



Approved for tabling in the House.

 REPUBLIC OF KENYA THE NATIONAL ASSEMBLY	
 HARAMBEE	
DATE: 09 JUN 2022	
TABLED BY:	leader of the Majority Party.
CLERK-AT-THE-TABLE:	G. Cheboi
THE NATIONAL ASSEMBLY	

Brat SNA
9/6/2022

TWELFTH PARLIAMENT – SIXTH SESSION

COMMITTEE ON SELECTION

**EXIT REPORT
FOR
12TH PARLIAMENT**

(2017 – 2022)

**DIRECTORATE OF AUDIT, APPROPRIATIONS AND OTHER SELECT
COMMITTEES
NATIONAL ASSEMBLY
PARLIAMENT BUILDINGS
NAIROBI**

JUNE 2022

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CHAIRPERSON'S FOREWORD

The Standing Orders in both Houses of the Kenyan Parliament are established pursuant to Article 124 of the Constitution of Kenya 2010 to guide the orderly conduct of House proceedings, including the proceedings of Committees as they oversight other arms of Government.

The Committee on Selection is a committee of the House established pursuant to Standing Order 172 of the National Assembly Standing Orders, and it's mandated to nominate Members to serve in committees, in consultation with parliamentary parties, save for the membership of the House Business Committee and the Committee on Appointments.

The Exit report is a requirement of Standing Order 200A (1) to document the activities of the Committee during the term of the 12th Parliament.

The Report entails key activities undertaken by the Committee during the 12th Parliament and the unfinished business for record purposes. The Report also includes the challenges experienced during its conduct of business as well as key recommendation.

I wish to sincerely appreciate the efforts and sacrifices made by Members of the Committee who have worked tirelessly for the achievement of the Committee's objectives during the period under review. Their tireless efforts ensured that the Committee succeeded in delivering on its mandate.

The Committee extends its appreciation to the Offices of the Speaker and the Clerk of the National Assembly for the support accorded to it in the execution of its mandate and the opportunity accorded to its members to undertake various activities culminating in the production of this Report.

On behalf of the Members of the Committee on Selection, and pursuant to the provisions of Standing Order 200A (1), it is my pleasant duty to lay this Exit Report on the Table of the House.

The Hon. (Dr.) Amos Kimunya, EGH, MP

Chairperson

1.0 PREFACE

1.1 Establishment of Committee

1. The power of each House of Parliament to establish committees and to make Standing Orders for the orderly conduct of its proceedings, including the proceedings of its committees is provided under Article 124 of the Constitution of Kenya, 2010.
2. The National Assembly Standing Orders has established various committees of the House with distinct mandates. These Committees under the Directorate of Audit, Appropriations and Other Select Committees play a pivotal role of facilitating the National Assembly fulfil its constitutional mandate of allocation of national revenue, appropriation of funds and oversight over national revenue, expenditure and State organs.
3. The Committee on Selection is a committee of the House established pursuant to Standing Order 172 of the National Assembly Standing Orders.

1.2 Mandate of the Committee

1. The Committee is mandated to nominate Members to serve in committees, in consultation with parliamentary parties, save for the membership of the House Business Committee and Committee on Appointments. In nominating Members to serve on a Select Committee, the Committee on Selection shall ensure that—
 - a) The membership of each committee reflects the relative majorities of the seats held by each of the parliamentary parties in the National Assembly;
 - b) No two members of the House Business Committee serve in the same Departmental Committee;
 - c) So far as may be practicable, at least one independent member is nominated to serve in the Special Fund Accounts Committee;
 - d) Majority of the members of the Public Accounts Committee, Public Investments Committee, Committee on Implementation and the Special Fund Accounts Committee are drawn from parties other than parliamentary parties forming the national government.
2. The Committee shall give consideration to the need for gender balance and shall, so far as may be practicable, ensure that no more than two-thirds of Members of a committee of the Assembly, including a committee established through a resolution of the House, shall be of the same gender.
3. However, a Member belonging to a party other than a parliamentary party or independent Member may be nominated to serve in a select committee and the allocation of membership of select committees shall be as nearly as practicable proportional to the number of Members belonging to such parties and independent Members.

4. Except as the House may otherwise resolve, on the recommendation of the Committee on Selection for reasons to be stated—
 - a) No Member shall be appointed to serve in more than two Departmental Committees;
 - b) A Member who is a Chairperson of a committee or a member of the Parliamentary Service Commission appointed under Article 127(2) (c) of the Constitution shall not serve in more than one committee.
5. A Member against whom an adverse recommendation has been made in a report of a select committee that has been adopted by a House of Parliament shall be ineligible for nomination as a Member of that committee.
6. Whenever a Motion for approval of a list is moved in the House, no objection against the proposed membership of a Member in a select committee shall be permitted and objections, if any, shall be formulated against the proposed membership as a whole.
7. A Member shall not be a member of a committee of the House unless the nomination of such Member into the committee is approved by the House.

Discharge of a member from a committee

8. A parliamentary party may discharge a Member from a select committee after according the Member an opportunity to be heard.
9. The parliamentary party whip of the party that nominated a Member to a select committee shall give notice in writing to the Speaker of the intention to discharge a Member from a select committee.
10. The Speaker shall, within three days of receipt of the notice under paragraph (2), inform the Member of the notice.

1.3 Committee Membership

11. The Committee comprises of the following Members:

Chairperson

Hon. (Dr.) Amos Kimunya, EGH, MP

Kipipiri Constituency

Jubilee Party

Hon. CPA John Mbadi, EGH, MP

Suba South

Orange Democratic Movement

Members

Hon. Emmanuel Wangwe, MP

Navakholo Constituency

Jubilee Party

Hon. Junet Nuh Mohamed, CBS, MP

Suna East Constituency

Orange Democratic Movement

Hon. Jimmy Angwenyi, MGH, MP

Kitutu Chache North Constituency

Jubilee Party

Hon. Maore Maoka, CBS, MP

Igembe North Constituency

Jubilee Party

Hon. (Dr.) Eseli Simiyu, CBS, MP

Tongaren Constituency

Ford-Kenya

Hon. Florence Mutua, CBS, MP

Busia Women Rep

Orange Democratic Movement

Hon. David Pkosing, CBS, MP

Pokot South Constituency

Jubilee Party

Hon. Maina Kamanda, EGH, MP

Nominated

Jubilee Party

Hon. Josphat Wachira Kabinga, MP

Mwea Constituency

Jubilee Party

Hon. Ahmed Abdisalan Ibrahim, MP

Wajir North Constituency

Orange Democratic Movement

Hon. Gathoni Wamuchomba, MP

Kiambu Women Rep

Jubilee Party

Hon. Joshua Kutuny, MP

Cherangany Constituency

Jubilee Party

Hon. Shurie Abdi Omar, MP

Balambala Constituency

Jubilee Party

Hon. David Ole Sankok, MP

Nominated

Jubilee Party

Hon. Jane Wanjuki Njiru, MP

Embu Women Rep

Jubilee Party

Hon. Gladwell Cheruiyot, MP

Baringo Women Rep

KANU

Hon. Godfrey Osotsi, MP
Nominated
Amani National Congress

Hon. Owen Yaa Baya, MP
Kilifi North Constituency
Orange Democratic Movemen

Hon. William Chepkut, MP
Ainabkoi Constituency
Independent

Changes within the Committee membership during the term: -

The House by resolution passed on Thursday, 25th June, 2020, approved the appointment of the following Members to the Committee on Selection: -

1. The Hon. Maore Maoka, CBS, MP
2. The Hon. (Dr.) Eseli Simiyu, CBS, MP
3. The Hon. Jane Wanjuki Njiru, MP
4. The Hon. Gathoni Wamuchomba, MP
5. The Hon. Joshua Kutuny, MP
6. The Hon. Shurie Abdi Omar, MP
7. The Hon. Josephat Wachira Kabinga, MP
8. The Hon. Maina Kamanda, EGH, MP
9. The Hon. Godfrey Osotsi, MP

The Members replaced are: -

1. The Hon. Khatib Abdallah Mwashetani, MP
2. The Hon. John Kiarie Waweru, MP
3. The Hon. Catherine Wambilianga, MP
4. The Hon. Beatrice Nkatha Nyaga, MP
5. The Hon. William Kipkemoi Kisang, MP
6. The Hon. Faith Wairimu Gitau, MP
7. The Hon. Nicholas Tindi Mwale, MP
8. The Hon. John Paul Mwirigi, MP
9. The Hon. Robert Gichimu Githinji, MP

The Hon. Aden Duale, EGH, MP, the then Leader of the Majority Party, and the Hon. Benjamin Washiali, CBS, MP, the then Majority Chief Whip, were members of the Committee during the First, Second, Third and Fourth Sessions, by virtue of their leadership positions.

The Hon. Jude Njomo, MP, resigned from the Committee on Selection on February, 2018, pursuant to Standing Order 173 (3).

1.4 Committee Secretariat

13. The Secretariat supporting the Committee comprises the following staff:

Mr. Abdirahman Gele Hassan
Clerk Assistant II/Head of the Secretariat

Mr. Wilson Dima
Principal Legal Counsel I

Mr. Joseph Okongo
Senior Media Relations Officer

Ms. Peris Kaburia
Serjeant-At-Arms

2.0 BACKGROUND INFORMATION

2.1 Legal framework

14. Article 93 (1) of the Constitution of Kenya establishes Parliament of Kenya which consists of the National Assembly and the Senate. Further, Article 95 provides for the role of the National Assembly amongst others to:

- (i) deliberate on and resolve issues of concern to the people;
- (ii) enact legislations;
- (iii) determine allocation of national revenue between the two levels of governments the National government and County governments;
- (iv) appropriate funds for expenditure by the national government and national State organs;
- (v) exercise oversight over national revenue and its expenditure;
- (vi) exercise oversight over State organs; and
- (vii) review the conduct in the office of the President, Deputy President and other State officers and initiate the process of removal from office.

15. In addition, Article 124 of the Constitution empowers Parliament to establish Committees and to make Standing Orders for orderly conduct of its proceedings including the proceedings of its Committee.

16. The National Assembly Standing Orders has established various Committees of the House with distinct mandates.

17. The Committee on Selection is a Committee of the House established pursuant to Standing Order 172 of the National Assembly Standing Orders.

3.0 ACHIEVEMENTS

3.1 Committee sittings

18. In the discharge of its mandate, the Committee held a total of ten (10) Sittings as follows; (First session 2017 - 1), (Second session 2018 - 1), (Third session 2019 - 2), (Fourth session 2020 - 3), (Fifth session 2021 - 2), and (Sixth session 2022 -1).

19. The Committee on Selection undertook several activities since its inception in order to facilitate the House realise its objectives: -

1. Received and adopted the proposed list from Parliamentary Parties on nomination of Members to Committees of the House and facilitated onward transmission of the adopted list to the House for approval.
2. Received and adopted the proposed list from Parliamentary Parties on nomination of members to sessional committees of Powers & Privileges and Members' Services & Facilities, during the First, Second, Third, Fourth, Fifth and Sixth session of the 12th Parliament, and facilitated onward transmission of the adopted list to the House for approval.
3. Advised the Parliamentary Parties to ensure that the nomination of members to the various Committees of the House took into consideration the need for provisions of Standing Order 173 on gender balance, and Standing Order 174 on the number and types of committees a member can be nominated to.
4. Hosted the County Assembly of Kitui and provided a forum for the members of the County Assembly to learn on the mandate of the committee.

20. Chairpersons of Committees who are in more than one Committee, contrary to Standing Order 174 (3) (b): -

S/No.	Hon. Member	Committee Chairing	Other Committee(s)
1.	Hon. Jane Wanjuki Njiru, MP	Communication, Information and Innovation	1. Regional Integration 2. Selection
2.	Hon. Justus Kizito Mugali, MP	Parliamentary Broadcasting and Library	1. Public Accounts Committee 2. Special Funds Account Committee
3.	Hon. Josphat Wachira Kabinga, MP	Labour and Social Welfare	1. Powers & Privileges 2. Selection
4.	Hon. Richard Tongi, MP	Defence & Foreign Relations	National Government Constituencie Development Fund
5.	Hon. Sophia Abdinoor, MP	Environment and Natural Resources	National Government Constituencie Development Fund
6.	Hon. (Capt.) Ruweida Mohamed, MP	Regional Integration	Health

7.	Hon. Alois Lentoimaga, MP	Constitutional Implementation Oversight Committee	Implementation
8.	Hon. Ezekiel Machogu Ombaki, MP	Members' Services & Facilities	Regional Integration
9.	Hon. Florence Mutua, MP	Education & Research	Selection
10.	Hon. David Pkosing, MP	Transport, Public Works and Housing	Selection
11.	Hon. Maina Kamanda, MP	National Cohesion & Equal Opportunity	Selection
12.	Hon. Sabina Chege, MP	Health	Appointments
13.	Hon. (Dr.) Rachael Nyamai, MP	Lands	Appointments

Members of the House Business Committee who serve in the same Departmental Committee, contrary to Standing Order 174 (1) (b);

1. The Hon. Emmanuel Wangwe, CBS, MP, Majority Party Whip, and the Hon. Junet Mohamed, CBS, MP, Minority Party Whip, serve in the Departmental Committee on Justice & Legal Affairs; and
2. The Hon. Godfrey Osotsi, MP, and the Hon. Kawira Mwangaza, MP, serve in the Departmental Committee on Communication, Information & Innovation.

4.0 Committee's Uncompleted Business

The Committee forwarded the Membership to the Committee of Powers and Privileges to the House for approval on Thursday, February 9, 2022. However, the House didn't approve the Motion on appointment of Members to the Committee and instead referred the matter back to the Committee on Selection for re-consideration.

The Speaker ordered the Committee on Selection to reconstitute the Committee taking into account the requirements of the Standing Orders 173 (2) & 174 (3) (b); and the functions of the Committee of Powers and Privileges as provided for in the Parliamentary Powers and Privileges Act No. 29 of 2017.

The Committee could not re-consider the reconstitution of the Committee and the matter is still pending.

5.0 CHALLENGE

There is no clear criteria for nomination of Independent Members and Members belonging to parties other than parliamentary parties to committees, leaving them at the mercy of the Majority and Minority Parties.

6.0 RECOMMENDATION

There is need to amend the Standing Orders and devise a criteria for nomination of Independent Members and Members belonging to parties other than parliamentary parties to committees.

Signed



Date.....

7th June 2022

The Hon. (Dr.) Amos Kimunya, EGH, MP

Chairperson/Leader of Majority

Committee on Selection

