

Representative Bureaucracy, Role Congruence, and Kenya's Gender Quota*

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Abstract

Many countries have adopted gender quotas to create more representative bureaucracies. Bureaucratic elites within an agency, however, may be hesitant to implement a quota uniformly across all localities if they perceive geographic variation in role congruence, or the degree to which the duties of a position match gender roles. Hiring elites will strive to meet a gender quota in the aggregate by hiring more women in localities in which role congruence is perceived to be highest. Evidence from appointments to Kenya's most important security agency after the adoption of a gender quota support the theory. We show that legislation mandating bureaucratic reform can produce varied results when the level of implementation is lower than the level at which the quota is legislated and monitored: uneven implementation allows bureaucratic elite to meet the quota, allowing the agency to avoid legislative oversight and preserve autonomy, while undermining the spirit of the reform.

*We thank Anthony Bertelli, Kim Sass Mikkelse, Noah Nathan, Martin Williams, as well as participants at MPSA 2019 and the French Institute for Research in Africa (IFRA) Devolution in Kenya Conference for helpful comments and feedback.

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In recent years, many countries have formally adopted gender quotas within bureaucracies to promote gender diversity in the state. These initiatives are shaped by ideas of representative bureaucracy (Kingsley, 1944): a government workforce that is passively representative of the country's diversity is thought to be more actively representative of constituents (Mosher, 1982). Agencies that are gender balanced implement policies that better align with the preferences of female constituents (Keiser, Wilkins, Meier, & Holland, 2002), and improve the quality of decision making and service delivery for constituents as a whole (Meier, 1993; Bradbury & Kellough, 2011; Krislov, 2012). Gender equity among front-line bureaucrats is particularly important: these are the employees that interact with citizens, and thus directly affect the implementation of policy and the execution of an agency's mandate (Lipsky, 1980).

Bureaucratic elites in charge of hiring may face conflicting incentives when implementing a gender quota, however, especially among these front-line bureaucrats. On the one hand, bureaucratic elites have strong incentives to increase female representation among this rank: mechanically, improving gender balance among front-line workers – the most numerous within any agency – is the simplest way to meet an agency-wide gender quota and avoid sanctions for non-compliance. But on the other, bureaucratic elites may be reticent to hire more women if they perceive gender incongruence for female bureaucrats (Martin, 1992; Eagly & Karau, 2002). If local communities' gender roles for women are seen as incompatible with the duties of front-line employees, then increasing the number of female front-line bureaucrats risks lowering the agency's effectiveness: bureaucratic elites want to employ people that local communities see as appropriate precisely because front-line workers are the bureaucracy's local agent.

When faced with a gender quota, we argue that bureaucratic elites will increase female employment unevenly across the country.¹ We build on recent findings on the importance of the opinions, beliefs, and perceptions of public employees and managers (Grimmelikhuijsen, Jilke, Olsen, & Tummers, 2017). Elites within an agency may have different perceptions of role congruence for the same job across jurisdictions: the same position may be seen as more or less feminine across different parts of the country, depending on the culture and norms of the local community. We therefore expect that bureaucratic elites will disproportionately employ women in sub-national jurisdictions where they perceive gender incongruence for female bureaucrats to be lowest. Hiring women in these sub-national areas allows the agency to maximize perceived congruence between bureaucratic positions and employees, ensuring the agency's local authority and clout among citizens, while simultaneously allowing the bureaucracy to meet the gender quota in the aggregate and avoid sanctions for noncompliance.

We empirically evaluate the argument in Kenya after the country's new constitution came into effect in 2013. The constitution sought to improve diversity of various marginalized groups within the state. Most importantly for this paper, it mandated that no more than two-thirds of members of "appointive bodies shall be of the same gender."² Many appointed bodies did not meet the floor set by this quota before 2013 and

¹The theory is written for a quota that is applied and monitored at the national level. But the theory could easily be adapted to quotas that target sub-national levels of government, so long as there is variation in role congruence at a level below which the quota is applied.

²Kenya constitution, article 27, sub-article 8.

have been in the process of implementing the quota since.³ We focus on implementation of the gender quota in the country's most important administrative and security agency, the National Administration. Assistant chiefs – a wholly bureaucratic, appointed position – are this agency's front-line bureaucrats.⁴ They are expected to coordinate security and administration within their individual geographic jurisdictions, which are equivalent to small towns.

To examine the theory, we collect original, biographic data on more than 75% of the National Administration's assistant chiefs as of 2017. This data, importantly, includes the bureaucrat's year of appointment and gender. We merge this information with other local-level data. We find a significant increase in female hires after the constitution was promulgated in 2013.⁵ Interviews with elites in the National Administration in charge of hiring indicate that the gender quota prompted them to improve gender balance within the agency for fear of consequences from non-compliance.

But we find that implementation of the quota has not been uniform across the country. Assistant chief positions are generally viewed as masculine, similar to security posts in other countries (Barnes & O'Brien, 2018). However, and importantly, National Administration elites perceive variation in which sub-national areas in Kenya have lower levels of role incongruence for based on their perceptions of gender norms of the ethnic groups living in different jurisdictions.⁶ Of the country's largest ethnic groups, interviews with National Administration elites reveal that they perceive gender norms to be the most equal, and gender incongruence for female chiefs to be the lowest, in Kikuyu communities. In line with the theory, we find that many new female hires were made in Kikuyu-majority areas after the adoption of the quota. This result holds even when controlling for other local demographic information that captures *actual* gender inequities. Our findings thus suggest that hiring elites in the National Administration are meeting the gender quota by increasing female hiring in places where they *perceive* role incongruence to be the lowest.

This paper makes several contributions. Past research has shown various mechanisms by which gender quotas are expected to improve the livelihoods of female citizens; a critical mass of female employees may induce male employees to restrain their own biased behavior (Lim, 2006), seeing women in leadership positions may cause a break-down of negative stereotypes of women (Paola, Scoppa, & Lombardo, 2010), and underrepresented groups have more trust in government agencies that passively represent them (Ricucci, Van Ryzin, & Lavena, 2014; Hong, 2016, 2017; Ricucci, Ryzin, & Jackson, 2018). Yet our results indicate

³We follow rhetoric from Kenyan politicians and bureaucratic elites and refer to the new constitution as creating a gender quota for government agencies. As we discuss below, there are many negative *informal* consequences and ramifications for quota non-compliance. Unlike in other (mostly developed) countries, however, Kenya's legal frame does not yet stipulate *formal* consequences for quota non-compliance. This was purposeful. Drafters of Kenya's new constitution recognized that the country was far from meeting the quotas set in the document, and that Parliament could not immediately undertake oversight of non-complying bodies alongside the many other (more pressing) functions that the new constitution demanded. The assumption was that Parliament would legislate formal consequences for quota non-compliance in the medium-term after government agencies had some time to improve gender balance among their employees.

⁴The term "chief" is a holdover from colonization.

⁵Though the National Administration is still not in compliance with the quota, the agency has made strides towards improving gender balance within the agency and meeting the gender quota in the future. Our data indicates that women filled only 4% of assistant chief positions before 2008, but that number rose to 11% by 2017.

⁶The administrative sub-locations of assistant chiefs are fairly homogeneous, in part because administrative units tend to be drawn around ethnic groups.

that these benefits may only accrue to geographic areas in which elites perceive congruence is already high; when role incongruence for women is positively correlated with patriarchal gender norms, the parts of a country that have the most patriarchal gender norms will be the least likely to see the downstream benefits of a gender quota.

In this way, our results highlight a methodological issue with work on representative bureaucracy and suggest a need to study the conditions under which women or other minority groups are hired before studying the downstream effects of passive representation on outcomes. Studies on the effects of female representation may suffer from systematic selection bias – the positive effects of representative bureaucracy observed in existing work may in part be due to (perceived) differences in the underlying community norms that allowed women to be hired or be given more responsibilities in a particular locality in the first place.⁷

Our work also shows the importance of the institutional design. Aggregate quotas – like the one in Kenya – are at risk of being implemented in a way that undermine the spirit of the law. Slack in oversight pushes implementation to parts of the country where bureaucratic elites perceive the quota will be least disruptive. However, organizational culture and perceptions of role incongruity by elites matter less when policies aimed at achieving representative bureaucracy are designed and enforced at the local-level. For instance, the United Kingdom’s police reforms aimed at hiring more ethnic minorities across local police forces have led to improvements in the organization’s culture and officer relationships’ with citizens, while reducing negative stereotypes about minority citizens (Hong, 2016, 2017).

The importance of institutional design and government monitoring is thus especially relevant for countries with salient identity cleavages. Real inequities across groups can persist even if elected leaders legislate policies to close these gaps. Appointed elites within government agencies are liable to reproduce, and in effect harden, perceptions of different groups within society if policies are not put into place to actively counter implicit biases. Research and policy must account for the latent beliefs and implicit biases of public employees (Grimmelikhuijsen et al., 2017).

The paper proceeds as follows: We first outline our theory on the conditions under which bureaucratic elites appoint female front-line officers after adoption of a gender quota. We then give background information on the Kenyan case, including the roles and duties of assistant chiefs as well as the gender quota in the constitution. Next, we provide qualitative interview evidence to show that assistant chief positions are largely considered masculine, though hiring elites perceive variation in the extent to which they believe different local areas will accept the authority of a female chief. We then describe the data that we collected to quantitatively analyze the theory. We then present our results before concluding.

⁷Work on the effects of *electoral* quotas has tended to overcome this methodological issue by studying the effects of rotating quotas. Studies of this nature have provided convincing evidence about the effect of quotas on important governance outcomes as varied as changes in allocation decisions (Chattopadhyay & Duflo, 2004), community norms (Beaman, Duflo, Pande, & Topalova, 2012), and the influence of informal (male) leaders (Clayton, 2014).

Perceived Role Congruence and Uneven Quota Implementation

We build on work in representative bureaucracy that examines the conditions under which women are appointed. Examining this question is a necessary first step to make inferences about the downstream effects of representative bureaucracy on important outcomes: the conditions that affect whether women are hired are also liable to affect governance separately from their effect on hiring, creating an endogeneity problem.

Our theory revolves around perceptions of role congruence by the bureaucratic elites in charge of hiring. The perceptions of these elites, in and of themselves, matter for the diversity of an agency (Anestaki, Sabharwal, Connelly & Cayer, 2016). But given our focus on front-line bureaucrats, we are concerned more with bureaucratic elites' perceptions of local communities' role congruence across the different localities in which a front-line bureaucrat may be employed.⁸ When elites perceive a locality to hold incongruent ideas about women and the requirements of front-line jobs, they are liable to discriminate against women in the hiring (as well as the promotion and retention) process(es) in that locality (Kelly, 1991; Eagly & Karau, 2002; Sabharwal, 2013). If a community does not perceive women as having the requisite skills or abilities to carry out the duties of her position, then bureaucratic elites risk losing the agency's local clout if they hire women into front-line positions.

We theorize implementation of a gender quota in agencies in which hiring elites perceive variation in role congruence across localities. We focus on gender quotas that give a floor percentage of the number of females that the agency must employ at an aggregate (often national) level, a common feature of gender quotas. Further, we focus specifically on the hiring of bureaucrats that serve locally, as opposed to bureaucrats that are recruited nationally, and can be posted or rotated across the country.

Our main argument is that bureaucratic elites will attempt to comply with the gender quota by hiring women unevenly across the country. Bureaucratic elites have a strong incentive to comply with quotas: a non-complying agency risks formal oversight and a loss of bureaucratic autonomy. However, implementation of the quota in the aggregate does not require uniform implementation across localities. To the extent that bureaucratic elites perceive geographic variation in role congruence, elites will increase the hiring of women in administrative jurisdictions where they perceive congruence is most compatible. At the extreme, bureaucratic elites may only implement the quota in localities they perceive as holding the highest levels of role congruence for female bureaucrats, without increasing female hiring in areas with the lowest levels of role congruence at all. It is unlikely that this uneven implementation will be sanctioned, or even caught, for at least two reasons. First, compliance is monitored at the aggregate level that the quota was formally adopted. Second, monitoring tends to be carried out through easily observable metrics – such as an agency's national-level statistics on gender breakdown – to evaluate compliance. To the extent that monitors lack the bandwidth to dig into the nuances of an agency's implementation of a quota, agencies can implement a quota in a manner that hiring elites prefer.

The theory does not give specific predictions as to where perceived role congruence for females is low-

⁸We note that our theory does not depend on the locality's actual gender roles except in as much as these ideas affect elites' perceptions of role congruence in the locality.

est, and thus, where can we expect higher numbers of female appointees after implementation of a gender quota. Indeed, this answer will differ by agency and country, and will depend on bureaucratic elites' knowledge and perceptions of different parts of the country. That said, we adapt the theory to countries with salient identity cleavages. Different identity groups often have different cultural norms and hold different ideas about gender roles. Moreover, identity groups tend to cluster geographically within jurisdictions.⁹ This means that elites' perceptions of local role congruence will often reflect elites' perceptions of role congruence of the local identity group settled in an area. We should therefore expect more female hiring after quotas are adopted in areas inhabited by groups that hiring elites perceive to have the lowest role incongruence for women.

Context: Front-Line Bureaucrats in Kenya

This section gives information on our case. We begin by describing the National Administration, Kenya's largest and most important security and administration agency, as well as its most local-level bureaucrats, assistant chiefs. Then, we give background information on Kenya's gender quota which came into force in 2013.

The National Administration and Assistant Chiefs

We examine the conditions under which female front-line bureaucrats are hired through an empirical focus on the lowest tier of the National Administration, an agency within Kenya's Interior Ministry that is in charge of overseeing development, administration, and maintaining law and order.¹⁰ Though Kenya has a devolved state (see Opalo, 2018), the national government retains authority over this bureaucracy.

In Table 1, we detail the structure of the National Administration as of 2009, the most recent year in which a census was conducted, and thus the most recent year for which we have a definitive count of administrative units.¹¹ We focus specifically on "Assistant Chiefs." Despite their title, assistant chiefs are a wholly bureaucratic position that are appointed and managed by the Interior Ministry – these positions are not hereditary or kept within certain families, but instead, are the equivalent to centrally-appointed mayors. Each assistant chief is the executive administrator within her administrative sub-location. Each sub-location has an average population of about 5,500. Assistant chiefs require compliance and cooperation from residents in their respective jurisdictions to carry out their jobs. These bureaucrats have a wide range of duties within their sub-location ranging from registering the population, coordinating other security and development arms of the national government, collecting intelligence, disseminating information about new

⁹Indeed, administrative jurisdictions are often endogenously drawn around identity groups.

¹⁰This agency was known as the Provincial Administration until 2013. For simplicity, we use position titles from the National Administration, including for interviewees who served solely under the former Provincial Administration. Other agencies have overlapping mandates (e.g., National Police Service, various service ministries), but the National Administration is expected to coordinate service provision between agencies.

¹¹The number sub-locations has been slowly increasing since then.

central government policies, implementing those new policies, and overseeing land disputes.

Position	Number of Positions by 2009
Regional Coordinators	7
County Commissioners	47
Deputy County Commissioners	158
Assistant County Commissioners	599
Chiefs	2,599
Assistant Chiefs	7,192

Table 1: National Administration Structure

As Table 1 shows, assistant chiefs are at the very bottom of the National Administration hierarchy. This has two implications for our analysis. First, assistant chief positions are the most numerous within the National Administration, comprising well over half of all appointments. The rank of assistant chief needs to be in compliance with a quota, or close to it, for the agency as a whole to be in compliance. Second, and unlike higher positions within the Interior Ministry, appointment to an assistant chief position does not require prior experience in the state.¹² The gender breakdown of assistant chiefs is not dependent on promotions within the National Administration, but on new hires into this agency.

Assistant chiefs are chosen by bureaucrats higher up the chain of command in the National Administration. Once headquarters in Nairobi sanctions the employment of a new assistant chief, a local hiring committee is put together to fill the position. The composition of the committee varies, but tends to include the Deputy and Assistant County Commissioners who will oversee the assistant chief, as well as other important bureaucrats employed by service ministries in the area (e.g., the local agricultural officer). In addition, the local Member of Parliament (MP) plays an important informal role in selecting new chiefs (Hassan & Sheely, 2017). The committee first posts notice of and collects applications for the position for at least three weeks. The committee then proceeds to interview the top applicants. The committee then ranks their choices, but the final decision is made by the Principal Secretary and various other lower-level secretaries in ministry headquarters in Nairobi.

The National Administration has many formal and informal criteria for new assistant chiefs. Formally, new hires must reside in the sub-location for which they are applying for a position, have completed secondary school, be between 35-45 years old,¹³ and have no criminal record. Informally, new hires must have good standing within the community. Precisely because assistant chiefs are the interior ministry's hands on the ground, the center wants to appoint people that the local community will respect. One important way in

¹²This is the reason that we do not analyze the posting of Kenyan chiefs. Chief and assistant chief positions are largely similar, except that chiefs are one rung up the administrative ladder from assistant chiefs and are in charge of an administrative location (which itself is comprised of multiple sub-locations). Many chiefs are chosen after having served as an assistant chief in a sub-location within the location beforehand. We do not analyze the appointment of chiefs because we would be unable to determine if appointments to chieftaincy positions is thus due to gender or prior experience.

¹³Appointment of an assistant chief is until the mandatory retirement age of 60. The Ministry does not want to hire someone that they will soon retire.

which the center ensures the good standing of new assistant chiefs is by only hiring individuals considered indigenous to their sub-location – often times, this means that new hires were both born in the sub-location and are a member of the sub-location’s majority ethnic group. Indeed, one archival record from the selection of a new chief in Mombasa County in 2014 disqualified an applicant because “the panelist observed that recommending her for appointment of Chief may result in resistance by the locals and leaders since she is not a local.”¹⁴ Another archival record from Nakuru County found that local residents petitioned their superiors to have an assistant chief removed, claiming that he was not from the local majority tribe and was not a local.¹⁵

The New Constitution, The National Administration, and the Gender Quota

Kenyans voted in favor of a new constitution in 2010 and saw it officially promulgated in 2013.¹⁶ The new constitution seeks to improve diversity, including gender diversity, within the public sector through numerous articles.¹⁷ Article 27 is intended to prevent discrimination writ large, with sub-article 3 stating that “Women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres.” Sub-article 6 continues: “To give full effect to the realisation of the rights guaranteed under this Article, the State shall take legislative and other measures, including affirmative action programmes and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination.” And sub-article 8 stipulates that, “[i]n addition to the measures contemplated in clause (6), the State shall take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender.” Article 232, sub-article 1 further states that, “[t]he values and principles of public service include ... affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service, of (i) men and women.”

We are particularly interested in sub-article 8’s requirement that no gender should compose more than two-thirds of elective *or appointive* bodies in the government. Though this gender quota has increased the number of women hired across all levels of the National Administration, we are particularly interested in its effects on assistant chiefs. Since assistant chiefs comprise more than half of the bureaucracy, agency compliance with the quota requires an increase in the number of women appointed as assistant chiefs.¹⁸

¹⁴“Re: Appointment of chiefs and assistant chiefs - Changamwe Sub-County,” Letter from County Commissioner Mombasa County to Coast Regional Coordinator, June 12, 2015, unspecified folio, Coast Region Headquarters, Mombasa, Kenya.

¹⁵“Memorandum from Kipkabus Location,” To Rift Valley Provincial Commissioner, December 14, 2000, unspecified folio, Rift Valley Region Headquarters, Nakuru, Kenya.

¹⁶See Cottrell & Ghai (2007), Barkan & Mutua (2010) and Kramon & Posner (2011) for Kenya’s new constitution. In this Special Issue, Opalo (2018) also examines the ramifications of Kenya’s new constitution.

¹⁷Gender is not a salient cleavage in Kenya, and as in many other sub-Saharan African countries, policy preferences do not vary substantially by gender (Gottlieb, Grossman, & Robinson, 2016). The new constitution was passed in the wake of Kenya’s deadly 2007/2008 inter-ethnic election violence. The new constitution sought to increase ethnic equality, but drafters used the opportunity to address other structural inequalities in Kenyan society.

¹⁸Indeed, the National Administration could technically meet the quota without changing hiring patterns of higher-level positions if the agency sufficiently increased the number of women assistant chiefs.

We note that, as with many other government agencies, the National Administration has not met the one-third rule (NGEC 2016).¹⁹ Part of this is mechanical: bureaucrats cannot be fired without cause, the majority of bureaucrats are well below the mandatory retirement age, and the agency faces a budget constrain in ramping up new hires. There have yet to be formal consequences, however, in large part because constitutional drafters did not expect government agencies to be in compliance with the gender quota immediately. Instead, they expected government agencies to meet the quota in the medium-run. As one Deputy Secretary within the ministry explained,

First and foremost I want to say that the constitutional requirement for one-third of women in the government and in all state organs is to address a historical imbalance. And if you look at the spirit of that constitution, it demands that government take measures to address the imbalance, contrary to the idea that you must *instantly* address that imbalance. Because if you do that, you'll have failed to appreciate the historical perspective of that problem ... The current scenario is that we have no one-third. There is a serious imbalance. But through presidential directive, and through deliberate policies to address the gender balance ... we have seen appointments [in the past few years] ... but the one-third we have not achieved it. And therefore, the focus is what should government do to bring on board more women.

There is an expectation that Parliament will pass legislation to sanction non-complying agencies in the near future. Indeed, a recurring theme in interviews with National Administration elites is the potential for legislative oversight if their agency does not meet the gender quota soon.²⁰ And Parliament has already created the National Gender and Equality Commission (NGEC), an agency tasked with promoting gender equality and acting as watchdog to ensure gender diversity in other government agencies as stipulated in the constitution. The National Administration, like other government agencies, must submit an annual report to the NGEC detailing the strides that it has made to comply with constitution's gender balance mandate. The NGEC publicizes its findings in their own policy reports and public events, with the expectation that citizens use this information to pressure their elected representatives to pressure non-complying agencies.

Since the gender quota came into effect, the National Administration has put into place numerous measures to increase the percentage of new hires that are female. Since the new constitution came into force, official policy is that hiring committees interview at least one female applicant for assistant chief positions. If no female applies during the initial round of application submission, ministry elites in Nairobi often ask the hiring committee to re-advertise the post for an additional three weeks.²¹ Officials discussed how they are instructed to encourage local women to apply for open chieftaincy positions.²² In addition, different elites

¹⁹This is not uncommon for much of the (developing) world, where there is often a gap between formal legislation and actual compliance. Unfulfilled mandates often stem from the state's inability to sanction non-compliance. At the same time, and as discussed below, there are still *informal* ways in which non-compliance is sanctioned.

²⁰Interview with then Deputy Secretary of National Administration, June 8, 2018, Nairobi Kenya; Interview with then Deputy Secretary of National Administration, June 7, 2018; Interview with Deputy County Commissioner; June 15, 2018, Nairobi, Kenya.

²¹Interview with then Assistant County Commissioner, July 17, 2017, Machakos, Kenya.

²²Interview with then Assistant County Commissioner, June 22, 2018, Kiambu, Kenya.

working in ministry headquarters claim that the Principal Secretary has appointed women ranked second or third by the hiring committee over male applicants ranked first in an attempt to meet the quota.²³

Role Congruence in the National Administration

Our theory requires identifying variation in perceptions of role congruence for female chiefs among the elites within the National Administration who affect hiring decisions. We examine variation across ethnic groups, instead of variation across areas, because of the salience of ethnicity in Kenya (Elischer, 2013; Horowitz, 2016). Elites' perceptions about areas are largely affected by their perceptions about the cultural norms and practices of the majority ethnic group living there.²⁴

This section draws on nearly two dozen informal, semi-structured interviews with high-ranking officials within the National Administration to allow us to estimate hiring elites' perceptions of role congruence.²⁵ Interviewees included current and former Assistant and Deputy County Commissioners who themselves have screened assistant chief candidates, to elites who have worked in the headquarters of the National Administration in Nairobi. Together, the interview evidence allows us to substantiate two points. First, elites perceive role incongruence for women in assistant chief positions. Second, and more importantly for the theory, perceived levels of role incongruence vary across ethnic communities. In particular, elites perceived areas dominated by the Kikuyu ethnic group as those with the lowest levels of role incongruity for female assistant chiefs.

General Role Incongruence for Female Assistant Chiefs

Many elites within the National Administration perceive role incongruity for women assistant chiefs due to the the agency's security docket. This incongruity is perceived across the country, regardless of where women are employed. One elite within the agency explained;

The imbalance is obviously in favor of men and seriously so. [We are] sort of a paramilitary sort of outfit. You have to go through rigorous training of a paramilitary training ... because you coordinate security, you are assumed to be a security person and you are subjected to training, along with the police with whom you'll be supervising, so you are supposed to appreciate what they do. And that is the reason why you go for those paramilitary courses While we want to balance, and while we can say that we are all equal in every respect, those conditions are more challenging to women. And for that reason, somehow you find queued imbalance against women.²⁶

²³Interview with former County Commissioner, June 7, 2018, Nairobi. Interview with then Deputy Secretary of National Administration, June 8, 2018, Nairobi.

²⁴There is high overlap between administrative units and ethnic groups. Though administrative sub-locations are not uniformly homogeneous, the National Administration attempts to hire local assistant chiefs from the majority ethnic group.

²⁵We received clearance to carry out interviews by the National Administration and Kenya's Ministry of Science and Technology (which oversees research). Further, all interviewees consented to being interviewed for academic research.

²⁶Interview with then Deputy Secretary of National Administration, July 17, 2012, Nairobi.

A former Principal Secretary of this ministry reiterated, “this is the security arm of state and there’s a feeling that women are the gentler sex ... Let’s say we give a soft spot to our ladies and everybody does that.”²⁷ Another official working in the National Administration headquarters explained why he believed women were ill-suited for positions in the agency: “It is the nature of the job. When you look at it vis-à-vis the role of ladies. ... Now in practice it can best be done by men. Because if it is a young woman, she has no entry point.”²⁸ Some National Administration elites even questioned whether women themselves wanted these positions: “Even the idea of [women] showing interest [in chief positions]. Not many will show interest anyways. How satisfied will they be with the job?”²⁹

Variation in Role Congruence Across Ethnic Groups

At the same time, there is variation in the *degree* of perceived role incongruity across the country. Elites within the National Administration made clear that women would be better able to command respect and control a jurisdiction in some parts of the country over others. These perceptions of local role congruity depend on the ethnic group in the locality. One former official explained, “we are also very cautious [about where we employ women]. Because perception. You [put] them in [an ethnic] community where they don’t see how a woman can stand and deal with conflict, so you are dealing with a weak point. So we do all of this.”³⁰ Another said,

For chiefs it is not [always] good because of cultural issues. Women in some of our [ethnic] communities are supposed to be in the homestead and there are some communities that have not come to accept that time has come for these ladies to be the chiefs. There are some communities that cannot go to a lady chief. These are challenges.³¹

Kenya has more than 40 ethnic groups, but most comprise only a small fraction of the population. The country’s largest five ethnic groups jointly comprise more than 60% of the population. These are the Kikuyu (17% of the population), Luhya (14%), Kalenjin (13%), Luo (10%), and Kamba (10%). These “Big 5”, as they are known in Kenya, are the ethnic majority in 58% of sub-locations. We map the counties (four administrative tiers above sub-locations) in which each of these groups comprises a majority in Figure 1.

When interviewed, numerous elites cited areas with Kikuyu majorities as those where female chiefs would be better able to carry out their duties. One elite within the Ministry explained that a female chief “can serve comfortably in, say, Kiambu [a majority Kikuyu county] where women are seen as strong ... but, say, in Maasailand [areas dominated by the Maasai ethnic group] or Baringo [where the ethnic majority are from the Kalenjin ethnic group] or those areas it is different.”³² Another official explained that it was not

²⁷Interview with former Principal Secretary, July 1, 2012, Nairobi.

²⁸Interview with then Deputy County Commissioner, June 8, 2018, Nairobi.

²⁹*Ibid.*

³⁰(Interview with then Assistant Secretary of Provincial Administration, July 16, 2012, Nairobi)

³¹Interview with then Secretary of National Administration, July 17, 2012, Nairobi.

³²Interview with then Deputy Secretary of National Administration, June 8, 2018, Nairobi, Kenya.

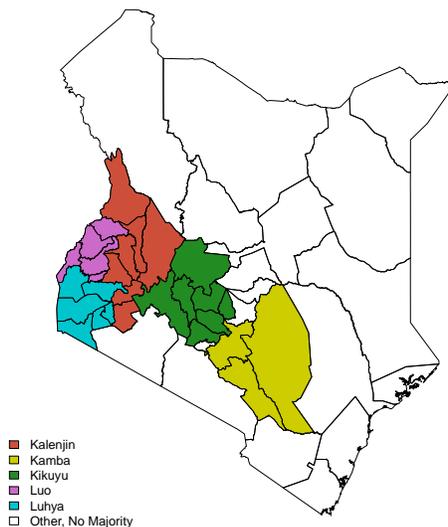


Figure 1: County Ethnic Group Majority. Compiled from the 2014 Socioeconomic Atlas for Kenya’s five largest ethnic groups.

only Kikuyu culture, but their history that made the community accepting of female authority. The Kikuyu ethnic group was at the center of the anti-colonial *Mau Mau* Rebellion (1952-1960) in which hundreds of thousands of (mostly male) insurgents fought against the British or were detained. Referring to this war, the official claimed, “their women are strong. And their culture had to accept [female authority] then [during *Mau Mau*]. Men left and the women took over. This has stayed with them ... until today.”³³

Elites in the National Administration have strong perceptions about role congruence for female bureaucrats in parts of the country dominated by other ethnic groups as well. Gender incongruence was seen as especially high in areas dominated by pastoralist ethnic groups. One former Principal Secretary said: “There are some peoples who don’t consider women anything. So you get a female [bureaucrat] to go talk to a Maasai or Samburu [two pastoralist ethnic communities], or some people in northern Baringo [where the ethnic majority are Kalenjin]. Seeing women as wives. ‘This is our daughter who is telling us! Get [another] to talk to us!’” For his agency to be most efficient, he had to take gender into consideration. “It was not equal, it was equity” – he sought to achieve *equivalent* governance outcomes by deliberately implementing *unequal* policies in the employment and management of female front-line administrators.³⁴

³³Interview with then Assistant County Commissioner, June 28, 2018, Nairobi.

³⁴Interview with former Principal Secretary of National Administration, July 10, 2012, Nairobi.

Data, Models, and Results

We construct a dataset of assistant chief postings using administrative records to evaluate the theory. We were able to collect these returns for 36 of Kenya’s 47 counties and an estimated 76% of assistant chiefs from 2015-2018.³⁵ All records list the assistant chief in a sub-location. Records also list the bureaucrat’s gender and date of appointment. We merge this data with information from the 2009 census. Most of the census data comes from a random 1% sample of the census at the sub-location level.³⁶ Given Kenya’s history of ethnic and land related conflict, however, the census sample does not contain ethnicity information. Instead, we rely on the Kenya National Statistic Bureau’s *Socio-Economic Atlas of Kenya* which lists the majority ethnic group of each sub-location as of 2009.

Before presenting our statistical results, we first give descriptive statistics of when and where female assistant chiefs were hired. 16% of new hires after 2010 were women, and 25% were women after 2013. Further, we see variation across space.³⁷ We measure the total number of female bureaucrats over all bureaucrats (Figure 2) and the total number of female bureaucrats hired since 2010 over the total number of bureaucrats hired since 2010 (Figure 3). Table 2 documents the percentage of female chiefs for Kenya’s five largest ethnic groups looking at all assistant chiefs, for assistant chiefs hired after 2010, and for assistant chiefs hired after 2013. We see an increase in the percentage of female assistant chiefs hired after passage and promulgation of the constitution across all ethnic groups, with Kikuyu-majority sub-locations showing the highest rates of female chiefs by 2017. We examine the increases across time and space more systematically below.

Sub-location Ethnic Majority	% Female		
	By 2017	Hired 2010+	Hired 2013+
Kalenjin	8%	13%	14%
Kikuyu	19%	22%	27%
Kamba	15%	24%	33%
Luhya	13%	18%	20%
Luo	9%	10%	12%
Total	11%	16%	18%

Table 2: Gender of Assistant Chief Hiring by Ethnic Group

³⁵Missing data is due to one of two separate reasons. First, some records were lost or simply unavailable. Unfortunately, we are missing results from three of the five predominately Kikuyu counties. Second, some records are housed at sites that we could not visit due to safety concerns. These records are located in and are of assistant chiefs in area’s inhabited by ethnic Somalis (the three Eastern-most counties in Figures 2 and 3). This missingness affects our results, but runs against us. These areas have the most patriarchal gender norms and highest levels of perceived role incongruity for female assistant chiefs. In line with our theory, one Deputy Secretary in the National Administration claimed that there was only one female assistant chief in all of Mandera County as of 2018 (Kenya’s most north-eastern county).

³⁶The 2009 census is the most recent census before the assistant chief records.

³⁷Past work has developed various measures of passive representation (see Riccucci & Saidel 1997 for a review).

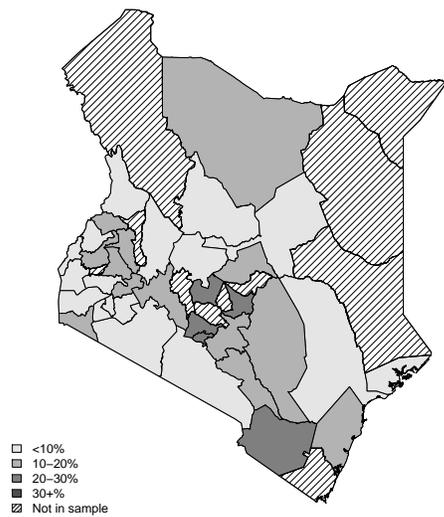


Figure 2: Percentage Female Assistant Chiefs as of 2017

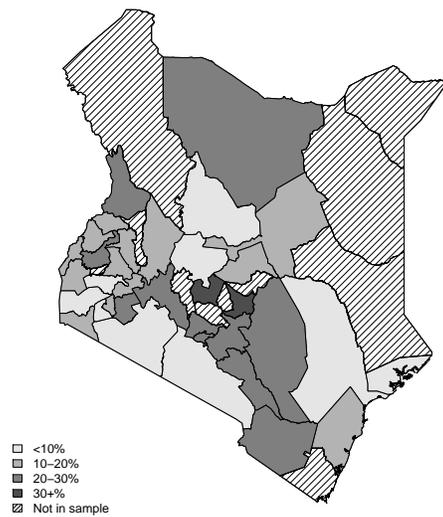


Figure 3: Percentage Female Assistant Chiefs Appointed Between 2010-2017

We run 7 logit regressions that examine the effect of the new constitution on the hiring of female assistant chiefs in Table 3. We restrict the sample to assistant chiefs hired after 2010 because trends in gender norms have evolved over time, making the hiring of female assistant chiefs more likely in recent years across all sub-national areas, independent of the theoretical interest of this paper.³⁸³⁹ We cluster standard errors at the county level.⁴⁰

The dependent variable across all columns is a binary indicator for whether the current assistant chief is female. The independent variable in Column 1 is a binary indicator for whether the assistant chief was hired after 2013, and thus after promulgation of the new constitution. Column 2 includes variables from the 2009 census that proxy for a sub-location's underlying gender norms, and thus more conventional factors as to why a National Administration elites may perceive a community to be more or less willing to accept the authority of a female chief. We measure the level of urbanization by including the percentage of enumeration areas within a sub-location are defined as urban. We include the percentage of residents in the census sample who have electricity as an indicator for local wealth.⁴¹ We include the percentage of individuals who have completed primary education. We also include the difference between the percentage of employed males and

³⁸This restriction biases against us. One extension of the theory is that the elites who make hiring decisions likely began to preemptively hire more female chiefs in 2010, as soon as the new constitution was drafted and passed.

³⁹Our results are largely robust to changing the sample to all chiefs hired from 2007 (not shown).

⁴⁰Our results are robust to clustering at other levels as well (not shown).

⁴¹The results are robust to different specifications of the above variables, including substituting the percent of urban enumeration areas with the percentage of urban or peri-urban enumeration areas (not shown).

employed females in the sub-location to account for the gender gap in employment (Dometrius & Sigelman, 1984; Gottlieb et al., 2016).

Column 2 also includes variables that test alternative explanations. Past work has found that women are more likely to be selected for leadership positions in agencies that are headed by women (Ricucci & Saidel, 1997; Smith & Monaghan, 2013). Given the important role of the local MP in influencing the selection process, we include an indicator variable for whether the MP of the sub-location's constituency during the year of an assistant chief's appointment was female. Separately, our results may be biased if there is real variation in the duties of assistant chiefs over space (as in other field bureaucracies (Kaufman, 1960)) and if this variation is correlated with the location of ethnic communities. As the above qualitative information suggests, maintaining security is both an important part of an assistant chief's job and considered a masculine duty. We include two variables to account for local-level variation in the security duties assistant chiefs. Since Kenya's most deadly conflict is inter-ethnic (Kimenyi & Ndung'u, 2005), we first include an indicator variable for sub-locations in which the sub-location majority is different from the county majority. This variable proxies whether a sub-location might face hostility from other parts of the county. Second, we use the Armed Conflict Location and Event Dataset (ACLED) to geolocate actual violence. We make an indicator variable for whether a sub-county – the lowest administrative level we are able to map the violence – experienced any violence during our study period.

Columns 3-7 include independent variables that correspond to our theory. Columns 3-7 interact the indicator variable for appointment after 2013 with a separate indicator variable for whether or not the sub-location's majority ethnic group came from one of the country's five largest ethnic groups.

The results are in Table 3. Table 3 suggests that promulgation of the new constitution had a significant effect on the appointment of female chiefs and that much of this effect was concentrated among in Kikuyu majority areas. Columns 1 and 2 demonstrate that the National Administration responded to the quota. We see an increase in the hiring of female assistant chiefs after 2013. When interacting this term with indicator variables for sub-locations that were dominated by one of the country's five largest ethnic groups, however, we see that much of the hiring of female assistant chiefs occurred in Kikuyu majority sub-locations. Substantively, the results from Column 5 indicate women were 8 percentage points (95% CI: 0.02, 0.15) more likely to be hired in Kikuyu majority sub-locations than sub-locations with a different ethnic majority after 2013.

The results in Table 3 also indicate that National Administration elites hired more females in Kamba-majority areas. Hiring in Kamba areas was not extensively discussed during our qualitative interviews. Yet there are reasons to believe that National Administration elites considered role congruence among the Kamba to be low. First, this group is both geographically and culturally proximate to the Kikuyu ethnic group: the Kamba historic homeland borders the Kikuyu historic homeland (as seen in Figure 1), and both languages share a similar same root. Further, welfare indicators between genders within each group indicate that gender differences in important livelihood indicators, including education, are smaller among Kamba

	1	2	3	4	5	6	7
Appointed post-2013	0.25 [†] (0.13)	0.25* (0.13)	0.25 [†] (0.14)	0.22 [†] (0.13)	0.18 (0.14)	0.24 [†] (0.14)	0.23 [†] (0.14)
Kalenjin Majority Sub-Location			-0.60* (0.27)				
Appointed post-2013 * Kalenjin Majority Sub-Location			0.20 (0.23)				
Kamba Majority Sub-Location				0.40 (0.38)			
Appointed post-2013 * Kamba Majority Sub-Location				0.40** (0.14)			
Kikuyu Majority Sub-Location					0.10 (0.29)		
Appointed post-2013 * Kikuyu Majority Sub-Location					0.43* (0.22)		
Luhya Majority Sub-Location						0.16 (0.17)	
Appointed post-2013 * Luhya Majority Sub-Location						0.05 (0.21)	
Luo Majority Sub-Location							-0.45 (0.28)
Appointed post-2013 * Luo Majority Sub-Location							-0.11 (0.23)
Female MP during Appointment		0.51 (0.39)	0.65 [†] (0.37)	0.51 (0.39)	0.52 (0.40)	0.53 (0.39)	0.48 (0.39)
% Urban		0.24 (0.39)	0.22 (0.39)	0.24 (0.40)	0.34 (0.41)	0.22 (0.39)	0.28 (0.40)
% w/ Electricity		0.05 (0.61)	-0.00 (0.59)	0.04 (0.64)	-0.30 (0.60)	0.08 (0.61)	-0.10 (0.63)
% Finishing Secondary School		0.49 (1.51)	0.26 (1.58)	0.33 (1.57)	0.77 (1.53)	0.36 (1.52)	0.40 (1.48)
Heterogeneous County		-0.27 (0.23)	-0.26 (0.21)	-0.21 (0.24)	-0.23 (0.24)	-0.25 (0.24)	-0.35 (0.23)
Violence		0.01 (0.15)	-0.03 (0.14)	0.07 (0.15)	-0.01 (0.15)	0.01 (0.15)	0.05 (0.15)
Employment Gender Gap		0.81 (1.07)	1.14 (1.11)	0.76 (1.09)	0.84 (1.04)	0.83 (1.07)	0.46 (1.05)
Intercept	-1.80*** (0.13)	-1.88*** (0.31)	-1.73*** (0.34)	-1.94*** (0.30)	-1.93*** (0.32)	-1.88*** (0.31)	-1.79*** (0.32)
Num. obs.	2182	2182	2182	2182	2182	2182	2182

*** $p < 0.001$, ** $p < 0.01$, * $p < 0.05$, [†] $p < 0.1$. Results from logit regressions of female assistant chief appointees. All columns examine assistant chiefs hired after 2010. Standard errors clustered at the county level.

Table 3: Where Female Assistant Chief are Appointed

citizens than among Kalenjin, Luhya, or Luo citizens.⁴² Among Kenya's five largest ethnic groups, it is highly likely that perceived role congruence for female chiefs by National Administration elites was higher in both Kikuyu- and Kamba-majority areas than in areas dominated by other ethnic groups.

In the Appendix, we evaluate and rule out several alternative explanations. First, we consider whether it may be easier to hire Kikuyu women to assistant chief positions for reasons other than role congruity. Second, we evaluate whether there have been more chieftaincy positions created in Kikuyu areas since 2013, and thus, whether there were more opportunities to hire females in Kikuyu-majority areas. Available data, however, suggests that neither of these explanations can fully explain our results. Further, in additional tests, we re-run the interaction term model with the country's other large ethnic groups that comprise at least 4% of the national population and for which we have data.⁴³ The interaction term is not significant for these other groups.

Conclusion

In this paper, we examine how bureaucratic elites respond to a gender quota when there is sub-national variation in perceived role congruence for female bureaucrats. We argue that bureaucratic elites will increase hiring of women in areas inhabited by groups where role congruity between female bureaucrats and the duties of the position are thought to be the most compatible. When elites' perceptions of role congruity match those of society, this allows the agency to stay in compliance with the quota while not substantially affecting their agency's clout or ability to carry out its functions at the local level.

Our empirical analysis provides support for the theory. We collect data on appointments to front line positions in Kenya's most important administrative and security agency after adoption of a new constitution which includes a gender quota. We interviewed two dozen elites that oversee hiring about role congruence for female bureaucrats in different parts of the country. We find that agency elites have attempted to meet the quota by concentrating hiring of female bureaucrats in areas inhabited by ethnic groups perceived to have the lowest levels of role incongruence for female bureaucrats.

At its broadest, this paper demonstrates that bureaucratic elites can respond strategically to externally imposed changes on their agency. With regards to gender quotas in particular, bureaucratic elites may attempt to meet the quota by increasing female representation only in places where they perceive role congruence for female bureaucrats to be high. Whether elites are engaging in this uneven implementation to preserve the agency's authority within the eyes of constituents, or because of organizational culture norms that bias against hiring women, uneven implementation undermines the spirit of the law and prevents all localities from reaping the benefits of representative bureaucracy. This finding has a clear policy implication for quota design: implementation and monitoring of quotas should occur at the lowest level possible. If

⁴²We use Demographic Health Survey survey questions on education attainment rates to measure the gender gap in education among Kenya's five largest ethnic groups. The gender gap is smallest among Kikuyu respondents, and second smallest among Kamba respondents.

⁴³We run this interaction term on Kisii-, Mijikenda-, and Meru-majority sub-locations. Kenyan Somalis constitute just over 4% of the population, but we do not have data from the three counties in which they are the majority.

a quota is only mandated at an aggregate level, bureaucratic elites may take the path of least resistance, avoiding compliance in the areas that may stand to benefit most from diversity and inclusion efforts.

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Interviews

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