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17/3/2020.

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – FOURTH SESSION

SELECT COMMITTEE ON NATIONAL GOVERNMENT  
CONSTITUENCIES DEVELOPMENT FUND

REPORT ON THE VETTING OF THE NOMINEE FOR THE  
POSITION OF CHIEF EXECUTIVE OFFICER FOR THE  
NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT  
FUND BOARD

MARCH 2020

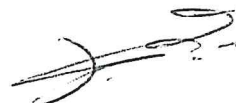
THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 17 MAR 2020	DAY: TUESDAY
TABLED BY: CLERK OF THE ASSEMBLY	Hon. Chereshe Kapondi (Member) Lemuna Moses

Directorate of Committee Services,  
Office of the Clerk,  
National Assembly,  
Parliament Buildings,  
NAIROBI.

## TABLE OF CONTENTS

### Contents

LIST OF APPENDICES.....	2
ABBREVIATIONS .....	0
1.0 CHAIRPERSON’S FOREWORD.....	1
2.0 EXECUTIVE SUMMARY .....	3
3.0 ESTABLISHMENT AND MANDATE OF THE COMMITTEE .....	4
4.0 THE COMMITTEE MEMBERSHIP .....	4
5.0 COMMITTEE SECRETARIAT.....	5
6.0 INTRODUCTION .....	6
Establishment of the position of the Chief Executive Officer of the NG-CDF Board ...	6
<i>There shall be a chief executive officer of the Board who shall be recruited by the Board through a competitive process and recommendations made to the Cabinet Secretary for appointment, with the approval of the National Assembly .....</i>	6
Notification of nomination.....	6
Committal to the Committee.....	6
Notification to the public .....	7
Clearance Requirements .....	7
7.0 COMMITTEE FINDINGS .....	18
APPROVAL HEARINGS .....	<b>Error! Bookmark not defined.</b>
8.0 COMMITTEE OBSERVATIONS .....	26
9.0 COMMITTEE RECOMMENDATIONS .....	27



## LIST OF APPENDICES

Annex 1	Letter from Cabinet Secretary, National Treasury forwarding nominee's name for approval
Annex 2	Message from the Speaker
Annex 3	Newspaper advertisement inviting submission of memoranda and
Annex 4	Letter to Nominee, Curriculum Vitae and Questionnaires
Annex 5	Letter to EACC, HELB, DCI, KRA and respective responses
Annex 6	Committee Minutes
Annex 7	Memoranda received by the Committee
Annex 8	Response to the memoranda by the Nominee
Annex 9	Adoption List
Annexure 10	Affidavit by Ms. Abigael Mengich
Annexure 11	Affidavit by Mr. Samson Mosonik
Annexure 12	Nominees response to the Affidavits
Annexure 13	suspension and dismissal letter, Court Ruling & DCI letter

## **ABBREVIATIONS**

DCI	-	Directorate of Criminal Investigations
EACC	-	Ethics and Anti-Corruption Commission
KRA	-	Kenya Revenue Authority
PAPAA	-	Public Appointments (Parliamentary Approval) Act, 2011
NG-CDF	-	National Government Constituencies Development Fund
MP	-	Member of Parliament

## **CHAIRPERSON'S FOREWORD**

Pursuant to section 20(1) of the NG-CDF Act No. 30 of 2015 and section 5 of the Public Appointments (Parliamentary Approval) Act, No. 33 of 2011 the Cabinet Secretary for National Treasury and Planning, Hon (Amb) Ukur Yatani, EGH nominated Prof. Mohamed Hussein Abdille for the position of the Chief Executive Officer of the Board. The nomination of Prof. Mohamed Hussein was conveyed to the Speaker of the National Assembly through a letter Ref. No. TNTP/SDP/4/52(*Annex 1*), dated 26<sup>th</sup> February, 2020. The nominee's Curriculum Vitae and other testimonials were attached.

On Tuesday, 3<sup>rd</sup> March, 2020 and pursuant to section 20 of the National Government Constituencies Development Fund Act, 2015, the Speaker of the National Assembly read the message from Cabinet Secretary, National Treasury & Planning communicating the name of the nominee for approval by the National Assembly pursuant to section 4 of the Public Appointments (Parliamentary Approval) Act, 2011 and section 20(1) (d) of the NG-CDF Act, 2015 and Standing Order 45(1) , the name of the nominee was referred to the select Committee on National Government Constituencies Development Fund for the necessary approval hearings vetting and reporting to the House within fourteen (14) days.

In compliance with section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, the Clerk of the National Assembly placed an advertisement in the print media on Thursday, 5<sup>th</sup> March, 2020, (*Annex 2*) inviting the public to submit memoranda by way of written statements on oath (*affidavit*) on the suitability of the nominee in conformity with section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011. The memoranda were to be received by Wednesday 11<sup>th</sup> March, 2020 at 5.00 pm. By close of the submission deadline, the Clerk of the National Assembly had received a total number of 6 submissions.

Pursuant to Article 118 of the Constitution, section 6(4) of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 45(3), the Clerk of the National Assembly on Thursday, 5<sup>th</sup> March, 2020, notified the public in the print media the exercise the select Committee on NG-CDF to undertake the approval hearing of the nominee on Thursday, 12<sup>th</sup> March 2020 at 10.00am in Continental House room No. 4(*Annex 3*).

The nominee Prof. Mohamed Hussein Abdille appeared before the committee on Thursday, 12<sup>th</sup> March 2020 at 10.00am for approval hearing in accordance with the provisions of the Constitution, the Public Appointments (Parliamentary Approval) Act, 2011 , the National Government Constituencies Development Fund Act,2015 and the National Assembly Standing Orders on his suitability or otherwise for appointment to the position of Chief Executive Officer of the National Government Constituencies Development Fund Board.

I take this opportunity to thank all Members of the Committee for their dedication to duty. I also wish to thank the offices of the Speaker and the Clerk of the National Assembly for according the Committee the necessary logistical support during the vetting exercise.

Further, the Committee wishes to thank all members of public who submitted memoranda to be considered during the approval hearings.

On behalf of the Members of the National Assembly Select Committee on the National Government Constituencies Development Fund and pursuant to section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011, and section 20(1) of the National Government Constituencies Development Fund Act (No. 30 of 2015) and the provisions of the Standing order 199(6) it is my pleasure and duty to present to the House the Committee's Report on the Vetting of Prof. Mohamed Hussein Abdille, the nominee for the position of Chief Executive Officer of the National Government Constituencies Development Fund Board.

**The Hon. Richard Maore Maoka, CBS, M.P.**

**Chairperson- Select Committee on National Government Constituencies Development Fund**

## EXECUTIVE SUMMARY

Pursuant to the provisions of Section 20 of the National Government Constituencies Development Fund Act, 2015, the Cabinet Secretary for the National Treasury & Planning nominated Prof. Mohamed Hussein Abdille for position of the Chief Executive Officer of the of the National Government Constituencies Development Fund Board and forwarded his name to the National Assembly for approval.

The Speaker subsequently issued a Communication to the House on 3<sup>rd</sup> March, 2020 on receipt of the name from the Cabinet Secretary, National Treasury and Planning and committed the nominee to the Select Committee on National Government Constituencies Development Fund for approval.

The Committee immediately embarked on the approval exercise in accordance with the provisions of the Constitution, the Public Appointments (Parliamentary Approval) Act, 2011, the National Government Constituencies Development Fund Act (No. 30 of 2015) and the National Assembly Standing Orders.

On 5<sup>th</sup> March, 2020, the Committee, pursuant to section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011 invited the public to submit memoranda on the suitability of the nominee. On 5<sup>th</sup> March, 2020, the general public was notified of the appointment, pursuant to Section 6(4) of Public Appointments (Parliamentary Approval) Act, 2011 and the date of the approval hearing scheduled for Thursday, 12<sup>th</sup> March, 2020 in Committee Room, 4th Floor Continental House, starting at 10.00a.m. The members of the public were required to submit their memoranda by close of business at 5 pm on Wednesday, 11<sup>th</sup> March, 2020.

The nominee was also required to submit clearance certificates from the following agencies: the Ethics and Anti-Corruption Commission, the Kenya Revenue Authority, the Higher Education Loans Board, and the Directorate of Criminal Investigation.

By close of the submission deadline, the Committee had received a total number of 6 submissions but only 2 of the 6 submissions met the threshold of memoranda for consideration by the committee as required by provisions of the Public Appointments (Parliamentary Approval) Act, 2011.

The Committee undertook the approval hearing on Thursday 12<sup>th</sup> March, 2020, in compliance with the Constitution, the Public Appointments (Parliamentary Approval) Act, 2011, National Governments Constituencies Development Fund Act, 2015 and the National Assembly Standing Orders.

Having conducted the approval hearing for the nominee pursuant to section 20(1) of the Constituencies Development Fund Act, 2015, sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011 the **Committee recommends that this House rejects the nomination of Prof. Mohamed Hussein Abdille for appointment as the Chief Executive Officer of the Constituencies Development Fund Board, by the Cabinet Secretary for Treasury & Planning, Hon(Amb.) Ukur Yatani.**

## 1.0 PREFACE

### 1.1 Establishment and mandate of the committee

- (i) The Select Committee on National Government Constituency Development Fund is a Statutory Committee established in accordance with the provisions of section 50 of the NG-CDF Act of 2015 and its functions include:
- a) To oversee the implementation of this Act and in this respect, shall after every two years submit a report to the National Assembly and where necessary, propose any amendments to this Act with respect to the quantum of funds repayable into the Fund in accordance with section 4 of the Act;
  - b) To oversee the policy framework and legislative matters that may arise in relation to the Fund;
  - c) To continually review the frame set out for the efficient delivery of development programmes financed through the Fund;
  - d) To consider and report to the National Assembly, with recommendations, names of persons required to be approved by the National Assembly under this Act; and
  - e) To carry out any other functions relevant to the work of the Fund.

### 1.2 The Committee membership

2. The membership of the Committee is as follows-

- |                                       |   |                      |
|---------------------------------------|---|----------------------|
| (1) Hon. Richard Maore Maoka, CBS, MP | - | <b>Chairman</b>      |
| (2) Hon. Omar Maalim Hassan, MP       | - | <b>Vice Chairman</b> |
| (3) Hon. Moses Lessonet, MP           |   |                      |
| (4) Hon. Sharif Athman, MP            |   |                      |
| (5) Hon. Mishi Mboko, MP              |   |                      |
| (6) Hon. Fred Ouda, MP                |   |                      |
| (7) Hon. Fred Kapondi Chesebe, MP     |   |                      |
| (8) Hon. Sophia Abdi Noor, MP         |   |                      |
| (9) Hon. Emmanuel Wangwe, MP          |   |                      |
| (10) Hon. Richard Tongi, MP           |   |                      |
| (11) Hon. Johanna Ngeno, MP           |   |                      |
| (12) Hon. Titus Khamala, MP           |   |                      |
| (13) Hon. Benjamin Gathiru, MP        |   |                      |
| (14) Hon. Alfa Ondieki, MP            |   |                      |
| (15) Hon. Ferdinard Wanyonyi, MP      |   |                      |



- (16) Hon. Janet Jepkemboi Sitienei, MP
- (17) Hon. Kassim Sawa Tandaza, MP
- (18) Hon. Mary Wamaua Waithira, MP
- (19) Hon. Mwalyo Joshua, MP

### **1.3 Committee Secretariat**

3. The Committee secretariat is as follows -

- (ii) Mr. Nicholas Emejen - Deputy Director, Committees
- (iii) Hassan Abdullahi Arale - Clerk Assistant II
- (iv) Ahmed Hassan Odhowa - Principal Research Officer
- (v) Ms. Brigitta Mati - Legal Counsel
- (vi) Ms. Farida Ng'asura - Audio Officer
- (vii) Rahima Manzura Ahmed - Secretary

## **2.0 INTRODUCTION**

### **2.1 Establishment of the position of the Chief Executive Officer of the NG-CDF Board**

4. Section 20 of the NGCDF Act provides for the following the position of the Chief Executive Officer of the Board. It states as follows-

20.(1) There shall be a Chief Executive Officer of the Board who shall be recruited by the Board through a competitive process and recommendations made to the Cabinet Secretary for appointment, with the approval of the National Assembly.

(2) No person shall be appointed under this section unless such person-

(a) has a degree in finance, accounting, engineering, economics, community development, law or a related field from a recognized university;

(b) has at least ten years' working experience in the relevant field; and

(c) has served in a senior management position for a minimum period of five years.

(3) The chief executive officer shall subject to the directions of the Board be responsible for the day to day management of the affairs and staff of the Board.

(4) The chief executive officer shall serve for a period of three years renewable once.

### **2.2 Approval and appointment procedure of the Chief Executive Officer, NG-CDF Board**

5. The procedure for recruitment of the Chief Executive Officer of the NGC-DF Board is provided for under the Section 20 (1) of the NG-CDF Act. It states-

*(1) There shall be a chief executive officer of the Board who shall be recruited by the Board through a competitive process and recommendations made to the Cabinet Secretary for appointment, with the approval of the National Assembly.*

### **2.3 Notification of nomination**

6. On Tuesday, 3<sup>rd</sup> March, 2020 and pursuant to section 20 of the National Government Constituencies Development Act, 2015, the Speaker of the National Assembly read the message from Cabinet Secretary, National Treasury & Planning communicating the name of the nominee for approval by the National Assembly.

### **2.4 Committal to the Committee**

7. Pursuant to section 4 of the Public Appointments (Parliamentary Approval) Act, 2011 and section 20(1) (d) of the NG-CDF Act, 2015 the name of the nominee was referred to the select

Committee on National Government Constituencies Development Fund for the necessary vetting and reporting to the House within fourteen (14) days.

### **2.5 Notification to the public**

8. In compliance with section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, the Clerk of the National Assembly placed an advertisement in the print media on Thursday, 5<sup>th</sup> March, 2020, (*Annex 1*) inviting the public to submit memoranda by way of written statements on oath (*affidavit*) on the suitability of the nominee in conformity with section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011. The advert required members of the public to present their submissions by close of business on Wednesday 11<sup>th</sup> March, 2020 at 5.00 pm. By close of the submission deadline, the Committee had received a total of 6 submissions but only 2 of 6 submissions met the threshold of memoranda for consideration by the committee as required by provisions of the Public Appointments (Parliamentary Approval) Act, 2011.
9. Pursuant to Article 118 of the Constitution, section 6(4) of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 45(3), the Clerk of the National Assembly on Thursday, 5<sup>th</sup> March, 2020, notified the public in the print media that the select Committee on NG-CDF will undertake the approval hearing of the nominee on Thursday, 12<sup>th</sup> March, 2020 at 10.00am in the Committee on 4<sup>th</sup> Floor in Continental House (*Annex 2*).

### **2.6 Clearance Requirements**

10. On 4<sup>th</sup> of March, 2020, the Clerk of the National Assembly wrote to the Ethics and Anti-Corruption Commission (EACC), Kenya Revenue Authority (KRA), Directorate of Criminal Investigations (DCI), the Higher Education Loans Board (HELB) and the Office of the Registrar of Political Parties (ORPP) (*Annexure 3*) requesting for reports with respect to the nominee on the following issues:
  - (i) ethics and integrity;
  - (ii) tax compliance;
  - (iii) criminal records;
  - (iv) Higher education loan repayments; and
  - (v) political party affiliations.

11. With regard to the Ethics and Integrity, the Ethics and Ant-corruption Commission *vide* a letter Ref. No. EACC.7/10/5 VOL.XIII (60) and dated 12<sup>th</sup> March, 2020 (*Annex 4*) confirmed that the Commission has not undertaken any investigations in relation to the nominee on any matter where the nominee has been adversely mentioned.
12. With regards to matters on tax obligation, the KRA confirmed *vide* a letter Ref. No. KRA/5/1002/5/ (2040) and dated 10<sup>th</sup> March, 2020 (*Annex 5*) that the nominee was tax compliant.
13. The DCI through a letter Ref. No. DCI/CRO/SEC/6/7/2/A/VOL.III/197 and dated 10<sup>th</sup> March, 2020 (*Annex 6*) issued a clearance certificate to the nominee. (*Annex 7*).
14. The Higher Education Loans Board confirmed *vide* a letter Ref. No. HELB/RR/112009/34 date 10<sup>th</sup> March, 2020 and dated 17<sup>th</sup> February, 2020 (*Annex 8*), that the nominee is not a beneficiary of the Go/HELB Loans Scheme.
15. On the issue of party affiliation, the office of the Registrar of political parties *vide* a letter dated 9<sup>th</sup> March, 2020, REF NO: RPP/ORG/34 Vol. IV (11), Ref. No. (*Annexure 9*) confirmed that the nominee is not an official of a political party.

## **2.7 Issues for consideration during the approval hearing**

16. The Committee took into consideration section 7 of the Public Appointments (Parliamentary Approval) Act, 2011 which provides the issues for consideration by the relevant House in relation to any nomination. These are:
  - 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 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.
17. Section 6 (7) of the Act provides further guidance which places focus on a candidate's academic credentials, professional training and experience, personal integrity and background.

### 2.7.1 Procedure for Nomination

18. The procedure of nomination of the Chief Executive Officer of the NGC-DF Board is provided for under the Section 20(1) of the NG-CDF Act. It states-

20.(1) There shall be a chief executive officer of the Board who shall be recruited by the Board through a competitive process and recommendations made to the Cabinet Secretary for appointment, with the approval of the National Assembly.

19. Section 15 (2) of the NG-CDF Act further provides that in nominating or approving the appointment of a person as a member of the Board under sub-section (1), the Cabinet Secretary and the National Assembly shall take into account gender equity and the regional diversities of the people of Kenya.

20. Further, Regulations 4(2) of the NGCDF Regulations, 2016 requires the NGCDF Board to forward to the Cabinet Secretary three names of selected candidates, from among whom the Cabinet Secretary nominates one and notifies the National Assembly on the same.

21. Regulation 4 of the National Government Constituencies Development Regulations outlines the procedures for appointment of a chief executive officer. It states-

*“4. (1) The Board shall, in recruiting the chief executive officer of the Board under Section 20(1) of the Act, ensure that the recruitment is carried out in a transparent and competitive manner.*

*(2) The Board shall finalise the recruitment of the chief executive officer of the Board within sixty days from date of the close of the application period, and shall forward three names of the selected candidates to the Cabinet Secretary for consideration.*

*(3) The Cabinet Secretary shall, within twenty one days after receiving the names of the selected candidates from the Board, forward the name of one of the selected candidates to the National Assembly for approval.*

*(4) The National Assembly shall, within twenty-one days of receipt of the name of the selected candidate from the Cabinet Secretary, under paragraph (3) consider the nomination, and may approve or reject the nomination.*

- (5) *Where the National Assembly approves the nomination under paragraph (4), the Speaker of the National Assembly shall forward the name of the approved person to the Cabinet Secretary for appointment.*
- (6) *The Cabinet Secretary shall, within fourteen days of the approval by the National Assembly, by notice in the Gazette, appoint the person approved by the National Assembly as the chief executive officer of the Board.*
- (7) *Where the National Assembly rejects the person nominated by the Cabinet Secretary, the Speaker of the National Assembly shall, within three days of the decision, communicate the decision of the National Assembly to the Cabinet Secretary and request the Cabinet Secretary to submit a fresh nomination.*
- (8) *The Cabinet Secretary shall submit to the National Assembly a name from the list initially forwarded by the Board within seven days of receipt of the communication from the Speaker.*
- (9) *Where the National Assembly rejects the names of all the persons nominated by the Cabinet Secretary the provisions of paragraph (2) shall apply."*

### **2.7.2 Constitutional and other Statutory Requirements**

22. The Constitution in addition gives guidelines on how to appoint persons to public office which include -

(a) Two-third Gender Rule

*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*

(b) Leadership and Integrity

23. The Committee, in determining the suitability of the nominee, was also guided by the provisions on leadership and integrity as outlined under Chapter Six of the Constitution. In particular, Article 73 (2) provides that the guiding principles of leadership and integrity include

- (i) selection on the basis of personal integrity, competence and suitability, or election in free and fair elections;
- (ii) objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favouritism, other improper motives or corrupt practices;
- (iii) selfless service based solely on the public interest, demonstrated by —
  - (a) honesty in the execution of public duties; and
  - (b) the declaration of any personal interest that may conflict with public duties;
  - (c) accountability to the public for decisions and actions; and
  - (d) discipline and commitment in service to the people.

24. Article 77(5) 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.

25. Article 77(1) prohibits a full time State Officer from participating in any other gainful employment.

26. Article 77(2) prohibits an appointed State officer from holding office in a political party. Article 78 disqualifies persons who are not Kenyan Citizens from appointment as State Officers. Further, a State Officer is barred from holding dual citizenship.

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

- (viii) A State officer shall, to the best of their ability—
  - (i) carry out the duties of the office efficiently and honestly;
  - (ii) carry out the duties in a transparent and accountable manner;
  - (iii) keep accurate records and documents relating to the functions of the office; and
  - (iv) report truthfully on all matters of the organization which they represent.

## **2.8 Submission of Memoranda**

28. By close of the submission deadline, the Committee had received a total number of 6 submissions but only 2 of the 6 submissions met the threshold of a memoranda for consideration by the committee as required by provisions of the Public Appointments (Parliamentary Approval) Act, 2011. The memoranda received were as follows-

### **2.8.1 Public Memoranda by concerned citizen alliance**

29. Mr. Peter Agoro on behalf of concerned citizens in a memorandum dated 11<sup>th</sup> March, 2020 opposed the appointment of Prof Mohamed Hussein Abdille based on the following grounds: THAT—

(i) The Nominee barely passed the interview with 63 points way below other candidates. The Cabinet Secretary erred in appointing him while rejecting more qualified candidates that the NGCDF Board submitted to him after a competitive interview. The public demands to know the grounds of rejection of other qualified candidates.

(ii) The nominee does not meet the requisite requirements stipulated in Section 20 of the NGCDF Act, 2015 on the appointment of a CEO. He lacks in experience and professional background to effectively perform the duties of his office. There are glaring inconsistencies on his CV on what he purported to be his work experience and the actual experience needed of the appointee of such office.

(iii) The nominee has a consistent history of incompetence in almost every field he has served. The last state corporation he worked in as the DVC for Administration, Finance and Planning at Maasai Mara University, the university council suspended him on the grounds of gross incompetence, misconduct and corruption and eventually unceremoniously sacked him after the university senate found him guilty of all allegations against him.

### **2.8.2 Public Memoranda by John Kiptoo**

30. Mr. John Kiptoo in his memoranda dated 11<sup>th</sup> march, 2020 stated that he supports the appointment on the following grounds: THAT—



- (i) Prof Mohamed Hussein Abdille meets all requirements set out in the call for applications by the Board as set out in Section 20 of the NGCDF Act, 2015.
- (ii) He is qualified, competent, young, and dynamic and would represent empowerment of youth in line with government policy.
- (iii) That he is an orphan and represents inclusion of marginalized communities in government.
- (iv) His appointment will be a fulfilment of the dream and promise of our constitution of giving every Kenyan child an equal opportunity no matter where they come from.
- (v) Prof Mohamed Hussein Abdille is a man with impeccable character.

### **2.8.3 Public memoranda by Fredrick Ouma Jowi and John Kiptoo**

31. The two persons in their memoranda dated 10<sup>th</sup> March, 2020 opposed the appointment of Prof Mohamed Hussein Abdille based on the following grounds: THAT—

- (i) Prof. Mohamed Hussein Abdille does not meet the minimum requirements (job requirements) set out in the call for applications by the Board and as stipulated in Section 20 of the NGCDF Act 2015.
- (ii) The nominee did not meet the minimum university entry requirements as set out by the Kenya National Qualifications Authority.
- (iii) He has a low confidence in our public institutions of learning.
- (iv) That the Commission of University Education needs to confirm whether the Universities attended by Prof Mohamed Hussein Abdille are accredited.
- (v) That the nominee was adversely mentioned in the Maasai Mara University Heist and that they do not know whether he was cleared.
- (vi) there is bias of the Cabinet Secretary Ministry of Finance & Planning towards certain communities.
- (vii) The recruiting panel of the Bard flouted standards set out under Article 47 of the Constitution which requires written reasons for any administrative action that adversely affects a person.

an affidavit by Ms. Abigael Mengech. The other memoranda received by the Committee were not admissible on account of not qualifying as a statement on oath (affidavit).

## 2.9 Written response by the Nominee to the Memoranda

38. The nominee in his written response (*Annexure 12*) submitted: THAT,

- (x) He is a Kenyan citizen and a holder of Identity Card Number 20450705 and a male adult of sound mind and competent to make the declaration.
- (xi) He met the requisites of the position of Chief Executive Officer (CEO) of the National Government's Constituency Development Fund (NG-CDF) as he was a holder of the following: A Bachelors Degree in Sciences; A master's degree in Business Administration; A post graduate certificate in strategic leadership and development.
- (xii) The advertisement for the position of Chief Executive Officer (CEO) of the National Government's Constituency Development Fund (NG-CDF) indicated that the required number of years of public service as 15 years, and he had 17 years of public service.
- (xiii) He had more than 10 years of experience in senior management of public and private institutions which surpasses the requisite number of years stated in the advertisement for the position of Chief Executive Officer (CEO) of the National Government's Constituency Development Fund (NG-CDF), which is 5 years and his *Curriculum Vitae* supports the same.
- (xiv) He has a strong knowledge of public and private sector management having served as the chairman of a University Department; Director of a University Institute; Director of a Research Council; National Member of ad hoc Educational Committee; Deputy Vice Chancellor in charge of Administration, Finance and Planning of a University; Senior Advisor to the Cabinet Secretary, Ministry of Education.
- (xv) He was strongly opposed to the allegation that there was nepotism or favouritism by the Board of the National Government's Constituency Development Fund.
- (xvi) He had applied for the position of Chief Executive Officer (CEO) of the National Government's Constituency Development Fund (NG-CDF) with a positive mind, attitude and merit as he met the requisites and had extensive experience.
- (xvii) He has a strong interpersonal skill which has been instrumental in bringing International Partners for the development of the education and technology sectors of the country.
- (xviii) As a government parastatal such as the National Government's Constituency

Development Fund (NG-CDF) was deserving of his vast experience in lobbying for international donors and agencies that will be valuable in a time when the need to give Kenyans quality Education, Healthcare and Environmental Protection was pressing.

- (xix) He has an irrefutable consistent record exhibiting a high degree of Professionalism in all contexts where he has had the honor to represent his Country and its People, here in Kenya and abroad.
- (xx) He strongly believes that volunteering for the right cause was a noble duty expected of every Citizen in the Republic of Kenya.
- (xxi) He had never been convicted of a crime, neither been implicated in any corruption related matters and that was verifiable by his involvement in the fight against corruption and dangerous cartels at Maasai Mara University that were found to have looted the University's funds meant to assist destitute Kenyans.
- (xxii) His suspension from the Maasai Mara University was orchestrated by the University Council and Acting Vice Chancellor, against whom he shall testify as a State-witness in legal actions brought against them.
- (xxiii) His suspension from the Maasai Mara University was vacated by the High Court in Nakuru on the 4<sup>th</sup> day of March, 2020 and subsequently revoked by the Cabinet Secretary, Ministry of Education, Prof George A.O Magoha.
- (xxiv) The Directorate of Criminal Investigations has thoroughly warned the Maasai Mara University Council not to intimidate or harass him as a State-witness. The University Council disrespected the Constitution and blatantly ignored Court Orders from the High Court in Nakuru.
- (xxv) He was a Kenyan who was cleared by all the authorized government agencies and his integrity held firm contrary to what one Abigael Mengech was alluding.

### **3.0 APPROVAL HEARINGS**

39. Having received the name of the nominee, the Committee embarked on the approval process in accordance with the Constitution, the Public Appointments (Parliamentary Approval Act) (No.33 of 2011) and Section 15 of the NG-CDF Act of 2015.
40. The Committee held three meetings: A pre-approval hearing meeting on Tuesday 10<sup>th</sup> March, 2020, the approval hearing on Thursday, 12<sup>th</sup> March, 2020 and a meeting on 16<sup>th</sup> March, 2020 to consider the draft report and adopt its report.
41. In carrying out the vetting exercise, the Committee was guided by the Constitution, the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), the National Government Constituencies Development Fund Act of 2015, and the National Assembly Standing Orders.
42. The Committee also considered the following in vetting the nominee: -
  - (i) Academic qualifications;
  - (ii) Employment record and work experience;
  - (iii) Professional association;
  - (iv) Public office, political activities and affiliations;
  - (v) Potential conflict of interest;
  - (vi) Suitability to the position;
  - (vii) Integrity; and
  - (viii) Expectations and Key priorities.

#### **3.1 Vetting of Professor Mohamed Hussein Abdille**

43. The nominee, Prof. Mohamed Hussein Abdille, appeared before the Committee on Thursday, **12<sup>th</sup> March, 2020** at **10.00 am** and was interviewed pursuant to the provisions of the Constitution, Public Appointments (Parliamentary Approval) Act, 2011, the National Government Constituencies Development Act, 2015 and the Standing Orders of the National Assembly. The Committee took note of his submissions-

#### **Citizenship, Date and Place of Birth**

44. He is Kenyan, male citizen, identity card Number 20450705, born in 1976 in Wajir County.

### **Academic and Professional Qualifications**

45. He holds a PhD (Molecular Parasitology) from China Agricultural University, Beijing, MBA Masters of Business Administration in Global Strategic Management, Staffordshire University, MSC degree in Biotechnology and Bachelor of Science degree from University of Mysore in India and completed his KCSE in Wajir High School.

### **Work and Professional Experience**

46. He is currently the Deputy Vice-Chancellor (Administration, Finance & Planning) at Maasai Mara University; He also served as the Senior Advisor to the Cabinet Secretary, Ministry of Education, Director International Chinese Institute, Chairman of two Departments at Egerton University, CEO of Africa Medical Research Council, Africa and China Agricultural University as well as Research Officer at KEMRI.

### **Honors and Awards**

47. Prof. Mohamed Hussein Abdille stated that he had received various awards among them -

- (i) Awarded an Indian Government Scholarship under the Kenyan Government to undertake undergraduate studies, BSc Medical Microbiology and Clinical Biochemistry [1996–2000]
- (ii) Awarded University of Mysore Scholarship to undertake MSc in Biotechnology [2000–2002]
- (iii) Post Doctorate Fellowship, University of Basel, Switzerland [2000–2002]
- (iv) Drugs for Neglected diseases Initiative fellowship as a Research Fellow to the University of Dundee, Scotland
- (v) ChongQing University partial scholarships for pursuing fellowship in the John Hopkins Medical University fellowship

### **Professional Associations**

48. The nominee stated that he is a member of the following associations -

- (i) Member of the International Society for parasitologist, 2009-to date
- (ii) Member of International Society against Cancer, Bangalore, India, 2008-2012
- (iii) Member of the China Agricultural University think tank, 2008 to date
- (iv) Member of the welcome Trust Society, 2011-2016
- (v) Member of the Filariasis Encephalopathy Advisory Committee, 2007–2011
- (vi) Member of the Joint Research Advisory Group on African Sleeping Sickness, 2010–2012

### Other Activities and Membership

49. The nominee is a member of Muthaiga Country Club, the Windsor Golf & Country Club, Karen Country Club, Parklands Sports Club and the Nyeri Golf Club.

### Published Writing

50. The nominee submitted that he has written several publications among them -

- (i) Abdille, MH., Ding, J., Jun, Z and Suo, X. 2013. Immuno-protection of BALB/c mice against *Trypanosoma evansi* using Paraflagellar rod protein 1 and 2 (Journal of Vaccine, 2015)
- (ii) Abdille, MH., Li, SY., Ding, J and Suo, X. 2009. *Trypanosoma evansi*: Paraflagellar rod proteins are similar but lack common B-cell epitopes. *Experimental Parasitology* 120, 411–416
- (iii) Abdille, MH, Henri RK., Audreen MCBeth, 2013; Prevalence of *Trypanosoma evansi* in North Eastern of Kenya. *African journal of health sciences*, 11, 87-94.
- (iv) Abdille, MH., Richardson, JL., Nett, I., Jones, DC and Fairlamb, AH., 2010. Improved tricyclic inhibitors of trypanothione reductase by screening and chemical synthesis. *Journal of medicinal chemistry*, (Chemmedchem 4(8):1333
- (v) Audreen McCBeth, Abdille MH, Jianan LI, 2012. Comparative studies of ELISA and Card agglutination test for *Trypanosoma* spp infections. *African Journal of parasitic diseases*, 2013
- (vi) Shi, TY. Liu, XY. Hao, LL., Li, JD., Abdel Nabi, G., Abdille, MH and Suo, X. 2008. Transfected *Eimeria tenella* could complete its endogenous development in vitro. *Journal of Parasitology*, 94(4), 978—980
- (vii) Ding, J., Bao, W., Liu, Q., Abdille, MH., Yu, Q and Wei, Z., 2009. Recombinant alpha-tubulin protein serves as vaccines against *Eimeria acervulina* spp infections. *Parasitology Research*, 103:1133—1140
- (viii) M.Abdille, Lambert, BW.; Gardner,; Duszynski, D.W. 2008. *Coccidia* (Apicomplexa: Eimeriidae) from the subterranean rodent *Ctenomys opimus* Wagner (Ctenomyidae) from Indonesia, *Asia Journal of Parasitology* 74: 1,018-1,022.
- (ix) Francis Gardner, Brian Sam, Abdille M. 2006. First reported occurrence of the nematode, *Journal of Science* 42-48,2016
- (x) Liu S.; Brian K, Abdille M. 2013. Dimorphism of eimerian oocysts can be an example from subterranean rodents in Beijing. *Journal of Experimental Parasitology* 76: -811,2015

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### Political Activities and Affiliations

51. The nominee had no record of political activities and affiliations to any political party.

### **Potential Conflict of Interest**

52. He has no immediate associations that are likely to present potential conflict of interest when he assumes the position.

### **Sources of Income and Net-worth**

53. He estimated his financial net worth at Ksh. 11.2 million (eleven Million two hundred thousand only), comprising of a three (3) bedroom house, two motor vehicle (a Toyota Prado and a Toyota Isis) a plot and a salary of Ksh. 1,100,000, net pay of Ksh. 760,000.

### **Integrity**

54. The nominee stated that he had not been dismissed or otherwise removed from office for contravening the provisions of Article 75 of the Constitution. He has also not been adversely associated with practices that depict bias, favouritism or nepotism in the discharge of public duties.

55. He pointed out that he has fully complied with the tax obligations to the State for the financial year immediately preceding his nomination for the appointment.

56. The nominee further submitted that he has not been charged in court of law in the last three years or been adversely been mentioned in an investigatory report of Parliament or any other Commission of inquiry in the last three years.

### **General Questions and Sector specific questions to the Nominee**

57. In order to assess his overall suitability on the position, the Committee examined the nominee on general and specific thematic areas which the nominee responded to as follows: -

### **Achievements**

58. He submitted that as a patriotic Kenyan and in line with his understanding of Article 10 and Article 232 of the Constitution he has immensely contributed to the development of the country in the following ways-

- (i) Acquired 195 scholarships for deserving Kenyans that is now recognised by the President and shared across the 47 counties of Kenya
- (ii) Contributed to the establishment of Sino-China Joint Research centre worth Ksh 3.2 B
- (iii) Facilitated the construction of the Science complex at Egerton University worth Ksh 600m.

(iv) Arranged for equipment worth Ksh147m for Maasai Mara University.

(v) Acquired a grant worth Ksh 4.2 billion for the establishment of Science Complex at Maasai Mara University.

#### **Relevance of the nominee's academic qualifications**

59. The Nominee informed the Committee that the BSC degree was a relevant degree to that of engineering. He asserted that as a field of study, engineering is classified as science. He further asserted that the BSC course entails multi-disciplinary subject matter such as languages, botany, and chemistry among others.

#### **Work experience and relevance to the position**

60. The Nominee informed the Committee that he had cumulative work experience of about 17 years. He asserted that he held senior administrative positions that involved budgeting, financial management, strategy development, procurement, and human resource, accounting, administration, accounting and related matters. Some included management of budget running to millions of shillings, for instance one assignment as the CEO of the Research council involved the management of budget of 16 countries, 6500 staff with a budget of Ksh7.2 billion.

#### **Nature and scope of the fund and interaction with stakeholders**

61. The nominee stated that he understood the nature and scope of the Fund as social fund that was intended to empower the people especially at the lowest level. He further submitted that Members of Parliament as representatives of the people understood the importance of the Fund. He will strive for a positive engagement with the Members of Parliament in a special way and aspire to create positive relationship between the Committee and the Board.

#### **Relationship between the fund and other devolved funds**

62. The nominee submitted that he will work with all stakeholders especially Members of Parliament to address the issues related to the operations of the fund. He submitted that he would recommend that the allocation be increased to 5% of the total revenue. He further stated that he will help constituency level SMEs to access the funds by making procurement process more efficient. He also indicated that he will advocate for timely disbursement of funds. The nominee averred that the Fund preceded other devolved funds and he supports the continuous existence of the NG-CDF Fund. He submitted that the fund's impact had been felt all over the



country and remains a lifeline to many citizens hence an important safeguard to defend its existence.

### **Misappropriation of funds at Maasai Mara University**

63. The nominee submitted that issues of corruption in the Maasai Mara preceded him and he was appointed as the Deputy Vice Chancellor while there was an active investigation by the DCI at the University. He further took a number of steps including freezing of accounts and refusing to sign cheques that were not drawn procedurally. He ensured the financial prudence guidelines were followed and adhered to the provisions of the law such as the PFM Act, the Public Procurement and Assets Disposal Act and other guidelines issued by the government.
64. The nominee while being questioned about the suspension and subsequent dismissal by the Maasai Mara University, submitted that the University Council had attempted to suspend and dismiss him due to his stand against corruption at the institution. This was an effort by the Council to intimidate him since he was a state witness against Council members. The DCI wrote to the CS Education to intervene due to the investigations that were ongoing (*Annexure 13*). The matter is in court and he is still the DVC, Maasai Mara.

### **Competence to manage such the fund**

65. The nominee informed the Committee that he had managed complex assignments in his career and was up to the task. He further informed the Committee that he was committed to meeting the demand of the job and deliver on its objectives. He also stated that even though the Fund involved the management of huge resources as compared to Maasai Mara University, he nonetheless had the energy, experience, charisma and the connection to deliver on the demands of the job as provided by law. He also informed the Committee that he had the experience and the knowledge to raise funds through partnerships and collaborations. He stated that he would explore public private partnerships in consultation with the Board and the National Assembly Select Committee.
66. The Nominee further submitted that he had handled positions that involved 16 countries with different levels of development, political persuasion, inaccessible areas, huge population and nationalities. These had given him the necessary experience required in managing the Fund.

### **3.2 Submissions by the National Government Constituencies Development Fund Board**

67. The Committee sought clarification from the Board on the recruitment process. In order to clarify certain issues that arose during the vetting process, the Committee held a meeting with the NGCDF Board on 16<sup>th</sup> March, 2020. The Chairman of the board submitted as follows:

#### **Job advert**

68. The Board submitted that it included a Bachelor of Business Administration in the advert even though this was not provided for in the Act, it however did not affect the shortlisting exercise.

#### **Academic Qualifications**

69. The Chairman of the Board submitted that the Board interpreted the provisions of Section 20 of NGCDF Act, 2015 on the academic qualifications to mean any other related field to all the listed degrees.

#### **Shortlisting and interviews**

70. All the shortlisted candidates had met the minimum requirements as provided in Section 20 of the Act and as per the advert placed by the Board on 17<sup>th</sup> December 2019. The Board conducted the interviews of the seven shortlisted candidates on 6<sup>th</sup> February, 2020 and submitted its recommendations to the Cabinet Secretary on 7<sup>th</sup> February, 2020.

#### **Job Experience**

71. The Board found all the shortlisted Candidates to have had the relevant work experience as per the NG-CDF Act.

#### **External Interference**

72. The Board stated that they were under no direction of any person or Authority in arriving at the decision they made and that the interviews were conducted in accordance to the relevant provisions of the NGCDF Act.

#### **Institutional clearance.**

73. By the time of interviewing the shortlisted candidates, EACC and DCI had not responded to the Boards' request for clearance certificates. Only Kenya Revenue Authority had submitted a clearance letter by the close of the stipulated period indicating that the candidates were tax compliant. The Board, therefore, submitted names of the three successful candidates to the Cabinet Secretary for appointment without the clearance documents from EACC, ORPP and DCI. However, the clearance was later submitted and there was no adverse report on any of

the names submitted to the CS.

### **Misappropriations of funds at Maasai Mara University**

74. The Board clarified that, during their shortlisting and interview they were not aware of any suspension, interdiction or court cases ongoing for any of the Candidates. Further, the board was not privy to the information that the nominee Prof. Abdille was a state witness.

### **Gender balance**

75. Out of the 29 candidates who applied for the position of CEO of NG-CDF Board, only three were ladies. Two ladies were shortlisted for interviews but did not perform well scoring an aggregate of 37.6 and 44.1 percentage.

### **Board's recommendation to the Cabinet Secretary**

76. Pursuant to Section 20 of the NGCDF Act and after interviewing the seven shortlisted candidates, the Board submitted to the Cabinet Secretary names of the best three candidates with their aggregate scores as follows:

- (1) Mr. Yusuf Mbuno with a score of 93%
- (2) Prof. Mohamed Abdille with a score of 73.3%
- (3) Mr. Jackton Omullo Akelo with a score of 66.35%


#### 4.0 COMMITTEE OBSERVATIONS

77. The Committee made the following observations having considered the nominees' curriculum vitae, filled questionnaire pursuant to the Schedule to the Public Appointments (Parliamentary Approval) Act No. 33 of 2011 and the oral submissions during the approval hearings:

- (1) The nominee is a Kenyan citizen born in 1976 in Wajir County;
- (2) The nominee—
  - a) appeared for the interview by the NGCDF Board on 6<sup>th</sup> February, 2020 while on suspension and did not disclose his status to the interviewing panel;
  - b) has an active employment case in court between himself and the Maasai Mara University Council.
- (3) He has 11 years' experience, holding various management positions including senior advisor to the Cabinet Secretary, Ministry of Education, CEO Medical Research Council, Africa, Director, International Chinese Institute, Egerton University, Chairman of Department, Egerton University;
- (4) He holds PhD (Molecular Parasitology) from China Agricultural University, Beijing, MSC degree in Biotechnology, Master of Business Administration degree from Staffordshire University, Bachelor of Science (Microbiology and clinical biochemistry) degree from University of Mysore in India which are not related degrees for the purposes of section 20 (2)(a) of NGCDF Act 2015;
- (5) The EACC, KRA, DCI, ORPP, and HELB had sent clearance letters with respect to the nominee;
- (6) The nominee has not been charged in a court of law in the last three years;
- (7) The nominee is a state witness in the matter of Maasai Mara University investigation being undertaken by the Director of Criminal Investigations;
- (8) As stipulated in Article 75(1) of the Constitution, he has not shown the possibility of potential conflict of interest.
- (9) He satisfies the requirements of Article 77(1) of the Constitution in that, he does not intend to participate in any other gainful employment if appointed as the Chief Executive Officer of the National Government Constituencies Development Board;
- (10) The nominee does not hold office in any political party and therefore meets the requirements of Article 77(2) of the Constitution;
- (11) The nominee has been dismissed by the University Council of Maasai Mara University as Deputy Vice Chancellor in accordance to Section 44 of the Employment Act;
- (12) The nominee exhibited knowledge in the world academia.

**5.0 COMMITTEE RECOMMENDATION**

78. The Committee having considered the suitability, capacity and integrity of the nominee following the vetting process, and taking into account its observations, and pursuant to Section 8(2) of the Public Appointments (Parliamentary Approval) Act, 2011, the National Government Constituency Development Act 2015, the Committee hereby recommends that the National Assembly **REJECTS** the nomination of Prof. Mohamed Hussein Abdille for appointment to the position of the Chief Executive Officer of the National Government Constituencies Development Fund Board.

Signature.......... Date...17/03/2020.....

**The Hon. Richard Maore Maoka, CBS, M.P.**

**Chairperson - Select Committee on National Government Constituencies Development Fund**

F.15