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**NATIONAL ASSEMBLY**

**NINTH PARLIAMENT – SECOND SESSION**

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**THE DEPARTMENTAL COMMITTEE ON THE  
ADMINISTRATION OF JUSTICE AND LEGAL  
AFFAIRS**

**REPORT ON**

**DELIBERATIONS ON THE NOMINATION  
OF THE KENYA ANTICORRUPTION  
ADVISORY BOARD**

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**PARLIAMENT BUILDINGS  
NAIROBI**

**JULY, 2003**

## **PREFACE**

### **Introductory remarks:**

**Mr. Speaker Sir,** the Departmental Committee on The Administration of Justice and Legal Affairs is established under Standing Order No.151. This Committee is charged with the mandate of Constitutional affairs and the administration of law and justice among others. Its functions as provided in Standing Order No.151 (4) are:

- (a) to investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- (b) to study the programme and policy objectives of the Ministries and departments and the effectiveness of the implementation;
- (c) to study and review all legislation after First Reading, subject to the exemptions under Standing Order 101 A (4);
- (d) to study, assess, and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with its objectives;
- (e) to investigate and inquire into all matters relating to the assigned Ministries and departments as they may be deemed necessary, and as may be referred to them by the House or a Minister; and
- (f) to make reports and recommendations to the House as often as possible, including recommendations of proposed legislation.

The following are the Members of the Committee: -

The Hon. Paul K. Muite, M.P – **Chairman**  
The Hon. Amina Abdalla, MP  
The Hon Mirugi Kariuki MP  
The Hon. Kenneth Marende MP  
The Hon. David Were, M.P  
The Hon. Jim Choge, M.P.  
The Hon. Peter Owidi, M.P.  
The Hon Cecily Mbarire, M.P.  
The Hon. Moses Cheboi, M.P.  
The Hon. Gideon Ndambuki, M.P.  
The Hon. Enock Kibunguchy, M.P.

### **Provisions of the Act**

**Mr. Speaker Sir,** the Anti-Corruption and Economic Crimes Act, 2003 became effective from May 02, 2003. The Act provides for the establishment of an Anti-Corruption Advisory Board in Section 16. The nominating bodies are named in Section 16 (2)(a) as the Law Society of Kenya; the Institute of Certified Public Accountants of Kenya; the International Federation of Women Lawyers (FIDA) Kenya Chapter; the Kenya Association of Manufacturers; the joint Forum of Religious Organizations; the Federation of Kenya Employers; the Kenya Bankers Associations; the Central Organization of Trade Unions; the Association of Professional Societies in East Africa; the Architectural Association of Kenya; and the Kenya Medical Association of Kenya.

## **Process of nominating the Board**

**Mr. Speaker Sir**, the process of nominating the Anti-corruption Advisory Board is provided in the Second Schedule of the Act, which provides as follows:

**Paragraph 1 (2) The nominating body shall submit the names of two nominees to the Minister.**

**(3) The Minister shall submit the names of the nominees to the National Assembly for approval within seven Sitting days after receiving them.**

**(4) The National Assembly shall, within fourteen days after it first meets after receiving the names of the nominees-**

**(a) Consider the nominees and either approve one of the nominees or reject both of them; and**

**(b) Notify the Minister as to its approval or rejection under subparagraph (a)**

**(5) If the National Assembly approves a nominee, the Minister shall, within fourteen days after receiving the notification of the National Assembly, forward the name of the nominee to the President and the President shall, within fourteen days after receiving the name, appoint the nominee as a member of the Advisory Board.**

**(6) If the National Assembly rejects both nominees submitted by the nominating body, the Minister shall within fourteen days after receiving the notification of the National Assembly request the nominating body to submit a new nominee to the Minister....."**

## **Ministerial Statement**

**Mr. Speaker Sir,** On June 11,2003, the Minister for Justice and Constitutional Affairs gave a Ministerial statement before the House tabling two names nominated by each nominating body. The Speaker ordered the list to be referred to the Departmental Committee on Administration of Justice and Legal Affairs. The Speaker gave the effective date of the referral to the Committee as Monday, June16, 2003.The Committee deliberated on this issue in Monday, June16, 2003 as directed by the Speaker.

**Mr. Speaker Sir,** the names referred to the Committee by the House and the nominating bodies were as follows:

### **The Law Society of Kenya**

- (i) Mr. Ahmed Nassir Maalim Abdulahi
- (ii) Mr. Mohamed Nyaoga

### **The Institute of Certified Public Accountants of Kenya**

- (i) Mr. Richard Boro Ndung'u
- (ii) Mr. Joseph Wamae Wangai

### **Federation of Women Lawyers (FIDA)**

- (i) Fatuma Sichale
- (ii) Ms. Florence Jaoko

### **Federation of Kenya Employers**

- (i) Mr. Tom Owuor
- (ii) Mr. Walter Mukuria

### **Central Organization of Trade Unions**

- (i) Mr. Francis Atwoli
- (ii) Mr. George Muchai

### **Association of Professional Societies of East Africa**

- (i) Mr. Sylvester Charles Murumba Wafula
- (ii) Mr. Baldip Singh Lihal.

### **Architectural Association of Kenya**

- (i) Mr. Francis Kairó Mbashia
- (ii) Mr. Julius Kibwadi

### **Institute of Engineers of Kenya**

- (i) Eng. D.W. Njora
- (ii) Prof. A. V. Otieno

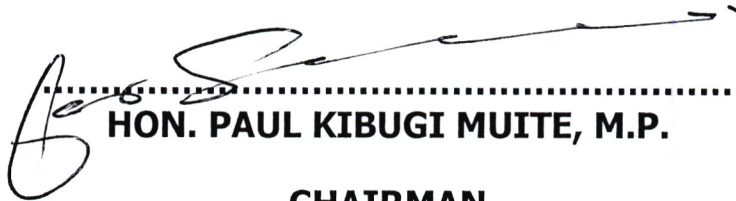
### **Kenya Medical Association**

- (i) Dr. James Nyikal
- (ii) Dr. Samuel K. Ndege

**RECOMMENDATIONS BY THE COMMITTEE**

**Mr. Speaker Sir**, the nominating bodies neglected the provisions of paragraph 1(7) (b) of the Second Schedule that the nominating bodies will consider the importance of representing Kenya's diversity, on the Advisory Board. This to the Committee means taking in consideration issues of gender, regional balance and opening up to none officials of the nominating bodies. Given this omission on the part of the nominating bodies, the Committee recommends to the House that the names be rejected.

Signed: .....



**HON. PAUL KIBUGI MUIITE, M.P.**

**CHAIRMAN  
DEPARTMENTAL COMMITTEE ON ADMINISTRATION OF  
JUSTICE AND LEGAL AFFAIRS**

Date: .....

*24<sup>th</sup> day of July 2003*



**MINUTES OF THE SEVENTEENTH SITTING OF THE DEPARTMENTAL  
COMMITTEE ON ADMINISTRATION OF JUSTICE AND LEGAL AFFAIRS  
HELD IN THE MAIN CONFERENCE HALL, PARLIAMENT BUILDINGS  
ON MONDAY, JUNE 16, 2003 AT 8.30**

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**PRESENT:**

The Hon. Paul K. Muite, MP. - **Chairman**  
 The Hon. Jim Choge, M.P.  
 The Hon. Moses Cheboi, M.P.  
 The Hon. Gideon Ndambuki, M.P.  
 The Hon. Enock W. Kibunguchy, M.P.  
 The Hon. Cecily Mbarire, M.P.  
 The Hon. Mirugi Kariuki, M.P.  
 The Hon. Peter O. Owidi, M.P.  
 The Hon. Kenneth Marende, M.P.  
 The Hon. Amina Abdalla, M.P.

**ABSENT WITH APOLOGY**

The Hon. David Were, M.P.

**IN ATTENDANCE:**                      **NATIONAL ASSEMBLY**

Mr. David K. Ziah - Clerk Assistant I

**MIN. 49/2003:**                      **DELIBERATIONS ON THE NOMINATION OF  
COMMISSIONERS FOR THE KENYA  
NATIONAL HUMAN RIGHTS COMMISSION**

The Committee concluded the remaining interviews and the results were as follows:

<b>CATEGORY</b>	<b>NAME</b>	<b>AVERAGE POINTS</b>
Eastern Province	Kagwira Mbogori	12
Eastern Province	John Munuve	13.3
North Eastern Province	Abdikadir Mohamed	14.3
Nyanza Province	Odhambo Okello	4.9
Nyanza Province	Dr. Pamela Okola	9.6
Special	Catherine Mumma	15.5
Central Province	Wahu Kaara	15.3
Special	Wambui Kimathi	15.2
Central Province	Francis Apollos	9.2
Special	Maurice Onduru	14.7
Special (Visually Handicapped)	Lawrence Mute	14.6
Nairobi Province	Maina Kiai	17.1
	Praxedes C. Tororey	7.8
	Prof. Kamuti	7.3

the end of the interviews the Committee requested the Secretariat to compute the results and arrange them per province and category for easy reference. It was also agreed that one applicant be selected for each province; 4 applicants will be selected from the special category to make a total of twelve.

**MINUTE NO.51/2003: ANY OTHER BUSSINESS**

The Committee considered the list of names of nominees to the Kenya Anti-corruption Advisory Board referred to it by the House on Wednesday, June 11,2003 and rejected it with reasons that the nominating bodies had failed to be gender sensitive while doing the nomination. The Minister for justice and Constitutional Affairs was to be notified as per the requirement of the Anti-corruption and Economic Crimes Act,2003

**MINUTE NO.52/2003: DATE OF NEXT SITTING**

The Committee scheduled a Sitting for Friday, June 20,2003 at 9.am.

**MINUTE NO:53/2003: ADJOURNMENT**

The Chairman adjourned the Sitting at 1.15 p.m.

*SIGNED*

CONFIRMED.....  
(Chairman)

*1<sup>ST</sup> JULY, 2003*

DATE: .....