

CAPABILITY STATEMENT

NAME: LUCY MUTHONI KAMBUNI SC

DATE OF BIRTH: 17TH JANUARY 1961

NATIONALITY: KENYAN

MARITAL STATUS: Married with adult children aged 31, 33 and 35

LANGUAGES: English, Kiswahili and French

MEMBERSHIP OF PROFESSIONAL SOCIETIES: Law Society of Kenya, East Africa Law Society, National Bar Association (U.S.A)

KEY QUALIFICATIONS AND ACHIEVEMENTS

- Legal Practitioner for over Thirty-five (35) years and has practised variously in law including in Corporate, Commercial, Constitutional, Elections and Criminal law

Has acted as Counsel for various Clients including Insurance Regulatory Authority, Independent Electoral and Boundaries Commission, Commission for Implementation of the Constitution, Transition Authority, The National Assembly, Kenya Power & Lighting Company Limited, Commission for University Education, UAP Insurance Company Ltd, Retirement Benefits Authority, Co-operative Bank of Kenya Limited and the Attorney General

In 2013 and 2017, acted as Counsel for the Independent Electoral and Boundaries Commission in election petitions filed in the Supreme Court of Kenya, that challenged the outcome of Presidential Elections

- **December 12, 2019:** Awarded State Commendation; The Second Class; Elder of the Order of the Burning Spear (E.B.S) in recognition of exemplary service to the Republic of Kenya
- **June 4, 2019:** Appointed by His Excellency, the President of the Republic of Kenya as Member of the Tribunal investigating the Conduct of **Honourable Justices Martin Mati Muya, Judge of the High Court of Kenya, Lucy Njoki Waithaka, Judge of the Environment and**

Land Court of Kenya, and Njagi Marete, Judge of the Employment and Labour Relations Court and is serving as Vice- Chairperson

- **May 2019:** Appointed by the Cabinet Secretary, The National Treasury and Planning as the Chairperson of the Capital Markets Tribunal
- **March 30, 2019:** Inducted to the Law Society of Kenya's Roll of Honour
- **March 29, 2019:** Appointed by His Excellency, the President of the Republic of Kenya as **Member of the Tribunal investigating the Conduct of Hon. Mr Justice Prof. Jackton B. Ojwang, Judge of the Supreme Court of Kenya**, and served as Vice-Chairperson.
- **December 2018:** Elected as Member of the Advisory Committee on Nominations of Judges of the International Criminal Court for a term of three (3) years during the Seventeenth Session of the Assembly of States Parties
- **October 2016-:** Commissioner to the Commission for University Education
- **March 2015:** Appointed by His Excellency, the President of the Republic of Kenya as the Lead Assisting Counsel to the Commission of Inquiry into the Petition to Suspend the Makueni County Government
- **October 2014:** Trustee Certificated under the Trustee Development Program, Kenya
- **August 2014:** Appointed by the Honorable the Chief Justice of the Republic of Kenya as Member to the Employment and Labour Relations Rules Committee and currently serves as Vice Chairperson to the Committee
- **11th December 2012:** Conferred the rank of **Senior Counsel (SC)** by His Excellency, the President of the Republic of Kenya pursuant to Section 17 (1) of the Advocates Act Chapter 16 of the Laws of Kenya, in recognition of exemplary service to the legal and public service
- **November 2012-November 2013:** Nairobi, Consultant for UN Women for *'Gender Analysis of the Devolution Process to Inform Medium Term Plan II'*
- **2012** - Chairperson of the Board of Trustees, Alexander Forbes Retirement Fund, Nairobi
- **July 2012:** Appointed by His Excellency, the President of the Republic of Kenya as Lead Assisting Counsel, Commission Investigating the Crash of Helicopter 5Y-CDT in the Kibiku Forest, Ngong on 10th June 2012

- **May 2012 – December 2012:** Resource Person for the Kenya National Integrated Civic Education Program Media Campaign, a sustainable program of civic education on the Constitution of Kenya, 2010 through television and radio, Nairobi
- **May 11, 2012:** Attended the State Law Office's Heads of Department Retreat on Institutional Review as a consultant and made a presentation titled '*Overview of the State Law Office in the National and County Governments Under the Constitution of Kenya 2010*', Naivasha
- **April 20, 2012:** Made a presentation titled '*Devolution of Services*' at the Legal Compliance Audit & Oversight of Public Institutions' hosted by the Kenya School of Law, Mombasa
- **April 13, 2012:** Attended a Workshop on Leadership and Integrity for the Ethics and Anti-Corruption Commission as a consultant and delivered a presentation titled '*Devolution, County Governments and their Implication to the War Against Corruption*', Naivasha
- **January – March 2012:** Member of the Working Committee (appointed by the Hon. Attorney General) to Advise the Government on the Case Before the International Criminal Court involving Kenya Citizens. The Report was submitted to the Attorney General
- **January – February 2012:** Resource Person to the Public Sector Forum for Senior Public Officers Training of Trainers under the auspice of the '*Kenya National Integrated Civic Education Program*' and made presentations on '*Concept and Principles of Devolution*' and '*Governance of the Counties and Inter-Governmental Relations*', Nairobi
- **January 2012:** Carried out a peer comprehensive review of the '*Synopsis of the Constitution*' civic materials for the Kenya National Integrated Civic Education Program as a consultant for the Ministry of Justice, National Cohesion and Constitutional Affairs, Nairobi
- **16th December 2011:** Attended the Induction Workshop for the Independent Electoral and Boundaries Commission as a consultant and delivered a presentation titled '*Electoral Management Framework in Kenya*', Naivasha, Kenya
- **19th November 2011:** Attended a Workshop for the Independent Electoral and Boundaries Commission as a consultant and delivered a presentation titled '*The Independent Electoral and Boundaries Commission Act*', Naivasha, Kenya
- **2nd - 5th November 2011:** Attended the induction workshop for the Judges and Magistrates Vetting Board as a consultant and made two presentations: '*The Judges and Magistrates Vetting Board and Stakeholders*' and '*The Mandate of the Judges and Magistrates Vetting Board*', Naivasha, Kenya

- **25th October 2011:** Participated as a consultant at the Annual Planning Retreat of the GoK – UN Joint Programme on Gender Equality and Women’s Empowerment (JP-Gewe) and made a presentation titled ‘*Gender and the Administrative / fiscal devolution*’, Mombasa, Kenya
- **Jun 25th – 26th 2011:** Attended a Workshop for the Retirement Benefits Authority as a consultant and delivered a presentation titled ‘*Impact of the New Constitution on Structure and Operations*’, Naivasha, Kenya
- **February 2008 to April 2011:** Lecturer, Kenyatta University School of Law (taught Legal Research and Methods amongst other units)
- **January 24th 2011:** Attended the induction workshop of the Commission for Implementation of the Constitution and participated as a discussant in ‘*Fundamental Reforms under the Constitution: Judicial, Electoral, Security, Law and Order Reforms*’, Naivasha, Kenya
- **March 2010-July 2010:** Consultant for ‘*The Provision of Technical Support and Advice on the Constitutional Reform Process Under the Ministry of Justice, National Cohesion and Constitutional Affairs*’ and undertook a study and issued a report on ‘*Devolved Government under the Proposed Constitution of Kenya*’. Various presentations on the subject at the Ministry’s ‘*Public Constitutional Dialogue with Experts on the Proposed Constitution of Kenya*’, a series of public meetings held around the country in the run-up to the Referendum.

Attended Radio Talk-Shows on the Proposed Constitution on behalf of the Ministry, Nairobi

- **March 2010:** As Vice Chairperson to the Task Force on Devolved Government, was a member of the Government Team sponsored by the German and French Governments to France and Germany for a study tour on devolution
- **October 2010- September 2011:** Vice Chairperson, Task Force on Devolved Government (under the Ministry of Local Government) (The Task Force produced a report and drafted six pieces of legislation namely: The Urban Areas and Cities bill, The Intergovernmental Relations bill, the Transition to Devolved Government bill and the County Government bill which have since, with modifications, been passed as law. Further, several elements of the Task Force’s proposed County Government Financial Management law have been incorporated into the Public Finance Management Act which has been enacted as law
- **May 2010:** Convenor, Law Society Committee on Civic Education for the Proposed Constitution of Kenya; Nairobi
- **July 2009,** presented a paper titled ‘*The Kriegler Report: Elements of Electoral Reform*’ at the induction workshop for the Interim Independent Electoral Commission and Interim Independent Boundaries Review Commission, Naivasha, Kenya

- **26-29th October, 2008** facilitated a training workshop (including making various presentations) for chairpersons and Clerks of Committees of the East African Legislative Assembly on managing committees and meetings of the Assembly, Arusha
- **March – September 2008:** Commissioner, Independent Review Commission (IREC) (*Kriegler Commission*), that looked into the General Elections held in Kenya on 27 December 2007, and was established pursuant to the settlement brokered by the Kofi Annan led Panel of Eminent African Personalities
- **December, 2007-January 2012:** Acting Chairman, Tourism Trust Fund
- **2006-2010:** Council Member, Masinde Muliro University of Science and Technology
- **2006:** Member of the Multi-Sectoral Review Steering Committee, a joint initiative by the Government, Political Parties and Non-State Actors, tasked to review the Constitution of Kenya, Nairobi
- **2006:** Member, Law Society Standing Committee on Constitutional Review (the outcome was a Draft Constitution for Kenya by the LSK); Nairobi
- **2005- :** Trustee Alexander Forbes Retirement Fund, Kenya
- **2005- 2009:** Director Kenya Private Sector Alliance
- **2005- 2012:** Trustee Tourism Trust Fund (an initiative by the European Union and Government of Kenya)
- **2004 - October 2007:** Member, Council of Legal Education
- **February 2005:** Member to the Task Force on the Development of Policy and Framework for Legal Education and Training in Kenya (the outcome was the Report which formed the foundation of far reaching reforms and regulation of Legal Education)
- **2005:** successfully handled, on behalf of the Constitution of Kenya Review Commission, *Miscellaneous Civil Application No. 677 of 2005, Patrick Ouma Onyango & 12 Others vs Honourable Attorney- General, the Constitution of Kenya Review Commission and the Electoral Commission of Kenya*. This was a landmark case in the constitutional history of Kenya as the decision of the Court cleared the legal hurdles towards the successful conduct of the Referendum on November 21st 2005
- **June 2004:** led the Law Society of Kenya delegation to London to present before the Council of Commonwealth Lawyers' Association, a bid for Kenya to host the 2007 Commonwealth Lawyers' Conference. The Kenyan Bar won the bid

- **2004-2005:** Vice-Chairman, Law Society of Kenya
- **2003- 2009:** Governing Council Member Mater Hospital
- **2003-2005:** Ad hoc Panel Member of the Disciplinary Committee of the Law Society of Kenya
- **2003:** Chairman, Law Society of Kenya Committee Investigating corruption in the Judiciary (the Report by the Committee was submitted to the then Chief Justice Hon. Evans Gicheru)
- **2002-2003:** Regulatory Committee Member of the NGO Council
- **November 2000:** Attended a Special Member Course for the Chartered Institute of Arbitrators
- **September 1996:** Enrolled as a Notary Public
- **1st of April 1995 to 30th April 1995:** Participated in an Exchange Program organized by the National Bar Association (United States of America) in Washington DC, which included representatives from four other African Countries namely, Uganda, Tanzania, and Ghana. The program included consultations and workshops to equip the participants in conference planning and management and issue formulation, developing strategies for professional bar associations, and networking to provide linkages between African and American Bar Associations.
- **1995:** In Washington D.C. A Founder Member of the East Africa Law Society.
- **August 1990:** Appointed a Commissioner for Oaths.

MANAGEMENT AND ADMINISTRATION EXPERIENCE INCLUDES:

- Strategic planning and new business development
- Maintenance of clients and relations
- Maintaining good working relationships with the Judiciary, Attorney General's Chambers and other key government departments
- Managing the daily engagements of a busy law firm including staff recruitment, performance evaluation, and financial planning and, also, the various engagements with Public and Private Sector.

EDUCATION

2005

Master of Laws (LLM) in Public International Law (International Criminal Law, International Litigation and Conflict Resolution, International Air and Space Law and International Human Rights. Additional

Units studied include Comparative Constitutional Law, International Intellectual Property Law, Law and Economics, International Environmental Law and International Humanitarian Law.

- 16.9.85 Admitted as an Advocate of the High Court of Kenya
- 1985 Diploma Certificate at the Kenya School of Law
- 1984 - 1985 Kaplan & Stratton Advocates, Nairobi
Pupillage program in partial compliance of the award of a diploma by the Kenya School of Law
- 1980 - 1984 University of Nairobi, Faculty of Law Second Class Honors (Upper Division)
- 1978 - 1979 Alliance Girls' High School; Advanced Level Education (three principles and one subsidiary (16 Points)
- 1974 - 1977 Alliance Girls' High School for Secondary Education (O-level) Division 1(13 points)

EMPLOYMENT RECORD

5. 5. 06 - presently Founder and Sole Proprietor, L.M. Kambuni & Associates Advocates, Nairobi
- 2007 to 2012 Lecturer, Kenya School of Law, Nairobi
- 2008 - 2011 Lecturer, Kenyatta University School of Law, Nairobi
1. 8. 91 - 4.5. 06 Partner, Kambuni & Githae Advocates, Nairobi
- 17.9. 85 - 31.7.91 Advocate (in the Litigation Department); Kaplan Stratton Advocates, Nairobi

CERTIFICATES OF RECOGNITION:

2006: Law Society of Kenya

November 2005: East Africa Law Society

Alexander Forbes Financial Services East Africa

PUBLICATIONS AND WRITINGS

- **April 2012:** contributed as a researcher to the publication of the following Reports by Tax Justice Network - Africa and Action Aid:

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- *'Tax Competition in East Africa: A Race to the Bottom?'*
 - *Tax Competition in East Africa: A Race to the Bottom? Tax Incentives and Revenue Losses in Kenya*
 - *Tax Competition in East Africa: A Race to the Bottom? Tax Incentives and Revenue Losses in Uganda*
 - *Tax Competition in East Africa: A Race to the Bottom? Tax Incentives and Revenue Losses in Tanzania*
- **2005:** Successfully defended a Proposal (in partial fulfillment towards a doctoral thesis)
Research project: *'Constitutional Challenges for political coalitions in Kenya, 2002-2007'*
 - **2004:** *'Judicial Reforms at Cross-Roads'* in *'The Law Society of Kenya, Consolidating Kenya's Political Gains'* (A Law Society of Kenya Publication, 2004)

UNPUBLISHED WORKS

- i) The Application of International Criminal Law in Kenya.
- ii) The International Criminal Court and Non-International Armed Conflict with Reference to Darfur.
- iii) The International Court of Justice and Settlement of African Disputes: Trends and Prospects (A Thesis submitted in partial fulfillment of the Master of Laws (LLM) Degree, University of Nairobi, Faculty of Law, 2003-2005)

REFEREES

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