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CLERK-AT THE-TABLE:	Mr. Isaac Fr Benson	

THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – FIFTH SESSION – 2021

DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING

**REPORT ON THE VETTING OF THE NOMINEES FOR APPOINTMENT TO
THE POSITION OF DIRECTORS OF THE BOARD OF PRIVATIZATION
COMMISSION OF KENYA, NAMELY:**

1. DR. EDWARD N. KOBUTHI
2. MRS. IRENE NJERI WANYOIKE
3. MRS. CELINE ANYANGO ORATA
4. MR. SALAH ADAN ABDI
5. CPA DAVID J.O. NYAKANG'O
6. AMB. WELLINGTON PAKIA GODO, CBS

CLERK'S CHAMBERS

DIRECTORATE OF DEPARTMENTAL COMMITTEES

PARLIAMENT BUILDINGS

NAIROBI

NOVEMBER 2021

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ACRONYMS

CS	-	Cabinet Secretary
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	-	Parliamentary Approvals (Public Appointments) Act
CPA	-	Certified Public Accountant
ICPAK	-	Institute of Certified Public Accountants of Kenya
IHRM	-	Institute of Human Resource Management
ICPSK	-	Institute of Certified Public Secretaries of Kenya
CBS	-	Chief of Burning Spear
ASAL	-	Arid and Semi-Arid Land
GDP	-	Gross Domestic Product
KQ	-	Kenya Airways
CEO	-	Chief Executive Officer

CHAIRPERSON'S FOREWORD

This report contains the proceedings of the Departmental Committee on Finance and National Planning during the approval hearings of the following nominees for appointment to the position of directors of the Board of Privatization Commission:

1. Dr. Edward Kobuthi – Member
2. Mrs. Irene Wanyoike – Member
3. Mrs. Celine Orata – Member
4. Mr. Salah Abdi – Member
5. CPA David Nyakang'o – Member
6. Amb. Wellington Godo, CBS – Member

The Speaker of the National Assembly made a Communication to the House on Thursday, 7th October 2021. He informed the House he had received a Message from the Cabinet Secretary for the National Treasury and Planning regarding the nomination of persons to fill vacancies in the Privatization Commission. In his Communication, the Speaker referred the names of the nominees, including their curriculum vitae to the Departmental Committee on Finance and National Planning to undertake the necessary approval hearings. The Committee was directed to notify the nominees and the general public of the time and place for the approval hearings.

In compliance with section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, the Clerk of the National Assembly placed an advertisement in the print media on Saturday, 9th October 2021, inviting 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, 2011. At the close of the submission deadline, the Committee had not received any memorandum contesting the suitability or otherwise of the nominees.

The nominees appeared before the Committee on **Thursday, 21st October 2021** for the approval hearings. The Committee examined their suitability based on the criteria set out in Section 7 of the Public Appointments (Parliamentary Approval) Act, 2011, on issues of consideration. The nominees were examined on their academic credentials, relevant experience, knowledge of sector issues, leadership and integrity. The Committee paid due regard to the procedure used to arrive at the nominee; any constitutional or statutory requirements relating to the office in question and the suitability of the nominee for the appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the Privatization Commission.

From the approval hearings, the Committee observed that the nominations adhered to the regional balance principle. All the nominees came from diverse regions of the country, including Uasin Gishu, Nyeri, Homa Bay, Wajir Nyamira and Tana River Counties. The nomination also was in line with the principle of gender equity as out of the six nominees, four (4) were male and two (2) were female. All the nominees had work experience of over ten (years) having worked in both the private and public sectors

The Committee also observed that of the six (6) nominees, five (5) were over sixty (60) years of age. Members were concerned that the majority of the nominees had attained the mandatory retirement age. For an institution to be dynamic, there is a need to blend different age groups.

May I take this opportunity to thank all the Members of the Committee for their input and valuable contributions during the approval hearing and deliberations during the writing of the report. The

Committee also takes this opportunity to thank the Office of the Speaker, Office of the Clerk of the National Assembly and the Committee Secretariat for the logistical support during the vetting exercise.

On behalf of the Departmental Committee on Finance and National Planning, and pursuant to Section 5(1) (d) of the Privatization Act (No. 2 of 2005) and Section 8(1) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), it is my pleasant duty to table the Report of the Committee on the nomination of Dr. Edward Kobuthi, Mrs. Irene Wanyoike, Mrs. Celine Orata, Mr. Salah Abdi, CPA David Nyakang'o and Amb. Wellington Godo for appointment to the position of members of the Privatization Commission of Kenya Board for debate and adoption by the House.

Hon. Gladys Wanga, CBS, MP

Chairperson, Departmental Committee on Finance and National Planning

PART ONE

1 PREFACE

1.1 ESTABLISHMENT OF THE COMMITTEE

1. The Departmental Committee on Finance & National Planning is one of the fifteen Departmental Committees of the National Assembly established under **Standing Order 216** whose mandates pursuant to the **Standing Order 216 (5)** are as follows:
 - i. 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;
 - ii. To study the programme and policy objectives of Ministries and departments and the effectiveness of their implementation;
 - iii. To study and review all the legislation referred to it;
 - iv. To study, access and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
 - v. 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;
 - vi. **To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order No. 204 (Committee on appointments);**
 - vii. To examine treaties, agreements and conventions;
 - viii. To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
 - ix. To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
 - x. To examine any questions raised by Members on a matter within its mandate.

1.2 MANDATE OF THE COMMITTEE

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider, public finance, monetary policies, public debt, financial institutions (excluding those in securities exchange), investment and divestiture policies, pricing policies, banking, insurance, population revenue policies including taxation and national planning and development.
3. In executing its mandate, the Committee oversees the following government Ministries and departments:
 - i. National Treasury and Planning
 - ii. State Department for Devolution
 - iii. Commission on Revenue Allocation
 - iv. Office of the Controller of Budget
 - v. Salaries and Remuneration Commission

1.3 COMMITTEE MEMBERSHIP

4. The Departmental Committee on Finance and National Planning was reconstituted by the House in July 2020 and comprises of the following Members:

Chairperson

Hon. Gladys Wanga, CBS, MP
Homabay County

ODM Party

Vice-Chairperson

Hon. Isaac W. Ndirangu, MP
Roysambu Constituency

Jubilee Party

Members

Hon. Jimmy O. Angwenyi, MGH, MP
Kitutu Chache North Constituency

Jubilee Party

Hon. Christopher Omulele, CBS, MP
Luanda Constituency

ODM Party

Hon. Shakeel Shabbir Ahmed, CBS, MP
Kisumu East Constituency

Independent Member

Hon. Daniel Nanok, MP
Turkana West Constituency

Jubilee Party

Hon. (Dr.) Christine Ombaka, MP
Siaya County

ODM Party

Hon. Andrew Okuome, MP
Karachuonyo Constituency

ODM Party

Hon. David Mboni, MP
Kitui Rural Constituency

CCU Party

Hon. Francis K. Kimani, MP
Molo Constituency

Jubilee Party

Hon. Joseph Oyula, MP

Butula Constituency

ODM Party

Hon. Joshua Kandie, MP
Baringo Central Constituency

MCC Party

Hon. Stanley Muthama, MP
Lamu West Constituency

MCC Party

Hon. Edith Nyenze, MP
Kitui West Constituency

WDM-K

Hon. Catherine Waruguru, MP
Laikipia County

Jubilee Party

Hon. James Gichuhi Mwangi, MP
Tetu Constituency

Jubilee Party

Hon. (Prof.) Mohamud Muhamed, MP
Wajir South Constituency

Jubilee Party

Hon. Peter Lochakapong, MP
Sigor Constituency

Jubilee Party

Hon. Qalicha Gufu Wario, MP
Moyale Constituency

Jubilee Party

1.4 COMMITTEE SECRETARIAT

5. The Committee is facilitated by the following Secretariat:

Ms. Leah W. Mwaura
Senior Clerk Assistant/Head of Secretariat

Ms. Jennifer Ndeto
Principal Legal Counsel 1

Ms. Laureen O. Wesonga
Clerk Assistant II

Mr. Josephat Motonu
Senior Fiscal Analyst

Mr. Chelang'a Maiyo
Research Officer II

Mr. Luka Mutua
Serjeant-At-Arms

Ms. Christine Maeri
Audio Officer

Ms. Hannah Mwangi
Intern

PART TWO

2 INTRODUCTION

2.1 Message from the CS for National Treasury

6. Pursuant to the provisions of Standing Order No. 42(4), the Speaker of the National Assembly on **Thursday 7th October 2021**, communicated to the House a message from the Cabinet Secretary (CS) National Treasury regarding nominees for appointment to the position of directors of the Board of Privatization Commission of Kenya. The Speaker informed the House that the CS National Treasury was seeking approval of the National Assembly on the said nominations before their appointment.
7. In accordance with Standing Order 45(1), the Speaker read the Message from the CS and referred the nominees' names and their curricula vitae to the Departmental Committee on Finance and National Planning to conduct approval hearings. In addition, the Speaker directed the Committee to notify the nominees and the public of the time and place for the approval hearings. The Committee was also to conduct extensive public participation as provided for under Article 118 of the Constitution and the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011) and report its findings to the House.

2.2 Nomination and appointment process

8. The nomination was made in line with Section 11 of the Privatization Act, 2005 provides for the composition of the Privatization Commission, where it stipulates that the persons shall be recruited through a competitive process before nomination for appointment by the Cabinet Secretary.
9. The National Assembly having received the names of the nominees was obligated to conduct approval hearings and make a determination of the nominees' suitability or otherwise within twenty-eight (28) days as provided for in Section 8(1) of the Public Appointments (Parliamentary Approval Act) (No. 33 of 2011).

2.3 Report of the Committee for the nomination of the Directors of the Board of Privatization Commission of Kenya

10. Pursuant to section 5(1)(d) of the Competition Act (No. 12 of 2010), the Cabinet Secretary for National Treasury and Planning invited applications from suitably qualified persons for the vacant positions of Commissioner Privatisation Commission. The advertisement was placed in the print media on 16th May 2020 with a closing date of 5th June 2020. By the deadline for closing applications, seventy-nine (79) applicants had sought to be considered for the vacant positions in the PC.
11. The CS National Treasury and Planning vide letter Ref. No. TNT/ZZ 253/01 (50) dated 27th May 2021 appointed an interview panel to conduct the recruitment process and make recommendations to the CS for consideration and if approved, for onward submission to the National Assembly for approval.
12. The interview panel shortlisted seventeen (17) applicants and conducted the interview virtually from 6th to 8th July 2021. The panel analysed the current position in the board, reviewed the performance of the interviewees and recommended six applicants for the position of Commissioner for PC.

13. Guided by the principles of meritocracy, fair representation, equity and gender, the panel scored the nominees as follows: **Dr. Edward Kobuthi (87.08%); Mrs. Irene Njeri Wanyoike (80.83%); Ms. Celine Anyango Orata (79.17%); Mr. Salah Adan Abdi (78.75%); CPA David J.O Nyakang'o (74.58%); and Amb. Wellington Pakia Godo (73.75%)**

2.4 Committee proceedings

14. The Committee held a total of three Sittings to examine and review the nominees' certificates, testimonials and hold a vetting meeting with the nominee.

PART THREE

3 BACKGROUND INFORMATION

3.1 Legal framework

15. Section 5 (1) of the Privatization Act (No. 2 of 2005) provides as follows—

5. (1) *The Commission shall comprise of the following members:*

- a) *a chairman appointed by the President;*
- b) *the Attorney-General;*
- c) *the Permanent Secretary to the Treasury;*
- d) ***seven members, not being public officers, appointed by the Minister through a competitive process and approved by the National Assembly, by virtue of their expertise in such matters as will ensure that the Commission achieves its objectives; and***
- e) *the Executive Director.*

16. With the declaration of vacancies on six (6) posts of the Board of Privatisation Authority following the expiry of the term of Directors, the Board is unable to discharge its mandate effectively as it is currently constituted as follows :

- (i) Hon. Dr. Paul Otuoma, EGH – Chairman
- (ii) Mr. John Joseph Tito - Member

17. In light of this, the CS for National Treasury had nominated Dr. Edward Kobuthi, Mrs. Irene Njeri Wanyoike, Mrs. Celine Anyango Orata, Mr. Salah Adan Abdi, CPA David Nyakang'o and Amb. Wellington Pakia Godo, CBS for appointment as members of the Privatisation Commission of Kenya Board. The Departmental Committee on Finance and National Planning was assigned the role of conducting the vetting of the nominees mentioned above pursuant to its mandate.

18. The following statutes/provisions were paramount to the Committee as it executed this mandate:

- i. The Privatization Act (No. 2 of 2005);
- ii. The Public Appointments (Parliamentary Approval) Act (No. 33 of 2011);
- iii. Chapter 6 of the Constitution on leadership and integrity;
- iv. Article 232 of the Constitution on values and principles of public service;
- v. Article 10 of the Constitution on the national values and principles of governance;
- vi. Article 77 on restriction on activities of State Officers;
- vii. The Leadership and Integrity Act (Cap. 182);
- viii. The Public Service (Values and Principles) Act (No. 1A of 2015); and
- ix. The Public Officer Ethics Act (Cap. 183)

The Public Appointments (Parliamentary Approval) Act (No. 33 of 2011)

19. Section 7 of the Public Appointments (Parliamentary Approval) Act, Chapter 136 (PAPAA), provides for issues which the relevant House of Parliament (in this case, the National Assembly) is required to take into consideration in relation to any nomination. This includes:

- a) *the procedure used to arrive at the nominee;*
- b) *any constitutional or statutory requirements relating to the office in question; and*
- c) *the suitability of the nominee for the appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which nomination is being made.*

20. Section 5 of the Privatization Act does not explicitly provide for specific academic qualifications and it only mentions appointment by a competitive process and by virtue of expertise on matters

that will ensure that the Commission achieves its objectives. However, the Schedule to the Public Appointments (Parliamentary Approval) Act provides for the criteria to guide the Committee during an approval hearing. These are—

- i. Education, employment record;
- ii. Public office, political activities and affiliations;
- iii. Deferred income or future benefits;
- iv. Sources of income, tax status, statement of net worth;
- v. Potential conflicts of interest;
- vi. Pro bono or charity work;
- vii. Whether the nominee has been charged in a court of Law or convicted; and
- viii. Adverse mention in an investigatory report of a Parliamentary Committee or Commission.

21. During the approval hearing, section 6 of the Public Appointments (Parliamentary Approval) Act (PAPAA) provides important points, as follows—

- i. An approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background (section 6(7) of the PAPAA).
- ii. The criteria specified in the Schedule shall be used by a Committee during an approval hearing for the purposes of vetting a candidate (section 6(8) of the PAPAA).
- iii. Any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting a candidate's suitability to hold the office to which the candidate has been nominated (section 6(9) of the PAPAA).
- iv. A candidate may, at any time, by notice in writing addressed to the Clerk, withdraw from the approval process and the candidate's nomination shall end (section 6(10), PAPAA).

Chapter 6 of the Constitution (Leadership and Integrity)

22. There are essential provisions in Chapter 6 of the Constitution worth pointing out. Article 73 of the Constitution provides that the authority assigned to a state officer (a member of a Commission being a state officer under Article 260 of the Constitution) is a public trust to be exercised in a manner that is consistent with the Constitution, demonstrates respect for the people, brings honour to the nation and dignity to the office and promotes public confidence in the integrity of the office. Also, the state officer shall have the responsibility to serve the people, rather than the power to rule them.

23. The guiding principles of leadership and integrity are listed as selection based on personal integrity, competence and suitability, objectivity and impartiality in decision making, selfless service based solely on the public interest, accountability and discipline and commitment in service to the people.

Article 77 of the Constitution on Restriction on activities of State Officers

24. Article 77 of the Constitution provides that a full-time state officer shall not participate in any other gainful employment. Further, Article 77 (2) provides that any appointed State officer shall not hold office in a political party.

Article 232 of the Constitution on Values and Principles of Public Service

25. Article 232 of the Constitution provides for the values and principles of public service, which include high standards of professional ethics; efficient, effective and economical use of resources; responsive, prompt, effective, impartial and equitable provision of services; involvement of the people in the process of policymaking; accountability for administrative acts; transparency and provision to the public of timely, accurate information; fair competition and merit as the basis of appointments and promotions; representation of Kenya's diverse communities; and affording

adequate and equal opportunities for appointment, training and advancement, at all levels of the public service of men and women; the members of all ethnic groups; and persons with disabilities.

Article 10(2) of the Constitution on national values and principles of governance

26. Article 10(2) of the Constitution provides for the national values and principles of governance which include patriotism, national unity, sharing and devolution of power, the rule of Law, democracy and participation of the people; human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised; good governance, integrity, transparency and accountability; and sustainable development.

The Leadership and Integrity Act

27. The Leadership and Integrity Act provides several obligations to a State officer. These are, among others: to respect and abide by the Constitution and the Law, public trust, performance of duties in an honest and accountable manner, professionalism, financial integrity, not to engage in activities that amount to an abuse of office, not misuse public resources, accepting gifts that may compromise the officer's duties, wrongful or unlawful acquisition of property, conflict of interest e.t.c.

The Public Service (Values and Principles) Act

28. Section 5 of the Public Service (Values and Principles) Act provides that a public officer shall maintain high standards of professional ethics, including being honest, displaying high standards of integrity, transparency, accountability, respect to others, objectivity, patriotism, observance of rule of law. (*Applies in future upon appointment*).

The Public Officer Ethics Act

29. The Public Officer Ethics Act provides for obligations to be carried out by a public officer. These include professionalism, carrying out duties in accordance with the Law, prohibition from unjust enrichment, avoiding conflict of interest, not using office as a venue for soliciting or collecting harambees; not acting for foreigners; care of the property; political neutrality, not practicing nepotism or favoritism, giving impartial advice, conducting private affairs in a way that maintains public confidence, bar from sexual harassment, submission of a declaration of income, assets and liabilities once every two years (section 26) (*Applies in future after appointment*)

3.2 Qualifications for appointment as the director of the Board of Privatization Commission

30. In conducting the approval hearings, the Committee was guided by section 5(1) (d) of the Privatization Act (No. 2 of 2005) and the provisions of Section 3 and 5 of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011.

31. Article 73 of the Constitution provides that:

(2) *The guiding principles of leadership and integrity include:*

- a) *selection on the basis of personal integrity, competence and suitability, or election in free and fair elections;*
- b) *objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favouritism, other improper motives or corrupt practices;*
- c) *selfless service based solely on the public interest, demonstrated by:*
 - i. *honesty in the execution of public duties; and*
 - ii. *the declaration of any personal interest that may conflict with public duties;*
- d) *accountability to the public for decisions and for decisions and actions; and*
- e) *discipline and commitment in service to the people.*

3.3 Message from Cabinet Secretary for National Treasury

32. In a letter, Ref: TNT/ZZ 253/01 dated 27th August 2021, the CS for National Treasury, Amb. Ukur Yatani, EGH submitted the names of nominees for appointment to the position of Members of the Directors of the Board of Privatization Commission of Kenya to the Hon. Speaker for approval by the National Assembly pursuant to section 5(1) (d) of the Privatization Act (No. 2 of 2005). The Hon. Speaker, in his Communication from the Chair issued on **Thursday, 7th October, 2021**, and pursuant to Standing Order No. 42(4) referred the names to the Departmental Committee on Finance and National Planning to conduct approval hearings and report its findings to the House within twenty-eight (28) days.

3.4 Notification to the nominee and Chapter 6 clearance requirements

33. The Clerk of the National Assembly vide letter **Ref: NA/DDC/F&NP/2021/65** dated **14th October 2021** wrote to the nominees informing them of their nomination by the CS for National Treasury and requested them to appear for vetting by the Departmental Committee on Finance and National Planning on **Thursday, 21st October 2021** in Mini Chamber, First Floor, County Hall, Parliament Buildings. The Clerk further requested the nominees to bring with them clearance certificates from Kenya Revenue Authority (KRA), Higher Education Loans Board (HELB), Ethics & Anti-Corruption Commission (EACC), Office of the Registrar of Political Parties (ORPP) and Directorate of Criminal Investigations (DCI).
34. The Clerk also wrote to Kenya Revenue Authority (KRA), Higher Education Loans Board (HELB), Ethics & Anti-Corruption Commission (EACC), Office of the Registrar of Political Parties (ORPP) and Directorate of Criminal Investigations (DCI) requesting for tax, loans, integrity, leadership in a political party and criminal record status of the nominees respectively.
35. The institutions wrote back to the National Assembly clearing the all the nominees vide the following letters: Kenya Revenue Authority (KRA) (letter Ref: KRA/5/1002/5(6043); the Higher Education Loans Board (HELB) (letter Ref: HELB/RR/112009/130); Ethics & Anti-Corruption Commission (EACC) (letter Ref: EACC.7/10/5 VOL.XVIII(248)); Office of the Registrar of Political Parties (ORPP) (letter Ref: RPP/ORG/34 Vol. V (20)); and the Directorate of Criminal Investigations (DCI) (letter Ref: DCI/CRO/SEC/6/7/A/VOL.X/56).

3.5 Request for Memoranda and Notification to the public

36. 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 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”*.
37. The Clerk of the National Assembly placed a notification in the print media on **Saturday, 9th October 2021**, informing the general public of the intention of the Committee to conduct approval hearings, as provided for by Article 118(1)(a)(b) and (2) of the Constitution and Section 6(4) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), which allows public participation in committee proceedings. The notification gave provision for the submission of memoranda, on the suitability or otherwise of the nominee by **Friday, 15th October 2021 at 5.00 pm**.

3.6 Submission of memoranda

38. At the close of business on Friday, 15th October 2021, the Committee had not received any affidavits contesting the suitability of any of the nominees.

PART FOUR

4.0 APPROVAL HEARINGS

39. Following expiry of the term of service of six directors of the Board of the Privatization Commission of Kenya, the Cabinet Secretary National Treasury nominated Dr. Edward N. Kobuthi; Ms. Irene Njeri Wanyoike; Ms. Celine Anyango Orata; Mr. Salah Adan Abdi; CPA David J.O. Nyakang'o; and Amb. Wellington Pakia Godo, CBS to fill the vacancies pursuant to section 5(1) (d) of the Privatization Act (No. 2 of 2005).
40. The Committee conducted approval hearings for the nominees on **Thursday, 21st October, 2021**. In conducting the vetting exercise, the Committee was guided by, among other documents, the Constitution, the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), the Privatization Act (No. 2 of 2005) and the National Assembly Standing Orders.
41. The Committee examined the nominees using the guidelines in the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011). The Committee also considered the following in vetting the nominees:
- a. Academic qualifications
 - b. Employment record and work experience
 - c. Professional association
 - d. Public office, political activities and affiliations
 - e. Potential conflict of interest
 - f. Suitability to the position
 - g. Tax compliance
 - h. Vision and leadership
 - i. Integrity
 - j. Expectations and Key priorities

4.1 DR. EDWARD N. KOBUTHI

Dr. Kobuthi appeared before the Committee for vetting on **Thursday, 21st October 2021 at 10.00 a.m.** He was orally interviewed by the Committee and responded to questions during vetting as follows:

4.1.1 Personal Background

42. Dr. Kobuthi is a Kenyan citizen of identity card number 1277227 and was born in Uasin Gishu County in 1957.

4.1.2 Educational Background

43. On his educational background, Dr. Kobuthi attained the following: PhD in Strategic Management (Corporate Governance) from the University of Nairobi in 2018, Masters Degree in Strategic Management from the United States International University (USIU) in 2001; Bachelor of Science Degree in International Business (Marketing major and Finance minor) from the United States International University (USIU) in 2000; Master Brewer Diploma from Berlin Germany in 1984; and a Higher National Diploma in Food Science and Technology Process Engineering from the Technical University of Kenya in 1982.

44. He sat for his A-Levels at Kangaru School in 1977 and O-Levels at Karaba School Embu in 1975.

4.1.3 Work experience/career progression

45. Dr. Edward Kobuthi has had a long career mainly in the private sector. He had served in the following capacities:

- i. Director at the Water Services Regulatory Board;
- ii. Senior Lecturer at the Africa International University;
- iii. Consultant at the Institute of Directors;
- iv. United States International University: Adjunct Faculty
- v. Part Time Lecturer at the Management University of Africa and the Kenya College of Accountancy;
- vi. General Manager at Kenya Airports Authority;
- vii. Consultant at One Jet One Airways;
- viii. Trainer at the Institute of Directors;
- ix. Founding Member of the Hand in Hand Eastern Africa;
- x. General Manager at Kenya Airways Limited;
- xi. General Manager/CEO of African Medical and Research Foundation - Lomidat Meat Processors;
- xii. Business Manager at Affiliated Business Contacts;
- xiii. Consultant at the Federation of Kenya Employers;
- xiv. Consultant at the Industrial Ecology Institute;
- xv. Consultant at the Center for Rights Education and Awareness (CREAW);
- xvi. Consultant at the Strategic Leadership Centre;
- xvii. Consultant at the Sauti SACCO;
- xviii. Consultant at the Banki Kuu SACCO;
- xix. Consultant at the Maisha Bora SACCO;
- xx. Consultant at the Ministry of Water and Irrigation;
- xxi. Consultant at the Water Resources Management Authority;
- xxii. Consultant at the Water Services Trust Fund;
- xxiii. Consultant and Lecturer at the Kenya Institute of Management: Consultant and Lecturer;
- xxiv. Proprietor of Engen Petrol Station Kahawa Sukari;
- xxv. Project Manager of the East African Breweries Limited; and
- xxvi. Worked at Kenya Breweries Limited in various capacities for over 20 years starting as Management Trainee, Assistant Brewer, Shift Maltster, Shift Brewer, Project Brewer, Bottling Manager, Supply Chain Manager and Distribution Manager.

4.1.4 Professional Associations & Affiliations

46. Dr. Kobuthi is a member of the following institutions/committees:

- i. Institute of Directors of Kenya from 2018 to date;
- ii. Kenya Institute of Management from 2008 to date;
- iii. The Institute of Brewing (IOB) from 1980 to 1999;
- iv. East Africa Brewers Guild;
- v. Embu County Professionals Development Association;
- vi. Board of Management, Kangaru School in Embu from 2019 to date; and
- vii. Board of Management Kathande Day Secondary School in Embu from 2019 to date.

4.1.5 Clearance Requirements

47. The Committee confirmed that the nominee had been cleared by KRA, ORPP, DCI, EACC and HELB having obtained clearance certificates to that effect.

4.1.6 Other issues under consideration

To examine suitability or otherwise of the nominee, the Committee posed questions to the nominee in the following thematic areas:

48. On how his work experience had prepared him for the role he was being vetted for, he stated that he had work experience of over 30 years, which made him suitable for the appointment. He noted that his skills in food processing would come in handy in the privatization of companies that deal with food processing, like sugar factories. In addition, his skills in marketing will be invaluable in the execution of his role at the Commission.
49. On whether he had contributed to the failure of Kenya Airways, where he had worked for a while, Dr. Kobuthi stated that the Airline) was leading national carrier and was performing very well during his tenure. He attributed the KQ downward trend to management issues and high managerial staff turnover.
50. On whether Privatization Commission had successfully made proposals for State-Owned Enterprises to be put under Privatization Programme, he was concerned with how privatization was done previously. He noted that his skills in manufacturing and food processing would come in handy in the privatization process, especially in the sugar industry, which requires a new strategy.
51. On resource mobilization for the Commission, he stated that he had previously managed to mobilize funds amounting to KSh. Nine hundred million in the year 1999 for Kenya Breweries Limited. He cited his skills in resource mobilization, efficient utilization of funds; networks and partnerships creation as essential skills for sourcing for additional financing for the Commission.
52. On Commission's Strategic Plan and achievement of its objectives, Dr. Kobuthi submitted that the Commission had not been able to implement its strategic plan due to inadequate financing and competing interests by various stakeholders. He noted that the Commission's Strategic Plan needed to emphasize soft skills rather than hard skills to achieve its objectives.
53. He also noted the need for Kenyans to be sensitized on the importance of privatizing the parastatals through a national dialogue. This will ensure that proposals in the privatization programs are not scuttled by politicization.
54. On the role of the Commission in supporting the Big Four Agenda, he noted that there was the need to ring-fence funds obtained from the privatization of parastatals. This will assist in curbing pilferage and contribute to funding the Big Four Agenda.
55. On whether Kenya Airways and Kenya Power Company should be given financial assistance to bail them out of the current economic crisis, he stated that Kenya Airways, as one of the Government's strategic investments needed to be supported to ensure that it remains competitive within the region. Likewise, he observed that Kenya Power Company is a strategic company to the country. He however, noted that the Government needed to license other companies to reduce the monopoly and in the long run, the cost of electricity will come down.
56. On leadership and integrity, Dr. Kobuthi stated that he had always endeavored to live a life of integrity.

Public awareness of the Commission

57. On public awareness of the Commission, Dr. Kobuthi suggested that branding and frequent stakeholders engagement should be encouraged.

58. He estimated his financial net worth to Kenya shillings fifty million (KSh. 50 million.)

4.2 MRS. IRENE NJERI WANYOIKE

Mrs. Wanyoike appeared before the Committee for vetting on **Thursday, 21st October, 2021 at 11.30 a.m.** She was orally interviewed by the Committee and responded to questions during vetting as follows:

4.2.1 Personal Background

59. Mrs. Wanyoike is a Kenyan citizen of identity card number 0970503 and was born in Nyeri County in 1955.

4.2.2 Educational Background

60. Mrs. Wanyoike has attained the following: Masters Degree in Diplomacy and Foreign Policy from Moi University in 2018; Post-Graduate Diploma in Law from the Kenya School of Law in 2009, Bachelors degree in Law from the University of Nairobi in 2009; and International and Local Certification in Alternative Dispute Resolution Mechanisms from the Chartered Institute of Arbitration in 2009.

61. She had previously attained a Diploma in Banking from the Kenya National Examination Council in 1985. She sat for her A-Level examinations at Mary Leakey School in 1975 and sat for her O-Level examinations at Tumutumu Girls High School in 1973.

4.2.3 Work experience/career progression

62. Mrs. Wanyoike has had over 15 years in alternative dispute resolution mechanisms, Law and governance. She has worked in the following capacities:

- i. Chairperson of the Association of Professional Societies in East Africa from 2017 to 2019;
- ii. Commissioner and Vice-Chairperson of the National Cohesion and Integration Commission from 2015 to 2018;
- iii. Member of the Mediation and Accreditation Committee from 2014 to date;
- iv. Director, Tobacco Control Board from 2009 to 2014;
- v. Consultant, National Aids Control Council from 2006 to 2015;
- vi. Civic Education on the New Constitution under Kenya National Integrated Civic Education from 2010 to 2012;
- vii. General Manager, Discount Tours and Travels from 1999 to 2006; and
- viii. Senior Officer at Central Bank of Kenya from 1986 to 1999.

4.2.4 Professional Associations & Affiliations

63. Mrs. Wanyoike is a member of the following professional institutions/committees:

- i. Professional Integrity and Ethics Committee of APSEA;
- ii. Chairperson, Centre for Alternative Dispute Resolution (CADR);
- iii. Chairperson, Professional Women Empowered (PROWE);

- iv. Law Society of Kenya (LSK);
- v. Federation of Women Lawyers;
- vi. East Africa Law Society (EALS);
- vii. Founder Member of Regional Institute of Professional Mediators;
- viii. Former Honorary Treasurer of the Chartered Institute of Arbitrators;
- ix. Strathmore Dispute Resolution Centre;
- x. Kenya Leadership and Integrity Forum;
- xi. Trustee, Ridgeways Baptist Church from 2016 to date;
- xii. Committee Member, Mediation Accreditation Committee of the Judiciary from 2014 to date;
- xiii. Chairperson and Trustee, National Cohesion and Integration Commission Staff Pension Fund Committee from 2015 to 2018;
- xiv. Director, Kenya Private Sector Alliance (KEPSA) from 2015 to 2016;
- xv. Chairperson/Convener APSEA Constitution Implementation and Oversight Committee from 2010 to 2011;
- xvi. Director, Eco-Tourism Board from 2004 to 2005;
- xvii. Board Member, Ndia-ini Secondary School in Nyeri and Kenyoho Secondary School in Murang'a;
- xviii. Member, Ndia-ini Mentorship Association; and
- xix. Member, Korogocho Youth Empowerment from 2006 to 2007.

4.2.5 Professional Trainings

64. She has undertaken the following professional courses:

- i. Certified International Mediation at the Mediation Training Institute International;
- ii. Mediation Training at the Chartered Institute of Arbitrators in 2015;
- iii. Mediation Training at Amani Africa Communities/Certified Institute of Arbitration (CIARB) in 2009;
- iv. Advanced Arbitration Course in 2006;
- v. Introduction to Conflict Management Course at CIARB in 2008;
- vi. Introductory Certificate in Arbitration at CIARB in 2009;
- vii. International Arbitration Conference "Broadening Access to Justice through ADR" in Mombasa;
- viii. Advocacy in Mediation and Arbitral Proceedings Course at CIARB in 2009;
- ix. ICEA Lion Asset Management Investment Conference;
- x. Trustee Development Program;
- xi. Certificate/Accreditation by the Retirement Benefits Authority (RBA); and
- xii. Certificate in Customer Relations Course.

4.2.6 Clearance Requirements

65. The Committee confirmed that the nominee had been cleared by KRA, ORPP, DCI, EACC and HELB having obtained clearance certificates to that effect.

4.2.7 Other issues under consideration

To examine the suitability or otherwise of the nominee, the Committee posed questions to the nominee in the following thematic areas:

66. On how her previous experience prepared her for the role she was being vetted for, she noted that she had worked at the Central Bank of Kenya where she developed discipline and integrity, which would help her work well in the Board. In addition, her experience as a lawyer would also be invaluable to the Commission.
67. On the effectiveness of the Commission's Strategic Plan and its implementation challenges, Mrs. Wanyoike admitted that she had not read the Commission's current strategic plan. She however, stated that implementation of the strategic plan could have been hindered by the lack of an optimally constituted Board and politicization of the privatization processes.

Reasons for the poor performance of some state-owned entities

68. On some state-owned entities' poor performance, she opined that governance deficiency and corruption had brought down such parastatals.
69. On how the Privatization Commission could help improve the Country's GDP, she noted that funds received from the privatization process could be utilized in offsetting some debt obligations and in the long run, free up revenue and therefore improve the GDP by ensuring a lot more resources are allocated to development that will yield growth in the economy.

Whether Kenya Airways and Kenya Power Company should be bailed out of their financial crises by the Government

70. On bailing out of Kenya Airways and Kenya Power Company out of their financial crises by the Government, Mrs. Wanyoike stated that bailing the two companies may not be the solution. Instead, some of these struggling companies should be fully privatized to revamp the companies' operations.
71. On effective discharge of Commission's mandate, she noted that if appointed, she will ensure that integrity, transparency, and good governance are at the core of the Commission's operations to improve the Commission's performance. She noted that issues of personal interest in the privatization process should be dealt with as they have derailed some of the privatization programs.
72. On the role of the Commission in supporting the Big Four Agenda, she noted that Privatization would ensure that the parastatals operate optimally hence boosting the Big Four Agenda. For instance, the privatization of Mumias Sugar Company will contribute to growth in the sugar sector if it can operate to its optimal capacity and hence support the agriculture pillar.

Public awareness of the Commission

73. On the public awareness of the Commission, she stated that it was important for the public to be informed about the work of the Commission and all the proposed privatization processes. If appointed, she would encourage public participation to have public buy-in in any privatization program
74. She estimated her net worth at Kenya Shillings forty-four point eight million (KSh. 44.8 million).

4.3 MRS CELINE ANYANGO ORATA

Mrs. Orata appeared before the Committee for vetting on **Thursday, 21st October, 2021 at 12.30 p.m.** She was orally interviewed by the Committee and responded to questions during vetting as follows:

4.3.1 Personal Background

75. She is a Kenyan citizen of identity card number 1910616 and was born in Homa Bay County in 1955.

4.3.2 Educational Background

76. Mrs. Orata attained a Bachelor of Arts in Business Administration from the University of Zambia in 1977. She is a Certified Professional Mediator, having acquired her certificate from the Mediation Training Institute of East Africa in 2018. She did a Basic Information Technology Proficiency Course at the Institute of Advanced Technology (IAT) in 2007.

4.3.5 Work experience/career progression

77. Mrs. Orata has worked mainly in the banking sector in the following capacities:

- i. Director, Suave Investment Limited from August 2006 to date;
- ii. Chief Manager Credit at the African Banking Cooperation Limited (ABC) Bank from March 2003 to January 2005; and
- iii. ABSA Bank in various positions from 1977 to 2002.

4.3.3 Professional Associations & Affiliations

78. Mrs. Orata is a member of the following institutions:

- i. Board Member of Suave Investments Limited from 2006 to date;
- ii. Member of African Women Investors from 2018 to date;
- iii. Chairperson Barclays (ABSA) Bank Pensioners SACCO from 2013 to date;
- iv. Board member of Kenya Women Finance Trust (KWFT) from 1997 to 2003;
- v. Treasurer and member of the National Council for the Kenya Girl Guides Association from 1986 to 1992; and
- vi. Life member of the Young Women Christian Association (YWCA).

4.3.4 Community Engagements

79. She has engaged in the following community activities:

- i. Attended the UN Commission on the Status of Women Conference at UN Headquarters in New York, USA from 2016 to 2019;
- ii. Attended the Miss World Tourism Pageant in Malaysia to support Miss Tourism Kenya who was participating in the event in December 2017;
- iii. Steered leadership and advocacy targeting underprivileged girls in the community to reduce school dropout rates and early pregnancy;
- iv. Coached and mentored up to 300 youth in Homa Bay County on self-development and growth; mentored school going girls and boys while distributing books and sanitary towels; and worked with NGOs like UNDP, JHPIEGO and Women Fighting AIDS in Kenya (WOFAK) to train MCA spouses as women and youth in the community on empowerment, food security, healthcare and wellness; and

- v. Collaborated with organisations like NSSF, Ahadi Kenya, Homa Bay and Moi Teaching and Referral Hospitals on anti-jigger campaigns and treatment and cancer screening for early detection.

4.3.6 Clearance Requirements

- 80. The Committee confirmed that the nominee had been cleared by KRA, ORPP, DCI, EACC and HELB having obtained clearance certificates to that effect.

4.3.7 Other issues under consideration

To examine the suitability or otherwise of the nominee, the Committee posed questions to the nominee in the following thematic areas:

- 81. On how her experience had prepared her for the role she was being vetted for, she noted that her experience of over twenty-five (25) years in the finance sector would play a big role in her performance at the Commission.

How the Privatization Commission can help improve the country's GDP

- 82. On the role of the Privatization Commission in enhancing the country's GDP, she noted that when the Commission executes its mandate effectively, this will help grow the country's GDP. If the Commission turns around the underperforming companies, the Government will realize resources through proceeds of privatization and tax revenue.
- 83. On bailing out of Kenya Airways and Kenya Power Company out of their financial crises by the Government, Mrs. Orata stated that Kenya Airways should be bailed out because the COVID-19 Pandemic negatively impacted its operations. However, she proposed that Kenya Power Company should be fully privatized.

The dismal performance of the Commission

- 84. On the dismal performance of the Commission, she noted that there had been capacity issues as there were no Commissioners since 2019. She further cited delays in approvals at various levels have slowed down the Commission's work. Finally, she noted the need to improve the relationship and communication between the Commission and other approving bodies.

Legislative intervention to improve performance of the Commission

- 85. On legislative intervention to enhance the Commission's performance, She noted the need to amend the Privatisation Act to give the Commission more independence and reduce the many levels of bureaucracy. This will increase efficiency and have as many struggling State-Owned Enterprises put under the privatization program.
- 86. On the role of the Commission in supporting the Big Four Agenda, she noted that if privatization were done successfully, the privatized companies would be able to raise revenue through taxes for the Government; hence there would be no need for the Government to give grants to sustain the entities. The revenue raised and the resources saved from the grants will support the Big Four Agenda.
- 87. On leadership and integrity, Mrs. Orata stated that her conduct throughout her career has been above board and will continue propagating the same virtues in the Commission. She will ensure that integrity is at the Commission's core from the Board to the management levels.

88. She estimated her financial net worth at Kenya Shillings Sixty-six million (KSh. 66 million).

4.4 MR. SALAH ADAN ABDI

Mr. Salah Abdi appeared before the Committee for vetting on **Thursday, 21st October, 2021 at 2.30 p.m.** He was orally interviewed by the Committee and responded to questions during vetting as follows:

4.4.1 Personal Background

89. He is a Kenyan citizen of identity card number 12969904 and was born in Wajir County in 1974.

4.4.2 Educational Background

On his educational background, Mr. Abdi attained the following: Masters Degree in Business Administration (Strategic Management) at the Kenya Methodist University in 2012; Bachelor of Human Resource Management Degree from Kenyatta University in 2007; and National Diploma in Community Health from the Kenya Medical Training College in 1997 and attained a Certificate in Public Policy from Strathmore University in 2019.

90. He sat for the Kenya Certificate of Secondary Education (K.C.S.E.) at Wajir High School in 1992.

4.4.3 Work experience/career progression

91. Mr. Abdi has worked in the following capacities both in the public and private sectors:

- i. Technical Advisor on ASAL to the Cabinet Secretary for Devolution and ASAL from January 2021 to date;
- ii. Devolution, Governance and Management Consultant and Kenbridge Consulting Limited from January 2018 to October 2020;
- iii. County Executive for Finance and Economic Planning in wajir County from 2013 to 2017;
- iv. Managing Director, Jubba Airways Limited from April 2010 to June 2013;
- v. Director, International Commercial Bank of Juba (South Sudan) from 2009 to 2010;
- vi. Human Resource/Administration Director at Mercy Corps, Ethiopia from March 2007 to January 2009;
- vii. Technical Advisor, World Health Organisation in Ethiopia (Somali Region) from September 2006 to March 2007;
- viii. National Training Coordinator at KEPI in the Ministry of Health from January 2005 to August 2006;
- ix. Immigration Health Officer at the International Organisation for Immigration in Nairobi from September 2003 to December 2004; and
- x. District Primary Health Care Coordinator in the Ministry of Health from 1999 to 2003.

4.4.4 Professional Associations & Affiliations

Mr. Abdi is a member of the Institute of Human Resource Management (IHRM)

4.4.5 Clearance Requirements

92. The Committee confirmed that the nominee had been cleared by KRA, ORPP, DCI, EACC and HELB having obtained clearance certificates to that effect.

4.4.6 Other issues under consideration

To examine the suitability or otherwise of the nominee, the Committee posed questions to the nominee in the following thematic areas:

93. On how his work experience prepared him for the role he was being vetted for, Mr. Abdi stated that he has a wealth of knowledge and skills and was up to the task. His education in management and financial practice would help him ensure that funds at the Commission are utilized prudently. In addition, his understanding of the private sector as a critical player in job creation and economic growth will be valuable to the Commission.
94. On resource mobilization for the Commission, he stated that if appointed, he would ensure that there are controls, value for money and ensure the principle of prudence for the funds allocated to the Commission. Further, he will justify, rationalize and lobby for resources in order to operationalize activities at the Commission. He will also look for grants from external sources.
95. On public awareness of the Commission, he noted that if appointed, he would ensure that the communication policy of the Commission is well defined so that the public gets to know about the Commission's scope of the mandate. In addition, he would advocate for the preparation of a communication policy in case there is none in place.
96. On the benefits of Privatisation, he noted that this would lead to the parastatals' effectiveness and efficiency, which will ensure that the institutions generate additional revenue to enable the Government to meet its key agenda. In addition, it will reduce the demand for funding of the institutions by the Government and broaden the economic base of Kenyans as more Kenyans will invest in the companies.
97. On the role of the Commission in supporting the Big Four Agenda, he advocated for divestiture of some of the non-performing state-owned entities and redirecting the resources to fund the Big Four Agenda.
98. On bailing out of Kenya Airways and Kenya Power Company, he supported their bailing out because they are critical for economic growth and job creation. he however, noted the need for their restructuring to make them profitable. For Kenya Power, he emphasized the need for legislation to ensure that Independent Power Purchase Agreements are re-negotiated.
99. On leadership and integrity, Mr. Abdi stated that he has never been involved in any corruption case as he has practiced the principle of integrity all his life. He would set ethical standards for the employees and, where possible, punish unethical behavior and reward virtuous staff. He will also ensure continuous training of employees on the code of conduct and sensitization on ethical practices.
100. On the implementation challenges on the Commission's Strategic Plan, he cited various levels of approval of the privatization process that the Commission has to go through. Accordingly, the principal Act should be amended to provide timelines for each institution to grant or reject any approval.
101. On his first 100 days, if appointed, he stated that he would review the challenges encountered during the approval of the privatization program and lobby stakeholders so that they are addressed. He would also educate the public on the Commission's mandate to ensure that the strategic goals of the Commission are implemented and monitored to the latter.

102. He estimated his financial net worth at Kenya shillings sixty-seven million (KSh. 67 million).

4.5 CPA DAVID J.O. NYAKANG'O

CPA Nyakang'o appeared before the Committee for vetting on **Thursday, 21st October 2021 at 3.30 p.m.** He was orally interviewed by the Committee and responded to questions during vetting as follows:

4.5.1 Personal Background

103. He is a Kenyan citizen of identity card number 4828002 and was born in Nyamira County in 1956.

4.5.2 Educational Background

104. CPA Nyakang'o has a Master of Business Administration Degree from the University of Cumbria (UK) which he attained in 2016. In addition, he earned a Bachelor of Commerce Degree (Accounting Option) from the University of Nairobi in 1979.

105. He sat for his A-level examinations at Cardinal Otunga High School Mosoch, Kisii in 1974 and sat for his O-level examinations at Nyansabakwa Secondary School, Nyamira in 1986.

4.5.3 Work experience/career progression

106. CPA. David Nyakang'o has worked mainly in the private sector in the following capacities:

- i. Partner at MDN Kenya LLP, CPA from 1992 to date;
- ii. Financial Controller, Mumias Sugar Company from 1985 to 1991;
- iii. Financial Accountant at Eastern Produce Africa Limited from 1982 to 1985; and
- iv. Auditor at Pricewaterhouse and Co. from 1979 to 1982.

107. He has served in the Boards of the following institutions:

- i. Olmara Registrars Limited – current;
- ii. Mitun Business Consulting Limited, Mitun Enterprises Kenya Limited and Mitun Security Services Limited – current;
- iii. Metropol Corporation Limited and Metropol Credit Reference Bureau Limited (Kenya and Uganda) – current;
- iv. Jamii Bora Bank Kenya Limited from 2011 to 2012; and
- v. Rural Electrification Authority of Kenya in 2007.

4.5.4 Professional Associations & Affiliations

108. CPA. Nyakang'o is a member of the Institute of Certified Public Accountants of Kenya (ICPAK) and the Institute of Certified Public Secretaries of Kenya (ICPSK).

4.5.5 Clearance Requirements

109. The Committee confirmed that the nominee had been cleared by KRA, ORPP, DCI, EACC and HELB having obtained clearance certificates to that effect.

4.5.6 Other issues under consideration

To examine the suitability or otherwise of the nominee, the Committee posed questions to the nominee in the following thematic areas:

110. On how his work experience had prepared him for the role that he was being vetted for, CPA Nyakango stated that he was working at Mumias Sugar Company when it went through the first privatization, hence the experience he gained then will be invaluable to the Commission.
111. On the implementation of the Commission's Strategic Plan, CPA Nyakango observed that Some of the state-owned had been run down hence making them unattractive. He further observed that political and governance issues such as the lack of Commission's Board also affected the strategic plan implementation. On the privatization of sugar companies, CPA Nyakangó noted that most sugar companies had had unattractive balance sheets hence it was challenging to attract potential investors. He also pointed out that some operational issues in the sugar sector need to be reviewed in order to cut down on the cost of operation.
112. He stated that integrity, transparency, and good governance should be practiced in order to discharge the Commission's mandate effectively. He, however observed that issues of personal interest in the privatization process should be decisively dealt with.
113. On the role of the Commission in supporting the Big Four Agenda, he observed that the Government needed to redirect resources allocated to some non-performing institutions to implement the Big Four Agenda. In addition, the Government should remove its equities in some of these non –performing entities to reduce the burden on the exchequer and redirect the resources to other development programmes that are enablers to the Big Four Agenda.
114. On his relationship with the Controller of Budget, CPA Nyakang'o stated that the Controller of Budget was his wife but had not influenced his nomination to the Privatisation Commission Board in any way.
115. He stated that his ntworth was worth KSh. 121 million.

4.6 AMB. WELLINGTON PAKIA GODO, CBS

Amb. Godo appeared before the Committee for vetting on **Thursday, 21st October, 2021 at 4.30 p.m.** He was orally interviewed by the Committee and responded to questions during vetting as follows:

4.6.1 Personal Background

116. Amb. Godo is a Kenyan citizen of identity card number 0388002 and was born in Tana River County in 1953.

4.6.2 Educational Background

117. On educational background, Amb. Godo had attained the following: Master of Social Science in Development Finance Degree from the University of Birmingham (UK) in 1989; Bachelor of Arts Degree from the University of Nairobi in 1977; and Diploma in Development Finance from the University of Birmingham (UK) in 1988.

118. He sat for the Kenya Advanced Certificate of Education (K.A.C.E.) at Alliance High School in 1973 and sat for his Kenya Certificate of Education (K.C.E.) at Tarasaa Secondary School, Tana River District in 1971.

4.6.3 Work experience/career progression

119. Amb. Godo has had a long career mainly in the public service. He has served in the following capacities:

- i. Private Business in the Tourism and Hospitality Sector from 2009 to date;
- ii. Member of the Universal Service Advisory Council (CAK) from May 2014 to May 2020;
- iii. Chairman of the National Water and Pipeline Corporation from May to September 2012;
- iv. Member of the Kenyatta University Council from 1998 to 2002;
- v. Member of the Mang'u High School Board of Governors from 1998 to 2002;
- vi. Ambassador/Permanent Representative of UNEP from 2006 to 2009;
- vii. Permanent Secretary Office of the Vice President and Ministry of Regional Development, Ministry of Health, Ministry of Tourism and Wildlife and Ministry of Gender, Sports, Culture & Social Services from January 2003 to May 2005;
- viii. Director of Administration, Ministry of Foreign & International Co-operation from June 2002 to December 2002;
- ix. Deputy Secretary of Administration, Ministry of Home Affairs, Heritage & Sports from March 2001 to May 2002;
- x. Principal Registrar of Persons from 1993 to 2001;
- xi. Under Secretary, Finance in the Office of the President Headquarters from July 1991 to March 1992;
- xii. In-charge of the Civil Registration Department in the Office of the President, Civil Registration in from November 1990 to June 1991;
- xiii. Under secretary, Department of Monopolies and Prices Commission in the Ministry of Finance from 1989 to 1990;
- xiv. In-charge of African Development Bank Aid Matters from 1987 to 1989;
- xv. Senior Assistant Secretary in-charge of aid matters involving Norway, Sweden and Denmark from 1984 to 1985;
- xvi. District Officer I in Wajir District Headquarters in 1983;
- xvii. District Officer II, Office of the President from 1979 to 1983; and
- xviii. District Officer III, Office of the President from 1977 to 1979.

4.6.3 Professional Associations & Affiliations

120. Amb. Godo is a member of the Institute of Directors and has received the following awards and scholarships:

- i. Chief of the Burning Spear (CBS) in 2013;
- ii. Order of the Golden Heart (OGW) in 2002;
- iii. Scholarship by the British Council for the Senior Administrative Officer Course in 1992;
- iv. Scholarship by JICA for the National Administration II Course in 1994; and
- v. Sponsored by the African Development Bank (AfDB) to attend the Loan Administration Seminar in 1987.

4.6.5 Clearance Requirements

121. The Committee confirmed that the nominee had been cleared by KRA, ORPP, DCI, EACC and HELB having obtained clearance certificates to that effect.

4.6.6 Other issues under consideration

To examine the suitability or otherwise of the nominee, the Committee posed questions to the nominee in the following thematic areas:

122. On how his work experience had prepared him for the role he was being vetted for, Amb. Godo noted that his knowledge in corporate governance will play a key role in improving the performance of the Commission.
123. On the bailing out of the Kenya Airways and Kenya Power Company from their current financial crises, he noted that Kenya Power Company needed to ensure that its services were affordable to all Kenyans. He further stated that Kenya Airways required to restructuring to make it profitable.
124. On the role of Privatization, Amb. Godo noted that it enables the Government to raise funds to support Government programs. However, he observed that there was a need for the Government to consider State-Owned Enterprises wholesomely to identify those that need to be restructured, sold partly, and those that need to be fully privatized.
125. He estimated his financial net worth at Kenya Shillings eighty million (KSh. 80 million).

PART FIVE

5 OBSERVATIONS AND FINDINGS

126. The Committee observations were guided by Section 7 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011) in terms of issues for consideration as follows:
- 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 body to which the nomination is made.
127. The Committee made the following general observations on the nominees:
- There was regional balance in the nominations given that all the six nominees came from different regions that is, Uasin Gishu, Nyeri, Homa Bay, Wajir, Nyamira and Tana River Counties;
 - There was gender balance in the nominations because of the six nominees, four were male and two were female;
 - Of the six nominees, five were sixty-four (64) years of age and above;
 - The nominating Authority (National Treasury) submitted the report of the interview panel that conducted interviews for the nominees hence the Committee was able to ascertain that the interview process was competitive;
 - All nominees were cleared by the Kenya Revenue Authority (KRA) on Tax Compliance, the Higher Education Loans Board (HELB) on the payment of her education loan, Ethics and Anti-Corruption Commission (EACC) on integrity, Directorate of Criminal Investigations (DCI) on their criminal status and Office of the Registrar of Political Parties (ORPP) on membership to political parties; and
 - The Privatization Act (No. 2 of 2005) does not provide the process for appointment, the professional qualifications and experience required to appoint one as a director of the Board of the Privatization Commission of Kenya.
128. The Committee having considered the nominee's curriculum vitae and heard oral submissions during the vetting exercise, made the following specific observations and findings on the nominees:

5.1 DR. EDWARD KOBUTHI

The Committee observed THAT—

129. Dr. Edward Kobuthi has limited experience in the public sector. Despite this, his extensive knowledge and experience in the private sector will assist in turning around some of the non-performing entities. In addition, his experience in the airline industry will be key in understanding the operations and challenges in the aviation industry. This is in recognition that he has worked as a General Manager at Kenya Airways and consulted for One Jet One Airways.
130. He has the requisite qualifications for an appointment as a Director for the Privatization Commission. This was ascertained from his academic certificates, which indicated that his highest level of educational qualification is a Ph.D. in Strategic Management (Corporate Governance) and a Master's Degree in Strategic Management. The knowledge in Corporate Governance and Strategic Management will be vital in restructuring the non-performing State-Owned Enterprises.

131. Dr. Edward Kobuthi, according to the records and information availed to the Committee, has never been implicated in any issues that may lead to a conclusion of lack of integrity on his part.
132. The Office of the Clerk invited public members to submit any information of interest on any candidates. The Committee did not receive any written statement on oath contesting Dr. Edward Kobuthi's suitability as required under section 6 (9) of the Public Appointments (Parliamentary Approval) Act, 2011.
133. The Committee exercised due diligence by contacting various Government agencies for confidential reports on the candidate. The agencies included the Kenya Revenue Authority, Higher Education Loans Board, Ethics and Anti-Corruption Commission, Directorate of Criminal Investigation and the Registrar of Political Parties. The said agencies had no adverse reports on him.

5.2 MRS. IRENE NJERI WANYOIKE

The Committee observed THAT—

134. Mrs. Irene Njeri Wanyoike has worked for over thirty years, fifteen of which she has worked in Arbitration. Her experience as a Commissioner for NCIC has honed her skills in leadership which will be essential in providing strategic direction to the Privatization Commission
135. She has the requisite qualifications for an appointment as a Director for the Privatization Commission. This was ascertained from her academic certificates, which indicated that her highest educational qualification is a Master's Degree in Diplomacy and Foreign Policy and Law degree and extensive training and application in Alternative Dispute Resolution Mechanism.
136. Mrs. Irene Njeri, according to the records and information availed to the Committee, has never been implicated in any issues that may lead to a conclusion of lack of integrity on her part.
137. The Office of the Clerk invited public members to submit any information of interest on any candidates. The Committee did not receive any written statement on oath contesting Mrs. Irene Wanyoike's suitability as required under section 6 (9) of the Public Appointments (Parliamentary Approval) Act, 2011.
138. The Committee exercised due diligence by contacting various Government agencies for confidential reports on the candidate. The agencies included the Kenya Revenue Authority, Higher Education Loans Board, Ethics and Anti-Corruption Commission, Directorate of Criminal Investigation and the Registrar of Political Parties. The said agencies had no adverse reports on her.

5.3 MRS CELINE ANYANGO ORATA

The Committee observed THAT—

139. Mrs. Celine Anyango Orata has experience spanning over twenty years in the banking industry. Her experience in the private sector will bring in diversity in the Commission and ensure that the Commission is well versed with the operations of the private sector. Her experience at the senior management level in one of the leading banks in the country is an asset to the Commission as some state-owned banks are non-performing and require restructuring.

140. She has the requisite qualifications for an appointment as a Director for the Privatization Commission. This was ascertained from her academic certificates, which indicated that her highest educational qualification is a Bachelors' Degree in Business Administration.
141. From the oral response to questions, Mrs. Celine Anyango Orata was knowledgeable on the mandate of the Privatization Commission, including the Privatization Act.
142. Mrs. Celine Anyango Orata, according to the records and information availed to the Committee, has never been implicated in any issues that may lead to a conclusion of lack of integrity on her part.
143. The Office of the Clerk invited public members to submit any information of interest on any candidates. The Committee did not receive any written statement on oath contesting Mrs. Celine Anyango Orata's suitability as required under section 6 (9) of the Public Appointments (Parliamentary Approval) Act, 2011.
144. The Committee exercised due diligence by contacting various Government agencies for confidential reports on the candidate. The agencies included the Kenya Revenue Authority, Higher Education Loans Board, Ethics and Anti-Corruption Commission, Directorate of Criminal Investigation and the Registrar of Political Parties. The said agencies had no adverse reports on her.

5.4 MR. SALAH ADAN ABDI

The Committee observed THAT—

145. Mr. Salah Adan Abdi has experience in both the public and private sectors. In addition, he has extensive knowledge in devolution matters having been a consultant in Devolution, Governance and Management and Technical Advisor. His knowledge on devolution affairs will assist in implementing specific proposals in the privatization programme as county governments are key stakeholders in any privatization.
146. He has the requisite qualifications for appointment as a Director for the Privatization Commission. This was ascertained from his academic certificates, which indicated that he has a Master's Degree in Business Administration (Strategic Management). The knowledge attained will assist in proving strategic management in the institution.
147. From the oral response to questions, Mr. Salah Abdi was knowledgeable on the mandate of the Privatization Commission, including the Privatization Act and the objectives in the Strategic Plan of the Commission.
148. Mr. Salah Abdi, according to the records and information availed to the Committee, has never been implicated in any issues that may lead to a conclusion of lack of integrity on his part.
149. He represents diversity in the Commission as he is forty seven (47) years old.
150. The Office of the Clerk invited public members to submit any information of interest on any candidates. The Committee did not receive any written statement on oath contesting Mr. Salah Abdi's suitability as required under section 6 (9) of the Public Appointments (Parliamentary Approval) Act, 2011.

151. The Committee exercised due diligence by contacting various Government agencies for confidential reports on the candidate. The agencies included the Kenya Revenue Authority, Higher Education Loans Board, Ethics and Anti-Corruption Commission, Directorate of Criminal Investigation and the Registrar of Political Parties. The said agencies had no adverse reports on him.

5.5 CPA DAVID NYAKANG'O

The Committee observed THAT—

152. CPA David Nyakang'o is highly experienced in financial matters, having worked in various institutions for a period spanning over forty (40) years. His knowledge in accounting and audit matters will be instrumental in reviewing the financial performance of the non-performing State-Owned Enterprises and proposing the possibility to revive them. He has also worked in several Boards, including but not limited to, the Rural Electrification Authority of Kenya.
153. He has the requisite qualifications for appointment as a Director for the Privatization Commission. This was ascertained from his academic certificates, which indicated that he has a Master's Degree in Business Administration. The knowledge attained will assist in proving strategic management in the institution
154. From the oral response to questions, he demonstrated knowledge of the subject matter (restructuring and privatization). He had a good understanding of the mandate of the Privatization Commission, including the Privatization Act and the objectives in the Strategic Plan of the Commission. Having worked as a Financial Controller in Mumias Sugar Company from 1985 to 1991, he has a good understanding of the operations of the sugar industry, which has most of the non-performing entities.
155. CPA David Nyakang'o, according to the records and information availed to the Committee, has never been implicated in any issues that may lead to a conclusion of lack of integrity on his part.
156. The Office of the Clerk invited public members to submit any information of interest on any candidates. The Committee did not receive any written statement on oath contesting CPA David Nyakang'o's suitability as required under section 6 (9) of the Public Appointments (Parliamentary Approval) Act, 2011.
157. The Committee exercised due diligence by contacting various Government agencies for confidential reports on the candidate. The agencies included the Kenya Revenue Authority, Higher Education Loans Board, Ethics and Anti-Corruption Commission, Directorate of Criminal Investigation and the Registrar of Political Parties. The said agencies had no adverse reports on him.

5.6 AMB. WELLINGTON PAKIA GODO, CBS

The Committee observed THAT—

158. Amb. Wellington Pakia Godo is highly experienced in the public sector having had an illustrious public service career spanning over forty (40) years and working in different capacities, including but not limited to, Ambassador/Permanent Representative, Permanent Secretary and a Board Member at Universal Service Advisory Council. The experience gained in the various positions has honed his leadership skills. In addition, he has received several awards and certifications on

corporate governance, which is lacking in most run-down State Enterprises.

159. He has the requisite qualifications for an appointment as a Director for the Privatisation Commission. This was ascertained from his academic certificates, which indicated that he has a Master of Social Science in Development Finance. The knowledge attained will assist in achieving the Commission's mandate.
160. Amb. Wellington Pakia Godo, according to the records and information availed to the Committee, has never been implicated in any issues that may lead to a conclusion of lack of integrity on his part.
161. The Office of the Clerk invited public members to submit any information of interest on any candidates. The Committee did not receive any written statement on oath contesting Amb. Wellington Pakia Godo's suitability as required under section 6 (9) of the Public Appointments (Parliamentary Approval) Act, 2011.
162. The Committee exercised due diligence by contacting various Government agencies for confidential reports on the candidate. The agencies included the Kenya Revenue Authority, Higher Education Loans Board, Ethics and Anti-Corruption Commission, Directorate of Criminal Investigation and the Registrar of Political Parties. The said agencies had no adverse reports on him.

PART SIX

6 RECOMMENDATION

At the end of the vetting process, the Committee made the following recommendations:

163. Having considered the suitability, capacity and integrity of the nominees, and pursuant to Section 8(2) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), the Committee recommends that the National Assembly **APPROVES** the nomination and subsequent appointment of the following nominees as Directors of the Board of Privatization Commission of Kenya.

(i)	Dr. Edward Kobuthi	–	Member
(ii)	Mrs. Irene Wanyoike	–	Member
(iii)	Mrs. Celine Orata	–	Member
(iv)	Mr. Salah Abdi	–	Member
(v)	CPA David Nyakang'o	–	Member
(vi)	Amb. Wellington Godo, CBS,	–	Member

164. The Privatization Act (No. 2 of 2005) be amended to outline the process of appointing the directors of the Board, including but not limited to specific professional qualifications and experience of the nominees.

165. The Privatization Act (No. 2 of 2005) be further amended to increase the term of service of directors of the Board of Privatization Commission of Kenya to six (6) years and make the Board full time.

SIGNED..... DATE.....

HON. GLADYS WANGA, CBS, MP

CHAIRPERSON

DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING

THE NATIONAL ASSEMBLY PARLIAMENTARY COMMISSION	
DATE: 09 NOV 2021	DAY: Tue
TABLED BY:	V/Chair
CLERK-AT-THE-TABLE:	B. Inwe

ANNEXURES

1. Adoption Schedule
2. Minutes
3. Vetting Questionnaires
4. Speaker's Communication
5. Message from the CS National Treasury
6. Letters from KRA, EACC, DCI, HELB and ORPP
7. Newspaper Adverts



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

DEPARTMENTAL COMMITTEE ON FINANCE & NATIONAL PLANNING

ADOPTION SCHEDULE FOR THE REPORT ON THE VETTING OF DIRECTORS OF THE
BOARD OF PRIVATISATION COMMISSION OF KENYA

DATE: 3rd November 2021

NAME	SIGNATURE
1. HON. GLADYS WANGA, CBS, MP – CHAIRPERSON	
2. HON. ISAAC W. NDIRANGU, MP – VICE-CHAIRPERSON	
3. HON. JIMMY N. O. ANGWENYI, MGH, MP	
4. HON. CHRISTOPHER OMULELE, MP	
5. HON. SHAKEEL SHABBIR AHMED, CBS, MP	
6. HON. DANIEL E. NANOK, MP	
7. HON. (DR.) CHRISTINE OMBAKA, MP	
8. HON. ANDREW A. OKUOME, MP	
9. HON. DAVID M. MBONI, MP	
10. HON. FRANCIS KURIA KIMANI, MP	
11. HON. JOSEPH M. OYULA, MP	
12. HON. JOSHUA KANDIE, MP	
13. HON. STANLEY M. MUTHAMA, MP	
14. HON. EDITH NYENZE, MP	
15. HON. CATHERINE WARUGURU, MP	
16. HON. JAMES GICHUHI MWANGI, MP	
17. HON. (PROF.) MOHAMUD SHEIKH MOHAMED, MP	
18. HON. PETER LOCHAKAPONG, MP	
19. HON. QALICHA GUFU WARIO, MP	

MINUTES OF THE 83RD SITTING OF THE DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING HELD IN CONFERENCE ROOM A, TRADEMARK HOTEL ON WEDNESDAY, 3RD NOVEMBER 2021 AT 9:30 A.M.

PRESENT

- | | | |
|---|---|-------------------------|
| 1. Hon. Gladys Wanga, CBS, MP | - | Chairperson |
| 2. Hon. Isaac W. Ndirangu, MP | - | Vice-Chairperson |
| 3. Hon. Jimmy O. Angwenyi, MGH, MP | | |
| 4. Hon. Christopher Omulele, CBS, MP | | |
| 5. Hon. Shakeel Shabbir Ahmed, CBS, MP | | |
| 6. Hon. David M. Mboni, MP | | |
| 7. Hon. Francis K. Kimani, MP | | |
| 8. Hon. Joseph M. Oyula, MP | | |
| 9. Hon. Stanley M. Muthama, MP | | |
| 10. Hon. Catherine Waruguru, MP | | |
| 11. Hon. James Gichuhi Mwangi, MP | | |
| 12. Hon. (Prof.) Mohamud Sheikh Mohamed, MP | | |

ABSENT WITH APOLOGY

1. Hon. Daniel E. Nanok, MP
2. Hon. (Dr.) Christine Ombaka, MP
3. Hon. Andrew A. Okuome, MP
4. Hon. Joshua C. Kandie, MP
5. Hon. Edith Nyenze, MP
6. Hon. Peter Lochakapong, MP
7. Hon. Qalicha Gufu Wario, MP

IN ATTENDANCE

SECRETARIAT

- | | | |
|------------------------|---|--|
| 1. Mr. Daniel Mutunga | - | Principal Clerk Assistant I |
| 2. Ms. Leah Mwaura | - | Senior Clerk Assistant/Head of Secretariat |
| 3. Ms. Jennifer Ndeto | - | Principal Legal Counsel I |
| 4. Ms. Laureen Wesonga | - | Clerk Assistant II |
| 5. Mr. Luka Mutua | - | Serjeant-At-Arms |
| 6. Ms. Christine Maeri | - | Audio Officer |
| 7. Ms. Hannah Mwangi | - | Intern |

AGENDA

1. Prayers
2. Communication from the Chairperson
3. Confirmation of Minutes from the previous sitting(s) and Matters Arising
4. **Adoption of the report on the vetting of nominees for appointment as directors of the Board of Privatization Commission of Kenya**
5. Any Other Business
6. Adjournment/Date of Next Meeting

MIN.NO.NA/F&NP/2021/390: COMMUNICATION FROM THE CHAIRPERSON

The meeting was called to order at 9:35 a.m. and a prayer was said. The chairperson thanked Members for sparing time to attend the retreat. The programme of the retreat was adopted having been proposed by Hon. (Prof.) Mohamud Mohamed, MP and seconded by Hon. Joseph Oyula, MP.

MIN.NO.NA/F&NP/2021/391: CONFIRMATION OF MINUTES
Agenda deferred

MIN.NO.NA/F&NP/2021/392: ADOPTION OF THE REPORT ON THE VETTING OF NOMINEES FOR APPOINTMENT AS DIRECTORS OF THE BOARD OF PRIVATIZATION COMMISSION OF KENYA

The meeting deliberated extensively on the matter and observed that:

1. all the six (6) nominees were fit to serve as Members of the Board of the Privatization Commission.
2. the Privatization Act should be amended to increase the term of service of the board directors from three (3) years to six (6) years and to make the Commission full time.
3. the term of the Chairperson of the Board of Privatization Commission will expire in December 2021.

The Committee recommended that the House approves appointment of all the six (6) nominees:

1. Mr. Edward N. Kobuthia
2. Mrs. Irene Njeri Wanyoike
3. Mrs. Celine Anyango Orata
4. Mr. Salah Adan Abdi
5. CPA David J.O. Nyakang'o
6. Amb. Wellington Pakia Godo, CBS

as Directors of the Board of Privatization Commission of Kenya.

The Report on the vetting of nominees for appointment to the position of directors of the Board of Privatization Commission of Kenya was adopted having been proposed by Hon. Waihenya Ndirangu, MP and seconded by Hon. Stanley Muthama, MP

MIN.NO.NA/F&NP/2021/393: ADJOURNMENT/DATE OF NEXT MEETING

There being no other business to deliberate on, the meeting was adjourned at 1.50 p.m. The next meeting will be held at 2.30 pm.

For **HON. GLADYS WANGA, CBS, MP**
(CHAIRPERSON)

SIGNED.....*[Signature]*.....DATE.....*9th November 2021*.....

**MINUTES OF THE 80TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
FINANCE AND NATIONAL PLANNING HELD IN THE MINI CHAMBER, COUNTY
HALL ON THURSDAY, 21ST OCTOBER 2021 AT 2:30 P.M.**

PRESENT

- | | | |
|---|---|-------------------------|
| 1. Hon. Gladys Wanga, CBS, MP | - | Chairperson |
| 2. Hon. Isaac W. Ndirangu, MP | - | Vice-Chairperson |
| 3. Hon. Jimmy O. Angwenyi, MGH, MP | | |
| 4. Hon. (Dr.) Christine Ombaka, MP | | |
| 5. Hon. David M. Mboni, MP | | |
| 6. Hon. Francis K. Kimani, MP | | |
| 7. Hon. Joseph M. Oyula, MP | | |
| 8. Hon. Joshua C. Kandie, MP | | |
| 9. Hon. Edith Nyenze, MP | | |
| 10. Hon. (Prof.) Mohamud Sheikh Mohamed, MP | | |
| 11. Hon. Peter Lochakapong, MP | | |
| 12. Hon. Qalicha Gufu Wario, MP | | |

ABSENT WITH APOLOGY

1. Hon. Christopher Omulele, CBS, MP
2. Hon. Shakeel Shabbir Ahmed, CBS, MP
3. Hon. Daniel E. Nanok, MP
4. Hon. Andrew A. Okuome, MP
5. Hon. Stanley M. Muthama, MP
6. Hon. Catherine Waruguru, MP
7. Hon. James Gichuhi Mwangi, MP

IN ATTENDANCE

SECRETARIAT

- | | | |
|------------------------|---|--|
| 1. Ms. Leah Mwaura | - | Senior Clerk Assistant/Head of Secretariat |
| 2. Ms. Jennifer Ndeto | - | Principal Legal Counsel I |
| 3. Ms. Laureen Wesonga | - | Clerk Assistant II |
| 4. Mr. Luka Mutua | - | Serjeant-At-Arms |
| 5. Ms. Christine Maeri | - | Audio Officer |
| 6. Ms. Hannah Mwangi | - | Intern |

**NOMINEES FOR APPOINTMENT TO THE POSITION OF MEMBERS OF THE
BOARD OF PRIVATISATION COMMISSION**

1. Mr. Salah Adan Abdi
2. CPA David Nyakang'o
3. Amb. Wellington Pakia Godo

AGENDA

1. Prayers
2. Communication from the Chairperson
3. Confirmation of Minutes from the previous sitting(s) and Matters Arising
4. **Meeting to vet nominees for appointment to the position of Members of the
Board of Privatisation Commission**
5. Any Other Business
6. Adjournment/Date of Next Meeting

MIN.NO.NA/F&NP/2021/372: COMMUNICATION FROM THE CHAIRPERSON

The meeting was called to order at 2:44 p.m. and a prayer was said. The Chairperson then asked the Serjeant-At-Arms to usher in the nominee.

MIN.NO.NA/F&NP/2021/373: CONFIRMATION OF MINUTES

Agenda deferred

MIN.NO.NA/F&NP/2021/374: VETTING OF MR. SALAH ADAN ABDI, NOMINEE FOR APPOINTMENT TO THE POSITION OF MEMBER OF THE BOARD OF PRIVATISATION COMMISSION

The Chairperson invited Mr. Salah Adan Abdi into the meeting and an oath was administered to him. He then proceeded to table his original academic and professional certificates to the Committee for verification.

Mr. Abdi then introduced himself to the Committee by stating his family background, educational background, work/employment record, present engagement and membership to professional organisations.

The Committee also examined his suitability by posing questions on the following thematic areas:

- a) His previous work experience vis-à-vis the work of the Privatisation Commission;
- b) Mobilization of Resources for the Commission;
- c) Public awareness of the Commission
- d) Benefits of privatization
- e) Role of the Commission in supporting the Big Four Agenda
- f) Whether Kenya Airways and Kenya Power Company should be bailed out of their financial crises by the Government;
- g) Role of the PC on reduction of Public Debt;
- h) Leadership and integrity;
- i) Challenges in implementation of the strategic plan; and
- j) Potential conflict of interest.

From his responses to the above thematic areas, the Committee observed that Mr. Salah Abdi was qualified for appointment as a Commissioner for PC as he was knowledgeable on the mandate of the Commission and had the requisite academic qualifications.

MIN.NO.NA/F&NP/2021/375: VETTING OF CPA DAVID NYAKANG'O, NOMINEE FOR APPOINTMENT TO THE POSITION OF MEMBER OF THE BOARD OF PRIVATISATION COMMISSION

The Chairperson invited CPA David Nyakang'o into the meeting and an oath was administered to him. He then proceeded to table his original academic and professional certificates to the Committee for verification.

CPA Nyakang'o introduced himself to the Committee by stating his family background, educational background, work/employment record, present engagement and membership to professional organisations.

The Committee also examined his suitability by posing questions on the following thematic areas:

- a) His previous work experience vis-à-vis the work of the Privatisation Commission;

- b) Challenges in implementation of the strategic plan;
- c) Why it has been challenging to revive at Mumias Sugar Company and his proposal to turn around the ailing sugar industry sector given his experience in that sector;
- d) Challenges of implementing the privatization programme;
- e) How the Commission can effectively discharge its mandate;
- f) Role of the Commission in supporting the Big Four Agenda;
- g)

From his responses to the above thematic areas, the Committee observed that CPA David Nyakang'o was knowledgeable on the subject matter, including but not limited to the mandate of PC. Accordingly, he was qualified for an appointment as a Commissioner for PC as he had the requisite academic qualifications.

MIN.NO.NA/F&NP/2021/376: VETTING OF AMB. WELLINGTON PAKIA GODO, NOMINEE FOR APPOINTMENT TO THE POSITION OF MEMBER OF THE BOARD OF PRIVATISATION COMMISSION

The Chairperson invited Amb. Wellington Pakia Godo into the meeting and an oath was administered to him. He then proceeded to table his original academic and professional certificates to the Committee for verification.

Amb. Godo introduced himself to the Committee by stating his family background, educational background, work/employment record, present engagement and membership to professional organisations.

The Committee also examined his suitability by posing questions on the following thematic areas:

- a) His previous work experience vis-à-vis the work of the Privatisation Commission;
- b) Mobilization of Resources for the Commission;
- c) Benefits of privatization
- d) Role of the Commission in supporting the Big Four Agenda
- e) Whether Kenya Airways and Kenya Power Company should be bailed out of their financial crises by the Government;
- f) Leadership and integrity;
- g) Challenges in implementation of the strategic plan; and
- h) Potential conflict of interest.

From his responses to the above thematic areas, the Committee observed that his long service in the public sector had given him extensive knowledge in privatization matters. Accordingly, he was qualified for an appointment as a Commissioner for PC as he had the requisite academic qualifications. His expertise in Corporate Governance would be fundamental in developing strategies for good governance in non-performing State-Owned Enterprises.

MIN.NO.NA/F&NP/2021/377: ANY OTHER BUSINESS

The Committee resolved that the Secretariat should write a letter to National Treasury requesting for the following documents:

1. Report of the interviews for the Privatisation Commission and the Competition Authority of Kenya Board Members;
2. List of all candidates who applied for the positions, those who attended the interviews, those who passed the interview and those who failed the interviews; and
3. Advert that was placed in the newspapers calling for applications to fill the vacancies and notification of the interviews.

MIN.NO.NA/F&NP/2021/378: ADJOURNMENT/DATE OF NEXT MEETING

There being no other business to deliberate on, the meeting was adjourned at 5.33 p.m. The next meeting will be held on Friday, 22nd October 2021 at 10.00 am.

For

**HON. GLADYS WANGA, CBS, MP
(CHAIRPERSON)**

SIGNED.....



DATE.....

9th November 2021

MINUTES OF THE 79TH SITTING OF THE DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING HELD IN THE MINI CHAMBER, COUNTY HALL ON THURSDAY, 21ST OCTOBER 2021 AT 10:00 A.M.

PRESENT

- | | | |
|---|---|-------------------------|
| 1. Hon. Gladys Wanga, CBS, MP | - | Chairperson |
| 2. Hon. Isaac W. Ndirangu, MP | - | Vice-Chairperson |
| 3. Hon. Jimmy O. Angwenyi, MGH, MP | | |
| 4. Hon. (Dr.) Christine Ombaka, MP | | |
| 5. Hon. Andrew A. Okuome, MP | | |
| 6. Hon. David M. Mboni, MP | | |
| 7. Hon. Edith Nyenze, MP | | |
| 8. Hon. Joseph M. Oyula, MP | | |
| 9. Hon. Joshua C. Kandie, MP | | |
| 10. Hon. Catherine Waruguru, MP | | |
| 11. Hon. (Prof.) Mohamud Sheikh Mohamed, MP | | |
| 12. Hon. Peter Lochakapong, MP | | |
| 13. Hon. Qalicha Gufu Wario, MP | | |

ABSENT WITH APOLOGY

1. Hon. Christopher Omulele, CBS, MP
2. Hon. Shakeel Shabbir Ahmed, CBS, MP
3. Hon. Daniel E. Nanok, MP
4. Hon. Francis K. Kimani, MP
5. Hon. Stanley M. Muthama, MP
6. Hon. James Gichuhi Mwangi, MP

IN ATTENDANCE

SECRETARIAT

- | | | |
|------------------------|---|--|
| 1. Ms. Leah Mwaura | - | Senior Clerk Assistant/Head of Secretariat |
| 2. Ms. Jennifer Ndeto | - | Principal Legal Counsel I |
| 3. Ms. Laureen Wesonga | - | Clerk Assistant II |
| 4. Mr. Luka Mutua | - | Serjeant-At-Arms |
| 5. Ms. Christine Maeri | - | Audio Officer |
| 6. Ms. Hannah Mwangi | - | Intern |

NOMINEES FOR APPOINTMENT TO THE POSITION OF MEMBERS OF THE BOARD OF PRIVATISATION COMMISSION

1. Dr. Edward N. Kobuthi
2. Mrs. Irene Njeri Wanyoike
3. Ms. Celine Anyango Orata

AGENDA

1. Prayers
2. Communication from the Chairperson
3. Confirmation of Minutes from the previous sitting(s) and Matters Arising
4. **Meeting to vet nominees for appointment to the position of Members of the Board of Privatisation Commission**
5. Any Other Business
6. Adjournment/Date of Next Meeting

MIN.NO.NA/F&NP/2021/365: COMMUNICATION FROM THE CHAIRPERSON

The meeting was called to order at 10:02 a.m. and a prayer was said. The Chairperson then invited the Committee Clerk to brief the Members on the vetting process.

MIN.NO.NA/F&NP/2021/366: CONFIRMATION OF MINUTES

Agenda deferred

MIN.NO.NA/F&NP/2021/367: BRIEFING ON THE VETTING PROCESS AND THE NOMINEES TO BE VETTED

The Committee was taken through a summary of the background, including but not limited to county of origin, educational background, work experience, professional experience & affiliations for each nominee to be vetted for the positions of Members of the Boards of Privatisation Commission and the Competition Authority of Kenya.

The Committee was also briefed on the legal framework underpinning the nominations and the referral of the names of the nominees vide a Communication by Speaker.

MIN.NO.NA/F&NP/2021/368: VETTING OF DR. EDWARD KOBUTHI, NOMINEE FOR APPOINTMENT TO THE POSITION OF MEMBER OF THE BOARD OF PRIVATISATION COMMISSION

The Chairperson invited Dr. Kobuthi into the meeting and an oath was administered to him. He then proceeded to table his original academic and professional certificates to the Committee for verification.

Dr. Kobuthi then introduced himself to the Committee by stating his family background, educational background, work/employment record, present engagement and membership to professional organizations.

The Committee examined his suitability by posing questions on the following thematic areas:

- a) How his work experience has prepared him for the role that he was being vetted for;
- b) Whether he had contributed to the failure of Kenya Airways given he had worked there for a while;
- c) Whether Privatisation Commission has been successful in privatizing companies
- d) How he will mobilize resources for the Commission;
- e) Reasons why the Commission has not been able to implement its strategic plan fully and what he will do to ensure that the Commission achieves its objectives;
- f) Role of the Commission in supporting the Big Four Agenda;
- g) Whether Kenya Airways and Kenya Power Company should be bailed out of their financial crises by the Government;
- h) Leadership and integrity; and
- i) Net worth.

From the responses to the above thematic areas, the Committee observed that Dr. Edward Kobuthi was:

- (i) Dr. Edward Kobuthi's extensive knowledge and experience in the private sector will assist in turning around some of the non-performing entities;
- (ii) He has the requisite qualifications for an appointment as a Director for the Privatization Commission.

**MIN.NO.NA/F&NP/2021/369: VETTING OF MRS. IRENE NJERI WANYOIKE,
NOMINEE FOR APPOINTMENT TO THE POSITION
OF MEMBER OF THE BOARD OF PRIVATISATION
COMMISSION**

The Chairperson invited Mrs. Wanyoike into the meeting and an oath was administered to her. She then proceeded to table her original academic and professional certificates to the Committee for verification.

Mrs. Wanyoike introduced herself to the Committee by stating her family background, educational background, work/employment record, her present engagement and membership to professional organisations.

The Committee examined her suitability by posing questions on the following thematic areas:

- a) Her previous work experience vis-à-vis the work of the Privatisation Commission;
- b) Effectiveness of the Commission's strategic plan and the challenges experienced in implementing the strategic plan;
- c) Reasons for the poor performance of some state-owned entities;
- d) Role of the Privatisation Commission in growing the country's GDP;
- e) To bail or not to State-Owned Enterprises namely Kenya Airways and Kenya Power Company;
- f) How the Commission can effectively discharge its mandate;
- g) Role of the Commission in supporting the Big Four Agenda;
- h) Legislative interventions that will help the Commission to improve its performance;
- i) Public awareness of the Commission; and
- j) Any Political affiliation.

From her responses to the above thematic areas, the Committee observed that Mrs. Irene Wanyoike was qualified for appointment as a Commissioner for PC as she was knowledgeable on the mandate of the Commission and she has the requisite academic qualifications.

**MIN.NO.NA/F&NP/2021/370: VETTING OF MRS. CELINE ANYANGO ORATA,
NOMINEE FOR APPOINTMENT TO THE POSITION
OF MEMBER OF THE BOARD OF PRIVATISATION
COMMISSION**

The Chairperson invited Mrs. Celine Orata into the meeting and an oath was administered to her. She then proceeded to table her original academic and professional certificates to the Committee for verification.

Mrs. Orata introduced herself to the Committee by stating her family background, educational background, work/employment record, her present engagement and membership to professional organisations.

The Committee examined her suitability by posing questions on the following thematic areas:

- a) Her previous work experience vis-à-vis the work of the Privatisation Commission;
- b) Role of the Privatisation Commission in growing the country's GDP
- c) To bail or not to State-Owned Enterprises namely Kenya Airways and Kenya Power Company;
- d) Mobilization of Resources for the Commission;
- e) The dismal performance of the Commission
- f) Legislative intervention to improve performance of the Commission

- g) Role of the Commission in supporting the Big Four Agenda
- h) Leadership and integrity;
- i) Implementation of the Privatization programme;

From her responses to the above thematic areas, the Committee observed that Mrs. Celine Orata was qualified for appointment as a Commissioner for PC as she was knowledgeable on the mandate of the Commission and she has the requisite academic qualifications.

MIN.NO.NA/F&NP/2021/371: ADJOURNMENT/DATE OF NEXT MEETING

There being no other business to deliberate on, the meeting was adjourned at 2.09 p.m. The next meeting will be held at 2.30 pm.

For

**HON. GLADYS WANGA, CBS, MP
(CHAIRPERSON)**

SIGNED..........DATE.....*9th November 2021*.....