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REPUBLIC OF KENYA



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THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – FOURTH SESSION – 2020

DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

REPORT ON THE VETTING OF ANN NDERITU NOMINEE FOR THE POSITION OF REGISTRAR OF POLITICAL PARTIES AND ALI ABDULLAHI SURRAW, FLORENCE TABU BIRYA AND MAKORRE WILSON MOHOCHI NOMINEES FOR THE POSITIONS OF ASSISTANT REGISTRARS OF POLITICAL PARTIES

CLERK'S CHAMBERS
DIRECTORATE OF COMMITTEE SERVICES
PARLIAMENT BUILDINGS
NAIROBI


 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 24 SEP 2020	
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TABLED BY:	<i>Hon. Clement Kirop Chairperson</i>
CLERK AT THE TABLE:	<i>Anna Mwasanda</i>

Table of Contents

.....	1
LIST OF ABBREVIATIONS AND ACRONYMS	4
ANNEXTURES	5
CHAPTER 1	8
PREFACE	8
1.1 Establishment and Mandate of the Committee.....	8
1.3 Committee Secretariat	13
CHAPTER 2.....	14
2.0 BACKGROUND.....	14
2.1 Establishment of the Office of the Registrar of Political Parties.....	14
2.1.3 Vacancy in the Office of Registrar or Assistant Registrar of Political Parties.....	16
2.1.4 Notification of Nomination	17
2.1.5 Committal of the Nominees to the Departmental Committee on Justice and Legal Affairs for vetting.....	18
2.4 Notification for vetting to the public.....	18
CHAPTER 3.....	21
3.2 Constitutional, statutory and professional requirements of the nominees.....	25
3.3 Background information from State Agencies	26
3.4 Registration and membership of Political Parties	26
3.5 Governance, Management and Operations of Political Parties	27
3.6 Implementation of the Political Parties Act and other laws	28
3.7 Relationship with other institutions.....	29
3.8 Potential Conflict of interest.....	29
CHAPTER 4.....	30
4.0 APPROVAL HEARING OF THE NOMINEES FOR APPOINTMENT TO THE POSITION OF REGISTRAR AND ASSISTANT REGISTRARS OF POLITICAL PARTIES	30
1. Ms .ANN NJERI NDERITU.....	31

2. MR. ALI ABDULLAHI SURRAW.....	42
3. MS. FLORENCE TABU BIRYA	48
4. MR.MAKORRE WILSON MOHOCHI	51
CHAPTER 5.....	53
5.0 COMMITTEE’S OBSERVATIONS AND FINDINGS	53
1. Ms. ANN NJERI NDERITU.....	53
2. MR.ALI ABDULLAHI SURRAW.....	55
3. MS. FLORENCE TABU BIRYA	58
4. Mr. MAKORRE WILSON MOHOCHI	60
CHAPTER 6.....	63
COMMITTEE'S RECOMMENDATIONS.....	63

LIST OF ABBREVIATIONS AND ACRONYMS

EACC	Ethics and Anti-Corruption Commission
KRA	Kenya Revenue Authority
DCI	Directorate of Criminal Investigations
HELB	Higher Education Loans Board
ORPP	Office of the Registrar of Political Parties
CRB	Credit Reference Bureau
IEBC	Independent Electoral and Boundaries Commission
AIE	Authority to Incur Expenses
CEO	Chief Executive Officer
MOU	Memorandum of Understanding
KNEC	Kenya National Examination Council
IFMIS	Integrated Finance Management System
USAID	United States Aid for International Development
UNDP	United Nations Development Programme
FAO	Food and Agricultural Organisation
JICA	Japan International Cooperation Agency
NACC	National Aids Control Council
UNES	University of Nairobi Enterprise Services Ltd

ANNEXURES

- ANNEXURE 1** Committee Minutes
- ANNEXURE 2** Letter from H.E the President forwarding the nominees names
- ANNEXURE 3** Speaker's Conveyance of Message from H.E the President
- ANNEXURE 4** Newspaper Advertisement dated 10th September, 2020
- ANNEXURE 5** Nominees Invitation for Approval Hearing
- ANNEXURE 6** Clerk's Letter to the EACC, KRA, DCI, ORPP and HELB
- ANNEXURE 7A** Response from EACC
- ANNEXURE 7 B** Response from KRA
- ANNEXURE 7 C** Response from DCI
- ANNEXURE 7D** Response from ORPP
- ANNEXURE 7E** Response from HELB
- ANNEXURE 8** Nominees Questionnaire and Curriculum Vitae

CHAIRMAN'S FORWARD

On 8th September, 2020 pursuant to Standing Order 42 (1), the Speaker communicated to the House a message from His Excellency the President Hon.Uhuru Kenyatta on the nomination of persons for appointment to the positions of Registrar and Assistant Registrars of Political Parties.

The Message dated 2nd September, 2020 was addressed to the Speaker of the National Assembly pursuant to section 34 A of the Political Parties Act (No.11 of 2011) and in accordance with the procedure set out under paragraph 5 of the sixth schedule to the Political Parties Act and Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act (Act No.33 of 2011).

The above Statutory provisions require that in making appointments of the Registrar and Assistant Registrars of Political Parties, the President shall seek the approval of the National Assembly. The Speaker of the National Assembly referred the Message together with the nominees' curriculum vitae to the Departmental Committee on Justice and Legal Affairs for consideration pursuant to provisions of Standing Order 42 (3) (c)

The Committee's Report contains observations, findings and recommendations on the suitability and or otherwise of the nominees.

The Committee conducted the vetting process for approval of the nominee with reference to the Constitution of Kenya 2010, the Public Appointments (Parliamentary Approvals) Act, 2011, Political Parties Act (No.11 of 2011), the Leadership and Integrity Act, 2012 and other relevant provisions of the law.

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

Signed

Hon. Muturi Kigano, M.P

(Chairperson)

Departmental Committee on Justice and Legal Affairs

Dated this.....Day of.....2020

CHAPTER 1

PREFACE

1.1 Establishment and Mandate of the Committee

1. The Departmental Committee on Justice and Legal Affairs derives its mandate from Standing Order No. 216(5) which provides for the functions of Departmental Committees as follows-
 - (a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
 - (b) study the programme and policy objectives of ministries and departments and the effectiveness of their implementation;
 - (c) study and review all legislation referred to it;
 - (d) study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;
 - (e) investigate and enquire into all matters relating to the assigned ministries and departments as they may deem necessary, and as may be referred to them by the House;
 - (f) vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments)
 - (g) examine treaties, agreements and conventions;

- (f) vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments)
 - (g) examine treaties, agreements and conventions;
 - (h) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
 - (i) consider reports of Commissions and Independent Offices submitted to the House pursuant to provisions of Article 254 of the Constitution; and
 - (j) Examine any questions raised by Members on a matter within its mandate.
2. The Second Schedule of the Standing Orders on Departmental Committees further outlines the Subjects of the Committee, as follows-
- (a) Constitutional affairs;
 - (b) The administration of law and Justice
 - (c) The Judiciary;
 - (d) Public prosecutions;
 - (e) Elections;
 - (f) Ethics, integrity and anti-corruption; and
 - (g) Human rights.

1.2 Committee Membership

3. The current membership of the committee is as follows-

Chairperson

Hon. Clement Muturi Kigano, M.P.

Kangema Constituency

Jubilee Party

Vice Chairperson

Hon. (Dr.) Paul Otiende Amollo, M.P.

Rarieda Constituency

ODM - Party

Hon. John Olago Aluoch, M.P.

Kisumu West Constituency

FORD-Kenya

Hon. George Peter Kaluma, M.P.

Homa Bay Town Constituency

ODM-Party

Hon. Roselinda Soipan Tuya, M.P.

Narok County

Jubilee Party

Hon. Junet Sheikh Mohammed, M.P.

Suna East Constituency

ODM-Party

Hon. Emmanuel Wangwe, M.P.

Navakholo Constituency

Jubilee-Party

Hon. W. Kamoti Mwamkale, M.P.

Rabai Constituency

ODM-Party

Hon. Josephine Naisula Lesuuda, M.P.

Samburu West Constituency

Hon. Zuleikha Hassan, M.P.

Kwale County

KANU-Party

Hon. Jennifer Shamalla, M.P.

Nominated MP

Jubilee Party

Hon. Anthony Oluoch M.P.

Mathare Constituency

ODM-Party

Hon. George Gitonga Murugara, M.P.

Tharaka Constituency

Democratic Party (DP)

Hon. John Kiarie Waweru, M.P.

Dagoretti South Constituency

Jubilee-Party

Hon. Adan Haji Yussuf, M.P.

Mandera West Constituency

Economic Freedom Party

ODM-Party

Hon. Robert Gichimu Githinji, M.P.

Gichugu Constituency

Jubilee-Party

Hon. John Munene Wambugu, M.P.

Kirinyaga Central

Jubilee -Party

Hon. Anthony Githiaka Kiai, M.P.

Mukurueni Constituency

Jubilee-Party

Hon. Japheth Mutai, M.P.

Bureti Constituency

Jubilee-Party

1.3 Committee Secretariat

4. The Committee secretariat is as follows-

Mr. Abenayo Wasike

Senior Clerk Assistant

Lead Clerk

Mr. Denis Abisai

Principal Legal Counsel I

Ms. Halima Hussein

Clerk Assistant II

Mr. Ahmed Hassan Odhawa

Principal Research Officer

Mr. Omar Abdirahim

Fiscal Analyst III

Ms. Roselyne Ndegi

Serjeant-at-Arms I

Mr. Joseph Okongo

Media Liaison Officer

5. Minutes of sittings of the committee on the consideration of the nominees are attached to this report as per **annexure 1**.

CHAPTER 2

2.0 BACKGROUND

2.1 Establishment of the Office of the Registrar of Political Parties

6. The passing of the Constitution of Kenya, 2010 introduced a new paradigm for management and administration of political parties. The Constitution recognizes political parties as important institutions in the promotion of democracy. The Constitution not only guarantees the right to freedom of association of every person and the right to freely make political choices including the right to form and participate in the activities of a political party but also sets out basic requirements for political parties and requires Parliament to enact legislation to provide for key aspects with regard to political parties. Following this Constitutional requirement, the Political Parties Act, 2011 was enacted.
7. The Office of the Registrar of Political Parties is established pursuant to section 33 (1) of the Political Parties Act, 2011. The Office is headed by the Registrar of Political Parties (the Registrar).
8. The Registrar is deputized by three Assistant Registrars, of whom not more than two should be of the same gender.
9. The Office is a state office within the meaning of Article 260 of the Constitution. It may engage such staff, experts or consultants as are necessary for the proper and effective discharge of its functions under the Act or any other written law.

2.1.1 Qualifications for Appointment

10. A person shall be qualified for appointment as Registrar or as an Assistant Registrar if the

Person-

- (a) Holds a degree from a university recognized in Kenya;
- (b) Has proven knowledge and experience in any of the following fields—
 - (i) Finance and Accounts
 - (ii) Management;
 - (iii) Political science;
 - (iv) Law;
 - (v) Governance; or
 - (vi) Public administration;
- (c) Has, in the case of the Registrar, at least fifteen years post qualification experience in the relevant areas of expertise and, in the case of an Assistant Registrar, has at least ten years post qualification experience in the relevant area of expertise; and
- (d) Is a person of high moral character and integrity and has satisfied the requirements of Chapter Six of the Constitution.

10. A person shall not be qualified for appointment as a Registrar or Assistant Registrar if the person has, at any time within the preceding five years, held office or stood for election as a Member of Parliament or a county assembly or as a member of a governing body of a political party.

11. The Registrar and Assistant Registrars shall, before assuming office, take and subscribe the oath or affirmation prescribed in the Fourth Schedule.
12. The Registrar and Assistant Registrars shall serve for a nonrenewable term of six years and shall not be eligible for re-appointment.
13. A person who serves as a Registrar or Assistant Registrar shall not be eligible to contest for election as a Member of Parliament or a county assembly, or as a member of a governing body of a political party within five years of the person ceasing to be Registrar or Assistant Registrar.

2.1.2 Functions of the Office of Registrar of Political Parties

14. The Act provides under section 34 that the functions of the Registrar shall be to—
- (a) Register, regulate, monitor, investigate and supervise political parties to ensure compliance with this Act;
 - (b) Administering of the Political Parties Fund
 - (c) Ensuring publication of audited annual accounts of political parties
 - (d) Maintain a register of political parties and the symbols of the political parties;
 - (e) Ensuring and verifying that no person is a member of more than one political party;
 - (f) Investigating complaints received under the Political Parties Act 2011;
 - (g) Perform such other functions as may be conferred by this Act or any other written law.

2.1.3 Vacancy in the Office of Registrar or Assistant Registrar of Political Parties

15. The Act provides under section 34A (1) that whenever there is an occurrence of a vacancy in the Office of Registrar or Assistant Registrar, and with the approval of the National Assembly, the President appoints a Selection Committee comprising:

- (a) A chairperson who shall be nominated by the President;
 - (b) Person nominated by the Law Society of Kenya;
 - (c) One person nominated by the Institute of Certified Public Accountants of Kenya;
 - (d) One person nominated by the Association of Professional Societies in East Africa;
 - (e) Two persons nominated by the political parties represented in the National Assembly according to their proportion of members in the Assembly; and
 - (f) Two persons nominated by the political parties represented in the Senate according to their proportion of members in the Senate
16. The persons nominated shall not be members of Parliament.

2.1.4 Notification of Nomination

17. Pursuant to the provisions of section 34A of the Political Parties Act (No.11 of 2011) and in accordance with the procedure set out under paragraph 5 of the sixth Schedule to the Political Parties Act and Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act (Act No.33 of 2011), the Head of the Public Service vide a letter dated 2nd September, 2020 Conveyed to the Speaker of the National Assembly a notification of appointment containing the names and Curriculum Vitae of Ms. Ann Nderitu, Mr. Ali Abdullahi Surraw, Ms. Florence Tabu Biryra and Mr. Makorre Wilson Mohochi for consideration and approval for appointment as Registrar and Assistant Registrars of Political Parties respectively. (**Annexure 2**)

2.1.5 Committal of the Nominees to the Departmental Committee on Justice and Legal Affairs for vetting

18. Pursuant to the provisions of Standing Order 42(1) of the National Assembly Standing Orders, the Honourable Speaker, on Tuesday 8th September, 2020 reported to the House receipt of a message from the H.E the President seeking the National Assembly's approval for appointment for of **Ms. Ann Nderitu** as the Registrar of Political Parties and **Mr. Ali Abdullahi Surraw, Ms. Florence Tabu Biryra and Mr. Makorre Wilson Mohochi** as Assistant Registrars of Political Parties. **(Annexure 3)**

19. Pursuant to the provisions of Standing Order 45, the message together with the Curriculum Vitae of the Nominees was referred to the Departmental Committee on Justice and Legal Affairs to undertake approval hearings and table its report to the House for consideration.

2.4 Notification for vetting to the public

20. Article 118 (1) (b) of the Constitution provides as follows-
“Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees”

21. Section 6(9) of the Public Appointments (Parliamentary Approval) Act of 2011 provides as follows-

“Any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of candidate to hold the office to which a candidate has been nominated”

22. To comply with these provisions of the law On Thursday September 10th, 2020 the Clerk of the National Assembly through advertisement in the local daily newspapers of *Daily Nation* and the *Standard* invited the public to submit memoranda by way of written statements on oath on the suitability of the nominees to be appointed as Registrar of Political Parties and Assistant Registrars of Political Parties. No memoranda were received contesting the nominees suitability for appointment to the office of Registrar and Assistant Registrars of Political Parties. (Annexure 4).

23. Section 6(4) of the Public Appointments (Parliamentary Approval) Act, 2011, provides as that: -

“The Committee shall notify the public of the time and place for holding an approval hearing at least seven days prior to the hearing”

24. The National Assembly Standing Order 45(3) states as follows-

“Before holding an approval hearing, a Committee to which proposed appointments have been referred shall notify the candidate and the public of the time and place for the holding of the approval hearing at least seven days before the hearing”

25. Pursuant to Article 118(1) (b) of the Constitution of Kenya, Section 6(4) of the Public Appointments (Parliamentary Approval) Act, of 2011 and Standing Order 45(3) of the National Standing Orders, the Committee in the local daily newspapers of *Daily Nation* and *the Standard* of 10th September, 2020 notified the public of the date, time and venue of approval hearing.

2.5 Notification of approval hearings to the Nominees

Section 6(3) of the Public Appointments (Parliamentary Approval) Act, 2011, states that-

“The Clerk shall notify a candidate of the time and place of holding an approval hearing”

26. The National Assembly under Standing Order 45(3) requires that -

“Before holding an approval hearing, a Committee to which proposed appointments have been referred shall notify the candidate and the public of the time and place for the holding of the approval hearing at least seven days before the hearing”

27. In line with Section 6(3) of the Public Appointments (Parliamentary Approval) Act, 2011, and the National Assembly Standing Order 45(3) the Committee by way of letters to the nominees invited them for approval hearing on Friday, 18th September, 2020, from 10.00 a.m to 4.00 p.m in the Main Chamber, Main Parliament Buildings. **(Annexure 5)**

2.6 Clearance requirements

28. By letters dated 9th September, 2020, the Clerk of the National Assembly requested for information regarding the nominee’s status from the following agencies:

- (a) Ethics and Anti-Corruption Commission (EACC)
- (b) Kenya Revenue Authority (KRA)
- (c) Directorate of Criminal Investigation (DCI)
- (d) Office of Registrar of Political Parties
- (e) Higher Education Loans Board (HELB)

(Annexure 6)

29. The information requested sought to establish the status of the nominees on the following issues-

- (i) Integrity
- (ii) Tax compliance
- (iii) Criminal record
- (iv) Educational loan repayment records
- (v) Political parties' affiliation

30. The KRA, EACC, DCI, HELB and ORPP did not have any outstanding issues with **Ms. Ann Nderitu** nominee for the position of Registrar of Political Parties, **Mr. Ali Abdullahi Surraw** and **Ms. Florence Tabu Birya** nominees for appointment to the position of Assistant Registrars of Political Parties as per **annexures 7A to 7E**. However, the Directorate of Criminal Investigations indicated that his office was unable to clear **Mr. Wilson Makorre Mohochi** as the Police clearance application was still in process as per **annexure 7C**).

CHAPTER 3

3.0 ISSUES FOR CONSIDERATION DURING THE APPROVAL HEARINGS

31. The Committee noted that the issues for consideration are as provided for under Section 7 of the Public Appointments (Parliamentary Approval) Act, No. 33 of 2011 which provides as follows-

- (i) the procedure used to arrive at the nominee
- (ii) any Constitutional or statutory requirements relating to the office in question;
- (iii) the suitability of the nominee for appointment proposed with due regard as to whether the nominee's abilities, experience and qualities meets the needs of the body to which the nomination is made.

Section 10 of the Act further provides that;

“Where the nomination of a candidate is rejected by Parliament, the appointing authority may submit to the relevant House the name of another candidate, and the procedure for approval specified in this Act shall apply accordingly’.

3.1 Procedures for appointment of the Registrar and Assistant Registrars

32. The Provisions of Section 34A of the Political Parties Act, 2011 (No.11 of 2011) provides as follows-

(1) The President shall, within a period not later than one hundred and ten days prior to the first general elections under the Constitution, or of the occurrence of a vacancy in the Office of Registrar or Assistant Registrar, and with the approval of the National Assembly, appoint a Selection Committee comprising—

- (a) a chairperson who shall be nominated by the President;
- (b) person nominated by the Law Society of Kenya;
- (c) one person nominated by the Institute of Certified Public Accountants of Kenya;
- (d) one person nominated by the Association of Professional Societies in East Africa;
- (e) two persons nominated by the political parties represented in the National Assembly according to their proportion of members in the Assembly; and
- (f) two persons nominated by the political parties represented in the Senate according to their proportion of members in the Senate

(2) The persons nominated under subsection (1) shall not be members of Parliament.

(3) Until after the first elections held under the Constitution, the nomination under subsection (1)

(a) shall be made by the President, in consultation with the Prime Minister.

1) The Act provides under section 36 that the Sixth Schedule shall apply to the procedure for the appointment of the Registrar and Assistant Registrars.

2) The Sixth Schedule on Procedures for appointment of the Registrar and Assistant Registrars provides as follows;

1. The Select Committee shall, within seven days of its appointment and whenever a vacancy arises, by notice in the *Gazette*, in at least two newspapers of national circulation and in at least two radio and television stations with national coverage, declare vacancies in the office of Registrar and the offices of Assistant Registrar.

2. The Select Committee shall, within seven days of the end of the period prescribed for receipt of applications under sub-section (1), consider the applications, shortlist qualified applicants and interview the shortlisted applicants.

3. The Select Committee shall conduct the interviews under paragraph 2 in public.

4. The Select Committee shall, following the conclusion of the interviews under paragraph 2, nominate and forward to the President the names of three nominees for appointment to the Office of Registrar of Political Parties and the names of nine nominees for appointment to the office of Assistant Registrar.

5. The President shall, within seven days of receipt of the names of the nominees under

paragraph 4, nominate one of the three persons for appointment to the Office of Registrar of Political Parties and three persons for appointment as Assistant Registrar of Political Parties and forward the names of the nominees to the National Assembly for approval.

6. The National Assembly shall, within fourteen days of the receipt of the names of the nominees under paragraph 5, consider the nominees and approve or reject the nominations.

7. Where the National Assembly approves the nominations, the Clerk of the National Assembly shall, within three days of the approval, forward the name of the approved persons to the President for appointment.

8. Where a name is forwarded to the President under paragraph 7, the President shall, within seven days of receipt of the name, by notice in the Gazette, appoint the person as Registrar of Political Parties or as Assistant Registrar of Political Parties.

1. Where the National Assembly rejects the name of a nominee, the Clerk of the National Assembly shall, within three days of the rejection, communicate the decision of the National Assembly to the President who shall submit a fresh nomination from among the persons nominated under paragraph 4.

2. If the National Assembly rejects a subsequent nomination under paragraph 9, the Provisions of paragraphs 1 to 9 shall, with necessary modifications, apply to the process of nomination and approval of a new nominee.

3) Pursuant to Section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2012, the Committee, through the Clerk of the National Assembly, invited submissions from

the public on the suitability or otherwise of the nominee for appointment to the positions of Cabinet Secretary.

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

3.2 Constitutional, statutory and professional requirements of the nominees

33. The Committee considered Constitutional, statutory and professional requirements of the nominees as follows-

- a. The committee considered if the nominees holds degrees from Universities recognized in Kenya and have proven knowledge and experience in finance, management, political science, law, governance or public administration to qualify for appointment as a Registrar and Assistant Registrars of Political Parties.
- b. Whether the nominees appreciate the provisions of Article 10 the Constitution on National values and principles of good governance.
- c. Whether the nominees are conversant with Article 232 of the Constitution on values and principles of public service.
- d. In the case of the Registrar the committee considered if the nominee has at least fifteen years post qualification experience in the relevant areas of expertise and, in the case of Assistant Registrars, at least ten years post qualification experience in the relevant area of expertise.
- e. The committee considered if the nominees have high moral character and integrity and have satisfied the requirements of Chapter Six of the Constitution.

- f. The committee examined the nominees on their family backgrounds to determine the nature of their citizenship.
- g. The committee considered education background of the nominees to determine whether the person nominated for the position of Registrar of Political Parties has at least fifteen years of post-qualification experience in the relevant field and ten years of post-qualification experience for persons nominated to the position of Assistant Registrars.
- h. The committee considered how their personal and work experiences reflect the principles under chapter 6 of the Constitution.
- i. The vision of the nominees to the Office of Political Parties.

3.3 Background information from State Agencies

34. During the approval hearings the committee considered the nominees clearances from state agencies as follows;

- a. Compliance with tax obligations to the State (KRA)
- b. Clearance with Higher Education Loans Board (HELB)
- c. Clearance with the Ethics and Anti-Corruption Commission (EACC)
- d. Certificate of good conduct (DCI)
- e. Certificate from Registrar of Political Parties
- f. Charged in a court of law or convicted? If yes, please provide further details.
- g. Clearance by any Credit Reference Bureau (CRB)
- h. If the nominees have been adversely mentioned in investigations related to their positions in public service.

3.4 Registration and membership of Political Parties

35. The committee considered existing challenges in the registration of political parties and how to address the challenges.

3.5 Governance, Management and Operations of Political Parties

36. The Committee considered the following issues on governance, management and operations of Political Parties;

- a. The mechanisms nominees will design to support the process of strengthening the quality of politics in the country in relation to democratization of political parties to strengthen our democracy.
- b. The relationship nominees will cultivate with regard to the institutions of political parties and their views on the leadership of political parties.
- c. How the nominees intent to address the thorny issue of nomination of candidates by political parties and the reforms they may suggest on how parties should conduct their primaries and the role of this office and other public institutions in regulating this process.
- d. The nominees views on funding of the political parties.
- e. Accountability and oversight measures that should be put in place to ensure prudent utilization of the political parties' fund.
- f. The views of the nominees on the current eligibility for funding required under the Act and monitoring political parties that receive ineligible contributions.

3.6 Implementation of the Political Parties Act and other laws

37. The following issues were considered regarding the nominee to the office of the Registrar of Political Parties who prior to her nomination has been the acting Registrar of Political Parties;

- a. The challenges the nominee has encountered in the implementation of the Political Parties Act.
- b. What she may consider as gaps in the Political Parties Act.
- c. Legal reforms she may propose to improve the management of Political Parties if approved by the House.
- d. Whether the Regulations (The Political Parties Dispute Tribunal (procedure) Regulations, 2017, Political Parties (Funding) Regulations, 2014, the Political Parties (Liaison Committee) Regulations, the Political Parties (Registration) Regulations) that support the Act are sufficient in enforcement of the Act.
- e. The extent to which the political parties have implemented one of the objectives of the political parties fund which is to spend money allocated from the Fund to ensure that at least thirty percent (30%) of the Funds to promote the representation in Parliament and in the county assemblies of women, persons with disabilities, youth, ethnic and other minorities and marginalised communities.
- f. Major operational reforms that may be initiated in the management of the affairs of the office of the registrar if the nominee is approved by the House.

3.7 Relationship with other institutions

38. The committee considered the relationship between political parties office and other institutions as follows;

- a. How the office of the Registrar of Political Parties and the IEBC can collaborate and what they may offer to strength the relationship between two offices while appreciating their critical role in the electoral process.
- b. How the nominees can ensure that they independently executive their mandate without external interference.

3.8 Potential Conflict of interest

39. Members focused on Article 75 of the Constitution on conduct of state officers and raised the following issues during the approval hearings;

- a. Whether there is any family member or other persons, parties, categories of litigation or financial arrangements that is likely to present potential conflicts of interest if they are approved by the House.
- b. Whether the nominees have any other gainful employment that is likely to bring about conflict of interest with their assignment if approved by the House.

CHAPTER 4

4.0 APPROVAL HEARING OF THE NOMINEES FOR APPOINTMENT TO THE POSITION OF REGISTRAR AND ASSISTANT REGISTRARS OF POLITICAL PARTIES

40. The committee is mandated pursuant to the provisions of the Public Appointments (Parliamentary Approvals) Act, 2011 (No.33 of 2011) , the Political Parties Act, 2011 (No.11 of 2011) and Standing Orders of the National Assembly to consider for approval by the National Assembly, appointments of the Registrar of Political Parties and Assistant Registrars of Political Parties. The said provision requires H.E the President to forward the names of the persons so selected to the National Assembly for approval.
41. In conducting the approval process, the Departmental Committee on Justice and Legal Affairs examined the nominees against the following criteria **as per annexure 8** amongst others, in accordance with the Public Appointments (Parliament Approval) Act No.33 of 2011 as follows;
- (i) Academic qualifications
 - (ii) Employment record
 - (iii) Professional affiliations
 - (iv) Potential conflict of interest
 - (v) Knowledge of the relevant subject
 - (vi) Overall suitability for the position
 - (vii) Tax compliance
 - (viii) Integrity and morality
 - (ix) Vision, leadership and judicial reforms
 - (x) Access to justice
 - (xi) Expectations and key priorities

1. Ms .ANN NJERI NDERITU

42. Ms. Ann Njeri Nderitu appeared before the Committee for the approval hearing on Friday 18th September, 2020 and responded to questions from members of the Committee as follows:-

(i) Self-Introduction, Academic and Professional Qualifications

- 1) She informed the committee that she was born in Nyandarua County in 1971. She holds a Masters Degree in Linguistics from University of Nairobi and Bachelor of Education from Moi University.
- 2) The nominee further informed the committee on her professional training and qualifications in Corporate Governance from ESAMI, Political Conflict Resolution and Management from CPS, London, Diploma in Public Administration from Galilee Institute of Management in Israel, Bridge Accreditation Course (Ttf) From Malawi, Corporate Governance, Strategic Leadership and Performance Management from the Kenya School of Government, Election Management Principles and Practice, IIIDEM-ITEC, India, Engagement of South Africa Political in the Electoral Parties Process, National Democratic Institute, Election Management Course, Korea Institute for Democracy, South Korea, Conflict Resolution, Electoral Reforms International, Impact of the Constitution on the Electoral Process, Kenya School of Law, Management Course in ECD, P.T.C Karuri, Trainer of Trainers in Education Management (Human Resource Management), K.E.S.I and Trainer of Trainers in HIV/AIDS, K.E.S.I.

(ii) Work History and Demonstration of Post-Qualification Experience

- 3) The nominee is currently the acting Registrar of Political Parties where;
 - i) Her office is responsible for, registration, regulation, monitoring and supervision of political parties to ensure compliance with the Political Parties Act, 2011; In addition the office is in charge of Administration of the Political Parties Fund; Ensuring publication of audited annual accounts of political parties; Verify and make publicly available the list of all members of political parties; Maintain and

register political parties and the symbols of the political parties; Ensure and verify that no person is a member of more than one political party ; and investigate complaints received under the Political Parties Act ,2011.

- ii) She supervises the Political Parties elections, train political parties' agents and political parties' officials on elections. The office also clears aspirants for elections before the Election Management Body register them as candidates.
- iii) Before her appointment as Registrar of Political Parties, she was the immediate Head of Electoral Training at the Independent Electoral and Boundaries Commission (IEBC), where she designed and implemented all the Electoral Training programmes for all electoral officials and key stakeholders.
- iv) At IEBC she also worked as the Manager in charge of Partnerships where she managed all the stakeholders' engagements for the Commission for a period of 5years.
- v) At the Commission she was later given the position of Acting Director for Voter Education and Partnerships, a position she acted in for a half a year.
- vi) Before joining the Commission, the nominee had worked as an Education Administrator in the Ministry of Education in various positions.

(iii)Experience in Public Administration, Management and Governance

- 4) The nominee informed the committee that she is a career Public Administrator and Manager as follows-
 - i) She has seventeen (17) years hands-on experience in leadership, administration and governance.

- ii) She has been in public administration for majority of her working years and has held various position.
- iii) She is practically trained and holds certificates in Leadership and Corporate Governance from Kenya School of Government and a Diploma in Public Administration and Governance from Galilee School of Administration, Israel, among other trainings.
- iv) She begun her career in public administration in 1999 as an Inspector of Schools in charge of supervision of curriculum delivery by all teachers and administrators of schools and colleges in a division, a position she held for three years before moving on to become an Area Education Officer (AEO) in charge of administration of education programs for all teachers, pupils, board of management and other stakeholders. She was then promoted to the position of District Quality Assurance and Standards Officer a position that involved development and implementation of schools (primary, secondary schools and colleges) and teachers, pupils, parents, education administrators' programmes to promote quality education in the District.
- v) She later took the position of District Education Officer and worked in various Districts as an education administrator of all education programs including teacher discipline, hiring and promotion, Secretary to the District Education Board among other things.
- vi) She was later competitively hired by the Independent Electoral and Boundaries Commission (IEBC) as the Manager in Charge of Partnerships a docket that was mandated to coordinate, develop and implement programs for all election stakeholders including political parties.
- vii) At the Commission, she was later given the position of Ag. Director for Education and Partnerships, a position that entailed development and implementation of all voter education and stakeholder engagement programs. Ann was later deployed to the role of Head of Electoral Training, which included development of all electoral training materials, design and implementation of national training programs, administration of

training programs for various cadres of electoral officials, in 2017 she administration a training program for over 1.2 million electoral officials and key stakeholders that included political party leaders and agents a position she held prior to her appointment as Registrar of Political Parties.

viii) As the acting Registrar of Political Parties she is the CEO/ Accounting officer of the institution.

ix) Her role in public administration has contributed largely to the establishment and completion of big projects at the Ministry of Education and the Commission and currently at the Office of the Registrar of the Political Parties.

(iv) Experience in Public Financial Management and Procurement

5) The nominee informed the committee that she has held administrative and governance posts for a period of seventeen (17) years as follows-

- i) She has been in charge of finances either as an AIE holder or an Accounting Officer. Currently, as the Registrar of Political Parties she is the CEO and Accounting Officer which includes administration of the Recurrent Budget and Political Parties Fund.
- ii) At IEBC, where she was the Manager Partnerships she was the AIE holder for the Partnership Department and also governed all the donor funds.
- iii) She later took up the position of IEBC Head of Electoral Training and was the AIE holder of the department which controlled a total budget of 2.8 billion for national training programs.
- iv) Ann has also participated in procurement as a member of the IEBC tender committee, numerous evaluation committees of electoral materials, opening committees, inspection committees and user of procured items.
- v) As a District Education Officer and District Quality and Standards Officer she was the AIE holder for the district on all education programs.
- vi) She has been trained and holds certificates on the Public Procurement and Disposal Act, 2015, Public Finance Management Act, 2012.

(v) Experience in Review and Implementation of Electoral Laws

- 6) She informed the committee that she has diverse experience and understanding of the electoral laws and stated that-
- i) She had been trained severally by Kenya Law Reform Commission.
 - ii) She was a member of the Post-Election Legal Reform Taskforce- 2014 to 2017 comprising of representatives from various organizations that work in Elections and Legal reforms.
 - iii) After the legal review and changes thereof, she implemented the changes by developing and reviewing 16 electoral training manuals and trained all the 2017 General Elections' Voter Registration and Electoral Officials using the reviewed manuals. The manuals were further reviewed and used during the Fresh Presidential Repeat Election in October, 2017.
 - iv) Currently she is also a member of The Post 2017 Electoral Legal Review Taskforce which has a mandate to look at all the Electoral laws including the Political Parties Act, 2011.

(vi) Bridge Accredited Electoral Trainer of Trainers and other Electoral Trainings

- 7) Ms. Ann Nderitu is a fully accredited Building Resources in Democracy, Governance and Elections (BRIDGE) Workshop Facilitator. This is an internationally recognized training programme and methodology for Election Practitioners. She has been involved in training programs as follows-
- i) She has facilitated several BRIDGE workshops including a (TtF) under the supervision of re-knownn international Accrediting Facilitators. She is in the process of acquiring the status of an Accrediting Facilitator.

- ii) She has been trained in Several Electoral and Management Institutions including Galilee Institute of Management in Israel, (IIIDEM) India, (KOICEI) in South Korea, South Africa and Kenya amongst others.
- iii) The in-service trainings assisted her to manage Kenya's robust Electoral Technical Training programmes, Voter Education and the Commission's Partners and stakeholder in her various capacities.
- iv) She has designed and coordinated the implementation of over 40 National training programmes including the 2010 Referendum, Mass Voter Registration for the years 2012, 2016 and 2017, 2013 General Election, 2017 General Election, 2017 Fresh Presidential Election, PRISM 2004, Free Primary Education-Education for all 2004-2006, SEMASE, 2006, PSBH 2003-2008, Peer Counselling Project 2007, School Management Project 2005-2010 and HIV/AIDS Behaviour Change Program 2001-2011. Several of the projects that Ann has coordinated have trained participants in their millions.

(vii) Experience in Communication, Negotiation and Conflict Management

- 8) She stated that she was an excellent Public Communicator in practice and style. At IEBC she engaged with all partners and stakeholders on behalf of the Commission, a job she performed for a period of five years. She was involved in-
- i) Communicating, liaising and negotiating with election donors, political parties, civil societies, government agencies, service providers, the media and local and international observer missions among others.
 - ii) Her job description required her to write funding proposals, MOUs, Partnerships Agreements and Collaborations among other things.
 - iii) She has hands on experience in writing official and diplomatic communication, media statements and radio scripts.

- iv) In addition, she is trained in Trainer of Trainers in Human Resource Management, Behaviours Change Management, Project Planning and other numerous courses. From her project management experience, she has perfected skills in people management; funding proposal writing, result oriented programme implementation, objective reporting as well as reflective monitoring and evaluation.
- v) While working in Limuru 2007, she was greatly involved in inter-community negotiations especially for the affected children and women. She was key in setting up temporary learning centres for affected children who arrived in their droves in Limuru from other parts of the Country. She is trained in Political Conflict Management and Resolution from Centre for Parliamentary Studies

(viii) Achievements in Elections Management

- 9) The nominee stated that she joined the Electoral Commission in 2010 as the Manager in charge of Partnership and Electoral stakeholders' management and was later appointed to Ag. Director Voter Education and Partnerships. She acted in this capacity from April 2014 to November 2015. The position demanded high responsibility to develop and coordinate all Voter Education and Partnerships programmes. In December 2015, she was promoted and re-designated to Head of Electoral Training in the Commission.
- 10) Her vast experience in electoral activities includes-
 - i) Setting up of a framework for the management of partners and election stakeholders;
 - ii) Mainstreaming of the women, youth, persons with disability and other marginalized groups in the electoral process;
 - iii) Development and designing voter education curriculum training manuals strategies and policies;

- iv) The design and conduct of voter education and partnerships programmes for the 2010 Kenyan Referendum and 2013 General Elections which recorded 86% voter turnout, one of the highest in the world;
- v) Designing and implementation of Training Programmes for Referendum committees and political party agents and independent candidates.
- vi) Accreditation, training and coordination of over 34,556 domestic observers and international observers in 2013 General Elections and development of the observation guidelines; and
- vii) Accreditation and training of 632,000 political parties' agents and Independent Candidates agents for 2013 General Elections.
- viii) Gender Mainstreaming and inclusion of Persons with Disabilities, Youth, minorities and other marginalized groups in the electoral process with an aim to increase their participation and representation.
- ix) Inclusion and integration of Voter Education in the National School Curriculum aiming at in-building a culture of democracy in children;
- x) Concept development and fund Mobilization on establishment of National Electoral Institute in Kenya;
- xi) Design and Implementation of Mass Voter Registration Training Programmes in 2015 and 2016;
- xii) Design and Coordination of Political Parties Leadership Programme;
- xiii) Development of sixteen (16) Election Training Manuals and Guides for different cadres of electoral officials and stakeholders. This allowed documentation of all the electoral processes in Kenya; and
- xiv) Design and implementation of 2017 General Election Training Programme which trained over 1.2 million participants.

(ix) Integrity and morality

11) The nominee informed members that she had never been mentioned adversely in any investigatory report, maintained impartiality and personal integrity despite of institutional issues. She has demonstrated her leadership qualities in compliance with the principles of Chapter six of the Constitution.

(x) Knowledge on Article 232 of the Constitution on Values and Principles of Public Service

12) She informed members that as a public servant one holds the office in trust for the people of Kenya and is expected to uphold principles such as impartiality, accountability, competitiveness, public access to information, high standards of professional ethics, and execution of her duties in a participatory manner.

(xi) Views on Political Parties and Coalitions in the Country

13) She submitted as follows-

- i) Currently we have seventy one (71) registered political parties in Kenya
- ii) Kenya is a multi-party democracy and people should not be restricted on the number of parties to be registered as it is a constitutional right of association;
- iii) Registered parties should be institutionalized and inactive parties in elections should be focused on to account on what they have done for the country as political parties;
- iv) As a country we should continue to support pre-election and post-election coalitions as part of our democracy.
- v) There is need to address the gaps in the role of the Registrar and management of coalitions such as the fate of a coalition when one partner pulls out of the coalition pact.
- vi) There is no legislation linking coalitions to particular ideologies as a basis of partnering up.

(xii) Views on the Campaign Financing Act and Regulations

14) Ms. Ann Nderitu submitted that-

- i) The Independent Electoral and Boundaries Commission (IEBC) is the enforcer of the Act.
- ii) That IEBC faced challenges when it tried to enforce the Act.

(xiii) Improvement of Gaps in the Political Parties Disputes Tribunal

15) The nominee informed the committee that-

- i) The Tribunal exists and operates separately from Office of the Registrar of Political Parties.
- ii) The Disputes Tribunal should be devolved during elections to the level of counties. This will address challenges faced by the Tribunal in the 2017 elections where it was overwhelmed by disputes filed for determination.
- iii) Parties should strengthen their internal party democracy that may help to address some issues and avoid escalation to the Tribunal for determination.
- iv) She will work closely with the National Assembly for improved financial allocation to the office and need to strengthen the Tribunal in terms of staff and infrastructural development.

(xiv) Leadership challenges facing Political Parties in the Country

16) She stated that the Registrar has no major role in the internal management of political parties. Political parties are independent and only present their meeting resolutions to the Registrar of Political Parties for action and to improve on the operations of the political parties in the country. There is need to strengthen the Political Parties Disputes Tribunal and promotion of internal party democracy to ensure fairness in resolution of party disputes.

(xv) Digitalization of the operations of the office

17) She informed the committee that in her tenure as the Acting Registrar of Political Parties she digitalized the registration of political parties and its membership. She added that the office was working with E-Citizen to upload all the Political Parties information, availing all the membership register and creating a code for the public to access the digitalized register for Political Parties.

18) The Integrated Political Parties Management System is used to register political parties and the office's efforts to improve the system were slowed down by the outbreak of Covid-19 pandemic.

(xvi) Statement of Net worth

19) She stated that her net worth was Kshs 56.4 million after considering the liabilities such as personal debts, loans and mortgages.

(xvii) How to address corruption in the office

20) She informed the committee that she will ensure strict compliance to the rule of law in all operations and operationalize the Disciplinary Committee in line with the Human Resource Laws to handle any arising issues of integrity.

21) She also informed the committee that she will inculcate a culture of discouraging corruption, train staff on ethical matters and keep a staff register on conflict of interest.

(xviii) Registration of Political Parties and timelines for specific functions

22) She stated that registration of Political Parties is guided by section 8 of the Political Parties Act. She added that offensive names with no political meaning do not satisfy the criteria for registration.

23) Ms. Ann Nderitu informed the committee that they have a service charter with a time table but some aspects of her functions are delayed by other institutions outside her control.

(xix) Submissions from the Public

24) The following institutions and persons submitted representations in support of her nomination-

- (a) Strathmore University Students
- (b) Mr. Mutetia Mberia
- (c) Ms. Immaculate Kassait
- (d) Dr. Jeff Kaluyu
- (e) Kenya Youth Alliance Movement
- (f) Bunge La Mwananchi
- (g) Mr. Philip Kitoto Sabwa-Kenya Assemblies of God

2. MR. ALI ABDULLAHI SURRAW

43. Mr. Ali Abdullahi Surraw appeared before the Committee for the approval hearing on Friday 18th September, 2020. The Clerk of the National Assembly had not received any objections from the public regarding his nomination. He responded to questions from members of the Committee as follows:-

(i) Self-Introduction, Academic and Professional Qualifications

- 1) That he is currently the Chief Executive Officer of Millennium Innovation Consulting Group. He was born in 1974 in Mandera County. He holds a Masters Degree in Public Administration and Economics from Kampala University and a Bachelor of Arts from Moi University. He also holds a Higher Diploma in Human Resources Management examined by the Kenya National Examinations Council (KNEC).
- 2) The nominee informed members that he attended Seminars and Courses on Rapid Results Initiative (RRI) Course at the Government Training Institute (Matuga), Integrity Assurance Officers Training Course by the Kenya Anti-Corruption Commission, Total Quality Management Course by Adaptive Management Consultants, Social Protection

Administration course by East and Central Africa Social Security Association, Project planning management course by African Population Institute, Financial Management at the Kenya Institute of Administration and Public Prosecution skills upgrading at the Kenya School of Law.

(ii) Employment History and Demonstration of Post-Qualification Experience

3) The nominee informed the committee as follows-

- i) From December 1999 to May 2001, the nominee worked as an Administrative Officer, Telcom Somalia where he was responsible for office administration, Payroll administration, employees' welfare and purchasing and supplies. He served as Operations Manager in the same organization from June 2001 to March 2004 where his main duties were Sales and marketing, Billing management and revenue administration, Customer Services, Logistic, management, Personnel administration, Administration and support services and Procurement functions.
- ii) From April 2004 to February 2007 Mr. Abdullahi served as an enforcement officer at the National Social Security Fund (NSSF) Nairobi responsible for enforcement of the NSSF Act Cap 258, Collection of contributions, Member registration, Inspection of compliance status, Records verification and Human Resources and administrative support services. He was branch Manager of NSSF Garissa Branch from March 2007 to February 2010 performing the same duties.
- iii) The nominee informed members that from 2010 to 2012 he served as NSSF Mombasa Branch Manager In charge of operations of Mombasa Branch, Social Protection administration, Asset management, Human resources planning & Personnel Administration, Training and development & Managing, Employee Relations, Compliance management & Benefit administration, Budgeting and control, Revenue management, Performance Management, Business development and Procurement function.
- iv) From November 2012 to June 2013 he was IEBC Elections Coordinator where his duties included Elections management including registration, voter education,

campaigns management, nominations, elections supervision and dispute resolution, Regulations of Political parties activities, Recruitment of election officials, Personnel administration, Administrative support services including logistics, Asset management, Financial management including budgeting and prudent use of commission resources, Providing management support, developing and overseeing implementation of the commission strategies and Performance management

(iii) Experience in Public Administration, Management and Governance

4) He informed the Committee that-

- i) Mr. Abdullahi informed members of the committee that from June 2013 – Feb 2015 he served in Isiolo County as a County Executive Committee Member for Water, Environment, Natural Resources, Energy and Irrigation. His duties were Developing and implementing the sector policies, Providing strategic leadership and direction to the sector, Co-coordinating the implementation of the budget of the sector, Developing of sector strategic plans, Mobilizing resources for funding the budgetary requirements of the sector and putting in place mechanisms to raise revenue and resources, Performance Management; including systems and Human resources, Human Resources Development , Managing Employee Relations, Intergovernmental Relations, Managing Service Delivery of the sector, Advising the County Government entities, the county executive committee on the water, Irrigation, Environment, Natural Resources and energy matters, Reporting regularly to the county assembly on the implementation of sector plans.
- ii) The nominee stated that he is a Governance Practitioner and a public policy analyst with a good grounding in Public Finance Management; he has proven managerial and leadership skills with wide experience in developing profitable strategies and implementing visions; he has also had a Strong understanding of

corporate finance and performance management principles with an in-depth knowledge of corporate governance and general management best practices.

- iii) That he has over 15 years' experience in Financial Management, transformative social protection as well as institutionalization of accountable democratic Governance.
- iv) In further response to members questions, he responded that he had Sound skills in project planning and management, Programmatic experience in performance and Result Based Management, Excellent Conceptual and Critical Thinking Skills, Proficiency in computer and ICT, Good advocacy and communication skills and a Strong team player with High level of integrity.

(iv) Experience in Public Financial Management and Procurement

- 5) From March 2015 to September 2017, Mr. Abdullahi was the Isiolo County Executive Committee Member for Finance and Economic Planning. His main duties included Providing strategic leadership and direction to the sector, Developing and implementing financial and economic policies in the county, Preparing the annual budget for the county and coordinating the preparation of estimates, of revenue and expenditure of the county government, Co-coordinating the implementation of the budget of the county government; Mobilizing resources for funding the budgetary requirements of the county government and putting in place mechanisms to raise revenue and resources; Performance management; including systems and human resources. Managing the county government's public debt and other obligations and developing a framework of debt control for the county; Consolidating the annual appropriation accounts and other financial statements of the county government in a format determined by the accounting standards board; Acting as custodian of the inventory of the county government's assets. Ensuring compliance with accounting standards prescribed and published by the accounting standards board from time to time; Ensuring proper management and control

of, and accounting for the finances of the county government and its entities in order to promote efficient and effective use of the county's budgetary resources; Assisting county government entities in developing their capacity for efficient, effective and transparent financial management, upon request; Strengthening financial and fiscal relations between the national government and county governments in performing their functions and Reporting regularly to the county assembly on the implementation of the annual county budget.

(v) His understanding of Articles 10 and 232 of the Constitution.

- 6) He stated that the values and principals anchored in Articles 10 and 232 of the Constitution are very fundamental in effective service delivery in all public offices and he would ensure the Constitution and all other relevant laws are implemented and adhered to. He highlighted on patriotism, national unity, and the rule of law, human dignity, good governance and accountability as key in public service. He also stated that professionalism, accountability, merit in recruitment, diversity, equal opportunities for all competing groups are fundamental principles that cannot be compromised.

(vi) Views on the Gender Rule

- 7) He submitted that the constitutional provision on the gender rule is a fundamental because it addresses issues of marginalization in representative positions. He noted that political parties can play a role by promoting implementation of the provision during party primaries.

(vii) Views on Reform of Political Parties and Party Elections

- 8) He stated that capacity building for political parties will enhance and strengthen their internal structures to ensure parties have a national outlook and can be identified by different ideologies. He further observed that Kenya is a young democracy and most political parties have not attained the required standards. He also noted that strategic stakeholders engagement will be enhanced to encourage internal democracy as stifling

democracy within parties may at the end of the day kill democracy itself. Mr. Abdullahi also stated that political parties that do not conduct elections are acting in violation of the law and will work to ensure that all parties comply with the law. He was emphatic that that party nominations are a thorny issue and implementation of party constitutions is one of the challenges bedeviling internal party democracy across the board. He observed that it is fundamental to build internal party structures such as management teams, nomination process should be restricted to registered party members only and party management boards should work independently by resisting directions from party leaders.

(viii) External Funding of Political Parties

- 9) He stated that he will strive to ensure that eligible funding is enhanced within the provisions of the law and restrictions on funding by foreign governments and citizens have merit and should be adhered to. That technical assistance may be extended to a political party by a foreign party with the same ideology as per section 27 (2) of the Political Parties Act. That funding political parties is a critical requirement and it is a price the citizens pay to realise a democracy. Funding should be increased but issues of accountability must be clear and reporting requirements enhanced.

(ix) Potential Conflicts of Interest

- 10) He stated that currently he is not involved in any business and will avoid as much as possible issues that may cause conflict with regard to the expectations leadership and Integrity of a public officer.

(x) On Statement of Financial Net Worth and Income

- 11) He stated that his current net worth is Kshs 9.4 million and he is ready for whatever disruptions that may be occasioned by his appointment.

3. **MS. FLORENCE TABU BIRYA**

44. Ms. Florence Tabu Birya appeared before the Committee for the approval hearing on Friday 18th September, 2020. The Clerk of the National Assembly had not received any objections from the public regarding his nomination. She responded to questions from members of the Committee as follows:-

(i) Self-Introduction, Academic and Professional Qualifications

1) She is a Kenyan, citizen, identity card Number 13673027 born in 1975 in Kilifi County. She holds a Masters of Business Administration Degree from the University of Nairobi and a Bachelor of Commerce Degree (B.COM) in Finance from the University of Nairobi.

(ii) Employment History and Demonstration of Post-Qualification Experience

She informed the committee as follows-

- i) She is currently the Director Finance and accounting at the National Biosafety Authority. previously, she held various other positions including: County Director, Treasury and Planning in Kilifi County, Electoral coordinator at IEBC, Finance Manager at National Aids Control Council, Senior Accountant at Coast Development Authority and Bank officer at the National Bank of Kenya. She has over 19 years' post qualification experience in the public service having served from the year 2000 to 2020.
- ii) As Director for Finance and Administration at the National Biosafety Authority, she is responsible for; Finance and Accounts, Human Resource Management, Information Communication Technology, Records Management, Administration and Security, Contracts management and Risk and Compliance within the directorate among other functions.
- iii) She worked for Kilifi County Government as Director Treasury and Planning from July 2014 to June 2017 where was responsible for; Management of change at the County Treasury and all related functions to ensure effective transition to the devolved system of governance under the County Government, establishment of appropriate structures for maintenance of proper accounts and other records of

the County Revenue Fund, County Emergency Fund, County Scholarship Fund and other Funds administered by the County Government, proper expenditure and effective management of allocated funds, efficiency and transparency in, and proper accountability for expenditure of those funds in the county entities, Roll out and decentralization of the newly introduced Integrated Financial Management Information System (IFMIS) to the county entities, Advice the County Executive and County Assembly on financial matters, oversaw the design, implementation and maintenance of effective and adequate internal control systems in the county entities and ensured proper management and control of, and accounting for the finances of the County Government in order to promote prudent use of public resources.

- iv) Ms. Florence Biryra informed members that she worked at the IEBC from 3rd January 2010 to July 2014 as Constituency Electoral Coordinator responsible for management of all commission operations at constituency level.
- v) She was the Finance Manager of the National Aids Control Council (NACC) from September 2006 to May 2009 a position she held concurrently with Grants Manager/Coordinator.
- vi) She was a Senior Accountant with the Coast Development Authority from February 2004 to November 2005. She managed institutional accounting processes and financial record keeping, Managed multi - donor funded projects (USAID, UNDP, FAO, JAICA, Farm Africa and Kenya Business Delivery Services) among other functions.
- vii) She worked at the National Bank of Kenya Limited from June 2000 to May 2003 as a Bank Officer in Current Accounts/Customer Service Department, Cash department, Credit Department, Computer Department, Bills and Forex Department and the Accounts and Administration Department.

(iii) Experience in Public Finance Management and Administration

- 2) As she stated above, she is currently the Director Finance and accounting at the National Biosafety Authority, was a Director for Finance and Administration at the National Biosafety Authority, worked as Kilifi County Government as Director Treasury and Planning, Finance Manage of the National Aids Control Council (NACC) and was employed by the National Bank of Kenya Limited as a Bank Officer.

(iv) External Funding and Technical Assistance of Political Parties

- 3) She informed members that technical assistance to Political Parties is provided for under the law but external funding is not within the statutory and regulatory framework governing the management and operations of Political Parties in Kenya. She also observed that there was wisdom behind restrictions placed on external funding of Political Parties but there could be moderation on external funding if there is need.

(v) How she was appointed as a Director in the Kilifi County Government

- 4) The nominee informed members that she saw a public advertisement in the print media and applied for the position, went through the interview process and was recruited competitively on merit.

(vi) Registration and Membership of Political Parties

- 5) She stated that she has never been involved in any political activities and is not a member of any political party. The main concern to her is not the number of registered political parties but the strength of parties and their contribution to the growth of democracy in the country.

(vii) Understanding of the Values and Principles of Public Service

- 6) She stated that as a public officer one must promote togetherness in the country, co-existence in diversity, mutual respect, justice for all, and equitable development in every corner of the country among other.

(viii) Involvement in Civic Education Pro-bono Programs

- 7) She informed members that she used her skills acquired at the Independent Electoral and Boundaries Commission (IEBC) to make the youth appreciate why they should actively participate in elections by turning up on voting day to choose their leaders.

(ix) Her Views on IEBC as a Former Employee

- 8) She said that mass exit of a strategic team in an organization erodes its institutional memory and causes instability in the learning process where continuity of service thrives.

(x) Development of a School Curriculum on Political Parties

- 9) Ms. Florence Biryra stated that it is a good idea and timely to educate young people on their civic duties and rights.

4. MR.MAKORRE WILSON MOHOCHI

45. Mr. Makorre Wilson Mohochi appeared before the Committee for the approval hearing on Friday 18th September, 2020. The Clerk of the National Assembly had not received any objections from the public regarding his nomination. She responded to questions from members of the Committee as follows-

(i) Self-Introduction, Academic and Professional Qualifications

- 1) He is a Kenyan, citizen, identity card Number 30296683, born in 1994 in Migori County. He is a holder of a Bachelor of .Arts Degree (Economics and Political Science) from the University of Nairobi.

(ii) Work and Professional Experience

- 2) He is currently Customer Experience Executive at Safaricom PLC. He has over 2 years post qualification experience in the private sector having served from the year 2018 to date. He worked at IEBC as a support electoral trainer in July – August 2017, voter educator in January – February 2017, office assistant in Randstad, Czech Republic, sales intern at the University of Nairobi Enterprise Services (UNES) in November 2015 – February 2016 and as a voter registration assistant in November –December 2012.

(iii) Demonstration of Post-Qualification Experience

- 3) The nominee stated that he graduated in 2017 and has not worked for ten years post qualification required by the law. Mr. Mohochi responded to the committee's concerns on his qualifications by stating that it is true he doesn't meet the minimum requirement of ten years post-qualification experience though he has minimum academic requirements.

(iv) Statement of his Net Worth and Sources of Income

- 4) He stated that current his worth is Ksh.600, 000/= and his source of income is salary as indicated in the criteria for vetting questionnaire.

CHAPTER 5

5.0 COMMITTEE'S OBSERVATIONS AND FINDINGS

46. The Committee having considered the Curriculum vitae, academic credentials, professional training and experience and, constitutional and statutory requirements relating to the office of the Registrar of Political Parties, the recruitment procedure by the Public Service Commission used to arrive at the nominees and having heard submissions during approval hearings, made the following observations on the nominees suitability for appointment as Registrar and Assistant Registrars of Political Parties-

1. Ms. ANN NJERI NDERITU

Observations

47. The Committee observed as follows-

- 1) **THAT** the nominee is a Kenyan citizen born in Nyandarua County and holds a Masters Degree in Linguistics from the University of Nairobi and a Bachelor of Arts-Education Degree from Moi University.
- 2) **THAT** the nominee attended further professional training in corporate governance, political conflict resolution and management, public administration, strategic leadership and performance management.
- 3) **THAT** the nominee is a career public administrator and has worked in public service in management positions for nineteen (19) years. She worked as an Inspector of Schools; Area Education Officer; District Quality Assurance and Standards Officer; District Education Officer; Secretary to the District Education Board; IEBC manager in charge of Partnerships; Acting Director of Education and Partnerships at IEBC and later as head of Electoral Training and is currently the acting Registrar of Political Parties.

- 4) **THAT** the nominee has experience in Public Finance Management and Procurement having been in charge of finances either as an AIE holder or an accounting officer; currently she is the CEO and accounting officer of Political Parties; she was AIE holder in charge of partnerships at IEBC and later as head of Electoral Training, participated in procurement as a member of the IEBC tender committee and has undertaken training on enforcement of the Public Procurement and Assets Disposal Act, 2015 and Public Finance Management Act, 2012.
- 5) **THAT** the nominee meets the Constitutional and Statutory requirements relating to appointment of the Registrar of Political Parties.
- 6) **THAT** the nominee, according to the records and information availed to the Committee, has never been adversely mentioned in any investigatory report or implicated in any issues that may lead to a conclusion of lack of integrity on his part.
- 7) **THAT** the nominee exhibited impressive knowledge of topical issues including demonstrated understanding of administration and management principles required in the management and regulation of political parties.

Findings

48. The committee findings were as follows-

1. **THAT, in accordance with Article 78(1) and (2) of the Constitution, Ms. Ann is a Kenyan citizen born in Nyandarua County and does not hold dual citizenship.**
2. **THAT, her academic qualifications, professional training and experience comply with the requirements of section 6 (7) of the Public Appointments (Parliamentary Approval) Act, No. 33 of 2011 and section 33 (6) (c) of the Political Parties Act, 2011 (No.11 of 2011).**

3. **THAT, she meets the requirements of Chapter 6 of the Constitution on leadership and integrity, having been issued with clearance certificates by various government agencies such as EACC, KRA, DCI and HELB.**
4. **THAT, as stipulated in Article 75(1) of the Constitution, she has not shown any actual or potential conflict of interest.**
5. **THAT, she satisfies the requirements of Article 77(1) of the Constitution in that she does not intend to participate in any other gainful employment during her tenure as Registrar of Political Parties.**
6. **THAT, she does not hold office in any political party and hence satisfies the provisions of Article 77(2) of the Constitution. This was confirmed by the Office of the Registrar of Political Parties vide letter dated 11th September, 2020.**
7. **THAT, she 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 and is therefore fit to hold office as Registrar of Political Parties.**
8. **THAT, no memoranda were presented to the Committee contesting the suitability or otherwise of the nominee for appointment as Registrar of Political Parties.**
9. **The Committee found the nominee Ms. Ann Njeri Nderitu suitable and qualified for appointment as the Registrar of Political Parties.**

2. MR. ALI ABDULLAHI SURRAW

Observations

49. The committee observed as follows-

- 1) **THAT** the nominee is a Kenyan citizen of identity card number 13257503, born in Mandera County. He holds a Masters Degree in Public Administration and Economics from Kampala University, Bachelor of Arts from Moi University and a Higher Diploma in Human Resources Management examined by the Kenya National Examinations Council (KNEC).
- 2) **THAT** the nominee has over 18 years post-qualification experience in public and private service in Financial Management, transformative social protection as well as institutionalization of accountable democratic Governance having served from 1999.
- 3) **THAT** the nominee is currently the Chief Executive Officer at the Millenium Innovation Consulting Group; held various other positions including: County Executive Committee Member, for Finance and Economic Planning and that of Water in Isiolo County Government, Electoral coordinator at IEBC, Branch Manager at the National Social Security Fund, operations Manager at Telcom Somalia.
- 4) **THAT** the nominee meets the Constitutional and Statutory requirements relating to appointment of Assistant Registrars of Political Parties.
- 5) **THAT** the nominee, according to the records and information availed to the Committee, has never been adversely mentioned in any investigatory report or implicated in any issues that may lead to a conclusion of lack of integrity on his part.
- 6) **THAT** the nominee exhibited impressive knowledge of topical issues including demonstrated understanding of administration and management principles required in the management and regulation of political parties.

Findings

50. The committee findings were as follows-

1. **THAT, in accordance with Article 78(1) and (2) of the Constitution, Mr. he is a Kenyan citizen born in Mandera County and does not hold dual citizenship.**
2. **THAT, his academic qualifications , professional training and experience thus comply with section 6 (7) of the Public Appointments (Parliamentary Approval) Act, No. 33 of 2011 and section 33 (6) (c) of the Political Parties Act, 2011 (No.11 of 2011).**
3. **THAT, he meets the requirements of Chapter 6 of the Constitution on leadership and integrity, having been issued with clearance certificates by various government agencies such as EACC, KRA, DCI and HELB.**
4. **THAT, as stipulated in Article 75(1) of the Constitution, he has not shown any actual or potential conflict of interest.**
5. **THAT, he satisfies the requirements of Article 77(1) of the Constitution in that he does not intend to participate in any other gainful employment during his tenure as Assistant Registrar of Political Parties.**
6. **THAT, he does not hold office in any political party and hence satisfies the provisions of Article 77(2) of the Constitution. This was confirmed by the Office of the Registrar of Political Parties vide letter dated 11th September, 2020.**
7. **THAT, he 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 and is therefore fit to hold office as Assistant Registrar of Political Parties.**
8. **THAT, no memoranda were presented to the Committee contesting the suitability or otherwise of the nominee for appointment as Assistant Registrar of Political Parties.**

9. **The Committee found the nominee Mr.Ali Abdullahi Surraw suitable and qualified for appointment as Assistant Registrar of Political Parties.**

3. **MS. FLORENCE TABU BIRYA**

Observations

51. The committee observed as follows-

- 1) **THAT** the nominee is a Kenyan, citizen, identity card Number 13673027 born in 1975 in Kilifi County. She holds a Masters of Business Administration Degree from the University of Nairobi and a Bachelor of Commerce Degree (B.COM) in Finance from the University of Nairobi. She attended Alliance Girls High school for her Secondary Education.
- 2) **THAT** the nominee is currently the Director Finance and accounting at the National Biosafety Authority; previously, she held various other positions including: County Director, Treasury and Planning in Kilifi County, Electoral coordinator at IEBC, Finance Manager at National Aids Control Council, Senior Accountant at Coast Development Authority and Bank officer at the National Bank of Kenya.
- 3) **THAT** the nominee has over 19 years' post qualification experience in the public service having served from the year 2000 to 2020.
- 4) **THAT** the nominee meets the Constitutional and Statutory requirements relating to appointment of Assistant Registrars of Political Parties.

- 5) **THAT** the nominee, according to the records and information availed to the Committee, has never been adversely mentioned in any investigatory report or implicated in any issues that may lead to a conclusion of lack of integrity on his part.
- 6) **THAT** the nominee exhibited impressive knowledge of topical issues including demonstrated understanding of administration and management principles required in the management and regulation of political parties.

Findings

52. The committee findings were as follows-

1. **THAT, in accordance with Article 78(1) and (2) of the Constitution, Ms. Florence is a Kenyan citizen born in Kilifi County and does not hold dual citizenship.**
2. **THAT, her academic qualifications, professional training and experience comply with the requirements of section 6 (7) of the Public Appointments (Parliamentary Approval) Act, No. 33 of 2011 and section 33 (6) (c) of the Political Parties Act, 2011 (No.11 of 2011).**
3. **THAT, she meets the requirements of Chapter 6 of the Constitution on leadership and integrity, having been issued with clearance certificates by various government agencies such as EACC, KRA, DCI and HELB.**
4. **THAT, as stipulated in Article 75(1) of the Constitution, she has not shown any actual or potential conflict of interest.**
5. **THAT, she satisfies the requirements of Article 77(1) of the Constitution in that she does not intend to participate in any other gainful employment during her tenure as Assistant Registrar of Political Parties.**
6. **THAT, she does not hold office in any political party and hence satisfies the provisions of Article 77(2) of the Constitution. This was confirmed by the Office of the Registrar of Political Parties vide letter dated 11th September, 2020.**

7. **THAT, she 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 and is therefore fit to hold office as Registrar of Political Parties.**
8. **THAT, no memoranda were presented to the Committee contesting the suitability or otherwise of the nominee for appointment as Registrar of Political Parties.**
9. **The Committee found the nominee Ms. Florence Tabu Birya suitable and qualified for appointment as Assistant Registrar of Political Parties**

4. Mr. MAKORRE WILSON MOHOCHI

Observations

53. The committee observed as follows-

- 1) **THAT** the nominee is a Kenyan, citizen, identity card Number 30296683, born in 1994 in Migori County. He holds a Bachelor of .Arts Degree (Economics and Political Science) from the University of Nairobi.
- 2) **THAT** the nominee has worked at IEBC as a support electoral trainer in July – August 2017, voter educator in January – February 2017, office assistant in Randstad, Czech Republic, sales intern at the University of Nairobi Enterprise Services (UNES) in November 2015 – February 2016 and as a voter registration assistant in November – December 2012.
- 3) **THAT** the nominee is currently Customer Experience Executive at Safaricom PLC.

- 4) **THAT** the nominee has over 2 years post qualification experience in the private sector having served from the year 2018 to present.
- 5) **THAT** the nominee has not shown a clear understanding of the principles and values of public service according to section 232 of the Constitution.
- 6) **THAT** the nominee does not meet the statutory requirement of ten years post-qualification experience relating to appointment of Assistant Registrars of Political Parties as set out under section 33 (6) (c) of the Political Parties Act, 2011 (No.11 of 2011).
- 7) **THAT** the nominee, according to the records and information availed to the Committee, had not been cleared by the Directorate of Criminal Investigations.

Findings

54. The committee findings were as follows-

1. **THAT, in accordance with Article 78(1) and (2) of the Constitution, he is a Kenyan citizen born in Migori County and does not hold dual citizenship.**
2. **THAT, his post-qualification experience does not comply with the requirements of section 6 (7) of the Public Appointments (Parliamentary Approval) Act, No. 33 of 2011 and section 33 (6) (c) of the Political Parties Act, 2011 (No.11 of 2011).His records indicates that he has two (2) years post-qualification experience having graduated from the University of Nairobi in 2017 with a bachelor degree.**

The mandatory post-qualification experience for appointment as Assistant Registrar of Political Parties is ten (10) years post-qualification experience in the relevant area of expertise as provided for under section 33 (6) (c) of the Political Parties Act, 2011.

3. **THAT, as stipulated in Article 75(1) of the Constitution, he has not shown any actual or potential conflict of interest.**
4. **THAT, he satisfies the requirements of Article 77(1) of the Constitution in that he does not intend to participate in any other gainful employment during his tenure as Assistant Registrar of Political Parties.**
5. **THAT, he 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.**
6. **THAT, no memoranda were presented to the Committee contesting the suitability or otherwise of the nominee for appointment as Assistant Registrar of Political Parties.**
7. **The Committee found the nominee Mr. Makorre Wilson Mohochi not suitably qualified for appointment as Assistant Registrar of Political Parties.**

CHAPTER 6

6.0 COMMITTEE'S RECOMMENDATIONS

55. The Committee having considered the suitability, capacity and integrity of the nominees following the vetting process, and taking into account its observations, and pursuant to the Provisions of the Constitution, Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011, the Political parties Act and the standing orders 216(5)(f), the Committee hereby recommends that the National Assembly -


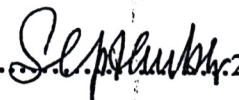
- a) Approves the nomination of Ms. Ann Njeri Nderitu for appointment as Registrar of Political Parties by His Excellency the President of the Republic of Kenya.
- b) Approves the nomination of Mr. Ali Abdullahi Surraw for appointment as Assistant Registrar of Political Parties by His Excellency the President of the Republic of Kenya.
- c) Approves the nomination of Ms. Florence Tabu Birya for appointment as Assistant Registrar of Political Parties by His Excellency the President of the Republic of Kenya.
- d) Does not approve the nomination of Mr. Makorre Wilson Mohochi for appointment as Assistant Registrar of Political Parties.

Signed

Hon. Muturi Kigano, M.P

(Chairperson)

Departmental Committee on Justice and Legal Affairs

Dated this..........Day of..........2020