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ELEVENTH PARLIAMENT- FIRST SESSION

REPORT

OF THE

DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL

RESOURCES

ON

THE VETTING OF PRINCIPAL SECRETARY NOMINEES

❖ MR. JAMES TEKLOPOYETUM, HSC

PRINCIPAL SECRETARY: DEPARTMENT OF WATER

❖ MR. RICHARD LERESIAN LESIYAMPE, MBS

PRINCIPAL SECRETARY: ENVIRONMENT AND NATURAL RESOURCES

❖ AMB. DR. RICHARD TITUS EKAI, PHD MBS

PRINCIPAL SECRETARY: MINISTRY OF MINING

CLERK'S CHAMBERS
NATIONAL ASSEMBLY
NAIROBI

24TH JUNE 2013

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PREFACE

Mr. Speaker Sir,

The Departmental Committee on Environment and Natural Resources is constituted pursuant to provisions of the **Standing Order 216 (1) and (5)** of the National Assembly which stipulates that;

(1) There shall be select committees to be known as Departmental Committees the members of which shall be nominated by the Committee on Selection in consultation with the Parliamentary Parties at the commencement of every Parliament.

Further, in the **Standing Order. 216 (5)** the functions of the Departmental Committee shall be to-

- a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations, and estimates of the assigned ministries and departments;*
- b) Study the Programme and policy objectives of Ministries and Departments and effectiveness of the implementation;*
- c) Study and review all legislation referred to it;*

- d) *Study, assess and analyze the relative success of the Ministries and Departments as measured by the results obtained as compared with their stated objectives;*
- e) *Investigate and inquire into all matters relating to the assigned Ministries and Departments as they may deem necessary, and as they may be referred to them by the House;*
- f) *Vet and report on all appointments where the Constitution or any Law requires the National Assembly to approve, except those under Standing Order 204(Committee on Appointments); and*
- g) *Make reports and recommendations to the House as often as possible, including recommendations on proposed legislation.*

Mr. Speaker Sir,

The following are Members of the Committee:-

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| 1. <i>Hon. Amina Abdalla, M.P. Chairperson</i> | 15. <i>Hon. A. K. Kosgey, M.P.</i> |
| 2. <i>Hon. Alice Ng'ang'a, M.P.</i> | 16. <i>Hon. Samuel Ndiritu, M.P.</i> |
| 3. <i>Hon. Aisha Jumwa Karisa, M.P.</i> | 17. <i>Hon. Ejidius Njogu Barua, M.P.</i> |
| 4. <i>Hon. Jude Njomo, M.P.</i> | 18. <i>Hon. Moitalel Ole Kenta, M.P.</i> |
| 5. <i>Hon. Kathuri Murungi, M.P.</i> | 19. <i>Hon. Sunjeev Birdi, M.P.</i> |
| 6. <i>Hon. Jackson K. Rop, M.P.</i> | 20. <i>Hon. Abdi Noor Ali, M.P.</i> |

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| 7. Hon. Joyce Emanikor, M.P.
M.P. | 21. Hon. Abdulaziz Farah, |
| 8. Hon. Ronald Tonui, M.P.
Wanyonyi, M.P. | 22. Hon. (Dr.) Reginalda |
| 9. Hon. Gideon Mwiti, M.P.
M.P. | 23. Hon. Hassan Dukicha, |
| 10. Hon. Zainab Chidzuga, M.P.
Ottichilo, M.P. | 24. Hon. (Dr.) Wilber Khasilwa |
| 11. Hon. George Oner ogalo, M.P.
M.P. | 25. Hon. Chachu Ganya, |
| 12. Hon. Charles Geni Mongare, M.P.
Mwashetani, M.P. | 26. Hon. Khatib Abdallah |
| 13. Hon. (Major) Muluvi Mutua, M.P.
Abdullahi, M.P. | 27. Hon. Mohamed, Diriye |
| 14. Hon. Opiyo Wandayi, M.P.
MP. | 28. Hon, Peter Kinyua, |
| | 29. Hon. Shukra Hussein Gure, M.P |

Mr. Speaker Sir

Article 155 (1) of our Constitution stipulates that;

“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

Mr. Speaker, Sir,

After receiving the names of the three (3) nominees to the positions of Principal Secretaries in the Ministries of Environment, Water and Natural Resources and Mining on Tuesday June 11, 2013, the Committee commenced its sittings on Thursday June 20, 2013.

In conducting the vetting exercise, the Committee made reference to the Constitution, the Public Appointments (Parliamentary Approval) Act No. 33 of 2011, the Job Description provided by the Public Service Commission and the provisions of Article 216 (5) (f) of Kenya National Assembly Standing Orders.

The Committee complied with the Constitutional and legal requirements and established procedures for vetting. It ensured that public participation and openness in carrying out the proceedings was adhered to. Members of

public were invited to submit memoranda through notifications in the mainstream print media, as required by the law.

Mr. Speaker, Sir,

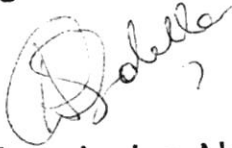
During the Vetting exercise the Committee made several findings which informed the Committee in making its final recommendation. The Committee based its recommendations on oral and documentary presentation and discussions with the nominees during the vetting exercise. The Committee unanimously agreed on the recommendation and adopted this Report on Monday June 24, 2013.

Mr. Speaker Sir,

On behalf of the Committee, and pursuant to Article 155(1)(b) of the Constitution, Section 8(1) of the Schedule to the Public Appointments(Parliametary Approval) Act No. 33 of 2011, and Standing Order no. 199(6), it is my pleasant duty to table the *Report of the Departmental Committee on Environment and Natural Resources, on the nomination of Mr. James Teko Lopoyetum as Principal Secretary of Water, Mr. Richard Leresian Lesiyampe*

as Principal Secretary of Environment and Natural Resources and Amb. Dr. Richard Titus Ekai as Principal Secretary for Mining, for debate and adoption by the House.

Signed:



Hon. Amina Abdallah, MP

Chairman, Departmental Committee on Environment and Natural Resources

Date: ...24th June 2013.....

1.0 BACKGROUND

1.1 NOMINATION AND APPOINTMENT PROCESS

Mr. Speaker Sir,

The criteria used in nomination and appointment of Principal Secretaries are set out in Article 155 of the Constitution and the Public Appointments (Parliamentary Approval) Act, No.33 of 2011. The Public Service Commission, the National Assembly, the Public and the Presidency are the key organs involved in the nomination and approval of Principal Secretaries.

Section 7 of the Public Appointments (Parliamentary Approval) Act, No.33 of 2011 requires that the vetting Committee and indeed the House shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background.

On Tuesday, 10th June 2013, the Honourable Speaker in a communication referred the names of the nominees to the relevant departmental Committees for vetting and reporting to the House within 14 days. The following three (3) nominees were referred to the Departmental Committee on Environment and Natural Resources

1. Mr. James Teko Lopoyetum –Water
2. Mr. Richard Leresian Lesiyampe – Environment and Natural Resources
3. Amb. Dr. Richard Titus Ekai – Mining

On Wednesday, 11th June 2013, an advertisement was placed in the print media inviting the public to submit memoranda by way of affidavit on the suitability or otherwise of the twenty six (26) nominees in conformity with Section 6(9) of the Public Appointments (Parliamentary Approval) Act 2011. The submissions were to be received latest 18th June 2013.

On 13th June, 2013, an advertisement was placed in the dailies inviting the nominees for vetting and informing the general public of the place and time of vetting.

On 12th June, 2013, the Committee requested the Ethics and Anti-Corruption Commission, Kenya Revenue Authority (KRA) and the Higher Education Loans Board (HELB) to provide reports about the nominees on:

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- Matters touching on their integrity;
- Tax compliance;
- Loan repayments.

In its response dated 13th June 2013, HELB confirmed that all the nominees who benefited from the loans scheme had cleared their repayments. Kenya Revenue Authority confirmed that the three nominees were tax compliant through its letter dated 19th June, 2013 while the Ethics and Anti-Corruption Commission informed the Committee that there were no integrity related issues/cases on the nominees through its letter dated 19th June, 2013.

2.0 VETTING OF THE NOMINEES BY THE COMMITTEE

Mr. Speaker Sir,

The Departmental Committee on Environment and Natural Resources vetted all the three nominees on Thursday 20th June, 2013. It was guided by the constitution, Standing Orders and the criteria set out in the Appointments (Parliamentary Approval) Act No. 33 of 2011. The nominees were examined against the following criteria, among others:

- i. Academic qualifications
- ii. Employment record
- iii. Professional affiliations
- iv. Potential conflict of interest
- v. Knowledge of the relevant subject
- vi. Overall suitability for the position
- vii. Tax compliance
- viii. Integrity

The Committee also noted that the Job description of a Principal Secretary was that of the administrative and Accounting Officer of the department.

The Committee therefore focused on the Candidates' suitability as an administrator specifically in financial management, human resource management and procurement. The Candidates comprehension of the technical challenges facing the Ministry was also considered.

2.0 PROFILE OF NOMINEES

2.1 MR. JAMES TEKLO LOPOYETUM NOMINEE FOR PRINCIPAL SECRETARY FOR WATER

Mr. James Lopoyetum was born in West Pokot County in 1957. He attended both, St. Joseph Kitale and Kakamega high schools, before proceeding to India for his university education.

He holds a Masters of Arts degree (Economics), Postgraduate Diploma in Public Administration and a Bachelors of Arts (Economics), all from Jabalpur University, India.

Mr. Lopoyetum joined the Central Bank of Kenya as a Graduate Trainee in 1984 and rose through the ranks to attain his current position as the Director of Currency operations and Branch Administration at the Central Bank of Kenya. He also served as a Budget and Transport officer at the Kerio Valley Development Authority between 1983 and 1984.

The Nominee has attended many courses within the country, in the region and abroad on Fiscal and Monetary operations, Currency management, Leadership, Corporate governance, Handling Meetings and Negotiations, Performance management and Counseling, among others.

He is the National Chairman of the Peace Caravan, which has set up peace caravans at hotspots in Baringo, Laikipia, Tana River, Turkwel and West Pokot to address inter-community conflicts, for which he was awarded a Head of State Commendation (HSC); and in education, water and other related projects.

2.2 MR. RICHARD LERESIAN LESIYAMPE NOMINEE FOR PRINCIPAL SECRETARY FOR ENVIRONMENT AND NATURAL RESOURCES

Mr. Richard Leresian Lesiyampe was born on 7th August 1963 in Samburu County. He attended Kanunka Primary school, Kirisia Secondary school and Kabarnet High school before joining the University of Nairobi in 1985. He holds a Master of Business Administration (MBA) in Strategic Management and a Bachelor of Arts (Political Science) from the University of Nairobi. He is a PhD finalist of Kenya Methodist University.

Mr. Lesiyampe has acquired higher professional qualification by attending many training courses including certificates in; Change management, Risk management, Strategic Planning, Business re-engineering, public administration, Human resource management and labour legislation among others.

The Nominee is currently the Chief Executive Officer of Kenyatta National Hospital since June 2011. He worked as the Deputy Director of Finance and Administration in the Kenya Wildlife Service, Manpower Planning Manager at Cooperative Bank and a Personnel Officer at Kenya Airways. He also served as a District Officer in Kabarnet, Baringo County between 1989 and 1990.

Mr. Lesiyampe has been awarded a Moran of the Burning Spear (MBS) Commendation. Earlier during his tenure at Kenya Wildlife Service (KWS) he was also awarded a Head of State Commendation (HSC) for being the Team leader in ushering the new Strategic Plan for KWS among other commendable achievements in the Service.

He is the chair of Samburu Professionals Association (SAPA), which is engaged in economic and social transformation of the Samburu region, and also the Team Leader of Laikipia Peace Caravan comprising of Samburu, Pokot and Turkana professionals that has successfully brought peace in Laikipia and parts of Samburu district since 2009.

2.3 AMB. DR. RICHARD TITUS EKAI: NOMINEE FOR PRINCIPAL SECRETARY FOR MINING.

Amb. Dr. Richard Ekai was born on 12th June 1967 in Turkana County and is married with three Children. He started his schooling in Lorugum Primary, Lodwar secondary and St Patricks Iten schools before joining Moi University in 1988.

He Holds a PhD in Physics (Solar Energy) from the University of Hannover Germany, MBA (Strategic Management and Finance) Mphil (Physics- Solar Energy) and Bachelors of Science from Moi University.

He is the Kenya's Ambassador to the Kingdom of Thailand, Kingdom of Cambodia and Socialist Republic of Vietnam.

Prior to his ambassadorial appointment Dr. Ekai worked as a Lecturer at Moi University and as an Energy Researcher in Germany.

He is currently the Dean of the Diplomatic Corps in Thailand. He was conferred the award and honour of the Moran of the Order Burning Spear (MBS) in 2011.

He was offered a Research Fellowship at the Institute for Solar Energy, in Hannover, Germany between 1996 to 2000.

He has written a book on Structured Silicon Solar Cells, and is a Member of Kenya Association for Public Administration and Management (KAPAM)

3.0 COMMITTEE OBSERVATIONS

3.1 MR. JAMES TEKO LOPOYETUM: NOMINEE FOR PRINCIPAL SECRETARY FOR WATER

The Committee verified that the Nominee applied and was interviewed for the position of Principal Secretary. The Committee did not receive any written memoranda challenging his suitability.

He has neither been dismissed from office for contravention of Article 75 of the Constitution, for any conflict between potential interest and public or official duties, nor has he been adversely associated with practices that depict bias, favoritism or nepotism in the discharge of public duties.

He has no family member or other persons, parties, categories of litigation or financial arrangements that are likely to present potential conflicts of interest if appointed to the position of Principal Secretary for Water.

On his part Mr. Lopoyetum undertook to rectify the image of Water Department by dealing firmly with irregularities in the award of tenders and other corrupt practices.

He has a sound Education background and as a development economist, he possesses the right tools to address community water issues. He promised to prioritize water storage and to ensure equity in the provision

of water across all regions in the country. He also pledged to push for the review of the Building Act to make it mandatory for developers to mainstream water storage and harvesting in their building plans.

He gave his commitment to support devolved units to ensure that all counties are adequately prepared to deliver their water services mandate.

The Committee questioned the candidate on the controversial award of the Currency printing tender to Dela Rue and his involvement in the procurement of the land on which Times Tower sit. On the opaque nature of the Kenya Currency Tender award the Committee found that it was indeed the responsibility of the Ministry of Finance to procure and not the Central Bank of Kenya.

The Committee therefore the Nominee not to be personally responsible.

He also confirmed to the Committee that although he was involved in the management of the Times Tower construction project, he was not involved in the alleged controversial procurement of the land on which the building sits.

Mr. Lopoyetum impressed the Committee as a strict manager with a passion to fight corruption and a believer in devolution.

3.2 MR. RICHARD LERESIAN LESIYAMPE: NOMINEE FOR PRINCIPAL SECRETARY FOR ENVIRONMENT AND NATURAL RESOURCES

The Committee observed that Mr. Lesiyampe is a notable achiever who has managed to steer the staff of Kenyatta National Hospital away from participating in nine (9) countrywide health worker strikes since he was appointed as the Chief Executive in the Referral Hospital.

Under his management the hospital has so far professionally managed 32 disasters, witnessed an increase in revenue to the tune of Kshs. 1 Billion in one year, and managed to improve the image of the facility.

He helped to create sound functional systems in Hospital's finance, human resource and procurement departments.

During his tenure, Kenyatta National Hospital acquired an ISO Certification for management excellence.

He undertook to give priority to the development of policies and regulatory mechanisms especially wildlife management, Wetlands conservation, Management of Invasive and Alien species, promotion of Ecotourism and Community participation.

To ensure sustainable utilization of our natural resources he promised to ensure that frameworks that address the gap between production and consumption are developed.

The Committee found out that the Nominee applied and was interviewed and for the position of Principal Secretary. The Committee did not receive any written memoranda challenging his suitability.

He has neither been dismissed from office for contravention of Article 75 of the Constitution, for any conflict between potential interest and public or official duties, nor has he been adversely associated with practices that depict bias, favoritism or nepotism in the discharge of public duties.

He has no family member or other persons, parties, categories of litigation or financial arrangements that are likely to present potential conflicts of interest if appointed to be the Principal Secretary for Environment and Natural Resources.

On his part Mr. Lesiyampe told the Committee that he will tackle the vice of corruption being a role model to be emulated by the rest of staff, partners and suppliers in the Ministry.

To stem the vice of illegal logging the nominee pledged to address the low remuneration and lack of housing among the forest rangers.

He will also address pay disparities among staff in all cadres and set benchmarks for staff motivation and discipline.

While noting that about 65% of wildlife resides in dispersal areas and only about 35% are in protected areas, he told the Committee that he will prioritize awareness programs to endear communities to the protection of wildlife as our national heritage.

He promised to enhance the capacity of National Environment Management Authority (NEMA) to deliver its mandate.

The nominee told the Committee that his goal is set on achieving the constitutional threshold of 10% forest cover by enhancing tree planting in schools and also to encourage communities to moot tree planting days to be observed by planting trees.

On forest fires he promised to put in place early warning systems and an efficient disaster response system.

The nominee demonstrated excellent grasp of issues and dynamics in the Ministry. He emerged as a performer and a change manager with a good professional track record.



3.3 AMB. DR. RICHARD TITUS EKAI: NOMINEE FOR PRINCIPAL SECRETARY FOR MINING.

As Kenya's first ambassador to the Mission Dr. Ekai established from scratch the Embassy of the Republic of Kenya in Bangkok and put in place systems that makes the Embassy one of the best run among Kenya's diplomatic missions.

He opened up the Indo-China region for business and employment opportunities for Kenyans and successfully marketed Kenya as choice tourist destination, leading to a 300% rise bilateral trade and a six fold increase in number of tourists from the region visiting Kenya.

As the first ever African Dean of Diplomatic Corps in Thailand, Dr. Ekai has enhanced global respect for Kenya and was instrumental in the award of over twenty masters degree scholarship opportunities for Kenyans.

Dr. Ekai impressed the Committee with his knowledge of the mining sector. Having served as Kenya's ambassador in Bangkok, commonly referred as 'World Gemstones Capital', Dr. Ekai pledged to apply this experience to boost the sector. He pledged to prioritize to establish a mineral laboratory in Kenya. He promised to use his links with Bangkok to bring in experts

from Thailand to train Kenyans in gemstones mining, beneficiation (treatment and value addition) and marketing.

He was convinced that Kenya was a mineral rich country and that aerial geophysical survey should be undertaken as the first step to unearth and map the country's mineral deposits.

He acknowledged that the Mineral Act is an obsolete colonial relic which has been an impediment to the growth of the sector and will be soon replaced by a modern statute to regulate investments and spur growth in the sector.

As the Ministry's accounting officer, Dr. Ekai promised to ensure strict adherence to the provisions of the Public Procurement and Employment Acts.

He has neither been dismissed from office for contravention of Article 75 of the Constitution, for any conflict between potential interest and public or official duties, nor has he been adversely associated with practices that depict bias, favoritism or nepotism in the discharge of public duties.

He has no family member or other persons, parties, categories of litigation or financial arrangements that are likely to present potential conflicts of interest if appointed to the post of Principal Secretary for Mining.

During the exercise, the Committee confirmed that the Nominee applied and was interviewed for the position of Principal Secretary. He was recommended for appointment through a Public Service Commission's letter to H.E the President dated 31 May 2013. The Committee received no written memoranda challenging his suitability.

The Committee found Dr. Ekai as manager and scholar with impeccable academic and professional credentials. He demonstrated a good grasp of the challenges and clearly spelled the way forward for the new Ministry of Mining.

4.0 RECOMMENDATIONS

Mr. Speaker Sir,

Pursuant to the provisions of Article 155 (3) (b) of the Constitution, and the Standing Order 216, the Committee recommends that the House approves the following three nominees for appointment by H.E the President as Principal Secretaries in their respective Ministries:-

Mr. James Teko Lopoyetum Department of Water in the Ministry of
Environment, Water and Natural Resources