

DATE: 14 MAR 2023	TABLED BY: CLERK-AT THE TABLE
-------------------	-------------------------------

Approved
SNA
13/3/23

THE NATIONAL ASSEMBLY
PAPERS LAID



REPUBLIC OF KENYA

PARLIAMENT OF KENYA

THIRTEENTH PARLIAMENT – SECOND SESSION 2023

REPORT OF THE JOINT COMMITTEE OF THE NATIONAL ASSEMBLY
DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY AND MINING
AND THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND
NATURAL RESOURCES

ON

THE APPROVAL HEARING FOR MS. EMILY MWENDE WAITA; MR. JOHN KIOLI;
MS. UMRA OMAR; AND PROF. GEORGE ODERA OUTA, THE NOMINEES FOR
APPOINTMENT AS MEMBERS OF THE NATIONAL CLIMATE CHANGE COUNCIL

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 14 MAR 2023	DAY: TUESDAY
TABLED BY: HON. CHARLES KAMURIE	VICE CHAIRPERSON
CLERK-AT THE TABLE: INZOU	MWALE

Published by:-
Clerks' Chamber
Parliament Buildings
NAIROBI

March, 2023

Table of Contents	
ABBREVIATIONS	4
CHAIRPERSON'S FOREWORD	5
CHAPTER ONE	7
1.0 PREFACE	7
1.1. Communication of the message from H.E. the President	7
1.2. Referral of nomination to Committees	7
1.3. Committees membership	7
1.4. The Secretariat	8
CHAPTER TWO	9
2.0 BACKGROUND	9
CHAPTER THREE	11
3.0 LEGAL FRAMEWORK FOR APPOINTMENT TO THE NATIONAL CLIMATE CHANGE COUNCIL	11
3.1 Establishment of the National Climate Change Council	11
3.2 Functions of the Council	11
3.3 Members of the Council	11
3.4 Qualifications for Appointment to the National Climate Change Council Section 7(2)(f),(g),(h) and (i) of the Climate Change Act, 2016	12
3.5 Procedure for Appointment of the Members of the National Climate Change Council	12
3.6 Procedure for Parliamentary Approval	12
3.7 Approval Hearing by the Joint Committee	14
CHAPTER FOUR	15
4.0 ISSUES FOR CONSIDERATION DURING THE APPROVAL HEARING	15
4.1 Provisions of the Public appointments (Parliamentary Approval Act)	15
4.2 Public access and participation	15
4.3 Constitutional, Statutory and Professional requirements of the Nominee	16
4.4 Financial Disclosure	16
4.5 Political Activities and Affiliations	16
4.6 Background information from State Agencies	16
CHAPTER FIVE	18
5.0 THE APPROVAL HEARING PROCESS	18
5.1 Message from His Excellency the President	18
5.2 Clearance Requirements	18
5.3 Notification to the Nominee	18
5.4 Notification to the Public	19
5.5 Committee Meetings	19
5.6 Clearance Letters	19
CHAPTER SIX	20
6.0 THE APPROVAL HEARING	20
6.1 Ms. Emily Mwende Waita	20
6.1.1 Personal background	20
6.1.2 Academic and Professional qualifications	20
6.1.3 Employment Record and Work Experience	20
6.1.4 Honors and Awards	21
6.1.5 Integrity and Leadership	21
6.1.6 Financial Net worth	21
6.1.7 Conflict of Interest	22
6.1.8 Public Office, Political Activities and Affiliations	22

6.1.9	Other Key Issues Arising from the Vetting Process	22
6.2	Mr. John Kioli Kalua	24
6.2.1	Personal Background	24
6.2.2	Academic and Professional Qualification	24
6.2.3	Work experience/career progression	24
6.2.4	Professional Associations & Affiliations	25
6.2.5	Published writings	25
6.2.6	Net Worth	25
6.2.7	Clearance Requirements	25
6.2.8	Other Key issues arising from the Vetting Process	25
6.3	Ms. Umra Omar	26
6.3.1	Personal Background	26
6.3.2	Academic and Professional Qualification	26
6.3.3	Work Experience/Career Progression	27
6.3.4	Honors and Awards	27
6.3.5	Published writings	27
6.3.6	Net Worth	28
6.3.7	Clearance Requirements	28
6.3.8	Other Key Issues Arising from the Vetting Process	28
CHAPTER SEVEN		33
7.0	COMMITTEE OBSERVATIONS	33
7.1	Ms. Emily Mwende Waita	33
7.2	Mr. John Kioli Kalua	34
7.3	Ms. Umra Omar	35
7.4	Prof. George Odera Outa	37
CHAPTER EIGHT		39
8.0	COMMITTEES RECOMMENDATION	39

ABBREVIATIONS

KRA	-	Kenya Revenue Authority
HELB	-	Higher Educations Loan Board
EACC	-	Ethics and Anti-Corruption Commission
DCI	-	Directorate of Criminal Investigation
ORPP	-	Office of the Registrar of Political Parties
CRB	-	Credit Reference Bureau
FAO	-	Food and Agriculture Organization
UNDP	-	United Nations Development Programme
NEMA	-	National Environment Management Authority
CSO	-	Civil Society Organizations
SEAF	-	Sustainable Energy Access Forum
SPE	-	Special Partnership Energy
FLLOCA	-	Financing Locally-Led Climate Action
BSSV	-	Behavioral and Social Science Volunteer
USAID	-	United States Agency for International Development

CHAIRPERSON'S FOREWORD

This report contains proceedings of the National Assembly Departmental Committee on Environment, Forestry and Mining and the Senate Standing Committee Land, Environment and Natural Resources during the approval hearings of Ms. Emily Mwende Waita, Mr. John Kioli, Ms. Umra Omar and Prof. George Odera Outa, nominees by H.E. the President for appointment as Members of the National Climate Change Council pursuant to Section 7 (1) of the Climate Change Act, (No. 11 of 2016).

After receiving the message from H.E. the President on the nomination of Ms. Emily Mwende Waita, Mr. John Kioli, Ms. Umra Omar and Prof. George Odera Outa to the National Climate Change Council, the Speaker of the National Assembly and the Speaker of the Senate on Tuesday, 14th February, 2023 respectively issued a communication and directed that the approval hearing for the nominees for appointment to the National Climate Change Council, be conducted jointly by both Houses of Parliament as required by the Climate Change Act, (No. 11 of 2016).

The names of the nominees and their curriculum vitae were referred by the Speaker of the National Assembly to the Departmental Committee on Environment, Forestry and Mining and by the Speaker of the Senate to the Senate Standing Committee on Land, Environment and Natural Resources. The Committees jointly held a preliminary sitting on Tuesday, 7th March, 2023 to prepare and consider memoranda received from the public prior to the approval hearing.

The aforementioned Committees complied with the constitutional and legal requirements and established procedures for the approval hearing. The Committees ensured public participation and openness in carrying out the approval process. Notifications inviting the public to submit memoranda were placed in the mainstream print media on Monday 20th February, 2023 as required under the law.

The Committees conducted the approval hearing on Tuesday, 7th March, 2023. In conducting the approval hearing, the Committees were guided by the provisions of the Constitution, the Climate Change Act, (No. 11 of 2016), the Public Appointments (Parliamentary Approval) Act, 2011 and the Standing Orders of the respective Houses.

The Committees made observations, contained in this Report, on the basis of constitutional and legal requirements as well as submissions of the nominees during the approval hearing. Section 7 (1) of the Climate Change Act, (No. 11 of 2016), mandates the President to nominate candidates for appointment as Members to the National Climate Change Council.

The Committees' recommendation is based on the evidence and information from the proceedings during the approval hearing. The Committees recommend that, having considered the suitability, capacity and integrity of the nominees, and pursuant to Section 7 (4) of the Climate Change Act, 2011 and Section 8 (2) of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011, Parliament approves the nomination of Ms. Emily Mwende Waita, Mr. John Kioli, and Prof. George Odera Outa for appointment as Members of the National Climate Change Council by His Excellency the President and Rejects the nomination of Ms. Umra Omar for appointment as a Member of the National Climate Change Council by His Excellency the President.

The Committees wish to thank the Office of the Speaker of the National Assembly, the Office of the Speaker of the Senate, the Clerks of both Houses, and their staff for the logistical support accorded to them during the approval hearings. The Committees are also grateful to the

members of the public who sent memoranda and media for their live coverage of the proceedings, thus enhancing accountability and transparency of the approval hearing exercise.

On behalf of the Committees, and pursuant to Section 7 (4) of the Climate Change Act, 2016 and Section 8 of the Public Appointments (Parliamentary Approval) Act, 2011, it is my pleasant duty to table the Report of the National Assembly Departmental Committee on Environment, Forestry and Mining and the Senate Standing Committee on Land, Environment and Natural Resources on the joint approval hearings for Ms. Emily Mwende Waita, Mr. John Kioli, Ms. Umra Omar and Prof. George Odera Outa, the nominees for appointment as Members to the National Climate Change Council for debate and adoption by Parliament.

CHAPTER ONE

1.0 PREFACE

1.1. Communication of the message from H.E. the President

1. Pursuant to Standing Order 42 (1) of the National Assembly Standing Orders and Standing Order 42 (1) of the Senate Standing Orders, on 14th February 2023, the Speaker of the National Assembly and the Speaker of the Senate conveyed a message to the respective Houses from His Excellency, Hon. Dr. William Samoei Ruto, PhD., C.G.H., President and Commander in-Chief of the Kenya Defence Forces. The message stated that pursuant to Section 7 (1) of the Climate Change Act, (No. 11 of 2016) and upon the recommendation of the relevant bodies, the President exercised the constitutional prerogative vested in the Head of State and Government and caused nominations of **Ms. Emily Mwende Waita, Mr. John Kioli, Ms. Umra Omar and Prof. George Odera Outa** to the membership of the National Climate Change Council.

1.2. Referral of nomination to Committees

2. In accordance with the provision of Standing Order 42(3) (c) of the National Assembly Standing Orders and Standing Order 47 of the Senate Standing Orders, the respective Speakers referred the Message to the National Assembly Departmental Committee on Environment, Forestry and Mining and the Senate Standing Committee on Land, Environment and Natural Resources for consideration.

1.3. Committees membership

3. The following are the Members of the National Assembly Departmental Committee on Environment, Forestry and Mining:
 1. **The Hon. Gikaria David, MP.** - **Chairperson**
 2. **The Hon. Charles Kamuren, MP** - **Vice-Chairperson**
 3. The Hon. Mbalu, Jessica Nduku Kiko, CBS, MP.
 4. The Hon. Mwanyanje Gertrude Mbeyu, MP.
 5. The Hon. Hiribae Said Buya, MP.
 6. The Hon. Salim Feisal Bader, MP.
 7. The Hon. Emathe Joseph Namuar, MP.
 8. The Hon. Joseph Wainaina Iraya, MP.
 9. The Hon. Kemei Beatrice Chepngeno, MP.
 10. The Hon. Kururia Elijah Njore Njoroge, MP
 11. The Hon. Masitu Fatuma Hamisi, MP.
 12. The Hon. Mohamed Tubi Bidu, MP.
 13. The Hon. Nguro Onesmus Ngogoyo, MP.
 14. The Hon. Titus Lotee, MP
 15. The Hon. Yakub Adow Kuno, MP.
4. The following are the Members of the Senate Standing Committee on Land, Environment and Natural Resources:
 1. **Sen. John Muhia Methu, MP** - **Chairperson**
 2. **Sen. (Dr.) Steve Lelegwe Ltumbesi, MP** - **Vice-Chairperson**
 3. Sen. William Cheptumo Kipkiror, CBS, MP
 4. Sen. Johnes Mwashushe Mwaruma, MP
 5. Sen. Issa Juma Boy, MP
 6. Sen. Agnes Kavindu Muthama, MP

-
7. Sen. Wamatinga Wahome, MP
 8. Sen. Mariam Sheikh Omar, MP
 9. Sen. Beatrice Akinyi Ogola, MP

1.4. The Secretariat

National Assembly

- | | | |
|-----------------------------|---|-------------------------|
| 1. Mr. Fredrick Otieno | - | Clerk Assistant II |
| 2. Ms. Rose Natecho | - | Clerk Assistant III |
| 3. Mr. Hamdi Hassan Mohamed | - | Clerk Assistant III |
| 4. Ms. Mercy Wanyonyi | - | Legal Counsel |
| 5. Ms. Catherine Mukunyi | - | Senior Sergeant-At-Arms |
| 6. Ms. Chamunga Nancy | - | Fiscal Analyst |
| 7. Dr. Joseph Kuria | - | Research Officer |
| 8. Ms. Edith Chepngeno | - | Media Relations Officer |
| 9. Ms. Maryan Gabow | - | Public Relation Officer |
| 10. Mr. Mwangi Muchiri | - | Audio Officer |

The Senate

- | | | |
|------------------------|---|----------------------------|
| 1. Mr. Victor Bett | - | Clerk Assistant II |
| 2. Ms. Ivy Nyambura | - | Clerk Assistant III |
| 3. Mr. Peter Adika | - | Principal Research Officer |
| 4. Mr. Mitchell Otoro | - | Legal Counsel I |
| 5. Mr. Daniel Kirwa | - | Senior Sergeant-At-Arms |
| 6. Ms. Sarah Rukwaro | - | Sergeant-At-Arms |
| 7. Ms. Keziah Muthama | - | Fiscal Analyst |
| 8. Mr. John Gichia | - | Research Officer III |
| 9. Mr. Jack Lemeteki | - | Media Relations Officer |
| 10. Ms. Shirley Milimu | - | Audio Officer |
-

CHAPTER TWO

2.0 BACKGROUND

5. Section 5 of the Climate Change Act, 2016 establishes the National Climate Change Council which is to be chaired by the **President**. The **Deputy President** is the vice-chairperson of the Council while the **Cabinet Secretary responsible for environment and climate change** affairs is the Secretary to the Council.
6. Under section 6 of the Act, the Council is required to provide an overarching climate change co-ordination mechanism including to-
 - (a) ensure the mainstreaming of the climate change function by the national and county governments;
 - (b) approve and oversee implementation of the National Climate Change Action Plan;
 - (c) advise the national and county governments on legislative, policy and other measures necessary for climate change response and attaining low carbon climate change resilient development;
 - (d) approve a national gender and intergenerational responsive public education awareness strategy and implementation programme;
 - (e) provide policy direction on research and training on climate change including on the collation and dissemination of information relating to climate change to the national and county governments, the public and other stakeholders;
 - (f) provide guidance on review, amendment and harmonization of sectoral laws and policies in order to achieve the objectives of the Act;
 - (g) administer the Climate Change Fund; and
 - (h) set the targets for the regulation of greenhouse gas emissions.
7. Pursuant to section 9 of the Act, the Council comprises of nine members appointed by the President constituted as follows—
 - (a) the Cabinet Secretary responsible for environment and climate change affairs;
 - (b) the Cabinet Secretary responsible for the National Treasury;
 - (c) the Cabinet Secretary responsible for economic planning;
 - (d) the Cabinet Secretary responsible for energy;
 - (e) the chairperson of the Council of Governors;
 - (f) **a representative of the private sector** nominated by the body representing the largest number of institutions in the private sector;
 - (g) **a representative of the Civil Society** nominated by the most representative registered national umbrella association of civil societies working on climate change;
 - (h) **a representative of the marginalised community** within the meaning of Article 260 of the Constitution who has knowledge and experience in matters relating to indigenous knowledge; and
 - (i) **a representative of the academia** nominated by the Commission for University Education.
8. The membership of the Council is for a term of **three years renewable once** except for some member appointed under section 7(2)(f),(g),(h) and (i) of the Act who are to serve for a two year term to ensure pro rata succession of membership as provided under section 7(7) of the Act.

-
9. Pursuant to Standing Order 42(1) of the National Assembly and Standing Order 47 of the Senate Standing Orders, the Speaker of the National Assembly and the Speaker of the Senate on Tuesday, 14th March, 2023, conveyed a message to the respective Houses from His Excellency the President on the nomination of **Ms. Emily Mwendu Waita, Mr. John Kioli, Ms. Umra Omar and Prof. George Odera Outa** for appointment to the National Climate Change Council.
10. The procedure of engagement for the Committees is set out in the Standing Orders of both Houses and the provisions of the Public Appointments (Parliamentary Approval) Act, 2011. It was resolved that the approval hearing proceeds as follows-
- (i) That, the approval hearing process be conducted jointly by the National Assembly Departmental Committee on Environment, Forestry and Mining and the Senate Standing Committee on Land, Environment and Natural Resources;
 - (ii) That, the quorum of the joint sittings of the Committees would be the respective quorum of each of the Committees as stipulated in the Standing Orders of the respective Houses;
 - (iii) That, pursuant to Rule 9(6) of the Fourth Schedule to the National Assembly Standing Orders (*Joint Rules of the Houses of Parliament (Joint Sittings) Rules*) and Rule 9(6) of the First Schedule to the Senate Standing Orders (*Houses of Parliament (Joint Sittings) Rules*), unless a decision is reached by consensus, any vote to be taken in the joint sitting of the Committees shall be by separate Houses. This would ensure that the numerical difference of the individual members representing the Houses in the joint sittings had no effect on the decisions of the joint sittings of the Committees;
 - (iv) That, the joint Committees having conducted the approval hearings, would submit a Joint Report to the respective Houses in the manner contemplated in Rule 9(7) of the Fourth Schedule to the National Assembly Standing Orders and Rule 9(8) of the First Schedule to the Senate Standing Orders; and
 - (v) That, the approval process be conducted in accordance with the provisions of the Public Appointments (Parliamentary Approval) Act, 2011.
-

CHAPTER THREE

3.0 LEGAL FRAMEWORK FOR APPOINTMENT TO THE NATIONAL CLIMATE CHANGE COUNCIL

3.1 Establishment of the National Climate Change Council

11. Section 5 of the Climate Change Act, 2016 establishes the National Climate Change Council which is to be chaired by the **President**. The **Deputy President** is the vice-chairperson of the Council while the **Cabinet Secretary responsible for environment and climate change** affairs is the Secretary to the Council. The Directorate established under this Act shall serve as the Secretariat of the Council.

3.2 Functions of the Council

12. Section 6 of the Act provides that the Council shall provide an overarching climate change co-ordination mechanism and shall:
 - (a) ensure the mainstreaming of the climate change function by the national and county governments;
 - (b) approve and oversee implementation of the National Climate Change Action Plan;
 - (c) advise the national and county governments on legislative, policy and other measures necessary for climate change response and attaining low carbon climate change resilient development;
 - (d) approve a national gender and intergenerational responsive public education awareness strategy and implementation programme;
 - (e) provide policy direction on research and training on climate change including on the collation and dissemination of information relating to climate change to the national and county governments, the public and other stakeholders;
 - (f) provide guidance on review, amendment and harmonization of sectoral laws and policies in order to achieve the objectives of the Act;
 - (g) administer the Climate Change Fund; and
 - (h) set the targets for the regulation of greenhouse gas emissions.

3.3 Members of the Council

13. Section 7 (1) of the Climate Change Act, 2016 provides that the Council shall comprise not more than nine members who shall be appointed by the President.
14. Section 7 (2) provides that the Council shall comprise of:
 - a) the Cabinet Secretary responsible for environment and climate change affairs;
 - b) the Cabinet Secretary responsible for the National Treasury;
 - c) the Cabinet Secretary responsible for economic planning;
 - d) the Cabinet Secretary responsible for energy;
 - e) the chairperson of the Council of Governors;
 - f) a representative of the private sector nominated by the body representing the largest number of institutions in the private sector;
 - g) a representative of the Civil Society nominated by the most representative registered national umbrella association of civil societies working on climate change;
 - h) a representative of the marginalised community within the meaning of Article 260 of the Constitution who has knowledge and experience in matters relating to indigenous knowledge; and
 - i) a representative of the academia nominated by the Commission for University Education.

15. The four candidates were nominated in accordance with Section 7(2)(f),(g),(h) and (i) of the Climate Change Act, 2016 which provides that the nominees must be representatives of:

- (a) the private sector nominated by the body representing the largest number of institutions in the private sector;
- (b) the Civil Society nominated by the most representative registered national umbrella association of civil societies working on climate change;
- (c) a marginalised community within the meaning of Article 260 of the Constitution who has knowledge and experience in matters relating to indigenous knowledge; and
- (d) the academia nominated by the Commission for University Education.

3.4 Qualifications for Appointment to the National Climate Change Council under Section 7(2)(f), (g),(h) and (i) of the Climate Change Act, 2016

16. Sections 3 of the Climate Change Act provides that a person shall be appointed under Section 7 (2)(f), (g), (h) and (i), if the person has expertise and experience in matters of climate change, economy, finance, law, environment and public administration. Section 5 of the Act provides that a person shall be qualified for appointment Council if such person-
- (a) is a citizen of Kenya;
 - (b) fulfils the requirements of Chapter Six of the Constitution;
 - (c) has at least ten years' experience in the relevant field.

3.5 Procedure for Appointment of the Members of the National Climate Change Council

18. Pursuant to Section 7 (4) of the Climate Change Act, 2016 the Members of the Council are appointed by the President with the approval of Parliament.

3.6 Procedure for Parliamentary Approval

19. After the President has submitted the names of the nominees together with their curriculum vitae, Parliament is guided by the Public Appointments (Parliamentary Approval) Act, 2011 and the Standing Orders of both Houses in conducting approval hearings. Sections 5, 7 and 8 of the Act provides that-

i) Section 5

- (1) An appointing authority shall, upon nominating a person for an appointment to which this Act applies, notify the relevant House of Parliament accordingly.
- (2) A notification under subsection (1) shall be—
 - (a) in writing;
 - ~~(b) be lodged with the Clerk of the relevant House of Parliament.~~
- (3) A notification of appointment shall be accompanied by information concerning the nominee, having regard to the issues mentioned in section 7.
- (4) For purposes of this Act, a notification of nomination shall be deemed to be duly given on the day on which it complies fully with subsections (2) and (3).

ii) Section 7

The issues for consideration by the relevant House of Parliament in relation to any nomination shall be-

- (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.*

iii) Section 8

(1) Unless otherwise provided in any law, a Committee shall consider a nomination and table its report in the relevant House for debate and decision made within fourteen days from the date on which the notification of nomination was given in accordance with section 5.

(2) At the conclusion of an approval hearing, the Committee shall prepare its report on the suitability of the candidate to be appointed to the office to which the candidate has been nominated and shall include in the report, such recommendations as the Committee may consider necessary.

20. Pursuant to Standing Order 42(1) of the National Assembly Standing Orders and Standing Order 47 of the Senate Standing Orders, the Speaker of the National Assembly and the Speaker of the Senate on Tuesday, 14th March, 2023 conveyed a message to respective Houses from His Excellency the President on the nomination of **Ms. Emily Mwende Waita, Mr. John Kioli, Ms. Umra Omar and Prof. George Odera Outa** for appointment as Members of the Climate Change Council.
21. The procedure of engagement for the Committees is set out in the Standing Orders of both Houses and the provisions of the Public Appointments (Parliamentary Approval) Act, 2011. It was resolved that the approval hearing shall proceed as follows-
- i. That, the approval hearing process be conducted by the National Assembly Departmental Committee on Environment, Forestry and Mining and the Senate Standing Committee on Land, Environment and Natural Resources;
 - ii. That, the quorum of the joint sittings of the Committees would be the respective quorum of each of the Committees as stipulated in the Standing Orders of the respective Houses;
 - iii. That, pursuant to Rule 9(6) of the Fourth Schedule to the National Assembly Standing Orders (*Joint Rules of the Houses of Parliament (Joint Sitzings) Rules*) and Rule 9(6) of the First Schedule to the Senate Standing Orders (*Houses of Parliament (Joint Sitzings) Rules*), unless a decision is reached by consensus, any vote to be taken in the joint sitting of the Committees shall be by separate Houses. This would ensure that the numerical difference of the individual members representing the Houses in the joint sittings had no effect on the decisions of the joint sittings of the Committees;
 - iv. That, the joint Committees having conducted the approval hearings, would submit a Joint Report to the respective Houses in the manner contemplated in Rule 9(7) of the Fourth Schedule to the National Assembly Standing Orders and Rule 9(8) of the First Schedule to the Senate Standing Orders ; and
 - v. That, the approval process shall be conducted in accordance with the provisions of the Public Appointments (Parliamentary Approval) Act, 2011.

3.7 Approval Hearing by the Joint Committee

22. The following procedure shall apply in vetting of the Nominees to the National Climate Change Council—

- (a) the vetting of the nominees for appointment as Members of the National Climate Change Council shall be conducted jointly by the relevant committees of the two Houses mandated to deal with matters of climate change;
- (b) The vetting process will, therefore, be conducted by the National Assembly Departmental committee on Environment, Forestry and Mining and the Senate Standing Committee on Land, Environment and Natural Resources;
- (c) the Chairpersons of the two committees will Co-Chair the joint sittings and the Secretariat shall be comprised from the two Houses;
- (d) the quorum of the joint sittings will be the respective quorums of each of the committees as stipulated by the respective Standing Orders;
- (e) as contemplated under Rule 9 (6) of the Fourth Schedule to the National Assembly Standing Orders and Rule 9(6) of the First Schedule to the Senate Standing Orders, unless a decision is reached by consensus, any vote to be taken in the joint sitting shall be by separate Houses; and
- (f) the Committees shall, having conducted the vetting hearings, submit a Joint Report to the respective Houses.

CHAPTER FOUR

4.0 ISSUES FOR CONSIDERATION DURING THE APPROVAL HEARING

4.1 Provisions of the Public appointments (Parliamentary Approval Act)

23. The Committee noted that the issues for consideration are as provided for under Section 7 of the Public Appointments (Parliamentary Approval) Act, No. 33 of 2011 which provides the following issues for consideration-

- (i) the procedure used to arrive at the nominee
- (ii) any Constitutional or statutory requirements relating to the office in question;
- (iii) the suitability of the nominee for appointment proposed with due regard as to whether the nominee's abilities, experience and qualities meets the needs of the body to which the nomination is made.

24. Section 10 of the Act further provides that; where the nomination of a candidate is rejected by Parliament, the appointing authority may submit to the relevant House the name of another candidate, and the procedure for approval specified in the Act shall apply accordingly.

4.2 Public access and participation

25. Article 118(1) of the Constitution provides that Parliament shall conduct its business in an open manner, and its sittings and those of its committees shall be open to the public and facilitate public participation and involvement in the legislative and other business of Parliament and its committees.
26. Under Article 118(2), Parliament may not exclude the public, or any media, from any sitting unless in exceptional circumstances the relevant Speaker has determined that there are justifiable reasons for the exclusion.
27. In conducting the approval hearing, the two Committees were guided by the Constitution, the Climate Change Act, No. 11 of 2016 and Public Appointments (Parliamentary Approval) Act, 2011.
28. The following provisions of the Constitution provided further guidance to the Committees during the conduct of the approval hearing-
- i. Article 10(2) of the Constitution which 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 marginalized; good governance, integrity, transparency and accountability; and sustainable development.
 - ii. Article 73(2) of the Constitution which provides that 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, favoritism, other improper motives or corrupt practices;*
 - c. *Selfless service based solely on the public interest, demonstrated by Honesty in the execution of public duties and the declaration of any personal interest that may conflict public duties*
 - d. *Accountability to the public for decisions and actions; and*

e. Discipline and commitment in service to the people.

29. Article 232 of the Constitution provides for the values and principles of public service which include high standards of professional ethics; efficient, effective and economic 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.

4.3 Constitutional, Statutory and Professional requirements of the Nominees

30. The Committee considered Constitutional, statutory and professional requirements of the nominees as follows-
- a. The committee considered if the nominees meet the requirements of section 3 and 5 of the Climate Change Act, No. 11 of 2016 which sets out the qualifications of a person for appointment to the National Climate Change Council.
 - b. Whether the nominees appreciate the provisions of Article 10 of the Constitution on National values and principles of good governance.
 - c. Whether the nominees were conversant with Article 232 of the Constitution on values and principles of public service.
 - d. The Committee considered whether the nominees had high moral character and integrity and had satisfied the requirements of Chapter Six of the Constitution.
 - e. The Committee examined the nominees on their family backgrounds to determine the nature of their citizenship.
 - f. The Committee considered education background of the nominees to determine whether the persons nominated to the Council have served in a senior management position for at least ten years and had knowledge and experience in matters relating to climate change, economy, finance, law, environment and public administration.
 - g. The Committee considered if their personal and work experiences reflect the principles under chapter 6 of the Constitution.
 - h. The vision of the nominees to the National Climate Change Council.

4.4 Financial Disclosure

31. Members inquired into the nominees' financial net worth and their current and anticipated sources of income.

4.5 Political Activities and Affiliations

32. Members inquired whether the nominees were members of a political party and whether they had at any time held any position in a political party.

4.6 Background information from State Agencies

33. During the approval hearings the Committee considered the nominee's clearances from state agencies as follows-
- a. Compliance with tax obligations to the State (KRA)

- b. Clearance with Higher Education Loans Board (HELB)
- c. Clearance with the Ethics and Anti-Corruption Commission (EACC)
- d. Clearance with the Directorate of Criminal Investigation (DCI)
- e. Clearance with the Office of Registrar of Political Parties (ORPP)
- f. Certificate of good conduct (DCI)
- g. Certificate from Registrar of Political Parties
- h. Whether they were charged in a court of law or convicted?
- i. Certificate from a Credit Reference Bureau (CRB)
- j. Whether the nominees had been adversely mentioned in a Parliamentary Committee Report.

CHAPTER FIVE

5.0 THE APPROVAL HEARING PROCESS

5.1 Message from His Excellency the President

34. Pursuant to Standing Order 42(1) of the National Assembly Standing Orders and Standing Order 42 (1) of the Senate Standing Orders, the Speaker of the National Assembly and the Speaker of the Senate, on Tuesday, 14th March, 2023 conveyed to the respective Houses, a Message from His Excellency, the President on the nomination of Ms. Emily Mwende Waita, Mr. John Kioli, Ms. Umra Omar and Prof. George Odera Outa to the National Climate Change Council.
35. The names of the nominees and their curriculum vitae were committed to the National Assembly Departmental Committee on Environment, Forestry and Mining and the Senate Standing Committee on Land, Environment and Natural Resources to conduct a joint approval hearing and table reports to the respective Houses of Parliament within the stipulated period.

5.2 Clearance Requirements

36. Following the receipt of the communication from the Speaker of the National Assembly and the Speaker of the Senate to the afore-mentioned Committees, the Clerk of the National Assembly and the Clerk of the Senate jointly wrote letters dated 20th February, 2023 to various government agencies seeking information on the nominees as listed below:

	Institution	Purpose
1.	Ethics & Anti-Corruption Commission – E.A.C.C	Integrity of the Nominees
2.	Kenya Revenue Authority –K.R.A.	Tax compliance by the Nominees
3.	Higher Education Loans Board – H.E.L.B	Loans owed by the Nominees
4.	Directorate of Criminal Investigations	Certificate of Good Conduct
5.	Office of the Registrar of Political Parties	Membership of any Political Party

5.3 Notification to the Nominee

37. Through letters dated 17th February, 2023 and an advert placed in the mainstream print media on Monday 20th February, 2023, the Clerk of the National Assembly and the Clerk of the Senate, pursuant to Section 6(3) of the Public Appointments (Parliamentary Approval), 2011, notified the nominees of the time and venue for the approval hearing.
38. The nominees were required to present their original identity cards, academic and professional certificates and other relevant testimonials. In addition, the nominees were requested to bring letters/certificates of clearance/compliance from the Ethics and Anti-Corruption Commission, Kenya Revenue Authority, Higher Education Loans Board, Directorate of Criminal Investigations, Office of the Registrar of Political Parties and any Credit Reference Bureau.
39. Further, the nominees were required to fill and present to the Committees a questionnaire extracted from the Public Appointments (Parliamentary Approval) Act, 2011.

5.4 Notification to the Public

40. Section 6(9) of the Public Appointments (Parliamentary Approval) Act, 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 candidates have been nominated"*.
41. On Monday, 20th February, 2023, the Offices of the Clerk of the National Assembly and the Clerk of the Senate jointly published an advertisement in national print media inviting members of the public to present written statements referred to in Section 6(9) of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011. The written statements were to be submitted on or before Monday, 27th February, 2023 at 5:00 pm.
42. Pursuant to Article 118 (1) and (2) of the Constitution, and Section 6(4) of the Public Appointments (Parliamentary Approval) Act, 2011 and provisions of the relevant Standing Orders of the Houses, an advertisement was issued on Monday, 20th February, 2023 to notify the public that the National Assembly Departmental Committee on Environment, Forestry and Mining and the Senate Standing Committee on Land, Environment and Natural Resources would conduct a joint approval hearing on Tuesday, 7th March, 2023.

5.5 Committee Meetings

43. The Committees conducted the approval hearing on Tuesday, 7th March, 2023.

5.6 Clearance Letters

44. The Committees received letters from-
 - a. Kenya Revenue Authority, indicating that the nominees were tax compliant;
 - b. Higher Education Loans Board, stating that the nominees had no outstanding loans owed to the Board;
 - c. The Ethics and Anti-Corruption Commission confirming that they had not undertaken any investigations against the nominees;
 - d. Directorate of Criminal Investigations outlining the nominees were not a subject of any investigation undertaken by the Directorate;
 - e. The Office of the Registrar of Political Parties stating that **Ms. Emily Mwende Waita, Mr. John Kioli, and Prof. George Odera Outa** were not officials or Members of any registered political party. The Registrar indicated that **Ms. Umra Omar** was a member of Safina Party.
45. The nominees also presented before the Committees their certificates of good conduct issued by the Directorate of Criminal Investigations, loan clearance certificates from the Higher Education Loans Board, self-declaration forms from the Ethics and Anti-Corruption Commission, clearance certificate from the Kenya Revenue Authority and a letter from the Office of the Registrar of Political Parties confirming the three nominees were not officials of any political party registered in Kenya and that one nominee, **Ms. Umra Omar**, at the time of the approval hearing, was a member of the Safina Party.

CHAPTER SIX

6.0 THE APPROVAL HEARING

46. The Committees conducted approval hearings for the nominees on **Tuesday, 7th March 2023**. In conducting the vetting exercise, the Committee was guided by, among other documents, the Constitution of Kenya, the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), the Climate Change Act, No. 11 of 2016 and the Standing Orders of the respective Houses.
47. The Committees examined the nominees using the guidelines in the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011). The Committees also considered the following in vetting the nominees:
 - (a) Academic qualifications;
 - (b) Employment records and work experience;
 - (c) Professional associations;
 - (d) Public office, political activities and affiliations;
 - (e) Potential conflict of interest;
 - (f) Suitability to the positions;
 - (g) Tax compliance;
 - (h) Vision and leadership;
 - (i) Integrity; and
 - (j) Expectations and Key priorities.

6.1 Ms. Emily Mwende Waita

48. Ms. Emily Mwende Waita appeared before the Committees for approval hearing on Tuesday 7th March 2023 and responded to questions as follows:

6.1.1 Personal background

49. The Nominee, Ms. Emily Mwende Waita, informed the Committees that she is a Kenyan citizen born on 18th March, 1980 in Nairobi County.

6.1.2 Academic and Professional qualifications

50. She informed the Committees that she is currently undertaking Masters of Science in International Business Law at Robert Kennedy College. She holds Bachelor of Arts degree in Economics, French and Sociology from the University of Nairobi (1999-2004). Further, she has attended trainings which include a Leadership Accelerates Performance (LEAP)- (2018-2019), Competent Boards Climate Certificate Program (2022), Competent Boards Sustainable Development Goals Program (2020) and Harvard Leadership Program (2019).
51. The Nominee sat for her Kenya Certificate of Secondary Education in 1997 at Sacho High School, Kabarnet.

6.1.3 Employment Record and Work Experience

52. The nominee has largely worked in the private sector in partnership with governments as indicated below:
 - i. She is currently working as **Africa Public Affairs Director at Coca-Cola Africa** overseeing 54 countries based in Nairobi, since March 2021. She is responsible for driving business participation in Environmental Policy, specifically Climate Change, Circular Economy (World without Waste) and sustainable water use, working with governments and civil society. Additionally, the nominee is responsible for overseeing implementation of Health and Nutrition Policy, Stakeholder Management and responsible for

ensuring Coca-Cola Africa retains and promotes an ethical brand that takes into consideration of consumer, communities and the environment.

- i. She served as **Public Affairs, Communications and Sustainability Director for Coca-Cola Company – East and Central Africa** overseeing 14 countries based in Nairobi. She was responsible for mobilization and creation of PET Industry Task Force within Kenya Association of Manufacturers that worked with government and other stakeholders to find solution for managing PET bottle waste in Kenya. The model is now being replicated across other countries including Tanzania, Ethiopia, Mauritius and Uganda. She also led implementation of high impact sustainability initiatives e.g UNEP Africa, partnership to drive double digit growth in recycling rates in Kenya, Ethiopia and Uganda. Additionally, she was responsible for women economic empower, country branding and Covid-19 business continuity.
- ii. She served as **Head of Communication East and Central Africa** (17 markets) and **Regulatory Affairs Manager, East Africa Markets** (13 markets) from July, 2012 to July, 2015 based in Nairobi; she was the overall lead in championing tree growing initiatives around tobacco growing areas as well as engaged in leading the adoption of tobacco control regulations in Rwanda, Burundi and Comoros.
- iii. From **January 2009 - June 2012**: The nominee served as Group Corporate Affairs manager in Lafarge-HOLCIM East Africa in charge of 4 markets. She coordinated stakeholder committees and environmental councils in the four countries to manage environmental issues (biodiversity, water management, sustainable energy use, pollution and land rehabilitation). Further, she was responsible for annual communication campaigns, media engagements and stakeholder's management.
- iv. From **March 2007-January 2009**: She served as the Human Resources Manager Bamburi Cement/Lafarge East Africa (Lafarge Eco Systems) the company's environmental arm. While, **May 2004 to February 2006 (Amsterdam, The Netherlands)**: She served as Project Assistant in Greenpeace International Headquarters where she researched on forest degradation, drought, water scarcity, and global warming and environment impact on health.

6.1.4 Honors and Awards

53. The Nominee informed the Committee that she was in possession of the following awards:
 - i. Top 40 under women in Kenya 2018, Business Daily
 - ii. Top 25 Most Powerful Women in C-Suite Impacting Business in Kenya, 2021-Knowledge House.

6.1.5 Integrity and Leadership

54. The nominee informed the Committee that she has never been mentioned adversely in any report by a Parliamentary Committee or an Independent Commission. She also confirmed that she had no previous conviction or an ongoing case in court and that she is a person of high integrity. The nominee further submitted clearance from the Ethics and Anti-Corruption Commission, the Directorate of Criminal Investigation, the Kenya Revenue Authority (KRA), the Higher Education Loans Board (HELB) and the Office of the Registrar of Political Parties.

6.1.6 Financial Net worth

55. The nominee stated that her net worth is sixty one million Kenya shillings (Kshs. 61,000,000.00) in savings, bonds and land.

6.1.7 Conflict of Interest

56. The nominee submitted that she has interacted with government agencies and thus aware of her responsibility and will be accountable and respect the constitutional principles on leadership and integrity.

6.1.8 Public Office, Political Activities and Affiliations

57. The Nominee informed the Committee she has never been a member of a Political Party or held any position of a Political party.

6.1.9 Other Key Issues Arising from the Vetting Process

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

(a) On the mandate of the National Climate Change Council

59. The nominee highlighted the mandate of the Council as follows: guiding the national and county government on the matters of climate change, developing and implementing a national climate change response strategy, overseeing the Climate Change Fund, mainstreaming climate change into national development plans, mobilizing resources for climate change activities and monitoring of the implementation of climate change activities in the National Climate Change Action Plan.

(b) On managing the Climate Change Fund and ensuring prudent utilization of Council resources

60. The nominee submitted that she is aware of various national and international anti-bribery acts for example Bribery Act in Kenya, additionally she indicated that she undergoes a bi-monthly training on ethics, governance and integrity. She committed to adhere to Chapter Six of the Constitution relating to Leadership and Integrity and ensure that the resources are utilized in a manner that is beneficial to Kenyan citizens as well ensure proper monitoring and evaluation of the projects implementation. The nominee committed that she will ensure that the funds are shared equitably in all 47 counties where the marginalized areas will be at the center stage. She also confided to the committee that there are numerous opportunities to mitigate the effects of climate change.
61. The nominee submitted that she has interacted with government agencies and thus aware of her responsibility and will be accountable and respect the constitutional principles on leadership and integrity. Furthermore, she has worked closely with multi-national companies to establish strategies to mitigate climate change impact such as Food and Agriculture Organization (FAO), United Nations Development Programme (UNDP), National Environment Management Authority (NEMA) and Ministry of Environment, Climate Change and Forestry among others which upholds highest level of integrity. Further, she indicated that she will support council to implement the necessary legislative frameworks and policies.

(c) On the necessary measures to curb corruption at county level 10 years after devolution

62. The nominee submitted that she will ensure that the Council will put resources to sound programs, monitor, evaluate and report on the implementation and utilization of the funds. Further, she committed to bring on board the good practices obtained from the private sectors.

(d) On support of renewable energy sector and climate justice

63. The nominee submitted that Kenya is doing well in renewable energy sector where close to 85% of the energy is clean sources, that is solar, geothermal and wind, indicating that Kenya and the rest of Africa will be the game-changer of de-carbonization. She committed to work closely with the national government to incentivize and offer necessary support to the youths to take advantage of green jobs and other opportunities around climate change mitigation. She indicated she will support the Council to seek alternatives source of funds from private sector which will be a key ally.
64. The nominee further indicated that proper legal frameworks to give incentives for solar energy projects should be pursued. She also indicated that Kenya needs to reposition itself in order to benefit from donor funding on climate change projects by coming up with good policies.

(e) On Carbon Trading, Public Private Partnerships Research and training on Climate Change issues

65. The nominee defined carbon trading as a situation where industrialized nations invest in developing nations to offset their carbon emission. She indicated that the Council will pursue partnership with companies, foreign investors, individuals and international development partners and bring key stakeholders to mitigate climate change effects such as the National Treasury and Planning, Ministry of Environment, Climate Change and Forestry; Ministry of Energy and County governments.
66. The nominee committed to support research on Climate Change issues, in Kenya Forestry Research Institute (KEFRI) support them to develop different types of trees, strengthen the research and training departments.

(f) On charity work in her personal capacity and as the Director Africa Public Affairs at Coca-Cola Company

67. The nominee submitted that she is a natural giver; she has made contributions to children's homes, schools, extended family members and People Living with Disabilities, initiatives which she cannot put a measure to, emphasizing that transforming people's lives is not just by giving charity but by making good policies and mentorship and. She indicated that in her current employment, she has spearheaded a project in conjunction with USAID to mobilize for resources for the community at the upper Tana water region in Water Sanitation and Hygiene projects together with Replenish Africa in provision of clean drinking water for the community. Further, she has participated in various waste management projects together with private sector stakeholders to benefit the community around the Upper Tana River.

(g) On overlap of the roles Council and the Cabinet Secretary, Ministry of Environment, Climate Change and Forestry

68. The nominee indicated that, since the Cabinet Secretary is a member of the Council there will be mutual understanding within the Council. On penalties in the Act, there might be no adequate punishment for causing climate change; therefore, the penalties are moderate.

(h) On current state of National Environment Management Authority (NEMA), the 10% forest covers and early warning systems

69. The nominee submitted that, National Environment Management Authority (NEMA) which is a key stakeholder in enforcement of some provisions in the Climate Change Act is under resourced. Thus, the Council will offer the necessary support.

70. On provision of early warnings which are very imperative to mitigation of the climate change effects, the Council will support the Meteorological Department to provide timely and relevant information.
71. On the 10% forest cover, the nominee confided to the Committee that as nation we are on the right track but more should be done to support tree growing, thus, the Council will support the government in its quest to plant 15 billion trees by 2032.

(i) On San Marco Space Centre

72. The nominee acknowledged the importance of the Luigi Broglio – Malindi Space Centre (formerly San Marco), she committed that the Council will collaborate with them to access climate change data and provide early warnings to Kenyans as well enhance protection and management of the natural resources.

6.2 Mr. John Kioli Kalua

73. Mr. John Kioli appeared before the Committees for approval hearing on Tuesday 7th March 2023 and responded to questions as follows:

6.2.1 Personal Background

74. Mr. John Kioli informed the Committees that he is a Kenyan citizen born in 1972 in Starehe, Nairobi County.

6.2.2 Academic and Professional Qualification

75. Mr. Kiioli holds a Masters of Environmental Studies (Climate Change and Sustainability) from Kenyatta University (2017); Bachelor of Education Arts degree from the Moi University (1996). He sat for his Kenya Certificate of Primary Education (KCSE) from Nairobi Milimani Secondary in 1990 and Kenya Certificate of Primary Education (KCPE) at Kileleshwa Primary School in 1986.

6.2.3 Work experience/career progression

76. Mr. Kioli an expert in leadership, management, policy advocacy and climate fields and has worked in the following capacities:
 - i. He is currently serving as Executive Director of the Green Africa Foundation in Kenya since January 2000;
 - ii. Chairman of the Kenya Climate Change Working Group from October 2009 to date, a group responsible for confronting the causes and effects of climate change.
 - iii. He is serving as ACCESS coalition supervisor which consists of a range of Civil Society Organizations (CSOs), both national and international since 2014 to date.
 - iv. He is a Member of Project Management Team of Learn project in Kenya which is a multi-stakeholder collaboration led by the Climate Change Directorate under the Ministry of Environment, Climate Change and Forestry of Kenya, Food and Agriculture Organization (FAO) Kenya and the Kenya Climate Change Working Group since Jan 2020.
 - v. The nominee is a member of Environment Committee in Kajiado County since 2016 and the Chairman of the Sustainable Energy Access Forum Kenya (SEAF-K) since 2018. The Forum brings together energy sector players in Kenya in order to solve various challenges faced in the sector.
 - vi. The nominee has professional and policy experiences whereby he has held positions such as supervisor in World Wildlife Fund (WWF) Funded project (2018 to date),

project supervisor in a Strategic Partnership Energy (SP-E) project funded by Dutch ministry of foreign affairs (2016 to date), lead coordinator at United States Agency for International Development (December 2016-2017) and Member of Technical Team in the Ministry of Environment, Water and Natural Resources among other.

6.2.4 Professional Associations & Affiliations

77. Mr. Kioli is a Member of the Kenya Climate Change Working Group, Kenya Forest Working Group, Kenya Forest Society, National Climate Change Response strategy action plan, Kenya Bio-diesel Association among others.

6.2.5 Published writings

78. Mr. Kioli has various academic publications touching on energy and environmental matters. They include *A Review of Energy Access in Kenya (2019)* and *Impacts of Climate Change on Energy Security (2015)*. The Nominee has attended various international and national Conferences with diverse themes including; *Climate Change and sustainable energy for all*.

6.2.6 Net Worth

79. Mr. Kioli informed the Committees that he was worth Kshs. 93 million which is in form of land, a house and motor vehicle. His source of income is Kshs. 5 million in allowances and salary.

6.2.7 Clearance Requirements

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

6.2.8 Other Key issues arising from the Vetting Process

a) On the meaning of the Climate Change and its effects

81. The nominee defined climate change as change of weather for more than 50 years which is driven by human activities through cutting of trees, land degradation and industrial emissions. He submitted that climate change effects are felt in different sectors such as agriculture (floods and droughts), tourism (loss of wildlife in the parks and conservancies).

b) On climate vulnerabilities and risk assessments

82. The nominee submitted that the country should be climate change ready; the counties should set apart 2% of their budgets to support climate change mitigation and adaptation. He further submitted that there are concerted efforts between the national and county governments and Council of Governors, and response measures should be cascade up to the ward level.

c) On public private partnership

83. The nominee submitted that counties receive funds through Financing Locally-Led Climate Action Program (FLLOCA). He undertook to engage foreign investors, World Bank, bilateral and multilateral partners to support the government efforts if appointed to the Council. The nominee committed that through the Council he will spearhead making of an Application that will support reporting as well as providing real time information to Kenyans from the government agencies, county governments and private sector.

d) On Mainstreaming of Climate Change in education sector:

84. The nominee submitted that, climate change mainstreaming is core in all government agencies. He informed the Committees that it would be imperative for the Council to

support mainstreaming of climate change in education sector in the curriculum from the lowest to the highest level. He undertook that through the Council they will provide resources to support trainings relating to climate change issues and called upon the TVETs and the Universities to integrate climate change mitigation and adaptation strategies in their curriculums.

e) On marginalized and indigenous communities

85. The nominee acknowledged that climate change effects are adversely felt by marginalized and indigenous communities, for instance in West Pokot county the citizens are trekking longer distances in order to access water, Kutui, Makueni, Garissa among others facing myriad of problems.

f) On managing Climate Change Fund and prudent utilization; other sources of funding

86. The nominee informed the Committee that he is the Chairperson of Kenya Climate Change Working group consisting of close to 400 organizations. Under his leadership, he has ensured that the resources available are utilized prudently. He submitted that he will apply management skills that he has acquired overtime to safeguard the funds allocated to different projects. Further, he indicated that he will support the Council to get additional funds from climate bilateral and multilateral partners as well as the private sector who are key stakeholders to fill the budget deficit.

g) On climate change engineering and factors leading to land degradation of forests, wetland and coral reefs

87. The nominee submitted that the creation of artificial rain is a very expensive process thus might not be viable in Kenya. Instead, he committed to support efforts to set dams and boreholes. To reduce land degradation activities, he indicated that it is imperative to plant crops which do not require a lot of water such as cassava, sorghum among others. He promised to support tree growing efforts in the country to improve the forest cover as well as support restoration of the ocean ecosystems.

h) On renewable sources of energy

88. The nominee submitted to the Committee that currently at least 85% of energy consumed in Kenya is from clean sources such as geothermal, wind and solar. He undertook to support zero rating of the solar equipment's to make them affordable for all and ensure that they are of quality standards.

6.3 Ms. Umra Omar

89. Ms. Umra Omar appeared before the Committees for approval hearing on Tuesday 7th March 2023 and responded to questions as follows:

6.3.1 Personal Background

90. Ms. Umra Omar informed the Committees that she is a Kenyan citizen born in 1983 in Lamu County.

6.3.2 Academic and Professional Qualification

91. Ms. Umra Omar holds Masters of Arts (Social Justice: Intercultural Relations) from World Learning Institute, USA (2009); a Bachelor of Arts Degree (Neuroscience/Psychology) from Oberlin College, Ohio, USA (2006); a Bachelor of Arts (Social Sciences) from

University Buenos Aires , Argentina (2005), and O' Level from Rusinga School, Nairobi (2000).

6.3.3 Work Experience/Career Progression

92. Ms. Umra Omar informed the Committees that she is an expert in various areas which include Justice and Intercultural relations, governance, health, education, conservation and project management. She was a gubernatorial candidate in Lamu County (2022); lecturer at Stony Brook University, New York (2020-2021); she is the Founder and Executive Director of Pamoja Initiative (2017- to date).
93. She was the Regional Director of Northern Rangeland Trust in 2017 where she was responsible for effective administration, program development, financial development, management and implementing plans requisite for achievement of well governed conservancies.
94. She is the Founder and Board Chair of Safari Doctors, Lamu (2014- to date); she is serving as the strategic guardian in promoting access to healthcare in remote areas of Lamu County through outreach medical and veterinary services, youth engagement programs and health advocacy.
95. She was a Communications Consultant for Open Society Foundations (2010-2013) where she was consulting on advocacy advertising, branding and production. In 2010 to 2012 she was responsible for providing logistical support, handling external communication, maintaining and tracking program budget, conducting research, grant management and oversight.
96. She worked in America Psychological Association Office on HIV/AIDS (2006-2010); she implemented intervention programs that translated research into practice to address trauma and HIV/AIDS prevention and care for women in the coast of Kenya through President's Emergency Plan for AIDS Relief (PEPFAR) in collaboration with the Behavioral and Social Science Volunteer (BSSV) Program.

6.3.4 Honors and Awards

97. The Nominee informed the Committee that she was in possession of the following awards
 - i. Global Leadership and Public Policy, Harvard Kennedy School, Boston (2022).
 - ii. Amujae Leader, EJS Presidential Center for Women and Development, Monrovia, Liberia (2021).
 - iii. National Hero Award, Kisii (2020).
 - iv. Young Global Leader, World Economic Forum, Davos, Switzerland (2019).
 - v. Robert Burns Humanitarian, Edinburgh, Scotland (2019).
 - vi. United Nations Kenya Person of the Year, Nairobi Kenya (2017), among others.

6.3.5 Published writings

98. Ms. Umra Omar has various academic publications including:
 - i. Author: The good, the bad and the ugly Lamu: Hidden Skeletons behind the construction of the Lamu Port (October 09, 2011).
 - ii. Editor and Author: Reflections (September, 01 2013)
 - iii. Editor: Amplifying Voices: Information and Expression (September, 01 2013)
 - iv. Editor and Author: Amplifying Voices: Healthcare for all (December, 09, 2004)

6.3.6 Net Worth

99. Ms. Umra Omar informed the Committees that she was worth Kshs. 50 million which is in form of two houses in Lamu County.

6.3.7 Clearance Requirements

100. The Committees confirmed that the nominee had been cleared by DCI and HELB having obtained clearance certificates to that effect. However, the Committees through verification of documents presented by the nominee noted that the nominee's KRA clearance form expired on 9th February, 2023 even though KRA indicated that the nominee is tax compliant through their letter dated 1st March, 2023 to the Clerks of the National Assembly and the Senate. The nominee at the time of approval hearing was still a member of Safina Party as per the clearance letter presented by her to the Committees and the letter from the ORPP to the Clerks National Assembly and the Senate. The Committees further noted that the nominee presented EACC self-declaration form that was used for IEBC in the last general election. Ms. Umra was directed by the Committees to get the updated clearance certificates which she obtained and subsequently submitted to the Committees.

6.3.8 Other Key Issues Arising from the Vetting Process

- a) **On the Mandate of the National Climate Change Council,**
101. The nominee stated that she will make the National Climate Change Council a beacon of climate mitigation in the East African region, target the greenhouse emission regulation, institutionalize Climate Change into mainstream institutions and go Glo-local – Both locally and internationally sensitize the communities on climate change issues as it affects the local communities.
- b) **On the measures to mitigate or eradicate challenges due to climate change**
102. The nominee stated that she will spearhead institutional awareness creation and behaviour change on human activities that affect the environment as well as accelerate the climatic changes.
- c) **On strategies For Unlocking donor funding to support climate change mitigation.**
103. The nominee did not have a clear response or strategy on ways of unlocking doors for donor funding to support climate change mitigation. The nominee indicated that this would require a huge learning curve.
- d) **On how she would use international linkages to bring about resources and employment creation to youths**
104. The nominee indicated that this would require a huge learning curve of pulling knowledge the Council has together. Accountability and impact is important to achieve this. She shared she had the drive to push the agenda for the women and the youth.
- e) **On Carbon Credits and Trading**
105. The nominee did not have a clear understanding of the subject matter. She however undertook to research and familiarize herself with the same.

6.4 Prof. George Odera Outa

106. Prof. George Outa appeared before the Committees for approval hearing on Tuesday 7th March 2023 and responded to questions as follows:

6.4.1 Personal Background

107. Prof. George Outa informed the Committees that he is a Kenyan citizen born in 1962 in in East Gem, Siaya County.

6.4.2 Academic and Professional Qualification

108. The nominee holds PhD from University of the Witswatersrand, Johannesburg, South Africa (2003); a Masters of Laws (LLM) from University of California, Hastings College of the Law (2014); a Bachelors of Laws (Hons.) from University of London (2008); a Masters of Arts in Literature from University of Nairobi (1989) and a Bachelor of Arts where he was overall best graduating student in the Department of Literature.

6.4.3 Work experience/career progression

109. The nominee is an associate Professor (Interdisciplinary Studies) in Faculty of Social Sciences and Technology at Technical University of Kenya (since 2021); in 2003 he was appointed Assistant Professor by United States International University (USIU-Africa); 1988-1992 served as a lecturer in Department of Linguistics and Literature at College of Education in University of Nairobi. The nominee has taught numerous course including; Domestication of International Treaties and Agreements, International Environmental Law, Climate Change Governance and Policy Communication (Institute of Climate Change and Adaptation).
110. The nominee has held numerous positions in the public (national and international) and private sectors, among them;
- i. **Communications and External Relations Advisor (UNDP Recruitment Modality)**, Ministry of Foreign Affairs, Government of Kenya (2019).
 - ii. **Communications and External Relations Advisor (UNDP Recruitment Modality)**, Ministry of Foreign Affairs and International Trade (April-September 2016).
 - iii. **Associate Director** at Africa Practice East Africa Ltd, responsible for the UN supported Information Support Team (IST) to AMISOM.
 - iv. **Communications and Policy Adviser**, Office of the Prime Minister of Kenya (September 2009-December 2012).
 - v. **Information and Communications Adviser** at DANIDA (Denmark's development cooperation)/ Ministry of Trade and Industry (October 2007-June 2009), and
 - vii. **Research and Communications Adviser** at Ministry of Planning and National Development (August 2003-September 2007). Team in the Ministry of Environment, Water and Natural Resources among other.

6.4.4 Professional Associations & Affiliations

111. Prof. George Outa is a Member of the following professional affiliations:
- i. African Studies Association (ASA), Member since 2022;
 - ii. American Bar Association (ABA) Member from 2014);
 - iii. African Council for Communication Education (ACCE)-Kenya Chapter-was member and chair of Kenya chapter 1989-2003

6.4.5 Published writings

112. The nominee has numerous academic publications since 1986 to date on thematic areas such as; science, research and innovation for harnessing blue economy; international environmental law; African literature; governance issues in East Africa; power and politics in post-colonial Kenya.
113. The Nominee has attended and made presentations in numerous international and national Conferences since 1989 to date. The conferences includes: African Research Universities Alliance Conference, Nairobi; International Environment Law and the Imperative of Extended International Jurisdiction in Forest Conservation and Management made a presentation, "Battle for Kenya's "Mau" forest" (2019); International centre for research in Agroforestry, "Communicating: Towards user-friendly materials in Agroforestry Literature".
114. The nominee has edited and produced numerous public policy documents from 2003 to 2022. They include: Scoping Report on Rising Water Levels in Kenya Rift Valleys Lakes Turkwel Gorge dam and Lake Victoria (2021); Kenya Vision 2030 (2007); United Nations Development Programme Report for Uganda (2019); Medium Term Reviews for Kenya Vision 2030 among others.
115. The nominee has undertaken many special consulting assignments from different organisations including: United Nations Development Programme (Nigeria, 2015-2018), United States Agency for International Development (USAID-Kenya, 2011-2016); Equity Bank (2009-2012), CFC Bank and Industrial Development of Kenya (2010).
116. The nominee has supervised, mentored and examined various students. The students has written and published papers on various topics: innovative systems approach towards enhanced farmer adoption of climate services; Collective Climate Action and Impact of Climate Change on Sustainable Water Resources Management.
117. The nominee is currently undertaking various projects which include: Legal and Regulatory Aspects of Building Resilience to Climate Change, with Specific Reference to Africa's Transboundary Resources.

6.4.6 Honors and Awards

118. The Nominee informed the Committee that she was in possession of the following awards:
 - i. First Prize & Laureate, the St Andrews Prize for the Environment, University of St Andrews (UK), 2001.
 - ii. Doctoral Research Grant, by International Institute of Social History, NetherLand, (2003).
 - iii. First prize Winner, CARP International Essay Contest (Berlin 1987)
 - iv. Overall best Student in Literature, University of Nairobi 1985.

6.4.7 Net Worth

119. Prof. George Outa informed the Committees that he was worth Kshs. 200 million. He indicated that his sources of income are salary as a University Professor, consultancy earnings, professional time (Research Projects), pension from the University of Nairobi and shares from investments.

6.4.8 Clearance Requirements

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

6.4.9 Other Key issues arising from the Vetting Process

a) On the concept of the Climate Change

121. The nominee stated that the Climate Change is a fundamentally transdisciplinary and complex problem that faces the global community collectively. It affects all sectors such as Health, Food Security, Water, Environment, etc, thus, in addressing it requires support from every sector. It requires the collaboration of both the global economy and the local economy. The UN Global and Paris agreement put emphasis on education as one of the ways to address the problem.

b) On the mandate of the Council

122. The nominee stated that the main mandate of the council as per the Act is to provide the national climate change coordination mechanism, oversight and resource mobilization by tapping into the global fund on climate change. He further indicated that the Climate Change Act itself has some gaps that he hopes to bring to the fore front given the opportunity to serve in the council.

c) On the role of research and training in addressing challenges posed by climate change and it can be integrated into policy development

123. Prof. George Outa informed the Committees that the University of Nairobi was the first center in Africa for training of climate change and has since attracted a number of scholars both local and foreign as it is an institute that is globally well known. Previously he has attempted to involve the Ministry of Environment when up taking research undertaken by the institution. However, the challenge comes in whereby researchers are not well inoculated in policy making process due to systems in place.

d) On carbon trading exploitation by foreign organizations in the country

124. Prof. George Outa stated that the issue has been around for some time now and yes there's a sense of kind of giving up on sovereignty and relying on foreign countries thus there's a need to invest in understanding how systems work by having technical know-how and knowledge. The industrialized world is in no way obliged to pay the third world countries as much as they are the great gases that have affected climate change. He advised that the country needs to build its own fiduciary capacity in negotiations with industrialized nations.
125. He further reiterated that there is need for legal framework as well as an institutional understanding. Climate Change and Biodiversity Alliance is the gold standard for fair carbon credits. There is also a need to properly invest and understand what happens hence requires investment. The basic principle of carbon trading is that there is a lot of emissions that need to be traded.

e) On the Climate financing and options that the nominee will suggest to the Council if appointed

126. Prof. George Outa stated there are global funders ready and willing to fund, however, credible, and evidence-supported proposals must be generated as well as increased partnerships with the private sector according to the governing international protocols. He stated that in Sub-Saharan Africa, Kenya is way ahead in adopting the frameworks, institutionalizing as well as creating the legal framework to curb climate change to build resilient communities.

-
- f) **On ways of building resilience for the marginalized and indigenous communities who are most vulnerable to the adverse effects of climate Change or help them to adapt**
127. Prof. George Outa stated that Climate Change causes are anthropogenic hence the indigenous communities must be involved with a legal framework to avoid exploitation by foreigners, especially in the Blue Economy.
- g) **On strategies and actions for disaster risk reduction related to climate change**
128. Prof. George Outa stated that, to curb climate change effects, there must be several action plans embedded in all sectors and all levels of county and national government.
- h) **On the primary goal and benefits to Kenya of the Paris Agreement of 2015**
129. Prof. George Outa stated that it is a binding agreement with Kenya which gives countries the chance to indicate how they will contribute through the Nationally Determined Contributions.
- i) **On ways to ensure that climate vulnerability and risk assessments on ecosystems are achieved**
130. Prof. George Outa stated that science needs to be allowed to inform the policy on trees, ecological zones, and mapping. This will inform tree planting because too many trees also in the wrong areas can either affect the water catchment or triple carbon emissions in the case of forest fires.
- j) **On whether the country is on the right track in attaining the constitutional provision of a land surface tree cover of at least 10% as per Article 69 (1) of the Constitution of Kenya**
131. Prof. George Outa stated that the issues of climate change, then in 1972 and now, place Research and Training as a key factor in mitigating climate change, both locally and globally. In 1972, the UN Convention on Human Development in Stockholm, led to the setting of the UNEP offices in Nairobi in order to look at the broader environmental impact and survival of the ecosystem. The Biodiversity Convention of the UN in 1985 focused on the specialized consequences of human activities on the environment, showing a consistent effort in environmental conservation as well as climate change mitigation.
132. Curbing social inequalities through human inclusivity in climate action could help scale down the challenges of climate change. Research and development are not well entrenched. They lack national determinants as well as ministerial involvement as outlined in the Paris Agreement, 2015. As far as the Paris Agreement, 2015 is concerned, Kenya should report on evidence and allow science inform policies.
-

CHAPTER SEVEN

7.0 COMMITTEE OBSERVATIONS

7.1 Ms. Emily Mwende Waita

133. The Committee having considered the nominee's filled-in questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, 2011, her curriculum vitae and oral submissions during the approval hearing, made the following observations on her suitability for appointment to the National Climate Change Council:

- (1) THAT the nominee is currently undertaking Masters of Science in International Business Law at Robert Kennedy College. She holds Bachelor of Arts degree in Economics, French and Sociology from the University of Nairobi (1999-2004). Further, she has attended trainings which include a Leadership Accelerates Performance (LEAP)-(2018-2019), Competent Boards Climate Certificate Program (2022), Competent Boards Sustainable Development Goals Program (2020) and Harvard Leadership Program (2019). She sat for her Kenya Certificate of Secondary Education in 1997 at Sacho High School, Kabarnet.
- (2) THAT the nominee has largely worked in the private sector in partnership with government institutions and is currently working as **Africa Public Affairs Director at Coca-Cola Africa** overseeing 54 countries based in Nairobi, since March 2021 to date where she is responsible for driving business participation in Environmental Policy, specifically Climate Change, Circular Economy (World without Waste) and sustainable water use, working with governments and civil society. Additionally, the nominee is responsible for overseeing implementation of Health and Nutrition Policy, Stakeholder Management and responsible for ensuring Coca-Cola Africa retains and promotes an ethical brand that takes into consideration of consumer, communities and the environment.
- (3) THAT the nominee satisfies the requirements of Section 7(3) and (5) of the Climate Change Act (No. 11 of 2016).
- (4) THAT the nominee presented her academic credentials and professional certificates and demonstrated her experience in accordance with the provisions of Section 6(7) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011).
- (5) THAT the nominee satisfies the requirements of Chapter 6 of the Constitution on leadership and integrity.
- (6) THAT the nominee has never been charged in a court of law in the last three years.
- (7) THAT the nominee does not hold office in any political party hence satisfies the provisions of Article 77(2) of the Constitution
- (8) THAT the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (*conflict of interest*), 76 (*financial probity*), 77 (*restriction of State Officers*) and 78(2) (*dual citizenship*) of the Constitution.
- (9) THAT the nominee was nominated by the Kenya Private Sector Alliance and

procedure used to arrive at the nominee as provided for under section 7(2) (f) of the Climate Change Act, (No. 11 of 2016) was adhered to.

- (10) **THAT** by the deadline for submission of memoranda from members of the public, neither the Clerk of the National Assembly nor the Clerk of the Senate had received memorandum contesting the suitability of the nominee.
- (11) **THAT** the nominee demonstrated wealth of knowledge on topical issues, technical and administrative issues touching on the climate change and has the requisite abilities, qualifications and experience to serve as a member of the National Climate Change Council.

7.2 Mr. John Kioli Kalua

134. The Committee having considered the nominee's filled-in questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, 2011, curriculum vitae and oral submissions during the approval hearing, made the following observations on his suitability for appointment to the National Climate Change Council:

- (1) **THAT** the nominee holds a Masters of Environmental Studies (Climate Change and Sustainability) from Kenyatta University (2017) and a Bachelor of Education Arts degree from the Moi University (1996). The nominee sat for his Kenya Certificate of Primary Education (KCSE) from Nairobi Milimani Secondary in 1990 and Kenya Certificate of Primary Education (KCPE) at Kileleshwa Primary School in 1986.
- (2) **THAT** the nominee is an expert in leadership, management, policy advocacy and climate fields and is currently serving as Executive Director of the Green Africa Foundation in Kenya since January 2000. The nominee has served as the Chairman of the Kenya Climate Change Working Group from October 2009 to date, a group responsible for confronting the causes and effects of climate change.
- (3) **THAT** the nominee is a member of the Project Management Team of Learn in Kenya which is a multi-stakeholder collaboration led by the Climate Change Directorate under the Ministry of Environment, Climate Change and Forestry of Kenya, Food and Agriculture Organization (FAO) Kenya and the Kenya Climate Change Working Group since Jan 2020.
- (4) **THAT** the nominee has professional and policy experience whereby he has held positions such as supervisor in World Wildlife Fund (WWF) Funded project (2018 to date), project supervisor in a Strategic Partnership energy (SP-E) project funded by Dutch ministry of Foreign Affairs (2016 to date), Lead Coordinator at United States Agency for International Development (December 2016-2017) and Member of Technical Team in the Ministry of Environment, Water and Natural Resources among other. The Nominee is a Member of the Kenya Climate Change Working Group, Kenya Forest Working Group, Kenya Forest Society, National Climate Change Response strategy action plan, Kenya Bio-diesel Association among others.
- (5) **THAT** the nominee satisfies the requirements of Section 7(3) and (5) of the Climate Change Act (No. 11 of 2016).

- (6) THAT the nominee presented his academic credentials and professional certificates and demonstrated his experience in accordance with the provisions of Section 6(7) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011).
- (7) THAT the nominee satisfies the requirements of Chapter 6 of the Constitution on leadership and integrity.
- (8) THAT the nominee has never been charged in a Court of Law in the last three years.
- (9) THAT the nominee does not hold office in any political party hence satisfies the provisions of Article 77(2) of the Constitution.
- (10) THAT the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (*conflict of interest*), 76 (*financial probity*), 77 (*restriction of State Officers*) and 78(2) (*dual citizenship*) of the Constitution.
- (11) THAT the nominee was nominated by the Kenya Climate Change Working Group and procedure used to arrive at the nominee as provided for under Section 7 (2) (g) of the Climate Change Act, (No. 11 of 2016) was adhered to.
- (12) THAT by the deadline for submission of memoranda from members of the public, neither the Clerk of the National Assembly nor the Clerk of the Senate had received memorandum contesting the suitability of the nominee.
- (13) THAT the Clerks of the National Assembly and the Senate received submissions from Sustainable Environmental Development Watch, Diocese of Kitui and Sustainable Energy Access Forum Kenya (SEAF-K) signed by Mr. Nobert Ochieng Nyandire, Ms. Florence Mweni Ndeti and Mr. Brian Omenyi in support of the nominee's nomination as a member of the Council. The deponents noted that the nominee has been a true champion in the field of climate change and therefore fully support his nomination to the National Climate Change Council.
- (14) THAT the nominee demonstrated wealth of knowledge and experience on topical issues, technical and administrative issues touching on the climate change and has the requisite abilities, qualifications and experience to serve as a member of the National Climate Change Council.

7.3 Ms. Umra Omar

135. The Committee having considered the nominee's filled-in questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, 2011, curriculum vitae and oral submissions during the approval hearing, made the following observations on her suitability for appointment to the National Climate Change Council:

- (1) THAT the nominee holds a Masters of Arts (Social Justice: Intercultural Relations) from World Learning Institute, USA (2009); a Bachelor of Arts Degree (Neuroscience/Psychology) from Oberlin College, Ohio, USA (2006);

a Bachelor of Arts (Social Sciences) from University Buenos Aires, Argentina (2005), and an O' Level Certificate from Rusinga School, Nairobi (2000).

- (2) **THAT** the nominee is an expert in various areas which include Justice and Intercultural relations, governance, health, education, conservation and project management. She was a gubernatorial candidate in Lamu County (2022); a lecturer at Stony Brook University, New York (2020-2021) and a Founder and Executive Director of Pamoja Initiative (2017- to date).
- (3) **THAT** pursuant to Section 7(3) and (5) (c) of the Climate Change Act (No. 11 of 2016) the nominee was not able to demonstrate the required expertise and experience on matters climate change.
- (4) **THAT** the nominee presented her academic credentials and professional certificates and demonstrated her experience in accordance with the provisions of Section 6(7) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011).
- (5) **THAT** the nominee satisfies the requirements of Chapter 6 of the Constitution on leadership and integrity.
- (6) **THAT** the nominee has never been charged in a Court of Law in the last three years.
- (7) **THAT** the nominee at the time of the approval hearing was a member of Safina Party. She however was cleared by the Office of the Registrar of Political Parties pursuant to the provisions of Article 77(2) of the Constitution and subsequently submitted her clearance certificate to the Committees.
- (8) **THAT** the nominee had been cleared by DCI and HELB having obtained clearance certificates to that effect. However, the Committees through verification of documents presented by the nominee noted that the nominee's KRA clearance form expired on 9th February, 2023 even though KRA indicated that the nominee is tax compliant through their letter dated 1st March, 2023 to the Clerks of the National Assembly and the Senate. The Committees further noted that the nominee presented an outdated self-declaration form from EACC dated 12th May, 2022 that she indicated to have obtained while preparing her documents for submission to IEBC for clearance to run as a gubernatorial candidate. The nominee however obtained the updated clearance certificates and subsequently submitted her clearance certificates to the Committees.
- (9) **THAT** the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (*conflict of interest*), 76 (*financial probity*), 77 (*restriction of State Officers*) and 78(2) (*dual citizenship*) of the Constitution.
- (10) **THAT** the nominee was nominated in accordance with Section 7 (2) (h) of the Climate Change Act, (No. 11 of 2016).
- (11) **THAT** by the deadline for submission of memoranda from members of the public, neither the Clerk of the National Assembly nor the Clerk of the Senate had received memorandum contesting the suitability of the nominee.
- (12) **THAT** the nominee did not demonstrate knowledge of topical, technical, and administrative issues touching on the matters relating to indigenous knowledge pursuant to section 7(2)(h) of the Climate Change Act and

section 7 (c) of the Public Appointments (Parliamentary Approval) Act, 2011 during her approval hearing. Consequently, the nominee lacks the requisite abilities and experience to serve as a member of the National Climate Change Council.

- (13) THAT the nominee, from her general demeanour during the approval hearing coupled with unclear responses to the topical questions, appeared not to be adequately prepared and displayed a general lack of interest.

7.4 Prof. George Odera Outa

136. The Committee having considered the nominee's filled-in questionnaires pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, 2011, curriculum vitae and oral submissions during the approval hearing, made the following observations on his suitability for appointment to the National Climate Change Council:

- (1) THAT the nominee holds a PhD from University of the Witwatersrand, Johannesburg, South Africa (2003); a Masters of Laws (LLM) from University of California, Hastings College of the Law (2014); a Bachelors of Laws (Hons.) from University of London (2008); a Masters of Arts in Literature from University of Nairobi (1989) and a Bachelor of Arts where he was overall best graduating student in the Department of Literature.
- (2) THAT the nominee is an associate Professor (Interdisciplinary Studies) in the Faculty of Social Sciences and Technology at the Technical University of Kenya (since 2021). In 2003, the nominee was appointed Assistant Professor by the United States International University (USIU-Africa). Between 1988-1992 the nominee served as a lecturer in Department of Linguistics and Literature at College of Education in University of Nairobi. The nominee has taught numerous courses including: Domestication of International Treaties and Agreements, International Environmental Law, Climate Change Governance and Policy Communication (Institute of Climate Change and Adaptation).
- (3) THAT the nominee has held numerous positions in the public (national and international) and private sectors, among them—
 - i. **Communications and External Relations Advisor (UNDP Recruitment Modality)**, Ministry of Foreign Affairs, Government of Kenya (2019).
 - ii. **Communications and External Relations Advisor (UNDP Recruitment Modality)**, Ministry of Foreign Affairs and International Trade (April-September 2016).
 - iii. **Associate Director** at Africa Practice East Africa Ltd, responsible for the UN-supported Information Support Team (IST) to AMISOM.
 - iv. **Communications and Policy Adviser**, Office of the Prime Minister of Kenya (September 2009-December 2012).

- v. **Information and Communications Adviser at DANIDA** (Denmark's development cooperation)/ Ministry of Trade and Industry (October 2007-June 2009).
- vi. **Research and Communications Adviser at Ministry of Planning and National Development** (August 2003-September 2007) Team in the Ministry of Environment, Water and Natural Resources among other.
- (4) **THAT** the nominee has numerous academic publications since 1986 to date on thematic areas such as; science, research and innovation for harnessing blue economy; international environmental law; African literature; governance issues in East Africa; power and politics in post-colonial Kenya.
- (5) **THAT** the nominee satisfies the requirements of section 7(3) and (5) of the Climate Change Act (No. 11 of 2016).
- (6) **THAT** the nominee presented his academic credentials and professional certificates and demonstrated his experience in accordance with the provisions of section 6(7) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011).
- (7) **THAT** the nominee satisfies the requirements of Chapter 6 of the Constitution on leadership and integrity.
- (8) **THAT** the nominee has never been charged in a Court of Law in the last three years.
- (9) **THAT** the nominee does not hold office in any political party and hence satisfies the provisions of Article 77(2) of the Constitution.
- (10) **THAT** the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (*conflict of interest*), 76 (*financial probity*), 77 (*restriction of State Officers*), and 78(2) (*dual citizenship*) of the Constitution.
- (11) **THAT** the nominee was nominated by the Commission for University Education and the procedure used to arrive at the nominee as provided for under Section 7(2) (i) of the Climate Change Act, (No. 11 of 2016) was adhered to.
- (12) **THAT** by the deadline for submission of memoranda from members of the public, neither the Clerk of the National Assembly nor the Clerk of the Senate had received memorandum contesting the suitability of the nominee.
- (13) **THAT** the nominee demonstrated a wealth of knowledge and experience on topical issues, and technical and administrative issues touching on climate change and has the requisite abilities, qualifications, and experience to serve as a member of the National Climate Change Council.

CHAPTER EIGHT

8.0 COMMITTEES RECOMMENDATION

137. Having considered the suitability, capacity, and integrity of the nominees, and pursuant to Article 132(2)(f) of the Constitution, Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011) and Standing Order 216(5)(f) of the National Assembly and the Senate Standing Order 228 (4)(f), the Committees recommends that Parliament:

1. Approves the nomination of Ms. Emily Mwende Waita for appointment as Member of the National Climate Change Council by His Excellency the President of the Republic of Kenya;
2. Approves the nomination of Mr. John Kioli Kalua for appointment as Member of the National Climate Change Council by His Excellency the President of the Republic of Kenya;
3. Approves the nomination of Prof. George Odera Outa for appointment as Member of the National Climate Change Council by His Excellency the President of the Republic of Kenya;

138. Further, pursuant to Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), Section 7 of the Climate Change Act and Standing Order 216(5)(f) of the National Assembly and the Senate Standing Order 228(4)(f), the Committees recommend that Parliament rejects the nomination of Ms. Umra Omar for appointment as a member of the National Climate Change Council by His Excellency the President of the Republic of Kenya.

Signed: _____

Hon. David Gikaria, MP
Chairperson, National Assembly
Departmental Committee on
Environment, Forestry and Mining

Signed: _____

Sen. John Methu, MP,
Chairperson, Senate Standing
Committee on Land, Environment and
Natural Resources

Date: 14/3/2023

THE NATIONAL ASSEMBLY
PAPERS LAID

DATE: 14 MAR 2023

DAY.

TABLED
BY:

CLERK-AT
THE-TABLE:

Date: 14/3/23



REPUBLIC OF KENYA
THE PARLIAMENT OF KENYA





THIRTEENTH PARLIAMENT – SECOND SESSION, 2023

THE NATIONAL ASSEMBLY DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY AND MINING AND THE SENATE
STANDING COMMITTEE ON LANDS, ENVIRONMENT AND NATURAL RESOURCES

ADOPTION OF THE REPORT ON THE APPROVAL HEARING FOR THE NOMINEES FOR APPOINTMENT TO THE NATIONAL
CLIMATE CHANGE COUNCIL

I, the undersigned Honorable Members of the National Assembly Departmental Committee on Environment, Forestry and Mining and Senate Standing Committee on Land, Environment and Natural Resources today Tuesday, 14th March 2023 do hereby affix our signatures to this Report on approval hearing for the Nominees for Appointment to the National Climate Change Council to affirm our approval and confirm their accuracy, validity and authenticity: -

NO.	NATIONAL ASSEMBLY		SENATE	
	NAME	SIGNATURE	NAME	SIGNATURE
1.	The Hon. Gikaria David, MP - Chairperson		Sen. John Muhia Methu, MP	
2.	The Hon. Charles Kamuren, MP - Vice-Chairperson		Sen. (Dr.) Steve Lelegwe Ltumbesi, MP	
3.	The Hon. Mbalu Jessica Nduku Kiko, CBS, MP.		Sen. William Cheptumo Kipturor, CBS, MP	
4.	The Hon. Hiribae Said Buyu, MP.		Sen. Johnes Mwashushe Mwaruma, MP	
5.	The Hon. Mwanyanje Gertrude Mbeyu, MP.		Sen. Issa Juma Boy, MP	
6.	The Hon. Salim Feisal Bader, MP.		Sen. Agnes Kavindu Muthama, MP	
7.	The Hon. Emathe Joseph Namuer, MP.		Sen. Wamatinga Wahome, MP	
8.	The Hon. Joseph Wainaina Iraya, MP.		Sen. Mariam Sheikh Omar, MP	
9.	The Hon. Kemei Beatrice Chepengeno, MP.		Sen. Beatrice Akinyi Ogola, MP	

10.	The Hon. Kururia Elijah Njore Njoroge, MP.			
11.	The Hon. Masito Fatuma Hamisi, MP.			
12.	The Hon. Mohamed Tubi Bidu, MP.			
13.	The Hon. Nguro Onesmus Ngogoyo, MP.			
14.	The Hon. Yakub Adow Kuno, MP.			
15.	The Hon. Titus Lotee, MP.	