Dynamics and Complexities of Forming the Executive Office: Analysis of Kenya's Cabinet 1963 – 2018

Joshua Michael Daniel Otieno and Wilson Muna

AJP

Dynamics and Complexities of Forming the Executive Office: Analysis of Kenya's Cabinet 1963 – 2018

[1]Joshua Michael Daniel Otieno

Post Graduate Student: Department of Public Policy and Administration,

Kenyatta University, Nairobi, Kenya

otieno.jmdaniel@gmail.com [1]

[2]Wilson Muna

Department of Public Policy and Administration,

Kenyatta University, Nairobi, Kenya

muna.wilson@ku.ac.ke [2]

Abstract

For any government, formation and selection of executive office is influenced by myriads of factors and considerations, defined by both national and global dynamics. Although the Constitution of Kenya (CoK, 2010) offers guiding principles on design of the Cabinet, its current formation and structure remains under contention. This study analyzed; ethnic, gender, size, and individual dynamics that have informed the structure and organization of the Kenyan cabinet. A survey of executive office of the president staff and knowledge experts in politics, public policy and administration was carried out. Semi structured questionnaires were employed and interviews conducted to collect data. This was complemented by secondary data from published books, journals, and archival government documents. The study found that (1) politics in Kenya is highly ethnicized and the most significant determining factor in the making of cabinet; (2) Majority of communities remain historically marginalized and are not represented in the cabinet; (3) Gender parity in cabinet is hampered by strong cultural attitudes on gender roles and the low political influence of women as an electorate. Attitudes of male superiority were found to be prevalent and their leadership preferred; (4) that on average, although cabinet has highly educated members, most of them have not been professionally matched to their respective ministerial portfolio. The study findings could be of interest and benefit to policy makers towards understanding and creating policies guiding organization and structure of government. Ethnicity being a significant feature of Kenyan politics we propose cultivation of diversity towards 'real' inclusivity by equitable national resource distribution.

Key Words: *Cabinet ministers, Constitution of Kenya, Gender, Ethnicity, Politics, and Competence*

1.0 INTRODUCTION

The formation of the executive office calls for key considerations based on the surrounding conditions defined as its environment. This environment has been categorized differently by various public administration scholars. Dahl, (1947) termed the environment of public administration as inclusive of the national psychology, aside from the political, social, and cultural. Gaus (1988) on the other hand suggested that the environment be approached first from the geography of a place, then its people, and their interactions with one another and how they get their livelihoods, wishes, ideas, tragedy and personalities. Heady (1996) includes the historical urging that environmental factors be looked at vis-a-vis the weight of their relative influences on political and administrative institutions.

The executive office is vital to the running of any government. The selection of a cabinet is among the first decisions a new President or a Prime Minister makes. Considerations made include politics, regional and ethnic representation, previous government experience, competence, and the appointing authority's personal preferences (Fairlie, 1913; Khera, 1975; Mukoro, 2005; Amutabi, 2009; Nkolenyi, 2015; Adegoroye, 2015).

Most studies have dealt with separate aspects of the external environment as identified above but a holistic approach would provide a clearer picture. In reality the influences on the cabinet are dynamic and complex. Furthermore, these studies highlight mostly developed countries experiences as noted by Michael and Popov (2011). Their conclusions may not adequately represent developing countries such as Kenya.

Escobar-Lemmon and Taylor-Robinson (2009) and Krook and O'Brien (2012) for instance look at the selection of women to cabinets around the world. However they do not get into the underlying cultural perceptions around gender roles and leadership. Whereas Michael and Popov (2011) and Ardanaz and Scartascini (2013) focus broadly on the size of government with respect to the macro-economic environment but not specifically on cabinet size. Castelvecchi (2008) commenting on the optimal number of members of cabinet cites need for representativeness but does not delve into the mechanics. On this, Indridason and Bowler (2013) discuss size but are inclined towards party politics, coalition bargaining, and efficiency.

Individual competence and professionalism of cabinets may not have been much studied but has had summary mention in the works of Khapoya (1980), King and Riddlesperger (2012), and Lyle (2013). They concur that politics carries the heaviest weight though previous experience in the public sector, and relevant work and educational experience may be understood as reliability in their respective positions. However, Escobar-Lemmon and Taylor-Robinson (2009) state that in certain key sectors of economy and health competent people are needed notwithstanding the president's personal or political concerns. Concrete empirical evidence is not presented in these studies.

The current constitution of Kenya was promulgated in the year 2010. The first government under this constitution was in 2013. It introduced: limits to the size of cabinet, gender policy on

appointments, ethnic diversity, and guidelines on leadership. This is an aspect of the political environment and the changes have to be examined in the context of the country's history.

In 1961, civil servants held majority of ministerial positions two years before Kenya's independence. The Administrative Circular No. 5 of 13th May 1961 shows the ministerial system of government having been in existence since 1954. The head of the executive was the Governor with the Colonial Secretary second. Eight ex-officio members, the Executive Council, advised the Governor (Colonial Reports, 1933).

Later, with the independence constitution of 1963, the Prime Minister, Jomo Kenyatta, was the head of government and with the exit of the colonial governor the office became one of the head of state and head of government. Prior to the CoK 2010, Cabinet Ministers were appointed from among either elected or nominated Members of Parliament at the sole discretion of the President (Bagaka, 2011).

The main objective of this study was to examine the influence of the environment on the organization and structure of Kenya's Cabinet. The study explored how i) regional and ethnic diversity ii) size iii) gender and iv) individual competence and professional experience influence the formation of the government's executive office.

This paper was framed under two theories. First, is the contingency theory which according to Gaus (1988) and Heady (1996) states that organizations take on different structures depending on surrounding conditions, here described as its environment. Kumar (2011) underscores politics, economy, and socio-cultural as central concepts in understanding the environment of public administration. Heady (1996) supposes that political and administrative institutions could better be understood by ranking of the relative strength of influences on the administration from its environment. According to Kumar (2011) the administration's immediate environment is political and therefore has the greatest influence on it as represented in figure 1.
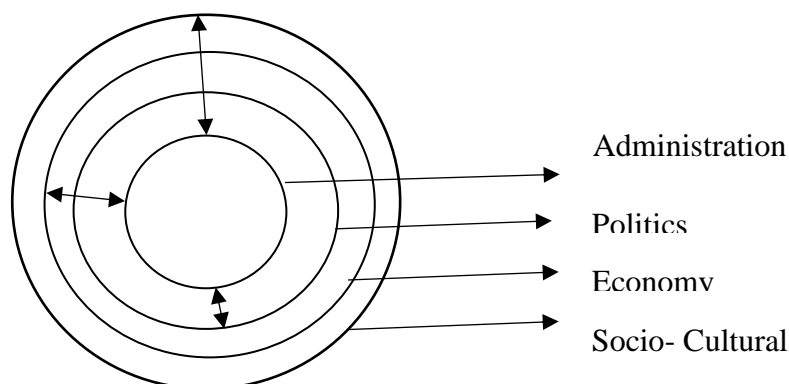

Figure 1: The Environment of Public Administration

Source: Kumar. S, (2011)

Kumar (2011) states that the interaction between the administration and its environment is continuous, bilateral and symbiotic. Also, the economic type and strength of a country determines the success of implementation of governmental policy and programs. Equally, he continues, the administration also influences its economy by formulation of policies. Esman (1997) argues against ignoring the ethnic element and assuming that resource allocation by the market, as well as selection of officials to state bureaucracies, is merit based, impartial and non-discriminatory. He states that ethnic factors constitute significant dimension of politics and government. He stresses that public administration reflects the interests of the dominant ethnic community. The marginalized may then seek equality and equity by civil or violent means.

Socio-cultural factors affecting the administration are such as nepotism, religion, colonization history, corruption, patronage, language, education, and cultural values (Timsit, 1982; Esman, 1997; Kumar, 2011). In developing countries, the linguistic, ethnic, tribal, and religious differences are reflected in the different structures of administration. Further, according to Timsit (1982) the administrations in these states are based on loyalty to ethnic groups, clan or tribe heads, or powerful individuals. Entree to the administration is then limited to members of the same socio-cultural group.

The second theory is the Political system model. It was formulated by Easton (1965) and can be used to explain the public policy process of developing countries. It describes the public policy process as a political system responding to demands on it from its environment. This model provides a link between public administration and public policy with respect to its environment.
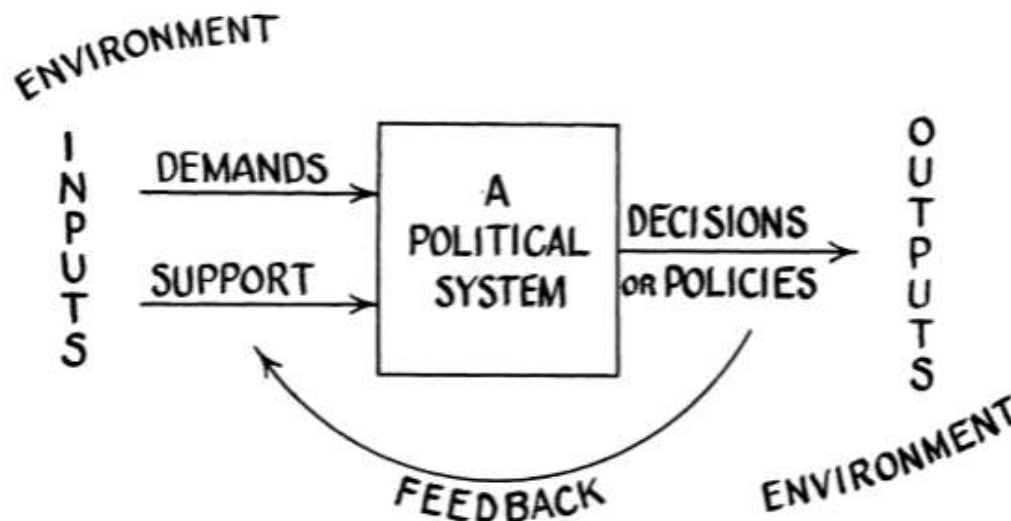
Figure 2 : Political Systems Model

Source: Easton, D. (1957)

The political system are the collective interactions in society for distribution of resources and services under agreed upon rules (Easton, 1953). Inputs on the system are made by groups or individuals in society. This influences the public administration which in turn responds to the stimulus and influences its environment. As stated by Bardach (2009) Policy making cannot be divorced from politics. According to Easton (1957) the study of politics relates to how authoritative decisions are made and executed for a society. The political system made up of parts that when studied and combined provides a rounded picture of the political and social units.

2.0 HISTORY OF GOVERNMENT AND CONCEPTUALIZATION OF THE EXECUTIVE

Aristotle's *Politics* 350 BC declares that every state is a type of community established for the common good where the highest form is the political community. He proclaims that man is a political animal noting that all governments are different (Aristotle, 1950). Plato in '*The Republic'* 380 BC identifies these different forms of government. These arise out of the possibility of having a government by a single individual, a few or many; Kingship, Aristocracy and Polity. Their aberrant forms are Tyranny, Oligarchy, and Democracy respectively (Plato, 1943).

The executive arises out of the concept of separation of powers. Its function is administrative and guided by the rule of law. The concept of separation of power was advocated for by Montesqui (1823) in *The Spirit of the Law*s with Machiavelli (1950) in *Discources on Livy* explaining that the three arms of government would keep each other reciprocally in check.

Historically, leaders gathered around them a group, mostly men, to advise them or aid in governing. In ancient Israel, under theocracy, Moses acted as God's Chief Minister assisted by a national council, ad hoc assemblies of tribal elders or specially convened policy making committees. Clans were governed by a council of elders with individual members' assigned executive duties. However, policy making decisions were reserved for the tribal council. The Jewish people later demanded for a Monarch. With centralization, particularly in the southern kingdom, tribal representatives participated in national government. Their merging led to creation of a single council of elders who shared power with the monarch as a form of cabinet (Elazar, 1973).

The earliest form of the contemporary Cabinet is reported in Europe and appears in Francis Bacon's Essay 'of counsel'. He is critical of it as a concept foreign to the British government. He adds that it would be ineffective as the advisors would only be echoing the King's wishes (Bacon, 2015). The history of cabinet in England can be chronicled from the thirteenth century.

At the insistence of parliament, Kings had a group of personal advisors to act as a check. The idea influenced the United States of America (USA) post-revolution organization and structure of its government. The presidential cabinet would be composed of heads of executive departments together with the attorney general. The cabinet is collectively responsible and individually accountable. Their primary role is advising the president (Learned, 1909).

The Presidency and the Cabinet are regarded as the two most important types of political executives the Cabinet being a bureaucracy in the office of presidency (Bagaka, 2011). Article

130 (1) of the Kenya Constitution 2010 states that the National Executive of the republic of Kenya includes the President, Deputy President and the Cabinet. However, the separation between the presidency and the Cabinet is unclear in reality and particularly in Presidential systems of governments, the President is dominant (Sihanya, 2011).

2.1 Government and its environment

Montesquieu (1823) argues that climate and geography influence the people and society who in turn influence their government. Despite criticism the take away is on having a scientific approach to the study of public administration and its environment. Machiavelli (1517) also discussed the probable uses of religion to aid in public administration. He also states enacted laws may overcome the nature of the people, as a result of their environment, for a stronger government. These views predate contingency theory and political system model.

According to Mukoro (2005) external environment are those social, economic, political, and historical factors influencing the organization whereas the internal environment is taken to be formal structures and procedures, and mechanism for control.

In the context of this study, the external environmental factors we looked at were: ethnic and regional diversity, cabinet size, gender mainstreaming, individual competence and professionalism. The emerging themes drawn from the study generally fell into four categories as analyzed from the responses in the semi structured questionnaires and interviews. These themes are: politics, resource management, inclusivity, and meritocracy. These were looked at vis-a-vis the identified variables of environmental.

2.2 Government's External Environment

2.2.1 Regional and Ethnic diversity

In the USA, Fairlie (1913) found disproportionate number of cabinet positions went to New York, Pennsylvania, Massachusetts, Virginia and Ohio as compared to more populous States like Illinois and Missouri. King and Riddlesperger (2012) recognize some departments as being unofficially a preserve of specific groups and/or regions. Fairlie (1913) identifies New York as having had the highest number of Secretaries of State, and War whereas Pennsylvania and Massachusetts have respectively had the most Attorney Generals, and Secretary of the Navy.

According to Khera (1975) among the several factors the Indian PM has to consider in selection of ministers are: geography, representation of the states by population, and incorporating the marginalised communities. However, the major factor is strategic considerations of inter- and intra- party politics as well as the input of party leaders. Another aspect of this, is the existence of regional and state based parties adding to the complexity of ministerial appointment (Nkolenyi, 2015).

Mukoro (2005) mentions the diverse ethnicities and regionalism as a major influence on the Government organization and structure of Nigeria. The CIA (2007) asserts that out of the 250 ethnic groups in Nigeria only eight are politically influential and these make up 88% of the country's population. Kifordu (2015) connects this to the choice of members to cabinet as influenced by the President's 'ethno-regional origin'. He mentions that Northerners have had the highest representation in cabinet as a factor of their leadership of government and population.

Further inferring that senior cabinet appointments have drawn from the majority ethnic groups. Apart from the more vibrant and crisis plagued minority ethnicities many are marginalized.

Politics in Kenya has been termed to be the most ethnic in Africa and practiced in 'virtual democracy' (Orvis, 2001). Here, politicians create coalitions on ethnic arithmetic and reciprocal support in what is termed 'coalitions of convenience' (Elisher, 2008; Amutabi, 2009; Nyanjom 2011).

In the course of independence transition, the colonial administration in Kenya transferred power progressively to 'loyalists' and an African elite with designs to protect their economic interests after independence. These elite had emerged through appointments of leaders of tribal associations to the Native Advisory Council. Tribal associations were encouraged by the colonialists to appease agitation for independence (Branch & Cheeseman, 2006). This has carried forward to to-date.

Secondary data as shown in table 1 shows that on average Rift Valley region has had the highest representation in cabinet followed by Central region. The data shows a trend with respect to the regional affiliation of the President with the respective regional representation in cabinet. In the years when Jomo Kenyatta was president, Central recorded the highest representation in cabinet. From 1980 to 1999, Rift Valley region had the highest representation and this was when Daniel Moi was President. Then when Mwai Kibaki was President, 2003 and 2008, Central region once more had the highest representation in cabinet.

However, in 2013 and 2018 both Central and Rift Valley regions had the highest and equal representation in cabinet. These being President and the Deputy Presidents respective regional affiliations. It is the result of pre-election political coalition making between them.

Table 1: Regional percentage representation in Cabinet 1973 – 2018

Regions/ years	1973	1980	1993	1999	2003	2008	2013	2018	Overall Mean
Central	32%	28%	5%	9%	22%	21%	22%	24%	**20%**
Coast	10%	12%	14%	13%	10%	10%	11%	5%	**11%**
Eastern	10%	9%	17%	8%	14%	10%	11%	10%	**11%**
Nyanza	20%	12%	14%	9%	16%	15%	11%	14%	**14%**
North Eastern	6%	7%	8%	13%	2%	11%	17%	14%	**10%**
Rift Valley	14%	20%	24%	37%	16%	18%	22%	24%	**22%**
Western	8%	12%	19%	13%	18%	15%	6%	10%	**13%**

Source: Authors' computations

On ethnic diversity, the study found that Kikuyu had the highest mean representation from 1973 – 2018 as represented in table 2. They were followed by the Luhya, Kalenjin, Kamba, Luo, Kisii, Somali, Mijikenda and Masai. These tribes occupy 89 % of cabinet and according to 2009 census

these tribes make up 83% of the country's population. Though somewhat proportionate, given that there are 44 tribes in Kenya, the representation in cabinet shows low ethnic representativeness.

Table 2: Ethnic percentage representation in Cabinet 1973 – 2018

Tribes/ years	1973	1980	1984	1993	1999	2003	2008	2013	2018	Overall mean	Census 2009
Arab	2	1	2	7	3	2	1	5	5	**3**	
Caucasian	4	1	2	2	-	-		-	-	**1**	
Embu	2	1	-	-	3	2	3	-		**1**	
Kalenjin	9	12	11	15	25	9	10	14	14	**13**	13
Kamba	7	7	8	15	7	9	8	7	5	**8**	10
Kikuyu	26	27	28	5	7	29	19	20	24	**21**	17
Kisii	7	5	6	10	9	-	5	7	5	**6**	6
Kuria	-	-	-	-	-	2	-	2	-	**0**	
Luhya	14	12	13	18	12	16	14	7	10	**13**	14
Luo	11	7	11	3	-	13	10	2	10	**7**	10
Masaai	4	7	6	5	7	4	5	11	5	**6**	2
Meru	2	3	-	2	1	4	3	5	5	**3**	3
Pokot	-	1	2	2	4	-	1	5	-	**2**	
Somali	5	7	6	8	13	2	11	14	14	**9**	6
Swahili	9	9	6	5	9	7	9	-	-	**6**	5
Teso	-	-	-	-	1	-	1	-	-	**0**	
Turkana	-	-	-	2	1	2	1	2	5	**1**	3

 Source: KNBS, 2010; Authors computations

The changes in the ethnic composition of Cabinet through the years 1963 - 2018 have followed the changes in the ethnicity of the President. Under the Presidency of Jomo Kenyatta the Cabinet was largely Kikuyu. Upon his death and the ascendancy of President Moi, the Kikuyu numbers in Cabinet reduced albeit gradually as the Kalenjin increased and more tribes were included. Sihanya (2011) attributed it to political calculation on the part of the President Moi as a result of the uncertainty of his position and need of support from the dominant Kikuyu as he shored up support from other communities.

Analysis was done of ministries grouped by sector under the state administration. These being the ministries crucial in running of government. The study also found that majority selections to ministries that are deemed prestigious either go to the President or the vice President's community. Additionally, the tribes from where the President or the Vice President came from gained the highest representation in the Cabinet. This trend is best highlighted in the ministry of finance and was also evident in the President Uhuru Kenyatta's cabinet. Amutabi (2009) also states that selections to strategic ministries were made in the governments of Presidents Kenyatta, Moi, and Kibaki based on ethnicity.

2.2.2 Cabinet size

Michael and Popov (2011) found that government size and structure change for changes in relation to its organizational environment. The United States of America, India, and Kenya were among the countries in their study. However, their focus was on the macro-economic environment. According to Ardanaz and Scartascini (2013) researchers have found that presidential systems of government lead to smaller governments. Currently this may hold true for Kenya but may be credited mostly to constitutional limits which falls under its political environment.

The cabinet in USA has not been formally established in their constitution but some scholars state it may be drawn from the spirit of *Article II, Section* 2 that gives the president the power to nominate public ministers. It gives the Senate a great influence in the selection of cabinet in vetting of appointees. This the president has to consider in making his selection and may lead to more diverse representation (Smith, 2012; Learned, 1909). The cabinet of the USA has a long stable history as depicted in table 3. However, flexibility is afforded the President in elevation of departments to cabinet –level rank depending on their policies and priorities.

Table 3: U.S.A Government Departments and their date of creation

	Department	Creation		Department	Creation
1	State	1789	9	Health and Human Services	1953
2	Treasury	1789	10	Housing and Urban Development	1965
3	Justice	1870	11	Transportation	1966
4	Interior	1849	12	Energy	1977
5	Agriculture	1869	13	Education	1980
6	Commerce	1903	14	Veterans Affairs	1989
7	Labour	1913	15	Homeland Security	2002
8	Defence	1947	--		

Source: White House (2015)

Comparably, the size of the Government of India has grown with increase in the number of political parties and electoral alliances (Nkolenyi, 2015). Therefore, the 91st Amendment Act of 2003 of the Indian constitution provided a guideline on the size of government. The Administrative Reform Commission (ARC) thereafter recommended ministries to be 20 – 25 (ARC, 2009: 97). In Nigeria, according to Adegoroye (2015) creation of ministries was not guided by any coherent policy but on the whims of the political executive. He urges fewer ministries and his recommendation for creation of ministries is based on the duties of the state as provided for in Chapter 2 of the Federal Republic of Nigeria's Constitution 1999.

Citing Section 15 (3) (a) Adegoroye (2015) illustrates, one of the duties of the state is "provide adequate facilities for and encourage free mobility of people, goods and services throughout the

federation" and he identifies the Ministries of Transport; Works; Aviation; Trade; Tourism; Interior as means to fulfilling this mandate. Section 16 (1) (a) "harness the resources of the nation and promote national prosperity and an efficient, a dynamic and self-reliant economy" is embodied in the Ministries of Petroleum Resources; Power; Mines and Steel development; and, Finance. The recommendation may offer a flexible guideline in creation of ministries but is also open to varying interpretations and implementation. The cabinet size may not change, only the justification will be based on the constitution. Adegoroye (2015) further argues for smaller cabinet size giving the example of the government of USA where related government agencies are consolidated under centralized governance.

The Cabinet, prior to the current constitution of Kenya 2010, left to the sole discretion of the President to determine its size, became bloated (Government of Kenya, 2008). The size of Kenya's cabinet has fluctuated widely over the years as shown in table 2. At independence President Jomo Kenyatta's cabinet was 34 and rose to 54 to incorporate KADU members into KANU government (Ahluwalia, 1996). Under President Moi subsequent cabinets further increased. His largest cabinet was followed disaffection with the *mlolongo* system 1988 elections. Similarly, President Kibaki's largest cabinet followed violently contested presidential election. The underlying reason was the respective presidents incorporating opponents into their government (Maxon, 2009; Khapoya, 1980; Kivuva, 2011).

CoK 2010 provided a limit on the size of cabinet 14 – 22 with no provision for assistant ministers and neither were they to be MPs. The idea was to establish a 'professional' rather than a political cabinet. President Uhuru Kenyatta's cabinet in 2013 was the first under the current constitution. He first settled on a cabinet of 18 which he later increased to 19 two years later and then 20. He also increased the number of Permanent Secretaries (PSs) from 22 to 46. Later, at the start of his second term introduced the position of the Cabinet Administrative Secretary (CAS) for each of the 22 cabinet slots. His decision he argues was informed by the CoK 2010 (Kenyatta, 2018). Wanjala (2018) reports that the CAS position was possibly created to reward political support.

Castelvecchi (2008) surmises that on average more developed countries have smaller Cabinets and that the latter is more efficient. The definition and eventual determination of efficiency is also quite difficult. He infers on the optimal number of decision makers from research on Cabinets based on Parkinson's 20 person rule. Where a Cabinet of ten would lead to easy agreement, there is need for representation of various electorates in the country. This is how and why politics takes precedence in cabinet selections; balancing competing interests and managing expectations.

Though the USA has seven times the population and over 200 times the GDP of Kenya it has the smaller cabinet size as shown in table 5. What is not readily apparent is the actual cost of expenditure on the executive as a percentage of the respective countries GDP's and annual budgets. A study of the salaries of the cabinet secretaries and assigned staff is necessary for a deeper understanding. This includes and may not only be limited to their security, personal assistants, transport, residential and office space rents, allowances, as well as insurance.

Table 4: Number of ministers in Kenya 1963 - 2017

Year	Ministers No.	Assistant Ministers No.	Permanent Secretaries	Total	Political Environment	President
1963	16	18	-	34		
1969	23	31	-	54	KANU – KADU merger	Jomo Kenyatta
1975	23	32	-	55		
1980	28	50	-	78	Political Transition	
1984	24	41	-	65		
1989	34	73	-	107	Post-*Mlolongo* elections	Daniel Moi
1993	25	38	-	63		
1998	28	43	-	71	Political Transition	
2003	27	28	-	55		
2008	42	51	-	93	Post-Election Violence	Mwai Kibaki
2013	18	-	26	44	CoK 2010	Uhuru Kenyatta
2018	22	-	(46)			

Source: Government of Kenya (2008, 2013, 2018)

Further, of the four countries in the table 5, Kenya has the second highest government consumption as a percentage of its GDP and the highest budget deficit even as complaints of heavy taxation abound. Sixty percent of budgeted expenditure goes to the executive. Though the wage bill has increased from 2006 – 2017 it has also been attributed to devolution. However, as a percentage of the GDP, it has decreased with comparison to global average at below 7%. The fiscal principle rule on wage bill to be 35% of revenues has been met (IEA, 2017). The missing piece in this is the cost of administration with respect to Cabinet.

Table 5: country population, economy and cabinet size comparison

	U.S.A	INDIA	NIGERIA	KENYA
Land mass (sq. km)	9,831,510	3,287,260	923,770	580,370
Population	318.9 m	1.295 B	177.5 m	44.86 m
H.D.I world ranking	1	130	152	145
G.D.P ($) per capita	17.42 T	2.049 T	568.5 B	60.94 B
World ranking	1	7	23	73
General government consumption (% of GDP)	14.7	11.4	7.4	14.0
Budget deficit	- 2.4 %	-4.1 %	- 1.4 %	- 6.3 %
CPIA public sector management and institutions (1 = low, 6= high)	-	3.6	2.8	3.4
Cabinet Size	15	23	24	20

Source: (Heritage foundation, 2014; World Bank, 2015; CIA 2015; UNDP, 2015)

Indridason and Bowler (2013) found that the biggest determinant of cabinet size is political calculation which concurs with a majority of respondents views as already presented here. Also, cabinet size correlates with the number of political parties in the political coalition. This in part reinforces the explanation of the fluctuations in size of the Kenyan cabinet through the years. They also stated with respect to political coalition partners that, achieving proportionality is difficult in small cabinets. Finally, they found that the greater the number of cabinet ministers the greater the government spending, budget deficit, and wage consumption.

Responses from interviews also indicate that the constitutional size may not achieve ethnic inclusivity as there are 44 tribes to a maximum of 22 Cabinet positions. Due to this there were suggestions for creation of the post of Deputy Cabinet Secretaries by respondents. Similar proposals were made in the final report by delegates in the Technical Working Group 'D' on The Executive to address 'regional distribution and needs of posterity and especially the growth of the Kenyan population' (CKRC, 2005).

However, majority of questionnaire respondents were against the cabinet size growth with respect to the population. The constitutional limit on cabinet size was supported by 88 % of questionnaire respondents. Furthermore, 64 % and 24% of them respectively opined that it would cut government spending and promote efficiency of cabinet.

The constitutional limit to the Cabinet size of 14 – 22 can be made workable by distribution of available slots by regions. Mathematically speaking, taking the 7 regions and having two slots available for each region will meet the minimum requirement of 14. Having three slots per region will give 21 ministries. The PS positions could then be used to achieve a semblance of ethnic diversity.

2.2.3 Gender mainstreaming

Escobar-Lemmon and Taylor-Robinson (2009) state that women are new to the top echelons of government in many democracies. Nonetheless, they found that female ministers and their male counterparts are similar in experience. However, though qualified, they are mostly appointed to areas outside of their field of capability. They conclude that the increase of women in Cabinet does not therefore translate to representation of women's policy issues in government. The reasons for this state of affairs has not been examined in their study.

The Caste system as a social cultural factor and its influence on organization and structure of government has not been looked at in depth in India according to Rodman (1968). The established social structure was reinforced by the British political system that was adopted and adapted to India. Nkolenyi (2015) opines that, though India has had a woman as PM, few women have made it to the core of executives besides what he terms junior positions of minister of state and deputy minister.

The number of women in Nigerian cabinets since independence has been low. This is attributed to historical and cultural factors; colonization was hostile to their empowerment through educational and work opportunities and the patriarchal system excluded women from political participation. Government policy was also to 'co-opt rather than incorporate' women into decisive political positions such as cabinet (Kifordu, 2015).

The CoK 2010 has ushered in more women into cabinet as compared to pre-CoK 2010 governments as highlighted by NGEC (2015). The constitutional changes that made this possible resulted from pressure by United Nations agencies, Civil Society Organizations and women politicians (Mitullah, 2003).

Krook and O'Brien (2012) surmise that there has been fairly little research to women in cabinets. Accordingly, the approach to explaining the political appointment of women may be based on political institutions, level of empowerment of women, and presence of women in the political elite. They found that political factors bore the highest weight on gender parity in cabinet. In carrying out their study, Krook and O'Brien (2012) devised a Gender Power score (GPS) to analyse the appointment of women in cabinet. This was a means of comparing the genders to the prestige of portfolio vis-à-vis traditional gender roles. They grouped ministries by type of prestige into medium, low, and high. The ministries were also coded into masculine, neutral, and feminine based on the traditional views on defined gender roles.

This paper looked at gender parity as one of the environmental factors influencing organization and structure of cabinet. Apart from the comparative representation of either gender in cabinet their portfolios and the import of the allocation was probed.

Findings from analysis of secondary data indicates that since 1973 to 2008 on average males occupied 96% of the Cabinet Minister positions while their female counterparts recorded 4%. The Assistant Ministerial positions indicated 95% and 5% male and female in composition respectively. In 2013, the first cabinet under the new CoK 2010 had the gender composition of cabinet at 67% and 33% and for male and female members respectively. The ratio of males to females in the 2018 cabinet is 71% to 29%.

The changes that have been witnessed are as a result of the 'gender rule' in the CoK 2010. The study found that seventy five percent of the respondents strongly agree that the gender rule is significant in ensuring improved gender representation. Krook (2009) also commented on the effectiveness of quotas in increasing the number of women in political office. Krook (2009) found that quotas are an effective means of increasing the number of women in political office.

Seventy six of the questionnaire respondents believe that women have an equal chance as the males to be selected to prestigious ministries as CSs. This response is however based on the current cabinet than on historical trend. In President Uhuru Kenyatta's 2013 cabinet, a first in Kenya, women were appointed to head 'prestigious ministries': Devolution and planning, Defence, Lands, and Foreign affairs. His 2018 cabinet has women heading the ministries of Lands, Foreign affairs, and Defence.

There are counter arguments that fulfillment of the gender rule is more of an afterthought and an exercise in ticking off a checklist. The Minister of State for Europe in 2009, a woman, resigned from Prime Minister Gordon Brown's cabinet accusing him of using women as "window dressing" but excluding them from "real power". Escobar-Lemmon and Taylor-Robinson (2009) found that female ministers and their male counterparts are similar in experience. However, Krook and O'Brien (2012) state they are mostly in feminine and low prestige ministries.

Apart from politics, the challenge to attaining gender parity in cabinet despite CoK 2010 gender policy is as a result of cultural attitudes. According to 38% of questionnaire respondents majority of Kenyans believe women as weak and unsuited to high office. Thirteen percent stress that leadership is a preserve of men. Expounding to the question of 'matching professions to ministries' 20% of questionnaire respondents were of the opinion that 'women understand people's problems' underscoring perceived gender roles.

Gender parity is also handicapped by the few number of women in professions according to 67% of questionnaire respondents and the remainder attributing it to women's disinterest in political participation. Krook and O'Brien (2012) found that the greatest political factor on gender parity in cabinet was the presence of women in the political elite. Empowerment of women in society particularly economically may also give the necessary boost in that direction. Their engagement and visibility in public affairs in different capacities makes the transition into public office seamless. This paper found that institution of quotas at the political party level for elective positions would enhance gender parity.

The increase of women in cabinet is promotion of gender inclusivity and women's empowerment according to 75% of questionnaire respondents. However, Krook and O'Brien (2012) and Escobar-Lemmon and Taylor-Robinson (2009) conclude that the increase of women in Cabinet

does not translate to representation of women's policy issues in government neither does it improve women's position in society.

The said lack of will to participate in competitive politics should also be studied to find means of enhancing their political participation. There is also a great need for a cultural re-education and sensitization on collaborative gender roles in the modern African mind that cultivates encourages male support and participation.

2.2.4 Individual Competence and Professionalism

Cabinet selections in the USA depend on previous experience in public service and are based primarily on political considerations (Fairlie, 1913; King & Riddlesperger, 2012). Peters (1985) notes that the executive branch of the US relies more on political appointees than on civil servants. Lyle (2013) analyses President Obama's Cabinet and claims staff appointments as elitist and his administration's policy decisions as supporting the American plutocracy who are major Presidential campaign donors. Selections he states, are drawn from professions of lawyer and business executives. Fairlie (1913) attributes this to the president's selection of some cabinet members based on their administrative aptitudes in the fields of law and business other than in public service.

However, studies by Escobar-Lemmon and Taylor-Robinson (2009) found that Cabinet Secretaries in the United States had education and/or work experience relevant to their portfolios and this was interpreted to be a sign of credibility in their positions. They further state that Presidents of the United States nevertheless need competent people on the job and particularly on crucial economic sectors or in health. Fairlie (1913) surmises that a majority of the cabinet ministers had experience in public affairs as former members of congress, committee service in treasury department, and diplomatic service. In addition to all these considerations, every president has varying personal preferences to contemplate before deciding

In Jomo Kenyatta's presidency, Khapoya (1980) states that competence of the individual was factored in Cabinet appointments and contrasts this to Daniel Moi's presidency. Nonetheless, it is noteworthy that Amutabi (2009) ventures that President Jomo Kenyatta tended to appoint members of his Kikuyu tribe to strategic ministries and so did Moi and Kibaki the members of their respective ethnicities. In a public lecture, Ambassador Johnnie Carson (2003) noted President Kibaki's meritocratic appointments of experienced members to critical Cabinet positions as well as incorporation youth. This was however not accompanied by supporting empirical data.

President Kenyatta, on 24th November 2015 increased ministries from 19 to 20. He stated that the objectives of changes announced were efficiency, effectiveness, accountability, and accessibility of public servants (Kenyatta, 2015). His statement however explains more of internal environment but not the influence of the external environment on government. In line with Article 73 (2) (a) of the CoK 2010, Cabinet Secretaries implicated in alleged corruption cases were suspended and replaced. Besides public uproar over corruption, President Uhuru's 2017 re-election politics may have also been factored into the decision. There is limited knowledge on the measure of competence of selected Cabinet Secretaries.

Efficiency and effectiveness was also mentioned in relation to responses in support of constitutional limits to the size of Cabinet. World Bank's Country policy and institutional index assessment (CPIA) of the quality of public administration rating is shown in table 3. It is designed to measure a country's policy and institutional framework. It assesses how the staff is structured to create and implement government policy and deliver services effectively. Kenya makes an average score. A focused look at the cabinet ministers' effectiveness and efficiency is however not available for analysis and comment.

Questionnaire results indicates 83% citing political experience as a key consideration influencing Cabinet selections. It ranks ahead of policy experience. Sixty-four percent of interviewees hold that experience is the more significant factor as compared to education. In explaining this, 73 % of interviewees mentioned that the cabinet is first and foremost a political office and decisions pertaining to appointments have to consider this. Indridason and Bowler (2014) affirm this view.

Having previous experiences in government influences positively selection of members to cabinet according to 55% of questionnaire respondents. However, 45 % also opine that these selections

are based on sycophancy as opposed to meritocracy. Khapoya (1980) states that ministerial performance had greater weight in Jomo Kenyatta's cabinets. John Carson (2003) commended President Kibaki on his appointments of suitable ministers to strategic ministries.

The results from the survey shows 80% support having CSs matched by their professions to respective ministries portfolio. The reasons provided regarding the respondents' opinions had one half of them stating that it would enhance efficiency and the other stating that educational qualifications may not necessarily mean competence.

Analysis of secondary data on President Uhuru Kenyatta's cabinet however reveals his selections considered qualifications, policy and political experiences as well as previous experience in government or the public sector. This is determined with respect to the portfolio of the respective ministries they are appointed to. Looking at the cabinet as at November 2015, seventy-eight percent of the cabinet have the educational, work and policy experience matching their ministerial portfolios. With 50 % of the cabinet holding postgraduate degrees and 45% undergraduate degrees.

Machiavelli (1950), in *The Prince,* on the selection of advisors states that the leader should take advice and have intelligent and honest men around him. The greatest test is to check their ambitions and insist on their loyalty to him encouraging them towards this end by rewards. He also suggests that an advisor should be an expert in rhetoric. Which may be interpreted as support for appointment of ministers with some political experience.

3.0 CONCLUSION

The findings suggest that the political environment has the greatest influence on the organization and structure of Kenya's cabinet. The study raises questions about the process of selection of CSs for an understanding of how portfolios are assigned as well as the process of creation of ministries. As a result we propose a better structured public participation in the vetting and interview process by the parliament. Whilst this study focused on effects of the external

environment on the organization and structure of Kenya's Cabinet, attention to the effects of the internal environment on the organization and structure of the Cabinet is necessary. It would be productive to pursue further research on the influence of the external environment on other public sectors institutions such as parastatals, public schools, colleges, universities and even private institutions. The study findings could be of interest and benefit to policy makers towards understanding and creating policies guiding organization and structure of government. Ethnicity being a significant feature of Kenyan politics we propose cultivation of diversity towards 'real' inclusivity by equitable national resource distribution.

REFERENCES

Adegoroye, G. (2015). Restoring Good Governance in Nigeria, Vol 1. The Civil Service Pathway, Lagos: Kachifo Limited

Ardanaz, M. & Scartascini, C. (2013) the economic effects of constitutions: do budget institutions make forms of government more alike? IDB working paper series No. IDB-WP-427, August 2013. Washington D.C: Inter-American Development Bank

Aristotle (1905). Aristotle's Politics. Oxford: Claredon Press

Amutabi, M. N (2009). Beyond Imperial Presidency in Kenya: Interrogating the Kenyatta, Moi and Kibaki Regimes and Implications for Democracy and Development in, *Kenya Studies Review*, 1 (1), 55 – 84

ARC (2009). Second Administrative Reforms Commission; Organizational Structure of Government of India, Thirteenth Report

Bagaka, O., (2011). Restructuring The Provincial Administration: an Insider's View. *Constitution Working Paper Series No. 3*. Nairobi: Society for International Development

Bardach, E. (2009). A Practical Guide for Policy Analysis: The Eightfold Path to More Effective Problem Solving 3rd Edition, Washington, DC: Congressional Quarterly Press**. I**SBN 978-0-87289-952-0

Branch, D. & Cheeseman, N. (2006). The Politics of Control In Kenya: Understanding The Bureaucratic-Executive State, 1952 – 78 In, *Review of African Political Economy*, Vol. 33, No. 107, State, Class & Civil Society In Africa (Mar., 2006), pp. 11 – 31 ROAPE Publications Ltd.

Carson, J. (2003). From Moi to Kibaki: An Assessment of the Kenya Transition, In: *Africa Program Occasional Paper Series*, No. 1 September 11 2003. Woodrow Wilson international centre for scholars

CIA (2015) https://www.cia.gov/library/publications/the-world-factbook/ [accessed] 11/06/2016

CKRC (2003, September) Verbatim Report of Plenary Proceedings Held In The Plenary Hall At National Constitutional Conference, Bomas of Kenya, Nairobi.

CKRC (2005, November). The Final Report of Technical Working Group "D" On the Executive, approved for issue at the 110th Plenary Meeting At The National Constitutional Conference, Bomas Of Kenya, Nairobi

Colonial Reports (1933). Annual Report on The Social And Economic Progress of The People Of The Kenya Colony And Protectorate, 1933 No. 1688. London: His Majesty's Stationery Office

Dahl, R. A. (1947). The Science of Public Administration: Three Problems, *Public Administration Review*, Vol. 7, No. 1 (Winter, 1947) pp 1 – 11. American Society for Public Administration (online) http://www.jstor.org/stable/972349

Easton, D. (1957). An approach to the analysis of political systems, world politics, *Cambridge University press* 9, (3), 383 – 400.

Easton, D. (1965). A Framework for Political Analysis, Englewood Cliffs, N. J.: Prentice Hall, Inc.

Elazar, D. (1973). Government in Biblical Israel. *Tradition: A Journal of Orthodox Jewish Thought, 13/14*, pp 105-123. Retrieved from http://www.jstor.org/stable/23257284

Elisher, S. (2008). Ethnic Coalitions of Convenience and Commitment: Political Parties and Party Systems in Kenya. *GIGA Working Papers No. 68* February 2008. Hamburg: GIGA German Institute of Global Area Studies (online) http://www.giga-hamburg.de/workingpapers

Escobar-Lemmon, M. C. & Taylor-Robinson, M. M. (2009). *Do Cabinet Ministers In Presidential Systems Have Experience In Their Portfolio Or Is On-The-Job Training The Norm?* Paper presented at the International Political Science Association Meeting,

Esman, M. J. (1997) Public Administration, Ethnic Conflict, and Economic Development, *Public Administration Review*, 57 (6), 527 – 533

Fairlie, J. A. (1913). The President's Cabinet In. *The American Political Science Review*.7 (1), 28 - 44

Flores, A. Q. (2015). United States of America: The Cabinet, *The Selection Of Ministers Around the World* Eds. Keith Dowding and Patrick Dumont pp 283 - 296.

Gaus, J. M. (1988). The Ecology of Public Administration. *Public Administration-Concepts and Cases*.

Government of Kenya (2008) National Assembly, Official Report Wednesday 14th May 2008 pp 1001 – 1021 Kenya Parliament Hansard. Nairobi: Government Printer

Government of Kenya (2013). Organization of the Government of the Republic of Kenya, May 2013, Office of the President, Executive Order No.2 2/2013. Nairobi: Government Printers

Government of Kenya (2018). Organization of the Government of the Republic of Kenya, June 2018, Office of the President, Executive Order No.1 2018. Nairobi: Government Printers

Heady, F. (1996). Public Administration: A Comparative Perspective 5th Edition. ISBN 9780585082066. New York: CRC Press (online) https://www.scribd.com/

Heritage Foundation (2014). The Index of Economic Freedom. Washington D.C: Heritage Foundation

Institute of Economic Affairs (2017) Budget Analysis 2017, March 2017 [online] www.ieakenya.or.ke

Kenyatta, U. M. (2015). Speech by His Excellency Hon. Uhuru Kenyatta, C.G.H., President and Commander-In-Chief of the Defence Forces of the Republic of Kenya on the Re-Organization of Government, November 24 2015 (online) http://www.President.go.ke/

Kenyatta, U. M. (2018) President Kenyatta's Statement on The New Cabinet, January 26 2018 (online)   http://www.president.go.ke/2018/01/26/president-kenyattas-statement-on-the-new-cabinet/

Khapoya, V. B. (1980) Kenya under Moi: Continuity or Change? In, *Africa Today*, Vol. 27, No 1, Salute to Independence in Zimbabwe (1st Qtr. 1980), pp 17 – 32 Indiana: Indiana University Press http://www.jstor.org/stable/4185903 11/06/2016

Khera, S. S. (1975) The Central Executive. New Delhi: Orient Longman pp 166 – 67

Kifordu, H. A. (2015) Nigeria: Cabinet Dynamics amid Structural Changes in a Post-Colonial State, in, *The Selection of Ministers Around the World* Eds. Keith Dowding and Patrick Dumont pp 197 – 222. ISBN: 9781315757865 London and New York: Routledge Taylor and Francis Group

King J. D. & Riddlesperger J. W. Jr (2012) Replacing Cabinet Officers: Political Factors Affecting Presidential Choices. Paper presented at annual meeting of The Western Political Science Association, Portland, Oregon.

Kivuva, J. M., (2011). Restructuring the Kenyan State. *Constitution Working Paper Series No. 1*. Nairobi: Society for International Development (SID)

KNBS (2010) Kenya Population and Housing Census 2009, August 2010. Nairobi: Government printers

Krook, M. L. & O'brien D. Z. (2012). All the President's Men? The Appointment Of Female Cabinet Ministers Worldwide, *The Journal of Politics*, Vol. 74, No. 3, July 2012 pp 840 – 855. Southern Political Science Association

Kumar, S. (2011). Indian Perspectives of Administrative Culture. *Indian Journal of Public Administration*, 57 (1): 117-126

Learned, H. B (1909). historical significance of the term "cabinet" in England and the United States, *The American Political Science Review*, Vol, 3. No. 3 (Aug, 1909) pp 329 – 346 [online] https://www.jstor.org/stable/1945680 accessed 14 08 2018

Lyles, L. D. (2013). The Role of Wealth and Neoliberalism in Barrack Obama's Selection, Election, and Presidency, *The Journal of Pan African Studies*, Vol. 6, No. 6 pp 277 - 302

Machiavelli, Niccolò, (1950) The Prince and the Discourses. New York: Modern Library

Maxon, R. (2009). Constitution Making In Contemporary Kenya: Lessons from the Twentieth Century. *Kenya Studies Review* Volume 1, Number 1, December 2009 pp 11 – 30 Nairobi: Kenya Scholars and Studies Association (KESS)

Michael, B. & Popov, M. (2011). The Size and Structure of Government. Munich University library.   Munich   Personal   RePEc   archive   (online) https://mpra.ub.unimuenchen.de/53283/1/MPRA_paper_53283.pdf

Mitullah, W. (2003). Gender Inclusion in Transition Politics: A Review and Critique of Women's Engagement, *The Politics of Transition in Kenya, From KANU to NARC* Eds. Oyugi W. O, Wanyande, P. &, Odhiambo-Mbai, C. pp. 212 - 234 Nairobi: Heinrich Boll Foundation

Montesquieu, Charles de Secondat, Baron de, 1689-1755. (1823). The Spirit of Laws. London: Printed for J. Collingwood

Mukoro, A. (2005). The Impact of the Environment on Nigeria's Public Administration. Journal of Human Ecology, 17 (2): 117 – 122

Ngec (2015). Proposals for Situating Mechanisms for Addressing the Constitutional Gains of Special Interest Groups in the Executive by Winfred Lichuma, Chairperson NGEC. Nairobi

Nkolenyi, C. (2015). India: The Selection and De-Selection of Cabinet Ministers, *The Selection Of Ministers Around the World* Eds. Keith Dowding and Patrick Dumont pp 99 – 115. ISBN: 9781315757865 London and New York: Routledge Taylor and Francis Group

Nyanjom, O., (2011) Devolution in Kenya's current constitution. *Constitution Working Paper Series No. 4*. Nairobi: Society for International Development (SID)

Orvis, S. (2001). Moral Ethnicity and Political Tribalism in Kenya's 'Virtual Democracy'. In: *African Issues*, Vol 29, (1) 8 – 13

Peters, B. G. (1985). The Structure and Organization of Government: Concepts and Issues. *Journal of Public Policy*, 5 (1).

Plato (1943). Plato's The Republic. New York: Books, Inc.

Sihanya, B. (2011). The Presidency and Public Authority in Kenya's Current constitutional Order. *Constitution Working Paper Series No*. 2. Nairobi: Society for International Development

Smith, R. A. (2012) The Fine Art of Cabinet-Making: Five Ways To Build A Stronger Executive Team. Policy Brief, Progressive Policy Institute

Timsit, G. (1982) Public Administration and Socio-Cultural Environment in the Developing Countries. UNESCO *Public Administration and Management: Problems of Adaptation in Different Socio-Cultural Contexts* pp 37 - 53 New Delhi: Abhinav Publications. Retrieved from http://books.google.com

Wanjala, E. (2018). Cabinet Administrative Secretaries: Was Uhuru rewarding 2017 election backers? Nairobi: the Nairobi Star (online) https://www.the-star.co.ke/news/2018/01/27/chief-administrative-secretaries-was-uhuru-rewarding-2017-election_c1704644 [accessed] 28/06/2018

World Bank (2015) (online) http://data.worldbank.org/country [accessed] 06/06/2016

Woodrow, Wilson (1887). The Study of Public Administration*, Political Science Quarterly, Vol. 2* [accessed] https://www.jstor.org/stable/2139277