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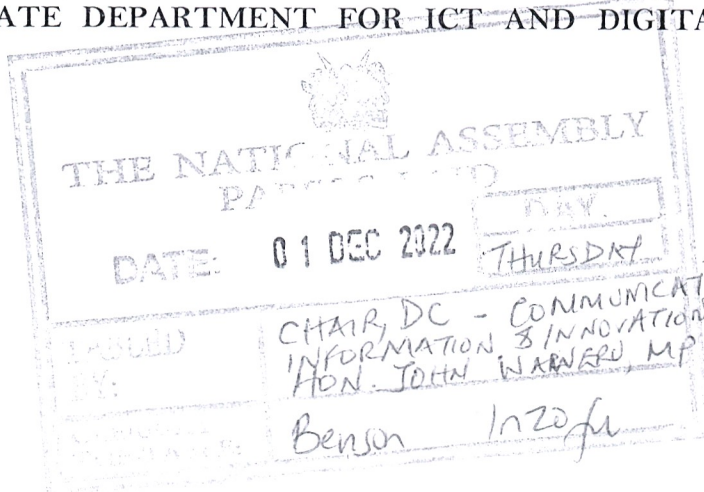
REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FIRST SESSION – 2022

DIRECTORATE OF DEPARTMENTAL COMMITTEES
DEPARTMENTAL COMMITTEE ON COMMUNICATION, INFORMATION AND
INNOVATION

REPORT ON THE APPROVAL HEARINGS OF:

1. PROF. EDWARD KISIANG'ANI, NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY STATE DEPARTMENT FOR BROADCASTING AND TELECOMMUNICATION; AND
2. ENG. JOHN KIPCHUMBA TANUI, MBS, NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY STATE DEPARTMENT FOR ICT AND DIGITAL ECONOMY.



CLERK'S CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI

NOVEMBER 2022

Table of Contents

<i>CHAIRPERSON'S FOREWORD</i>	5
<i>CHAPTER ONE</i>	7
1 <i>PREFACE</i>	7
1.1 Establishment and Mandate of the Committee.....	7
1.2 Subjects under the Committee.....	7
1.3 Committee Membership.....	8
1.4 Committee Secretariat.....	9
<i>CHAPTER TWO</i>	10
2 <i>BACKGROUND INFORMATION</i>	10
2.1 Legal Framework.....	10
2.2 Qualifications for appointment as Principal Secretary.....	13
2.3 Message from H.E. the President.....	13
2.4 Speaker's Communication and Committal to the Committee.....	13
2.5 Notification to the Public.....	14
2.6 Notification to the Nominee.....	14
2.7 Clearance Requirements.....	14
2.8 Report of the Public Service Commission on the Nomination of Principal Secretaries.....	15
2.9 Stay of the Approval Hearings.....	15
2.10 Committee proceedings.....	16
<i>CHAPTER THREE</i>	17
3 <i>APPROVAL HEARING</i>	17
3.1 Prof. Edward Namisiko Waswa Kisiang'ani – Nominee for the Position of Principal Secretary State Department for Broadcasting and Telecommunication.....	17
3.1.1 Personal Background.....	17
3.1.2 Educational Background.....	17
3.1.3 Work experience/ career progression.....	17
3.1.4 Network.....	18
3.1.5 Professional Associations & Affiliations.....	18
3.1.6 Publication.....	18
3.1.7 Clearance Requirements.....	19
3.1.8 Other issues under consideration.....	19
3.2 Eng. John Kipchumba Tanui, MBS – Nominee for the Position of Principal Secretary State Department for ICT and Digital Economy.....	21
3.2.1 Personal Background.....	21
3.2.2 Educational Background.....	21
3.2.3 Work experience/ career progression.....	21
3.2.4 Network.....	22
3.2.5 Professional Associations & Affiliations.....	22
3.2.6 Honors and Awards.....	23
3.2.7 Clearance Requirements.....	23
3.2.8 Other issues under consideration.....	23
<i>CHAPTER FOUR</i>	26
4 <i>OBSERVATIONS AND FINDINGS</i>	26
4.1 Prof. Edward Kisiang'ani.....	26
4.2 Eng. John Kipchumba Tanui, MBS.....	27
<i>CHAPTER FIVE</i>	28
5 <i>RECOMMENDATION</i>	28

LIST OF ABBREVIATIONS AND ACRONYMS

H.E.	-	His Excellency
KRA	-	Kenya Revenue Authority
EACC	-	Ethics and Anti-Corruption Commission
DCI	-	Directorate of Criminal Investigations
HELB	-	Higher Education Loans Board
ORPP	-	Office of the Registrar of Political Parties
PAPAA	-	Public Appointments (Parliamentary Approval) Act
MBS	-	Moran of the Burning Spear
UDA	-	United Democratic Alliance
ODM	-	Orange Democratic Movement
WDM-K	-	Wiper Democratic Movement of Kenya
USF	-	Universal Service Fund
CA	-	Communications Authority of Kenya
CAK	-	Competition Authority of Kenya
ICT	-	Information Communication Technology
ISO	-	International Organization for Standardization
PCK	-	Postal Corporation of Kenya
KBC	-	Kenya Broadcasting Corporation
GAA	-	Government Advertising Agency
MCK	-	Media Council of Kenya
CEO	-	Chief Executive Officer
USD	-	United States Dollar
KES/KSh	-	Kenya Shilling
ITES	-	Information Technology Enabled Services
VP	-	Vice President
PPP	-	Private Public Partnership
IP	-	Internet Protocol
CCTV	-	Closed Circuit Television

ANNEXURES

- Annexure 1: Adoption List
- Annexure 2: Minutes
- Annexure 3: Message from H.E. the President nominating the fifty-one (51) Principal Secretaries
- Annexure 4: Communication from the Speaker
- Annexure 5: Advertisement notifying the public of the approval hearings
- Annexure 6: Letters from the Clerk of the National Assembly inviting the nominees for the approval hearings
- Annexure 7: Letters from the Clerk of the National Assembly to KRA, EACC, DCI, HELB and ORPP requesting for information on the nominees
- Annexure 8: Letters of clearance from EACC, KRA, DCI, ORPP and HELB
- Annexure 9: Curricula vitae of the nominees
- Annexure 10: Certificates and Testimonials

CHAIRPERSON'S FOREWORD

This report contains proceedings of the Departmental Committee on Communication, Information and Innovation during the approval hearings of Prof. Edward Waswa Kisiang'ani, nominee for appointment as Principal Secretary, State Department for Broadcasting and Telecommunication and Eng. John Kipchumba Tanui, MBS, nominee for appointment as Principal Secretary, State Department for ICT and Digital Economy as requested by H.E. the President and communicated to the House by the Speaker on Thursday, 3rd November 2022.

Pursuant to Article 155(3)(b) of the Constitution, Section 5 of the PAPAA and Standing Order 45(1), H.E. the President notified the National Assembly of the nomination of fifty-one (51) Principal Secretaries to various State Departments vide a letter dated 2nd November 2022. The Hon. Speaker vide a communication made on Thursday, 3rd November 2022 conveyed to the House the Message from H.E. the President and subsequently referred names of the nominees, curricula vitae, and the report of the Public Service Commission on their recruitment to Departmental Committees for approval hearings. While referring the matter to the Committees, the Speaker directed that the Committees undertake the vetting exercise within twenty-eight (28) days pursuant to Section 8 of the Public Appointments Parliamentary Approval Act (No. 33 of 2011). The Speaker further directed the Clerk of the National Assembly to notify the nominees and the general public by placing adverts in two newspapers of nationwide circulation and the Parliamentary Website of the time and place of holding the approval hearings by Friday, 4th November 2022.

In compliance with Article 118 (b) of the Constitution and section 6 (4) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), the Clerk of the National Assembly placed an advertisement in the print media on Friday, 4th November 2022 informing the public of the nomination, date, time and place of the approval hearing. He also invited the public to submit memoranda by way of written statements on oath (*affidavit*) on the suitability of the nominees in conformity with section 6 (9) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011). The memoranda were to be received on or before Friday, 11th November 2022 at 5.00 p.m. (East African Time). At the close of the submission deadline, the Committee had not received any memorandum for or against the nominee's suitability.

The Clerk of the National Assembly also wrote to Kenya Revenue Authority (KRA), Ethics and Anti-Corruption Commission (EACC), Directorate of Criminal Investigations (DCI), Higher Education Loans Board (HELB) and Office of the Registrar of Political Parties (ORPP) seeking references and background checks relating to the suitability of the nominee.

The Nominees were set to appear before the Committee on Friday, 18th November 2022 for the approval hearing, but the same was suspended via a communication from the Speaker dated 6th November, 2022 following a Constitutional Petition No. E186 of 2022 (*Dr. Magare Gikenyi versus the President of the Republic of Kenya and 55 others*) and in Constitutional Petition No. E192 of 2022 (*Law Society of Kenya v National Assembly & 4 Others*) where conservatory orders temporarily staying the vetting process pending inter-parte hearings were granted.

The Court on Tuesday, 29th November 2022 dismissed the consolidated petitions for being pre-maturely before the court and upheld the arguments by the respondent in the preliminary objection that there was need for the petitioners to exhaust all statutory mechanisms and that the doctrine of separation of powers should have been considered. Consequently, the Hon. Speaker in a communication dated Tuesday, 29th November 2022 directed all Departmental

Committees to revert to the vetting process from Wednesday 30th November, 2022 and conclude the process as soon as possible.

The nominees appeared before the Committee on Wednesday, 30th November 2022 for approval hearings. The Committee examined their suitability based on the criteria set out in Section 7 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011). In addition, the Committee examined their academic credentials, relevant experience, knowledge of sector issues and on leadership and integrity. The Committee paid due regard to the procedure used to arrive at the nominees; any constitutional or statutory requirements relating to the office in question and suitability of the nominees for the appointment proposed having regard to whether the nominees' abilities, experience and qualities meet the needs of the State Departments.

Committee Recommendation

The Committee having held approval hearings of the nominees regarding their suitability, observed that due process was followed on the recruitment process as provided for under Article 155(3) (b) of the Constitution and the Public Appointments (Parliamentary Approval Act) (No. 33 of 2011). The Committee therefore recommends that the National Assembly **APPROVES** the nomination and subsequent appointment by H.E. the President of Prof. Edward Kisiang'ani to the position of Principal Secretary State Department for Broadcasting and Telecommunication and Eng. John Kipchumba Tanui, MBS to the position of Principal Secretary State Department for ICT and Digital Economy.

Acknowledgements

The Committee registers its appreciation to the Offices of the Speaker, Office of the Clerk of the National Assembly, Office of the Director, Departmental Committees and the Committee Secretariat for the logistical support extended during the vetting process.

In addition, the Committee thanks the nominees for their cooperation during the vetting process. Finally, the Committee appreciates KRA, EACC, DCI, HELB and ORPP for providing references and background checks relating to the suitability of the nominees.

I acknowledge and appreciate Members of the Committee for their patience, sacrifice and commitment which enabled the Committee to complete the task within the required timelines.

On behalf of the Departmental Committee on Communication, Information and Innovation and pursuant to Article 155(3)(b) of the Constitution and Section 8 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011) and provisions of Standing Orders 45(4) and 199(6), it is my pleasant duty to present the Report of the Committee on the approval hearings of Prof. Edward Kisiang'ani, nominee for appointment as Principal Secretary for the State Department of Broadcasting and Telecommunication and Eng. John Kipchumba Tanui, MBS, nominee for appointment as Principal Secretary for the State Department of ICT and Digital Economy for debate and adoption by the House.

**HON. JOHN KIARIE, MP
(CHAIRPERSON)**

**DEPARTMENTAL COMMITTEE ON COMMUNICATION, INFORMATION AND
INNOVATION**