



**NATIONAL COHESION AND INTEGRATION COMMISSION**

**TOWARDS NATIONAL COHESION AND UNITY IN KENYA**

**Ethnic Diversity and Audit of the Civil Service**

**Volume 1**

**Abridged Version**

## ETHNIC DIVERSITY OF THE CIVIL SERVICE

### Research Methodology

The research was based on the Integrated Personnel and Payroll Data System. This is the Civil service payroll. The payroll is based on several variables:

1. Name
2. Job designation
3. Education level
4. Job group
5. Sex
6. Home district
7. Work district
8. Date of employment
9. Date of promotion for current position
10. Ministry or department

This is not a primary survey. No census was undertaken as the Civil Service does its own staff count. The data used is official, and the categories are as provided by the Government. The data is accurate because there is no opportunity for error in payroll administration.

The population and housing census which had been concluded in 2009 provided a useful reference point for comparative purposes.

### A profile of exclusion

Over 50 per cent of Kenya's ethnic groups are only marginally represented in the Civil Service – the country's largest employer. Only 20 out of over 40 listed Kenyan communities are statistically visible in the Civil Service. Some 23 communities have less than 1 per cent presence in the Civil Service

## Civil Service by Ethnicity: Communities with Limited Presence

Tribe	Numbers	Percentage
Teso	2,029	0.961%
Samburu	1,457	0.690%
Pokomo	1,303	0.617%
Kuria	1,207	0.572%
Mbere	1,062	0.503%
Gabra	648	0.307%
Bajun	579	0.274%
Basuba	462	0.219%
Other Kenyan	368	0.174%
Tharaka	365	0.173%
Orma	349	0.165%
Rendille	301	0.143%
Burji	288	0.136%
Taveta	237	0.112%
Njemps	220	0.104%
Swahili-Shirazi	122	0.058%
Dorobo	119	0.056%
Kenya Arab	90	0.043%
Kenyan Asian	74	0.035%
Boni-Sanye	44	0.021%
Elmolo	24	0.011%
Unknown	21	0.010%
Gosha	19	0.009%
Dasnach-Shangil	10	0.005%
Kenyan European	2	0.000%

Further, there are groups that are missing out or grossly under-represented in absolute terms. None of them has 100 of their number with jobs in the Civil Service

<b>Least represented communities in the Civil Service</b>		
<b>Tribe</b>	<b>Number</b>	<b>Percentage</b>
Kenya Arabs	90	0.04%
Kenyan Asians	74	0.04%
Boni-Sanye	44	0.02%
Elmolo	24	0.01%
Unknown	21	0.01%
Gosha	19	0.01%
Dasnach-Shangil	10	0.00%
Kenyan Europeans	2	0.00%

There are racial and ethnic inequalities in the way the Civil Service is currently constituted.

### **Ministries/ departments exceeding the legal limit**

The staff composition in more than 10 Government departments defies the law. The National Cohesion and Integration Act requires that no single ethnic community should constitute more than one third of the staff in any ministry or Government department.

The ministries and departments with more than a third of staff from a single community include State House, the ministries of Transport, Public Works, Tourism, Local Government, Higher Education and Nairobi Metropolitan.

<b>Ministry/Department</b>	<b>Total</b>	<b>Single community share</b>
Higher Education	386	33.70
Local Government	272	34.19
Nairobi Metropolitan Dev	92	33.70
Public Works	1903	34.63
Tourism	226	34.96
Transport	241	39.00
State House	373	45.31

Another nine Government ministries and departments are close to breaching the law. They have over 30 per cent of their staff from one community

<b>Ministry/Department</b>	<b>Total</b>	<b>Single community share</b>
Cooperatives	1088	30.42
Energy	342	31.58
Environ/ Natural Resources	1255	31.2
Finance	3176	32.27
Labour/ Human Res. Dev	945	32.38
Livestock Dev	6415	32.46
Roads	3229	31.56
Water/ Irrigation	4672	31.23
State Law Office	941	32.62

A total of 22 departments and ministries have more than 25 per cent of their staff from one community. These are the Public Service Commission, the Cabinet Office, the Office of the Vice President and Ministry of Home Affairs, Youth Affairs and Sports, Trade, Special Programmes, Regional Development, Public Health and Sanitation, Planning and National Development, National Heritage, Medical Services, Land, Information and Communication, Justice, national Cohesion and Constitutional affairs, Housing, Forestry and Wildlife, Gender and Children, East African Cooperation, Foreign affairs, Department of Defence (civilian), Northern Kenya and arid Lands, Agriculture and Education.

Eight departments and ministries have over 20 per cent of their staff from one community: These are the Ministries of Fisheries, Immigration and Registration of Persons, Public Service, Office of the Prime Minister, Administration Police, and the Kenya Police.

Only the Provincial Administration, which hires district officers, chiefs, assistant chiefs and support staff had 16.84 per cent of staff from one community.

### **Dominance, Over-representation and Under-representation**

Only seven communities have a representation above 5 per cent in the Civil Service. The Kikuyu, Kalenjin, Luhya, Kamba, Luo, Kisii and Meru have a representation of above 5 per cent in the Civil Service. All the other communities' representation is below 5 per cent.

Five communities -- the Kikuyu, Kalenjin, Luhya, Kamba and Luo -- occupy nearly 70 per cent of Civil Service employment. Although they are the most populous, their numbers in the Civil Service are at variance with their population size. The seven communities have a combined population share of 76.7 per cent

against a Civil Service presence of 81.7 per cent, a significant 5 percentage points.

Ethnic Group	Population (Census 2009)	Population %	Number in the civil service	Percentage in the civil service
Kikuyu	6,622,576	17.7%	47,146	22.3%
Kalenjin	4,967,328	13.3%	35,282	16.7%
Luhya	5,338,666	14.2%	23,863	11.3%
Kamba	3,893,157	10.4%	20,490	9.7%
Luo	4,044,440	10.8%	19,025	9.0%
Kisii	2,205,669	5.9%	14,287	6.8%
Meru	1,658,108	4.4%	12,517	5.9%
Mijikenda	1,960,574	5.2%	7,924	3.8%
Kenya Somali	2,385,572	6.4%	5,619	2.7%
Embu	324,092	0.9%	4,118	2.0%
Masai	841,622	2.2%	3,090	1.5%
Taita	273,519	0.7%	3,074	1.5%
Boran	161,399	0.4%	2,587	1.2%
Turkana	2.6%	2,112	1.0%	

It is apparent that there is a variance between a community's share of population and share of civil service posts. Where some communities have a greater share of civil service jobs than their population, others have a lesser one. The Kikuyu and the Kalenjin have a disproportionate share of civil service posts compared to their population. Their proportion in the Civil Service exceeds the size of their share in the national population.

Ethnicity	Population (%)	Civil Service presence	Variance
Kikuyu	17.7%	22.3%	4.7%
Kalenjin	13.3%	16.7%	3.5%
Meru	4.4%	5.9%	1.5%
Kisii	5.9%	6.8%	0.9%
Boran	0.4%	1.2%	0.8%
Embu	0.9%	2.0%	1.1%

There are also communities whose presence in the civil service is lower than their share of the population. These are the Luo, Luhya, Somali, Kamba, Turkana and Maasai.

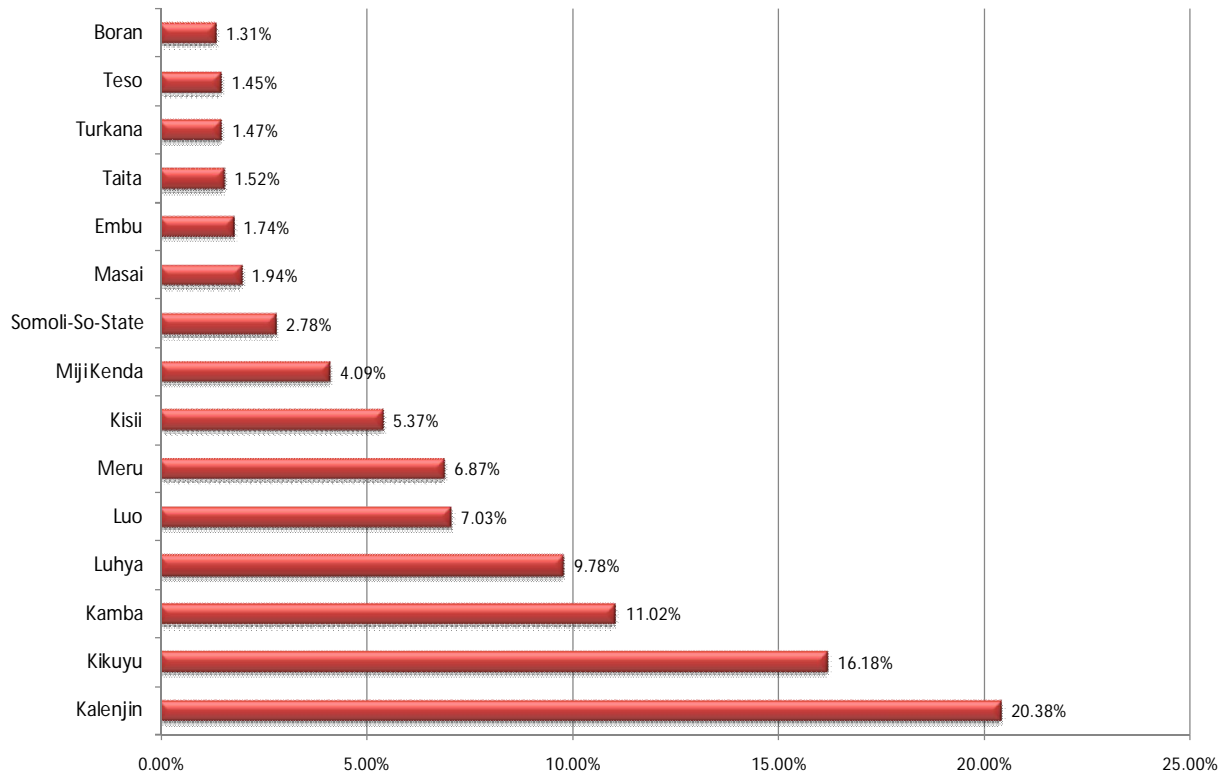
<b>Ethnicity</b>	<b>Population (%)</b>	<b>Civil Service presence</b>	<b>Variance</b>
Kenya Somali	6.4%	2.7%	3.7%
Luhya	14.2%	11.3%	2.9%
Miji Kenda	5.2%	3.8%	1.4%
Luo	10.8%	9.0%	1.8%
Turkana	2.6%	1.0%	1.6%

There are many explanations for these variances, including disparities in access to education, proximity to the location of Government offices as well as willingness to seek employment in the public service. Be that as it may, it is remarkable that a service once dominated by Europeans and Asians has so dramatically changed in its composition over 40 years. The emerging patterns of staffing suggest that power and leadership influenced the ethnic composition of the public service.

### **Patronage in Hiring**

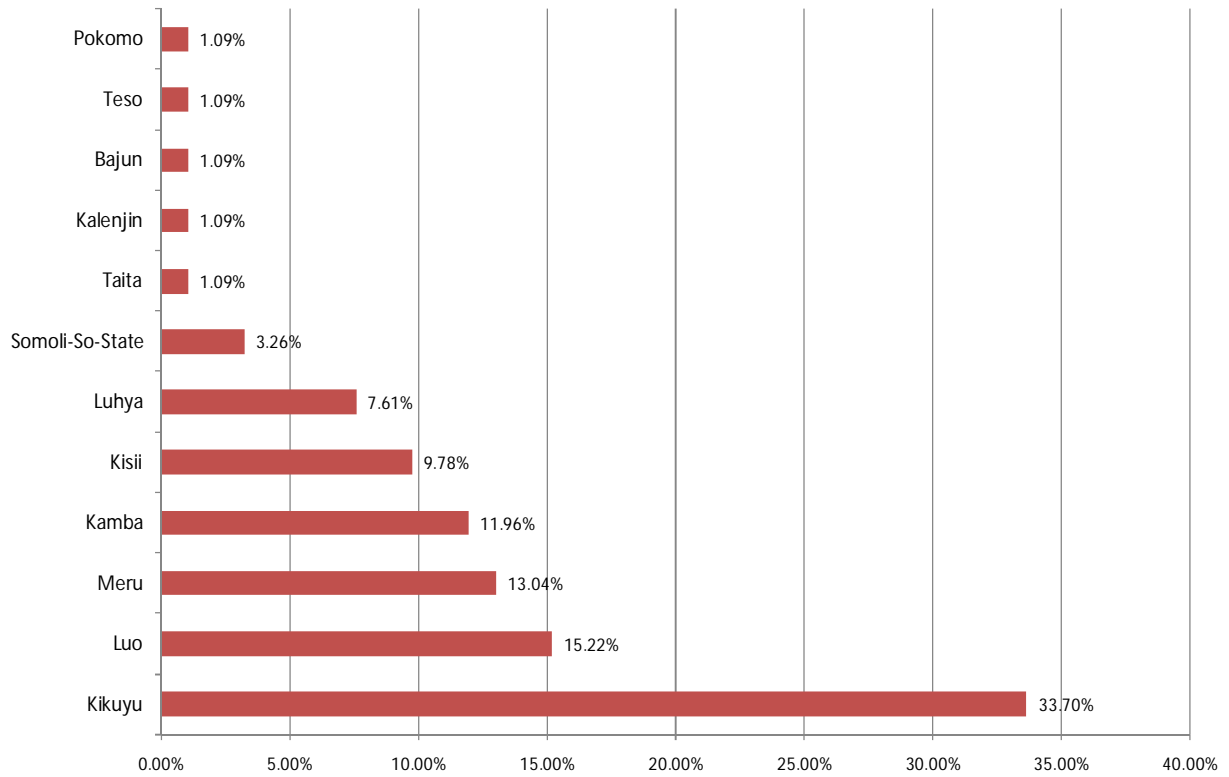
The Kikuyu constitute the largest single dominant ethnic group in all ministries and departments, except in the Prisons Department, the Office of the Prime Minister and the Kenya Police. The Kalenjin are the second largest group in the Civil Service. They are also the most dominant group in the Prisons Department, and the Police Force. These two groups alone make up close to 40 per cent of the entire Civil Service. Their numbers in the Civil Service suggest a direct relationship with the tenure of the presidency, in that they have both had a member as President for over 20 years. It is also curious that in the newly constituted ministries, these patterns of ethnic patronage are still evident.

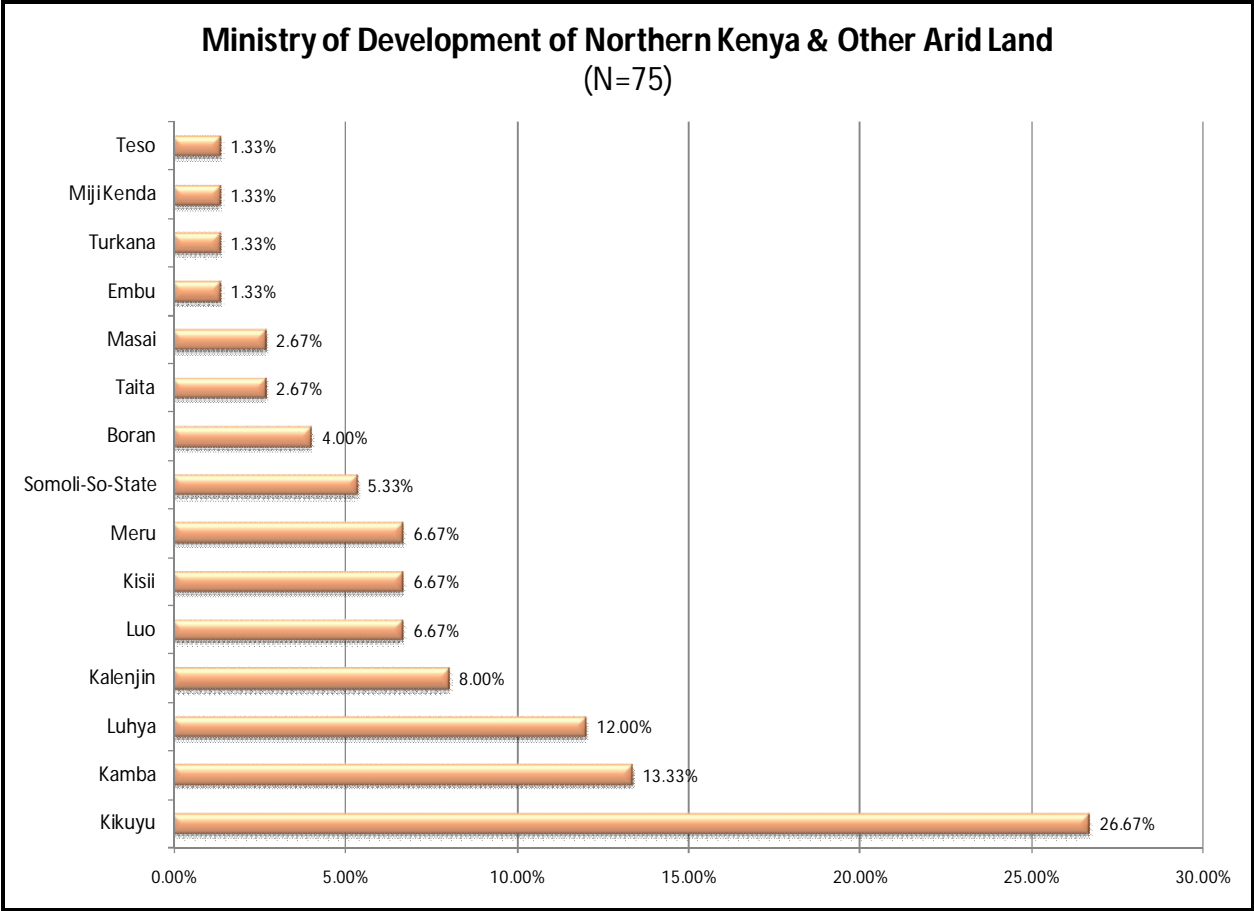
### OOP - Police Department (N=44124)



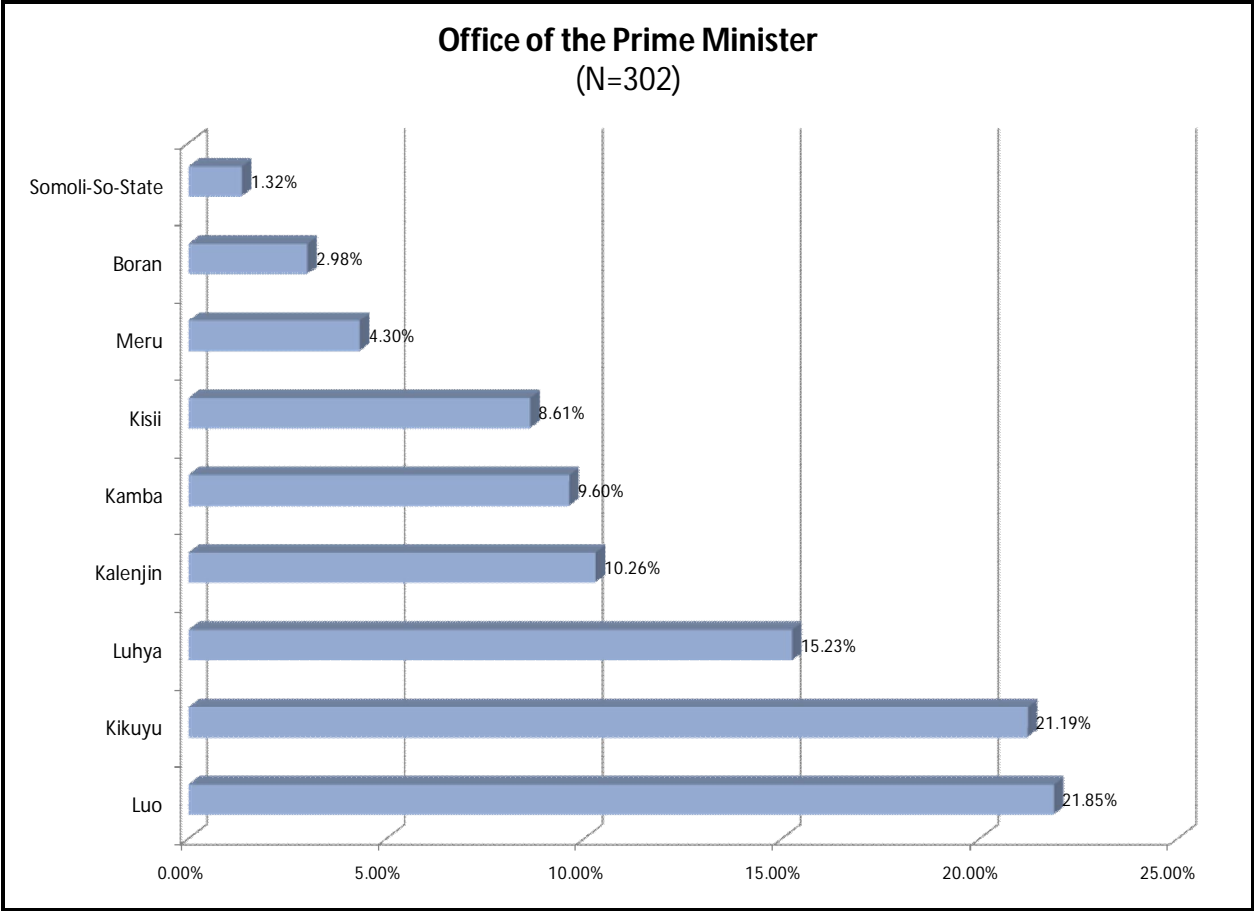


### Ministry of Nairobi Metropolitan Dev (N=92)





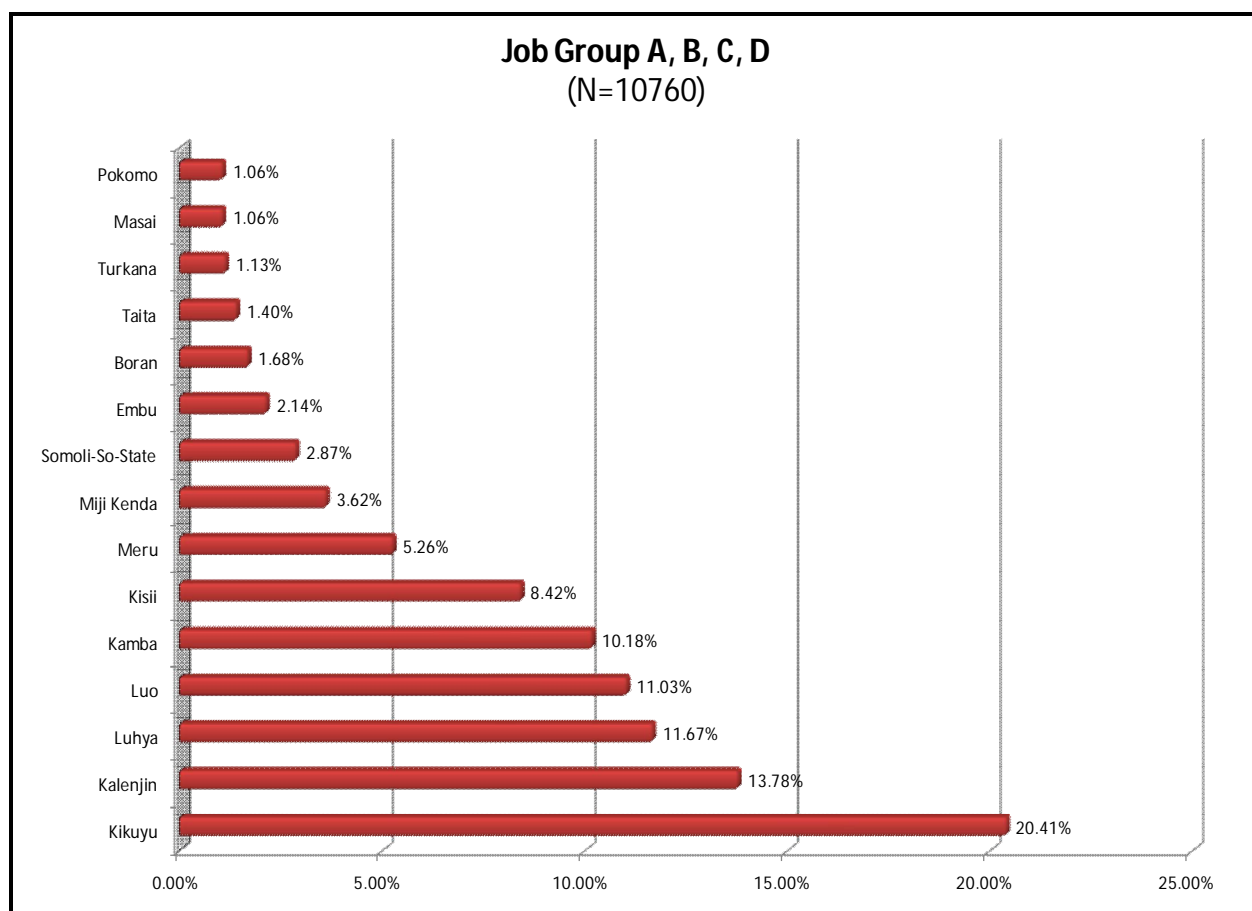
The new ministries are not doing anything differently. Nairobi Metropolitan has 33 per cent staff from one community, while the Ministry of Northern Kenya has 26.27 per cent. The Office of the Prime Minister has 21.87 per cent Luo staff and 21.19 per cent Kikuyu.



**Exclusion at the Lowest Levels**

Lack of access to education has been cited as undermining equitable hiring for the Civil Service across communities. Yet, the skewed recruitment into the Civil Service cuts across all job groups, including those that do not require high educational qualifications. In the lowest job groups – ABCD – the same seven major communities account for over 80 per cent of Civil Service jobs. Again, the number of those hired from each community is at variance with their population size. The communities that statistically insignificant remain outside this Civil Service group.

Ethnic Community	Literacy rate (KIHBS, 2005/6)
Kisii	83.4
Kikuyu	83.0
Embu	82.4
Luo	80.8
Kamba	79.4
Luhya	71.9
Kalenjin	71.6
Meru	68.2
Mijikenda	55.0
Maasai	31.8
Somali	20.9



## Conclusions and Recommendations

The Constitution calls for ethnic diversity in the Civil Service.

- Article 232 (1) (h) requires 'representation of Kenya's diverse communities' as one of the **values and principles** of the public service.

- Article 232 (1) (i)(ii) requires 'affording adequate and equal opportunities for appointment, training, advancement, at all levels of the public service of the members of all ethnic groups'.

A recruitment policy based purely on merit or competition may not give Kenyans a public service that represents the face of the country. Disparities in education infrastructure and imbalances in development generally mean that some communities are more likely to produce highly skilled people than others. It is these disparities in regional development and basic services that the country should have addressed in the past 50 years of independence.

The disparities noted point to the country's failure to identify ethnic inequalities as a challenge to national cohesion. There is a need to develop and implement policies that can reduce these inequalities. In particular, there should be:

- a) Administrative action should be taken to ensure that all ministries and departments remain within the limit of one-third of all appointments being held by members of one community.
- b) A new criterion for representation, which recognized the need to urgently include the under-represented groups, needs to be negotiated and enacted into law. Affirmative action should be adopted for communities that are missing from the Civil Service. The current 33 per cent ceiling is too high. A figure between 15 per cent and 20 per cent would be closer to population realities.
- c) Regular reviews of how each ministry and department is addressing the problem of ethnic inequality. Performance contracts should include entrenching diversity as a major indicator of performance.
- d) Efforts to prevent a certain constellation of ministries, based on their strategic importance or resource base, from being staffed by one ethnic community beyond a certain limit.
- e) Accelerated affirmative action to build the human capital stock in areas historically marginalized -- by establishing schools, improving communication and infrastructure and offering training.
- f) A deliberate head hunting policy – similar to what the government does with Kenyans in international organizations that are occasionally recruited to the Civil Service. Because of long periods of marginalization, some communities have internalized logic of self exclusion, even when they are qualified. A headhunting policy for every employing opportunity should be adopted

The Constitution has the potential to address some of these problems:

- i. For appointments requiring parliamentary approval, the submission of names should be accompanied by a memorandum stating how these new appointments have affected the ethnic composition in the Civil

- Service. This should be one of the considerations Parliament should make in rejecting or accepting the nominee.
- ii. The relevant law should require that once every quarter, the Head of Civil Service should make a report on ethnic composition in the Civil Service (or whenever a wave of employment occurs, this report should be made).
  - iii. Devolution should be turned into a space for integration. Incentives should be created for county governments and private sector to embrace diversity by making it a criterion for qualifying for the Equalization Fund or Government contracts.
  - iv. Lastly, there is still need to reduce pressure on the Civil Service as one of the largest employer by creating jobs in the private sector. As those in Government make efforts to embrace diversity, so too must citizens desist from pressurizing people from their communities – be they politicians or officials – to secure them jobs in the public sector.
  - v. In the near future, we undertake to provide further analysis of diversity in other public sector positions in parastatal and other Government bodies