

Tabled by Chairperson  
Hon. Nelson Koroh  
J. Lemelle



Approved  
J. Lemelle  
1st Dec. 2022

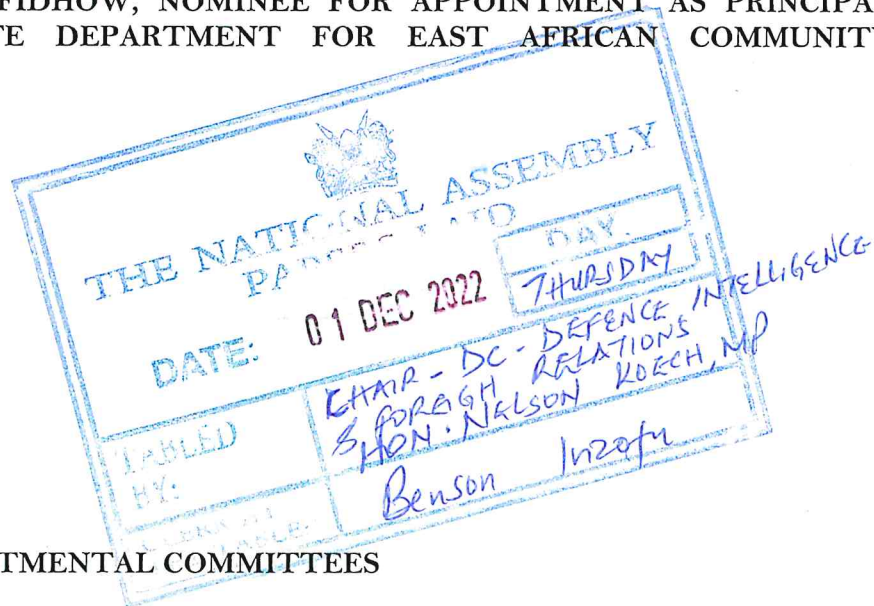
REPUBLIC OF KENYA  
THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – FIRST SESSION – 2022

DEPARTMENTAL COMMITTEE ON DEFENCE, INTELLIGENCE, AND FOREIGN  
RELATIONS

REPORT ON THE APPROVAL HEARINGS OF:

1. MR. PATRICK MARIRU, NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY, STATE DEPARTMENT FOR DEFENCE;
2. DR. ABRAHAM KORIR SINGO'EI, NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY, STATE DEPARTMENT FOR FOREIGN AFFAIRS;
3. MS. ROSELINE KATHURE NJOGU, NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY, STATE DEPARTMENT FOR DIASPORA AFFAIRS; AND
4. MR. ABDI DUBAT FIDHOW, NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY, STATE DEPARTMENT FOR EAST AFRICAN COMMUNITY AFFAIRS.



CLERK'S CHAMBERS  
DIRECTORATE OF DEPARTMENTAL COMMITTEES  
PARLIAMENT BUILDINGS  
NAIROBI

NOVEMBER, 2022



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## LIST OF ABBREVIATIONS AND ACRONYMS

AU	-	African Union
CEO	-	Chief Executive Officer
DCI	-	Directorate of Criminal Investigations
DRC	-	Democratic Republic of Congo
EAC	-	East African Community
EACC	-	Ethics and Anti-Corruption Commission
HELB	-	Higher Education Loans Board
IMF	-	International Monetary Fund
JKIA	-	Jomo Kenyatta International Airport
KDF	-	Kenya Defence Forces
KMC	-	Kenya Meat Commission
KRA	-	Kenya Revenue Authority
MDAs	-	Ministries, Departments and Agencies
ORPP	-	Office of the Registrar of Political Parties
PAPAA-	-	Public Appointments (Parliamentary Approval) Act
PS	-	Principal Secretary
RDAs	-	Regional Development Authorities
SRC	-	Salaries and Remuneration Commission
UN	-	United Nations

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## CHAIRPERSON'S FOREWORD

This report contains proceedings of the Departmental Committee on Defence, Intelligence and Foreign Relations during the approval hearings of Mr. Patrick Mariru, nominee for appointment as Principal Secretary, State Department for Defence; Dr. Abraham Korir Sing'oei, nominee for appointment as Principal Secretary, State Department for Foreign Affairs; Ms. Roseline Kathure Njogu, nominee for appointment as Principal Secretary, State Department for Diaspora Affairs; and Mr. Abdi Dubat Fidhow, nominee for appointment as Principal Secretary, State Department for East African Community Affairs.

Pursuant to Article 155(3)(b) of the Constitution, Section 5 of the PAPAA and Standing Order 45(1), H.E. the President notified the National Assembly of the nomination of fifty-one (51) Principal Secretaries to various State Departments vide a letter dated 2nd November 2022. The Hon Speaker vide a communication made on Thursday, 3rd November 2022 conveyed to the House the Message from H.E. the President and subsequently referred names of the nominees, curricula vitae, and the report of the selection panel on their recruitment to Departmental Committees for approval hearings. While referring the matter to the Committees, the Speaker directed that the Committees undertake the vetting exercise within twenty-eight (28) days pursuant to Section 8 of the Public Appointments Parliamentary Approval Act (No. 33 of 2011). The Speaker further directed the Clerk of the National Assembly to notify the nominees and the general public by placing adverts in two newspapers of nationwide circulation and the Parliamentary Website of the time and place of holding the approval hearings by Friday, 4<sup>th</sup> November 2022.

In compliance with Article 118 (b) of the Constitution and section 6 (4) 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 Friday, 4<sup>th</sup> November 2022 informing the public of the nomination, date, time and place of the approval hearing. He also 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 (No. 33 of 2011). The memoranda were to be received on or before Friday, 11<sup>th</sup> November 2022 at 5.00 p.m. (East African Time). At the close of the submission deadline, the Committee had not received any memorandum for or against the nominees' suitability.

The Clerk of the National Assembly also wrote to Kenya Revenue Authority (KRA), Ethics and Anti-Corruption Commission (EACC), Directorate of Criminal Investigations (DCI), Higher Education Loans Board (HELB) and Office of the Registrar of Political Parties (ORPP) as part of the background checks relating to the suitability of the nominees.

The nominees appeared before the Committee on Tuesday, 15<sup>th</sup> November 2022 for approval hearings. The Committee examined their suitability based on the criteria set out in Section 7 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011). In addition, the Committee examined their academic credentials, relevant experience, knowledge of sector issues and on leadership and integrity. The Committee paid attention to the procedure used to arrive at the nominees; any constitutional or statutory requirements relating to the office of Principal Secretary in the Public Service and the suitability of the nominees for the appointments proposed having regard to whether the nominees' abilities, experience, and qualities meet the needs of the State Departments.

However, on 15<sup>th</sup> November, 2022, at the conclusion of the approval hearings, the Employment and Labour Relations Court in Constitution Petition No. E186 of 2022, Dr. Magare Gikenyi Versus the President of the Republic of Kenya and 55 others and in Constitution Petition No. E192 of 2022 Law

Society of Kenya Versus the National Assembly and 4 others granted ex-parte conservatory orders temporarily staying the vetting process. Consequently, on 16<sup>th</sup> November, 2022, the Speaker directed that the vetting process be suspended pending the outcome of the judicial process. In a ruling delivered on Tuesday 29<sup>th</sup> November, 2022, the court dismissed the petitions paving way for resumption of the vetting process. Consequently, the Speaker directed that all Departmental Committees expeditiously conclude the vetting process and report to the House by the end of the Morning Session of Thursday 1<sup>st</sup> December, 2022. The Committee consequently considered and adopted this report on Wednesday 30<sup>th</sup> November, 2022.

### **Committee Recommendation**

The Committee having held approval hearings of the nominees regarding their suitability, observed that due process was followed on the recruitment process as provided for under Article 155 of the Constitution and the Public Appointments (Parliamentary Approval Act) (No. 33 of 2011). The Committee therefore recommends that the National Assembly **APPROVES** the nomination of Mr. Patrick Mariru for appointment as Principal Secretary, State Department for Defence; Dr. Korir Sing'oei, EBS, for appointment as Principal Secretary, State Department for Foreign Affairs; Ms. Roseline Njogu for appointment as Principal Secretary, State Department for Diaspora; and Mr. Abdi Dubat for appointment as Principal Secretary, State Department for East African Community Affairs.

The Committee registers its appreciation to the Offices of the Speaker, and the Office of the Clerk of the National Assembly for the logistical support extended to it during the vetting process. In addition, the Committee thanks the nominees for their cooperation during the approval hearing process. Finally, the Committee appreciates KRA, EACC, DCI, HELB and ORPP for providing references and background checks relating to the suitability of the nominees.

I acknowledge and appreciate Members of the Committee for their patience, sacrifice and commitment which enabled the Committee to complete the task within the required timelines.

On behalf of the Departmental Committee on Defence, Intelligence, and Foreign Relations, and pursuant to Article 155(3)(b) of the Constitution and Section 8 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011) and provisions of Standing Orders 45(4) and 199(6), it is my pleasant duty to present the Report of the Committee on the approval hearings of Mr. Patrick Mariru, nominee for appointment as Principal Secretary for the State Department of Defence, Dr. Abraham Korir Sing'oei, nominee for appointment as Principal Secretary for the State Department of Foreign Affairs, Ms. Roseline Kathure Njogu, nominee for appointment as Principal Secretary for the State Department of for Diaspora Affairs and Mr. Abdi Dubat Fidhow, nominee for appointment as Principal Secretary for the State Department of East African Community Affairs for debate and adoption by the House.

**Hon. Nelson Koech, MP.**

**Chairperson, Departmental Committee on Defence, Intelligence, and Foreign Relations**

## CHAPTER ONE

### 1 PREFACE

#### 1.1 Committee Establishment and Mandate

1. The Departmental Committee on Defence, Intelligence and Foreign Relations is one of the twenty (20) Departmental Committees of the National Assembly established under **Standing Order 216** whose mandates pursuant to the **Standing Order 216 (5)** are as follows:
  - a) To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
  - b) To study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation.
  - c) On a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate.
  - d) To study and review all legislation referred to it;
  - e) To study, assess and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
  - f) 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;
  - g) **Vet and report on all appointments where the Constitution or any other law requires the National Assembly to approve, except those under Standing Order 204 (*Committee on Appointments*);**
  - h) To examine treaties, agreements and conventions;
  - i) To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
  - j) To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
  - k) To examine any questions raised by Members on a matter within its mandate.

#### 1.2 Committee Subjects

2. In accordance with the Second Schedule of the Standing Orders, the subjects of the Committee entail: Defence, intelligence, foreign relations, diplomatic and consular services, international boundaries including territorial waters, international relations, and veteran affairs.
3. In executing its mandate, the Committee oversees the following government Ministries, Departments, and Agencies (MDAs):
  - a) The Ministry of Defence,
  - b) The Ministry of Foreign and Diaspora Affairs
  - c) The State Department for East African Community Affairs (EAC).
  - d) The National Intelligence Service



### 1.3 Committee Membership

4. The Departmental Committee on Defence, Intelligence and Foreign Relations was constituted by the House on 27<sup>th</sup> October, 2022 and comprise the following Members:

#### Chairperson

**Hon. Koech Nelson, M.P.**  
Belgut Constituency  
**UDA Party**

#### Vice-Chairperson

**Hon. Maj. (Rtd.) Sheikh Abdullahi Bashir, M.P.**  
Mandera North Constituency  
**UDM Party**

#### Members

Hon. Wanjira Martha Wangari, M.P,  
Gilgil Constituency  
**UDA Party**

Hon. Hassan Abdi Yusuf, MP  
Kamkunji Constituency  
**Jubilee Party**

Hon. Odhiambo Millie Grace Akoth, MP  
Suba North Constituency  
**ODM Party**

Hon. Kanchory Elijah Memusi, MP  
Kajiado Central Constituency  
**ODM Party**

Hon. (Dr.) Kasalu Irene Muthoni, MP  
Kitui County  
**WDM-K**

Hon. Kirima Moses Nguchine, MP  
Imenti Central Constituency  
**UDA Party**

Hon. Kwenya Thuku Zachary, MP  
Kinangop Constituency  
**Jubilee Party**

Hon. Joshua Kandie, MP  
Baringo Central Constituency  
**UDA Party**

Hon. Luyai Caleb Amisi, MP  
Saboti Constituency  
**ODM Party**

Hon. Teresia Wanjiru Mwangi, MP  
Nominated Member  
**UDA Party**

Hon. Logova Sloya Clement, MP  
Sabatia Constituency  
**UDA Party**

Hon. Ikana Fredrick Lusuli, MP  
Shinyalu Constituency  
**ANC Party**

Hon. Mohamed A. Hussein, MP  
Lagdera Constituency  
**ODM Party**

#### 1.4 Committee Secretariat

5. The Committee is facilitated by the following staff:

Mr. Dennis Mogare Ogechi  
Second Clerk Assistant  
Lead Clerk/Head of Secretariat

Ms. Clarah Kimeli  
Principal Legal Counsel II

Ms. Winfred Kambua Kilonzo  
Clerk Assistant III

Dr. Donald Manyala, PhD  
Research Officer II

Mr. Edwin Machuki  
Fiscal Analyst III

Ms. Roselyne Ndegi  
Senior Serjeant-At-Arms

Ms. Judy Kanyoko  
Legal Counsel II

Mr. Murimi Mwangi  
Media Relations Officer

Mr. Kelvin Ng'ang'a  
Research Officer III

## CHAPTER TWO

### 2 BACKGROUND INFORMATION

#### 2.1 Establishment of the Office of Principal Secretary in the Public Service

1. Article 155 of the Constitution provides that:
  - (1) *There is established the office of Principal Secretary, which is an office in the public service.*
  - (2) *Each State department shall be under the administration of a Principal Secretary.*
  - (3) *The President shall—*
    - a) *nominate a person for appointment as Principal Secretary from among persons recommended by the Public Service Commission; and*
    - b) *with the approval of the National Assembly, appoint Principal Secretaries.*
  - (4) *The President may re-assign a Principal Secretary.*
  - (5) *A Principal Secretary may resign from office by giving notice, in writing, to the President.*
2. In light of the foregoing, H.E. the President nominated Fifty-One (51) persons for appointment as Principal Secretaries to various State Departments. This included the following persons who were nominated for appointment as Principal Secretaries for the indicated State Departments which fall under the purview of the Departmental Committee on Defence, Intelligence, and Foreign Relations:
  - a) Mr. Patrick Mariru, State Department for Defence;
  - b) Dr. Abraham Korir Sing'oei, State Department for Foreign Affairs;
  - c) Ms. Roseline Kathure Njogu; State Department for Diaspora Affairs;
  - d) Mr. Abdi Dubat Fidhow; State Department for East African Community Affairs.

#### 2.2 Notification of Nomination

6. On Wednesday 2<sup>nd</sup> November, 2022, the Speaker of the National Assembly received a notification from the Head of the Public Service on behalf of His Excellency the President, who, in the exercise of his powers under Articles 132 (2)(d) and 155(3) of the Constitution, nominated Fifty-One (51) persons for appointment as Principal Secretaries.
7. As stipulated under section 5(3) of the Public Appointments (Parliamentary Approval) Act, 2011, the notification for nomination must be accompanied by information concerning a nominee, taking into account the issues for consideration as outlined in section 7 of the Act. In this regard, the notification was accompanied by the Report of the Public Service Commission on Recruitment for the Position of Principal Secretary in the Public Service, and the Curriculum Vitae and Testimonials for each nominee.
8. In accordance with the aforementioned provisions of the Constitution, the National Assembly is required to conduct approval hearings of the nominees to ascertain their suitability for the positions proposed and make appropriate recommendations.
9. Parliamentary approval of appointments to public offices is governed by the Constitution, the Public Appointments (Parliamentary Approval) Act, 2011 the Leadership and Integrity Act, 2012, the Public Service Commission Act, 2017 and the National Assembly Standing Orders.

### **2.3 Notification to the House and Referral to Departmental Committees**

10. Pursuant to the provisions of Standing Order 42(1), the Speaker, vide a Communication dated Thursday, 3<sup>rd</sup> November, 2022, informed the House of the President's message to the House on the nomination of Principal Secretaries for approval by the National Assembly.
11. Pursuant to section 4 of the Act and Standing Order 216 (5) (f), the names and curriculum vitae of the nominees were referred to various Departmental Committees to conduct approval hearings and report to the House on their suitability for appointment.
12. While referring the matter to the Committees, the Speaker noted that the National Assembly is required to consider the approval of nominees within twenty-eight (28) days pursuant to Section 8 of the Public Appointments Parliamentary Approval Act (No. 33 of 2011). The Speaker further directed the Clerk of the National Assembly to notify the nominees and the public by placing adverts in two newspapers of nationwide circulation and the Parliamentary Website of the time and place of holding the approval hearings by Friday, 4<sup>th</sup> November 2022.
13. In addition, the Speaker directed that approval hearings should commence on Monday, 14<sup>th</sup> November 2022 and end on Friday, 18<sup>th</sup> November 2022. Thereafter, the reports should be tabled in the House not later than Tuesday, 22<sup>nd</sup> November 2022 to enable the House to consider the reports within the statutory timelines.
14. However, on 15<sup>th</sup> November, 2022, the Employment and Labour Relations Court in Constitution Petition No. E186 of 2022, Dr. Magare Gikenyi Versus the President of the Republic of Kenya and 55 others and in Constitution Petition No. E192 of 2022 Law Society of Kenya Versus the National Assembly and 4 others granted ex-parte conservatory orders temporarily staying the vetting process. Consequently, on 16<sup>th</sup> November, 2022, the Speaker directed that the vetting process be suspended pending the outcome of the judicial process. In a ruling delivered on Tuesday 29<sup>th</sup> November, 2022, the court dismissed the petitions paving way for resumption of the vetting process. Consequently, the Speaker directed that all Departmental Committees expeditiously conclude the vetting process and report to the House by the end of the Morning Session of Thursday 1<sup>st</sup> December, 2022.

### **2.4 Notification to the Public**

15. Article 118 of the Constitution provides that Parliament shall facilitate public participation and involvement in the legislative business and other business of Parliament and its Committees.
16. Section 6(4) of the Act further provides that the Clerk shall notify the public of the time and place for holding approval hearings at least seven days prior to the hearings.
17. Further, section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011 provides that *"any person may, prior to the approval hearings 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"*.
18. Pursuant to Article 118 of the Constitution as read with section 6(9) of Public Appointments (Parliamentary Approval) Act, 2011, the Clerk of the National Assembly placed an advertisement in the print media on Friday, 4<sup>th</sup> November 2022 (**Annexure 5**) informing the public of the intention of the Committees to conduct approval hearings. The notification gave provision for the submission of memoranda, by way of written statements on oath (affidavit) on the suitability or otherwise of the nominees by Friday, 11<sup>th</sup> November 2022 at 5.00 pm (East African Time). At the

close of the submission deadline, the Committee on Defence, Intelligence and Foreign Relations had not received any memorandum in support of or contesting the suitability of any of the four nominees before the Committee.

## **2.5 Notification to the Nominees**

19. Pursuant to section 6(3) of the Act, the Clerk is also required to notify the nominees of the time, date(s) and venue(s) for holding the approval hearings.
20. The Clerk of the National Assembly vide a notification placed in the print media on Friday 4<sup>th</sup> November, 2022 and letters to nominees dated 7<sup>th</sup> November, 2022 (Reference Numbers: NA/DDC/DIFR/VETT/2022/002; NA/DDC/DIFR/VETT/2022/003; NA/DDC/DIFR/VETT/2022/004; and NA/DDC/DIFR/VETT/2022/005 (**Annexure 6**) informed the nominees of the nomination by H.E. the President and requested them to appear for approval hearings before the Departmental Committee on Defence, Intelligence and Foreign Relations on Tuesday, 15<sup>th</sup> November 2022 in Committee Room 9, Main Parliament Building.
21. The Clerk of the National Assembly further requested the nominees to bring with them their clearance certificates from the Kenya Revenue Authority (KRA), the Higher Education Loans Board (HELB), Ethics and Anti-Corruption Commission (EACC), Directorate of Criminal Investigations (DCI) and Office of the Registrar of Political Parties (ORPP).

## **2.5 Clearance Requirements**

22. On 7<sup>th</sup> November, 2022, the Clerk of the National Assembly wrote to the Kenya Revenue Authority (KRA), the Higher Education Loans Board (HELB), the Ethics and Anti-Corruption Commission (EACC), the Office of the Registrar of Political Parties (ORPP), and Directorate of Criminal Investigations (DCI) requesting for information on the nominees' compliance with the law with respect to matters of tax compliance, higher education loan repayments, ethics and integrity, affiliation to political parties and criminal record status.
23. On matters of ethics and integrity, the Ethics and Anti-Corruption Commission (EACC) vide a letter Ref. No. EACC.7/10/5 VOL XXI (70) dated 11<sup>th</sup> November 2022, (**Annexure 8a**) stated that it had not undertaken any investigations or recommended prosecution pursuant to its mandate against any of the four (4) nominees.
24. With regard to tax compliance, the Kenya Revenue Authority (KRA) confirmed vide a letter Ref. No. KRA/5/1002/5(8179), dated 14<sup>th</sup> November, 2022; (**Annexure 8b**) that all the four (4) nominees were tax compliant.
25. The Directorate of Criminal Investigations (DCI) through a letter Ref. No. (DCI/CRO/SEC/6/7/2/A/VOL.XI/208), dated 7<sup>th</sup> November, 2022 (**Annexure 8c**) stated that all the four (4) nominees had applied and been issued with genuine Police Clearance Certificates on diverse dates. The nominees had negative results in both the nominal and criminal databases of the DCI.
26. The Higher Education Loans Board (HELB) vide a letter Ref. No. HELB/RR/112009/190 dated 10<sup>th</sup> November, 2022 (**Annexure 8d**) stated that the four nominees had cleared their higher education loans on various dates.
27. On the issue of party affiliation, pursuant to Article 77(2) of the Constitution, the Office of the Registrar of Political Parties (ORPP), vide Ref No. (RPP/ORG/34 VOL.VI (41) dated 10<sup>th</sup> November, 2022 (**Annexure 8e**) indicated that the nominees were not officials of any registered political party.

## 2.6 Issues Considered during the Approval Hearings

28. Section 6(7) and (8) of the Public Appointments (Parliamentary Approval) Act, 2011 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.*
29. In addition, 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.*
31. In conducting the approval hearings, the Committee was guided by the foregoing provisions of the Public Appointments (Parliamentary Approval) Act, 2011.
- a) Procedure for Nomination**
31. The procedure for appointment of Principal Secretaries is outlined under the Constitution, the Public Appointments (Parliamentary Approval) Act, 2011, the Leadership and Integrity Act, 2012 and the Public Service Commission Act, 2017. Article 132 (2) and Article 155(3) of the Constitution provide that the President shall nominate a Principal Secretary from among persons recommended by the Public Service Commission.
32. Pursuant to Article 155 (3) (a) of the Constitution, the Public Service Commission invited applications from suitably qualified persons for the position of Principal Secretary. The advertisement was published in the print media, Kenya Gazette No. 10536 and on the Commission's Website on 7<sup>th</sup> September 2022 with a closing date of 20<sup>th</sup> October 2022.
33. On 20<sup>th</sup> September 2022, the Commission extended the advertisement period by seven (7) days. The advertisement period lapsed on 27<sup>th</sup> September 2022 with a total of nine thousand, one hundred and fifty-four (9,154) persons submitting applications for consideration.
34. Four hundred and seventy-seven (477) candidates were shortlisted from 3<sup>rd</sup> to 6<sup>th</sup> October 2022 and a further review done on 7<sup>th</sup> October 2022 to bring the shortlist to five hundred and eighty-five (585) candidates so as to cater for gender, marginalized/minority groups and PWDs pursuant to Article 232 (1) (h) of the Constitution. Interviews for the shortlisted persons were conducted from 12<sup>th</sup> to 22<sup>nd</sup> October 2022. Thereafter, the Public Service Commission recommended to the President persons for nomination to the position of Principal Secretary in the Public Service.
35. Section 5(1) of the Public Appointments (Parliamentary Approval) Act, 2011 requires the appointing authority, upon nominating a person for appointment, to notify the relevant House of Parliament. Pursuant to this provision, on Wednesday 2<sup>nd</sup> November, 2022, the Speaker of the National Assembly received a notification from the Head of the Public Service on behalf of His Excellency the President, who, in the exercise of his powers under Articles 132 (2)(d) and 155(3) of the Constitution, nominated Fifty-One (51) persons for appointment as Principal Secretaries.

36. As stipulated under section 5(3) of the Public Appointments (Parliamentary Approval) Act, 2011, the notification for nomination must be accompanied by information concerning a nominee, taking into account the issues for consideration as outlined in section 7 of the Act. In this regard, the notification was accompanied by the Report of the Public Service Commission on Recruitment for the Position of Principal Secretary in the Public Service, and the Curriculum Vitae (**Annexure 9**) and Testimonials (**Annexure 10**) for each nominee.

**b) Constitutional and Statutory Requirements**

37. The Constitution gives guidelines on how to appoint persons to public office, which include:

**(i) Two-Third Gender Rule**

38. 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 Kenya's Diverse Communities**

39. Article 232 (1) (h) of the Constitution provides that one of the values and principles of public service is the representation of Kenya's diverse communities.

**(iii) Leadership and Integrity**

40. The Committee, in determining the suitability of the nominees, was also 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.

41. 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.

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

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

44. In addition, the Committee considered section 10 of the Leadership and Integrity Act, 2012 in particular which provides that –

*A State officer shall, to the best of their ability—*

- (a) carry out the duties of the office efficiently and honestly;*
- (b) carry out the duties in a transparent and accountable manner;*
- (c) keep accurate records and documents relating to the functions of the office; and*
- (d) report truthfully on all matters of the organization which they represent.*

**(iv) Values and Principles of Public Service**

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

46. Further, Sections 46 and 47 of the Public Service Commission Act, 2017 guides the Public Service Commission generally in nominating or recommending persons for appointment to public office; and specifically with regard to recommending the appointment of Principal Secretaries respectively.

47. Section 46(1) requires the Public Service Commission, when nominating or recommending public appointments, to—

- a) abide by the Constitutional requirement of fair competition and merit as a basis of appointment; and*
- b) ensure that the appointment facilitates achievement of a representative public service.*

48. With regard to recommending the appointment of Principal Secretaries, Section 47(2), (3) and (4) of the Public Service Commission Act provides as follows—

*(2) A person is eligible for appointment as a Principal Secretary if the person—*

- i) is a citizen of Kenya;*
- ii) holds a degree from a university recognized in Kenya;*
- iii) has at least ten years' relevant professional experience, five years of which should have been in a leadership position or at a top management level in the public service or private sector;*
- iv) possesses general knowledge of the organization and functions of Government;*
- v) demonstrates an understanding of the goals, policies and developmental objectives of the nation;*
- vi) has demonstrable leadership and management capacity including knowledge of financial management and strategic people management; and*
- vii) meets the requirements of Chapter Six of the Constitution.*

*(3) The Commission shall, in making the recommendations under this section, submit to the President a list of nominees for appointment, paying attention to inclusiveness in terms of gender, Kenya's diverse communities, persons with disabilities and the youth.*

*(4) In case of a rejection of a nominee or nominees by the President, the Commission shall recommend a fresh list of nominees from those interviewed by the Commission.*



#### **(v) National Values and Principles of Governance**

49. The Committee was further guided by 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.
50. The Committee was further guided by Section 5 of the Public Service (Values and Principles) Act which 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 rule of law.
51. 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 office as a venue for soliciting or collecting harambees; not acting for foreigners; care of property; political neutrality, not practicing nepotism or favoritism, giving impartial advice, conducting private affairs in a way that maintains public confidence, bar from sexual harassment, submission of declaration of income, assets and liabilities once every two years (section 26).

#### **c) Suitability of the Nominees for the Proposed Appointments**

52. The suitability of the nominees for the proposed appointments was assessed with due regard to whether the nominees' abilities, experience and qualities met the needs of the position of Principal Secretary in the Public Service.
53. The Committee assessed the suitability of the nominees through scrutiny of their academic credentials, professional training and experience, personal integrity, background and qualities as well as their performance during the approval hearings conducted on Tuesday 15<sup>th</sup> November, 2022.

#### **2.7 Committee Proceedings**

54. The Committee, having received the names of the nominees, was obligated to conduct approval hearings and make a determination of the nominees' suitability or otherwise and report to the House. This would enable the House to conclude consideration of the nominations within twenty-eight (28) days as provided for in section 8 (1) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011).
55. The Committee held four (4) sittings during which it reviewed and examined the nominees' credentials (curricula vitae, certificates, and testimonials), conducted approval hearings, and considered and adopted this report.

## CHAPTER THREE

### 3 APPROVAL HEARING

56. The Committee conducted approval hearings for the nominees on Tuesday, 15th November 2022.
57. During the approval hearings, the Committee examined the nominees using the guidelines in the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011). Pursuant to Section 6(8) of the Act, the Questionnaire in the Schedule to the Act comprehensively sets out the criteria for conducting a public hearing. The Questionnaire allows a Committee, among other things, to obtain information on:
- a) Name of the nominee
  - b) Gender of the nominee—to enable the Committee to ascertain the gender of the nominee. This is to ensure compliance with Article 27(8) that requires the State to take measures to ensure that not more than two-thirds of members of appointive bodies shall be of the same gender;
  - c) Age of the nominee—to enable the Committee to ascertain compliance with the provisions of Article 55 of the Constitution on the inclusion of the youth in public appointments;
  - d) Nationality of the nominee—to enable the Committee to ascertain the nationality of the nominee. This is to ensure compliance with Article 78 of the Constitution which requires certain State officers to be Kenyan Citizens;
  - e) Educational background of the nominee;
  - f) Employment record of the nominee;
  - g) Honours or awards given to the nominees;
  - h) Membership of the nominee to professional bodies;
  - i) Public office and political affiliations held by the nominee;
  - j) Information on whether the nominee has been removed from office
  - k) Nominee's finances;
  - l) Outside commitments that the nominee intends to undertake while in office (if appointed);
  - m) Tax compliance status of the nominee;
  - n) Potential conflict of interest;
  - o) Whether a nominee has been charged in a court of law in the past three years; and
  - p) Whether a nominee has been adversely mentioned in a report of Parliament or a Commission of inquiry in the past three years.

#### 3.1 MR. PATRICK MARIRU

58. Mr. Patrick Mariru, nominee for the position of Principal Secretary, State Department for Defence appeared before the Committee on Tuesday 15<sup>th</sup> November 2022 at 9:00 am and was vetted under oath pursuant to Article 155(3) of the Constitution, the Public Appointments (Parliamentary) Approval Act, 2011 and the Standing Order of the National Assembly. The Committee noted the following:

#### **Date and place of Birth**

59. The nominee submitted that he is a Kenyan citizen of Identity Card Number 20266193, born in Laikipia County in 1978. He averred that he did not hold any other citizenship.

#### **Education Background**

60. The nominee is pursuing a PhD in Governance and Leadership at the Jomo Kenyatta University of Science and Technology. He is also undertaking a Master's degree in Sustainable Development at The University of Sussex, United Kingdom.

61. The nominee holds a Master's degree in Public Policy and Management (MSc) from the University of London (2016), a Bachelor of Laws (LLB) from The University of Nairobi, and a Diploma in Law from the Kenya School of Law.
62. The nominee has undertaken several short trainings that include: Effective Leadership in a Volatile Uncertain Complex Ambiguous World from the Kenya Institute of Management(2022); Leadership and Governance in a Transitioning Parliament from Morocco's Intelligent Business Centre (2022); Corporate Governance and Policy Making from Turkey's Public Administration International [PIA] (2022); National Security and Strategy Course for Leadership of the National Assembly of Kenya from The National Defense College(2021), Leadership and Transitioning Parliament from the African Centre for Legal Excellence, Uganda (2022), Ethical and value based leadership from the Malaysian Institute of Management, Malaysia(2018) Transformational Leadership from International Leadership Foundation, Kenya(2008), Political Leadership Development programme from The Friedrich Ebert Stiftung, Kenya(2005-2009), Effective Devolution through Access to Information International Commission of Jurist Kenya, (2013) and lastly Science and Art of Leadership Programme from the Eastern and Southern African Management Institute, Tanzania(2014).

### **Employment Record**

63. The nominee has worked in various places in the advancement of his career. The nominee was the Member of Parliament for Laikipia West Constituency in the 12th Parliament where he served as a member of the Speaker's Panel from August 31st, 2017, to 2022 August. The nominee was also the Speaker of the County Assembly of Laikipia County from 2013-2017.
64. The nominee has also served as: International Governance Advisor at ActionAid international from 2011-2013; Legal Advisor at the National Council of Churches of Kenya from 2005-2011; Policy and Advocacy Officer at The Fellowship of Christian Unions from 2004-2005; and an Advocate of the High Court at Kamotho Waiganjo Advocates from 2003-2004.
65. The nominee has been involved in World Bank and IMF coordinated field programs for four years i.e. Vietnam (2019), Indonesia (2015), Peru (2014) and Tanzania (2013). The programs advocated for increased accountability and transparency in development cooperation with specific focus on multilateral aid and a sub-focus on the work and modus operandi of the World Bank Group and the International Monetary Fund (IMF), the world's largest multilateral funders.

### **Professional Associations and Affiliations**

66. The nominee is professionally affiliated with the Law Society of Kenya and The East African Law Society.

### **Honours and Awards**

67. The nominee was recognized as one of the Emerging Young Leaders in the World under Lausanne Program.

### **Clearance Requirements**

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

#### **3.1.1 Other Issues under Consideration**

69. To examine suitability or otherwise of the nominee, the Committee engaged him on the following thematic areas to determine his knowledge of the sector:

*On the Sensitive Nature of the Defence Docket and His Political Past*

70. The nominee averred that being a politician would not affect his professionalism. His professionalism would not allow him to say things which need not to be said. He dismissed the idea that politicians are not serious people and urged Kenyans to understand that politicians are serious professionals who make very important decisions for the country.

*On Mental Health Interventions*

71. The nominee appreciated that mental health issues cut across all segments of society, including the disciplined forces. He appreciated that there were already existing welfare stations in Langata Barracks that assist military officers to deal with issues of mental health.

*On the issue of Somalia-Kenya Relations*

72. The nominee averred that he understood that the Somalia issue was a big one for the country. He stated that he supported the idea of the KDF incursion into Somalia as it helped in the containment of terrorist attacks in Kenya. He further stated that the African Union (AU) has clear guidelines on the length of stay in Somalia. He opined that the KDF went to Somalia for the sake of the security of Kenyans and that the mission had borne fruits.

*On Implementing Austerity Measures in the Defence Docket*

73. The nominee submitted that the key issues for consideration would be transparency and accountability. He stated that he understood that every sector must contribute in managing the fiscal challenges of the country. He would therefore revisit some budgets in order to align with the measures directed by the President. The main targets for implementation of austerity measures would include training, purchase of motor vehicles and other internal operations. He however informed the Committee that some areas were sensitive and would not be affected.

*On His Net Worth*

74. The nominee stated that his net worth was Ksh.185 million. He further expounded on his net worth stating that it included savings in two Saccos and in his bank account. He expounded indicated that he was involved in farming and owns a small manufacturing firm. He has a house worth Ksh. 40 Million in Nairobi and another one in Laikipia County worth Ksh. 25 Million. He submitted that he also had several pieces of land in various places in the country.

*On His Top Three Priority Goals*

75. The nominee submitted that his first goal was to entrench accountability by ensuring that the funds in the Ministry were used prudently. The second goal was modernization of the KDF to ensure they grow and operate with the modern technology. The third goal was ensuring the welfare of both uniformed and other officers at the Ministry.

*On Kenya Meat Commission (KMC) being managed by KDF but placed under the Ministry of Agriculture*

76. The nominee appreciated that the military involvement in KMC was a success story because many Kenyans who were not getting paid by KMC were getting paid courtesy of the KDF management. He stated that the KDF was still managing KMC, however, according to the Executive Order No. 1 of 2022, the KMC was under the Ministry of Agriculture and not under the Ministry of Defence. He submitted that there will be discussions within the government on the issue of transition and appropriate reporting lines noting that the military could not report to a different Ministry other than the parent Ministry of Defence.

*On Pending Bills at the State Department*

77. The nominee submitted that the pending Bills had been paid out on a continuing basis, especially after the Presidential directive on the same. However, the process had been hampered by lack of exchequer. He promised to look at the pending bills that must be dealt with within the fiscal space of the country. On pending bills arising from court awards, he affirmed that a close working relationship with the office of the Attorney General was paramount and that he would give more support to the Ministry's legal department to appeal the awards where possible.

*On Objectively Handling allegations of Atrocities Committed by the British Army Training Unit in Kenya (BATUK) that is Based in Laikipia, his Home County.*

78. The nominee stated that the operations of the BATUK were within Bilateral and Multi-lateral agreements on Defence cooperation. The nominee affirmed that he would not be emotional in any way when dealing with the British army in Laikipia, being his home county, and considering the previous disputes that had arisen. He further stated that he would work within the framework of defence cooperation between the two countries.

*On Fairness and Corruption During the Annual Recruitment of KDF Personnel*

79. The nominee stated that the Ministry has an explicit policy on the recruitment process. He explained that the process of recruitment takes into account the population of each sub-county and the already existing number of KDF officers from each sub-county in order to attain regional balance. He submitted that the issue of Kenyans being lured by fake advertisements should be taken up by the DCI. The Ministry of Defence had very stringent measures on bribery and any officer suspected of such is dealt with by the court marshals.

*On Corporate Social Responsibility (CSR)*

80. The nominee stated that the Ministry of Defence has some humanitarian programs which work with the civilian authorities to support civilian programs. He noted that if confirmed, he would scrutinize the budget of the Ministry with the view of establishing how much more the Ministry can support CSR.

*On Dealing with Classified Information Regarding Expenditure in the Ministry*

81. The nominee submitted that the Auditor General audits all funds appropriated to the Ministry. However, considering the sensitivity of some expenditures on national security, the Department of Defence (DOD) cannot make public the purchases they make. The nominee averred that he had no intentions of breaking away from the norms and practices at the Ministry.

*On Building Capacity on Utilization of the Kenya Shipyards Limited Facility*

82. The nominee appreciated the construction of the shipyard facility and promised to ensure that there will be value addition and proper utilization of the facility.

*On the Return on Investment on the DRC Military Deployment*

83. The nominee submitted that DRC is a member of the EAC and that the stability of the country had implications for regional stability and by extension Kenya's stability. He explained that political, diplomatic and military engagements were being explored to stabilize the DRC. He opined that it was worthwhile to pursue stabilization of the DRC due to the many interests Kenya had in the DRC and the region. He maintained that Kenya's engagement in DRC was not a unilateral decision but was as a result of the EAC Heads of States concurrence on the same matter. The nominee noted that all the EAC countries were already engaged apart from Tanzania, which had indicated it would join later.

### **3.2 DR. ABRAHAM KORIR SINGO'EI**

84. Dr. Abraham Korir Singo'ei, nominee for the position of Principal Secretary for the State Department of Foreign Affairs, appeared before the Committee on Tuesday 15<sup>th</sup> November 2022 at 11:30 am and was vetted under oath pursuant to Article 155(3) of the Constitution, the Public Appointments (Parliamentary) Approval Act, 2011 and the Standing Order 216 (5) (e) of the National Assembly. The Committee noted the following:

#### **Personal Background**

85. The nominee is a Kenyan citizen of Identity Card Number 11588172 and was born on 31<sup>st</sup> December in 1973.

#### **Educational Background**

86. The nominee holds a Doctor of Philosophy in Law from the University of Cape Town, South Africa. (2021), a Master of Laws (LLM) from University of Minnesota Law School (2009) and a Bachelor of Laws (LLB), from the University of Nairobi (1998).

#### **Employment Record**

87. The nominee is the Legal Advisor & Head Legislative & Intergovernmental Liaison at the Office of the Deputy President, Republic of Kenya. He has also served as; US Agency for International Development (USAID), Kenya Mission, Senior Council and Rule of Law Specialist. (2010-2012); Centre for Minority Rights Development, Nairobi, Kenya, Founder and Director. (2001-2006); Delegate to the Constitution of Kenya Review Conference. (2005); Member of the African Commission on Human and People's Rights Working Group of Indigenous Peoples; Member of the Ministry of Lands Task Force on Community Land Legislation. (2012-2013); and Member of the Presidential Task Force on Pastoral Reform. (2013-2015).

#### **Professional Associations & Affiliations**

88. The nominee is a member of The Law Society of Kenya and the American Bar Association. He has also been a Member, Kibabii University Council (2010-2012); African Union Commission on Human and Peoples' Rights Working Group on the Rights of Indigenous Peoples, Expert Committee Member (2006-2008); African Union Commission on Human and Peoples' Rights Working Group on Extractive Industries, Expert Committee Member (2020-2021); and Constitution of Kenya Review Conference (Bomas), Delegate (2006).

#### **Honours and Awards**

89. The nominee was awarded a Presidential Commendation Moran of the Burning Spear (MBS, 2016), Hubert Humphrey Fulbright Scholarship (2007) grant by the State Department of the United States to Study Global Public Policy at Humphrey School of Public Affairs at the University of Minnesota, and recognized as National Best Actor, Drama Festival, 1992.

#### **Clearance Requirements**

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

#### **3.2.1 Other Issues under Consideration**

91. To examine suitability or otherwise of the nominee, the Committee engaged the nominee on the following thematic areas to determine his knowledge on the sector:

*On the place of African countries in global institutions like the United Nations*

92. The nominee acknowledged that the global system, which was conceptualized after the Second World War demonstrated an inability to cope with current global challenges and wasn't representative because it was negotiated at a time when African states were not parties. This he noted disadvantaged countries from Africa. He further noted that recent events such as the Covid-19 Pandemic and the invasion of other countries by superpowers suggested the need for reforms of the current systems. He also noted that one of the initiatives championed by H.E. the President of the Republic of Kenya was building back after the Covid pandemic, suggesting that the international system needed to incorporate those left behind. He pledged to work towards establishing a group of countries in Africa to begin negotiating for a common voice by the continent in bodies such as the UN Security Council.

*On balancing the sovereignty of the people and the sovereignty of the state*

93. The nominee stated that the Constitution placed the People at the core of sovereignty within Kenya's borders and that Kenya would maintain its external sovereignty in relation to other countries.

*On relations between Kenya and the Middle East particularly on the issue of migrant workers*

94. The nominee characterized the problem as the sourcing, processing, and the terms in which the migrant workers are employed and suggested that there be clarity about the terms of engagement for Kenyan citizens working in the Middle East specifically as domestic workers. He stated that they would develop a joint monitoring mechanism between the Ministry of Foreign Affairs and the Ministry of Labour to ensure that Kenyans did not go to work in the Middle East without the knowledge of Kenyan authorities. He also suggested the need to leverage on technology in order to access information in real time and proposed managing the identification of the migrant workers and the nature of their employment as well as setting up a monitoring system within a digital framework. He recommended the use of the Vienna Convention on Consular Relations to defend Kenyan citizens working abroad by providing consular assistance to Kenyans in distress.

*On the value of Kenya's missions abroad*

95. The nominee stated that the goal of Kenya's foreign policy was to project, promote and project Kenya's image and interests globally and that those were the roles played by Kenya's missions. The nominee acknowledged that Kenya was not getting value from the said missions and pledged to focus on the issue with a view of re-centering Kenya's diplomacy around commercial diplomacy. He pledged to re-formulate the strategic plan, to establish fitness for purpose of Kenya's ambassadors and to advise the Cabinet Secretary about the need to strengthen Kenya's missions abroad. The nominee pledged to use performance contracting to hold heads of missions accountable, which would enable Kenyans benefit from the said missions.

*On balancing between political and career diplomats at the Ministry*

96. The nominee acknowledged that most diplomats were political appointees. He pointed out the need to consider the extent to which career diplomats could be promoted to serve versus political appointments but stated that this was within the power of the appointing authority. As to the positions of Cabinet Secretaries and Principal Secretaries he noted that comparatively throughout the world, the said positions were rarely held by members of staff since the said positions served broader strategic ends of the head of state. He however emphasized the need to have career diplomats be largely considered for ambassadorial positions.

*On the Nominee's investments abroad*

97. The nominee acknowledged owning property in North Carolina in the US. He informed the Committee that his wife is American and that the home was bought together with her while he was working for the US Agency for International Development. He however reiterated his commitment to invest in Kenya.

*On the nominee's action plan to integrate himself within the Civil Service*

98. The nominee pointed to his experience within the African Union, the International Criminal Court and litigation on the law of the sea as having enabled him to create an excellent relationship with officials in the Ministry of Foreign Affairs. He pledged to be deliberate in ensuring that they worked as a team and to leverage the competencies of the Ministry's staff to advance Kenya's foreign relations and interests.

99. He further thanked the Committee for enacting the Foreign Service Act and the Foreign Service Academy which he stated would be an arena for building a common culture within the Ministry.

*On kneejerk diplomacy policies*

113. The nominee pointed out that Kenya's diplomatic engagements were guided by the Constitution, the Treaty Making and Ratification Act, the Foreign Service Act, and Kenya's foreign policy. He noted that Kenya had a consistent response to issues and that the perception of knee-jerk policies may be due to the communication strategy. He pledged to have a clear communication strategy when dealing with other nations and ensuring that Kenya's position is understood.

*On conflict of roles between the State Departments of Foreign Affairs and Diaspora Affairs*

100. The nominee welcomed the need for establishment of a dedicated department to focus on and serve the need of the 1.5 million Kenyans in the diaspora and stated that the two State Departments would complement each other.

*On challenges of access to new generation passports by Kenyans living abroad*

101. The nominee termed the issue of access to new-generation passports as the biggest challenge facing Kenyans in the diaspora. He emphasized the need for the State Department of Diaspora Affairs which would deal with the issue of consular needs of the Kenyan diaspora.

*On difficulty in making remittances to the Middle East*

102. The Nominee stated that Saudi Arabia ranked third in remittances to Kenya. He attributed the challenge of remittances to the sanctions regime and the lack of proper representation at the institutions issuing the sanctions thus constraining Kenya's interests. He stated that there was a need for the continent to do more to address the inequality within the international system.

*On tapping skills and experience of Kenyans working abroad*

103. The nominee suggested the employment of Kenyans already in the diaspora within Kenya's foreign missions in order to reduce the cost of running the missions. He acknowledged the skills and competencies of Kenyans abroad and the need to bring them home and deploy them towards Kenya's economic agenda.

*On high budgetary allocations for foreign trips in the Ministry and the possibility of officers in foreign missions representing the country instead.*

104. The nominee stated that one of the ways the country promoted and projected its image and interests globally was through high level meetings. He further stated that although foreign travel was inevitable and a majority of foreign trips were legitimate, it was an area they would continuously look at with a view of reducing costs.



*On extradition of Kenyan citizens and the need for repatriation of Kenyan citizens in distress in the Middle East*  
105. The nominee pointed to existing extradition treaties between Kenya and other countries and the reciprocal provisions therein and termed it as part of Kenya's responsibility as a member of the global community. He acknowledged the need for a repatriation policy but stated that there was a need to balance it with the right to work, individual pursuit, and self-determination.

*On securing a safe working environment for Kenyan youth abroad*

106. The nominee stated that the reason for Kenya's involvement in peacekeeping in other countries was to expand Kenya's market, which would enable Kenyan youth to work in the said countries and increase opportunities for the expansion of Kenyan businesses.

*On separation of the Nominee's previous affiliations with donors when representing minorities and the role for which he is nominated for appointment in the Public Service*

107. The Nominee assured the Committee that there would be no conflict of interest and that he would leverage previous relationships to make partnerships

*On staffing of Kenyan missions abroad*

108. The nominee pledged to engage in the process of staff rationalizing to ensure that there was neither overstaffing nor understaffing of Kenya's missions.

*On the possible duplicity of a foreign travel budget for the Office of the President within the Ministry of Foreign Affairs and within the Office of the President*

109. The nominee pledged to review the issue of foreign travel, to confer with the Ministry of Foreign Affairs and examine the foreign travel budget in the ministry vis-a-vis the budget for foreign travel within the Office of the President.

*On the current administration's policy on external financing of projects*

110. The nominee informed the Committee that the President was tapping foreign direct investment in the Country given the existing fiscal limitations and that the focus on certain nations was not informed by a change in policy but by the country's debt situation

*On amendments to the Treaty Making and Ratification Act, 2012.*

111. The nominee suggested that the Act, which provides the procedure for the making and ratification of treaties and connected purposes, lacked a proper implementation framework and that the proposal to amend it would focus on its implementation framework.

### **3.3 MS. ROSELINE KATHURE NJOGU**

112. Ms. Roseline Njogu, nominee for the position of Principal Secretary State Department for Diaspora Affairs, appeared before the Committee on Tuesday 15th November 2022 at 2:30 pm and was vetted under oath pursuant to Article 155(3) of the Constitution, the Public Appointments (Parliamentary) Approval Act, 2011 and the Standing Order 216(5)(e) of the National Assembly. The Committee noted the following:

#### **Personal Background**

113. The nominee is a Kenyan female citizen of Identity Card Number 23469162 and was born in Kitale, Trans Nzoia County in 1984.

#### **Educational Background**

114. The nominee is pursuing her Doctorate (PhD) in Law (wifhood and power: The Triple Bind of Law, Religion and Imperialism), at the University of Nairobi; holds a Master's degree in Law (LLM) from Harvard University (2009); a Bachelor of Law (LLB) from the University of Nairobi

(2007); a Post Graduate Diploma from the Kenya School of Law (2010); and has Certified Public Accountant Training, (CPA IV) 2002-2006 from Strathmore University.

### **Employment Record**

115. The nominee is the Founding Partner & Head of Commercial Law, Lexlink from 2014 to date. The nominee has also served at Riara University Law School as a Lecturer and Head of Academic Standards (2012-2017), at Strathmore University (ISBI) from 2017 to date as an Adjunct Lecturer. The nominee also worked at The Kenyatta University School of Law (2011-2012), as an Adjunct Lecturer, Inua Kenya Foundation as a Program Manager (2010-2011) as well as a Law & Development Initiatives (LID) Program Manager (2010-2011), Dalberg Global Development Advisors (Kenya) Limited (2009-2010) as an Associate Consultant and finally the nominee was a pupil at Anjarwalla & Khanna Advocates (2007-2008).

### **Professional Associations & Affiliations**

116. The nominee is a member of The Law Society of Kenya and FIDA.

### **Honours and Awards**

117. The nominee is appointed to the Southern African Journal's Advisory Board on Policy and Development (SAJPD), awarded the Harvard Law School African Student Scholarship (2008/2009), Kings College TLSI Fellow (2014), and Harvard Law School Institute of Global Law and Policy Scholarships 2014, 2015, 2016 and 2022. She was also the Chief Justice's appointee as Vice Chairperson, Executive and National Committees, Community Service Orders Program.

### **Clearance Requirements**

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

#### **3.3.1 Other Issues under Consideration**

119. To examine the suitability or otherwise of the nominee, the Committee engaged the nominee on the following thematic areas to determine his knowledge of the sector areas:

*On the unique experience the candidate brings and action plan on diaspora concerns*

120. The nominee stated that she has been part of the diaspora and has had vast interactions with the diaspora giving her a better understanding of the issues affecting them. In addition, the nominee submitted that being in academia has given her a theoretical and conceptual framework to understand issues and that she is ready to get to work. Finally, the nominee indicated that she has championed public participation in legislative processes and will use the experience gained to come up with legislation to actualize policy implementation. The nominee further averred that she will focus on improving service delivery (consular) for the diaspora; Boost remittance flows in conjunction with other government agencies to come up with attractive investment and saving channels for the diaspora, and involve the diaspora in the national development agenda.

*On short periods in her past assignments*

121. In regards to career progression, there were four instances where the nominee worked for only one year and this was due to her enthusiasm to handle multiple tasks for self-learning to enable her to pick a specialization for her career progression.

*On establishment of a new State Department*

122. The nominee informed the committee that to grow the state department she will have dialogue with the diaspora to understand their issues, have them included in national development and focus on diaspora affairs.

*On gender issues*

123. The nominee stated that she had a knack for gender concerns as evidenced by her PhD thesis topic; "*Wifehood with Law and Religion.*" She further stated that diaspora issues had a gender dimension since most of the domestic workers are women and were the most vulnerable and that she will work with the Ministry of Labour to ensure that their rights are protected.

*On mistreatment of migrant workers in Middle East countries*

124. The nominee indicated that the Kenyan diaspora's welfare is of utmost importance and it was due to the unemployment problem that migrant workers are forced to look for opportunities outside to provide for their families. In order to address the mistreatment, the nominee indicated that the Ministry should tighten the loopholes in recruitment e.g. contracts should be in both languages, i.e. English and Arabic and be attested by Kenya and the destination country. Moreover, the Ministry of Foreign and Diaspora Affairs in conjunction with the Ministry of Labour to maintain a register for these workers for follow-up and tracking when there are problems.

*On harassment by Immigration and Customs Officers at JKIA of the Kenyan diaspora*

125. The nominee indicated that it was regrettable that this was happening and that she will take the a whole of government approach by working closely with the Department of Immigration and other concerned government agencies to ensure the issue is resolved. Moreover, the concerned officers at JKIA should be sensitized and trained on how to support the diaspora which plays a pivotal role in the development of the country through investment and remittances.

*On Kenyan Diaspora involvement in development activities in their countries of residence*

126. The nominee stated that the Kenyan diaspora via their skills does contribute in some way or another to the development of the countries where they live. Moreover, the Kenyan diaspora are Kenyan ambassadors with regards to our culture and diversity and are expected to promote that. The nominee averred that tracing the skilled Kenyan diaspora reveals that the government invested heavily in training for the benefit of our country. The nominee informed the Committee the Ministry is working on a skills inventory for the Kenyan diaspora, which will turn the brain drain into brain gain by utilizing technology to enable the diaspora to provide their services to Kenyans back home remotely. Also, the nominee submitted that she will have a roundtable with the diaspora to talk about how they can share their skills and knowledge through mentoring sessions.

*On Common data point for Kenyan Diaspora*

127. The nominee stated that there were approximately 3 million Kenyans in the diaspora, with only 1.4 million registered, and she would encourage the remaining to register so that they could be included in a common data point.

*On punitive laws on money laundering and remittances*

128. The nominee pointed out that the Kenyan diaspora should be able to move their money freely and without discrimination by giving them a special pass.

*On victimization of Kenyans in the diaspora with dual citizenship who want to contribute to the national development agenda*

129. The nominee stated that legislative changes are required to address the challenges of dual citizenship and that legislative proposals will be submitted on the subject. In addition, the nominee indicated that if approved, she will have webinars to address diaspora issues via public participation with regards to changes in law and public development.

### **3.4 MR. ABDI DUBAT FIDHOW**

130. Mr Abdi Dubat Fidhow, nominee for the position of Principal Secretary State Department for East African Community Affairs, appeared before the Committee on Tuesday 15<sup>th</sup> November 2022 at 3:30 pm and was vetted under oath pursuant to Article 155(3) of the Constitution, the Public Appointments (Parliamentary) Approval Act, 2011 and Standing Order 216(5)(e) of the National Assembly. The Committee noted the following:

#### **Personal Background**

131. The nominee is a male Kenyan citizen of Identity Card Number 13116487 and was born in Garissa County in 1976.

#### **Educational Background**

132. The nominee holds a Master of Business Administration (Strategic Management) Degree (2016), a Bachelor of Commerce Finance (Hons) from the University of Nairobi (1999), is a Certified public accountant (CPA-K) (2015), Association of Chartered Certified Accountants (ACCA) UK (2003) and he was pursuing his PhD in Business Administration at the University of Nairobi. He sat for his 'O' level examinations at Nairobi School in 1993.

#### **Employment Record**

133. The nominee is the Chief Executive Officer of Elysian Consulting Limited, a managing partner at Umuro Wario and Elysian Associates (CPA), Abma Consulting Limited Managing Director, Director at Clarity Consulting Limited and a Senior Associate at Price Water House Coopers.

#### **Professional Associations & Affiliations**

134. The nominee is a member of the Public Accountants of Kenya (ICPAC) 2016, a member of Chartered Certified Accountants of UK (ACCA) 2003 and a member of ACCA Kenya council 2020.

#### **Honours and Awards**

135. The nominee was awarded the Fellow Chartered Certified Accountants (FCCA) ACCA, UK-2020).

#### **Clearance Requirements**

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

### **3.3.2 Other Issues under Consideration**

137. To examine the suitability or otherwise of the nominee, the Committee engaged the nominee in the following thematic areas to determine his knowledge of the sector:

#### *On opportunities available for Kenyans in the DRC*

138. The nominee appreciated the Committee and by extension the House for allowing KDF to go for the peacekeeping mission noting that there were many opportunities in DRC being a big

country, having a huge population, and being the seventh (7<sup>th</sup>) and the newest member of East African Community. He further averred that maintaining peace and order in DRC was important to Kenya since a major Bank in Kenya had invested in the country and was doing really well, hence sighting employment opportunities for citizens of this country. The nominee submitted that despite Kenya spending a lot on the peacekeeping mission, the large population that DRC has of about 95 million people creates a very large market for Kenyan products.

*On bearing the Expensive burden of peacekeeping in the East African Community.*

139. The nominee stated that it was expensive to undertake the peacekeeping mission in DRC but the treaty signed by the EAC Members ensures that the cost is shared among all member states so as to have equity for all members since each country is regarded as an equal partner.

*On hostilities at the Namanga border*

140. The nominee stated that the East African Community discourages any taxes by member states. However, he noted that as countries protect their markets, they end up imposing some tariffs and non-tariff barriers hence making it challenging to trade smoothly. The nominee stated that he will engage the EAC counties in talks to ensure that the several tariffs and non-tariff barriers that have been imposed are dealt with to facilitate smooth trade.

*On the issue the of free movement of cattle and wildlife between Tanzania and Kenya*

141. The nominee stated that he will spearhead efforts in engaging Tanzania to ensure that this matter does not create conflicts between the two counties.

*On the issue of his suitability for the job*

142. The nominee informed the Committee that he had 23 years of experience from the private sector, informing that the role of a Principal Secretary is majorly accounting and he comes along with experience in finance and accounting. The nominee further stated that this will ensure that his department acts within the law. He further submitted that he is a team leader and he is able to extract the productivity in teams. The nominee further noted that Kenya has one of the best civil services and that he will ensure results are realized.

*On commitments to the vision of the EAC*

143. The nominee noted that the EAC was a huge block and that it had a lot of potential. If the block's integration went on smoothly, it would form the bedrock of Pan-African integration. He however noted that decision-making within the block was premised on consensus which was slow. If appointed, he promised to do whatever he could to ensure all the pillars of the integration project were realized.

*On Somalia Joining the EAC*

144. The nominee informed the Committee that EAC gives us power in numbers as it attracts multinational companies and even investors in the block and so since there are some stipulated guidelines for member countries to join, he stated that just like DRC, Somalia and Ethiopia should adopt the same steps on the process of joining EAC and this will help actualize trade because of the large population.

*On the issue of Regional Development Authorities (RDAs)*

145. The nominee noted that regional bodies under RDAs are underfunded and hence the poor performance but he submitted that if approved, he would seek more funding to the budget to help actualize the potential of the bodies.

*On Conflicts arising from shared natural resources (Serengeti, Masai Mara, Migingo and Lake Victoria)*

146. The nominee stated that he wasn't familiar with the conflicts in the Mara and Serengeti areas. However, he stated that the EAC treaty does not provide any regulations on sharing of natural resources. He stated that the disproportionate sharing of resources led to the collapse of EAC in 1977. However, the nominee submitted that he would engage partner states bordering Kenya in both multilateral and bilateral talks to enhance tourism and address the issue of shared resources to avoid conflicts between member states. On the issue of Migingo Island, the nominee submitted that if appointed, there would be a need for EAC to standardize fishing equipment and to mark maritime borders to help stop conflicts between the counties that share Lake Victoria.

*On most EAC countries being dependent on Kenya, hence burdening Kenya*

147. The nominee stated that it was okay for Kenya to continue being the good neighbour and the big brother it is. He further stated that Kenya should sensitize citizens with regards to this market and let them take advantage of the free trade area since Kenya has an upper hand with regard to trade and other opportunities. On other Member States not paying up their dues, he averred that he would lead bilateral talks to ensure that all parties contribute their share of the budget to the EAC to ensure financial stability of the block and ensure Kenya doesn't bear the burden alone.

*On deployment of soldiers to DRC by member states save for Tanzania*

148. The nominee submitted that it was important for all member states to honour the treaties signed. However, he stated that initiatives would be put in place to see to it that forces are sent by other member states who have not done.

## CHAPTER FOUR

### 4 OBSERVATIONS AND FINDINGS

149. 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:
- a) The procedure used to arrive at the nominee;
  - b) Any constitutional or statutory requirements relating to the office in question; and
  - c) 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.
150. The procedure for appointment of Principal Secretaries, as outlined in paragraph 31 to 36 of this Report, was adhered to. Pursuant to Article 155 (3) (a) of the Constitution the Public Service Commission recommended to the President persons for nomination to the position of Principal Secretary in the Public Service. Hitherto, the PSC had carried out a competitive recruitment process that catered for gender, marginalized/minority groups and PWDs pursuant to Article 232 (1) (h) of the Constitution. His Excellency the President, in the exercise of his powers under Articles 132 (2)(d) and 155(3) of the Constitution, nominated persons for appointment as Principal Secretaries and duly notified the National Assembly. As stipulated under section 5(3) of the Public Appointments (Parliamentary Approval) Act, 2011, the notification for nomination was accompanied by information concerning the nominees, taking into account the issues for consideration as outlined in section 7 of the Act. In this regard, the notification was accompanied by the Report of the Public Service Commission on Recruitment for the Position of Principal Secretary in the Public Service, the Curriculum Vitae and Testimonials for each nominee.
151. The Committee, having considered the nominees' filled questionnaires pursuant to Section 6(8) of the Public Appointments (Parliamentary Approval) Act, 2011, their curriculum vitae and having heard their oral submissions during the approval hearings, made the following observations on their suitability for appointment as Principal Secretaries for the respective State Departments:

#### 4.1 MR. PATRICK MARIRU

152. The Committee, made the following observations on his suitability for appointment as Principal Secretary for the State Department for Defence:
- (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 born in 1978 in Laikipia County and does not hold dual citizenship.
  - (2) **THAT**, the nominee has previously served as Member of Parliament, a member of the Speaker's panel, a Speaker of the County Assembly of Laikipia. Further, he holds a Master's degree in Law, a Bachelor of Law (LLB), and a Diploma in Law thus complies with section 6(7) of the Public Appointments (Parliamentary Approval) Act, No. 33 of 2011.
  - (3) **THAT**, the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB).
  - (4) **THAT**, the nominee had not been charged in a court of law in the past three years.

- (5) **THAT**, the nominee does not hold office in any political party and thus complies with Article 77(2) of the Constitution which prohibits an appointed State officer from holding office in a political party.
- (6) **THAT**, the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (conflict of interest), Article 76 (financial probity), Article 77 (restriction on activities of State Officers) and Article 78(2) (dual citizenship) of the Constitution.
- (7) **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 the Principal Secretary of the State Department of Defence.

#### 4.2 DR. ABRAHAM KORIR SING'OEI

151. The Committee, made the following observations on his suitability for appointment as Principal Secretary for the State Department for Foreign Affairs:

- (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 born in 1973 in and does not hold dual citizenship.
- (2) **THAT**, the nominee is the Legal Advisor & Head Legislative & Intergovernmental Liaison, at the Deputy President's Office, and holds a Doctorate (PhD) in Philosophy, a Master of Laws (LLM) from University of Minnesota Law School (2009) and a Bachelor in Law (LLB) thus comply with section 6(7) of the Public Appointments (Parliamentary Approval) Act, No. 33 of 2011.
- (3) **THAT**, the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB).
- (4) **THAT**, the nominee had not been charged in a court of law in the past three years.
- (5) **THAT**, the nominee does not hold office in any political party and thus complies with Article 77(2) of the Constitution which prohibits an appointed State officer from holding office in a political party.
- (6) **THAT**, the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (conflict of interest), Article 76 (financial probity), Article 77 (restriction on activities of State Officers) and Article 78(2) (dual citizenship) of the Constitution.
- (7) **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 the Principal Secretary for Foreign Affairs.

#### 4.3 MS. ROSELINE KATHURE NJOGU

152. The Committee made the following observations on her suitability for appointment as Principal Secretary for the State Department for Diaspora Affairs:

- (1) **THAT**, in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to a state office since she is a Kenyan citizen born in 1984 in Kitale, Trans Nzoia County and does not hold dual citizenship.
- (2) **THAT**, the nominee has previously served as the Chief Justice's appointee, a lecturer, adjunct lecturer, associate consultant, and a program manager. She has a Master's in Law, a Bachelor



of Law (LLB), and has Diploma in Law thus complying with section 6(7) of the Public Appointments (Parliamentary Approval) Act, No. 33 of 2011.

- (3) **THAT**, the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB).
- (4) **THAT**, the nominee had not been charged in a court of law in the past three years.
- (5) **THAT**, the nominee does not hold office in any political party and thus complies with Article 77(2) of the Constitution which prohibits an appointed State officer from holding office in a political party.
- (6) **THAT**, the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (conflict of interest), Article 76 (financial probity), Article 77 (restriction on activities of State Officers) and Article 78(2) (dual citizenship) of the Constitution.
- (7) **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 the Principal Secretary for Diaspora Affairs.

#### 4.4 MR. ABDI DUBAT FIDHOW

153. The Committee made the following observations on his suitability for appointment as Principal Secretary for the State Department for East Africa Community Affairs:

- (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 born in 1976 in Garissa County and does not hold dual citizenship.
- (2) **THAT**, the nominee is the CEO of Elysian Consulting Limited, and has previously served as a Director, Managing Director and a senior associate in various companies. He has a Master's degree in Business Administration (MBA), a Bachelor of Commerce thus comply with section 6(7) of the Public Appointments (Parliamentary Approval) Act, No. 33 of 2011.
- (3) **THAT**, the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB).
- (4) **THAT**, the nominee had not been charged in a court of law in the past three years.
- (5) **THAT**, the nominee does not hold office in any political party and thus complies with Article 77(2) of the Constitution which prohibits an appointed State officer from holding office in a political party.
- (6) **THAT**, the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (conflict of interest), Article 76 (financial probity), Article 77 (restriction on activities of State Officers) and Article 78(2) (dual citizenship) of the Constitution.
- (7) **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 the Principal Secretary for East Africa Community Affairs.

CHAPTER FIVE

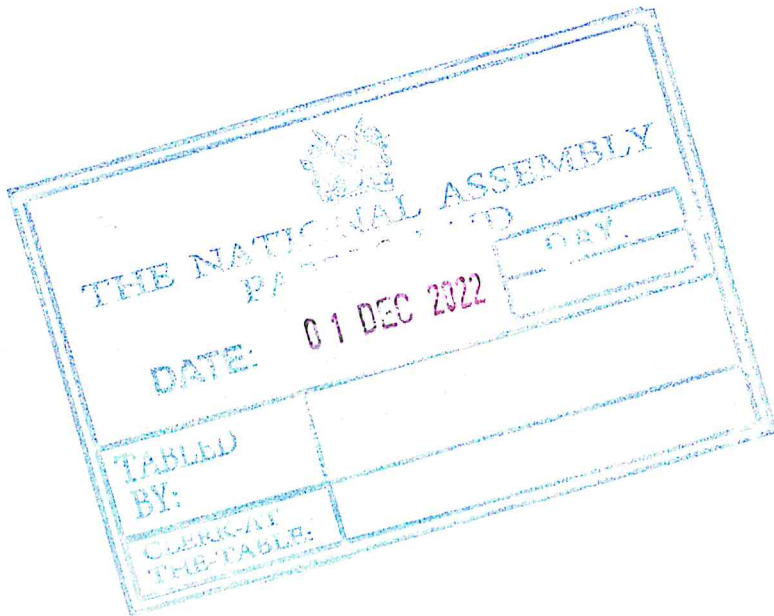
5. COMMITTEE RECOMMENDATION

154. Having considered the suitability, capacity, and integrity of the nominees, and pursuant to Article 155 of the Constitution and Section 8(2) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), the Committee recommends that the National Assembly APPROVES the appointment of:

- a) Mr. Patrick Mariru as the Principal Secretary, State Department for Defence;
- b) Dr. Abraham Korir Sing'oei as the Principal Secretary, State Department for Foreign Affairs.
- c) Ms. Roseline Kathure Njogu as the Principal Secretary, State Department for Diaspora Affairs; and
- d) Mr. Abdi Dubat Fidhow as the Principal Secretary, State Department for East African Community Affairs.

SIGNED: ..... DATE: 30/11/22

HON. NELSON KOECH, M.P.  
CHAIRPERSON,  
DEPARTMENTAL COMMITTEE ON DEFENCE, INTELLIGENCE, AND FOREIGN  
RELATIONS



# **ANNEXURE 1: ADOPTION LIST**





**REPUBLIC OF KENYA**  
**THE NATIONAL ASSEMBLY**  
**13<sup>TH</sup> PARLIAMENT - FIRST SESSION - 2022**  
**DEPARTMENTAL COMMITTEE ON DEFENCE, INTELLIGENCE, AND FOREIGN**  
**RELATIONS.**

**REPORT ADOPTION LIST**

**REPORT ON THE APPROVAL HEARINGS OF:**

1. **MR. PATRICK MARIRU, NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY, STATE DEPARTMENT FOR DEFENCE;**
2. **DR. ABRAHAM KORIR SINGO'EI, NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY, STATE DEPARTMENT FOR FOREIGN AFFAIRS;**
3. **MS. ROSELINE KATHURE NJOGU, NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY, STATE DEPARTMENT FOR DIASPORA; AND**
4. **MR. ABDI DUBAT FIDHOW, NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY, STATE DEPARTMENTS FOR EAST AFRICAN COMMUNITY**

We, the Members of the Departmental Committee on Defence, Intelligence, And Foreign Relations, have pursuant to Standing Order 199, adopted this Report and affix our signatures to affirm our approval and confirm its accuracy, validity and authenticity today, **Wednesday 30<sup>th</sup> November, 2022.**

	NAME	SIGNATURE
1.	The Hon. Koech Nelson, M.P. (Chairperson)	
2.	The Hon. Maj. (Rtd.) Sheikh Abdullahi Bashir, M.P. (Vice Chairperson)	
3.	The Hon. Wanjira Martha Wangari, M.P	
4.	The Hon. Hassan Abdi Yusuf, M.P	
5.	The Hon. Odhiambo Millie Grace Akoth, MP	
6.	The Hon. Kanchory Elijah Memusi, MP	
7.	The Hon. (Dr.) Kasalu Irene Muthoni, M.P	
8.	The Hon. Kirima Moses Nguchine, M.P	
9.	The Hon. Kandie Joshua Chepyegon, M.P	
10.	The Hon. Kwenya Thuku Zachary, M.P	
11.	The Hon. Luyai Caleb Amisi, M.P	
12.	The Hon. Teresia Wanjiru Mwangi, M.P	
13.	The Hon. Logova Sloya Clement, M.P	
14.	The Hon. Ikana Fredrick Lusuli, M.P	
15.	The Hon. Mohamed Abdikadir Hussein, M.P	



**ANNEXURE 2: COMMITTEE  
MINUTES**





**MINUTES OF THE 8<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE, INTELLIGENCE, AND FOREIGN RELATIONS HELD ON WEDNESDAY 30<sup>TH</sup> NOVEMBER, 2022 AT 10.00 AM AT PRIDEINN PLAZA HOTEL & CONVENTION CENTRE, MACHAKOS COUNTY.**

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**PRESENT**

1. **The Hon. Koech Nelson, M.P.** - **Chairperson**
2. **The Hon. Maj. (Rtd.) Sheikh Abdullahi Bashir, M.P.** - **Vice Chairperson**
3. The Hon. Hassan Abdi Yusuf, M.P
4. The Hon. Odhiambo Millie Grace Akoth, MP
5. The Hon. Kanchory Elijah Memusi, MP
6. The Hon. Luyai Caleb Amisi, M.P
7. The Hon. Logova Sloya Clement, M.P
8. The Hon. Teresia Wanjiru Mwangi, M.P

**APOLOGIES**

1. The Hon. Wanjira Martha Wangari, M.P
2. The Hon. Kandie Joshua Chepyegon, M.P
3. The Hon. (Dr.) Kasalu Irene Muthoni, M.P
4. The Hon. Kwenya Thuku Zachary, M.P
5. The Hon. Kirima Moses Nguchine, M.P
6. The Hon. Ikana Fredrick Lusuli, M.P
7. The Hon. Mohamed Abdikadir Hussein, M.P

**IN ATTENDANCE**

**THE NATIONAL ASSEMBLY**

1. Mr. Dennis Mogare Ogechi - Clerk Assistant II
2. Ms. Winfred Kambua Kilonzo- Clerk Assistant III
3. Ms. Judy Kanyoko - Legal Counsel II
4. Mr. John Ng'ang'a - Audio Officer
5. Mr. Kelvin Ng'ang'a - Research Officer III

**AGENDA**

1. Prayers
2. Preliminaries
3. **Consideration and Adoption of a Report on the Approval Hearings of: Mr. Patrick Mariru, Nominee for appointment as Principal Secretary, State Department for Defence; Dr. Abraham Korir Singo'ei, Nominee for appointment as Principal Secretary, State Department for Foreign Affairs; Ms. Roseline Kathure Njogu, Nominee for appointment as Principal Secretary, State Department for Diaspora Affairs; and Mr. Abdi Dubat Fidhow, Nominee for appointment as Principal Secretary, State Department for East African Community Affairs.**
4. Any Other Business
5. Adjournment/Date of the next Sitting

**MIN.NO. DDC/DIFR/33/2022:**

**PRELIMINARIES**

The meeting was called to order at 10:30 a.m. and commenced with prayers. Thereafter, the Chairperson stated that the main agenda of the meeting was the Consideration and Adoption of a Report on the Approval Hearings of: Mr. Patrick Mariru, Nominee for appointment as Principal Secretary, State Department for Defence; Dr. Abraham Korir Singo'ei, Nominee for appointment as Principal Secretary, State Department for Foreign Affairs; Ms. Roseline Kathure Njogu, Nominee for appointment as Principal Secretary, State Department for Diaspora Affairs; and Mr. Abdi Dubat Fidhow, Nominee for appointment as Principal Secretary, State Department for East African Community Affairs.

**MIN.NO. DDC/DIFR/34/2022:**

**CONFIRMATION OF MINUTES OF  
THE PREVIOUS MEETING**

Minutes of the 1<sup>st</sup> Sitting held on Tuesday 1<sup>st</sup> November, 2022 were confirmed as a true record of the deliberations held after being proposed by Hon. Luyai Caleb Amisi, M.P and seconded by Hon. Logova Sloya Clement, M.P.

Minutes of the 2<sup>nd</sup> Sitting held on Thursday 3<sup>rd</sup> November, 2022 were confirmed as a true record of the deliberations held after being proposed by Hon Hon. Maj. (Rtd.) Sheikh Abdullahi Bashir, M.P. and seconded by the Hon. Luyai Caleb Amisi, M.P.

Minutes of the 3<sup>rd</sup> Sitting held on Monday 7<sup>th</sup> November, 2022 at 11 a.m. were confirmed as a true record of the deliberations held after being proposed by Hon. Logova Sloya Clement, M.P. and seconded by Hon. Maj. (Rtd.) Sheikh Abdullahi Bashir, M.P.

Minutes of the 4<sup>th</sup> Sitting held on Monday 7<sup>th</sup> November, 2022 at 2.30 p.m. were confirmed as a true record of the deliberations held after being proposed by Hon. Maj. (Rtd.) Sheikh Abdullahi Bashir, M.P, and seconded by Hon. Logova Sloya Clement, M.P.

Minutes of the 5<sup>th</sup> Sitting held on Wednesday 9<sup>th</sup> November, 2022 were confirmed as a true record of the deliberations held after being proposed Hon. Teresia Wanjiru Mwangi, M.P and seconded by Hon. Luyai Caleb Amisi, M.P.

Minutes of the 6<sup>th</sup> Sitting held on Tuesday 15<sup>th</sup> November, 2022 at 9.00 a.m. were confirmed as a true record of the deliberations held after being proposed by Hon. Luyai Caleb Amisi, M.P and seconded by Hon. Logova Sloya Clement, M.P.

Minutes of the 7<sup>th</sup> Sitting held on Tuesday 15<sup>th</sup> November, 2022 at 2.30 p.m. were confirmed as a true record of the deliberations held after being proposed by Hon Teresia Wanjiru Mwangi, M.P and seconded by Hon. Maj. (Rtd.) Sheikh Abdullahi Bashir, M.P.

**CONSIDERATION AND ADOPTION OF  
A REPORT ON THE APPROVAL HEARINGS OF: MR. PATRICK MARIRU, NOMINEE  
FOR APPOINTMENT AS PRINCIPAL SECRETARY, STATE DEPARTMENT FOR  
DEFENCE; DR. ABRAHAM KORIR SINGO'EI, NOMINEE FOR APPOINTMENT AS  
PRINCIPAL SECRETARY, STATE DEPARTMENT FOR FOREIGN AFFAIRS; MS.  
ROSELINE KATHURE NJOGU, NOMINEE FOR APPOINTMENT AS PRINCIPAL  
SECRETARY, STATE DEPARTMENT FOR DIASPORA AFFAIRS; AND MR. ABDI  
DUBAT FIDHOW, NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY,  
STATE DEPARTMENT FOR EAST AFRICAN COMMUNITY AFFAIRS.**

The Report on the Approval Hearings of Mr. Patrick Mariru, Nominee for appointment as Principal Secretary, State Department for Defence; Dr. Abraham Korir Singo'ei, Nominee for appointment as Principal Secretary, State Department for Foreign Affairs; Ms. Roseline Kathure Njogu, Nominee for appointment as Principal Secretary, State Department for Diaspora Affairs; and Mr. Abdi Dubat Fidhow, Nominee for appointment as Principal Secretary, State Department for East African Community Affairs was adopted after being proposed by Hon. Maj. (Rtd.) Sheikh Abdullahi Bashir, M.P. and seconded by Hon. Luyai Caleb Amisi, M.P

The Report was adopted with the following observations and recommendation:

**OBSERVATIONS**

**1. Mr. Patrick Mariru**

The Committee made the following observations on his suitability for appointment as Principal Secretary for the State Department for Defence:

- (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 born in 1978 in Laikipia County and does not hold dual citizenship.
- (2) **THAT**, the nominee has previously served as Member of Parliament, a member of the Speaker's panel, a Speaker of the County Assembly of Laikipia. Further, he holds a Master's degree in Law, a Bachelor of Law (LLB), and a Diploma in Law thus complies with section 6(7) of the Public Appointments (Parliamentary Approval) Act, No. 33 of 2011.
- (3) **THAT**, the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB).
- (4) **THAT**, the nominee had not been charged in a court of law in the past three years.
- (5) **THAT**, the nominee does not hold office in any political party and thus complies with Article 77(2) of the Constitution which prohibits an appointed State officer from holding office in a political party.
- (6) **THAT**, the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (conflict of interest), Article 76 (financial probity), Article 77 (restriction on activities of State Officers) and Article 78(2) (dual citizenship) of the Constitution.

- (7) **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 the Principal Secretary of the State Department of Defence.

## **2. Dr. Abraham Korir Sing'oei**

The Committee made the following observations on his suitability for appointment as Principal Secretary for the State Department for Foreign Affairs:

- (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 born in 1973 in and does not hold dual citizenship.
- (2) **THAT**, the nominee is the Legal Advisor & Head Legislative & Intergovernmental Liaison, at the Deputy President's Office, and holds a Doctorate (PhD) in Philosophy, a Master of Laws (LLM) from University of Minnesota Law School (2009) and a Bachelor in Law (LLB) thus comply with section 6(7) of the Public Appointments (Parliamentary Approval) Act, No. 33 of 2011.
- (3) **THAT**, the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB).
- (4) **THAT**, the nominee had not been charged in a court of law in the past three years.
- (5) **THAT**, the nominee does not hold office in any political party and thus complies with Article 77(2) of the Constitution which prohibits an appointed State officer from holding office in a political party.
- (6) **THAT**, the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (conflict of interest), Article 76 (financial probity), Article 77 (restriction on activities of State Officers) and Article 78(2) (dual citizenship) of the Constitution.
- (7) **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 the Principal Secretary for Foreign Affairs

## **3. Ms. Roseline Kathure Njogu**

The Committee made the following observations on the suitability of Ms. Roseline Kathure Njogu for appointment as Principal Secretary for the State Department for Diaspora Affairs:

- (1) **THAT**, in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to a state office since she is a Kenyan citizen born in 1984 in Kitale, Trans Nzoia County and does not hold dual citizenship.
- (2) **THAT**, the nominee has previously served as the Chief Justice's appointee, a lecturer, adjunct lecturer, associate consultant, and a program manager. She has a Master's in Law, a Bachelor of Law (LLB), and has Diploma in Law thus complying with section 6(7) of the Public Appointments (Parliamentary Approval) Act, No. 33 of 2011.
- (3) **THAT**, the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB).
- (4) **THAT**, the nominee had not been charged in a court of law in the past three years.

- (5) **THAT**, the nominee does not hold office in any political party and thus complies with Article 77(2) of the Constitution which prohibits an appointed State officer from holding office in a political party.
- (6) **THAT**, the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (conflict of interest), Article 76 (financial probity), Article 77 (restriction on activities of State Officers) and Article 78(2) (dual citizenship) of the Constitution.
- (7) **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 the Principal Secretary for Diaspora Affairs.

#### **4. Mr. Abdi Dubat Fidhow**

The Committee made the following observations on the suitability of Mr. Abdi Dubat Fidhow for appointment as Principal Secretary for the State Department of East Africa Community Affairs:

- (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 born in 1976 in Garissa County and does not hold dual citizenship.
- (2) **THAT**, the nominee is the CEO of Elysian Consulting Limited, and has previously served as a Director, Managing Director and a senior associate in various companies. He has a Master's degree in Business Administration (MBA), a Bachelor of Commerce thus comply with section 6(7) of the Public Appointments (Parliamentary Approval) Act, No. 33 of 2011.
- (3) **THAT**, the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB).
- (4) **THAT**, the nominee had not been charged in a court of law in the past three years.
- (5) **THAT**, the nominee does not hold office in any political party and thus complies with Article 77(2) of the Constitution which prohibits an appointed State officer from holding office in a political party.
- (6) **THAT**, the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (conflict of interest), Article 76 (financial probity), Article 77 (restriction on activities of State Officers) and Article 78(2) (dual citizenship) of the Constitution.
- (7) **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 the Principal Secretary for East Africa Community Affairs.

#### **RECOMMENDATION**

Having considered the suitability, capacity, and integrity of the nominees, and pursuant to Article 155 of the Constitution and Section 8(2) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), the Committee recommended that the National Assembly APPROVES the appointment of:

- a) Mr. Patrick Mariru as the Principal Secretary, State Department for Defence;
- b) Dr. Abraham Korir Sing'oei as the Principal Secretary, State Department for Foreign Affairs.

- c) Ms. Roseline Kathure Njogu as the Principal Secretary, State Department for Diaspora Affairs; and
- d) Mr. Abdi Dubat Fidhow as the Principal Secretary, State Department for East African Community Affairs.

**MIN.NO. DDC/DIFR/36/2022:**

**ADJOURNMENT**

There being no other business the meeting was adjourned at 12.06 pm.

SIGNED: ..... 

**THE HON. NELSON KOECH, M.P.  
CHAIRPERSON,  
DEPARTMENTAL COMMITTEE ON DEFENCE, INTELLIGENCE AND FOREIGN  
RELATIONS**

DATE: ..... *1/12/22* .....

**MINUTES OF THE 7<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE, INTELLIGENCE, AND FOREIGN RELATIONS HELD ON TUESDAY 15<sup>TH</sup> NOVEMBER, 2022 AT 11.30 AM IN COMMITTEE ROOM 9, MAIN PARLIAMENT BUILDINGS.**

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**PRESENT**

- |   |   |                  |
|---|---|------------------|
| 1. The Hon. Koech Nelson, M.P.                        | - | Chairperson      |
| 2. The Hon. Maj. (Rtd.) Sheikh Abdullahi Bashir, M.P. | - | Vice Chairperson |
| 3. The Hon. Wanjira Martha Wangari, M.P               |   |                  |
| 4. The Hon. Hassan Abdi Yusuf, M.P                    |   |                  |
| 5. The Hon. Kanchory Elijah Memusi, MP                |   |                  |
| 6. The Hon. Kandie Joshua Chepyegon, M.P              |   |                  |
| 7. The Hon. (Dr.) Kasalu Irene Muthoni, M.P           |   |                  |
| 8. The Hon. Kwenya Thuku Zachary, M.P                 |   |                  |
| 9. The Hon. Luyai Caleb Amisi, M.P                    |   |                  |
| 10. The Hon. Kirima Moses Nguchine, M.P               |   |                  |
| 11. The Hon. Logova Sloya Clement, M.P                |   |                  |
| 12. The Hon. Ikana Fredrick Lusuli, M.P               |   |                  |
| 13. The Hon. Mohamed Abdikadir Hussein, M.P           |   |                  |
| 14. The Hon. Teresia Wanjiru Mwangi, M.P              |   |                  |

**APOLOGIES**

1. The Hon. Odhiambo Millie Grace Akoth, MP

**IN ATTENDANCE**

**THE NATIONAL ASSEMBLY**

- |                               |   |                             |
|-------------------------------|---|-----------------------------|
| 1. Mr. Dennis Mogare Ogechi   | - | Clerk Assistant II          |
| 2. Ms. Winfred Kambua Kilonzo | - | Clerk Assistant III         |
| 3. Ms. Clara Kimeli           | - | Principal Legal Counsel II  |
| 4. Dr. Donald Manyala         | - | Research Officer II         |
| 5. Ms. Roselyne Ndegi         | - | Senior Serjeant-at-Arms II  |
| 6. Mr. Lennie Kabinga         | - | Legal Counsel II            |
| 7. Ms. Judy Kanyoko           | - | Legal Counsel II            |
| 8. Mr. Edwin Machuki          | - | Fiscal Analyst III          |
| 9. Mr. Murimi Mwangi          | - | Media Relations Officer III |
| 10. Mr. Kelvin Ng'ang'a       | - | Research Officer III        |

**AGENDA**

1. Prayers
2. Preliminaries
3. **Approval hearings of Ms. Roseline Kathure Njogu, nominee for appointment as Principal Secretary, State Department for Diaspora Affairs and Mr. Abdi Dubat Fidhow, nominee for appointment as Principal Secretary, State Department for East Africa Community Affairs.**

4. Any Other Business
5. Adjournment/Date of the next Sitting

**MIN.NO. DDC/DIFR/33/2022:**

**PRELIMINARIES**

The meeting was called to order at 2:38 p.m. and commenced with prayers. Thereafter, the Chairperson asked all those present to introduce themselves. He then stated that the main agenda of the meeting was conducting approval hearings of Ms. Roseline Kathure Njogu, nominee for appointment as Principal Secretary, State Department for Diaspora Affairs and Mr. Abdi Dubat Fidhow, nominee for appointment as Principal Secretary, State Department for East Africa Community Affairs.

**MIN.NO. DDC/DIFR/34/2022:**

**APPROVAL HEARING OF MS.  
ROSELINE KATHURE NJOGU,  
NOMINEE FOR APPOINTMENT AS  
PRINCIPAL SECRETARY, STATE  
DEPARTMENT FOR DIASPORA  
AFFAIRS**

Ms. Roseline Njogu, nominee for the position of Principal Secretary State Department for Diaspora Affairs, appeared before the Committee at 2:30 pm and was vetted under oath pursuant to Article 155(3) of the Constitution, the Public Appointments (Parliamentary) Approval Act, 2011 and the Standing Order 216(5)(e) of the National Assembly. The Committee noted the following:

1. The nominee is a Kenyan female citizen of Identity Card Number 23469162 and was born in Kitale, Trans Nzoia County in 1984.
2. The nominee is pursuing her Doctorate (PhD) in Law (wifehood and power: The Triple Bind of Law, Religion and Imperialism), at the University of Nairobi; holds a Master's degree in Law (LLM) from Harvard University (2009); a Bachelor of Law (LLB) from the University of Nairobi (2007); a Post Graduate Diploma from the Kenya School of Law (2010); and has Certified Public Accountant Training, (CPA IV) 2002-2006 from Strathmore University.
3. The nominee is the Founding Partner & Head of Commercial Law, Lexlink from 2014 to date. The nominee has also served at Riara University Law School as a Lecturer and Head of Academic Standards (2012-2017), at Strathmore University (ISBI) from 2017 to date as an Adjunct Lecturer. The nominee also worked at The Kenyatta University School of Law (2011-2012), as an Adjunct Lecturer, Inua Kenya Foundation as a Program Manager (2010-2011) as well as a Law & Development Initiatives (LID) Program Manager (2010-2011), Dalberg Global Development Advisors (Kenya) Limited (2009-2010) as an Associate Consultant and finally the nominee was a pupil at Anjarwalla & Khanna Advocates (2007-2008).
4. The nominee is a member of The Law Society of Kenya and FIDA.
5. The nominee is appointed to the Southern African Journal's Advisory Board on Policy and Development (SAJPD), awarded the Harvard Law School African Student Scholarship (2008/2009), Kings College TLSI Fellow (2014), and Harvard Law School Institute of Global Law and Policy Scholarships 2014, 2015, 2016 and 2022. She was also the Chief Justice's appointee as Vice Chairperson, Executive and National Committees, Community Service Orders Program.
6. The Committee confirmed that the nominee had been cleared by KRA, ORPP, DCI, EACC, and HELB, having obtained clearance certificates to that effect.



To examine the suitability or otherwise of the nominee, the Committee engaged the nominee on the following thematic areas to determine his knowledge of the sector areas:

- a) On the unique experience the candidate brings and action plan on diaspora concerns, she stated that she has been part of the diaspora and has had vast interactions with the diaspora giving her a better understanding of the issues affecting them. In addition, the nominee submitted that being in academia has given her a theoretical and conceptual framework to understand issues and that she is ready to get to work. Finally, the nominee indicated that she has championed public participation in legislative processes and will use the experience gained to come up with legislation to actualize policy implementation. The nominee further averred that she will focus on improving service delivery (consular) for the diaspora; Boost remittance flows in conjunction with other government agencies to come up with attractive investment and saving channels for the diaspora, and involve the diaspora in the national development agenda.
- b) On short periods in her past assignments, she averred that there were four instances where the nominee worked for only one year and this was due to her enthusiasm to handle multiple tasks for self-learning to enable her to pick a specialization for her career progression.
- c) On establishment of a new State Department, she informed the committee that to grow the state department she will have dialogue with the diaspora to understand their issues, have them included in national development and focus on diaspora affairs.
- d) On gender issues, she stated that she had a knack for gender concerns as evidenced by her PhD thesis topic, "Wifehood with Law and Religion." She further stated that diaspora issues had a gender dimension since most of the domestic workers are women and were the most vulnerable and that she will work with the Ministry of Labour to ensure that their rights are protected.
- e) On mistreatment of migrant workers in Middle East countries, she indicated that the Kenyan diaspora's welfare is of utmost importance and it was due to the unemployment problem that migrant workers are forced to look for opportunities outside to provide for their families. In order to address the mistreatment, the nominee indicated that the Ministry should tighten the loopholes in recruitment e.g. contracts should be in both languages, i.e. English and Arabic and be attested by Kenya and the destination country. Moreover, the Ministry of Foreign and Diaspora Affairs in conjunction with the Ministry of Labour to maintain a register for these workers for follow-up and tracking when there are problems.
- f) On harassment by Immigration and Customs Officers at JKIA of the Kenyan diaspora, she indicated that it was regrettable that this was happening and that she will take the a whole of government approach by working closely with the Department of Immigration and other concerned government agencies to ensure the issue is resolved. Moreover, the concerned officers at JKIA should be sensitized and trained on how to support the diaspora which plays a pivotal role in the development of the country through investment and remittances.
- g) On Kenyan Diaspora involvement in development activities in their countries of residence, she stated that the Kenyan diaspora via their skills does contribute in some way or another to the development of the countries where they live. Moreover, the Kenyan diaspora are Kenyan ambassadors with regards to our culture and diversity and are expected to promote that. The nominee averred that tracing the skilled Kenyan diaspora reveals that the government invested heavily in training for the benefit of our country. The nominee informed the Committee the Ministry is working on a skills inventory for the Kenyan diaspora, which will turn the brain drain into brain gain by utilizing technology to enable the diaspora to provide their services to Kenyans back home remotely. Also, the nominee submitted that she will have a roundtable with the diaspora to talk about how they can share their skills and knowledge through mentoring sessions.

- h) On Common data point for Kenyan Diaspora, she stated that there were approximately 3 million Kenyans in the diaspora, with only 1.4 million registered, and she would encourage the remaining to register so that they could be included in a common data point.
- i) On punitive laws on money laundering and remittances, she pointed out that the Kenyan diaspora should be able to move their money freely and without discrimination by giving them a special pass.
- j) On victimization of Kenyans in the diaspora with dual citizenship who want to contribute to the national development agenda, she stated that legislative changes are required to address the challenges of dual citizenship and that legislative proposals will be submitted on the subject. In addition, the nominee indicated that if approved, she will have webinars to address diaspora issues via public participation with regards to changes in law and public development.

**MIN.NO. DDC/DIFR/35/2022:**

**OBSERVATIONS (MS. ROSELINE KATHURE NJOGU)**

The Committee, made the following observations on the suitability of Ms. Roseline Kathure Njogu for appointment as Principal Secretary for the State Department for Diaspora Affairs:

- (1) **THAT**, in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to a state office since she is a Kenyan citizen born in 1984 in Kitale, Trans Nzoia County and does not hold dual citizenship.
- (2) **THAT**, the nominee has previously served as the Chief Justice's appointee, a lecturer, adjunct lecturer, associate consultant, and a program manager. She has a Master's in Law, a Bachelor of Law (LLB), and has Diploma in Law thus complying with section 6(7) of the Public Appointments (Parliamentary Approval) Act, No. 33 of 2011.
- (3) **THAT**, the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB).
- (4) **THAT**, the nominee had not been charged in a court of law in the past three years.
- (5) **THAT**, the nominee does not hold office in any political party and thus complies with Article 77(2) of the Constitution which prohibits an appointed State officer from holding office in a political party.
- (6) **THAT**, the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (conflict of interest), Article 76 (financial probity), Article 77 (restriction on activities of State Officers) and Article 78(2) (dual citizenship) of the Constitution.
- (7) **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 the Principal Secretary for Diaspora Affairs.

**MIN.NO. DDC/DIFR/36/2022:**

**APPROVAL HEARING OF MR. ABDI DUBAT FIDHOW, NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY, STATE DEPARTMENT FOR EAST AFRICA COMMUNITY AFFAIRS.**

Mr Abdi Dubat Fidhow, nominee for the position of Principal Secretary State Department for East African Community Affairs, appeared before the Committee on Tuesday 15<sup>th</sup> November 2022 at

3:30 pm and was vetted under oath pursuant to Article 155(3) of the Constitution, the Public Appointments (Parliamentary) Approval Act, 2011 and Standing Order 216(5)(e) of the National Assembly. The Committee noted the following:

1. The nominee is a male Kenyan citizen of Identity Card Number 13116487 and was born in Garissa County in 1976.
2. The nominee holds a Master of Business Administration (Strategic Management) Degree (2016), a Bachelor of Commerce Finance (Hons) from the University of Nairobi (1999), is a Certified public accountant (CPA-K) (2015), Association of Chartered Certified Accountants (ACCA) UK (2003) and he was pursuing his PhD in Business Administration at the University of Nairobi. He sat for his 'O' level examinations at Nairobi School in 1993.
3. The nominee is the Chief Executive Officer of Elysian Consulting Limited, a managing partner at Umuro Wario and Elysian Associates (CPA), Abma Consulting Limited Managing Director, Director at Clarity Consulting Limited and a Senior Associate at Price Water House Coopers.
4. The nominee is a member of the Public Accountants of Kenya (ICPAC) 2016, a member of Chartered Certified Accountants of UK (ACCA) 2003 and a member of ACCA Kenya council 2020.
5. The nominee was awarded the Fellow Chartered Certified Accountants (FCCA) ACCA, UK-2020).
6. The Committee confirmed that the nominee had been cleared by KRA, ORPP, DCI, EACC and HELB, having obtained clearance documents to that effect.

To examine the suitability or otherwise of the nominee, the Committee engaged the nominee in the following thematic areas to determine his knowledge of the sector:

- a) On opportunities available for Kenyans in the DRC, he appreciated the Committee and by extension the House for allowing KDF to go for the peacekeeping mission noting that there were many opportunities in DRC being a big country, having a huge population, and being the seventh (7<sup>th</sup>) and the newest member of East African Community. He further averred that maintaining peace and order in DRC was important to Kenya since a major Bank in Kenya had invested in the country and was doing really well, hence sighting employment opportunities for citizens of this country. The nominee submitted that despite Kenya spending a lot on the peacekeeping mission, the large population that DRC has of about 95 million people creates a very large market for Kenyan products.
- b) On bearing the Expensive burden of peacekeeping in the East African Community, the nominee stated that it was expensive to undertake the peacekeeping mission in DRC but the treaty signed by the EAC Members ensures that the cost is shared among all member states so as to have equity for all members since each country is regarded as an equal partner.
- c) On hostilities at the Namanga border, he stated that the East African Community discourages any taxes by member states. However, he noted that as countries protect their markets, they end up imposing some tariffs and non-tariff barriers hence making it challenging to trade smoothly. The nominee stated that he will engage the EAC counties in talks to ensure that the several tariffs and non-tariff barriers that have been imposed are dealt with to facilitate smooth trade.
- d) On the issue the of free movement of cattle and wildlife between Tanzania and Kenya, he stated that he will spearhead efforts in engaging Tanzania to ensure that this matter does not create conflicts between the two counties.

- e) On the issue of his suitability for the job, he informed the Committee that he had 23 years of experience from the private sector, informing that the role of a Principal Secretary is majorly accounting and he comes along with experience in finance and accounting. The nominee further stated that this will ensure that his department acts within the law. He further submitted that he is a team leader and he is able to extract the productivity in teams. The nominee further noted that Kenya has one of the best civil services and that he will ensure results are realized.
- f) On commitments to the vision of the EAC, he noted that the EAC was a huge block and that it had a lot of potential. If the block's integration went on smoothly, it would form the bedrock of Pan-African integration. He however noted that decision-making within the block was premised on consensus which was slow. If appointed, he promised to do whatever he could to ensure all the pillars of the integration project were realized.
- g) On Somalia Joining the EAC, he informed the Committee that EAC gives us power in numbers as it attracts multinational companies and even investors in the block and so since there are some stipulated guidelines for member countries to join, he stated that just like DRC, Somalia and Ethiopia should adopt the same steps on the process of joining EAC and this will help actualize trade because of the large population.
- h) On the issue of Regional Development Authorities (RDAs), the nominee noted that regional bodies under RDAs are underfunded and hence the poor performance but he submitted that if approved, he would seek more funding to the budget to help actualize the potential of the bodies.
- i) On Conflicts arising from shared natural resources (Serengeti, Masai Mara, Migingo and Lake Victoria), he stated that he wasn't familiar with the conflicts in the Mara and Serengeti areas. However, he stated that the EAC treaty does not provide any regulations on sharing of natural resources. He stated that the disproportionate sharing of resources led to the collapse of EAC in 1977. However, the nominee submitted that he would engage partner states bordering Kenya in both multilateral and bilateral talks to enhance tourism and address the issue of shared resources to avoid conflicts between member states. On the issue of Migingo Island, the nominee submitted that if appointed, there would be a need for EAC to standardize fishing equipment and to mark maritime borders to help stop conflicts between the counties that share Lake Victoria.
- j) On most EAC countries being dependent on Kenya, hence burdening Kenya, the nominee stated that it was okay for Kenya to continue being the good neighbour and the big brother it is. He further stated that Kenya should sensitize citizens with regards to this market and let them take advantage of the free trade area since Kenya has an upper hand with regard to trade and other opportunities. On other Member States not paying up their dues, he averred that he would lead bilateral talks to ensure that all parties contribute their share of the budget to the EAC to ensure financial stability of the block and ensure Kenya doesn't bear the burden alone.
- k) On deployment of soldiers to DRC by member states save for Tanzania, he submitted that it was important for all member states to honour the treaties signed. However, he stated that initiatives would be put in place to see to it that forces are sent by other member states who have not done.

**MIN.NO. DDC/DIFR/37/2022: -**

**OBSERVATIONS (MR. ABDI DUBAT  
FIDHOW)**

The Committee, made the following observations on the suitability of Mr. Abdi Dubat Fidhow for appointment as Principal Secretary for the State Department of East Africa Community Affairs:

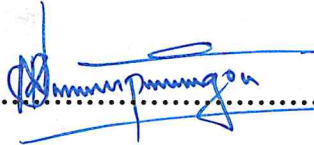
- (1) THAT, in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to a state office since he is a Kenyan citizen born in 1976 in Garissa County and does not hold dual citizenship.
- (2) THAT, the nominee is the CEO of Elysian Consulting Limited, and has previously served as a Director, Managing Director and a senior associate in various companies. He has a Master's degree in Business Administration (MBA), a Bachelor of Commerce thus comply with section 6(7) of the Public Appointments (Parliamentary Approval) Act, No. 33 of 2011.
- (3) THAT, the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB).
- (4) THAT, the nominee had not been charged in a court of law in the past three years.
- (5) THAT, the nominee does not hold office in any political party and thus complies with Article 77(2) of the Constitution which prohibits an appointed State officer from holding office in a political party.
- (6) THAT, the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (conflict of interest), Article 76 (financial probity), Article 77 (restriction on activities of State Officers) and Article 78(2) (dual citizenship) of the Constitution.
- (7) 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 the Principal Secretary for East Africa Community Affairs.

**MIN.NO. DDC/DIFR/38/2022:**

**ADJOURNMENT**

There being no other business the meeting was adjourned at 4.42 pm.

SIGNED: .....



**THE HON. NELSON KOECH, M.P.  
CHAIRPERSON,**

**DEPARTMENTAL COMMITTEE ON DEFENCE, INTELLIGENCE AND FOREIGN  
RELATIONS**

DATE: .....

30/11/22



**MINUTES OF THE 6<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE, INTELLIGENCE, AND FOREIGN RELATIONS HELD ON TUESDAY 15<sup>TH</sup> NOVEMBER, 2022 AT 9.00 AM IN COMMITTEE ROOM 9, MAIN PARLIAMENT BUILDINGS.**

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**PRESENT**

1. **The Hon. Koech Nelson, M.P.** - **Chairperson**
2. **The Hon. Maj. (Rtd.) Sheikh Abdullahi Bashir, M.P.** - **Vice Chairperson**
3. The Hon. Wanjira Martha Wangari, M.P
4. The Hon. Hassan Abdi Yusuf, M.P
5. The Hon. Kanchory Elijah Memusi, MP
6. The Hon. Kandie Joshua Chepyegon, M.P
7. The Hon. (Dr.) Kasalu Irene Muthoni, M.P
8. The Hon. Kwenya Thuku Zachary, M.P
9. The Hon. Luyai Caleb Amisi, M.P
10. The Hon. Kirima Moses Nguchine, M.P
11. The Hon. Logova Sloya Clement, M.P
12. The Hon. Ikana Fredrick Lusuli, M.P
13. The Hon. Mohamed Abdikadir Hussein, M.P
14. The Hon. Teresia Wanjiru Mwangi, M.P

**APOLOGIES**

1. The Hon. Odhiambo Millie Grace Akoth, MP

**IN ATTENDANCE**

**THE NATIONAL ASSEMBLY**

1. Mr. Dennis Mogare Ogechi - Clerk Assistant II
2. Ms. Winfred Kambua Kilonzo- Clerk Assistant III
3. Ms. Clara Kimeli - Principal Legal Counsel II
4. Dr. Donald Manyala - Research Officer II
5. Ms. Roselyne Ndegi - Senior Serjeant-at-Arms II
6. Mr. Lennie Kabinga - Legal Counsel II
7. Ms. Judy Kanyoko - Legal Counsel II
8. Mr. Edwin Machuki - Fiscal Analyst III
9. Mr. Murimi Mwangi - Media Relations Officer III
10. Mr. Kelvin Ng'ang'a - Research Officer III

**AGENDA**

1. Prayers
2. Preliminaries
3. **Approval hearings of Mr. Patrick Mariru, nominee for appointment as Principal Secretary, State Department for Defence and Dr. Abraham Korir Sing'oei, nominee for appointment as Principal Secretary, State Department for Foreign Affairs.**
4. Any Other Business

5. Adjournment/Date of the next Sitting

**MIN.NO. DDC/DIFR/26/2022:**

**PRELIMINARIES**

The meeting was called to order at 8:55 a.m. and commenced with prayers. Thereafter, the Chairperson asked all those present to introduce themselves. He then stated that the main agenda of the meeting was conducting approval hearings of Mr. Patrick Mariru, nominee for appointment as Principal Secretary, State Department for Defence and Dr. Abraham Korir Sing'oei, nominee for appointment as Principal Secretary, State Department for Foreign Affairs.

The Agenda was adopted after being proposed by Hon. (Dr.) Kasalu Irene Muthoni, M.P. and seconded by Hon. Ikana Fredrick Lusuli, M.P.

**MIN.NO. DDC/DIFR/27/2022:**

**COMMUNICATION FROM THE  
CHAIR**

The Chairperson made the following communication, that:

1. On Wednesday 2<sup>nd</sup> November 2022, the Speaker of the National Assembly received a notification from His Excellency the President, who, in the exercise of his powers under Articles 132 (2)(d) and 155(3) of the Constitution, nominated persons for appointment as Principal Secretaries.
2. Upon receipt of the Message, the Speaker notified the House of the Message in a Communication dated Thursday, 3<sup>rd</sup> November 2022, and forwarded the names and curriculum vitae of the nominees to relevant Departmental Committees pursuant to the provisions of Standing Order 45(1) to conduct approval hearings as required under Article 124(4)(a) of the Constitution. The following four (4) persons, whose dockets fall under the oversight of the Committee, were nominated for appointment to the Office of Principal Secretary: Mr. Patrick Mariru, nominee for State Department of Defence PS; Dr. Korir Sing'oei, nominee for State Department for Foreign Affairs PS; Ms. Roseline Njogu, nominee for State Department for Diaspora PS; Mr. Abdi Dubat, nominee for State Department for East African Community Affairs PS
3. Parliamentary approval of appointments to public offices is governed by the Constitution, the Public Appointments (Parliamentary Approval) Act, 2011 the Leadership and Integrity Act, 2012, the Public Service Commission Act, 2017, and the National Assembly Standing Orders.
4. The Clerk of the National Assembly notified specific Departmental Committees to hold approval hearings as required by section 6(1) of the Public Appointments (Parliamentary Approval) Act, 2011. The Clerk is also required to notify the nominees and the public of the time, date(s), and venue(s) for holding the approval hearings.
5. In accordance with section 6(3) of the Public Appointments (Parliamentary Approval) Act, 2011, the Clerk placed advertisements in the local dailies notifying and inviting nominees to attend approval hearings between Monday, 14<sup>th</sup> November, 2022, and Friday, 18<sup>th</sup> November, 2022.
6. This notification was followed up with letters to the nominees inviting them to attend the vetting and requesting them to submit the completed Questionnaire in the schedule to the Public Appointments (Parliamentary Approval) Act, 2011 together with clearance certificates from the Ethics and Anti-Corruption Commission (EACC), Kenya Revenue Authority (KRA), Higher Education Loans Board (HELB), Directorate of Criminal Investigations (DCI) and any credit reference bureau.



7. Pursuant to the provisions of Article 118 of the Constitution, section 6(3) of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 45(3), the Clerk did, by way of advertisements in print media, notify the general public of the intention of various Departmental Committees to conduct the approval hearings.
8. Pursuant to Section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, the Clerk of the National Assembly invited the public, through an advertisement on 4<sup>th</sup> November, 2022, to submit memoranda on the suitability or otherwise of the nominees on or before Friday, 11<sup>th</sup> November, 2022 at 5.00 pm. No submissions contesting the suitability of the four (4) nominees had been received.
9. The suitability of a nominee should be holistically gauged after scrutiny of the nominee's credentials, experience, background, and qualities as well as the performance of the nominee during the approval hearing. This may be done by questioning nominees on sector-specific issues handled on a day-to-day basis in the docket to which they have been nominated for appointment.
10. The Committee is expected to consider the nominations and table its report in the House within twenty-eight (28) days from the date on which the notification was received as provided under section 8 of the Public Appointments (Parliamentary Approval) Act, 2011.
11. As per the Speaker's Communication dated November 3, 2022, Departmental Committees ought to report to the House by 22<sup>nd</sup> November, 2022. Section 9 of the Act stipulates that where the House does not meet the prescribed timelines, the nominee shall be deemed to have been approved.

**MIN.NO. DDC/DIFR/28/2022:**

**APPROVAL HEARING OF MR. PATRICK  
MARIRU, NOMINEE FOR APPOINTMENT  
AS PRINCIPAL SECRETARY, STATE  
DEPARTMENT FOR DEFENCE**

Mr. Patrick Mariru, nominee for the position of Principal Secretary, State Department for Defence appeared before the Committee at 9:00 am and was vetted under oath pursuant to Article 155(3) of the Constitution, the Public Appointments (Parliamentary) Approval Act, 2011 and the Standing Order of the National Assembly. The Committee noted the following:

1. The nominee submitted that he is a Kenyan citizen of Identity Card Number 20266193, born in Laikipia County in 1978. He averred that he did not hold any other citizenship.
2. The nominee is pursuing a PhD in Governance and Leadership at the Jomo Kenyatta University of Science and Technology. He is also undertaking a Master's degree in Sustainable Development at The University of Sussex, United Kingdom.
3. The nominee holds a Master's degree in Public Policy and Management (MSc) from the University of London (2016), a Bachelor of Laws (LLB) from The University of Nairobi, and a Diploma in Law from the Kenya School of Law.
4. The nominee had undertaken several short trainings that include: Effective Leadership in a Volatile Uncertain Complex Ambiguous World from the Kenya Institute of Management(2022); Leadership and Governance in a Transitioning Parliament from Morocco's Intelligent Business Centre (2022); Corporate Governance and Policy Making from Turkey's Public Administration International [PIA] (2022); National Security and Strategy Course for Leadership of the National Assembly of Kenya from The National Defense College(2021), Leadership and Transitioning Parliament from the African Centre for Legal Excellence, Uganda (2022), Ethical and value based leadership from the Malaysian Institute

- of Management, Malaysia(2018) Transformational Leadership from International Leadership Foundation, Kenya(2008), Political Leadership Development programme from The Friedrich Ebert Stiftung, Kenya(2005-2009), Effective Devolution through Access to Information International Commission of Jurist Kenya, (2013) and lastly Science and Art of Leadership Programme from the Eastern and Southern African Management Institute, Tanzania(2014).
5. The nominee has worked in various places in the advancement of his career. The nominee was the Member of Parliament for Laikipia West Constituency in the 12th Parliament where he served as a member of the Speaker's Panel from August 31st, 2017, to 2022 August. The nominee was also the Speaker of the County Assembly of Laikipia County from 2013-2017.
  6. The nominee had also served as: International Governance Advisor at ActionAid international from 2011-2013; Legal Advisor at the National Council of Churches of Kenya from 2005-2011; Policy and Advocacy Officer at The Fellowship of Christian Unions from 2004-2005; and an Advocate of the High Court at Kamotho Waiganjo Advocates from 2003-2004.
  7. The nominee has been involved in World Bank and IMF coordinated field programs for four years i.e. Vietnam (2019), Indonesia (2015), Peru (2014) and Tanzania (2013). The programs advocated for increased accountability and transparency in development cooperation with specific focus on multilateral aid and a sub-focus on the work and modus operandi of the World Bank Group and the International Monetary Fund (IMF), the world's largest multilateral funders.
  8. The nominee is professionally affiliated with the Law Society of Kenya and The East African Law Society. The nominee was recognized as one of the Emerging Young Leaders in the World under Lausanne Program.
  9. The Committee confirmed that the nominee had been cleared by KRA, ORPP, DCI, EACC and HELB, having obtained the requisite clearance documents to that effect.

To examine suitability or otherwise of the nominee, the Committee engaged him on the following thematic areas to determine his knowledge of the sector:

- a) On the Sensitive Nature of the Defence Docket and His Political Past, the nominee averred that being a politician would not affect his professionalism. His professionalism would not allow him to say things which need not to be said. He dismissed the idea that politicians are not serious people and urged Kenyans to understand that politicians are serious professionals who make very important decisions for the country.
- b) On Mental Health Interventions, the nominee appreciated that mental health issues cut across all segments of society, including the disciplined forces. He appreciated that there were already existing welfare stations in Langata Barracks that assist military officers to deal with issues of mental health.
- c) On the issue of Somalia-Kenya Relations, the nominee averred that he understood that the Somalia issue was a big one for the country. He stated that he supported the idea of the KDF incursion into Somalia as it helped in the containment of terrorist attacks in Kenya. He further stated that the African Union (AU) has clear guidelines on the length of stay in Somalia. He opined that the KDF went to Somalia for the sake of the security of Kenyans and that the mission had borne fruits.
- d) On Implementing Austerity Measures in the Defence Docket, the nominee submitted that the key issues for consideration would be transparency and accountability. He stated that he understood that every sector must contribute in managing the fiscal challenges of the country. He would therefore revisit some budgets in order to align with the measures directed by the President. The main targets for implementation of austerity measures would

- include training, purchase of motor vehicles and other internal operations. He however informed the Committee that some areas were sensitive and would not be affected.
- e) On His Net Worth, the nominee stated that his net worth was Ksh.185 million. He further expounded on his net worth stating that it included savings in two Saccos and in his bank account. He expounded indicated that he was involved in farming and owns a small manufacturing firm. He has a house worth Ksh. 40 Million in Nairobi and another one in Laikipia County worth Ksh. 25 Million. He submitted that he also had several pieces of land in various places in the country.
  - f) On His Top Three Priority Goals, the nominee submitted that his first goal was to entrench accountability by ensuring that the funds in the Ministry were used prudently. The second goal was modernization of the KDF to ensure they grow and operate with the modern technology. The third goal was ensuring the welfare of both uniformed and other officers at the Ministry.
  - g) On Kenya Meat Commission (KMC) being managed by KDF but placed under the Ministry of Agriculture, the nominee appreciated that the military involvement in KMC was a success story because many Kenyans who were not getting paid by KMC were getting paid courtesy of the KDF management. He stated that the KDF was still managing KMC, however, according to the Executive Order No. 1 of 2022, the KMC was under the Ministry of Agriculture and not under the Ministry of Defence. He submitted that there will be discussions within the government on the issue of transition and appropriate reporting lines noting that the military could not report to a different Ministry other than the parent Ministry of Defence.
  - h) On Pending Bills at the State Department, the nominee submitted that the pending Bills had been paid out on a continuing basis, especially after the Presidential directive on the same. However, the process had been hampered by lack of exchequer. He promised to look at the pending bills that must be dealt with within the fiscal space of the country. On pending bills arising from court awards, he affirmed that a close working relationship with the office of the Attorney General was paramount and that he would give more support to the Ministry's legal department to appeal the awards where possible.
  - i) On Objectively Handling allegations of Atrocities Committed by the British Army Training Unit in Kenya (BATUK) that is Based in Laikipia, his Home County, the nominee stated that the operations of the BATUK were within Bilateral and Multi-lateral agreements on Defence cooperation. The nominee affirmed that he would not be emotional in any way when dealing with the British army in Laikipia, being his home county, and considering the previous disputes that had arisen. He further stated that he would work within the framework of defence cooperation between the two countries.
  - j) On Fairness and Corruption During the Annual Recruitment of KDF Personnel, the nominee stated that the Ministry has an explicit policy on the recruitment process. He explained that the process of recruitment takes into account the population of each sub-county and the already existing number of KDF officers from each sub-county in order to attain regional balance. He submitted that the issue of Kenyans being lured by fake advertisements should be taken up by the DCI. The Ministry of Defence had very stringent measures on bribery and any officer suspected of such is dealt with by the court marshals.
  - k) On Corporate Social Responsibility (CSR), the nominee stated that the Ministry of Defence has some humanitarian programs which work with the civilian authorities to support civilian programs. He noted that if confirmed, he would scrutinize the budget of the Ministry with the view of establishing how much more the Ministry can support CSR.

- l) On Dealing with Classified Information Regarding Expenditure in the Ministry, the nominee submitted that the Auditor General audits all funds appropriated to the Ministry. However, considering the sensitivity of some expenditures on national security, the Department of Defence (DOD) cannot make public the purchases they make. The nominee averred that he had no intentions of breaking away from the norms and practices at the Ministry.
- m) On Building Capacity on Utilization of the Kenya Shipyards Limited Facility, the nominee appreciated the construction of the shipyard facility and promised to ensure that there will be value addition and proper utilization of the facility.
- n) On the Return on Investment on the DRC Military Deployment, the nominee submitted that DRC is a member of the EAC and that the stability of the country had implications for regional stability and by extension Kenya's stability. He explained that political, diplomatic and military engagements were being explored to stabilize the DRC. He opined that it was worthwhile to pursue stabilization of the DRC due to the many interests Kenya had in the DRC and the region. He maintained that Kenya's engagement in DRC was not a unilateral decision but was as a result of the EAC Heads of States concurrence on the same matter. The nominee noted that all the EAC countries were already engaged apart from Tanzania, which had indicated it would join later.

**MIN.NO. DDC/DIFR/29/2022:**

**OBSERVATIONS (MR. PATRICK MARIRU)**

The Committee, made the following observations on the suitability of Mr. Patrick Mariru for appointment as Principal Secretary for the State Department for Defence:

- (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 born in 1978 in Laikipia County and does not hold dual citizenship.
- (2) THAT, the nominee has previously served as Member of Parliament, a member of the Speaker's panel, a Speaker of the County Assembly of Laikipia. Further, he holds a Master's degree in Law, a Bachelor of Law (LLB), and a Diploma in Law thus complies with section 6(7) of the Public Appointments (Parliamentary Approval) Act, No. 33 of 2011.
- (3) THAT, the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB).
- (4) THAT, the nominee had not been charged in a court of law in the past three years.
- (5) THAT, the nominee does not hold office in any political party and thus complies with Article 77(2) of the Constitution which prohibits an appointed State officer from holding office in a political party.
- (6) THAT, the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (conflict of interest), Article 76 (financial probity), Article 77 (restriction on activities of State Officers) and Article 78(2) (dual citizenship) of the Constitution.
- (7) 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 the Principal Secretary of the State Department of Defence.

**APPROVAL HEARING OF DR. ABRAHAM  
KORIR SING'OEI, NOMINEE FOR  
APPOINTMENT AS PRINCIPAL  
SECRETARY, STATE DEPARTMENT FOR  
FOREIGN AFFAIRS**

Dr. Abraham Korir Singo'ei, nominee for the position of Principal Secretary for the State Department of Foreign Affairs, appeared before the Committee at 11:30 am and was vetted under oath pursuant to Article 155(3) of the Constitution, the Public Appointments (Parliamentary) Approval Act, 2011 and the Standing Order 216 (5) (e) of the National Assembly. The Committee noted the following:

1. The nominee is a Kenyan citizen of Identity Card Number 11588172 and was born on 31<sup>st</sup> December in 1973.
2. The nominee holds a Doctor of Philosophy in Law from the University of Cape Town, South Africa. (2021), a Master of Laws (LLM) from University of Minnesota Law School (2009) and a Bachelor of Laws (LLB), from the University of Nairobi (1998).
3. The nominee was the Legal Advisor & Head Legislative & Intergovernmental Liaison at the Office of the Deputy President, Republic of Kenya. He has also served as; US Agency for International Development (USAID), Kenya Mission, Senior Council and Rule of Law Specialist. (2010-2012); Centre for Minority Rights Development, Nairobi, Kenya, Founder and Director. (2001-2006); Delegate to the Constitution of Kenya Review Conference. (2005); Member of the African Commission on Human and People's Rights Working Group of Indigenous Peoples; Member of the Ministry of Lands Task Force on Community Land Legislation. (2012-2013); and Member of the Presidential Task Force on Pastoral Reform. (2013-2015).
4. The nominee is a member of The Law Society of Kenya and the American Bar Association. He has also been a Member, Kibabii University Council (2010-2012); African Union Commission on Human and Peoples' Rights Working Group on the Rights of Indigenous Peoples, Expert Committee Member (2006-2008); African Union Commission on Human and Peoples' Rights Working Group on Extractive Industries, Expert Committee Member (2020-2021); and Constitution of Kenya Review Conference (Bomas), Delegate (2006).
5. The nominee was awarded a Presidential Commendation Moran of the Burning Spear (MBS, 2016), Hubert Humphrey Fulbright Scholarship (2007) grant by the State Department of the United States to Study Global Public Policy at Humphrey School of Public Affairs at the University of Minnesota, and recognized as National Best Actor, Drama Festival, 1992.
6. The Committee confirmed that the nominee had been cleared by KRA, ORPP, DCI, EACC and HELB, having obtained clearance documents to that effect.

To examine suitability or otherwise of the nominee, the Committee engaged the nominee on the following thematic areas to determine his knowledge on the sector:

- a) On the place of African countries in global institutions like the United Nations, the nominee acknowledged that the global system, which was conceptualized after the Second World War demonstrated an inability to cope with current global challenges and wasn't representative because it was negotiated at a time when African states were not parties. This he noted disadvantaged countries from Africa. He further noted that recent events such as the Covid-19

Pandemic and the invasion of other countries by superpowers suggested the need for reforms of the current systems. He also noted that one of the initiatives championed by H.E. the President of the Republic of Kenya was building back after the Covid pandemic, suggesting that the international system needed to incorporate those left behind. He pledged to work towards establishing a group of countries in Africa to begin negotiating for a common voice by the continent in bodies such as the UN Security Council.

- b) On balancing the sovereignty of the people and the sovereignty of the state, the nominee stated that the Constitution placed the People at the core of sovereignty within Kenya's borders and that Kenya would maintain its external sovereignty in relation to other countries.
- c) On relations between Kenya and the Middle East particularly on the issue of migrant workers, the nominee characterized the problem as the sourcing, processing, and the terms in which the migrant workers are employed and suggested that there be clarity about the terms of engagement for Kenyan citizens working in the Middle East specifically as domestic workers. He stated that they would develop a joint monitoring mechanism between the Ministry of Foreign Affairs and the Ministry of Labour to ensure that Kenyans did not go to work in the Middle East without the knowledge of Kenyan authorities. He also suggested the need to leverage on technology in order to access information in real time and proposed managing the identification of the migrant workers and the nature of their employment as well as setting up a monitoring system within a digital framework. He recommended the use of the Vienna Convention on Consular Relations to defend Kenyan citizens working abroad by providing consular assistance to Kenyans in distress.
- d) On the value of Kenya's missions abroad, the nominee stated that the goal of Kenya's foreign policy was to project, promote and project Kenya's image and interests globally and that those were the roles played by Kenya's missions. The nominee acknowledged that Kenya was not getting value from the said missions and pledged to focus on the issue with a view of re-centering Kenya's diplomacy around commercial diplomacy. He pledged to re-formulate the strategic plan, to establish fitness for purpose of Kenya's ambassadors and to advise the Cabinet Secretary about the need to strengthen Kenya's missions abroad. The nominee pledged to use performance contracting to hold heads of missions accountable, which would enable Kenyans benefit from the said missions.
- e) On balancing between political and career diplomats at the Ministry, the nominee acknowledged that most diplomats were political appointees. He pointed out the need to consider the extent to which career diplomats could be promoted to serve versus political appointments but stated that this was within the power of the appointing authority. As to the positions of Cabinet Secretaries and Principal Secretaries he noted that comparatively throughout the world, the said positions were rarely held by members of staff since the said positions served broader strategic ends of the head of state. He however emphasized the need to have career diplomats be largely considered for ambassadorial positions.
- f) On the Nominee's investments abroad, the nominee acknowledged owning property in North Carolina in the US. He informed the Committee that his wife is American and that the home was bought together with her while he was working for the US Agency for International Development. He however reiterated his commitment to invest in Kenya.
- g) On the nominee's action plan to integrate himself within the Civil Service, the nominee pointed to his experience within the African Union, the International Criminal Court and litigation on the law of the sea as having enabled him to create an excellent relationship with officials in the Ministry of Foreign Affairs. He pledged to be deliberate in ensuring that they worked as a team and to leverage the competencies of the Ministry's staff to advance Kenya's foreign relations and interests.

- h) On kneejerk diplomacy policies, the nominee pointed out that Kenya's diplomatic engagements were guided by the Constitution, the Treaty Making and Ratification Act, the Foreign Service Act, and Kenya's foreign policy. He noted that Kenya had a consistent response to issues and that the perception of knee-jerk policies may be due to the communication strategy. He pledged to have a clear communication strategy when dealing with other nations and ensuring that Kenya's position is understood.
- i) On conflict of roles between the State Departments of Foreign Affairs and Diaspora Affairs, the nominee welcomed the need for establishment of a dedicated department to focus on and serve the need of the 1.5 million Kenyans in the diaspora and stated that the two State Departments would complement each other.
- j) On challenges of access to new generation passports by Kenyans living abroad, the nominee termed the issue of access to new-generation passports as the biggest challenge facing Kenyans in the diaspora. He emphasized the need for the State Department of Diaspora Affairs which would deal with the issue of consular needs of the Kenyan diaspora.
- k) On difficulty in making remittances to the Middle East, the Nominee stated that Saudi Arabia ranked third in remittances to Kenya. He attributed the challenge of remittances to the sanctions regime and the lack of proper representation at the institutions issuing the sanctions thus constraining Kenya's interests. He stated that there was a need for the continent to do more to address the inequality within the international system.
- l) On tapping skills and experience of Kenyans working abroad, the nominee suggested the employment of Kenyans already in the diaspora within Kenya's foreign missions in order to reduce the cost of running the missions. He acknowledged the skills and competencies of Kenyans abroad and the need to bring them home and deploy them towards Kenya's economic agenda.
- m) On high budgetary allocations for foreign trips in the Ministry and the possibility of officers in foreign missions representing the country instead, the nominee stated that one of the ways the country promoted and projected its image and interests globally was through high level meetings. He further stated that although foreign travel was inevitable and a majority of foreign trips were legitimate, it was an area they would continuously look at with a view of reducing costs.
- n) On extradition of Kenyan citizens and the need for repatriation of Kenyan citizens in distress in the Middle East, the nominee pointed to existing extradition treaties between Kenya and other countries and the reciprocal provisions therein and termed it as part of Kenya's responsibility as a member of the global community. He acknowledged the need for a repatriation policy but stated that there was a need to balance it with the right to work, individual pursuit, and self-determination.
- o) On securing a safe working environment for Kenyan youth abroad, the nominee stated that the reason for Kenya's involvement in peacekeeping in other countries was to expand Kenya's market, which would enable Kenyan youth to work in the said countries and increase opportunities for the expansion of Kenyan businesses.
- p) On separation of the Nominee's previous affiliations with donors when representing minorities and the role for which he is nominated for appointment in the Public Service, the Nominee assured the Committee that there would be no conflict of interest and that he would leverage previous relationships to make partnerships.
- q) On staffing of Kenyan missions abroad, the nominee pledged to engage in the process of staff rationalizing to ensure that there was neither overstaffing nor understaffing of Kenya's missions.

- r) On the possible duplicity of a foreign travel budget for the Office of the President within the Ministry of Foreign Affairs and within the Office of the President, he pledged to review the issue of foreign travel, to confer with the Ministry of Foreign Affairs and examine the foreign travel budget in the ministry vis-a-vis the budget for foreign travel within the Office of the President.
- s) On the current administration's policy on external financing of projects, he informed the Committee that the President was tapping foreign direct investment in the Country given the existing fiscal limitations and that the focus on certain nations was not informed by a change in policy but by the country's debt situation
- t) On amendments to the Treaty Making and Ratification Act, 2012, he suggested that the Act, which provides the procedure for the making and ratification of treaties and connected purposes, lacked a proper implementation framework and that the proposal to amend it would focus on its implementation framework.

**MIN.NO. DDC/DIFR/31/2022: - OBSERVATIONS (DR. ABRAHAM KORIR SING'OEI)**

The Committee, made the following observations on the suitability of Dr. Abraham Korir Sing'oei for appointment as Principal Secretary for the State Department for Foreign Affairs:


- (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 born in 1973 in and does not hold dual citizenship.
- (2) THAT, the nominee is the Legal Advisor & Head Legislative & Intergovernmental Liaison, at the Deputy President's Office, and holds a Doctorate (PhD) in Philosophy, a Master of Laws (LLM) from University of Minnesota Law School (2009) and a Bachelor in Law (LLB) thus comply with section 6(7) of the Public Appointments (Parliamentary Approval) Act, No. 33 of 2011.
- (3) THAT, the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB).
- (4) THAT, the nominee had not been charged in a court of law in the past three years.
- (5) THAT, the nominee does not hold office in any political party and thus complies with Article 77(2) of the Constitution which prohibits an appointed State officer from holding office in a political party.
- (6) THAT, the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (conflict of interest), Article 76 (financial probity), Article 77 (restriction on activities of State Officers) and Article 78(2) (dual citizenship) of the Constitution.
- (7) 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 the Principal Secretary for Foreign Affairs.



**MIN.NO. DDC/DIFR/32/2022:**

**ADJOURNMENT**

There being no other business the meeting was adjourned at 1.46 pm.

**SIGNED:** .....  .....

**THE HON. NELSON KOECH, M.P.  
CHAIRPERSON,  
DEPARTMENTAL COMMITTEE ON DEFENCE, INTELLIGENCE AND FOREIGN  
RELATIONS**

**DATE:** ..... 1/12/22 .....



**MINUTES OF THE 5<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE, INTELLIGENCE, AND FOREIGN RELATIONS HELD ON WEDNESDAY 9<sup>TH</sup> NOVEMBER, 2022 AT 10.00 AM IN THE COMMITTEE ROOM ON 4<sup>TH</sup> FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS.**

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**PRESENT**

1. **The Hon. Koech Nelson, M.P.** - **Chairperson**
2. **The Hon. Maj. (Rtd.) Sheikh Abdullahi Bashir, M.P.** - **Vice Chairperson**
3. The Hon. Wanjira Martha Wangari, M.P
4. The Hon. Hassan Abdi Yusuf, M.P
5. The Hon. Kanchory Elijah Memusi, MP
6. The Hon. (Dr.) Kasalu Irene Muthoni, M.P
7. The Hon. Kwenya Thuku Zachary, M.P
8. The Hon. Luyai Caleb Amisi, M.P
9. The Hon. Kirima Moses Nguchine, M.P
10. The Hon. Logova Sloya Clement, M.P
11. The Hon. Ikana Fredrick Lusuli, M.P
12. The Hon. Mohamed Abdikadir Hussein, M.P
13. The Hon. Teresia Wanjiru Mwangi, M.P

**APOLOGIES**

1. The Hon. Odhiambo Millie Grace Akoth, MP
2. The Hon. Kandie Joshua Chepyegon, M.P

**IN ATTENDANCE**

**THE NATIONAL ASSEMBLY**

1. Mr. Dennis Mogare Ogechi - Clerk Assistant II
2. Ms. Winfred Kambua Kilonzo- Clerk Assistant III
3. Ms. Clara Kimeli - Principal Legal Counsel II
4. Dr. Donald Manyala - Research Officer II
5. Ms. Roselyne Ndegi - Senior Serjeant-at-Arms II
6. Mr. Murimi Mwangi - Media Relations Officer III
7. Mr. Lennie Kabinga - Legal Counsel II
8. Ms. Judy Kanyoko - Legal Counsel II
9. Mr. Edwin Machuki - Fiscal Analyst III
10. Mr. Kelvin Ng'ang'a - Research Officer III

**AGENDA**

1. Prayers
2. Preliminaries
3. **Consideration and Adoption of a Report on a Request from the National Executive Regarding the Deployment of Kenya Defence Forces (KDF) to the East African Community Regional Force - Democratic Republic of Congo (EACRF-DRC).**
4. **Briefing on the Committee Mandate**

5. **Briefing on the Vetting process for persons nominated for appointment to the position of Principal Secretary**
6. Any Other Business
7. Adjournment/Date of the next Sitting

**MIN.NO. DDC/DIFR/21/2022:**

**PRELIMINARIES**

The meeting was called to order at 10:15 a.m. and commenced with prayers. Thereafter, the Chairperson asked all those present to introduce themselves. He then stated that the main agenda of the meeting was:

- a) Consideration and Adoption of a Report on a Request from the National Executive Regarding the Deployment of Kenya Defence Forces (KDF) to the East African Community Regional Force - Democratic Republic of Congo (EACRF-DRC).
- b) Briefing on the Committee Mandate
- c) Briefing on the Vetting process for persons nominated for appointment to the position of Principal Secretary

The Agenda was adopted after being proposed by Hon. Caleb Amisi, M.P and seconded by Hon. Mohamed Abdikadir Hussein, M.P

**MIN.NO. DDC/DIFR/22/2022:**

**CONSIDERATION AND ADOPTION  
OF A REPORT ON A REQUEST FROM  
THE NATIONAL EXECUTIVE  
TO DEPLOY THE KENYA DEFENCE  
FORCES (KDF) TO THE EAST  
AFRICAN COMMUNITY REGIONAL  
FORCE – DEMOCRATIC REPUBLIC  
OF CONGO (EACRF-DRC).**

The Committee Clerk took members through the draft report after which deliberations ensued. After lengthy deliberations, the Report of the Committee on a Request by the National Executive to Deploy the Kenya Defence Forces (KDF) to the East African Community Regional Force - Democratic Republic of Congo (EACRF-DRC) was adopted after being proposed by Hon. Kirima Moses Nguchine, M.P and seconded by Hon. Kanchory Elijah Memusi, MP. The recommendation of the Committee was:

*“Having reviewed the request for approval of the deployment of Kenya Defence Forces (KDF) to East African Community Regional Force to the Democratic Republic of Congo (EACRF-DRC) and considered it in the context of the East Africa Community (EAC) Legal framework on Peace and Security, Article 240 (8) (a) of the Constitution of Kenya; and Section 18 (c) (i), Section 36 (2) (a) and Section 37 of the Kenya Defence Forces Act No. 25 of 2012, the Committee recommends that the National Assembly **APPROVES** the deployment of Kenya Defence Forces (KDF) to East African Community Regional Force to Democratic Republic of Congo (EACRF-DRC).”*

The Committee Clerk took members through the Committee mandate as provided for in Standing Order No. 216; the subjects of the Committee as provided for in the Second Schedule of the Standing Orders; and the mandate and functions of the MDAs that the Committee oversees, which include: the Ministry of Defence, the National Intelligence Service under the Executive Office of the President, the Ministry of Foreign and Diaspora Affairs (State Department for Foreign Affairs and State Department for Diaspora Affairs) and the State Department for East African Community (EAC) Affairs.

**OBSERVATIONS**

Members observed that:

1. There was a need for clarity on the mandate of the Committee viz-a-viz:
  - a) the Diaspora and Migrant Workers Committee (especially with respect to oversight over the State Department for Diaspora Affairs),
  - b) the Regional Integration Committee (especially with respect to oversight over the State Department for East African Community (EAC) Affairs),
  - c) the Administration and Internal Affairs Committee (especially with respect to oversight over the National Intelligence Service).
2. In the past, the Committee had only engaged in oversight with regard to foreign engagements of the Ministry of Foreign Affairs only, there was a need to keenly oversight the foreign engagements of the other MDAs under the purview of the Committee.

The Research Officer took members through the vetting process for persons nominated for appointment to the position of Principal Secretary as follows:

1. The procedure for the conduct of approval hearings of constitutional appointments is provided for in the Public Appointments (Parliamentary Approval) Act No. 33 of 2011.
2. Article 155 of the Constitution of Kenya provides that-
  - (1) There is established the office of Principal Secretary which is an office in the public service.
  - (2) Each state department shall be under the administration of a Principal Secretary.
  - (3) The President shall –
    - (a) Nominate a person for appointment as Principal Secretary from amongst persons nominated by the Public Service Commission; and
    - (b) With the approval of the National Assembly appoint Principal Secretaries
  - (4) The President may re-assign a Principal Secretary
  - (5) A principal Secretary *may resign from office by giving notice, in writing to the President*
3. Section 5(1) of the Act provides that the appointing authority shall, upon nominating a person for an appointment to which the Act applies, notify the relevant House of Parliament accordingly.

4. Pursuant to section 5(1) of the Act, the House received a message from the H.E The President, in exercise of powers conferred by Article 155(3) of the Constitution of Kenya, on Wednesday, 2<sup>nd</sup> November, 2022 nominating the following four (4) persons for appointment to the Office of Principal Secretary (PS), whose dockets fall under the oversight of the Committee:
  - 1) Mr. Patrick Mariru, nominee for State Department of Defence PS;
  - 2) Dr. Korir Sing'oei, nominee for State Department for Foreign Affairs PS;
  - 3) Ms. Roseline Njogu, nominee for State Department for Diaspora PS;
  - 4) Mr. Abdi Dubart, nominee for State Department for East African Community Affairs PS
5. Upon receipt of the Message, the Speaker notified the House of the Message from the President in a Communication dated Thursday, 3<sup>rd</sup> November, 2022 and forwarded the names and curriculum vitae of the nominees to relevant Departmental Committees pursuant to the provisions of Standing Order 45(1) and conduct approval hearings as required under Article 124(4)(a) of the Constitution.
6. Article 118 of the Constitution provides that Parliament shall facilitate public participation and involvement in the legislative business and other business of Parliament and its Committees.
7. Section 6(4) of the Act further provides that the Clerk shall notify the public of the time and place for holding an approval hearing at least seven days prior to the hearing.
8. In this regard, the Clerk published an advert on Friday, 4<sup>th</sup> November 2022 in the local dailies and notified the public of the time and place for holding the approval hearings of the nominees in accordance with the requirements of Article 118 of the Constitution and section 6(4) of the Act.
9. Section 6(9) of the 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”*.
10. To this end and in accordance with the requirements of section 6(9) of the Act, the Clerk vide an advertisement published on Friday, 4<sup>th</sup> November 2022, in various local dailies, had invited the public to submit memoranda contesting the suitability of any of the persons nominated to the Offices of Principal Secretaries to be received on or before Friday, 11<sup>th</sup> November, 2022 by 5.00 pm.
11. Additionally, the Clerk had also written to the relevant bodies these being the Ethics and Anti-Corruption Commission, the Higher Education Loans Board, the Kenya Revenue Authority, and the Directorate of Criminal Investigations seeking the relevant information relating to the nominees, in compliance to requirements of Chapter six (6) of the Constitution on Leadership and Integrity.
12. In conducting the approval hearings, which were scheduled for Tuesday, 15<sup>th</sup> November, 2022, the Committee shall be guided by the provisions of section 6(7) and (8) of the Act which 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.*
13. 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.*

15. Upon conclusion of the approval hearings, the Committee shall proceed to prepare a Report for tabling in the House in accordance with the requirements of section 8 of the Act.

**MIN.NO. DDC/DIFR/25/2022:**

**ADJOURNMENT**

There being no other business the meeting was adjourned at 11.26 am. The next meeting is to be held on notice.

SIGNED: ..... 

**THE HON. NELSON KOECH, M.P.  
CHAIRPERSON,  
DEPARTMENTAL COMMITTEE ON DEFENCE, INTELLIGENCE AND FOREIGN  
RELATIONS**

DATE: ..... 1/12/22 .....

