithi Muuga	Water, Sanitation and Irrigation
9.	Mr. Davis Chirchir, EGH	Roads and Transport
10.	Dr. Margaret Nyambura Ndung'u	Information, Communication and the Digital Economy

Following the receipt of the nominations from H.E. the President, the Rt. Hon. Speaker of the National Assembly referred the nominees to the **Committee on Appointments** which is mandated to consider them for approval by the House.

NOTING that section 6(9) of the Public Appointments (Parliamentary Approval) Act, Cap. 7F provides that *any person may prior to the approval hearing and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated;*

NOW THEREFORE, in compliance with Article 118(1)(b) of the Constitution and section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, the Clerk of the National Assembly hereby invites members of the public to submit any representations they may have, by way of written statement on oath **(affidavit)** with supporting evidence contesting the suitability of any nominee proposed for appointment.

The representations may be forwarded to the **Clerk of the National Assembly, P.O. BOX 41842-00100, Nairobi**; hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi**; or emailed to **cna@parliament.go.ke** and **appointments.nationalassembly@parliament.go.ke**; to be received **on or before Wednesday 31st July, 2024 at 5:00 p.m.**

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY

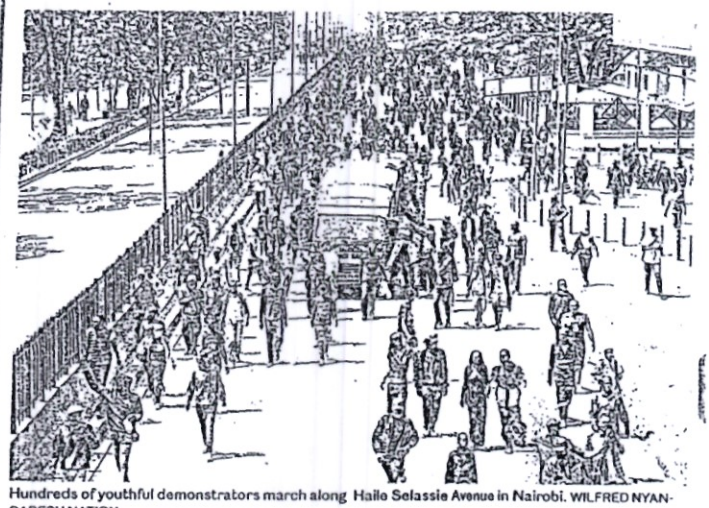
24th July, 2024

"For the Welfare of Society and the Just Government of the People"

YOUTH PROTESTS

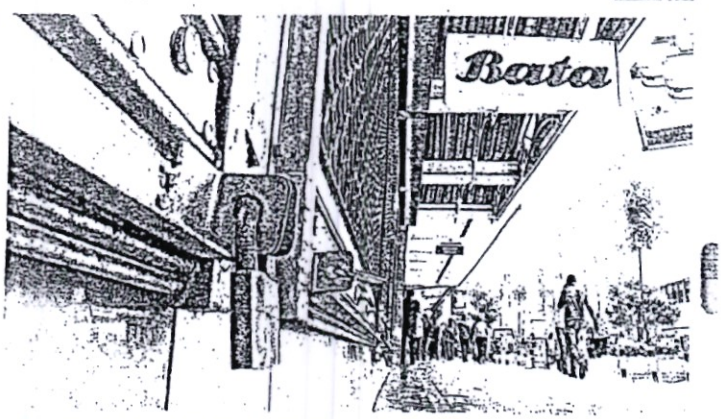
Shutdown Besides the capital Nairobi, business came to

Business paralysed



Hundreds of youthful demonstrators march along Haile Selassie Avenue in Nairobi. WILFRED NYANGARESI I NATION

Protesters look on as a motorcycle burns on Kenyatta Avenue in Nairobi. RAPHAEL NJOROGE I NATION



A shuttered shopfront belonging to shoemaker Bata in Nakuru. However, there were no protests in the lakeside city. BONIFACE MWANGI I NATION

POLITICS

Wiper MPs demand respect for Kalonzo, vow to stay in Azimio

Wiper Members of Parliament have said they are in Azimio to stay and demanded that members of affiliate parties respect Kalonzo Musyoka.

Wiper Secretary General Shakila Abdalla said that what the country is facing at the moment is a governance issue and not a political problem and asked President William Ruto to immediately address grievances of Gen Z protesters.

"President William Ruto needs to come out and address all the concerns of the protesters who mean well for the country since they have raised genuine concerns that deserve to be handled with urgency to have the country back on the right track," said Abdalla.

This comes even as ODM, a constituent party of Azimio, issued a statement warning members who may want to join the Kenya Kwanza administration against using the party name, but do so as individuals.

Makueni Senator Daniel Maanzo said that no A affiliate party has given notice of quit- t: oalition and Wiper only wants justice f ans who lost their lives and property d g the countrywide protests.

Maanzo noted that more than 10 people have died in Machakos and Makueni counties during the demonstrations and demanded that the President gives a plan of how families of the victims will be compensated.

"The Wiper party is in full support of all the issues raised by the youthful protesters who want good governance in this country, we want the President to address all the concerns they have raised before we can think of engaging the Kenya Kwanza administration," he said.

Matungulu MP Stephen Mule said that Azimio was still intact and it was only a few individuals who were out to saw seeds of discord.

Mule revealed that they had resolved that any member of Azimio who decides to join the Kenya Kwanza administration will be doing so as an individual and they are happy that ODM leader Raila Odinga was supporting the resolution.

ODM through Secretary General Edwin Sifuna was categorical that the party was in support of an all inclusive national conversation as indicated by Raila on July 9, following the Presidential assent to the Independent Electoral and Boundaries Commission (IEBC) Amendment Bill, 2024 at KICC, Nairobi.

Sifuna said a narrative has been created that ODM is desperate to join the government yet what they were only seeking is a national conversation preceded by the creation of the necessary environment through the implementation of the conditions set.

He regretted that some of the party members have also fallen for the lies and misinterpreted ODM's stance as a license to engage the Kenya Kwanza leadership and canvass for ministerial and other positions in the Ruto government.

"As a major political player, ODM has repeatedly emphasized that we cannot be mere bystanders when the current situation and future of our nation are at stake,our commitment to this cause is steadfast, as we recognise the urgent need for transformative change in our nation," said Sifuna.

[Edwin Nyarangi]

NAIROBI

Technology expo to spur empowerment, says PS

The government has reaffirmed its commitment to harnessing science, technology, and innovation as key drivers for youth empowerment and national development.

This announcement comes in the lead-up to the inaugural National Science and Technology Exhibition, organised by the Kenya National Research Fund (NRF).

Higher Learning Principal Secretary Beatrice Inyangala said the government has prioritised r h and innovation to address societal chal- l We have started engagements with local ar national partners to advance research ex nce across institutions of learning," Dr Inyangala stated.

Speaking during a stakeholders engagement forum for the upcoming Kenya National Research Festival 2024, Dr Inyangala said the government is adopting best practices from countries like China, Korea, Malaysia and Singapore to harness science and innovation for growth.

"The partnership of National Research Fund and the Young Scientist Kenya will provide a unique platform for Kenyan youth from every county to demonstrate their capacity for innovation and research and showcase their scientific talents," said Inyangala.

The inaugural event, themed "Research Partnerships and Collaborations for Socio-Economic Transformation," aims to provide a platform for Kenyan youth to showcase their scientific talents and plays a crucial role in promoting knowledge-sharing within research community.

NRF Chief Executive Officer Dickson Andala, said Kenya's rapid strides towards industrialisation and modernisation are fueled by the dedication to harnessing the potential of scientific research and innovation.

"This festival is where greater ideas will be born, partnerships forged, and the transformative power of research fully utilised," said Prof Andala.

He reiterated that engagement with the youth is also aimed at inspiring the broader community, showcasing the importance of research in addressing societal challenges and driving economic growth.

"The exhibition is a testament to our young scientists' talents and innovative spirit, offering a unique platform to showcase their projects and compete at a national level," he added.

Andala noted that the partnership is helping to leverage opportunities to amplify the impact of research on society, the economy, and the environment.

He stressed that partnership with the youth is an ideal means of inspiring the next generation of innovators, solving pressing challenges, and unlocking new opportunities for growth and development.

"It is through such initiatives that we inspire the next generation of researchers, innovators and enterpreneurs," he said.

NRF has called on Kenyan researchers both in TVET, undergraduate, post doctorates and lead researchers to submit abstracts and poster presentations. [Mike Kihaki]

REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – THIRD SESSION (2024)

IN THE MATTER OF ARTICLE 118(1)(b) AND 152(2) OF THE CONSTITUTION
AND
IN THE MATTER OF THE PUBLIC APPOINTMENTS (PARLIAMENTARY APPROVAL) ACT, CAP. 7F
AND
IN THE MATTER OF APPROVAL BY THE NATIONAL ASSEMBLY OF PERSONS NOMINATED FOR APPOINTMENT AS CABINET SECRETARIES

INVITATION TO SUBMIT MEMORANDA/PUBLIC PARTICIPATION

WHEREAS, in accordance with Article 152 (2) of the Constitution, H.E. the President is empowered to nominate, and with the approval of the National Assembly, appoint Cabinet Secretaries; H. E. the President has nominated the following ten (10) persons for appointment as Cabinet Secretaries for the Ministries indicated below:-

ST. NO.	NOMINEE	MINISTRY
1.	Hon. (Prof.) Kithure Kindiki, PhD., EGH	Interior and National Administration
2.	Dr. Debra Mlongo Barasa	Health
3.	Hon. Alice Wahome, EGH	Lands, Public Works, Housing and Urban Development
4.	Mr. Julius Migos Ogamba	Education
5.	Hon. Roselinda Soipan Tuya, EGH	Defence
6.	Dr. Andrew Mwihia Karanja	Agriculture and Livestock Development
7.	Hon. Aden Barre Duale, EGH	Environment, Climate Change and Forestry
8.	Mr. Eric Muriithi Muuga	Water, Sanitation and Irrigation
9.	Mr. Davis Chirchir, EGH	Roads and Transport
10.	Dr. Margaret Nyambura Ndung'u	Information, Communication and the Digital Economy

Following the receipt of the nominations from H.E. the President, the Rt. Hon. Speaker of the National Assembly referred the nominees to the **Committee on Appointments** which is mandated to consider them for approval by the House.

NOTING that section 6(9) of the Public Appointments (Parliamentary Approval) Act, Cap. 7F provides that *any person may prior to the approval hearing and* ***by written statement on oath****, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated;*

NOW THEREFORE, in compliance with Article 118(1)(b) of the Constitution and section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, the Clerk of the National Assembly hereby invites members of the public to submit any representations they may have, by way of written statement on oath **(affidavit)** with supporting evidence contesting the suitability of any nominee proposed for appointment.

The representations may be forwarded to the **Clerk of the National Assembly, P.O. BOX 41842-00100, Nairobi**; hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi**; or emailed to cna@parliament.go.ke and appointments.nationalassembly@parliament.go.ke; to be received **on or before Wednesday 31st July, 2024 at 5:00 p.m.**

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY

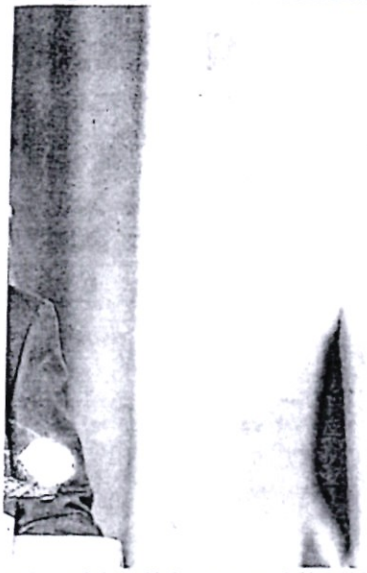
24th July, 2024

"For the Welfare of Society and the Just Government of the People"

SUBSCRIPTION RATE Ksh60/00 (TSH 100 ...

RUTO CABINET

Odinga has been a man not so far from the centre of power



not in negotiations with the Ruto regime for any coalition or political arrangement.

Mr Sifuna said the party's position on the proposed broad-based dialogue and eventual formation of an all-inclusive government should not be misconstrued to mean a clean bill of health for the Kenya Kwanza government.

"A narrative has been woven that ODM is desperate to join the government when all along we have been clear that what we seek is a national conversation preceded by the creation of the necessary environment through implementation of our demands," said Mr Sifuna.

ODM gave a list of demands that had to be fulfilled before a formal engagement with the government would be entertained.

The conditions included compensation for protest victims, release of protesters from police custody, dropping of protest-related cases, prosecution of protest killers, and sacking of Nairobi Region Police Commander Adamson Bungei.

Interestingly, days before the Wednesday announcement, Mr Odinga had given hints on what was in the offing.

The ODM leader, speaking during his party's joint national executive committee and parliamentary group meeting, appeared to back Dr Ruto's regime questioning the push by Gen Z to have the president resign, terming "dire" consequences of such a move.

"Ruto goes, then what? Ruto may go then Rigathi Gachagua takes over, still implementing bad policies. Ruto can also say I am tired, let the generals (military) take over. ...Ruto must go, there cannot be an end," said Mr Odinga.

It is at times of crisis like this that a country needs to talk. We are not doing it to save Ruto. We are doing it to save Kenya...," he added.

Fashioning himself as a risk taker, the former prime minister has branded himself as a politician not afraid to risk his support base to join the government.

In 2018, Mr Odinga brokered a political truce with President Kenyatta less than eight months into a government he had questioned its legitimacy.

After losing to Mr Kenyatta in the controversial August 2017 election, Mr Odinga went ahead to swear himself in as the "People's President" on January 30, 2018 in an unprecedented move at the iconic Uhuru Park.

With boycott of ordered repeat elections and deadly protests following, the ODM leader pulled a surprise both on his supporters and opponents at large.

Public handshake

At the steps of Harambee House on March 9, 2018, Mr Odinga and his arch-rival President Kenyatta engaged in a public handshake, signaling a surprise move to embrace a government they had been fighting.

The move caught the other three leaders of the opposition coalition National Super Alliance (Nasa) by surprise.

However, Mr Odinga did not look back. The two leaders would grow into bossom political friends with the political bromance resulting in Mr Kenyatta backing the Azimio leader in the 2022 elections.

This was after Mr Kenyatta had fallen out with his then deputy, Dr Ruto, after the infamous 'handshake'.

The Azimio leader would turn out to be the government's foremost defender on a number of issues, especially the war on corruption and the Big Four agenda.

The truce between the two resulted in joint projects, including the Building Bridges Initiative and the Azimio la Umoja-One Kenya Coalition, which Mr Odinga used to battle Dr Ruto for the presidency in 2022.

In the current scenario, President Ruto and Mr Odinga are involved in the campaign by the latter for the Africa Union Commission chairperson seat, where the President has been his chief campaigner.

"Raila Odinga is very unpredictable because when you think that he is out, he resurfaces and in most cases, he gets his closest friends by surprise," said Prof Masibo Lumala of Moi University in an interview with the *Nation* in March last year.

Unity deal

In the lead-up to the 2002 election, Mr Odinga struck a unity deal with the ruling Kanu, in a loose alliance baptised 'co-operation', which gradually edged closer into a 'partnership', and then ultimately became a 'merger' on March 18, 2002.

Mr Odinga would find himself in the government as a powerful Energy minister with his National Development Party (NDP).

The loose coalition government also saw two MPs from Mr Odinga's party, Peter Odoyo and Joshua Ojode, named assistant ministers for Foreign Affairs and Science and Technology, respectively, in the reshuffle.

Fast forward to 2008, Mr Odinga found himself thrust into the highest political office he has ever occupied after a political deal brokered by the late Kofi Annan gave birth to a coalition government after the disputed 2007 polls that led to post-election violence.

He would be named a prime minister where his role was to coordinate and supervise the functions of the government, as the chair of Cabinet, after the historic Handshake.

Speaking in April 2022, Mr Odinga hailed the grand coalition as the best government that Kenya ever had since independence. "It was, therefore, necessary to go beyond our personal interests and think about the country, and that is what drove me to agree that we should make a compromise," said Mr Odinga.

"We shook hands first with them before we did it in public and we agreed that we work together to ensure that the grand coalition that we are going to form will deliver to the people of Kenya."

comulo@ke.nationmedia.com

CABINET

Ruto nominates four Raila allies

The four are ODM chairman John Mbadi, former Mombasa governor Hassan Joho, ODM Minority Leader Opiyo Wandayi and former Kakamega governor Wycliffe Oparanya

REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – THIRD SESSION (2024)

IN THE MATTER OF ARTICLE 118(1)(b) AND 152(2) OF THE CONSTITUTION
AND
IN THE MATTER OF THE PUBLIC APPOINTMENTS (PARLIAMENTARY APPROVAL) ACT, CAP. 7F
AND
IN THE MATTER OF APPROVAL BY THE NATIONAL ASSEMBLY OF PERSONS NOMINATED FOR APPOINTMENT AS CABINET SECRETARIES

INVITATION TO SUBMIT MEMORANDA

WHEREAS, in accordance with Article 152 (2) of the Constitution, H.E. the President is empowered to nominate, and with the approval of the National Assembly, appoint Cabinet Secretaries; H. E. the President has nominated the following ten (10) persons for appointment as Cabinet Secretaries for the Ministries indicated below —

S/No.	NOMINEE	MINISTRY
1.	Hon. John Mbadi Ng'ongo, EGH	The National Treasury and Economic Planning
2.	Hon. Salim Mvurya Mgala, EGH	Investments, Trade & Industry
3.	Ms. Rebecca Miano, EGH	Tourism and Wildlife
4.	Hon. James Opiyo Wandayi, EGH	Energy and Petroleum
5.	Hon. Onesimus Kipchumba Murkomen, EGH	Youth Affairs, Creative Economy & Sports
6.	Hon. Hassan Ali Joho, EGH	Mining, Blue Economy and Maritime Affairs
7.	Hon. (Dr.) Alfred Nganga Mutua, EGH	Labour and Social Protection
8.	Hon.Wycliffe Ambetsa Oparanya, EGH	Co-operatives and Micro, Small & Medium Enterprises (MSMEs) Development
9.	Hon. Justin Bedan Njoka Muturi, EGH	Public Service & Human Capital Development
10.	Ms. Stella Soi Lang'at	Gender, Culture, The Arts & Heritage

Following the receipt of the nominations from H.E. the President, the Rt. Hon. Speaker of the National Assembly referred the nominees to the **Committee on Appointments** which is mandated to consider them for approval by the House.

NOTING that section 6(9) of the Public Appointments (Parliamentary Approval) Act, Cap. 7F provides that *any person may prior to the approval hearing and* ***by written statement on oath****, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated;*

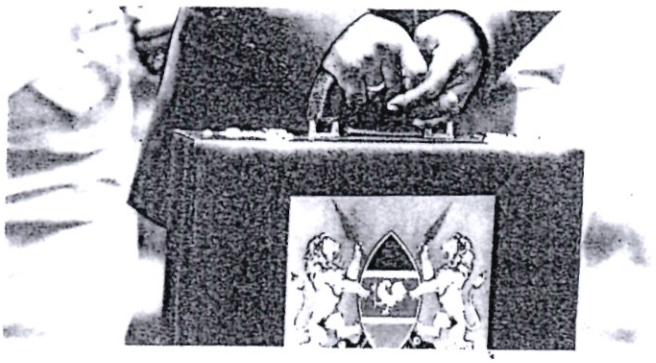
NOW THEREFORE, in compliance with Article 118(1)(b) of the Constitution and section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, the Clerk of the National Assembly hereby invites members of the public to submit any representations they may have, by way of written statement on oath **(affidavit)** with supporting evidence contesting the suitability of any nominee proposed for appointment.

The representations may be forwarded to the **Clerk of the National Assembly, P.O. BOX 41842-00100, Nairobi**; hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi**; or emailed to **cna@parliament.go.ke** and **appointments.nationalassembly@parliament.go.ke**; to be received **on or before 1st August, 2024 at 5:00 p.m.**

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY
25th July, 2024

"For the Welfare of Society and the just Government of the People"

Development hard hit as State reduces spending by Sh122b



▸ Treasury has prepared new budget to cate expected revenue shortfalls.

▸ This after Kenyans rejected new tax measures contained in Finance Bill 2024.

MACHARIA KAMAU, NAIROBI

Many infrastructure projects that the government had embarked on and expected to continue over the current financial year are likely to stall following a major reduction in development spending for the next 12 months.

The National Treasury in the supplementary budget for the 2024/25 financial year has proposed a reduction of Sh122 billion on development expenditure.

Treasury has prepared the new budget to cater for expected revenue shortfalls following the rejection by Kenyans of new and additional tax measures contained in the Finance Bill 2024. The measures in the bill, which Kenyans rioted over describing them as punitive and insensitive to plight, were expected to enable governme.. ..t an addition Sh344 billion.

In its absence, the government has had to reduce spending, but this has not been adequate as it will also resort to borrowing more than it had earlier planned.

In supplementary budget, Treasury reduced ... overall budget to Sh3.87 trillion from Sh3.99 trillion, a 3.1 per cent reduction.

"The drivers of these changes include a reduction in Sh122.4 billion and Sh34.1 billion in development and recurrent expenditures, respectively," said the report by the Budget and Appropriations Committee in a report presented in Parliament Tuesday this week.

It added that Treasury could run afoul of the law as the reduction in the development budget will result in its going below the 30 per cent of the entire budget as prescribed by the law. The Public Finance Management Act requires that development expenditure be at least 30 per cent of the national budget.

"The Sh122.4 billion expected reduction in development expenditure is targeted at projects that are financed through the exchequer... the Committee noted that development expenditure as a share of GDP has reduced from an annual average of 6.3 per cent between 2010 and 2020 to 3.2 per cent in the 2024/25 financial year revised estimates. This translates to 28 per cent of the total budget contrary to the provision of the PFM Act that development expenditure shall not be less than 30 per cent of the total proposed expenditure," read the report.

Following the withdrawal of the Finance Bill, Treasury has now reduced revenue collection target for KRA to Sh3.06 trillion, from the earlier ambitious target of Sh3.34 trillion. This translates to a 9.8 per cent reduction, or about Sh286 billion.

The government will also borrow more to cover the projected shortfall in revenue collection. In the supplementary budget, Treasury said it will borrow Sh761 billion over the 2024/25 financial year, an increase from Sh597 billion that it had planned to borrow in the earlier budget. This will see the fiscal deficit as a share of GDP increase to 4.2 per cent from 3.3 per cent.

The committee also called out State agencies that have continued splashing funds on non-essentials, casting doubt as to whether the austerity measures that Ruto has been pushing will yield much.

"The Committee noted that despite the fiscal constraints, a section of government agencies namely parastatals and other SOEs have not been participating fully in austerity measures. This has allowed these agencies to continue incurring non-priority expenditures while the rest of government including counties face expenditure cuts occasioned by the withdrawal of the Finance Bill, 2024," the committee said.

mkamau@standardmedia.co.ke

TOTAL BUDGET

Sh3.87 trillion
- from Sh3.99 trillion
- Ordinary revenue target

Sh3.06 trillion
from earlier target of Sh3.34 trillion
- Fiscal deficit to increase to
- **Sh761 billion** (4.2 per cent of GDP)

from Sh597 billion (3.3 percent of GDP)
- This will be financed through

Sh404.6 billion
- domestic borrowing and

Sh356.4 billion – foreign lenders

REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – THIRD SESSION (2024)

IN THE MATTER OF ARTICLE 118(1)(b) AND 152(2) OF THE CONSTITUTION
AND
IN THE MATTER OF THE PUBLIC APPOINTMENTS (PARLIAMENTARY APPROVAL) ACT, CAP. 7F
AND
IN THE MATTER OF APPROVAL BY THE NATIONAL ASSEMBLY OF PERSONS NOMINATED FOR APPOINTMENT AS CABINET SECRETARIES

INVITATION TO SUBMIT MEMORANDA

WHEREAS, in accordance with Article 152 (2) of the Constitution, H.E. the President is empowered to nominate, and with the approval of the National Assembly, appoint Cabinet Secretaries; H. E. the President has nominated the following ten (10) persons for appointment as Cabinet Secretaries for the Ministries indicated below:-

S/ No.	NOMINEE	MINISTRY
1.	Hon. John Mbadi Ng'ongo, EGH	The National Treasury and Economic Planning
2.	Hon. Salim Mvurya Mgala, EGH	Investments, Trade & Industry
3.	Ms. Rebecca Miano, EGH	Tourism and Wildlife
4.	Hon. James Opiyo Wandayi, EGH	Energy and Petroleum
5.	Hon. Onesimus Kipchumba Murkomen, EGH	Youth Affairs, Creative Economy & Sports
6.	Hon. Hassan Ali Joho, EGH	Mining, Blue Economy and Maritime Affairs
7.	Hon. (Dr.) Alfred Nganga Mutua, EGH	Labour and Social Protection
8.	Hon.Wycliffe Ambetsa Oparanya, EGH	Co-operatives and Micro, Small & Medium Enterprises (MSMEs) Development
9.	Hon. Justin Bedan Njoka Muturi, EGH	Public Service & Human Capital Development
10.	Ms. Stella Soi Lang'at	Gender, Culture, The Arts & Heritage

Following the receipt of the nominations from H.E. the President, the Rt. Hon. Speaker of the National Assembly referred the nominees to the **Committee on Appointments** which is mandated to consider them for approval by the House.

NOTING that section 6(9) of the Public Appointments (Parliamentary Approval) Act, Cap. 7F provides that *any person may prior to the approval hearing and* ***by written statement on oath****, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated;*

NOW THEREFORE, in compliance with Article 118(1)(b) of the Constitution and section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, the Clerk of the National Assembly hereby invites members of the public to submit any representations they may have, by way of written statement on oath **(affidavit)** with supporting evidence contesting the suitability of any nominee proposed for appointment.

The representations may be forwarded to the **Clerk of the National Assembly, P.O. BOX 41842-00100, Nairobi**; hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi**; or emailed to cna@parliament.go.ke and appointments.nationalassembly@parliament.go.ke; to be received **on or before 1st August, 2024 at 5:00 p.m.**

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY

25th July, 2024

"For the Welfare of Society and the Just Government of the People"

ANNEXURE 5A: LETTERS TO NOMINEES INVITING THEM TO THE APPROVAL HEARINGS (BATCH 1)

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
NAIROBI, KENYA
Main Parliament Buildings

Telephone: 020-2848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying please quote

REF: NA/DAA&GPC/COA/2024/ (007)

24th July, 2024

Hon. (Prof). Kithure Kindiki, Phd., EGH
NAIROBI
Email: akithurekindiki@gmail.com

Dear Sir,

RE: INVITATION FOR VETTING BY THE COMMITTEE ON APPOINTMENTS

The above subject refers.

Following your nomination by H.E. the President for appointment to the position of the Cabinet Secretary for Interior & National Administration, the National Assembly Committee on Appointments is mandated to vet and consider your suitability for appointment pursuant to *section 6(3) of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 204 (4) of the National Assembly Standing Orders.*

This is, therefore, to inform you that the Committee on Appointments is scheduled to undertake the vetting exercise as per the attached schedule and invite you for the approval hearings.
You are required to bring with you the originals of your National Identity Card, academic and professional certificates and any other documents and testimonials.

Kindly fill out the attached questionnaire as required by the Public Appointments (Parliamentary Approval) Act, 2011 and return it **on or before Tuesday, 30th July, 2024** together with letters/certificates of clearance/compliance from the following institutions:

(i) Ethics and Anti-Corruption Commission;
(ii) Kenya Revenue Authority;
(iii) Higher Education Loans Board;
(iv) Directorate of Criminal Investigations; and
(v) Any of the Credit Reference Bureau.

Our Liaison Officer responsible for facilitating this matter is **Mr. Nicholas Emejen, Deputy Director, Committee Services,** who may be contacted on **Tel. No. 0721 370569** or email address: nicholas.emejen@parliament.go.ke.

Yours Sincerely,

Samuel Njoroge, CBS
CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY

OFFICE OF THE CLERK

P. O. Box 41842-00100
NAIROBI, KENYA
Main Parliament Buildings

Telephone: 020-2848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying please quote

REF: NA/DAA&GPC/COA/2024/ (008) **24th July, 2024**

Dr. Debra Mlongo Barasa
NAIROBI

Email: debarasa@yahoo.com

Dear Dr. Barasa,

RE: INVITATION FOR VETTING BY THE COMMITTEE ON APPOINTMENTS

The above subject refers.

Following your nomination by H.E. the President for appointment to the position of the Cabinet Secretary for Health, the National Assembly Committee on Appointments is mandated to vet and consider your suitability for appointment pursuant to *section 6(3) of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 204 (4) of the National Assembly Standing Orders.*

This is, therefore, to inform you that the Committee on Appointments is scheduled to undertake the vetting exercise as per the attached schedule and invite you for the approval hearings.

You are required to bring with you the originals of your National Identity Card, academic and professional certificates and any other documents and testimonials.

Kindly fill out the attached questionnaire as required by the Public Appointments (Parliamentary Approval) Act, 2011 and return it **on or before Tuesday, 30th July, 2024** together with letters/certificates of clearance/compliance from the following institutions:

(i) Ethics and Anti-Corruption Commission;
(ii) Kenya Revenue Authority;
(iii) Higher Education Loans Board;
(iv) Directorate of Criminal Investigations; and
(v) Any of the Credit Reference Bureau.

Our Liaison Officer responsible for facilitating this matter is **Mr. Nicholas Emejen, Deputy Director, Committee Services**, who may be contacted on **Tel. No. 0721 370569** or email address: nicholas.emejen@parliament.go.ke.

Yours Sincerely,

Samuel Njoroge, CBS
CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
NAIROBI, KENYA
Main Parliament Buildings

Telephone: 020-2848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying please quote

REF: NA/DAA&GPC/COA/2024/(009)

24th July, 2024

Hon. Alice Wahome, EGH
P. O. Box 48981 – 00100
NAIROBI

Email: alicemuthoniwahome@gmail.com

Dear Mheshimiwa,

RE: INVITATION FOR VETTING BY THE COMMITTEE ON APPOINTMENTS

The above subject refers.

Following your nomination by H.E. the President for appointment to the position of the Cabinet Secretary for Lands, Public Works, Housing and Urban Development, the National Assembly Committee on Appointments is mandated to vet and consider your suitability for appointment pursuant to *section 6(3) of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 204 (4) of the National Assembly Standing Orders.*

This is, therefore, to inform you that the Committee on Appointments is scheduled to undertake the vetting exercise as per the attached schedule and invite you for the approval hearings.

You are required to bring with you the originals of your National Identity Card, academic and professional certificates and any other documents and testimonials.

Kindly fill out the attached questionnaire as required by the Public Appointments (Parliamentary Approval) Act, 2011 and return it **on or before Tuesday, 30th July 2024** together with letters/certificates of clearance/compliance from the following institutions:

(i) Ethics and Anti-Corruption Commission;
(ii) Kenya Revenue Authority;
(iii) Higher Education Loans Board;
(iv) Directorate of Criminal Investigations; and
(v) Any of the Credit Reference Bureau.

Our Liaison Officer responsible for facilitating this matter is **Mr. Nicholas Emejen, Deputy Director, Committee Services**, who may be contacted on **Tel. No. 0721 370569** or email address: nicholas.emejen@parliament.go.ke.

Yours Sincerely,

Samuel Njoroge, CBS
CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
NAIROBI, KENYA
Main Parliament Buildings

Telephone: 020-2848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying please quote

REF: NA/DAA&GPC/COA/2024/(010) **24th July, 2024**

Mr. Julius Migos Ogamba
P.O. Box 58387
NAIROBI

Email: justice@migosogamba.com

Dear Sir,

RE: INVITATION FOR VETTING BY THE COMMITTEE ON APPOINTMENTS

The above subject refers.

Following your nomination by H.E. the President for appointment to the position of the Cabinet Secretary for Education, the National Assembly Committee on Appointments is mandated to vet and consider your suitability for appointment pursuant to *section 6(3) of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 204 (4) of the National Assembly Standing Orders.*

This is, therefore, to inform you that the Committee on Appointments is scheduled to undertake the vetting exercise as per the attached schedule and invite you for the approval hearings.

You are required to bring with you the originals of your National Identity Card, academic and professional certificates and any other documents and testimonials.

Kindly fill out the attached questionnaire as required by the Public Appointments (Parliamentary Approval) Act, 2011 and return it **on or before Tuesday, 30th July 2024** together with letters/certificates of clearance/compliance from the following institutions:

(i) Ethics and Anti-Corruption Commission;
(ii) Kenya Revenue Authority;
(iii) Higher Education Loans Board;
(iv) Directorate of Criminal Investigations; and
(v) Any of the Credit Reference Bureau.

Our Liaison Officer responsible for facilitating this matter is **Mr. Nicholas Emejen, Deputy Director, Committee Services**, who may be contacted on **Tel. No. 0721 370569** or email address: nicholas.emejen@parliament.go.ke.

Yours Sincerely,

Samuel Njoroge, CBS
CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
NAIROBI, KENYA
Main Parliament Buildings

Telephone: 020-2848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying please quote
REF: NA/DAA&GPC/COA/2024/ (011)

24th July, 2024

Hon. Roselinda Soipan Tuya, EGH
NAIROBI

Email: soipankudate2@gmail.com

Dear Mheshimiwa,

RE: INVITATION FOR VETTING BY THE COMMITTEE ON APPOINTMENTS

The above subject refers.

Following your nomination by H.E. the President for appointment to the position of the Cabinet Secretary for Defence, the National Assembly Committee on Appointments is mandated to vet and consider your suitability for appointment pursuant to *section 6(3) of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 204 (4) of the National Assembly Standing Orders.*

This is, therefore, to inform you that the Committee on Appointments is scheduled to undertake the vetting exercise as per the attached schedule and invite you for the approval hearings.

You are required to bring with you the originals of your National Identity Card, academic and professional certificates and any other documents and testimonials.

Kindly fill out the attached questionnaire as required by the Public Appointments (Parliamentary Approval) Act, 2011 and return it **on or before Tuesday, 30th July 2024** together with letters/certificates of clearance/compliance from the following institutions:

(i) Ethics and Anti-Corruption Commission;
(ii) Kenya Revenue Authority;
(iii) Higher Education Loans Board;
(iv) Directorate of Criminal Investigations; and
(v) Any of the Credit Reference Bureau.

Our Liaison Officer responsible for facilitating this matter is **Mr. Nicholas Emejen, Deputy Director, Committee Services,** who may be contacted on **Tel. No. 0721 370569** or email address: nicholas.emejen@parliament.go.ke.

Yours Sincerely,

Samuel Njoroge, CBS
CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
NAIROBI, KENYA
Main Parliament Buildings

Telephone: 020-2848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying please quote
REF: NA/DAA&GPC/COA/2024/ (012)

24th July, 2024

Dr. Andrew Mwihia Karanja
NAIROBI

Dear Dr. Karanja,

RE: INVITATION FOR VETTING BY THE COMMITTEE ON APPOINTMENTS

The above subject refers.

Following your nomination by H.E. the President for appointment to the position of the Cabinet Secretary for Agriculture and Livestock Development, the National Assembly Committee on Appointments is mandated to vet and consider your suitability for appointment pursuant to *section 6(3) of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 204 (4) of the National Assembly Standing Orders.*

This is, therefore, to inform you that the Committee on Appointments is scheduled to undertake the vetting exercise as per the attached schedule and invite you for the approval hearings.

You are required to bring with you the originals of your National Identity Card, academic and professional certificates and any other documents and testimonials.

Kindly fill out the attached questionnaire as required by the Public Appointments (Parliamentary Approval) Act, 2011 and return it **on or before Tuesday, 30th July 2024** together with letters/certificates of clearance/compliance from the following institutions:

(i) Ethics and Anti-Corruption Commission;
(ii) Kenya Revenue Authority;
(iii) Higher Education Loans Board;
(iv) Directorate of Criminal Investigations; and
(v) Any of the Credit Reference Bureau.

Our Liaison Officer responsible for facilitating this matter is **Mr. Nicholas Emejen, Deputy Director, Committee Services**, who may be contacted on **Tel. No. 0721 370569** or email address: nicholas.emejen@parliament.go.ke.

Yours Sincerely,

Samuel Njoroge, CBS
CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
NAIROBI, KENYA
Main Parliament Buildings

Telephone: 020-2848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying please quote

REF: NA/DAA&GPC/COA/2024/ (013) **24th July, 2024**

Hon. Aden Barre Duale, EGH
P.O. Box 41842 -00100
NAIROBI
Email: adenduale@gmail.com

Dear Mheshimiwa,

RE: INVITATION FOR VETTING BY THE COMMITTEE ON APPOINTMENTS

The above subject refers.

Following your nomination by H.E. the President for appointment to the position of the Cabinet Secretary for Environment, Climate Change and Forestry, the National Assembly Committee on Appointments is mandated to vet and consider your suitability for appointment pursuant to *section 6(3) of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 204 (4) of the National Assembly Standing Orders.*

This is, therefore, to inform you that the Committee on Appointments is scheduled to undertake the vetting exercise as per the attached schedule and invite you for the approval hearings.

You are required to bring with you the originals of your National Identity Card, academic and professional certificates and any other documents and testimonials.

Kindly fill out the attached questionnaire as required by the Public Appointments (Parliamentary Approval) Act, 2011 and return **on or before Tuesday, 30th July, 2024** together with letters/certificates of clearance/compliance from the following institutions:

(i) Ethics and Anti-Corruption Commission;
(ii) Kenya Revenue Authority;
(iii) Higher Education Loans Board;
(iv) Directorate of Criminal Investigations; and
(v) Any of the Credit Reference Bureau.

Our Liaison Officer responsible for facilitating this matter is **Mr. Nicholas Emejen, Deputy Director, Committee Services**, who may be contacted on **Tel. No. 0721 370569** or email address: nicholas.emejen@parliament.go.ke.

Yours Sincerely,

Samuel Njoroge, CBS
CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
NAIROBI, KENYA
Main Parliament Buildings

Telephone: 020-2848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying please quote

REF: NA/DAA&GPC/COA/2024/ (014) **24th July, 2024**

Mr. Eric Muriithi Muuga
MAUA
Email: memurithi@gmail.com

Dear Mr. Muuga,

RE: INVITATION FOR VETTING BY THE COMMITTEE ON APPOINTMENTS

The above subject refers.

Following your nomination by H.E. the President for appointment to the position of the Cabinet Secretary for Water, Sanitation and Irrigation, the National Assembly Committee on Appointments is mandated to vet and consider your suitability for appointment pursuant to *section 6(3) of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 204 (4) of the National Assembly Standing Orders.*

This is, therefore, to inform you that the Committee on Appointments is scheduled to undertake the vetting exercise as per the attached schedule and invite you for the approval hearings.

You are required to bring with you the originals of your National Identity Card, academic and professional certificates and any other documents and testimonials.

Kindly fill out the attached questionnaire as required by the Public Appointments (Parliamentary Approval) Act, 2011 and return it **on or before Tuesday, 30th July 2024** together with letters/certificates of clearance/compliance from the following institutions: -

(i) Ethics and Anti-Corruption Commission;
(ii) Kenya Revenue Authority;
(iii) Higher Education Loans Board;
(iv) Directorate of Criminal Investigations; and
(v) Any of the Credit Reference Bureau.

Our Liaison Officer responsible for facilitating this matter is **Mr. Nicholas Emejen, Deputy Director, Committee Services**, who may be contacted on **Tel. No. 0721 370569** or email address: nicholas.emejen@parliament.go.ke.

Yours Sincerely,

Samuel Njoroge, CBS
CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
NAIROBI, KENYA
Main Parliament Buildings

Telephone: 020-2848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying please quote

REF: NA/DAA&GPC/COA/2024/ (015) **24th July, 2024**

Mr. Davis Chirchir, EGH
P. O. Box 19200 - 00501
NAIROBI

Email: dkchirchir@gmail.com

Dear Sir,

RE: INVITATION FOR VETTING BY THE COMMITTEE ON APPOINTMENTS

The above subject refers.

Following your nomination by H.E. the President for appointment to the position of the Cabinet Secretary for Roads and Transport, the National Assembly Committee on Appointments is mandated to vet and consider your suitability for appointment pursuant to *section 6(3) of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 204 (4) of the National Assembly Standing Orders.*

This is, therefore, to inform you that the Committee on Appointments is scheduled to undertake the vetting exercise as per the attached schedule and invite you for the approval hearings.

You are required to bring with you the originals of your National Identity Card, academic and professional certificates and any other documents and testimonials.

Kindly fill out the attached questionnaire as required by the Public Appointments (Parliamentary Approval) Act, 2011 and return it **on or before Tuesday, 30th July 2024** together with letters/certificates of clearance/compliance from the following institutions:

(i) Ethics and Anti-Corruption Commission;
(ii) Kenya Revenue Authority;
(iii) Higher Education Loans Board;
(iv) Directorate of Criminal Investigations; and
(v) Any of the Credit Reference Bureau.

Our Liaison Officer responsible for facilitating this matter is **Mr. Nicholas Emejen, Deputy Director, Committee Services**, who may be contacted on **Tel. No. 0721 370569** or email address: nicholas.emejen@parliament.go.ke.

Yours Sincerely

Samuel Njoroge, CBS
CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
NAIROBI, KENYA
Main Parliament Buildings

Telephone: 020-2848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying please quote
REF: NA/DAA&GPC/COA/2024/ (016)

24th July, 2024

Dr. Margaret Nyambura Ndung'u
NAIROBI

Dear Dr. Ndungu,

RE: INVITATION FOR VETTING BY THE COMMITTEE ON APPOINTMENTS

The above subject refers.

Following your nomination by H.E. the President for appointment to the position of the Cabinet Secretary for Information, Communication and the Digital Economy, the National Assembly Committee on Appointments is mandated to vet and consider your suitability for appointment pursuant to *section 6(3) of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 204 (4) of the National Assembly Standing Orders.*

This is, therefore, to inform you that the Committee on Appointments is scheduled to undertake the vetting exercise as per the attached schedule and invite you for the approval hearings.
You are required to bring with you the originals of your National Identity Card, academic and professional certificates and any other documents and testimonials.

Kindly fill out the attached questionnaire as required by the Public Appointments (Parliamentary pproval) Act, 2011 and return it **on or before Tuesday, 30th July 2024** together with letters/certificates of clearance/compliance from the following institutions:

(i) Ethics and Anti-Corruption Commission;
(ii) Kenya Revenue Authority;
(iii) Higher Education Loans Board;
(iv) Directorate of Criminal Investigations; and
(v) Any of the Credit Reference Bureau.

Our Liaison Officer responsible for facilitating this matter is **Mr. Nicholas Emejen, Deputy Director, Committee Services**, who may be contacted on **Tel. No. 0721 370569** or email address: nicholas.emejen@parliament.go.ke.

Yours Sincerely,

Samuel Njoroge, CBS
CLERK OF THE NATIONAL ASSEMBLY

ANNEXURE 5B: LETTERS TO NOMINEES INVITING THEM TO THE APPROVAL HEARINGS (BATCH 2)

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote
REF: NA/DAA&GPC/COA/2024/ (26)

25th July, 2024

Hon. John Mbadi Ng'ongo, EGH
P. O. Box 41842 -00100
NAIROBI
Email: johnmbadinyang@gmail.com

Dear Sir

RE: INVITATION FOR VETTING BY THE NATIONAL ASSEMBLY COMMITTEE ON APPOINTMENTS

The above subject refers.

Following your nomination by H.E. the President for appointment to the position of the Cabinet Secretary for The National Treasury and Economic Planning, the National Assembly Committee on Appointments is mandated to vet you, in order to ascertain your suitability for appointment pursuant to *section 6(3) of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 204 (4) of the National Assembly Standing Orders.*

This is therefore, to inform you that the Committee is scheduled to undertake the vetting exercise as per the attached schedule and invite you for the approval hearings.

You are required to bring the originals of your national identity card, academic and professional certificates and any other relevant documents and testimonials.

Kindly fill out the attached questionnaire as required by the Public Appointments (Parliamentary Approval) Act, 2011 and return it **on or before Wednesday, 31st July 2024** together with letters/certificates of clearance/compliance from the following institutions:

(i) Ethics and Anti-Corruption Commission;
(ii) Kenya Revenue Authority;
(iii) Higher Education Loans Board;
(iv) Directorate of Criminal Investigations; and
(v) Any Credit Reference Bureau.

Our liaison officer for this matter is **Mr. Nicholas Emejen, Deputy Director, Committee Services**, who may be contacted on **Tel. No. 0721 370569** or email address: **nicholas.emejen@parliament.go.ke**.

Yours sincerely,

Serah Kioko, MBS
FOR: CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote
REF: NA/DAA&GPC/COA/2024/ (33)

25th July, 2024

Hon. Salim Mvurya Mgala, EGH
P.O. Box 4 - 80403
KWALE
Email: smvurya@hotmail.com

Dear Sir,

RE: INVITATION FOR VETTING BY THE NATIONAL ASSEMBLY COMMITTEE ON APPOINTMENTS

The above subject refers.

Following your nomination by H.E. the President for appointment to the position of the Cabinet Secretary for the Ministry of Investments, Trade & Industry, the National Assembly Committee on Appointments is mandated to vet you, in order to ascertain your suitability for appointment pursuant to *section 6(3) of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 204 (4) of the National Assembly Standing Orders.*

This is therefore, to inform you that the Committee is scheduled to undertake the vetting exercise as per the attached schedule and invite you for the approval hearings.

You are required to bring the originals of your national identity card, academic and professional certificates and any other relevant documents and testimonials.

Kindly fill out the attached questionnaire as required by the Public Appointments (Parliamentary Approval) Act, 2011 and return it **on or before Wednesday, 31st July 2024** together with letters/certificates of clearance/compliance from the following institutions:

(i) Ethics and Anti-Corruption Commission;
(ii) Kenya Revenue Authority;
(iii) Higher Education Loans Board;
(iv) Directorate of Criminal Investigations; and
(v) Any Credit Reference Bureau.

Our liaison officer for this matter is **Mr. Nicholas Emejen, Deputy Director, Committee Services**, who may be contacted on **Tel. No. 0721 370569** or email address: **nicholas.emejen@parliament.go.ke**.

Yours Sincerely

Serah Kioko, MBS
FOR: CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote
REF: NA/DAA&GPC/COA/2024/ (32)

25th July, 2024

Ms. Rebecca Miano, EGH
P. O. Box 66596 -00800
NAIROBI
Email: rebecca.miano@gmail.com

Dear Madam,

RE: INVITATION FOR VETTING BY THE NATIONAL ASSEMBLY COMMITTEE ON APPOINTMENTS

The above subject refers.

Following your nomination by H.E. the President for appointment to the position of the Cabinet Secretary for the Ministry of Tourism and Wildlife, the National Assembly Committee on Appointments is mandated to vet you, in order to ascertain your suitability for appointment pursuant to *section 6(3) of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 204 (4) of the National Assembly Standing Orders.*

This is therefore, to inform you that the Committee is scheduled to undertake the vetting exercise as per the attached schedule and invite you for the approval hearings.

You are required to bring the originals of your national identity card, academic and professional certificates and any other relevant documents and testimonials.

Kindly fill out the attached questionnaire as required by the Public Appointments (Parliamentary Approval) Act, 2011 and return it **on or before Wednesday, 31st July 2024** together with letters/certificates of clearance/compliance from the following institutions:

(i) Ethics and Anti-Corruption Commission;
(ii) Kenya Revenue Authority;
(iii) Higher Education Loans Board;
(iv) Directorate of Criminal Investigations; and
(v) Any Credit Reference Bureau.

Our liaison officer for this matter is **Mr. Nicholas Emejen, Deputy Director, Committee Services**, who may be contacted on **Tel. No. 0721 370569** or email address: **nicholas.emejen@parliament.go.ke**.

Yours Sincerely,

Serah Kioko, MBS
FOR: CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote
REF: NA/DAA&GPC/COA/2024/ (30)

25th July, 2024

Hon. James Opiyo Wandayi, EGH
P.O Box 41842 - 00100
NAIROBI

Dear Sir,

RE: INVITATION FOR VETTING BY THE NATIONAL ASSEMBLY COMMITTEE ON APPOINTMENTS

The above subject refers.

Following your nomination by H.E. the President for appointment to the position of the Cabinet Secretary for the Ministry of Energy and Petroleum, the National Assembly Committee on Appointments is mandated to vet you, in order to ascertain your suitability for appointment pursuant to *section 6(3) of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 204 (4) of the National Assembly Standing Orders.*

This is therefore, to inform you that the Committee is scheduled to undertake the vetting exercise as per the attached schedule and invite you for the approval hearings.

You are required to bring the originals of your national identity card, academic and professional certificates and any other relevant documents and testimonials.

Kindly fill out the attached questionnaire as required by the Public Appointments (Parliamentary Approval) Act, 2011 and return it **on or before Wednesday, 31st July 2024** together with letters/certificates of clearance/compliance from the following institutions:

(i) Ethics and Anti-Corruption Commission;
(ii) Kenya Revenue Authority;
(iii) Higher Education Loans Board;
(iv) Directorate of Criminal Investigations; and
(v) Any Credit Reference Bureau.

Our liaison officer for this matter is **Mr. Nicholas Emejen, Deputy Director, Committee Services**, who may be contacted on **Tel. No. 0721 370569** or email address: **nicholas.emejen@parliament.go.ke**.

Yours Sincerely,

Serah Kioko, MBS
FOR: CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote
REF: NA/DAA&GPC/COA/2024/ (28)

25th July, 2024

Hon. Onesimus Kipchumba Murkomen, EGH
P.O. Box – 9653 – 00200
NAIROBI

Email: murkomenxy@yahoo.com/omurkomen@yahoo.com

Dear Sir,

RE: INVITATION FOR VETTING BY THE NATIONAL ASSEMBLY COMMITTEE ON APPOINTMENTS

The above subject refers.

Following your nomination by H.E. the President for appointment to the position of the Cabinet Secretary for the Ministry of Youth Affairs, Creative Economy & Sports, the National Assembly Committee on Appointments is mandated to vet you, in order to ascertain your suitability for appointment pursuant to *section 6(3) of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 204 (4) of the National Assembly Standing Orders.*

This is therefore, to inform you that the Committee is scheduled to undertake the vetting exercise as per the attached schedule and invite you for the approval hearings.

You are required to bring the originals of your national identity card, academic and professional certificates and any other relevant documents and testimonials.

Kindly fill out the attached questionnaire as required by the Public Appointments (Parliamentary Approval) Act, 2011 and return it **on or before Wednesday, 31st July 2024** together with letters/certificates of clearance/compliance from the following institutions:

(i) Ethics and Anti-Corruption Commission;
(ii) Kenya Revenue Authority;
(iii) Higher Education Loans Board;
(iv) Directorate of Criminal Investigations; and
(v) Any Credit Reference Bureau.

Our liaison officer for this matter is **Mr. Nicholas Emejen, Deputy Director, Committee Services**, who may be contacted on **Tel. No. 0721 370569** or email address: **nicholas.emejen@parliament.go.ke**.

Yours sincerely,

Serah Kioko, MBS
FOR: CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote
REF: NA/DAA&GPC/COA/2024/ (29)

25th July, 2024

Hon. Hassan Ali Joho, EGH
P.O. Box – 822209 – 80100
MOMBASA
Email: hassan.joho@gmail.com

Dear Sir,

RE: INVITATION FOR VETTING BY THE NATIONAL ASSEMBLY COMMITTEE ON APPOINTMENTS

The above subject refers.

Following your nomination by H.E. the President for appointment to the position of the Cabinet Secretary for the Ministry of Mining, Blue Economy and Maritime Affairs, the National Assembly Committee on Appointments is mandated to vet you, in order to ascertain your suitability for appointment pursuant to *section 6(3) of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 204 (4) of the National Assembly Standing Orders.*

This is therefore, to inform you that the Committee is scheduled to undertake the vetting exercise as per the attached schedule and invite you for the approval hearings.

You are required to bring the originals of your national identity card, academic and professional certificates and any other relevant documents and testimonials.

Kindly fill out the attached questionnaire as required by the Public Appointments (Parliamentary Approval) Act, 2011 and return it **on or before Wednesday, 31st July 2024** together with letters/certificates of clearance/compliance from the following institutions:

(i) Ethics and Anti-Corruption Commission;
(ii) Kenya Revenue Authority;
(iii) Higher Education Loans Board;
(iv) Directorate of Criminal Investigations; and
(v) Any Credit Reference Bureau.

Our liaison officer for this matter is **Mr. Nicholas Emejen, Deputy Director, Committee Services**, who may be contacted on **Tel. No. 0721 370569** or email address: **nicholas.emejen@parliament.go.ke**.

Yours sincerely,

Serah Kioko, MBS
FOR: CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote
REF: NA/DAA&GPC/COA/2024/ (27)

25th July, 2024

Hon. (Dr.) Alfred Nganga Mutua, EGH
NAIROBI

Dear Sir,

RE: INVITATION FOR VETTING BY THE NATIONAL ASSEMBLY COMMITTEE ON APPOINTMENTS

The above subject refers.

Following your nomination by H.E. the President for appointment to the position of the Cabinet Secretary for the Ministry of Labour and Social Protection, the National Assembly Committee on Appointments is mandated to vet you, in order to ascertain your suitability for appointment pursuant to *section 6(3) of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 204 (4) of the National Assembly Standing Orders.*

This is therefore, to inform you that the Committee is scheduled to undertake the vetting exercise as per the attached schedule and invite you for the approval hearings.

You are required to bring the originals of your national identity card, academic and professional certificates and any other relevant documents and testimonials.

Kindly fill out the attached questionnaire as required by the Public Appointments (Parliamentary Approval) Act, 2011 and return it **on or before Wednesday, 31st July 2024** together with letters/certificates of clearance/compliance from the following institutions:

(i) Ethics and Anti-Corruption Commission;
(ii) Kenya Revenue Authority;
(iii) Higher Education Loans Board;
(iv) Directorate of Criminal Investigations; and
(v) Any Credit Reference Bureau.

Our liaison officer for this matter is **Mr. Nicholas Emejen, Deputy Director, Committee Services**, who may be contacted on **Tel. No. 0721 370569** or email address: **nicholas.emejen@parliament.go.ke**.

Yours Sincerely,

Serah Kioko, MBS
FOR: CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote
REF: NA/DAA&GPC/COA/2024/ (37)

25th July, 2024

Hon. Wycliffe Ambetsa Oparanya, EGH
P.O. Box 70254-00400
NAIROBI
Email: woparanyah@gmail.com

Dear Sir,

RE: INVITATION FOR VETTING BY THE NATIONAL ASSEMBLY COMMITTEE ON APPOINTMENTS

The above subject refers.

Following your nomination by H.E. the President for appointment to the position of the Cabinet Secretary for the Ministry of Co-operatives and Micro, Small & Medium Enterprises (MSMEs) Development, the National Assembly Committee on Appointments is mandated to vet you, in order to ascertain your suitability for appointment pursuant to *section 6(3) of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 204 (4) of the National Assembly Standing Orders.*

This is therefore, to inform you that the Committee is scheduled to undertake the vetting exercise as per the attached schedule and invite you for the approval hearings.

You are required to bring the originals of your national identity card, academic and professional certificates and any other relevant documents and testimonials.

Kindly fill out the attached questionnaire as required by the Public Appointments (Parliamentary Approval) Act, 2011 and return it **on or before Wednesday, 31st July 2024** together with letters/certificates of clearance/compliance from the following institutions:

(i) Ethics and Anti-Corruption Commission;
(ii) Kenya Revenue Authority;
(iii) Higher Education Loans Board;
(iv) Directorate of Criminal Investigations; and
(v) Any Credit Reference Bureau.

Our liaison officer for this matter is **Mr. Nicholas Emejen, Deputy Director, Committee Services**, who may be contacted on **Tel. No. 0721 370569** or email address: **nicholas.emejen@parliament.go.ke**.

Yours Sincerely,

Serah Kioko, MBS
FOR: CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote
REF: NA/DAA&GPC/COA/2024/ (38)

25th July, 2024

Hon. Justin Bedan Njoka Muturi, EGH
P.O. Box 605512 -00200
NAIROBI
Email: muturijb@gmail.com

Dear Sir,

RE: INVITATION FOR VETTING BY THE NATIONAL ASSEMBLY COMMITTEE ON APPOINTMENTS

The above subject refers.

Following your nomination by H.E. the President for appointment to the position of the Cabinet Secretary for the Ministry of Public Service & Human Capital Development, the National Assembly Committee on Appointments is mandated to vet you, in order to ascertain your suitability for appointment pursuant to *section 6(3) of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 204 (4) of the National Assembly Standing Orders.*

This is therefore, to inform you that the Committee is scheduled to undertake the vetting exercise as per the attached schedule and invite you for the approval hearings.

You are required to bring the originals of your national identity card, academic and professional certificates and any other relevant documents and testimonials.

Kindly fill out the attached questionnaire as required by the Public Appointments (Parliamentary Approval) Act, 2011 and return it **on or before Wednesday, 31st July 2024** together with letters/certificates of clearance/compliance from the following institutions:

(i) Ethics and Anti-Corruption Commission;
(ii) Kenya Revenue Authority;
(iii) Higher Education Loans Board;
(iv) Directorate of Criminal Investigations; and
(v) Any Credit Reference Bureau.

Our liaison officer for this matter is **Mr. Nicholas Emejen, Deputy Director, Committee Services**, who may be contacted on **Tel. No. 0721 370569** or email address: **nicholas.emejen@parliament.go.ke**.

Yours sincerely,

Serah Kioko, MBS
FOR: CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote
REF: NA/DAA&GPC/COA/2024/ (31)

25th July, 2024

Ms. Stella Soi Lang'at
P.O. Box – 73866– 00100
NAIROBI
Email: stellasoi7@gmail.com

Dear Madam,

RE: INVITATION FOR VETTING BY THE NATIONAL ASSEMBLY COMMITTEE ON APPOINTMENTS

The above subject refers.

Following your nomination by H.E. the President for appointment to the position of the Cabinet Secretary for the Ministry of Gender, Culture, The Arts & Heritage, the National Assembly Committee on Appointments is mandated to vet you, in order to ascertain your suitability for appointment pursuant to *section 6(3) of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 204 (4) of the National Assembly Standing Orders.*

This is therefore, to inform you that the Committee is scheduled to undertake the vetting exercise as per the attached schedule and invite you for the approval hearings.

You are required to bring the originals of your national identity card, academic and professional certificates and any other relevant documents and testimonials.

Kindly fill out the attached questionnaire as required by the Public Appointments (Parliamentary Approval) Act, 2011 and return it **on or before Wednesday, 31st July 2024** together with letters/certificates of clearance/compliance from the following institutions:

(i) Ethics and Anti-Corruption Commission;
(ii) Kenya Revenue Authority;
(iii) Higher Education Loans Board;
(iv) Directorate of Criminal Investigations; and
(v) Any Credit Reference Bureau.

Our liaison officer for this matter is **Mr. Nicholas Emejen, Deputy Director, Committee Services**, who may be contacted on **Tel. No. 0721 370569** or email address: **nicholas.emejen@parliament.go.ke**.

Yours sincerely,

Serah Kioko, MBS
FOR: CLERK OF THE NATIONAL ASSEMBLY

ANNEXURE 5B: ADVERTISEMENT FOR NOTIFICATION OF APPROVAL HEARINGS

REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – THIRD SESSION (2024)

IN THE MATTER OF ARTICLE 118(1)(B) AND 152(2) OF THE CONSTITUTION
AND
IN THE MATTER OF THE PUBLIC APPOINTMENTS (PARLIAMENTARY APPROVAL) ACT, CAP. 7F
AND
IN THE MATTER OF APPROVAL BY THE NATIONAL ASSEMBLY OF PERSONS NOMINATED FOR APPOINTMENT AS CABINET SECRETARIES

NOTIFICATION OF APPROVAL HEARINGS

WHEREAS on Tuesday, 23rd July, 2024 and Wednesday, 24th July, 2024 the Rt. Hon. Speaker of the National Assembly referred nominees for appointment as Cabinet Secretaries to the **Committee on Appointments** to consider for approval by the House;

IT IS NOTIFIED to the general public that in compliance with **Article 152 (2)** of the Constitution, **section 6(4) of the Public Appointments Public Appointments (Parliamentary Approval) Act, Cap. 7F and Standing Order 45(3), the Committee on Appointments** shall conduct Approval Hearings (Vetting) of the nominees from **1st to 4 ust 2024 in the Mini-Chamber, County Hall, Parliament Buildings starting from 8.00** am as per the sc. .le below—

S/No.	NOMINEE	MINISTRY	DATE	TIME
1.	Hon. (Prof.) Kithure Kindiki, D., EGH	Interior and National Administration	Thursday, 1st August, 2024	8:00 a.m.
2.	.. Debra Mlongo Barasa	Health		10:00 a.m.
3.	Hon. Alice Wahome, EGH	Lands, Public Works, Housing and Urban Development		12.00 p.m.
4.	Mr. Julius Migos Ogamba	Education		3:00 p.m.
5.	Hon. Roselinda Soipan Tuya, EGH	Defence		5:00 p.m.
6.	Dr. Andrew Mwihia Karanja	Agriculture and Livestock Development	Friday, 2nd August, 2024	8:00 a.m.
7.	Hon. Aden Barre Duale, EGH	Environment, Climate Change and Forestry		10:00 a.m.
8.	Mr. Eric Murithi Muuga	Water, Sanitation and Irrigation		12.00 p.m.
9.	Mr. Davis Chirchir, EGH	Roads and Transport		3.00 p.m.
10.	Dr. Margaret Nyambura Ndung'u	Information, Communication and the Digital Economy		5.00 p.m.
11.	Hon. John Mbadi Ng'ongo, EGH	The National Treasury and Economic Planning	Saturday, 3rd August, 2024	8.00 a.m.
12.	Hon. Salim Mvurya Mgala, EGH	Investments, Trade & Industry		10.00 a.m.
13.	Ms. Rebecca Miano, EGH	Tourism and Wildlife		12.00 p.m.
14.	Hon. James Opiyo Wandayi, EGH	Energy and Petroleum		3.00 p.m.
15.	Hon. Onesimus Kipchumba Komen, EGH	Youth Affairs, Creative Economy & Sports		5:00 p.m.
16.	.. Hassan Ali Joho, EGH	Mining, Blue Economy and Maritime Affairs	Sunday, 4th August, 2024	8.00 a.m.
17.	Hon. (Dr.) Alfred Nganga Mutua, EGH	Labour and Social Protection		10.00 a.m.
18.	..n. Wycliffe Ambetsa aranya, EGH	Co-operatives and Micro, Small & Medium Enterprises (MSMEs) Development		12.00 p.m.
19.	Hon. Justin Bedan Njoka Muturi, EGH	Public Service & Human Capital Development		3.00 p.m.
20.	Ms. Stella Soi Lang'at	Gender, Culture, The Arts & Heritage		5:00 p.m.

IT IS FURTHER NOTIFIED THAT the nominees are required to—
1.Appear for the approval hearings with their original identity cards, academic and professional certificates and other relevant testimonials; **and**
2.obtain letters/certificates of compliance from the following institutions—
(a) Ethics and Anti-Corruption Commission;
(b) Higher Education Loans Board;
(c) Office of the Registrar Political Parties;
(d) Directorate of Criminal Investigations;
(e) Kenya Revenue Authority;
(f) Commission for University Education; and
(g) At least one (1) Credit Reference Bureau.

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY
25th July, 2024

REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – THIRD SESSION (2024)

IN THE MATTER OF ARTICLE 118(1)(B) AND 152(2) OF THE CONSTITUTION
AND
IN THE MATTER OF THE PUBLIC APPOINTMENTS (PARLIAMENTARY APPROVAL) ACT, CAP. 7F
AND
IN THE MATTER OF APPROVAL BY THE NATIONAL ASSEMBLY OF PERSONS NOMINATED FOR APPOINTMENT AS CABINET SECRETARIES

INVITATION TO SUBMIT MEMORANDA

WHEREAS, in accordance with Article 152 (2) of the Constitution, H.E. the President is empowered to nominate, and with the approval of the National Assembly, appoint Cabinet Secretaries; H. E. the President has nominated the following ten (10) persons for appointment as Cabinet Secretaries for the Ministries indicated below —

S/NO.	NOMINEE	MINISTRY
1.	Hon. John Mbadi Ng'ongo, EGH	The National Treasury and Economic Planning
2.	Hon. Salim Mvurya Mgala, EGH	Investments, Trade & Industry
3.	Ms. Rebecca Miano, EGH	Tourism and Wildlife
4.	Hon. James Opiyo Wandayi, EGH	Energy and Petroleum
5.	Hon. Onesimus Kipchumba Murkomen, EGH	Youth Affairs, Creative Economy & Sports
6.	Hon. Hassan Ali Joho, EGH	Mining, Blue Economy and Maritime Affairs
7.	Hon. (Dr.) Alfred Nganga Mutua, EGH	Cabinet Secretary, Ministry of Labour and Social Protection
8.	Hon.Wycliffe Ambetsa Oparanya, EGH	Co-operatives and Micro, Small & Medium Enterprises (MSMEs) Development
9.	Hon. Justin Bedan Njoka Muturi, EGH	Public Service & Human Capital Development
10.	Ms. Stella Soi Lang'at	Gender, Culture, The Arts & Heritage

Following the receipt of the nominations from H.E. the President, the Rt. Hon. Speaker of the National Assembly referred the nominees to the **Committee on Appointments** which is mandated to consider them for approval by the House.

NOTING that section 6(9) of the Public Appointments (Parliamentary Approval) Act, Cap. 7F provides that any person may prior to the approval hearing and **by written statement on oath,** provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated;

NOW THEREFORE, in compliance with Article 118(1)(b) of the Constitution and section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, the Clerk of the National Assembly hereby invites members of the public to submit any representations they may have, by way of written statement on oath **(affidavit)** with supporting evidence contesting the suitability of any nominee proposed for appointment.

The representations may be forwarded to the **Clerk of the National Assembly,** P.O. BOX 41842-00100, Nairobi; hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi;** or emailed to *cna@parliament.go.ke* and *appointments.nationalassembly@parliament.go.ke;* to be received on or before **1st August, 2024 at 5:00 p.m.**

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY
25th July, 2024

The more things change, the more they remain same

▸ Yesterday's appointments saw Orange Democratic Movement party reap big

▸ Ruto says the new Cabinet will steward the government's transformation agenda

IRENE GITHINJI, NAIROBI

The new Cabinet line-up has seen incorporation of both fresh entrants and old faces, with just a few of former ministers failing to make the cut.

President William Ruto said he consulted a broad spectrum of stakeholders from all sectors, level regions to constitute a broad-based gover.. ..ent and has since forwarded names for vetting prior to appointment.

He described the stakeholders' willingness to set aside partisan positions and interests in order i" join a visionary partnership for the radic. nsformation of Kenya, as a historic gesture o. patriotism.

"I commend the leadership of diverse organisations, both in the public and private sectors, including political parties, for their encouraging response to my outreach to consult on forming a broad-based government," said the President, who spoke from State House yesterday.

So far, the president has nominated 22 Cabinet Secretaries after dissolving his first cabinet two weeks ago following pressure from the Gen Zs out of which, 10 of them are new entrants.

This is part of the negotiated slots as the president seeks to form a Government of national unity with Orange Democratic Movement (ODM) leader, Raila Odinga.

New appointments

Yesterday, the president made new appointments and some of the biggest gainers included ODM Chairman John Mbadi, who has been nominated to National Treasury, Leader of Minority in the National Assembly, Opiyo Wandayi (Energy and Petroleum) and former Mombasa Governor Hassan Ali Joho (Mining, Blue Economy and M e Affairs).

Othe. ..ew entrants are former Kakamega Governor, Wycliff Oparanya (Co-operatives and Micro, Small and Medium Enterprises (MSMEs) and Gender, Culture, Arts and Heritage CS nomin.. Stella Soi Lang'at while the immediate fo Attorney General, Justin Muturi has now be.. posted to Public Service and Human Capital Development docket.

The 10 CSs are in addition to 11 others the President announced last Friday. Other new entrants up for vetting are Dr Debra Mlongo Barasa (Health), Julius Ogambo (Education), Dr Andrew Mwihia Karanja (Agriculture and Livestock Development), Eric Muriithi Mugaa (Water, Sanitation and Irrigation) and Margaret Nyambura Ndung'u (Information, Communication and the Digital Economy).

Those who survived the purge are Prof Kithure Kindiki (Interior and National Administration), Alice Wahome (Lands, Public Works, Housing and Urban Development), Aden Duale (Environment, Climate Change and Forestry), Soipan Tuya (Defence), Davis Chirchir (Roads and Transport) and Salim Mvurya (Investments, Trade and Industry). Also back to the grind are Rebecca Miano (Tourism and Wildlife), Kipchumba Murkomen (Youth Affairs, Creative Economy and Sports while Alfred Mutua will serve in the Labour and Social Protection docket if approved by the National Assembly.

ODM Chairman John Mbadi. He is the National Treasury CS nominee. [Elvis Ogina, Standard]

The biggest losers so far are former CSs Ezekiel Machogu (Education), Moses Kuria (Public Service), Mithika Linturi (Agriculture), Susan Nakhumicha (Health), Peninah Malonza (EAC, Arid and Semi-Arid Lands and Regional Development) and Aisha Jumwa (Gender).

Ruto said that once constituted, the new Cabinet will steward the Government's transformation agenda in providing effective and efficient public services, expanding opportunities for employment and wealth creation as well as creating a tide that lifts every boat.

"Our collective ambition is to turbocharge the performance of our economy to achieve our universal health coverage, which ensures that no one is left behind or impoverished on account of healthcare costs, offers an equitably funded education system which looks out for learners from vulnerable backgrounds and ensures that Kenyans from all walks of life live in safe and dignified housing, through our affordable housing programme," said the President.

Similarly, he said the transformation agenda calls for the need to provide reliable clean water, last mile electricity connectivity and to secure more business opportunities for enterprises and employment opportunities for the youth, both locally and abroad.

In the past few weeks, he said the country has witnessed direct and robust exercise of rights and freedoms, with Gen Zs calling on their government to pay attention to urgent national issues and to prioritize necessary changes and reforms to actualize their demands.

Ruto said Kenyans can firmly and unanimously affirm that Kenya is a free, open and democratic country based on constitutionalism and the rule of law. "Our fundamental rights and freedoms are guaranteed by the Constitution and cannot be taken away. They include the freedom of conscience and expression, the right to assemble, to demonstrate, picket and present petitions," he stated.

Igithinji@standardmedia.co.ke

REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – THIRD SESSION (2024)

IN THE MATTER OF ARTICLE 118(1)(b) AND 152(2) OF THE CONSTITUTION
AND
IN THE MATTER OF THE PUBLIC APPOINTMENTS (PARLIAMENTARY APPROVAL) ACT, CAP. 7F
AND
IN THE MATTER OF APPROVAL BY THE NATIONAL ASSEMBLY OF PERSONS NOMINATED FOR APPOINTMENT AS CABINET SECRETARIES

NOTIFICATION OF APPROVAL HEARINGS

WHEREAS on Tuesday, 23rd July, 2024 and Wednesday, 24th July, 2024 the Rt. Hon. Speaker of the National Assembly referred nominees for appointment as Cabinet Secretaries to the **Committee on Appointments** to consider for approval by the House;

IT IS NOTIFIED to the general public that in compliance with **Article 152 (2)** of the Constitution, **section 6(4) of the Public Appointments Public Appointments (Parliamentary Approval) Act, Cap. 7F** and **Standing Order 45(3),** the **Committee on Appointments** shall conduct Approval Hearings (Vetting) of the nominees from **1st to 4th August 2024 in the Mini-Chamber, County Hall, Parliament Buildings starting from 8.00 am** as per the schedule below:-

S/ No.	NOMINEE	MINISTRY	DATE	TIME
1.	Hon. (Prof.) Kithure Kindiki, PhD., EGH	Interior and National Administration	**Thursday, 1st August,** 2024	8:00 a.m.
2.	Dr. Debra Mlongo Barasa	Health		10:00 a.m.
3.	Hon. Alice Wahome, EGH	Lands, Public Works, Housing and Urban Development		12.00 p.m.
4.	Mr. Julius Migos Ogamba	Education		3:00 p.m.
5.	Hon. Roselinda Soipan Tuya, EGH	Defence		5:00 p.m.
6.	Dr. Andrew Mwihia Karanja	Agriculture and Livestock Development	**Friday, 2nd August,** 2024	8:00 a.m.
7.	Hon. Aden Barre Duale, EGH	Environment, Climate Change and Forestry		10:00 a.m.
8.	Mr. Eric Muriithi Muuga	Water, Sanitation and Irrigation		12.00 p.m.
9.	Mr. Davis Chirchir, EGH	Roads and Transport		3.00 p.m.
10.	Dr. Margaret Nyambura Ndung'u	Information, Communication and the Digital Economy		5.00 p.m.
11.	Hon. John Mbadi Ng'ongo, EGH	The National Treasury and Economic Planning	**Saturday, 3rd August,** 2024	8.00 a.m.
12.	Hon. Salim Mvurya Mgala, EGH	Investments, Trade & Industry		10.00 a.m.
13.	Ms. Rebecca Miano, EGH	Tourism and Wildlife		12.00 p.m.
14.	Hon. James Opiyo Wandayi, EGH	Energy and Petroleum		3.00 p.m.
15.	Hon. Onesimus Kipchumba Murkomen, EGH	Youth Affairs, Creative Economy & Sports		5:00 p.m.
16.	Hon. Hassan Ali Joho, EGH	Mining, Blue Economy and Maritime Affairs	**Sunday, 4th August,** 2024	8.00 a.m.
17.	Hon. (Dr.) Alfred Nganga Mutua, EGH	Labour and Social Protection		10.00 a.m.
18.	Hon. Wycliffe Ambetsa Oparanya, EGH	Co-operatives and Micro, Small & Medium Enterprises (MSMEs) Development		12.00 p.m.
19.	Hon. Justin Bedan Njoka Muturi, EGH	Public Service & Human Capital Development		3.00 p.m.
20.	Ms. Stella Soi Lang'at	Gender, Culture, The Arts & Heritage		5:00 p.m.

IT IS FURTHER NOTIFIED THAT the nominees are required to:-

1. Appear for the approval hearings with their original identity cards, academic and professional certificates and other relevant testimonials; and
2. obtain letters/certificates of compliance from the following institutions:-
   (a) Ethics and Anti-Corruption Commission;
   (b) Higher Education Loans Board;
   (c) Office of the Registrar Political Parties;
   (d) Directorate of Criminal Investigations;
   (e) Kenya Revenue Authority;
   (f) Commission for University Education; and
   (g) At least one (1) Credit Reference Bureau.

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY

25th July, 2024

"For the Welfare of Society and the Just Government of the People"

ANNEXURE 6A: LETTERS FROM THE CLERK OF THE NATIONAL ASSEMBLY TO EACC, HELB, DCI, ORPP, KRA AND CUE REQUESTING CLEARANCE REPORTS (BATCH 1)

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote

REF: NA/DAA&GPC/COA /2024/01 **23rd July, 2024**

Mr. Twalib A. Mbarak
Chief Executive Officer
Ethics & Anti-Corruption Commission
Integrity Centre
Milimani/ Valley Road Junction
NAIROBI

Dear Sir,

RE: VETTING OF NOMINEES FOR APPOINTMENT AS CABINET SECRETARIES

The above subject refers.

Article 124(4) of the Constitution provides that, "*when a House of Parliament considers any appointment for which its approval is required under this Constitution or an Act of Parliament, the appointment shall be considered by a Committee of the relevant House*".

The **Committee on Appointments** which is established under Standing Order 204 of the National Assembly Standing Orders is mandated to consider for approval by the National Assembly appointments under Article 152(2) of the Constitution (Cabinet Secretaries).

In this regard, the Committee on Appointment shall conduct the **approval hearing (vetting)** of the following persons nominated for appointment to the positions of Cabinet Secretaries–

S/No.	NOMINEE	MINISTRY
1.	Hon. (Prof.) Kithure Kindiki, PhD., EGH	Interior and National Administration
2.	Dr. Debra Mlongo Barasa	Health
3.	Hon. Alice Wahome, EGH	Lands, Public Works, Housing and Urban Development
4.	Mr. Julius Migos Ogamba	Education
5.	Hon. Roselinda Soipan Tuya, EGH	Defence
6.	Dr. Andrew Mwihia Karanja	Agriculture and Livestock Development
7.	Hon. Aden Barre Duale, EGH	Environment, Climate Change and Forestry
8.	Mr. Eric Muriithi Muuga	Water, Sanitation and Irrigation
9.	Mr. Davis Chirchir, EGH	Roads and Transport
10.	Dr. Margaret Nyambura Ndung'u	Information, Communication and the Digital Economy

Pursuant to section 7(b) of the Public Appointments (Parliamentary Approval) Act, 201 the Committee is required to consider among other issues, the personal integrity and background of the nominees in terms of compliance with the principles of leadership and integrity as set out in Chapter Six of the Constitution.

As the Constitutional body mandated to oversee the implementation of the provisions of Chapter Six of the Constitution, this is therefore to request you to provide any adverse information touching on the integrity of the said nominees that may be in the possession of the Commission. This information will assist the Committee to effectively discharge its mandate.

The information should be forwarded to the **Clerk of the National Assembly, P.O, BOX 41842-00100, Nairobi**; hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi**; or emailed to cna@parliament.go.ke / appointments.nationalassembly@parliament.go.ke; to be received **on or before Tuesday 30th July, 2024 at 5:00 p.m.**

Yours Sincerely

Samuel Njoroge, CBS
CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: [redacted]
www.parliament.go.ke/the-national-assembly

When replying, please quote

REF: NA/DAA&GPC/COA /2024/02

23rd July 2024

Mr. Charles M. Ringera
Chief Executive Officer
Higher Education Loans Board
Anniversary Towers, 18th Floor
University Way
NAIROBI

Dear Sir,

RE: VETTING OF NOMINEES FOR APPOINTMENT AS CABINET SECRETARIES

The above subject refers.

Article 124(4) of the Constitution provides that, "*when a House of Parliament considers any appointment for which its approval is required under this Constitution or an Act of Parliament, the appointment shall be considered by a Committee of the relevant House*".

The **Committee on Appointments** which is established pursuant to Standing Order 204 of the National Assembly Standing Orders is mandated to consider for approval by the National Assembly appointments under Article 152(2) of the Constitution (Cabinet Secretaries).

In this regard, the Committee on Appointments shall conduct the **approval hearing (vetting)** of the following persons nominated for appointment to the positions of Cabinet Secretaries -

S/No.	NOMINEE	MINISTRY
1.	Hon. (Prof.) Kithure Kindiki, PhD., EGH	Interior and National Administration
2.	Dr. Debra Mlongo Barasa	Health
3.	Hon. Alice Wahome, EGH	Lands, Public Works, Housing and Urban Development
4.	Mr. Julius Migos Ogamba	Education
5.	Hon. Roselinda Soipan Tuya, EGH	Defence
6.	Dr. Andrew Mwihia Karanja	Agriculture and Livestock Development
7.	Hon. Aden Barre Duale, EGH	Environment, Climate Change and Forestry
8.	Mr. Eric Muriithi Muuga	Water, Sanitation and Irrigation
9.	Mr. Davis Chirchir, EGH	Roads and Transport
10.	Dr. Margaret Nyambura Ndung'u	Information, Communication and the Digital Economy

Pursuant to section 7(b) of the Public Appointments (Parliamentary Approval) Act, 2011 the Committee is required to consider whether the nominees meet all constitutional and statutory requirements relating to the office in question.

This is to request you to provide the report on repayment of any loans that may have been advanced by the Board to the said nominees. This information will assist the Committee to effectively discharge its mandate.

The information should be forwarded to the **Clerk of the National Assembly, P.O, BOX 41842-00100, Nairobi**; hand delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi**; or emailed to cna@parliament.go.ke / appointments.nationalassembly@parliament.go.ke; to be received **on or before Tuesday 30th July,2024 at 5:00 p.m.**

Yours Sincerely,

Samuel Njoroge, CBS
CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote
REF: NA/DAA&GPC/COA /2024/03

23rd July, 2024

Mr. Mohamed I. Amin, EBS, OGW, 'Ndc(K)
The Director – Directorate of Criminal Investigations
P.O Box 30036-00100
Mazingira House, Kiambu Road
Opp. Forestry Department Headquarters, Karura
NAIROBI

Dear Sir

RE: VETTING OF NOMINEES FOR APPOINTMENT AS CABINET SECRETARIES

The above subject refers.

Article 124(4) of the Constitution provides that, "*when a House of Parliament considers any appointment for which its approval is required under this Constitution or an Act of Parliament, the appointment shall be considered by a Committee of the relevant House*".

The **Committee on Appointments** which is established under Standing Order 204 of the National Assembly Standing Orders is mandated to consider for approval by the National Assembly appointments under Article 152(2) of the Constitution (Cabinet Secretaries).

In this regard, the Committee on Appointments shall conduct the **approval hearing (vetting)** of the following persons nominated for appointment to the positions of Cabinet Secretaries -

S/No.	NOMINEE	MINISTRY
1.	Hon. (Prof.) Kithure Kindiki, PhD., EGH	Interior and National Administration
2.	Dr. Debra Mlongo Barasa	Health
3.	Hon. Alice Wahome, EGH	Lands, Public Works, Housing and Urban Development
4.	Mr. Julius Migos Ogamba	Education
5.	Hon. Roselinda Soipan Tuya, EGH	Defence
6.	Dr. Andrew Mwihia Karanja	Agriculture and Livestock Development
7.	Hon. Aden Barre Duale, EGH	Environment, Climate Change and Forestry
8.	Mr. Eric Muriithi Muuga	Water, Sanitation and Irrigation
9.	Mr. Davis Chirchir, EGH	Roads and Transport
10.	Dr. Margaret Nyambura Ndung'u	Information, Communication and the Digital Economy

Pursuant to section 7(b) of the Public Appointments (Parliamentary Approval) Act, 201 the Committee is required to consider whether the nominees meet all constitutional and statutory requirements relating to the office in question.

This is, therefore, to request you to provide the Committee with information on whether the nominees have been adversely mentioned in any investigations carried out by the Directorate in the normal course of discharging its mandate. This information will assist the Committee to effectively discharge its mandate.

The information should be forwarded to the **Clerk of the National Assembly, P.O, BOX 41842-00100, Nairobi**; hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi**; or emailed to cna@parliament.go.ke / appointments.nationalassembly@parliament.go.ke; to be received **on or before Tuesday 30th July,2024 at 5:00 p.m.**

Yours Sincerely,

Samuel Njoroge, CBS
CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote

REF: NA/DAA&GPC/COA /2024/04

23rd July 2024

Ms. Anne N. Nderitu
Registrar of Political Parties
Office of the Registrar of Political Parties
P. O. Box 1131-00606
Lions Place, 1st Floor
Karuna Close, Waiyaki Way, Westlands
NAIROBI

Dear Madam,

RE: VETTING OF NOMINEES FOR APPOINTMENT AS CABINET SECRETARIES

The above subject refers.

Article 124(4) of the Constitution provides that, "*when a House of Parliament considers any appointment for which its approval is required under this Constitution or an Act of Parliament, the appointment shall be considered by a Committee of the relevant House*".

The **Committee on Appointments** which is established under Standing Order 204 of the National Assembly Standing Orders is mandated to consider for approval by the National Assembly appointments under Article 152(2) of the Constitution (Cabinet Secretaries).

In this regard, the Committee on Appointments shall conduct the **approval hearing (vetting)** of the following persons nominated for appointment to the positions of Cabinet Secretaries–

S/No.	NOMINEE	MINISTRY
1.	Hon. (Prof.) Kithure Kindiki, PhD., EGH	Ministry of Interior and National Administration
2.	Dr. Debra Mlongo Barasa	Health
3.	Hon. Alice Wahome, EGH	Lands, Public Works, Housing and Urban Development
4.	Mr. Julius Migos Ogamba	Education
5.	Hon. Roselinda Soipan Tuya, EGH	Defence
6.	Dr. Andrew Mwihia Karanja	Agriculture and Livestock Development
7.	Hon. Aden Barre Duale, EGH	Environment, Climate Change and Forestry
8.	Mr. Eric Muriithi Muuga	Water, Sanitation and Irrigation
9.	Mr. Davis Chirchir, EGH	Roads and Transport
10.	Dr. Margaret Nyambura Ndung'u	Information, Communication and the Digital Economy

Pursuant to section 7(b) of the Public Appointments (Parliamentary Approval) Act, 201 the Committee is required to consider whether the nominees meet all constitutional and statutory requirements relating to the office in question.

In view of Article 77(2) which prohibits an appointed State Officer from holding office in a political party, you are requested to provide the Committee with information on whether the nominees hold an office in any political party. This information will assist the Committee to effectively discharge its mandate.

The information should be forwarded to the **Clerk of the National Assembly, P.O, BOX 41842-00100, Nairobi**; hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi**; or emailed to cna@parliament.go.ke / appointments.nationalassembly@parliament.go.ke; to be received **on or before Tuesday 30th July,2024 at 5:00 p.m.**

Yours Sincerely,

Samuel Njoroge, CBS
CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote

REF: NA/DAA&GPC/COA /2024/05

23rd July, 2024

Mr. Humphrey Wattanga
Commissioner General
Kenya Revenue Authority
Times Tower Building, Haile Selassie Avenue
P. O. Box 48240 - 00100
NAIROBI

Dear Sir

RE: VETTING OF NOMINEES FOR APPOINTMENT AS CABINET SECRETARIES

The above subject refers.

Article 124(4) of the Constitution provides that, "*when a House of Parliament considers any appointment for which its approval is required under this Constitution or an Act of Parliament, the appointment shall be considered by a Committee of the relevant House*".

The **Committee on Appointments** which is established under Standing Order 204 of the National Assembly Standing Orders is mandated to consider for approval by the National Assembly appointments under Article 152(2) of the Constitution (Cabinet Secretaries).

In this regard, the Committee on Appointments shall conduct the **approval hearing (vetting)** of the following persons nominated for appointment to the positions of Cabinet Secretaries–

S/No.	NOMINEE	MINISTRY
1.	Hon. (Prof.) Kithure Kindiki, PhD., EGH	Interior and National Administration
2.	Dr. Debra Mlongo Barasa	Health
3.	Hon. Alice Wahome, EGH	Lands, Public Works, Housing and Urban Development
4.	Mr. Julius Migos Ogamba	Education
5.	Hon. Roselinda Soipan Tuya, EGH	Defence
6.	Dr. Andrew Mwihia Karanja	Agriculture and Livestock Development
7.	Hon. Aden Barre Duale, EGH	Environment, Climate Change and Forestry
8.	Mr. Eric Muriithi Muuga	Water, Sanitation and Irrigation
9.	Mr. Davis Chirchir, EGH	Roads and Transport
10.	Dr. Margaret Nyambura Ndung'u	Information, Communication and the Digital Economy

Pursuant to section 7(b) of the Public Appointments (Parliamentary Approval) Act, 201 the Committee is required to consider whether the nominees meet all constitutional and statutory requirements relating to the office in question.

This is, therefore, to request you to provide a report on tax compliance by the said nominees. This information will assist the Committee to effectively discharge its mandate.

The information should be forwarded to the **Clerk of the National Assembly, P.O, BOX 41842-00100, Nairobi**; hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi**; or emailed to cna@parliament.go.ke / appointments.nationalassembly@parliament.go.ke; to be received **on or before Tuesday 30th July,2024 at 5:00 p.m.**

Yours Sincerely,

Samuel Njoroge, CBS
CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: [illegible]@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote

REF: NA/DAA&GPC/COA /2024/06

23rd July 2024

Prof. Mike Kuria
Commission Secretary/CEO
Commission for University Education
Redhill Rd., off Limuru Road
P.O Box 54999-00200
NAIROBI

Dear Sir,

RE: VETTING OF NOMINEES FOR APPOINTMENT AS CABINET SECRETARIES

The above subject refers.

Article 124(4) of the Constitution provides that, "*when a House of Parliament considers any appointment for which its approval is required under this Constitution or an Act of Parliament, the appointment shall be considered by a Committee of the relevant House*".

The **Committee on Appointments** which is established under Standing Order 204 of the National Assembly Standing Orders is mandated to consider for approval by the National Assembly appointments under Article 152(2) of the Constitution (Cabinet Secretaries).

In this regard, the Committee on Appointments shall conduct the **approval hearing (vetting)** of the following persons nominated for appointment to the positions of Cabinet Secretaries –

S/No.	NOMINEE	MINISTRY
1.	Hon. (Prof.) Kithure Kindiki, PhD., EGH	Interior and National Administration
2.	Dr. Debra Mlongo Barasa	Health
3.	Hon. Alice Wahome, EGH	Lands, Public Works, Housing and Urban Development
4.	Mr. Julius Migos Ogamba	Education
5.	Hon. Roselinda Soipan Tuya, EGH	Defence
6.	Dr. Andrew Mwihia Karanja	Agriculture and Livestock Development
7.	Hon. Aden Barre Duale, EGH	Environment, Climate Change and Forestry
8.	Mr. Eric Muriithi Muuga	Water, Sanitation and Irrigation
9.	Mr. Davis Chirchir, EGH	Roads and Transport
10.	Dr. Margaret Nyambura Ndung'u	Information, Communication and the Digital Economy

Pursuant to section 7(b) of the Public Appointments (Parliamentary Approval) Act, 201 the Committee is required to consider whether the nominees meet all constitutional and statutory requirements relating to the office in question.

This is, therefore, to request you to provide a report on the authenticity of the academic certificates of the said nominees. This information will assist the Committee to effectively discharge its mandate.

The information should be forwarded to the **Clerk of the National Assembly, P.O, BOX 41842-00100, Nairobi**; hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi**; or emailed to cna@parliament.go.ke / appointments.nationalassembly@parliament.go.ke; to be received **on or before Tuesday 30th July,2024 at 5:00 p.m.**

Yours *Sincerely,*

Samuel Njoroge, CBS
CLERK OF THE NATIONAL ASSEMBLY

ANNEXURE 6B: LETTERS FROM THE CLERK OF THE NATIONAL ASSEMBLY TO EACC, HELB, DCI, ORPP, KRA AND CUE REQUESTING CLEARANCE REPORTS (BATCH 2)

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 Ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying please quote
REF: NA/DAA&GPC/COA/2024/ (43)

24th July, 2024

Mr. Twalib A. Mbarak, MGH, CBS
Chief Executive Officer
Ethics & Anti-Corruption Commission
Integrity Centre
NAIROBI.

Dear Sir,

RE: VETTING OF NOMINEES FOR APPOINTMENT AS CABINET SECRETARIES

Our letter to you ref/ REF: NA/DAA&GPC/COA/2024/ (01) dated 23rd July, 2024 refers.

Further to the earlier submitted request, the National Assembly is in receipt of the transmittal letter from H. E the President, Ref. No. EOP/CAB.26/4A VOL.IV/(65) dated 24th July, 2024, submitting the following nominees for appointment as Cabinet Secretaries:-

	NOMINEE	MINISTRY	ID NO.
31.	Hon. John Mbadi Ng'ongo, EGH	The National Treasury and Economic Planning	11394135
32.	Hon. Salim Mvurya Mgala, EGH	Investments, Trade & Industry	112442221
33.	Ms. Rebecca Miano, EGH	Tourism and Wildlife	8679018
34.	Hon. James Opiyo Wandayi, EGH	Energy and Petroleum	11196023
35.	Hon. Onesimus Kipchumba Murkomen, EGH	Youth Affairs, Creative Economy & Sports	22025845
36.	Hon. Hassan Ali Joho, EGH	Mining, Blue Economy and Maritime Affairs	11457905
37.	Hon. (Dr.) Alfred Nganga Mutua, EGH	Labour and Social Protection	10366327
38.	Hon. Wycliffe Ambetsa Oparanya, EGH	Co-operatives and Micro, Small & Medium Enterprises (MSMEs) Development	4827856
39.	Hon. Justin Bedan Njoka Muturi, EGH	Public Service & Human Capital Development	0297621
40.	Ms. Stella Soi Lang'at	Gender, Culture, The Arts & Heritage	10886464

As the Constitutional body mandated to oversee the implementation of the provisions of Chapter Six of the Constitution, this is to request you to provide any adverse information touching on the integrity of the said nominees that may be in the possession of the Commission. This information will assist the Committee to effectively discharge its mandate.

Kindly submit the requested information to the **Clerk of the National Assembly, P.O, Box 41842-00100, Nairobi** or email to cna@parliament.go.ke **on or before Thursday, 1st August 2024 at 5:00 p.m.**

Yours sincerely,

Serah Kioko, MBS
FOR: CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 Ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying please quote
REF: NA/DAA&GPC/COA/2024/ (42)

24th July, 2024

FCPA Charles M. Ringera
Chief Executive Officer
Higher Education Loans Board
Anniversary Towers, 18th Floor, University Way
NAIROBI

Dear Sir

RE: VETTING OF NOMINEES FOR APPOINTMENT AS CABINET SECRETARIES

Our letter to you ref/ REF: NA/DAA&GPC/COA/2024/ (02) dated 23rd July, 2024 refers.

Further to the earlier submitted request, the National Assembly is in receipt of the transmittal letter from H. E the President, Ref. No. EOP/CAB.26/4A VOL.IV/(65) dated 24th July, 2024, submitting the following nominees for appointment as Cabinet Secretaries:-

	NOMINEE	MINISTRY	ID NO.
21.	Hon. John Mbadi Ng'ongo, EGH	The National Treasury and Economic Planning	11394135
22.	Hon. Salim Mvurya Mgala, EGH	Investments, Trade & Industry	112442221
23.	Ms. Rebecca Miano, EGH	Tourism and Wildlife	8679018
24.	Hon. James Opiyo Wandayi, EGH	Energy and Petroleum	11196023
25.	Hon. Onesimus Kipchumba Murkomen, EGH	Youth Affairs, Creative Economy & Sports	22025845
26.	Hon. Hassan Ali Joho, EGH	Mining, Blue Economy and Maritime Affairs	11457905
27.	Hon. (Dr.) Alfred Nganga Mutua, EGH	Labour and Social Protection	10366327
28.	Hon. Wycliffe Ambetsa Oparanya, EGH	Co-operatives and Micro, Small & Medium Enterprises (MSMEs) Development	4827856
29.	Hon. Justin Bedan Njoka Muturi, EGH	Public Service & Human Capital Development	0297621
30.	Ms. Stella Soi Lang'at	Gender, Culture, The Arts & Heritage	10886464

This is to request you to provide the report on repayment of any loans that may have been advanced by the Board to the said nominees. This information will assist the Committee in effectively discharging its mandate

Kindly submit the requested information to the **Clerk of the National Assembly, P.O, Box 41842-00100, Nairobi** or email to cna@parliament.go.ke **on or before Thursday, 1st August 2024 at 5:00 p.m.**

Yours sincerely,

Serah Kioko, MBS
FOR: CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 Ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying please quote
REF: NA/DAA&GPC/COA/2024/ (40)

26th July, 2024

Ms. Anne N. Nderitu, CBS
Registrar of Political Parties
Office of the Registrar of Political Parties
P. O. Box 1131-00606
Lions Place, 1st Floor,
NAIROBI.

Dear Madam,

RE: VETTING OF NOMINEES FOR APPOINTMENT AS CABINET SECRETARIES

Our letter to you ref/ REF: NA/DAA&GPC/COA/2024/ (04) dated 23rd July, 2024 refers.

Further to the earlier submitted request, the National Assembly is in receipt of the transmittal letter from H. E the President, Ref. No. EOP/CAB.26/4A VOL.IV/(65) dated 24th July, 2024, submitting the following nominees for appointment as Cabinet Secretaries:-

	NOMINEE	MINISTRY	ID NO.
1.	Hon. John Mbadi Ng'ongo, EGH	The National Treasury and Economic Planning	11394135
2.	Hon. Salim Mvurya Mgala, EGH	Investments, Trade & Industry	112442221
3.	Ms. Rebecca Miano, EGH	Tourism and Wildlife	8679018
4.	Hon. James Opiyo Wandayi, EGH	Energy and Petroleum	11196023
5.	Hon. Onesimus Kipchumba Murkomen, EGH	Youth Affairs, Creative Economy & Sports	22025845
6.	Hon. Hassan Ali Joho, EGH	Mining, Blue Economy and Maritime Affairs	11457905
7.	Hon. (Dr.) Alfred Nganga Mutua, EGH	Labour and Social Protection	10366327
8.	Hon. Wycliffe Ambetsa Oparanya, EGH	Co-operatives and Micro, Small & Medium Enterprises (MSMEs) Development	4827856
9.	Hon. Justin Bedan Njoka Muturi, EGH	Public Service & Human Capital Development	0297621
10.	Ms. Stella Soi Lang'at	Gender, Culture, The Arts & Heritage	10886464

In view of Article 77(2) which prohibits an appointed State Officer from holding office in a political party, this is to request you to furnish the Committee with information on whether the nominees hold office in any political party.

Kindly submit the requested information to the **Clerk of the National Assembly, P.O, Box 41842-00100, Nairobi** or email to cna@parliament.go.ke **on or before Thursday, 1st August 2024 at 5:00 p.m.**

Yours sincerely,

Serah Kioko, MBS
FOR: CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 Ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying please quote
REF: NA/DAA&GPC/COA/2024/ (41) **24th July, 2024**

Mr. Mohamed I. Amin, EBS, OGW, 'Ndc(K)
Director
Directorate of Criminal Investigations
P.O Box 30036-00100
Mazingira House, Kiambu Road
NAIROBI.

Dear Sir,

RE: VETTING OF NOMINEES FOR APPOINTMENT AS CABINET SECRETARIES

Our letter to you ref/ REF: NA/DAA&GPC/COA/2024/ (03) dated 23rd July, 2024 refers.

Further to the earlier submitted request, the National Assembly is in receipt of the transmittal letter from H. E the President, Ref. No. EOP/CAB.26/4A VOL.IV/(65) dated 24th July, 2024, submitting the following nominees for appointment as Cabinet Secretaries:-

	NOMINEE	MINISTRY	ID NO.
11.	Hon. John Mbadi Ng'ongo, EGH	The National Treasury and Economic Planning	11394135
12.	Hon. Salim Mvurya Mgala, EGH	Investments, Trade & Industry	112442221
13.	Ms. Rebecca Miano, EGH	Tourism and Wildlife	8679018
14.	Hon. James Opiyo Wandayi, EGH	Energy and Petroleum	11196023
15.	Hon. Onesimus Kipchumba Murkomen, EGH	Youth Affairs, Creative Economy & Sports	22025845
16.	Hon. Hassan Ali Joho, EGH	Mining, Blue Economy and Maritime Affairs	11457905
17.	Hon. (Dr.) Alfred Nganga Mutua, EGH	Labour and Social Protection	10366327
18.	Hon. Wycliffe Ambetsa Oparanya, EGH	Co-operatives and Micro, Small & Medium Enterprises (MSMEs) Development	4827856
19.	Hon. Justin Bedan Njoka Muturi, EGH	Public Service & Human Capital Development	0297621
20.	Ms. Stella Soi Lang'at	Gender, Culture, The Arts & Heritage	10886464

This is to request you to provide the Committee with information on whether the nominees have been adversely mentioned in any investigations carried out by the Directorate in the normal course of discharging its mandate. This information will assist the Committee to effectively discharge its mandate.

Kindly submit the requested information to the **Clerk of the National Assembly, P.O, Box 41842-00100, Nairobi** or email to cna@parliament.go.ke **on or before Thursday, 1st August 2024 at 5:00 p.m.**

Yours Sincerely,

Serah Kioko, MBS
FOR: CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 Ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying please quote

REF: NA/DAA&GPC/COA/2024/ (44) **24th July, 2024**

Mr. Humphrey Wattanga
Commissioner General
Kenya Revenue Authority
Times Tower Building, Haile Selassie Avenue
P. O. Box 48240 - 00100
NAIROBI

Dear Sir,

RE: VETTING OF NOMINEES FOR APPOINTMENT AS CABINET SECRETARIES

Our letter to you ref/ REF: NA/DAA&GPC/COA/2024/ (01) dated 23rd July, 2024 refers.

Further to the earlier submitted request, the National Assembly is in receipt of the transmittal letter from H. E the President, Ref. No. EOP/CAB.26/4A VOL.IV/(65) dated 24th July, 2024, submitting the following nominees for appointment as Cabinet Secretaries:-

	NOMINEE	MINISTRY	ID NO.
41.	Hon. John Mbadi Ng'ongo, EGH	The National Treasury and Economic Planning	11394135
42.	Hon. Salim Mvurya Mgala, EGH	Investments, Trade & Industry	112442221
43.	Ms. Rebecca Miano, EGH	Tourism and Wildlife	8679018
44.	Hon. James Opiyo Wandayi, EGH	Energy and Petroleum	11196023
45.	Hon. Onesimus Kipchumba Murkomen, EGH	Youth Affairs, Creative Economy & Sports	22025845
46.	Hon. Hassan Ali Joho, EGH	Mining, Blue Economy and Maritime Affairs	11457905
47.	Hon. (Dr.) Alfred Nganga Mutua, EGH	Labour and Social Protection	10366327
48.	Hon. Wycliffe Ambetsa Oparanya, EGH	Co-operatives and Micro, Small & Medium Enterprises (MSMEs) Development	4827856
49.	Hon. Justin Bedan Njoka Muturi, EGH	Public Service & Human Capital Development	0297621
50.	Ms. Stella Soi Lang'at	Gender, Culture, The Arts & Heritage	10886464

This is to request you to provide a report on tax compliance by the said nominees. This information will assist the Committee to effectively discharge its mandate.

Kindly submit the requested information to the **Clerk of the National Assembly, P.O, Box 41842-00100, Nairobi** or email to cna@parliament.go.ke **on or before Thursday, 1st August 2024 at 5:00 p.m.**

Yours Sincerely,

Serah Kioko, MBS
FOR: CLERK OF THE NATIONAL ASSEMBLY

ANNEXURE 7: LETTERS OF CLEARANCE FROM HIGHER EDUCATION LOANS BOARD (HELB)

HIGHER EDUCATION LOANS BOARD

Tel: 0711052000
E-mail:contactcentre@helb.co.ke
Website:www.helb.co.ke

Anniversary Towers
University Way
P.O Box 69489-00400
Nairobi, Kenya

HELB/RR/112009/V/316

29th July 2024

Mr. SAMUEL NJOROGE, CBS
Clerk of the National Assembly
Parliament Buildings
P.O Box 41842-00100
NAIROBI

NATIONAL ASSEMBLY
RECEIVED
01 AUG 2024
CLERK'S OFFICE
P.O. Box 41842, NAIROBI

Dear Sir,

CLEARANCE FOR NOMINEES FOR APPOINTMENT AS CABINET SECRETARIES

We acknowledge receipt of your letter dated **24 July 2024**, with reference number **NA/DAA&GPC/COA/2024/ (42)**, regarding the background check on the status of HELB loan repayment for nominees for appointment as cabinet secretaries.

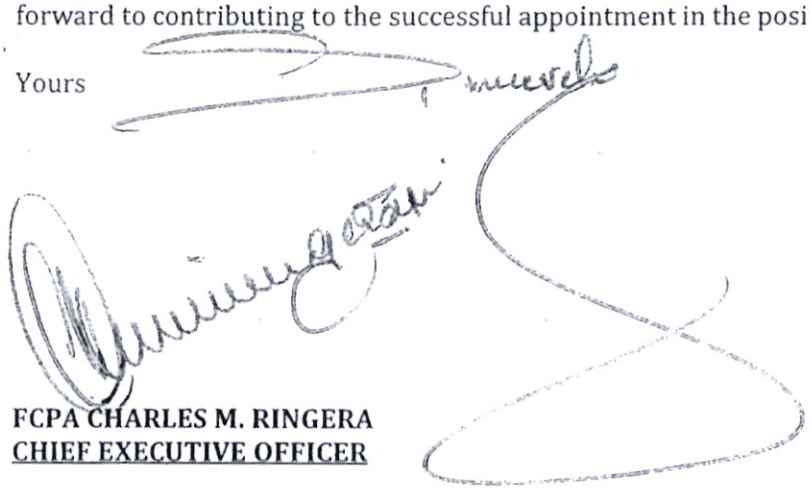
Our team has diligently reviewed the HELB loan repayment status of the above mentioned, ensuring accuracy and compliance with the provided information. We understand the importance of this inquiry in the overall assessment process.

Please find below their status.

S/No.	NAME OF NOMINEE	ID NUMBER	STATUS	YEAR OF CLEARANCE
1.	Hon. John Mbadi Ng'ongo, EGH	11394135	Cert No.20673	2010
2.	Hon. Salim Mvurya Mgala, EGH	11244221	Cert No.30888	2011
3.	Ms. Rebecca Miano, EGH	8679018	Cert No.50412	2013
4.	Hon. James Opiyo Wandayi, EGH	11196023	Cert No.41194	2012
5.	Hon. Onesimus Kipchumba Murkomen, EGH	22025845	Cert No.30298	2011
6.	Hon. Hassan Ali joho, EGH	11457905	Not a loanee	N/A
7.	Hon. (Dr.) Alfred Nganga Mutua, EGH	10366327	Not a loanee	N/A
8.	Hon. Wycliffe Ambetsa Oparanya, EGH	4827856	Cert No.53641	2013
9.	Hon. Justin Bedan Njoka Muturi, EGH	0297621	Not a loanee	N/A
10.	Ms. Stella Soi Lang'at	10886464	Cert No.65188	2014

We appreciate the collaborative effort with the National Assembly and remain committed to maintaining the highest standards of professionalism and confidentiality throughout the background check process. Thank you for entrusting us with this responsibility, and we look forward to contributing to the successful appointment in the positions of cabinet secretaries.

Yours



FCPA CHARLES M. RINGERA
CHIEF EXECUTIVE OFFICER

HIGHER EDUCATION LOANS BOARD

Tel: 0711052000
E-mail:contactcentre@helb.co.ke
Website:www.helb.co.ke

Anniversary Towers
University Way
P.O Box 69489-00400
Nairobi, Kenya

HELB/RR/112009/V/312

31st July 2024

NATIONAL ASSEMBLY
RECEIVED
01 AUG 2024
CLERK'S OFFICE
P.O Box 41842, NAIROBI

Mr. SAMUEL NJOROGE, CBS
Clerk of the National Assembly
Parliament Buildings
P.O Box 41842-00100
NAIROBI

Dear

CLEARANCE FOR NOMINEES FOR APPOINTMENT AS CABINET SECRETARIES

We acknowledge receipt of your letter dated **23 July 2024**, with reference number **NA/DAA&GPC/COA/2024/02**, regarding the background check on the status of HELB loan repayment for nominees for appointment as cabinet secretaries.

Our team has diligently reviewed the HELB loan repayment status of the above mentioned, ensuring accuracy and compliance with the provided information. We understand the importance of this inquiry in the overall assessment process.

Please find below their status.

S/No.	NAME OF NOMINEE	ID NUMBER	STATUS	YEAR OF CLEARANCE
1.	Hon. (Prof.) Kithure Kindiki, PhD., EGH	12615692	Cert No.26538	2011
2.	Dr. Debra Mlongo Barasa	22774590	Not a loanee	N/A
3.	Hon. Alice Wahome, EGH	5482723	Cert No.42213	2012
4.	Mr. Julius Migos Ogamba	8647623	Cert No.20328	2010
5.	Hon. Roselinda Soipan Tuya, EGH	22186489	Not a loanee	N/A
6.	Dr. Andrew Mwihia Karanja	3110082	Cert No.92290	2016
7.	Hon. Aden Barre Duale,EGH	1260241	Cert No. 74471	2011
8.	Mr. Eric Muriithi Muuga	29188556	Loanee	Compliant
9.	Mr. Davis Chirchir, EGH	0324076	Not a loanee	N/A
10.	Dr. Margaret Nyambura Ndungú	11240862	Cert No. 49243	2013

We appreciate the collaborative effort with the National Assembly and remain committed to maintaining the highest standards of professionalism and confidentiality throughout the background check process. Thank you for entrusting us with this responsibility, and we look forward to contributing to the successful appointment in the positions of cabinet secretaries.

Yours

FCPA CHARLES M. RINGERA
CHIEF EXECUTIVE OFFICER

ANNEXURE 8A: LETTER OF CLEARANCE FROM DIRECTORATE OF CRIMINAL INVESTIGATIONS (DCI)

NATIONAL POLICE SERVICE

Telegrams "CRIMINAL" Nairobi
Email director@cid.go.ke
Telephone 0202603724, 020343312

Directorate of Criminal Investigations.
Mazingira House Kiambu Road
P.O. Box 30063-00100,
NAIROBI

DIRECTORATE OF CRIMINAL INVESTIGATIONS

DCI/CRO/SEC/6/7/2/A/VOL.XIV/124

26th July, 2024

The Clerk
National Assembly
P.O. Box 41842-00100
NAIROBI.

VETTING OF NOMINEES FOR APPOINTMENT AS CABINET SECRETARIES

Reference is made to your correspondences Ref. NA/DAA&GPC/COA/2024/03 dated 23rd July, 2024.

Forensic fingerprint analysis of the below named nominees was conducted in our criminal database with no previous records.

S/NO	NOMINEE	MINISTRY
1.	Hon. (Prof.) Kithure Kindiki, PhD., EGH	Interior and National Administration
2.	Hon. Alice Wahome, EGH	Lands, Public Works, Housing and Urban Development
3.	Mr. Julius Migos Ogamba	Education
4.	Hon. Roselinda Soipan Tuya, EGH	Defence
5.	Dr. Andrew Mwihia Karanja	Agriculture and Livestock Development
6.	Hon. Aden Barre Duale, EGH	Environment, Climate Change and Forestry
7.	Mr. Davis Chirchir, EGH	Roads and Transport
8.	Dr. Debra Mlongo Barasa	Health

However, the fingerprints of the below named nominees have not been received yet.

S/NO.	NOMINEE	MINISTRY
1.	Mr. Eric Muriithi Muuga	Water, Sanitation and Irrigation
2.	Dr. Margaret Nyambura Ndung'u	Information, Communication and the Digital Economy

Mohamed I. Amin, CBS, OGW, 'ndc' (K)
DIRECTOR OF CRIMINAL INVESTIGATIONS

NATIONAL ASSEMBLY
RECEIVED
30 JUL 2024
CLERK'S OFFICE
P O Box 41842, NAIROBI

ANNEXURE 8B: LETTER OF CLEARANCE FROM DIRECTORATE OF CRIMINAL INVESTIGATIONS (DCI)

NATIONAL POLICE SERVICE

Telegrams: "CRIMINAL" Nairobi
Email: director@cid.go.ke
Telephone: 0202603724, 020343312

Directorate of Criminal Investigations,
Mazingira House Kiambu Road
P.O. Box 30036-00100,
NAIROBI

DIRECTORATE OF CRIMINAL INVESTIGATIONS

DCI/CRO/SEC/6/7/2/A/VOL.XIV/211 31st July, 2024

The Clerk of the National Assembly
Main Parliament Buildings,
P.O. Box 41842-00100
NAIROBI.

VETTING OF NOMINEES FOR APPOINTMENT AS CABINET SECRETARIES

Reference is made to your correspondences Ref. NA/DAA&GPC/COA/2024/(41) dated 24th July, 2024.

Forensic fingerprint analysis of the below named nominees was conducted in our criminal database with no previous records.

S/NO	NOMINEE	MINISTRY	ID NO.
1.	Hon. John Mbadi Ng'ongo, EGH	The National Treasury and Economic Planning	11394135
2.	Hon. Salim Mvurya Mgala, EGH	Investments Trade & Industry	11244221
3.	Ms. Rebecca Miano, EGH	Tourism and Wildlife	8679018
4.	Hon. James Opiyo Wandayi, EGH	Energy and Petroleum	11196023
5.	Hon. Onesimus Kipchumba Murkomen, EGH	Youth Affairs, Creative Economy & Sports	22025845
6.	Hon. Hassan Ali Joho, EGH	Mining, Blue Economy and Maritime Affairs	11457905
7.	Hon. (Dr.) Alfred Nganga Mutua, EGH	Labour and Social Protection	10366327
8.	Hon. Wycliffe Ambetsa Oparanya	Cooperatives and Micro, Small & Medium Enterprises	4827856
9.	Hon. Justin Bedan Njoka Muturi, EGH	Public Service & Human Capital Development	0297621
10.	Ms. Stella Soi Lang'at	Gender, Culture, The Arts & Heritage	10886464

Mohamed I. Amin, CBS, OGW, 'ndc' (K)
DIRECTOR OF CRIMINAL INVESTIGATIONS

ANNEXURE 8C: LETTER OF CLEARANCE FROM DIRECTORATE OF CRIMINAL INVESTIGATIONS (DCI)

ANNEXURE 9A: LETTER OF CLEARANCE FROM OFFICE OF THE REGISTRAR OF POLITICAL PARTIES (ORPP)

REPUBLIC OF KENYA

Telephone: +254(0)204022000
Mobile: 0772281357
Email: info@orpp.or.ke
Website: www.orpp.or.ke
When replying please quote

NATIONAL ASSEMBLY
RECEIVED
29 JUL 2024
CLERK'S OFFICE
P O Box 41842, NAIROBI

OFFICE OF THE REGISTRAR OF POLITICAL PARTIES
ORPP
Strengthening Political Parties

Lion Place, 1st & 4th Floor
Off Waiyaki Way
P.O. Box 1131-00606
Sarit Centre, Nairobi.

Ref: RPP/ORG/34 VOL. VIII (16)

Date: 29th July, 2024

Samuel Njoroge, CBS
Clerk of the National Assembly
Clerk's Chambers
Parliament Buildings
P.O. Box 41842-00100
NAIROBI

Dear Samuel,

RE: VETTING OF NOMINEES FOR APPOINTMENT AS CABINET SECRETARIES

Reference is made to letter Ref. NA/DAA&GPC/COA/2024/04 dated 23rd July 2024 and email dated 24th July, 2024 on the above subject matter.

Pursuant to Article 77 (2) of the Constitution and according to the records held by this Office as at 29th July, 2024 the nominees tabulated herein are **NOT** officials of any registered political party in Kenya.

S/No.	Nominee	ID Number	Ministry	Official of Registered Political Party
1.	Hon. (Prof.) Kithure Kindiki, PhD., EGH	12615692	Ministry of Interior and National Administration	Not applicable
2.	Dr. Debra Mlongo Barasa	22774590	Health	Not applicable
3.	Hon. Alice Wahome, EGH	5482723	Lands, Public Works, Housing and Urban Development	Not applicable
4.	Mr. Julius Migos Ogamba	8647623	Education	Not applicable
5.	Hon. Roselinda Soipan Tuya, EGH	22186489	Defence	Not applicable

6.	Dr. Andrew Mwihia Karanja	3110082	Agriculture and Livestock Development	Not applicable
7.	Hon. Aden Barre Duale, EGH	1260241	Environment, Climate Change and Forestry	Not applicable
8.	Mr. Eric Muriithi Muuga	29188556	Water, Sanitation and Irrigation	Not applicable
9.	Mr. Davis Chirchir, EGH	0324076	Roads and Transport	Not applicable
10.	Dr. Margaret Nyambura Ndung'u	11240862	Information, Communication and the Digital Economy	Not applicable

Yours Sincerely,

Ann N. Nderitu, CBS
Registrar of Political Parties/CEO

ANNEXURE 9B: LETTER OF CLEARANCE FROM OFFICE OF THE REGISTRAR OF POLITICAL PARTIES (ORPP)

REPUBLIC OF KENYA

Telephone: +254(0)204022000
Mobile: 0772281357
Email: info@orpp.or.ke
Website: www.orpp.or.ke
When replying please quote

OFFICE OF THE REGISTRAR OF POLITICAL PARTIES
ORPP
Strengthening Political Parties

Lion Place, 1st & 4th Floor
Off Waiyaki Way
P.O. Box 1131-00606
Sarit Centre, Nairobi.

Ref: RPP/ORG/34 VOL. VIII (17)

Date: 31st July, 2024

Clerk of the National Assembly,
Clerk's Chambers,
Parliament Buildings,
P.O. Box 41842- 00100,
NAIROBI.

NATIONAL ASSEMBLY
RECEIVED
01 AUG 2024
CLERK'S OFFICE
P.O. Box 41842, NAIROBI

Attn: Serah Kioko, MBS

Dear Madam,

RE: VETTING OF NOMINEES FOR APPOINTMENT AS CABINET SECRETARIES

Reference is made to the letter Ref. NA/DAA&GPC/COA/2024/ (40) dated 26th July, 2024 on the above subject matter.

Pursuant to Article 77 (2) of the Constitution and according to the records held by this Office as at 31st July, 2024 the list of the nominees tabulated herein are **NOT** officials of any registered political party in Kenya.

S/No.	Nominee	ID Number	Ministry	Official of Registered Political Party
1.	Hon. John Mbadi Ng'ongo, EGH	11394135	The National Treasury and Economic Planning	Not an official
2.	Hon. Salim Mvurya Mgala, EGH	112442221	Investments, Trade & Industry	Not an official
3.	Ms. Rebecca Miano, EGH	8679018	Tourism and Wildlife	Not an official
4.	Hon. James Opiyo Wandayi, EGH	11196023	Energy and Petroleum	Not an official
5.	Hon. Onesimus Kipchumba Murkomen, EGH	22025845	Youth Affairs, Creative Economy & Sports	Not an official
6.	Hon. Hassan Ali Joho, EGH	11457905	Mining, Blue Economy and Maritime Affairs	Not an official
7.	Hon. (Dr.) Alfred Nganga Mutua, EGH	10366327	Labour and Social Protection	Not an official

8.	Hon. Wycliffe Ambetsa Oparanya, EGH.	4827856	Co-operatives and Micro, Small & Medium Enterprises (MSMEs) Development	Not an official
9.	Hon. Justin Bedan Njoka Muturi, EGH	0297621	Public Service & Human Capital Development	Not an official
10.	Ms. Stella Soi Langát	10886464	Gender, Culture, The Arts & Heritage	Not an official

Yours faithfully,

Ann N. Nderitu, CBS
Registrar of Political Parties/CEO

ANNEXURE 10A: LETTER OF CLEARANCE FROM KENYA REVENUE AUTHORITY (KRA)

KENYA REVENUE AUTHORITY

ISO 9001:2015 CERTIFIED

Office of the Commissioner General

KRA/5/1002/5(11083)

31st July 2024

Mr. Samuel Njoroge
Clerk of the National Assembly
P. O. Box 42842 - 00100
Parliament Buildings
Nairobi

Dear Clerk,

VETTING OF NOMINEES FOR APPOINTMENT AS CABINET SECRETARIES

Reference is made to your letter Ref: NA/DAA&GPC/COA/2024/05 dated 23rd July 2024 requesting for tax compliance status report for the ten (10) nominees for the positions of Cabinet Secretaries.

The tax compliance status for the nominees is as shown below:

No.	Name	ID No.	PIN	Status
1.	Hon. (Prof.) Kithure Kindiki, PhD., EGH	12615692	A002741512C	Compliant
2.	Dr. Debra Mlongo Barasa	22774590	A003857167N	Compliant
3.	Hon. Alice Wahome, EGH	5482723	A001127889C	Compliant
4.	Mr. Julius Migos Ogamba	8647623	A001359919Y	Compliant
5.	Hon. Roselinda Soipan Tuya, EGH	22186489	A003215410Y	Compliant
6.	Dr. Andrew Mwihia Karanja	3110082	A002294183U	Compliant
7.	Hon. Aden Barre Duale, EGH	1260241	A002489938K	Compliant
8.	Mr. Eric Muriithi Muuga	29188556	A006271126C	Compliant
9.	Mr. Davis Chirchir, EGH	324076	A001099559F	Compliant
10.	Dr. Margaret Nyambura Ndungu	11240862	A002479330V	Compliant

This is submitted for your further action.

Yours sincerely,

Humphrey Wattanga
COMMISSIONER GENERAL

NATIONAL ASSEMBLY
RECEIVED
31 JUL 2024
CLERK'S OFFICE
P. O. Box 41842, NAIROBI

ANNEXURE 10B: LETTER OF CLEARANCE FROM KENYA REVENUE AUTHORITY (KRA)

KENYA REVENUE AUTHORITY

ISO 9001:2015 CERTIFIED

Office of the Commissioner General

KRA/5/1002/5(11083)

31st July 2024

Mr. Samuel Njoroge
Clerk of the National Assembly
P. O. Box 42842 - 00100
Parliament Buildings
Nairobi

Dear Clerk,

VETTING OF NOMINEES FOR APPOINTMENT AS CABINET SECRETARIES

Reference is made to your letter Ref: NA/DAA&GPC/COA/2024/ (44) dated 24th July 2024 requesting the tax compliance status report for the second batch of nominated persons for the positions of Cabinet Secretaries.

The tax compliance status for the nominees is as shown below:

No.	Name	ID No.	PIN	Status
1.	Hon. John Mbadi Ng'ongo, EGH	11394135	A002816448E	Compliant
2.	Hon. Salim Mvurya Mgala, EGH	11244221	A002591951T	Compliant
3.	Ms. Rebecca Miano, EGH	8679018	A001160146W	Compliant
4.	Hon. James Opiyo Wandahi, EGH	11196023	A002605030J	Compliant
5.	Hon. Onesimus Kipchumba Murkomen, EGH	22025845	A004034327E	Compliant
6.	Hon. Hassan Ali Joho, EGH	11457905	A005621854T	Compliant
7.	Hon. (Dr.) Alfred Nganga Mutua, EGH	10366327	A002577366J	Compliant
8.	Hon. Wycliffe Ambetsa Oparanya, EGH	4827856	A000160954F	Compliant
9.	Hon. Justin Bedan Njoka Muturi, EGH	0297621	A001237149R	Compliant
10.	Ms. Stella Soi Lang'at	10886464	A001889673V	Compliant

This is submitted for your further action.

Yours sincerely,

Humphrey Wattanga
COMMISSIONER GENERAL

NATIONAL ASSEMBLY
RECEIVED
01 AUG 2024
CLERK'S OFFICE
P.O. Box 42842, NAIROBI

Tulipe Ushuru, Tujitegemee!

ANNEXURE 11: LETTERS TO NOMINEES FORWARDING MEMORANDA

ANNEXURE 11: LETTERS TO NOMINEES FORWARDING MEMORANDA

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote
REF: NA/DAA&GPC/COA /2024/53

30th July 2024

Hon. (Prof.) Kithure Kindiki, PhD., EGH
NAIROBI
Email: akithurekindiki@gmail.com

Dear Sir,

RE: MEMORANDA CONTESTING YOUR SUITABILITY FOR APPOINTMENT AS CABINET SECRETARY FOR THE MINISTRY OF INTERIOR AND NATIONAL ADMINISTRATION

We refer to the above matter.

As you are aware, on 24th July and 25th July 2024, the Clerk of the National Assembly, through an advertisement in the print media, invited the public to submit representations by way of affidavits on the suitability or otherwise of the persons nominated for appointment as Cabinet Secretaries in accordance with section 6(9) of the Public Appointments (Parliamentary Approval) Act, Cap 7F (the "Act").

We advise that we have received eight (8) memoranda contesting your suitability for appointment from the following persons-

1. Eliud Karanja Matindi;
2. Isaac Aluochier;
3. Joseph Mwathi Nyanjui;
4. Khalid Ibrahim;
5. Aisha Adan;
6. Sonia Mshila;
7. Mercy Murugi Kuria; and
8. Ahmed M. Sigat.

The memoranda (copies enclosed) are in the form of affidavits that meet the requirements of section 6(9) of the Act. Enclosed herewith also find all other memoranda received from the public with respect to your nomination which did not meet the requirements of the Act.

This is to request that you convey any response to the memoranda to the Clerk of the National Assembly on or before your approval hearing, which is scheduled for **Thursday, 1st August, 2024** at **8:00 a.m.**

Yours Sincerely,

Mrs. Serah Kioko, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote
REF: NA/DAA&GPC/COA /2024/57

30th July, 2024

Hon. Alice Wahome, EGH
P.O. Box 48981 – 00100
NAIROBI
Email: muthoniwahome@yahoo.com

Dear Madam,

RE: MEMORANDA CONTESTING YOUR SUITABILITY FOR APPOINTMENT AS CABINET SECRETARY FOR THE MINISTRY OF LANDS, PUBLIC WORKS, HOUSING AND URBAN DEVELOPMENT

We refer to the above matter.

As you are aware, on 24th July and 25th July 2024, the Clerk of the National Assembly, through an advertisement in the print media, invited the public to submit representations by way of affidavits on the suitability or otherwise of the persons nominated for appointment as Cabinet Secretaries in accordance with section 6(9) of the Public Appointments (Parliamentary Approval) Act, Cap 7F (the "Act").

We advise that we have received eight (8) memoranda contesting your suitability for appointment from the following persons—

1. Eliud Karanja Matindi;
2. Joseph Mwathi Nyanjui;
3. Isaac Aluochier;
4. Khalid Ibrahim;
5. Aisha Adan;
6. Sonia Mshila;
7. Mercy Murugi Kuria; and
8. Ahmed M. Sigat.

The memoranda (copies enclosed) are in the form of affidavits that meet the requirements of section 6(9) of the Act. Enclosed herewith also find all other memoranda received from the public with respect to your nomination which did not meet the requirements of the Act.

This is to request that you convey any response to the memoranda to the Clerk of the National Assembly on or before your approval hearing, which is scheduled for **Thursday, 1st August, 2024** at **12:00 p.m.**

Yours Sincerely,

Mrs. Serah Kioko, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote
REF: NA/DAA&GPC/COA /2024/45

30th July 2024

Hon. Aden Barre Duale, EGH
P.O. Box 41842-00100
NAIROBI
Email: adendualle@gmail.com

Dear Sir,

RE: MEMORANDA CONTESTING YOUR SUITABILITY FOR APPOINTMENT AS CABINET SECRETARY FOR THE MINISTRY OF ENVIRONMENT, CLIMATE CHANGE AND FORESTRY

We refer to the above matter.

As you are aware, on 24th and 25th July 2024, the Clerk of the National Assembly, through an advertisement in the print media, invited the public to submit representations by way of affidavits on the suitability or otherwise of the persons nominated for appointment as Cabinet Secretaries in accordance with section 6(9) of the Public Appointments (Parliamentary Approval) Act, Cap 7P (the "Act").

We advise that we have received eight (8) memoranda contesting your suitability for appointment from the following persons—

1. Eliud Karanja Matindi;
2. Joseph Mwathi Nyanjui;
3. Isaac Aluochier;
4. Khalid Ibrahim;
5. Aisha Adan;
6. Sonia Mshila;
7. Mercy Murugi Kuria; and
8. Ahmed M. Sigat.

The memoranda (copies enclosed) are in the form of affidavits that meet the requirements of section 6(9) of the Act. Enclosed herewith also find all other memoranda received from the public with respect to your nomination which did not meet the requirements of the Act.

This is to request that you convey any response to the memoranda to the Clerk of the National Assembly on or before your approval hearing, which is scheduled for **Friday, 2nd August, 2024** at **10:00 a.m.**

Yours sincerely,

Mrs. Serah Kioko, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote
REF: NA/DAA&GPC/COA /2024/51 **30th July, 2024**

Mr. Davis Chirchir, EGH
P.O. Box 19200-00501
NAIROBI
Email: dkchirchir@gmail.com

Dear Sir,

RE: MEMORANDA CONTESTING YOUR SUITABILITY FOR APPOINTMENT AS CABINET SECRETARY FOR THE MINISTRY OF MINISTRY OF ROADS AND TRANSPORT

We refer to the above matter.

As you are aware, on 24th July and 25th July 2024, the Clerk of the National Assembly, through an advertisement in the print media, invited the public to submit representations by way of affidavits on the suitability or otherwise of the persons nominated for appointment as Cabinet Secretaries in accordance with section 6(9) of the Public Appointments (Parliamentary Approval) Act, Cap 7F (the "Act").

We advise that we have received seven (7) memoranda contesting your suitability for appointment from the following persons—

1. Eliud Karanja Matindi;
2. Joseph Mwathi Nyanjui;
3. Khalid Ibrahim;
4. Aisha Adan;
5. Sonia Mshila;
6. Mercy Murugi Kuria; and
7. Ahmed M. Sigat.

The memoranda (copies enclosed) are in the form of affidavits that meet the requirements of section 6(9) of the Act. Enclosed herewith also find all other memoranda received from the public with respect to your nomination which did not meet the requirements of the Act.

This is to request that you convey any response to the memoranda to the Clerk of the National Assembly on or before your approval hearing, which is scheduled for **Friday, 2nd August, 2024** at **3:00 p.m.**

Yours Sincerely,

Mrs. Serah Kioko, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote
REF: NA/DAA&GPC/COA /2024/55 **30th July 2024**

Hon. Roselinda Soipan Tuya, EGH
P.O. Box 28043 -00100
NAIROBI
Email: soipantuya@gmail.com

Dear Madam,

RE: MEMORANDA CONTESTING YOUR SUITABILITY FOR APPOINTMENT AS CABINET SECRETARY FOR THE MINISTRY OF DEFENCE

We refer to the above matter.

As you are aware, on 24th July and 25th July 2024, the Clerk of the National Assembly, through an advertisement in the print media, invited the public to submit representations by way of affidavits on the suitability or otherwise of the persons nominated for appointment as Cabinet Secretaries in accordance with section 6(9) of the Public Appointments (Parliamentary Approval) Act, Cap 7F (the "Act").

We advise that we have received eight (8) memoranda contesting your suitability for appointment from the following persons—

1. Eliud Karanja Matindi;
2. Isaac Aluochier;
3. Joseph Mwathi Nyanjui;
4. Khalid Ibrahim;
5. Aisha Adan;
6. Sonia Mshila;
7. Mercy Murugi Kuria; and
8. Ahmed M. Sigat.

The memoranda (copies enclosed) are in the form of affidavits that meet the requirements of section 6(9) of the Act. Enclosed herewith also find all other memoranda received from the public with respect to your nomination which did not meet the requirements of the Act.

This is to request that you convey any response to the memoranda to the Clerk of the National Assembly on or before your approval hearing, which is scheduled for **Thursday, 1st August, 2024** at **5:00 p.m.**

Yours Sincerely,

Mrs. Serah Kioko, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please
REF: NA/DAA&GPC/COA /2024/48 **30th July 2024**

Hon. Onesimus Kipchumba Murkomen, EGH
P.O. Box 9653-00200
NAIROBI
Email: murkomenxy@yahoo.com; omurkomen@yahoo.com

Dear Sir,

RE: MEMORANDA CONTESTING YOUR SUITABILITY FOR APPOINTMENT AS CABINET SECRETARY FOR THE MINISTRY OF YOUTH AFFAIRS, CREATIVE ECONOMY AND SPORTS

We refer to the above matter.

As you are aware, on 24th July and 25th July 2024, the Clerk of the National Assembly, through an advertisement in the print media, invited the public to submit representations by way of affidavits on the suitability or otherwise of the persons nominated for appointment as Cabinet Secretaries in accordance with section 6(9) of the Public Appointments (Parliamentary Approval) Act, Cap 7F (the "Act").

We advise that we have received four (4) memoranda contesting your suitability for appointment from the following persons—

1. Mr. Eliud Karanja Matindi;
2. Mr. Isaac Aluochier;
3. Mr. Collins Kipkemoi Sang; and
4. Mr. Joseph Mwathi Nyanjui.

The memoranda (copies enclosed) are in the form of affidavits that meet the requirements of section 6(9) of the Act. Enclosed herewith also find all other memoranda received from the public with respect to your nomination which did not meet the requirements of the Act.

This is to request that you convey any response to the memoranda to the Clerk of the National Assembly on or before your approval hearing, which is scheduled for **Saturday, 3rd August 2024,** at **5:00 p.m.**

Yours Sincerely,

Mrs. Serah Kioko, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote
REF: NA/DAA&GPC/COA /2024/56 **30th July 2024**

Hon. Wycliffe Ambetsa Oparanya, EGH
P.O. Box 70254-00400
NAIROBI
Email: woparanyah@gmail.com

Dear Sir,

RE: MEMORANDUM CONTESTING YOUR SUITABILITY FOR APPOINTMENT AS CABINET SECRETARY FOR THE MINISTRY OF CO-OPERATIVES AND MICRO, SMALL & MEDIUM ENTERPRISES (MSMEs) DEVELOPMENT

We refer to the above matter.

As you are aware, on 24th July and 25th July 2024, the Clerk of the National Assembly, through an advertisement in the print media, invited the public to submit representations by way of affidavits on the suitability or otherwise of the persons nominated for appointment as Cabinet Secretaries in accordance with section 6(9) of the Public Appointments (Parliamentary Approval) Act, Cap 7F (the "Act").

We advise that we have received one (1) memorandum from Mr. Eliud Karanja Matindi contesting your suitability for appointment as Cabinet Secretary for Cooperatives and Micro, Small & Medium Enterprises (MSMEs) Development.

The memorandum (copy enclosed) is in the form of an affidavit that meets the requirements of section 6(9) of the Act. Enclosed herewith also find all other memoranda received from the public with respect to your nomination which did not meet the requirements of the Act.

This is to request that you convey any response to the memorandum to the Clerk of the National Assembly on or before your approval hearing, which is scheduled for **Sunday, 4th August, 2024** at **12:00 p.m.**

Yours Sincerely,

Mrs. Serah Kioko, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote
REF: NA/DAA&GPC/COA /2024/54 **30th July 2024**

Ms. Rebecca Miano, EGH
P.O. Box 66596-00800
NAIROBI
Email: rebecca.miano@gmail.com

Dear Madam,

RE: MEMORANDA CONTESTING YOUR SUITABILITY FOR APPOINTMENT AS CABINET SECRETARY FOR THE MINISTRY OF TOURISM AND WILDLIFE

We refer to the above matter.

As you are aware, on 24th July and 25th July 2024, the Clerk of the National Assembly, through an advertisement in the print media, invited the public to submit representations by way of affidavits on the suitability or otherwise of the persons nominated for appointment as Cabinet Secretaries in accordance with section 6(9) of the Public Appointments (Parliamentary Approval) Act, Cap 7F (the "Act").

We advise that we have received two (2) memoranda contesting your suitability for appointment from the following persons—

1. Eliud Karanja Matindi; and
2. Joseph Mwathi Nyanjui.

The memoranda (copies enclosed) are in the form of affidavits that meet the requirements of section 6(9) of the Act. Enclosed herewith also find all other memoranda received from the public with respect to your nomination which did not meet the requirements of the Act.

This is to request that you convey any response to the memoranda to the Clerk of the National Assembly on or before your approval hearing, which is scheduled for **Saturday, 3rd August, 2024** at **12:00 p.m.**

Yours Sincerely,

Mrs. Serah Kioko, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote
REF: NA/DAA&GPC/COA /2024/52

30th July 2024

Hon. Hassan Ali Joho, EGH
P.O. Box 822209-80100
MOMBASA
Email: hassan.joho@gmail.com

Dear Sir,

RE: MEMORANDUM CONTESTING YOUR SUITABILITY FOR APPOINTMENT AS CABINET SECRETARY FOR THE MINISTRY OF MINING, BLUE ECONOMY AND MARITIME AFFAIRS

We refer to the above matter.

As you are aware, on 24th July and 25th July 2024, the Clerk of the National Assembly, through an advertisement in the print media invited, the public to submit representations by way of affidavits on the suitability or otherwise of the persons nominated for appointment as Cabinet Secretaries in accordance with section 6(9) of the Public Appointments (Parliamentary Approval) Act, Cap 7F (the "Act").

We advise that we have received one (1) memorandum from Mr. Eliud Karanja Matindi contesting your suitability for appointment as Cabinet Secretary for Mining, Blue Economy and Maritime Affairs.

The memorandum (copy enclosed) is in the form of an affidavit that meets the requirements of section 6(9) of the Act. Enclosed herewith also find all other memoranda received from the public with respect to your nomination which did not meet the requirements of the Act.

This is to request that you convey any response to the memorandum to the Clerk of the National Assembly on or before your approval hearing, which is scheduled for **Sunday, 4th August, 2024** at **8:00 a.m.**

Yours Sincerely,

Mrs. Serah Kioko, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote
REF: NA/DAA&GPC/COA /2024/50 **30th July 2024**

Hon. Salim Mvurya Mgala, EGH
P.O. Box 4-80403
KWALE
Email: smvurya@hotmail.com; salimmvurya2@gmail.com

Dear Sir,

RE: MEMORANDA CONTESTING YOUR SUITABILITY FOR APPOINTMENT AS CABINET SECRETARY FOR THE MINISTRY OF INVESTMENTS, TRADE AND INDUSTRY

We refer to the above matter.

As you are aware, on 24th July and 25th July 2024, the Clerk of the National Assembly, through an advertisement in the print media, invited the public to submit representations by way of affidavits on the suitability or otherwise of the persons nominated for appointment as Cabinet Secretaries in accordance with section 6(9) of the Public Appointments (Parliamentary Approval) Act, Cap 7F (the "Act").

We advise that we have received two (2) memoranda contesting your suitability for appointment from the following persons—

1. Eliud Karanja Matindi; and
2. Joseph Mwathi Nyanjui.

The memoranda (copies enclosed) are in the form of affidavits that meet the requirements of section 6(9) of the Act. Enclosed herewith also find all other memoranda received from the public with respect to your nomination which did not meet the requirements of the Act.

This is to request that you convey any response to the memoranda to the Clerk of the National Assembly on or before your approval hearing, which is scheduled for **Saturday, 3rd August, 2024** at **10:00 a.m.**

Yours Sincerely,

Mrs. Serah Kioko, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote
REF: NA/DAA&GPC/COA /2024/49 **30th July 2024**

Hon. James Opiyo Wandayi, EGH, MP
P.O. Box 41842-00100
NAIROBI
Email: jwandayi@gmail.com

Dear Sir,

RE: MEMORANDUM CONTESTING YOUR SUITABILITY FOR APPOINTMENT AS CABINET SECRETARY FOR THE MINISTRY OF ENERGY AND PETROLEUM

We refer to the above matter.

As you are aware, on 24th July and 25th July 2024, the Clerk of the National Assembly, through an advertisement in the print media, invited the public to submit representations by way of affidavits on the suitability or otherwise of the persons nominated for appointment as Cabinet Secretaries in accordance with section 6(9) of the Public Appointments (Parliamentary Approval) Act, Cap 7F (the "Act").

We advise that we have received one (1) memorandum from Mr. Eliud Karanja Matindi contesting your suitability for appointment as Cabinet Secretary for Energy and Petroleum.

The memorandum (copy enclosed) is in the form of an affidavit that meets the requirements of section 6(9) of the Act. Enclosed herewith also find all other memoranda received from the public with respect to your nomination which did not meet the requirements of the Act.

This is to request that you convey any response to the memorandum to the Clerk of the National Assembly on or before your approval hearing, which is scheduled for **Saturday, 3rd August, 2024** at **3:00 p.m.**

Yours Sincerely,

Mrs. Serah Kioko, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote
REF: NA/DAA&GPC/COA /2024/47

30th July 2024

Hon. John Mbadi Ng'ongo, EGH, MP
P.O. Box 41842-00100
NAIROBI
Email: johnmbadinyang@gmail.com

Dear Sir,

RE: MEMORANDUM CONTESTING YOUR SUITABILITY FOR APPOINTMENT AS CABINET SECRETARY FOR THE NATIONAL TREASURY AND ECONOMIC PLANNING

We refer to the above matter.

As you are aware, on 24th July and 25th July 2024, the Clerk of the National Assembly, through an advertisement in the print media, invited the public to submit representations by way of affidavits on the suitability or otherwise of the persons nominated for appointment as Cabinet Secretaries in accordance with section 6(9) of the Public Appointments (Parliamentary Approval) Act, Cap 7F (the "Act").

We advise that we have received one (1) memorandum from Mr. Eliud Karanja Matindi contesting your suitability for appointment.

The memorandum (copy enclosed) is in the form of an affidavit that meets the requirements of section 6(9) of the Act. Enclosed herewith also find all other memoranda received from the public with respect to your nomination which did not meet the requirements of the Act.

This is to request that you convey any response to the memoranda to the Clerk of the National Assembly on or before your approval hearing, which is scheduled for **Saturday, 3rd August, 2024** at **8:00 a.m.**

Yours sincerely

Mrs. Serah Kioko, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote
REF: NA/DAA&GPC/COA /2024/46

30th July 2024

Hon. (Dr.) Alfred Nganga Mutua, EGH
P.O. Box 68179-00200
NAIROBI
Email: amutua@hotmail.com

Dear Sir,

RE: MEMORANDA CONTESTING YOUR SUITABILITY FOR APPOINTMENT AS CABINET SECRETARY FOR THE MINISTRY OF LABOUR AND SOCIAL PROTECTION

We refer to the above matter.

As you are aware, on 24th July and 25th July 2024, the Clerk of the National Assembly, through an advertisement in the print media, invited the public to submit representations by way of affidavits on the suitability or otherwise of the persons nominated for appointment as Cabinet Secretaries in accordance with section 6(9) of the Public Appointments (Parliamentary Approval) Act, Cap 7F (the "Act").

We advise that we have received two (2) memoranda contesting your suitability for appointment from the following persons—

1. Mr. Eliud Karanja Matindi; and
2. Mr. Joseph Mwathi Nyanjui.

The memoranda (copies enclosed) are in the form of affidavits that meet the requirements of section 6(9) of the Act. Enclosed herewith also find all other memoranda received from the public with respect to your nomination which did not meet the requirements of the Act.

This is to request that you convey any response to the memoranda to the Clerk of the National Assembly on or before your approval hearing, which is scheduled for **Sunday, 4th August, 2024** at **10:00 a.m.**

Yours Sincerely,

Mrs. Serah Kioko, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote
REF: NA/DAA&GPC/COA /2024/56

30th July 2024

Hon. Wycliffe Ambetsa Oparanya, EGH
P.O. Box 70254-00400
NAIROBI
Email: woparanyah@gmail.com

Dear Sir,

RE: MEMORANDUM CONTESTING YOUR SUITABILITY FOR APPOINTMENT AS CABINET SECRETARY FOR THE MINISTRY OF CO-OPERATIVES AND MICRO, SMALL & MEDIUM ENTERPRISES (MSMEs) DEVELOPMENT

We refer to the above matter.

As you are aware, on 24th July and 25th July 2024, the Clerk of the National Assembly, through an advertisement in the print media, invited the public to submit representations by way of affidavits on the suitability or otherwise of the persons nominated for appointment as Cabinet Secretaries in accordance with section 6(9) of the Public Appointments (Parliamentary Approval) Act, Cap 7F (the "Act").

We advise that we have received one (1) memorandum from Mr. Eliud Karanja Matindi contesting your suitability for appointment as Cabinet Secretary for Cooperatives and Micro, Small & Medium Enterprises (MSMEs) Development.

The memorandum (copy enclosed) is in the form of an affidavit that meets the requirements of section 6(9) of the Act. Enclosed herewith also find all other memoranda received from the public with respect to your nomination which did not meet the requirements of the Act.

This is to request that you convey any response to the memorandum to the Clerk of the National Assembly on or before your approval hearing, which is scheduled for **Sunday, 4th August, 2024** at **12:00 p.m.**

Yours Sincerely,

Mrs. Serah Kioko, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote

30th July, 2024

Hon. Justin Bedan Njoka Muturi, EGH
P.O. Box 605512 -00200
NAIROBI
Email: muturijb@gmail.com

Dear Sir,

RE: MEMORANDA CONTESTING YOUR SUITABILITY FOR APPOINTMENT AS CABINET SECRETARY FOR THE MINISTRY OF PUBLIC SERVICE & HUMAN CAPITAL DEVELOPMENT

We refer to the above matter.

As you are aware, on 24th July and 25th July 2024, the Clerk of the National Assembly, through an advertisement in the print media, invited the public to submit representations by way of affidavits on the suitability or otherwise of the persons nominated for appointment as Cabinet Secretaries in accordance with section 6(9) of the Public Appointments (Parliamentary Approval) Act, Cap 7F (the "Act").

We advise that we have received two (2) memoranda contesting your suitability for appointment from the following persons—

1. Mr. Eliud Karanja Matindi; and
2. Mr. Isaac Aluochier.

The memoranda (copies enclosed) are in the form of affidavits that meet the requirements of section 6(9) of the Act. Enclosed herewith also find all other memoranda received from the public with respect to your nomination which did not meet the requirements of the Act.

This is to request that you convey any response to the memoranda to the Clerk of the National Assembly on or before your approval hearing, which is scheduled for 4th August 2024, at 3:00 p.m.

Yours Sincerely,

Mrs. Serah Kioko, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please
REF: NA/DAA&GPC/COA /2024/48

30th July 2024

Hon. Onesimus Kipchumba Murkomen, EGH
P.O. Box 9653-00200
NAIROBI
Email: murkomenxy@yahoo.com; omurkomen@yahoo.com

Dear Sir,

RE: MEMORANDA CONTESTING YOUR SUITABILITY FOR APPOINTMENT AS CABINET SECRETARY FOR THE MINISTRY OF YOUTH AFFAIRS, CREATIVE ECONOMY AND SPORTS

We refer to the above matter.

As you are aware, on 24th July and 25th July 2024, the Clerk of the National Assembly, through an advertisement in the print media, invited the public to submit representations by way of affidavits on the suitability or otherwise of the persons nominated for appointment as Cabinet Secretaries in accordance with section 6(9) of the Public Appointments (Parliamentary Approval) Act, Cap 7F (the "Act").

We advise that we have received four (4) memoranda contesting your suitability for appointment from the following persons—

1. Mr. Eliud Karanja Matindi;
2. Mr. Isaac Aluochier;
3. Mr. Collins Kipkemoi Sang; and
4. Mr. Joseph Mwathi Nyanjui.

The memoranda (copies enclosed) are in the form of affidavits that meet the requirements of section 6(9) of the Act. Enclosed herewith also find all other memoranda received from the public with respect to your nomination which did not meet the requirements of the Act.

This is to request that you convey any response to the memoranda to the Clerk of the National Assembly on or before your approval hearing, which is scheduled for **Saturday, 3rd August 2024,** at **5:00 p.m.**

Yours Sincerely,

Mrs. Serah Kioko, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote
REF: NA/DAA&GPC/COA /2024/51

30th July, 2024

Mr. Davis Chirchir, EGH
P.O. Box 19200-00501
NAIROBI
Email: dkchirchir@gmail.com

Dear Sir,

RE: MEMORANDA CONTESTING YOUR SUITABILITY FOR APPOINTMENT AS CABINET SECRETARY FOR THE MINISTRY OF MINISTRY OF ROADS AND TRANSPORT

We refer to the above matter.

As you are aware, on 24th July and 25th July 2024, the Clerk of the National Assembly, through an advertisement in the print media, invited the public to submit representations by way of affidavits on the suitability or otherwise of the persons nominated for appointment as Cabinet Secretaries in accordance with section 6(9) of the Public Appointments (Parliamentary Approval) Act, Cap 7F (the "Act").

We advise that we have received seven (7) memoranda contesting your suitability for appointment from the following persons—

1. Eliud Karanja Matindi;
2. Joseph Mwathi Nyanjui;
3. Khalid Ibrahim;
4. Aisha Adan;
5. Sonia Mshila;
6. Mercy Murugi Kuria; and
7. Ahmed M. Sigat.

The memoranda (copies enclosed) are in the form of affidavits that meet the requirements of section 6(9) of the Act. Enclosed herewith also find all other memoranda received from the public with respect to your nomination which did not meet the requirements of the Act.

This is t[redacted]equest that you convey any response to the memoranda to the Clerk of the National Assembly on or before your approval hearing, which is scheduled for **Friday, 2nd August, 2024** at **3:00 p.m.**

Yours Sincerely,

Mrs. Serah Kioko, MBS
For: CLERK OF THE NATIONAL ASSEMBLY