

THE COMMISSION ON ADMINISTRATIVE JUSTICE

“Office of the Ombudsman”



Hata Mnyonge ana Haki

**AN INVESTIGATION REPORT ON ALLEGATIONS OF ABUSE OF POWER,
IRREGULAR PROMOTION AND RECRUITMENT OF STAFF BY THE
MANAGING DIRECTOR, EWASO NGIRO NORTH DEVELOPMENT
AUTHORITY (ENNDA).**

OCTOBER, 2021



Serial No. CAJ/62/2021

Foreword

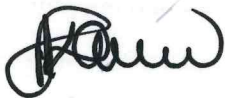
The Commission undertook investigations into an anonymous complaint alleging abuse of power, unprocedural promotion and irregular recruitment of staff by the Managing Director, Ewaso Ng'iro North Development Authority (ENNDA), among other allegations.

The Commission notified the Principal Secretary, State Department of Regional and Northern Corridor Development and the Managing Director, Ewaso Ng'iro North Development Authority of the Commission's decision to undertake the investigation. A team of investigators visited Ewaso Ng'iro North Development Authority offices, conducted interviews and recovered documents relevant to the investigations.

This report was informed by the analysis of the information gathered and examination of documents recovered during the investigation.

Based on the findings, the Commission has made recommendations to the Ewaso Ng'iro North Development Authority. It is expected that full adoption and implementation of the recommendations will improve ENNDA's service delivery.

Signed this ^{27th}..... day of October, 2021



HON. FLORENCE KAJUJU, MBS

CHAIRPERSON, COMMISSION ON ADMINISTRATIVE JUSTICE

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Acronyms

Ag.	Acting
CAJ	Commission on Administrative Justice
CCIO	County Criminal Investigation Officer
DG	Director General
ENNDA	Ewaso Ng'iro North River Basin Development Authority
ENNES	Ewaso Ng'iro North Development Enterprise Scheme
HRMAC	Human Resource Management and Advisory Committee
KATC	Kenya Accounting Technicians Certificate
PA	Personal Assistant
SCAC	State Corporations Advisory Committee

Executive Summary

The Commission received an anonymous complaint on 15th May, 2020 alleging abuse of power, unprocedural promotion, nepotism, creation of a non-existence position, tribalism in the composition of board members and irregular award of tenders at Ewaso Ng'iro North Development Authority.

Pursuant to Section 8 of the CAJ Act, the Commission carried out investigations to ascertain the veracity of the aforementioned allegations. The Commission sought to establish whether the MD violated any laws, policies or regulations through the above allegations. The investigation team visited ENNDA Head Office and conducted interviews. In the process, documents relevant to the investigations were recovered.

Investigations established that the allegation regarding creation of a Personal Assistant to the Office of the Managing Director under the current regime was unfounded. The other allegations of abuse of power, irregular promotions, and irregular recruitment that occurred during the previous MD's regime (Omar M. Sheikh, OGW) were also unfounded. It was noted that the promotions that happened when the current MD (Eng. Ali Ibrahim Hassan) joined the Authority were found to have benefitted all the staff.

In light of these findings, and among other recommendations, the Commission recommends that ENNDA should follow-up with the State Corporations Advisory Committee to have the career progression guide finalized for implementation and enhance proactive disclosure of information to reduce speculation within the organization.

1.0 Introduction

The Commission received an anonymous complaint on 15th May, 2020 making several allegations against the MD of Ewaso Ng'iro North Development Authority including abuse of power, unprocedural promotion and irregular recruitment of staff.

The complaint prompted the Commission to carry out the investigation pursuant to its mandate under **Section 8** of its constitutive Act.

CAJ examined the Complaint on allegations of abuse of power, unprocedural promotion and irregular recruitment with a view to establish the truth.

1.1 Overview of the mandate of ENNDA

Ewaso Ng'iro North Development Authority (ENNDA) is a state corporation under the Ministry of East African Community and Regional Development that was established on 1st December 1989 through the Ewaso Ng'iro North River Basin Development Authority Act CAP 448 of the Laws of Kenya. Following the passing of the new Constitution, CAP 448 was repealed and replaced with Ewaso Ng'iro North Development Authority Act, 2013. It is mandated to plan, co-ordinate and implement development projects and programmes, in the Ewaso Ng'iro North basin and catchment areas.

1.2 Issues under Investigations

The investigations looked into the following allegations:

- i. Abuse of power
- ii. Improper promotion of staff
- iii. Irregular recruitment
- iv. Any other maladministration issues

1.3 Investigation Process

1.3.1 Notification

The ENNDA was informed of the Commission's decision to undertake investigations on the matter vide a letter Ref: **CAJ/IE/6/95/2021** dated 23rd February 2021.

1.3.2 Offices Visited

ENNDA Headquarters.

1.3.3 List of interviewees

- i.** The Managing Director;
- ii.** Ag. Director Corporate Services;
- iii.** Agricultural Engineer;
- iv.** Ag. Manager Infrastructure and Energy Development;
- v.** Ag. Manager Supply Chain Management;
- vi.** Ag. Manager Finance and Accounts;
- vii.** Manager Business Development, Investment and Enterprise Scheme;
- viii.** Transport Officer;
- ix.** Accounts Assistant.

1.3.4 Documents Relied on

- i.** ENNDA HR policy;
- ii.** ENNDA Organizational Structure;
- iii.** Personal files for various persons of interest;
- iv.** Promotion documents for Ms. Fouzia Hared;
- v.** Certified extracts of Board Resolutions on promotions;
- vi.** A copy of list of staff;
- vii.** Witness statements.

1.4 Legal Framework

The following legal documents provided a framework which guided the investigation.

1.4.1 Constitution of Kenya, 2010

Article 47 of the constitution provides *inter-alia* that:

- 1) Every person has the right to administrative action that is expeditious, efficient, lawful, reasonable and procedurally fair.
- 2) If a right or fundamental freedom of a person has been or is likely to be adversely affected by administrative action, the person has the right to be given written reasons for the action.

1.4.2 Commission on Administrative Justice Act, 2011

Section 8 of the CAJ Act provides that CAJ has a mandate, *inter-alia*, to investigate any conduct in state affairs or any act or omission in public administration in any sphere of Government and complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unfair or unresponsive official conduct.

Sections 26-29 of the CAJ Act gives the Commission powers to conduct investigations on its own initiative or on a complaint made by a member of the public, issue summons and require that statements be given under oath, adjudicate on matters relating to administrative justice, obtain relevant information from any person or Governmental authorities and to compel production of such information.

Under Section 31 of the Act, the Commission has power not limited by other provisions to investigate an administrative action despite a provision in any written law to the effect that the action taken is final or cannot be appealed, challenged, reviewed, questioned or called in question. After undertaking its investigations, the Commission is required under Section 42 of its constitutive Act,

to prepare a report to the state organ, public office or organization to which the investigation relates. The report shall include the findings of the investigation, action the Commission considers to be taken, reasons thereof and recommendations the Commission deems appropriate.

1.4.3 Ewaso Ng'iro North Development Authority Act, 2013

8. Functions of the Authority

The functions of the Authority shall be—

(a) to plan for the development of the Area and initiate project activities identified from such planning in the Area through the Government generally;

(b) to develop an up-to-date long-range development plan for the Area;

(c) to initiate such studies, and carry out such surveys, of the Area as may be considered necessary by the Government or the Authority, and to assess alternative demands within the Area on the natural resources thereof, and to initiate, operate or implement such projects as may be necessary to exploit those natural resources including agriculture (both irrigated and rainfed), forestry, wildlife and tourism industries, electric power generation, mining, and fishing, and to recommend economic priorities;

d) to co-ordinate the various studies of schemes within the area such that human, water, animal, land and other resources are utilized to the best advantage and to monitor the design and execution of planned projects within the Area;

(e) to effect a programme of both monitoring and evaluating the performance of projects within the Area so as to improve such performance and establish responsibility thereof, and to improve future planning;

(f) to co-ordinate the present abstraction and use of natural resources, especially water, within the Area and to set up an effective monitoring of abstraction and usage;

(g) to cause and effect the construction of any works deemed necessary for the protection and utilization of the water and soils of the Area;

(h) to ensure that landowners in the Area undertake all the measures specified by the Authority to protect the water and soils of the Area;

(i) to identify, collect, collate and correlate all such data related to the use of the water and other resources and also economic and related activities within the Area as may be necessary for the efficient forward planning of the Area;

(j) to maintain a liaison between the Government, the private sector and other interested agencies in the matter of the development of the Area with a view to limiting the duplication of effort and to ensuring the best use of the available technical resources;

(k) to examine the hydrological and ecological effects of the development programmes and evaluate how they affect the economic activities of the persons dependent on river environment;

(l) to consider all aspects of the development of the Area and its effects on the rivers inflow and outflow.

1.4.4 Fair Administrative Action Act, 2015

a) Section 4(1) provides inter-alia that: "Every person has the right to administrative action which is expeditious, efficient, lawful, reasonable and procedurally fair"

1.4.5 The ENNDA HR Manual

The HR Manual guides on the employee and employer relations at the company including disciplinary process and normal work-related issues. Clause 3.26.1 of the HR manual provides that promotions will be based on qualifications and other requirements for appointment as stipulated in the career progression guidelines.

Clause 14.23. 9 of the HR manual states that the disciplinary hearing shall be conducted expeditiously, efficiently, lawfully, reasonably and in procedurally fair

manner in accordance with Article 47 of the Constitution and the Fair Administrative Action Act No 4 of 2015.



2.0 Analysis and Findings

2.1 Abuse of power

Allegation

It was alleged that the MD reinstated Mr. Garat Kassim as the Transport Manager in spite of his early indictment without the Board's approval; that Mr. Anthony Muhoho was appointed to take over Mr. Garat Kassim's position after the indictment; that Mr. Garat Kassim lacks the necessary credentials for the position he is holding; and that he is a clerical officer with only a Kenya Certificate of the Secondary Education.

Investigations Findings

It was noted that Garat Kassim joined the Authority on 1st September 1993 in the supplies department as a clerical officer at Scale 6. Kassim holds a Certificate of Secondary Education (D plus) dated December 1990 and a Certificate in supplies management from Kenya Railways Training Institute in 1996.

On 1st October 1996, he was deployed as the officer in charge of transport at scale 5 reporting to the administrative officer and was promoted to scale 6 on 31st October 1997. He was later promoted from Clerical Officer Job Group 5 to higher clerical officer, Job Group 6 with effect from 1st April 2002. On 1st March 2004, he was promoted to position of senior clerical officer Job Group 7.

On 8th February 2013, he was promoted to job group 9 as a transport officer in-charge of Authority Vehicles. The vehicles fall under two categories including Machinery that earns revenue for the Authority and other vehicles that are used for the operations of the Authority. Prior to 2015, Garat Kassim was in-charge of the whole transport section.

On 26th August 2015, the board split the transport section into Commercial units and non-commercial unit. Garat was appointed to manage the non-commercial

transport unit (normal transport) while Mr. Anthony Muhoho was tasked to manage the machineries (Commercial unit).

Mr Abdille, the Director Corporate Services, stated that as the in-charge of Administration, he is also the in-charge of Transport Section, which is headed by Mr Garat Kassim a transport officer. He mentioned that previously Garat was in-charge of the normal transport while Anthony was in-charge of the machinery (Commercial Unit).

On 21st December, 2018 the then MD (Omar M. Sheikh, OGW) wrote to Anthony Muhoho instructing him to hand over Ewaso Ng'iro North Development Enterprise Scheme (ENNES), the commercial unit of the Authority to Mr. Garat Kassim; and wait for further redeployment citing decreasing trend on revenue collection from operations of machinery. Since then, Mr Garat Kassim serves as the in-charge of both normal operation vehicles and the machines.

Review of ENNDA list of staff shows that Kassim is a transport officer, not a Transport manager. The Authority organisational structure indicates that managing of Transport and security services is one of the functions that falls under Administration Section which is headed by an Assistant Manager, Administration at Job Grade ENNDA 4. As advised by SCAC, job grades were changed. Previously managing transport and security services was headed by a Chief Officer at Job scale 9. In the current structure, an assistant manager occupies the role at scale 4. Also, the MD position which was earlier at Job Grade 15 is now at Job Scale 1, which is the highest position.

Mr. Garat Kassim's job title is not provided for in the organisational establishment and structure. Also, the Career Progression Guideline does not provide for such a designation. Kassim asserted that he is serving at Job Grade 9 that requires one to have a 2-year Certificate from a recognized institution or its equivalent qualification or KCSE mean grade C- or its equivalent qualifications. It was found out that Kassim holds a Certificate in supplies management from Kenya Railways Training Institute obtained in 1996 and KCSE mean grade D+. Review of Kassim

Garat personal file did not disclose any records relating to disciplinary issues as alleged to be the basis for indictment by the Board.

Therefore, the allegation that Mr. Kassim Garat lacks the necessary credentials for the position he is holding is unfounded since he has a Certificate in Supplies Management and the requirement for the Job Grade 9 is either a 2-year certificate from a recognized institution or a KCSE mean grade of C-.

The allegation that the current MD (Eng. Ali Ibrahim Hassan) reinstated Mr. Garat Kassim as the Transport Manager is not founded since it was found out that Kassim is a transport officer and that it's the then MD (Omar M. Sheikh, OGW) who wrote to Anthony Muhoho through a letter dated 21st December 2018 instructing him to hand over to Garat Kassim and not the current MD.

2.2 Irregular Promotion of Staff

Allegation

It was alleged that promotions within the Corporation had been conducted unprocedurally depending on one's ethnicity and closeness to the top management at the Corporation. A case example was provided of Fouzia Hared who is alleged to have been promoted continuously to five job groups within a period of eight (8) months.

Investigations Findings

It was noted that the current ENNDA Human Resource Guidelines and policies were developed and effected in February 2020. Prior to this, there were no specific policies to guide procedures on human resource matters such as promotions at the Authority. Mr. Abdille the Ag. Director Corporate Services, stated that prior to February 2020, promotions would be done through individual requests to the then MD (Omar M. Sheikh, OGW) who would then consider for recommendations. For the then Job group 11 and below, the MD would promote and appoint staff and then inform the board. However, for the then Job Group 12 to 15 the MD would only make recommendations for approval by the board

or otherwise. It was noted that all the promotions prior to the new structure followed the above-mentioned procedure.

The anonymous complaint indicated that one Fouzia Hared had been continuously promoted to five job groups within a period of eight (8) months.

It was noted that Ms. Fouzia Hared holds a Bachelor of Finance degree from Kenya Methodist University, a certificate in Senior Management Course from Kenya School of Government; and KATC Certificate from the Nkabune Technical Training Institute. Ms. Fouzia got hired at ENNDA on the basis of KATC certificate and was placed on scale 5 as an Accounts Clerk on 1st September 2007. On July 2011 she was promoted from scale 5 to Job Group 7 as Accounts Assistant after completion of CPA part one and two.

Following the then Board of Directors mass upgrading in 2016 and upon presentation of her degree certificate, Hared was upgraded from scale 7 to Scale 10 as Senior Accountant. According to minutes of the ENNDA Board of Management meeting held on 5th of December 2016, the Board unanimously agreed and recommended the progressive promotions of 70 members of staff.

Recovery of a board paper on proposed promotions and job placements for staff dated December 2016 indicates that the seventy (70) staff were promoted based on satisfactory performance in their areas of deployment, having served in their current grades for three (3) years and having acquired higher qualifications.

According to the minutes, the promotions were to be effected on a phased approval and depending on the availability of financial resources. A perusal of some personal files and minutes dated 22nd December 2016 and a Board Paper on proposed promotions and job placements for staff recovered indicates that some staff had been considered for promotions on the following grounds:

- i. Having performed satisfactorily in their areas of deployment;*
- ii. Having served in their current grades for three (3) years;*
- iii. Some having acquired higher qualifications.*

A case example is that of Lucy Wanjiru Wamaru whose promotion letter dated 3rd December 2017 indicates that she was promoted to **Job Group 11** as a Senior Accountant, a resolution that was made during the 86th Board of Directors meeting. Further, another promotion letter indicates that she was promoted from Job Group 11 to Job Group 13 as a Finance Manager following her request and approval by the 88th Board of Directors meeting held on 3rd May 2018. This was a progression to two (2) job groups within a span of six (6) months.

In **March 2019**, following the exit of the then Managing Director, Omar M. Sheikh, OGW, the Board re-organized the then Department of Finance and Accounting into Finance Section headed by Lucy Wamuru and Accounts Section Headed by Fouzia.

It was noted that Hared a Senior Accountant then, was promoted to the position of Chief Accountant and head of the Accounting Services Section from scale 10 to job scale 12 with effect from 1st April 2019. She is currently serving as the Acting Manager Finance and Accounts at Job grade 3 (formerly Job grade 13) following the adoption of a new organizational structure and placement of staff to various positions and new grades as per the new organizational structure.

On 30th September 2020 Lucy was redeployed to be the Manager Business Development, Investments and Enterprise Management at Grade 3 through a resolution of the Board and Fouzia Hared was appointed to head both the Accounts and Finance Departments.

Therefore, the allegations that Ms. Hared had been continuously promoted to five job groups within a period of eight (8) months by the current MD is unfounded since her earlier promotions and her second last promotion up to job group 12 through a letter dated 12th March 2019 happened during the regime of the former MD (Omar M. Sheikh, OGW) and the Acting MD Mr. Mulwa respectively. It was noted that the current MD was engaged 8 months later after Hared promotions to Job group 12.

Her promotion to her current position as acting Manager Finance and Accounts Section effected in October 2020 is the only promotion she got under the current MD which was as a result of the new organizational structure that affected all members of staff. Therefore, the allegations that Ms. Fouzia Hared was promoted continuously to five job groups within a period of eight (8) months is unfounded.

2.3 Irregular Recruitment

Allegation

It was alleged that the MD had usurped his powers by appointing and creating the position of a personal assistant to himself contrary to the provision of the law on appointment and hiring of personnel.

Investigations Findings

It was established that there is no such office and no officer was appointed to the PA position.

Therefore, the allegation that the MD had created a PA position to himself was unfounded.

2.4 Irregular appointment as the head of procurement

Allegation

It was alleged that Abdikadir Ali, who is a Somali is the head of procurement despite the fact that lawful person to hold the position is Fatuma Ali, who is a Borana.

Investigations Findings

It was established that the current MD was appointed to the authority on 26th September 2019, he found Fatuma Ali Jillo acting as the head of procurement as at scale 10 from 3rd July 2015.

Following the restructuring of the organizational structure, the board in a meeting held on 22nd September 2020, approved the appointment of Fatuma Ali as Ag.

Manager, Supply Chain Management at Grade 3 through a promotion letter dated 30th September, 2020.

It was noted that Fatuma is still acting in the same office and the position is yet to be substantially filled as it is subject to availability of funds.

Fatuma confirmed that she is currently serving as the Ag. Manager Supply Chain Management. It was noted that Abdikadir Mohammed Ali is the Ag. Assistant Manager and reports to Fatuma Ali.

Therefore, the allegation that Abdikadir Ali (Somali) is the head of procurement is unfounded since Fatuma confirmed that she is the one currently in-charge of procurement in acting capacity.

2.5 Alleged Tribal Secondment of Staff

Allegation

It was alleged that Mr. Jarso Haro a livestock officer who was seconded to ENNDA based on his knowledge and expertise with camels was rejected based on his tribe by the current MD and replaced him with Batula Maalim a Somali who is a close relative of the MD.

Investigations Findings

It was noted that the attachments and secondments under question fall under Infrastructure and Natural Resources Development Directorate and the requests for secondment or attachment are based on the Authority's need.

It was established that the Authority requested for the attachment of Mr Jarso, an employee of Isiolo County Government through a letter dated 31st May 2019. Mr. Josiah Willie Mulwa, an Agricultural Engineer who acted from March 2019 to October 2019 in his statement stated that he wrote a letter to the County Government of Isiolo requesting for attachment of an officer knowledgeable on camel husbandry to take care of the Authority's herd of camels numbering about 108 then. The County Government released a Senior Livestock Officer named Mr. Jarso Haro to the Authority through a letter dated June 2019.

It was noted that Mr. Jarso was attached on part time basis to assist in matters livestock and animal husbandry and was paid top-up allowances.

The Authority released Mr. Jarso back to the County, Department of Water, Environment & Natural Resources through a letter dated 15th April 2020 after accomplishing the task that he was required to do. The MD in his statement stated that he found Mr. Jarso at ENNDA when he reported but he released him back to the County since the camel project that he was in-charge of was not viable. The Authority in 2018/2019 Audit also established that the Livestock project was not viable since no value in terms of revenue was being raised from the camel rearing thus the Authority decided to end the project. A memo dated 3rd March 2020 shows that the initial objective of starting the project was not realised and the project veered off the path.

In a letter dated **18th March 2020** addressed to the Office of the County Secretary & Head of Public Service, the Authority requested for attachment of Ms Batula A. Maalim to assist on environment issues and water project implementation. The County Government of Isiolo released her to the Authority through a letter dated 15th April 2020 as an environmental officer. The Director Infrastructure and Natural Resources, Mr. Josiah Mulwa stated in his statement that Ms. Batula is currently heading the Division of Natural Resource Development under his directorate, an environmental oriented role and not related to livestock management.

It was found out that Batula Maalim is an environmentalist and was taken based on the need for someone with environmental background and her vast experience in environment matters arising from her previous working with the Authority from 2006 to 2015 on various levels of environmental activities.

Her current duties at the Authority include Environmental Co-ordination, Training and awareness on environmental issues in the project areas and environmental assessments in project roles.

Therefore, the allegation that Mr. Jarso Haro a livestock officer was replaced with Batula Maalim a Somali is unfounded since the two officers are of distinct professions.

3.0 Consequential observations

The following issues were noted in the course of investigations:

- i. It was noted that one Mr. Anthony Muhoho who was alleged to have been appointed to take over Mr. Garat Kassim's position after Kassim indictment was on suspension.
- ii. It was noted that Mr. Muhoho is currently on suspension on allegations of misuse of the Authority's Machinery. His disciplinary case was handled through the Human Resources Management Advisory Committee which recommended his suspension awaiting the outcome of police investigations on an issue of a vandalized excavator which went missing when he was in-charge of the ENNES machinery. Mr. Muhoho is still under suspension pending finalization of criminal investigations by Isiolo County Criminal Investigation Officer.

A show cause letter dated **2nd January 2020** to Mr. Anthony Muhoho indicates that disciplinary proceedings were instituted against him after he was suspected to be involved in gross misconduct including loss of Assets and Revenue of the Authority after an inspection of machineries that were under his management between 26th June 2015 to 21st December 2018 when he was in-charge of commercial units.

The letter with the Subject 'Gross Misconduct' highlighted details of accusations identified as serious breach of responsibility levelled against him.

A suspension letter dated **6th November 2020** shows that Mr. Anthony Muhoho was suspended from duty after he was found to have failed to take care of the Authority's property which had been entrusted to his care. Mr. Abdille, the Ag. Director Corporate Services, confirmed that Mr. Muhoho was suspended in November 2020 after he was suspected to have been involved in gross misconduct.

Investigations recovered a letter dated **8th January, 2021** addressed to Mr. Anthony Muhoho with the Subject 'disciplinary hearing' stating that preliminary investigations had shown that he is an accomplice in the disappearance of the Authority's roller. The hearing was to consider allegations of gross misconduct including failure to take care of the Authority's property entrusted to his care contrary to **Section 15 (i) of the Public Officers Ethics Act 2003** and the **Authority's Human Resource Policy and Procedures, May 2020 Section 12.27.1.**

The Authority wrote to the County Criminal Investigation Officer, Isiolo County through a letter dated **18th March 2021** detailing a number of commissions and omissions by Mr. Anthony and stating that the Authority management viewed him as an accomplice in disappearance of the Authority's roller. The Authority requested the CCIO to investigate the culpability of Mr. Anthony, the Lessee, to establish the whereabouts of the roller and recover it.

- iii. It was noted that a new organizational structure was developed following recommendations by the State Corporation Advisory Committee. The current MD, Mr. Ali Ibrahim Hassan stated that in May 2020 a new organizational structure was adopted and some officers were placed in various positions in acting capacities. However, the positions will be filled competitively. It was noted that new grading system has been adopted for all the staff. For example, whereas the Managing Director was graded as 15 in the former structure, the position is now at grade 1 in the new structure.
- iv. That the promotions that happened between 2010 to 2020 were based on the discretion of serving MD due to lack of a HR tool to guide promotions. It was noted that corrective action has been taken since the Authority has developed draft career progression guide that was submitted in early 2021 to the State Corporation Advisory Committee (SCAC) for approval.
- v. The Authority provided a list of staff whose distribution is as contained in the table below.

Table No 1: Ethnic distribution of ENNDA staff

	Ethnicity	No.	%
1.	Kenyan Somali	78	41.1%
2.	Borana	53	27.9%
3.	Kikuyu	10	5.3%
4.	Kamba	8	4.2%
5.	Meru	8	4.2%
6.	Turkana	7	3.7%
7.	Gabra	5	2.6%
8.	Kalenjin	4	2.1%
9.	Sakuye	4	2.1%
10.	Samburu	3	1.8%
11.	Kisii	2	1.1%
12.	Taita	2	1.1%
13.	Maasai	1	0.5%
14.	Taveta	1	0.5%
15.	Mbeere	1	0.5%
16.	Burji	1	0.5%
17.	Rendile	1	0.5%
18.	Luo	1	0.5%
	TOTAL	190	100.0%

According to the table above, the biggest number of staff are of Kenyan Somali origin at 41.1% (No.78), followed by the Borana at 27.9% (No.53) and Kikuyu at 5.3% (No.10). Other ethnic groups represented include the Kamba with 4.2%, Meru with 4.2%, Turkana with 3.7%, Gabra with 2.6%, Kalenjin with 2.1%, Sakuye with 2.1%, Samburu with 1.8%, Kisii with 1.1%, and Taita with 1.1%. The least represented with only one person is Maasai, Taveta, Mbeere, Burji, Rendile, and Luo at 0.5%.

4.0 Conclusions

From the investigation's findings, the following can be deduced:

- i. The allegation that there is a Personal Assistant to the MD was unfounded.

- ii. The allegation that the MD replaced Jarso Haro, a livestock officer with Batula Maalim a Somali is unfounded since the two officers attached to the authority were of different professions and the Authority engaged them based on different project's needs.
- iii. The allegation that the MD appointed Mr. Abdikadir Ali of Somali origin as the head of procurement to replace Fatuma Ali is unfounded since Fatuma confirmed that she still heads the procurement function of the Authority deputised by Mr. Abdikadir Ali.
- iv. That the Authority HR manual is silent on the procedure to be followed when promoting staff of the Authority and refers to the draft career progression guide.
- v. SCAC approved all the HR tools on the same day. The Career Progression Guide was amended thereafter and is now awaiting approval by SCAC as the Commission was informed by Mr. Abdille, Head of corporate services.
- vi. According to the Head of Corporate Services, promotions in the Authority were based on requests, staff performance and approval by either the MD or the Board depending on the job grades.
- vii. The promotion of Ms. Hared cited in the allegation followed the procedure in **(v above)**, and therefore the allegation of her irregular promotion is not founded.
- viii. That Mr. Garrat Kassim, is a transport officer and not a transport manager and that he meets the requisite qualifications for the position he is holding since he has a Certificate in Supplies Management and the requirement for the Job Grade 9 is either a 2-year certificate from a recognized institution or a KCSE mean grade of C-.
- ix. The position of a Transport Officer currently held by Mr. Garat Kassim is not in the organizational structure.
- x. The Kenyan Somalis have a higher representation than the other tribes at the Authority.

5.0 Recommendations

- i.)** The Authority to establish an internal complaints handling mechanism to resolve concerns or complaints by staff to avoid disgruntlement among staff. ENNDA should report this to CAJ within one (1) year.
- ii.)** The Authority should follow-up with SCAC to have its Human Resource Instruments (career progression guide) finalized for implementation and ensure that all jobs are as per the Organization Structure including that of the in-charge Transport.
- iii.)** The management of ENNDA should enhance proactive disclosure of information to reduce speculation within the organization.
- iv.)** The Authority to expedite on the disciplinary case involving Mr. Anthony Muhoho and share the outcome with the Commission once the matter is finalized.
- v.)** The Authority to consider giving more employment opportunities to other ethnic groups to promote inclusivity.