



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – FIRST SESSION – 2022

DIRECTORATE OF DEPARTMENTAL COMMITTEES

DEPARTMENTAL COMMITTEE ON TOURISM AND CULTURE

*Approved
Obois*

1st Dec. 2022

REPORT ON THE APPROVAL HEARINGS OF:

1. MR. JOHN LEKAKENY OLOLTUAA, NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY, STATE DEPARTMENT FOR TOURISM; AND
2. MS. SILVIA MUSEIYA KIHORO, NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY, STATE DEPARTMENTS FOR WILDLIFE

THE NATIONAL ASSEMBLY	
DATE: 01 DEC 2022	
THURSDAY	
CHAIRPERSON	HOW. Kareke Mbiuki
J. Lemerelle	

CLERK'S CHAMBERS
 DIRECTORATE OF DEPARTMENTAL COMMITTEES
 PARLIAMENT BUILDINGS
 NAIROBI

NOVEMBER, 2022

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LIST OF ABBREVIATIONS AND ACRONYMS

H. E	-	His Excellency
KRA	-	Kenya Revenue Authority
EACC	-	Ethics and Anti-Corruption Commission
DCI	-	Directorate of Criminal Investigations
HELB	-	Higher Education Loans Board
ORPP	-	Office of the Registrar of Political Parties
PAPAA	-	Public Appointments (Parliamentary Approval)
TCC	-	Tax Compliance Certificate
ODPP	-	Office of the Director of Public Prosecution
UNDP	-	United Nations Development Program
KWS	-	Kenya Wildlife Service

ANNEXURES

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CHAIRPERSON'S FOREWORD

This report contains proceedings of the Departmental Committee on Tourism and Wildlife during the approval hearings of Mr. John Lekakeny Ololtuaa, nominee for appointment as Principal Secretary, State Department for Tourism and Ms. Silvia Museiya Kihoro, nominee for appointment as Principal Secretary, State Department for Wildlife as requested by H.E. the President and communicated to the House by the Speaker on Thursday, 3rd November 2022.

Pursuant to Article 155(3)(6) (b) of the Constitution, Section 5 of the Public Appointments Parliamentary Approval Act (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, curriculum vitae, and the report of the selection panel on their recruitment to the Departmental Committees for approval hearings. While referring the matter to the Committee, the Hon. 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 Hon. 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, 4th 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, 4th 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, 11th November, 2022 at 5.00 p.m. (East African Time). At the close of the submission deadline, the Committee received one (1) memorandum from Mr. John Wangai in support of Ms. Silvia Museiya Kihoro suitability for the position of Principal Secretary State Department for Wildlife.

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) seeking references and background checks relating to the suitability of the nominees.

The nominees appeared before the Committee on Wednesday, 30th November 2022 for vetting. 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 due regard to the procedure used to arrive at the nominees; any constitutional or statutory requirements relating to the office in question and suitability of the nominees for the appointment proposed having regard to

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whether the nominees' abilities, experience and qualities meet the needs of the State Departments.

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(3) (b) 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. John Lekakeny Ololtuaa for appointment as Principal Secretary, State Department for Tourism and Ms. Silvia Museiya Kihoro for appointment as Principal Secretary, State Department for Wildlife.

Acknowledgements

The Committee registers its appreciation to the Offices of the Speaker, Office of the Clerk of the National Assembly, Office of the Director, Departmental Committees and the Committee Secretariat for the logistical support extended during the vetting process.

In addition, the Committee thanks the nominees for their cooperation during the vetting 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 Tourism and Wildlife, 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. John Lekakeny Ololtuaa, nominee for appointment as Principal Secretary for the State Department of Tourism and Ms. Silvia Museiya Kihoro, nominee for appointment as Principal Secretary for the State Department of Wildlife for debate and adoption by the House.

Hon. Japhet Kareke Mbiuki CBS, MP.

Chairperson, Departmental Committee on Tourism and Wildlife.



CHAPTER ONE

1 PREFACE

1.1 Establishment and Mandate of the Committee

- 1) The Departmental Committee on Tourism and Wildlife is one of the fifteen Departmental Committees of the National Assembly established under **Standing Order 216** whose mandates pursuant to the **Standing Order 216 (5)** are as follows:
 - i. *To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
 - ii. *To study the programme and policy objectives of ministries and departments and the effectiveness of the implementation;*
 - iii. *on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
 - iv. *To study and review all legislation referred to it;*
 - v. *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;*
 - vi. *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;*
 - vii. ***To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those understanding Order 204 (Committee on Appointments.***
 - viii. *To examine treaties, agreements and conventions;*
 - ix. *To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
 - x. *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
 - xi. *To examine any questions raised by Members on a matter within its mandate.*

1.2 Subjects under the Committee

- 2) In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider, tourism, & tourism promotion and management, tourism research and wildlife management.
- 3) In executing its mandate, the Committee oversees the Ministry of Tourism and Wildlife.

1.3 Committee Membership

- 4) The Departmental Committee on Tourism and Wildlife was constituted by the House on 27th October 2022 and comprises of the following Members:

Chairperson

Hon.Mbiuki Japhet Miriti Kareke,CBS MP
Maara Constituency

UDA Party

Vice-Chairperson

Hon. Wanjiku John Njuguna, MP
Kiambaa Constituency

UDA Party

Members

Hon.Abubakar Talib Ahmed, MP
Nominated Member
Wiper Party

Hon. Chebor Paul Kiber, MP
Rongai Constituency

Hon. Obo, Ruweida Mohamed, MP
Lamu East Constituency
JP Party

Hon.Kilel Richard Cheruiyot, MP
Bomet Central Constituency
UDA Party

Hon.Kiprono, Mutai Alfred, MP
Kuresoi North Constituency
UDA Party

Hon. Bedzimba Rashid Juma, MP
Kisauni Constituency
Orange Ddemocratic M Party

Hon. Mugabe Innocent Maino, MP
Likuyani Constituency
ODM Party

Hon. Abdi Abdi Ali, MP
Ijara Constituency
NAP-K Party

Hon. Gichuki, Edwin Mugo, MP
Mathioya Constituency
UDA Party

Hon. Ruku, Geoffrey Kariuki Kiringa, MP
Mbeere North Constituency
DP Party

Hon.Karambu Elizabeth, MP
Meru (CWR)Constituency
UDA Party

Hon.Shake, Peter Mbogho, MP
Mwatate Constituency

The Report of the Departmental Committee on Tourism and Wildlife on the vetting of Mr. John Lekakeny Ololtuaa and Ms. Silvia Museiya Muhoro for appointment as Principal Secretary, State Departments for Tourism and Wildlife respectively.

JP Party

Hon. Abdi, Khamis Chome, MP

Voi Constituency

WDM-K Party

1.4 Committee Secretariat

1) The Committee is facilitated by the following staff:

Ms. Hellen Masiyoi Kina
Clerk Assistant II/Head of Secretariat

Ms. Violet Ouma
Clerk Assistant III

Mr. Peter Mwaore
Senior Legal Counsel

Mr. Samuel Nyambe
Serjeant-At-Arms

Mr. David Ng'eno
Research Officer II

Mr. Benard Muturi
Serjeant-At-Arms

Mr. Hillary Mageka
Media Relations Officer II

Ms. Angela Musau
Legal Counsel III

Mr. Oscar Onsongo
Research Officer III

Ms. Terry Ondiko
Fiscal Analyst III

Mr. Rodgers Kilungya
Audio Recording Officer

CHAPTER TWO

2 BACKGROUND INFORMATION

2.1 Legal Framework

5) Article 155 of the Constitution provides that:

155. (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.*

6) In light of this, H.E. the President nominated fifty-one (51) persons for appointment as Principal Secretaries to various State Departments. The President nominated the following persons for appointment as Principal Secretaries for Tourism and Wildlife:

i. Mr. John Lekakeny Ololtuaa: Nominee for appointment as Principal Secretary, State Department for Tourism; and

ii. Ms. Silvia Museiya Kihoro: Nominee for appointment as Principal Secretary, State Department for Wildlife

7) The Departmental Committee on Tourism and Wildlife has been assigned the role of conducting the vetting of the aforesaid nominees.

8) The following Articles of the Constitution statutes/provisions will be paramount to the Committee as it executes this mandate:

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

ii. The Public Service Act (No.10 of 2017) on recommendation for appointment of Principal Secretaries;

iii. Article 10 of the Constitution on the national values and principles of governance;

iv. Chapter 6 of the Constitution on Leadership and integrity

v. Article 77 of the Constitution on activities of State Officers

vi. Article 78 of the Constitution on Dual Citizenship

vii. Article 118 of the Constitution on Public Participation

viii. Article 232 of the Constitution on values and principles of public service;

ix. The Leadership and Integrity Act (Cap. 182);

x. The Public Service (Values and Principles) Act (No. 1A of 2015); and

xi. The Public Officer Ethics Act (Cap. 183).

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

9) Section 7 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), provides for issues which the relevant House of Parliament (in this case, the National Assembly) is supposed to consider in relation to any nomination. These issues include:

i. *the procedure used to arrive at the nominee;*

ii. *any constitutional or statutory requirements relating to the office in question; and*

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

- 10) During the approval hearing, section 6 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011) provides important points, viz:
- i. An approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background (section 6(7), PAPAA);
 - ii. The criteria specified in the Schedule shall be used by a Committee during an approval hearing for the purposes of vetting a candidate (section 6(8), PAPAA);
 - iii. Any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated (section 6(9), PAPAA); and
 - iv. A candidate may, at any time, by notice in writing addressed to the Clerk, withdraw from the approval process and the candidate's nomination shall end (section 6(10), PAPAA).

The Public Service Commission Act (no.10 of 2017)

- 11) Section 47 (2) of the Public Service Act (No10 of 2017) provides qualifications that one must have so as to be eligible for appointment as a Principal Secretary. These are: -
- i. be a citizen of Kenya
 - ii. hold a degree from a university recognized in Kenya
 - iii. has at least ten (10) years relevant professional experience, five (5) years of which should have been in a leadership position or a top management level in the public service or private Sector;
 - iv. possess 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 requirements of Chapter Six of the Constitution.

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

- 12) 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 marginalised; good governance, integrity, transparency and accountability; and sustainable development.

Chapter 6 of the Constitution (Leadership and Integrity)

- 13) There are important provisions in Chapter 6 of the Constitution worth pointing out. Article 73 of the Constitution provides that the authority assigned to a State officer (a Principal Secretary being a state officer under Article 260 of the Constitution) is a public trust to be exercised in accordance to the Constitution, demonstrate respect for the people, bring honour to the nation and dignity to the office and promote public confidence in the integrity of the office. Also, the State officer shall have the responsibility to serve the people, rather than the power to rule them.
- 14) The guiding principles of leadership and integrity are listed as selection based on personal integrity, competence and suitability, objectivity and impartiality in decision making, selfless service based solely on the public interest, accountability and discipline and commitment in service to the people.

Article 77 of the Constitution (restriction on activities of State officers)

15) Article 77 of the Constitution provides that a full- time State officer shall not participate in any other gainful employment and that any appointed State officer shall not hold office in a political party.

Article 78 of the Constitution on citizenship and leadership

16) Article 78 of the Constitution States that a person is not eligible for election or appointment to a state office unless the person is a citizen of Kenya. It also provides that a State officer or a member of the defence forces shall not hold dual citizenship.

Article 118 of the Constitution on public access and participation

17) Article 118 of the Constitution provides that; -

- 1) *Parliament shall;*
 - a) *Conduct its business in an open manner, and its sittings and those of its committees shall be in public and*
 - b) *Facilitate public participation and involvement in the legislative and other business of parliament and its committees.*
- 2) *Parliament may not exclude the public or any media from sitting unless in exceptional circumstances the relevant Speaker has determined that there are justifiable reasons for the exclusion.*

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

18) Article 232 of the Constitution provides for the values and principles of public service which include high standards of professional ethics; efficient, effective and economic use of resources; responsive, prompt, effective, impartial and equitable provision of services; involvement of the people in the process of policy making; 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.

The Leadership and Integrity Act (Cap. 182)

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

The Public Service (Values and Principles) Act

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

The Public Officer Ethics Act. (Cap.183)

21) 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 favouritism, 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). (Applies in future after appointment)

2.2 Qualifications for appointment as Principal Secretary

22) In conducting the Approval hearing, the Committee was guided by Article 155 (3) (b) of the Constitution, section 47 (2) of the Public Service Act and the provisions of Section 7 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011).

2.3 Message from H.E. the President

23) H.E. the President on **2nd November 2022** communicated the names of the nominees for appointment to the positions of Principal Secretaries for the State Department for Tourism and for the State Department for Wildlife to the Speaker for approval by the National Assembly pursuant to Article 155 (3). The Speaker in his communication from the Chair issued on **Tuesday, 3rd November 2022** and pursuant to Standing Order No. 42 referred the names to the Departmental Committee on Tourism and Wildlife to conduct approval hearings and report within twenty-eight (28) days.

2.4 Speaker's Communication and Committal to the Committee

- 24) Pursuant to the provisions of Standing Order No. 42, the Speaker of the National Assembly on **Tuesday, 3rd November 2022** communicated to the House the message from H.E. the President regarding the nominees for appointment as Principal Secretaries for the State Departments of Tourism and Wildlife. The Speaker informed the House that H.E. the President was seeking approval of the National Assembly on the said nominations before the nominees' appointment.
- 25) In accordance with Standing Order 45(1), the Speaker read the Message from H.E. the President and referred the names of the nominees, their curricula vitae and report of the Selection Panel on the recruitment process to the Departmental Committee on Tourism and Wildlife to conduct approval hearings.
- 26) While referring the matter to the Committee, the Hon. Speaker directed that the Committee undertakes the vetting exercise within twenty-eight (28) days pursuant to Section 8 of the Public Appointments Parliamentary Approval Act (No. 33 of 2011). The Hon. 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, 4th November, 2022.
- 27) In addition, the Hon. Speaker directed that approval hearings should commence on Monday, 14th November 2022 and end on Friday, 18th November, 2022. Thereafter, the reports should be tabled in the House not later than Tuesday, 22nd November 2022 so as to enable the House to consider the reports within the statutory timelines.
- 28) However, on 15th 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 Four (4) others granted ex-parte conservatory orders temporarily staying the vetting process. Consequently, on 16th November, 2022, the Hon. Speaker directed that the vetting process be suspended pending the outcome of the judicial process. In a ruling delivered on Tuesday 29th November, 2022, the court dismissed the petitions paving way for resumption of the vetting process. Consequently, the Hon. 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 1st December, 2022

2.5 Notification to the Public

- 29) Section 6(9) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), provides that *“any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated”*.
- 30) The Clerk of the National Assembly on **Friday, 4th November 2022** placed a notification in the print media informing the general public of the intention of the Committee to conduct approval hearings, as provided for by Article 118 (1) (a) (b) and (2) of the Constitution and Section 6(4) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), which allows public participation in committee proceedings. 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, 11th November 2022 at 5.00 pm (East African Time)**. At the close of the submission deadline, the Committee had received one (1) memorandum from Mr. John Wangai in support of Ms. Silvia Museiya Kihoro suitability for the position of Principal Secretary State Department for Wildlife.

2.6 Notification to the Nominee

- 31) The Clerk of the National Assembly vide an advert placed in the print media on Friday, 4th November, 2022 and letters Ref.NA/DDC/TW/VETT/2022/001 and Ref. NA/DDC/TW/VETT/2022/002 informed the nominees of the nomination by H.E. the President and requested them to appear for vetting by the Departmental Committee on Tourism and Wildlife on **Friday, 18th November 2022** in Committee Room 7, Main Parliament Building. 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).

2.7 Clearance Requirements

- 32) The Clerk of the National Assembly wrote to the Kenya Revenue Authority (KRA), the Higher Education Loans Board (HELB), Ethics and Anti-Corruption Commission (EACC), Office of the Registrar of Political Parties (ORPP) and Directorate of Criminal Investigations (DCI) requesting for tax, education loans, integrity, affiliation to political parties and criminal record status of the nominees. The following institutions wrote back to the National Assembly clearing the nominees, KRA (letter Ref. KRA/5/1002/5(8179) dated 4th November 2022); DCI (letter Ref. DCI/CRO/SEC/6/7/2/A/VOL.XI/208 dated 10th November 2022; EACC (Letter Ref: EACC.7/10/5 VOL XXI (70) dated 11th November 2022; and HELB (letter Ref. HELB/RR/112009/190 dated 10th November 2022).

2.8 Report of the selection panel on the Nomination Principal Secretaries

- 33) 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 7th September 2022 with a closing date of 20th October 2022.
- 34) On 20th September 2022, the Commission extended the advertisement period by seven (7) days. The advertisement period lapsed on 27th September 2022 with a total of nine thousand one hundred and fifty-four (9,154) persons submitting applications for consideration.
- 35) Four hundred and seventy-seven (477) candidates were shortlisted from 3rd to 6th October, 2022 and a further review done on 7th 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 12th to 22nd October 2022.
- 36) The Public Service Commission adhered to all provisions of the Constitution in the process of advertising, shortlisting and interviewing the candidates including, merit, gender, ethnic and regional balance.

2.9 Committee proceedings

- 37) The Committee having received the names of the nominees was obligated to conduct approval hearings and make determination of the nominees' suitability or otherwise within twenty-eight (28) days as provided for in section 8 (1) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011).
- 38) The Committee held seven (4) sittings during which it examined and reviewed the nominees' certificates, testimonials as well as conducted approval hearings.

CHAPTER THREE

3 APPROVAL HEARINGS

- 39) The Committee conducted approval hearings for the nominees on **Wednesday, 30th November 2022**. In conducting the vetting exercise, the Committee was guided by, among other documents, the Constitution, the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011) and the Standing Orders.
- 40) The Committee examined the nominees using the guidelines in the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011). The Committee also considered the following in vetting the nominees:
- a. Academic qualifications
 - b. Employment record and work experience
 - c. Professional association
 - d. Public office, political activities and affiliations
 - e. Potential conflict of interest
 - f. Suitability to the position
 - g. Tax compliance
 - h. Vision and leadership
 - i. Integrity
 - j. Expectations and Key priorities

3.1 Mr. John Lekakeny Ololtuaa

- 41) Mr. John Lekakeny Ololtuaa was orally interviewed by the Committee and responded to questions during vetting as follows:

3.1.1 Personal Background

- 42) Mr. John Lekakeny Ololtuaa is a Kenyan citizen of identity card number 8031051 and was born in Narok County in 1967.

3.1.2 Educational Background

- 43) Mr. John Lekakeny Ololtuaa holds a Master Degree in Education Administration (2009-2012) and a Bachelor of Education Arts Degree (1989-1992) both from Kenyatta University.

- 44) He sat for his 'A' level examinations at Narok High School in 1988 and his 'O' level examinations at Sosio Secondary School in 1986.

- 45) He sat for Certificate of Primary Education (CPE) in 1982 at God-Ngoche Primary School

3.1.3 Work experience/career progression

- 46) Mr. John Lekakeny Ololtuaa has worked in the public sector all his career life in the following capacities:

- i. Regional Director of Education, Central Oct 2021- 1st Feb 2022
- ii. Regional Director of Education, Rift Valley April 2019- Oct 2021
- iii. Regional Director of Education, Nairobi Jan 2017-April 2019
- iv. Regional Director of Education, Eastern Sept 2016- Jan 2021
- v. County Director of Education, Kajiado County April 2016- Sept 2016
- vi. County Transition Coordinator, Narok 27th Feb 2013- March 2016
- vii. County Director of Education, Bomet County May 2012- Feb 2013
- viii. District Education Officer, Bomet March 2021- May 2012
- ix. District Education Officer, Mbita June 2009-May 2012
- x. District Education Officer, Suba August 2005-June 2009
- xi. Headteacher, Enososaen Secondary School June 1998-August 2005
- xii. Assistant Teacher, Kilgoris Secondary School 1995-1998
- xiii. Teacher, Marani Secondary School, Kisii district 1993-1994
- xiv. Untrained teacher, Olalui Secondary School

3.1.4 Professional Associations & Affiliations

47) Mr. Mr. John Lekakeny Ololtuaa is professional Teacher TSC no. 335363

3.1.5 Honors and Awards

48) Mr. Mr. John Lekakeny Ololtuaa has received several awards including:

- i. Certificate of Recognition from Transition Authority
- ii. Certificate of Recognition in FGM Campaign & advocacy
- iii. Certificate of Commendation for Exemplary performance in carrying out Teacher Recruitment Exercise

3.1.6 Net Worth

49) Mr. John Lekakeny Ololtuaa informed the Committee that he was worth Kenya shillings 61,000,000. The source of his wealth was a parcel of land vehicles buildings livestock and commercial agriculture.

3.1.7 Clearance Requirements

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

3.1.7 Other issues under consideration

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

On the measures to put in place on revamping government owned hotels that were once vibrant.

52) Mr. John Lekakeny Ololtuaa said he would engage the stakeholders to establish the underlying issues that has led to the collapse of government owned hotels with the aim of reviving the hotels. Further, the nominee will consult extensively with the Departmental Committee on Tourism and Wildlife, stakeholders and other government departments to find a solution regarding Public Private Partnership of the hotels.

Mombasa losing its tourism glory to Zanzibar

- 53) The nominee attributed this to various challenges including insecurity (real or perceived), issuance of travel advisories, poor infrastructure and beach overcrowding. He added that he would work to rebrand and relaunch marketing strategies through magical Kenya, expand the tourism idea to other places and not only in Mombasa, promote training especially on security, improve infrastructure, consider and tap into other forms of tourism like diving, cruise - shipping and work with County governments and the Members of Parliament.

Whether he would perform better as a Principal Secretary of Education rather as Principal Secretary of Tourism.

- 54) The nominee responded that he would deliver because of his vast experience and adopts easily to new environment. He also added that he was ready to learn and would work well with the technical staff at the Ministry who are experienced in the sector.

While asked why magical Kenya had not achieved its intended objective and what was his vision with regards to tourism.

- 55) The nominee respond that he would carry our research to identify and address the existing gaps, and furthermore-look into the lodges management and establish the possibility of public-private partnership, refurbish the facilities, market and advertise the hotels, benchmark with other countries to establish best practices and involve stakeholders.

While asked about his perspective towards the Maasai Mara Reserve

- 56) Mr. Ololtuaa responded that, the Masaai mara is managed by the Narok County and is known for the wild beast migration, the big five (5) tended camps, traditional dances by the morans and bead work. He also commended the National Government for construction of the road leading to Sikinani and the airstrip that has made the game reserve accessible.

While asked about the measures to mitigate and safeguard investment of hotels that are being submerged by Lake Baringo, Lake Naivasha and some hotels along the beach,

- 57) The nominee replied that he would develop a framework or contingency plan on how to handle emergencies and advice upcoming hotels along the beaches so that they can take measures before setting the hotels, and liase with NEMA and the Ministry of environment to relook into the problem of climate- change and global warming and know how to adapt in the future.

Regarding the best success cases of countries that have managed their tourism sector appropriately,

- 58) Mr. Ololtuaa cited Rwanda, Tanzania and Singapore. He added that he would benchmark on these countries and utilize the potentials in the country that are not being exploited like the suswa lagoon caves, KICC conferencing facilities and also use the diaspora and foreign missions to market the country.

When asked about the steps he would take to ensure that the sector fully recovers from covid19 pandemic

59) The nominee stated that he would tap in new emerging forms of accommodation like air bed and breakfast to raise more revenue, research to identify existing gaps, improve on marketing and advertising, develop new tourism products like sports tourism and medical tourism.

On the question of how the nominee intends to improve or re-look into new areas of tourism like Halal Tourism,

60) The nominee responded that he would need to carry out more research to see how to exploit such new areas.

On the issue of how to handle the effects of inflation

61) The nominee responded that inflation is a cross-cutting issue and he work with other government agencies on how to jointly deal with inflation pressure, and in addition, harmonize the levies charge in the sector.

Regarding his plan to make Kenyan tourism visible in the international market,

62) Mr. Ololtuaa replied that he would focus on digital marketing through social media platforms such as Facebook, tik-tok and Instagram. He would further, create a one stop application Centre that will provide tourism products in Kenya. In addition, liase with the ministry of foreign affairs and the State Department for Diaspora to create international linkages. Mr. Ololtuaa would work closely with the Ministry of sports to promote sports tourism, and focus on service providers to ensure delivery of high-quality services. He would liase with the media to develop a media protocol and strategy that will help improve the picture of Kenya in the international market.

On the question on how he would improve Utalii College and make it visible

63) The nominee responded that he would work with the management to establish the underlying issues, with a view to revamping it and making it user friendly. Further, visit the college in person to determine the state of affairs and find ways the college can raise its own revenue.

On the question of how he would ensure that Ronald Ngala Utalii College is completed

64) Mr. Ololtuaa replied that he would find out the reasons for the project staling and ensure that all the pending bills for the project have been paid off and the pending works complete, further discuss with the contactors to wave the accruing interest on the goods and services they had provided.

On the question of payment of hotel levy.

65) The nominee undertook to ensure that both big and small hotels, are enlightened on the importance of payment of the hotel levies to ensure compliance.

3.2 Ms. Silvia Museiya Kihoro

66) Ms. Kihoro was orally interviewed by the Committee and responded to questions during vetting as follows:

3.2.1 Personal Background

67) Ms. Kihoro is a Kenyan Citizen of identity card (ID) number 25591628 and was born in 13th June 1988 in Laikipia County. She hails from the Yiaku Community, a tiny population of an estimated four thousand (4,000) members in Kenya that was forced to assimilate with the Maasai group a century ago. She does not speak Yiaku but speaks Maasai and was adopted by Mr. Kihoro.

3.2.2 Educational Background

68) Ms. Kihoro holds a Bachelor of Law Degree from Mount Kenya University (2016-2020) and a Bachelor of Education Arts Degree from the University of Nairobi (2007-2011) and Diploma in Human Rights and International Advocacy from Columbia University, New York School of Law (April -June 2018). She has enrolled for diploma in the Kenya School of Law (KSL) from February 2022.

69) She Attended Kapsabet and Chinga Girls High schools and attained her KCSE certificate in 2005.

70) She attended Kuri-Kuri in Doldol and Tharua/Laikipia Air base Primary School in Nanyuki for her nursery and primary education programmes from 1995 to 2002.

3.2.3 Work experience/career progression

71) In 2017 to 2022 she was nominated Member to the Nairobi City County Assembly and served in the Public Accounts Committee, Lands, Housing and Planning Committee, Health Committee, Justice and Legal Affairs, Education, Children and Vocational Training Committee among others.

72) Ms. Kihoro has also worked in the following capacities:

- i. Between the period 2011 and 2017 she worked as a teacher at State House Girls' High school and Laikipia Air Base Mixed Secondary School teaching English /Literature and History/Government.
- ii. Between the period 2016 - March 2017 she contested for the position of Deputy Governor in the Jubilee party primaries for Laikipia County but lost
- iii. In 2015 October, she was appointed to be Chair of Indigenous Peoples' National Steering Committee on Climate Change (IPNSCCC)
- iv. From 2014 to date, she has been an author and editor at various publishing houses such as East Africa Educational Publishers (EAEP), Longhorn Publishers and Law Africa.
- v. From 2006 to date, she has served as a Programs Officer, Board Member, TOT and volunteer with various non-government organizations (NGO's).

3.2.4 Professional Associations & Affiliations

73) Ms. Kihoro is affiliated to Kenya Red Cross Society and IPACC (Indigenous Peoples Africa Coordinating Committee)

3.2.5 Net Worth

74) Ms. Kihoro informed the Committee that her net worth is Kshs 138,000,000 sources being land, livestock and business.

3.2. Honors and Awards

75) Ms. Kihoro was awarded indigenous Women Global Leadership School fellow, 5th Edition 2018 and YALI (Young African Leadership Institute) ALUMI (2017)

3.2.6 Clearance Requirements

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

3.2.8 Submission of Memoranda

77) The Committee received one (1) submission, in support of the nominees for the State Department of Wildlife, Ms. Silvia Museiya Kihoro. The memorandum was considered by the committee as required by provisions of the Public Appointments (Parliamentary Approval) Act, 2011. The memoranda received and the manner in which they were considered is summarized below-

a) Affidavit from Mr. John Wangai

78) In his sworn affidavit dated Friday 11th November, 2022. Mr. Wangai opined that he is a public interest litigation and environment lawyer, a patriotic Kenyan Citizen and a firm defender of the Constitution of Kenya 2020.

79) The deponent averred that he supported the nomination of Ms. Silvia Museiya Kihoro for the position of the Principal Secretary State Department for Wildlife.

80) The deponent further noted that the nominee has vast experience in government as well as in Non-Governmental Organizations.

81) The deponent further noted that the nominee is a patron to many youths led community-based organizations involved in empowerment, environmental conservations and mentorship in schools among others.

82) He further averred that the nominee is actively involved in community development running initiatives such as issuing water tanks, sanitary towels and empowering vulnerable groups such as women youth and people with special needs.

83) Additionally, the deponent noted that the nominee was best suited for the position as she is an astute politician who has risen through several ranks in government having served as a nominated member to the Nairobi County Assembly, where she contributed immensely by coming up with various legislative proposals for the betterment of the Nairobians.

b) Observation: Contrary to section 6(9) of the Act, the memorandum was not a written statement on oath contesting the suitability of a candidate to hold the office to which the candidate has been nominated.

3.2.7 Other issues under consideration

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

On the controversy surrounding her name appearing differently from the advertised name, and claims that she was not interviewed.

85) Ms. Kihoro, responded that it is true her name was misspelled and that has since been rectified by the Head of Civil Service vide a corrigendum to the Hon. Speaker of the National Assembly dated 8th November 2022. Further, the nominee confirmed that she indeed applied for the position of Principal Secretary on 19th of September 2022, and she appeared before the selection

panel for the interview on 17th November 2022 at 9:30 am in room no 3 at the Public Service Commission.

Regarding the question on her experience,

86) The nominee replied that having worked with the civil society she had both theoretic and practical experience. She was a member of the Kukul group of ranches and conservancies. She also attended the Cop 20 in Marrakech and Cop 21 in Paris and followed up with regional preparatory meetings. Further, she has also been a beneficiary of conservancy bursaries in her educational up-bringing, this inculcated in her an interest in wildlife hence her willingness to learn in the field.

On threats to wildlife and the mitigation measures she would take to avert the situation.

87) Ms. Kihoro enumerated natural calamities such as floods, droughts, and fires as some of the top threats. On Mitigation measures, she cited the Wildlife Research Training Institute in Naivasha as a good starting point for taking data driven decisions that would be a prime mover in averting such threats. Some of these are used in planning for management in national parks.

88) On forest fires, she suggested capacity building in terms of staff and their retention looked into. A disaster in fire management unit could also be established to avert such crisis. She also decried unutilized potential from implementing water harvesting, harnessing water points in parks. This could become feasible with the availability of Wildlife Endowment Fund and the newly established Wildlife Conservation Trust Fund.

On the question of why she opted to leave the nominated CECM of Youth, Gender, Social Services and Sports for Laikipia County for the PS Wildlife position,

89) She opined that her ambition was to serve Kenyans in a bigger platform.

While asked to highlight the roles of conservancies if any and how many she was aware of.

90) In her response, Ms Kihoro sighted the existence of a hundred and seventy (170) privately owned and six hundred and seventy (670) Community owned Conservancies. In addition, she stated that much as there exists wildlife-human conflict, the conservancies come with benefits like educational bursaries that are extended to surrounding communities, social amenities like hospitals, employment of community scouts. The communities are trained on various skills such as making bead-works which are sold to tourists.

On the status of the Delamere Farm in Naivasha and as to whether it was a private or public land.

91) The nominee replied that the wildlife resource thereon is a preserve under the control of the State Department of Wildlife.

Regarding the questions on the measures, she would establish to address the delay on compensation of victims of wildlife-human conflict

92) The nominee responded that she would ensure fair distribution by staggering payments, and further look for other sources of revenue that would be used for compensation. Additionally,

Ms. Kihoro if appointed, she would liaise with the Cabinet. Secretary National Treasury to establish guidelines that will see the operationalization of the Conservation Trust Fund that can be used for compensation. She would also establish partnerships or call for proposals to potential donors.

On the question of the poor road networks in parks,

93) Ms. Kihoro stated that most parks do not generate revenue as expected. However, there is need to repair the existing infrastructure to make the parks accessible.

Regarding motivation of the Kenya Wildlife officers, and if there is need to recruit more.

94) The nominee explained that there is a budgetary constraint that impedes the process. She also added that there are other non-governmental disciplined forces that are carrying out the similar functions like KWS which has posed a challenge in filling the gaps that is already filled. However, she added that there is need to diversify revenue through other avenues like zip lining and filming documentaries which will create revenue.

On the issue of the relevance of community scouts,

95) Ms. Kihoro, stated that the community scouts were relevant as it was a way to make communities to be part of the process of wildlife conservation. She added that the community scouts have assisted in mitigating human-wildlife conflict and therefore there is need to continue with the initiative and create awareness.

On the question regarding the strategies, she would put in place to control poaching,

96) The nominee opined that poaching is a multi-sectoral issue and therefore would involve a multi-agency approach. She stated that it entailed identifying poachers, prosecuting them through the Office of the Director of Public Prosecution and empowering KWS to tackle grassroot issues. In addition, she stated that she would liaise with the UNDP while undertaking the anti-poaching programs.

CHAPTER FOUR

4 OBSERVATIONS AND FINDINGS

97) The Committee observations were guided by Article 155 of the Constitution, section 47 of the Public Service Act and section 7 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011) in terms of issues for consideration as follows:

- i. the procedure used to arrive at the nominee;
- ii. any constitutional or statutory requirements relating to the office in question; and
- iii. suitability of the nominees for the appointment proposed having regard to whether the nominees' abilities, experience and qualities meet the needs of the body to which the nomination is made.

98) The Committee made the following general observations on the nominees:

- i. Both nominees are Kenyans and are not citizens of any other Country. They therefore meet the requirements of Article 78 of the Constitution;
- ii. The Public Service Commission submitted the report of the recruitment of principal secretaries to the National Assembly hence the Committee was able to ascertain that the interview process was competitive and that the nominees were in the shortlist as required by Article 155(3) of the Constitution;
- iii. The nominees were cleared by KRA on tax compliance, HELB on the payment of their education loans, EACC on integrity, DCI on their criminal status and ORPP on membership to political parties; and
- iv. The Clerk of the National Assembly invited members of the public to submit memoranda on the nominees pursuant to section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011. The Committee received an affidavit from Mr. Mungai in support of Ms. Silvia Museiya Kihoro.

4.1 Mr. Joseph Lekakeny Olotuaa

99) **The Committee observed that:**

- i. Mr. Olotuaa holds a Master Degree in Education Administration (2009-2012) and a Bachelor of Education Arts Degree (1989-1992) both from Kenyatta University and

therefore meets the requirements of Section 47(2) (ii) of the Public Service Commission Act, 2017;

- ii. He began his career as a Trained Teacher in 1996 and therefore has professional experience of at least ten (10) years. Additionally, he worked as Regional Director of Education, Central, Regional Director of Education, Rift Valley, Regional Director of Education, Nairobi, Regional Director of Education, Eastern, County Director of Education, Kajiado County, County Transition Coordinator, Narok, County Director of Education, Bomet County, District Education Officer, Bomet, District Education Officer, Mbita, District Education Officer, Suba and Headteacher, Enososaen Secondary School. He therefore has been in leadership positions for more than five (5) years as required by section 47(2) (iii) of the Public Service Act, 2017;
- iii. The nominee, during the approval hearing demonstrated that he had good understanding of the plans and policies of the State Tourism and how they fit into the government's plans as required by Section 47(2) (v) of the Public Service Commission Act, 2017;
- iv. According to the information and records presented to the Committee, Mr. Ololtuaa had never been implicated in any issues that may lead to lack of integrity on his part and therefore meets the requirements of Chapter Six of the Constitution.
- v. Mr. Ololtuaa demonstrated knowledge and understanding of the workings of the State Department for Tourism. He had previously worked as Regional Director of Education, County Director of Education, and District Education officer across the country. He has also played a role as County Transition Coordinator and has demonstrated sound understanding of workings of government.

4.2 Ms. Silvia Museiya Kihoro

100) **The Committee observed that:**

- i. Ms. Kihoro holds a Bachelor of Law Degree from Mount Kenya University (2016-2020) and a Bachelor of Education Arts Degree from the University of Nairobi (2007-2011) and Diploma in Human Rights and International Advocacy from Columbia University, New York School of Law (April -June 2018). She has enrolled for diploma in the Kenya School of Law (KSL) from February 2022 and therefore meets the requirements of Section 47(2) (ii) of the Public Service Commission Act, 2017;
- ii. She began her career as a teacher in 2011 and therefore has professional experience of at least ten (10) years. Additionally, she was nominated Member to the Nairobi City County Assembly and served in the Public Accounts Committee, Lands, Housing and Planning Committee, Health Committee, Justice and Legal Affairs, Education, Children and Vocational Training Committee among others. She therefore has been in leadership positions for more than five (5) years as required by Section 47(2) (iii) of the Public Service Commission Act, 2017;
- iii. The nominee, during the approval hearing demonstrated that he had good understanding of the plans and policies of the State Department for Wildlife and how they fit into the government's policies as required by Section 47(2) (v) of the Public Service Commission Act, 2017;
- iv. According to the information and records presented to the Committee, Ms. Kihoro had never been implicated in any issues that may lead to lack of integrity on his part and therefore meets the requirements of Chapter Six of the Constitution.

- v. Ms. Kihoro demonstrated knowledge of policies, programmes and projects in the State Department for Wildlife having practical experience in the management of ranches and conservancies in Kenya. She also demonstrated an in-depth understanding of the rights of indigenous people and nature conservations at international level.

CHAPTER FIVE

5 RECOMMENDATIONS

- 101) Having considered the suitability, capacity and integrity of the nominees, and pursuant to article 155 (3) (b) and Section 8(2) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), the Committee recommends that the National Assembly:
- i. **APPROVES** the appointment of Mr. John Lekakeny Olotuaa to the position of the Principal Secretary, State Department for Tourism and
 - ii. **APPROVES** the appointment of Ms. Silvia Museiya Kihoro to the position of the Principal Secretary State Department for Wildlife.

for
SIGNED.....*Atututututut*..... DATE *01/12/2022*.....

HON. JAPHET KAREKE MBIUKI, CBS, MP
CHAIRPERSON

DEPARTMENTAL COMMITTEE ON TOURISM AND WILDLIFE

ANNEXURE 1:
ADOPTION LIST


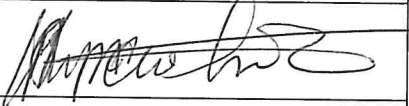


THE NATIONAL ASSEMBLY
13TH PARLIAMENT – 1ST SESSION (2022)

DEPARTMENTAL COMMITTEE ON TOURISM AND WILDLIFE
ADOPTION LIST OF THE REPORT ON THE APPROVAL HEARINGS OF:

1. MR. JOHN LEKAKENY OLOLTUAA, NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY, STATE DEPARTMENT FOR TOURISM; AND
2. MS. SILVIA MUSEIYA KIHORO, NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY, STATE DEPARTMENTS FOR WILDLIFE.

	HON. MEMBER	SIGNATURE
1.	The Hon. Japhet Kareke Mbiuki, CBS M.P.(Chairperson)	
2.	The Hon. John Njuguna Wanjiku , M.P.(Vice-Chairperson)	
3.	The Hon. Obo, Ruweida Mohamed, MP	
4.	The Hon. Bedziba Rashid Juma, M.P.	
5.	The Hon. Kailemia Elizabeth Karambu, M.P.	
6.	The Hon. Richard Kilel Cheruiyot, M.P.	
7.	The Hon. Alfred Mutai Kiprono, M.P.	
8.	The Hon. Abdi Abdi Ali, M.P.	
9.	The Hon. Gichuki, Edwin Mugo , M.P.	

	HON. MEMBER	SIGNATURE
10.	The Hon. Geoffrey Kariuki Kiring'ani, M.P.	
11.	The Hon. Paul Chebor, M.P.	
12.	The Hon. Peter Shake Mbogo, M.P.	
13.	The Hon. Innocent Mugabe Maino, M.P.	
14.	The Hon. Eng. Abdi Khamis Chome, M.P.	
15.	The Hon. Abubakar Talib Ahmed, M.P.	