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THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT - THIRD SESSION (2025)


COMMITTEE ON APPOINTMENTS

FOURTH REPORT

APPROVAL HEARINGS OF NOMINEES FOR APPOINTMENT AS
CABINET SECRETARIES

JANUARY 2025

THE NATIONAL ASSEMBLY
PARLIAMENT BUILDINGS
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CLERK AT THE TABLE:	A. Shibusko

Fourth Report of the Committee on Appointments on the Approval Hearings of Nominees for Appointment as Cabinet Secretaries

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LIST OF ABBREVIATIONS AND ACRONYMS

AI	Artificial Intelligence
CBS	Chief of the Order of the Burning Spear
COMESA	Common Market for Eastern and Southern Africa
CS	Cabinet Secretary
CUE	Commission for University Education
DCI	Directorate of Criminal Investigations
EAC	East African Community
EACC	Ethics and Anti-Corruption Commission
EBS	Elder of the Order of the Burning Spear
EGH	Elder of the Order of the Golden Heart
H.E.	His Excellency
HELB	Higher Education Loans Board
Hons	Honours
ICT	Information Communication and Technology
KBC	Kenya Broadcasting Corporation
KRA	Kenya Revenue Authority
MP	Member of Parliament
ODPP	Office of the Director of Public Prosecutions
OGW	Order of the Grand Warrior
ORPP	Office of the Registrar of Political Parties
Rt.	Right

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CHAIRPERSON'S FOREWORD

The Report contains a record of proceedings of the Committee on Appointments during the approval hearings of persons nominated for appointment as Cabinet Secretaries for Agriculture and Livestock Development; Investments, Trade and Industry; and Information, Communication and the Digital Economy.

Pursuant to Standing Order 42(2), which requires that, whenever a Message is received from the President at a time when the House is not in Session, the Speaker shall forthwith cause the Message to be transmitted to every Member and shall report the Message to the House when it next sits; the Rt. Honourable Speaker vide Notification No. 007 of 2024 issued on 20th December 2024, conveyed to the House the Message from His Excellency the President nominating **Hon. Mutahi Kagwe, EGH** for appointment as Cabinet Secretary for Agriculture and Livestock Development; **Hon. Lee Kinyanjui** for appointment as Cabinet Secretary for Investments, Trade and Industry; and **Hon. William Kabogo** for appointment as Cabinet Secretary for Information, Communication and the Digital Economy.

The Rt. Honourable Speaker subsequently referred the curricula vitae of the nominees to the Committee on Appointments for approval hearings in accordance with section 6 of the Public Appointments (Parliamentary Approval) Act and Standing Order 204(4) of the National Assembly Standing Orders. The Rt. Honourable Speaker directed the Committee to undertake approval hearings and table its report by close of business on 15th January, 2025. The Rt. Honourable Speaker further directed the Clerk of the National Assembly to notify the nominees and the general public of the time and place of holding of the approval hearings.

Pursuant to Article 118 of the Constitution, section 6(3) and (4) of the Public Appointments (Parliamentary Approval) Act and Standing Order 45(3) of the National Assembly Standing Orders, the Clerk of the National Assembly notified the nominees and placed an advertisement in the print media on 24th December, 2024 informing the nominees and the general public that

the Committee on Appointments would conduct the approval hearings on 14th January, 2025 in the Mini-Chamber, County Hall, Parliament Buildings. Additionally, and pursuant to section 6(9) of the Public Appointments (Parliamentary Approval) Act, the Clerk of the National Assembly placed advertisements in the print media on 24th December, 2024 inviting the public to submit memoranda by way of written statements on oath (affidavit) on the suitability of each of the nominees. The advertisement indicated that the submissions were to be received by 3rd January, 2025 at 5.00 pm. By close of the submission deadline, the Committee had received **a total of sixteen (16) memoranda** from the public. Out of the total memoranda received, **one (1) was hand delivered while fifteen (15) were submitted via email**. Of these, only **two (2) memoranda complied** with section 6(9) of the Public Appointments (Parliamentary Approval) Act. **Fourteen (14) memoranda** comprised either written statements on oath that were not sworn by the deponents or memoranda supporting the nominees and hence inadmissible in the approval hearings. The detailed analysis of the memoranda is contained in Chapter Three of this Report.

Further, the Clerk of the National Assembly vide letters dated 24th December, 2024, wrote to the Commission for University Education (CUE), Directorate of Criminal Investigations (DCI), Higher Education Loans Board (HELB), Kenya Revenue Authority (KRA), Office of the Director of Public Prosecutions (ODPP), Office of the Registrar of Political Parties (ORPP), and vide a letter dated 27th December, 2024 to the Ethics and Anti-Corruption Commission (EACC), seeking references and background checks relating to the suitability of the nominees.

The nominees appeared before the Committee on 14th January, 2025, as scheduled, and the Committee examined their suitability based on the criteria set out in section 7 of the Public Appointments (Parliamentary Approval) Act. The Committee considered the constitutional and statutory requirements relating to the offices in question and the suitability of the nominees for the proposed appointments having regard to whether the nominees' abilities, experience and qualities met the needs of the Ministry in question. Furthermore, the Committee examined the nominees' academic credentials, relevant professional training and experience,

knowledge of sector issues and personal integrity in accordance with section 6(7) and (8) of the Public Appointments (Parliamentary Approval) Act.

Pursuant to sections 6(7), 6(8) and 7 of the Public Appointments (Parliamentary Approval) Act, the Committee observed that the nominees demonstrated knowledge of topical, administrative and technical issues touching on the portfolios to which they had been nominated and have the requisite abilities, academic qualifications and professional experience to be approved for appointment as Cabinet Secretaries.

Having conducted the approval hearings for the nominees pursuant to Article 152(2) of the Constitution, sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act and Standing Order 204(4) of the National Assembly Standing Orders, the Committee recommends that the House approves the appointment of **Hon. Mutahi Kagwe, EGH** as Cabinet Secretary for Agriculture and Livestock Development; **Hon. Lee Kinyanjui** as Cabinet Secretary for Investments, Trade and Industry; and **Hon. William Kabogo** as Cabinet Secretary for Information, Communication and the Digital Economy.

May I take this opportunity to acknowledge the Honourable Members of the Committee for devotedly participating in the approval hearings and making important contributions towards the preparation of this report. The Committee also wishes to thank the Offices of the Speaker and of the Clerk of the National Assembly for the technical support accorded to it during the exercise.

The Committee extends its appreciation to the nominees for their cooperation during the parliamentary approval process. The Committee also appreciates the CUE, DCI, HELB, KRA, ODPP, ORPP, and EACC for providing references and background checks relating to the suitability of the nominees. The Committee acknowledges the members of the public who actively participated in the vetting process, followed the proceedings through various media outlets and shared thoughtful comments that enriched the vetting process.

On behalf of the Committee on Appointments and pursuant to Article 124(4)(b) of the Constitution, section 8(1) of the Public Appointments (Parliamentary Approval) Act and the provisions of Standing Order 199(6) of the National Assembly Standing Orders, it is now my duty and privilege to present to the House the Report of the Committee on Appointments on the Approval Hearings of the nominees for appointment as **Cabinet Secretaries for Agriculture and Livestock Development; Investments, Trade and Industry; and Information, Communication and the Digital Economy.**

Rt. Hon. (Dr.) Moses M. Wetang'ula, EGH, MP
Speaker of the National Assembly/Chairperson, Committee on Appointments

CHAPTER ONE

1. PREFACE

1.1 Establishment and Mandate of the Committee

1. Article 124(4)(a) of the Constitution provides that when a House of Parliament considers any appointment for which its approval is required under the Constitution or an Act of Parliament, the appointment shall be considered by a Committee of the relevant House.
2. The Committee on Appointments is established under Standing Order 204(1) of the National Assembly Standing Orders. Standing Order 204(4) provides that the *Committee on Appointments shall consider, for approval by the House, appointments under Article 152(2) of the Constitution (Cabinet Secretaries)*.

1.2 Committee Membership

3. The Committee on Appointments was constituted by the House on 12th October, 2022 and comprises of the following Members—

- | | | |
|--|---|---|
| (1) Rt. Hon. (Dr.) Moses Wetang'ula, EGH, MP | - | Speaker of the National Assembly/Chairperson |
| (2) Hon. Gladys J. Boss, MGH, MP | - | Deputy Speaker |
| (3) Hon. Kimani Ichung'wah, EGH, MP | - | Leader of the Majority Party |
| (4) Hon. Junet Mohamed, EGH, MP | - | Leader of the Minority Party |
| (5) Hon. Owen Baya, CBS MP | - | Deputy Leader of the Majority Party |
| (6) Hon. Robert Mbui, CBS MP | - | Deputy Leader of the Minority Party |
| (7) Hon. Mishi Mboko, CBS, MP | | |
| (8) Hon. Abdul Rahim Dawood, MP | | |
| (9) Hon. David Gikaria, MP | | |
| (10) Hon. David Pkosing, CBS, MP | | |
| (11) Hon. Dido Ali Raso, MP | | |
| (12) Hon. Ferdinand Wanyonyi, MP | | |

- (13) Hon. Stephen Mule, MP
- (14) Hon. Naisula Lesuuda, MP
- (15) Hon. Mary Emaase, MP
- (16) Hon. Abdi Shurie, CBS, MP
- (17) Hon. Caleb Amisi, MP
- (18) Hon. George Gitonga Murugara, CBS, MP
- (19) Hon. Nelson Koech, CBS, MP
- (20) Hon. Rahab Wachira Mukami, MP

1.3 Committee Secretariat

4. The Committee was supported in the execution of its mandate by a Secretariat comprised of–

(1) Mr. Nicholas Emejen	Deputy Director, Committees Services
(2) Mr. Michael Karuru	Deputy Director, Legal Services
(3) Mr. Stephen Mutungi	Deputy Director, Hansard & Audio Services
(4) Ms. Leah Mwaura	Principal Clerk Assistant II
(5) Dr. Andrew Shangirai	Principal Serjeant-at-Arms
(6) Mr. Ronald Walala	Senior Legal Counsel
(7) Ms. Jemimah Waigwa	Senior Legal Counsel
(8) Ms. Fiona Musili	Research Officer I
(9) Ms. Esther Nginyo	Clerk Assistant I
(10) Ms. Angeline Naserian	Clerk Assistant I
(11) Mr. Andrew Kipchumba	Clerk Assistant III
(12) Mr. Letaya Morintat	Clerk Assistant III
(13) Ms. Kathleen Nanzala	Clerk Assistant III
(14) Mr. Moses Mwariri	Legal Counsel
(15) Ms. Mercy Kinyua	Legal Counsel
(16) Ms. Judy Kanyoko	Legal Counsel
(17) Ms. Vivienne Ogega	Research Officer III
(18) Ms. Grace Maneno	Research Officer III
(19) Mr. John Ng'ang'a	Audio Officer
(20) Ms. Faith Makena	Serjeant-At-Arms

CHAPTER TWO

2. BACKGROUND

2.1 Legal Framework

5. Article 152(1) and (2) of the Constitution provides for the appointment of Cabinet Secretaries. It stipulates that—

“(1) The Cabinet consists of—

(a) the President;

(b) the Deputy President;

(c) the Attorney-General; and

(d) not fewer than fourteen and not more than twenty-two Cabinet Secretaries.

(2) The President shall nominate and, with the approval of the National Assembly, appoint Cabinet Secretaries.

6. The Committee was guided by the following provisions of the Constitution and statutes in executing its mandate —

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

(ii) Article 73 of the Constitution on responsibilities of leadership;

(iii) Article 75 of the Constitution on conduct of State Officers;

(iv) Article 77 of the Constitution on restriction on activities of State Officers;

(v) Article 78 of the Constitution on dual citizenship;

(vi) Chapter Six of the Constitution on Leadership and Integrity;

(vii) Article 118 of the Constitution on public participation;

(viii) Article 124(4) of the Constitution on consideration of persons for appointment to public office;

(ix) Article 232 of the Constitution on values and principles of public service;

(x) The Public Appointments (Parliamentary Approval) Act, Cap 7F;

(xi) The Ethics and Anti-Corruption Commission Act, Cap 7H;

(xii) The Public Officer Ethics Act, Cap. 185B; and

(xiii) The Leadership and Integrity Act, Cap. 185C.

2.2 Notification of Nominations

7. Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act stipulate as follows—

"3. Exercise of powers of appointment

An appointment under the Constitution or any other law for which the approval of Parliament is required shall not be made unless the appointment is approved or deemed to have been approved by Parliament in accordance with this Act.

5. Notification of nomination

(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)."

8. Pursuant to Article 152(2) of the Constitution as read with sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, H.E the President, through the Head of Public Service, forwarded to the Speaker of the National Assembly a letter dated 19th December, 2024 (*Annexure 1*) forwarding the names and *curricula vitae* of **Hon. Mutahi Kagwe, EGH** for appointment as Cabinet Secretary for Agriculture and Livestock Development; **Hon. Lee Kinyanjui** for appointment as Cabinet Secretary for Investments, Trade and Industry; and **Hon. William Kabogo** for appointment as Cabinet Secretary for Information, Communication and the Digital Economy.

2.3 Notification to the House and Referral to the Committee on Appointments

9. Pursuant to the provisions of Standing Order 42(1) of the National Assembly Standing Orders, the Speaker, vide a Notification No. 007 of 2024 dated 20th December, 2024 (*Annexure 2*), conveyed to the House the President's Message on the nomination of **Hon. Mutahi Kagwe, EGH** for appointment as Cabinet Secretary for Agriculture and Livestock Development, **Hon. Lee Kinyanjui** for appointment as Cabinet Secretary for Investments, Trade and Industry, and **Hon. William Kabogo** for appointment as Cabinet Secretary for Information, Communication and the Digital Economy.

10. Pursuant to section 8(1) of the Public Appointments (Parliamentary Approval) Act and Standing Order 204 of the National Assembly Standing Orders, the names and *curricula vitae* of the nominees were referred to the Committee on Appointments for approval hearings and reporting to the House by close of business on 15th January, 2025.

2.4 Notification to the Public

11. Article 118 of the Constitution provides that Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees.

12. Section 6(4) of the Public Appointments (Parliamentary Approval) Act provides that the Clerk shall notify the public of the time and place for holding an approval hearing at least seven (7) days prior to the hearing. Consequently, and in accordance with Article 118 of the Constitution, section 6(4) of the Public Appointments (Parliamentary Approval) Act and Standing Order 45(3) of the National Assembly Standing Orders, the Clerk of the National Assembly placed an advertisement in the print media and Parliament Website on 24th December, 2024 (*Annexure 3*) notifying the public that the approval hearings of the nominees would be conducted on 14th January, 2025 at the Mini Chamber, 1st Floor, County Hall, Parliament Buildings and invitation to submit memoranda.

2.5 Notification to the Nominees

13. The Clerk of the National Assembly vide letters dated 24th December, 2024 (*Annexure 4*) invited the nominees for the approval hearings in accordance with section 6(3) of the Public Appointments (Parliamentary Approval) Act.

2.6 Clearance and Compliance Requirements

14. The Clerk of the National Assembly vide letters dated 24th December, 2024, wrote to the Commission for University Education (CUE), Directorate of Criminal Investigations (DCI), Higher Education Loans (HELB), Kenya Revenue Authority (KRA), Office of the Director of Public Prosecutions (ODPP), Office of the Registrar of Political Parties (ORPP), and vide a letter dated 27th December 2024 to the Ethics and Anti-Corruption Commission (EACC), (*Annexure 5*) requesting for reports with respect to the nominees on the following matters—
- (a) CUE on recognition and equation of academic credentials;
 - (b) DCI on criminal records;
 - (c) HELB on higher education loan repayments;
 - (d) KRA on tax compliance;
 - (e) ODPP on criminal proceedings;
 - (f) ORPP on membership to political parties; and
 - (g) EACC on ethics and integrity.
15. Relating to recognition and equation of the nominees' academic credentials, the CUE vide a letter dated 6th January, 2025 confirmed that—
- (a) the University of Nairobi which awarded the Bachelor of Commerce (Business Administration Option) to Mutahi Kagwe is a duly accredited public university in Kenya. Further, the degree programme has been duly accredited by CUE and is therefore duly recognized in Kenya. Additionally, the United States International University which awarded the Master of Business Administration qualification to the nominee is a duly accredited private university in Kenya and that the degree programme is duly accredited by CUE and is therefore duly recognized in Kenya; and
 - (b) Kenyatta University which awarded the Bachelor of Education (Arts) Degree to Lee Kinyanjui is a duly accredited public university in Kenya and that the qualification is also duly accredited by CUE and is therefore recognized in Kenya.
16. The Commission vide a letter dated 13th January, 2025 confirmed that Panjab University which awarded the Bachelor of Commerce qualification to William Kabogo is an accredited public university in India and that the qualifications awarded by the institution are recognised in India and by convention in Kenya.

17. Regarding criminal records, the DCI vide a letter dated 2nd January, 2025 responded and advised that forensic fingerprint analysis for the three (3) nominees had been conducted and that the criminal database had not revealed any previous record.
18. In relation to higher education loan repayments, HELB responded vide a letter dated 7th January, 2025, and stated that Hon. Mutahi Kagwe, EGH and Hon. Lee Kinyanjui had cleared their higher education loans in 2012 and 2017, respectively, and that Hon. William Kabogo had not been a beneficiary of the higher education loan.
19. With regard to the request for the tax compliance status of the nominees, KRA vide a letter dated 3rd January, 2025 responded and stated that the three (3) nominees were tax compliant.
20. On matters of criminal proceedings, the ODPP vide a letter dated 7th January, 2025, responded and stated that the ODPP had not received any adverse report, instituted or undertaken criminal investigations regarding the conduct, character, work or any other dealings whatsoever touching on the integrity or otherwise of the three (3) nominees.
21. On whether the nominees hold offices in political parties, the ORPP vide a letter dated 2nd January, 2025, responded and stated that pursuant to Article 77(2) of the Constitution and according to the records held by the Office as at 2nd January, 2025, the three (3) nominees were not officials of any registered political party in Kenya.
22. On matters of ethics and integrity, the EACC vide a letter dated 7th January, 2025, responded and stated that the Commission had not undertaken any investigation or recommended prosecution pursuant to its mandate against the three (3) nominees.

2.7 Criteria for Consideration during the Approval Hearings

23. Section 6(7) and (8) of the Public Appointments (Parliamentary Approval) Act provides that—

"(7) An approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background.

(8) The criteria specified in the Schedule shall be used by a Committee during an approval hearing for the purposes of vetting a candidate."

24. Additionally, section 7 of the Act provides that 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.*

25. While conducting the approval hearings, the Committee was guided by the provisions of sections 6(7), 6(8) and 7 of the Public Appointments (Parliamentary Approval) Act.

2.7.1 Nomination

26. Article 152(2) of the Constitution confers upon H.E. the President the power to appoint Cabinet Secretaries.

27. Section 5(1) of the Public Appointments (Parliamentary Approval) Act further requires the appointing authority, upon nominating a person for appointment, to notify the relevant House of Parliament.

28. To this end, H.E. the President notified the National Assembly of the nomination of Hon. Mutahi Kagwe, EGH for appointment as Cabinet Secretary for Agriculture and Livestock Development; Hon. Lee Kinyanjui for appointment as Cabinet Secretary for Investments, Trade and Industry; and Hon. William Kabogo for appointment as Cabinet Secretary for Information, Communication and the Digital Economy.

2.7.2 Constitutional and Statutory Requirements

29. The Committee was guided by the following provisions of law on the requirements for appointment to the State offices—

(i) Two-Thirds Gender Rule

30. Article 27(8) of the Constitution provides that the State shall take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender.

(ii) Representation of Regional and Ethnic Diversity

31. Article 130(2) of the Constitution provides that the composition of the national executive shall reflect the regional and ethnic diversity of the people of Kenya.

(iii) Leadership and Integrity

32. The Committee, in determining the suitability of the nominees, was guided by the provisions on leadership and integrity as outlined under Chapter Six of the Constitution. In particular, Article 73(2) of the Constitution 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, favouritism, other improper motives or corrupt practices;

(c) selfless service based solely on the public interest, demonstrated by

—

(i) honesty in the execution of public duties; and

(ii) the declaration of any personal interest that may conflict with public duties.

(d) accountability to the public for decisions and actions; and

(e) discipline and commitment in service to the people.

33. Article 75 of the Constitution requires a State Officer, whether in public or private life, to behave in a manner that avoids conflict between personal interest and public official duties. This Article further prohibits a State officer who has been removed from office under it from holding any other State office.

34. Article 77(1) of the Constitution prohibits a full time State officer from participating in any other gainful employment.

35. Article 77(2) of the Constitution prohibits an appointed State officer from holding office in a political party.

36. Article 78 of the Constitution disqualifies persons who are not Kenyan Citizens from appointment as State Officers. Further, a State Officer is barred from holding dual citizenship.

37. In addition, the Committee considered the provisions of the Leadership and Integrity Act, Cap 185C.

2.7.3 Suitability of the nominees for the proposed appointment having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which nomination is being made

38. The suitability of the nominees was assessed after scrutiny of the nominees' academic credentials, professional training and experience, personal integrity, background and qualities as well as their performance during the approval hearings conducted on 14th January, 2025.

CHAPTER THREE

3. MEMORANDA FROM THE PUBLIC ON THE SUITABILITY OF NOMINEES

39. Article 118 of the Constitution provides that Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees.

40. Section 6(9) of the Public Appointments (Parliamentary Approval) Act provides that "*any person may, prior to the approval hearing and by **written statement on oath**, provide the Clerk **with evidence contesting the suitability of a candidate** to hold the office to which the candidate has been nominated*".

41. Pursuant to Article 118 of the Constitution as read with section 6(9) of Public Appointments (Parliamentary Approval) Act, the Clerk of the National Assembly placed an advertisement in the print media on 24th December, 2024 inviting the public to submit memoranda by way of written statement on oath (affidavit) on the suitability of the nominees in conformity with section 6(9) of the Public Appointments (Parliamentary Approval) Act.

42. The advertisement indicated that the submissions were to be received by 3rd January, 2025 at 5.00 pm. At the close of the submission deadline, the Committee had **received fifteen (15) memoranda via email and one (1) memorandum that was hand-delivered making a total of sixteen (16) memoranda** for or against the suitability of the nominees.

43. Out of these, **two (2) memoranda were written statements on oath** that complied with Section 6(9) of the Public Appointments (Parliamentary Approval) Act, (Cap. 7F). The remaining ones comprised either written statements on oath that were not sworn by the deponents or memoranda supporting the nominees and hence inadmissible in the approval hearings.

3.1 Memoranda that complied with section 6 (9) of the Public Appointments (Parliamentary Approval) Act, (Cap. 7F)

44. The Committee received one (1) statement on oath sworn by Eliud Karanja Matindi contesting the suitability of the three (3) nominees on grounds that their appointment as members of the national executive of the Republic would be unconstitutional, given the current composition of the Cabinet as

it would not reflect gender balance, regional balance and ethnic diversity and persons with disability.

45. The Committee further received an Affidavit sworn by Joseph Enock Aura contesting the suitability of Hon. Mutahi Kagwe, EGH on several grounds including that the nominee—

- (a) violated Section 21(1) of the Leadership and Integrity Act, which requires public officers to take all reasonable steps to ensure that public property is taken care of and is in good repair and condition. According to the Auditor General's Report for the 2020/2021 financial year there was no fixed Assets Register of the Ministry and no logbooks for 226 Ministry vehicles.
- (b) committed the Republic of Kenya to expend Kshs. 300 million to procure unverified and experimental vaccines.
- (c) signed off Kshs.10.9 billion with an over commitment of Kshs.3.3 billion to a foreign company to purchase 1,552,800 vials of experimental vaccines.
- (d) failed to remit budgeted COVID money to the 47 Counties for the mental health allocation to front line workers.
- (e) oversaw the violation of Section 102 of the Public Procurement and Asset Disposal Act, 2015, by using restricted tendering to procure refurbishment works awarded at Kshs.38,316,644 despite the nature of the works not meeting the conditions set for use of restricted tendering.
- (f) orchestrated the violation of Section 19(1) and Section 20(1) of the National Social Security Fund, 2013 by failing to deduct and remit National Social Security Fund contributions amounting to Kshs.4,808,600.
- (g) orchestrated and oversaw unremitted pension contributions in the Ministry of Health amounting to Kshs.16,678,328 for 703 employees below the age of 45 years who were engaged on permanent and pensionable terms.
- (h) failed to complete the construction of a Cancer Centre in Kisii Level 5 Hospital.
- (i) breached section 13(1)(a) of the Leadership and Integrity Act on honesty in the conduct of public affairs by being untrustworthy in handling and protecting public land under the Ministry of Health with respect to Mathari National Teaching and Referral Hospital.

- (j) breached Article 67 of the Constitution of Kenya as read together with the National Land Commission Act, Act No. 5 of 2012 in the secretive and unapproved relocation of Mathari National Teaching and Referral Hospital from its Nairobi location to Ngong without involving the National Land Commission.
- (k) irregularly spent Kshs. 384 million in an irregular and openly unlawful procurement.
- (l) engaged in over expenditure of over Kshs. 2 billion on Budgeted Items in breach of Regulation 52(1)(b) of the Public Finance Management (National Government) Regulations, 2015.
- (m) did not pay pending bills amounting to Kshs. 41 billion.
- (n) single-sourced COVID mask supplies contrary to Section 69 (2) Public Procurement and Assets Disposal Act, 2015.
- (o) purported to enact and enforce the following Legal Notices without laying them before Parliament and conducting public participation any regulatory impact assessment in breach of the requirements of Article 94(5) of the Constitution and Sections 5A and 11(1) as read with Section (4) of the Statutory Instruments Act—
 - (i) The Public Health Covid-19 Restriction of Movement of Persons and Related Measures) (Nairobi Metropolitan Area) (Extension) Order. L. N. 104/2020;
 - (ii) The Public Health (Covid-19 Restriction of Movement of Persons and Related Measures) (Daadab Refugee Complex and Kakuma Refugee Camp) (Extension) Order, No. 2 of 2020- L.N. 105/2020;
 - (iii) The Public Health (Covid-19 Restriction of Movement of Persons and Related Measures) (Mombasa County) (Extension) Order, No. 3 of 2020- L.N. 106/2020; and
 - (iv) The Public Health (Covid-19 Restriction of Movement of Persons and Related Measures) (Mandera County) (Extension) Order, No. 3 of 2020- L.N. 107/2020.
- (p) failed to account for procured vaccines of Kshs. 1.69 billion.
- (q) failed to explain the high prices Kenya was compelled to pay for PPEs in relation to the actual market prices of the PPEs when he appeared before the National Assembly Departmental Committee on Health.

46. The memorandum included a request for Mr. Aura's Advocate to appear in the approval hearing to tender the evidence contained in his Affidavit.

Committee Observations

47. The Committee observed that—

- (1) The memoranda by the deponents were written statements on oath and therefore complied with section 6(9) of the Public Appointments (Parliamentary Approval) Act.
- (2) Articles 132(2) and 152(2) of the Constitution of Kenya vests the power to constitute Cabinet solely on the President.

3.2 Memoranda that did not comply with section 6(9) of the Public Appointments (Parliamentary Approval) Act

48. The Committee received thirteen (13) memoranda via email that did not comply with section 6(9) of the Public Appointments (Parliamentary Approval) Act, (Cap. 7F).

49. The enclosed Affidavits were either not dated nor signed by the deponent while in other instances, the enclosed Affidavits were sworn by Eliud Karanja Matindi and not the underlisted deponents.

50. The memoranda were received from the following thirteen (13) persons—

1. Shallet Kibet (shalletkibet@gmail.com);
2. James (jamesbukusi@gmail.com);
3. Cedrick (cedokubo9@gmail.com);
4. Dennis (dnjoroge095@gmail.com);
5. Joan (ijchebii2014@gmail.com);
6. Joseph (kiunamucheru@gmail.com);
7. Oily (oliverolivera77@gmail.com);
8. Ian (eansteado@gmail.com);
9. Mosota (mosotabrian431@gmail.com);
10. Kibet (kibetalfred53@gmail.com);
11. Kevin (kevinthiga005@gmail.com);
12. Amy (amyomboto@gmail.com); and
13. Eddie (bonniechege@gmail.com).

51. Additionally, the Committee received one (1) memorandum from Timothy Ayieko Olingo in support of the nominations and not contesting the suitability of the nominees as required by section 6(9) of the Act. Further, the memorandum was not a statement on oath and hence was inadmissible.

Committee Observation

52. The Committee observed that section 6(9) of the Act envisages that the statement made under oath should be evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated and not in support of a nominee. In this regard, the memoranda were inadmissible.

3.3 Notification of the Nominees of the Issues Raised in the Memoranda

53. The Committee received a total of **sixteen (16) memoranda** from the public comprising of **fifteen (15) memoranda received via email and one (1) memorandum hand-delivered** to the Office of the Clerk. Out of these, only **two (2) memoranda complied** with section 6(9) of the Public Appointments (Parliamentary Approval) Act.

54. In this regard, therefore, the Clerk of the National Assembly vide letters dated 7th January, 2025 (*Annexure 6*) wrote to specific nominees to respond to issues that were raised in the affidavits by the public pursuant to Section 6(9) of the Act contesting their suitability for appointment to office.

55. During the approval hearings, the Committee examined the nominees on the issues that were raised in the memoranda. The responses by the nominees and the observations of the Committee on the issues raised by the public are contained in Chapter Four.

CHAPTER FOUR

4. APPROVAL HEARINGS OF THE NOMINEES

56. The Committee held a sitting on 14th January, 2025 to deliberate on the approval hearing and noted the following—

(a) The nominees had not notified the Clerk of the National Assembly of their withdrawal from the approval process as outlined in section 6(10) of the Public Appointments (Parliamentary Approval) Act.

(b) The Committee had received a total of sixteen (16) memoranda from the public comprising of fifteen (15) memoranda received via email and one (1) memorandum hand-delivered to the Office of the Clerk. Out of these, only two (2) memoranda complied with section 6(9) of the Public Appointments (Parliamentary Approval) Act.

57. The Committee, therefore, proceeded with the approval hearings on 14th January, 2025, as scheduled, and examined the nominees on the areas set out in section 6(7), 6(8) and 7 of the Public Appointments (Parliamentary Approval) Act as follows —

4.1 HON. MUTAHI KAGWE, EGH, NOMINEE FOR APPOINTMENT AS CABINET SECRETARY FOR AGRICULTURE AND LIVESTOCK DEVELOPMENT

58. The nominee appeared before the Committee on 14th January, 2025 and was vetted under oath to examine his suitability for appointment as Cabinet Secretary for Agriculture and Livestock Development.

4.1.1 Request for appearance by Mr. Enock Joseph Aura through his Advocate

59. Before commencing the approval hearing of the nominee, the Committee noted that the memorandum filed against the nominee by a Mr. Enock Joseph Aura included an unprecedented request for Mr. Aura's Advocate to appear in the approval hearing to tender the evidence contained in his Affidavit.

60. In the presence of Mr. Enock Joseph Aura and his Advocate, the Committee noted that section 6 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F does not contemplate the appearance of deponents in person at an approval hearing. The Committee also observed

that Mr. Aura's Affidavit was comprehensive and self-explanatory. The Committee undertook to consider the responses to the issues raised in the Affidavit in assessing the nominee's suitability, and allowed Mr. Aura and his Advocate to attend and observe the proceedings of the approval hearing.

61. With respect to the approval hearing, the Committee noted the following—

4.1.2 Questions from the General Questionnaire

Citizenship, Date and Place of Birth

62. The nominee is a Kenyan Citizen born on 1st January, 1958 in Nyeri County. The nominee confirmed that he is a citizen of Kenya by birth and does not hold any dual citizenship.

Academic and Professional Qualifications

63. The nominee holds a Master's degree in Business Administration from the United States International University (1992) and a Bachelor of Commerce (Hons.) degree from the University of Nairobi (1981). He sat for his A- level (1977) and O level exams (1975) at Kagumo High School. He also indicated that he holds a Certificate of Marketing from the Marketing Society of Kenya (1992).

Employment Record and Work Experience

64. The nominee currently serves as the Group Executive Director, Tell-Em Public Relations (EA) Limited. He had previously served as the Cabinet Secretary for Health (2020- 2022); Senator for Nyeri County (2013- 2017); Minister for Information and Communications (2005-2007); Member of Parliament for Mukurweini Constituency (2002-2007); a Managing Director, Media House Limited (1994-1998); Commercial Operations Director, The Standard Limited (1981-1991); and Marketing Manager, Viva Magazine (1981-1983).

Memberships and Professional Associations

65. The nominee is the current Chairperson of Sema House Limited (2010 to date) and TNS RMS East Africa Limited (1994 to date). He had previously served as Chairperson of the Multimedia University of Kenya (2010- 2012) and was a former Member of the Africa Advisory Board of Renaissance

Capital (2008- 2009). He also indicated that he is a member of various Members' clubs.

Honours and Awards

66. The nominee was awarded the Elder of the Golden Heart (EGH) by the President of the Republic of Kenya in December 2006. The nominee was also awarded the Marshal trophy of excellence as the second-best student in the MBA class of 1992 at the United States International University.

Public Office, Political Activities and Affiliations

67. The nominee stated that he is not an official of any registered political party in Kenya. He had previously held various public offices including Cabinet Secretary for Health (February 2020-October 2022), Senator for Nyeri County (2013-2017), Minister for Information and Communications (2004-2005) and a Member of Parliament for Mukurweini Constituency (2003- 2007).
68. The nominee also indicated that he had served as Chairperson in the Senate Standing Committee on Information and Technology (2013-2017), the Senate Standing Committee on Education, Information and Technology (2013-2014) and the Finance, Trade, Tourism and Planning Parliamentary Committee during his time as a Member of Parliament.
69. Additionally, the nominee stated that he had been a member of the Jubilee Party and the National Rainbow Coalition (NARC) Party (2013-2017), former Secretary-General of Social Democratic Party (2010) and former member of the NARC Party (2002-2007). He had also participated in the 1992 Presidential Elections Campaign Strategy Team for the Democratic Party of Kenya.

Integrity

70. The nominee submitted that he had neither been charged in a court of law nor adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three years. Further, he had never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

Income and Net Worth

71. The nominee indicated his current sources of income to include income from TNS RMS East Africa Limited and Tell-Em Public Relations (EA) Limited. He estimated his net worth to be Kshs. 842,620,000 comprising land, houses, shares in companies that own properties, cash and household items.

Potential Conflict of Interest

72. The nominee declared that the current Chairman of the Pest Control Products Board, appointed in 2022, is a relative. In addition, he was servicing a loan from the Agricultural Finance Corporation (AFC). He stated that, to address any potential conflict of interest, he would carry out his duties without favouritism or nepotism, and would not alter the terms of the loan facility for the remaining amount but would service the loan normally according to the set agreement.

Pro-bono/Charity Work

73. The nominee indicated that he had made various contributions during his political career.

4.1.3 General and Sector-Specific Questions to the Nominee

74. The Committee posed several questions to the nominee on his suitability for appointment as Cabinet Secretary for Agriculture and Livestock Development. The nominee responded as follows—

On his suitability for the role

75. The nominee stated that his formative years had prepared him for this role. Having attended a rural primary school in Nyeri, the nominee stated that he had been a member of the 4K club and had worked in coffee farms around his rural home. In addition, at Kagumo High School he had been part of the Agricultural Club that successfully run a poultry farm. He was of the opinion that the Bachelor's degree in Commerce he had attained at the University of Nairobi and the Master's degree in Business Administration (Management Information Systems and Finance) had prepared him for managing businesses in the public and private sectors which he had successfully done since 1992.

76. The nominee informed the Committee that he started his formal career at Mashambani Magazine- a magazine on farming and had also worked at 'Farmers' Voice', a Kenya Farmers Association (KFA) Magazine that he published and ran. Additionally, he had held various public offices including Cabinet Secretary for Health (February 2020-October 2022), Senator for Nyeri County (2013-2017), and Minister for Information and Communications (2004-2005) during his tenure as Member of Parliament for Mukurweini Constituency (2003- 2007). These experiences had prepared him for the position of Cabinet Secretary.

On challenges in the agricultural sector

77. The nominee stated that the challenges in the sector can be attributed to the Agricultural Sector Transformation and Growth Strategy which was based on the misguided notion that agriculture should mainly focus on increasing production. He was of the opinion that the upcoming review of the strategy should shift to making the farmer the central consideration for all that is done in the agriculture sector and particularly making farming a profitable venture.

78. He noted that the youth hardly engaged in farming due to lack of land and he proposed that leasing out idle government land such as Agricultural Development Corporation (ADC) land to the youth would attract them to the sector. In addition, support from research institutions with regard to proper soil analysis, information on proper seeds and appropriate crops for different areas and use of technology would also encourage uptake of farming by the youth.

79. He proposed that youth should also be encouraged to delve into new areas of agriculture such as agricultural tourism, Agri-finance and fintech as opposed to the traditional forms of agriculture. He further proposed collaboration with the Ministry of Education to promote training and education on agriculture. It was his opinion that agriculture for the youth must be made interesting, involve use of technology and adoption of Artificial Intelligence to ensure that Kenya remains competitive globally.

On effective public communication

80. The nominee informed the Committee that if approved as a Cabinet Secretary, he would be a cog in the wheel of decision-making within the Ministry and consult with stakeholders in the Agricultural sector. He further stated that he would endeavour to consult the farmers to ensure that they are kept informed on decisions being made to get their buy-in. Alluding to how he handled the COVID-19 pandemic as Cabinet Secretary for Health, the nominee stated that he would regularly consult technical experts in the area and other key stakeholders in the sector.
81. He further stated that he would establish a robust communication system with the fourth estate, both in the mainstream media and social media, to disseminate information to farmers and employ technology to share marketing information. The nominee further stated that communication would be broad-based and that he would liaise with other relevant Ministries to ensure effective communication within the agricultural sector.

On the nexus between production and marketing of agricultural products

82. The nominee stated that the increase of production in the agricultural sector was attributable to the good climate that the country had been experiencing, fertilizer subsidies, reduced post-harvest losses and deployment of technology to provide information to farmers. The nominee stated that these factors should be connected to ease access to markets. It was his opinion that although marketing is domiciled in the Ministry of Industry, Trade and Cooperatives, he would seek collaboration as part of collective responsibility in government.

On his tenure in the Ministry of Health and in the Ministry of Information and Communications

83. The nominee stated that he was able to deliver on his mandate during his tenure at the two Ministries. He stated that he would deal with cartels in the agricultural sector, which, in his opinion, had been the main cause of turnover in the Ministry of Agriculture. The nominee stated that he would rely on the support of Kenyans in his work as he had done during the COVID-19 pandemic.

On the livestock sector and the interests of pastoralist communities

84. The nominee noted that there was an opportunity to develop the livestock sector to increase its contribution to the country's Gross Domestic Product (GDP). He observed that there was need to engage with livestock farmers and the pastoral community through extension officers for value-addition. He further stated that the development of the leather park in Machakos County would significantly contribute to improving the leather industry in the country. He further noted the need to produce high quality products in order to penetrate new markets.
85. The nominee stated that there was need to increase the uptake of livestock insurance by pastoralists and ensure provision of affordable insurance to mitigate adverse climate conditions that negatively impact on livestock farming. He stated that he would enhance collaboration with the meteorological department and research organizations for precise weather prediction and to ensure provision of drought resistant crops and drought resilient animals to farmers.

On the proposed national livestock vaccination campaign

86. The nominee noted that the vaccine was to mainly address Peste des petits ruminants (PPR) and the foot and mouth disease in livestock. He stated that he would encourage consultations with stakeholders within the livestock sector particularly the livestock owners. He further stated that he will rely on experts to be the lead communicators to ensure that the livestock owners have the correct information to enable them make informed decisions on vaccination of their animals. The nominee further stated that he will ensure that the vaccination program will rely on locally manufactured vaccines from the Kenya Veterinary Vaccines Production Institute (KEVEVAPI). He noted that the communication aspect of the vaccination programme was critical to encourage uptake of the vaccines and further stated that he would establish a robust communication system to facilitate dissemination of information.

On collaboration with county governments

87. The nominee noted that agriculture is a devolved function and stated that during his tenure as Cabinet Secretary for Health, he had engaged comprehensively with County Executive Committee Members on health.

He stated that he would adopt a similar approach on matters related to agriculture.

On misappropriation of COVID-19 funds

88. He stated that he was aware that there had been abuse of procurement processes during the COVID-19 pandemic as people took advantage of the life and death situation that the country was grappling with. The nominee stated that he took corrective measures with respect to irregularities that occurred during the pandemic including restructuring the Kenya Medical Supplies Authority (KEMSA) through change of staff; inviting relevant authorities to investigate the irregularities; and implementing measures to ensure production of Personal Protective Equipment (PPEs) at affordable prices by Kenyan manufacturers.

On regulation of the tea sector

89. The nominee stated that regulation by the government should be aimed at improving the markets and creating price stability. He noted that his predecessor had set up a taskforce to investigate the underlying causes and impact of unsold tea in Kenya. He further noted the importance of policy in the sector, financing, research and creation of new markets to ensure that the tea produced and sold by Kenya is of good quality and is competitive in the global markets.

On the effect of climate change

90. The nominee stated that he would encourage the use of AI to predict weather patterns. He further stated that he would collaborate with research institutions to mitigate the adverse effects of climate conditions through provision of drought resistant crops. The nominee further noted that he was aware of the European Union Deforestation Regulations and that the country was already complying with the regulations through agroforestry.
91. The nominee further stated that he would engage with the relevant ministries, parliamentary committees, county governments and extension service providers to ensure that recurrent drought and floods were addressed through adequate budgetary allocations, donor funding and training on appropriate measures to apply. He would also collaborate with

the Ministry of Water and Sanitation to construct more dams in flood prone areas.

On compensation for fake fertilizer

92. The nominee noted that fake fertilizer and fake seeds had affected food security. He assured the Committee that he would take up the matter with the Ministry on the issue of compensation for the affected persons.

On regulations in the agricultural sector

93. The nominee stated that he would encourage collaboration with relevant government agencies to streamline the numerous regulations and taxes in the agricultural sector for effectiveness.

On local production of edible oils

94. He noted that the Agricultural Food Authority (AFA) was producing coconut seedlings but the information that was needed to ensure the successful propagation was lacking and that he would intervene in this regard. The nominee stated that he would facilitate provision of extension services to farmers to increase local production of edible oils.

On Genetically Modified Organisms (GMOs)

95. The nominee noted that GMO has both positive and negative aspects and stated that decisions on uptake of GMOs would be based on data and science. He further stated that there was need for a regulatory framework for GMOs in the country. In addition, he would work with the National Assembly to ensure adequate budgetary allocation to the National Biosafety Authority for proper regulation of GMO use. He stated that he would not allow the sale of banned GMOs in Kenya.

On fertilizer distribution and access

96. The nominee noted that the high cost of transportation of fertilizers had inhibited access of fertilizers by farmers. He stated that he would liaise with county governments to ensure ease of distribution of fertilizers.
97. He further stated that he would promote the use of technology to ensure traceability of fertilizers and feedback from farmers. This would ensure transparency and accountability in the sector.

On youth participation in agriculture

98. The nominee informed the Committee that it was important to ensure that the youth take part in food production in order to guarantee food security in the country. He stated that he would promote the mainstreaming of farming among the youth in addition to their involvement in offering extension services to farmers and create job opportunities for the youth.

On research and development of the livestock sector

99. The nominee noted that while the livestock sector was supported by loans from donors, there was need to examine the sustainability of donor-funded projects. He noted that there was need to ensure continuity of the projects long after the donors exit the country.

100. He further noted that there was need to protect research data when working with international organizations to avoid use of local research data without compensation. In this regard, he stated that he would introduce a legal framework to ensure that Kenya protects the findings of research done in the country by Kenyan institutions.

On the Sputnik V COVID- 19 Vaccine

101. The nominee stated that the only vaccines authorised by the National Emergency Response Committee on Coronavirus and the Ministry of Health for use in the country during the COVID-19 pandemic were the ones approved by the World Health Organization (WHO). He stated that the Sputnik V was not one of the vaccines approved by the WHO.

On illegal levies on miraa

102. The nominee stated that he was aware of illegal levies charged on miraa by cartels. The nominee observed that this was a criminal issue that he would address in collaboration with investigative agencies and relevant authorities in the agricultural sector.

On the sugar sector

103. The nominee stated that increased sugar production would reduce reliance on imported sugar. He stated that he would ensure that farmers benefit from any gains made within the sector.

104. He further stated that he would ensure that the regulations to the Sugar Act are formulated at the earliest opportunity to addresses issues affecting the sugar sector.

On Public Private Partnerships (PPPs) in the livestock sector

105. The nominee stated he would endeavour to reduce the bureaucracies and unnecessary bottlenecks in the livestock sector that discourage private entities from investing in the livestock sector. In addition, he stated that he would engage with investors to develop the sector.

On creating employment opportunities in the agricultural sector

106. The nominee noted that job creation in the agricultural sector countrywide would be a priority. In this regard, he noted that he would prioritize funding and grant of subsidies to local fertilizer companies to promote production. He would also deploy preventive measures to promote disease management and research. Overall, he noted the need to increase efficiency in the agriculture sector.

On pyrethrum farming

107. The nominee stated that he would engage with stakeholders to address issues affecting the sector.

On dairy, tea and coffee sector reforms

108. The nominee was of the opinion that there was need to work with the cooperatives and marketing agencies to improve these sectors. He stated that his goal would be to guarantee profits to farmers, enhance market access and ensure timely payment to farmers. He also noted that the production per acre needed to be increased for both tea and coffee products.

On importation of agricultural products from the EAC and COMESA regions

109. The nominee noted that he would enhance subsidies to local farmers to ensure that the Kenyan products compete with goods imported into the country from the EAC and COMESA regions.

On the contribution of Arid and Semi-Arid Lands (ASALs) to food security

110. The nominee stated that research institutions need to look into how best farming in ASALs can contribute to ensuring food security in the country. He stated that he would work with county governments to determine the support that can be extended to ASAL areas to make them the main farming areas in the country as there is insufficient arable land in the country. He further stated that he would pursue construction of more dams and water pans for crop and livestock support in collaboration with county governments.

On horticulture

111. The nominee stated that there is need to support export of horticulture products by eliminating prohibitive taxes on local producers. He further stated that there was need to explore other export markets for the products.

On feed lot farming

112. The nominee was of the opinion that this would be one of the measures to be employed to mitigate the issue of drought and ensure food security of livestock especially in ASAL areas. He stated that this would require collaboration of the national government and county governments.

4.1.4 Nominee' s Response to Allegations arising from Memoranda

113. The nominee, responded to the Affidavits contesting his suitability vide an Affidavit sworn on 4th January, 2025 as follows—

(1) On the allegation that the nominee is unsuitable for appointment based on his professional & academic qualifications, the nominee noted that—

(a) The Constitution does not mandate a Cabinet Secretary to possess a degree directly related to the Ministry to which they are appointed as their role is largely managerial and to offer policy direction.

(b) He is able to provide effective leadership and service to the public and his qualifications and demonstrated leadership capacity meet the constitutional threshold for appointment as he had successfully served in various capacities in public and private spheres.

- (2) On the allegation of the nominee's leadership and integrity vis-a-vis the Ministry of Health and handling of Covid-19 of Pandemic, the nominee noted that—
- (a) The allegations are unfounded and solely intended to malign his name.
 - (b) The Covid-19 pandemic was a global outbreak of coronavirus - an infectious disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).
 - (c) The World Health Organisation (WHO) declared Covid-19 as a Public Health Emergency of International Concern (PHEIC) on 30th January, 2020 and characterised the outbreak as a pandemic on 11th March 2020.
 - (d) WHO issued guidelines on public health and social measures (PHSM) to suppress SARS-CoV-2 transmission, reduce morbidity and mortality from Covid-19.
 - (e) The measures were buttressed by the provisions of the Public Health Act Cap. 242 of the Laws of Kenya on prevention and suppression of infectious diseases.
 - (f) Since the onset of the Covid-19 pandemic, WHO estimated that over 7 million people had died globally from the disease.
 - (g) The International Coalition of Medicines Regulatory Authorities (ICMRA) which brings together 38 medicine regulatory authorities from every region in the world with the WHO as an observer, issued a joint statement on the safety of Covid-19 vaccines stating that vaccination significantly reduced the risk of severe disease, hospitalisation and death from infection.
 - (h) The implementation of COVID-19 protocols, that is, public health and social measures (PHSM) and medical countermeasures such as drug administration or vaccination were not made by the nominee in his personal capacity but rather through a collective decision-making process within the Ministry of Health and the broader National Emergency Response Committee on Coronavirus (NERCC), which the nominee chaired.
 - (i) The measures adopted were designed to protect the health and well-being of the Kenyan public in line with established international guidelines from bodies such as the World Health

Organization (WHO), the European Union (EU) and the U.S. Food and Drug Administration (FDA).

- (3) On the allegations of flouting the provisions of the Public Finance Management Act, the nominee noted that—
- (a) As per the provisions of the Public Finance Management Act, the Cabinet Secretary is not the Accounting Officer of the Ministry and is not directly responsible for the implementation of the government policies and the deliverance of that Ministry's mandate and the role Cabinet Secretary's role is supervisory.
 - (b) The Accounting Officer in the Ministry did not bring to the nominee's attention any matter stating that the Ministry's resources were being used in a way that is contrary to Section 68(1) of the Act that the nominee did not act upon.
 - (c) He had not faced any queries related to performance, integrity, alleged misconduct and/ or bad governance prior and during his previous tenures as Minister and Cabinet Secretary. As such, the allegations were unfounded and without merit.
- (4) That the Objection filed by Joseph Enock Aura is unmeritorious, scandalous, malicious and solely intended to create a negative public opinion of the nominee's character and to sensationally create a media outburst and further malign his name and damage his political career. In addition, he annexed the following documents to support his statement—
- (a) WHO guidelines on public health and social measures; and
 - (b) Joint statement issued by the International Coalition of Medicines Regulatory Authorities (ICMRA) on safety of Covid-19 vaccines.

4.1.5 Observations on Memoranda Submitted Against the Nominee

114. The Committee noted that the nominee adequately responded to the issues raised in the memoranda.

115. The Committee further noted that—

- (1) The Public Accounts Committee (PAC) had tabled its **Report on the Examination of the Auditor General's Report for FY 2020/2021 for the**

accounts of the National Government on 30th November, 2024. The debate on the Report was concluded on 28th February, 2024 and the Report adopted.

- (2) The PAC Report noted that majority of the audit queries raised by the Auditor General had been explained satisfactorily and marked them as resolved. The Report did not adversely mention the nominee.
- (3) With respect to the COVID-19 regulations, that by a letter dated 8th September, 2020 the Clerk of the National Assembly conveyed the decision of the Committee on Delegated Legislation acceding to the following Statutory Instruments—
 - (a) The Public Health Covid-19 Restriction of Movement of Persons and Related Measures) (Nairobi Metropolitan Area) (Extension) Order. L. N. 104/2020;
 - (b) The Public Health (Covid-19 Restriction of Movement of Persons and Related Measures) (Daadab Refugee Complex and Kakuma Refugee Camp) (Extension) Order, No. 2 of 2020- L.N. 105/2020;
 - (c) The Public Health (Covid-19 Restriction of Movement of Persons and Related Measures) (Mombasa County) (Extension) Order, No. 3 of 2020- L.N. 106/2020; and
 - (d) The Public Health (Covid-19 Restriction of Movement of Persons and Related Measures) (Mandera County) (Extension) Order, No. 3 of 2020- L.N. 107/2020.
- (4) The Public Investments Committee had tabled its **Report on the Examination of the Report of the Auditor General on the Consolidated Special Audit of Covid-19 Vaccine Roll Out in Kenya** on 22nd September, 2021. The Report is awaiting debate.
- (5) The Departmental Committee on Health had tabled its **Report on Inquiry into the utilization of the appropriated funds for COVID-19 pandemic to the Ministry of Health in 2019/2020 financial year with focus on Kenya Medical Supplies Authority** on 1st October, 2020. Debate on the Report concluded on 26th November, 2020 and the Report was adopted. The Report did not adversely mention the nominee.

116. The Committee also observed that—

- (1) Article 152 of the Constitution provides that the Cabinet shall comprise of at least fourteen (14) and not more than twenty-two (22) Cabinet Secretaries.
- (2) At present, the Cabinet is not fully constituted.
- (3) The two-thirds gender rule applies to the Cabinet in its entirety and should not be used to prejudice the suitability of the nominee.

4.1.6 Committee Observations on the Suitability of the Nominee

117. The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, his curriculum vitae, memorandum from the public and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as Cabinet Secretary—

- (1) **THAT**, in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to a State office since he is a Kenyan citizen and does not hold dual citizenship.
- (2) **THAT**, the nominee possesses relevant experience in public service having previously served as the Cabinet Secretary for Health, Senator for Nyeri County, Cabinet Minister for Information and Communications and Member of Parliament for Mukurweini Constituency.
- (3) **THAT** the nominee, being a holder of a Bachelor of Commerce (Hons.) degree and a Master's degree in Business Administration, has the requisite knowledge and skills to coordinate and supervise a Ministry.
- (4) **THAT**, the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearances from the following statutory bodies: CUE, DCI, HELB, KRA, ODPP, ORPP, and EACC.
- (5) **THAT**, the nominee has neither been charged in a court of law nor adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry in the past three years.
- (6) **THAT**, the nominee does not hold office in any political party.
- (7) **THAT**, the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Article 75(1)

(conflict of interest), Article 76 (financial probity), Article 77 (restriction on activities of State Officers) and Article 78(2) (dual citizenship) of the Constitution.

- (8) **THAT**, the nominee demonstrated knowledge of topical, administrative and technical issues touching on government and has the requisite abilities, qualifications and experience to serve as Cabinet Secretary for Agriculture and Livestock Development.

4.2 HON. WILLIAM KABOGO, NOMINEE FOR APPOINTMENT AS CABINET SECRETARY FOR INFORMATION, COMMUNICATION AND THE DIGITAL ECONOMY

118. The nominee appeared before the Committee on 14th January, 2025 and was vetted under oath to examine his suitability for appointment as Cabinet Secretary for Information, Communication and the Digital Economy. The Committee noted the following—

4.2.1 Questions from the General Questionnaire

Citizenship, Date and Place of Birth

119. The nominee is a Kenyan Citizen born in 1961 in Nairobi. The nominee confirmed that he is a citizen of Kenya by birth and does not hold any dual citizenship.

Academic and Professional Qualifications

120. The nominee holds a Bachelors of Commerce (Accounting & Finance) degree from Panjab University, India (1982) and the East African Certificate of Education from Thika Technical School, Thika (1978).

Employment Record and Work Experience

121. The nominee has previously served as the Chief Executive Officer for Toto Industries (1993) and as an auditor in the Office of the Controller and Auditor General of Kenya (1984).

Public Office, Political Activities and Affiliations

122. The nominee stated that he is not an official of any registered political party in Kenya. He has previously served as the Governor of Kiambu County Government (2013-2017) and as Member of Parliament for Juja

Constituency (2002-2013). He also indicated that he had been a party leader of the Tujibebe Wakenya Party.

Integrity

123. The nominee has neither been charged in a court of law nor adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three years. The nominee has never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

Income and Net Worth

124. The nominee indicated his current sources of income to include rental and earning income and estimated his net worth to be Kshs. 3.06 billion comprising residential houses, motor vehicles, cash and earnings from shares.

Potential Conflict of Interest

125. The nominee declared that he is currently not associated with any persons or matters that would present a conflict of interest should he assume the position of Cabinet Secretary. In the event that a conflict of interest arose, he stated that he would resolve the same in accordance with the provisions of the law.

Pro-bono/Charity Work

126. The nominee indicated that he has actively supported various students by contributing to their school fees and providing mentorship.

4.2.2 General and Sector-Specific Questions to the Nominee

127. The Committee posed several questions to the nominee on his suitability for appointment as Cabinet Secretary for Information, Communication and the Digital Economy. The nominee responded as follows—

On his suitability for the role

128. The nominee listed his previous roles as an audit assistant at the Office of the Controller and Auditor General and a business advisor at an NGO, where he rose through the ranks to position of executive director. He later joined politics in August 2002 and was elected the Member of Parliament for Juja. He recounted his achievements during his tenure as the first

Governor of Kiambu County, stating that he digitized the entire revenue collection system in the County, which led to increase in revenue collection from Kshs. 800M to Kshs. 2.7B a year.

129. The nominee further stated that he digitized the Health Information System, allowing seamless access to medical services in all Kiambu hospitals. He also developed an information management system, making all the ministries in Kiambu County accessible in real time. With an academic background in Commerce, he noted that he had learnt and practiced management skills which make him suitable for the role of Cabinet Secretary.

On cyberattacks

130. The nominee noted that addressing cyberattacks requires human and capital resources. He proposed use of fire walls and real time information to make decisions that enable quick response to cyberattacks.

On fake news, disinformation and misuse of social media and unethical use of AI

131. The nominee noted that there is need to improve implementation and enforcement of the Computer Misuse and Cybercrimes Act to deal with misinformation, while respecting fundamental rights and freedoms. He added that there is need to engage the younger generation on ethical use of the internet and Artificial Intelligence (AI). He highlighted the positive aspects of AI but noted that there was need for regulation of its use.

On exploitation of Kenyans by foreign technology companies

132. The nominee noted that there is need for use of regulatory and legislative frameworks to guard against exploitation of Kenyans by foreign technology companies. If approved, he would propose a Bill to regulate the remuneration of work done on online platforms.
133. The nominee acknowledged the challenges of enforcement of and compliance with labour laws where foreign companies are concerned. He stated that he would seek the input of the experts and technical staff in the Ministry of Labour and Social Protection.

On protecting youth from harmful online content

134. The nominee stated that, if approved, he would engage with the Communications Authority to find a way of regulating content that is accessible to Kenyans, including pornography on online platforms.
135. He added that, he would consult with the Communication Authority on the regulation of social media platforms and borrow best practice from other jurisdictions.

On call-drops

136. If approved, the nominee stated that he would consult the Communications Authority to obtain information on call drops and explore avenues of compensating consumers.

On drug trafficking allegations contained in a Report tabled in Parliament in 2010

137. The nominee informed the Committee that he has never been involved in illegal drug trade. He noted that investigations conducted into a dossier tabled in Parliament exonerated him from any alleged wrong doing.
138. He added that, following the continued narratives on the allegations of drug trafficking, he had successfully sued a local daily for defamation.

On attendance before Parliament

139. The nominee stated that at the inception of devolution, it was unclear whether governors were required to honour summons by the Senate. He noted that upon clarification by the Court, he appeared before the Senate for three consecutive years without fail. If approved, he committed to appear before both Houses of Parliament when called upon.

On perceived high-handedness and arrogance

140. The nominee stated that he is not arrogant. He noted that he is straight forward, direct, and has a strong personality which may be mistaken for arrogance.

On utilization of the Universal Service Fund

141. The nominee stated that if approved, he would evaluate the ICT master plan with a view to ensuring 100% internet connectivity in the country through the use of the Fund. He further stated that he would propose the use of satellite internet providers to ensure the entire country is connected.

On harnessing the potential of the youth

142. The nominee, if approved, committed to engage the youth to ensure that they monetize digital platforms. He noted that as Governor of Kiambu County, he had established Biashara Fund by setting aside Kshs. 300M for credit access to the youth and women.
143. If approved, the nominee stated that he would recommend the establishment of digital hubs and advocated for unsecured loans to create employment for youth and women.

On protection of personal data

144. The nominee noted that there were existing laws that criminalize unauthorized access or sharing of personal data. If approved, he would ensure compliance with the law.

On the death of Ms. Mercy Keino

145. The nominee stated that he was not involved in the death of Ms. Mercy Keino. He noted that an inquest that was conducted into the death had ruled him out as a suspect.

On the Draft Kenya National AI Strategy Paper 2025/30

146. The nominee, if approved, stated that he would closely study the AI strategy paper, in collaboration with the technocrats in the Ministry to understand it well and thereafter make an informed decision.

On revamping KBC

147. The nominee stated that KBC needs an overhaul of its operations. He proposed that KBC should have a wing of public broadcasting and a commercial division that takes care of its commercial entity. He added that KBC would be better off leasing equipment rather than buying the

equipment which would then require maintenance. He noted that if approved, he would reassess the viability of KBC and sort out the issues including the content broadcasted.

148. To manage the pending bills owed by KBC, the nominee proposed digitization of entire government operations to regularize procurement processes and payment to deal with pending bills owed to Kenyans by government agencies. In his view, this would address the issue of pending bills.

On Huduma Namba

149. The nominee stated that the public was skeptical about sharing their personal information with the government. He noted that Huduma Namba would be instrumental provided the data shared is safe. He further stated that it would be crucial to sensitize the public on the importance of Huduma Namba.

On collective responsibility of the Cabinet

150. The nominee indicated that if faced with such circumstances where he had an issue with the government, he would express his dissent to the appointing authority, the Cabinet or tender his resignation.

On expiry of internet data

151. The nominee stated that, there is need to relook at the pricing of internet data with a view of protecting Kenyans from exploitation.

On Konza Technopolis

152. The nominee proposed a re-evaluation of the business concept of Konza City. If approved, he would propose incentives to encourage investment in the Technopolis.

On data mining by foreign companies

153. The nominee observed that there was need to sensitize Kenyans on the risks of sharing personal data.

On protecting local companies

154. The nominee stated that if approved, he would engage with Communications Authority on the conditions imposed on satellite internet providers. He observed that most players in the internet field are foreigners and private businesses and he would advocate for a balance to allow a fair and level playing field for businesses.

On scaling up of digital literacy and skills development

155. The nominee stated that if approved, he would collaborate with the Ministry of Education to integrate ICT in the education sector. He further stated that he would propose the establishment of constituency and ward hubs as ICT training centres for training of Kenyans on necessary digital skills.

On internet outages

156. The nominee stated that the Ministry and the Communications Authority should look into ensuring that there is stable and consistent internet connectivity. He noted that to address internet outages he would collaborate with the relevant sector players including KPLC. The nominee further proposed the use of green energy to ensure stable power supply.

On collaboration between the Ministry of ICT and the Parliament

157. If approved, the nominee undertook ensure that Parliament has access to reliable internet connection. He added that internet connectivity should be classified as a vital, essential and desirable utility.

On balancing digital economy regulation and monopolies

158. The nominee stated that he would engage with the relevant stakeholders and ensure compliance with the competition and consumer protection laws.

On gambling and betting advertisements

159. The nominee stated that, advertisement of betting and gambling activities is cross cutting issue that requires concerted efforts by all government agencies. He would therefore consult the Cabinet to address the issue.

160. Additionally, the nominee suggested the need to sensitize the public on the negative effects of gambling and recommended investing in other positive ventures.

On transparency in ICT procurement processes

161. The nominee stated that, if approved, he would promote transparency and openness in the public procurement process. The nominee further stated that he would ensure the digitization and automation of government services.

On transmission of election results

162. The nominee noted that this was a mandate of the IEBC but he would encourage digitization of the election process.

4.2.3 Nominee' s Response to Allegations arising from Memoranda

163. The nominee, through his affidavit sworn on 9th January, 2025, responded as follows—

- (a) That the Cabinet is already comprised of persons from various ethnic and regional backgrounds and therefore, the objection of the nomination was a narrow interpretation which was misplaced.
- (b) The complaint did not demonstrate that the broader structure of the Executive failed to reflect Kenya's diversity.
- (c) Article 152 of the Constitution gives the President the sole mandate of nominating and appointing Cabinet Secretaries. The President therefore acts within the framework of constitutional checks and balances.
- (d) On the issue concerning gender representation, the Supreme Court **Advisory Opinion No.2 of 2012 In the Matter of the Principle of Gender Representation in the National Assembly and the Senate** advised that gender representation in elective and appointive positions should be realized and achieved progressively.
- (e) The objection was therefore not merited.

4.2.4 Observations on Memoranda Submitted Against the Nominee

164. The Committee observed that—

- (1) Article 152 of the Constitution provides that the Cabinet shall comprise of at least fourteen (14) and not more than twenty-two (22) Cabinet Secretaries.

- (2) At present, the Cabinet is not fully constituted.
- (3) The two-thirds gender rule applies to the Cabinet in its entirety and should not be used to prejudice the suitability of the nominee.

4.2.5 Committee Observations on the Suitability of the Nominee

165. The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, his curriculum vitae, memorandum from the public and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as Cabinet Secretary—

- (1) **THAT**, in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan citizen and does not hold dual citizenship.
- (2) **THAT**, the nominee possesses relevant experience in public service having served as the the Governor of Kiambu County, a Member of Parliament for Juja Constituency, the Chief Executive Officer for Toto Industries and worked in the Office of the Controller and Auditor General of Kenya.
- (3) **THAT**, the nominee holds a Bachelors of Commerce (Accounting & Finance) degree from Panjab University, India (1982) and the East African Certificate of Education from Thika Technical School, Thika (1978).
- (4) **THAT**, the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearances from the following statutory bodies: the CUE, DCI, HELB, KRA, ODPP, ORPP, and EACC.
- (5) **THAT**, the nominee has neither been charged in a court of law nor adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry in the past three years.
- (6) **THAT**, the nominee does not hold office in any political party.
- (7) **THAT**, the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Article 75(1) (*conflict of interest*), Article 76 (*financial probity*), Article 77 (*restriction on activities of State Officers*) and Article 78(2) (*dual citizenship*) of the Constitution.

(8) **THAT**, the nominee demonstrated knowledge of topical, administrative and technical issues touching on government and has the requisite abilities, qualifications and experience to serve as Cabinet Secretary for Information, Communication and the Digital Economy.

4.3 HON. LEE KINYANJUI, NOMINEE FOR APPOINTMENT AS CABINET SECRETARY FOR INVESTMENTS, TRADE AND INDUSTRY

166. The nominee appeared before the Committee on 14th January, 2025 and was vetted under oath to examine his suitability for appointment as Cabinet Secretary for Investments, Trade and Industry. The Committee noted the following—

4.3.1 Questions from the General Questionnaire

Citizenship, Date and Place of Birth

167. The nominee is a male Kenyan Citizen born on 4th July, 1972 in Kiambu County. The nominee confirmed that he is a citizen of Kenya by birth and does not hold any dual citizenship.

Academic and Professional Qualifications

168. The nominee holds a Bachelor of Education (Arts) degree from Kenyatta University (1997); a Diploma in Transport Management and Planning from Galilee College, Israel (2010); the Kenya Certificate of Secondary Education from Kamiti Secondary School (1991); and the Kenya Certificate for Primary Education from Highridge Primary School (1987).

169. The nominee has also undertaken various professional trainings including: Financial Solutions for City Resilience from World Bank (July 2018); Boards of State Corporations Induction (November 2015); Country Procurement Systems in Georgetown University, USA (September 2015); Transforming Human Resources in RIPA International, London (July 2014); Procurement of Consulting and Technical Service from Georgetown University, USA (April 2012); Leadership Training from RIPA International, London (July 2011); Privatization and Outsourcing and Public Private Partnerships from RIPA International, London (August 2008).

Employment Record and Work Experience

170. The nominee stated that he had previously served in various public offices including Governor of Nakuru County Government (2017-2022); Chairperson of the National Transport and Safety Authority (NTSA) (2012-2016); Assistant Minister for Roads (2007-2012) and Member of Parliament for Nakuru Town Constituency (2007-2012).

Honours and Awards

171. The nominee indicated that he had received the DIAR Award for Eminent Leaders (2022); Most Progressive Governor in Kenya Award (2021); Best Business Friendly Governor of the Year 2020 Award by African Leadership Magazine; and Award for contribution towards the successful implementation of Nairobi-Thika (A2) Superhighway by H.E Mwai Kibaki.

Public Office, Political Activities and Affiliations

172. The nominee indicated that he had previously held public offices as a Governor of Nakuru County Government, Chairperson of NTSA, Assistant Minister for Roads and Member of Parliament for Nakuru Town Constituency.
173. The nominee stated that he is not an official of any registered political party in Kenya. He indicated that he had been engaged in various political activities including coordinating the PNU Party and Presidential Campaign in the then Nakuru District in 2007, assisting in The National Alliance campaigns at the national level in 2013, assisting in Jubilee Party Campaigns in Central Rift Counties in 2017 and leading the Azimio Party and Presidential Campaigns in Central Rift Counties in 2022. He added that he was a supporter of Ubuntu People's Forum (UPF).

Integrity

174. The nominee submitted that he has neither been charged in a court of law nor adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three years. The nominee stated that he has never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

Income and Net Worth

175. The nominee estimated his net worth to be Kshs. 471,972,000 comprising earnings from shares from family businesses and rental income.

Potential Conflict of Interest

176. The nominee declared that he is currently not associated with any persons or matters that would present a conflict of interest should he assume the position of Cabinet Secretary. In the event that a conflict of interest arose, he stated that he would resolve the same in accordance with the provisions of the law.

4.3.2 General and Sector-Specific Questions to the Nominee

177. The Committee posed several questions to the nominee on his suitability for appointment as Cabinet Secretary for Investments, Trade and Industry. The nominee responded as follows—

On his achievements in his previous roles

178. The nominee highlighted some of his achievements during his term as an Assistant Minister for Roads to include the construction of the Thika Road Superhighway, the Eastern Bypass and other major road networks connecting the neighbouring countries including the Isiolo-Merille Road which connects to Ethiopia. He noted that a good road network has been instrumental in granting access to markets.

179. He stated that as Chairperson of the NTSA, he transformed the public transport sector through measures taken to reduce congestion and the introduction of the Smart Driver's License. He added that Nakuru Town was granted city status and was voted the best in healthcare in two consecutive years during his tenure as Governor.

180. The nominee noted that his experience in different roles enabled him to appreciate the impact of high cost of energy, taxation, pending bills and management or mismanagement of politics which hinders business growth.

On promoting the local manufacturing sector

181. Referring to Sessional Paper No 10 of 1965, the nominee emphasized the need to protect Kenyan markets from being flooded by cheap exports

which hinders local manufacturing. In this regard, he noted that the contribution of manufacturing to Kenya's GDP remains low compared to the neighbouring countries. He stated that there is need to sensitize the public on the importance of value addition.

182. The nominee noted that industries rely heavily on energy. He observed that the main challenge in the local manufacturing sector is the high cost of production attributed to the high cost of energy, an unpredictable tax regime and lack of domestic financing for industrialization. He stated that there was need for government intervention to promote local industries and to review existing trade agreements signed in the past to promote and protect the local industries.

On promotion of local investment

183. The nominee observed that, if approved, he would promote and encourage local investment and seek partnerships with foreign investors.

On counterfeit goods

184. The nominee stated that, if approved, he would collaborate with law enforcement agencies to address the issue of counterfeit goods in the country.

On the scrap metal industry

185. The nominee informed the Committee that, if approved, he would encourage industries to use locally available scrap metal as opposed to importation of steel.

On harmonizing policy and legislation in the steel and cement industry

186. The nominee stated that, if approved, he would advocate for a consultative approach in policy formulation and legislation. He further added that the removal of excise duty on clinker and billets will reduce the price of cement and steel thereby promoting the affordable housing programme.

On revitalizing cottage industries

187. The nominee noted the importance of small-scale manufacturing industries in the rural areas and indicated that there is need to encourage the growth of cottage industries in Kenya.

On opportunities available in the counties

188. The nominee noted that each county has its own unique economic activity and advantage. He stated that it would be important to leverage on each county's economic niche in response to its needs. He further stated that there is need to educate investors on the specific needs of counties and encourage leveraging on locally available opportunities.

On criticism of government

189. The nominee stated that criticism of government policy should not be interpreted as criticism of the government and it is only through such positive criticism that there can be engagement on policy change.

On alleged relocation of street families in Nakuru County

190. The nominee stated that the allegations as presented before the Senate were untrue, malicious, fictitious and aimed at settling political scores.

On reviving Bachuma Livestock Quarantine Station

191. The nominee observed that there is need to leverage on the demand of beef in the Middle East. He noted that low quality of livestock has hindered access to the UAE market and that proper communication of the available market opportunities would ensure that Kenya aligns itself to the available market demand. The nominee further added that Kenya can create employment opportunities for the youth by leveraging on market demand to address the existing food deficit in other parts of the world.

On encouraging investors to remain in Kenya

192. The nominee noted that H.E the President had initiated an inquiry into the exit of investors from the Kenyan market. The nominee stated that this would provide a basis for addressing the issue and prevent an exodus of investors from the country. He stated that the country was attracting new investors, such as the pharmaceutical companies that were setting up in Tatu City, despite the exit of some companies from the Kenyan market.

193. He noted that, if approved, he would introduce a retention strategy by equipping the Kenya Investment Authority to become a one-stop shop for investors.

On alleged inefficiency of KEBS

194. The nominee noted that while the Kenya Bureau of Standards (KEBS) is the main body tasked with standard and quality assurance, there was need to review its functions and equip it with enforcement powers to effectively discharge its mandate.

On improving Kenya's visibility in the European market

195. The nominee noted that Netherlands is the leading importer of Kenya's horticultural produce. He stated that in collaboration with the Cabinet Secretary for Roads and Transport, he would expand the cargo handling capacity of the national carrier to boost horticulture exports in Kenya.

On the Solai Dam Tragedy

196. The nominee stated that the incident occurred two months after he assumed office as Governor of Nakuru County. He stated that the County had drawn lessons from the incident which culminated in development of the Nakuru County Disaster Management Policy. He further noted that the dam has since been rebuilt and that the Solai farm currently provides employment to over 1000 people.

On boosting small-scale business

197. The nominee noted that the closure of small-scale businesses is an issue of concern and attributed this to late payment of suppliers. He stated that, if approved, he would, in collaboration with the Cabinet Secretary for The National Treasury and Economic Planning, champion for prompt payment of suppliers to ensure circulation of money in the economy. He further stated that there is need for government to provide credit to small-scale traders on favourable terms to spur economic growth.

On the African Growth and Opportunity Act (AGOA)

198. The nominee indicated that the expiry of AGOA would negatively affect local industries especially the textile industry. He stated that there is need

for strategic teams to conduct proper negotiation of trade agreements to protect national interests.

On alleged mismanagement of Mombasa Tea Auction

199. The nominee noted that while Kenya produces one of the best teas globally, the tea is sold in blended form. He stated that there is need to improve the price of tea by exploring alternative avenues such as direct sales as opposed to the tea auction.

On current harsh business environment

200. The nominee attributed the current harsh business environment to an uncertain tax regime and proposed that the country should adopt a predictable taxation policy. He observed that the country should have a tax policy that provides a framework which promotes accountability and transparency to all stakeholders.

On skills development

201. The nominee stated that it was necessary to align the university education with the needs of the economy.

On challenges facing the sugar sector

202. The nominee noted that, if approved, he would focus on the sugar sector to increase production.

On reviving the leather industry

203. The nominee noted that there was need to align the country's meat consumption with the revival of the leather industry. He stated that, if approved, he would place emphasis on strengthening the leather value chain to position Kenya as a regional leader in processing of hides and skins.

On the Dongo Kundu Special Economic Zone Project

204. The nominee noted that the proximity of the Dongo Kundu Special Economic Zone to the port of Mombasa provides prime investment opportunities and encourages investors to tap into the Zone.

On palm oil sector

205. The nominee stated that palm oil can be a great contributor to the economic growth of the coastal region. He stated that there is need for collaboration with seed companies to produce palm oil seed that can flourish in Kenya's coastal terrain.

On capital flight

206. The nominee noted that denying foreign investors the opportunity to repatriate profits to their home countries would impede the ease of doing business. He stated that there was need to find attractive alternatives to encourage foreign investors to retain their capital and profits in the country.

On stabilizing the retail business in the country

207. The nominee noted that retail businesses provide an avenue for the sale of locally manufactured goods in regional markets. He stated that there is need to regulate the sector and ensure good governance as per the law.

On high foreign travel expenditure as Governor of Nakuru County

208. The nominee stated that the expenditure of Kshs. 43 million was the least amount spent as compared to other counties and his predecessor. He further stated that during the year in question, he only travelled out of the country twice, which was an indication that he was committed to prudent use of public resources.

4.3.3 Nominee' s Response to Allegations arising from Memoranda

209. The nominee responded vide a Statement dated 10th January, 2025 that—

- (a) the Memoranda do not give any particulars on how his nomination would violate the Constitution particularly gender and regional ethnic diversity nor does it particularize how his appointment violates the state's duty towards persons with disabilities. Therefore, his nomination as an individual cannot be said to violate Article 54 of the Constitution.
- (b) the appointment of the nominees as Cabinet Secretaries and members of the Executive by the President was to each and every nominee individually and not collectively. Therefore, each nominee ought to be addressed individually on how their appointment violates the Constitution and not collectively as the deponents have done.

- (c) on the issue of gender balance, the objections by the deponents do not hold any ground as the Cabinet meets the criteria required under the Constitution on gender balance noting that there are six members of the Cabinet who are ladies, including the Secretary to the Cabinet and the Hon. Attorney General.
- (d) on ethnic and regional balance, the nominee stated that he is a Kikuyu from Rift Valley which is a special group that has previously been sidelined outside the former Central Province.

4.3.4 Observations on Memoranda Submitted Against the Nominee

210. The Committee observed that—

- (1) Article 152 of the Constitution provides that the Cabinet shall comprise of at least fourteen (14) and not more than twenty-two (22) Cabinet Secretaries.
- (2) At present, the Cabinet is not fully constituted.
- (3) The two-thirds gender rule applies to the Cabinet in its entirety and should not be used to prejudice the suitability of the nominee.

4.3.5 Committee Observations on the Suitability of the Nominee

211. The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, his curriculum vitae, memorandum from the public and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as Cabinet Secretary-

- (1) **THAT**, in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan Citizen and does not hold any dual citizenship.
- (2) **THAT**, the nominee has previously served in various public offices including Governor of Nakuru County Government (2017- 2022); Chairperson of the National Transport and Safety Authority (NTSA) (2012- 2016); Assistant Minister for Roads (2007- 2012) and Member of Parliament for Nakuru Town Constituency (2007- 2012).
- (3) **THAT**, the nominee possesses vast experience in public service having served as a public officer since 2007 and has the requisite knowledge and managerial skills to head a Ministry having undertaken various

professional trainings on leadership, financial management, procurement systems and human resource management.

- (4) **THAT**, the nominee holds a Bachelor of Education (Arts) degree from Kenyatta University (1997); a Diploma in Transport Management and Planning from Galilee College, Israel (2010); the Kenya Certificate of Secondary Education from Kamiti Secondary School (1991); and the Kenya Certificate for Primary Education from Highridge Primary School (1987).
- (5) **THAT**, the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearances from the following statutory bodies: CUE, DCI, HELB, KRA, ODPP, ORPP, and EACC.
- (6) **THAT**, the nominee has neither been charged in a court of law nor adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry in the past three years.
- (7) **THAT**, the nominee does not hold office in any political party.
- (8) **THAT**, the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Article 75(1) (*conflict of interest*), Article 76 (*financial probity*), Article 77 (*restriction on activities of State Officers*) and Article 78(2) (*dual citizenship*) of the Constitution.
- (9) **THAT**, the nominee demonstrated knowledge of topical, administrative and technical issues touching on government and has the requisite abilities, qualifications and experience to serve as Cabinet Secretary for Investments, Trade and Industry.

CHAPTER FIVE

5. COMMITTEE OBSERVATIONS

212. Pursuant to sections 6(7), 6(8) and 7 of the Public Appointments (Parliamentary Approval) Act, the Committee observed that—

- (1) **Hon. Mutahi Kagwe, EGH**, nominee for appointment as Cabinet Secretary for Agriculture and Livestock Development demonstrated knowledge of topical, administrative and technical issues touching on the portfolios to which he had been nominated; and has the requisite abilities, academic qualifications and professional experience to be approved for appointment.
- (2) **Hon. William Kabogo**, nominee for appointment as Cabinet Secretary for Information, Communication and the Digital Economy demonstrated knowledge of topical, administrative and technical issues touching on the portfolios to which he had been nominated; and has the requisite abilities, academic qualifications and professional experience to be approved for appointment.
- (3) **Hon. Lee Kinyanjui**, nominee for appointment as Cabinet Secretary for Investments, Trade and Industry, demonstrated knowledge of topical, administrative and technical issues touching on the portfolios to which they had been nominated; and has the requisite abilities, academic qualifications and professional experience to be approved for appointment.

CHAPTER SIX

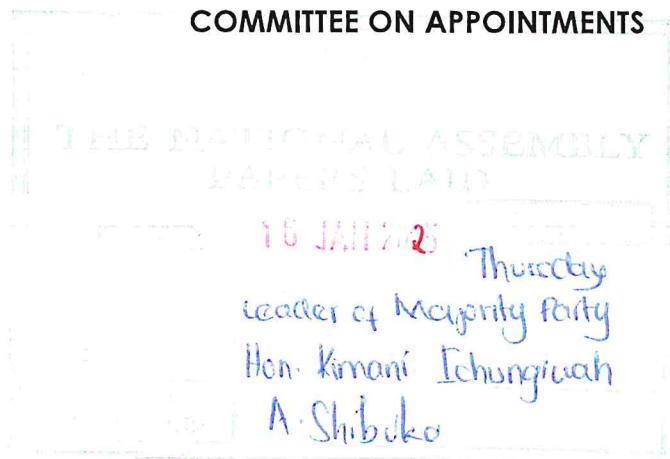
6. COMMITTEE RECOMMENDATIONS

213. Having considered the suitability of the nominees for appointment during the approval hearings pursuant to Article 152(2) of the Constitution and sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, and Standing Order 204(4) of the National Assembly Standing Orders, the Committee recommends that this House **approves—**

- (1) **Hon. Mutahi Kagwe, EGH for appointment as Cabinet Secretary for Agriculture and Livestock Development;**
- (2) **Hon. William Kabogo for appointment as Cabinet Secretary for Information, Communication and the Digital Economy; and**
- (3) **Hon. Lee Kinyanjui for appointment as Cabinet Secretary for Investments, Trade and Industry.**

Signed..... Wetang'ula Date..... 15/1/2025

RT. HON. (DR.) MOSES M. WETANG'ULA, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY/ CHAIRPERSON
COMMITTEE ON APPOINTMENTS





THE NATIONAL ASSEMBLY
13TH PARLIAMENT – THIRD SESSION
COMMITTEE ON APPOINTMENTS

ADOPTION SCHEDULE


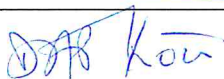

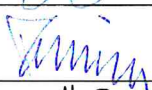



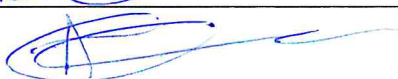
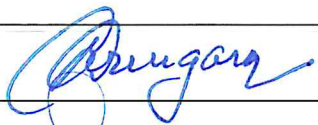
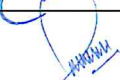
DATE: 15.01.25

VENUE: MINI-CHAMBER COUNTY HALL

ADOPTION OF THE REPORT ON THE APPOINTMENT OF THE FOLLOWING
NOMINEES FOR THE POSITION AS CABINET SECRETARIES:

1. Hon. Mutahi Kagwe, EGH – Ministry of Agriculture and Livestock Development
2. Hon. William Kabogo – Ministry of Information, Communication and the Digital Economy
3. Hon. Lee Kinyanjui – Ministry of Investments, Trade & Industry

S/NO.	HON. MEMBER	SIGNATURE
1.	Rt. Hon. (Dr.) Moses Wetang'ula, EGH, M.P.	
2.	Hon. Gladys J. Boss, MGH, M. P	
3.	Hon. Kimani Ichung'wah, EGH, M.P.	
4.	Hon. Junet Mohamed, EGH, M.P.	
5.	Hon. Owen Baya, CBS, M.P.	
6.	Hon. Robert Mbui, CBS, MP.	
7.	Hon. Mishi Mboko, CBS, M.P.	
8.	Hon. Abdul Rahim Dawood, M.P.	

S/NO.	HON. MEMBER	SIGNATURE
9.	Hon. David Gikaria, M.P.	
10.	Hon. David Pkosing, CBS, M.P.	
11.	Hon. Dido Ali Raso, M.P.	
12.	Hon. Ferdinand Wanyonyi, M.P.	
13.	Hon. Stephen Mule Mutinda, M.P.	
14.	Hon. Josephine Naisula Lesuuda, OGW, M.P.	
15.	Hon. Mary Emaase Otucho, M.P.	
16.	Hon. Abdi Omar Shurie, CBS, M.P.	
17.	Hon. Caleb Amisi Luyai, M.P.	
18.	Hon. George Gitonga Murugara, M.P.	
19.	Hon. Nelson Koech, CBS, M.P.	
20.	Hon. Rahab Wachira Mukami, M.P.	