

INTERIM COMMISSION

Lawyer picked to head new electoral team

But Fida says Miller lacks expertise for the job and asks MPs not to approve him

By OLIVER MATHENGE

The Parliamentary Select Committee on the Constitution has picked lawyer Cecil Miller as chairman of the Interim Independent Electoral Commission.

Miller was among seven other candidates shortlisted for the job by a human resource firm, Manpower Limited.

The rest included former Speaker Francis ole Kaparo, former Kenya National Commission on Human Rights boss Maina Kial, former Constitution of Kenya Review commissioner Alice Yano, and former executive director of the Institute of Education and Democracy Koki Muli. Others were lawyers Wachira Maina, Murshid Abdalla Mohammed and Fackson Kagwe.

Making the announcement, PSC chairman Abdikadir Mohammed said that Mr Miller was selected because of his vast knowledge of electoral reforms.

"He holds a Masters law degree from Kings College in London and he was lead counsel in the Krieger Commission of Inquiry which investigated the 2007 elections," Mr Mohammed said after a PSC meeting at County Hall.

It is the Inquiry's report that led to formation of the Interim Independent Electoral Commission that Mr Miller will now head after approval by Parliament and appointment by the President.

"We will hopefully table our report in Parliament tomorrow (on Wednesday) morning," said Mr Mohammed.

Other than serving as an advocate of the High Court, the son of former Kenyan chief justice Cecil Miller also appeared before the Goldenberg Inquiry for four financial institutions.

Mr Kaparo and Dr Muli were also in the short list yesterday. Forty three people had applied to head the new team and over 2,000 had applied to be members.

Major challenge

The IIEC members picked by the PSC are: Suleiman Buko (from Coast Province), Piya L Galgalo (Eastern), Hamara Ibrahim Adan (North Eastern), Kenneth Nyaundi (Nyanza), Yusuf Nzibo (Nairobi), Winfred Nguchu (Central), Davis Chirchir (Rift Valley) and Charles Masinde (Western).

Speaking to the *Nation* later in his office, Mr Miller, 39, said that he perceived his new appointment as one of the major challenges in his life.

Choice was based on candidate's knowledge of electoral reforms, says House committee



The nine-team IIEC's first task will be to establish a secretariat, register voters afresh and create a new voters' register.

However, the Federation of Women Lawyers (Fida), on behalf 10 women's organisations asked MPs not to approve Mr Miller as the new IIEC chief. They said Dr Muli was better qualified.

Fida executive director Patricia Nyaundi said the organisations did not believe Mr Miller had the credentials required for the job. "The IIEC's main purpose is to reform electoral system in Kenya and our expectation was that the chairperson would be a person with demonstrated expertise in the area of electoral process," she added.

The newly picked chairman of the Interim Independent Election Commission, Mr Cecil Guyana Miller, talks to the press yesterday. Photo/CHRIS OJOW

Readers fault nomination of new polls boss

By NATION Reporter

Nation online readers have faulted the nomination of Nairobi lawyer Cecil Miller to chair the new interim electoral commission.

They say the Parliamentary Select Committee's choice has fallen short of Kenyans' expectations.

Narano says: "This will be another cropper. Who is Miller? This is the most short-sighted appointment ever."

"The only thing I know about Cecil Miller is that his father was chief justice. That does not qualify him to chair the commission. I hope the appointing committee can give us more insight into the basis of their decision," says Ngocho.

Disappointed

Another reader, cls, is disappointed that the PSC overlooked a woman for the post.

"Another shame. I expected these guys to choose a woman. Why do we always encourage our women to come forward knowing very well we are not ready for them? Our country will start moving steps ahead the day we will appreciate and trust our women with leadership positions."

Pukks says: It is a shame. Miller does not have the courage to withstand the pressure of the executive."

But Jangerboy feels Mr Miller is a good choice.

"I like the fact that this is a younger guy coming in with, hopefully, fresh blood. How about making Kaparo his deputy? And he should know that we expect him to do what a new broom does best!" he says.

DNonline

To join the discussion, follow the link below:
www.nation.co.ke/Miller

Miller is not new to public legal affairs

By OLIVER MATHENGE

The proposed electoral boss, Mr Cecil Guyana Miller, is not new to public legal affairs. He served as an advocate of the High Court for 13 years.

Other than serving in the corridors of justice, the son of a former Kenyan Chief Justice also appeared before the Goldenberg Inquiry for four financial institutions. The institutions - Trust Bank, Pan African Bank, Post Bank Credit and Trade Bank - operating under the state-run Deposit Protection Fund Board collapsed as a result of the scandal.

Goldenberg

During the Goldenberg inquiry, it was Mr Miller who dragged former Cabinet minister Nicholas Biwott into the saga. The lawyer produced documents linking the former minister to Kamlesh Patti's Goldenberg International.

Last year, the 39-year-old lawyer served as lead counsel in the Krieger Commission. It is the inquiry's report that led to formation of the Interim Independent Electoral Commission

that he will now head after approval by Parliament.

The other two contenders short-listed yesterday morning were former long-serving Speaker Francis ole Kaparo and former executive director of Institute of Education and Democracy, Dr Koki Muli.

While announcing the new appointment, PSC chairman Abdikadir Mohammed said Mr Miller was selected because of his vast knowledge in electoral reforms.

"He has a Masters in law degree and he was lead counsel in the Krieger Commission, which investigated the 2007 elections... he impressed us most during the interviews," Mr Mohammed said after a PSC meeting at County Hall.

And speaking to the *Nation* later in his office, Mr Miller said his new appointment was a big step in his life. He said there was nothing easy in the practice as "clients usually have very high expectations."

"One of the major challenges that I am sure we are going to face is legal reforms. There is need to amend the country's laws that relate to the electoral

process," Mr Miller noted. He also holds a Bachelor of Law (LLB) from the University of Warwick in UK and post-graduate Diploma in Law from the Kenya School of Law.

By law, the chairman of the independent electoral body is qualified to be a judge of the High Court.

In practice, Mr Miller handles family, commercial and criminal cases and has also prosecuted various criminal cases on behalf of the government.

Mr Miller and his team will shoulder the responsibility of reforming Kenya's electoral process and the management of elections to institutionalise free and fair polls.

They are also mandated to establish an efficient and effective secretariat and conduct fresh registration of voters as well as create a new voters' register.

The new commission's first assignment after its formation will be to handle the by-elections in Bomachoge, where Mr Joel Onyancha Omagwa was disqualified as MP following a petition last year, and several civic seats, which have fallen vacant for various reasons.

Also, the commission will be expected to appear in court as second respondents to 20 parliamentary election petitions suspended for lack of an electoral body.

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The age of the proposed electoral commission boss

emphasis on International Environmental Law, International Economic Law, United Nations Law and legal aspects of International Finance from Kings College, University of London.

He also holds a Bachelor of Law (LLB) from the University of Warwick in UK and post-graduate Diploma in Law from the Kenya School of Law.

By law, the chairman of the independent electoral body is

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