

Approved for tabling in the house.



BNA
9/11/2021

THE NATIONAL ASSEMBLY	
REPUBLIC OF KENYA	
THE NATIONAL ASSEMBLY	
DATE: 09 NOV 2021	DAY: TUESDAY
TWELFTH PARLIAMENT – FIFTH SESSION – 2021	
TABLED BY: V. K. K. K.	DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING
CLERK-AT-THE-TABLE: BENSON NDOFU	

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

1. MS. LENA MUNUVE
2. MRS. ALOME KASERA ACHAYO
3. DR. DAVID WANYONYI WANYAMA
4. MR. ABDI A. MOHAMED

CLERK'S CHAMBERS

DIRECTORATE OF DEPARTMENTAL COMMITTEES

PARLIAMENT BUILDINGS

NAIROBI

NOVEMBER 2021

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ACRONYMS

CS	-	Cabinet Secretary
KRA	-	Kenya Revenue Authority
EACC	-	Ethics and Anti-Corruption Commission
DCI	-	Directorate of Criminal Investigations
HELB	-	Higher Education Loans Board
ORPP	-	Office of the Registrar of Political Parties
PAPAA	-	Public Appointments (Parliamentary Approval) Act
ICPAK	-	Institute of Certified Public Accountants of Kenya

CHAIRPERSON'S FOREWORD

This report contains the proceedings of the Departmental Committee on Finance and National Planning during the approval hearings of the following nominees for appointment as Directors of the Board of the Competition Authority of Kenya:

- | | |
|-------------------------------|----------|
| 1. Ms. Lena Munuve | - Member |
| 2. Mrs. Alome Kasera Achayo | - Member |
| 3. Dr. David Wanyonyi Wanyama | - Member |
| 4. Mr. Abdi A. Mohamed | - Member |

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

In compliance with section 6(9) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), the Clerk of the National Assembly placed an advertisement in the print media on Saturday, 9th October 2021. He invited the public to submit memoranda by way of written statements on oath (*affidavit*) on the suitability of the nominees in conformity with section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011. At the close of the submission deadline, the Committee had not received any memorandum for or against the suitability of the nominees.

The nominees appeared before the Committee on Friday, 22nd October 2021 for the approval hearings. The Committee examined their suitability based on the criteria set out in Section 7 of the Public Appointments (Parliamentary Approval) Act, 2011. In addition, the Committee examined their academic credentials, relevant experience, knowledge of sector issues, and leadership and integrity. The Committee paid due regard to the procedure used to arrive at the nominee; any constitutional or statutory requirements relating to the office in question and the suitability of the nominee for the appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the Competition Authority.

From the approval hearings, the Committee observed that nomination had attained regional balance given that the nominees came from diverse regions of the country, including Nyeri, Nairobi, Bungoma and Mandera Counties.

The nomination adhered to the principles of gender equity as out of the four (4) nominees, two (2) were male and two (2) were female. All the nominees had work experience of over ten (10) years, having worked in both the private and public sectors and were very knowledgeable in competition and consumer welfare matters. In addition, the nomination exhibited an excellent blend of experience ranging from retail marketing, accounting, human resource, and consumer welfare issues with one of the nominees having work experience in the Oil and Gas Sector.

May I take this opportunity to thank all the Members of the Committee for their input and valuable contributions during the approval hearings and deliberations during the writing of the report. The Committee also takes this opportunity to thank the Office of the Speaker, Office of the Clerk of the National Assembly and the Committee Secretariat for the technical and logistical support during the vetting exercise.

On behalf of the Departmental Committee on Finance and National Planning, and pursuant to section 10(1) (f) and (2) of the Competition Act (No. 12 of 2010) and Section 8(1) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), it is my pleasant duty to table the **Report of the Committee on the nomination of Ms. Lena Munuve, Mrs. Alome Kasera Achayo, Dr. David Wanyonyi Wanyama and Mr. Abdi Mohamed for appointment as directors of the Board of the Competition Authority of Kenya** for debate and adoption by the House.

Hon. Gladys Wanga, CBS, MP

Chairperson, Departmental Committee on Finance and National Planning

PART ONE

1 PREFACE

1.1 ESTABLISHMENT OF THE COMMITTEE

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

1.2 MANDATE OF THE COMMITTEE

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

1.3 COMMITTEE MEMBERSHIP

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

Chairperson

Hon. Gladys Wanga, CBS, MP
Homabay County

ODM Party

Vice-Chairperson

Hon. Isaac W. Ndirangu, MP
Roysambu Constituency

Jubilee Party

Members

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

Jubilee Party

Hon. Christopher Omulele, CBS, MP
Luanda Constituency

ODM Party

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

Independent Member

Hon. Daniel Nanok, MP
Turkana West Constituency

Jubilee Party

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

ODM Party

Hon. Andrew Okuome, MP
Karachuonyo Constituency

ODM Party

Hon. David Mboni, MP
Kitui Rural Constituency

CCU Party

Hon. Francis K. Kimani, MP
Molo Constituency

Jubilee Party

Hon. Joseph Oyula, MP

Butula Constituency

ODM Party

Hon. Joshua Kandie, MP
Baringo Central Constituency

MCC Party

Hon. Stanley Muthama, MP
Lamu West Constituency

MCC Party

Hon. Edith Nyenze, MP
Kitui West Constituency

WDM-K

Hon. Catherine Waruguru, MP
Laikipia County

Jubilee Party

Hon. James Gichuhi Mwangi, MP
Tetu Constituency

Jubilee Party

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

Jubilee Party

Hon. Peter Lochakapong, MP
Sigor Constituency

Jubilee Party

Hon. Qalicha Gufu Wario, MP
Moyale Constituency

Jubilee Party

1.4 COMMITTEE SECRETARIAT

5. The following Secretariat facilitates the Committee:

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

Ms. Jennifer Ndeto
Principal Legal Counsel 1

Mr. Josephat Motonu
Senior Fiscal Analyst

Mr. Luka Mutua
Serjeant-At-Arms

Ms. Hannah Mwangi
Intern

Ms. Laureen O. Wesonga
Clerk Assistant II

Mr. Chelang'a Maiyo
Research Officer II

Ms. Christine Maeri
Audio Officer

PART TWO

2 INTRODUCTION

2.1 Message from the Cabinet Secretary for National Treasury and Planning

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

2.2 Nomination and appointment process

8. The nomination was made in line with Section 10 of the Competition Act (No. 12 of 2010) which provides for the establishment of the Authority. However, the Act is not explicit on the procedure for recruitment, including the minimum qualifications and years of experience. The Act provides that the persons to be appointed must possess expertise in competition and consumer welfare matters, with one of the nominees being experienced in consumer welfare matters.
9. The National Assembly having received names of the nominees was obligated to conduct approval hearings and make a determination of the nominees' suitability or otherwise within twenty-eight (28) days as provided for in Section 8(1) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011).

2.3 Report of the Committee for the nomination of the Directors of the Board of Competition Authority of Kenya

10. Pursuant to section 10(1)(f) of the Competition Act (No. 12 of 2010), the Cabinet Secretary for National Treasury and Planning invited applications from suitably qualified persons for the vacant positions of members of the Board of CAK. The advertisement was placed in the print media on 8th May 2020 with a closing date of 5th June 2020. On the closing day, all applications were collected, serialised, registered and filed. However, due to the COVID-19 Pandemic, the recruitment process was interrupted hence the delay in finalising the recruitment process.
11. The CS National Treasury and Planning, vide letter Ref. No. TNT/ZZ 253/01 (50) dated 27th May 2021 appointed an interview panel to conduct the recruitment process and make recommendations to the CS for consideration and if approved, for onward submission to the National Assembly for approval. The Panel was tasked to undertake the following: Review the long list of applicants; Develop and adopt the shortlisting criteria; Undertake the shortlisting of the applicants; Conduct interviews; and Prepare a report with recommendations to the CS.

12. The Panel reviewed the draft longlist with sixty-three (63) applicants and analysed records of all the applications. The Panel developed a road map to guide the interview process. Arising from criteria set by the Panel, ten (10) applicants were shortlisted for the position.
13. Interviews were conducted on Monday, 5th and Tuesday, 6th July 2021 and were guided by an interview tool that sought to identify the candidates' competencies. Specifically, the Panel wanted to ascertain the skills and capabilities that support and underpin each of the behaviours and allow greater focus for the candidate and Panel.
14. Guided by the principles of meritocracy, fair representation, equity and gender, the Panel analysed the composition of the Board of CAK, reviewed the performance of the interviewees and recommended that the following should be appointed to the positions: **Ms. Lena Munuve who scored 92.50%; Mrs. Alome K. Achayo who scored 89.17%; Mr. David W. Wanyama who scored 78.75%; and Mr. Abdi A. Mohamed who scored 74.17%.**

2.4 Committee proceedings

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

PART THREE

3 BACKGROUND INFORMATION

3.1 Legal framework

16. Section 10 (1) and (2) of the Competition Act (No. 12 of 2010) provides as follows—

10. (1) *The Authority shall consist of the following members:*

- a) a non-executive chairman, appointed by the Minister;*
- b) the Permanent Secretary in the Ministry for the time being responsible for finance or his representative;*
- c) the Permanent Secretary in the Ministry for the time being responsible for trade or his representative;*
- d) the Attorney-General or his representative;*
- e) the Director-General appointed under section 12; and*
- f) five other members appointed by the Minister from among persons experienced in competition and consumer welfare matters, one of whom shall be experienced in consumer welfare matters.*

(2) The persons proposed to be members of the Authority under subsection (1)(f) shall, before their appointment to the Authority, be vetted and approved by Parliament through the relevant Committee of Parliament.

17. With the declaration of vacancies on four posts of the Board of Competition Authority following the expiry of the term of Directors, the Board was unable to discharge its mandate as it currently constituted as follows:

- | | | |
|--------------------------------------|---|----------|
| (i) Amb. Nelson Ndirangu, OGW | - | Chairman |
| (ii) Mr. Abdirizak Arale Nunow, Ph.D | - | Member |

18. In light of this, the CS for National Treasury nominated Ms. Lena Munuve, Mrs. Alome Kasera Achayo, Dr. David Wanyonyi Wanyama and Mr. Abdi Mohamed for appointment as members of the Board of the Competition Authority of Kenya .

19. The Departmental Committee on Finance and National Planning was assigned the role of conducting the vetting of the nominees mentioned above.

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

- i. The Competition Act (No. 12 of 2010);
- ii. The Public Appointments (Parliamentary Approval) Act (No. 33 of 2011);
- iii. Chapter 6 of the Constitution on leadership and integrity;
- iv. Article 232 of the Constitution on values and principles of public service;
- v. Article 10 of the Constitution on the national values and principles of governance;
- vi. Article 77 on restriction on activities of State Officers;
- vii. The Leadership and Integrity Act (Cap. 182);
- viii. The Public Service (Values and Principles) Act (No. 1A of 2015); and
- ix. The Public Officer Ethics Act (Cap. 183)

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

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

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

22. The Schedule to the Public Appointments (Parliamentary Approval) Act provides for the criteria to guide the Committee during an approval hearing. These are—
- i. Education, employment record;
 - ii. Public office, political activities and affiliations;
 - iii. Deferred income or future benefits;
 - iv. Sources of income, tax status, statement of net worth;
 - v. Potential conflicts of interest;
 - vi. Pro bono or charity work;
 - vii. Whether the nominee has been charged in a court of law or convicted; and
 - viii. Adverse mention in an investigatory report of a Parliamentary Committee or Commission.
23. During the approval hearing, section 6 of the Public Appointments (Parliamentary Approval) Act (PAPAA) provides important points, as follows—
- i. An approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background (section 6(7) of the PAPAA).
 - ii. The criteria specified in the Schedule shall be used by a Committee during an approval hearing for the purposes of vetting a candidate (section 6(8) of the PAPAA).
 - iii. Any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated (section 6(9) of the PAPAA).
 - iv. A candidate may, at any time, by notice in writing addressed to the Clerk, withdraw from the approval process and the candidate's nomination shall end (section 6(10), PAPAA).

Chapter 6 of the Constitution (Leadership and Integrity)

24. There are essential provisions in Chapter 6 of the Constitution worth pointing out. Article 73 of the Constitution provides that the Authority assigned to a state officer (a member of a Commission being a state officer under Article 260 of the Constitution) is a public trust to be exercised in a manner that is consistent with the Constitution, demonstrates respect for the people, brings honour to the nation and dignity to the office and promotes public confidence in the integrity of the office. Also, the state officer shall be responsible for serving the people, rather than the power to rule them.
25. The guiding principles of leadership and integrity are listed as selection based on personal integrity, competence and suitability, objectivity and impartiality in decision making, selfless service based solely on the public interest, accountability and discipline and commitment in service to the people.

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

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

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

27. Article 232 of the Constitution provides for the values and principles of public service which include high standards of professional ethics; efficient, effective and economical use of resources; responsive, prompt, effective, impartial and equitable provision of services; involvement of the people in the process of policymaking; accountability for administrative acts; transparency and provision to the public of timely, accurate information; fair competition and merit as the basis of appointments and promotions; representation of Kenya's diverse communities; and affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service of men and women; the members of all ethnic groups; and persons with disabilities.

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

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

The Leadership and Integrity Act

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

The Public Service (Values and Principles) Act

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

The Public Officer Ethics Act

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

3.2 Qualifications for appointment as a director of the Board of Competition Authority of Kenya

32. In conducting the approval hearings, the Committee was guided by section 5(1) (f) of the Competition Act (No. 12 of 2010) and the provisions of Section 3 and 5 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011).
33. Article 73 of the Constitution provides that:
- (2) *The guiding principles of leadership and integrity include:*
- a) *selection on the basis of personal integrity, competence and suitability, or election in free and fair elections;*

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

3.3 Message from Cabinet Secretary for National Treasury

34. In a letter, Ref: TNT/ZZ 253/01 dated 27th August 2021, the CS for National Treasury, Amb. Ukur Yatani, EGH communicated the names of nominees for appointment to the position of Directors of the Board of Communications Authority of Kenya to the Speaker for approval by the National Assembly pursuant to section 10(2) of the Competition Act (No. 12 of 2010). Accordingly, the Speaker in his Communication from the Chair issued on **Thursday, 7th October 2021** and pursuant to Standing Order No. 42(4) referred the names to the Departmental Committee on Finance and National Planning to conduct approval hearings and report its findings to the House within twenty-eight (28) days.

3.4 Notification to the nominee and Chapter 6 clearance requirements

35. The Clerk of the National Assembly vide letters Ref: NA/DDC/F&NP/2021/65 dated 14th **October 2021** wrote to the nominees informing them of their nomination by the CS for National Treasury and requested them to appear for vetting by the Departmental Committee on Finance and National Planning on **Thursday, 21st October 2021** in Mini Chamber, First Floor, County Hall, Parliament Buildings. The Clerk further requested the nominees to bring with them clearance certificates from Kenya Revenue Authority (KRA), Higher Education Loans Board (HELB), Ethics & Anti-Corruption Commission (EACC), Office of the Registrar of Political Parties (ORPP) and Directorate of Criminal Investigations (DCI).
36. The Clerk also wrote to Kenya Revenue Authority (KRA), Higher Education Loans Board (HELB), Ethics & Anti-Corruption Commission (EACC), Office of the Registrar of Political Parties (ORPP) and Directorate of Criminal Investigations (DCI), requesting for tax, loans, integrity, leadership in a political party and criminal record status of the nominees.
37. The institutions wrote back to the National Assembly clearing the nominees vide the following letters: Kenya Revenue Authority (KRA) (letters Ref: KRA/5/1002/5(6043) and KRA/5/1002/5(6059)); the Higher Education Loans Board (HELB) (letter Ref: HELB/RR/112009/130); Ethics & Anti-Corruption Commission (EACC) (letter Ref: EACC.7/10/5 VOL.XVIII(248)); Office of the Registrar of Political Parties (ORPP) (letter Ref: RPP/ORG/34 Vol. V (20)); and the Directorate of Criminal Investigations (DCI) (letter Ref: DCI/CRO/SEC/6/7/A/VOL.X/56).

3.5 Request for Memoranda and Notification to the public

38. Section 6(9) of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011 provides that *"any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated"*.
39. The Clerk of the National Assembly on **Saturday, 9th October 2021** placed a notification in the print media informing the general public of the intention of the Committee to conduct approval

hearings, as provided for by Article 118(1)(a)(b) and (2) of the Constitution and Section 6(4) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), which allows public participation in Committee proceedings. In addition, the notification gave provision for the submission of memoranda on the suitability or otherwise of the nominees by **Friday, 15th October 2021 at 5.00 pm.**

3.6 Submission of memoranda

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

PART FOUR

4 APPROVAL HEARINGS

41. Following the expiry of the term of service of four directors of the Board of the Competition Authority of Kenya, the Cabinet Secretary National Treasury nominated Ms. Lena Munuve; Mrs. Alome Kasera Achayo; Dr. David Wanyonyi Wanyama; and Mr. Abdi A. Mohamed to fill the vacancies pursuant to section 10(1) (f) of the Competition Act (No. 12 of 2010).
42. The Committee conducted approval hearings for the nominees on **Friday, 22nd October 2021**. In conducting the vetting exercise, the Committee was guided by, among other documents, the Constitution, the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), the Competition Act (No. 12 of 2010) and the National Assembly Standing Orders.
43. The Committee examined the nominees using the guidelines in the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011). The Committee also considered the following in vetting the nominees:
- a. Academic qualifications
 - b. Employment record and work experience
 - c. Professional association
 - d. Public office, political activities and affiliations
 - e. Potential conflict of interest
 - f. Suitability to the position
 - g. Tax compliance
 - h. Vision and leadership
 - i. Integrity
 - j. Expectations and Key priorities

4.1 MS. LENA MUNUVE

Ms. Munuve appeared before the Committee for vetting on **Friday, 22nd October 2021 at 10.00 a.m.** She was orally interviewed by the Committee and responded to questions during vetting as follows:

4.1.1 Personal Background

44. Ms. Munuve is a Kenyan citizen of identity card number 10434763 and was born in Nyeri County in 1970.

4.1.2 Educational Background

45. Ms. Lena Munuve holds a Master's Degree in Business Administration (2004) and a Bachelor of Commerce Degree (1993) from the University of Nairobi.
46. She has a Post Graduate Diploma in Marketing from the Chartered Institute of Marketing, UK and a Diploma in Executive Coaching from the Academy of Executive Coaching at AEoC, UK.
47. She also has a certificate in Corporate Governance from the Kenya School of Government; a certificate of participation in Mwongozo by the State Corporations Advisory Committee (SCAC); a certificate in Corporate Governance from the Centre for Corporate Governance; and a certificate in Corporate Executive Leadership from the University of the Witwatersrand, South Africa.
48. She sat for the Kenya Advanced Certificate of Education (K.A.C.E.) at Alliance Girls High School in 1989 and Kenya Certificate of Education (K.C.E.) at Alliance Girls High School Nairobi in 1986.

4.1.3 Work experience/career progression

49. Ms. Lena Munuve is currently a Board Member at Mathari National Teaching and Referral Hospital; she has been holding since October this year. In addition, she served as a Board Director at Kenya Institute of Public Policy Research Analysis (KIPPRA) from 2014 to 2017.

50. She has mainly worked in the Oil and Gas sector in various capacities as follows:

- i. Retail Manager at Vivo Energy Kenya Limited from May 2012 to November 2019. She was the East Africa Retail Manager at Shell East Africa from December 2009 to April 2012.
- ii. Retail Manager at Kenya Shell Limited from August 2007 to November 2009;
- iii. Shell Cards Marketing Manager-Africa at Shell Oil Products Africa from February 2004 to July 2007;
- iv. Cards Marketing and Operations Manager at Kenya Shell Limited from May 2002 to February 2004;
- v. Non-Fuel Retail Manager at Kenya Shell Limited from February 1997 to April 2002;
- vi. Shops Advisor at Esso (K) Limited from December 1995 to February 1997; and
- vii. Pricing Analyst/Marketing Assistant at Esso (K) Limited from February 1994 to October 1995.

4.1.4 Professional Associations & Affiliations

51. Ms. Munuve is professionally affiliated with the Women on Boards Network, the Academy of Executive Coaching; the Petroleum Institute of East Africa (PIEA); and the Chartered Institute of Marketing.

4.1.5 Honors and Awards

52. She has received several awards, including the Best Final Year Student, Business Administration at the University of Nairobi in 1993; Best Final Year Student with highest marks in all marketing courses at the University of Nairobi in 1993; Won five (5) of seven (7) awards of Best Shell Brand Standards in Africa in 2011; Africa Shell Executive Vice Presidents Award on Business Growth in 2009; Africa Vivo Energy Chief Executive Award on Growth of Service Stations Network in 2014; and Numerous Customer Service Awards at Annual Global Ceremonies held in Japan, China, France, Cape Town, New York between 2008 and 2018.

4.1.6 Clearance Requirements

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

4.1.7 Other issues under consideration

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

How her work experience has prepared her for the position at the Competition Authority

54. She stated that she was well versed with the mandate of the Competition Authority because of her experience as the East Africa Retail Manager for Shell where she was responsible for ensuring

adherence to the provisions of the Competition Act. She stated that the role adequately prepared her for the position at the Competition Authority.

How she will fit into the public sector having worked in the private sector throughout her career life

55. She stated that even though the culture and work ethics between the private and public sectors were very different, desired results will be achieved by dedication and persistence. Also, setting boundaries and holding people accountable will yield positive results.

Knowledge on the provisions of the Competition Act, 2010 and whether the Act has been effective

56. She demonstrated her knowledge of the Act by stating that the Act governs matters relating to unfair trade practices. She also noted that the Act has been instrumental in the recent mergers and acquisitions in ensuring that the interests of all stakeholders have been put into consideration before approval is granted. Finally, she noted that the Act has not adequately addressed issues of e-commerce and should therefore be amended to adapt to the realities of the emerging sector of e-commerce.

Role of the Authority in increasing Foreign Direct Investment (FDI)

57. She stated that the Authority plays a critical role in promoting FDI by regulating competition and that the market structure is conducive enough to attract foreign investors in terms of entry and exit.

Monopoly in the LPG Supply

58. She stated that the current market structure in the LPG sector should be discouraged as it has contributed to high LPG prices in the country.

How the Authority can improve the quality of goods and services in the country

59. Ms. Munuve stated that there should be an effective collaboration between the Authority and other regulatory bodies like the Kenya Bureau of Standards to ensure that the quality of goods and services is not compromised.

Whether the Authority has delivered on its mandate

60. She stated that the Authority had created a safe and predictable business environment, but there was an opportunity for improvement.

Net worth

61. She estimated her financial net worth at one hundred and twenty million (KSh. 120 million).

4.2 MRS. ALOME KASERA ACHAYO

Mrs. Achayo appeared before the Committee for vetting on **Friday, 22nd October 2021** at **11.30 a.m.** She was orally interviewed by the Committee and responded to questions during vetting as follows:

4.2.1 Personal Background

62. Mrs. Alome Achayo is a female Kenyan citizen of identity card number 8621753 and was born in Nairobi County in 1968.

4.2.2 Educational Background

63. Mrs. Achayo holds a Bachelor of Science Degree in Medical Microbiology (2017) from Jomo Kenyatta University of Agriculture and Technology and a Masters Degree in Business Administration (Strategic Management and Marketing) (2006) from the University of Nairobi. She also attained a Bachelor of Science Degree in Business Administration (Marketing) from the United States International University in 1999.
64. She is currently pursuing a Ph.D. in Philosophy (Strategic Management) at the Jomo Kenyatta University of Agriculture and Technology (JKUAT).
65. She attained a Higher Diploma in Microbiology and Immunology from the Kenya Polytechnic University College in 1996 and a Diploma in Applied Science (Medical Lab Science) from Mombasa Polytechnic in 1990.
66. She sat for her Kenya Certificate of Education (K.C.E.) at Aga Khan High School, Mombasa in 1986.

4.2.3 Work experience/career progression

67. Mrs. Alome Achayo has professional experience spanning thirty (30) years, having worked in various private and public capacities.
68. She started her career as a Medical Representative at Smith and Nephew Incorporation from 1991 to 1993. She also worked as a National Product Manager at Assia/Teva Pharmaceuticals from 1993 to 2000.
69. She has served in senior management levels, including General Manager, Business Development at the Agriculture Finance Corporation (AFC) from 2010 to 2012 and General Manager, Quality Control and Marketing at the E & A Industries from 2005 to 2010.
70. She also served as Managing Director at Mombasa Water Supply and Sanitation (Municipal Council of Mombasa) from 2012 to 2014 and a Board Member at the Ministry of Environment, Water and Natural Resources: National Water Conservation and Pipeline Corporation from May 2015 to June 2018.
71. She was the Country Manager at E & A Industries; USAID-funded project under Kenya Crop & Dairy Marketing systems (KCDMS).

4.2.4 Professional Certificates

72. She has the following professional certificates:
- i. Certificate in Governance, Risk Management and Compliance from the George Washington University DC in 2016;
 - ii. Diploma in Contemporary Public Administration Management from Galilee International Management Institute, Israel in 2016;
 - iii. Certificate in Water Resources and Environment Management from Qingdao University of Science and Technology, China in 2017;
 - iv. Certificate in Business Improvement and Enhancing Financial Access from the International Finance Corporation (IFC/World Bank), Kenya in 2009;

- v. Certificate in Product Development from Smith & Nephew Corporation, the UK in 1992.

4.2.5 Professional Associations & Affiliations

73. Mrs. Achayo is a member of the following institutions:

- i. Marketing Society of Kenya (MSK);
- ii. Kenya Medical Lab Technicians & Technologist Scientist Board;
- iii. St. Marks Church Westlands;
- iv. St. Mathews Church Masogo; and
- v. Masogo Health Centre in Sawagongo.

4.2.6 Honours and Awards

74. Mrs. Achayo received the Leadership Diversity Award, Mombasa Chapter from the Kenya National Chamber of Commerce in December 2013 for outstanding leadership at Mombasa Water Supply and Sanitation Company Limited.

4.2.7 Clearance Requirements

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

4.2.8 Other issues under consideration

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

How her experience has prepared her for the role that she was being vetted for

76. She stated that her work experience in various capacities has helped her hone her scientific and marketing skills. In addition, she was conversant with consumer welfare issues, which, if appointed, would be instrumental in creating Communication and awareness of services offered in the market.

Effectiveness of the Competition Act, 2010

77. She stated that the Act has not been effective in ensuring the Authority discharges its mandate since it had no prosecutorial powers. She, therefore, noted that the Act should be amended to give the Authority prosecutorial powers and administrative review should be effected to create an inspection department at the Authority.

Public awareness of the Authority

78. She stated that to improve the Authority's visibility and create awareness on its mandate, the Authority should adopt various modes of Communication, including short messaging services and other social media platforms to provide real-time information to the public.

Protection of local manufacturers

79. She submitted that to protect local manufacturers, there should be a law that provides that products manufactured locally should not be imported. In addition, there should also be a policy on the protection of local content compelling the manufacturers to utilize local resources, such as buying goods and services from in-country suppliers. Finally, she stated that the Government should regulate the value chain to protect local manufacturers as much as possible.

How she will improve the productivity of Human Resource output of the Authority

80. She stated that to ensure increased productivity of the staff of the Authority, she will ensure that audit of the various competencies is done so as to match the competence and skills of staff to the job requirements. This will improve productivity and better employer-employee relations.

Whether the Tribunal at the Authority has been effective

81. She stated that the Tribunal has not been very visible. This is because of the monopolistic behavior exhibited by more prominent companies that have been allowed to continue taking the most significant market share due to unfair market structure. In addition, small-size companies have been able to expand their market share size. She will work on improving this if given a chance to work at the Authority.

Her opinion on the Implementation of the Strategic Plan

82. She stated that in her opinion, the budgetary allocation to the Strategic Plan was too high given the number of the stated objectives. She noted that implementation of the Strategic Plan had been allocated KSh. 2.5 billion, which was not proportional to the overall expected output of the Authority.

Net Worth

83. She estimated her financial net worth to be forty-eight point six million (KSh. 48.6 million).

4.3 DR. DAVID WANYONYI WANYAMA

Dr. Wanyama appeared before the Committee for vetting on **Friday, 22nd October 2021 at 12.30 p.m.** He was orally interviewed by the Committee and responded to questions during vetting as follows:

4.3.1 Personal Background

84. Dr. David Wanyama is a Kenyan citizen of identity card number 20249494 and was born in Bungoma County in 1978.

4.3.2 Educational Background

85. Dr. Wanyama holds a Ph.D. in Philosophy (Finance) from Jomo Kenyatta University of Agriculture and Technology in 2017, attained a Master of Business Administration (Finance) Degree from the Jomo Kenyatta University of Science and Technology in 2013 and a Bachelor of Commerce Degree (Management Option) from the Catholic University of Eastern Africa in 2011.
86. He also has an International Diploma in Insurance from Cambridge International College attained in June 2021 and a Diploma in Co-operative Management from the Kabete Technical Training Institute attained in November 2001. He also became a Certified Public Accountant in December 2010 and a Credit Management Professional in June 2008.

4.3.3 Work experience/career progression

87. Dr. Wanyama has worked both in the private and public sectors in the following capacities:
- i. Chief Executive Officer for Master Consultants Limited/Davella LLP from 5th October 2019 to date;
 - ii. Chief Executive Officer for Takaful Insurance Africa Limited from 1st October 2018 to 4th October 2019;
 - iii. General Manager, Finance and Administration at Master Consultants Limited from 1st August 2017 to 30th September 2018;

- iv. Chief Executive Officer for Master Consultants Limited from 1st August 2013 to 31st December 2016;
- v. Adjunct Lecturer at the University of Nairobi and Jomo Kenyatta University of Agriculture and Technology;
- vi. Branch Accountant at Toyota East Africa Limited from 16th February 2009 to 31st July 2013;
- vii. Credit Controller at Wilken Telecommunications Kenya Limited from 5th August 2005 to 13th February 2009;
- viii. Administrative Accountant at Lifeskills Promoters from 1st January 2004 to 31st December 2004;
- ix. Internship at Kabete National Polytechnic from 1st August 1999 to July 1999; and
- x. Untrained Teacher at Kapsambo Secondary School from May 1996 to January 1998.

4.3.4 Professional Associations & Affiliations

88. Dr. Wanyama is a member of the following institutions:

- i. the Institute of Certified Public Accountants of Kenya (ICPAK) since 23rd August 2013;
- ii. Member of Board of Governors at Gatanga Technical and Vocational College; and
- iii. Nairobi Club.

4.3.5 Clearance Requirements

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

4.3.6 Other issues under consideration

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

The role played by the Authority in increasing Foreign Direct Investment (FDI)

90. He stated that the Authority plays a critical role in attracting FDI. It should work with other regional regulatory bodies (East African Competition Authority and COMESA Competition Commission) to create a conducive business environment by ensuring that there is fair market play for all to enter. This will encourage foreign direct investment in the country.

Weakness in the Policy and Legal framework governing competition

- 91. He stated that there are weaknesses relating to the law and policy and as such, there is need for regular review to tackle the emerging issues. If appointed, he will propose a policy change that will promote a framework of cooperation between the Authority and other institutions that work to protect consumers, including but not limited to, Insurance Regulatory Authority, Central Bank of Kenya and Communication Authority of Kenya.
- 92. He stated that there was need to amend the Consumer Protection Act in order to create harmony between the work of the Authority and the Kenya Consumer Protection Advisory Committee. He noted that there seems to be an overlap since the Kenya Consumer Protection Advisory Committee was established by a separate statute (the Consumer Protection Act, 2012.)
- 93. In addition, to have a nationwide reach, he would propose establishing of regional offices across the country to ensure that the Authority's services are accessible to all Kenyans.

Challenges in implementing the Authority's Strategic Plan

94. He stated that the objectives of previous Strategic Plans have failed to be fully implemented due to challenges relating to the Competition Act. However, the various amendments effected to the Act have addressed the challenges. For instance, the Memorandum of Understanding signed between the Authority and the Public Procurement Regulatory Authority will enable a review of unfair procurement processes. To address the challenges of buyer power as a restricted trade practice, he noted that the Authority had established a Buyer Power Department that would improve the Authority's operations.

If his position as the CEO of Devilla LLP will interfere with his work at the Authority

95. Dr. Wanyama stated that his current position as the CEO of Devilla LLP would not interfere with his work at the Competition Authority as he can balance the demands of the two roles.

Net Worth

96. He estimated his net worth to be thirty million (KSh. 30 million).

4.4 MR. ABDI MOHAMED

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

4.4.1 Personal Background

97. Mr. Abdi Mohamed is a Kenyan citizen of identity card number 13330649 and was born in Mandera County in 1974.

4.4.2 Educational Background

98. Mr. Mohamed attained a Master's Degree in Public Policy and Administration from Kenyatta University in 2016 and earned a Bachelor's Degree in Sociology and Psychology from the University of Nairobi in 2012.

99. He holds a diploma in Nursing from the Kenya Medical Training College (KMTC), Nakuru which was attained in 2003 and a Certificate in Nursing from the Kenya Medical Training College (KMTC), Murang'a earned in 1996.

4.4.3 Work experience/career progression

100. Mr. Mohamed has worked both in the public and private sectors in the following capacities:
- i. Council Member at Tharaka Nithi University from 6th September 2018 to date;
 - ii. Regional Peace Building and Conflict Advisor at Rural Agency for Community Development Assistance (RACIDA) from August 2015 to date;
 - iii. Senior Technical Specialist (Health, Food, Security and Climate Change) at Save the Children, Somalia from January 2012 to June 2014;
 - iv. Director of Program in Somalia at International Medical Corps from January 2009 to December 2011;
 - v. Program Director, Sudan and South Sudan at the International Medical Corps from 2006 to 2008;

- vi. Program Manager in Sudan at Cammitato Collaborazione Medica (CCM Italy) from 2004 to 2006;
- vii. Outreach Nurse Coordinator at MSF Belgium based in Daadab from 2002 to 2004; and
- viii. District Public Health Nurse at the Ministry of Health based in Mandera from 1998 to 2001.

4.4.4 Professional Associations & Affiliations

101. Mr. Mohamed is a member of the following institutions:

- i. Kenya Association of Public Administration and Management;
- ii. Kenya Red Cross Society;
- iii. Registered Nurses Association of Kenya;
- iv. Medical Response Team (EMT);
- v. Board Member, Moi Forces Academy;
- vi. Member of the Parents Association at State House Girls High School;
- vii. Chairman, Libin Educational Forum;
- viii. Member, Board of Governors Ashabito Secondary School in Mandera;
- ix. Board Member, Neboi Secondary School in Mandera; and
- x. Chairman of the Board of Rhamu Dhimtu Boys Secondary School.

4.4.5 Clearance Requirements

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

4.4.6 Other issues under consideration

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

How his previous work experience has prepared him for the role that he was being vetted for

103. He stated that he has worked in various capacities where he has gained knowledge in policy formulation. With the skills acquired, he will contribute positively to improving the existing policies and developing new approaches. This will enable the Authority to perform its mandate effectively. In addition, having worked as a Council Member at Tharaka Nithi University has prepared him immensely, especially in dealing with human resource matters.

Potential conflict of interest

104. He stated that he did not have any potential conflict of interest and if it arises in any deliberations of the Board, he will declare as per the provisions of the law. However, if appointed, he stated that he would strengthen the policies relating to conflict of interest at the Authority.

Successes of Competition Act, 2010

105. He stated that the Act had enabled the Authority to realize some achievements in promoting the national economy, consumer protection, and ensuring fair play in the market. The Authority has managed to control the market structure. However, there is need for continuous review of the law to conform to emerging issues.

Challenges in implementing the Authority's strategic plan

106. He stated that implementation of the objectives of the Authority had been affected by the COVID-19 Pandemic, budgetary constraints, lack of policy to regulate e-commerce and the high staff attrition as they seek employment opportunities from other regional bodies such as the East African Community Competition Authority and the COMESA Competition Commission. He stated that if appointed, he would ensure that some of these challenges are addressed.

How the Authority can improve foreign direct investment

107. He stated that the Authority has a clear mandate of looking into impediments to competition, including entry into and exit from markets and ensuring fairness in the market structure. This provides a conducive business environment for foreigners to invest in, which will contribute to the economy's growth in the long run.

Role of the Authority in mergers and acquisitions

108. Mr. Mohamed stated that the Authority has a significant role in ensuring that all stakeholders' interests in any proposed merger or acquisition are taken care of and there is involvement at every decision-making level

Net Worth

109. He estimated that his financial net worth was one hundred and twenty million (KSh. 120 million).

PART FIVE

5 OBSERVATIONS AND FINDINGS

110. The Committee observations were guided by section 7 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011) in terms of issues for consideration as follows:
- i. the procedure used to arrive at the nominees;
 - ii. any constitutional or statutory requirements relating to the office in question; and
 - iii. suitability of the nominees for the appointment proposed having regard to whether the nominees' abilities, experience and qualities meet the needs of the body to which the nomination is made.
111. The Committee made the following general observations on the nominees:
- i. There was regional balance in the nominations given that all the four nominees came from different counties that is, Nyeri, Nairobi, Bungoma and Mandera Counties;
 - ii. There was gender balance in the nominations because of the four nominees, two were male and two were female;
 - iii. The nominating Authority (National Treasury) submitted the report of the interview panel that conducted interviews for the nominees hence the Committee was able to ascertain that the interview process was competitive;
 - iv. All nominees had been cleared by the Kenya Revenue Authority (KRA) on Tax Compliance, the Higher Education Loans Board (HELB) on the payment of her education loan, Ethics and Anti-Corruption Commission (EACC) on integrity, Directorate of Criminal Investigations (DCI) on their criminal status and Office of the Registrar of Political Parties (ORPP) on membership to political parties; and
 - v. The Competition Act (No. 12 of 2010) did not provide the process for appointment, the minimum academic qualifications and years of experience required to appoint one as a director of the Board of the Competition Authority of Kenya.
112. The Committee having considered the nominee's curriculum vitae and heard oral submissions during the vetting exercise made the following specific observations and findings on the nominees:

5.1 MS. LENA MUNUVE

The Committee observed THAT—

113. Ms. Lena Munuve demonstrated knowledge of competition and consumer welfare matters. She understood the mandate of the Competition Authority of Kenya, having worked in the Oil and Gas sector up to the level of East Africa Retail Manager for Shell. She has over twenty years of experience in the Oil and Gas sector. The skills gained have adequately prepared her for the position of Director at the Competition Authority of Kenya. In addition, her extensive training in Corporate Governance will assist the Authority in achieving its set strategic objectives.
114. During the oral examination, she demonstrated her level of preparedness based on how she responded to questions posed by Members.
115. She has the requisite qualifications and experience, qualifying her for an appointment as a Director for the Competition Authority of Kenya. This was ascertained from her academic certificates, which indicated that her highest level of educational qualification is a Master's Degree in Business Administration.

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

5.2 MRS. ALOME KASERA ACHAYO

The Committee observed THAT—

119. Mrs. Alome Achayo was knowledgeable in consumer welfare matters having worked in the pharmaceutical sector. In addition, her position as a Managing Director at Mombasa Water Supply and Sanitation (Municipal Council of Mombasa) has adequately prepared her for the job at the Competition Authority. She has also held several other board member positions, which have contributed to her growth in strategic leadership skills.
120. She has the requisite qualifications and experience, qualifying her for an appointment as a Director for the Competition Authority of Kenya. This was ascertained from her academic certificates, which indicated that her highest level of educational qualification is a Master's Degree in Business Administration.
121. Mrs. Alome Achayo, according to the records and information availed to the Committee, has never been implicated in any issues that may lead to a conclusion of lack of integrity on her part.
122. The Office of the Clerk invited public members to submit any information of interest on any of the candidates. The Committee did not receive any written statement on oath contesting Mrs. Alome Achayo's suitability as required under section 6 (9) of the Public Appointments (Parliamentary Approval) Act, 2011.
123. The Committee exercised due diligence by contacting various Government agencies for confidential reports on the candidate. The agencies included the Kenya Revenue Authority, Higher Education Loans Board, Ethics and Anti-Corruption Commission, Directorate of Criminal Investigation and the Registrar of Political Parties. The said agencies had no adverse reports on her.

5.3 DR. DAVID WANYONYI WANYAMA

The Committee observed THAT—

124. Dr. David Wanyama has over fifteen years of experience in finance, mainly in the private sector. The knowledge gained will assist in the execution of his mandate as a Director at the Competition Authority.
125. He has the requisite qualifications and experience, qualifying his appointment as a Director for the Competition Authority of Kenya. This was ascertained from his academic certificates, which indicated that his highest level of educational qualification is a PhD. in Finance.
126. Dr. Wanyama is knowledgeable on finance matters which is key to any institution. He also understands the mandate of the Authority based on his response to oral questions. In addition, he demonstrated his determination and was focused on the achievement of goals.
127. Dr. David Wanyama, according to the records and information availed to the Committee, has never been implicated in any issues that may lead to a conclusion of lack of integrity on his part.
128. The Office of the Clerk invited members of the public to submit any information of interest on any of the candidates. The Committee did not receive any written statement on oath contesting Dr. David Wanyama's suitability as required under section 6 (9) of the Public Appointments (Parliamentary Approval) Act, 2011.
129. The Committee exercised due diligence by contacting various Government agencies for confidential reports on the candidate. The agencies included the Kenya Revenue Authority, Higher Education Loans Board, Ethics and Anti-Corruption Commission, Directorate of Criminal Investigation and the Registrar of Political Parties. The said agencies had no adverse reports on him.

5.4 MR. ABDI MOHAMED

The Committee observed THAT—

130. Mr. Abdi Mohamed has worked in various capacities up to the level of Council member at Tharaka Nithi University. The experience gained will assist in executing the mandate of Competition Authority of Kenya. In addition, the position has adequately prepared him as he has gained leadership skills which are critical in the provision of strategic direction in any organization.
131. He has the requisite qualifications and experience, qualifying his appointment as a Director for the Competition Authority of Kenya. This was ascertained from his academic certificates, which indicated that his highest level of educational qualification is a Master's Degree in Public Policy and Administration.
132. Mr. Abdi Mohamed, according to the records and information availed to the Committee, has never been implicated in any issues that may lead to a conclusion of lack of integrity on his part.
133. The Office of the Clerk invited members of the public to submit any information of interest on any of the candidates. The Committee did not receive any written statement on oath contesting

Mr. Abdi Mohamed's suitability as required under section 6 (9) of the Public Appointments (Parliamentary Approval) Act, 2011.

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

PART SIX

6 RECOMMENDATION

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

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

- | | |
|---------------------------------|----------|
| i. Ms. Lena Munuve | - Member |
| ii. Mrs. Alome Kasera Achayo | - Member |
| iii. Dr. David Wanyonyi Wanyama | - Member |
| iv. Mr. Abdi A. Mohamed | - Member |


136. The Competition Act (No. 12 of 2010) be amended to outline the process of appointing members of the Board, specific minimum academic and professional qualifications and the minimum number of years of experience of the nominees.

137. The Competition Act (No. 12 of 2010) be further amended to increase the term of service of directors of the Board of Competition Authority of Kenya to six (6) years and make the Board full time.

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

HON. GLADYS WANGA, CBS, MP
CHAIRPERSON

DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING

 THE NATIONAL ASSEMBLY PAPERS AND	
DATE: 09 NOV 2021	
DAY: TUESDAY	
TABLED BY:	V/CHAIR, DC-FINANCE
CLERK-AT THE-TABLE:	Benson INZOFU

ANNEXURES

1. Adoption Schedule
2. Minutes of the 84th Sitting
3. Minutes of the 82nd Sitting
4. Minutes of the 81st Sitting
5. Letters from KRA, EACC, DCI, HELB and ORPP
6. Vetting Questionnaires
7. Speaker's Communication
8. Message from the CS National Treasury
9. Newspaper Adverts
10. Report of the Interview Panel







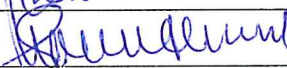


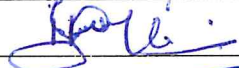


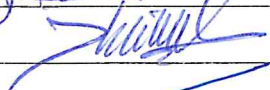
REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

DEPARTMENTAL COMMITTEE ON FINANCE & NATIONAL PLANNING

ADOPTION SCHEDULE FOR THE REPORT ON THE VETTING OF DIRECTORS OF THE
BOARD OF COMPETITION AUTHORITY OF KENYA

DATE: 4th November 2021

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

MINUTES OF THE 84TH SITTING OF THE DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING HELD IN CONFERENCE ROOM A, TRADEMARK HOTEL ON THURSDAY, 4TH NOVEMBER 2021 AT 9:30 A.M.

PRESENT

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

ABSENT WITH APOLOGY

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

IN ATTENDANCE

SECRETARIAT

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

AGENDA

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

MIN.NO.NA/F&NP/2021/394: COMMUNICATION FROM THE CHAIRPERSON

The meeting was called to order at 9:43 a.m. and a prayer was said. The chairperson welcomed the meeting to deliberate on the day's agenda.

MIN.NO.NA/F&NP/2021/395: CONFIRMATION OF MINUTES

Agenda deferred

MIN.NO.NA/F&NP/2021/396: ADOPTION OF THE REPORT ON THE VETTING OF NOMINEES FOR APPOINTMENT AS DIRECTORS OF THE BOARD OF COMPETITION AUTHORITY OF KENYA

The meeting deliberated extensively on the matter and observed that:

1. all the four (4) nominees were fit to serve as Members of the Board of the Competition Authority of Kenya.
2. the Competition Act should be amended to increase the term of service of the board directors from three (3) years to six (6) years and to make the Commission full time.

The Committee recommended that the House approves appointment of all the four (4) nominees:

1. Ms. Lena Munuve
2. Mrs. Alome Kasera Achayo
3. Mr. David Wanyonyi Wanyama
4. Mr. Abdi A. Mohamed

as Directors of the Board of Competition Authority of Kenya.

The Report on the vetting of nominees for appointment to the position of directors of the Board of Competition Authority of Kenya was adopted having been proposed by Hon. David Mboni, MP and seconded by Hon. Joseph Oyula, MP

MIN.NO.NA/F&NP/2021/397: ADJOURNMENT/DATE OF NEXT MEETING

There being no other business to deliberate on, the meeting was adjourned at 1.06 p.m. The next meeting will be held at 2.00 pm.

For

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

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

[Signature]

9th November 2021

MINUTES OF THE 82ND SITTING OF THE DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING HELD IN THE MINI CHAMBER, COUNTY HALL ON FRIDAY, 22ND OCTOBER 2021 AT 2:30 P.M.

PRESENT

- | | | |
|--|---|-------------------------|
| 1. Hon. Gladys Wanga, CBS, MP | - | Chairperson |
| 2. Hon. Isaac W. Ndirangu, MP | - | Vice-Chairperson |
| 3. Hon. Daniel E. Nanok, MP | | |
| 4. Hon. (Dr.) Christine Ombaka, MP | | |
| 5. Hon. David M. Mboni, MP | | |
| 6. Hon. Francis K. Kimani, MP | | |
| 7. Hon. Joseph M. Oyula, MP | | |
| 8. Hon. (Prof.) Mohamud Sheikh Mohamed, MP | | |

ABSENT WITH APOLOGY

1. Hon. Jimmy O. Angwenyi, MGH, MP
2. Hon. Christopher Omulele, CBS, MP
3. Hon. Shakeel Shabbir Ahmed, CBS, MP
4. Hon. Andrew A. Okuome, MP
5. Hon. Joshua C. Kandie, MP
6. Hon. Stanley M. Muthama, MP
7. Hon. Edith Nyenze, MP
8. Hon. Catherine Waruguru, MP
9. Hon. James Gichuhi Mwangi, MP
10. Hon. Peter Lochakapong, MP
11. Hon. Qalicha Gufu Wario, MP

IN ATTENDANCE

SECRETARIAT

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

NOMINEE FOR APPOINTMENT TO THE POSITION OF MEMBER OF THE BOARD OF THE COMPETITION AUTHORITY OF KENYA

Mr. Abdi A. Mohamed

AGENDA

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

MIN.NO.NA/F&NP/2021/385: COMMUNICATION FROM THE CHAIRPERSON

The meeting was called to order at 2:38 p.m. and a prayer was said. The Chairperson then asked the Serjeant-At-Arms to usher in the nominee.

MIN.NO.NA/F&NP/2021/386: CONFIRMATION OF MINUTES

Agenda deferred

MIN.NO.NA/F&NP/2021/387: VETTING OF MR. ABDI MOHAMED, NOMINEE FOR APPOINTMENT TO THE POSITION OF MEMBER OF THE BOARD OF COMPETITION AUTHORITY OF KENYA

The Chairperson welcomed Mr. Mohamed for the vetting and called for the introduction of those present in the meeting. The Secretariat administered an oath to the nominee, who then presented his original academic and professional certificates to the Committee for verification.

Mr. Abdi Mohamed commenced his vetting by introducing himself, stating his family background, educational background, work/employment record, present engagement and membership to professional organisations.

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

- a) His previous work experience vis-à-vis the mandate of the Competition Authority of Kenya;
- b) Role of the Authority in attracting Foreign Direct Investment;
- c) Legal and policy framework underpinning the mandate of the Authority including any possible recommendation for review;
- d) Challenges affecting the implementation of the Authority's Strategic Plan; and
- e) Role of the Authority in mergers and acquisitions
- f) Potential conflict of interest;
- g) Notable achievements following the enactment of the Competition Act;

From his responses to the above thematic areas, the Committee observed that Mr. Abdi was knowledgeable of competition and consumer welfare. He also had the requisite academic qualifications. Accordingly, he was qualified for an appointment as a member of the board of the Competition Authority of Kenya

MIN.NO.NA/F&NP/2021/388: ANY OTHER BUSINESS

The meeting resolved that the Committee would proceed with a report writing retreat in Mombasa in the first week of November. This is to ensure that the reports are ready for tabling when the House reconvenes after recess on 9th November 2021.

MIN.NO.NA/F&NP/2021/389: ADJOURNMENT/DATE OF NEXT MEETING

There being no other business to deliberate on, the meeting was adjourned at 4.15 p.m. The next meeting will be held on notice.

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

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

MINUTES OF THE 81ST SITTING OF THE DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING HELD IN THE MINI CHAMBER, COUNTY HALL ON FRIDAY, 22ND OCTOBER 2021 AT 10:00 A.M.

PRESENT

- | | | |
|---|---|-------------------------|
| 1. Hon. Gladys Wanga, CBS, MP | - | Chairperson |
| 2. Hon. Isaac W. Ndirangu, MP | - | Vice-Chairperson |
| 3. Hon. Daniel E. Nanok, MP | | |
| 4. Hon. (Dr.) Christine Ombaka, MP | | |
| 5. Hon. Andrew A. Okuome, MP | | |
| 6. Hon. David M. Mboni, MP | | |
| 7. Hon. Francis K. Kimani, MP | | |
| 8. Hon. Joseph M. Oyula, MP | | |
| 9. Hon. Joshua C. Kandie, MP | | |
| 10. Hon. (Prof.) Mohamud Sheikh Mohamed, MP | | |

ABSENT WITH APOLOGY

1. Hon. Jimmy O. Angwenyi, MGH, MP
2. Hon. Christopher Omulele, CBS, MP
3. Hon. Shakeel Shabbir Ahmed, CBS, MP
4. Hon. Stanley M. Muthama, MP
5. Hon. Edith Nyenze, MP
6. Hon. Catherine Waruguru, MP
7. Hon. James Gichuhi Mwangi, MP
8. Hon. Peter Lochakapong, MP
9. Hon. Qalicha Gufu Wario, MP

IN ATTENDANCE

SECRETARIAT

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

NOMINEES FOR APPOINTMENT TO THE POSITION OF MEMBERS OF THE BOARD OF THE COMPETITION AUTHORITY OF KENYA

1. Ms. Lena Munuve
2. Mrs. Alome Achayo
3. Dr. David Wanyonyi Wanyama

AGENDA

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

MIN.NO.NA/F&NP/2021/379: COMMUNICATION FROM THE CHAIRPERSON

The meeting was called to order at 10:13 a.m. and a prayer was said. The Chairperson directed that the nominee be called into the meeting.

MIN.NO.NA/F&NP/2021/380: CONFIRMATION OF MINUTES

Agenda deferred

MIN.NO.NA/F&NP/2021/381: VETTING OF MS. LENA MUNUVE, NOMINEE FOR APPOINTMENT TO THE POSITION OF MEMBER OF THE BOARD OF COMPETITION AUTHORITY OF KENYA

The Chairperson welcomed Ms. Munuve for the vetting and called to introduce those present in the meeting. The Secretariat administered an oath to the nominee and she then presented her original academic and professional certificates to the Committee for verification.

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

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

- a) Her previous work experience vis-à-vis the mandate of the Competition Authority of Kenya;
- b) How she will fit in with the work of the Competition Authority of Kenya as a public sector office owing to her primarily extensive private sector experience;
- c) Effectiveness and weaknesses of the Competition Act, 2010;
- d) Role of the Authority in attracting Foreign Direct Investment;
- e) Monopoly in the LPG supply in Kenya;
- f) Role of the Authority improving the quality of goods and services in the country; and
- g) Performance of the Competition Authority.

From her responses to the above thematic areas, the Committee observed that Ms. Lena Munuve was knowledgeable of competition and consumer welfare matters. She understood the mandate of the Competition Authority of Kenya, having worked in the Oil and Gas sector up to the level of East Africa Retail Manager for Shell. She also had the requisite academic qualifications. Accordingly, she was qualified for an appointment as a member of the board of the Competition Authority of Kenya

MIN.NO.NA/F&NP/2021/382: VETTING OF MRS ALOME ACHAYO, NOMINEE FOR APPOINTMENT TO THE POSITION OF MEMBER OF THE BOARD OF COMPETITION AUTHORITY OF KENYA

The Chairperson welcomed Mrs. Alome Achayo for the vetting and called to introduce those present in the meeting. The Secretariat administered an oath to the nominee and she then presented her original academic and professional certificates to the Committee for verification.

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

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

- a) Her previous work experience vis-à-vis the mandate of the Competition Authority of Kenya;
- b) Public awareness of the Authority
- c) Effectiveness and weaknesses of the Competition Act, 2010;
- d) Protection of local content;
- e) Improvement of human resource (staff) productivity at the Commission
- f) Role of the Authority in attracting Foreign Direct Investment;
- g) Monopoly in the LPG supply in Kenya;
- h) Role of the Authority improving the quality of goods and services in the country; and
- i) Performance of the Competition Authority;
- j) Effectiveness of the Competition Authority Tribunal; and
- k) The Implementation of the Authority's Strategic Plan.

From her responses to the above thematic areas, the Committee observed that Mrs. Alome Achayo was knowledgeable of competition and consumer welfare. She also articulated the mandate of the Competition Authority of Kenya. She also had the requisite academic qualifications. Accordingly, she was qualified for an appointment as a member of the board of the Competition Authority of Kenya

MIN.NO.NA/F&NP/2021/383: VETTING OF DR, DAVID WANYONYI WANYAMA, NOMINEE FOR APPOINTMENT TO THE POSITION OF MEMBER OF THE BOARD OF COMPETITION AUTHORITY OF KENYA

The Chairperson welcomed Dr. David Wanyama for the vetting and called to introduce those present in the meeting. The Secretariat administered an oath to the nominee and he then proceeded to present his original academic and professional certificates to the Committee for verification.

Dr. Wanyama commenced his vetting by introducing himself, stating his family background, educational background, work/employment record, present engagement and membership to professional organisations.

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

- a) Role of the Authority in attracting Foreign Direct Investment;
- b) Legal and policy framework underpinning the mandate of the Authority including any possible recommendation for review;
- c) His previous work experience vis-à-vis the mandate of the Competition Authority of Kenya;
- d) Challenges affecting the implementation of the Authority's Strategic Plan; and
- e) Public awareness of the Authority.

From his responses to the above thematic areas, the Committee observed that Dr. Wanyama was knowledgeable of competition and consumer welfare. He also articulated the mandate of the Competition Authority of Kenya. He also had the requisite academic qualifications. Accordingly, he was qualified for an appointment as a member of the board of the Competition Authority of Kenya

MIN.NO.NA/F&NP/2021/384: ADJOURNMENT/DATE OF NEXT MEETING

There being no other business to deliberate on, the meeting was adjourned at 1.30 p.m. The next meeting will be held on at 2.30 pm.

For

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

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