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TENTH PARLIAMENT

FOURTH SESSION (2011)


THE CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

REPORT

ON THE NOMINATIONS OF THE CHAIRPERSON AND MEMBERS OF THE
INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION

Clerk's Chambers,
Parliament Buildings,
NAIROBI.

NOVEMBER, 2011

Paper laid on
2nd Nov. 2011 by
Hon. Abdi Kadir


Mr. Speaker Sir,

The Constitutional Implementation Oversight Committee is established under Section 4 of the Sixth Schedule to the Constitution with the mandate of overseeing the implementation of the Constitution. The Constitution requires that the Committee shall: -

- (a) receive regular reports from the Commission on the Implementation of the Constitution on the implementation of the Constitution including reports concerning:
 - (i) the preparation of the legislation required by the Constitution and any challenges in that regard;
 - (ii) the process of establishing the new commissions;
 - (iii) the process of establishing the infrastructure necessary for proper operation of each county including progress on locating offices and assemblies and establishment and transfers of staff;
 - (iv) the devolution of powers and functions to the counties under the legislation contemplated in section 15 of the Sixth Schedule to the Constitution; and
 - (v) any other impediments to the process of implementing this Constitution;
- (b) coordinate with the Attorney General, the Commission on the Implementation of the Constitution and relevant parliamentary committees to ensure the timely introduction and passage of the legislation required by the Constitution; and
- (c) take appropriate actions on the reports including addressing any problems in the implementation of the Constitution.

COMMITTEE MEMBERSHIP

The Committee was constituted by the House on 5th October, 2010 and it comprises the following members: -

1. The Hon. Hussein Mohammed Abdikadir, M.P. **Chairperson**
2. The Hon. Millie Odhiambo Mabona, M.P. **Vice-Chairperson**
3. The Hon. Beth Mugo, EGH, M.P.
4. The Hon. Chirau Ali Mwakwere, EGH, M.P.
5. The Hon. Martha Wangari Karua, EGH, M.P.
6. The Hon. Ekwee Ethuro, EBS, M.P.
7. The Hon. (Prof.) Phillip Kaloki, M.P.
8. The Hon. (Dr.) Kilemi Mwiria, M.P.
9. The Hon. (Dr.) Eseli Simiyu, M.P.
10. The Hon. (Dr.) Joyce Laboso, M.P.

11. The Hon. Charles Kilonzo, M.P.
12. The Hon. Cecily Mbarire, M.P.
13. The Hon. Moriasi Ombui, M.P.
14. The Hon. Amina Abdalla, M.P.
15. The Hon. David M. Ngugi, M.P.
16. The Hon. Ababu Namwamba, M.P.
17. The Hon. Danson Mwazo, M.P.
18. The Hon. Sophia Abdi, M.P.
19. The Hon. Joseph Kasaine Nkaiserry, M.P.
20. The Hon. Charles Onyancha, M.P.
21. The Hon. Alfred Khang'ati, M.P.
22. The Hon. John Mbadi, M.P.
23. The Hon. Elizabeth Ongoro, M.P.
24. The Hon. Rev. Julius Murgor, M.P.
25. The Hon. Lucas K. Chepkitony, M.P.
26. The Hon. Benedict Fondo Gunda, M.P.
27. The Hon. Rachel Shebesh, M.P.

Mr. Speaker Sir,

On the 25th October, 2011 you informed the House that H.E the President had after consultation with the Right Hon. Prime Minister nominated the following persons to be considered for appointment as chairperson and members of the Independent Electoral and Boundaries Commission (IEBC) by the National Assembly pursuant to the provisions of paragraphs 3 of the First Schedule to the Independent Electoral and Boundaries Commission Act No. 9 of 2011.

1. Mr. Ahmed Issack Hassan - Chairperson
2. Mr. Yusuf Abdulrahman Nzibo - Member
3. Mr. Mohamed Alawi Hussun - Member
4. Mr. Abdullahi M. Sharawe - Member
5. Ms. Lilian Bokeyeye Mahiri-Zaja - Member
6. Mr. Thomas Letangule - Member
7. Ms. Muthoni Wangai -Member
8. Mr. Albert C.O. Bwire- Member
9. Ms. Kule Galma Godana- Member

You then directed that the names and Curriculum Vitae (CVs) of the nominees be referred to the Constitutional Implementation Oversight Committee (CIOC) for consideration prior to approval by the House and directed that the CIOC to deliberate on the nominees and table its report on or before Thursday, 3rd November, 2011.

As directed, the Committee held a meeting with each of the nine nominees on Tuesday 1st November, 2011 at 3.00p.m. The Nominees made submissions on why they should be appointed to serve in the Independent Electoral and Boundaries Commission (IEBC).

Mr. Speaker Sir,

The Committee deliberated on the issues raised in the memoranda together with the submissions made by the nominees and now recommends that pursuant to the provisions of paragraphs 4 of the First Schedule of the Independent Electoral and Boundaries Commission Act No. 9 of 2011, the House approves the appointment of Mr. Ahmed Issack Hassan as Chairperson of the Independent Electoral and Boundaries Commission (IEBC) , Mr. Yusuf Abdulrahman Nzibo , Mr. Mohamed Alawi Hussun , Mr. Abdullahi M. Sharawe , Ms. Lilian Bokeeye Mahiri-Zaja , Mr. Thomas Letangule , Ms. Muthoni Wangai , Mr. Albert C,O, Bwire and Ms. Kule Galma Godana as members of the Independent Electoral and Boundaries Commission (IEBC).

Acknowledgements

The Committee wishes 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. The Committee also appreciates the media for live coverage of its proceedings during the vetting process. Further, the Committee thanks members of the public who made submissions to the Committee.

Mr. Speaker Sir,

It is my pleasant duty and privilege, on behalf of Constitutional Implementation Oversight Committee, to present and commend this report on the nominations to the Independent Electoral and Boundaries Commission, to the House for adoption pursuant to the Communication from the Chair made on 25th October, 2011 and in accordance with the provisions of paragraph 4 of the First Schedule to the Independent Electoral and Boundaries Commission Act No. 9 of 2011.

SIGNED.....

HON. ABDIKADIR HUSSEIN MOHAMED, M.P
CHAIRPERSON

DATE: 02.11.2011

BACKGROUND

1. The Independent Electoral and Boundaries Commission is established under Article 88 (1) of the Constitution and the Independent Electoral and Boundaries Commission Act No. 9 of 2011.
2. Article 88(4) of the Constitution provides that:-
The commission is responsible for conducting or supervising referenda and elections to any elective body or office established by the Constitution, and any other elections as prescribed by an Act of Parliament and, in particular, for—
 - (a) the continuous registration of citizens as voters;*
 - (b) the regular revision of the voters' roll;*
 - (c) the delimitation of constituencies and wards in accordance with the Constitution;*
 - (d) the regulation of the process by which parties nominate candidates for elections;*
 - (e) the settlement of electoral disputes, including disputes relating to or arising from nominations, but excluding election petitions and disputes subsequent to the declaration of election results;*
 - (f) the registration of candidates for election;*
 - (g) voter education;*
 - (h) the facilitation of the observation, monitoring and evaluation of elections;*
 - (i) the regulation of the amount of money that may be spent by or on behalf of a candidate or party in respect of any election;*
 - (j) the development and enforcement of a code of conduct for candidates and parties contesting elections;*
 - (k) the monitoring of compliance with the legislation required by Article 82 (1) (b) of the Constitution relating to nomination of candidates by parties;*
3. Section 5 of the Independent Electoral and Boundaries Commission Act No. 9 of 2011 Act provides for the establishment and membership of the Commission. Section 5(1) provides inter alia that The Commission shall consist of a chairperson and eight other members appointed in accordance with Article 250(4) of the Constitution and the provisions of this Act.
4. The Commission shall replace the Interim Independent Electoral Commission (IIEC) which was established under section 41 and the defunct Interim Independent Boundaries Review Commission of Kenya (IIBRC) which was

established by Article 41B of the former Constitution. The IIEC was established as a successor to the Electoral Commission of Kenya and was mandated under Article 41A of the former Constitution to;

- (a) reform the electoral process and management of the elections in order to institutionalize free and fair elections;*
- (b) establishment of an efficient and effective secretariat;*
- (c) promotion of free and fair election;*
- (d) fresh registration of voters and creation of a new voter register;*
- (e) efficient conduct and supervision of elections and referenda;*
- (f) development of modern system for the collection, collation, transmission and tallying of electoral data;*
- (g) facilitation of the observation, monitoring and evaluation of elections referenda;*
- (h) promotion of voter education and culture of democracy;*
- (i) settlement of minor electoral disputes during an election as may be provided by law; and*
- (j) Performance of such other functions as may be prescribed by the law.*

5. Under Article 41C of the former Constitution the Interim Independent Boundaries Review Commission shall be responsible for:-

- (a) Making recommendations to Parliament on the delimitation of constituencies and local authority electoral units and the optimal number of constituencies on the basis of equality of votes taking into account-*
 - i. Density population, and in particular the need to ensure adequate representation of urban and sparsely populated rural areas;*
 - ii. Population trends;*
 - iii. Means of communication;*
 - iv. Geographical features; and*
 - v. Community interest;*
- (b) Making recommendations to Parliament on administrative boundaries including the fixing , reviewing and variations of boundaries of districts and other units;*
- (c) The performance of such other functions as may be prescribed by Parliament.*

6. Article 28(2) of the Sixth Schedule to the Constitution states that-*When Members of the Independent Electoral and Boundaries Commission are selected, regard shall be had to the need for continuity and the retention of expertise and experience.*

7. In July, 2011, Parliament approved the appointment of the selection Panel to the Independent Electoral and Boundaries Commission which was mandated to source, short list and interview applicants and forward three persons for the

position of chairperson and thirteen persons for position of member. The following persons were appointed to the selection panel:-

- i). Dr. Ekuru Aukot – Chairperson
- ii). Prof. Marion Wanjiku Mutugi – Vice-Chairperson.
- iii). Ms. Rozaah Akinyi Buyu - Member
- iv). Amb. Mwanyengela Ngali - Member.
- v). Hon. Mr. Justice Isaac Lenaola – Member
- vi). Ms. Irene Cheptoo Keino – Member
- vii). Ms. Sophie Njeri Moturi – Member

8. Vacancies in the positions of chairperson and members of the independent electoral and boundaries commission were declared in the local dailies, the Kenya Gazette and the Public Service Commission website on 11th August 2011 by the Independent Electoral & Boundaries Commission Selection Panel pursuant to Articles 88, 166(3), 250 of the Constitution and Section 28 of the Sixth Schedule thereto, and Sections 5, 6 and 35 of the Independent Electoral & Boundaries Commission Act, 2011 (IEBC Act) and the First Schedule thereto.

9. Four hundred and thirty (430) applicants applied for the position of Member while four (4) applied for chairperson's position. However the position of chairperson was re-advertised on 9th September 2011 as one of the applicants did not meet the set criteria. Fifteen applicants re-applied.

10. The IEBC Selection Panel shortlisted forty four (44) applicants for the position of member while eight (8) were shortlisted for interviews for the position of chairperson. The Panel conducted interviews and forwarded three and thirteen names for the position of chairperson and members respectively as follows;

a) Chairpeson

- i). Mr. Isaack Hassan Ahmed
- ii). Ms. Koki Muli
- iii). Mr. Murshid Abdallah

b) Members

- i). Mr. Yusuf Abdulrahman Nzibo
- ii). Mr. Abdullahi M. Sharawe
- iii). Mr. Jotham Okome Arwa
- iv). Mr. Thomas Letangule
- v). Mr. Joshua Willy Wambua
- vi). Mr. Mohamed Alawi Hussun
- vii). Ms. Lilian Bokeyeye Mahiri-Zaja

- viii). Ms. Jedida Ntoyai Pilale
- ix). Ms. Muthoni Wangai
- x). Mr. Albert C.O. Bwire
- xi). Mr. James Mugi Mwangi
- xii). Mr. Lawrence Nyalle
- xiii). Ms. Kule Galma Godana

11. A letter from the Office of the Permanent Secretary, Secretary to the Cabinet and Head of Public Service dated 24th October, 2011, to the Clerk of the National Assembly indicated that His Excellency the President has, in consultation with the Prime Minister, nominated the named persons to be considered for appointment as chairperson and members of the Independent Electoral and Boundaries Commission.
12. On 25th October, 2011, the Honorable Speaker in a communication to the House referred the names of the nine nominees to the Constitutional Implementation Oversight Committee for vetting and directed the Committee to submit its recommendations on the nominees to the House on Wednesday, 3rd November, 2011.

CONSIDERATION OF THE NOMINEES BY THE COMMITTEE

13. The nominees were nominated to serve in the Independent Electoral and Boundaries Commission pursuant to Articles 88, 166(3), 250 of the Constitution and Section 28 of the Sixth Schedule thereto, and Sections 5, 6 and 35 of the Independent Electoral & Boundaries Commission Act, 2011 (IEBC Act) and the First Schedule thereto by H. E. the President through a letter from the Office of the Permanent Secretary, Secretary to the Cabinet and Head of Public Service dated 3rd August, 2011, to the Clerk of the National Assembly.
14. At a meeting held on 1st November, 2011, the Committee examined the Candidates against the criteria set out in the Second Schedule to the *Commission on the Implementation of the Constitution Act, 2010* (Criteria for vetting/approval of nominees for appointment to public office by the National Assembly). That criterion requires nominees to disclose information on their personal and professional life including their political affiliations, tax compliance and potential conflict of interests and other things.

15. Their qualifications for appointment to the office are set out in the Independent Electoral and Boundaries Commission Act, 2011 section 6 (1 and 2) The Chairperson of the IEBC shall be a person who is qualified to hold the office of Judge of the Supreme Court as per Article 166(3) of the Constitution; the applicant must be a citizen of Kenya; must hold a degree from a recognized University; have proven relevant experience in any of the following: Electoral matters, Management, Finance, Governance, Public Administration, Law and meets the requirements of Chapter Six of the Constitution.
16. The member must be a citizen of Kenya; must hold a degree from a recognized University; have proven relevant experience in any of the following: Electoral matters, Management, Finance, Governance, Public Administration, Law, and meets the requirements of Chapter Six of the Constitution.

Nomination of Mr. Issack Hassan Ahmed as Chairperson of the Independent Electoral and Boundaries Commission

17. The Committee having considered the curriculum vitae of Mr. Issack Hassan Ahmed, and having heard his submissions during the interview, made the following observations on his nomination:-
- i). That Mr. Issack Hassan Ahmed, is a Kenyan citizen born on 2nd March, 1970 .He is a Lawyer and an advocate of the High Court of Kenya for the over seventeen (17) years.
 - ii). He holds a bachelors degree in Law (LLB) from the University of Nairobi, Post Graduate Diploma from Kenya School of Law.
 - iii). He is currently the Chairman of the Interim Independent Electoral Commission which was established by Parliament in May 2009.He has also served as Director water Resource Management Authority (WRMA), Managing Partner in the Law firm of Ibrahim, Issack and Company advocates, Legal Consultant to the UNDP- Somalia on the Somalia Constitution Making Project and Commissioner, Constitution of Kenya Review Commission (CKRC).
 - iv). He is a member of the Law Society of Kenya, East Africa Law Society, International Commission of Jurists (Kenya Chapter), Institute of Certified Public Secretaries of Kenya and Association of Professional Societies of East Africa.
 - v). He has done several papers and reports among them," The Diaspora: Voting Rights and the Role of Kenyan Missions in Voter Registration", Fast-tracking Election Petitions; the Kenyan Perspective" and "The Role of Technology in Election Management in Kenya"

- vi). He has been an election Observer for the State Elections in Bombay, India, Namibian National Elections and a member of the African Union Observer group to Sweden General Elections to the Parliamentary, Municipal and County Council Assemblies in September, 2010.
- vii). He received the Presidential award and honour of the Order of the Elder of the Burning Spear (EBS) and a Certificate of Appreciation by Uwiano Platform for Peace in Kenya, for services he rendered as the Chairman of the IIEC that conducted a successful National referendum for the new Constitution of Kenya in August 2010.
- viii). He has fully complied with his tax obligations to the State and has never been dismissed from office for contravention of provisions of Article 75 of the Constitution which deals with conduct of state officers or adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry;
- ix). He is not a member of any political party and does not expect any conflict of interest to arise;
- x). He has never been charged in a court of law for any offence;
- xi). The Committee found the nominee qualified.

Nomination of Mr. Yusuf Abdulrahman Nzibo, as a member of the Independent Electoral and Boundaries Commission

18. The Committee having considered the curriculum vitae of Mr. Yusuf Abdulrahman Nzibo, and having heard his submissions during the interview, made the following observations on his nomination:-

- i). That he is a Kenyan Citizen born on 27th November, 1951. He holds a PhD, Masters Degrees in Philosophy from the University of Glasgow and Business Administration from Strayer College (Washington D.C), and a Bachelor of Arts degree from the University of Nairobi. Awareness Campaigns, Public interest Litigation, Civic Education, Child rights and Advocacy.
- ii). He is currently a commission of the Interim Independent Electoral Commission which was established by Parliament in May 2009. He has also worked as a Lecturer at the University of Nairobi, Commissioner – General, Kenya Revenue Authority, Ambassador to the Netherlands, Czech and Slovak Republics and also to the Kingdom of Saudi Arabia, Kuwait, Bahrain, Yemen and Iraq.
- iii). He has done several Academic Seminar papers and Publications among them, " Foreign Loans...Aid or Exploitation; The Case of Mexico during

the Era of Laissez-Faire, Free Trade and Gun-boat Diplomacy, 1823-1869”, Review of Raul Valdes Vivo, Ethiopia’s Revolution, International Publishers, New York,1978,” 125p., in Kenya Historical Review, vol. 9,1981.

- iv). He has attended several workshops and trainings in election issues for example; IGAD, BRIDGE Training on National Elections Observation, Mombasa, 24-27th March, 2010, Conference to mitigate the use of Violence in Liberia 2011 Elections, Monrovia, Liberia, December 2-4th ,2010.
- v). He has been an election Observer ,Presidential and National Elections, Mozambique, Electoral Institute for Sustainability of Democracy in Africa (EISA) Observer Mission to the Mozambique Elections 2009 and Presidential and National Elections ,the Sudan, IGAD Observation Mission, 2010.
- vi). He received the Presidential award and honour of the Order of the Grand Warrior (OGW) and the Moran of the Burning Spear (MBS).
- vii). He has fully complied with his tax obligations to the State and has never been dismissed from office for contravention of provisions of Article 75 of the Constitution which deals with conduct of state officers or adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
- viii). He is not a member of any political party and does not expect any conflict of interest to arise
- ix). He has never been charged in a court of law for any offence
- x). The Committee found the nominee qualified.

Nomination of Mr. Abdullahi M. Sharawe as a member of the Independent Electoral and Boundaries Commission

19. The Committee having considered the curriculum vitae of Mr. Abdullahi M. Sharawe, and having heard his submissions during the interview, made the following observations on his nomination:-

- i). That Mr. Abdullahi M. Sharawe is a Kenyan citizen born on 6th March, 1950 and holds a Master of Science degree (Civil Engineering) and a Preparatory Course from Odessa Civil Engineering Institute.
- ii). He has worked as a member, Interim Independent Boundaries Review Commission, Chairman, Public Service Commission, Member Judicial Service Commission and Permanent Secretary in several Ministries.

- iii). He is a fellow Member of Institution of Engineers of Kenya (FIKEK), Registered Consulting Engineer, Registered Engineer (R.ENG), and Licensed Practicing Consulting Engineer (2011).
- iv). He has also worked as the Chairman, Egerton University Council, Chairman, Presidential Special Action Committee to address specific concerns of the Muslim Community in regard to the alleged Harassment and / or Discrimination in the application/ Enforcement of the Law and a member , National Consultative Committee on Fast Tracking of East African Political Federation.
- v). He received the Presidential award and honour of the Elder of the Burning Spear (EBS) and the Chief of the Order of the Burning Spear (CBS).
- vi). He has fully complied with his tax obligations to the State and has never been dismissed from office for contravention of provisions of Article 75 of the Constitution which deals with conduct of state officers or adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
- vii). He is not a member of any political party and does not expect any conflict of interest to arise
- viii). He has never been charged in a court of law for any offence
- ix). The Committee found the nominee qualified.

Nomination of Mr. Mohamed Alawi Hussun as a member of the Independent Electoral and Boundaries Commission

20. The Committee having considered the curriculum vitae of Mr. Mohamed Alawi Hussun, and having heard his submissions during the interview, made the following observations on his nomination:-
- i). That Mr. Mohamed Alawi Hussun is a Kenyan citizen born on 12th November, 1970 and holds a Master degree in International Maritime Law (LLM) from the IMO International Maritime Law Institute Bachelor of Law Degree (LLB) from the University of Nairobi and a Post graduate diploma in Legal Practice from Kenya School of Law.
 - ii). He currently works with the Kenya Ports Authority (KPA) as an assistant Corporation Secretary (Litigation and Disputes) Department where he has been since 1998 and also in Timamy and Co. Advocates
 - iii). He has attended several trainings and workshops for example Concession Management Programme in Eastern and Southern African Management Institute (ESAMI), training in Mediation and Council of Legal Education.

- iv). He is a member of the Law Society of Kenya, East Africa Law Society and Member of the Institute of Public Secretaries of Kenya.
- v). He has fully complied with his tax obligations to the State and has never been dismissed from office for contravention of provisions of Article 75 of the Constitution which deals with conduct of state officers or adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
- vi). He is not a member of any political party and does not expect any conflict of interest to arise.
- vii). He has never been charged in a court of law for any offence.
- viii). The Committee found the nominee qualified.

Nomination of Ms. Joyce Muthoni Wangai as a member of the Independent Electoral and Boundaries Commission

21. The Committee having considered the curriculum vitae of Ms. Joyce Muthoni Wangai, and having heard her submissions during the interview, made the following observations on her nomination:-
- i). That Ms. Muthoni Wangai is a Kenyan citizen born on 11th October 1958. She holds a Master degree in Business Administration- Finance from the University of Leicester and a bachelor of Commerce from the University of Nairobi.
 - ii). She currently works as a Managing Director with the Country Images Consulting as a Chief Executive, business and financial management Consultant. She has also worked with the Johnson Diversity East Africa Limited as a finance Director, Gailey and Roberts Limited as a commercial Director and in the Broke Bond Kenya.
 - iii). She has undertaken special assignments which include; Successful Negotiations with Kenya Revenue Authority for the removal of the duty uplift factor imposed on Caterpillar equipment in 1972 to bring the equipment's duty on playing field with that of other suppliers and completing the Negotiations for the DLEA Management Services Agreement with Kenya Industrial Property Office.
 - iv). She has attended training in Ethics in Africa conference by KCA University Session Chair, Religion and Institute of Certified Public Accountants (ICPAK) Economic symposium.
 - v). She is a member of the Public Accountability and Governance Advisory Committee (PAGA) of the Institute of Certified Public Accountants (ICPAK), and Vice chairperson of the Ethics Commission for Co-operative Societies.

- vi). She has been actively involved in the review of chapter twelve (12) on the Public Finance of the new Constitution explaining areas like devolution.
- vii). She has fully complied with her tax obligations to the State and has never been dismissed from office for contravention of provisions of Article 75 of the Constitution which deals with conduct of state officers or adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
- viii). She is not a member of any political party and does not expect any conflict of interest to arise.
- ix). She has been charged in a court of law for a traffic offence relating to speeding and using a cellphone while driving.
- x). The Committee found the nominee qualified.

Nomination of Mr. Thomas Letangule as a member of the Independent Electoral and Boundaries Commission

22. The Committee having considered the curriculum vitae of Mr. Thomas Letangule, and having heard his submissions during the interview, made the following observations on his nomination:-
- i). That Mr. Thomas Letangule is a Kenyan citizen born on 11th December, 1968 and is pursuing a Master of Law (LLM) degree and a holder of a Bachelor of Law (LLB) degree from the University of Nairobi and a Diploma in Law from the Kenya School of Law.
 - ii). He currently works with Letangule and Company Advocates as a Founding and Managing Partner and previously with Arusei, Letangule and Company Advocates, and with the Jubilee Insurance Limited as a legal Officer and Secretary to the Board of Directors.
 - iii). He is a Member of the Law Society of Kenya.
 - iv). He has so far accomplished great achievements in several cases for example “the Ilchamus Case where he was the lead counsel in the case that sought to recognize the right of the Ilchamus to representation in the National Assembly of the Republic of Kenya under the new Constitution “which has become a point of reference the world over for the right of representation by Indigenous people.
 - v). He received a certificate of Recognition awards from the Mainyoito Pastoralist Integrated Development Organization and MAA Civil Society Forum and honour of the Elder of the Burning Spear (EBS) and the Chief of the Order of the Burning Spear (CBS).

- vi). He has fully complied with his tax obligations to the State and has never been dismissed from office for contravention of provisions of Article 75 of the Constitution which deals with conduct of state officers or adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
- vii). He is not a member of any political party and does not expect any conflict of interest to arise
- viii). He has never been charged in a court of law for any offence.

23. The Committee noted issues raised in a memoranda by a member of the public (Grace Jepkemoi Kimngetich) to the effect that she retained the services of ARUSEI, LETANGULE & CO ADVOCATES to represent her in a case in which her late husband was involved in a road accident and the matter was settled out of court when she was awarded Kshs.1,000,000 by the Insurance Firm through the Advocate. However the law firm did not remit all the amounts due to her. The Committee deliberated on the matter and asked the nominee to show proof of final resolution of this matter. The nominee later forwarded a letter by the complainant withdrawing the allegations (a copy of the letter and identity card is annexed to the report).

The Committee considered the matter settled and found the nominee qualified.

Nomination of Ms. Lilian Bokeeye Mahiri-Zaja as a member of the Independent Electoral and Boundaries Commission

24. The Committee having considered the curriculum vitae of Ms. Lilian Bokeeye Mahiri-Zaja and having heard her submissions during the interview, made the following observations on her nomination:-

- i). That Ms. Lilian Bokeeye Mahiri-Zaja is a Kenyan citizen born on 8th December; 1964. She holds a Master of Law (LLM)(READING, UK) , Bachelor of Law (LLB) degree from the University of Nairobi and a Diploma in Legal Education from the Kenya School of Law. She is an Advocate of the high court having been admitted to the Roll of Advocates in December 1989. She is also a commissioner of Oaths, 1984 and Certified Public Secretary, Institute for Public Secretaries of Kenya, 2001.
- ii). She has been trained in Legislative Drafting course , University of London, UK, Measuring Governance , Democracy and Human Rights, in Went International Institute in Munich, Germany, strategic Planning and

Management , Alternative Dispute Resolution and Gender Mainstreaming and Human Rights.

- iii). She currently works as a Deputy Legal Officer in the Ministry of Justice, National Cohesion and Constitutional Affairs. She has also served as the Deputy Executive Director of the Public Complaints Standing Committee, which is the first Ombudsman office in Kenya and as Principal State counsel in the Registrar General's Department, State Law office up to 2004.
- iv). She has been appointed to serve in various Presidential national Committees and Commissions; and has represented the Permanent Secretary in the Ministry of Justice, National Cohesion and Constitutional Affairs in ministerial committees and national Task Forces. She has also served as member of the National Task Force on Police Reforms under Agenda IV Reforms.
- v). She was a member and legal expert on governance issues in the National Governing Council of NEPAD Africa Peer Review Mechanism (APRM) Kenya Secretariat on governance issues under the APRM.
- vi). She is a member of the Law Society of Kenya, International Commission of Jurists (Kenya Section), Institute of Certified Public Secretaries of Kenya and International Federation of Women Lawyers (F.I.D.A), Kenya Chapter.
- vii). She has fully complied with her tax obligations to the State and has never been dismissed from office for contravention of provisions of Article 75 of the Constitution which deals with conduct of state officers or adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
- viii). She is not a member of any political party and does not expect any conflict of interest to arise.
- ix). She has never been charged in a court of law for any offence.
- x). The Committee found the nominee qualified.

Nomination of Mr. Bwire Albert C. Onyango as a member of the Independent Electoral and Boundaries Commission

25. The Committee having considered the curriculum vitae of Mr. Bwire Albert C. Onyango , and having heard his submissions during the interview, made the following observations on his nomination:-

- i). That Mr. Bwire Albert C. Onyango is a Kenyan citizen born on 14th March, 1966 and holds a Master of Science in Finance from the University of Strathclyde in Glasgow-Scotland, Bachelor of Science- Applied Accounting

- from Oxford Brookes University and Associate of the Chartered Institute of Bankers from the Chartered Institute of Bankers (London).
- ii). He currently works with Development bank of Kenya-Head Office as a Credit Manager where he is responsible for Credit Administration Function. He has also worked as a Manager -credit Risk Analysis, Manager –Training and Development and as an Instructor Training School at the National Bank.
 - iii). He is a certified Credit Trainer by IFS (London)
 - iv). He has consulted in Tanzania for a commercial bank and successfully set up a dealing department.
 - v). He has published a paper titled “Deposit Insurance and Bank Failures in Kenya: What lessons can be learned by supervisors?’ published by the African Journal of Finance a Management Volume 9 Number 2 January 2001.
 - vi). He has attended several courses on Finances for example Asset Liability Management, Certified Credit trainers Course, Leadership Skill Course and International Trade Finance.
 - vii). He has fully complied with his tax obligations to the State and has never been dismissed from office for contravention of provisions of Article 75 of the Constitution which deals with conduct of state officers or adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
 - viii). He is not a member of any political party and does not expect any conflict of interest to arise
 - ix). He has never been charged in a court of law for any offence
 - x). The Committee found the nominee qualified.

Nomination of Mrs. Kule Galma Godana as a member of the Independent Electoral and Boundaries Commission

26. The Committee having considered the curriculum vitae of Mrs. Kule Galma Godana and having heard her submissions during the interview, made the following observations on her nomination:-

- i). That Mrs. Kule Galma Godana is a Kenyan citizen born in 1961. She holds a Bachelor of Education and Counseling degree from the Kenya Methodist University and a Diploma in Educational Administration from Kenya Science Teachers’ College where she got a certificate in Educational Administration for Head Teachers.

- ii). She is currently teaching at Meru Teachers' College and is the Head of Mathematics Department. She was the Principal, Isiolo Girls and Moi Girls Secondary school and a teacher, Moi Girls High School.
- iii). She was a Presiding officer during the General Elections in Saku Constituency in 1997 and 2002.
- iv). She has fully complied with her tax obligations to the State and has never been dismissed from office for contravention of provisions of Article 75 of the Constitution which deals with conduct of state officers or adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
- v). She is not a member of any political party and does not expect any conflict of interest to arise.
- vi). She has never been charged in a court of law for any offence.
- vii). The Committee found the nominee qualified.

RECOMMENDATIONS OF THE COMMITTEE

27. The Committee noted concerns raised on the several appointments to constitutional commissions/offices made so far and resolved to do an audit to cross-check conformity of these appointments to Article 250 (4) of the Constitution that require appointments to commissions and independent offices to *'take into account the national values referred to in Article 10, and the principle that the composition of the commissions and offices, taken as a whole, shall reflect the regional and ethnic diversity of the people of Kenya'*.
28. The Committee deliberated on three issues surrounding the nominations to the Independent Electoral and Boundaries Commission. The issues are Religion, gender and regional balance. The Committee noted that the issues of religion are not a constitutional requirement and should not be a consideration during nomination/appointments. On the issue of gender, it was noted that nominations had met the minimum constitutional requirement of not more than one-third of either gender are represented. On regional balance, the Committee noted that all regions in Kenya are represented in the Commission. However in future appointments consideration should be given to intra-regional balancing.
29. The Committee noted that all the nominees have the necessary qualifications and experience required for appointment to the Independent Electoral and Boundaries Commission. However, the following members registered their objections:-

- i). The Hon. Beth Mugo, EGH, MP registered her objection on the nomination of Mr. Abdullahi M. Sharawe not in his individual capacity but as a member of the defunct Interim Independent Boundaries Review Commission (IIBRC) which did not resolve the delimitation of boundaries.
- ii). The Hon. Moriasi Ombui, MP and the Hon. Lukas Chepkitony, MP registered their objections on the nominees based on the selection process which they termed was skewed from the onset.

30. Following the above deliberations, the Committee recommends that pursuant to the provisions of paragraphs 4 and 5 of the First Schedule to the Independent Electoral and Boundaries Commission Act No. 9 of 2011, the House approves the nomination of the following persons for appointment to serve in the Independent Electoral and Boundaries Commission in the stated capacities:-

- i). Mr. Ahmed Issack Hassan - Chairperson
- ii). Mr. Yusuf Abdulrahman Nzibo - Member
- iii). Mr. Mohamed Alawi Hussun - Member
- iv). Mr. Abdullahi M. Sharawe - Member
- v). Ms. Lilian Bokeeye Mahiri-Zaja - Member
- vi). Mr. Thomas Letangule - Member
- vii). Ms. Joyce Muthoni Wangai -Member
- viii). Mr. Albert C.O. Bwire - Member
- ix). Ms. Kule Galma Godana - Member

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