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NATIONAL ASSEMBLY



ELEVENTH PARLIAMENT – FOURTH SESSION

DEPARTMENTAL COMMITTEE ON FINANCE, PLANNING & TRADE

REPORT ON THE VETTING OF NOMINEES FOR APPOINTMENT AS MEMBERS  
TO THE COMPETITION AUTHORITY

DIRECTORATE OF COMMITTEE SERVICES,  
CLERKS CHAMBERS,  
PARLIAMENT BUILDINGS

NAIROBI

JUNE, 2016

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## ABBREVIATIONS

HELB	-	Higher Education Loans Board
EACC	-	Ethics and Anti-Corruption Commission
KRA	-	Kenya Revenue Authority
CID	-	Directorate of Criminal Investigations
NEMA	-	National Environment Management Authority
IPU	-	Inter Parliamentary Union
LATF	-	Local Authority Transfer Fund
UDF	-	United Democratic Forum
CPS(K)	-	Certified Public Secretaries (K)
CPA(k)	-	Certified Public Accountants (K)
LASDA	-	Service Delivery Action Plans
IGAD	-	Intergovernmental Authority on Development
BAT	-	British American Tobacco
EABL	-	East African Breweries Limited
KCB	-	Kenya Commercial Bank
KENAs	-	Kenya Accreditation Service
UK	-	United Kingdom of Great Britain and Northern Ireland
UN	-	United Nations
MESPT	-	Micro-Enterprises Support Program Trust
DANIDA	-	Danish International Deveelopment Agency
IFC	-	International Finance Cooperation

- UNDP - United Nations Development Programme
- DFID - Department for International Development
- UAP - Union (France) and Provincial (UK) Insurance Company
- PTA BANK - Preferential Trade Area Bank
- ACCA - Association of Chartered Certified Accountants

## **CHAIRPERSON'S FOREWORD**

The message from the National Treasury on the nominees to the Competition Authority of Kenya was conveyed by Speaker of the National Assembly pursuant to Section 10(2) of the Competition Act of 2010. In the message, the Principal Secretary for the National Treasury requested the House to conduct approval hearings of the nominees for appointment as provided for under the Public Appointments (Parliamentary Approval) Act of 2011.

The names were referred to the Departmental Committee on Finance, Planning & Trade to conduct approval hearings within fourteen days.

During the approval hearings, the Committee called for memoranda from the public and sought clearances from the EACC, KRA, HELB and the Credit Reference Bureau. The nominees were orally interviewed and subsequently this report was compiled.

The Committee appreciates the assistance provided by the Office of the Speaker and the Clerk of the National Assembly that enabled it to discharge its functions during the approval hearings.

Finally, I wish to express my appreciation to the Honourable Members of the Committee who dedicated their time to participate in the activities of the Committee and preparation of this Report.

It is therefore my pleasant duty and privilege, on behalf of the Departmental Committee on Finance, Planning & Trade, to table its Report in the House on the vetting of the nominees to the Competition Authority of Kenya for consideration and adoption pursuant to section 10(2) of the Competition Act of 2010 and Standing Order 45.

**Hon. Benjamin Langat, CBS, MP**

## EXECUTIVE SUMMARY

This report contains the Committee's proceedings during the approval hearings of the nominees to the Competition Authority of Kenya as requested by the Principal Secretary for the National Treasury and communicated to the House by the Speaker of the National Assembly on 12<sup>th</sup> June, 2016. The following were nominated for appointment to the Competition Authority: -

1. Dr. Abdirizak Nunow
2. Ms. Eunice Maranya
3. Mr. Stephen Kiptinness
4. Ms. Caroline Musyoka
5. Ms. Leila Abdi

During the approval hearings, the nominees appeared before the Committee on 24<sup>th</sup> June 2016 and the Committee interviewed them based on the criteria set out in Section 10(2) of the Competition Act of 2010 and Public Appointments (Parliamentary Approval) Act of 2011.

The nominees were interviewed on their educational background, relevant experience, recruitment process, leadership and integrity. The Committee further requested the KRA, HELB, CID and the credit reference bureaus for clearance.

None of all the clearing institutions (KRA, CID, EACC and HELB) had raised objections for the appointments of the nominees on the basis of none compliance at the time of compiling this report.

Despite calling for memoranda from the public on the suitability or otherwise of the nominees to serve as Members of the Competition Authority, the Committee did not receive any memoranda.

On the process of recruitment, it was noted that section 10(2) of the Competition Act of 2010 obligates the Cabinet Secretary for the National Treasury to nominate persons for vetting by Parliament and eventual appointments. The Committee found all the nominees qualified to serve as Members of the Competition Authority of Kenya.

## 1.1 MANDATE OF THE COMMITTEE

The Committee on Finance, planning & Trade is one of the Departmental Committees of the National Assembly established under Standing Order 216 and mandated:

- (a) To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
- (b) To study the programme and policy objectives of ministries and departments and the effectiveness of the implementation.
- (c) To study and review all legislation referred to it.;
- (d) To 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) To investigate and inquire 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) **To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (*Committee on Appointments*); and**
- (g) Make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

The Committee is mandated to consider subject matters relating to public finance, monetary policies, public debt, financial institutions, investment and divestiture policies, pricing policies, banking, insurance, population, revenue policies, planning, national development, trade, tourism promotion and management, commerce and industry (growth of the industries in Kenya especially the small businesses).

## 1.2 COMMITTEE MEMBERSHIP

<b>Chairman</b>	The Hon. Benjamin Langat, MP
<b>Vice Chairman</b>	The Hon. Nelson Gaichuhie, MP
<b>Members</b>	The Hon. Dr. Oburu Oginga, MP
	The Hon. Jimmy Nuru Angwenyi, MP
	The Hon. Eng. Shadrack Manga, MP
	The Hon. Ahmed Shakeel Shabbir Ahmed, MP
	The Hon. Sammy Koech, MP
	The Hon. Sammy Mwaita, MP
	The Hon. Tiras N. Ngahu, MP
	The Hon. Abdikadir Ore Ahmed, MP
	The Hon. Abdullswamad Sheriff, MP
	The Hon. Abdul Rahim Dawood, MP
	The Hon. Alfred W. Sambu, MP
	The Hon. Anyanga Andrew Toboso, MP
	The Hon. Daniel E. Nanok, MP
	The Hon. Dennis Waweru, MP
	The Hon. Joash Olum, MP
	The Hon. Iringo Cyprian Kubai, MP
	The Hon. Jones M Mlolwa, MP
	The Hon. Joseph Limo, MP
	The Hon. Kirwa Stephen Bitok, MP
	The Hon. Lati Lelelit, MP
	The Hon. Mary Emase, MP
	The Hon. Ogendo Rose Nyamunga, MP
	The Hon. Patrick Makau King'ola, MP
	The Hon. Ronald Tonui, MP
	The Hon. Sakaja Johnson, MP
	The Hon. Sakwa John Bunyasi, MP
	The Hon. Sumra Irshadali, MP



### 1.3 COMMITTEE SECRETARIAT

First Clerk Assistant	Evans Oanda
Third Clerk Assistant	Nicodemus Maluki
Third Clerk Assistant	Fredrick Otieno
Legal Counsel II	Emma Essendi
Research Officer III	Eric Ososi
Research Officer III	Sharon Rotino

## 1.4 RECOMMENDATION

The National Assembly approves the nomination of the following nominees for appointment as Members of the Competition Authority of Kenya pursuant to Article 118 of the Constitution, Section 10(2) of the Competition Act of 2010 and the Public Appointments (Parliamentary Approval) Act 2011:-

1. Dr. Abdirizak Aralle Nonow
2. Ms. Eunice Moraa Maranya
3. Mr. Stephen Kipchumba Kiptinness
4. Ms. Caroline W. Musyoka
5. Ms. Leila Abdi. Ali

## **2.0 INTRODUCTION**

### **2.1 Communication of the names of the nominees**

On Tuesday 14<sup>th</sup> June 2016, the Speaker of the National Assembly informed the House that he had received a letter from the Cabinet Secretary for the National Treasury addressed to Clerk forwarding the following names of the nominees as members of the Competition Authority to the National Assembly for vetting pursuant to section 10(2) of the Competition Authority Act of 2010:

1. Dr. Abdirizak Aralle Nonow;
2. Ms. Eunice Moraa Maranya
3. Mr. Stephen Kipchumba Kiptinness;
4. Ms. Caroline W. Musyoka; and
5. Ms. Leila Abdi Ali

The Speaker thereafter referred the names of the nominees together with their curriculum vitae to the Departmental Committee on Finance, Planning & Trade to conduct approval hearings. He advised the Committee to conduct extensive public participation as provided for under Article 118 of the Constitution as well as the Public Appointments (Parliamentary Approval) Act, 2011. He finally directed the Committee to table its report by Tuesday, June 28, 2016.

### **2.2 Recruitment/ appointment process for the nominees to the Competition Authority**

Section 10(1) (f) of the Competition Act obligates the Cabinet Secretary for Finance to nominate five (5) persons for appointment as Members of the Competition Authority with prior approval from Parliament. One of the nominees should be experienced in consumer welfare.

This was done through a letter Ref: ZZ/MoF 253/01 and dated 12<sup>th</sup> May 2016 forwarding the names of the nominated persons for vetting by the National Assembly signed by the Principal Secretary for the National Treasury.

### **2.3 Committee proceedings**

During the approval hearings, the Committee held a total of four (4) sittings. The Clerk of the National Assembly had notified the general public through the print media of the Committee's vetting programme and requested for memoranda regarding the nominees' suitability to serve or

otherwise. The Committee did not receive any memoranda from the public by the time of conducting the approval hearings.

## **2.4 Clearance requirements**

On 15<sup>th</sup> June 2016, the Clerk of the National Assembly wrote to the nominees informing them of their nomination by the Cabinet Secretary for the National Treasury and requested them to appear for vetting by the Departmental Committee on Finance, Planning & Trade on 24<sup>th</sup> June 2016. He further requested the nominees to bring with them clearance certificates from the Ethics and Anti-Corruption Commission (EACC); Kenya Revenue Authority (KRA), Higher Education Loans Board (HELB); Directorate of Criminal Investigations (CID); and any of the credit reference bureaus.

On 15<sup>th</sup> June 2016, the Clerk of the National Assembly wrote to the KRA, HELB, EACC, and CID requesting for tax, loans, integrity and criminal record status respectively of the nominees.

## **2.5 Notification to the Public**

Section 6(9) of the Public Appointments (Parliamentary Approval) Act (No.33 of 2011) provides that *“any person may, prior to the approval hearing and by a written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated”*.

On 16<sup>th</sup> June, 2016, the Clerk of the National Assembly placed an advertisement in the print media inviting the public to submit memoranda by way of a written statement on oath (**sworn affidavit**) on the suitability or otherwise of the nominees in conformity with section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011. The submissions were to be received latest by 22<sup>nd</sup> June 2016.

Pursuant to provisions of Article 118 of the Constitution, section 6(4) of the Public Appointments (Parliamentary Approval) Act (No.33 Of 2011) and Standing Order 45(3), the general public was also notified in the print media by the Clerk of the National Assembly on 5<sup>th</sup> June, 2015 of the intention of the Departmental Committee on Finance, Planning & Trade to conduct the vetting and approval hearings of the nominees on Friday 24<sup>th</sup> June, 2016.

### **3.0 APPROVAL HEARINGS**

The Committee met with the nominees on 24<sup>th</sup> June 2016 and conducted approval hearings. During the process, the Committee was guided by the Constitution; Public Appointments (Parliamentary Approval) Act; Competition Act, Standing Orders and other relevant statutes. Specifically, the nominees were examined on the following criteria as set out in the Public Appointments (Parliamentary Approval) Act No. 33 of 2011:

- Academic qualifications
- Employment record
- Professional affiliations
- Potential conflict of interest
- Knowledge of the relevant subject
- Integrity
- Vision and leadership
- Expectations and key priorities
- Other testimonials

### **3.1 DR. ABDIRIZAK ARALE NUNOW**

On 24<sup>th</sup> June 2016, Dr. Abdirizak Arale Nunow appeared before the Committee for vetting. He was interviewed by the Committee and responded as follows:-

#### **(a) Introduction and educational background**

He is a Kenyan Citizen born in 1965, in Garissa County. He graduated from the University of Amsterdam with a PHD in 2000; has a Masters in Philosophy from Moi University (1994) and Bachelors of Arts from Kenyatta University (1990).

#### **(b) Linkage of his Professional experience to the new job**

Having studied and published materials on livestock commercialization in Kenya, he has knowledge on the market structure and competition that will complement him on his work as Member of the Competition Authority of Kenya if appointed.

He further informed the Committee that having been a Member of the task force that did the Social Economic audit of the Constitution, they had identified some legislative and administrative interventions that is required to improve Kenya's economic performance. He will use the knowledge gained in furtherance of the Authority's mandate if appointed.

**(c) Role of the Competition Authority**

Dr. Abdirizak Arale Nunow informed the Committee that his previous experience as a Member in KENAs has helped him understand the separation of roles between the Authority and the Management as provided for in the State Corporation Act.

**(d) Outside engagements and possible conflict of interest**

The nominee informed the Committee that he would continue working for his current employer alongside serving as a Member of the Competition Authority if appointed. This is because being a non-executive appointment; the level of engagement within the Authority may not be too demanding to warrant a resignation from other gainful employment opportunities.

**(e) Sectors that the Competition Authority should address urgently**

Mr. Abdirizak concurred with the Committee that the Authority should address the current competition challenges within the telecommunication sector, the alcohol industry, mergers and acquisitions and the tobacco industry. He further informed the Committee that the Competition Authority has a role to play in the regulation of multinationals operating within Kenya.

**(f) Nomination process**

Mr. Abdirizak confirmed to the Committee that he was duly nominated for appointment as a Member of the Competition Authority pursuant to Section 10(2) of the Competition Authority Act of 2010.

**(g) Clearance requirements**

Mr. Abdirizak confirmed to the Committee that he had been cleared by the HELB, KRA, CID and that he had no integrity issues.

**(h) Political affiliations**

He has no political affiliations currently save for the consultancy services he offered to the UDF party in the 2013 general elections.

### **3.2 MS. EUNICE MORAA MARANYA**

On 24<sup>th</sup> June 2016, Ms. Eunice Moraa Maranya appeared before the Committee for vetting. She was orally interviewed by the Committee and responded to questions during the vetting as follows:

#### **(a) Introduction and educational background**

She is a Kenyan Citizen born in 1959. She is a holder of Masters Degree in Business Administration from United States International University – San Diego (1994) and Bachelor of Science Degree (Agriculture) from the University of Nairobi (1981). She is currently undertaking an online Doctorate in Business Administration at the SMC University (Switzerland).

#### **(b) Achievements of the Authority during her tenure**

In the past three years, the Authority had achieved the following:

- Creation of structures for the Authority
- Mergers
- Dealt with a case involving Safaricom and Airtel
- Dealt with competition issues touching on tea and cement industries.

While responding on the Authority's inactivity to intervene in major cases touching on tobacco, alcohol and the milk industry, Ms. Maranya informed the Committee that no official complaint had been filed with the Authority to prompt to warrant investigation.

#### **(c) Status of her Membership in Marketing Society of Kenya (MSK)**

Though she had indicated in the questionnaire that she was a Member of the MSK, Ms. Maranya confirmed to the Committee that she is currently not a Member since she had not renewed her Membership for 2016.

#### **(d) Outside engagements**

The nominee informed the Committee that she would continue doing her consultancy work alongside being Member of the Competition Authority if appointed.

**(e) Her nomination process**

Ms. Maranya confirmed to the Committee that he was duly nominated for appointment as a Member of the Competition Authority pursuant to Section 10(2) of the Competition Authority Act of 2010.

**3.3 STEPHEN KIPCHUMBA KIPTINNESS**

On 24<sup>th</sup> June 2016, Mr. Stephen Kipchumba Kiptinness appeared before the Committee for vetting. He was interviewed by the Committee and responded as follows:

**(a) Introduction and educational background**

He is a holder of Masters in Law (Telecommunication & IT Law) from London School of Economics (2001) and a Bachelor of Laws degree (Company & Intellectual Property Law) from LL.S Law College, University of Pune (1999). In addition, he holds a Diploma in Computer Science (1997); and a post graduate Diploma in Law from the Kenya School of Law (2000) and a Certificate in Human Resource Management (2000).

**(b) Achievements while serving as a Member of the Authority between 2012 and 2015**

While serving as a Member of the inaugural Competition Authority between 2012 and 2015, the Authority managed to achieve the following:

- Set up structures and guidelines on mergers & acquisitions, restrictive trade practices, advocacies & penalties and settlements and fines
- Recruited staff
- Dealt with cases on mergers and acquisitions regarding Britam
- Handled matters touching on Restrictive Trade Practices (RTP) between Safaricom and the other mobile phone service providers

Mr. Kiptinness further reminded the Committee Members that under the current Competition Authority Act, the Authority can proceed on its own motion to investigate matters that touch on market competition and restrictive trade practices. However, an individual has to officially complain to the Authority for it to deal with issues touching on consumer welfare.



Though the Authority had not handled the matter touching EABL and Castle Lager during his tenure at the Authority, Mr. Kiptinness concurred with the Committee that it can be revisited.

**(c) Outside engagements**

The nominee informed the Committee that he would continue serving as a Board Member of the Scripture Union of Kenya on a pro bono basis and the Kenya Networks Information Center alongside his Membership in the Competition Authority if appointed. This is because the two Boards are private in nature and there is no law barring one from offering services to more than two private boards.

**(d) Nomination process**

Mr. Kiptinness confirmed to the Committee that he was duly nominated for appointment as a Member of the Competition Authority pursuant to Section 10(2) of the Competition Authority Act of 2010.

**3.4MS. CAROLINE WANGUI. MUSYOKA**

On 24<sup>th</sup> June 2016, Ms. Caroline W. Musyoka appeared before the Committee for vetting. She was interviewed by the Committee and responded as follows:-

**(a) Introduction and educational background**

She confirmed to the Committee that she is a Kenyan citizen by the names Caroline Wangui Musyoka. This is contrary to the names (Carolyn Kimbo Musyoka) that were given by the National Treasury to Parliament for vetting. The National Treasury had inadvertently misspelled her name as "carolyn" and also included her father's name (Kimbo). She was born in 1972 in Nairobi County. She holds a Masters (1998) and a Bachelors (1996) of Law from the Cornell Law School, USA and University of Nairobi respectively.

**(b) Linkage of her Professional experience to the new job**

She has gained experience while working in the financial sector, serving as a board member in various companies including Board Memberships in EABL & BAT and writing her weekly publications in the Business Daily which have greatly enhanced her understanding of market competition and dynamics. This experience would come in handy while sitting in the Competition Authority.

### **(c) Role of the Authority vis a vis the Management**

Ms. Musyoka informed the Committee that being a consultant in corporate governance and having sat in a number of Boards in the past, she clearly understood the role of the Authority and that of the management.

### **(d) Outside engagements and possible conflict of interest**

The nominee informed the Committee that she would continue with her private consultancy alongside serving as a Board Member at the EABL, BAT and the Business Registration Services if appointed. She further assured the Committee that she would serve in all these positions without any challenges since Boards have an annual calendar that would help her to plan her work schedules. She further informed the Committee that Corporate Governance ethics allows one to serve a maximum of five (5) Boards.

While dispelling fears from the Committee on the possible conflict of interest that may arise due to her Membership in the EABL, BAT and the Competition Authority, the nominee assured the Committee that she would always declare her interest and recuse herself from deliberations of such matters.

### **(e) Mandate of the Competition Authority**

Ms. Musyoka enumerated the following as the functions of the Competition Authority:

- Regulation of Mergers
- Addressing Restrictive Trade Practices;
- Handling Consumer welfare issues; and
- Control of unwarranted market concentration

### **(f) Her nomination process**

Ms. Musyoka confirmed to the Committee that the National Treasury did not subject her to any competitive recruitment exercise prior to her nomination as Member of the Competition Authority of Kenya. She, however, assured the Committee that she had what it takes to be appointed to the position.

### **3.5 MS. LEILA ABDI ALI**

On 24th June 2016, Ms. Leila Abdi Ali appeared before the Committee for vetting. She was interviewed by the Committee and responded as follows:-

#### **(a) Introduction and educational background**

She is a Kenyan and a British citizen born in 1979. She was born in Mogadishu (Somalia) and immigrated to Britain where she was educated. Upon her marriage, she moved to Kenya in 2004, applied for citizenship, which was awarded on 11<sup>th</sup> November 2014. Though she had applied for a Kenyan Identity Card on 11<sup>th</sup> December 2015 and given a Waiting Card, it has not been issued to date.

She holds a Bachelors of Arts degree (2004) from London South Bank University; ACCA (2016); A-levels (July 2001) from Middlesex Uxbridge college (1999) from Middlesex Uxbridge.

#### **(b) Her career progression**

The nominee informed the Committee that she started working way back in 2004 as an assistant management accountant in UK. She held different positions that culminated in her employment as a Portfolio Manager at the Chase Bank Limited (Kenya).

#### **(c) Clearance requirements**

Ms. Ali confirmed to the Committee that she has a valid KRA Pin and duly files her returns. She also had clearance from the CID, HELB and EACC.

#### **(d) Outside engagements and possible conflict of interest**

The nominee informed the Committee that she would continue with her employment position alongside serving as a Member of the Competition Authority if appointed.

#### **(e) Her nomination process**

Ms. Ali confirmed to the Committee that the National Treasury did not subject her to any competitive recruitment exercise prior to her nomination for appointment as Member of the Competition Authority of Kenya.

**(f) Understanding of the Kenyan business environment**

Ms. Ali assured the Committee that having been in Kenya and working here since 2004, she understood the Kenyan market dynamics very well and was competent to serve in the Competition Authority.

#### 4.0 OBSERVATIONS

The Committee having considered the curriculum vitae of the nominees to the Competition Authority of Kenya and heard submissions during the vetting exercise, made the following observations:-

##### 4.1 Dr. Abdirizak Arale Nunow

The Committee having considered his curriculum vitae and heard his submission during the vetting exercise/interview, made the following observations:-

- (i) He is a Kenyan citizen born in 1965, Garissa Kenya.
- (ii) He holds a PHD in Human Ecology from Amsterdam University in Netherlands (2000); a Masters degree in Environmental Planning and Management from Moi University (1994) and a Bachelors of Arts degree in Economics from Kenyatta University (1990).
- (iii) He has a wealth of experience in environmental matters having worked as a lead expert in the National Environmental Management Authority, and the Directorate of Social and Environmental Affairs of IPU-IGAD in Addis Ababa.
- (iv) The Directorate of Criminal Investigations (CID), Kenya Revenue Authority, Higher Education Loans Board (HELB) and a credit reference bureau, had cleared him.
- (v) He had no integrity issues.
- (vi) He has never been charged in a court of law and has no potential conflict of interest.
- (vii) He has never been dismissed from office on contravention of the provisions of Article 75 of the Constitution that deals with conduct of state officers that are adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
- (viii) He was a member and the director of strategy for the UDF party in the 2013 general elections
- (ix) He is a Senior Lecturer in Moi University and a member of the Monetary Policy Committee of Kenya and the Kenya Proceeds of Crime and Anti-Money Laundering Act Advisory Committee.

The Committee noted that the nominee was open-minded, honest and exhibited impressive knowledge of topical issues touching on market competition and consumer welfare that will be invaluable when discharging his mandate as a member of the Competition Authority of Kenya.

#### 4.2 Ms. Eunice Moraa Maranya

The Committee having considered her curriculum vitae and heard her submission during the vetting, made the following observations on her nomination as a Member to the Competition Authority:-

- (i) She is a Kenyan citizen born on 3<sup>rd</sup> June, 1959 in Kisii County.
- (ii) She is a holder of Masters Degree in Business Administration from United States International University – San Diego (1994) and Bachelor of Science Degree (Agriculture) from the University of Nairobi (1981). Currently she is undertaking a Doctorate in Business Administration at SMC University (Switzerland).
- (iii) She has extensive professional experience in banking sector, having worked for fourteen (14) years at Kenya Commercial Bank both as a Branch and Operations Manager, during which she gained practical experience in the following:-
  - Client Management
  - Loan Reporting
  - Monitoring and Evaluation
  - Establishment of a new branch
  - Implementation of policies and procedures
  - Preparation of annual plans and budgets
  - Staff development and administration
  - Re-engineering service delivery system and operations.
- (iv) She is a former Chief Executive Officer of Kenya Alliance of Resident Association from 2002-2004 during which she achieved the following among others:

- Designed a governance programme on the Local Authority Transfer Fund (LATF) and Service Delivery Actions Plans (LASDA).
- Organized workshops between residents associations and the Ministry of Water Resources in reforms in the water sector.
- Organized a UN-Habitat Workshop on security for the safer Nairobi Strategy.

(v) She has a wealth of experience as an independent consultant since 2004 in several sectors ranging from development, financial services, corporate, public sector and has undertaken consultancy services for the following organizations:-

1. Business development services

- MESPT/Danida – 2012
- International Fund for Agricultural Development (2011)
- Digital Opportunity Trust (2011)
- Africa Adaptation Process (2010)
- IFC/World Bank (2010)
- UNDP South-South Special (2010)
- East African Diary Project (2009)
- BSPMDP/Danida (2007)
- DFID (2007)
- Kenya Pediatric Association (2006)

2. Corporate

- UAP Insurance Company, Uganda (2009)
- Dagger Consultants (2007 & 2008)
- The Management Consultancy Group (2006)
- PTA Bank (2004)
- Royal Insurance Company of East Africa (2004)
- USAID (Rates-Chemonics project) -2004

(vi) She has never been charged in a court of law, has no potential conflict of interest, and has fully complied with her tax obligation.

- (vii) She has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution that deals with conduct of state officers that are adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.

**The Committee noted that the nominee had served in the inaugural Competition Authority whose term ended in 2015. With her nomination for reappointment, it will ensure that there is continuity/institutional memory and avoids disruption of the operations of the Authority in cases where all Members of the Authority exit at the same time.**

#### **4.3 Mr. Stephen Kipchumba Kiptinness**

The Committee having considered his curriculum vitae and heard his oral submission during the interview, made the following observations on his nomination as a Member to the Competition Authority:-

- i. He is a Kenyan Citizen born on 12<sup>th</sup> November 1974 in Elgeyo Marakwet County.
- ii. He is a holder of Masters in Law degree (Telecommunication & IT Law) from London School of Economics (2001) and Bachelor of Law degree (Company & Intellectual Property Law) from LL.S Law College, University of Pune (1999). In addition, he holds a Diploma in Computer Science (1997); a post graduate diploma in law from the Kenya School of Law (2000) and a Certificate in Human Resource Management (2000).
- iii. On employment and professional experience
  - He is an Advocate of the High Court of Kenya and a member of the Law Society of Kenya in addition to being a registered Certified Public Secretary –CPS(K) with ICPSK.
  - He was a Member for the inaugural Competition Authority between 2012 and 2015
  - He has been teaching law in the University of Nairobi since 2004
  - He has a wealth of experience in telecommunication and regulatory matters, having worked in the following organizations:-



- ✓ Head of Regulatory Affairs in Telkom Kenya between 2009 and 2012
- ✓ Centre Manager for Commonwealth Telecommunication Organization in 2008
- ✓ Ag. Company Secretary and Board Member for Kenya Network Information Centre between 2004 and 2005
- ✓ Communication Commission of Kenya.

- Legal Officer (2002-2005)
- Ag. Senior Legal Officer (2005-2006)
- Senior Legal Officer (2006-2009)

- iv. He has never been charged in a court of law, has no potential conflict of interest, and has fully complied with his tax obligation.
- v. Has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution that deals with conduct of state officers that are adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
- vi. He intends to continue as a Partner at Kiptinness & Odhiambo Associates in addition to offering his services as a Lecturer at the University of Nairobi

**The Committee noted that the nominee exhibited impressive knowledge of topical issues touching on competition and market practices. The Committee further noted that the nominee had served in the inaugural Competition Authority whose term ended in 2015. With his nomination for reappointment, it will ensure that there is continuity/ institutional memory and avoids disruption of the operations of the Authority in cases where all Members of the Authority exit at the same time.**

#### **4.4 Ms. Caroline Wangui Musyoka**

The Committee having considered her curriculum vitae and heard her oral submission during the vetting made the following observations:-

- (i) She is a Kenyan citizen by the names Caroline Wangui Musyoka and was born on 29<sup>th</sup> August 1972.
- (ii) She holds a Masters (1998) and a Bachelors (1996) of Law degree from the Cornell Law School, USA and University of Nairobi respectively.

(iii) She has a wealth of experience in financial services sector having worked under various capacities in the following entities:-

- ✓ Carol Musyoka Consulting- Private Consulting-December 2008 to Date
- ✓ K-Rep Bank Kenya- Executive Director & Chief Operating Officer, December 2007-September 2008
- ✓ Barclays Bank of Kenya- Corporate Director, September 2005-November 2007
- ✓ Barclays Bank of Kenya- Senior Relationship Manager, January 2003-August 2005
- ✓ Citibank N.A. Nairobi, Relationship Manager, August 1999-December 2003
- ✓ Modern Africa Fund Managers, Washington D.C, Project Officer, July 1998-July 1999
- ✓ Oraro & Rachier Advocates Nairobi, Associate, July 1996-July 1997

(iv) She has been a board member in the following organizations:

- ✓ East African Breweries Ltd Board (Sep 2015 to Date)
- ✓ British American Tobacco (BAT) Kenya Limited (April 2011 to Date)
- ✓ Transcentury Limited Board (April 2009 – November 2015)
- ✓ Alliance Capital Partners (2010 – 2014)
- ✓ SOS Children's Villages Board (Sep 2009 – Sep 2015)
- ✓ BOC Gases Limited (2012 – 2014)
- ✓ Africa Legal Support Facility (2010 – 2012)
- ✓ Horizons Offices (2009 to Date)
- ✓ Institute Of Economic Affairs (2009-2012)
- ✓ Enablis (2007 – 2010)

(v) She has no integrity issues

(vi) The Directorate of the Criminal Investigation (CID), Kenya Revenue Authority, Higher Education Loans Board (HELB) and a credit reference bureau, had cleared her.

(vii) She has never been charged in a court of law and has no potential conflict of interest.

- (viii) She has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution that deals with conduct of state officers that are adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
- (ix) The Committee noted that the nominee was knowledgeable on matters touching on corporate governance having sat on various Boards and consulted on corporate governance. The Committee further noted that her Board Membership in EABL and BAT could present a possible conflict of interest while discharging her mandate as a member of the Competition Authority in the following manner:
- ✓ Cases between EABL and Keroche
  - ✓ Cases between BAT and Mastermind

Though qualified for appointment, she will have to reconsider her appointment to avoid this inherent conflict of interest.

#### **4.5 MS. LEILA ABDI ALI**

The Committee having considered her curriculum vitae and heard her submission during the vetting, made the following observations:

- (a) She is a Kenyan and British citizen who was born on 11<sup>th</sup> January 1979.
- (b) She does not have a valid Kenyan Identity Card. She however has a Kenyan Citizen Registration Certificate dated 11<sup>th</sup> November 2014 and an application for registration acknowledgement dated 15<sup>h</sup> December 2015.
- (c) She holds a Bachelors of Arts Degree (2004) from London South University. She has also has an ACCA Qualification (2006).
- (d) She has mostly worked in the financial services sector as itemized below:
  - ✓ Portfolio Manager in Chase Bank of Kenya from January 2016 to date
  - ✓ Board Member of the Wangari Maathai Foundation from March 2015 to date
  - ✓ Managing Director of the Hampton Construction Co Ltd between August 2012 and December 2014

- ✓ Chief Finance Officer of the Merger and Acquisition between September and July 2012
  - ✓ Management Accountant in Merger and Acquisitions between January 2007 and August 2009 in Nairobi
  - ✓ Management Accountant in Olympic (South) Limited, London between October 2005 and December 2006
  - ✓ Assistant Management Accountant in Olympic (South) Limited, London between February 2004 and January 2005.
- (e) The Ethics and Anti-Corruption Commission confirmed that he had satisfied the requirements of Chapter 6 of the Constitution of Kenya on leadership and integrity.
- (f) The Directorate of Criminal Investigations (CID), Kenya Revenue Authority, Higher Education Loans Board (HELB) and a credit reference bureau, had cleared her.
- (g) She has never been charged in a court of law and has no potential conflict of interest.
- (h) She has never held any public office in Kenya
- (i) She has never been a member of any political party
- (j) She has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution that deals with conduct of state officers that are adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.

**The Committee noted that nominee was qualified for appointment as a member of the Competition Authority of Kenya.**

## 5.0 RECOMMENDATION

Having conducted approval hearings for all the five nominees pursuant to Article 118 of the Constitution, section 10(2) of the Competition Act of 2010 and the Public Appointments (Parliamentary Approval) Act 2011, the Committee recommends that the National Assembly approves the nomination of the following nominees for appointment as Members of the Competition Authority of Kenya:

1. Dr. Abdirizak Aralle Nonow
2. Ms. Eunice Moraa Maranya
3. Mr. Stephen Kipchumba Kiptinness
4. Ms. Caroline W. Musyoka
5. Ms. Leila Abdi. Ali

Signed  Date 28-06-2016

(HON. BENJAMIN LANGAT, MP)

**CHAIRPERSON, DEPARTMENTAL COMMITTEE ON FINANCE, PLANNING &  
TRADE**

DR. ~~ABDIRIZAK~~ ARABE KUNDOU