

Anonymous

The Chairman, Commission on Administrative Justice

The Chairman, EACC Kenya

The Head of Public Service

The PS, Ministry of Environment

RE: WHISTLEBLOWER REPORT - IMPUNITY AT NEMA - KENYA

The National Environment Management Authority has for many years not filled the post of Secretary to the Board and has been having lawyers in an acting capacity for failure to meet the requirements. To fill this, the Authority advertised the position of Corporation Secretary (Grade E2) on the 30th June 2026 through a newspaper notice carried in the MyGov. The specific requirements were to be accessed by interested applicants online on the NEMA website. A copy of the advert is attached to this email.

The Human Resource Unit shortlisted the candidates and generated a report for the Board. There were 12 applicants for the position and only 4 met the advertisement requirements. The Board was advised of the shortlist and was to set a date to interview the 4 qualified shortlisted persons. The Board went ahead and set a date for interviews but, against HR recommendations, called to interview all 12 applicants instead of only the 4 that had met the job requirements. The online job requirements and shortlisting report are also attached to this email. The inclusion of all the applicants was to give an opportunity to an individual who had worked with one of the commissioners previously to appear before the Board despite not having met the requirements. The online job requirements were also pulled down upon closure of the applications period, but the requirements are on the attached documents for your perusal.

Additionally, the shortlisting and interviewing processes ignored the provisions of the Public Service Commission (Affirmative Action) Regulations which provide:

Reg 13(4)(b) - 'ensure that all shortlisted candidates meet the minimum requirements advertised for the position'

Reg 13(5)(a) - Submit the shortlisting report to the Commission within 7 days of completion of the shortlisting exercise and in any event, before the interviews.

Reg 13(7) - A public body shall not commence interviews without the written approval of the shortlist by the Commission.

Reg 14(2) - Any person who was involved in the shortlisting shall not sit in the interview panel for the same position - The Chief Executive Officer violated this requirement if the shortlist recommendation sign-off and the interviews attendance sheet are anything to go by. A copy of the PSC regulations is also attached.

Looking at the list of applicants and the widened net of interviewees, a clear nexus of possible conflict of interest arises. The Board of NEMA has a director by the name of Dr Lilian Apadet who is the Chair of the Human Resources Committee of the Board. She only joined NEMA a few months ago, having previously been a Director at the Kenya Maritime Board (KMA). One of the applicants, and that I suspect to be the candidate of choice, Ms Jessica Karimi Mbai, has been the Corporation Secretary and Director of Legal Services at the KMA for the past 3 years. It goes without saying that the two therefore worked together at the KMA Board. A copy of the KMA Annual Report for the year ending 2024 is attached to this email (pages xi and xviii) and will show the working and conflicted relationship of the two.

Ms Jessica Karimi had failed the shortlist for lack of the mandatory 15 years' work experience and lack of 5 years' managerial experience required for the position. According to her CV or the shortlisting report, she was admitted to the Bar in August 2012 and had only worked for the KMA in a managerial position for 3 years. It is noted that the 4 properly shortlisted candidates were adequately experienced and senior members of the Bar.

The interviews were scheduled for the 27th August 2026 and all 12 applicants were interviewed. One wonders whether Director Dr Apadet declared a conflict of interest at the interviews as is required by Public Service regulations and the Mwongozo Code of Governance, and if she did, whether she disclosed the honest truth.

The outcome of the interviews, though probably only known by the inner circles of the NEMA Board, is still undisclosed to the public. This does not matter very much since the anomalies pointed out above already vitiate the exercise. However, officers in Human Resources are not happy; some Board members were also against the interviewing of non-qualified candidates and did not attend, but they were overpowered by the Board members' administration. Also the Legal Department...

Your institution that guarantees 'haki kwa wanyonge' is invited to examine these facts and take action to stop these bad behaviours by leaders and more so in public institutions. Although NEMA is required by Regulation 14(10) of the PSC Affirmative Action Regulations to await the approval of the PSC before issuing an appointment letter to the successful candidate, I am doubtful this will be followed.

I wish to remain anonymous and will be following events quietly. I have faith in CAJ.

Mkenya mnyonge.