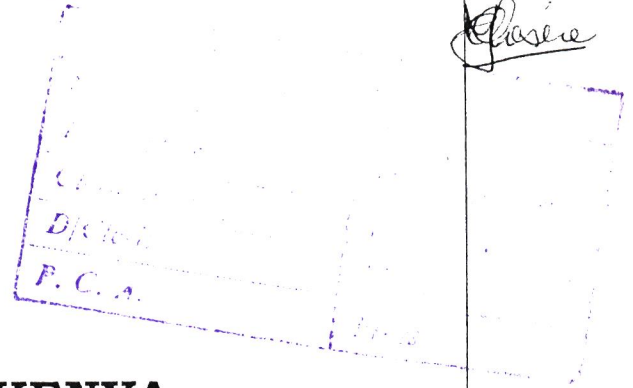


Tabled on 7/3/2012
by Chair, Equal
Opportunity (Afternoon)

Chase



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REPUBLIC OF KENYA
KENYA NATIONAL ASSEMBLY
TENTH PARLIAMENT - FOURTH SESSION

REPORT
OF THE
COMMITTEE ON EQUAL OPPORTUNITY

ON
THE ETHNIC AUDIT OF THE KENYA
CIVIL SERVICE

March, 2012

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(National Cohesion & Integration Commission Report)

1.0. PREFACE

Mr. Speaker Sir,

The Select Committee on Equal Opportunity is constituted pursuant to provisions of Standing Order No. 192 and the Committee is mandated to amongst other functions to:-

- (a) Monitor and promote measures designed to enhance the equalisation of opportunities and improvement in the quality of life and status of all persons including groups who are marginalised persons on the basis of gender, age, disability, health status, ethnic, racial, cultural or religious background or affiliation or any other such ground;
- (b) Investigate, inquire into and report on all matters relating to discrimination or marginalisation of the groups referred to under sub-paragraph (a);
- (c) Make proposals to the House including legislative proposals for the protection, equalisation of opportunities and promotion of the welfare of the groups referred to under sub-paragraph (a); and
- (d) Examine the activities and administration of all Ministries, departments and statutory bodies in so as they relate to the rights and welfare of the groups referred to under sub-paragraph (a).

The Membership of the Committee comprises of the following:

1. The Hon. Mohammed Affey, M.P. -Chairman
2. The Hon. Joseph Lekuton, M.P. -Vice-Chairman
3. The Hon. Maison Leshoomo, M.P.
4. The Hon. Chesebe Fred Kapondi, M.P.
5. The Hon. Luka Kigen, M.P.
6. The Hon. Francis Chachu Ganya, M.P.

7. The Hon. Millie Odhiambo-Mabona, M.P.
8. The Hon. Raphael Letimalo, M.P.
9. The Hon. Eng. Ephraim Maina, M.P

Mr Speaker Sir.

The Committee on Equal Opportunity received a report from the National Cohesion Integration Commission (NCIC) on ethnic audit of the Kenya Civil Service based on the Civil Service official Integrated Personnel and Payroll Data System. The report pointed out glaring inequalities in the Civil Service establishment and the findings of the report indicated that a number of Government Ministries and Departments had flouted Section 7(2) of the National Cohesion and Integration Act, 2008 that requires that no single ethnic community should comprise of more than a third of its members staff.

The NCIC ethnic audit report pointed out that ten (10) Ministries and government department had more than a third of their staff from a single ethnic community which is against the Act. The report further indicated that more other Ministries and departments were close to breaching the Act with respect to their staff establishment

Mr. Speaker, Sir,

The National Cohesion and Integration Act, 2008 was enacted with a clear mandate to facilitate and promote equality of opportunity, good relations, harmony and peaceful co-existence between persons of different ethnic and racial backgrounds in Kenya and to advice the government thereof. The implementation of the Act is closely monitored by its Commissioners to ensure compliance at all times.

Mr. Speaker, Sir,

The Constitution calls for ethnic diversity in the Civil Service through Article 232 (1) (h) that 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 group”.

Mr. Speaker, Sir,

Through its own motion, the Committee on Equal Opportunity whose mandate, the matter of equal representation of all the Kenyan Communities irrespective of their race, tribe and gender lies, resolved to inquire into the matter and report to parliament appropriately.

Mr. Speaker, Sir.

The Committee met with following Ministries whose staff establishment according to the NCIC audit report, was more than a third from a single ethnic community.

1. The Ministry of Higher Education
2. The Ministry of Local Government
3. The Nairobi Metropolitan Development Ministry
4. The Ministry of Public Works
5. The Ministry of Transport

In addition, being a creation of the House, the Committee deemed it necessary that Kenya National Assembly should be an example to the rest of the Government Ministries and departments in terms of ethnic balance in staff establishment. Consequently, the Committee held a meeting with the Clerk of the National Assembly regarding the subject matter.


Mr. Speaker Sir,

On behalf of the Select Committee on Equal Opportunity, I have the honour and pleasure to present the Committee's Report and recommends that the House adopts its report on the Ethnic Audit of the Civil Service.

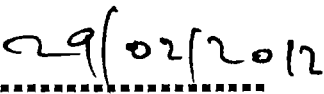
Mr. Speaker Sir,

May I take this opportunity to thank all Members of the Committee for their input and valuable contributions during the deliberations on the matter.

Thank you

Signed..... 

**Hon. Mohammed Affey, M.P.
Chairman,
Committee on Equal Opportunity**

Date..... 

2.0. EVIDENCE ON STAFF ESTABLISHMENT IN THE CIVIL SERVICE

2.1. EVIDENCE BY THE NATIONAL COHESION AND INTEGRATION COMMISSION

The National Cohesion and Integration Commission (NCIC) appeared before the Committee on 14th April 2011 and informed the Committee that:-

- (a) NCIC was created by an Act of Parliament (National Cohesion and Integration Commission Act, 2008) with a clear mandate to facilitate and promote equality of opportunity, good relations, harmony and peaceful co-existence between persons of different ethnic and racial backgrounds in Kenya and to advise the government thereof.
- (b) In discharging its mandate, the Commission did an ethnic diversity and audit report of the Kenya Civil Service based on the Civil Service official Integrated Personnel and Payroll Data System. The report pointed out glaring inequalities in the Civil Service establishment especially with regard to section 7(2) of the Act which states that “***No public establishment shall have more than one third of its staff from the same ethnic community***”.
- (c) The Commission highlighted the following from the audit report:-
 - (i) Over 50% of Kenya’s ethnic groups are only marginally represented in the Civil Service with over twenty (20) communities holding less than 1% of the jobs in the Civil Service and that seven (7) of these communities having less than Hundred (100) each of their members working in the Civil Service.

- (ii) As at March 2010, Kenya Civil Service consisted of 211,044 personnel excluding the military and teachers. The top ten (10) communities take up to 186,376 (88.3%) of all the 211,044 jobs while the rest of the Kenyan ethnic communities share the remaining 24,668 jobs in the Civil Service. Therefore, this has created a skewed composition in the Civil Service which points to a crisis of ethnic/racial exclusion and inequalities.
- (iii) Only seven (7) communities have a representation above 5% in the Civil Service namely; Kikuyu, Kalenjin, Luhya, Kamba, Luo, Kisii and Meru.
- (iv) Kikuyu, Kalenjin, Luhya, Kamba and Luo communities occupy nearly 70% of Civil Service jobs. Although they are the most populous, their numbers are at variance with their population size. The seven (7) communities in (iii) above have a combined population share of 76.7% against a civil Service representation of 81.7%, hence a significant 5% points difference.
- (v) The report brings out the exclusion at lower employment cadre including those that do not require high educational qualifications. In the lowest job groups of -ABCD-, the same seven (7) major communities account for over 80% of the jobs.
- (vi) The report indicates that the following seven (7) Government Ministries have flouted the National Cohesion and Integration Act by having more than one third of the staff in the Ministry from a single ethnic community:-
1. The Ministry of Higher Education
 2. The Ministry of Local Government

3. The Nairobi Metropolitan Development Ministry
4. The Ministry of Public Works
5. The Ministry of Tourism
6. The Ministry of Transport
7. State House

The table below shows communities whose Public Service representation exceeds their total Population proportion in the country.

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

The trend is evident in the newly formed Ministries such as the Nairobi Metropolitan Development which has 33.7% of its staff establishment from one community. The Ministry of Northern Kenya has 26.27% from one community while the Office the Prime Minister has 21.87% represented by one community.

2.2 EVIDENCE BY THE MINISTER FOR NAIROBI METROPOLITAN DEVELOPMENT

The Minister for Nairobi Metropolitan Development appeared before the Committee on Tuesday, 26th April 2011 and informed the Committee that:-

- (i) The Nairobi Metropolitan Development Ministry was created on 13th April 2008 with a broad mandate to develop and integrate Nairobi Metropolitan Areas growth and development strategy. The initial top management postings were appointed by H. E.

the President i.e. the Minister/Assistant Minister and the Permanent Secretary.

- (ii) Technical Ministry officers were recruited by the Public Service Commission. Under the delegated powers held by the Ministry, the officers were recruited through a competitive process.
- (iii) The Ministry's current staff establishment is 119 comprising of 55.5% male and 44.5 female employees. Of the total Members of staff, 74 were deployed through central government postings; 18 technical staff recruited by the Public Service Commission and 17 staff recruited by the Ministry.

The table below shows the staff distribution by ethnicity and gender.

	ETHNICITY	MALE	FEMALE	TOTAL	%
1	Kikuyu	27	20	47	39.5
2	Luo	7	8	15	12.5
3	Luhya	5	5	10	8.4
4	Meru	10	6	16	13.4
5	Kamba	8	6	14	11.6
6	Kisii	3	4	7	5.9
7	Somali	1	1	2	1.6
8	Kalenjin	2	0	2	1.6
9	Taita	2	1	3	2.5
10	Pokomo	0	1	1	0.8
11	Gureeh	1	0	1	0.8
12	Njemps	0	1	1	0.8
	Sub total	55.5	44.5	119	100

2.3 EVIDENCE BY THE MINISTER FOR PUBLIC WORKS

The Minister for Public Works appeared before the Committee on Tuesday 3rd May, 2011 and informed the Committee that:-

- (i) The staff establishment in the Ministry of Public Works was 2,083 as at 26th April 2011 against an approved establishment of 17,400. This therefore indicates that the Ministry was operating at only 18% of the approved establishment.
- (ii) All Ministry staff at Job Group “J” and above were recruited by the Public Service Commission where the Ministry had no control over the recruitment process. Under the delegated powers, the Ministry recruits staff at Job Group “H” and below. The ethnic representation of the 2,083 staff as at 26th April, 2011 is itemized in the tables below.

Ethnic distribution of 2,083 staff as at 26th April, 2011

Ethnic Group	Total No.	JG “J” and above	JG “H” and below	No. of Technical Officers	No. non Technical officers	%
Kikuyu	678	460	218	480	198	32%
Luhya	289	164	125	192	97	13.9%
Luo	263	169	94	197	66	12.6%
Kamba	220	135	85	144	76	10.6%
Kisii	166	94	72	95	71	8%
Kalenjin	124	65	59	79	45	6%
Meru	84	50	34	48	36	4%
Embu	37	21	16	27	10	1.8%
Miji Kenda	35	19	16	23	11	1.7%
Somali	22	5	17	9	13	1.1%
Taita	20	9	11	10	10	1%
Pokomo	17	4	13	4	13	0.8%
Teso	17	7	10	9	8	0.8%
Mbeere	10	3	7	5	5	0.5%
Boran	9	5	4	5	4	0.4%
Turkana	9	3	6	2	7	0.4%
Masai	6	4	2	2	4	0.3%
Kuria	6	2	4	3	3	0.3%
Pokot	5	3	2	2	3	0.2%
Basuba	4	2	2	2	2	0.2%
Gureeh	3	1	2	1	2	0.1%
Samburu	3	2	1	1	2	0.1%
Bajun	3	1	2	1	2	0.1%
Tharaka	2	1	1	2	0	0.1%

Gabra	2	2	0	2	0	0.1%
Taveta	1	0	1	0	1	0.05%
Rendile	1	0	1	0	1	0.05%
Ogaden	1	1	0	1	0	0.05%

Staff distribution by female gender

Job Group	Technical	Non Technical
R	2	0
P	3	1
N	3	0
M	4	3
L	18	11
K	18	10
J	45	22
H	14	44
G	6	71
F	8	64
E	3	19
D	1	51
C	0	2
A	0	17

Staff distribution by male gender

Job Group	Technical	Non Technical
4	0	1
6	0	1
U	0	1
T	2	1
S	3	0
R	7	1
P	31	4
N	108	1
M	35	1
L	180	6
K	225	16
J	442	23
H	75	30
G	18	77
F	39	61
E	32	22
D	9	123
C	0	6
B	0	1
A	0	9

In this Ministry, the Committee observed that the law had been breached with one ethnic community (Kikuyu) constituting 32% of the staff establishment with a big gap between them and the second placed Luhya at 13.9%.

2.4 EVIDENCE BY THE DEPUTY PRIME MINISTER/MINISTER FOR LOCAL GOVERNMENT

The Deputy Prime Minister/Minister for Local Government appeared before the Committee on Thursday 26th May, 2011 and informed the Committee that:-

- (i) Staff in the Ministry Headquarters and senior staff in the Local Authorities are employed, deployed and promoted through the central postings by the Public Service Commission.
- (ii) The Ministry of Local Government had a total establishment of 281 staff out of which 175 were male (63.28%) and 106 were female (37.2%). Persons with disability were 1.42% with male comprising of 0.355% while female was 1.06%.

The table below gives the ethnic representation of staff in the Ministry

Ethnicity	No.	%
Kikuyu	98	35.28
Luyhas	42	15.12
Luo	39	14.04
Kamba	29	10.40
Kisii	22	7.92
Kalenjin	20	7.20
Meru	15	5.40
Somali	3	1.40
Maasai	2	0.71
Embu	2	0.71
Giriama	2	0.71

Taita	2	0.71
Teso	1	0.36
Borana	1	0.36
Kuria	1	0.36
Gender: Male	175	63.28
Female	106	37.72

- (iii) The Ministry had 352 senior staff distributed in 175 Local Authorities as indicated in the table below.

Ethnicity	No.	%
Kikuyu	58	16.47
Luo	58	16.47
Luhya	51	14.48
Kalenjin	42	11.93
Kamba	31	8.80
Kisii	28	7.95
Meru	11	3.12
Somali	9	2.55
Kuria	5	1.42
Maasai	5	1.42
Giriama	3	0.85
Boran	3	0.85
Turkana	3	0.85
Taita	2	0.56
Embu	2	0.56
Mbeere	1	0.28
Pokomo	1	0.28
Pokot	1	0.28
Teso	1	0.28

- (iv) In 2007 under the delegated powers, the Ministry recruited 45 support staff as shown in the table below.

Region	No.	%
Central	10	22.22
Western	10	22.22
Nyanza	8	17.76
Rift Valley	8	17.76
Eastern	6	13.32
Coast	2	4.44
North Eastern	1	2.22
Total	45	100
Gender – Female	17	37.74
Male	28	62.26

The Committee observed there is ethnic imbalance in the Ministry Headquarters.

2.5 EVIDENCE BY THE MINISTER FOR TRANSPORT

The Minister for Transport appeared before the Committee on Tuesday, 31st May, 2011 and informed the Committee that:-

- (i) The staff in the Ministry establishment as at then was 305 employees. He further informed the Committee that the Ministry neither hires nor transfers civil servants as this is done by the Directorate of Personnel Management through central posting.
- (ii) Staff deployment policy and balancing should be looked at within the wider government and the implementation of the legal threshold is a delicate balance since it could bring upheaval when certain communities are informed that they are not entitled to apply for jobs in the Civil Service because they have exhausted their ethnic community share.

2.6 EVIDENCE BY THE MINISTER FOR HIGHER EDUCATION

The Minister for Higher Education appeared before the Committee on Tuesday 7th June, 2011 and informed the Committee that:-

- (i) The staff establishment of the Ministry is 340 employees and the ethnic distribution is as indicated in the table below.

Job Group	A	D	E	F	G	H	J	K	L	M	N	P	Q	R	S	T	U	Tot al	%
Luo		4	1	1	2	2	2	2	4	7	8	5		1				39	11.5
Kikuyu		13	4	5	4	6	1	10	5	19	9	12	7	5	1			113	33.2
Kisii		5			2	4	4	2		5	4	3	1	1				31	9
Kamba		6	2	2		4	3		2	4	3	2	1	1			1	32	9
Luhya		4	3	3	2	9	7	5	3	5	5	2	5	2	2	1		58	17.1
Meru		1			1	3	4	1		3	3	2	1	1				20	6
Kalenjin	1	5	4		3	1	1	3	2	2	1	3	1					27	8
Miji Kenda			1					1	1			2		1				6	2
Pokot		1																1	0.3
Embu		1				1	1					1	1					5	1.5
Teso						1		1										2	0.6
Maasai										1								1	0.3
Somali										1	1							2	0.6
Taita						2												3	0.9
																		340	100

- (ii) Officers in Job Group A to H comprise of support staff, clerical offices and drivers who were recruited by the authorized officer under powers delegated by the Public Service Commission and the Ministry had a standing responsible for this.

- (iii) Since the creation of the Ministry, twenty four (24) officers have been recruited under the delegated powers and the ethnic distribution is as indicated in the table below while the rest were inherited from the Ministry of Education:-

Job Group	Kikuyu	Kisii	Luo	Kamba	Kalenjin	Teso	Meru	Luhya
A				1				
D	5	3	2	2	2	1	2	1
F	2	1	1	1				
Total	7	4	3	4	2	1	2	1
%	29.2	16.7	12.5	16.7	8.3	4.2	8.3	4.1

- (iv) Officers in Job Group J to T comprised of Accountants, Finance Officers, Administrators, Human Resource Managers, Procurement and Technical officers. These officers are graduates recruited by the Public Service Commission and posted to the Ministry by the various administrators of schemes of service.
- (v) Posting of Accountants and Procurement Officers was carried out by the Treasury that is expected to balance their deployment.
- (vi) The Ministry had held meetings with the management of the universities who are the broader community of the Ministry and emphasized the need to observe ethnic balance in the recruitment of staff at all cadres.
- (vii) Scholarship awarding in the Ministry is based on merit, gender, regional and ethnicity. The marginalized regions have always been given priority for full bursary. Affirmative action has been adopted in university admissions for both female students and those from marginalized regions by lowering the cut-off mark by two points.

2.7 EVIDENCE BY THE PUBLIC SERVICE COMMISSION

The Public Service Commission appeared before the Committee on Tuesday 21st June, 2011 and informed the Committee that:-

- (i) The Public Service Commission was created by the old Constitution as an independent executive agency under Chapter VIII and is mandated under Section 107 to appoint persons to hold or act in the Public Service including power to confirm appointment and the power to remove such persons from office.
- (ii) The Constitution also allowed the Commission to delegate any powers to any one or more members or to any officer in the Public Service as it deems fit. The Commission thus delegated authority to recruit and promote officers in Job Groups 'A' to "L" to authorized officers as was stipulated in Section 107 of the Constitution and the Service Commission Act (CAP 185) with clear guidelines to ensure compliance with its core values.
- (iii) The Commission monitors the application of the delegated powers based on the reports from Ministries/Departments through the Human Resource Audit Department that carries out routine audits to ensure that the guidelines are strictly adhered to.
- (iv) In the current Constitution, the power and functions of the Commission are spelt out in section 234 and have expanded to include those previously carried out by the non-constitutional offices. The Commission is currently in charge of the staff establishment in the Civil Service.
- (v) Schemes of service are prepared by the Ministries/ departments in consultation with the Ministry of State of Public Service and approved for use by the Commission. The Commission advertises all vacant posts in the print media and on its two

websites, shortlists, interviews and appoints applicants competitively in collaboration with the Ministry of State for Public Service and the recruiting Ministry both of whom are represented in the Interview Boards.

- (vi) After recruitment, each Ministry is responsible for the deployment of officers to the various workstations in the country once they have been appointed by the Commission.

2.8 EVIDENCE BY THE CLERK OF THE NATIONAL ASSEMBLY

The Clerk of the National Assembly appeared before the Committee on Thursday 1st December, 2011 and informed the Committee that:-

- (i) As at 1st December 2011, the total staff compliment was five hundred and thirty three (533) out of which three hundred and four (304) were male representing 57% of the establishment. The following table indicates the recruitment of staff in the Parliamentary Service Commission since the year 2000.

Summary of the staff establishment

RECRUITMENT PERIOD	TOTAL STAFF	MALE	%	FEMALE	%
TRANSFER FROM CIVIL SERVICE BEFORE 2000	183	101	55	82	45
2000-2002	51	35	69	16	31
2003-2007	199	115	58	84	42
2008-TO DATE	100	53	53	47	47
CURRENT ESTABLISHMENT	533	304	57	229	43

- (ii) Since its formation, the Parliamentary Service Commission has been making efforts in its recruitment to reflect the face of Kenya. This is reflected in its establishment where majority of the Kenyan Communities are represented as illustrated in the table below.

	ETHNIC GROUP	NO. OF STAFF	PERCENTAGE (%) OF THE TOTAL 533 PARLIAMENTARY STAFF COMPLEMENT
1	Kikuyu	127	23.6
2	Kamba	70	13.1
3	Luhya	70	13.1
4	Luo	65	11.8
5	Kalenjin	40	7.1
6	Kisii	32	5.8
7	Meru	20	3.9
8	Maasai	20	3.8
9	Samburu	13	2.4
10	Somali	12	2.4
11	Turkana	9	1.7
12	Mijikenda	7	1.3
13	Borana	6	1.1
14	Taita	6	1.1
15	Bajun	5	0.9
16	Pokomo	5	0.9
17	Basuuba	4	0.8
18	Mbeere	3	0.6
19	Rendile	3	0.6
20	El-Molo	2	0.4
21	Gabra	2	0.4
22	Swahili	2	0.4
23	Taveta	2	0.4
24	Degidia	1	0.2
25	Dorobo	1	0.2
26	Hawiyah	1	0.2
27	Kuria	1	0.2
28	Teso	1	0.2

29	Tharaka	1	0.2
30	Ajuran	1	0.2
31	Embu	1	0.2
32	Boni-Sanye	0	0
33	British	0	0
34	Burji	0	0
35	Gosha	0	0
36	Gorreh	0	0
37	Kenya -Arab	0	0
38	Kenya-Asian	0	0
39	Njemps	0	0
40	Ogaden	0	0
41	Ogiek	0	0
42	Orma	0	0
43	Sakuye	0	0
	TOTAL	533	100

(iii) Since 2008 to 2011, the Parliamentary Service Commission has recruited staff as indicated in the tables below.

Gender	Number Recruited	Percentage Recruited
Male	52	53%
Female	46	47%
Total	98	100%

County representation of the staff recruited from 2008 to 2011

	County	Number of Staff Recruited	Percentage Recruited
1.	Baringo	1	1.02%
2	Bomet	1	1.02%
3	Bungoma	6	6.12%
4	Busia	5	5.10%

5	Garissa	2	2.04%
6	Homabay	7	7.14%
7	Isiolo	3	3.06%
8	Kakamega	4	4.08%
9	Kiambu	9	9.18%
10	Kilifi	2	2.04%
11	Kirinyaga	1	1.02%
12	Kisii	3	3.06%
13	Kisumu	3	3.06%
14	Kitui	3	3.06%
15	Laikipia	2	2.04%
16	Lamu	2	2.04%
17	Machakos	2	2.04%
18	Makueni	1	1.02%
19	Marsabit	3	3.06%
20	Meru	4	4.08%
21	Migori	1	1.02%
22	Muranga	2	2.04%
23	Nairobi	3	3.06%
24	Nakuru	1	1.02%
25	Narok	1	1.02%
26	Nyamira	6	6.12%
27	Nyeri	5	5.10%
28	Samburu	1	1.02%
29	Siaya	2	2.04%
30	Taita/ Taveta	3	3.06%
31	Tana River	1	1.02%
32	Tharaka / Nithi	1	1.02%
33	Turkana	1	1.02%
34	Uasin Gishu	1	1.02%
35	Vihiga	2	2.04%

36	Wajir	1	1.02%
37	West Pokot	2	2.04%
	TOTAL	98	100%

The Commission is in the final stages of developing a scheme of service that will address the issues of establishment once and for all. This will take into consideration the requirements for both the Houses i.e. Senate and the National Assembly to effectively discharge their mandates.

3.0 COMMITTEE'S OBSERVATIONS

After the engagement and deliberations with the different Ministries and Government departments, the Committee observed that:-

- (i) The information received from the Ministries and Government institutions are indicative of skewed composition of Civil Service and a huge ethnic imbalance in employment with one ethnic community dominantly overrepresented in the Civil Service. Though a legacy of post independence, the colonial government cannot be blamed for this after forty years of independence and doing so would be an admission that this problem is natural and therefore will be the permanent state of affairs in the country. Therefore, the debates on merit in appointment to public posts must not be oblivious to the question of equity.
- (ii) There was a consistent pattern of exclusion of some communities amongst all the Ministries that appeared before the Committee and in most Ministries; it is visible that some communities have been excluded completely from employment at all cadres, which is causing acrimony in the country. The crisis of inclusion and ethnic inequalities in the Civil Service has had a strong impact in the country's development outcomes and on national cohesion/unity. The discourses of exclusion,

inclusion and marginalization are responsible for continued lack of cohesion and unity among Kenyan communities.

- (iii) The findings of the audit report demonstrate that lack of cohesion in Kenya is both resource and a political issue and therefore requires both political and resource-based interventions. Addressing inequalities in the Civil Service requires strong political will and commitment and demands of the recognition that Kenya as a nation is far more important than any single ethnic community. It is only by taking a proactive political solution and deploying resources to the relevant segments of the Kenyan society that we shall create a “One Kenya, One People” and be able to recognize our diversity as a resource.
- (iv) The Ministries do not play a role in deployment of staff through central postings and this has created unequal distribution of employees across the various Ministries.
- (v) There is lack of affirmative action to ensure re-distribution of the staff above the legal threshold to other Ministries to ensure equity.
- (vi) The Public Service Commission has focused more on meritocracy thereby ignoring gender, ethnic and regional balance to achieve the face of Kenya.
- (vii) There is a blame game between the central posting Public Service Commission and the Ministries on who is responsible for hiring and distribution of employees in the Ministries.

4.0 COMMITTEE’S RECOMMENDATIONS

Following its observations, the Committee recommends that:-

- (i) **All the Government Ministries and institutions should liaise with the Public Service Commission through the**

Directorate of Personnel Management as the central posting authority to affirmatively correct the anomaly of their staff establishment so as to comply with Section 7 (2) of the National Cohesion and Integration Act, 2008.

- (ii) The National Cohesion and Integration Act, 2008 should be amended to compel the head of the Civil Service to quarterly report to Parliament on the staff establishment with specific emphasis on how ethnic and marginalized groups are represented.
- (iii) All the Ministries and Government institutions should affirmatively operationalize Article 100 of the Constitution that provides for promotion of representation of marginalized groups in their staff establishments. Affirmative action should be used in the recruitment by the all Ministries and Government institutions through a deliberate head-hunting policy for the marginalized groups because some of these communities have internalized the logic of self exclusion do not therefore apply even when they are qualified due to long periods of marginalization.
- (iv) Because of the historical disadvantages, the Government should engage in accelerated affirmative action by rapidly building the human capital stock in the marginalized areas through i.e. the establishment of schools, improvement of communication and infrastructure. Although the Equalization Fund envisages this under the new Constitutions, the government need to provide a additional grants to the marginalized areas for this purpose.
- (v) The Public Service Commission should not rely only on the print media to advertise for vacant positions in the public service but should make deliberate efforts to ensure that

the information reaches all counties and communities as remote areas are the most disadvantaged in terms of accessibility to news papers.

- (vi) All Government Ministries and institutions should introduce the idea of addressing ethnic inequalities approach in the public service as a benchmark in performance contracting to guide regular review of how each Ministry is addressing the problem.
- (vii) Redeployment of staff to other Ministries and Departments should be undertaken to ensure that all the communities are represented in the Civil Service.
- (viii) The Public Appointments Parliamentary Approval Act, 2011 should be amended to require that submissions of names to parliament should be accompanied by a memorandum stating how the new appointments would affect the ethnic composition in the Civil Service.
- (ix) There is need to develop and implement policies that would reduce the inequalities in the Civil Service. In this respect, there is need to cap progressively the maximum percentage representation of any ethnic community in Government Ministries and Departments in pursuance of Constitutional values and principles of inclusiveness, equity and equality as well as representation of diverse groups.

ANNEX - (1)

MINUTES

**MINUTES OF THE THIRD SITTING OF THE COMMITTEE ON
EQUAL OPPORTUNITY HELD ON THURSDAY 14th APRIL, 2011
IN MEDIA CENTRE, MAIN PARLIAMENT BUILDING AT 10.00 AM**

PRESENT

Hon. Mohammed Affey, M.P (Chairman)
Hon. Chesebe Fred Kapondi, M.P
Hon. Francis Chachu Ganya, M.P
Hon. Millie odhiambo-Mabona, M.P

ABSENT WITH APOLOGY

Hon. Joseph Lekuton, M.P (Vice-Chairman)
Hon. Maison Leshoomo, M.P
Hon. Luka kipkorir Kigen, M.P
Hon. Ephraim Maina, M.P
Hon. Raphael Lakalei Letimalo, M.P

IN ATTENDANCE

NATIONAL COHESION AND INTEGRATION COMMISSION

Mzalendo Kibunja - Chairman
Mary Onyango - Vice Chairperson
Halakhe D. waqo - Commissioner
Lawrence Bomett - Commissioner
Fatuma Mohamed- Commissioner
Alice Nderitu - Commissioner

KENYA NATIONAL ASSEMBLY

Hon. Rachel Shebesh
Florence Abonyo - First Clerk Assistant
Abdullahi Aden - Third Clerk Assistant

MIN. NO. 10/2011

CONFIRMATION THE MINUTES

Minutes of the First Sitting of the Committee held on Tuesday 8th February, 2011 were confirmed and signed by the Chairman after being proposed by Hon. Fred

Kapondi, MP. and seconded by Hon. Francis Chachu Ganya, MP.

MIN. NO. 11/2011

DELIBERATION ON THE REPORT BY THE NATIONAL COHESION AND INTERGRATION COMMISSION ON THE DEPLOYMENT IN THE PUBLIC SERVICE

The Committee was informed that the Commission undertook the first ethnic audit of Kenya Civil Service based on the Civil Service official Integrated Personnel and Payroll Data System and obtained the following findings:-

(i) **A profile of exclusion**

- Over 50% of Kenya's ethnic groups are only marginally represented in the Civil Service with over 20 communities holding less than 1% of the jobs in the Civil Service and seven of these communities having less than 100 each of their members working in the Civil Service. In contrast, seven communities have each between 5% and 22% of all Civil Service jobs.
- The Composition of the Civil Service is very important because it is the face of the Government and speaks volumes about inclusivity in addition to the responsibility to manage public resources that comes with government jobs. The statistics are worrisome and the skewed composition in the Civil Service point to a crisis of ethnic/racial exclusion and inequalities.

(ii) **Ministry/Departments above the legal threshold**

The National Cohesion & Integration Act requires that no single ethnic community should constitute more than one third of the staff in any Government ministry or department. Currently, the following Government departments have defied the law by having more than a third of staff from a single community as indicated in the table below:-

Ministry/Department	Total	Single community share
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

The following nine (9) Government ministries and departments are close to breaching the law:- Co-operatives; Energy, Environ/Natural Resources; Finance, Labour/Human Resource Redevelopment; Livestock Development; Roads, Water/Irrigation; and State Law Office.

(iii) **Dominance, over-representation and under re-presentation.**

Only seven communities have a representation above 5% in the Civil Service namely; Kikuyu, Kalenjin, Luhya, Kamba, Luo, Kisii and Meru. Five of the above communities occupy 70% of Civil Service jobs except Meru and Kisii.

(iv) **Patronage in hiring**

The Kikuyu and Kalenjin constitute the largest single dominant ethnic group in all ministries and departments followed by the Kalenjin and both constitute 40% of the entire Civil Service. Their numbers in the Civil service suggests 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 noteworthy that patterns of ethnic patronage are still evident even in the newly constituted ministries. Eg. Ministry of Nairobi Metropolitan Development and Office of the Prime Minister.

(v) **Exclusion at lower cadre**

The skewed recruitment into the civil cuts across all job groups including those that do not require high educational qualifications. In the lowest job groups of – ABCD- the same seven major communities account for over 80% of civil jobs.

MIN. NO. 12/2011

RECOMMENDATIONS ON DEPLOYMENT EQUALITY

A. **The Constitution**

1. 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.

2. The Constitution can address inequalities in the Civil Service deployment as follows:-

- Appointments requiring parliamentary approval should be accompanied by a memorandum stating how the new appointments have affected the ethnic composition in the Civil Service.
- Devolution should be turned into a space for integration and 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.

B. Administrative policies

There is need to develop and implement policies that can reduce ethnic inequalities in the Civil Service which is a challenge to national cohesion. These should include:-

- (i) Administrative action to ensure that all ministries and departments remain within the limit of one-third of all appointments being held by one ethnic community.
- (ii) A new criterion for representation which recognizes the need to urgently include the under-represented groups should be negotiated and enacted into law.
- (iii) Performance contracts should include entrenching ethnic diversity as a major indicator in addition to regular reviews of

how ministries and departments are addressing the problem of ethnic inequality.

- (iv) Accelerated affirmative action to build the human capital stock in areas historically marginalized by establishing schools, improving communication and infrastructure and offering training.
- (v) Deliberate head hunting policy similar to what the government does with Kenyans in international organizations that are occasionally recruited to the Civil Service. The policy is necessary because some communities have internalized logic of self exclusion due to long periods of marginalization.

MIN. NO. 13/2011

COMMITTEE MEETINGS

The Committee resolved to schedule the following meetings:-

- (i) A follow-up meeting with the National Cohesion & Integration Commission on Thursday 21st April, 2010 to deliberate further on the audit report on the deployment in the Public Service.
- (ii) Meeting with the following Ministries that have surpassed the one third legal threshold of staff establishment from one single ethnic community.
 - Ministry of Nairobi Metropolitan Development
 - Ministry of Local Government
 - Ministry of Higher Education
 - Ministry of Public Works
 - Ministry of Tourism

- Ministry of Transport

MIN. NO. 14/2011 **ANY OTHER BUSINESS**

(i) Guidelines on Football Federation Elections

Hon. Rachel Shebesh, MP brought to the attention of the Committee that the Election Guidelines released by the Independent Electoral Body was discriminatory to the Youth on the age limit of 33 years for the position of chairperson. The Committee resolved to follow-up the matter with the Ministry of Gender and Sports.

(ii) Kenya Commission Human Rights Commission

The Committee was informed that the Commission has requested for a meeting with the Committee to share its report on principles of anti-discrimination and Equality law.

The Committee acceded to the request for a meeting and resolved to invite the Commission at a later date.

(iii) Review and Gender Mainstreaming Workshop:
Mombasa - 5th to 8th May, 2011

The Committee was informed that a Workshop has been organized for Members of both Committee on Equal Opportunity and Kenya Women Parliamentary Association (KEWOPA) whose objective is to review and mainstream gender issues in the Standing Orders. The Committee agreed to participate in the proposed Workshop.

(iv) The Committee resolved to visit the United States of America for a study tour.

MIN. NO. 15/2011

ADJOURNMENT

The Chairman adjourned the meeting at Forty Minutes past Twelve O' Clock until Thursday 21st April, 2011.

SIGNED.....*A. Hey*.....

CHAIRPERSON

DATE.....*24/05/2011*.....

**MINUTES OF THE FOURTH SITTING OF THE COMMITTEE ON
EQUAL OPPORTUNITY HELD ON THURSDAY 21ST APRIL, 2011
IN COMMITTEE ROOM ON 5TH FLOOR, CONTINENTAL
BUILDING AT 10.00 AM**

PRESENT

Hon. Mohammed Affey, M.P (Chairman)
Hon. Joseph Lekuton, M.P (Vice-Chairman)
Hon. Raphael Lakalei Letimalo, M.P
Hon. Chesebe Fred Kapondi, M.P
Hon. Francis Chachu Ganya, M.P

ABSENT WITH APOLOGY

Hon. Millie odhiambo-Mabona, M.P
Hon. Maison Leshoomo, M.P
Hon. Luka kipkorir Kigen, M.P
Hon. Ephraim Maina, M.P

IN ATTENDANCE

NATIONAL COHESION AND INTEGRATION COMMISSION

Mzalendo Kibunjia- Chairman
Halakhe D. waqo - Commissioner
Fatuma Mohamed- Commissioner
Ahmed Yassin - Commissioner
Lawrence bomett - Commissioner
Jane Kiano - Commissioner

KENYA NATIONAL ASSEMBLY

Florence Atenyo- Abonyo - First Clerk Assistant
Abdullahi K. Aden - Third Clerk Assistant

**MIN. NO. 16/2011 DELIBERATION ON THE CIVIL SERVICE AUDIT
REPORT ON ETHNICITY BY THE NATIONAL
COHESION AND INTERGRATION COMMISSION**

The Committee was informed that the Commission obtained the following findings from the audit of Kenya Civil Service:-

(i) **Ethnic inequalities perceptions**

- Ethnic inequalities in the composition of public institutions and the perceptions about certain communities having higher proportions than others in the Civil Service and other public sector institutions have been growing over the years. Therefore, Kenya has a racial as well as an ethnic inequalities problem in the civil service.
- Ethnic inequalities in the composition of public institutions is rarely debated in an open and candid manner. However, the perceptions and general discourses on ethnicity and politics have one important impact on the political life of Kenya by undermining the sense of national identity, cohesion and unity among Kenyans.

(ii) **Composition of the Civil Service**

- As at March, 2010, Kenya Civil Service consisted of 211,044 personnel excluding the military and teachers. The top 10 communities take up 186,376 (88.3%) of all the 211,044 jobs while 30% of the rest of the Kenyan ethnic communities share the remaining 24,668 jobs in the Civil Service.
- This does represent the face of Kenya in the Civil Service and point to a crisis of exclusion where over 20 communities do not even make 1% of the Civil Service. The following five counties account for over 22% of the civil service jobs:- Nyeri (5.73%);

Kiambu (4.51%); Meru (4.39%); Kisii (4.25%);
Machakos (4.09%).

Composition of the Civil Service

Ethnicity	Number	(%) percentage
Kikuyu	47,146	22.34%
Kalenjin	32,740	15.51%
Luhya	23,863	11.31%
Kamba	20,490	9.71%
Luo	19,025	9.71%
Kisii	14,287	6.77%
Meru	12,517	5.93%
Miji Kenda	6,577	3.12%
Somali-so-state	5,619	2.66%
Embu	4,118	1.95%

Over-representation in the Civil Service

Tribe	Population (%)	Civil Service Jobs (%)	Variance points	%
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	

Under-representation in the Civil Service

Tribe	Population (%)	Civil Service Jobs (%)	Variance points	%
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	2.64%	1.0%	- - 1.6	

Least represented communities (exclusion)

Tribe	Number	(%) percentage
Kenya Arab	90	0.04%
Kenya Asian	74	0.04%
Boni-Sanye	44	0.02%
Elmolo	24	0.01%
Unknown	21	0.01%
Gosha	19	0.01%
Dashach-Shangil	10	0.00%
Kenya European	2	0.00%

MIN. NO. 17/2011

POWER AND RESOURCES

The Commission did a comparative analysis of Power and Resources to determine the extent of nominal or real community influence on account of presence based on the Ministry size in terms of employment and budgetary allocation.

- Ministries serve all people in all regions of the country and they are also a source of employment. Not all ministries are “equal” when compared on the basis of the size of their personnel, budgetary allocations or strategic importance. Some ministries wield influence because they facilitate the making of laws about power or they control more resources.
- The following ministries are generally strategic because of their size, the resources they control and the influence they have over other ministries and agencies in the public and private spheres:- Finance; Defence, Finance; Justice; Foreign Affairs; Provincial Administration & Internal security; and Justice & Constitutional Affairs.

- Infrastructure ministries are also considered strategic in terms of creating employment and wealth opportunities. The ministries importance is often demonstrated in the size of their budgets or the resources they control.

Pecking order by number of jobs

RANK	MINISTRY/DEPARTMENT	NO. OF EMPLOYEES
1	Police	44,124
2	Administration Police	31,641
3	Medical Services	25,990
4	Home Affairs	18,755
5	Office of the President	17,340
6	Public Health	9,604
7	Agriculture	7,514
8	Livestock	6,414
9	Immigration & Reg. of Persons	5,643
10	Water & Irrigation	4,672

MIN. NO. 18/2011

POWER AND INFLUENCE

The Commission did a comparative analysis of the ministries size to determine the extent of power and influence.

1. Office of the President

Nearly 70% of the Civil Service jobs are in 5 ministries and departments, three (3) of which are in the Office of the President:- the Police Force, the Administration Police and non-police staff. The staff in these three departments is 44.33% of the total Civil Service and the Office of the President alone employs about half of the total number of civil servants.

Police Force

Of the 44,124 people employed by the Police Force, only 15 communities have statistical significant presence while five communities account for over 60% of the Force. There are only three Kenya Arabs and no Kenyan Asian or European in the Force. Others marginally represented in the Force are Dasnach-Shangil (4), Swahili Shirazi (8), and Boni-Sanye (8).

Police presence

Ethnic Community	Presence in Police Force
Kalenjin	21%
Kikuyu	16%
Kamba	12%
Luhya	9%
Luo	7%

Administration Police (AP) presence

Five communities comprise nearly 60% of the AP which has 31,641 employees. The two dominant communities in the AP are Kikuyu (20%) and Kalenjin (18%) followed by Luyha and Luo (8%) each, and Kisii (6%). Only 8 communities have more than 100 of their numbers working in the Administration Police.

2. Prisons Department

The Department employs 18,755 people out of which the following four communities account for the 60% of the workforce:- Kalenjin (21%), Kikuyu (18%), Luhya (10%), and Kamba (80%). None of the other communities registers a staff presence of more than 3%. Only 7 communities have a representation above 1,000 officers while 20

communities have a representation below 100 officers.

3. Health workers

The Ministry of Medical Services has a labour force of 25,940 and the following three communities account for 50% of the workforce:- Kikuyu (26%), Luhya (13%) and Kalenjin (12%).

MIN. NO. 19/2011 BUDGETARY ALLOCATION AND MINISTRY'S RANKING

The Committee was informed that the size of a Ministry is important in terms of budgetary allocations. Allocation of public resources to ministries enables them to undertake their recurrent and development responsibilities. Inequalities in the ethnic composition of the Civil Service in the ministries, if skewed towards a few communities, implies that public resources such as salaries, benefits members of only a few communities.

Top 10 ministerial allocations for 2010/2011

RANK	Ministry	% Share of Total Budget	% Community representation
1	Education	14.1%	Kikuyu – 25% Luhya – 13% Kalenjin – 11% Kamba – 11% Luo – 10%
2	Roads	10.5%	Kikuyu – 32% Luhya – 13% Luo – 12% Kamba – 11% Kalenjin – 9%
3	Finance	5.4%	Kikuyu – 32%

			Luo – 13% Luhya – 12% Kisii – 10% Kamba – 9%
4	Higher Education	4.9%	Kikuyu – 34% Luhya – 16% Luo – 14% Kisii – 9% Kamba – 8%
5	Defence	4.7%	Kikuyu – 29% Kamba – 17% Luhya – 13% Luo – 10% Kisii – 9% Meru/Kalenjin – 10%
6	O/P	4.6%	
7	Water & Irrigation	3.8%	Kikuyu – 31% Luo – 12% Kamba – 11% Luhya – 10% Kalenjin – 8%
8	Energy	3.6%	Kikuyu – 32% Luhya – 15% Luo/Kamba- 11% Meru – 8% Kisii – 7%
9	Medical Services	3.3%	Kikuyu – 26% Luhya – 13% Kalenjin – 12% Luo/Kamba/Kisii – 9%
10	Public Health	2.3%	Kikuyu – 25%

- The figures reflect that nearly 60% of Kenya's budgetary resources are predominantly controlled by these communities. In all the ministries, the Kikuyu are dominant across the board with at least 30% and above in five of the ten leading ministries in terms of consumption of national budget (Roads, Finance, Higher Education, Energy, water and Irrigation).
- Other communities that are significant in terms of representation in the top ten high-budget ministries are Kalenjin, Luhya, Luo and Kamba.

MIN. NO. 20/2011

SENIORITY AND ETHNICITY

The Commission informed the Committee that:-

- The Civil Service comprise of the following Job Groups (JG) segmented into three levels. Level 1 (JG T, U, V) –policy makers and the category includes Permanent Secretaries and Directors in Ministries. Level 2 (JG - K to S) – Senior Managers/Technical staff and the category includes Senior/Deputy Secretaries and Under Secretaries. Level 3 – Support Staff which includes clerical and general support staff.
- Job Groups matters because those at policy level make decision or facilitate the making of decisions that are implemented by others. E.g. Permanent Secretaries are the accounting officers of their ministries.
- There are only 191 jobs in Job Groups T,U and V band where five communities account for over 60% of these jobs namely Kikuyu, Kalenjin, Luo Luhya and Kamba.

Low level jobs (JG - A,B,C,D)

Ethnicity	Presence in %
Kikuyu	21%
Kalenjin	15%
Luhya	13%
Luo	12%
Kamba	10%
Kisii	8%
Meru/Miji Kenda	5%
Somali	3%
Embu	2%

Largest pie – 135,814 jobs (JG - A,B,C,D)

Ethnicity	Presence in %
Kikuyu	19.79%
Kalenjin	17.43%
Luhya	10.15%
Kamba	9.83%
Luo	8.22%
Kisii	6.58%
Meru	6.04%
Miji Kenda	3.31%
Somali	3.07%
Embu	1.82%

MIN. NO. 21 /2011

RECOMMENDATIONS BY THE COMMISSION

- Cap the presence of any ethnic community in any ministry or department at 15% and this should be done progressively.
- Introducing the idea of addressing ethnic inequalities approach in public service as a

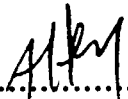
benchmark in performance contracting to guide regular review.

- Prevent a certain constellation of ministries, based on their strategic importance or resource base. from being dominated by one ethnic community.

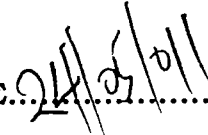
MIN. NO. 22/2011

ADJOURNMENT

The Chairman adjourned the meeting at Fifteen Minutes past Twelve O' Clock until Tuesday 26th April, 2011 at 10.00 a.m.

SIGNED.....

CHAIRPERSON

DATE.....

**MINUTES OF THE FIFTH SITTING OF THE COMMITTEE ON
EQUAL OPPORTUNITY HELD ON TUESDAY 26TH APRIL, 2011 IN
COMMITTEE ROOM ON 5TH FLOOR, CONTINENTAL BUILDING
AT 10.00 A.M.**

PRESENT

Hon. Mohammed Affey, M.P (Chairman)

Hon. Francis Chachu Ganya, M.P

Hon. Millie odhiambo- Mabona, M.P

Hon. Luka kipkorir Kigen, M.P

ABSENT WITH APOLOGY

Hon. Joseph Lekuton, M.P (Vice-Chairman)

Hon. Maison Leshoomo, M.P

Hon. Chesebe Fred Kapondi, M.P

Hon. Ephraim Maina, M.P

Hon. Raphael Lakalei Letimalo, M.P

IN ATTENDANCE

MINISTRY OF NAIROBI METROPOLITAN DEVELOPMENT

Hon. Robinson Githae - Minister

Mr. Philip Sika - Permanent Secretary

Mr. Wilfred Ndolo - Director of Administration

Eng. John Maina - Secretary

KENYA NATIONAL ASSEMBLY

Florence Atenyo-Abonyo - First Clerk Assistant/Committee Secretary

Abdullahi K. Aden - Third Clerk Assistant

**MIN. NO. 23/2011 DELIBERATION ON THE CIVIL SERVICE AUDIT
REPORT ON ETHNICITY BY THE NATIONAL
COHESION AND INTERGRATION COMMISSION**

The Minister for Nairobi Metropolitan Development
informed the Committee that:-

1. The Ministry was created on 13th April 2008 with a
broad mandate to develop and Integrate Nairobi
Metropolitan Areas Growth and Development

Strategy covering among others:- infrastructure; Spatial Planning; Mass Transport; Investment and legal regulatory framework for developing the Nairobi Metropolitan region as a Regional and Global Services Centre for Financial, information and Communication Technology, Health, Education, Business, Tourism and other services.

2. In creating the Ministry, the staff establishment was procured through the following:-

(i) Initial top management postings whereby officers were appointed by H. E. the President (Minister/Assistant Minister, Permanent Secretary).

(ii) Central Government postings whereby officers were posted from the following Ministries and the Ministry only received the posting orders and therefore had no input on the postings:-

- Ministry of State for Public Service
- Ministry of Finance
- Ministry of Planning & National Dev.
- State Law Office
- Ministry of Information & Communication

(iii) Technical Staff recruited on behalf of the Ministry by the Public Service Commission through a competitive process.

(iv) The Ministry also recruited officers through a competitive process under delegated powers by the Public Service Commission.

3. The Ministry's current staff establishment is 119 comprising of 55.5% male and 44.5% female out of

which 74 staff were deployed through central Government postings, 18 technical staff recruited by the Public Service Commission and 17 staff recruited by the Ministry.

MIN. NO. 24 /2011

STAFF DISTRIBUTION BY ETHNICITY AND GENDER

	ETHNICITY	MALE	FEMALE	TOTAL	%
1	Kikuyu	27	20	47	39.5
2	Luo	7	8	15	12.5
3	Luhya	5	5	10	8.4
4	Meru	10	6	16	13.4
5	Kamba	8	6	14	11.6
6	Kisii	3	4	7	5.9
7	Somali	1	1	2	1.6
8	Kalenjin	2	0	2	1.6
9	Taita	2	1	3	2.5
10	Pokomo	0	1	1	0.8
11	Gureeh	1	0	1	0.8
12	Njemps	0	1	1	0.8
	Sub total	55.5	44.5	119	100

Central Posting distribution

	ETHNICITY	MALE	FEMALE	TOTAL	%
1	Kikuyu	16	13	29	37.18
2	Luo	4	5	9	11.5
3	Luhya	3	4	7	8.9
4	Meru	6	4	10	12.8
5	Kamba	5	4	9	11.5
6	Kisii	2	3	5	7
7	Somali	1	1	2	2.5
8	Kalenjin	2	0	2	2.5
9	Taita	1	1	2	2.5

10	Pokomo	0	1	1	1.2
11	Gureeh	1	0	1	1.2
12	Teso	0	1	1	1.2
	Sub total	41	33	74	M- 55.4
					F - 46.6

Recruitment by the Ministry under delegated powers

	ETHNICITY	MALE	FEMALE	TOTAL	%
1	Kikuyu	2	4	6	35.3
2	Luo	2	2	4	23.5
3	Luhya	1	1	2	11.75
4	Meru	1	1	2	11.75
5	Kamba	1	1	2	11.75
6	Kisii	0	1	1	5.95
	Sub total	7	10	17	M-41.1
					F - 58.9

Recruitment of Technical Staff by Public Service Commission

	ETHNICITY	MALE	FEMALE	TOTAL	%
1	Kikuyu	7	2	9	50.2
2	Kamba	2	1	3	16.6
3	Meru	3	1	4	22.2
4	Kisii	1	0	1	5.5
5	Taita	1	0	1	5.5
	Sub total	15	3	18	M- 83.3
					F - 16.7

MIN. NO. 25/2011

COMMITTEE'S OBSERVATIONS

- The Ministries should have a say on the deployment of staff through central postings to ensure that the legal threshold is complied with so as to ensure equitable distribution.
- Staff distribution at all cadres should be balanced and there should be affirmative action to re-distribute the staff above the legal threshold to other ministries to ensure equity.
- Public Service Commission should embrace gender, ethnic and regional balance in recruitment and not focus more on meritocracy in order to have the face of Kenya.

MIN. NO. 26/2011

MINISTRY'S RECOMMENDATIONS ON ADDRESSING ETHNIC DISPARITIES IN THE CIVIL SERVICE

- (i) Redeployment of staff to other ministries and departments to ensure balance.
- (ii) Ministries that post staff centrally should coordinate with each other and inventory should be used as a reference point when posting staff to ensure balance.
- (iii) Creating strong institutions of integrity to oversee recruitment, promotion and deployment of staff.
- (iv) Reforming educational institutions which have contributed to major employment disparities,


through equal distribution of national schools and equality in posting of teachers.

- (v) Developing a National Policy to offer a National examination to all professions wishing to join the Civil Service which use index numbers as opposed to names to avoid identification of ethnicity.

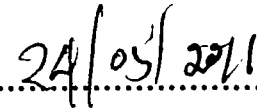
MIN. NO. 27 /2011

ADJOURNMENT

The Chairman adjourned the meeting at Thirty Minutes past Twelve O' Clock until Thursday 28th April, 2011 at 10.00 a.m.

SIGNED.....

CHAIRPERSON

DATE.....

**MINUTES OF THE SEVENTH SITTING OF THE COMMITTEE ON
EQUAL OPPORTUNITY HELD ON TUESDAY 3RD MAY, 2011 IN
COMMITTEE ROOM NO. 9 MAIN PARLIAMENT BUILDING AT
10.00 A.M.**

PRESENT

Hon. Mohammed Affey, M.P (Chairman)

Hon. Francis Chachu Ganya, M.P

Hon. Raphael Lakalei Letimalo, M.P

Hon. Millie odhiambo-Mabona, M.P

ABSENT WITH APOLOGY

Hon. Joseph Lekuton, M.P (Vice-Chairman)

Hon. Luka kipkorir Kigen, M.P

Hon. Maison Leshoomo, M.P

Hon. Ephraim Maina, M.P

Hon. Chesebe Fred Kapondi, M.P

IN ATTENDANCE

MINISTRY OF PUBLIC WORKS

Hon. Chris Obure, EGH, MP	-	Minister
Prof. John Lonangapuo	-	Permanent Secretary
Eng Mbau Kimani	-	Chief Engineer- Structural
Eng. Weche Okubo	-	Chief Engineer – Electrical & Mechanical
Mr. Cosmas Waweru	-	Chief Architect
Mr. Moses Nyakiongora	-	Chief Quantity Survive
Mr. Domnic Gicheru	-	Head, Human Resource Department

KENYA NATIONAL ASSEMBLY

Florence Atenyo-Abonyo	-	First Clerk Assistant/Committee Secretary
Abdullahi Aden	-	Third Clerk Assistant

MIN. NO. 30/2011

**MEETING WITH THE MINISTER FOR PUBLIC
WORKS**

The Minister informed the Committee was that:-

- (i) The Ministry staff establishment is 2,083 as at 26th April, 2011 against an approved establishment of 17,400 and therefore the

Ministry operating at only 18% of the approved establishment.

- (ii) All recruitment in the Public Service Commission of Kenya is carried out under delegated authority for cadres at Job Group "H" and below by the respective line ministries who subsequently post staff to various ministries.
- (iii) All staff at Job Group "J" and above are recruited by Public Service Commission who assist to recruit common cadres for line ministries who subsequently post these cadres. However the Ministry has no control over the ethnic composition of in-postings unlike during recruitment.
- (iv) The distribution in the common cadres is an outcome of postings from the line ministries and the records as at 26th April, 2011 indicates that the Kikuyu community constitutes 32%.
- (v) A recent mass posting of Support secretarial and clerical cadres between 2008 and 2011 reflect the current balance. The sole criteria used was based on longevity of the cadres in a single ministry.
- (vi) The Technical cadres who are spread between Architectural, Quantity Surveying and Engineering professionals are domiciled in the Ministry as posts do not exist outside the Ministry to absorb them.
- (vii) The Ministry has increasingly been unable to recruit the numbers required in the various

professionals leading to the absorption of literally all the applicants to jobs in these technical fields.

Ethnic distribution of 2083 staff as at 26th April, 2011

Ethnic Group	Total No.	JG "J" and above	JG "H" and below	No. of Technical Officers	No. non Technical officers	%
Kikuyu	678	460	218	480	198	32%
Luhya	289	164	125	192	97	13.9%
Luo	263	169	94	197	66	12.6%
Kamba	220	135	85	144	76	10.6%
Kisii	166	94	72	95	71	8%
Kalenjin	124	65	59	79	45	6%
Meru	84	50	34	48	36	4%
Embu	37	21	16	27	10	1,8%
Miji Kenda	35	19	16	23	11	1.7%
Somali	22	5	17	9	13	1.1%
Taita	20	9	11	10	10	1%
Pokomo	17	4	13	4	13	0.8%
Teso	17	7	10	9	8	0.8%
Mbeere	10	3	7	5	5	0.5%
Boran	9	5	4	5	4	0.4%
Turkana	9	3	6	2	7	0.4%
Masai	6	4	2	2	4	0.3%
Kuria	6	2	4	3	3	0.3%
Pokot	5	3	2	2	3	0.2%
Basuba	4	2	2	2	2	0.2%
Gureeh	3	1	2	1	2	0.1%
Samburu	3	2	1	1	2	0.1%
Bajun	3	1	2	1	2	0.1%
Tharaka	2	1	1	2	0	0.1%
Gabra	2	2	0	2	0	0.1%
Taveta	1	0	1	0	1	0.05%
Rendile	1	0	1	0	1	0.05%
Ogaden	1	1	0	1	0	0.05%

Staff distribution by female gender

Job Group	Technical	Non Technical
R	2	0
P	3	1
N	3	0
M	4	3
L	18	11
K	18	10
J	45	22
H	14	44
G	6	71
F	8	64
E	3	19
D	1	51
C	0	2
A	0	17

Staff distribution by male gender

Job Group	Technical	Non Technical
4	0	1
6	0	1
U	0	1
T	2	1
S	3	0
R	7	1
P	31	4
N	108	1
M	35	1
L	180	6
K	225	16
J	442	23
H	75	30
G	18	77
F	39	61
E	32	22
D	9	123
C	0	6
B	0	1
A	0	9

- (i) There should be an element of proportionality and equality in the deployment in the Civil Service so that the lack of technical expertise in other communities is compensated in numbers under the non technical as affirmative action for the marginalized communities.

- (ii) The Ministry has breached the law with the Kikuyu constituting 32% of the staff establishment and there is a very high gap between them and the second placed Luhya at 13.9% compared to the gap between the latter and the Luo at 12.6%.

The Chairman adjourned the meeting at Thirty Minutes past Eleven O' Clock until Tuesday 3rd May, 2011 at 10.00 a.m.

SIGNED.....

CHAIRPERSON

DATE 31.05.2011.....

**MINUTES OF THE TENTH SITTING OF THE COMMITTEE ON
EQUAL OPPORTUNITY HELD ON THURSDAY 26TH MAY, 2011 IN
COMMITTEE ROOM ON 5TH FLOOR, CONTINENTAL BUILDING
AT 10.00 A.M.**

PRESENT

Hon. Mohammed Affey, M.P (Chairman)

Hon. Luka kipkorir Kigen, M.P

Hon. Raphael Lakalei Letimalo, M.P

ABSENT WITH APOLOGY

Hon. Joseph Lekuton, M.P (Vice-Chairman)

Hon. Francis Chachu Ganya, M.P

Hon. Chesebe Fred Kapondi, M.P

Hon. Millie odhiambo-Mabona, M.P

Hon. Maison Leshoomo, M.P

Hon. Ephraim Maina, M.P

IN ATTENDANCE

MINISTRY OF LOCAL GOVERNMENT

Hon. Musalia Mudavadi, EGH, MP- Deputy Prime Minister/Minister for Local
Government

Prof. Karega Mutahi - Permanent Secretary

Amb. P.R.O. Owade - Secretary, Local Government Authority

Mutua P. Nzoka - Director, Marketing Development

Sally Tanui - Assistant Director, Human Resources

KENYA NATIONAL ASSEMBLY

Florence Atenyo-Abonyo - First Clerk Assistant/Committee Clerk

Abdullahi Aden - Third Clerk Assistant

Rose Mudibo - Committee Secretary

DISTRIBUTION ANALYSIS OF THE STAFF ESTABLISHMENT IN THE MINISTRY OF LOCAL GOVERNMENT HEADQUARTERS

The Deputy Prime Minister/Minister for Local Government informed the Committee that the Ministry Headquarters has a total establishment of 281 staff out of which 175 are male (63.28 %) and 106 are female (37.2%) as indicated in the table below. Persons with disability are 1.42% of all staff with male comprising 0.355% while female constitute 1.06% of the total establishment.

Ethnicity	No.	%
Kikuyu	98	35.28
Luyhas	42	15.12
Luo	39	14.04
Kamba	29	10.40
Kisii	22	7.92
Kalenjin	20	7.20
Meru	15	5.40
Somali	3	1.40
Maasai	2	0.71
Embu	2	0.71
Giriama	2	0.71
Taita	2	0.71
Teso	1	0.36
Borana	1	0.36
Kuria	1	0.36
Gender: Male	175	63.28
Female	106	37.72

DISTRIBUTION ANALYSIS OF THE STAFF ESTABLISHMENT IN THE LOCAL AUTHORITIES

The Deputy Prime Minister/Minister for Local Government informed the Committee that there are 352 senior staff distributed in 175 Local Authorities as indicated in the table below. In terms of ethnicity, the range is between 0.28% and 16.74% and the distribution compares well with the population distribution in the country.

Ethnicity	No.	%
Kikuyu	58	16.47
Luo	58	16.47
Luhya	51	14.48
Kalenjin	42	11.93
Kamba	31	8.80
Kisii	28	7.95
Meru	11	3.12
Somali	9	2.55
Kuria	5	1.42
Maasai	5	1.42
Giriama	3	0.85
Boran	3	0.85
Turkana	3	0.85
Taita	2	0.56
Embu	2	0.56
Mbeere	1	0.28
Pokomo	1	0.28
Pokot	1	0.28
Teso	1	0.28

DISTRIBUTION ANALYSIS OF THE SUPPORT STAFF

The Deputy Prime Minister/Minister for Local Government informed the Committee that:-

- (i) the Ministry recruited 45 support staff in 2007 under delegated powers of the Public Service Commission and the distribution is as indicated in the table below.

Region	No.	%
Central	10	22.22
Western	10	22.22
Nyanza	8	17.76
Rift Valley	8	17.76
Eastern	6	13.32
Coast	2	4.44
North Eastern	1	2.22
Total	45	100
Gender - Female	17	37.74
Male	28	62.26

- (ii) Staff in the Ministry Headquarters and senior staff in the Local Authorities are employed, deployed and promoted through the central postings by the Public Service Commission.
- (iii) The global perspective of the establishment in the two categories of Headquarters and Local Authorities present a total of 633 staff and the consequent ethnic distribution depicts a below threshold position.

- (iv) In terms of regional distribution, the number ranges from 3 to 86 or 1.068% to 30.6% while the ethnic balance range from 1 to 98 or 0.36% to 35.28% which exceed the threshold by 14 staff or 5%.
- (v) The Ministry operations cover the whole country and a fair assessment of its sensitivity towards promotion of equal opportunity should take cognizance of its national province. In addition, the Ministry prohibits discrimination and had has mechanism for remedies for victims of discrimination.

MIN. NO. 42/2011

**DEVELOPMENT PROGRAMMES UNDERTAKEN BY
THE MINISTRY OF LOCAL GOVERNMENT**

The Deputy Prime Minister/Minister for Local Government informed the Committee that the Ministry is undertaking the following five main development programmes which have generated substantial employment opportunities in areas considered to be of high poverty incidence.

(i) Flagship market projects under Vision 2030

The Ministry is undertaking 42 markets distributed countrywide and generating 144,043 employment opportunities with the main beneficiaries being women and youth

(ii) Economic Stimulus Programme Markets

The total employment generated under this high impact economic intervention programme is

165,478. In terms of gender and youth, women take over 75% of the opportunities generated.

(iii) Kazi Kwa Vijana

Under this programme, the youth are provided with funding across the country and so far 82,124 youth have been covered under this programme.

(iv) Kenya Youth Employment Programme

The programme will be implemented in 8 counties with assistance of donor funds. It is anticipated that 6,400 youth will get employment opportunities.

(v) Street Families Rehabilitation Trust Fund

The Ministry established the Street Families Rehabilitation Trust Fund in 2003 in an attempt to address the problem of street families. The mandate of the Fund is to co-ordinate and support rehabilitation activities for the welfare of street family members in Kenya and the programme covers 2,015 street families to-date.

MIN. NO. 43/2011

COMMITTEE'S OBSERVATIONS

- (i) The Deputy Prime Minister/Minister for Local Government acknowledged the ethnic imbalance in the Ministry Headquarters which is being addressed by the Public Service Commission.
- (ii) The Ministry of Local Government has requested both the Office of the Prime Minister and the

Ministry of Public Service to review the institutional framework of the Ministry.

MIN. NO. 44 /2011

COMMITTEE'S RECOMMENDATIONS

- (i) The Ministry should ensure that staff distribution at all cadres is balanced and an affirmative action should be put in place to re-distribute the staff above the legal threshold to other Ministries and government departments.

- (ii) The Ministry should consult the Public Service Commission on recruitment and deployment of staff to ensure ethnic balance both at the point of recruitment and deployment.

MIN. NO. 45 /2011

ADJOURNMENT

The Chairman adjourned the meeting at thirty minutes past Twelve O' Clock until Monday 30th May, 2011 at 2.30 p.m.

SIGNED..........

CHAIRPERSON

DATE.....16/6/2011.....

**MINUTES OF THE ELEVENTH SITTING OF THE COMMITTEE ON
EQUAL OPPORTUNITY HELD ON MONDAY 30TH MAY, 2011 IN
COMMITTEE ROOM ON 5TH FLOOR, CONTINENTAL BUILDING
AT 2.30 P.M.**

PRESENT

Hon. Mohammed Affey, M.P (Chairman)

Hon. Raphael Lakalei Letimalo, M.P

Hon. Francis Chachu Ganya, M.P

ABSENT WITH APOLOGY

Hon. Joseph Lekuton, M.P (Vice-Chairman)

Hon. Chesebe Fred Kapondi, M.P

Hon. Luka kipkorir Kigen, M.P

Hon. Ephraim Maina, M.P

Hon. Millie odhiambo-Mabona, M.P

Hon. Maison Leshoomo, M.P

IN ATTENDANCE

SAUTI YA MWANANCHI RADIO & TELEVISION LTD

Hon. Koigi wa Wamwere-	-	Chairman, Sauti Ya Mwananchi Radio & TV
George Ragui	-	Member, ”
Oscar K. Beautah	-	Director, Pamoja FM
Adam Hussein	-	Member, ”
Justice Wekesa	-	Chief Executive Officer, Radio Mambo
Wimsy MAnnah Osore	-	Director, Radio Sahara (Kisumu)
Caroline Malka	-	Secretary of Consortium

KENYA NATIONAL ASSEMBLY

Florence Atenyo-Abonyo	-	First Clerk Assistant/Committee Clerk
Abdullahi Aden	-	Third Clerk Assistant
Rose Mudibo	-	Committee Secretary

DELIBERATION ON THE UNEQUAL DISTRIBUTION
OF GOVERNMENT ADVERTISING WORK AMONG
TELEVISION AND RADIO STATIONS

The consortium of small radio and televisions stations informed the Committee that:-

- (i) Under the new Constitution, the community and regional radio stations, like the big media houses, should be assisted to grow for the very survival of democracy in Kenya. The principle must therefore be accepted that the small radio stations are as much entitled to a share of government advertising work and revenue as big media houses because government work and revenue should benefit everybody across the board and not just a selected few media houses
- (ii) The community and regional radio stations are justified to be given government advertising work because they control a sizeable audience, focus on local news on community and development issues which are of government agenda. Therefore, it is important for the government to fund them through advertising orders so as to reach the local audience in government effort to promote its agenda through education and information.
- (iii) The community and regional radio stations are currently 80 and can undertake government advertising work as successfully demonstrated by the Interim Independent Electoral Commission in the referendum and by elections

when all the radio and TV stations were contracted to undertake sensitization and civic education.

- (iv) Kenyans who listen to community and regional radio stations are equally entitled to government educational, public health and commercial information that will not reach them if the advertising work is given to some and not all radio stations.
- (v) Community and regional radio stations continue to operate in small scale because the FM frequencies are unfairly distributed. The government advertising work is also distributed unfairly, discriminatorily, non transparently and in a monopolistic manner to the detriment of national economy. Consequently, the democratic gains made in the liberalization of the air waves and the democratic space in the media will be eroded.
- (vi) Like the big media houses, the regional and community radio stations employ Kenyans who will lose their jobs when the small stations collapse because they survive only on local businesses and advertising work from Non governmental Organizations and Small/Medium Enterprises (SMEs).
- (vii) The adverting agency use Synovate ratings to distribute advertising work and revenue which often favour the big four (4) media houses. The

veracity of Synovate polls and ratings is questionable by many Kenyans who are convinced that the poll results do favour those who secretly finance them.

(viii) The government is not getting value for its money because of using media agents and paying more for the advertisement contracts to the bigger media stations in urban areas compared to what the small stations are charging yet they are locked out of government advertisement.

MIN. NO. 47/2011

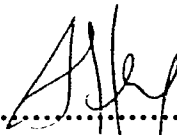
COMMITTEE'S RECOMMENDATIONS

The consortium of community and regional media stations to submit within two weeks, a detailed analysis on government advertisement contracts to media houses with a view to summoning the relevant authorities to shed more light on the matter.

MIN. NO. 48/2011

ADJOURNMENT

The Chairman adjourned the meeting at Five O' Clock until Tuesday 31st May, 2011 at 10.00 a.m.

SIGNED.....
CHAIRPERSON

DATE.....16/6/2011.....

**MINUTES OF THE THIRTEENTH SITTING OF THE COMMITTEE
ON EQUAL OPPORTUNITY HELD ON TUESDAY 7TH JUNE, 2011
IN COMMITTEE ROOM ON 5TH FLOOR, CONTINENTAL
BUILDING AT 10.00 A.M.**

PRESENT

Hon. Mohammed Affey, M.P **(Chairman)**
Hon. Joseph Lekuton, M.P **(Vice-Chairman)**
Hon. Raphael Lakalei Letimalo, M.P
Hon. Fred Chesebe Kapondi, M.P
Hon. Luka kipkorir Kigen, M.P
Hon. Francis Chachu Ganya, M.P
Hon. Maison Leshoomo, M.P

ABSENT WITH APOLOGY

Hon. Millie odhiambo-Mabona, M.P
Hon. Ephraim Maina, M.P

IN ATTENDANCE

MINISTRY OF HIGHER EDUCATION

Hon. (prof.) Hellen Sambili, EGH, MP- Minister
Hon. Asman Kamama, MP - Assistant Minister
Prof. Crispus Kiamba - Permanent Secretary
Harry L. Kaane - Secretary, Higher Education Science & Technology
Anne W. Kariuki - Senior Assistant Director, Human Resource

KENYA NATIONAL ASSEMBLY

Florence Atenyo-Abonyo - First Clerk Assistant/Committee Clerk
Abdullahi Aden - Third Clerk Assistant
Rose Mudibo - Committee Secretary

**MEETING WITH THE MINISTER FOR HIGHER
EDUCATION TO DELIBERATE ON THE CIVIL
SERVICE AUDIT REPORT ON ETHNICITY BY THE
NATIONAL COHESION AND INTERGRATION
COMMISSION**

The Minister informed the Committee that:-

- (i) The Ministry staff establishment is 340 and the ethnic distribution is as indicated below.

Job Group	A	D	E	F	G	H	J	K	L	M	N	P	Q	R	S	T	U	Total	%
Luo		4	1	1	2	2	2	2	4	7	8	5		1				39	11.5
Kikuyu		13	4	5	4	6	15	10	5	19	9	12	7	5	1			113	33.2
Kisii		5			2	4	4	2		5	4	3	1	1				31	9
Kamba		6	2	2		4	3		2	4	3	2	1	1			1	32	9
Luhya		4	3	3	2	9	7	5	3	5	5	2	5	2	2	1		58	17.1
Meru		1			1	3	4	1		3	3	2	1	1				20	6
Kalenjin	1	5	4		3	1	1	3	2	2	1	3	1					27	8
Miji Kenda			1					1	1			2		1				6	2
Pokot		1																1	0.3
Embu		1				1	1					1	1					5	1.5
Teso						1		1										2	0.6
Maasai										1								1	0.3
Somali										1	1							2	0.6
Taita						2												3	0.9
																		340	100

- (ii) Officers in Job Group A-H comprise of support staff (messengers), clerical officers and drivers. The officers in these cadres are recruited by the Authorized Officer under powers delegated by the Public Service Commission and the Ministry

has a standing responsible for this. Since the creation of the Ministry, only twenty four (24) officers have been recruited under the delegated powers and the ethnic distribution is as indicated below while the rest were inherited from the Ministry of Education.

Job Group	Kikuyu	Kisii	Luo	Kamba	Kalenjin	Teso	Meru	Luhya
A				1				
D	5	3	2	2	2	1	2	1
F	2	1	1	1				
Total	7	4	3	4	2	1	2	1
%	29.2	16.7	12.5	16.7	8.3	4.2	8.3	4.1

(iii) Officers in Job Group J-T comprise of Accountants, Finance Officers, Administrators, Human Resources Managers and Procurement and Technical Officers. These are graduate officers recruited by the Public Service Commission and posted to the Ministry by the various Administrators of schemes of service.

(iv) The Public Service Commission is solely responsible for the recruitment and central posting of senior cadres of civil servants at the exclusion of the parent ministry and therefore it is the Commission to ensure ethnic balance both at the recruitment and deployment point.

- (v) Posting of Accountants and Procurement Officers to government ministries is the sole responsibility of the Treasury which should ensure ethnic balance in the deployment.
- (vi) The Ministry has undertaken to be conscious and sensitive to ethnic balance on recruitment of staff. Consequently, action is being taken by the Ministry to inform all Administrators of the various schemes of services in the support staff cadres support staff to balance their staff in the Ministry due to the existing ethnic imbalance. The Ministry has equally requested the Public Service Commission to observe ethnic balance in all future recruitment of technical staff in the Ministry.
- (vii) The broader community of the Ministry includes the national public universities and the Ministry has held meetings with the management of the universities to emphasize the need to observe ethnic balance in the recruitment of staff at all cadres.

MIN. NO. 55/2011

BURSARY AND SCHOLARSHIP BY THE MINISTRY

- (i) The Committee was informed that the Ministry has developed the following three elements as a criteria for the award of bursary and scholarships:-
- Merit
 - Gender
 - Region/ethnicity

- (ii) The marginalized regions are given priority for full bursary and they cannot afford to pay partial scholarship
- (iii) The Ministry has adopted affirmative action in university admission for both female students and those from marginalized region by lowering the cut-off mark by two points.

MIN. NO. 56/2011

COMMITTEE'S OBSERVATIONS

- The report submitted by the Ministry on the staff establishment in the public universities indicate huge ethnic imbalance.
- The scholarship and bursary awarded by the Ministry over the years has not been equitable but skewed and tend to benefit certain ethnic communities.
- The recruitment undertaken by the Ministry for support staff under the delegated powers is not any better from the practice by the Public Service Commission because of total exclusion of certain communities. The Ministry is run by only 14 communities out of the 42 tribes in Kenya. Therefore, the Ministry is apparently perpetuating the practice by the Commission in the recruitment process.
- It is the Ministry of Transport statutory duty to raise concern and inform the Public Service Commission as the central posting authority of the

anomaly in the postings and to comply with the law and ensure ethnic balance.

- Future recruitment by the Ministry should take cognizance of the ethnic communities that have surpassed the legal threshold and be slowed down in order to accommodate other ethnic communities that are either not or marginally represented in the Ministry.
- Effort should be made to ensure that advertisement of employment opportunities in the public service is accessible countrywide through all means including using the local administration (chiefs), worship places (churches, mosques) and Members of Parliament to enable all communities to apply for the jobs.
- There is need for a consultative forum between the Committee and the Permanent Secretaries of all govern ministries and departments to deliberate on the issue regarding ethnic imbalance.
- The Ministry to submit to the Committee a detailed analysis of the staff establishment on gender and disability.

MIN. NO. 57/2011 **ANY OTHER BUSINESS**

The Committee was informed that Clerk has approved two Members to undertake the Committee's proposed study visit to the United States of America.

The Committee resolved to consult the Clerk with a view to reviewing the size of the delegation to four Members.

MIN. NO. 58/2011 **ADJOURNMENT**

The Chairman adjourned the meeting at thirty minutes past Eleven O' Clock until June, 2011 at 10.00 a.m.

SIGNED..........
CHAIRPERSON

DATE.....16/6/2011.....

**MINUTES OF THE FOURTEENTH SITTING OF THE COMMITTEE
ON EQUAL OPPORTUNITY HELD ON THURSDAY 16TH JUNE,
2011 IN COMMITTEE ROOM ON 5TH FLOOR, CONTINENTAL
BUILDING AT 10.00 A.M.**

PRESENT

Hon. Mohammed Affey, M.P (Chairman)
Hon. Joseph Lekuton, M.P (Vice-Chairman)
Hon. Raphael Lakalei Letimalo, M.P
Hon. Luka kipkorir Kigen, M.P
Hon. Francis Chachu Ganya, M.P

ABSENT WITH APOLOGY

Hon. Millie odhiambo-Mabona, M.P
Hon. Fred Chesebe Kapondi, M.P
Hon. Maison Leshoomo, M.P
Hon. Ephraim Maina, M.P

IN ATTENDANCE

KENYA NATIONAL ASSEMBLY

Florence Atenyo-Abonyo - First Clerk Assistant/Committee Clerk
Abdullahi Aden - Third Clerk Assistant
Rose Mudibo - Committee Secretary

MIN. NO 59/2011

CONFIRMATION OF THE MINUTES

Minutes of the following previous sittings were confirmed by the members present and signed by the chairman.

- (i) Minutes of the Tenth sitting held on Thursday 26th May, 2011 were proposed by Hon. Luka Kigen, MP and seconded by Hon. Raphael Letimalo, MP.
- (ii) Minutes of the eleventh sitting held on Monday 30th May 2011 were proposed by Hon. Chachu

Ganya, MP and seconded by Hon. Raphael Letimalo, MP.

- (iii) Minutes of the Twelfth sitting held on Tuesday 31st May, 2011 were proposed by Hon Chachu Ganya, MP and seconded by Hon. Luka Kigen, MP.
- (iv) Minutes of the Thirteenth sitting held on Tuesday 7th May, 2011 were proposed by Hon. Joseph Lekuton, M.P and seconded by Hon. Raphael Letimalo, MP.

MIN. NO. 60/201

MEETING WITH THE MINISTER FOR TOURISM

The Committee took great exception to the failure by the Minister for Tourism to appear before it despite adequate notices given after request for rescheduling of the Meetings by the Minister.

MIN. NO 61/2011 ANY OTHER BUSINESS

(i) Kenya nation commission On Human Rights

The committee was informed that the Commission has invited the Committee for a workshop to deliberate on Human Rights and Equality bill from Thursday 30th June to Saturday 2nd July 2011.

(ii) Under Minute 57/2011

The Chairperson informed the Committee that the Clerk had approved 5 members to undertake the study tour on condition that it must be rescheduled to 15th - 30th July 2011.

(iii) Nomination of members


The Committee nominated the following 5 members to undertake the study tour;

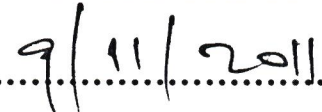
1. Hon. Mohammed Affey, M.P (Chairman)
2. Hon. Joseph Lekuton, M.P vice (Chairman)
3. Hon. Raphael Letimalo, M.P
4. Hon. Francis Chachu Ganya, M.P

The fifth slot to be taken by either Hon. Millie Odhiambo - Mabona, M.P or Hon. Maison Leshoomo, M.P.

MIN NO. 62/2011 ADJOURNMENT

The Chairman adjourned the meeting at eleven O' lock.

SIGNED: 
CHAIRPERSON

DATE..... 

**MINUTES OF THE FIFTEENTH SITTING OF THE COMMITTEE
ON EQUAL OPPORTUNITY HELD ON TUESDAY 21ST JUNE, 2011
IN COMMITTEE ROOM ON 5TH FLOOR, CONTINENTAL
BUILDING AT 10.00 A.M.**

PRESENT

The Hon. Mohamed Abdi Affey, M.P. (Chairman)

The Hon. Joseph Lekuton, M.P, (Vice-Chairman)

The Hon. Raphael Letimalo, M.P.

The Hon. Luka Kigen, M.P.

The Hon. Maison Leshoomo

ABSENT WITH APOLOGY

The Hon. Francis Chachu Ganya, M.P

The Hon. Ephraim Maina, M.P.

The Hon. Millie Odhiambo, M.P.

The Hon. Fred Chesebe Kapondi, M.P.

IN ATTENDANCE

Mr. Titus J. K. Gateere - Chairperson, Public Service Commission

Bernadette M. Nzioki, EBS - Secretary, Public Service Commission

Florence Wachira - Director, Recruitment & Selection, Public
Service Commission

Selina Iseme - Senior Principal, Litigation Counsel,
Public Service Commission

KENYA NATIONAL ASSEMBLY

Florence Abonyo - First Clerk Assistant / Committee Clerk

Rose Mudibo - Secretary

Abdullahi Aden - Clerk Assistant

**MIN. NO. 63/2011 MEETING WITH THE PUBLIC SERVICE
COMMISSION TO DELIBERATE ON CIVIL SERVICE
ETHNIC AUDIT REPORT**

The Chairman informed the Committee that:-

- (i) The Public Service Commission was created by the old Constitution as an independent executive agency under Chapter VIII and was mandated

under Section 107 of the Constitution to appoint persons to hold or act in the Public Service including power to confirm appointment and the power to remove such persons from office.

- (ii) The Constitution also allowed the Commission to delegate any of its powers to any one or more members or to any officer in the Public Service as it deems fit. The Commission thus delegated authority to recruit and promote officers in Job Groups 'A' to 'L' to Authorized Officers as was stipulated in Section 107 of the Constitution and the Service Commission Act (CAP 185) with clear guidelines to ensure compliance with its core values.
- (iii) The Commission has been monitoring the application of the delegated powers through reports from Ministries/Departments and through the Human Resource Audit Department which among other duties carries out routine audits to ensure that the guidelines on delegated powers on recruitment are strictly adhered to.
- (iv) The Commission handles appointments of graduate entrants into the civil service and those joining after pre-service training, promotional posts at the middle, senior and policy level management position
- (v) Under the current Constitution, the powers and functions of the Commission are spelt out in section 234 and have expanded to include those

previously carried out by the non-Constitutional offices.

- (vi) The Commission is actively engaged in the implementation of the Constitution while taking cognizance of the transition clauses in the 6th schedule.

MIN. NO. 64/2011

RECRUITMENT BY THE PUBLIC SERVICE COMMISSION

The Committee was informed that:-

- (i) Recruitment by the Commission is demand driven based on requests made by Ministries/ Departments who prepare job indents for vacant posts and forwards them through the Ministry of State for Public Service. Vacancies are declared on the basis of an authorized establishment and on Schemes of Service.
- (ii) The Ministry of State for Public Service has been the custodian of the staff establishment in the Civil Service but the new Constitution has transferred this function and that of creating posts to the Public Service Commission. The Commission has now issued guidelines with regard to the creation of posts and is yet to take over the maintenance of the establishment data in view of the transition clauses.
- (iii) The schemes of service are prepared by the Ministries / Departments in consultation with the Ministry of State for Public Service and approved for use by the Commission.
- (iv) The Commission advertises all declared vacant posts in the print media and on its two websites.

It then shortlists, interviews and appoints applicants competitively in collaboration with the Ministry of State for Public Service and the recruiting Ministry/ Department both of whom are represented in the interview Boards.

- (v) Each Ministry is responsible for the deployment of officers to the various work stations in the country once they have been appointed by the Commission. In carrying out appointments, the Commission is guided by the following core values i.e. Meritocracy, integrity, fairness, transparency, equity and diversity.

MIN. NO. 65/2011

PROVISION OF EQUAL OPPORTUNITY IN EMPLOYMENT BY THE PUBLIC SERVICE COMMISSION

- (i) That to ensure equity and equal opportunity the Commission considers regional balance, gender and disability by making a deliberate effort. In regard to gender the Commission has endeavoured to comply with the 30% Government policy on appointment of women without compromising merit. The chart below gives the percentage of the female gender appointed during the last four years:-

2007	2008	2010	2011 (up to May, 2011)
29.25%	36.55%	32.27%	32.47%

- (ii) That with regard to people with disabilities, the Commission has always encouraged them to apply for the advertised posts using the Commissions' application form PSC 2 revised

2007 which has the Provision for the applicant to indicate if they have a disability.

MIN. NO. 65/2011

COMMITTEES' OBSERVATIONS

The Committee made observed that:-

- There is a consistent pattern of exclusion of some communities in all the Ministries that have appeared before it.
- The Commission need to develop a policy to deal with recruitment in the counties and the Commission should involve the Committee in the Bill it is developing on recruitment.
- The vacancies in the civil service and promotions in Government institutions take too long to be filled.

MIN. NO. 65/2011

RESPONSE BY THE COMMISSION

- That all the officers under delegated authority who constitute of 95% of employees are managed by the parent ministries.
- The Commission undertook to avail the draft of the Bill to the Committee to give its input.
- That the Commission is developing an advertising strategy, including through administrative centres in the country.
- That the Commission is also looking at intra-ethnic and historical injustices in the country.
- The Commission handles the matter brought before it within a month and not any longer.
- The Commission gives a waiver on promotion with a rider depending on the nature and need.

MIN. NO. 66/2011

STUDY TOUR

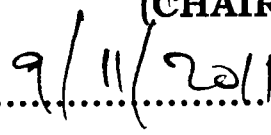
The Committee agreed to re-visit the issue of the nominations of the members of the Committee to the proposed study tour to the United States of America.

MIN. NO. 67/2011

ADJOURNMENT

There being no other business, the Chairman adjourned the meeting at 12.00 O'clock.

Signed:.....
(CHAIRPERSON)

Date:

**MINUTES OF THE TWENTY SIXTH SITTING OF THE
COMMITTEE ON EQUAL OPPORTUNITY HELD ON 1ST
DECEMBER, 2011, IN COMMITTEE ROOM NINE AT 3.30
P.M.**

PRESENT

The Hon. Mohamed Abdi Affey, M.P. (Chairman)

The Hon. Francis Chachu Ganya, M.P.

The Hon. Luka Kigen, M.P.

The Hon. Raphael Letimalo, M.P.

ABSENT WITH APOLOGY

The Hon. Joseph Lekuton, M.P. (Vice-Chairman)

The Hon. Ephraim Maina, M.P.

The Hon. Maison Leshoomo, M.P.

The Hon. Millie Odhiambo, M.P.

The Hon. Fred Kapondi, M.P.

KENYA NATIONAL ASSEMBLY

Florence Abonyo - First Clerk Assistant/ Committee Secretary

Evans Oanda - Third Clerk Assistant

PARLIAMENTARY SERVICE COMMISSION

Patrick Gichohi, CBS, Clerk of the National Assembly

Peter Omolo Senior Deputy Clerk

Clement Nyandiere Director, Information Services

Gerald Okola Director, administrative Services

Consolata Munga Deputy Director, Committees

Paul Onyango Ag Director, Finance

Phylis Makau Head of Budget Office

Shadia Farid Head, PSC Secretariat

MIN. NO. 102/2011**PRAYER**

The Chairman called the meeting to order at 3.45 p.m. beginning with a word of prayer.

MIN. NO. 102/2011**MEETING WITH THE PARLIAMENTARY SERVICE COMMISSION**

The Committee informed the delegation of its mandate and the purpose of the meeting resulting from a report from the National Cohesion and Integration Commission on the ethnic audit of the Kenya Civil Service. The delegation presented to the Committee the below charts showing the recruitment of staff from 2008 to 2011 in terms of gender and ethnic grouping.

MIN. NO. 103/2011**RESPONSE FROM PSC**

The Parliamentary Service Commission gave a detailed table showing how recruitment of staff has been carried out in terms of gender and distribution among counties as shown below:-

Staff Employed between 2008 to 2011

Gender	Number Recruited	Percentage Recruited
Male	52	53%
Female	46	47%
Total	98	100%

The following table was provided by the PSC to show the County representation of the staff recruited from 2008 to 2011:-

	County	Number of Staff Recruited	Percentage Recruited
1.	Baringo	1	1.02%
2	Bomet	1	102%

3	Bungoma	6	6.12%
4	Busia	5	5.10%
5	Garissa	2	2.04%
6	Homabay	7	7.14%
7	Isiolo	3	3.06%
8	Kakamega	4	4.08%
9	Kiambu	9	9.18%
10	Kilifi	2	2.04%
11	Kirinyaga	1	1.02%
12	Kisii	3	3.06%
13	Kisumu	3	3.06%
14	Kitui	3	3.06%
15	Laikipia	2	2.04%
16	Lamu	2	2.04%
17	Machakos	2	2.04%
18	Makueni	1	1.02%
19	Marsabit	3	3.06%
20	Meru	4	4.08%
21	Migori	1	1.02%
22	Muranga	2	2.04%
23	Nairobi	3	3.06%
24	Nakuru	1	1.02%
25	Narok	1	1.02%
26	Nyamira	6	6.12%
27	Nyeri	5	5.10%
28	Samburu	1	1.02%
29	Siaya	2	2.04%
30	Taita/ Taveta	3	3.06%
31	Tana River	1	1.02%

32	Tharaka / Nithi	1	1.02%
33	Turkana	1	1.02%
34	Uasin Gishu	1	1.02%
35	Vihiga	2	2.04%
36	Wajir	1	1.02%
37	West Pokot	2	2.04%
		98	100%

Distribution by Province

Province	No. of Officers	Percentage
Nairobi	2	2.0%
Nyanza	23	23.2%
Rift Valley	11	11.1%
Central	17	17.2%
Eastern	17	17.2%
Coast	8	8.1%
Western	17	17.2%
North Eastern	3	3.0%
Total	98	100%

MIN. NO. 103/2011

COMMITTEE'S OBSERVATIONS

During the deliberations the Committee made the following observations:-

- Committee raised concern that Kwale County is not represented in the Commission establishment in all the existing cadres.

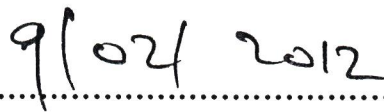
- That out of the forty seven counties in the country, from 2008 to date ten of the counties have not been considered for recruitment to the establishment.
- That although a majority of the counties were represented in the Commission, they needed to be distributed evenly within the constituencies that constitute a particular county.
- That PSC carries out its advertisements through the print media locking out many communities who have no access to it.
- That a number of employees have not been exposed to training.
- That a number of officers have stagnated in one job group for a number of years leading to demoralization of the staff.

MIN. NO. 104/2011

ADJOURNMENT

There being no other business, the Chairman adjourned the meeting at 4.40p.m.

SIGNED:.....
(CHAIRPERSON)

DATE:.....

**MINUTES OF THE THIRD SITTING OF THE COMMITTEE ON
EQUAL OPPORTUNITY HELD ON WEDNESDAY 29TH FEBRUARY
2012, IN THE COMMITTEE ROOM 9, MAIN PARLIAMENT
BUILDING AT 10.00 A.M.**

PRESENT

The Hon. Mohamed Abdi Affey, M.P. (**Chairman**)

The Hon. Joseph Lekuton, M.P. (**Vice Chairman**)

The Hon. Francis Chachu Ganya, M.P.

The Hon. Raphael Letimalo, M.P.

The Hon. Luka Kigen, M.P.

ABSENT WITH APOLOGY

The Hon. Ephraim Maina, M.P.

The Hon. Fred Kapondi, M.P.

The Hon. Millie Odhiambo-Mabona, M.P.

The Hon. Maison Leshoomo, M.P.

NATIONAL COHESION AND INTEGRATION COMMISSION

Halakhe Wayo - Commissioner

Dr. Ahmed Yassin - Commissioner

Dr. Julius Jwan - Assistant Director, Research

KENYA NATIONAL ASSEMBLY

Mrs. Florence Abonyo - First Clerk Assistant

Mr. Evans Oanda - Third Clerk Assistant

**MIN.NO. 010/2012 MEETING WITH THE NATIONAL COHESION AND
INTEGRATION COMMISSION (NCIC)**

The Committee could not hold a meeting with the NCIC to receive their report on the ethnic diversity in the Kenyan Public universities due to:-

1. A debate on the delimitation of electoral boundaries going on in the floor of the House concurrently.

2. Releasing of the Kenya Certificate of Secondary Education (KCSE) results concurrently.

As a result, the matter would not get the required attention by both the Committee and the media. The meeting was therefore postponed to Tuesday 6th. March, 2012 at 10:00am

MIN.NO. 011/2012

ADOPTION OF THE COMMITTEE REPORTS


The Committee deliberated and adopted the following reports:-

- (a) The Ethnic Diversity in the Kenyan Civil Service.
- b) The distribution of advertising services to media houses; and
- (c) The unfair administrative practices undermining equal opportunity, the Chairman signed them all and urged the secretariat to process them for tabling on Tuesday 6th March, 2012.

MIN.NO. 012/2012

ADJOURNMENT

There being no other business, the Chairman adjourned the meeting at 10.46 a.m.

SIGNATURE.....

(CHAIRMAN)

DATE.....6/03/2012.....

ANNEX – (2)

(National Cohesion & Integration Commission Report)

Low-level jobs (A,B,C,D)

Kikuyu	21%
Kalenjin	15%
Luhya	13%
Luo	12%
Kamba	10%
Kisii	8%
Meru/Miji Kenda	5%
Somali	3%
Embu	2%

Top jobs

- There are only 191 jobs in the Job Groups T, U, V band.
- Five communities account for over 60% of the highest band.
- These are the Kikuyu, Luo, Kalenjin, Luhya and Kamba.

DIVERSITY AUDIT OF THE CIVIL SERVICE

National Cohesion and
Integration Commission

Why this study?

- Ethnic inequalities in the composition of public institutions is one issue rarely debated in an open and candid manner.
- However, perceptions about certain communities having higher proportions of civil service positions and other public sector institutions than the rest have been growing over the years.
- This debate has lacked objective data or detailed analysis of the problem.

Why the study?

- o All the same, these perceptions and general discourses on ethnicity and politics have had one important impact on the political life of Kenya.
- o They have undermined the sense of national identity, cohesion and unity among Kenyans.
- o One question is: are these perceptions or realities?

Diversity in the Civil Service

- o As at March 2010, the Kenyan civil service consisted 211,044 personnel, excluding the military and teachers, whose combined number exceeds this by far
- o This analysis is confined to the mainstream civil service, the largest single employer of public servants.

1. Not the face of Kenya

- o The top 10 communities take up 186,376, or 88.3% of all the 211044 jobs in the civil service.
- o The rest of the 30-plus Kenyan ethnic communities have to share the remaining 24,668 jobs in the Civil Service

Composition of the Civil Service

Ethnicity	Number	% (percentage)
Kikuyu	47,146	22.34%
Kalenjin	32,740	15.51%
Luhya	23,863	11.31%
Kamba	20,490	9.71%
Luo	19,025	9.01%
Kisii	14,287	6.77%
Meru	12,517	5.93%
Miji Kenda	6,577	3.12%
Somali-so-state	5,619	2.66%
Embu	4,118	1.95%

1. Crisis of exclusion

- o Over 20 ethnic communities do not make even 1 per cent of the civil service.
- o Kenya has a racial as well as an ethnic inequalities problem in the civil service.
- o National cohesion begins from appreciating the importance of racial as well as ethnic inclusiveness.

1. Exclusion illustrated

Tribe	Number	percentage
Kenya Arab	90	0.04%
Kenyan Asian	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 European	2	0.00%

2. Dominance

- o Overall, two ethnic communities are the most dominant in the civil service. The Kikuyu and the Kalenjin have relatively higher proportions of staff in the civil service than other ethnic groups.
- o Five ethnic communities hold up to 70 per cent of the positions in the civil service, even though

County lens

• Just five counties account for over 22% of civil service jobs.

• Nyeri (5.73%)

• Kiambu (4.51%)

• Meru (4.39%)

• Kisii (4.25%)

• Machakos (4.09%)

3. Over-represented

Time	Population	CVL service	Value
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

3. Over and under-represented

- o Perceptions of how different groups are represented in the civil service tend to undermine the building of a sense of one nation.
- o Whereas population and representation in the civil service should not necessarily be pro-rated as a measure of equality or equity in a society where ethnicity is the driver of major perceptions, the population share of a community in the civil service is a good indicator of under- or over-representation. In this case, population becomes a nominal measure of equality.

3. Over- and under-represented

- o The Kikuyu are the most dominant. Their variance between their share of population and their numbers in the civil service is nearly 5 percentage points. The variance for the Kalenjin stands at 3 percentage points, followed by the Embou and the Meru
- o There are communities whose overall presence in the civil service is lower than their share of the population. These are the Luo, Luhya, Somali, Kamba, Turkana and Maasai

3. Under-represented

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

4. Power and resources

- o Ministries serve all people in all regions of the country. They are also a source of jobs.
- o Not all ministries are not equal when compared on basis of the size of their personnel, budgetary allocations or strategic importance.
- o Some ministries wield influence because they facilitate the making of laws about power or they control more resources.
- o Defence, Justice, Foreign Affairs, Internal Security and Finance are generally strategically important because of their size, the resources they control and the influence they have over other ministries and agencies in the public and private spheres.

4. Power and influence

Whereas the infrastructure ministries may also be considered strategic in terms of the amount of language they control, their importance is often demonstrated in the size of their budgets or the resources they control. They are strategic especially in terms of creating employment and even wealth opportunities but they do not influence others.

This analysis seeks to determine the extent of managerial or local community influence on account of presence based on ministry size in terms of employment and budgetary allocation.

Pecking order by number of jobs

RANK	MIN/DEPARTMENT	NO. OF EMPLOYEES
1	Police	44,124
2	Administration Police	31,641
3	Medical Services	25,990
4	Home Affairs	18,755
5	Office of the President	17,340
6	Public Health	9,604
7	Agriculture	7,514
8	Livestock	6,414
9	Immigration & Reg of Persons	5,643
10	Water and Irrigation	4,672

4. Power and influence

Nearly 70% of the civil service jobs are in
ministries and departments, three (3) of
which are in the Office of the President.

The Police Force, The Administration Police, and
Office of the President non-police staff

The remaining three is 44.38% of the
total civil service. OP alone employs
about half of the total number of civil
servants

Police

- On the 44,124 people (the highest in the civil service) employed by the police, only 15 communities have a statistically significant presence. Five communities account for over 60% of the force.
- The Kalenjin dominate in the police, holding 21% of the positions, followed by the Kikuyu with 16% and the Kamba at 12%.
- On the whole, three communities -- Kalenjin, Kikuyu, and Kamba -- account for nearly 50% of the police force in Kenya.

Police presence

Kalenjin

21%

Kikuyu

16%

Kamba

12%

Luhya

9%

Luo

7%

AP presence

The Administration Police is the second highest employer with 31,641 staff. Five communities comprise nearly 60% of the Administrative Police. The Kikuyu with 20% and the Kalenjin with 18% are the two dominant groups in the Administration Police. They are followed by the Luhya (9%), Luo and Kamba at 8% each, and the Kisii at 6%. Only 8 communities have more than 100 of their members working in the Administration Police.

Unrepresentative police

In the police force, there is no Kenyan

Asian or European. There are only 3

Kenya Arabs. Other marginally

represented communities in the force are

Dastack-Shangil (4), Swahili Shirazi (8)

and Boni-Sanye (8).

Only 8 communities have more than 100

officers working in the

Administration Police.

Health workers

- The Ministry of Medical Services has a labour force of 25,940
- Three communities account for 50% of the workforce: the Kikuyu (26%), Luliyá (18%), and Kalenjin (12%).

Prisons

The Prisons Department employs 18,705 people. Of these, four communities account for 60% of the workforce:

Kalenjin (21%), Kikuyu (18%), Luhya (10%), and Kamba (10%). The top 7 communities comprise about 80% of the workforce.

None of the other Kenyan communities requires a staff presence of more than 3%. A total of 20 communities have a representation of below 100 officers; only 7 communities have representation above 1,000 officers.

Administrators

The Office of the President and Ministry of State for Provincial Administration and Internal Security employs 17,340 staff. This is the fifth largest employer. Two communities, the Kikuyu and the Kalenjin, are the most dominant. Each accounts for 17% of the civil service jobs there. They are followed by another significant between the Luhya and the Kamba at 10%. Only 9 communities have representation of over 1000 staff.

5. Where the money goes

Allocation of public resources to ministries enables them to undertake their recurrent and developmental responsibilities. Inequities in the ethnic composition of the civil service in the ministries would then become a point of concern. It is skewed towards a few communities. It implies that public resources, such as salaries, benefits, emoluments of only a few communities. Thus the size of a ministry is important in terms of budgetary allocations. The top 10 ministries are budgetary allocations in the 2010 estimates are listed together with the composition of the civil service.

Budget ranking

Rank	Ministry	% Share of Total Budget	% Community Representation in Civil Service
1	Education	14.1%	Kikuyu - 25% Luhya - 13% Kalenjin - 11% Kamba - 11% Luo - 10% [Note that the bulk of staff here serve under the TSC, which is not part of this study]
2	Roads	10.5%	Kikuyu - 32% Luhya - 13% Luo - 12% Kamba - 11% Kalenjin - 9%

Budget ranking

3	Finance	5.4%	Kikuyu - 32% Luo - 13% Luhya - 12% Kisii - 10% Kamba - 9%
4	Higher Education	4.9%	Kikuyu - 34% Luhya - 16% Luo - 14% Kisii - 9% Kamba - 8%
5	Defence	4.7%	Kikuyu - 29% Kamba - 17% Luhya - 13% Luo - 10% Kisii - 9% Meru/Kalenjin - 10%

Budget ranking

6	OP (Provincial Administration/Security)	4.6%	
7	Water and Irrigation	3.8%	Kikuyu - 31% Luo - 12% Kamba - 11% Luhya - 10% Kalenjin - 8% Kikuyu - 32% Luhya - 15% Luo/Kamba - 11% Meru - 8% Kisii - 7%
8	Energy	3.6%	Kikuyu - 26% Luhya - 13% Kalenjin - 12% Luo/Kisii/Kamba - 9%
9	Medical Services	3.3%	Kikuyu - 25%
10	Public Health	2.3%	

6. Seniority and ethnicity

The civil service comprises various job groups segmented into three levels and further subdivided.

Level 1 comprises staff in job Grades 1, 2 and 3. These are usually the job makers. This category includes Permanent Secretaries, Secretaries and Directors in Ministries and Departments.

Level 2 comprises officers in job Grades 4, 5, 6, 7, 8 and 9. These are Senior Managers and Technical Staff Officers in this category include Senior Deputy Secretaries, Deputy Secretaries and Under Secretaries.

Below these two levels are the Support Staff. These include clerical and general support staff.

Job groups in Grades 10 and 11 are at the level of policy makers. They will make or ratify the major decisions that are implemented by officers. Permanent Secretaries for Ministries and the accounting officers of the main ministries.